

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

AGENDA

Commission Chambers, Tuesday, April 19, 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. Approval of Agenda
6. Approval of Minutes-
 - a. March 10, 2016, Special Commission Meeting
 - b. March 15, 2016, Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending March 31, 2016
 - c. 2016 Fire Fund Distribution Applications
 - d. Agreement to Provide Occupational Health Services
 - e. Donation of Surplus Items to Magistrate Court, Carrizozo by Resolution 2015-38
 - f. Fair Housing Month Proclamation
8. Board of Finance – County Treasurer Calaway
9. Carrizozo Sr. Center - Request for Time Extension and Additional Services: Presented by Architect Howard Kaplan and Contractor Ryan Roper
10. 2016 Wildfire Seasonal Outlook: Presented by Tom Bird, National Weather Service

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

April 19, 2016; THIS AGENDA IS SUBJECT TO CHANGE

11. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

12. Lincoln County Extension Services Update on Activities – Marsha Palmer

13. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District
- b. Cibola National Forest
- c. Community Forester
- d. Upper Hondo Soil & Water Conservation District
- e. Office of State Engineer-Water Issues

14. Lincoln County Solid Waste Collection Services - Update:

- a. Costs incurred by category;
- b. Equipment orders;
- c. Site Preparation
- d. Exemptions Granted
- e. Fees collected / Uncollectibles
- f. Requests for Services

15. Approval of Lodger's Tax Applications:

a. **Purpose:** Old Lincoln Days
Request: \$20,270.26
Date(s) of Event: Aug. 5-7, 2016
Presenter: Kristie, Morrow
Lincoln Pageant & Festival

b. **Purpose:** Ruidoso Grindstone Trail Runs
Request: \$2,030
Date(s) of Event: July 30, 2016
Presenter: Frederic Moras
Ski Run Road Challenge

16. Manager's Report

17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

18. County Volunteer Fire Departments Matters

- a. New Mexico State Fire Marshal and County Fire Departments – Partnership Agreement
- b. Lincoln Fire District Request to Purchase of A New Tanker
- c. Grant Award Agreement between NM Energy, Minerals and Natural Resources Department and Lincoln County – Hondo Valley Volunteer Fire Department
- d. Grant Award Agreement between NM Energy, Minerals and Natural Resources Department and Lincoln County – White Oaks Volunteer Fire Department

19. Award of Bids:

- a. 15-16-008 Chip Seal Cora Dutton Road

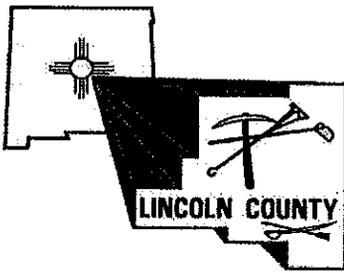
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- b. 15-16-009 Chip Seal Paintbrush Court, Woodpine Court, Stag Loop and Musketball Drive
 - c. 15-16-010 Deep Asphalt Pavement Patching on Gavilan Canyon Road
20. **1:00 PM Executive Session Pursuant to the Open Meetings Act:** Discussion of all Threatened 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).
21. Authorization to Issue Request for Proposal for Environmental Consultant Services
22. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
- d. Notice of Special Meeting & Public Hearing for May 2, 2016
 - e. Adoption of the Preliminary Budget FY 2016-2017 May 17, 2016
23. Consideration of Appointments and Removal from Boards/Commissioners/Committees:
- a. Lodger's Tax Committee
 - b. Planning Commission
 - c. Senior Citizens Olympic Committee
24. Signing of Official Documents
25. Next meetings:
- a. May 2, 2016, Special Commission Meeting
 - b. May 17, 2016, Regular Commission Meeting
26. Adjourn

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

April 19, 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

Agenda Item 6

SUBJECT

Approval of Minutes:

- a) March 10, 2016 Special Commission Meeting
- b) March 15, 2016, Regular Commission Meeting

1 **COUNTY OF LINCOLN**

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

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

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

8
9 **Minutes**
10 **Thursday, March 10, 2016**

11
12 Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 A.M. on March 10,
13 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico.

15
16 **1. Call to Order**

17
18 Chair Stone called the Special Meeting of the Board of County Commissioners to order at 8:28
19 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

26
27 Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Whitney
28 Whittaker, Chief Deputy Clerk.

29
30 **3. Invocation**

31
32 The invocation was presented by Commissioner Draper.

33
34 **4. Pledge of Allegiance**

- 35
36 a. Pledge – US Flag
37 b. Salute – NM Flag
38

39 **5. Approval of Agenda**

40
41 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,

42 **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Allen.

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

44 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Stewart,
45 Commissioner Willard.
46

47 **6. Discussion and potential action-Lincoln County Medical Center: New Build vs.**
48 **Renovation and Expansion Presentation of Plans for New Build: Bobby George,**
49 **Dekker, Perich, Sabatini**
50

51 Nita Taylor, Manager provided the timeline of events concerning the Lincoln County Medical
52 Center development decisions. Ms. Taylor explained during the April 2015 Special Meeting
53 information was presented about the current physical state of the hospital and four options for
54 development were presented. During the April 2015 Regular Meeting, the Commission formally
55 adopted a plan to renovate and expand the Lincoln County Medical Center for an estimated cost
56 of \$33 Million including relocation of Emergency Medical Services. Ms. Taylor further explained
57 after additional discussion, the County worked with various partners and resources including
58 Newpoint Healthcare Advisors, Presbyterian Healthcare Services, Dekker/Perich/Sabatini (DPS),
59 to identify other project alternatives.
60

61 Joe Lupica of Newpoint Healthcare expressed gratitude for everyone's involvement and the
62 information gathered to consider funding of a new hospital or renovation/expansion the current
63 hospital.
64

65 Bobby George of DPS presented a detailed PowerPoint on the "Comparison of Hospital
66 Development Options." The presentation outlined options for new construction versus renovated
67 space; a discussion of current and futures services provided; and efficiency factors including
68 proposed square footage, total project costs and site design. Mr. George provided comparison
69 sheets for new construction versus renovated space detailing space efficiency, design, workflow
70 and functionalism of the hospital facility.
71

72 Troy Clark, Interim Administrator for Lincoln County Medical Center (LCMC) noted both projects
73 would have the associated cost of construction but a new building would have the opportunity to
74 expand overtime.
75

76 There was a general discussion on project design and the current oncology and infusion medical
77 services as well as other placements and use of space for office flow and functionalism of the
78 hospital.
79

80 Bo Beams, Vice President, Regional Delivery System for Presbyterian stated the hospital
81 currently offered infusion therapy and will continue practice. Mr. Beams stated the determination
82 of additional would depend on hospital volume and demand.
83

84 Chair Stone questioned the proposed surgical ward building design and the number of operating
85 rooms displayed.
86

87 Mr. Clark explained how current hospital statistical information might not justify the amount of
88 rooms designed, but noted the added Cesarean Obstetrical operating room could serve as an
89 "extra" operating room if needed.
90

91 There was discussion regarding total project costs and the included construction costs and fees.
92

93 Mr. George proposed the middle of next year as a likely time to complete design plans and issue
94 the bid proposal in order to reduce construction costs. Mr. George stated the total savings based
95 on the projected cost for a new facility was approximately \$4.833 million. Mr. George reminder
96 neither the projected estimate for new construction nor the estimate for the renovation and
97 remodel included relocation of Emergency Medical Services.

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Mr. Clark expressed a desire to start construction earlier and commented the worksheet provided was based on a worst case scenario and timeframe. Mr. Clark discussed the need to manage costs and contingencies for the projects and to use the funds in appropriate areas.

Alan Morel, County Attorney stated he would research questions about contingency percentages. Attorney Morel stated he would research Gross Receipt Tax rate options as compared to other entities.

There was additional discussion regarding relocation of the Emergency Medical Services (EMS) including costs, building design, and timeline.

Mr. George suggested the County plan for the relocation of EMS prior to presenting the bond question to voters in November.

Commissioner Stewart, stated the EMS move was required either way and the County understands related budget needs.

Gary Mitchell, Chairman of the Board for LCMC spoke to the issues raised about the need for urgent care in the community; current infusion services; and wound care.

Motion: Approve the design plan for a new hospital facility as presented, **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.

Ms. Taylor questioned if the Board of Commissioners wished to consider approval of a contract for architectural services at this time.

Attorney Morel suggested consideration of architectural services for the design of a new facility at the next Regular Commission Meeting.

Motion: Add an agenda item for consideration of architectural services contract to the March Regular 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. Signing of Official Documents

8. Next Meetings:

Regular Meeting – March 15, 2016.

9. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 10:24 AM.

149 Respectfully submitted by,
150 Whitney Whittaker
151 Lincoln County Chief Deputy Clerk

DRAFT

1 **COUNTY OF LINCOLN**

2
3 **New Mexico**
4 **Regular Meeting**
5 **Board of County Commissioners**
6

7 **Preston Stone**, Chair
8 **Dallas Draper**, Vice Chair
9

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

10 **Minutes**
11 **Tuesday, March 15, 2016**
12

13 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March
14 15, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
15 Mexico.

16
17 **1. Call to Order**

18 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:29
19 AM.
20

21
22 **2. Roll Call**

23
24 **Roll Call.**

25 **Present:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
26 Commissioner Willard.
27

28 Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and
29 Rhonda Burrows, County Clerk.
30

31 **3. Invocation**

32 The invocation was presented by Chair Stone.
33

34
35 **4. Pledge of Allegiance**

- 36
37 a. Pledge – US Flag
38 b. Salute – NM Flag
39

40 **5. Approval of Agenda**

41
42 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,
43 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

45 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
46 Commissioner Willard.
47

48 **6. Approval of Minutes**

Motion: Approve the minutes of the February 16, 2016 Regular Meeting; **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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 February 29, 2016
- c. Annual Renewal Application for FY 2016 Law Enforcement Protection Funds
- d. Volunteer Firefighters Annual Reporting Forms

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

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.

8. Community Health Council: Presentation by Shannon Dictson

Shannon Dictson representing the Community Health Council provided an update on the group's current programs and activities. Ms. Dictson reminded local Community Health Councils received funding support from the State for many years but that funding was discontinued several years ago. Ms. Dictson stated the Council received funding support from Lincoln County for one year but received no funding for the past three years.

Ms. Dictson provided a packet of information including the current membership roster and the Health and Wellness Guide prepared as a resource guide for local residents. Ms. Dictson stated Council priorities included youth engagement, health and wellness promotions, sponsorship of a mobile food pantry, and ongoing identification of local health issues. Ms. Dictson stated the Community Health Council recently conducted a survey to gather community input and identified "access to care" as a priority issue.

Ms. Dictson discussed the Health Council's upcoming annual "Maze of Life". Ms. Dictson stated the Health Council conducts the interactive exercise for local 8th grade students to educate them about the impact of negative choices. Ms. Dictson also discussed the Health Council's annual Health Fair which includes approximately eighty vendors and last year attendance of seven hundred residents.

Ms. Dictson stated the Health Council planned to work with Lincoln County Transit on options for transportation for seniors in response to the identification of "access to care" as a community priority.

99 **9. Forest, Land & Natural Resources Matters:**

100
101 **a. Smokey Bear Ranger District**

102
103 Ms. Taylor stated Heather Noel, the newly appointed District Ranger was unable to attend but
104 had provided a brief update. Ms. Taylor stated recent activities included the addition of
105 seasonal firefighters and strengthening fire prevention education in preparation for fire season.

106
107 **b. Cibola National Forest**

108
109 Ms. Taylor reported two key events in the Cibola Forest Plan revision were scheduled for
110 March. These were the Cibola National Forest and National Grasslands Shared Stewardship
111 Workshop and the Draft Forest Plan Development Retreat. Ms. Taylor stated she plans to
112 attend portions of both events and extended an invitation to any interested Commissioner.

113
114 **c. Community Forester**

115
116 Rick Merrick, Community Forester with South Central Mountain Resource and Conservation
117 District (SCMRCD) advised he would host a booth, during the upcoming Ruidoso Home and
118 Garden Show, to promote the Firewise Community, the "Ready, Set, Go"; and CFRP programs.
119 Mr. Merrick reported the Eastern New Mexico University Speaker Series was ongoing with plans
120 for Forest Service Personnel to provide an update on fire weather and available resources.

121
122 Mr. Merrick reported Ranches of Sonterra residents continued to participate in the Firewise
123 Community program and received some grant funding to purchase Evacuation Route signage.
124 Mr. Merrick stated Rainmaker residents were considering formation of a Firewise Community
125 committee. Mr. Merrick also stated he utilized a New Mexico Association of Counties grant
126 award to acquire equipment to enhance his Firewise Community presentations.

127
128 Mr. Merrick reminded the Sacramento Wood Industries Summit was scheduled in two weeks.
129 Mr. Merrick stated activities scheduled with the Summit included a tour of three thinning
130 projects.

131
132 **d. Office of State Engineer-Water Issues**

133
134 Ms. Taylor reported no new applications for water transfers were posted this month on the State
135 Engineer's website. Ms. Taylor reminded two notices were posted last month including
136 Application Number 0867-8 by the Emile Living Trust c/o Russ Guillitte for a new point of
137 diversion. Ms. Taylor stated since last month's meeting affected residents had filed protests
138 objecting to the requested "Emergency Authorization", the lack of prior submission of the
139 request to the New Mexico Acequia Commission, and the addition of a new diversion resulting
140 in impairment of existing water rights.

141
142 **10. FEMA Update – Road Prioritization DR 4197 – 4199: Presentation by King**
143 **Industries**

144
145 Ms. Taylor discussed prior presentations regarding the identification of FEMA Disaster Recover
146 Projects for two rain events in 2014. Ms. Taylor reminded Lincoln County contracted with King
147 Industries to assist with the evaluation of road conditions and development recommendations
148 for consideration by the Board of County Commissioners for FEMA projects.

150 Ms. Taylor stated four projects were previously identified for completion during this fiscal year.
151 Ms. Taylor stated the total required County match for funding these projects was \$55,341.27.
152 Ms. Taylor stated the County's Disaster Relief Fund's current balance of \$344,711 was
153 adequate to cover the expenditure.
154

155 Ms. Taylor also noted after the identification of work projects for the 2014 FEMA declaration, the
156 County experienced a severe snowstorm resulting in the State of New Mexico and Lincoln
157 County issuing a disaster declaration. Ms. Taylor stated a new federal disaster declaration was
158 pending for the snow event and commented on the fact some roads were impacted by both
159 events.
160

161 Justin King of King Industries presented a Recovery Project Team Overview detailing the
162 funding process for FEMA projects including Federal reimbursement of 75% of actual expenses,
163 the State's 12.5% match; and the required 12.5% County match. Mr. King reminded all federal
164 FEMA funds allocated were administered by the State of New Mexico for which the State
165 received a 3.5% administration fee. Mr. King stated King Industry's role was to guide the
166 County through the process and to help ensure funding was appropriately utilized to assure
167 FEMA reimbursement for work projects completed.
168

169 Mr. King also discussed the recent winter storm event which impacted approximately 200 miles
170 of County roads. Mr. King stated a Federal Disaster Declaration for winter storm "Goliath" was
171 pending but if issued, Lincoln County could reprioritize certain road projects previously identified
172 under the 2014 Disaster Declaration. Mr. King suggested this reprioritization would extend the
173 timeline for work completion and also the timing of the necessary County match.
174

175 Mr. King presented a detailed analysis of work projects identified for the 2014 FEMA Disaster
176 Declaration and provided recommendations for prioritization.
177

178 There was a lengthy discussion regarding the prioritization of projects, the associated funding
179 requirements, and the benefits of utilizing private contractors versus the County Road
180 Department.
181

182 **13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
183 **OFFICIALS**
184

185 Commissioner Draper announced both he and Chair Stone were currently running unopposed
186 for reelection in the 2016 Primary Election in their respective County Commission Districts.
187

188 Commissioner Stewart reported on his attendance at a day long Joint Land Use Study and
189 Military Coordination Meeting in Las Cruces. Commissioner Stewart reminded the final opinion
190 on the Zia Transmission Line from the New Mexico State Land Office was still pending.
191 Commissioner Stewart stated the Las Cruces Office of the Bureau of Land Management (BLM)
192 was working to complete an "Organ Mountain Desert Peaks Environmental Impact Statement"
193 after prior approval of the proposed site for the Zia Transmission Line. Commissioner Stewart
194 further reported Las Cruces BLM was also working on "mutual aid" fire suppression agreements
195 with White Sands Missile Range and Holloman Air Force Base which would encompass the
196 area near Oscura. Commissioner Stewart also discussed the development of the "3rd Offset"
197 by White Sands Missile Range (WSMR). Commissioner Stewart explained WSMR's "1st Offset"
198 was development of nuclear weapons during the 1940's to 1950's, the "2nd Offset" was
199 development of precision guided munitions during the 1970's to 1990's, and the "3rd Offset"
200 would focus on robotics and hypersonic testing. Commissioner Stewart noted this new focus

201 required a larger "testing corridor" and the military planned to work with private land owners to
202 secure sufficient testing areas.

203
204 Chair Stone stated he had contacted the State Engineer's Office regarding the Application by
205 Russ Guillitte to create a new point of diversion on the Rio Ruidoso. Chair Stone stated he
206 questioned the need for "Authorization of Emergency Use" and the possibility of "Impairment" to
207 other water right holders. Chair Stoned stated the State Engineer's staff expressed a distinct
208 lack of concern about both of these conditions. Chair Stone urged residents of Lincoln County
209 to closely monitor the actions of the State Engineer's Office.

210
211 Paul Baca, Assessor informed his office would mail the annual Notices of Valuation to property
212 owners on April 1, 2016. Mr. Baca reminded property owners of the thirty day protest period
213 from April 1, 2016 to May 2, 2016 during which owners may contest valuations or file for various
214 property tax exemptions. Mr. Baca encouraged residents to review the notices and take
215 advantage of the protest period and commented adjustments to valuation were not generally
216 permissible under State Statute after this protest period. Mr. Baca stated he was also working
217 to have an employee on site at Lincoln County's Ruidoso Substation during the protest period to
218 assist residents with questions about valuations and to file exemptions.

219
220 Beyerly Calaway, Treasurer reported Tim Eichenberg, New Mexico State Treasurer visited the
221 Treasurer's office and provided information regarding revenues in the State of New Mexico. Ms.
222 Calaway stated Mr. Eichenberg informed the State Treasurer's "Cash on Hand" was down \$500
223 million from the previous year. Ms. Calaway noted a quick review at the end of February
224 revealed the County Treasurer's "Cash on Hand" balance was \$22,311,365 compared to a
225 balance of \$18,155,544 last year. Ms Calaway noted the receipt of \$1,700,000 in FEMA
226 funding and an increase in the assessed Taylor Grazing Fees were the principal contributors to
227 the increase in funds.

228
229 Robert Shepperd, Sheriff informed he spoke with the State Treasurer regarding House Bill 560
230 also known as the "Forfeiture Bill" and learned all agencies in New Mexico were noncompliant
231 with the bill which requires agencies to transfer forfeited property to the State Treasurer. Mr.
232 Eichenberg stated the State Treasurer's Office had refused these transfers due to a lack of
233 resources to accept, store and dispose of forfeited property. Sheriff Shepperd reported the
234 Sheriff's Department's new dispatch radio equipment was installed and invited the
235 Commissioners to view the new equipment. Sheriff Shepperd informed he acquired a forklift
236 through the military surplus program, County departments may use at no cost. .

237
238 Mike Anaya introduced himself as a candidate for Senate District 39. Mr. Anaya stated Senate
239 District 39 was comprised of six counties including Lincoln County and the district was one of
240 the largest Senate Districts in the State. Mr. Anaya discussed his background as a rancher and
241 electrical contractor. Mr. Anaya stated he served as a Santa Fe County Commissioner for 8
242 years, was President of the New Mexico Association of Counties for two years, and also served
243 some time as the Assistant Land Commissioner.

