

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

**Preston Stone, Chairman**  
**Elaine Allen, Member**  
**Lynn Willard, Member**  
**Rhonda Burrows, Clerk**  
**Robert Shepperd, Sheriff**

**Dallas Draper, Vice Chairman**  
**Thomas F. Stewart, Member**  
**Paul Baca, Assessor**  
**Beverly Calaway, Treasurer**  
**Stirling Spencer, Probate Judge**

**Nita Taylor, County Manager**

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**AGENDA**

**Commission Chambers, Tuesday, January 26, 2016 @ 8:30 A.M.**

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
  - a. Pledge – U.S.A. Flag
  - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Selection of Chairman and Vice Chairman
6. Approval of Agenda
7. Approval of Minutes- December 15, 2015 Regular Commission Meeting
8. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending December 31, 2015
  - c. Annual Renewal of Community DWI Prevention Program
  - d. Road Name Change-Manners Creek Rd.
  - e. Resolution 2015-30 Authorizing the Village of Ruidoso to Submit an Application to Participate in DWI Grant & Distribution Program
9. Acknowledgment of DFA Approval of 2015-2016 Mid-Year Budget Adjustment
10. Discussion and Update on Solid Waste Services
11. Supply Agreement for Municipal Solid Waste Delivery to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station

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

12. LCMC – Potential Contracting of Market Analysis of LCMC with Proposed Renovation and Expansion
13. Forest, Land & Natural Resources Matters:
  - a. Smokey Bear Ranger District
  - b. Cibola National Forest
  - c. Community Forester
  - d. Office of State Engineer-Water Issues
14. Renewal of Contracts for Voting System Technicians
15. Resolution 2015-29 Disaster Declaration
16. Award of Bids:
  - a. 15-16-005 Annual Base Course Supply
  - b. 15-16-006 Portable Screening Plant
  - c. 15-16-007 Janitorial Services Lincoln County Courthouse Complex
17. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS
18. Manager's Report
19. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
20. Resolution 2015-31 NMAC Healthcare Policy Committee County Indigent Funding
21. Authorization to Schedule Public Hearing to Consider New or Outdated County Ordinance(s)
  - a. Personnel Policy
22. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - a. Coalition of Counties
  - b. Interstate Stream Commission (Sub-Committee on the Pecos)
  - c. Land & Natural Resources Advisory Committee
  - d. New Mexico County Insurance Authority-Workers' Compensation
  - e. New Mexico County Insurance Authority-Multi-Line Pool
  - f. Planning Commission
  - g. Senior Citizens Olympic Committee
  - h. Road Task Force Steering Committee
23. NACo Sign-on Letter in Support of Criminal Justice Reform Bills"
24. 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).
25. Potential Property Purchase

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

- a. Resolution 2015- 32 Sun Valley Fire Station Property
- b. Resolution 2015- 33 Robinson Property

26. Signing of Official Documents

27. Next meeting: February 16, 2016, Regular Commission Meeting

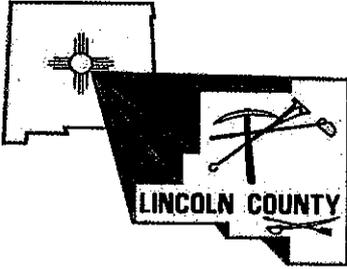
28. Adjourn

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

January 26, 2016; THIS AGENDA IS SUBJECT TO CHANGE

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# County of Lincoln

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

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Agenda No. 5

January 20, 2016

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Selection of Chair and Vice-Chairman

**Purpose:** To select a Board of Commissioners Chair & Vice-Chairman.

### **Discussion:**

In accordance with the attached County Ordinance 1993-1, the Board of County Commissioners shall, "at the first meeting of each year" choose a Chairman and Vice-Chairman.

**Recommendation:** Deliberate and select a Chairman and Vice Chairman.

COUNTY OF LINCOLN  
ORDINANCE NO. 1993-1

**AN ORDINANCE CREATING A METHOD  
FOR CHOOSING A CHAIRMAN AND VICE-CHAIRMAN  
FOR THE LINCOLN COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, it has become necessary to enact an Ordinance creating a method for choosing a chairman and vice-chairman for the Lincoln County Board of Commissioners, pursuant to the provisions of §4-38-10 (A) NMSA 1978.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners in and for the County of Lincoln, State of New Mexico, as follows:

Section 1: ELECTION OF CHAIRMAN

The Board of County Commissioners shall, at the first meeting of each year choose one of their number as Chairman, who shall preside at that meeting and all other meetings if present.

The Chairman shall have all the duties, powers and responsibilities of the set forth in § 4-38-11 NMSA 1978, or any other powers granted the Chairman by applicable law.

Section 2: ELECTION OF VICE-CHAIRMAN

The Board of County Commissioners shall, at the first meeting of each year, or as soon thereafter as practicable, choose one of their number as Vice-Chairman, who shall preside at the meetings in the absence or incapacity of the Chairman from any meeting. When presiding, the Vice-Chairman shall have all the duties, powers and responsibilities of the Chairman as set forth in § 4-38-11 NMSA 1978, or any other powers granted the Chairman by applicable law.

Section 3: SEVERABILITY:

*ENCL 1*

*852*

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any federal or state Court of competent jurisdiction, each portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4: RECORDING:

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Lincoln County Clerk.

Section 5: EFFECTIVE DATE:

This Ordinance shall take effect and be in full force and effect thirty (30) days after its recording in the book kept by the County for that purpose.

**PASSED, APPROVED AND ADOPTED** this 2 day of \_\_\_\_\_

February, 1993.

BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO

Monroy Montes  
MONROY MONTES, CHAIRMAN

Wilton Howell  
WILTON HOWELL, MEMBER

Stirling Spencer  
STIRLING SPENCER, MEMBER

L. Ray Nunley  
L. RAY NUNLEY, MEMBER

Bill Schwettmann  
BILL SCHWETTMANN, MEMBER



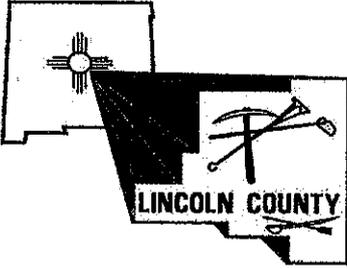
ATTEST:

Martha M Proctor  
MARTHA McKNIGHT PROCTOR  
LINCOLN COUNTY CLERK

DATE: February 2, 1993

STATE OF NEW MEXICO } SS  
COUNTY OF LINCOLN }

Recorded this 2nd day of  
February, 19 93, at 5:15 P.M.  
in the County Ordinance Records  
Book 1, Pages 852-854  
Martha M Proctor  
Lincoln County Clerk  
By Pace Vallijos Deputy  
Ret. # 9300839 Fee: \$ 0.00



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# *County of Lincoln*

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## Agenda Item 7

### SUBJECT

Approval of Minutes:

- a) December 15, 2015 Regular Commission Meeting

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

1 **COUNTY OF LINCOLN**

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

5  
6 **Preston Stone**, Chair  
7 **Dallas Draper**, Vice Chair

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9  
10 **Thomas F. Stewart**, Member  
11 **Elaine Allen**, Member  
12 **Lynn Willard**, Member

13 **Minutes**  
14 **Tuesday, December 15, 2015**

15 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on December  
16 15, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New  
17 Mexico.

18 **1. Call to Order**

19 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:28:56  
20 AM.

21 **2. Roll Call**

22 **Roll Call.**

23 **Present:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
24 Commissioner Willard

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

27 **3. Invocation**

28 The invocation was presented by Chair Stone.

29 **4. Pledge of Allegiance**

- 30 a. Pledge – US Flag  
31 b. Salute – NM Flag

32 **5. Approval of Agenda**

33 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,  
34 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

36 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
37 Commissioner Willard.

38 **6. Approval of Minutes**

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- a. November 06, 2015 - Special Commission Meeting
- b. November 17, 2015 - Regular Commission Meeting
- c. November 19, 2015 - Special Commission Meeting
- d. November 23, 2015 - Special Commission Meeting

**Motion:** Approve the minutes of the November 6, 2015 Special Meeting; November 17, 2015 Regular Meeting; November 19, 2015 Special Meeting; and the November 23, 2015 Special Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**7. Approval of Consent Agenda**

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer’s Financial Report for the Month ending November 30, 2015

**Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

Chair Stone recessed the Regular Meeting and convened the Board of Finance Meeting at 8:33:19 AM

**8. Board of Finance – County Treasurer**

Beverly Calaway, Treasurer presented the Treasurer's Financial Statement for the month ending November 30, 2015. Ms. Calaway stated her office had collected 42% of projected General Fund Budget revenues as of the end November. Ms. Calaway stated December’s Financial Report would reflect any approved mid-year budget adjustments.

Ms. Calaway informed property tax collections were at 45% of budgeted revenues as of the end of November compared to 41% in 2014 in addition to collection of 58% of the delinquent property taxes. Ms. Calaway stated the Treasurer’s office would distribute \$6,101,356.25 in property tax collections to local entities on December 20, 2015.

Ms. Calaway stated the Treasurer’s office currently held \$2,637,247.51 in Certificates of Deposit, Debt Reserve Requirements, and the Local Government Investment Pool (LDIP). Ms. Calaway reported total cash held on November 30, 2015 was \$25,669,113.48 compared to \$23,417,581.25 in November of 2014. Ms. Calaway reminded all funds held by the County Treasurer were fully vested and collateralized at 102%.

97 Ms. Calaway reviewed the Tax Schedule Maintenance Report reflecting the collection of 39.8%  
98 of \$29,326,552.46 in actual property tax billings for 2015 and noted 97% of the 2014 property tax  
99 billings were collected as of November 30, 2015.

100  
101 Ms. Calaway reported on her attendance at the 2015 Local Government Division Budget  
102 Conference and discussed the information presented regarding local government issues, gross  
103 receipt tax increments, budget management, the Public Records Act, and financial reporting  
104 requirements. Ms. Calaway provided copies of handouts received which address current Lincoln  
105 County issues such as gross receipt tax increments and information on voter approved mill levies.  
106

107 Commissioner Draper questioned Ms. Calaway about the "sunset" of the currently imposed  
108 County Business Retention Tax (BRT). Ms. Calaway stated the NM Department of Finance  
109 would discontinue the tax without any further action by the Board of County Commissioners at  
110 the end of 2015

111  
112 Commissioner Willard questioned if the Treasurer's office had received the monthly hospital lease  
113 payment.

114  
115 Ms. Calaway confirmed the lease payment was received on December 14, 2015.

116  
117 There was general consensus for the Manager to provide public notice of the expiration of the  
118 Business Retention Tax.

119  
120 Chair Stone adjourned the Board of Finance and reconvened the Regular Meeting at 8:45:00 AM.  
121

122 **9. Recognition and Congratulations to Undersheriff Kenneth Cramer, Retirement**  
123 **Date December 18, 2015**  
124

125 Robert Shepperd, Sheriff informed Undersheriff Ken Cramer began his career in law enforcement  
126 1968 with the Ohio Highway Patrol. Sheriff Shepperd stated Undersheriff Cramer successfully  
127 held every police department rank other than Captain during his 29 years of service. Sheriff  
128 Shepperd stated Undersheriff Cramer moved to New Mexico in 2000 and began employment with  
129 the Lincoln County Sheriff's Department on June 19, 2000 as a Deputy Sheriff. Undersheriff  
130 Cramer was assigned to Plainclothes Investigations in 2004, promoted to Detective Sargent in  
131 2005, and promoted to Commander of Lincoln County Narcotics Unit in 2007 until the unit was  
132 disbanded in 2012. Sheriff Shepperd appointed Undersheriff Cramer to his current position in  
133 January 2013. Sheriff Shepperd stated after forty four and one half years of service in law  
134 enforcement, Undersheriff Cramer was retiring on December 18, 2015. Sheriff Shepperd  
135 expressed his deepest appreciation for the outstanding service of Undersheriff Kenneth Cramer  
136 on behalf of the citizens of Lincoln County and presented a commemorative plaque to  
137 Undersheriff Cramer.

138  
139 Undersheriff Cramer thanked the Board of County Commissioners for their acknowledgement  
140 and commented on his "adventure" working for the Lincoln County Sheriff's Department where  
141 officers encounter a vast variety of circumstances and often working alone in isolated areas.  
142 Undersheriff Cramer commented on the current "difficult times" for law enforcement officers and  
143 expressed appreciation community support of all law enforcement officers.  
144

145 **10. Hwy 54 Construction through Carrizozo – Presentation by the New Mexico**  
146 **Department of Transportation**  
147

148 Jerry Paz, Senior Professional Engineer for Molzen Corbin informed his firm was awarded a  
149 contract by the New Mexico Department of Transportation to initiate a study and preliminary  
150 design of the reconstruction of Highway 54 through Lincoln County.  
151

152 Mr. Paz explained Molzen Corbin would serve as the lead consultant for the project. Mr. Paz  
153 additionally introduced Sherry Holyfield from the NM Department of Transportation South Region  
154 Design Center as the Project Development Engineer responsible for having oversight of the  
155 project for the State. Mr. Paz also introduced John Montoya of Molzen Corbin as the Project  
156 Manager leading the design effort and Hilary Brinegar of Marron and Associates. Mr. Paz  
157 explained Marron and Associates was responsible for the project Environmental Assessment.  
158

159 Mr. Paz discussed the three step process beginning with a Location Study which includes public  
160 input to develop design options, the environmental assessment, and the development preliminary  
161 designs prior to adoption of a final design.  
162

163 Mr. Paz discussed the federally required "Purpose and Needs Statement". Mr. Paz stated the  
164 "Purpose" was a broad definition of why the project was initiated and the "Needs Statement" was  
165 a very detailed documentation of all deficiencies and needs of the design corridor. Mr. Paz stated  
166 deficiencies could include repair needs, traffic flow problems, safety issues, access, and  
167 connectivity to the rest of Highway 54. Mr. Paz discussed the economic impact of road design  
168 on the community and other elements considered for project advancement.  
169

170 There was a general discussion regarding the impact of the project on local business and  
171 residents, existing drainage problems, and other design concerns.  
172

173 Mr. Paz stated today's meeting was the "Kick Off Meeting" for the design process and anticipated  
174 an issuance of requests for bids in 2017. Mr. Paz stated the average completion time for similar  
175 projects was seven years.  
176

177 **15. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**  
178 **OFFICIALS**  
179

180 Commissioner Stewart reported on his ongoing participation every two weeks in the Joint Land  
181 Use Study teleconferences and stated a formal meeting for the Military Coordination and  
182 Cooperation Committee was set for July 27, 2016 in Las Cruces.  
183

184 Commissioner Allen expressed concern for the residents of San Bernardino, California after the  
185 recent shooting incident in that community.  
186

187 Commissioner Draper extended a wish for Happy Holidays to County residents and expressed  
188 concerns about the children of Lincoln County. Commissioner Draper commented on the  
189 presence of homeless children attending schools in Lincoln County and suggested everyone do  
190 one thing to help a child.  
191

192 Chair Stone reported on his attendance at the December meeting of the New Mexico and Arizona  
193 Coalition of Counties to discuss the impacts of the reintroduction of the Mexican Wolf. Chair  
194 Stone stated the organization maintained a Legal Contribution Fund which had a balance of  
195 \$104,000 at the beginning of the year. Chair Stone stated the Coalition retained an attorney to  
196 represent them in matters involving the US Department of Fish and Wildlife regarding the wolf  
197 and jaguar reintroduction. Chair Stone noted the Legal Contribution Fund was nearly depleted  
198 and anticipated the Coalition would solicit additional funding from the member counties. Chair

199 Stone stated Howard Hutchinson of the Coalition had agreed to provide a presentation in the near  
200 future.

201  
202 Chair Stone expressed appreciation for the service of Undersheriff Cramer, all law enforcement  
203 officers and other emergency responders who serve and have served the residents of Lincoln  
204 County.

205  
206 Beverly Calaway, Treasurer expressed appreciation for the Treasurer's office staff including  
207 Sherrie Huddleston, Chief Deputy Treasurer; Cassie Sponagel, Financial Accounting Officer;  
208 Rose Anne Romero, Deputy Treasurer; Kim Raines, Deputy Treasurer; and Rhonda Edwards,  
209 Deputy Treasurer. Ms. Calaway informed the Treasurer's office received over \$11 million dollars  
210 in property tax payments during the last month.

211  
212 Don Hatfield, State of New Mexico Livestock Inspector expressed appreciation for past assistance  
213 provided by various County departments including the Sheriff's office, the Assessor, the Road  
214 Department and the Office of Emergency Services.

215  
216 Sheriff Robert Shepperd expressed regret over Mr. Hatfield's decision to move from Lincoln  
217 County to the Las Cruces area. Sheriff Shepperd stated he had never worked with a Livestock  
218 Inspector who demonstrated a better work ethic than Mr. Hatfield. Sheriff Shepperd also  
219 discussed the important collaboration between the Sheriff's Office and the District Livestock  
220 Inspector as law enforcement officials.

221  
222 Joe Kenmore, Director of the Office of Emergency Services expressed his appreciation for the  
223 cooperative service provided to his office by Mr. Hatfield when responding to emergencies  
224 involving livestock.

225  
226 Chair Stone commented on the valuable assistance provided by State Livestock Inspectors to all  
227 law enforcement agencies within their District. Chair Stone also discussed Mr. Hatfield's efforts  
228 to establish a good working relationship with the horse racing industry.

229  
230 Nita Taylor, Manager commended Mr. Hatfield for his assistance to the County of Lincoln during  
231 the Little Bear Fire.

232  
233 Yovanne Lucero, Chief Deputy Assessor and newly appointed Mayor of Carrizozo discussed  
234 "Carrizozo Works" as an economic development organization dedicated to improving the Town of  
235 Carrizozo. Ms. Lucero described efforts to gain a "Historical District" designation on the National  
236 Registry of Historic Districts.

237  
238 Ms. Lucero, speaking as Mayor, presented a request for the County to consider transfer  
239 ownership of a small parcel of County owned land within the municipal boundary to the Town of  
240 Carrizozo. Ms. Lucero provided a map of the parcel and informed it was originally a rodeo arena  
241 off of Water Canyon Road.

242  
243 Ms. Lucero also discussed her concerns about the release of Lincoln County Detention Center  
244 inmates without transportation or in some cases adequate clothing. Ms. Lucero expressed belief  
245 current procedures impacted the local community and created a hardship for those released.

246  
247 **28. Lincoln County State Audit Report**

248

249 Ms. Taylor provided a copy of the letter received from the Office of the State Auditor  
250 acknowledging receipt of the audit report and completion of the State Auditor's review. Ms. Taylor  
251 noted the requirements for public release defined in the letter and the requirement for presentation  
252 of the audit report "to a quorum of the agency's governing authority at a public meeting".  
253

254 A.J. Bowers of the Accounting and Consulting group presented a review of the audit report  
255 telephonically. Mr. Bowers discussed the timeline for completion of the audit and noted the  
256 Release Letter from the State Auditor was received on December 7, 2015.  
257

258 Mr. Bowers explained it was the responsibility of his firm to render an opinion on the financial  
259 statements of the County. Mr. Bowers stated for the 2014-2015 Audit Report the firm had issued  
260 an "Unmodified Opinion" on the Financial Statements. Mr. Bowers noted an Unmodified Opinion  
261 was the highest level of opinion given.  
262

263 Mr. Bowers stated there were two other reports included in the Audit Report with one being the  
264 Internal Controls or Compliance Report. Mr. Bowers explained the Internal Controls Report  
265 contained findings but no assurance on compliance or opinion was given. Mr. Bowers stated the  
266 third report was the Major Program Compliance Report required for any Federal Grant Awards  
267 which reflects compliance and controls on federally funded grant programs. Mr. Bowers stated  
268 his firm audited the Hazardous Fuel Reduction and the Forest Reserve grants and issued an  
269 Unmodified Opinion both grants.  
270

271 Mr. Bowers noted five findings from the prior year were resolved from prior including the repeat  
272 Capital Asset finding. Mr. Bowers discussed the increase in revenues over the past year of  
273 approximately \$662,000. Mr. Bowers also discussed the implementation of the new net pension  
274 liability requirement reflecting Lincoln County's liability to the Public Employees Retirement Fund  
275 (PERA) which amounted to \$5.8 million for the net pension liability.  
276

277 Mr. Bowers discussed two forthcoming accounting standards due in 2016 and 2018 including a  
278 change to the reporting of principals and a second change in 2018 requiring a restatement of  
279 liability for participation in plans such as the Retiree Healthcare plan.  
280

281 **Motion:** Accept the Fiscal Year 2014-2015 Audit Report, **Action:** Approve, **Moved by**  
282 **Commissioner Draper, Seconded by Commissioner Willard.**

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

284 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
285 Commissioner Willard.  
286

## 287 **11. Forest, Land & Natural Resources Matters:**

### 288 a) Smokey Bear Ranger District

289 Acting District Ranger Emily Platt provided information on her background and qualifications  
290 including her position as a Planning Specialist in the US Forest Service Regional Office in  
291 Portland, Oregon. Ms. Platt discussed her work on Forest Service Land Use Plans and noted  
292 her past experience working for a nonprofit to establish collaboration between local communities  
293 and the US Forest Service.  
294

295 Acting Ranger Platt discussed the review of the Final Decision for the North Fork Eagle Creek  
296 Wells Special Use Permit. Acting Ranger Platt noted one formal objection to the decision was  
297  
298

299 received and pending review, she anticipated the Forest Service would issue a permit in the near  
300 future.

301  
302 Acting Ranger Platt discussed the Ranger District's plans to conduct prescribed burns through  
303 the winter to reduce thinning piles. Acting Ranger Platt also discussed a recent 180 acre wildfire  
304 on private land.

305  
306 Commissioner Draper questioned how long Acting Ranger Platt would serve as the Acting Ranger  
307 for the Smokey Bear District.

308  
309 Acting Ranger Platt anticipated appointment of a permanent District Ranger in March of 2016.

310  
311 Chair Stone expressed concerns about the direction of ongoing revisions of the Forest Land Use  
312 Plans.

313  
314 Acting Ranger Platt expressed belief it was a priority of the Forest Supervisor to appoint a District  
315 Ranger who would work well with Lincoln County and municipalities in the District.