244
245 David Ceballos, District Attorney reported on his request for additional funding from the State
246 Legislature for the District Attorney's office. District Attorney Ceballos stated while the request
247 was initially denied he was subsequently able to secure a 6% increase in funding for personnel
248 services in the Twelfth Judicial District Court. District Attorney Ceballos stated he recently
249 learned of local concerns about the investigation and prosecution of High Intensity Drug Task
250 Force Area (HIDTA) cases. District Attorney Ceballos stated HIDTA provided \$239,000 in
251 funding to the District Attorney's office and after meeting with Task Force members he was able

252 to secure that funding. District Attorney Ceballos extended an invitation to the Commissioners
253 and all Lincoln County Elected Officials to attend an open house during the next Commission
254 Meeting or they may arrange a separate day.
255

256 **10. FEMA Update – Road Prioritization DR 4197 – 4199: Presentation by King**
257 **Industries (continued)**
258

259 Mr. King continued his presentation and provided additional information regarding the use of
260 private contractors to complete road repair versus utilizing the County Road Department to
261 complete projects.
262

263 There was discussion about the de-obligation of particular work projects from the 2014 Disaster
264 Declaration in order to re-obligate the projects as a part of the anticipated new disaster
265 declaration for the snow storm.
266

267 Chair Stone reminded Joel Bonnell, Road Superintendent of prior discussions about the Road
268 Department establishing a ten year road maintenance plan. Chair Stone questioned Mr.
269 Bonnell if the Road Department were to implement road maintenance projects in each district
270 beginning with the worst roads, whether it would take the estimated 10 to 15 years to complete
271 repairs as detailed in the King Industries presentation.
272

273 Mr. Bonnell stated if the Road Department were to prioritize road repair and restoration it could
274 possibly be a shorter time frame. Mr. Bonnell stated however, he would not recommend the
275 County complete the required hazard mitigation work which would shorten the original overall
276 time frame.
277

278 Commissioner Stewart reminded FEMA would not fund the projects unless hazard mitigation
279 measures were performed to prevent future disasters.
280

281 Mr. King discussed the various application options for hazard mitigation on dirt roads and noted
282 the Bionic Soil Solutions option presented was identified by FEMA as the best mitigation option
283 for roads impacted by water.
284

285 Chair Stone inquired about the current County budgeted match for the FEMA projects and
286 whether those funds would revert to the General Fund if not utilized for FEMA projects.
287

288 Punkin Schlarb, Finance Director reported \$354,000 was currently budgeted in this fiscal year
289 as the County match for FEMA funding. Ms. Schlarb stated as of the end of February the
290 County held a total of \$650,374.42 in cash available for FEMA projects. Ms. Schlarb stated
291 there were some additional revenues and expenses expected but any remaining funds could
292 revert to the General Fund.
293

294 Chair Stone clarified Lincoln County had already received \$1.7 million in FEMA funding which
295 was held in a separate fund.
296

297 Ms. Schlarb concurred and reminded should the Commission chose not to proceed with the
298 FEMA projects the County would return the \$1.7 million.
299

300 Ms. Taylor reminded during the budget process last year there was a review of the proposed
301 FEMA projects and the required budgeted match. Ms. Taylor stated during the review the
302 budgeted amount was reduced to meet only the required funding for the first year's work. Ms.

303 Taylor acknowledged the overall project list was large and stated the projects were being
304 presented incrementally with the current budgeted amount sufficient to meet the roads identified
305

306 Commissioner Stewart clarified individual work projects completed were reimbursable by FEMA
307 and at any point in the future the Board of County Commissioner could decline to appropriate
308 the match to continue the process.
309

310 Mr. King concurred but clarified once an individual project was started it must be completed to
311 qualify for FEMA reimbursement.
312

313 There was a general discussion about the allocation of the currently funded County match to
314 complete particular project worksheets to obtain full federal and state funding for those roads.
315

316 Ms. Taylor stated she and Mr. King would provide detailed answers to questions raised today
317 during the next Regular Meeting. Ms. Taylor reminded the request this month was for the four
318 specific projects for Nogal/Alto area, Carrizozo area, and Capitan area requiring a total County
319 match of \$147,310.75.
320

321 Chair Stone expressed personal concern about the logistics of completing these FEMA projects
322 and in particular with the "escalation of costs" associated with federal projects. Chair Stone
323 suggested the cost escalations on all federal projects contributed to the nation's rising national
324 debt. Chair Stone expressed belief additional work and maintenance by the Road Department
325 would restore road conditions.
326

327 Commissioner Stewart suggested an analysis of costs per road to assist with determination of
328 priorities. Commissioner Stewart stated while the Road Department might restore the roads
329 over time the Road Department was not equipped to perform the Hazard Mitigation efforts
330 required by FEMA for areas which were damaged by floods in the past. Commissioner Stewart
331 suggested sticking to a "preauthorized match" for project completion.
332

333 Commissioner Draper clarified today's decision was whether to commit \$147,310.75 of funds
334 budgeted last year towards the County match for the first four "recognized" projects identified
335 last year.
336

337 **Motion:** Approve \$147,310.75 for the completion of the FEMA projects identified, **Action:**
338 Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

339 **Vote:** Motion passed by roll call vote (**summary:** Yes = 3, No = 2, Abstain = 0).

340 **Yes:** Commissioner Stewart, Commissioner Draper, Commissioner Willard.

341 **No:** Chair Stone, Commissioner Allen.
342

343 11. Manager's Report

344 1. Building Construction / Building Maintenance Projects

345 a. **Lincoln County Detention Center:** The Manager met with the architect and Detention
346 Center personnel, including medical doctor providing services to LCDC, to discuss potential
347 modification of the Medical facilities. Lincoln County received \$162,000 in Capital
348 Appropriations to offset project costs. The Manager will provide modification options for
349 Commissioner input and direction.
350
351
352

353 **b. Hondo Fire Station:** The Manager along with Finance, Planning, and Emergency
354 Operations staff met with members of the Hondo Fire Station, the architect, and the
355 general contractor regarding the new Hondo Fire Station. The Manager reminded the
356 new station site was located on County property at the Hondo Senior Center. The
357 Manager stated planning was focused on aligning fire station needs with available funds.
358

359 **c. County Extension Service:** Per Commission direction, the Manager requested
360 additional cost estimates to re-floor the entire space occupied by the County Extension
361 Service. The Manager will provide estimates for consideration once all quotes were
362 received.
363

364 **2. Senior Center Update:** The Manager reported personnel from the Southern District of
365 the Area Agency on Aging conducted an audit of Lincoln County's Zia Senior Center
366 Programs. The Manager reported the Agency offered high praise for Program Director
367 Renee Montes's work and stated plans to provide a written commendation for Ms.
368 Montes. The Manager stated the Agency will provide a full audit report in the next
369 several weeks.
370

371 **3. Calendar of Events:**

- 372
- 373 a. March 16, 2016 – Fair Board Meeting
 - 374 b. March 15 - 17, 2016 – Cibola National Forest Shared Stewardship Workshop
 - 375 c. March 17, 2016 – Socorro County Detention Center (Ribbon Cutting Ceremony &
376 Grand Opening)
 - 377 d. March 17, 2016 – Lincoln County Historic Preservation Board
 - 378 e. March 25, 2016 – County Offices Closed – Good Friday
 - 379 f. March 29, 2016 – State Auditor Training – Ruidoso
 - 380 g. March 29 – 31, 2016 – Cibola National Forest Draft Forest Plan Development Retreat
381

382 **4. Departmental Updates:**

383

- 384 a. **Joel Bonnell, Road Superintendent** discussed ongoing road work including
385 screening operations utilizing the rented screening plant. Mr. Bonnell stated plans to
386 use screened material on Fort Lone Tree Road. Mr. Bonnell reported work to apply
387 base coarse on Bonito Road was completed for utilization of the associated Capital
388 Outlay Appropriation. Mr. Bonnell reported the Road Department hired a new Operator
389 II to fill a vacant position. Mr. Bonnell also discussed the shallow lying gas line on Bogle
390 Road which prevents adequate maintenance. Mr. Bonnell discussed the need for some
391 type of jetter-rodder equipment to assist with culvert cleaning and reported two dump
392 trucks were out of service.
393

394 Commissioner Stewart discussed the County's ongoing problems with maintenance of Bogle
395 Road due to the presence of the very old high pressure transmission line.
396

397 Attorney Morel recalled the issue and offered to research the history and options for later
398 discussion.
399

400 Chair Stone questioned the Road Department's progress on creation of a test or examination for
401 operator qualification as an Operator IV.
402

403 Mr. Bonnell stated he had recently identified a set of skills for testing and continued to
404 work with the County Manager and Human Resources on the project.
405

406 **b. Renee Montes, Senior Services Director** informed the recent assessment of senior
407 facilities in Capitan and Ruidoso Downs centers went well. Ms. Montes stated new
408 policies were forthcoming from the Metro Area on Aging regarding unit counts for
409 different types of services and also regarding the cost separation of federal and local
410 dollars per unit. Ms. Montes stated she would work with Punkin Schlarb, Finance
411 Director on the new audit requirements. Ms. Montes also reported the new Carrizozo
412 Senior Center was under construction and on target for a completion date in early June.
413

414 **c. Curt Temple, Planning Director** stated the Village of Ruidoso had approved the
415 Memorandum of Understanding with Lincoln County for utilization of the Village's
416 transfer station by the County's solid waste contractor. Mr. Temple noted work on the
417 new Nogal Fire Station was continuing and the construction site for the new Hondo Fire
418 Station would require some core sampling prior to any ground work.
419

420 **d. Joe Kenmore, Director Office of Emergency Services** reported on OES responses
421 to several fires in the County which were primarily caused by controlled burns and other
422 human actions. Mr. Kenmore stated he would attend the annual Bataan Memorial
423 Death March at White Sands Missile Range on March 19, 2016 to assist with medical
424 communications. Mr. Kenmore stated the event typically attracts over 5,000
425 participants.
426

427 **e. Punkin Schlarb, Finance Director** stated an online process was developed to
428 accept credit card payments for Solid Waste Services with plans to add the information
429 to the website and begin accepting payments on April 1, 2016. Ms. Schlarb stated the
430 Finance Department would host a workshop to re-familiarize county employees and
431 volunteers with the Purchase Order process and associated procurement requirements.
432 Ms. Schlarb stated preliminary budget interviews were scheduled with the various
433 departments.
434

435 Chair Stone recessed the Regular Meeting at 11:00 AM and reconvened at 11:07 AM.
436

437 **14. Lincoln County Medical Center: Discussion / Potential Action** 438

439 Ms. Taylor reminded of prior approval during the March 10, 2016 Special Meeting of the hospital
440 development option to build a new hospital for a total estimated cost of \$35.76 million. Ms. Taylor
441 noted this approval did not encompass the necessary relocation of current Emergency Medical
442 Services operations and facilities.
443

444 Ms. Taylor presented details regarding the additional items listed for consideration during today's
445 meeting.
446

- 447 a. Issue Contract to Dekker/Perich/Sabatini for partial or full design of hospital
448

449 Ms. Taylor stated the revised estimate for the full architectural design of a new hospital was
450 \$1,646,534 or as an alternative the estimate for graphic design only was \$83,000.
451

- 452 b. Issue Contract to Dekker/Perich/Sabatini for design of Emergency Services relocation
453

454 Ms. Taylor stated the revised estimate for the full architectural design for the Emergency Medical
455 Services relocation was \$126,173 with an estimate for graphic design of \$6,500.
456

457 Ms. Taylor informed Dekker/Perich/Sabatini had incurred direct costs in the amount of \$14,598
458 associated with the development of the "Options Presentation" provided during the March 10, 2016
459 Special Meeting. Ms. Taylor requested approval of payment for these services.
460

461 c. Appraisal Report – Fair Market Value
462

463 Ms. Taylor stated the VMG Health Appraisal Report for the Lincoln County Medical Center campus
464 including a new hospital facility was completed and therefore lease negotiations with Presbyterian
465 Health Services could commence immediately.
466

467 d. Professional Services Contract – Newpoint Healthcare Advisors: Joe Lupica
468

469 Ms. Taylor stated Joe Lupica of New point Healthcare had presented a proposal for an
470 additional Professional Services Contract with his firm to assist with lease negotiations.
471

472 **Motion:** Authorize the County Manager and County Attorney to negotiate a new contract with
473 Newpoint Healthcare Advisors for new deliverables not to exceed \$45,000, **Action:** Approve,
474 **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.
475

476 Commissioner Stewart stated a desire to view specifics of the contract prior to a vote.
477

478 **Vote:** Motion passed by roll call vote (**summary:** Yes = 4, No = 1, Abstain = 0).
479 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
480 **No:** Commissioner Stewart.
481

482 **Motion:** Authorize payment of \$14,598 to Dekker/Perich/Sabatini for direct costs related to the
483 "Options Presentation", **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**
484 Commissioner Allen.
485

486 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
487 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
488 Commissioner Willard.
489

490 **Motion:** Authorize \$83,000 for the graphic design of a new Emergency Medical Services facility,
491 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.
492

493 Chair Stone suggested approval to develop a design was premature at this time.
494

495 **Vote:** Motion failed by roll call vote (**summary:** Yes = 2, No = 3, Abstain = 0).
496 **Yes:** Commissioner Stewart, Commissioner Draper.
497 **No:** Chair Stone, Commissioner Allen, Commissioner Willard.
498

499 **12. Resolution 2015-36 Participation in Capital Outlay Program Administered by New**
500 **Mexico Department of Transportation-Bonita Lake Road**

501 Ms. Taylor reminded Lincoln County received a Capital Appropriation from the State of New
502 Mexico in July of 2014 in the amount of \$25,000. Ms. Taylor stated the appropriation was
503 dedicated to repair work on Bonito Road and the repairs were recently completed by the Road

504 Department. Ms. Taylor stated the Capital Appropriation Project Agreement with the State
505 required the County adopt a Resolution in support of the project prior to seeking reimbursement.
506

507 **Motion:** Adopt Resolution 2015-36, **Action:** Approve, **Moved by** Commissioner Stewart,
508 **Seconded by** Commissioner Allen.

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

510 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
511 Commissioner Willard.

512
513 **SEE EXHIBIT B:** Copy of Resolution 2015-36 is attached hereto in reference thereto made a
514 part hereof.
515

516 **15. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**
517

518 Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala
519 processed 18 claims with 16 recommended for approval and 2 recommended for disapproval for
520 a monthly authorization of \$31,448. Mr. Annala stated approval of the claims would result in a
521 total approval to date of Safety Net Care Pool claims for Fiscal Year 2015-2016 of \$163,663 or
522 a monthly average of \$18,185.

523
524 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala
525 processed 8 claims with 8 claims recommended for approval and none for disapproval for a total
526 payment this month of \$20,998.87. Mr. Annala stated approval of the claims would result in a
527 total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$61,480 or a monthly
528 average of \$6,831.13. Mr. Annala stated based on the current monthly average he anticipated
529 an annual expenditure of \$81,974 for the current fiscal year.

530
531 **Motion:** Approval and denial of the claims as indicated for the Safety Net Care Pool and
532 Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Willard,
533 **Seconded by** Commissioner Allen.

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

535 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
536 Commissioner Willard.

537
538 **SEE EXHIBIT C:** Copies of the Safety Net Care Pool and Indigent Health Care Payments
539 are attached hereto in reference thereto made a part hereof.
540

541 **22. Approval of Lodger's tax Applications:**
542

543 a. App No. 0007: Carrizozo Music
544 Request: \$2,500
545 Date(s) of Event: March-October 2016 (7 concerts, 5 schools);
546 Brannen/Carrizozo Works, Inc.
547 LTC Approved: \$2,500
548

549 b. App No. 0008: AspenCash Motorcycle Rally
550 Request: \$5,000
551 Date(s) of Event: 5/19-22/16;
552 LTC Approved: \$4,000

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- c. App No. 0012: Golden Aspen Rally
Request: \$5,000
Date(s) of Event: 9/14-18/16 Presenter: Patric Pearson
LTC Approved: \$5,000
- d. App No. 009: Lincoln County Art Loop Studio Tour
Request: \$3,600
Date(s) of Event: 7/1-3/16; Presenter: Janet Alexander
LTC Approved: \$3,000
- e. App No. 0010: Alto Artist Studio Tour
Request: \$3,500
Date(s) of Event: 8/ 4-7/16; Presenter: Stephen Sabo
LTC Approved: \$3,000
- f. App No. 0011: Smokey Bear Day
Request: \$10,841
Date(s) of Event: 5/6-/16; Presenter: Bennie Long
LTC Approved: \$10,841

Motion: Approve the expenditure of \$28,341 as recommended by the Lodger's Tax Committee,
Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
Commissioner Willard.

16. New Medical Provider #54, WellCare, Inc. DBA Encompass Home Health of New Mexico

Scott Annala, Indigent Health Care Administrator informed Lincoln County currently had a contract for home health services with Ruidoso Home Health and Hospice. Mr. Annala explained Ruidoso Home Health and Hospice was acquired by WellCare, Inc. d/b/a Encompass Home Health of New Mexico. Mr. Annala stated the name change necessitated a new contract for payment for services. Mr. Annala stated the contracted services provided were unchanged and this type of service had an annual cap of \$3000 per person.

Motion: Approve Indigent Health Care Provider Agreement #54 with Wellcare, Inc., **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.

17. Solid Waste Collection Services – Update

- a. Solid Waste Billing/MOU with the Village of Corona

Attorney Morel provided the latest draft of the proposed Memorandum of Understanding with the Village of Corona including an Assessor's Ownership Map of the proposed service area. Attorney Morel explained under the conditions of the MOU the Village of Corona would continue

603 to provide and bill for solid waste services to Lincoln County residents within the defined area
604 who historically received solid waste services from the Village of Corona.
605

606 Attorney Morel explained the MOU additionally entitled the Village of Corona to set fees, bill and
607 charge for services; defined the utilization of Village of Corona solid waste services as a
608 voluntary choice of residents in the defined area; and defined the MOU as effective for one year
609 with automatic renewal pending a 90 notice by either party of the intent to terminate.
610 Attorney Morel stated the MOU precluded the subcontracting of services to a third party but
611 stated Teri Racher, Corona Municipal Clerk informed the Village subcontracts for transportation
612 of waste to Torrance County.
613

614 **Motion:** Approve the Memorandum of Understanding with the Village of Corona to include the
615 subcontracting for transportation of waste to Torrance County, **Action:** Approve, **Moved by**
616 **Commissioner Stewart, Seconded by Commissioner Allen.**

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

618 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
619 Commissioner Willard.

620
621 Chair Stone recessed the Regular Meeting at 11:56 AM and reconvened at 12:10 PM.
622

623 **26. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
624 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
625 **Discussion of the purchase, acquisition or disposal of real property or water**
626 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
627

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

632 New or Updated Matters since last report
633

634 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
635 *et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
636 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,
637 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper
638 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint
639 Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral
640 Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three
641 judges for decision on February 1, 2016.

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

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

- 653 4. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*
654 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and
655 Summons received June 15, 2015. Complaint alleges damages while Sheriff's Deputies were
656 executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7,
657 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of
658 Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct.
659 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015.
- 660 5. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*
661 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint
662 alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015.
663 Removed to Federal Court Nov. 12, 2015. Order Granting Defendant's Motion for Protective
664 Order and stay of discovery filed January 29, 2016.
- 665 B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal
666 Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015. Plaintiff
667 requested a Right to Sue from the EEOC on January 29, 2016.
- 668 6. **Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect
669 Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.
670 Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took
671 place January 19, 2016. Proposed Motion for Summary Judgment approved as to form
672 February 5, 2016. Motion Hearing took place February 15, 2016 where Judge Bryant gave the
673 parties until March 15, 2016 to resolve or Summary Judgement will be entered.
- 674 7. **Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeyer, County of Lincoln, Lincoln*
675 *County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death,
676 Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se, Loss of
677 Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court
678 Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was
679 served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22,
680 2016.
- 681 8. **Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff*
682 *Department M-32-CV-2016-00036* Civil Complaint filed March 9, 2016 alleging personal and
683 property damage.

684 **Lincoln County Ordinance Violations:**
685 **Alan P. Morel: 12th Judicial District Attorney's Office**
686 **Special Prosecutor**
687

- 688 9. **State of New Mexico v. Kimberly Connor M 30 MR 2015-00205* alleged violation of
689 Lincoln County Ordinance 2008-08: Dogs Running at Large. Order Granting Defendant's
690 Directed Verdict filed February 11, 2016.
- 691 10. **State of N.M. v. Blaylock, Gregory M-30-MR-2016-00016* alleged violation of Lincoln
692 County Ordinance 2014-04 Contraband in LCDC. The Non-Traffic citation was filed in the
693 Magistrate Court on February 10, 2016. A misdemeanor arraignment was held on February 12,
694 2016 at which time the Defendant pled "Not Guilty." The Defendant is represented by the Public
695 Defender's Office. A Pre-Trial Hearing is scheduled for Tuesday, March 29, 2016 at 9:00 a.m.
696 on a Trailing Docket before Judge Mickie L. Vega.
- 697 11. **State of N.M. v. Parks, Nicole M-30-MR-2016-00010* alleged violation of Lincoln County
698 Ordinance 2008-08 Dogs Running At Large. The Non-Traffic citation was filed in the Magistrate
699 Court on January 15, 2016. A misdemeanor arraignment was held on January 17, 2016 at
700 which time the Defendant pled "No Contest." A Sentencing Hearing is scheduled for Tuesday,
701 March 22, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega.

702 **Tort Claims Notices Received or Threatened**
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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.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

Seidel, Walter R., Jr. – Tort Claim Notice received January 26, 2016 regarding a motor vehicle accident involving Claimant and a Lincoln County Sheriff's vehicle.

***Hill, Walter** – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

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.

753 **Wallace, Stephen:** Tort Claim Notice received June 11, 2015 from Attorney Gary
754 Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County
755 Detention Center without proceeding with a timely extradition.
756 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris
757 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County
758 Detention Center.
759 **Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from
760 Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and
761 property damage against the County of Lincoln.
762 **Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing
763 flooding at her private property.
764 **Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to
765 ongoing flooding at their private property.
766 **Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair
767 Dunn, alleging County trespass on private property.
768 **L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of
769 medical care while incarcerated in Lincoln County Detention Center.
770 **Brown, Shelly** – Tort Claim Notice received December 31, 2015 alleged failure of the
771 County of Lincoln to maintain road surfaces during snow or ice conditions.
772
773 **2014**
774 **Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging
775 his rights were violated during incarceration at Lincoln County Detention Center.
776 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney
777 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during
778 prepartum care for their infant son.
779 **Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while
780 incarcerated at Lincoln County Detention Center on March 11, 2014.
781 **Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in
782 Lincoln County Detention Center without being advised of his charges.
783 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew
784 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a
785 minor, emotional distress.
786 **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan
787 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln
788 County Detention Center that arise with Immigration and Customs Enforcement charges.
789 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of
790 her two minor children during a request for a deputy to assist in keeping the peace.
791 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones
792 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent
793 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge
794 regarding discharge from the Capitan Police Department.
795 **Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due
796 Process for inmates at Lincoln County Detention Center.
797 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney
798 W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his
799 own equipment to alter a platted County right of way without the authorization or knowledge of
800 the County.
801 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014
802 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a
803 violation of 8th Amendment Rights.

804 **Ryen, Allen-** Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek
805 alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.
806 **Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris
807 Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.
808 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014
809 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln
810 County Detention Center.
811 **Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
812 Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.
813 **Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
814 Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.
815 **McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
816 Nedbalek alleging violations of U.S. Constitutional Amendment rights.
817 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
818 2014 alleging lack of adequate office space provided by the County of Lincoln.
819 **Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris
820 Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

821
822 **2013**

823 **Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken
824 from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in
825 recovery efforts.

826
827 **Action:** Approve. **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

829 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
830 Commissioner Willard.

831
832 Chair Stone recessed the Regular Meeting and convened the Closed Session at 12:11 PM.

833
834 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 1:06 PM.

835
836 Commissioner Willard attested that matters discussed in the closed meeting were limited to
837 those specified in the motion for closure or in the notice of separate closed meeting.

838
839 Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:07 PM.

840
841 **23. 1:00 P.M.: Public Hearing to consider Lincoln County Ordinance No. 2016-01:**

842
843 An Ordinance Providing For The Efficient And Sanitary Collection Of Solid Waste In
844 Lincoln County; Providing For Mandatory Disposal And Assessment Of Fees;
845 Providing A Penalty For Violation Of The Ordinance; And Repealing Ordinance No.
846 2015-3 And Repealing Ordinance 1993-07

847
848 Alan Morel, County Attorney detailed the proposed changes to the Ordinance including new
849 language and revisions. Attorney Morel stated adoption of the proposed Ordinance would
850 repeal both Ordinance 2015-3 and Ordinance 1993-07. Attorney Morel explained Ordinance
851 1993-07 had established the \$5.00 late fee per quarter for solid waste collection and Ordinance
852 2016-01 would provide for the subsequent establishment of fees and costs by Resolution.
853

854 Attorney Morel noted deletions included references to Greentree Solid Waste Authority and
855 clarified Lincoln County's assumption of these services. Attorney Morel directed attention to
856 new language to provide for establishment of fees for services and for delinquent payments by
857 Resolution with appropriate public input.
858

859 Attorney Morel stated other changes defined the scope of the provision of services with the
860 exemption of municipalities within the County as well as "lawfully created Water and Sanitation
861 Districts". Attorney Morel noted new language was added to define the "responsible party" as
862 accountable for any legal fees and attorney fees resulting from the filing and prosecution of any
863 liens filed for the collection of past due fees owed to the County.
864

865 Attorney Morel discussed the new language added to "Exception Procedures" to reflect the
866 exclusion from billing of any owner of property whose solid waste services were provided by
867 another governmental entity with whom the County of Lincoln had an executed Memorandum of
868 Understanding. Attorney Morel reminded there were two other exemptions from billing, the
869 "300 Acre" exemption and the "Uninhabitable" exemption, and noted the forms for application for
870 exemptions were attached as Exhibits to the proposed Ordinance.
871

872 Chair Stone questioned the process to determine whether premises were "Uninhabitable".
873

874 Attorney Morel stated the Application for Waiver required the applicant to state reasons as to
875 why the premises were uninhabitable.
876

877 Commissioner Draper also questioned who was responsible for reviewing Applications for
878 Waiver and making a final determination.
879

880 Paul Baca, Assessor stated he developed a form for County Appraisers to determine
881 "habitability" based on several factors such as the presence of doors and windows or whether
882 utilities were present and connected. Mr. Baca stated appraisers would take photos and do a
883 thorough evaluation of the buildings before recommending approval of waivers.
884

885 Commissioner Draper questioned if the Ordinance should include specific language defining the
886 Assessor as responsible for determination of "Uninhabitably".
887

888 Attorney Morel suggested defining the obligation as the "governing body" was sufficient without
889 naming a particular office or person.
890

891 Commissioner Allen remarked on the current process of evaluation by the Assessor's Office as
892 advantageous to property owners not only for reviewing solid waste billing exceptions but also
893 for reassessment of valuation of those properties.
894

895 Linda Phillips, reported the assessments conducted by the Assessor's office to date were in
896 agreement with property owner requests.
897

898 Mr. Baca stated the buildings reviewed to date were obviously not habitable and informed he
899 reviewed all reports from the appraisers prior to providing a recommendation to the Solid Waste
900 Billing Clerk.
901

902 Commissioner Draper questioned the inclusion of references to commercial businesses since
903 the County was not currently providing solid waste collection services for businesses.
904

905 Attorney Morel stated businesses within the County were subject to the Ordinance and therefore
906 required to properly dispose of solid waste. Attorney Morel clarified in the proposed Ordinance
907 commercial businesses were not subject to a specific County fee and were allowed to contract
908 with a provider other than the County.
909

910 Chair Stone requested public comment and hearing none, recessed the Public Hearing and
911 reconvened the Regular Session at 1:27 PM.
912

913 **Motion:** Adopt Ordinance 2016-01 as amended, **Action:** Approve, **Moved by** Commissioner
914 Stewart, **Seconded by** Commissioner Willard.

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

916 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
917 Commissioner Willard.
918

919 **SEE EXHIBIT D:** Copy of Ordinance 2016-01 is attached hereto in reference thereto made a
920 part hereof.
921

922 **17. Solid Waste Collection Services – Update (continued)**
923

924 b. Village of Ruidoso Adoption of Supply Agreement for Municipal Solid Waste
925 Delivery to the Village of Ruidoso Gavilan Canyon Solid Waste Transfer Station
926

927 Ms. Taylor stated the Village of Ruidoso unanimously approved the Supply Agreement at their
928 March 8, 2016 Council Meeting. Ms. Taylor reminded the agreement allowed the County's solid
929 waste contractor to haul dumpster and poly cart trash to the Ruidoso Transfer Station. Ms.
930 Taylor stated as per the agreement the Village of Ruidoso will transport waste collected to the
931 landfill for a cost of \$45 per ton.
932

933 c. Status of Compactor Site Leases
934

935 Ms. Taylor reported the lease agreement with Ranches of Sonterra for a compactor site was
936 approved by that entity and was ready for final County signatures. Ms. Taylor anticipated a
937 ruling on the County's application for the compactor site on US Forest Service property in the
938 near future. Ms. Taylor stated efforts to secure other sites were ongoing.
939

940 d. Status of Equipment
941

942 Ms. Taylor reported purchase orders authorized for new dumpsters and poly carts were issued
943 in the amount of \$23,056.
944

945 **18. Budget Preparation: Procedures & Timeline Approval FY 2016-2017**
946

947 Ms. Taylor presented a copy of a memorandum prepared for Elected Officials, Department
948 Heads, and Volunteer Fire Departments outlining the proposed budget timeline and procedures.
949 Ms. Taylor also provided a copy of the letter sent to external agencies for submission of
950 requests for funding.
951

952 Ms. Taylor stated she would contact La Casa Buena Salud to determine the status of the clinic
953 which discontinued services some time ago due to a lack of a medical provider.
954

955 Ms. Taylor also provided a copy of a letter received by all counties from Rick Lopez, Department
956 of Finance Administration Director of the Local Government Division which included
957 recommendations for consideration due to the recent economic downturn. Ms. Taylor noted
958 Lincoln County was not as dependent on State Funding as some counties and also was not as
959 directly affected by the economic downturn as other counties.
960

961 **Motion:** Approve the proposed budget timeline amending the Special Meeting to May 2, 2016,
962 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.
963

964 Commissioner Stewart proposed a letter to external agencies referencing the Department of
965 Finance and Administration's (DFA) recommendation to discontinue the practice of providing
966 funds to any nonprofit organization not tied to a legislative appropriation.
967

968 Ms. Taylor stated the letters to external agencies were mailed some time ago but offered to draft
969 a letter responding to submissions and attach a copy of the letter from DFA.
970

971 Commissioner Willard protested the recommendations provided by Mr. Lopez as inappropriate
972 for Lincoln County based on the lack of State Funding allocated to Lincoln County.
973

974 Commissioner Stewart suggested notification to external agencies that unless a nonprofit has a
975 specific function for which the County bears some type of responsibility such as the Humane
976 Society, the County may consider DFA's recommendations.
977

978 Ms. Taylor noted as per prior protocol a verbal reminder was delivered during budget
979 presentations informing the approval of any external agency requests would detract from the
980 County's general budget normally reserved for conducting operations.
981

982 Chair Stone opined current financial conditions in the State of New Mexico were concerning and
983 warranted the DFA recommendations. Chair Stone stated he was not advocating drastic cuts
984 but suggested the County needed to exercise caution about future expenditures.
985

986 Commissioner Allen commented on the inevitable impact of the economic downturn related to
987 oil production to Lincoln County. Commissioner Allen cited a potential decline in gross receipt
988 tax revenues as a result of reduced tourism as an example.
989

990 Beverly Calaway, Treasurer reminded the Treasurer's office and Finance were always cautious
991 and conservative in the projection of anticipated revenues for the fiscal year. Ms. Calaway
992 stated while Lincoln County was typically financially conservative, she acknowledged and
993 appreciated the recommendations offered by DFA.
994

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

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

999 **19. Day of Recognition for National Service – April 5th by Proclamation**

1000
1001 Ms. Taylor reported Judy G. Sarabia, Ruidoso Community Center RSVP Coordinator requested
1002 Lincoln County recognize by proclamation April 5, 2016 as the National Service Recognition
1003 Day.
1004

1005 **Motion:** Approve the Proclamation for Day of Recognition for National Service, **Action:**
1006 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
1007 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).
1008 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1009 Commissioner Willard.

1010
1011 **20. Consideration/Approval of Memorandum of Understanding between the City of**
1012 **Alamogordo and Lincoln County – Clarifying & Resolving and Apparent**
1013 **ambiguity in Relation to Severance Tax Bond Project Services Number STB13A**
1014

1015 Ms. Taylor stated the City of Alamogordo received a Capital Outlay Appropriation in the amount
1016 of \$74,000 to plan, design, renovate, construct and equip watershed restoration and
1017 improvements to roads, facilities, and campgrounds in the Bonito Lake watershed in Lincoln
1018 County. Ms. Taylor stated based on the title of the award the Department of Finance's Local
1019 Government Division mistakenly assigned the award to Lincoln County.
1020

1021 Ms. Taylor stated the Local Government Division recommended Lincoln County and the City of
1022 Alamogordo enter into a Memorandum of Understanding (MOU) for allocation of funds to the
1023 City of Alamogordo. Ms. Taylor stated the MOU also assigned all responsibilities for
1024 administration of the funding to the City of Alamogordo.
1025

1026 **Motion:** Approve the Memorandum of Understanding with the City of Alamogordo for the Bonito
1027 Lake Project Service number STB13A, **Action:** Approve, **Moved by** Commissioner Stewart,
1028 **Seconded by** Commissioner Allen.

1029 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
1030 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1031 Commissioner Willard.
1032

1033 **21. Consideration/Approval of Contract to Provide Detention Services to the Office of**
1034 **Justice Service, Bureau of Indian Affairs**
1035

1036 Ms. Taylor presented a request and proposed contract from the Bureau of Indian Affairs (BIA)
1037 for the provision of housing and services for BIA inmates. Ms. Taylor noted the contract
1038 specified a daily rate of \$53.94 and was for adult inmates only. Ms. Taylor stated the total
1039 contract award was a maximum of \$75,996.00.
1040

1041 Ms. Taylor noted the average daily inmate count at the Lincoln County Detention Center (LCDC)
1042 was currently well below the maximum capacity of 144 inmates. Ms. Taylor stated LCDC
1043 required full staffing regardless of daily population and stated the additional revenues were
1044 important to fund operations.
1045

1046 Ms. Taylor stated the current negotiated rate with Emerald Corrections for management of
1047 LCDC was \$56.89 per prisoner with a scheduled increase to \$58.00 in May of this year. Ms.
1048 Taylor discussed the options to address the rate differential including negotiation of a higher
1049 rate with BIA, negotiation with Emerald for acceptance of the BIA rate, or County subsidy to
1050 meet the contracted rate of \$58.00 with Emerald.
1051

1052 Attorney Morel discussed the potential need to refuse BIA prisoners should LCDC reach
1053 maximum capacity, the requirement for the facility to meet Federal Prevailing Wage Rates for
1054 employees, and other contractual obligations. Attorney Morel recommended the transfer of all
1055 obligations and deliverable requirements contractually to Emerald Corrections.

1056
1057 **Motion:** Authorize an agreement with the Bureau of Indian Affairs for housing prisoners subject
1058 to negotiations with Emerald to include Emerald's acceptance of BIA reimbursement rates,
1059 assurance of payment of Federal Prevailing Wage Rates; assumption of all other contract
1060 requirements; and clarification of contractual language naming a particular warden, **Action:**
1061 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.
1062

1063 There was a general discussion regarding the current process for housing BIA prisoners,
1064 associated reimbursement rates, and prisoners who have concurrent Tribal and County
1065 charges.
1066

1067 Commissioner Draper questioned whether Native Americans who committed crimes within the
1068 County would qualify under this contract for BIA reimbursement.
1069

1070 Attorney Morel stated he would research the question.
1071

1072 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
1073

1074 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1075 Commissioner Willard.

1076 **24. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
1077 **Lincoln County Ordinance.**

1078
1079 No action taken
1080

1081 **25. Consideration of Appointments and Removals from Boards/Commissioners**
1082 **/Committees:**

1083
1084 a. Lodger's Tax Committee
1085

1086 **Motion:** Appoint Sheri Rodgers to the Lodger's Tax Committee, **Action:** Approve, **Moved by**
1087 Commissioner Draper, **Seconded by** Commissioner Allen.
1088

1089 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
1090

1091 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1092 Commissioner Willard.
1093

1094 **27. Signing of Official Documents**
1095

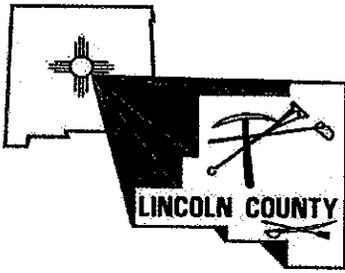
1096 **28. Next meetings:**

- 1097 a. April 19, 2016 - Regular Commission Meeting
1098 b. May 2, 2016 - Preliminary Budget Commission Meeting
1099

1100 **29. Adjourn**

1101 There being no further business to come before the Board of County Commissioners, Chair
1102 Stone adjourned the meeting at 2:15 PM.
1103

1104 Respectfully submitted by,
1105 Rhonda B. Burrows
1106 Lincoln County Clerk



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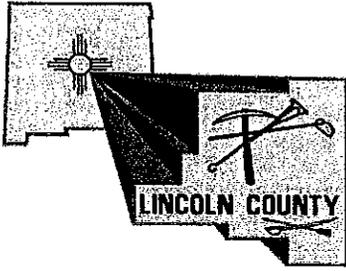
County of Lincoln

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

Agenda Item 7

SUBJECT

1. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer's Financial Report for the Month ending February 29, 2016
 - c. 2016 Fire Fund Distribution Applications
 - d. Agreement to Provide Occupational Health Services
 - e. Donation of Surplus Items to Magistrate Court, Carrizozo by Resolution 2015-38
 - f. Fair Housing Month Proclamation



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 March 1 through March 31, 2016 in the amount of \$2,073,367.72.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 19th day of April, 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

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



P.O. Box 1269
1120 Paseo de Peralta, Room 413
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
John Standefer, State Fire Marshal

800-244-6702 (In state only)
(505) 476-0174
Fax: (505) 476-0100

INTERIM ACTING CHIEF OF STAFF
Andrea Dellling

FISCAL YEAR 2017 FIRE PROTECTION FUND APPLICATION

RECEIVED

MAR 01 2016

ADMINISTRATION
LINCOLN COUNTY NM

Date: March 1, 2016
To: New Mexico Municipal and County Officials
From: John Standefer, State Fire Marshal
Subject: Fire Fund Distribution Pursuant to Fire Protection Fund Act, 59A-53, NMSA 1978

Please find the enclosed application for participation in the fiscal year 2017 Fire Protection Fund for the fire departments under your jurisdiction. **For initial budget preparation purposes each application indicates the guaranteed base amount to be distributed per Article 53, 59A-53-4 and 59A-53-5.**

The application provides a complete overview of your departments Insurance Service Office (ISO) classification and number of recognized stations funded through this Office. Please review this information with the Fire Chief/Fire Marshal as their signature is required along with the Mayor, Chair of the County Commission, or authorized local government designee.

The application shall be received in this Office on or before April 30, 2016.

This application does not include any additional amounts that may be calculated from growth in the fund as the financial information indicating growth or reduction in the fire fund is not yet available. When the amount available to the Fire Protection Fund, for fiscal year 2017, is known we will forward the information to you. Nor does this application reflect any funding intercepts for loans incurred by local governments through the New Mexico Finance Authority.

Completeness of the Fire Protection Fund Application is required. Please take note of the section of the application in which we are requesting contact information for the fire department's National Fire Incident Reporting System's (NFIRS) primary users. We have made huge strides towards achieving our goal of 100% reporting of all certified fire department emergency response activities to the NFIRS program.

It is critical for this Office to have the most current contact information for these efforts as we provide our states fire service with reporting status updates and any system informational updates as they occur. Accurate email information is required for each primary user of the NFIRS program.

Thank you for your assistance.

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
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Fax: (505) 476-0100

INTERIM ACTING CHIEF OF STAFF
Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY ADMINISTRATIVE FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

NAME OF COUNTY: Lincoln

ADDRESS OF APPROVED FIRE ADMINISTRATION BUILDING:

111 Copper Ridge Road, Capitan, NM 88316

ISO FUNDING CLASSIFICATION: 8

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

X Joe P. Keenore

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

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 16,440.48 Building foot trailers

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 52,078.93

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

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

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

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

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

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

Signed and submitted on this _____ day of _____, 2016

_____ /S	_____
Printed Name	Signature of Commission Chair or Authorized Local Government Designee
Joe Kenmore	/S <i>Joe Kenmore</i>
Printed Name	Signature of Fire Chief



County of Lincoln
Fire and Emergency Services
Fire Administration

• 111 Copper Ridge Rd. Angus, NM 88316 • Phone: (575) 336-8600/FAX: (575) 336-8638 •

Public Regulation Commission
State Fire Marshal Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504
Attn: Vernon Muller
Deputy State Fire Marshal

Good Afternoon Mr. Muller,

The Lincoln County Fire Service has recently improved four of our seven departments ISO ratings. By these departments improving our overall ISO average should be a 6. The last report we received did not reflect this. Could you please verify if our ISO is a 6 or will it stay the same? Thanks for your attention and time.

Respectively,



Joe P. Kenmore

Lincoln County Fire Services Director

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
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INTERIM ACTING CHIEF OF STAFF

Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT Arabela COUNTY: Lincoln
FIRE DEPARTMENT ADDRESS: PO Box 262, Tinnie, NM 88351
ISO CLASSIFICATION: 6

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 1

Same As Above

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

The projected minimum amount for fire fund distribution, based on the above information, is \$58,584. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY 16 to FY 17. \$ 95,133.00 New truck or Tender

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 119,472.75

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

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

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

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

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

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1. Fernando Montoya	arabella.volunteer@pvtnetwork.net	(575) 653-4019
2. Victoria Sanchez	vesanchez59@gmail.com	(575) 653-4374

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

Signed and submitted on this _____ day of _____ 2016.

_____ /s/ _____	_____
Printed Name	Signature of Commission Chair or Authorized Local Government Designee
Fernando Montoya	/s/ Fernando Montoya
Printed Name	Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
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STATE FIRE MARSHAL DIVISION

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(505) 476-0174

Fax : (505) 476-0100

INTERIM ACTING CHIEF OF STAFF

An drea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fisoal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT Bonito COUNTY: Lincoln

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

ISO CLASSIFICATION: 6

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 3

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

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

The projected minimum amount for fire fund distribution, based on the above information, is \$175,752. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 140,701

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 254,670

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

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

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

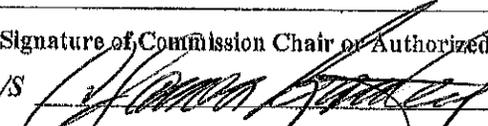
This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us

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

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1. DAVID SEPKOWITZ	david.a.sepkowitz@usps.gov	575-808-0769
2. SPENCER BALDWIN	sbaldwin@lincolncountynm.gov	575-937-0007

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

Signed and submitted on this 8TH day of APRIL 2016.

_____/S	_____/S
Printed Name	Signature of Commission Chair or Authorized Local Government Designee
<u>CARL BARTLEY, CHIEF</u>	
Printed Name	Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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

STATE FIRE MARSHAL DIVISION
Room 413
800-244-6702 (In-state only)
(505) 476-0174
Fax : (505) 476-0100

INTERIM ACTING CHIEF OF STAFF

Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT Glencoe-Palo Verde COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: 27661 Hwy 70, Glencoe, NM 88324

ISO CLASSIFICATION: 9

Approved number of Main Stations is 2

Station #2 271 Hwy 70

Glencoe Palo Verde FD# Mile Marker 276 1/2 Rt 7 Glencoe NM 88324

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

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

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 95,000 Building Maintenance/Veh.