316  
317 b) Cibola National Forest

318  
319 There were no updates concerning the Cibola Forest Plan Revision process.

320  
321 c) Community Forester

322  
323 Rick Merrick, Rural Forester reminded the NM Prescribed Burn Council would provide a  
324 presentation to the State Legislature this year on the benefits of "Good Fire". Mr. Merrick reported  
325 plans continued for the Sacramento Mountain Wood Industries Summit with a recent donation of  
326 \$1000 from the City of Alamogordo and the donation of the Convention Center facility by the  
327 Village of Ruidoso at no charge.

328  
329 Mr. Merrick discussed collaboration on training opportunities with local fire departments on  
330 prescribed burn projects. Mr. Merrick expressed appreciation for the good working relationships  
331 between various entities on the establishment of a chain of command and the coordination of  
332 response to wildfires.

333  
334 Commissioner Draper questioned if there had were any updates on the potential reopening of  
335 the Mescalero sawmill.

336  
337 Mr. Merrick discussed the recent downturn in demand for some milled wood products and  
338 expressed belief there were other challenges to the reopening of the sawmill.

339  
340 d) Upper Hondo Soil and Water Conservation District

341  
342 Laura Johnson, Program Director for the Upper Hondo Soil and Water Conservation District  
343 (UHSWCD) reported the organization held an annual legislative dinner on December 11, 2016  
344 and thanked several County Officials for attending.

345  
346 Ms. Johnson reported the UHSWCD had officially adopted a Land Use Plan and provided a copy  
347 for the County's review. Ms. Johnson stated the District would use the Land Use Plan as a  
348 Planning Document for future projects.

349

350 Ms. Johnson discussed a meeting held with the City of Alamogordo as a stakeholder owning  
351 property in the Weed Planning Area to discuss treatment plans for invasive weeds in the Upper  
352 Bonito Area.  
353

354 Ms. Johnson informed the District received approval for funding from the Water Trust Board to  
355 continue watershed restoration efforts on the Rio Bonito, Rio Ruidoso, and Rio Hondo  
356 watersheds. Ms. Johnson stated the District also applied for funding to maintain the long term  
357 project in watershed restoration and also to contract for the rehabilitation of the Salado Dam  
358 project in order to comply with the Office of the State Engineers recommendations.  
359

360 Ms. Johnson stated the UHSWCD recently completed a 450 acre fuel reduction project on the  
361 upper Rio Bonito near Fort Stanton with plans for a prescribed burn of the slash in the spring. Ms.  
362 Johnson noted the District had provided comments for the Forest Plan Revision and stated the  
363 District planned to participate on an ongoing basis in the process.  
364

365 Ms. Taylor stated she contacted members of the Lincoln County's Land and Natural Resources  
366 Advisory Committee regarding their participation on behalf of the County during the Cibola and  
367 Smokey Bear Forest Plan Revision process. Ms. Taylor stated several members were already  
368 participating and she planned to convene a formal meeting with the Committee in the near future.  
369

370 e) Office of State Engineer-Water Issues  
371

372 Ms. Taylor reported:  
373

374 Alto Lakes Water and Sanitation District filed Application No. H-719 et. Al. in H-1922 (T)  
375 for a permit under the Water Leasing Act to temporarily change the point of diversion as well as  
376 the place and purpose of use of 1.0 Acre feet per annum of ground water diverted from 57 different  
377 wells. Ms. Taylor noted the move from point of diversion and place of use was within the Alto  
378 Lakes Water and Sanitation District service area with the move to point of diversion and place of  
379 use being the Brewer Gas Station on Ski Run Road.  
380

381 Commissioner Willard reported the application was filed by the Alto Lakes Water and Sanitation  
382 District based on a request from the owner of the Brewer Gas Station to lease one acre from the  
383 District for business use.  
384

385 **14. Support of 2016 NMAC Legislative Priorities by Resolution 2015-26 – Presentation**  
386 **by NMAC President Sharon Stover and NMAC Executive Director Steve Kopelman**  
387

388 Ms. Taylor presented for consideration a Resolution in support of the New Mexico Association of  
389 Counties (NMAC) Legislative Priorities.  
390

391 Sharon Stover, current NMAC President and Los Alamos County Clerk discussed the similarities  
392 between Los Alamos County and Lincoln County particularly dealing with the effects of large fires.  
393 Ms. Stover stated she and Executive Director Steve Kopleman were attending Commission  
394 meetings in each of the thirty three counties to "put a face" to the Administration of NMAC. Ms.  
395 Stover reminded NMAC was established in 1956 with a mission to champion each county's ability  
396 to govern their own affairs and improve the lives of their residents.  
397

398 Ms. Stover and Mr. Kopelman provided an overview of NMAC's organization and mission  
399 including Policy Committees and Task Forces as well as the organizations' various policy  
400 statements. Also included in the presentation was a discussion of various unfunded State

401 mandates, past legislative accomplishments, current federal legislative initiatives, the NMAC  
402 2019 Legislative Priorities and the NMAC Self Insurance Pools.

403  
404 Ms. Stover reminded NMAC was a nonprofit which existed solely to assist county government in  
405 every possible manner. Ms. Stover informed NMAC had two lobbyists on staff, Brian Moore and  
406 Tasia Young, whose primary goal was to assist with legislative initiatives.

407  
408 Mr. Kopelman presented the 2016 Legislative Priorities for consideration which included: Restore  
409 County Detention Center Funding; Support Funding for a Statewide EMS Assessment; Support  
410 Gross Receipts Tax Reform; and Support a State Level Contribution to the New Mexico 3-D  
411 Elevation Program.

412  
413 **Motion:** Adopt Resolution 2015-26 in support of the NMAC Legislative Priorities, **Action:**  
414 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

415  
416 Commissioner Willard questioned if the Support for Funding for a Statewide EMS Assessment  
417 would conflict with any County objectives.

418  
419 Spencer Baldwin, Office of Emergency Services Coordinator stated based on his current  
420 understanding there was no conflict.

421  
422 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
423 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
424 Commissioner Willard.

425  
426 **SEE EXHIBIT B:** Copy of Resolution 2015-26 is attached hereto in reference thereto made a  
427 part hereof.

428  
429 **12. Support of the Original Intent of the New Mexico Livestock Code by Resolution**  
430 **2015-28**

431  
432 Attorney Morel informed one other county adopted this Resolution and other counties were  
433 considering adoption.

434  
435 Chair Stone reported not all New Mexico Livestock Inspectors were "Certified Inspectors" a  
436 classification obtained through attendance at law enforcement academy and subsequent oath to  
437 enforce of State Law. Chair Stone stated the current issue concerned the statutory requirement  
438 for all Certified Livestock Inspectors to be armed at all times while on duty. Chair Stone stated  
439 the livestock industry opposed the presence of an armed livestock inspector on their private  
440 property as an overreach of power and preferred Livestock Inspectors have the discretion as to  
441 when and where it was appropriate to be armed.

442  
443 **Motion:** Adopt Resolution 2015-28 with revision to specify "law enforcement" equipment, **Action:**  
444 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

445 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
446 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
447 Commissioner Willard.

448  
449 **SEE EXHIBIT C:** Copy of Resolution 2015-28 is attached hereto in reference thereto made a  
450 part hereof.

451  
452 **13. Community Development Block Grant (CDBG) Annual Requirements**  
453

- 454 a) Resolution 2015-23 Purchasing Policy  
455 b) Resolution 2015-24 CDBG Policies & Certifications  
456 c) Resolution 2015-25 Fair Housing  
457

458 Ms. Taylor presented the Resolutions for annual review and potential adoption of the Lincoln  
459 County Purchasing Policy, CDBG Policies and Certifications and Fair Housing.  
460

461 **Motion:** Adopt Resolution 2015-23, Resolution 2015-24 and Resolution 2105-25, **Action:**  
462 Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

464 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
465 Commissioner Willard.  
466

467 **SEE EXHIBIT D:** Copies of Resolution 2015-23, Resolution 2015-24, and Resolution 2015-25  
468 are attached hereto in reference thereto made a part hereof.  
469

470 **16. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**  
471

472 Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala  
473 processed 33 claims with 22 recommended for approval and 11 recommended for disapproval  
474 for a monthly authorization of \$8,212. Mr. Annala stated approval of the claims would result in a  
475 total approval to date of SNCP claims for Fiscal Year 2015-2016 of \$88,836 or a monthly average  
476 of \$14,806.  
477

478 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala  
479 stated he processed 29 claims with 29 claims recommended for approval and none for  
480 disapproval for a total payment this month of \$4,727.32. Mr. Annala stated approval of the claim  
481 would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$35,258 or  
482 a monthly average of \$5,876. Mr. Annala stated based on the current monthly average he  
483 anticipated an annual expenditure of \$70,515 for the fiscal year.  
484

485 **Motion:** Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care  
486 as recommended, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**  
487 Commissioner Stewart.

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

489 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
490 Commissioner Willard.  
491

492 Mr. Annala reported he received a refund in the amount of \$2,291.00 from the Cancer Clinics  
493 yielding a net expenditure of Indigent Health Care funds of \$2,436.00 for the month.  
494

495 **SEE EXHIBIT E:** Copies of the Sole Community Provider and Indigent Health Care Payments  
496 are attached hereto in reference thereto made a part hereof.  
497

498 **17. Manager's Report**  
499

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**1. Carrizozo Senior Center.** The Manager reported the Carrizozo Senior Center was progressing on schedule. Project Manager Ricardo Maldonado from Wilson & Company maintains oversight and reported submittals were timely received from Contractor Ryan Roper. The submittals included: Plumbing (piping specialties, equipment, fixtures); HVAC (fire damper, ceiling fans, air distribution, kitchen hood, RTUs, Unit Heaters, Split System) and Electrical (conductors & cables, grounding & bonding, raceways & boxes, panelboards, wiring devices, lighting, lighting control panels).

Contractor Ryan Roper reported on December 3, 2015 the building site was over-excavated and engineer fill was brought in so earthwork could proceed followed by foundation work and the plumbing rough-in. Mr. Roper reported he applied for the building permit in October but had received no response as of this date. The Manager noted the Construction Industries Division (CID) was implementing a new program which caused a delay in the issuance of permits.

The Manager discussed the importance of the project which will serve the residents of the Town of Carrizozo and also headquarter the County Senior Director and other staff. The Manager proposed a County Commission led ground-breaking ceremony during the January Regular Meeting.

There was general consensus to schedule a Ground Breaking Ceremony for the new Carrizozo Senior Center on January 26, 2016

**2. SpyGlass Group, LLC.** Based on Commission concurrence and direction Lincoln County entered into agreement in May of 2015 with SpyGlass Group, LLC to conduct a Snapshot Audit to analyze primary telecommunications service accounts including local voice, long distance voice, data, and internet and wireless services. The purpose of the audit was to seek cost recovery, service elimination and cost reduction recommendations. The Manager reported SpyGlass provided findings, recommendations, assisted with implementation of changes and a provided a complete telecommunications inventory to the County. The Manager provided the findings for review:

Total Land-line forward-looking annual cost savings:	\$12,324.12
Credit for incorrect past tax assessments:	\$ 7,276.94
Total wireless forward-looking annual cost savings:	\$ 1,439.40
Annual Savings based new spending agreements negotiated:	\$ 7,308.00
Total contractual fee to SpyGlass:	
½ of the cost recovery for incorrect tax Assessments:	\$ 3,638.47
12 months annual cost savings for land-line service:	\$ 12,324.12
12 months annual cost savings for wireless service:	\$ 1,439.40

The Manager stated realization of true savings would occur in following years as annualized reductions in telecommunication costs were realized.

**3. Building Maintenance:** The Manager noted the entire County Complex was re-roofed, except for the Commission Chambers / Managers Building. The Manager described current roof leakage problems in the building and reported the conditions were brought to the County's attention earlier in the year following a New Mexico Association of Counties building inspection. The Manager informed the projected cost for a complete re-roof of

550 the building was \$83,500 and requested concurrence for the maintenance job. The  
551 Manager noted funding was previously budgeted and approved.  
552

553 There was a general consensus to reroof the Commission Chamber/Managers Building.  
554

555 **4. El Capitan Mine:** The Manager received a response from the attorney for El Capitan  
556 Mine attorney suggesting a mid-December date for a County Commission tour of the  
557 facility. The Manager stated due to the timing of this meeting, an alternative January date  
558 was requested.  
559

560 **5. Hats-Off – Yovanne Lucero:** The Manager informed the Chief Deputy Assessor was  
561 sworn in as the Mayor of the Town of Carrizozo. Ms. Lucero had served as Mayor Pro  
562 Tem since 2014 and was appointed Mayor upon the resignation of former Mayor Wes  
563 Lindsay due to health reasons. The Manager noted Ms. Lucero, lifelong resident of  
564 Lincoln County, graduated from Hondo High School and subsequently obtained her  
565 Bachelor's Degree from the University of New Mexico in Psychology/Criminology. After  
566 appointment as the Chief Deputy Assessor in November 2007, Ms. Lucero graduated from  
567 ENMU-Las Cruces with a double major in Public Administration and Criminal Justice.  
568 Congratulations to Yovanne Lucero!  
569

570 **6. Departmental Updates:**  
571

572 **a) Joe Kenmore, Director Office of Emergency Services** informed water was flowing  
573 over the Bonito spillway. Mr. Kenmore reported on his department's response to a recent  
574 cattle truck roll over and acknowledged the multiple entities participating in the response  
575 including the State Livestock Inspector, the NM Department of Transportation, Diamond  
576 A and Coe Ranch personnel, and a veterinarian who happened on to the scene. Mr.  
577 Kenmore discussed the 181-acre grassfire on Ranchman's Camp Road near Nogal and  
578 noted the quick response from volunteer fire departments and the USFS led to  
579 containment within the day.  
580

581 Chair Stone recessed the Regular Meeting for the Christmas Holiday Luncheon at 11:46:14 AM  
582 and reconvened at 12:50:05 PM.  
583

584 **b) Curt Temple, Planning Director** provided a report on the "over excavation" of the  
585 Carrizozo Senior Center and the subsequent back fill with "engineers" fill. Mr. Temple  
586 stated the site was now ready for pouring the slab.  
587

588 Mr. Temple stated renewal letters for Alarm Ordinance permits were distributed but  
589 subsequently staff determined the website interface to complete permits was not  
590 functioning and the link was currently disabled. Mr. Temple stated they were working with  
591 Systems MD to correct the problem.  
592

593 Commissioner Willard questioned if there was any action the County could take expedite the  
594 permit process for the Carrizozo Senior Center.  
595

596 Mr. Temple reported the permit was submitted more than one month ago but stated he  
597 was unaware of any process to expedite the issuance.  
598

599 There was discussion and consensus to direct the Manager to send a letter to the Construction  
600 Industries Division requesting the permit be expedited.

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Mr. Temple reported a meeting with the new contractor resulted in plans to create a link from the Lincoln County website to a site which would provide general solid waste collection information to the public. Mr. Temple stated information would include a schedule of times when roll offs were available at various locations to reduce illegal dumping and also information regarding the disposal of property at the Sierra Contracting facility without charge. Mr. Temple stated Sierra Contracting was anticipating the first delivery of new compactors today. Mr. Temple noted all compacting sites in the County were identified and the County would assume management of ten sites and associated utilities as of January 1, 2016.

**c) Bill Cupit, Interim Road Superintendent** informed the department was currently working on road projects on Border Hill Road and Seven Rivers. Mr. Cupit stated Road Department employees were working to add base course to a number of roads in the County and he was utilizing multiple blade operators on the same job to assist with training and increase production purposes. Mr. Cupit reported maintenance of equipment was ongoing to ensure safety and work had begun to clean the Road Yard up and move miscellaneous debris to County property on Airport Road for future sale. Mr. Cupit discussed the need for a new screening plant and stated he would seek bids for the equipment in the near future.

Mr. Cupit discussed the pending FEMA Road Repair projects and suggested the projects would require additional supervision other than the County Road Superintendent.

Mr. Cupit requested support for a request to the NM State Highway Department to utilize unused State materials on County Roads. Mr. Cupit reported he had also approached Fred Peyton from the Village of Ruidoso about a potential cost share agreement for the purchase of hot mix rather than hauling this material from Tularosa.

Mr. Cupit also discussed the historic use of a Road Review Committee to provide input on a five year road plan rather than the Road Superintendent having sole discretion over the planning process.

Attorney Morel reminded the Ordinance authorizing the formation of the Road Review Committee defined duties as related to the consideration of roads for vacation or abandonment.

**d) Punkin Schlarb, Finance Director** reported she attended the NMAC Advisory Council meeting to present the Finance Affiliate agenda for the Legislative Conference. Ms. Schlarb also reported New Mexico Edge was developing a curriculum and certification process for finance department employees.

**20. Catron County Wolf Program – Presentation by Catron County Commissioner Anita Hand and Catron County Manager Kate Fletcher**

Ms. Taylor reminded of the prior adoption of the Lincoln County Resolution 2015-22 and the discussion concerning the potential expansion of the Sheriff's authority to deal with human wolf interactions.

Catron County Commissioner Nita Hand provided an extensive presentation on the Catron County's response to the Mexican Wolf. Ms. Hand discussed efforts to work with the US Fish and Wildlife Department and to resolve issues such as the financial impact of the Mexican Wolf

652 Reintroduction on both local livestock producers and the County's overall economy. Ms. Hand  
653 informed the lack of a rancher's ability to document wolf kills and obtain reimbursement led to the  
654 decision for the County to hire an independent Wildlife Specialist. Ms. Hand stated in addition to  
655 working with livestock producers to document wolf kills the Wildlife Specialist also assisted with  
656 the research and preparation of a report titled "*Catron County, New Mexico Impacts from the*  
657 *Mexican Grey Wolf Non-essential Reintroduction Program – A County Crisis*". Ms. Hand provided  
658 a copy of the report which included a factual analysis of economic impacts, a review of social  
659 implications, and documentation of wolf depredation of livestock.  
660

661 Commissioner Willard questioned how Catron County budgeted for the Wildlife Specialist  
662 position.  
663

664 Ms. Hand reported the position was budgeted as an employee within the Sheriff's Department.  
665

666 Sheriff Robert Shepperd commented on the potential effect of the presence of wolves on tourism  
667 in Lincoln County. Sheriff Shepperd inquired if Catron County had documented wolf human  
668 incidents with any non-County residents.  
669

670 Ms. Hand stated data collected did include some interactions with non-County residents as  
671 reported through the Sheriff's office. Ms. Hand discussed the "wolf protection cages" installed to  
672 protect children waiting for school buses as a response to individual reports of wolf stalking's or  
673 wolf sightings by children or parents near school bus stops.  
674

675 Chair Stone thanked Commissioner Hand for the presentation and expressed concern about the  
676 potential for similar issues arising in Lincoln County.  
677

678 Commissioner Stewart suggested moving forward with a County Ordinance as an effort to  
679 forewarn both residents and external agencies.  
680

681 Chair Stone recessed the Regular Meeting at 2:14:54 PM and reconvened at 2:24:00 PM.  
682

#### 683 **18. Approval Requesting Loan Payoff for Hondo Volunteer Fire Department** 684

685 Ms. Taylor presented a request from the Hondo Fire Department to pay off the department's  
686 existing loan balance of \$77,000.00 with the New Mexico Finance Authority. Ms. Taylor reported  
687 sufficient funds were available to pay the loan balance and meet other financial obligations. Ms.  
688 Taylor stated the Hondo Fire Department received approval to utilize Hondo Fire District Fire  
689 Protection Funds for the pay off.  
690

691 **Motion:** Authorize the Hondo Volunteer Fire Department to pay off current loan with the New  
692 Mexico Finance Authority, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**  
693 Commissioner Allen.

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

695 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
696 Commissioner Willard.  
697

#### 698 **19. Inventory Assets Annual Certification** 699

700 Ms. Taylor reported the Finance Director had supervised this year's annual inventory of chattels  
701 and equipment valued at over \$5,000. Ms. Taylor requested approval of the Annual Inventory  
702 Certification in accordance with annual requirements as specified in NMSA 12-6-10.

703  
704 **Motion:** Approve the Annual Inventory Certification, **Action:** Approve, **Moved by** Commissioner  
705 Stewart, **Seconded by** Commissioner Allen.  
706 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
707 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
708 Commissioner Willard.

709  
710 **21. Consideration / Action Lincoln County Medical Center**

711  
712 a) Timing of Voter Approval for Hospital Funding

713  
714 Ms. Taylor reminded of past actions and discussions regarding the renovation and remodel of  
715 Lincoln County Medical Center. Ms. Taylor noted during the last meeting various options for  
716 presenting a question to voters was discussed as well as options for financing of the associate  
717 debt.

718  
719 Ms. Taylor reminded the Lincoln County Medical Center Administrator had expressed belief  
720 postponement of the remodel project would jeopardize future hospital accreditation and licensure.

721  
722 Bo Beames, Vice President of Regional Operations for Presbyterian Health Care Services  
723 thanked Lincoln County for the support and partnership with Presbyterian since 1973. Mr.  
724 Beames expressed support for the renovation and remodel project as necessary to meet the  
725 current and future health care needs of the residents of Lincoln County.

726  
727 Commissioner Draper reminded the Board of County Commissioners made a public commitment  
728 by a unanimous vote for the renovation and remodel project. Commissioner Draper stated it was  
729 appropriate for the County to conduct due diligence including hiring consultants to provide  
730 guidance. Commissioner Draper expressed confidence in the voters understanding of the need  
731 for the remodel project. Commissioner Draper stated the most frequent question he received  
732 from the public was whether the project would increase the number of physicians practicing in the  
733 area.

734  
735 Mr. Beames expressed support for an open and transparent process between the County and  
736 Presbyterian. Mr. Beames acknowledged the recent communication difficulties and discussed  
737 the unexpected action of the County's hiring a consultant firm to assist with financial planning.  
738 Mr. Beames stated Presbyterian was willing to work with the County's consultant in order to move  
739 the project forward. Mr. Beames discussed the construction of the new professional office  
740 building, Presbyterian's new electronic records system and other improvements as factors  
741 assisting in the recruitment of physicians.

742  
743 Mr. Beames stated from the "reaccreditation standpoint" current facility conditions presented  
744 challenges as not meeting the most current code requirements but expressed belief the JAHCO  
745 accreditation process was not the driving factor for the project.