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 107,922

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

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

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

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

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

Name: 1. Bill Dunlap Email: gvfd1601@gmail.com Phone: 575-937-4337
2. _____

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

Signed and submitted on this _____ day of _____ 2016.

AS

Printed Name

Joe Kenmore

Printed Name

Signature of Commission Chair or Authorized Local Government Designee

AS Joe Kenmore

Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
Room 413
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(505) 476-0174
Fax : (505) 476-0100

INTERIM ACTING CHIEF OF STAFF
Andrea Dellng

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT Hondo Valley COUNTY: Lincoln
FIRE DEPARTMENT ADDRESS: P. O. Box 244, Tinnie, NM 88351
ISO CLASSIFICATION: 6

Approved number of Sub Stations is 1

Sub-Station Mile Marker 292.7 Hwy 3

Approved number of Main Stations is 1

Same As Above

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

The projected minimum amount for fire fund distribution, based on the above information, is \$79,139. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 172,760 Pumper/Tanker & Building

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 221,835

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

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

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

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

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

Name: Andrew Coleman Email: afgcoleman@yahoo.com Phone: 575-937-9129

1. _____
2. _____

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

Signed and submitted on this _____ day of _____ 2016.

_____/s/_____
Printed Name Signature of Commission Chair or Authorized Local Government Designee
Andrew Coleman /s/ Andrew Coleman

Printed Name Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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Fax : (505) 476-0100

INTERIM ACTING CHIEF OF STAFF

Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT Lincoln COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: P.O. Box 341, Alto, NM 88312

ISO CLASSIFICATION: 6

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 2

Same As Above

Ft. Stanton Med Hosp. PO Box 91

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

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

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 398,443 Tender / Building maint.

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 413,812

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

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

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

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

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

Name: 1. Bennie Long Email: bennie.long@state.nm.us Phone: 575-354-2748
2. _____

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

Signed and submitted on this _____ day of _____ 2016.

AS
Printed Name Joe Kenmore Signature of Commission Chair or Authorized Local Government Designee
AS Joe Kenmore

Printed Name _____ Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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

INTERIM ACTING CHIEF OF STAFF

Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division **on or before April 30, 2016.**

FIRE DEPARTMENT Nogal COUNTY: Lincoln

FIRE DEPARTMENT ADDRESS: 130 Crocket Canyon, Nogal, NM 88341

ISO CLASSIFICATION: 6

Approved number of Sub Stations is 0

0 Sub Stations

Approved number of Main Stations is 1

Same As Above

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

The projected minimum amount for fire fund distribution, based on the above information, is \$58,584. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 77537 Finish Building / Pumper

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 113426

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

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

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

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

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

Name: 1. CHRIS ROW Email: CRSplumbingINC@aol.com Phone: 575.808-0076
2. _____

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

Signed and submitted on this _____ day of _____ 2016.

_____/s/_____
Printed Name Signature of Commission Chair or Authorized Local Government Designee
Joe Kenmore /s/ Joe Kenmore
Printed Name Signature of County Fire Chief / Fire Marshal or District Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
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Fax : (505) 476-0100

INTERIM ACTING CHIEF OF STAFF

Andrea Delling

NEW MEXICO STATE FIRE MARSHAL DIVISION FISCAL YEAR 2017 COUNTY FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2017 fiscal year. The application is due in the State Fire Marshal Division on or before April 30, 2016.

FIRE DEPARTMENT White Oaks COUNTY: Lincoln
FIRE DEPARTMENT ADDRESS: PO Box 158, Carrizozo, NM 88301
ISO CLASSIFICATION: 9

Approved number of Sub Stations is 0

0 Sub-Stations

Approved number of Main Stations is 1

Same As Above

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

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

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2016. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2017 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'16 to FY'17. \$ 96,770 New building

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ 105,718

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

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

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

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

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

Name: 1 Roy Dose Email: dosdzit@aol.com Phone: _____
2. _____

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

Signed and submitted on this _____ day of _____ 2016.

/s/

Printed Name

Joe Kenmore

Signature of Commission Chair or Authorized Local Government Designee

/s/ Joe Kenmore

Printed Name

Signature of County Fire Chief / Fire Marshal or District Chief

RECEIVED

MAR 23 2016

ADMINISTRATION
LINCOLN COUNTY NM

AGREEMENT TO PROVIDE OCCUPATIONAL HEALTH SERVICES

This Limited Services Agreement to provide Occupational Health Services (Agreement) is made and entered into as of April 1, 2016, and is by and between The County of Lincoln (Client), and Presbyterian Healthcare Services, a New Mexico nonprofit corporation (PHS), contracting on behalf of Carrizozo Clinic and Capitan Medical Clinic, collectively (Group) located in Carrizozo and Capitan, New Mexico.

Recitals:

1. PHS is the owner, lessor or manager of Group.
2. Client desires to retain PHS to provide occupational health services (Services) to employees of Client (Employees).
3. PHS, by and through Group, is willing and able to provide such services.

Agreements:

NOW THEREFORE, in consideration of the mutual promises and obligations hereinafter set forth, the parties agree as follows:

Section 1. Scope of Services. During the term of this Agreement, Group shall be responsible for providing the Services described in Exhibit A, attached hereto and incorporated herein, to Employees.

Section 2. Compensation. Client agrees to reimburse Group in accordance with the Fee Schedule identified in Exhibit A, plus gross receipt tax, if applicable. Statements will be issued by Group at the end of each month for any Services provided during the prior month. Said statements shall include Employee's name and a description of the services rendered. Statements shall be mailed to:

County of Lincoln
P O BOX 711
Carrizozo, NM 88301
Attention: Billie-Jo Guevara

Client will make payments within thirty (30) days following the date of the statement. If Client fails to pay with such time period, Client will pay interest at the rate of one and one-half percent (1 $\frac{1}{2}$ %) per month on the unpaid balance of the statement from the date of the statement until paid. Payments shall be mailed to:

Presbyterian Physician Billing
Department 1589
Denver, CO 80291-1589

In addition to the Group bill, some hospital services may be followed by a separate bill from an independent medical group, including, but not limited to, radiology and pathology interpretation reports and the services of an anesthesiologist.

Section 3. Liability. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Each party will be responsible for its actions and the actions of its employees.

Section 4. Insurance and License Fees. Client shall maintain adequate comprehensive general liability insurance coverage with respect to the area of the services and its Employees. During the term of this Agreement, PHS shall be responsible for maintaining comprehensive general liability insurance coverage, as well as professional liability insurance coverage to cover the Services rendered under this Agreement in amounts deemed reasonable by the governing body of PHS. PHS at its option may maintain such coverage through a formal program of self-insurance. PHS shall provide Client proof of such coverage at any time (upon written request from the Client).

Section 5. Medical Records. Client and Group will establish and maintain a program regarding the confidentiality and retention of Medical Records. Client will release, indemnify and hold harmless PHS and its employees, officers, and directors for any actions arising out of the disclosure of information contained in such records without the legally effective consent of the person whose information is documented in such records. The parties hereto agree that they will not disclose results of any records unless such disclosure is authorized pursuant to the requirements of the Health Insurance Portability and Accountability Act (HIPPA), Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), and 42 C.F.R., 2.1 et seq. To the extent that the Medical Records contain test results governed by the Human Immunodeficiency Virus Test Act, Client makes the following disclosure to PHS:

"This information has been disclosed to you from records whose confidentiality is protected by State Law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains or as otherwise permitted by State law. A person who makes an unauthorized disclosure of this information is guilty of a petty misdemeanor and shall be sentenced to imprisonment in the county jail for a definite term not to exceed six months or the payment of a fine of not more than five hundred dollars (\$500.00), or both."

Section 6. Applicable Law. This Agreement shall be governed by the laws of the State of New Mexico. The parties hereto intend to comply with all applicable state and federal laws. The parties hereto recognize that laws relating to this Agreement may, from time to time, change. At the request of either party, PHS and Client agree to amend this Agreement, in any way reasonably necessary, in order to bring the terms of this Agreement into compliance with applicable state or federal laws. Any action to enforce this Agreement shall be brought in a state or federal court in the State of New Mexico.

Section 7. Dispute Resolution. In the event there is a dispute between the parties arising out of the interpretation or application of this Agreement, the parties shall attempt in good faith to resolve the dispute promptly by negotiations between designated representatives of the parties who have the authority to settle the dispute. If the matter has not been resolved within sixty (60) days of a party's request for negotiation, either party may initiate a cause for action in the Twelfth Judicial District Court.

Section 8. Term. The term of this Agreement is for one (1) year commencing on April 1st, 2016, and ending March 31st 2017, unless previously terminated pursuant to Section 9 herein. This Agreement may be extended for additional one year periods upon mutual written agreement. Any changes, modifications or amendments to this Agreement must be in writing and signed by both parties.

Section 9. Termination.

- a. For Cause. Should either party fail to fulfill any obligation assumed by such party pursuant to the terms of this Agreement, and should such failure not be corrected within fifteen (15) days of receipt by the defaulting party of a written notice from the non-defaulting party which identifies the failure, the non-defaulting party may terminate this Agreement immediately by delivering written notice of termination to the party which failed to fulfill its obligations hereunder. In the event of termination For Cause related to Client's non-payment, said termination shall not release Client from its obligation to provide compensation to Group, as defined herein, for Services rendered by Group prior to the termination date.
- b. Without Cause. Either party may terminate this Agreement without any cause by providing thirty (30) days prior written notice to the other party of its intention to terminate. Such notice shall be submitted as defined in this Agreement.

Section 10. Non-Discrimination. The parties hereto agree that neither will discriminate in the provisions of Services hereunder on the grounds of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap.

Section 11. Severability. In the event that any provision or portion of this Agreement is held unenforceable or invalid by any competent adjudication, the validity and enforceability of the remaining provisions or portions shall not be affected thereby.

Section 12. Notice. Any notice required to be given pursuant to the terms of this Agreement shall be in writing and shall be sent by certified mail, return receipt requested, to the party to receive such notice at the addresses listed on Exhibit A. Either party to this Agreement may change the address to which notice is to be submitted by notice delivered pursuant to this Section 12.

Section 13. Non-Assignability. This Agreement shall not be assigned or delegated without the expressed written consent of the other party. Each party agrees to provide the other with immediate written notice upon any change in ownership.

IN WITNESS WHEREOF, this Agreement has been executed to become effective as of the day and year specified in Section 8 thereof.

COUNTY OF LINCOLN

By: _____ Date: _____

Name: _____

Title: _____

PRESBYTERIAN HEALTHCARE SERVICES

By: _____ Date: _____

Name: _____

Title: _____

EXHIBIT A

Scope of Service and Compensation

Physician Service Description	CPT	Rate
Physical Exam		
New Preventive Visit, Age 18-39	99385	157.50
New Preventive Visit, Age 40-64	99386	185.85
Established Preventive Visit, Age 18-39	99395	130.20
Established Preventive Visit, Age 40-64	99396	143.85
Medical & Laboratory Services		
Comprehensive Drug Screen	80100	27.30
U/A Non-Automated W/Out Microscopy	81002	11.55
TB Test	86580	19.95
TDAP (Tetanus)Vaccine	90715	106.50
Immunization Administration	90471	34.65

1. Only lab services ordered by a Presbyterian Doctor during the course of treatment may be performed and billed under this Agreement. Stand-alone laboratory services including random drug screens must be performed directly by TriCore Reference Laboratories separate from this Agreement.

Additional Hospital Based Services:

- Radiology
- Pathology
- Anesthesia

Notice

Address:

PHS: Presbyterian Healthcare Services
PHS Network Contracting
P.O. Box 26666
Albuquerque, New Mexico 87125-6666
Attention: Director of Network Contracting

with a copy to:

Carrizozo Health Center
P. O. Box 8
710 Avenue E
Carrizozo, NM 88301
Attention: Practice Administrator

Capitan Medical Clinic
P.O. Box 729
Capitan, NM 88316
Attention: Practice Administrator

Client: County of Lincoln
P O BOX 711
Carrizozo, NM 88301
Attention: Billie – Jo Guevara

RESOLUTION 2015-38

APPROVAL OF DISPOSITION OF SURPLUS INVENTORY VIA DONATION TO THE MAGISTRATE COURT CARRIZOZO, NEW MEXICO.

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on April 19, 2016 did review the listed surplus inventory that is recommended to donate to the Magistrate Court of Carrizozo, New Mexico, County of Lincoln.

WHEREAS, the items listed were not valued over \$5,000 at time of purchase in various years.

Item Description:	Department:	Current Location:	Inventory #
High Back Office Chair	Assessor	Warehouse	8705883
High Back Mesh Office Chair	Assessor	Warehouse	8706114
High back Mesh Office Chair	Assessor	Warehouse	8706117
Gray low back office/desk chair	Re-Appraisal	Warehouse	8703272
Gray low back office/desk chair	Corrections	Warehouse	8703273
Gray low back office/desk chair	Re-Appraisal	Warehouse	8703274
Gray low back office/desk chair	Re-Appraisal	Warehouse	8703276
2 drawer filing cabinet (tan)	Unknown	Warehouse	No TAG
2 drawer wood grain filing cabinet	Unknown	Warehouse	No TAG
Black executive chair	Planning	Warehouse	7700418

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County, approves the listed obsolete inventory to be donated to the Magistrate Court of Carrizozo, New Mexico.

PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.

BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO

Preston Stone, Chairman

Dallas Draper, Vice Chair

Elaine Allen, Member

Tom Stewart, Member

Lynn, Willard, Member

ATTEST:

Rhonda Burrows, County Clerk

**LINCOLN COUNTY COMMISSION
FAIR HOUSING MONTH
PROCLAMATION**

WHEREAS, fair and equal housing is a right guaranteed to all Americans; and

WHEREAS, the principal of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

WHEREAS, all citizens have a right to live where they choose within their financial means; and

WHEREAS; people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

WHEREAS; we must, as individuals, assure equal access to housing for all in our communities; and

WHEREAS, we acknowledge the importance of assuring fair and equal treatment of all citizens;

NOW, THEREFORE, WE DO HEREBY PROCLAIM APRIL 20TH, 2016 AS "FAIR HOUSING DAY" IN LINCOLN COUNTY AND URGE ALL OF OUR CITIZENS TO PARTICPATE IN APPROPRIATE ACTIVITIES TO COMMEMORATE FAIR HOUSING.

GIVEN UNDER OUR HAND, THIS APRIL 19, 2016, AT THE LINCOLN COUNTY COURTHOUSE, IN CARRIZOZO, NEW MEXICO.

Preston Stone, Chair

Dallas Draper, Vice Chair

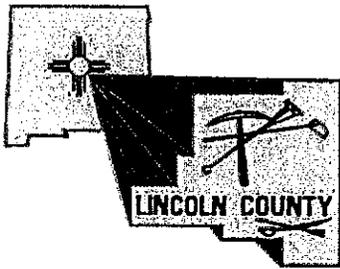
Elaine Allen, Member

Tom Stewart, Member

Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk



County of Lincoln

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AGENDA ITEM NO. 8

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Board of Finance

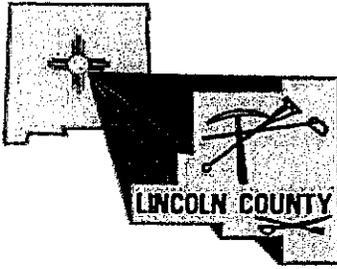
Purpose: To recess the Board of County Commissioners and convene as the Board of Finance.

Discussion: With regard to investment decision-making, the county treasurer determines how to deposit and invest county funds. That decision must then be approved by the board of county commissioners, sitting as the county board of finance. The board of finance has no power to modify the county treasurer's decision without the treasurer's concurrence. On the other hand, the county treasurer cannot impose a unilateral decision upon the board of finance.

State statute 6-10-8 reads as follows: "The board of county commissioners in each county in the state shall, ex officio and without additional compensation, constitute a county board of finance and as such shall, subject to the limitations of this act, have supervision over the determination of the qualifications and selection of banks, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive the public money of their respective counties and of independent rural school districts, rural school districts and municipal school districts of municipalities having less than twenty-five thousand population according to the next preceding United States census and of any special or other districts in their respective counties for which the respective county treasurers of such counties as a ex-officio tax collectors. The county clerk in each county shall, ex officio and without additional compensation, act as clerk of such county board of finance. Every county board of finance shall hold meetings whenever necessary for the discharge of its duties, and the chairman shall convene such board whenever necessity therefore exists or when requested so to do by two of its members or at any time when the county treasurer shall advise the chairman that she has in her custody public money in excess of the aggregated amount which depositories qualified by law are entitled to hold. A majority of the board shall constitute a quorum for the transaction of business.

The county treasurer of each county in the state shall have supervision of the deposit and safekeeping of the public money of her county and all the money which may at anytime come into or be in his possession as county treasurer and ex-officio tax collector for the use and benefit of the state or of any county, municipality or district or of any subdivision of any county or of any state or public institution and by and with the advice and consent of the respective boards of finance having jurisdiction over the respective funds shall designate banks, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive on deposit all moneys entrusted in her care."

Recommendation: Receive and approve the treasurer's report.



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AGENDA ITEM NO. 9

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Carrizozo Sr. Center – Request for Additional Services and Time Extension

Discussion:

During the March 28th status conference regarding the Carrizozo Sr. Center, Contractor Ryan Roper, Architect Howard Kaplan and Manager discussed proposed modifications to existing contract. Discussions included: 1. Request for Extension of Time; and 2. Request for Additional Services.

Request for Forty-Three Day Extension of Time. Mr. Roper has requested an extension of time for two separate delays: 1. a twenty-eight (28) calendar day delay due to a plumbing rough-in correction. The rough-in was red-tagged by Construction Industries Division on January 26th followed by the rework and re-inspection on February 23rd, resulting in the 28 day delay. 2. A fifteen (15) calendar day delay was encountered in selecting a roofing color and finish that met specifications. Metal building was erected and ready for roofing on March 2nd, roofing arrival date was March 17th, resulting in the 15 day delay.

1. Section 3.1 of the Agreement Between Owner and Contractor states: The work to be performed under the contract shall commence not later than ten (10) consecutive calendar days after the date of written Notice to Proceed. Substantial Completion shall be achieved not later than Two Hundred and Twenty Five (225) calendar days after the date of the written Notice to Proceed, *except as hereafter extended by valid written Change Order by the Owner.*
2. Section 3.2 of the Agreement Between Owner and Contractor states: Should the Contractor neglect, refuse, or otherwise fail to complete the Work within the time specified in this article, the Contractor agrees, in partial consideration for the award of the Contract, to pay to the Owner the amount of Five Hundred Dollars (\$500.00) per consecutive calendar day, not as a penalty, but as liquidated damages for such breach of the Contract.
3. Notice to Proceed date was October 26th. See **Enclosure 1**. Per contract, work should have started within ten (10) calendar days, by November 5th. Per the 225 day construction allowance in Agreement, substantial completion would be on June 18th.
4. Roper Construction initial Gantt Chart shows begin date on January 18th with substantial completion on June 3rd. See **Enclosure 2**.
5. Roper Construction revised Gantt Chart shows begin date on January 18th with substantial completion on August 5th. (Addition of 48 days. See **Enclosure 3**). Rather than 43 days.
6. An extension of 43 days from the contractual end date of June 18th would result in a revised end date of July 31st rather than August 5th.
7. Current CDBG Grant expires July 31, 2016; an extension request submittal would be required.

Request for Additional Services. Two additional construction options to this project have been identified for Commission consideration:

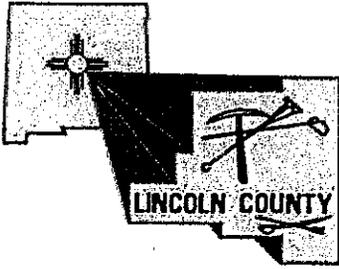
1. **Sidewalk replacement.** The sidewalk on 12th Street adjacent to the Senior Center is broken and cracked. While not a responsibility of the County to replace this sidewalk, the Commission may want to consider adding that improvement. The estimated cost is \$7,000. Informal discussions have taken place with the Town of Carrizozo to determine its ability and/or willingness to replace sidewalk, but no formal request for consideration has been made.
2. **Sidewalk drainage at south end of property.** The design currently includes a pond at the south end of the property to capture water during heavy rains. Concern exists that it may not be sized adequately, and additional sidewalk drainage should be considered. The estimated cost is \$2,500.

Contractor Ryan Roper and Architect Howard Kaplan will be present to describe above concerns and respond to questions. See **Enclosure 4** for cost analysis of proposed additional services. Change Order No.1 summarized on that enclosure represent modifications already approved by the Commission.

Recommendations:

Extension of Time - Options:

1. Request Roper Construction to make up some of the time delay, and meet the **contractual** targeted completion date of June 18th, or a date prior to July 31st.
2. Grant the request for 43 days extension from Roper Construction's initial target date of June 3rd, resulting in a modified completion date of July 16th. Direct Manager to request a CDBG extension.
3. Grant the request for 43 days extension, resulting in a modified completion date of July 31st. Direct Manager to request a CDBG extension.



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October 21, 2015

Mr. Ryan Roper
Roper Construction, Inc.
PO Box 969
Alto, NM 88312

RE: NOTICE TO PROCEED
Carrizozo Senior Center - Construction
CDBG No. 13-C-RS-I-03-G-028

Dear Mr. Roper:

This letter is your official **NOTICE TO PROCEED** as of **Monday October 26, 2015**, for the above referenced project. It is our understanding that you are in receipt of a fully executed Agreement Between Owner and Contractor.

Per your contract, work is to commence within ten (10) calendar days of the above date and Substantial Completion is to be achieved for all construction within two hundred twenty five (225) calendar days unless modified by Change Order. A pre-construction meeting will be held on October 21, 2015 at which time the specifics of the project will be discussed.

All documents you transmit are to refer to the above stated project number. These documents include: correspondence, change order proposals, change orders, payment request statements and all other project related materials which you forward for information and processing.

Prior to commencing any work at the site, you must comply with the signed contract, modifications and other binding documents as part of this contract.

If you have any questions please contact me.

Sincerely,

Nita Taylor
Lincoln County Manager

END 1

CARRIZO SENIOR CENTER

Tasks

Name	Begin date	End date
CARRIZO CSC	1/18/16	6/6/16
SITWORK	1/18/16	5/27/16
BLDG CONCRETE	1/18/16	2/5/16
PLUMBING R-IN	1/18/16	1/20/16
ELECTRICAL UG R-IN	1/20/16	1/22/16
MT BUILDING	2/8/16	3/4/16
ROOF	2/22/16	3/11/16
MT STUD FRAMING	2/22/16	3/18/16
WINDOWS & HOLLOW METAL	3/16/16	3/25/16
LATH & PLASTER	3/21/16	4/29/16
MECHANICAL R-IN	3/14/16	4/8/16
PLUMBING T-OUT	3/14/16	4/8/16
ELECTRICAL R-IN	3/14/16	4/8/16
GYPT/BT	4/11/16	4/20/16
PAINT	4/21/16	4/29/16
FLUID APPLIED FLOORING	5/2/16	5/6/16
CERAMIC TILE	5/2/16	5/6/16
CEILING GRID	5/2/16	5/6/16
FOOD SERVICE EQUIPMENT	5/9/16	5/13/16
MECHANICAL TRIM	5/9/16	5/27/16
PLUMBING TRIM	5/9/16	5/27/16
ELECTRICAL TRIM	5/9/16	5/27/16
FLOORING	5/30/16	6/3/16
DOORS & HARDWARE	5/30/16	6/3/16
SPECIALTIES	5/30/16	6/3/16
FINAL CLEANUP	5/30/16	6/3/16

ENC 2

Tasks

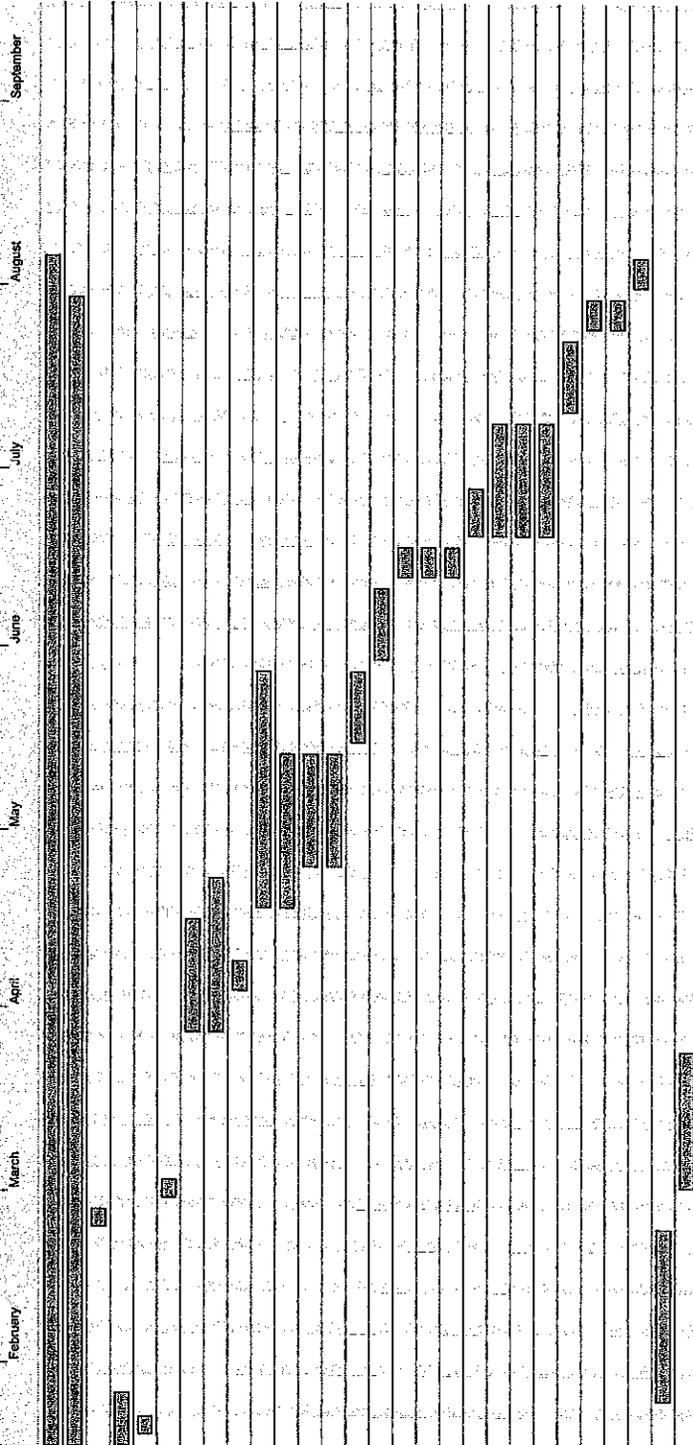
Name	Begin date	End date
CARRIZO CSC	1/18/16	8/5/16
SITWORK	1/18/16	7/29/16
BLDG CONCRETE	2/24/16	2/26/16
PLUMBING R-IN	1/18/16	1/26/16
ELECTRICAL UG R-IN	1/20/16	1/22/16
MT BUILDING	2/29/16	3/2/16
ROOF	3/28/16	4/15/16
MT STUD FRAMING	3/28/16	4/22/16
WINDOWS & HOLLOW METAL	4/4/16	4/8/16
LATH & PLASTER	4/18/16	5/27/16
MECHANICAL R-IN	4/18/16	5/13/16
PLUMBING T-OUT	4/25/16	5/13/16
ELECTRICAL R-IN	4/25/16	5/13/16
GYP/TBT	5/16/16	5/27/16
PAINT	5/30/16	6/10/16
FLUID APPLIED FLOORING	6/13/16	6/17/16
CERAMIC TILE	6/13/16	6/17/16
CEILING GRID	6/13/16	6/17/16
FOOD SERVICE EQUIPMENT	6/20/16	6/27/16
MECHANICAL TRIM	6/20/16	7/8/16
PLUUMBING TRIM	6/20/16	7/8/16
ELECTRICAL TRIM	6/20/16	7/8/16
FLOORING	7/11/16	7/22/16
DOORS & HARDWARE	7/25/16	7/29/16
SPECIALTIES	7/25/16	7/29/16
FINAL CLEANUP	8/1/16	8/5/16
PLBG CODE DELAY	1/26/16	2/23/16
ROOF COLOR DELAY	3/2/16	3/24/16

F NCL 3

Gantt Chart



2016



Name	Begin date	Finish date
• CARRIZO CSC	1/18/16	8/5/16
• SITEWORK	1/18/16	7/29/16
• BLDG CONCRETE	2/24/16	2/26/16
• PLUMBING R-IN	1/18/16	1/26/16
• ELECTRICAL UGR-IN	1/20/16	1/22/16
• MT BUILDING	2/29/16	3/2/16
• ROOF	3/28/16	4/15/16
• MT STUD FRAMING	3/28/16	4/22/16
• WINDOWS & HOLLO...	4/4/16	4/8/16
• LATH & PLASTER	4/18/16	5/27/16
• MECHANICAL R-IN	4/18/16	5/13/16
• PLUMBING T-OUT	4/25/16	5/13/16
• ELECTRICAL R-IN	4/25/16	5/13/16
• GYP/TBT	5/16/16	5/27/16
• PAINT	5/30/16	6/10/16
• FLUID APPLIED FLOO...	6/13/16	6/17/16
• CERAMIC TILE	6/13/16	6/17/16
• CEILING GRID	6/13/16	6/17/16
• FOOD SERVICE EQUIP...	6/20/16	6/27/16
• MECHANICAL TRIM	6/20/16	7/8/16
• PLUMBING TRIM	6/20/16	7/8/16
• ELECTRICAL TRIM	6/20/16	7/8/16
• FLOORING	7/11/16	7/22/16
• DOORS & HARDWARE	7/25/16	7/29/16
• SPECIALTIES	7/25/16	7/29/16
• FINAL CLEANUP	8/1/16	8/5/16
• PLBG CODE DELAY	1/26/16	2/23/16
• ROOF COLOR DELAY	3/2/16	3/24/16

**Carrizozo Senior Center
Additional Services**

Change Order No.1

Relocate Gas Main	\$	2,651.50	
Plumbing Modifications	\$	4,449.42	(WCI to County \$765.62)
Total Change Order No. 1	\$	<u>7,100.92</u>	

Pending Requests

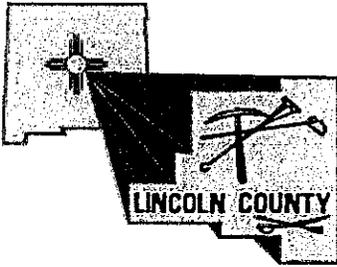
Change of Roof Color (credit to County)	\$	1,567.61	
Sidewalk Replacement	\$	7,000.00	
Sidewalk Drain at south end	\$	<u>2,500.00</u>	
	\$	7,932.39	

These pending requests are all approximate numbers

****Fund 414 Capital Improvements Projects - March 31, 2016 Expense Budget, Page 26**

Line 2603 - Construction: Yearly Unencumbered funds = \$266,822

ENCL 4



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AGENDA ITEM NO. 10

April 14, 2016

MEMORANDUM

TO: County Commissioners

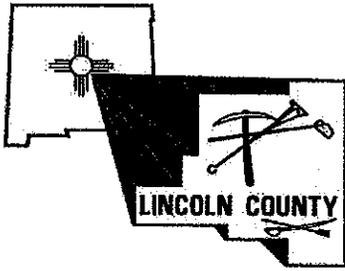
FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Fire and Weather Seasonal Outlook

Discussion:

Mr. Thomas Bird, a meteorologist since 1993 has collected several titles over the years, including National Weather Service Senior Forecaster, Fire Weather Program Leader and/or Incident Meteorologist. He was the guest speaker at last week's "Living in the WUI" Speaker Series on Forest Health, specifically addressing "Fire and Weather Seasonal Outlook". Mr. Bird is a long term friend to Lincoln County, is very familiar with our history of fires and fire seasons, and has agreed to prepare and provide similar information to this Commission and the public.

Recommendations: None required.



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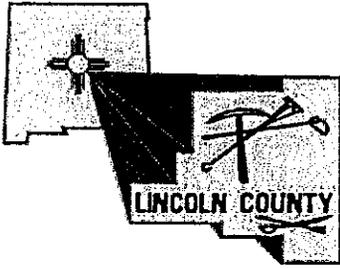
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Agenda Item No. 11

SUBJECT

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



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AGENDA ITEM NO. 12

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Lincoln County Extension Services Update on Activities – Marsha Palmer

Discussion:

Ms. Marsha Palmer, Program Director, 4-H/Family Consumer Sciences Agent, for the Lincoln County Cooperative Extension Service, will provide an update to the Commissioners and the Public of the goals and accomplishments of this grass-roots organization that addresses the needs of individuals, families and communities in Lincoln County.

Recommendations: None required.

Lincoln County Cooperative Extension Service

**Educational Program Highlights
FY 2015-2016**

Delivering solutions to improve lives in Lincoln County

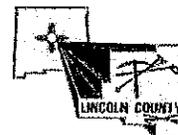
The Cooperative Extension Service is a unique partnership among county, state, and federal programs that respond to local community needs through research-based educational programs from New Mexico State University, the land grant university.

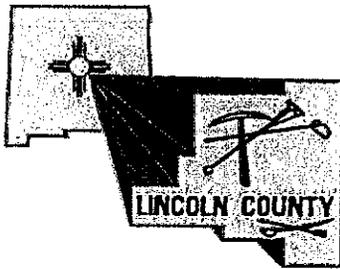
Faculty and Staff

Marsha Palmer—County Program Director, 4-H/Family Consumer Sciences Agent
Audra Lyon—4-H/Agricultural Agent
Mozell Sparks—Administrative Assistant
Tara Morris — ICAN Nutrition Educator

The Lincoln County Faculty recruit citizens interested in identifying local needs to serve on Advisory Committees. The Cooperative Extension Service is unique because it has always been a grass-roots organization. Members of the Extension Advisory Committee provide recommendations to address the needs of individuals, families, and communities in Lincoln County. In addition, committee members advise and help determine priorities for program areas of Lincoln County Extension Service:
Agriculture, 4-H and Home Economics.

New Mexico State University is an equal opportunity/affirmative action employer and educator.
NMSU and US department of Agriculture cooperating.





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AGENDA ITEM NO. 13

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *mt*

SUBJECT: Forest, Land and Natural Resources Matters

Smokey Bear Ranger District: Smokey Bear Ranger District Ranger Heather Noel may be in attendance to provide an update of activities in the Smokey Bear District. She has provided a written update at **Enclosure 1**.

Cibola National Forest: Cibola National Forest & National Grasslands, under the guidance of Forest Supervisor Elaine Kohrman, continues to work diligently on its Forest Plan Revision by involving many diverse groups with differing ideas and opinions regarding the use of forest land, to sit at the table and work through issues. In March alone it held two comprehensive workshops and a pre-season meeting to identify and prioritize Values-at-Risk on each Ranger District in the event of a wildfire:

1. Shared Stewardship Workshop (March 15 – 17). See **Enclosure 2** for Workshop Overview/Agenda;
2. Draft Forest Plan Development Retreat (March 29 – 31). See **Enclosure 3** for Participant Agenda, Summary of Plan Revision Core Principles and list of issues that have come up during forest plan revision to date that may drive alternatives.
3. Pre-season coordination meeting for managing wildfires (May 12th). See **Enclosure 4**.

Manager attended portion of events 1 and 2; Joe Kenmore, Emergency Services Director attended the pre-season fire discussion.

South Central Mountain Resource & Conservation District Council.

Community Forester Rick Merrick plans to be in attendance to update the Commission and the public on forest health activities. See **Enclosure 5**.

Upper Hondo Soil & Water Conservation District. Laura Johnson, Program Coordinator may be in attendance to update the Commission and the public on Upper Hondo's activities this month.

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

Recommendation: None. For information only.

Smokey Bear Ranger District Updates From Ranger Heather Noel

1. Travis Mosely, Lincoln National Forest Supervisor, is taking a 120 day detail to the regional office starting May 2nd. His temporary replacement has not been named as of yet. I will update you once that person is identified.
2. Continuing to work on rebuilding Southfork Campground; recently received the hydrology modeling report to find out where we can plan the campsite locations.
3. The district passed its annual fire preparedness review the day the Moon Mountain Fire began. The fire brought to light the cooperation and communication between all parties involve, as well as the success of the thinning treatments which played a large part in firefighters getting a handle on completing line around the perimeter.
4. 12 Hours in the Wild West along Grindstone Trail system was a highly successful event Saturday with 95% of the course on Forest trails. There were in excess of 250 riders with around 75% from out of town. Great partnerships with the EcoServants, Village of Ruidoso Parks & Rec, and local volunteer groups.
5. One crew of 8 Arizona Conservation Corps kids will work for 2 months clearing trails and improving tread work in the White Mountain Wilderness (primitive tools work). They will focus first on Three Rivers trail and then will work on all trails, spending more time on the heavily used trails. Arizona Conservation Corps also put in grant proposal for \$50,000 to fund a crew for 1 month to finish out clearing trail with crosscut saws. This expands on-trail work done last year in the Capitan Wilderness to finally provide access to the trail system destroyed by the Peppin Fire in 2004.
6. EcoServants submitted a grant proposal for National Forest Foundation funds to layout and build a purpose built downhill trail in the Cedar Creek trail system. This is in answer to the Bell Grant initiative that was unsuccessful last year but generated a ton of interest in the trail system around Ruidoso. Work will also continue on phases 3 and 4 of the reroutes and new construction of sustainable trail.
7. Student Conservation Association students, funded through a Wilderness Grant, will conduct solitude monitoring and inventory campsites within the Wilderness areas.
8. This will be our first year to develop and implement the junior ranger program in partnership with Ski Apache and their summer operations program.
9. New Mexico Game & Fish is presenting a Bear Aware presentation for the public at the Fire Ops building behind the ranger district office in Ruidoso at 7 pm on April 19th.
10. My priority this month is getting out to other towns in the county.



Heather Noel
District Ranger
Forest Service
Lincoln National Forest, Smokey Bear Ranger District

desk: 575-630-3010

cell: 575-937-4878

hmnoel@fs.fed.us

901 Mechem Drive
Ruidoso, NM 88345

www.fs.fed.us



Caring for the land and serving people

ENCL 1



Cibola National Forest and National Grasslands Shared Stewardship Workshop

MARCH 15-17, 2016

WORKSHOP OVERVIEW & AGENDA

Location:

ALBUQUERQUE MARRIOTT
2101 Louisiana Boulevard, NE
Albuquerque, NM

WORKSHOP PURPOSE:

Bring together Forest Service staff and vested partners and stakeholders to **create the collaborative infrastructure and process** for how to build on **current relationships** and create **new relationships** for working together on the Cibola National Forest and National Grasslands.

In support of our planning efforts, the intent of this workshop is to:

- Expand our relationships and skills together to increase our collaborative capacity to develop, finish and implement the Forest Plan
- Establish guidelines for working together, dealing with conflict, transparency and decision making, being inclusive of all interests and people in the process
- Support 4 landscape teams in developing collaborative charters to define structure for working together as we move forward
- Engage in developing an overall collaborative charter at the Forest level for working across all units
- Explore ways that we can work together to establish mutual priorities for these shared landscapes, leverage resources and funding our joint efforts

The workshop will focus on understanding what Shared Stewardship means and what it would look like for the Cibola and its partners. Workshop participants will help develop the structure (how) to keep working together and engaging new partners into the future.

Our time together at the workshop in Albuquerque will be spent in highly participatory and inclusive processes designed to collect and put to use the ideas, perspectives, and diverse interests of the folks attending. The processes and methodologies you will experience can also be a template for continuing your work together and including others along the way.



Cibola National Forest and National Grassland Shared Stewardship Workshop

WORKSHOP APPROACH:

Our assumption is that developing the strategy and process for a shared stewardship model on the Cibola National Forest and National Grasslands can be accomplished by engaging those who have an interest in this outcome, and we hope to rely on the experience, expertise and diverse viewpoints of people in the room to determine the best approach. The planning team has identified larger themes for each day and relevant questions for discussion but in the spirit of shared stewardship, the content and topics are not overly pre-determined. Our process invites people to identify and discuss relevant questions within the scope of the workshop purpose. What evolves will be the product of all participants' contributions and best thinking. Outcomes and next steps are well informed and targeted to the needs and interests of the people in the room.

Below is the overall trajectory of each day, with more specifics include in the agenda that follows:

1. **Day 1 is designed to develop a comprehensive understanding of the current reality and desired state regarding the idea of Shared Stewardship:** all participants present will contribute to this understanding, and think together about the possible focus areas and content of the workshop. This ensures that the content we explore during the workshop is meaningful and relevant to all.
2. **Day 2 builds on and deepens learning from Day 1:** we will illuminate the deeper interests in Shared Stewardship, with an eye towards understanding where common interests can be leveraged, and diverse interests create unmet needs with respect to shared stewardship. Armed with this insight, participants will explore high leverage, targeted strategies for meeting as many interests and needs as possible, and seek to identify several conceptual approaches that could serve in the development of a viable Shared Stewardship model.
3. **Day 3 is a time to clarify what is next.** The work of the previous 2 days will have generated a menu of possible strategies that can be employed. On this day we delve into specifics, and work in break out groups to devise realistic, high leverage next steps informed by the best thinking of all attendees. Decision-making and commitments are deferred to Day 3 to ensure next steps are well understood, strategically targeted, and relevant to what is most needed by those who will be taking on the work.

The Shared Stewardship Workshop is being coordinated by a planning team comprised of members of the forest staff, Landscape Team members and other partners: we are defining the purpose and scope of the program, in conjunction with consultant facilitators from Gilburg Leadership, Inc.