746  
747 Commissioner Allen requested clarification of the previous assertion that a funding mechanism to  
748 begin the renovation and remodel project by 2017 was necessary or LCMC would face the loss  
749 of accreditation.

750  
751 Mr. Beames stated facility conditions presented challenges but expressed doubt these conditions  
752 would lead to a loss of accreditation.

753

754 Commissioner Stewart reviewed the initial options presented by LCMC including the "Do Nothing  
755 Option" which referenced the potential loss of accreditation.  
756

757 Commissioner Allen stated this particular statement created a sense of urgency in addition to  
758 other subsequent statements was the cause of the miscommunication between LCMC and the  
759 County.  
760

761 Al Santos, LCMC Administrator stated the presentation which referenced the potential loss of  
762 accreditation was created and presented by the architectural firm of Dekker Perrich and Sabatini  
763 based on their experience and was in his opinion most likely an overstatement.  
764

765 Commissioner Willard suggested, since the remodel project was unanimously approved, the  
766 decision for consideration today was if and when to present a question to the voters and secondly  
767 whether to expend funds on architectural services prior to a vote by the voters.  
768

769 Chair Stone expressed belief it was appropriate to submit the question to the voters on the  
770 General Election ballot and no funds should be expended prior to voter approval.  
771

772 Commissioner Stewart discussed the architectural firm's estimate of rising construction costs over  
773 time as a consideration but expressed support for Chair Stone's position.  
774

775 Commissioner Draper also expressed support for placing a question on the General Election  
776 ballot due to the upcoming bond questions presented by the schools and municipalities.  
777 Commissioner Draper questioned if there was an option to provide some preliminary architectural  
778 services prior to voter approval of a funding mechanism.  
779

780 There was general discussion of various options to proceed.  
781

782 **Motion:** Delay submission of the question to the voters until the General Election and delay  
783 approval of an architectural firm pending voter approval of financing option, **Action:** Approve,  
784 **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.  
785

786 Ms. Taylor reminded the architectural firm had received payment from LCMC's Auxiliary for the  
787 health assessment and preliminary design and noted there was sufficient time to conduct a  
788 second, independent health analysis of the facility.  
789

790 There was general discussion regarding conducting a second, independent health assessment  
791 of the facility.  
792

793 Attorney Morel reminded the current agenda item was consideration of the timing of voter  
794 approval for financing options.  
795

796 Commissioner Stewart withdrew the motion, Commissioner Allen with the second.  
797

798 **Motion:** Present a question regarding the financing of the renovation and remodel of Lincoln  
799 County Medical Center to the voters on the General Election Ballot, **Action:** Approve, **Moved**  
800 **by** Commissioner Stewart, **Seconded by** Commissioner Allen.  
801 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
802 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
803 Commissioner Willard.  
804

805 b) Hiring of Architectural Firm  
806

807 Joe Lupica, consultant for Lincoln County stated there was no doubt improvements were needed  
808 due to the facility's age. Mr. Lupica commented on the various considerations in the development  
809 of an accurate health assessment of a facility as including discussion with all stakeholders and in  
810 particular with the facility owner in this case County.  
811

812 Mr. Lupica noted the cost of the proposed remodel project was equal to a full budget year of  
813 County revenue and supported the need for full disclosure and discussion. Mr. Lupica pointed  
814 out the planning process to date had not included decision making authority by the County. Mr.  
815 Lupica defined his role as an intermediary to help define the questions needed for the County to  
816 make an informed decision.  
817

818 Mr. Lupica discussed the advantage of the previously approved Hospital Master Plan but  
819 expressed belief the issue of accreditation was not the driving factor. Mr. Lupica informed  
820 accreditation was not tied to licensure and was an independent process. Mr. Lupica noted the  
821 public record indicated the hospital was performing very well.  
822

823 Mr. Lupica suggested this was the appropriate time for the County to realign the financial  
824 relationship with Presbyterian including the consideration of Presbyterian assuming a portion of  
825 the remodel costs.  
826

827 Mr. Beames responded that through the accreditation process LCMC could receive a "Deemed"  
828 status in lieu of a federal inspection by CMS. Mr. Beames led a discussion regarding the benefits  
829 of accreditation for LCMC as a Medicare provider with the designation of a qualified Sole  
830 Community Provider hospital.  
831

832 Ms. Taylor reminded the estimated costs of the renovation and remodel project were based on  
833 the health assessment and preliminary design for the facility as prepared by the architectural firm  
834 hired by the LCMC auxiliary.  
835

836 Commissioner Willard reminded the County had already approved the assessment by unanimous  
837 vote to proceed with the remodel and renovation option.  
838

839 There was a lengthy discussion regarding the advisability of pursuing an additional assessment  
840 of the facility and a review of the preliminary design. The discussion also included various options  
841 for proceeding with architectural plans.  
842

843 Commissioner Willard suggested the additional time to review the health assessment prepared  
844 by Dekker Perrich and Sabatini with the option to consider requesting a second opinion at the  
845 next meeting.  
846

847 Commissioner Allen Bobby George of Dekker Perrich and Sabatini be present for discussion of  
848 these options.  
849

850 **22. Award of Bid 15-16-004 Janitorial Services Lincoln County Courthouse Complex**  
851

852 Ms. Taylor reported responses to Bid 15-16-004 were due on December 8, 2015 with only one  
853 response received as follows:  
854

855 R and B Cleaning \$6,800 per month = \$18,600 per year

856  
857 Ms. Taylor noted the bid received was a substantially higher per square foot cost than the current  
858 contract. Ms. Taylor stated the price per square foot currently was \$0.08 and the bid presented  
859 was \$0.15 per square foot. Ms. Taylor stated after discussion with the Attorney and in  
860 consideration of the bid being over the budgeted expense for these services, the recommendation  
861 was to reject the bid received. Ms. Taylor suggested consideration of either a reissuance of the  
862 bid or hiring two full time County employees for the work.  
863

864 **Motion:** Reject the R and B Cleaning bid for Bid 15-16-004, **Action:** Approve, **Moved by**  
865 **Commissioner Draper, Seconded by Commissioner Stewart.**

866 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
867 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
868 Commissioner Willard.  
869

870 Ms. Taylor estimated the cost of two full time employees at an entry level salary as approximately  
871 \$93,000 per year. Ms. Taylor stated her research indicated \$0.12 per square foot was a  
872 reasonable contract rate for these services.  
873

874 **Motion:** Authorize the Manager to reissue the request for bids, **Action:** Approve, **Moved by**  
875 **Commissioner Stewart, Seconded by Commissioner Allen.**

876 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
877 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
878 Commissioner Willard.  
879

### 880 23. Consideration / Action on Road Department Superintendent Position

881

882 Ms. Taylor discussed prior efforts to advertised and fill the vacant position of Road  
883 Superintendent. Ms. Taylor stated the position salary was currently capped at \$50,000 and  
884 suggested this salary had proved inadequate to attract a qualified applicant. Ms. Taylor stated  
885 the range of starting salaries for the same position in other counties was \$38,000 to \$65,000. Ms.  
886 Taylor requested permission to re-advertisement the position with a salary range of \$50,000 to  
887 \$65,000.  
888

889 **Motion:** Set the salary range for the position of Road Superintendent at \$50,000 to \$65,000  
890 dependant on qualifications, **Action:** Approve, **Moved by Commissioner Willard, Seconded by**  
891 **Commissioner Stewart.**  
892

893 Commissioner Draper reminded the current contractual obligation for the Interim Road  
894 Superintendent was more costly than the proposed salary range.  
895

896 Ms. Taylor discussed various considerations including the effect of creating a salary higher than  
897 those of elected officials, the Road Superintendent's position status as "at will", and the current  
898 cost of contracting with an Interim Road Superintendent.  
899

900 Ms. Taylor stated the current advertised position was still open and she had recently received one  
901 additional applicant.  
902

903 Paul Baca, Assessor expressed concern about the position having a salary greater than elected  
904 officials. Mr. Baca acknowledged the salary of elected officials was capped by State Statute but  
905 suggested an employee receiving a higher level of pay than elected officials could diminish the

906 obligation of time currently demonstrated by elected officials. Mr. Baca reminded other  
907 departments did not have the luxury of increasing salaries to improve recruitment for positions.  
908

909 Commissioner Willard withdrew the motion and Commissioner Stewart withdrew his second.  
910

911 Commissioner Stewart suggested prior to advertisement  
912

913 **Motion:** Grant the Manager authority to negotiate with the current applicant and if necessary  
914 advertise the position with a salary range of \$50,000 - \$65,000, **Action:** Approve, **Moved by**  
915 Commissioner Stewart, **None seconded.**  
916

917 Ms. Taylor noted many counties have positions such as Managers and Road Superintendents for  
918 which the salary exceed that of elected officials. Ms. Taylor reminded of the "at will" status of the  
919 position and stated contacts in the industry expressed belief the current salary was inadequate.  
920

921 Rhonda Burrows, Clerk discussed the challenge faced by all departments in the recruitment of  
922 qualified individuals and reminded of past discussions regarding the County's inability to compete  
923 with private industry. Ms. Burrows also discussed the unintended consequences of creating a  
924 salary exception for one position.  
925

926 Ms. Taylor contended the position's classification as an "at will" employee created a unique  
927 situation.  
928

929 Beverly Calaway, Treasurer reminded when the Board of County Commissioners voted to  
930 increase salaries for elected officials they did not raise the salary levels to the maximum as  
931 provided by statute.  
932

933 Chair Stone expressed belief there was a need for a statutory change to allow for an appropriate  
934 increase in elected official salaries but also recognized the dire need for the County to hire a Road  
935 Superintendent to provide adequate services to County residents.  
936

937 **Motion:** Authorize the Manager to advertise the Road Superintendent position with a salary range  
938 of \$50,000 - \$60,000, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**  
939 Commissioner Allen.

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

941 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
942 Commissioner Willard.  
943

#### 944 **24. Renewal of County Attorney Contract** 945

946 Ms. Taylor informed County Attorney, Alan Morel's current contract currently provided for a flat  
947 monthly fee of \$15,725.00 plus Gross Receipts Tax of \$1,356.28. Ms. Taylor reminded this fee  
948 included all legal fees and costs for services except litigation of individual cases of ordinance  
949 violations in magistrate and district courts. Ms. Taylor noted Attorney Morel had provided a  
950 comparison of actual hours worked at an hourly rate as compared to the flat fee with the County  
951 realizing a savings of \$66,096 over eleven months of this year.  
952

953 **Motion:** Approve the renewal of Attorney Alan Morel's contract with an increase of 5% to the  
954 monthly fee, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Stone.

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

956 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
957 Commissioner Willard.

958  
959 **25. Midyear Budget Adjustment by Resolution 2015-27**  
960

961 Ms. Taylor reminded per statute the County may request adjustments to the budget to  
962 accommodate changes in financial operations during the fiscal year. Ms. Taylor reminded any  
963 approved adjustments were subject to approval by the NM Department of Finance and  
964 Administration.

965  
966 Punkin Schlarb, Finance Director detailed the proposed budget adjustments including definition  
967 of a new separate fund line item for Lincoln County Medical Center lease revenues with a  
968 beginning balance of \$3,150,000; an increase of \$238,748 to the Road Department budget to  
969 complete a plan of operations; and an increase of \$649,013 in the Lincoln County Waste line item.  
970 Ms. Schlarb stated the remainder of the budget adjustments were due to normal County business  
971 fluctuations.

972  
973 Commissioner Willard questioned the increase in Professional Services and Contractual  
974 Agreements for the County Manager's budget.

975  
976 Ms. Schlarb reported the increases were related to services received from Spyglass who reviewed  
977 the County's telecommunication expenses and identified cost savings for those services. Ms.  
978 Schlarb noted the review resulted in a sizeable savings for services to the County.

979  
980 Ms. Taylor reported the expenditure for professional services was previously approved by the  
981 Board of County Commissioners and stated she would research that action. Ms. Taylor noted  
982 the cost of services was directly offset by identified services.

983  
984 Commissioner Stewart stated concern about expenditures exceeding \$1,467,800 over revenues.  
985 Commissioner Stewart stated while the transfer of solid waste operations was a "one time hit" the  
986 County needed to take steps to assure deficit spending did not continue.

987  
988 There was a discussion of various individual adjustments with explanations provided by Ms.  
989 Schlarb.

990  
991 Ms. Taylor commented on the current negative ratio of expenditures to revenues, the costs related  
992 to the transfer of solid waste services, and advised the Manager and Finance Department were  
993 very cognizant of the situation.

994  
995 **Motion:** Adopt Resolution 2015-17 and approve the mid-year budget adjustments as presented,  
996 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

998 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
999 Commissioner Willard.

1000  
1001 **SEE EXHIBIT D:** Copies of Resolution 2015-23; Resolution 2015-24; and Resoltuion 2015-25  
1002 are attached hereto in reference thereto made a part hereof.

1003  
1004 **26. Consideration of Appointments and Removals from Boards /Commissioners**  
1005 **/Committees:**  
1006

1007 a) Lincoln Historic Preservation Board  
1008

1009 **Motion:** Appoint Becky Borowski to the Lincoln Historical Preservation Board, **Action:** Approve,  
1010 **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

1011 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1012 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1013 Commissioner Willard.

1014  
1015 b) Planning Commission

1016 c) Senior Citizens Olympic Committee

1017 d) Road Task Force Steering Committee  
1018

1019 **27. Authorization to Schedule Public Hearing to Consider Other Outdated or New**  
1020 **Lincoln County Ordinance**

1021  
1022 Commissioner Stewart suggested consideration of a Public Hearing to consider the issues  
1023 associated with the reintroduction of the Mexican Wolf.

1024  
1025 Attorney Morel expressed concern about potential conflicts with state and federal law and  
1026 suggested additional research including a review of Ordinances adopted by other counties.  
1027

1028 **29. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened**  
1029 **and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of**  
1030 **the purchase, acquisition or disposal of real property or water rights by the public**  
1031 **body, Section 10-15-1, Sub-Paragraph H.(8).**  
1032

1033 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened  
1034 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph  
1035 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body,  
1036 Section 10-15-1, Sub-Paragraph H.(8) and as follows:

1037 **New or Updated Matters since last report -**  
1038

1039 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
1040 *et al.* D-1329-CV-2007-01364. Suit filed October 15, 2007. Verified Complaint for Declaratory  
1041 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,  
1042 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper  
1043 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer  
1044 Brief of Defendants-Appellees Steven Sederwall and Rick Virden with Request for Oral Argument  
1045 filed in the Court of Appeals Sept. 28, 2015.

1046 2. *Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.* Suit filed May  
1047 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served  
1048 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending  
1049 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest  
1050 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new  
1051 counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended  
1052 Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction  
1053 Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue  
1054 its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.

1055 3. *\*Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit  
1056 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.

1057 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge  
1058 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.  
1059 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief  
1060 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The  
1061 case has been submitted to a panel of judges for decision and the County received Notice of  
1062 Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was  
1063 filed April 29, 2015. Court of Appeals filed their Opinion October 1, 2015 upholding the District  
1064 Court's granting of Summary Judgment in favor of the County and Alto Lakes Water and  
1065 Sanitation District. GSWA filed its Petition for Writ of Certiorari Oct. 27, 2015 With New Mexico  
1066 Supreme Court. GSWA's Writ of Certiorari was denied by the New Mexico Supreme Court  
1067 December 2, 2015.

1068 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*  
1069 *041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*  
1070 *al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of  
1071 water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs.  
1072 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruim, Coll & Worley, P.A. has been  
1073 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of  
1074 the County.

1075 5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of  
1076 the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case  
1077 assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed  
1078 Oct. 23, 2014.

1079 6. ~~*\*Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*~~  
1080 ~~*Matt Christian, Robert Shepperd D 1226 CV 2015-00103*~~ Complaint for Damages and Summons  
1081 received June 15, 2015. Removed to Federal Court July 7, 2015. Order Granting Defendants'  
1082 Motion to Dismiss filed Oct. 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015.

1083 7. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*  
1084 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint  
1085 alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015.

1086 B. *Preston, DeAnna. Notice of Charge of Discrimination* submitted to the U.S. Equal  
1087 Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015.

1088 8. *Valle del Sol v. Naron, et al.* D-1226-CV-2015-00166 Complaint to Enforce and Collect  
1089 Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.

1090 9. *Cody McMurray v. Board of County Commissioners, et al – D 1226 CV 2015-00170 Div.*  
1091 *III-* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation  
1092 of Civil Rights. First Amended Complaint filed in Federal Court Nov. 25, 2015 in which the County  
1093 of Lincoln and the Board of County Commissioners are not named.

1094 10. *Bill Turner v. Board of County Commissioners, et al – Cause No. 2:15-CV-00827-LAM-*  
1095 *SMV –* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging  
1096 violation of Civil Rights.

#### Tort Claims Notices Received or Threatened

##### 2015

1100 **Cherry, Doris** – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating  
1101 possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-  
1102 compliance in remodeling the Lincoln County Courthouse buildings.

1103 **McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg  
1104 alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade  
1105 practices and/or unconscionable trade practices by GSWA.

1106 **UNM Hospital-Prins, Chad** – Tort Claim Notice received Feb. 26, 2015 in which UNM  
1107 Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center

1108 inmate Prins was on furlough.  
1109 **Sehorn, Sean M.** – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell  
1110 alleging Lincoln County Detention Center failed to provide adequate medical treatment during  
1111 inmate Sehorn's incarceration.  
1112 **Lavin, Erica L. and Rathgeber, Jack** – Tort Claim Notice received March 2, 2015 from  
1113 Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful  
1114 termination.  
1115 **Hanley, Constance** – Tort Claim Notice received March 20, 2015 from Attorney John  
1116 Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate,  
1117 defamation of character, libel and abuse of process.  
1118 **Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015  
1119 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with  
1120 Lincoln County Mine Ordinance 2009-01.  
1121 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**  
1122 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to  
1123 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-  
1124 **10S, Range 16E, tract of land lying in the NE 4SE4).** April 10, 2015 the property was inspected  
1125 and noted no progress had been made.  
1126 **Culp, Susan v. LCMC/Lincoln County.** Tort Claim Notice received May 4, 2015 from  
1127 Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent  
1128 supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about  
1129 March 3, 2015 during Ms. Culp's gall bladder removal surgery.  
1130 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy  
1131 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and  
1132 wrongful conduct of the Lincoln County Sheriff's Department.  
1133 **Torres, Leopoldo** Tort Claim Notice received June 4, 2015 from inmate Torres alleging  
1134 inmate-initiated attack on inmate Torres at Lincoln County Detention Center.  
1135 **Wallace, Stephen:** Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell  
1136 alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention  
1137 Center without proceeding with a timely extradition.  
1138 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris  
1139 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County  
1140 Detention Center.  
1141 **Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from  
1142 Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and  
1143 property damage against the County of Lincoln.  
1144 **Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing  
1145 flooding at her private property.  
1146 **Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to  
1147 ongoing flooding at their private property.  
1148 **Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair  
1149 Dunn, alleging County trespass on private property.  
1150 **Estate of Viola/Orlando Montes** – Tort Claim Notice received Sept. 28, 2015 from  
1151 Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds  
1152 without necessary safety equipment.  
1153 **L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of  
1154 medical care while incarcerated in Lincoln County Detention Center.  
1155

1156 **2014**

1157 **Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his  
1158 rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges  
1159 damages by not being granted detainee to detainee correspondence.

1160 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney  
1161 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum  
1162 care for their infant son.

1163 **Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while  
1164 incarcerated at Lincoln County Detention Center on March 11, 2014.

1165 **Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in  
1166 Lincoln County Detention Center without being advised of his charges.

1167 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew  
1168 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a  
1169 minor, emotional distress.

1170 **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan  
1171 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln  
1172 County Detention Center that arise with Immigration and Customs Enforcement charges.

1173 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of  
1174 her two minor children during a request for a deputy to assist in keeping the peace.

1175 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones  
1176 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent  
1177 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge  
1178 regarding discharge from the Captain Police Department.

1179 **Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process  
1180 for inmates at Lincoln County Detention Center.

1181 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W.  
1182 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own  
1183 equipment to alter a platted County right of way without the authorization or knowledge of the  
1184 County.

1185 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by  
1186 Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a  
1187 violation of 8<sup>th</sup> Amendment Rights.

1188 **Ryen, Allen** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek  
1189 alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

1190 **Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek  
1191 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

1192 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014  
1193 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln  
1194 County Detention Center.

1195 **Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek  
1196 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

1197 **Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris  
1198 Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

1199 **McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris  
1200 Nedbalek alleging violations of U.S. Constitutional Amendment rights.

1201 **Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25,  
1202 2014 alleging lack of adequate office space provided by the County of Lincoln.

1203 **Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris  
1204 Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

1205

1206 **2013**

1207 **Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken

1208 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in  
1209 recovery efforts.

1210  
1211 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen,  
1212 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).

1213 **Yes:** Commissioner Allen, Commissioner Draper, Commissioner Willard.

1214 **No:** Chair Stone, Commissioner Stewart.

1215  
1216 Chair Stone recessed the Regular Meeting and convened the Closed Session at 4:49:24 PM.

1217  
1218 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 5:28:31 PM.

1219  
1220 Commissioner Willard attested that matters discussed in the closed meeting were limited to those  
1221 specified in the motion for closure or in the notice of separate closed meeting

1222  
1223 **30. Settlement of D-1226-CV-2014-00095: Greentree Solid Waste Authority v. Lincoln**  
1224 **County**

1225  
1226 **Motion:** Approve the Greentree Solid Waste Authority v. Lincoln County Compromise Settlement  
1227 Agreement and Release, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
1228 Commissioner Willard.

1229 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1230 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1231 Commissioner Willard.

1232  
1233 **31. Consider / Potential Action on the First Amendment to the Joint Powers Agreement**  
1234 **(JPA) for the Financing and Establishment of the Otero / Lincoln County Regional**  
1235 **Landfill**

1236  
1237 **Motion:** Approve the First Amendment to the Joint Powers Agreement as part of the Settlement  
1238 Agreement with Greentree Solid Waste Authority, **Action:** Approve, **Moved by** Commissioner  
1239 Stewart, **Seconded by** Commissioner Draper.

1240 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1241 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1242 Commissioner Willard.

1243  
1244 **32. Signing of Official Documents**

1245  
1246 **33. Next meeting:**

1247  
1248 January 26, 2016 - Regular Commission Meeting

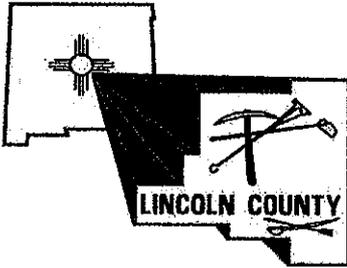
1249  
1250 **34. Adjourn**

1251  
1252 There being no further business to come before the Board of County Commissioners, Chair Stone  
1253 adjourned the meeting at 5:30:16 PM.

1254  
1255 Respectfully submitted by,  
1256 Rhonda B. Burrows  
1257 Lincoln County Clerk

1258  
1259

DRAFT



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# *County of Lincoln*

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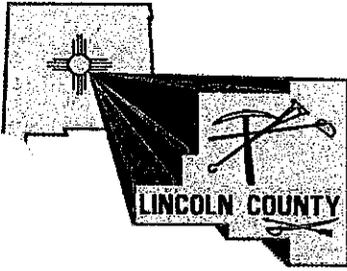
## Agenda Item 8

### SUBJECT

1. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer's Financial Report for the Month ending December 31, 2015
  - c. Annual Renewal of Community DWI Prevention Program
  - d. Road Name Change-Manners Creek Road
  - e. Resolution 2015-30 Authorizing the Village of Ruidoso to Submit an Application to Participate in DWI Grant & Distribution Program

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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# County of Lincoln

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## 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 December 1 through December 31, 2015 in the amount of \$1,678,528.82.

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

**ADOPTED, PASSED AND SIGNED** the 26th day of January, 2016.

### BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

\_\_\_\_\_  
Preston Stone, Chairman

\_\_\_\_\_  
Dallas Draper, Vice-Chairman

\_\_\_\_\_  
Elaine Allen, Member

\_\_\_\_\_  
Dr. Lynn Willard, Member

\_\_\_\_\_  
Thomas F Stewart, Member

ATTEST:

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

MEMORANDUM OF AGREEMENT

This comprehensive Community DWI Prevention Program is between the County of Lincoln and the Village of Ruidoso.

This agreement is effective from May 1, 2016 through June 30, 2017, but is not a valid and binding agreement until executed by all parties thereto. The parties agree as follow:

To file a joint application to the New Mexico State Highway and Transportation Department, Traffic Safety Bureau for funding of a comprehensive Community DWI Program that reflects an integrated approach to our mutual problem of driving while intoxicated.

The County of Lincoln and the Village of Ruidoso agree to combine our funds and resources in achieving a common goal of removing the DWI from the streets and highways of Lincoln County thus reducing our highway traffic accidents that are alcohol related.

We will reestablish a joint Task Force as provided for and described in the CDWI Program Manual.

The Village of Ruidoso agrees to be the fiscal agent to apply for the grant funds and The County of Lincoln and the Village of Ruidoso agree to this arrangement.

**There is no requirement for matching funds for this program funding.**

BY: \_\_\_\_\_

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

County Commission Chairperson  
Lincoln County, New Mexico

Attest:

BY: \_\_\_\_\_

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

Rhonda Burrows, Lincoln County Clerk

BY: \_\_\_\_\_

Tom Battin, Mayor  
Villager of Ruidoso

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

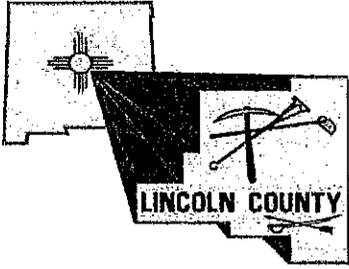
SEAL:

ATTEST:

BY: \_\_\_\_\_

Irma Devine, Clerk  
Village of Ruidoso

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



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# County of Lincoln

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## ROAD NAME CHANGE REQUEST

This is a request to approve a Name for a New Road Located in Section 18, Township 08S, Range 14E in the County of Lincoln. All interested parties as well as the County Rural Addressing Office have acknowledged and approved:

### MANNERS CREEK RD

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

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

**ADOPTED, PASSED AND SIGNED** the \_\_\_\_\_.

\_\_\_\_\_  
Preston Stone  
Chairman

\_\_\_\_\_  
Dallas Draper  
Vice-Chairman

\_\_\_\_\_  
Lynn Willard  
Commissioner

\_\_\_\_\_  
Tom Stewart  
Commissioner

\_\_\_\_\_  
Elaine Allen  
Commissioner

ATTEST:

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

FLYING W. DIAMOND RANCH, INC.

FLYING W. DIAMOND RANCH, INC.

TINSLEY, EDWARD R. III

USA

USA

HILONESOME RANCH TRUST

HILONESOME RANCH TRUST

MARTIN RANCH

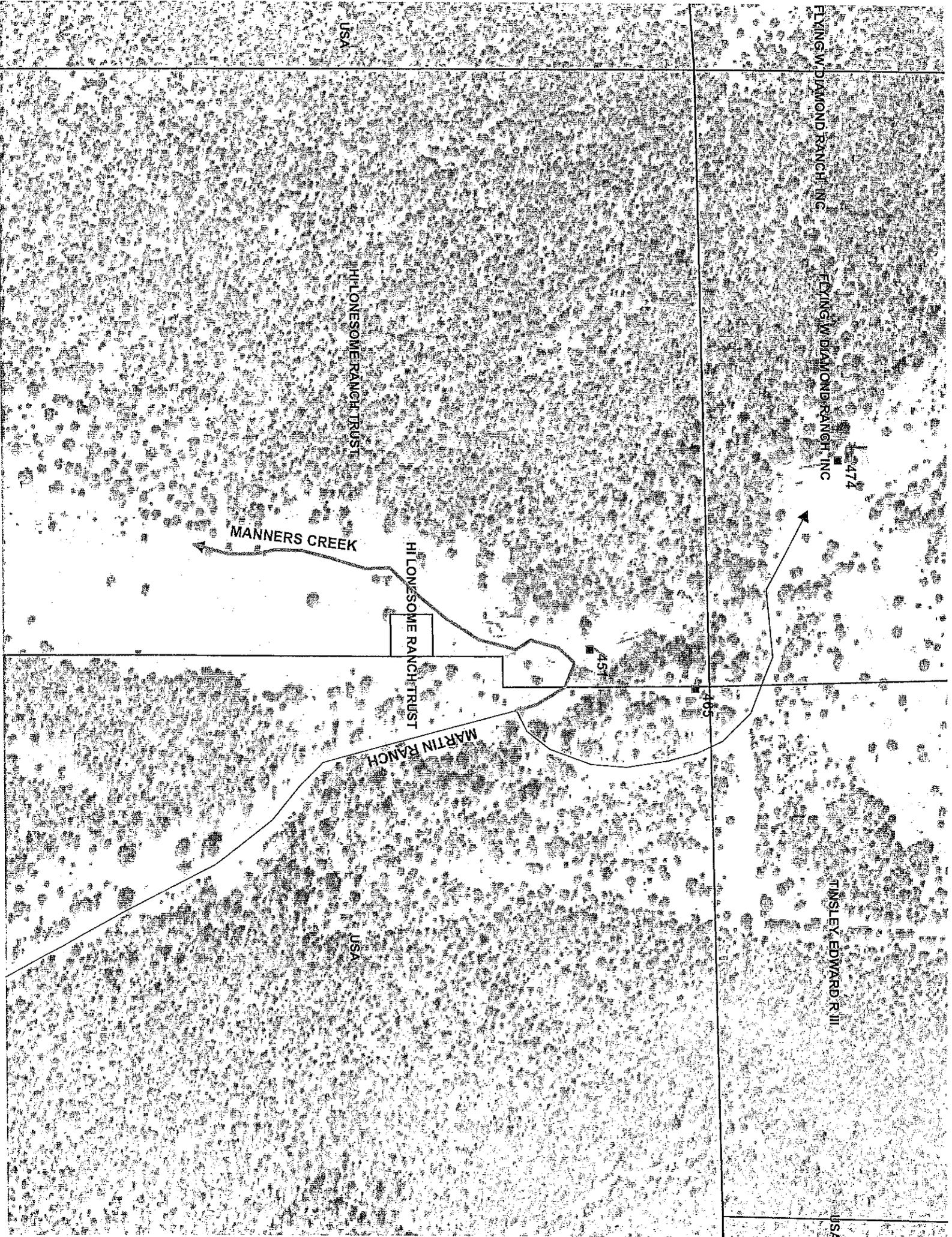
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MANNERS CREEK

474

451

465



**COUNTY OF LINCOLN**  
Resolution No. 2015-30

**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, DWI, alcoholism and alcohol abuse; and

**WHEREAS**, the Village of Ruidoso 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  
(DISTRIBUTION AND/OR GRANT)

FY16 program funding under the regulations established by the Local Government Division.

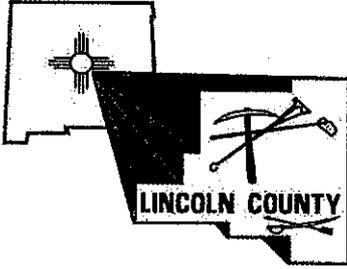
**APPROVED AND ADOPTED** by the governing body at its meeting of January 26, 2016.

\_\_\_\_\_  
County Commission Chairperson

Attest:

\_\_\_\_\_  
DWI Planning Council Representative

\_\_\_\_\_  
County Clerk (SEAL)



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# County of Lincoln

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

## Agenda Item 9

January 20, 2016

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Mid-Year Budget Adjustment by DFA

**Purpose:** To acknowledge approval of our FY 2015-2016 mid-year budget adjustment.

**Discussion:**

Attached is an approval stamp from DFA approving our mid-year budget adjustment for FY 2015-2016.

According to state requirements, the Board of County Commissioners must acknowledge DFA approval of budget in the minutes of a commission meeting.

**Recommendation:** Acknowledge receipt of DFA approval of our 2015-2016 mid-year budget adjustment

**RESOLUTION 2015-27  
A RESOLUTION ADJUSTING THE 2015-2016  
BUDGET FOR LINCOLN COUNTY**

WHEREAS, THE Lincoln County Board of Commissioners, meeting in regular session on December 15, 2015, did review requests for adjustment to the 2015-2016 Budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the County of Lincoln, Board of Commissioners is respectfully requested to approve this resolution with the following adjustments:

**ATTACHMENTS:**

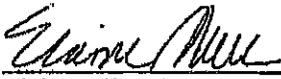
Schedule of Budget Adjustments  
Mid-Year Budget Worksheets FY 2015-2016

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of December 2015.

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

  
\_\_\_\_\_  
Preston Stone, Chairman

  
\_\_\_\_\_  
Dallas Draper, Vice-Chairman

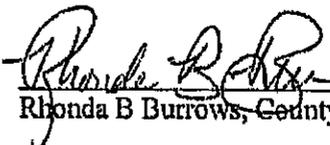
  
\_\_\_\_\_  
Elaine Allen, Member

  
\_\_\_\_\_  
Dr. Lynn Willard, Member

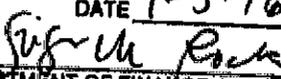
  
\_\_\_\_\_  
Thomas F Stewart, Member

16-176

ATTEST:

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



APPROVED PURSUANT TO  
SECTION 8-8-2 NMSA 1978  
LOCAL GOVERNMENT DIVISION  
DATE 1-5-16  
BY   
DEPARTMENT OF FINANCE AND ADMINISTRATION

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

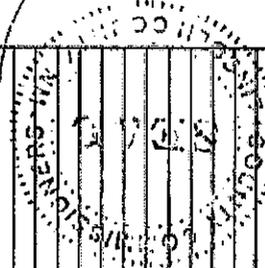
REVISED 12/08/06

ENTITY NAME: COUNTY OF LINCOLN  
 FISCAL YEAR: 2015-2016  
 DFA Resolution Number:

16-176

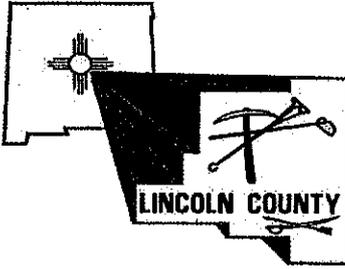
For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2015-27			\$12,338,190	\$159,151	\$12,497,341	MID YEAR ADJUSTMENTS TO BUDGET FOR FY 2015-2016
	101	REVENUE	\$2,499,464	\$872,339	\$3,371,803	
	101	TRANSFER (TO or FROM)	\$7,435,785	\$107,812	\$7,543,597	
	101	EXPENDITURE	\$254,064	\$648,013	\$902,077	
	202	TRANSFER (TO or FROM)	\$1,283,510	\$648,013	\$1,931,523	
	202	EXPENDITURE	\$841,985	\$0	\$841,985	
	204	TRANSFER (TO or FROM)	\$2,114,741	\$258,644	\$2,373,385	
	204	EXPENDITURE	\$3,035,630	\$232,787	\$3,268,417	
	205	REVENUE	\$47,236	(\$1,958)	\$45,278	
	205	EXPENDITURE	\$48,443	(\$1,958)	\$46,485	
	207	EXPENDITURE	\$7,074	\$0	\$7,074	
	208	REVENUE	\$786,324	\$90,000	\$876,324	
	208	EXPENDITURE	\$1,477,380	\$90,000	\$1,567,380	
	209	EXPENDITURE	\$475,404	\$28,000	\$503,404	
	218	REVENUE	\$487,453	\$17,120	\$504,573	
	218	EXPENDITURE	\$749,188	\$11,139	\$760,327	
	219	REVENUE	\$944,870	\$11,139	\$956,009	
	219	EXPENDITURE	\$3,953,810	\$0	\$3,953,810	
	221	TRANSFER (TO or FROM)	\$0	\$0	\$0	
	221	EXPENDITURE	\$3,276,328	\$3,150,000	\$6,426,328	
	228	TRANSFER (TO or FROM)	\$2,398,518	\$3,353,111	\$5,751,629	
	298	REVENUE	\$1,466,322	\$111	\$1,466,433	
	298	EXPENDITURE	\$1,242,997	\$111	\$1,243,108	
	300	REVENUE	\$1,047,400	\$308,810	\$1,356,210	
	300	TRANSFER (TO or FROM)	\$56,004	(\$33,593)	\$22,411	
	300	EXPENDITURE	\$1,343,775	\$582,703	\$1,926,478	
	600	REVENUE	\$144,470	\$25,050	\$169,520	
	600	TRANSFER (TO or FROM)	\$1,358,184	\$11,000	\$1,369,184	
	600	EXPENDITURE	\$1,537,945	\$11,000	\$1,548,945	



ATTEST: *[Signature]* Title: *[Signature]* Chief Deputy Clerk 12-23-15 (Date)

*[Signature]* Mayor/Board Chairman 12-23-15 (Date)



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# County of Lincoln

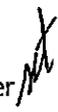
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## AGENDA Item No. 10

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Discussion and Update on Solid Waste Collection Services

**Discussion:** The Compromise and Settlement Agreement & Release was approved by the County Commission on December 15<sup>th</sup> and by the GSWA Board on December 17<sup>th</sup>.

**Per the terms of the Agreement, a number of required compliance steps have been taken by the County and GSWA:**

- A. Compactor transition commenced on December 22<sup>nd</sup> and was complete on January 13<sup>th</sup>. Some delays were encountered due to required modifications to the units and the weather;
- B. County transferred all electrical services on compactor sites into the name of "Lincoln County".
- C. County made settlement payment of \$273,000 to GSWA on December 23, 2015 in consideration of all the terms and conditions of Compromise and Settlement Agreement, including: 1) the purchase of 173 Cubic Yard Containers (dumpsters) and 384 Residential Poly Carts - both "as is and in place at their locations within the unincorporated areas of Lincoln County"; 2) GSWA assignment of 10 solid waste sites on which County compactors have been placed.
- D. County made payment of \$46,663.90 to GSWA for services rendered to Lincoln County residents through December 31, 2015.
- E. GSWA, County and City of Alamogordo coordinated the effort of ensuring Lincoln County is being charged tipping fees at the "member" rate by Otero/Lincoln County Landfill.
- F. GSWA suit against County, Alto Lakes Water & Sanitation District and New Mexico Finance Authority (D-101-CV-2013-000104) terminated when New Mexico Supreme Court denied GSWA's petition for writ of certiorari.
- G. GSWA attorney filed a Stipulated Order of Dismissal of its second lawsuit against the County (D-1226-CV-2014-00095) with District Judge Ritter of the 12<sup>th</sup> Judicial District.
- H. Sierra Contracting began its work with the County prior to year's end, and is now collecting trash at all unincorporated areas of the County, identifying problems, and helping to identify solutions.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**Transition activities required by the “Compromise and Settlement Agreement” yet to be completed include:**

- A. GSWA’s warranty that the named equipment has been sold to County free and clear of any encumbrances;
- B. GSWA’s bill of sale conveying purchased equipment to County;
- C. GSWA’s provisioning of detailed information on all sites, including lease agreement terms;
- D. GSWA / County joint verification of inventory items;
- E. County’s lease agreements with compactor site owners;
- F. County’s Collection Center Applications to be filed with NM Environmental Department – Solid Waste Bureau;

**Transition activities not tied to the Compromise and Settlement Agreement:**

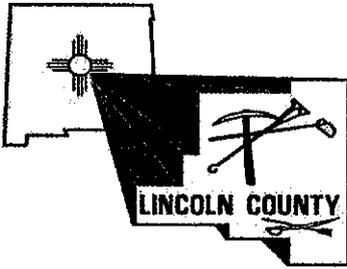
- A. Identification of equipment to be replaced. Sierra Contracting has recommended the following replacement equipment be purchased immediately:
  - a. 40 to 50 new replacement dumpsters @\$420 each: \$16,800 - \$ 21,000
  - b. 20 to 25 new replacement poly carts @ \$75 each: \$ 1,500 - \$ 1,875
  - c. 2 – 4 new surveillance camera systems \$1,400 - \$ 2,800

\$19,700 - \$ 25,675
- B. County and Village of Ruidoso’s formal approval of “Supply Agreement for Municipal Solid Waste Delivery to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station”. See Agenda Item No. 11.
- C. Increased efforts to provide public information and education. This effort has caused confusion and misunderstanding among our County residents: dumpsters have been moved to other locations, or removed completely; collection days and times have been modified; illegal dumping continues to exist. The County is working with the new provider Sierra Contractor to identify public education needs and develop process for implementation.

While the process continues to evolve and issues are identified and resolved, a special thanks is owed to County Planning Director Curt Temple and his team, Solid Waste Collection Clerk Linda Phillips, Rideout Electric, Sierra Contracting, and WasteQuip Equipment Vendor for getting this transition effort where it is today.

A very special thank you to our Lincoln County property owners for working with us through this time of trying transition.

**Recommendation:** Provide insight and guidance to Manager and staff; approve expenditure of \$20,000 to \$26,000 for purchase of replacement of end-of-life equipment.



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# County of Lincoln

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

## AGENDA ITEM No. 11

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Supply Agreement for Municipal Solid Waste Delivery to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station

**Purpose:** To Consider Entering into Supply Agreement with the Village of Ruidoso for Municipal Solid Waste Delivery from the County to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station

### Discussion:

This Agreement will allow the County's Solid Waste Collection Contractor, Sierra Contracting, to deliver the County's municipal solid waste (MSW) to the Village of Ruidoso's ("Village"), Gavilan Canyon Solid Waste Transfer Station. This option is available to the County only in the circumstance that it retains its membership in the Lincoln/Otero Landfill joint ownership for the duration of the agreement.

This option enables the County's Contractor to haul its MSW collected from dumpsters and polycarts to the much closer VOR transfer station rather than haul the MSW to the Lincoln/Otero Landfill. This is a much more feasible, efficient and less expensive option to the County than to pay its Sierra Contracting to haul MSW the greater distance in solid waste collection trucks with less capacity. This is also a preferable option to Sierra Contracting.

The Village of Ruidoso intends to approve this Supply Agreement at its next Council Meeting.

**Recommendation:** Approve the County's entering into the Supply Agreement for Municipal Solid Waste Delivery to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**SUPPLY AGREEMENT FOR MUNICIPAL SOLID WASTE DELIVERY  
TO THE VILLAGE OF RUIDOSO GAVILAN  
CANYON SOLID WASTE TRANSFER STATION**

This agreement is made and entered into the \_\_\_ day of \_\_\_\_\_, 2016, by and between the Village of Ruidoso, a municipal corporation of the State of New Mexico, hereinafter called the VILLAGE, and the Board of County Commissioners of Lincoln County, New Mexico, hereinafter called the COUNTY.

**WHEREAS**, the VILLAGE desires to engage the COUNTY to supply municipal solid waste (MSW) to the Village at the Village's Gavilan Canyon Solid Waste Transfer Station as described in this Agreement; and

**WHEREAS**, the COUNTY is ready, willing, and able to supply municipal solid waste to the Village at the Village's Gavilan Canyon Solid Waste Transfer Station in accordance with the terms of this agreement and in accordance with all applicable federal, state and local laws.

**NOW, THEREFORE**, in consideration of the conditions, premises and the covenant hereinafter contained the parties hereby agree as follows:

**I. RECITALS**

THE PARTIES enter this Agreement on the basis of the following recitals:

COUNTY has represented and warranted to the Village that the COUNTY possesses the necessary skill to provide such services and is willing to do so pursuant to the terms of this Agreement.

**II. AGREEMENT**

In consideration of the foregoing recitals and the covenants and promises contained herein the parties agree as follows: COUNTY is ready, able and willing to render the desired services to the facility as described in this agreement for the VILLAGE pursuant to the authority conferred upon it by New Mexico statutes, and to render to the VILLAGE and its duly authorized officers and elected officials services to include, but not limited to:

**1. SCOPE OF SERVICES:**

- A. The COUNTY must retain its membership in the Lincoln/Otero Landfill joint ownership for the duration of this agreement. At any time during the term of this agreement if the said membership ceases the agreement will be terminated immediately and the VILLAGE will not accept any municipal solid waste from the COUNTY.
- B. The COUNTY may utilize a subcontractor for the purpose of delivering municipal solid waste to the Gavilan Canyon Solid Waste Transfer Station as long as the subcontractor is a New Mexico Environment Department (NMED) approved municipal solid waste hauler and is in compliance with all other Federal, State, and Local regulations. The VILLAGE reserves the

right to refuse acceptance of waste delivered by the COUNTY'S subcontractor if said subcontractor fails to meet any or all of these requirements.