WORKSHOP AGENDA OVERVIEW

Day One: Tuesday March 15, 9—5: Exploring Current Reality and Shared Stewardship Work Focus

9:00-10:00	Workshop Introduction & Orientation Purpose is to set the stage for the 3 days of work we will be doing together, why its important to Forest, and invitation for open, honest dialogue; to get to know who is in the room and how we will work together; plan for the day
------------	--



Cibola National Forest and National Grassland Shared Stewardship Workshop

	<ul style="list-style-type: none"> • Welcoming remarks: Elaine Kohrman • Introductions & Workshop Overview
10:00-12:30	<p>What is Shared Stewardship and Why is it Important for all of us? Facilitated conversation process that invites participants to connect as a working group to one another and the purpose of the workshop by developing a shared understanding around the following kinds of questions:</p> <ul style="list-style-type: none"> ○ What does the idea of Shared Stewardship mean to me and why might it be important? ○ What could Shared Stewardship be like? How will we know its happening? What will we be seeing/feeling/doing? ○ What have we learned from our collaborative efforts so far? What's working? What needs to change? ○ Harvest: What needs our focus to make Shared Stewardship a reality? What conversations/topics/questions do we need to explore together? <p>OUTPUT: Greater clarity where there is shared understanding about this work and where more conversation is needed; synthesis of possible conversation topics to be built off of over next two days</p>
12:30-1:30	LUNCH
1:30-3:30	<p>Intro: Elaine Kohrman SPEAKERS: Learning from Others: Success Stories & Sidebars:</p> <ul style="list-style-type: none"> • Susan Jane Brown - Blue Mountain Forest Partners Collaborative, Oregon • David Siebert – Borderlands Restoration, Arizona • Bob Davis, Planning Director Region 3 • 20 minute presentations, 20 minutes for questions & answers
3:30-3:45	BREAK
3:45-4:45	<p>Speaker debrief: We will be taking time throughout the workshop to highlight and record key learning, and discuss application to developing Shared Stewardship on the Cibola. After listening to the speakers we will ask questions like:</p> <ul style="list-style-type: none"> • What are we learning from the speakers that may inform our work? How does this learning adapt or refine our workshop focus? <p>OUTPUT: Group makes meaning of what they heard with respect to this challenge</p>
4:45-5:00	Close out Day & Prep for Wednesday

Day Two: Wednesday March 16, 8—5: Expanding Perspectives and Exploring Possibilities

8:00-8:30	Check in & Frame Day
8:30-10:15	<p>What is my story about this land?</p> <ul style="list-style-type: none"> • Identify through story telling process our diverse and common connections to the land. • We will illuminate core values and common interests that can inform the kinds of strategies needed to make Shared Stewardship viable and relevant. • Debrief: How does this output support/inform our work on Shared Stewardship? What role might stories have in our on-going work? <p>OUTPUT: Common and diverse themes about values that revolve around the land, the common connection for all; these will help participants know each other better, and the experience will be a primer to naming interests that need to be addressed by strategies devised by group</p>
10:15-10:30	BREAK



Cibola National Forest and National Grassland Shared Stewardship Workshop

10:30-12:00	<p>Naming Common and Diverse Interests</p> <ul style="list-style-type: none"> • Building on the previous activity, participants explore the various interests of people in the room regarding Shared Stewardship: what is shared and where are there competing interests? What are the underlying needs? • Knowing this will enable participants to prioritize efforts for meeting shared interests, and inform efforts for expanding this understanding to those stakeholders not in the room • Debrief: What do common & diverse interests tell us about our work? How can this inform shared stewardship? <p>OUTPUT: Clear understanding of the full array of interests in the room and maybe beyond; use this information to work on strategies that will meet greatest number of interests</p>
12:00-1:00	LUNCH
1:00-3:30	<p>Exploring/Developing Strategies:</p> <ul style="list-style-type: none"> • Opportunity for participants to explore a mix of pre-determined and live-time topics that will inform effective Shared Stewardship strategies. • Possible examples of breakout topics include: <ul style="list-style-type: none"> ○ How to make decisions in a collaborative environment? ○ How to work with and meet competing interests? ○ What best practices/strategies will serve shared interests and support desired outcomes informed by previous work? ○ What kind of organizational structures (e.g. Collaborative, Charter, MOU, etc.) might best enable they Shared Stewardship practices we desire? ○ What perspectives are missing and how might we include them? • Harvest: Report out from each conversation about key insights and any next steps (use a template) <p>OUTPUT: Explorative thinking and synthesis of important topics for shared stewardship that need deeper dives</p>
3:30-3:45	BREAK
3:45-4:45	<p>What's next to support and fortify Shared Stewardship on the Cibola National Forest and National Grasslands? In preparation for Day 3 work, participants review and synthesize output from Days 1 & 2 and develop a prioritized list of topics to work on in Day 3.</p> <p>PROMPT: What will move the Shared Stewardship Process Forward?</p> <p>The following possible topics are not meant to pre-define or limit, but rather demonstrate examples of what might arise from our time together:</p> <ul style="list-style-type: none"> • What organizational structure/template can we use: Collaboratives, MOUs, Charters, other? • How should structure be defined? Geographic, Forest-wide, other? • Developing timelines and next steps for <ul style="list-style-type: none"> ○ Outreaching to new partners at initial stage ○ Developing roles and responsibilities for organizational structure ○ Determining tools for collaboration • What do we share with others from our time here? What is our story going forward? <p>OUTPUT: As a result of the process used, group will develop a consolidated list of topics for working on Day 3; we will use a voting process to create a manageable number of break out stations</p>
4:45-5:00	Close out Day

Day Three: Thursday March 17, 8—4: **What's Next? Getting Specific: Developing Action Steps**

8:00-8:30	Check in & Frame Day
8:30-12:00	<p>What's next to support and fortify Shared Stewardship on the Cibola National Forest and National Grasslands?</p> <p>Developing the Plan</p>



Cibola National Forest and National Grassland Shared Stewardship Workshop

	<ul style="list-style-type: none"> • By day 3, participants have a much clearer understanding of what Shared Stewardship means, why it is important, the diversity of interests represented in the room and possible strategies for meeting as many interests as possible. • The goal of our 3rd day is to develop specific plans, next steps, proposals & draft Landscape Team charters, informed by the depth and breadth of knowledge surfaced over the previous 2 days
12:00-1:00	LUNCH
1:00-2:30	Report out <ul style="list-style-type: none"> • In plenary, each action is presented and next steps (who, what, when, etc.) are clarified
2:30-3:15	Finalizing Next Steps, Closing Activities & Remarks
3:15-4:00	Check out & End Well



**Participant Agenda – Draft Forest Plan Development Retreat
Cibola National Forest Mountain Ranger Districts
March 29–31, 2016
Albuquerque Marriott Hotel
2101 Louisiana Blvd. NE, Albuquerque**

Tuesday, March 29, 2016 – Sandia, Acoma, and Pecos Rooms

Time	Topic
12:30	Registration
1:00 pm	Welcome & Introductions
1:30 pm	Overview & Purpose of Retreat
2:00 pm	Wilderness Evaluation Decisions - Outcome of wilderness evaluation -- break into individual landscape areas/ranger districts
2:30	Break
2:45 pm	<p>Purpose: Begin developing interdisciplinary Forest-wide plan components for each resource group -- DCs, Objectives, Standards and Guidelines, as well as Management Approaches). Consider niche and vision statements as they apply forest-wide.</p> <p>Resource groups:</p> <ul style="list-style-type: none"> ○ Fire-Wildland Urban Interface/Watershed/Air/Soil ○ Range/Livestock Use ○ Vegetation/Forest Products ○ Species of Conservation Concern/Federally Recognized Species ○ Infrastructure/Roads/Facilities/Lands, Special Uses ○ Recreation/Designated and Recommended Areas/ Eligible Wild & Scenic Rivers, Scenery ○ Cultural/ Tribal/Land Grant ○ Minerals/Caves/Renewable Energy <ul style="list-style-type: none"> ● Break into resource groups -- <ul style="list-style-type: none"> ○ Review DCs (15 minutes max) ○ Discuss required plan components (FS specialists) ○ Review and discuss draft objectives, standards and guidelines, and management approaches ○ What did we miss? ○ Capture omissions, areas of controversy, recurring emphasis on a particular topic, geographic- or management-specific comments ○ Consider how ROS, SMS, timber suitability, and WUI mapping may influence plan components
4:30	Wrap-up, Adjustments to Process, How did it go? Adjourn at 5.

Wednesday, March 30, 2016 – Sandia, Acoma, and Pecos Rooms

Time	Topic
8:30 am	Overview of the Day
9:00 am	Small groups continue working through Resource Breakout Tables (1 hour per resource table)
10:00	Break
10:15	Small groups continue working through Resource Breakout Tables (1 hour per resource table)
12:00 – 1:00 pm	LUNCH
1:00 pm	Continue with Resource Table Breakouts
2:30	Break
2:45	Small groups continue working through Resource Breakout Tables (1 hour per resource table)
4:30 pm	Wrap-up, Preview Next Day, and Adjourn at 5

Thursday, March 31, 2016 – Sandia, Acoma, and Pecos Rooms

Time	Topic
8:30 am	Overview of the Day
8:45 am	<p>Purpose: Identify Potential Management areas</p> <ul style="list-style-type: none"> • Break-out by ranger district – blank wall-size maps available for defining interests and locations • Questions: Are there specific areas on the landscape that merit unique management emphasis and WHY? What are additional plan components needed for suggested areas? Where is the approximate boundary? Do the areas fit the Core Draft Plan Principle Statements?
10:00	Break
10:15 am	<p>Purpose: Develop Alternatives to Preliminary Draft Plan – breakout groups by ranger district</p> <ul style="list-style-type: none"> ○ Alternatives address differences in scale and intensity of the Core Draft Plan Principles and issues of non-agreement. ○ Report-outs and capture alternative concepts.
12:00 pm	Wrap-up, Next Steps, Timeline, and Adjourn at 12:30

Cibola National Forest

Forest Plan Revision

Draft Plan Retreat

PLAN REVISION CORE PRINCIPLES

These principles guide and summarize our work, and help to provide additional strategic focus while reminding us that through shared stewardship we gain immense benefits from the Cibola National Forest well beyond our own individual values and interests.

- 1) Respecting Cultural and Traditional Landscapes and Uses: The Land is a life-sustaining resource that shapes who we are, helps form individual and community relationships, and strengthens ancestral connections. The Cibola has a rich history of people connected to this ancient landscape. We recognize that American Indians, land grant heirs and residents of contemporary communities are here because of the land and the value they place on it. Our forest management will serve the needs of present and future generations by acknowledging and honoring the different forest-based cultures, traditions, values, and economic benefits.
- 2) Valuing Unique Places and Features: Our sky islands contain a multitude of hidden gems waiting to be explored off the beaten path... spectacular geologic features, scenic vistas, landscape contrasts and stark transitions. These features give sense of place, promoting harmony between humans and nature. These features contribute to society through provision of nature-based education opportunities, spiritual renewal, artistic inspiration, employment and economic development, and outdoor play and exercise. These services are critical for the cultural and physical health of our society. It is where people come to “get away from it all” and experience solitude in four congressionally-designated wilderness areas, and is also a special gathering place for extended families and groups.
- 3) Managing Holistically for Watershed and Ecosystem Health: The Cibola National Forest plan revision has a responsibility to reduce the potential for uncharacteristic wildfire and the effects of climate change, as well as consider the regenerative capacity of the land and restoration economies. The “restoration economy” refers to the employment, capital, resources, and economic activity that emerge from investments in ecological restoration. Restoration projects can include restoring functional physical landscape processes, growing and planting native plants, supporting springs and pollinators, enhancing habitat, and improving water quality. While investments in restoration benefit the environment, restoration projects also require workers, materials, and services to implement. The marketplace for these goods and services can create employment, spur business and workforce development, and increase activity in local economies. Through holistic management this plan will provide a framework for supporting restoration economies, multiple uses and benefits for this generation and for generations to come.

Cibola National Forest

Forest Plan Revision

Draft Plan Retreat

- 4) Managing For Sustainable Recreation: The Cibola National Plan has a responsibility to provide a recreation program that is resilient and relevant for current and future generations, fosters social and economic opportunities, and sustains the health, diversity, and productivity of the land. This is achieved by collaborating with local communities and partners, and recognizing their contributions and connections to the land, as well as the role they share with us as stewards of the land. The recreation program should be integrated into all resource management decisions and support the Forest's management priorities.

Cibola National Forest
Forest Plan Revision
Draft Plan Retreat

Issues that have come up during forest plan revision to-date that may drive alternatives:

- Wildlife habitat
- Designated areas and management areas - This issue addresses the number, type, and extent of recommended wilderness and other eligible or recommended areas. Interests range from support for very few acres as recommended wilderness to support for tens or hundreds of thousands of acres of recommended wilderness. Other proposed designations include:
 - Backcountry Wildlife Conservation Areas
 - Limited and strategically identified motorized access; prescription burn only, no mechanical treatment;
 - Limited mining, intensive restoration, grazing
 - Potential conflicts with managing for multiple uses
 - Citizen Conservation Proposal
- Access - This issue is related to the extent of the road and trail systems on the Cibola NF. One perspective is to reduce system road mileage by decommissioning closed roads and limiting new road construction. Another perspective is to increase motorized trail opportunities by re-opening closed roads and adding unauthorized routes to the system. The current road and trail system has a backlog of maintenance needs and is financially unsustainable.
- Recreation - Many forest recreationists have an activity they want perpetuated or enhanced; many have a preferred setting in which to enjoy that activity. Potential conflicts to be addressed through collaborative work:
 - Motorized vs non-motorized
 - Multiple managed uses for trails
 - ROS settings
 - Dispersed vs developed
- Restoration – scale and intensity of treatment; WUI vs backcountry;
- Economic development – tourism-based vs. extractive; co-creating sustainable socioeconomic benefits
- Watershed resiliency and regenerative capacity – for some this is the rationale for no recommended wilderness

Balance and scale –between and among local/regional/national interests

Nita Taylor

Subject: FW: April 12th Pre-season Coordination Meeting - invitation to Cooperating Agencies to participate

Subject: FW: April 12th Pre-season Coordination Meeting - invitation to Cooperating Agencies to participate

Hello everyone, thanks for all the great work last week at the Forest Plan Retreat! For those of you that weren't there on Thursday, I invited the cooperating agencies to a meeting next week in preparation for fire season. It's important as we continue to move into a more cooperative relationship of shared stewardship and benefits to also discuss sharing critical risks up front, early and often.

How the Forest Service manages wildfires is a topic of concern for everyone, especially when it comes to protecting firefighters, communities, and property. This session is part of our annual preparedness work that we typically invite our fire-fighting partners to and would like to broaden to include the cooperating agencies. This is not a forest plan meeting, but it relates to much of the values we've discussed to date in the forest planning process. It will be a good reality check on our collective thinking regarding fire management. Please join if you can, and RSVP to myself and Bea Day below.

Thanks!

Elaine Kohrman
Forest Supervisor

Forest Service
Cibola National Forest and National Grasslands

p: 505-346-3900 x3804
c: 505-221-8297
f: 505-346-3901
ekohrman@fs.fed.us

As we strive to improve our safety culture on the Cibola NF and provide our employees with the tools needed to assist in sound, thoughtful decision making regarding Risk Management as it relates to Values-at-Risk on our landscapes, I am pleased to announce we will host a one day meeting on April 12, 2016 at the Forest Service Southwestern Regional Office, 333 Broadway SE in Albuquerque in the basement conference room. Hours will be from 1300-1700.

Meeting Focus: The focus of this meeting is to have a pre-season dialogue amongst key staff at each Ranger District and adjoining Cooperators to identify and prioritize Values-at-Risk on each Ranger District in the event of a wildfire. Each Ranger District will be at a different table, in order to help the discussion within the group.

Objectives of the Values-at-Risk Meeting:

1. Identify Values-at-Risk on the landscape and how these values effect each other.
2. Prioritize the importance of the identified Values-at-Risk in preparation for hosting an Incident Management Team on your District.
3. Ensure the identified Values-at-Risk are uploaded into the Wildland Fire Decision Support System (WFDSS).
4. How to handle an unexpected event.

The discussions will be focused at the strategic level and how decisions could have downstream, as well as upstream impacts. Please send me an email if you plan on attending to ensure we have ample space. If you have any questions, please give me a call.



Bea Day
Forest FMO

Forest Service
Cibola National Forest and National Grasslands

p: 505-346-3874
c: 505-967-8835

South Central Mountain RC&D, Rural Community Forester Report

April, 2016

- 1 Ruidoso Home and Garden Show: I set up a booth at the Ruidoso Home and Garden Show. I talked to over 100 people about Firewise Info.
- 2 ENMU Speaker Series: Was held April 5,2016. We had Tom Bird from the National Weather Station give an update on the upcoming Fire season and personnel from the Pecos Zone gave an update on the resources available. The next speaker series will be held May 3,2016. Topic to be announced.
- 3 Ruidoso CFRP Grant: We have meant to determine where to spend the remaining monies for the Moon Mountain project.
- 4 Sacramento Mountain Wood Industry Summit: This event went well. We had over 140 people present. A well rounded group. The steering committee will be holding a AAR meeting to determine the next step. Thanks for all the support.
- 5 I attended the WUI summit at Silver City.
- 6 I have been attending the South Central Mountain Economic Team meetings. (press release attached)

ENCL 5

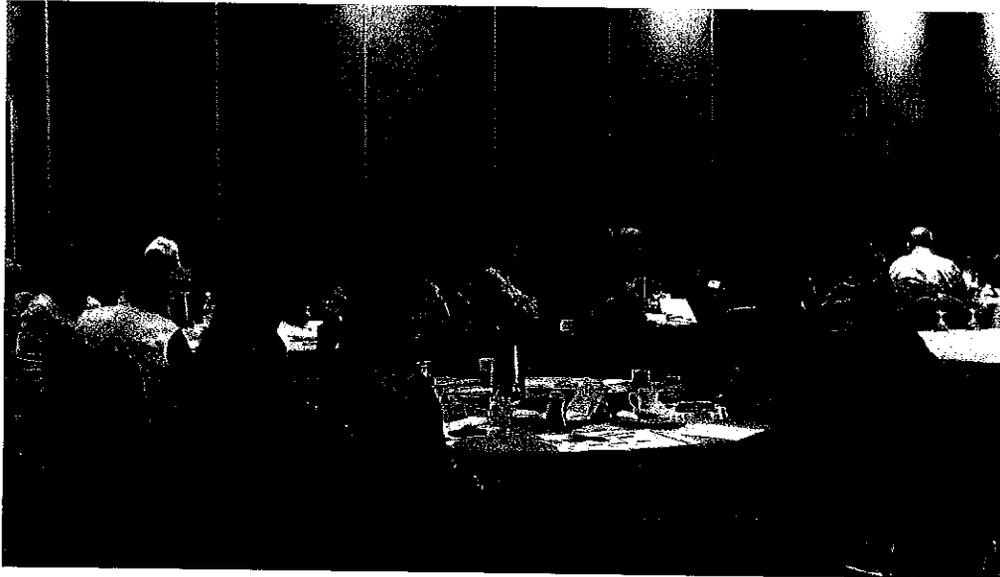


**South Central Mountain Economic Development Association
c/o Carrizozo Works
1216 E. Avenue, Suite 2 * PO Box 1036
Carrizozo, New Mexico 8801**

Contact: Ray Dean
Phone: (575) 648.5586
Cell: (505) 227.3755
Email: redcan88341@yahoo.com

For Immediate Release

“Regional Economic Development Planning Continues April 4 at IMG”



Caption: Local Residents Weigh in on ED Strategy and Action Ideas Process for the Region

Some 35 people from Mescalero, Ruidoso Downs, Ruidoso and throughout Lincoln and Otero Counties focused on finalizing an economic development process in the latest SET economic development session Monday morning, April 4 at the Inn of the Mountain Gods. The Mescalero Apache Tribe and the Inn of the Mountain Gods hosted the regional event, the sixth in a series designed to advance planning for regional



economic revitalization. Despite several new participants, overall attendance was again down from previous planning events.

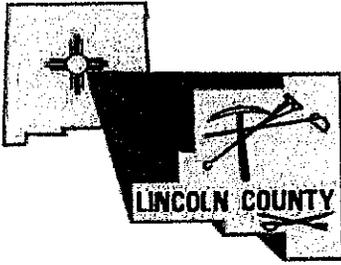
The April 4 event highlighted several successes in other regions of the US. Among them were the Eastern Nevada Development District and the Eastern Oklahoma I-40 Corridor, areas in the West that have also pursued USDA SET regional planning and implementation strategies. Small group work on the ABCs of successful planning followed, focusing on designing strategies and actions to meet economic development goals in the southcentral mountain region.

The South Central Mountain Economic Development Association is a regional economic planning group, formed by Carrizozo Works, the Mescalero Apache Tribe, City of Ruidoso Downs, the Village of Ruidoso and Lincoln/Otero Counties. The group's purpose is to develop a collaborative economic development plan that creates new sustainable, higher wage jobs and more diverse businesses across the region. The plan will primarily focus on new business and sustainable job creation of the tourism/recreation industry, the biomedical industry, forest products/energy/agriculture, and information technology/ telecommunications.

The next SET session will be Monday, May 2, 9 am to 12 Noon at the Inn of the Mountain Gods.

For more information on the Strengthening Economies Together [SET] project in Lincoln County, Mescalero and Otero County and participation in the Civic Engagement forum, contact Ray Dean at **[505] 202.3755** at redcan88341@yahoo.com; or Jim Miller at **[575] 937.2873** or jamespmiller@windstream.net.

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County of Lincoln

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

www.lincolncountynm.gov

AGENDA Item No. 14

April 14, 2016

MEMORANDUM

TO: County Commissioners
FROM: Nita Taylor, Lincoln County Manager *NT*
SUBJECT: Solid Waste Collection Services - Update

Discussion: During its March 19th meeting, the Commission was briefed on the current status of Solid Waste Collection Activities, and provided guidance in receiving continued status of events:

a. Costs Incurred by Category.

In February, the County tracked expenses for the *first half of FY15/16* as follows:

1. Payments to GSWA for 1 st half of Fiscal Year (\$44,691 mthly)	\$ 544,183
2. Settlement Payment to GSWA	\$ 273,000
3. Transition Costs – Electrical Service compactor retrofit, signage	\$ 18,047
4. WasteQuip (new compactors)	\$ 343,014
Total	\$ 1,178,245

Attorney's fees incurred since litigation commenced, December, 2013:

• The County of Lincoln (actual based on ledger entries)	\$ 138,368
• Alto Lakes & Water Sanitation District (actual)	\$ 94,332
• GSWA (estimated based on public records)	\$ 243,477
Total	\$ 476,178

See **Enclosure 1** for summary.