- C. The VILLAGE and the COUNTY or its designated subcontractor will be required to jointly get a minimum of two separate tare and gross fully loaded with municipal solid waste (hereinafter "MSW") weights of each piece of equipment utilized in the delivery of said waste to the transfer station. The weighing of the equipment will be done at a mutually agreed upon State of New Mexico certified weigh station and the tickets for tare and gross weights will be signed by representatives of both parties. The difference between the average of the tare and gross weights from these measurements will be in tons and will be assigned as the weight utilized for billing for that piece of equipment on each delivery of MSW to the transfer station.
- D. All solid waste delivered by the COUNTY or its designated sub-contractor shall meet NMED requirements for allowable MSW that can be delivered to a permitted solid waste transfer station.
- E. All MSW delivered to the transfer station by the COUNTY or its designated subcontractor shall be delivered prior to 1pm on the permitted days of operation of the transfer station. Deliveries may only be accepted later if approved by the VILLAGE's designated Point of Contact (POC) as identified in Paragraph 32 of this agreement.
- F. The COUNTY guarantees to deliver a minimum of fifty (50) tons of MSW per month to the transfer station. If the MSW tonnage delivered by the COUNTY is less than this minimum guaranteed amount, the COUNTY shall pay the VILLAGE the full price of the guaranteed minimum delivery.

## **2. COMPENSATION**

- A. As compensation for receipt of municipal solid waste by the VILLAGE the COUNTY shall pay the VILLAGE at a fee of \$45 per ton, inclusive of all tipping fees, plus all applicable taxes.
- B. Commencing with the February, 2017 monthly billing by the VILLAGE to the COUNTY the fee/ton will be adjusted in accordance with the previous year's United States Bureau of Statistics Western States Consumer Price Index (CPI) adjustment. In each succeeding year in February of said year for the term of this agreement and any subsequent renewals the same adjustment for the CPI will be instituted.

Invoices will be prepared on a monthly basis and shall provide detailed billing for services provided no later than ninety (90) calendar days after the date of services have been rendered. Invoices to the COUNTY will be transmitted electronically and by mail to the following COUNTY email address:

Nita Taylor, Lincoln County Manager  
[Ntaylor@lincolncountynm.gov](mailto:Ntaylor@lincolncountynm.gov)

Charlene "Punkin" Schlarb, Lincoln County Finance Director  
[Cschlarb@lincolncountynm.gov](mailto:Cschlarb@lincolncountynm.gov)

and the following COUNTY mail address:

County of Lincoln  
P.O. Box 711  
Carrizozo, New Mexico 88301

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The COUNTY shall pay the VILLAGE no later than forty-five (45) calendar days after the date of the invoice. Payments received later than forty-five (45) calendar days will be assessed a late fee of \$5.00 per calendar day until the date the VILLAGE receives payment in full, including all late fees. Any payments that are in arrears for more than ninety (90) calendar days from the date of the applicable invoice prepared by the VILLAGE may result in the immediate termination of the agreement at the sole discretion of the VILLAGE. All payments shall be submitted directly to the Village of Ruidoso Finance Department at 313 Cree Meadows Dr., Ruidoso, NM 88345.

### **3. TERM**

This agreement shall not become effective until approved by the governing bodies of the parties and signed by the Mayor of the Village of Ruidoso and the Chair of the Board of County Commissioners of Lincoln County. The term of this Agreement shall be for sixty (60) months, beginning on the date both entities have sign this Agreement and ending five (5) years from that date. Upon the termination of the initial term of this Agreement, there shall be two additional sixty (60) month renewal periods at the option of the parties. Any renewal period shall be agreed to in writing by the parties.

### **4. TERMINATION**

This Agreement may be terminated by either of the parties without cause hereto upon written notice delivered to the other party at least one hundred twenty (120) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. THE PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE OTHER LEGAL RIGHTS AND REMEDIES AFFORDED EITHER PARTY IN SUCH CIRCUMSTANCES FOR DEFAULT/BREACH OF CONTRACT.

### **5. INDEPENDENT CONTRACTOR**

The COUNTY is an independent contractor performing professional services for the Procuring Agency and is not an employee of the Village of Ruidoso. The COUNTY shall not accrue leave, retirement, insurance, bonding, use of Village vehicles, or any other benefits afforded to employees of the Village of Ruidoso as a result of this Agreement. The COUNTY acknowledges that all sums received hereunder are personally reportable by it for income tax purposes as self-employment or business income and are reportable for self-employment tax.

### **6. ASSIGNMENT**

The COUNTY shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without prior written approval of the VILLAGE.

### **7. SUBCONTRACTING**

The COUNTY may subcontract any portion of the services to be performed under this Agreement with the prior written approval from the VILLAGE. A letter notifying the VILLAGE of the name of the subcontractor and their qualifications as specified by this agreement shall be received and approved by the VILLAGE'S POC, as identified in Paragraph 32 of this agreement, before any MSW can be delivered and received by the VILLAGE.

## **8. RECORDS OF AUDIT**

During the term of this Agreement and for three years thereafter, the COUNTY shall maintain detailed records pertaining to the services rendered and products delivered. These records shall be subject to inspection by the VILLAGE, the State Auditor and appropriate federal authorities. The Procuring Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Procuring Agency to recover excessive or illegal payments.

## **9. RELEASE**

The COUNTY, upon final payment of the amount due under this Agreement, releases the Procuring Agency, and its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The COUNTY agrees not to purport to bind the VILLAGE, unless the COUNTY has expressed written authority to do so, and then only within the strict limits of that authority.

## **10. CONFIDENTIALITY**

Any confidential information provided to or developed by the COUNTY in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the COUNTY without prior written approval by the VILLAGE MANAGER or the POC.

## **11. CONFLICT OF INTEREST**

The COUNTY warrants that they presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.

## **12. GOVERNMENTAL CONDUCT ACT**

In signing this agreement, the parties certify that each is aware of the proscriptions and requirements contained in the State of New Mexico Governmental Conduct Act (NMSA 1978 10-16-1 through 10-16-18) and that the Act is applicable to this agreement and the conduct of the parties pursuant to the terms of this agreement.

## **13. AMENDMENT**

This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto.

## **14. SCOPE OF AGREEMENT**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

## **15. NO WAIVER OF SOVEREIGN IMMUNITY**

By entering into the agreement, the Village and its "public employees" as defined in the New Mexico Tort Claims Act and the County and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defenses and do not waive any limitations of liability pursuant to law. No provision of this agreement modifies or waives any provisions of the New Mexico Tort Claims Act.

## **16. NOTICE**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

## **17. EQUAL OPPORTUNITY COMPLIANCE**

The COUNTY agrees to abide by all Federal and State laws, rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws, rules, and regulations, and executive orders of the Governor of the State of New Mexico, the COUNTY agrees to assure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the COUNTY is found to not be in compliance with these requirements during the life of this Agreement, the COUNTY agrees to take appropriate steps to correct these deficiencies.

## **18. INDEMNIFICATION/HOLD HARMLESS**

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act. Nothing contained in this Agreement should be construed as a waiver of the protections afforded to local governments under the New Mexico Tort Claims Act.

## **19. APPLICABLE LAW**

This Agreement shall be governed by the laws of the State of New Mexico. Any suits or claims arising out of this agreement shall be filed in the 12th Judicial District Court for Lincoln County, New Mexico.

## **20. KICKBACK STATEMENT**

The State of New Mexico's Procurement Code, Sections 13128 through 131199 NMSA 1978, imposes civil and criminal penalties for this violation. In addition, New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks. As required by Section 13-1-191, NMSA, 1978, it is a third-degree felony under New Mexico law to commit the offense of bribery of a public officer or public employee (Section 30-24-1, NMSA, 1978); it is a third-degree felony to commit the offense of demanding or receiving a bribe by a public officer or public employee (Section 30-24-2, NMSA, 1978); it is a fourth-degree felony to commit the offense of soliciting or receiving illegal kickbacks (Section 30-41-1, NMSA, 1978); it is a fourth-degree felony to commit the offense of offering or paying illegal kickbacks (Section 30-41-2), NMSA, 1978).

## **21. NONCOLLUSION**

In signing this agreement, the COUNTY certifies that the accompanying proposal is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under New Mexico or United States law.

## **22. NON-DISCRIMINATION**

Vendors, during the performance of this contract, will not discriminate against any employee or applicant for employment because of race, color, religion, creed, political ideas, sex, national origin, age, marital status or physical or mental disability except where such is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. By signing and submitting a proposal, vendor agrees to comply with this paragraph.

## **23. CAMPAIGN DISCLOSURE FORM**

Pursuant to Chapter 81, Laws of 2006, any prospective contractor (engineer or in this case COUNTY) seeking to enter into a contract with any state agency or local public body must file a Campaign Contribution Disclosure Form with that state agency or local public body. This form must be filed by the prospective contractor with their response to the request for proposals. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal

## **24. THIRD PARTY BENEFICIARIES**

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions or any part of the Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to this Agreement to maintain any suit for wrongful death, bodily or personal injury, damage to property or any other matter whatsoever pursuant to the provisions of this Agreement.

## **25. MERGER**

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

## **26. INVALID TERM OR CONDITION**

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

## **27. ENFORCEMENT OF AGREEMENT**

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No

waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

## **28. DEBARMENT AND SUSPENSION**

Pursuant to 45 C.F.R. Part 76, the COUNTY certifies by signing this Agreement, that it and its principals, to the best of its knowledge and belief: (1) are not debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal department or agency; (2) have not, within a three-year period preceding the effective date of this Agreement, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; (3) have not been indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated above in this Article 25.1; (4) have not, within a three-year period preceding the effective date of this Agreement, had one or more public agreements or transactions (Federal, State or local) terminated for cause or default; and (5) have not been excluded from participation from Medicare, Medicaid or other federal health care programs pursuant to Title XI of the Social Security Act, 42 U.S.C. § 1320a-7.

The COUNTY'S certification in Article 25.A is a material representation of fact upon which the Agency relied when this Agreement was entered into by the parties. The COUNTY shall provide immediate written notice to the Agency's Contract Administrator if, at any time during the term of this Agreement, the COUNTY learns that its certification in Article 25.A was erroneous on the effective date of this Agreement or has become erroneous by reason of new or changed circumstances. If it is later determined that the COUNTY'S certification in Article 25.A was erroneous on the effective date of this Agreement or has become erroneous by reason of new or changed circumstances, in addition to other remedies available to the Agency, the Agency may terminate the Agreement.

As required by 45 C.F.R. Part 76, the COUNTY shall require each proposed first-tier subcontractor whose subcontract will equal or exceed \$25,000, to disclose to the COUNTY, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by any Federal department or agency. The COUNTY shall make such disclosures available to the Agency when it requests subcontractor approval from the Agency pursuant to Article 8. If the subcontractor, or its principals, is debarred, suspended, or proposed for debarment by any Federal department or agency, the Agency may refuse to approve the use of the subcontractor.

## **29. LOBBYING**

No federal appropriated funds can be paid or will be paid, by or on behalf of the COUNTY, or any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, or the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than federal appropriated funds

have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection of this federal contract, grant, loan, or cooperative agreement, the COUNTY shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

**30. SUCCESSION**

This agreement shall extend to and be binding upon the successors and assigns of the parties.

**31. IMPRACTICALITY OF PERFORMANCE**

A party shall be excused from performance under this agreement for any period that the party is prevented from performing as a result of an act of God, strike, war, civil disturbance, epidemic, or court order, provided that the party has prudently and promptly acted to take any and all steps that are within the party's control to ensure performance. Subject to this provision, such non-performance shall not be deemed a default or a ground for termination.

**32. NOTICES**

All notices under this Agreement shall be sufficient if sent by United States First Class Mail, postage Prepaid to:

COUNTY POC:

Nita Taylor, Lincoln County Manager  
P.O. Box 711  
Carrizozo, New Mexico 88301  
(or future manager)

With a copy to:

Alan P. Morel, Lincoln County Attorney  
Alan P. Morel, P.A.  
P.O. Box 1030  
Ruidoso, New Mexico 88355  
(or future attorney)

VILLAGE POC:

Jeffrey Kaplan (or future incumbent)  
Director of General Services  
Village of Ruidoso  
313 Cree Meadows Drive  
Ruidoso, New Mexico 88345

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of this \_\_\_\_ day of \_\_\_\_\_, 2016.

**VILLAGE OF RUIDOSO, NEW MEXICO**

Village of Ruidoso

Lincoln County

\_\_\_\_\_  
Tom Battin , Mayor

\_\_\_\_\_  
Preston Stone, Chairman

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

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

**ATTEST:**

Village of Ruidoso Clerk

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

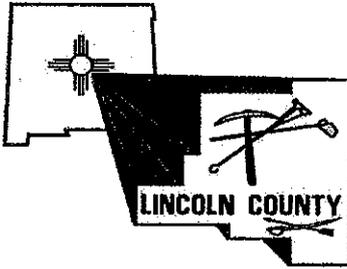
\_\_\_\_\_  
Irma Devine, Village Clerk

**ATTEST:**

County of Lincoln

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

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



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# County of Lincoln

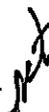
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA ITEM No. 12

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Lincoln County Medical Center – Potential Contracting for Market Analysis of LCMC with Proposed Renovation and Expansion

**Purpose:** To Consider Contracting for Market Analysis of LCMC in Preparation of Lease Negotiations

**Discussion:** At its April 21, 2015 meeting, the Commission unanimously approved the Renovation and Remodel option for the LCMC as presented. During its Friday, November 6<sup>th</sup> Special Meeting, the Commission unanimously voted to direct County Attorney and County Manager to begin working with Joe Lupica, Chairman, Newpoint Healthcare Advisors, LLC, to identify issues regarding the hospital lease with Presbyterian Healthcare Services (PHS), and present findings for validation and/or approval. At its December 15<sup>th</sup> meeting, the Commission unanimously voted to delay submission of the question to the voters until the General election and delay approval of an architectural firm pending voter approval of financing option.

Attorney Morel and Manager Taylor have participated in a preliminary conference call with PHS principals and a number of discussions with Mr. Lupica regarding initial lease discussions. The initial formal meeting has been set for February 1<sup>st</sup>. As we move forward with lease negotiations, it is imperative that all parties are cognizant of the formal appraised lease value of the renovated and expanded hospital. New Mexico Statute 3-54-1 NMSA 1978, requires that the value of real property to be leased, sold or exchanged shall be determined by the appraised value of the real property; An appraisal shall be made by a qualified appraiser and submitted in writing to the governing body. See **Enclosure 1**.

During former lease negotiations for the LCMC Physician's Office Building (POB), PHS commissioned an Appraisal Report of the LCMC Property to include the POB. The Appraisal Report indicated estimated annual market rent as follows, with all operating expenses to be paid by the tenant. With a \$25 million renovation, the current market appraisal analysis is obsolete, with state law requiring a current study.

- |                               |                           |
|-------------------------------|---------------------------|
| • Hospital and Therapy Center | \$ 800,000 - \$ 900,000   |
| • Physician's Office Building | \$ 575,000 - \$ 640,000   |
| • Total                       | \$1,375,000 - \$1,540,000 |

**Recommendation:** Grant the Manager the authority to enter into a professional services contract, not to exceed the statutory limit of \$60,000, for the consulting assignment of estimating market value of the renovated LCMC Complex.

3-54-1. Authority to sell or lease municipal utility facilities or real property ; notice; referendum.

A. A municipality may lease or sell and exchange any municipal utility facilities or real property having a value of twenty-five thousand dollars (\$25,000) or less by public or private sale or lease any municipal facility or real property of any value normally leased in the regular operations of such facility or real property , and such sale or lease shall not be subject to referendum.

B. A municipality may lease or sell and exchange any municipal utility facilities or real property having an appraised value in excess of twenty-five thousand dollars (\$25,000) by public or private sale or lease , subject to the referendum provisions set forth in this section. The value of municipal utility facilities or real property to be leased or sold and exchanged shall be determined by the appraised value of the municipal utility facilities or real property and not by the value of the lease . An appraisal shall be made by a qualified appraiser and submitted in writing to the governing body. If the sale price is less than the appraised value, the governing body shall cause a detailed written explanation of that difference to be prepared, and the written explanation shall be made available to any interested member of the public upon demand.

C. If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the proposed sale, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed public sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening, and in accordance with the provisions of Subsection J of Section 3-1-2 NMSA 1978.

D. Any sale or lease of municipal utility facilities or real property entered into pursuant to Subsection B of this section shall be by ordinance of the municipality. Such an ordinance shall be effective forty-five days after its adoption, unless a referendum election is held pursuant to this section. The ordinance shall be published prior to adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3 NMSA 1978 and shall be published after adoption at least once within one week after adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978. Such publications shall concisely set forth at least:

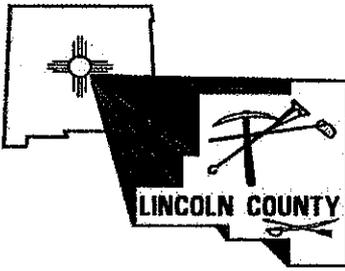
- (1) the terms of the sale or lease ;
- (2) the appraised value of the municipal utility facilities or real property ;
- (3) the time and manner of payments on the lease or sale;
- (4) the amount of the lease or sale;
- (5) the identities of the purchasers or lessees; and
- (6) the purpose for the municipality making the lease or sale.

E. In order to call for a referendum election on a sale or lease ordinance, a petition shall be filed with the municipal clerk:

- (1) no later than thirty days after the adoption of the sale or lease ordinance;
- (2) containing the names, addresses and signatures of at least fifteen percent of the qualified electors of the municipality; and
- (3) containing the following heading on each page of the petition reprinted as follows:

"PETITION FOR A REFERENDUM

We, the undersigned registered voters of ..... (insert name of municipality) petition the governing body of ..... (insert name of municipality) to conduct a referendum election on ordinance number ..... Ordinance number ..... would cause a ..... (insert "sale" or "lease" ) of municipal ..... (insert "real property" or "utility facilities").



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# County of Lincoln

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## AGENDA Item No. 13

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Forest, Land and Natural Resources Matters

**Smokey Bear Ranger District:** Emily Platt, Acting Ranger for Smokey Bear Ranger District informed that Heather Noel, currently in Public & Governmental Relations at US Forest Service in Missoula, Montana, has been appointed as Smokey Bear District Ranger effective February 8<sup>th</sup>. Acting Ranger Platt may be in attendance to update the Commission on other activities in the Smokey Bear District.

**Cibola National Forest.** The most recent activity on the Cibola National Forest Plan Revision was a meeting held on January 6<sup>th</sup> to evaluate the Mountainair Ranger District Phase III Inventory of Lands that may be suitable for wilderness. The District Manager of the Claunch-Pinto Soil & Water Conservation District, a very active participant in this process, has been invited to provide the Commission an update of status of this project.

**Forest Health - Community Forester.** Rick Merrick with South Central Mountain RC&D plans to be in attendance to update the Commission on forest health activities. He reports the Sacramento Mountain Wood Industry Summit is scheduled for March 30 – 31<sup>st</sup> (see **Enclosure 1**); and that the next NM RX fire Council workshop is scheduled for February 18<sup>th</sup> in Rodeo, NM. See **Enclosure 2** for the Rural Community Forester January report.

**Water Issues:** There are no applications for water transfers on the State Engineer's website this month.

**Recommendation:** No action requested.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

# WANTED: anyone who makes a living from trees

Let's talk

## Sacramento Mountain WOOD INDUSTRY SUMMIT

MAIN FOCUS:

### Enhancing the Forest Industry

New Products & Trends; Emerging  
Markets; Success Stories in Wood  
Product Businesses; Information  
on Networking for Contractors;  
Expert Panel Discussions on  
Funding Sources, Grants, SBA,  
etc.; Bidding Processes & Lists;  
Biomass Usage; Demonstrations

... and much more

March  
30-31

Ruidoso  
Convention  
Center

111 Sierra  
Blanca Dr.  
Ruidoso, NM

### Exhibitors & Vendors Invited

The Otero County  
and Greater Ruidoso  
Working Groups invite you to become an  
exhibitor at the summit. A 10'x10' booth is  
only \$50. Outside space is also available  
(\$150). Google "Sacramento Mountain  
Wood Industry Summit" for vendor  
application. Vendor registration must be  
completed by Feb. 29, 2016.

## Don't miss this opportunity!

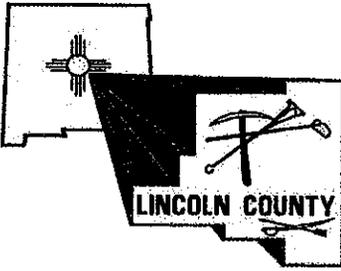
The summit is free and open to the public. For more info, call ENMU-Ruidoso: 575-257-3012;  
email [coda.omness@enmu.edu](mailto:coda.omness@enmu.edu); or mail to: 709 Mechem Drive, Ruidoso, NM 88345.



South Central Mountain RC&D, Rural Community Forester Report

January, 2016

- 1 Sacramento Mountain Wood Industry Summit, Date set for March 30, 31 2016 at the Ruidoso Convention Center. The steering committee has been working hard on organizing this event. We are looking for vendors, speakers and topics for this event. This event is gaining steam and looks to be a great event. I have attached the flyer for this event.
- 2 Ruidoso Rx Burn CFRP. I have been scheduling Monitoring meeting and pre burn meeting.
- 3 NM Prescribe Burn Council: The next NM RX fire Council workshop will be Feb. 18, 2016 in Rodeo NM. The group is also working on a presentation for this year legislature session. The date for this will be Feb. 2, 2016 and we will be setting up a booth.
- 4 White Oaks CFRP: Year One, 63 acres were completed and they will be looking at pile burns on this first area this year.(22acres) Year Two, 170 acres have been completed, these piles will need to cure and schedule to burn in year three. 60 acres of State Land need to be treated. 40 chords of firewood has been processed.
- 5 State Forestry and the RCD is working on submitting NFL proposal. We will resubmitting the NFLs from last year.( Rainmaker and Peoples Ranch). Also looking at submitting one for North Galvin (Old Blood Ranch) Also a watershed grant was awarded for the Perk/Grindstone area on USFS land. This project will cover 500 acres in the Rio Ruidoso Watershed.
- 6 I will be working on pulling the ENMU Speaker Series steering committee together to start planning events in 2016.



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# County of Lincoln

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

## AGENDA ITEM 14

# Memo

**To:** Board of County Commissioners  
**Cc:** Nita Taylor, County Manager  
**From:** Rhonda Burrows, County Clerk  
**Date:** 01/06/2016  
**Re:** Contracts for Voting System Technicians

---

As per NMSA 1-9-13 "the Secretary of State shall train and recertify voting system technicians prior to each primary election." Based on this and other statutory references the County of Lincoln traditionally enters into new two year contracts with voting technicians prior to the primary election.

The contracts presented for Paul Baca, Rodney Zamora, and Mario "LeeRoy" Zamora reflect an increase in reimbursement for Pretesting and Certification of Voting Equipment from \$35.00 per machine to \$50.00 per machine. I am recommending this increase based on the more challenging testing and certification process associated with the acquisition of the new Dominion tabulators. The cost impact of the recommended increase is further minimized by the reduced number of tabulators utilized for elections since the County has moved from precinct voting to vote centers. Additionally, to my knowledge, there has been no increase in reimbursement rates for technician services since sometime prior to 1996. Reimbursement rates for other hourly services are unchanged.

These technicians provided critical assistance to the County Clerk's office in the conduct of elections and I respectfully request approval of the contracts as presented.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_ day of January, 2016, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and Paul Baca (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
- (2) Inspection of voting equipment
- (3) Repairs on voting equipment
- (4) Standby on Election Day
- (5) Assisting with election schools

NOW THEREFORE, in consideration of the premises and the mutual and reciprocal promises of the parties hereto, it is hereby covenanted and agreed by and between the parties:

CONTRACTOR agrees to the following:

- (1) CONTRACTOR will render voting equipment services as outlined above.
- (2) CONTRACTOR will devote the necessary hours to the performance of such voting equipment duties as may be assigned by the County Clerk.
- (3) CONTRACTOR will serve the COUNTY diligently and faithfully and according to the best of the technician's ability and, in all respects, use utmost endeavors to promote the best interests of the COUNTY.
- (4) CONTRACTOR will perform trouble shooting of voting equipment as directed by the County Clerk. The CONTRACTOR will keep the County Clerk informed of the operational status of the voting equipment.

(5) CONTRACTOR shall be certified by the Secretary of State as to the adequacy of training and expertise on the voting equipment. COUNTY agrees to the following:

COUNTY will pay, upon satisfactory voting equipment services rendered, CONTRACTOR as follows:

(A) PRETESTING AND CERTIFICATION OF VOTING EQUIPMENT:

Pretesting and Certification prior to each election: fifty (\$50.00) dollars per voting machine.

(B) ELECTION DAY TROUBLE SHOOTING:

Troubleshooting: seventeen and 50/100 (\$17.50) dollars per hour of voting machine work performed, plus the current rate approved for per mile traveled to and from the location of the voting equipment.

(C) ATTENDANCE AT ELECTION SCHOOLS:

Election Schools: seventeen and 50/100 (\$17.50) dollars per hour plus the current rate approved for per mile traveled to and from the location of the school.

(D) MAINTENANCE OF VOTING EQUIPMENT:

Maintenance - twelve and 50/100 (\$12.50) dollars per hour for routine maintenance of voting equipment.

(E) METHOD OF PAYMENT:

Payment - the CONTRACTOR shall submit a voucher(s) showing the number of hours worked and services performed. The voucher(s) will be approved by the County Clerk and warrant issued within fifteen (15) working days of submission.

(6) MISCELLANEOUS:

A. Entire Agreement: This Agreement constitutes the entire agreement between COUNTY and CONTRACTOR will supersede and replace any and all prior and contemporaneous written and oral agreements, promises, representations, or conditions with respect thereto.

B. Applicable Law: This Agreement shall be construed and enforced in accordance with the laws of the State of New Mexico.

C. Binding Effect: This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their heirs, successors, assigns, and personal representatives.

D. Modification: This Agreement may be modified only by a writing duly executed by the parties.

E. Assignments: This Agreement may not be assigned or delegated by CONTRACTOR to a nominee, without the express written consent of COUNTY. Any purported assignment and/or delegation shall not relieve CONTRACTOR from liability hereunder.

F. Further Documents: The parties shall, in good faith, execute such additional documents as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement.

G. Remedies Upon Breach: Upon breach of this Agreement by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Agreement, including all costs of litigation and reasonable attorneys' fees.

THIS CONTRACT, shall become effective the 1<sup>st</sup> day of February, 2016, and terminate on the 31<sup>st</sup> day of January 2018.

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

BOARD OF COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO

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

\_\_\_\_\_  
DALLAS DRAPER, VICE-CHAIR

\_\_\_\_\_  
ELAINE ALLEN, MEMBER

\_\_\_\_\_  
THOMAS F STEWART, MEMBER

\_\_\_\_\_  
F LYNN WILLARD, MEMBER

CONTRACTOR:

\_\_\_\_\_  
PAUL BACA

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_\_ day of January, 2016, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and Mario Zamora, Jr., (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
- (2) Inspection of voting equipment
- (3) Repairs on voting equipment
- (4) Standby on Election Day
- (5) Assisting with election schools

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

\_\_\_\_\_  
DALLAS DRAPER, VICE-CHAIR

\_\_\_\_\_  
ELAINE ALLEN, MEMBER

\_\_\_\_\_  
THOMAS F STEWART, MEMBER

\_\_\_\_\_  
F LYNN WILLARD, MEMBER

CONTRACTOR:

\_\_\_\_\_  
Mario Zamora, Jr.

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK

**CONTRACT  
FOR  
LINCOLN COUNTY  
VOTING EQUIPMENT TECHNICIAN**

THIS CONTRACT entered into this \_\_\_\_\_ day of January, 2016, by and between the County of Lincoln (hereinafter referred to as the "COUNTY"), and Rodney Zamora (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY desires to engage the service of CONTRACTOR to perform the following services:

- (1) Pretesting and Certification of voting equipment
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Maintenance - twelve and 50/100 (\$12.50) dollars per hour for routine maintenance of voting equipment.

(E) METHOD OF PAYMENT:

Payment - the CONTRACTOR shall submit a voucher(s) showing the number of hours worked and services performed. The voucher(s) will be approved by the County Clerk and warrant issued within fifteen (15) working days of submission.

(8) MISCELLANEOUS:

A. Entire Agreement: This Agreement constitutes the entire agreement between COUNTY and CONTRACTOR will supersede and replace any and all prior and contemporaneous written and oral agreements, promises, representations, or conditions with respect thereto.

B. Applicable Law: This Agreement shall be construed and

enforced in accordance with the laws of the State of New Mexico.

C. Binding Effect: This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their heirs, successors, assigns, and personal representatives.

D. Modification: This Agreement may be modified only by a writing duly executed by the parties.

E. Assignments: This Agreement may not be assigned or delegated by CONTRACTOR to a nominee, without the express written consent of COUNTY. Any purported assignment and/or delegation shall not relieve CONTRACTOR from liability hereunder.

F. Further Documents: The parties shall, in good faith, execute such additional documents as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement.

G. Remedies Upon Breach: Upon breach of this Agreement by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Agreement, including all costs of litigation and reasonable attorneys' fees.

THIS CONTRACT, shall become effective the 1<sup>st</sup> day of February, 2016, and terminate on the 31<sup>st</sup> day of January 2018.

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

BOARD OF COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO

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PRESTON STONE, CHAIR

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DALLAS DRAPER, VICE-CHAIR

\_\_\_\_\_  
ELAINE ALLEN, MEMBER

\_\_\_\_\_  
THOMAS F STEWART, MEMBER

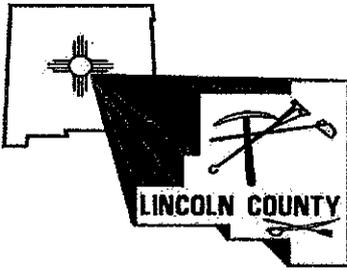
\_\_\_\_\_  
F LYNN WILLARD, MEMBER

CONTRACTOR:

\_\_\_\_\_  
RODNEY ZAMORA

ATTEST:

\_\_\_\_\_  
RHONDA BURROWS  
LINCOLN COUNTY CLERK



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# County of Lincoln

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## AGENDA Item No. 15

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Resolution 2015-29: Lincoln County Disaster Declaration – Severe Winter Storms and Freezing Temperatures

**Discussion:** Beginning on December 26, 2015, severe winter storms and freezing temperatures caused extreme disruption to the State of New Mexico, including the County of Lincoln. On December 27, 2015, Governor Susana Martinez issued Executive Order 2015-021 declaring an emergency throughout New Mexico due to the effects of these severe winter storms. See **Enclosure 1**. As stated in the Executive Order:

*“this emergency is of such magnitude to be beyond local control and requires the resources of the State, such that emergency funding must be in place, sufficient and available, to allow the Department of Homeland Security and Emergency Management to respond quickly and efficiently to immediate needs of communities throughout New Mexico in order to minimize economic or physical harm and to take the action necessary to protect the public health, safety, welfare and property”.*

The Governor directed the Department of Finance and Administration to make available emergency financial resources in an amount up to, but not to exceed, \$750,000 per applicant to be spent for resources and services necessary to avoid and minimize economic or physical harm until the situation becomes stabilized, including any action necessary to protect the public health, safety, welfare and property.

In following guidelines for a local government to immediately declare an emergency, Manager notified the New Mexico Emergency Operations Center (EOC) of the Lincoln County’s State of Emergency. See **Enclosure 2**. The process calls for the Board of County Commissioners to follow-up the immediate declaration of emergency with a formal disaster declaration by way of Resolution at its next formal meeting. This declaration will enable the County to seek financial assistance from the State for necessary action already taken, and additional action required to ensure health, safety and welfare to our residents, property owners and visitors in response to this emergency.

**Recommendation:** Approve Resolution 2015-29 at **Enclosure 3**, declaring Lincoln County’s state of emergency due to severe winter storms and freezing temperatures beginning on December 26, 2015.



# State of New Mexico

Susana Martinez  
Governor

## EXECUTIVE ORDER 2015-021

### DECLARING AN EMERGENCY THROUGHOUT NEW MEXICO DUE TO SEVERE WINTER STORMS AND FREEZING TEMPERATURES

**WHEREAS**, severe winter storms and freezing temperatures beginning December 26, 2015 have caused major disruption to public infrastructure and services which threatens the health, safety and welfare of communities throughout New Mexico;

**WHEREAS**, severe winter storms have caused extreme disruption to the high traffic volume of the Interstate, U.S. and state highway systems;

**WHEREAS**, severe winter storms have interrupted highway traffic throughout New Mexico having a direct impact on local and national commerce;

**WHEREAS**, severe winter storms have caused a high demand for emergency shelters, emergency response agency staffing and resources for displaced persons statewide;

**WHEREAS**, severe winter storms have caused life threatening conditions to exist for travelers stranded by storm conditions throughout New Mexico;

**WHEREAS**, this emergency is of such magnitude to be beyond local control and requires the resources of the State, such that, emergency funding must be in place, sufficient and available, to allow the Department of Homeland Security and Emergency Management to respond quickly and efficiently to the immediate needs of communities throughout New Mexico in order to minimize economic or physical harm and to take the action necessary to protect the public health, safety, welfare and property.

**NOW, THEREFORE**, I, Susana Martinez, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of the State of New Mexico do hereby declare a state of emergency to exist throughout New Mexico due to the effects of severe winter storms.

**I DIRECT** the Department of Finance and Administration to make available emergency financial resources in an amount up to but not to exceed seven hundred and fifty thousand (\$750,000) to the Department of Homeland Security and Emergency Management in accordance with NMSA 1978, Sections 12-11-23 through 12-11-25. The funds shall be expended for resources and services necessary to avoid and minimize economic or physical harm until the situation becomes stabilized and again under local self-support and control; on a temporary, emergency basis for lodging, sheltering, health care, food, any transportation or shipping necessary to protect lives or public property; or for any other action necessary to protect the public health, safety, and welfare and property. The funds shall be paid out upon warrants drawn by the Secretary of the Department of Finance and Administration upon vouchers approved by the Governor or the Governor's Authorized Representative.

**I FURTHER DIRECT** the Department of Homeland Security and Emergency Management to coordinate all requests for assistance and responses to such requests under the authority of and as determined by the Governor and her Authorized Representative and to request such aid and assistance from the Federal Emergency Management Agency as may be appropriate. In addition to such other eligibility criteria as may be established by the Governor and her Authorized Representative, applicants requesting financial assistance from the State for necessary action taken in response to the emergency shall be required to demonstrate that the cost of the necessary action exceeds their available resources, as determined based upon criteria developed in conjunction with the State agencies (if any) with financial and budgetary oversight responsibilities for the applicant.

**I FURTHER DIRECT** the Adjutant General to order into service any elements of the New Mexico National Guard as are or may be needed to provide military support to civil authorities as needed for this emergency. This action is pursuant to and in accordance with NMSA 1978, Sections 20-1-1 through 20-1-8, NMSA 1978, Sections 20-2-1 through 20-2-8, and NMSA 1978, Sections 20-4-1 through 20-4-14. Such emergency assistance shall be provided during the period of need at the discretion of the Governor's Authorized Representative.

**I FURTHER DIRECT** all Cabinet Departments and agencies of the State of New Mexico under gubernatorial control to provide any assistance that may be required by the Department of Homeland Security and Emergency Management or by the State Emergency Operations Center under the authority of the Governor's Authorized Representative.

**THIS ORDER** supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it.

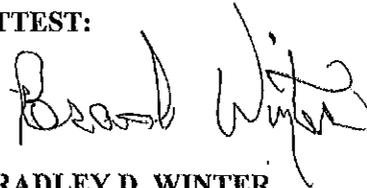
**SIGNED AT THE EXECUTIVE OFFICE THIS  
27TH DAY OF DECEMBER 2015.**

**WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW MEXICO.**

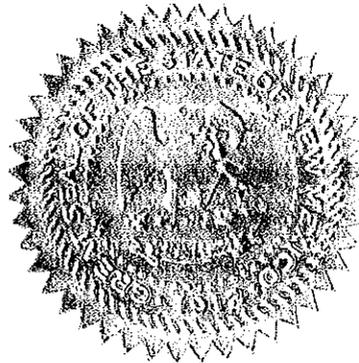


**SUSANA MARTINEZ  
GOVERNOR**

**ATTEST:**



**BRADLEY D. WINTER  
SECRETARY OF STATE**



## Nita Taylor

---

**From:** Nita Taylor  
**Sent:** Tuesday, December 29, 2015 4:56 PM  
**To:** 'NM.EOC@State.nm.us'  
**Cc:** 'Brian.Williams@state.nm.us'; Nita Taylor  
**Subject:** FW: State of Emergency - Lincoln County

**Importance:** High

Dear EOC Personnel:

This correspondence is to notify you that Lincoln County is in the same state of emergency as identified by Governor Martinez in her Executive Order 2015-021. The County Commission will formally adopt a Resolution at its January 26<sup>th</sup> Commission Meeting: ***Lincoln County Disaster Declaration – Severe Winter Storms and Freezing Temperatures***. In support of this declaration of state of emergency, Lincoln County continues to incur the following:

- Severe winter storms have caused extreme disruption to the state highway and county road systems throughout the County;
- Severe winter storms have caused a demand for emergency shelters and emergency response staffing within the County;
  - Shelters initially in Corona (20 – 30 visitors), Carrizozo Methodist Church (20 – 25 visitors) and J Bar J Church (34 visitors);
  - Increased requirement for Sheriff emergency coverage;
  - Increased requirement for EOC staff emergency coverage;
- County roads surrounding urban areas are icy and impassible in a number of locations;
- Many miles of county roads serving remote, rural and agricultural portions of county are covered with drifted snow and are icy and impassible;
  - stranding residents in rural areas from grocery stores, gas stations and health facilities;
  - causing inability for ranchers to access livestock;

Lincoln County is requesting financial assistance from the State for necessary action required to ensure health, safety and welfare to our residents and visitors in response to this emergency. The cost of the necessary action exceeds our available resources, as determined by the NM Department of Finance & Administration – Local Government Division.

Please let me know if I need to provide you additional information at this time to have this emergency declaration for Lincoln County recognized.

Thank you.

Nita Taylor  
Lincoln County Manager  
PO Box 711, Carrizozo, NM 88301  
300 Central Ave.  
575.648.2385 x101  
575.808.1379 (cell)  
[NTaylor@lincolncountynm.gov](mailto:NTaylor@lincolncountynm.gov)

**DECLARING AN EMERGENCY THROUGHOUT THE COUNTY OF LINCOLN  
DUE TO SEVERE WINTER STORMS AND FREEZING TEMPERATURES  
RESOLUTION 2015-29**

**WHEREAS**, severe winter storms and freezing temperatures beginning December 26, 2015, have caused major disruption to public infrastructure and services which threatens the health, safety and welfare throughout Lincoln County; and

**WHEREAS**, severe winter storms have caused extreme damage and inaccessibility to the state highway and county road systems throughout Lincoln County; and

**WHEREAS**, severe winter storms have caused County roads surrounding urban areas to be icy and impassible in a number of locations; and

**WHEREAS**, severe winter storms have caused many miles of County roads serving remote, rural and agricultural portions of County to be covered with drifted snow and to be icy and impassible, stranding residents in rural areas from grocery stores, gas stations and health facilities and causing rancher inaccessibility to livestock; and

**WHEREAS**, severe winter storms have caused a demand for emergency shelters to be set up within Lincoln County (Capitan, Carrizozo and Ruidoso), as well as requiring a high demand for emergency response staffing including Sheriff Deputies and first responders County-wide; and

**WHEREAS**, this emergency is of such magnitude to be beyond local control and requires the County to rely on the resources of the State, to respond quickly and efficiently to the immediate needs of the residents, landowners and visitors to the County.

**NOW THEREFORE BE IT RESOLVED THAT** the Lincoln County Board of Commissioners hereby declares a state of emergency to exist throughout the County of Lincoln due to the effects of severe winter storms.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January, 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**COUNTY OF LINCOLN, NEW MEXICO**

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

\_\_\_\_\_  
Dallas Draper, Vice Chair

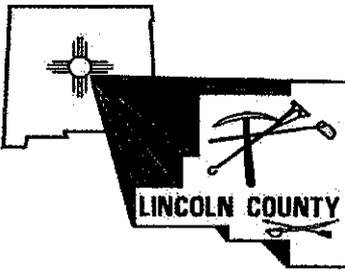
\_\_\_\_\_  
Elaine Allen, Member

\_\_\_\_\_  
Thomas F. Stewart, Member

\_\_\_\_\_  
Dr. Lynn Willard, Member

**ATTEST:**

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



# County of Lincoln

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## AGENDA ITEM NO. 16

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Award of Bids: a. 15-16-005 Annual Base Course Supply  
b. 15-16-006 Portable Screening Plant  
c. 15-16-007 Janitorial Services – Lincoln County Courthouse Complex

**Purpose:** To award bids for Annual Base Course Supply; Portable Screening Plant and Janitorial Services for Lincoln County Courthouse Complex

**Discussion:** The County received responses to its Invitations to Bid for the following projects:

- a. Bid No. 15-16-005: Annual Base Course Supply**
- |   |   |
|---|---|
| 1. Southwest Paving & Grading, Inc./Ruidoso | \$11.50 per ton – picked up<br>\$19.50 per ton - delivered  |
| 2. Mesa Verde Enterprises, Inc. /La Luz     | \$ 7.00 per ton - picked up<br>\$21.03 per ton - delivered  |
| 3. Mesa Verde Enterprises, Inc./Ruidoso     | \$15.65 per ton – picked up<br>\$ 22.35 per ton - delivered |
- b. Bid No. 15-16-006: Portable Screening Plant**
- |                                  |              |
|----------------------------------|--------------|
| 1. Golden Equipment Company      | \$104,045.00 |
| 2. Power Screening LLC           | \$123,250.00 |
| 3. The Western Group / Southwest | \$129,500.00 |
- c. Bid No. 15-16-007: Coop Project: Janitorial Services – Lincoln County Courthouse Complex per month**
- |  |                                       |
|--|---------------------------------------|
| 1. Kleen-Tech Services Corporation             | \$ 4,003.00 fixed monthly rate        |
| Optional Service: Carpet Shampoo               | \$ 0.25 per sq. foot upon request     |
| Optional Service: Clean windows inside and out | \$ 140.00 per occurrence upon request |
| 2. Frances Zamora.                             | \$ 4,500.00 fixed monthly rate        |
| 3. FP Services                                 | \$ 5,500.00 fixed monthly rate        |

**Recommendation:** Award Bids as follows:

- |                              |   |
|------------------------------|---|
| 1. Annual Base Course:       | Southwest Paving & Grading: <b>\$11.50 picked up and \$19.50 delivered</b><br>Mesa Verde Ent.: <b>\$7.00 picked up (La Luz) and \$15.65 (Ruidoso)</b> |
| 2. Portable Screening Plant: | Golden Equipment Company: <b>\$104,045.00</b>   |
| 3. Janitorial Services:      | Kleen-Tech Services Corporation: <b>\$4,003.00 per month plus optional services</b>   |

## COUNTY OF LINCOLN BID RESULTS

January 19, 2016

INVITATION TO BID: # 15-16-005 ANNUAL BASE COURSE SUPPLY

DEPARTMENT: ROAD

<b>CONTRACTOR</b>	<b>BID (MINUS GRT)</b>
Southwest Paving and Grading, Inc. DBA: Ruidoso Sand and Gravel	\$11.50 per ton Picked Up \$19.50 Delivered
Mesa Verde Enterprises, Inc./La Luz	\$7.00 per ton Picked Up \$21.03 Delivered
Mesa Verde Enterprises, Inc./Ruidoso	\$15.65 per ton Picked Up \$22.35 Delivered
	\$
	\$
	\$
	\$

## COUNTY OF LINCOLN BID RESULTS

January 19, 2016

INVITATION TO BID: # 15-16-006 One New Portable Screening Plant

DEPARTMENT: Road

<b>CONTRACTOR</b>	<b>BID</b>
Golden Equipment Company	\$104,045.00
Power Screening LLC	\$123,250.00
The Western Group/Southwest	\$129,500.00

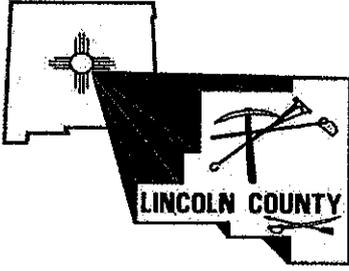
## COUNTY OF LINCOLN BID RESULTS

January 19, 2016

INVITATION TO BID: # 15-16-007 Janitorial Services Lincoln County Courthouse Complex

DEPARTMENT: Manager

<b>CONTRACTOR</b>	<b>BID</b>
Kleen-Tech Services Corporation	\$4,003.00 Fixed Monthly Rate Optional Service: Carpet Shampoo (Sq. Ft.) 0.25 Optional Service: Clean Windows inside and out \$140.00/Occurrence
Frances Zamora	\$4,500.00 Fixed Monthly Rate
F P Services	\$5,500.00 Fixed Monthly Rate



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# *County of Lincoln*

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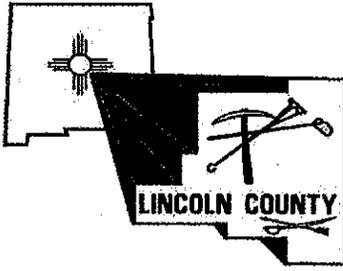
## Agenda Item No. 17

### **SUBJECT**

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



# County of Lincoln

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## Agenda Item 18

January 22, 2016

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Manager's Report

#### 1. HATS OFF.

**Commissioner Dallas Draper** graduated from NMSU's County College earning double certifications: *NM Certified Public Official*, , which is one of the three core certification programs offered by the New Mexico Edge/County College to public elected officials and employees; and *NM Certified County Commissioner*  which is a specialized designation tailored for County Commissioners. Each of these designations requires hours of course work, as well as a mini-portfolio demonstrating, through written and project work, the candidate's application of the competencies learned by participating in these classes. Congratulations Commissioner Draper!