General ledger costs from January 1 through April 13, 2016 include the following:

• City of Alamogordo – tipping fees	\$ 4,645
• Signage	\$ 728
• GSWA (end of year/beginning of year assistance)	\$ 50,906
• EGRT	\$ 39,970
• Hydraulic Lines & fittings	\$ 6,064
• GRT, 1 st Qtr.	\$ 10,984
• Otero County Electric Coop	\$ 715
• PNM Electric Services	\$ 89
• Sierra Contracting	\$ 168,271
• Postage	\$ 1,492
• Salary & Benefits	\$ 14,234
Total	\$ 298,098

See **Enclosure 2** for Summary

(Totals differ due to electrical service transition worked in December; paid in January)

b. **Equipment Orders.** In working closely with Sierra Contracting to determine ongoing equipment needs, thirty-six 3-cubic yard side load dumpsters were ordered, with a confirmed delivery date of October 14th. In addition, thirty-five 96-gallon poly carts (toters) have been ordered, with a committed ship date of April 30th.

• 35 Poly Carts w/shipping	\$ 2,248
• 36 Side Load Dumpsters	\$20,808
Total	\$23,056

The need for additional equipment is being continually evaluated, as we learn more about our customers' needs and expectations.

c. **Site Preparation.** In the February 2016 Commission meeting, the Commission considered the status and recommendations for existing compactor site locations and provided direction to for moving forward. A number of those sites have been identified for relocation due to several factors, including current ownership of the site, accessibility to the public and the contractor for trash collection, and safety of the existing location. Those sites targeted for relocation will require addition of electric connectivity, as well as a concrete pad. We have opted to work on one location at a time.

1. **Alto Mountain Village.** Initial Commission approval for potential move to Village of Ruidoso owned property behind Chisum Convenience Store, if available for purchase at a reasonable price. Site is not available; current recommendation is to leave at its existing location for now;
2. **Cedar Creek.** Compactor will remain in same location. Smokey Bear Ranger District has provided notification that permits have been signed and are in the process of delivery to the County;
3. **Laughing Horse Trail.** This compactor is being relocated to Cora Dutton, and is the current sight being worked on for installation of electricity and concrete pad;
4. **Nosker/McCoy Property on Hwy 70.** This compactor will be relocated to Glencoe Fire Station #1, on County owned property.
5. **Buckhorn.** This compactor is currently located on private property off of Hwy 70 in the Glencoe area. This location is not safe and convenient for customers and Sierra Contracting to access, and is being relocated to Glencoe Fire Station#2.
6. **Hondo.** Located on County property that houses Hondo Senior Center. No plan to relocate.
7. **Lincoln.** Currently leasing from Village of Ruidoso, which considered County's inquiry to purchase. The Village is leasing that location to the FAA, and arranged a sub-lease with the County in 2003. They are working to terminate the existing lease and consider selling the land to the County. Until then, they have proposed entering into a short-term lease, pending a potential eventual sale to the County.
8. **Loma Grande.** County has received executed copy of access permit from New Mexico Department of Transportation. See **Enclosure 3**. Transition complete.
9. **Ranches of Sonterra.** Five-year Lease entered into between the County and the Ranches of Sonterra Property Owners Association on March 21, 2016. Should lease terminate for any reason, two potential replacement sites have been identified: Bonito Fire Station on Hwy 220 or vacant land at corner of Hwy 220 and Old Ft. Stanton Road.
10. **San Patricio.** Compactor currently located on a curve / angle, which is not convenient for customers or Sierra Contracting to access. Per Commission direction, other options continue to be explored.
11. **Sun Valley.** This site is not being used by the County, but the property is within the County-owned right-of-way, and is being used by GSWA to provided services to Sun Valley Water & Sanitation District. As this site has been identified as unsafe for customers and contractor to access, GSWA has been requested to remove its compactor from that site. See **Enclosure 4**.

- d. **Exemptions.** The Commission has adopted three types of exemptions that remove residents/landowners from the County's billing process. A Waiver of Solid Waste Collection Fee must be submitted to and approved by the County:
1. Section 7A. Landowner who has at least three-hundred (300) contiguous acres of land with adequate disposal sites per household, and the solid waste that is generated on that property does not harm the environment or endanger the public health, welfare of safety.
 2. Section 7B. A property owner of residential property whose property is uninhabitable.
 3. Section 7C. An owner of property whose solid waste services are being provided by another Governmental Entity pursuant to a properly executed Memorandum of Understanding entered into between the County and the Governmental Entity. (i.e., property owners receiving services from Village of Corona).

➤ 300 Acres +	180	
➤ Commercial	157	Listed Commercial in Assessor records
➤ Commercial/RV Parks	58	GSWA billing as Commercial, listed residential
➤ Corona	44	
➤ Nazarene	11	
➤ Inside City Limits	61	Outside city limits, but billed water/trash (Capitan, Ruidoso Downs, Ruidoso)
➤ Accessory Building	18	
➤ Sun Valley	189	
➤ Uninhabitable	34	
➤ Other	84	
Total	836	

- e. **Fees collected / Uncollectibles.** The process of billing and collection of fees for solid-waste services continues to be refined. At **Enclosure 5** is a Summary of 2015 collections, with a total of \$730,669 collected for the year. At **Enclosure 6** is a summary of 2016 collections to date, with a cumulative comparison of revenues collected over the same time frame in 2015. The 2016 1st quarter receipts annualized total \$932,924, which reflects a 27.7% increase over last years' solid waste receipts.

While the amount of revenues continues to grow (with no rate increase), and the number of accounts not paying for solid waste collection services continues to shrink, there are a number of property owners who have never paid on their account. Many of these are for properties that were considered by the resident owner to be uninhabitable, but were billed by the County because the Ordinance required that. Due to strong feedback by the public, and reconsideration by the Commission, an Ordinance amendment was approved by the Commission at its August 18, 2015 meeting, which became effective on September 19, 2015, that allowed the uninhabitable property exemption discussed above. Manager and Attorney have discussed potential remedies for this dilemma, and propose the Commission consider issuing a blanket waiver for past fees owed by those residents who have since been granted an exemption for 1) 300+ acres, 2) uninhabitable property or 3) Corona-billed customers. Should the Commission endorse that concept, a detailed list of property owners with amounts owed will be presented at the May Commission meeting for consideration.

- f. **Requests for Services.** The County and Sierra Contracting have had a number of requests for personal "dumpster" service, which is a service that can be provided without impacting existing customers receiving County common dumpster or compactor service; nor would it impact their rate. This is a service that would be available to both residential and business customers operating outside municipalities and the Alto Lakes Water & Sanitation District.

Should the Commission endorse the concept for the introduction of such a service, a proposal will be developed for your consideration at the May meeting.

Because of this research and discussion, it became clear that there are a number of business customers located in the County (outside municipalities) who are not contracting with other providers for solid waste collection services, nor are they being billed by the County, as our billing list is derived from Assessor records of residential property. Yet they are certain to be discarding their solid waste somewhere; likely using County compactors and/or dumpsters.

Per Ordinance 2016-01, Section 5.B states that “Payment of the solid waste collection fee shall be the obligation of the responsible party for *each residence and business* located in the unincorporated area of Lincoln County”. We have no way of determining what businesses are physically operating in the County. Although the State requires a CRS, it is often tied to a Post Office address rather than to a physical address. Many counties have resolved this problem by requiring a mandatory Business License for any entity conducting business in the County. This is typically an inexpensive process with a minimal fee attached. In Lincoln County, we have in place a mandatory requirement for individuals to have an Alarm Permit, which carries an annual fee of \$25 to cover administration. A Business License fee could be administered in much the same manner, likely for the same fee. The main purpose would be to identify business customers for the billing of solid waste collection services, as required by the Ordinance. Should the Commission endorse that concept, a proposal will be developed for your consideration during the May meeting.

Recommendation: Direct Manager to include proposed topics on May meeting for Commission consideration:

1. Blanket waiver of past fees owed by those residents who have since been granted an exemption for uninhabitable property;
2. Introduce new plan to offer “individual dumpster service”;
3. Develop proposal for the creation of a Lincoln County Business License Program, which would enable the County to assess fees for Solid Waste Collection Services, as required by Ordinance 2016-06.

Greentree Solid Waste Authority
Legal / Attorney fees and costs paid to fund litigation costs in both GSWA litigation cases between the
years 2013 and 2016 as recorded in GSWA reports and submitted to GSWA Board members for
scheduled board meetings.

Documents include Bank Register Reports (BRR)
AP GL Ex. Distribution Report (AP GL)
Fiscal Year Budget Report (FYB)

DISCLAIMER: ALL FIGURES UTILIZED IN THIS REPORT ARE LOCATED IN THE GSWA
MATERIALS IDENTIFIED ABOVE.

<u>MONTH/YEAR</u>	<u>DESCRIPTION per documents</u>	<u>FEE</u>
Dec.-2013	Professional Services and Attorneys' fees ¹	55,754
Jan. 13, 2014	BRR: Zach Cook	3,415.17
Jan. 13, 2014	BRR: Zach Cook	2,988.27
Jan. 13, 2014	BRR: J. Robert Beauvais	2,824.97
Jan. 13, 2014	BRR: J. Robert Beauvais	2,022.57
Jan. 2014	FYB: Professional Services	10,618
Jan. 2014	FYB: Legal Fees	5,103
Feb. 2, 2014	AP GL: J. Rbt. Beauvais	11,309.33
Feb. 2014	FYB: Legal Fees	22,163
May 2014	FYB: Legal Fees	8,670
June 12, 2014	AP-GL: Zach Cook	3,568.33
July 21, 2014	AP GL: J. Rbt Beauvais	11,309.33
August 2014	FYB: Legal Fees	18,006
September 4, 2014	AP GL: Zach Cook	977.63
September 30, 2014	AP GL: Zach Cook	1,016.21
September 30, 2014	AP GL: Zach Cook	977.63
September 30, 2014	AP GL: J. Rbt. Beauvais (refund overpay August 20, 2014)	(3,390.41)
October 2014	FYB: Legal	978
December 2, 2014	AP GL: Zach Cook	3,470.57

¹ \$55,754 is an approximate figure based upon 2013 GSWA records reflecting Professional Services paid which included Attorneys' fees paid to various attorneys until Accounts Payable records were provided to GSWA Board members beginning January, 2014, which showed specific payments to specific GSWA Attorneys. GSWA did not break out Attorney fees and costs from Professional Services when D 0101 CV 2013 00104 was initially filed and prosecuted.

January 16, 2015	AP GL: Zach Cook	3,731.27
January 12, 2015	AP GL: Robert Doughty	8,503.80
February 26, 2015	BRR: Robert Doughty	10,076.18
March 26, 2015	AP GL: Robert Doughty	5,164.44
March 26, 2015	AP GL: Robert Doughty	3,058.82
April 24, 2015	AP GL: Robert Doughty	6,384.47
June 16, 2015	AP GL: Zach Cook	2,378.89
June 2, 2015	AP GL: Robert Doughty	4,391.80
June 16, 2015	AP GL: Robert Doughty	342.99
June 26, 2015	AP GL: Robert Doughty	462.06
July 7, 2015	AP GL: Zach Cook	2,215.95
July 7, 2015	BRR: Zach Cook	3,160.99
July 7, 2015	AP GL: Zach Cook	945.04
August 27, 2015	AP GL: Robert Doughty	1,256.81
September 8, 2015	BRR: Zach Cook	2,828.60
October 14, 2015	BRR: Zach Cook	1,368.68
October 14, 2015	AP GL: Zach Cook	896.16
October 29, 2015	AP GL: Robert Doughty	1,513.41
November 19, 2015	AP GL: Zach Cook	1,156.86
November 19, 2015	AP GL: Zach Cook	2,778.22
November 19, 2015	AP GL: Zach Cook	782.10
December 17, 2015	AP GL: Robert Doughty	7,124.40
December 30, 2015	AP GL: Robert Doughty	2,987.04
January 11, 2016	AP GL: Zach Cook	2,053.01
January 11, 2016	AP GL: Zach Cook	2,050.84
January 11, 2016	BRR: Zach Cook	2,633.06
January 11, 2016	AP GL: Zach Cook	443.18
January 26, 2016	AP GL: Robert Doughty	120.36
January 26, 2016	AP GL: Robert Doughty	886.01

Total Fees paid:

246,867.45

- 3,390.41 (see Sept. 30, 2014)

GRAND TOTAL:

243,477.04**

** The Board of County Commissioners of Lincoln County requested that staff compile a list of total costs incurred by Lincoln County, Alto Lakes Water and Sanitation District and GSWA in connection with the prosecution and/or defense of the two cases filed by GSWA against the County of Lincoln and Alto Lakes Water and Sanitation District. It is difficult to pinpoint the exact amount paid by GSWA. The various attorneys that represented GSWA in the two cases identified above between the years 2013 and 2016 include Angie Schneider (now Judge Schneider), Zach Cook, J. Robert Beauvais and Robert Doughty.

It was additionally difficult to determine exactly what were attorney's fees and what might have been professional services rendered by Joe Lewandowski (Operational Consultants, Inc.). Initially, Mr. Beauvais' attorneys' fees were paid through Operational Consultants' contract with GSWA. Once again, it was difficult to break out attorneys' fees from other professional fees in connection with the litigation. I would also point out that GSWA rarely provided the same information every month from which tracking what attorney's fees were incurred and paid by GSWA pertaining to litigation could be noted. Furthermore, there are additional costs for services rendered by staff, management and consultants that do not show up in the total cost estimate identified in this report.

Alto Lakes Water & Sanitation District PO Box 750, Alto, New Mexico 88312			
Greentree Legal Fees			
Date	Ck#	Invoice #	Amount
1/7/2013	5251	6306	\$4,169.92
2/7/2013	5309	6346	\$21,538.56
4/2/2013	5480	6440	\$18,632.08
11/4/2013	6021	6843	\$697.81
12/6/2013	6074	6912	\$10,177.83
2/3/2014	6269	7034	\$3,259.96
3/3/2014	6336	7079	\$1,816.38
4/2/2014	6398	7140	\$2,096.67
4/2/2013	6447		\$930.41
5/5/2014	6486	7196	\$4,123.20
6/3/2014	6553	7281	\$5,002.59
7/1/2014	7350	6652	\$200.02
9/2/2014	6762	7435	\$1,709.09
11/3/2014	6892	7538	\$17,325.03
11/2/2015	7625	8112	\$492.28
12/1/2015	7692	8180	\$2,139.17
12/30/2015	7726	8233	\$121.85
			\$94,832.65

COUNTY OF LINCOLN

GENERAL LEDGER HISTORY PRINTOUT

Selection is by : Date From-7/1/2012 Thru-3/21/2016, & G/L#-401022400

Date	G/L Number	Sub-Type	Number	Debits	Credits	Name	Description
07/11/2013	401022400	C/D	80217	1,604.61	0.00	ALAN P MOREL, P.A.	GSWA V. LINCOLN COUNTY, ET AL
08/02/2013	401022400	C/D	80468	338.83	0.00	ALAN P MOREL, P.A.	GSWA
11/09/2013	401022400	C/D	81459	304.43	0.00	ALAN P MOREL, P.A.	GSWA
12/06/2013	401022400	C/D	81781	252.21	0.00	ALAN P MOREL, P.A.	GSWA
02/07/2014	401022400	C/D	82446	1,263.65	0.00	ALAN P MOREL, P.A.	GSWA
02/07/2014	401022400	C/D	82483	6,831.07	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES - LAW FIRM
03/10/2014	401022400	C/D	82758	1,804.22	0.00	ALAN P MOREL, P.A.	GSWA
03/10/2014	401022400	C/D	82783	1,871.69	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES
04/10/2014	401022400	C/D	83133	1,085.87	0.00	ALAN P MOREL, P.A.	GSWA
04/10/2014	401022400	C/D	83148	4,653.88	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES-LITIGATION
05/09/2014	401022400	C/D	83453	3,704.03	0.00	ALAN P MOREL, P.A.	GSWA
05/09/2014	401022400	C/D	83485	4,338.70	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES-LITIGATION
06/03/2014	401022400	C/D	83749	1,480.81	0.00	ALAN P MOREL, P.A.	GSWA
06/03/2014	401022400	C/D	83759	9,348.35	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
07/10/2014	401022400	C/D	84127	261.55	0.00	ALAN P MOREL, P.A.	GSWA
07/10/2014	401022400	C/D	84138	5,185.80	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES - LAW FIRM
08/08/2014	401022400	C/D	84453	888.88	0.00	ALAN P MOREL, P.A.	GSWA
08/08/2014	401022400	C/D	84487	1,036.07	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
09/03/2014	401022400	C/D	84707	2,488.73	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
09/06/2014	401022400	C/D	84723	248.57	0.00	ALAN P MOREL, P.A.	GSWA
10/07/2014	401022400	C/D	85033	723.33	0.00	ALAN P MOREL, P.A.	GSWA
10/07/2014	401022400	C/D	85045	7,113.48	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
11/05/2014	401022400	C/D	85388	3,815.33	0.00	ALAN P MOREL, P.A.	GSWA
11/05/2014	401022400	C/D	85388	14,815.58	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
12/10/2014	401022400	C/D	85783	358.46	0.00	ALAN P MOREL, P.A.	GSWA
12/10/2014	401022400	C/D	85803	10,453.58	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
01/09/2015	401022400	C/D	86088	228.11	0.00	ALAN P MOREL, P.A.	GSWA
01/14/2015	401022400	C/D	86169	11,148.48	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
02/10/2015	401022400	C/D	86400	241.46	0.00	ALAN P MOREL, P.A.	GSWA
02/10/2015	401022400	C/D	86425	7,903.45	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
03/10/2015	401022400	C/D	86772	888.18	0.00	ALAN P MOREL, P.A.	GSWA
04/09/2015	401022400	C/D	87177	1,364.53	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES - LAW FIRM
05/05/2015	401022400	C/D	87488	14,315.81	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES
05/08/2015	401022400	C/D	87529	142.80	0.00	ALAN P MOREL, P.A.	GSWA
08/03/2015	401022400	C/D	87864	1,731.88	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
08/05/2015	401022400	C/D	87878	85.18	0.00	ALAN P MOREL, P.A.	GSWA
07/07/2015	401022400	C/D	88218	819.28	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES
08/24/2015	401022400	C/D	88638	160.50	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES - LAW FIRM
08/10/2015	401022400	C/D	88825	882.75	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES
09/30/2015	401022400	C/D	88090	583.01	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
11/12/2015	401022400	C/D	88514	848.32	0.00	ALAN P MOREL, P.A.	GSWA
12/01/2015	401022400	C/D	88775	7,489.88	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SERVICES
12/04/2015	401022400	C/D	88812	1,887.38	0.00	ALAN P MOREL, P.A.	GSWA
12/30/2015	401022400	C/D	90028	1,179.08	0.00	MELENDRES, MELENDRES AND	PROFESSIONAL SVCS - LITIGATION
01/08/2016	401022400	C/D	90070	301.43	0.00	ALAN P MOREL, P.A.	GSWA
01/29/2016	401022400	C/D	90328	828.78	0.00	MELENDRES, MELENDRES AND	RE: LITIGATION
02/09/2016	401022400	C/D	90425	48.80	0.00	ALAN P MOREL, P.A.	GSWA

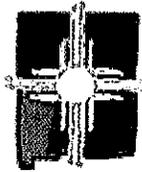
138,368.11 0.00

The following is the best estimate of the amount of attorneys' fees and costs expended on litigation by the County of Lincoln, Alto Lakes Water and Sanitation District and GSWA in either prosecution or defense of the litigation filed by GSWA:

The County of Lincoln:	\$138,368.11
Alto Lakes Water and Sanitation District	\$94,332.65
GSWA	<u>\$243,477.04</u>
 TOTAL:	 \$476,177.80

A	B	C	D	E
GENERAL LEDGER HISTORY PRINTOUT				
1				
2	Selection is by : Date From: 1/1/2016 Thru: 4/13/2016, & G/L #: 563842000			
3	Date	Debits	Name	Description
4	Feb; Mar; Apr	\$4,645.37	CITY OF ALAMOGORDO	TIPPING FEES
5	January	\$728.39	D-LUX Screen Printing	Signage
6	January	\$50,906.30	GSWA	Collection & Disposal
7	Jan; Feb; Marcy	\$39,969.61	GSWA - EGRT	ENVIRONMENTAL GROSS RECEIPTS
8	January	\$6,064.04	MELODY ENTERPRISES, INC.	HYDRAULIC LINES AND FITTING FOR
9	Jan; Feb; Mar	\$10,983.65	NM TAXATION & REVENUE DEPT.	GRT 1st Qtr.
10	Feb, Mar	\$715.31	OTERO COUNTY ELECTRIC CO-OP, INC	2 months electric
11	February	\$40.28	PETTY CASH	
12	Jan; Feb; Mar	\$89.36	PNM ELECTRIC SERVICES	3 months electric
13	February	\$11,206.72	RIDEOUT'S ELECTRICAL WORX INC	COMPACTOR ELECTRIC HOOK UP AT
14	Feb; Mar; Apr	\$168,270.87	SIERRA CONTRACTING INC.	3 months COUNTY WIDE CONTRACT SOLID WASTE
15	February	\$51.96	VILLAGE "ACE" HARDWARE	SPRAY ADHESIVE FOR DUMPSTER
16	SUB-TOTAL	\$293,671.86		
17	YTD	1,491.70	Postage	
18	YTD	\$14,234.06	Salary & Benefits	
19	TOTAL	\$309,397.62		

ENCL 2



NEW MEXICO DEPARTMENT OF
TRANSPORTATION

APRIL 7, 2016

COUNTY OF LINCOLN
C/O NITA TAYLOR
PO BOX 711
CARRIZOZO, NM 88301

RE: Access Permit No. 2- 5209 NM 37 MM 3.5 W ROW

Attached is an Executed copy of the above access permit. You may now begin construction.