**Sheriff Robert Shepperd and Undersheriff Brank Rains** received two joint thank you's and strong commendations for "risking their lives to ensure a Lincoln County resident, lost way beyond the call of duty, was not dying." Sheriff Shepperd and Undersheriff Brank Rains responded to a call requesting assistance to check on a neighbor who had walked through a snowstorm to feed her horses; they subsequently found the individual and ensured her safety, as well as another individual in the neighborhood suffering from illness. "This is a fine example of the kind of humanitarianism that can sometimes get over-shadowed. Hats off to these fine folks who are truly our neighbors". See **Enclosure 1** for heartfelt words of thanks for their efforts from both individuals. Thank you Sheriff Shepperd and Undersheriff Rains!

#### 2. Building Construction / Building Maintenance Projects

a. Construction of the **Carrizozo Sr. Center** is progressing. Contractor did receive required CID building permit, moving the project forward. Wilson & Company Architects, providing oversight of the project, will be in Carrizozo on Friday, January 29<sup>th</sup>, to meet with Roper Construction and County. Anticipated timeline illustrates the project start date was January 18, 2016 and the final cleanup date is estimated to be June 3, 2016. At the December Commission meeting, we discussed having a celebratory ground-breaking at the building site during this January 26<sup>th</sup> Commission meeting. In discussing the timing of this ground-breaking ceremony, we propose to reschedule this ground-breaking event later in the spring, when the building itself is more defined and the weather lends itself better to an outdoor celebration among potential users of the facility. I recommend we target holding this ceremony during the April 19<sup>th</sup> Commission meeting.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

- b. The Purchase Order for the design of the new **Hondo Fire Station** has been released. This fire station will be largely funded by fire funds, legislative grant funds and other grant funds. We currently have received two legislative awards: one for \$25,000 and another for \$245,000. A comprehensive estimate of total construction costs will be available once the design is complete.
  - c. Reroof of the **Commission Chamber / Manager Office Building**. The work commenced on this project early this week, and is estimated to complete by next week's end. This project will complete the re-roofing efforts of the entire County Courthouse Complex in Carrizozo, all carrying a 10 – 15 year warranty.
  - d. Roof and exterior walls of the **Detention Center** were significantly damaged during the winter storm that hit the County on December 26<sup>th</sup>. Claim has been submitted to NMAC, and an estimate of damages should be available in the near future.
2. **Senior Center Budget Negotiation with Non-Metro New Mexico Area Agency on Aging.** Manager and Sr. Center Director, Renee Montes met with the Area Agency on Aging to discuss and negotiate the County's response to its RFP to provide Sr. Center services in Lincoln County. The submission of the RFP was required to include new federal/state-reduced caps for units of service provided. The County's response included the continued provisioning of Congregate Meals (per unit cap reduced from \$6.23 to \$4.00), Home-Delivered Meals (per unit cap reduced from \$7.03 to \$6.00), and Transportation (per unit cap reduced from \$22.42 to \$10.00). Utilizing an estimate of units developed by Ms. Montes, based on trend, the federal/state contribution to the Lincoln County Zia Program would be decreased from the FY15/16 budgeted amount of \$488,221 to \$331,770. The AAA is aware of additional funding needs by rural counties, and will notify us by the March timeframe of whether additional funding will be available. We will bring a proposal with options to the Commission at preliminary budget time that will accommodate these modifications to our funding.

The Non-Metro New Mexico Area agency on Aging has also initiated a program that would provide tax payers in New Mexico an opportunity to opt to contribute any portion of a tax refund to supplemental funding to enhance or expand senior services throughout New Mexico. See **Enclosure 2**.

3. **Consolidated County-Wide Dispatch.** The Village of Ruidoso and the City of Ruidoso Downs are considering consolidating their dispatch systems into one consolidated system. They have invited the County to participate to determine interest level of entering into this consolidated effort. Attorney Morel, Sheriff Shepperd, EOC Director Kenmore and Manager have attended several meetings to discuss. Of key importance is the ability, given terrain and geographies in the County, to ensure full communications coverage from a single consolidated location can exist. The Village of Ruidoso has been working with the New Mexico Institute of Mining and Technology to conduct such a study. Once complete, details such as cost of facility, replacement/relocation of radio towers, type of staffing, other municipalities to serve, etc., would have to be addressed. In the interim, Ruidoso and Ruidoso Downs are moving forward with their discussions of combining their dispatch efforts.

#### 4. Departmental Updates:

- a. Finance – Punkin Schlarb
- b. Roads – Joel Bonnell
- c. Planning – Curt Temple
- d. EOC – Joe Kenmore
- e. Human Resources – Billie-Jo Guevara
- f. Senior Centers – Renee Montes

## Nita Taylor

---

**From:** zozocommunity@tularosa.net  
**Sent:** Tuesday, December 29, 2015 7:41 AM  
**To:** zozolist@tularosa.net  
**Subject:** [zozolist] Carrizozo Community News Update -- More help in Lincoln

I just wanted to share something that seems very typical of the season.

A neighbor of mine was snowed in here in White Oaks. She had to walk a considerable distance to feed her horses because her 4WD pickup couldn't get up the hill. When she didn't return after more than 2 hours, a friend who was there called the Sheriff's Office to request a welfare check.

The Sheriff's people came and searched for the lady we thought was in trouble. They got some sort of snow worthy vehicle and went up to her place to make sure she was ok. She was, but another resident was not in very good shape, and the deputies made arrangements to get that person into White Oaks where they were met by an ambulance. When that resident was discharged in Alamo, I think the deputies took him home to White Oaks.

I feel like the deputies went beyond the call of duty to get the resident back home, and that is a fine example of the kind of humanitarianism that can sometimes get over-shadowed. Hats off to these fine folks who are truly our neighbors.

## Charlene "Punkin" Schlarb

---

**From:** zozocommunity@tularosa.net  
**Sent:** Tuesday, December 29, 2015 4:13 PM  
**To:** zozolist@tularosa.net  
**Subject:** [zozolist] Carrizozo Community News Update -- Addition to Ron Becker's letter to the community

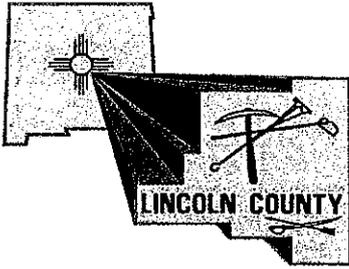
I am the person who foolishly ventured into the blizzard to feed my horses and who could have died in the process. That Robert Sheppard, the Sheriff of Lincoln County, and Under Sheriff Brack risked their lives to ensure that I was not dying in a snowdrift was way beyond the call of duty.

Due to the fact that I have lived by the creed "never, never, never give up," I made it back up the steep hill to the mesa above White Oaks where my cabin is, not realizing that a search team was looking for me. I was shaking and exhausted, but when a half hour later these two men arrived at the door to my cabin I was astounded. There stood two snow covered men who had walked my steps though deep snow drifts and then up the side of a rock and shrub covered slippery hill, all not only way beyond the call of duty, but in the true spirit of what our United States of America used to be.

Not only were these men examples of selflessness, but they were gracious and caring. I was a stranger to them. I had not money, nor political clout, nor fame. These men had come on a rescue mission because they were answering a moral code that has apparently been forgotten in this our United States – "if a person, any person, is in need, you come to the rescue. "

These men have restored my faith in mankind. If men like this exist, then there is hope that, in spite of all the madness right now in this world, there is a glimmer of goodness that cannot be quelled. Thank you gentlemen. You are indeed an example of all that is right and good in this world.





# County of Lincoln

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AGENDA ITEM 19

January 15, 2016

## MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Safety Net Care Pool & Indigent Health Care Claims

**Purpose:** To obtain the approval from the IHC Board of Safety Net Care Pool Authorizations, and the Indigent Health Care (IHC) Payments.

### Discussion:

**Safety Net Care Pool Authorizations:** This month our coordinator processed Seventeen (17) claims, all of which are recommended approval. If approved, the total recommended authorization this month is \$20,948.92. See Enclosure. 1.

**Indigent Health Care Claims:** This month our coordinator processed Twenty-one (21) claims, all of which are recommended for approval. If approved, total recommended payment this month is \$3,451.47. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for January.

**Manager's Analysis** – For the last two years, the average Indigent Health Care monthly payments were \$16,919 and \$5,304 respectively. The FY 14 - 15 year-end total was \$63,642. To date, the total expenditure is \$38,709.23 or an average of \$5,529.89 a month. At this pace, we will spend \$66,358.68 in FY 15 – 16, in the indigent claim line item.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were \$1,034,535 and \$254,747 respectively. The FY 14 - 15 monthly average was \$21,229. To date, the Safety Net Care Pool total authorization is \$109,784.81 or an average of \$15,683.54 a month.

**Recommendation:** Approve the claims as indicated for the Safety Net Care Pool report at Enclosure 1 and approve the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: \_\_\_\_\_  
Preston Stone

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

## SCP / SAFETY NET CARE POOL CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$88,835.89

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

JANUARY # CLAIMS FOR APPROVAL	17
# CLAIMS FOR DENIAL	0
JANUARY # TOTAL CLAIMS	17

JANUARY TOTAL \$ AMOUNT APPROVED \$20,948.92

TOTAL # CLAIMS THIS FY APPROVED	114
TOTAL # CLAIMS THIS FY DENIED	18
TOTAL # CLAIMS FY 2015 - 2016	132

TOTAL APPROVED THIS FISCAL YEAR \$109,784.81

FACILITY: LINCOLN COUNTY MEDICAL CENTER 01/26/2016 THROUGH 01/26/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21201	12/06/2015	7529.00	5797.33	077%
21202	11/25/2015	840.00	646.80	077%
21203	10/30/2015	145.00	111.65	077%
21204	11/25/2015	647.60	498.65	077%
21223	11/01/2015	8302.00	6392.54	077%
21224	10/28/2015	782.40	602.45	077%
21225	11/30/2015	696.60	536.38	077%
21226	12/08/2015	1870.26	1440.10	077%
21227	10/28/2015	1260.00	970.20	077%
21228	10/01/2015	94.71	72.93	077%
21229	11/24/2015	139.80	107.65	077%
21231	08/26/2015	821.00	632.17	077%
21230	09/24/2015	309.40	238.24	077%
21233	09/25/2015	507.40	390.70	077%
21236	11/13/2015	1164.40	896.59	077%
21237	11/20/2015	224.00	172.48	077%
21238	11/12/2015	1872.80	1442.06	077%

20948.92

APPROVED- 17 REJECTED-

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$35,257.76

ADJUSTMENTS

GCRMC Claim # 20915 83.09

TOTAL ADJUSTMENTS: 83.09

JANUARY # CLAIMS FOR APPROVAL 21

# CLAIMS FOR DENIAL 0

JANUARY # TOTAL CLAIMS 21

JANUARY TOTAL \$ AMOUNT APPROVED \$3,451.47

TOTAL # CLAIMS THIS FY APPROVED 70

TOTAL # CLAIMS THIS FY DENIED 7

TOTAL # CLAIMS FY 2015 - 2016 77

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$38,709.23

\*Assuming the above is approved

FACILITY: FRONTIER MEDICAL 01/26/2016 THROUGH 01/26/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21235	12/16/2015	220.00	220.00 100%
			220.00

APPROVED- 1 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 01/26/2016 THROUGH 01/26/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21205	08/13/2015	247.39	190.49 077%
21206	08/14/2015	100.39	77.30 077%
21207	08/17/2015	134.18	103.32 077%
21208	08/18/2015	100.39	77.30 077%
21209	08/19/2015	100.39	77.30 077%
21210	08/20/2015	221.92	170.88 077%
21211	08/21/2015	100.39	77.30 077%
21212	08/24/2015	134.18	103.32 077%
21213	08/25/2015	100.39	77.30 077%
21214	08/26/2015	100.39	77.30 077%
21215	08/27/2015	52.84	40.69 077%
21216	08/28/2015	100.39	77.30 077%
21217	08/31/2015	134.18	103.32 077%
21218	09/01/2015	100.39	77.30 077%
21219	09/02/2015	100.39	77.30 077%
21220	09/03/2015	300.36	231.28 077%
21221	09/04/2015	100.39	77.30 077%
21222	10/09/2015	643.07	495.16 077%
			2211.46

APPROVED- 18 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY 01/26/2016 THROUGH 01/26/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21232	11/19/2015	64.69	49.81 077%
			49.81

APPROVED- 1 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 01/26/2016 THROUGH 01/26/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21234	11/07/2015	1260.00	970.20 077%
			970.20

APPROVED- 1 REJECTED-

INDIGENT FUND MEETING

JANUARY 26, 2016

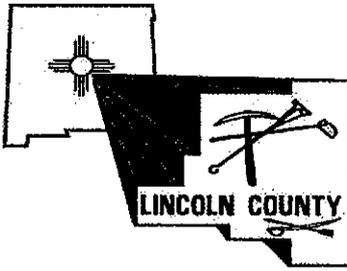
TOTAL APPLICATIONS	38	24,400.39
TOTAL APPROVED	38	
TOTAL DENIED		
RUIDOSO		
FRONTIER MEDICAL		
APPROVED-	1	220.00
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	18	2,211.46
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	17	20,948.92
DENIED-		
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	1	49.81
DENIED-		
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		
APPROVED-	1	970.20
DENIED-		

YTD

INDIGENT FUND MEETING

JANUARY 26, 2016

TOTAL APPLICATIONS	209	148,494.04
TOTAL APPROVED	184	
TOTAL DENIED	25	
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		279.68
APPROVED-	3	
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		1,320.00
APPROVED-	3	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		15,818.55
APPROVED-	52	
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		109,784.81
APPROVED-	114	
DENIED-	18	
ALTO		
LINCOLN COUNTY RADIOLOGY		1,037.72
APPROVED-	3	
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	3	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		985.38
APPROVED-	4	
DENIED-	2	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		18,267.90
APPROVED-	3	
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		1,000.00
APPROVED-	2	
DENIED-		



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# County of Lincoln

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

## AGENDA ITEM NO. 20

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

**FROM:** Nita Taylor, County Manager 

**SUBJECT:** Resolution 2015-31 NMAC Healthcare Policy Committee County Indigent Funding

**Purpose:** To adopt Resolution 2015 – 31 requiring mandatory county participation in all discussions and planning with the NM Human Services Department (HSD) regarding funding methods to secure the future of safety net care pool for local hospitals

**Discussion:** Lincoln County has long played an integral role in providing health care services for our indigent residents and for years has worked collaboratively with our local hospital to help fund the Sole Community Provider (SCP) program, which contributed to the provision of health care for local residents.

Last year the SCP program was replaced by the Safety Net Care Pool (SNCP), which provides for funding for community hospitals for Medicaid base rate increases, as well as for uncompensated care. However, the County's role under the SNCP program has changed significantly. No longer does the County contribution have any relationship to the funds disseminated by HSD back to the County's local hospital. It is critical that the County have input in the manner in which its public funds are disseminated. Resolution 2015-31 commits Lincoln County to supporting legislation which protects Counties' autonomy and discretion over the use of County imposed Indigent Health Care gross receipts tax revenues.

Many counties, including Lincoln County, are dissatisfied with this solution that was developed in a non-collaborative manner. The proper solution to SNCP funding policies requires input from all stakeholders, including the counties, the state and the hospitals. Resolution 2015-31 clearly states Lincoln County's support of legislation that makes mandatory County participation in all discussions and planning with the other key stakeholders regarding any and all funding methods to secure the future of SNCP for local hospitals.

**Recommendation:** Adopt Resolution 2015-31 at *Enclosure 1*.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**NMAC Healthcare Policy Committee  
County Indigent Funding  
Resolution 2015-31**

**WHEREAS**, Lincoln County Board of Commissioners care greatly about health care for their local citizens and value their local hospitals, particularly in rural areas; and

**WHEREAS**, counties have long played an integral role in providing health care services for their indigent residents; and

**WHEREAS**, for nearly 20 years counties have worked collaboratively with their local community hospitals in helping fund the Sole Community Provider program and in coordinating health care for their local citizens; and

**WHEREAS**, the Sole Community Provider program has now been replaced by the Safety Net Care Pool (SNCP), which provides funding for community hospitals for Medicaid base rate increases and uncompensated care; and

**WHEREAS**, the counties' role under the SNCP has been significantly diminished and their financial contribution to the SNCP no longer has any relationship to the funds disseminated by the Human Services Department (HSD) to the counties' respective community hospitals; and

**WHEREAS**, finding a solution to funding the SNCP requires communication and cooperation among the various stakeholders—counties, hospitals, and the state, in both the legislative and executive branches.

**NOW THEREFORE BE IT RESOLVED THAT** the Lincoln County Board of Commissioners strongly opposes any legislation that imposes a further financial obligation for counties to fund the SNCP and hospitals; and

**NOW THEREFORE BE IT RESOLVED THAT** the Lincoln County Board of Commissioners will endorse and support legislation which protects Counties' autonomy and discretion over the use of County imposed Indigent Health Care gross receipts tax revenues; and

**NOW THEREFORE BE IT RESOLVED THAT** the Lincoln County Board of Commissioners supports mandatory County participation as a critical stakeholder and primary funding source in all discussions and planning with the New Mexico Human Services Department regarding any and all funding methods to secure the future of safety net care pool for local hospitals both public and private.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January, 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**COUNTY OF LINCOLN, NEW MEXICO**

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

\_\_\_\_\_  
Dallas Draper, Vice Chair

\_\_\_\_\_  
Elaine Allen, Member

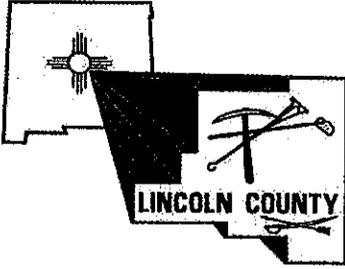
\_\_\_\_\_  
Thomas F. Stewart, Member

\_\_\_\_\_  
Dr. Lynn Willard, Member

**ATTEST:**

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

*ENCL 2*



# *County of Lincoln*

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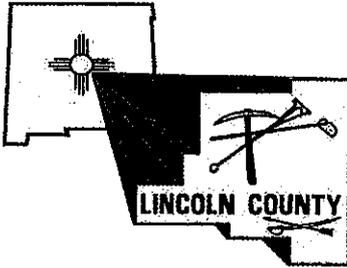
[www.lincolncountynm.gov](http://www.lincolncountynm.gov)

## **Agenda Items 21**

### **SUBJECT**

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

- a. Personnel Policy



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# *County of Lincoln*

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## Agenda Item No. 22

### SUBJECT

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

- a. Coalition of Counties
- b. Interstate Stream Commission (Sub-Committee on the Pecos)
- c. Land & Natural Resources Advisory Committee
- d. New Mexico County Insurance Authority-Workers' Compensation
- e. New Mexico County Insurance Authority-Multi-Line Pool
- f. Planning Commission
- g. Senior Citizens Olympic Committee
- h. Road Task Force Steering Committee

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**ASSOCIATION OF COUNTIES, NEW MEXICO - 2 YEAR TERM ( this term is up in June)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	RHONDA BURROWS	PO BOX 338 CARRIZOZO, NM 88301		07/1/15	06/30/17

BOARD MEMBER SHALL BE ELECTED BY ALL ELECTED OFFICIALS EVERY ODD YEAR. ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK.

**BOARD OF REGISTRATION (CLERK'S OFFICE) 2 YEAR TERM (STATE STATUTES, SECTION 1-4-34)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	DIANA HARLAN	453 SANTIAGO CIRCLE, ALTO	4	02/17/15	02/17
	JACK NESBITT	132 PASEO DE AGUAYO, ALTO	4	02/17/15	02/17
	DARYLN SNYDER	196 DEER CREEK RD, RUIDOSO	4	02/17/15	02/17
	ALTERNATE - MARVEL REED	131 CAPROCK CT ALTO, NM	4	02/17/15	02/17
	ALTERNATE - NINA GRUNSETH	211 HIDALGO ST. RUIDOSO, NM	3	02/17/15	02/17

NO MORE THAN TWO OF THE THREE PERSONS APPOINTED TO THE BOARD OF REGISTRATION SHALL BE MEMBERS OF THE SAME MAJOR POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN ADDITION, THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT TWO ALTERNATES WHO SHALL NOT BELONG TO THE SAME POLITICAL PARTY AT THE TIME OF THEIR APPOINTMENT. IN MAKING ALL APPOINTMENTS TO THE BOARD OF REGISTRATION OR AS ALTERNATES TO THE BOARD OF REGISTRATION FROM THE LISTS OF THE COUNTY CHAIRMEN, THE BOARD OF COUNTY COMMISSIONERS SHALL GIVE PREFERENCE TO THE NAMES IN THE ORDER INDICATED BY THE NUMBERS ON THE LIST.

**COALITION OF COUNTIES**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	NITA TAYLOR	BOX 93, LINCOLN, NM	1	01/13/15	01/16
	PRESTON STONE	BOX 484, CAPITAN 88315 575-808-0729	1	01/13/15	01/16

(NOTIFY SUE HUTCHINSON (505/539-2692))

**COOPERATIVE WEED MANAGEMENT**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
PRIMARY	LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	01/13/15	INDEFINITE
ALTERNATE	ELAINE ALLEN	BOX 74, LINCOLN, NM	5	01/13/15	INDEFINITE

**EMERGENCY PROGRAM MANAGER - 2 YEAR TERM (file folder #860)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JOE KENMORE	BOX 7057 RUIDOSO, NM		03/19/13	WITH OFFICE

**ARIZONA HEALTH CENTER ADVISORY BOARD - 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	AL SANTOS - ADMINISTRATOR		1		2017
	SCOTT SHAFTER - RETIRED BANK OFFICER		1		2015
	GARY JACKSON-MEDICAL DIRECTOR		1		2015
	STEPHEN OTERO - PHYSICIAN		1		2015
	SUSAN HIGHTOWER-RANCHER		1		2016
	BETTY ANN BELL - RANCHER		1		2017
	J.DALE GOAD-DENTIST		1		2015
	MELINDA HACKER - DENTIST				2016
	ARCHER WITHAM - ATTORNEY				OPEN
	MEUNIER, REBECCA - NURSE PRACTITIONER				OPEN
	TERRY RIEHL - PRACTICE ADMIN				OPEN

**CHAVES COUNTY COMMUNITY ACTION PROGRAM (STATE STATUTES)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
1	PRESTON STONE	PO BOX 484 CAPITAN, NM	1	1/13/15	1/17

**ECONOMIC DEVELOPMENT - ORDINANCE 2009-2**

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

**INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	PRESTON STONE	PO BOX 484, CAPTAN, NM	1	01/13/15	01/16

**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 <a href="mailto:lincoln@nmsu.edu">lincoln@nmsu.edu</a>	HC 31, Box 48, Carrizozo, NM		02/17/15	02/2017
DIST 2	Mary Ann Siegel-Russ <a href="mailto:siebieg1@hotmail.com">siebieg1@hotmail.com</a>	104 Plumas Place, Ruidoso 575-937-0720		10/12/14	10/2016
DIST 3	Bob Johnson <a href="mailto:bobj@valornet.com">bobj@valornet.com</a>	Box 464, Alto, NM 88312 (575)336.4002		01/13/15	01/2017
DIST 4	Douglas Fuqua <a href="mailto:dfuqua1@hotmail.com">dfuqua1@hotmail.com</a>	Box 1042 Alto, NM 88312 (575)336.1832		10/20/15	10/2015
DIST 5	<b>TABLED</b>			01/13/15	01/2017
AT LARGE	Duane Frost <a href="mailto:dsfrost@plateaute.net">dsfrost@plateaute.net</a>	Box 81, Claunch, NM 87011 (849.4950)		02/17/15	02/2017
AT LARGE	Robert Barber <a href="mailto:twob1601@hotmail.com">twob1601@hotmail.com</a>	Box 126, 270 Cora Dutton Rd, Capitlan 575-354-7018/575-808-9814			

X

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE 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	REGINALD RICHEY <a href="mailto:RWRNM@PVTN.NET">RWRNM@PVTN.NET</a>	PO BOX 237, LINCOLN 653-4015	5	09/15/15	09/17
DIST 2	LEE ABBOTT (CELL 614-507-3210)	BOX 177, LINCOLN, (653-4153)	5	01/13/15	01/17
DIST 3	L.M. SMITH <a href="mailto:lm2bls@pvtnetworks.net">lm2bls@pvtnetworks.net</a>	BOX 215, LINCOLN	5	06/23/15	06/17
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	10/20/15	10/17
DIST 5	BECKY BOROWSKI ( <a href="mailto:BECKY.BOROWSKI@GMAIL.COM">BECKY.BOROWSKI@GMAIL.COM</a> )	BOX 32, LINCOLN, NM 88338	5	12/15/15	12/17

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
	LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	02/17/15	
	CHET SOUTHAARD	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.

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/17/15	02/17
973-8244	GENERAL PUBLIC - SUE HUTCHISON <a href="mailto:Suehutch1958@gmail.com">Suehutch1958@gmail.com</a>	1149 SHOESHONE TRAIL ALTO	4	08/15/15	08/17
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/10/14	06/16
505-3506127	TOURIST RELATED- ALICE SEELY; <a href="mailto:alice@aliceseely.com">alice@aliceseely.com</a>	BOX 166 HONDO, NM 88336	5	04/25/14	04/16

5-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	08/19/14	08/16
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**NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM STEWART	PO BOX 515 ALTO, NM	4	01/13/15	01/16
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/13/15	01/16

**NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	DALLAS DRAPER	113 ALPINE VILLAGE, RUIDOSO	3	01/13/15	01/16
	ALTERNATE - TOM STEWART	PO BOX 515 ALTO, NM	4	01/13/15	01/16

**PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2013-6)**

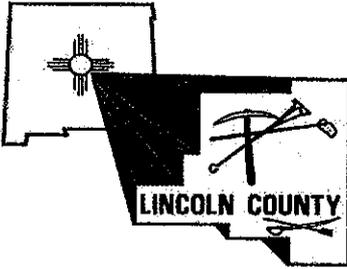
DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM. POWELL	04/25/14	04/16
DIST 2	OPEN				
DIST 3	MARY ANN RUSS siegbieg1@hotmail.com	104 PLUMAS PL., RUIDOSO 575-937-0720	COMM. POWELL	01/14/14	01/16
DIST 4	MARY DOKIANOS (336-7640) mbd@valornet.com	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/15/15	09/17
DIST 5	Tabled				
	MEMBER-AT-LARGE - ANNELLA HATTER	112 BULLION LOOP, WHITE OAKS (648-2702) ANN@ABLELINCORN.NET		01/13/15	01/17
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTIG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/13/15	01/17

**PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY - 5 YEAR TERM (STATUTE 77-15-7thru12)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZO 88301	1	03/25/15	03/20
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	03/25/15	03/20
	RON MERRITT	HC66 BOX 30, YESO 88136	1	03/25/15	03/20
	MIKE SKEEN	BOX 67, PICACHO 88343	5	03/25/15	03/20
	LEE SULTEMEIER	Box 147, CORONA 88318		03/25/15	03/20
	BILLY BOB SHAFER	BOX 82, CARRIZO 88301	1	003/25/15	03/20

ACB HOLDS ELECTION - PUBLICATION IS REQUIRED  
(RATE WENT FROM \$.55 TO \$.75)

Emailed 1/8/16



# County of Lincoln

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

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

January 8, 2016

Mary Ann Siegel-Russ  
104 Plumas Place  
Ruidoso, NM 88345

Dear Ms. Siegel-Russ:

Your term for the Planning Commission will expire January 2016. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, January 26, 2016, 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 Planning Commission Committee

No I would not like to be re-appointed at this time.

---

Mary Ann Siegel-Russ

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**Billie-Jo Guevara**

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**From:** Mary Ann Siegel <Siegbieg1@hotmail.com>  
**Sent:** Friday, January 08, 2016 11:12 AM  
**To:** Billie-Jo Guevara  
**Subject:** Re: Re-Appointment to Planning Commission

Yes Billie-Jo. I would be honored to serve another term in the Planning & Zoning Committee. Thank you.

Mary Ann Russ  
Lincoln County Land and Natural Resources Committee Little Bear Forest Reform Coalition, Past Chairman Lincoln  
County Planning Commission

Sent from my iPhone

> On Jan 8, 2016, at 9:35 AM, Billie-Jo Guevara <[BGuevara@lincolncountynm.gov](mailto:BGuevara@lincolncountynm.gov)> wrote:

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> Billie-Jo Guevara  
> County of Lincoln  
> Administrative Assistant/  
> Human Resources Director  
> 575.648.2385 x 100  
> 575.648-4182

>

> This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original e-mail.

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> -----Original Message-----

> From: [mx753n@lincolncountynm.gov](mailto:mx753n@lincolncountynm.gov) [mailto:[mx753n@lincolncountynm.gov](mailto:mx753n@lincolncountynm.gov)] On Behalf Of mx753n@  
> Sent: Friday, January 08, 2016 10:30 AM  
> To: Billie-Jo Guevara  
> Subject: Scanned image from MX-M753N

>

> Reply to: [mx753n@lincolncountynm.gov](mailto:mx753n@lincolncountynm.gov) <[mx753n@lincolncountynm.gov](mailto:mx753n@lincolncountynm.gov)> Device Name: Not Set Device Model: MX-M753N

> Location: Not Set

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> File Format: PDF MMR(G4)  
> Resolution: 200dpi x 200dpi

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> Attached file is scanned image in PDF format.

> Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

**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		05/20/14	05/16
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/20/14	05/16
	ALTERNATE - DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/20/14	05/16

**REGIONAL WASTE WATER JOINT USE BOARD - 2 YEAR TERM**

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE 575-430-9060 F-630-0126	BOX 745 RUIDOSO DOWNS, 88346	1	08/18/15	08/17
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/21/14	10/16
DIST 3	JAMES RUSS	PO BOX 2362 RUIDOSO NM	3	09/15/15	09/17
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM	PO BOX 237, ALTO, NM 88312		01/13/15	01/17
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	07/15/14	07/16

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
	PAUL KUNKLE 575-630-1099	352 COUNTRY CLUB RD, RUIDOSO		02/17/15	03/17
	LUCY SERVIES	107 JACK LITTLE DR. B3, RUIDOSO		01/13/15	01/17
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/17/13	12/15
	<b>TABLED</b>				
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/17/13	12/15

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
/	DALLAS DRAPER	113 ALPINE VILLAGE, RUIDOSO	3	01/13/15	01/17
	ALTERNATE - LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	01/13/15	01/17
	PRIVATE SECTOR - REBECCA BROOKS	720 SUDDERTH DR, RUIDOSO (575)257-7395		01/09/15	01/17

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	GARY WILLIAMS		5		

**FACT FINDING COMMITTEE FOR A COUNTY VISION (07/17/2007)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION	APPOINTED BY
DISTR 1	TONA MACKEN	HC66 BOX 117, NOGAL 88341	1	07/17/07		COMM. LOVELACE
DISTR 2	ROBERT MOELLER	BOX 190, NOGAL 8831		07/17/07		COMM. WILLIAMS
DISTR 3	LEN STOKES	BOX 1067, CAPITAN 88316		07/17/07		COMM. BATTIN
DISTR 4	LLOYD DAVIS, JR.	BOX 67, RUIDOSO 88355		07/17/07		COMM. PARKS
DISTR 5	MARY DOKIANOS	BOX 762, ALTO 88312		07/17/07		COMM. POWELL
	BOBBI SHEARER	BOX 373, CAPITAN 88316		07/17/07		NOMINATED BY COMM. PARKS
	TOM MANN	BOX 77, LINCOLN 88338		07/17/07		NOMINATED BY COMM. POWELL

**EASTERN AREA WORKFORCE DEVELOPMENT**

**BOARD**

Lynn Willard 02/17/15

**FORT STANTON DEVELOPMENT COMMISSION**

**(STATE STATUTES)**

TONY HOFFMAN, L.C. DESIGNEE  
 MIKE RUNNELS, GOVERNOR'S APPOINTMENT  
 L. RAY NUNLEY, MAYOR, VILLAGE OF RUIDOSO  
 BILL HIRSCHFELD, GOVERNOR'S APPOINTMENT  
 KATHERINE SLICK, NMHP (HISTORIC PRESERVATION)  
 DAVE SIMON, NMNR (NATURAL RESOURCES)  
 LYNDIA SANCHEZ, GOVERNOR'S APPOINTMENT  
 (SUSAN - BOARDS & COMMISSIONS - 800/432-4406)

**RECLASSIFICATION ADVISORY COMMITTEE (01-12-**

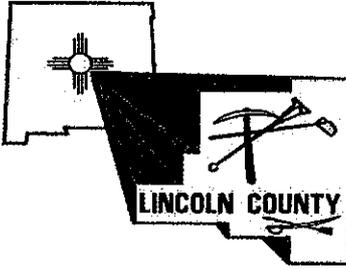
**06)**

(REPORTS TO COUNTY MANAGER/RECOMMENDS TO COMMISSION)  
 COMMISSIONER -  
 ASSESSOR - PAUL BACA  
 CLERK - RHONDA BURROWS  
 PROBATE - STIRLING SPENCER  
 SHERIFF - ROBERT SHEPPERD  
 TREASURER - BEVERLY CALAWAY

**ROAD TASK FORCE (STEERING COMMITTEE)**

**09/28/2006**

PRIVATE CITIZEN- ROBERT BARBER 9/15/15  
 PRIVATE CITIZEN - ~~X~~  
 COUNTY MANAGER - NITA TAYLOR  
 ROAD SUPERINTENDENT -  
 COMMISSIONER - ~~X~~



www.lincolncountynm.gov

# County of Lincoln

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

## AGENDA ITEM NO. 23

January 22, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** NACo Letter in Support of S. 2123, Sentencing Reform and Corrections Act

**Purpose:** To obtain Commission support of the federal Sentencing Reform and Corrections Act

**Discussion:** County Commissions across the state have been requested by the New Mexico Association of Counties and the National Association of Counties (NACo) to support S. 2133, the Sentencing Reform and Corrections Act.

Federal statistics show that counties play a major role in our nation's criminal justice system, as counties own 91% of American jails, which collectively house one-third of all incarcerated individuals in the country, and invest \$70 billion in criminal justice each year. This legislation aims to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies and lead to better management of limited correctional resources.

Additional legislation, the Second Chance Reauthorization Act, would reauthorize and improve programs that provide resources to states, local governments and nonprofit organizations to improve outcomes of individuals returning to their communities.

**Recommendation:** Consider and take action on NACo and NMAC's request to support the Sentencing Reform & Corrections Act and the Second Chance Reauthorization Act.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



January 20, 2016

Dear Members of the U.S. Senate and U.S. House of Representatives,

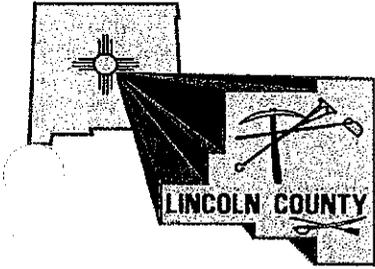
On behalf of the National Association of Counties (NACo), the only national organization that represents America's 3,069 county governments, **we write to express support for S. 2123, the Sentencing Reform and Corrections Act**. Counties play a major role in our nation's criminal justice system, as we own 91 percent of American jails – which collectively house one-third of all incarcerated individuals in the country – and invest \$70 billion in criminal justice each year. Counties know firsthand the importance of reforming the criminal justice system, and we commend bipartisan efforts, like S. 2123, that aim to achieve these reforms.

NACo supports measures that aim to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies and lead to better management of limited correctional resources. We also support provisions in S. 2123 that would promote the expungement of certain juvenile offenses, prohibit juvenile solitary confinement except in limited circumstances, and increase the instances in which juveniles are eligible for parole. Further, we support pre-release reentry programs featured in S. 2123 that would help incarcerated individuals prepare to reintegrate back into society. These individuals return to their communities with complex health, education, housing and other needs, which, if not addressed, can increase their likelihood of returning to jail or prison. Reentry programs are integral to their successful reintegration into the community.

Of course, reentry programs are pivotal to formerly incarcerated individuals not only prior to their release from correctional facilities, but even more so after these individuals return to their communities. With this in mind, **we hope that you will give consideration and support to the Second Chance Reauthorization Act (S. 1513/H.R. 3406)**, which would reauthorize and improve Second Chance Act programs that provide resources to states, local governments and nonprofit organizations to improve outcomes for individuals returning to communities. Specifically, the program improves the coordination of reentry services and policies at the state, tribal and local levels and funds demonstration grants, reentry courts, family-centered programs, mental health and addiction treatment and employment and mentoring services.

America's counties stand ready to work with Congress to achieve needed reforms to our nation's criminal justice system that will benefit communities across the nation. We commend you for your work on the Sentencing Reform Act and the Second Chance Reauthorization Act and look forward to working with you to advance these measures.

Sincerely,



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

# *County of Lincoln*

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

## Agenda Item. 24

### SUBJECT

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

See attached list.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

# 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

January 26, 2016

**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-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015.
2. *\*Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.* Suit filed May 1, 2014 Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Settlement Agreement signed by both parties December 2015. Stipulated Order of Dismissal Part With Prejudice and Part Without Prejudice was submitted January 4, 2016 by Attorney Robert Doughty to Judge Ritter for approval.
3. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. GSWA's Writ of Certiorari was denied by the New Mexico Supreme Court December 2, 2015.
4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.
5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss filed Oct. 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015.

7. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015.

B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015.

8. *Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.

9. *Cody McMurray v. Board of County Commissioners, et al – D 1226 CV 2015-00170* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights. First Amended Complaint filed in Federal Court Nov. 25, 2015 in which the County of Lincoln and the Board of County Commissioners are not named.

10. *Bill Turner v. Board of County Commissioners, et al – Cause No. 2:15-CV-00827-LAM-SMV* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights.

11. *Barela, et. al. v. Rain(e)s D 1226 CV 2015 00161* alleging false imprisonment, battery, malicious abuse of process, violation of Article II, Section 10 of the Constitution. Complaint filed Sept. 18, 2015 by Attorney W. Chris Nedbalek. Lincoln County's Stipulated Order of Dismissal filed December 17, 2015.

### Tort Claims Notices Received or Threatened

#### 2016

**\*Rains, Bonnie** – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

#### 2015

**Cherry, Doris** – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

**McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

**UNM Hospital-Prins, Chad** – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

**Sehorn, Sean M.** – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

**Lavin, Erica L. and Rathgeber, Jack** – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

**Hanley, Constance** – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

**Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

**Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

**Culp, Susan v. LCMC/Lincoln County:** Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

**Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

**Torres, Leopoldo:** Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

**Wallace, Stephen:** Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

**Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

**Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

**Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

**Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

**Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

**Estate of Viola/Orlando Montes** – Tort Claim Notice received Sept. 28, 2015 from Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds without necessary safety equipment.

**L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

**\*Brown, Shelly** – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

## 2014

**Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center.

**Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

**Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

**Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

**Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

**Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

**Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

**McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

**Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

**Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

**Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8<sup>th</sup> Amendment Rights.

**Ryen, Allen-** Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

**Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

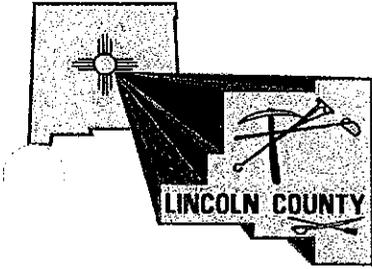
**Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

**Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

**McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

**Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

**Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.



# *County of Lincoln*

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

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

## Agenda Item 25

**SUBJECT:** Potential Property Purchase

- a. Resolution 2015-32 Sun Valley Fire Station Property
- b. Resolution 2015-33 Robinson Property

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**RESOLUTION 2015-33**

**RESOLUTION TO PURCHASE PROPERTY**

**WHEREAS**, the Lincoln County Board of County Commissioners has negotiated and approved the purchase of property from Presbyterian Health Services (The Robinson Property located at 125 El Paso Rd., Ruidoso, NM); and

**WHEREAS**, the final Agreement of Purchase and Sale and Joint Escrow Instructions requires the approval of the Board of County Commissioners; and

**WHEREAS**, the Lincoln County Board of County Commissioners has reviewed the final Agreement of Purchase and Sale and Joint Escrow Instructions dated \_\_\_\_\_, 20\_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners approves the Agreement of Purchase and Sale and Joint Escrow Instructions dated \_\_\_\_\_, 20\_\_\_\_\_.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of January, 2016.

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

\_\_\_\_\_  
Preston Stone, Chairman

\_\_\_\_\_  
Dallas Draper, Vice Chairman

\_\_\_\_\_  
Elaine Allen, Member

\_\_\_\_\_  
Thomas F. Stewart, Member

\_\_\_\_\_  
Lynn Willard, Member

**Attest:**

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk

**RESOLUTION 2015-32**

**RESOLUTION TO PURCHASE PROPERTY**

**WHEREAS**, the Lincoln County Board of County Commissioners has negotiated and approved the purchase of property from K. D. Whitney (Sun Valley Fire Station Property); and

**WHEREAS**, the final Agreement of Purchase and Sale and Joint Escrow Instructions requires the approval of the Board of County Commissioners; and

**WHEREAS**, the Lincoln County Board of County Commissioners has reviewed the final Agreement of Purchase and Sale and Joint Escrow Instructions dated \_\_\_\_\_, 20\_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners approves the Agreement of Purchase and Sale and Joint Escrow Instructions dated \_\_\_\_\_, 20\_\_\_\_\_.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of January, 2016.

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

\_\_\_\_\_  
Preston Stone, Chairman

\_\_\_\_\_  
Dallas Draper, Vice Chairman

\_\_\_\_\_  
Elaine Allen, Member

\_\_\_\_\_  
Thomas F. Stewart, Member

\_\_\_\_\_  
Lynn Willard, Member

**Attest:**

\_\_\_\_\_  
Rhonda Burrows  
Lincoln County Clerk