ALL CONSTRUCTION AND MAINTENANCE COSTS of this access will be the applicant's responsibility.

Removal of any debris (mud, dirt, rock, etc.,) tracked onto the highway during construction or the use of the access/median, *shall* be the responsibility of the applicant.

During construction of this access, the contractor must place warning signs in accordance with requirements of the latest edition (2009) of the Manual on Uniform Traffic Control Devices (MUTCD). This MUTCD manual can be found at mutcd.fhwa.dot.gov

A copy of this permit and attached documents *shall* be on site during construction and *should be* retained for record keeping purposes.

The completed construction of this installation must meet the provisions and specifications of the permit and is subject to the approval of this office. If not completed according to plans and specifications, corrections deemed necessary will be at the expense of the applicant.

Access permit shall remain in compliance with New Mexico Administrative Code (NMAC) 18.31.6 State Highway Access Management requirements, terms and conditions.

If you have any questions please contact me at (575) 637-7218 or by email at Rebecca.turner@state.nm.us

Sincerely,

Rebecca Turner
District Two Permit Agent

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeltz
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

District Two

P.O. Box 1457

Roswell, NM 88201-1457

ENCL 3

RECEIVED
FEB 23 2016

APPLICATION FOR PERMIT TO CONSTRUCT AN ACCESS OR MEDIAN OPENING ON
PUBLIC RIGHT-OF-WAY

District No. <u>2</u>	Permit No. <u>5209</u>	State Highway No. <u>37</u>
Project No. <u>-</u>	Station No.(s) <u>-</u>	Mile Post(s) <u>3.5</u>
Posted Speed <u>-</u>	Highway ADT <u>815</u>	Sight Distance <u>Unrestricted</u>
Type of Vehicle <u>-</u>	Estimated Driveway ADT <u>N/A</u>	

TO: NEW MEXICO DEPARTMENT OF TRANSPORTATION
ATTN: DISTRICT ENGINEER

Deming Roswell Albuquerque Las Vegas Santa Fe Milan

Application is hereby made by County of Lincoln, P.O. Box 711 Carrizozo, NM 88301
(Owner of Property) (Mailing Address)

to develop or redevelop a Public Solid Waste Compactor with the
(Type of Development)

estimated driveway ADT as listed above, for permission to construct () access(es), or () median opening(s) or to () modify or transfer an existing lawful access permit, and/or () to upgrade an existing illegal access to a lawful access at the following described location:

457 State Highway 37, Nogal, NM 88341 aka MM-5.9 NM State Highway 37
3.5

in Lincoln County, on State Highway 37 in accordance with the attached plan or sketch. Work will commence on or about NA and will require approximately _____ days.
(month, day, year)

The proposed driveway or median opening must be located, designed and constructed in accordance with 18.31.3 NMAC, State Highway Access Management Requirements. A Gate (), Cattle Guard (), Additional Fence (), Drainage Structure (), will be required which owner agrees to furnish and hereafter maintain in good repair and closed to livestock. The applicant shall submit a construction traffic control plan for approval. The owner will protect, indemnify, and hold the New Mexico Department of Transportation harmless from any injury or damage caused the owner, or third parties, by owner's failure to comply with the above. If this permit is granted, owner further agrees to comply with all condition, restrictions, and regulations of the New Mexico Department of Transportation. If not constructed, this permit will expire six (6) months from the date of issue unless otherwise noted and approved. The permittee shall notify the District Engineer of the pending construction at least three (3) working days prior to any construction, and upon completion, which shall be within 45 days of initiation of construction. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal of snow or ice upon the access even though deposited on the access in the course of the Department snow removal operations. Any work in state highway right-of-way must be approved in writing by the Department prior to initiating the work.

Place (Of Notary) Lincoln Co., NM

[Signature]
(Owner's Signature)

Sworn to and subscribed before me this 22nd

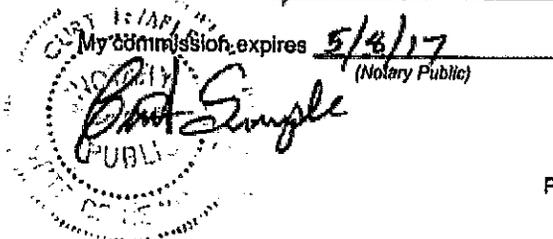
By Nita Taylor

Day of February, 2016

Title County Manager

My commission expires 5/8/17
(Notary Public)

Owner's Phone No. 575-648-2385 ext. 101



Permission granted this 7th day of April **Department Use Only** 2016, subject to the above stated conditions and the following additional requirements (attach separate sheet as required):

Deviation from the stated conditions or the approved sketch may be grounds for revocation.

Distribution:
Original: G.O. Files
Copies: District Engineer
Applicant
Traffic Services Engineer

NEW MEXICO DEPARTMENT OF TRANSPORTATION

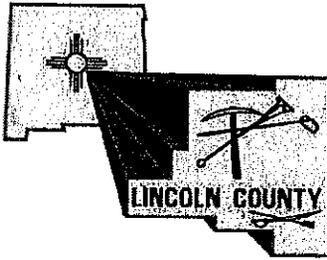
By RT
Title 02 Permit Agent (District Engineer or Designee)

ACCESS INFORMATION			
NAME:	County of Lincoln		
ADDRESS:	PO Box 711		
CITY:	Carriazo	STATE:	NM ZIP: 88301
COUNTY:	Lincoln	PHONE:	575-648-2385 x101

1. ROUTE No. (S.R./US):	State Road	37
2. LOCATION (NEAREST MILEPOST)	Mile Post	3.5
3. ACCESS WIDTH:	-	
4. LENGTH OF PROPERTY FRONTAGE:	N/A	
5. ACCESS TYPE (commercial/residential/other):	Other - Public Solid Waste Compactor	
6. ACCESS RADIUS:	N/A	
7. GATE/CATTLE GUARD/OTHER:	N/A	
8. TYPE OF SURFACE MATERIAL:	-	

*****FOR OFFICIAL USE ONLY*****		
1. POSTED SPEED:		
2. SIGHT DISTANCE:	Unrestricted	
3. DRAINAGE:	N/A	
4. CULVERT SIZE:	N/A	
5. CONC. END BLANKETS:	N/A	
6. R.O.W. TO R.O.W. WIDTH:	24'	
7. DRIVING LANE WIDTH:	24'	SHOULDER WIDTH:
8. HIGHWAY A.D.T.:	815	ESTIMATED ACCESS A.D.T.: N/A

SPECIAL NOTES AND/OR CONDITIONS



County of Lincoln

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

www.lincolncountynm.gov

April 13, 2016

Greentree Solid Waste Authority
Attn: Debra Ingle, Operational Supervisor
P.O. Box 2405
Ruidoso Downs, NM 88346

**RE: Sun Valley Solid Waste Collection Compactor Site - Sun Valley Rd., Alto, NM
Request for removal of GSWA's Compactor and Other Related Equipment**

Dear Ms. Ingle:

It is my understanding that on January 6, 2016, Curt Temple, Lincoln County Planning Director, informed you that the existing compactor site Greentree Solid Waste Authority ("GSWA") is utilizing to service the residents of Sun Valley in Alto, New Mexico is located within the County owned right-of-way. As you may be aware, GSWA does not currently have a lease with the County for use of the right-of-way property. The Board of County Commissioners of Lincoln County has instructed me to request GSWA to take all steps necessary to remove its compactor and all other related equipment located within that right-of-way. (See attached Boundary Survey Plat and map.) The County requests that GSWA's removal of its compactor and other related equipment be completed no later than sixty (60) days from the date of this correspondence.

The County has been advised to abandon this site altogether because of potential liability for damages which may be sustained to the public due to the location being: 1) in front of a residence, 2) on a curve with hilly terrain, and 3) subject to heavy traffic patterns. Should you believe 60 days is an insufficient timeline for GSWA to remove its equipment within the County owned right-of-way on Sun Valley Rd. in Alto, New Mexico, please provide me with a target date by which GSWA can complete this removal process.

Thank you for your attention to this matter.

Nita Taylor
Lincoln County Manager
NTaylor@lincolncountynm.gov

c: Alan P. Morel, Lincoln County Attorney
Curt Temple, Lincoln County Planning Director
Board of County Commissioners
Sun Valley Water and Sanitation District

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

ENCL 4

SUMMARY OF 2015 SOLID WASTE COLLECTIONS

Jan	DEPOSIT	Feb	DEPOSIT	Mar	DEPOSIT	Apr	DEPOSIT	MAY	DEPOSIT	June	DEPOSIT
1			Sun.	1	Sun.	1	17,846.70	1	4182.71	1	1017.56
2	56.91	2	4899.83	2	952.71	2	8,062.88	2	SAT	2	2317.70
3		3	679.22	3	113.08	3		3	SUN	3	1470.04
4		4	1131.17	4	565.4	4	SAT	4	8548.39	4	1300.42
5	56.54	5	998.1	5	113.08	5	SUN	5	3600.70	5	577.40
6		6	905.01	6	113.08	6	14,032.38	6	4302.93	6	SAT
7		7	Sat.	7	Sat.	7	21,071.94	7	4068.21	7	SUN
8	113.82	8		8		8	13,057.74	8	792.31	8	3558.99
9	1,355.38	9	1987.96	9	56.91	9	11,350.71	9	SAT.	9	226.16
10	1,451.63	10	282.7	10	312.7	10	5,432.13	10	SUN.	10	565.86
11		11	735.02	11	56.54	11	2,205.03	11		11	635.02
12	4,732.00	12	508.86	12	113.08	12	SUN	12	556.20	12	839.02
13	791.66	13	563.08	13	283.16	13	15,437.07	13	395.78	13	SAT
14	1,356.96	14	Sat.	14	Sat.	14	9,907.69	14	1677.81	14	SUN
15	2,488.50	15	Sun.	15	Sun.	15	3,591.86	15	943.74	15	563.86
16	2,172.43	16	Holiday	16	455.78	16	4,473.66	16	SAT.	16	113.00
17		17	1597.96	17	226.16	17	3,834.01	17	SUN.	17	791.56
18		18	0	18	540.12	18	SAT	18	3030.12	18	452.92
19	Holiday	19	848.1	19	792.67	19	SUN	19	621.48	19	565.32
20	7,972.58	20	904.64	20	508.86	20	10,947.19	20	1548.03	20	SAT.
21	1,187.34	21	Sat.	21	Sat.	21	1,095.80	21	2883.09	21	SUN.
22	Snow Day	22	Sun.	22	Sun.	22	3,171.57	22	1336.37	22	1387.52
23	1,473.74	23	1075.74	23	820.8	23	3,674.73	23	SAT.	23	508.86
24		24	395.78	24	56.54	24	4,008.24	24	SUN.	24	508.86
25		25	339.24	25	736.5	25	SAT	25	HOLIDAY	25	160.00
26	7,596.58	26	510.78	26	621.94	26	SUN	26	4199.82	26	292.63
27	1,660.79	27	169.99	27	1580.43	27	8,569.30	27	338.87	27	SAT.
28	1,358.07	28		28		28	1,162.68	28	226.08	28	SUN.
29	1,732.19	29		29		29	3,121.00	29	3612.28	29	788.79
30	1,866.26	30		30	6007.57	30	4,135.95	30		30	226.16
31	Sat.	31		31		31		31		31	
Total:	39,423.38	Total:	18533.18	Total:	15027.11	Total:	170,190.26	Total:	50686.31	Total:	18867.65

SUMMARY OF 2015 SOLID WASTE COLLECTIONS

Jul	DEPOSIT	Aug	DEPOSIT	Sep	DEPOSIT	Oct	DEPOSIT	Nov	DEPOSIT	Dec	DEPOSIT
1	282.70	1 SAT.	952.44	1	\$ 11,804.94	1	SUN.	1	\$ 244.78	1	\$ 244.78
2	188.47	2 SUN.	1487.86	2	\$ 3,508.17	2	\$ 6,397.18	2	\$ 6,397.18	2	\$ 245.58
3	SAT.	6948.71	565.39	3	SAT.	3	SAT.	3	\$ 6,514.38	3	\$ 1,003.66
4	SUN.	7180.24	188.47	4	SUN.	4	SUN.	4	\$ 2,834.73	4	\$ 282.80
5		6616.05		5	SAT.	5	\$ 22,226.52	5	\$ 2,108.95	5	SAT
6	6682.33	3047.47		6	SUN.	6	\$ 13,904.58	6	\$ 2,146.31	6	SUN
7	7000.26			7	Holiday	7	\$ 13,683.30	7	SAT.	7	\$ 1,710.42
8	4660.78		547.32	8	\$ 6,649.94	8	\$ 6,649.94	8	SUN.	8	\$ 86.54
9	12128.92		894.30	9	\$ 2,439.00	9	\$ 4,324.23	9	\$ 4,324.23	9	\$ 558.76
10	5561.54		798.28	10	SAT.	10	SAT.	10	NO DEPOSIT	10	\$ 1,823.66
11	SAT.	6267.06	441.24	11	SUN.	11	SUN.	11	HOLIDAY	11	\$ 317.70
12	SUN.	1111.91		12	SAT.	12	HOLIDAY	12	\$ 2,364.68	12	SAT
13	12142.92			13	SUN.	13	\$ 7,748.13	13	\$ 1,300.42	13	SUN
14	21937.44		1,250.83	14	\$ 9,435.86	14	\$ 9,435.86	14	SAT.	14	\$ 689.32
15	7178.58		56.54	15	\$ 7,479.32	15	SUN.	15	SUN.	15	
16	8919.22		341.93	16	\$ 4,337.71	16	\$ 2,406.53	16	\$ 2,406.53	16	\$ 720.75
17	4240.5		414.81	17	SAT.	17	SAT.	17	\$ 678.48	17	\$ 339.13
18	SAT.	665.4	169.62	18	SUN.	18	\$ 525.78	18	\$ 525.78	18	\$ 169.62
19	SUN.	826.57		19	SAT.	19	\$ 9,445.30	19	\$ 773.33	19	SAT.
20	13279.68			20	SUN.	20	\$ 5,408.64	20	\$ 169.62	20	SUN.
21	12714.00		706.33	21	\$ 2,546.64	21	\$ 2,546.64	21	SAT.	21	\$ 1,234.56
22	6954.14		333.16	22	\$ 2,407.96	22	SUN.	22	SUN.	22	\$ 185.08
23	5146.16		301.59	23	\$ 2,987.65	23	\$ 1,034.65	23	\$ 1,034.65	23	\$ 56.54
24	2400.12		566.32	24	SAT.	24	SAT.	24	\$ 774.36	24	
25	SAT.	1987.76	961.18	25	SUN.	25	SUN.	25		25	
26	SUN.	169.62		26	SAT.	26	\$ 8,154.26	26	HOLIDAY	26	
27	5880.16			27	SUN.	27	\$ 1,528.24	27	HOLIDAY	27	
28	8301.29		4,055.06	28	\$ 2,714.77	28	\$ 2,714.77	28	SAT.	28	
29	3957.8		9,046.45	29	\$ 2,657.46	29	\$ 2,657.46	29	SUN.	29	\$ 660.55
30	2431.22		3,392.40	30	\$ 2,964.65	30	\$ 1,884.74	30	\$ 1,884.74	30	
31	3053.16			31	SAT.	31	SAT.	31		31	
Total:	155041.39		27,471.52	Total:	\$ 144,033.04	Total:	\$ 36,238.37	Total:	\$ 10,329.45	Total:	\$ 730,668.81

TOTAL COLLECTED IN 2015

2016 Solid Waste Collections

May

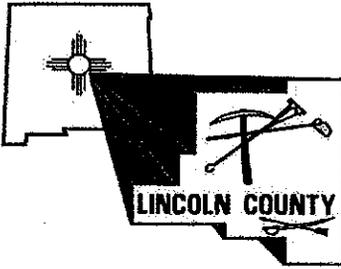
Jan.	DEPOSIT	Feb	DEPOSIT	Mar	DEPOSIT	Apr.	DEPOSIT
1	HOLIDAY	1	\$ 8,495.51	1	\$ 1,208.80	1	\$ 5,930.26
2	SAT	2	\$ 7,694.43	2	\$ 565.40	2	Sat.
3	SUN	3	\$ 4,288.72	3	\$ 1,706.97	3	Sun.
4	\$ 1,130.90	4	\$ 3,300.94	4	\$ 1,113.94	4	\$ 7,749.35
5		5	\$ 2,543.92	5	SAT.	5	\$ 12,835.55
6	\$ 3,619.48	6	SAT	6	SUN.	6	\$ 4,759.12
7	\$ 7,391.87	7	SUN	7	\$ 2,715.97	7	\$ 8,171.99
8	\$ 2,655.38	8	\$ 7,398.02	8	no deposit	8	\$ 4,302.53
9	SAT	9	\$ 2,779.87	9	\$ 752.86	9	Sat.
10	SUN	10	\$ 1,394.27	10	\$ 244.61	10	Sun.
11	\$ 13,879.62	11	\$ 1,668.14	11	\$ 1,338.88	11	\$ 9,008.43
12	\$ 12,788.50	12	\$ 899.55	12	SAT.	12	\$ 10,826.83
13	\$ 9,635.08	13	SAT	13	SUN.	13	\$ 14,435.95
14	\$ 15,908.76	14	SUN	14	\$ 2,222.63	14	\$ 6,477.71
15	\$ 3,844.55	15	HOLIDAY	15	\$ 113.08	15	\$ 4,710.74
16	SAT	16	\$ 4,184.23	16	\$ 56.54	16	Sat.
17	SUN	17	\$ 113.54	17	no deposit	17	Sun.
18	HOLIDAY	18	\$ 1,230.80	18	\$ 433.78	18	
19	\$ 8,975.94	19	NO DEPOSIT	19	SAT.	19	
20	\$ 13,784.97	20	SAT	20	SUN.	20	
21	\$ 6,519.27	21	SUN	21	\$ 800.85	21	
22	no deposit	22	\$ 3,219.24	22	\$ 110.39	22	
23	SAT	23	\$ 621.94	23	\$ 185.08	23	Sat.
24	SUN	24	\$ 659.59	24	\$ 498.42	24	Sun.
25	\$ 21,753.56	25	\$ 583.78	25	HOLIDAY	25	
26	\$ 5,280.19	26	\$ 1,237.60	26	SAT.	26	
27	\$ 9,726.02	27	SAT	27	SUN.	27	
28	\$ 7,087.86	28	SUN	28	\$ 3,844.64	28	
29	\$ 2,978.53	29	\$ 1,057.73	29	\$ 4,799.36	29	
30		30		30	\$ 5,372.82	30	Sat.
31		31		31	\$ 4,813.67	31	Sun.
Total	\$ 146,960.48	Total	\$ 53,371.82	Total	\$ 32,898.69	Total	\$ 89,208.46

2015 Monthly Collections \$39,423.38
 2016 Yearly Cumulative: \$146,960.48
 2015 Yearly Cumulative \$39,423.38

\$18,533.18
 \$200,332.30
 \$57,956.56

\$15,027.11
 \$233,230.99
 \$72,983.67

\$50,686.31
 \$170,190.26
 \$322,439.45
 \$243,173.93
 \$293,860.24



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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. 15

April 13, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lodger's Tax Applications

Purpose: To approve Lodger's Tax Applications

Discussion: The Lodger's Tax Committee was presented with two requests and one request was approved. Ruidoso Grindstone Trail Runs had no representation. The committee agreed to hold their request for one month to allow representation to attend.

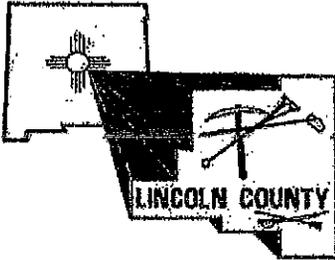
- | | |
|---|---|
| <p>a. Purpose: Ruidoso Grindstone Trail Runs
Request: \$2,030.00
Date(s) of Event: July 30, 2016
Presenter: Frederic Moras/Ski Run Road Challenge</p> | <p>b. Purpose: Old Lincoln Days
Request: \$20,270.26
Date(s) of Event: August 5-7, 2016
Presenter: Kristi Morrow, Lincoln Pageant & Festivals</p> |
|---|---|

Recommendation:

Approve the Lodger's Tax Committee approved amount to Old Lincoln Days Application 0013 totaling \$16,220.00.

RECEIVED

MAR 10 2016



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County of Lincoln

ADMINISTRATION
LINCOLN COUNTY NM

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

LODGER'S TAX REQUEST FORM

Name of Event: RUIDOSO GRINDSTONE TRAIL RUNS Date(s) of Event: 07/30/2016

Name of Organization(s) applying for Funding: SKI RUN ROAD CHALLENGE

Amount requested for consideration: \$ 2030

The following list of items will be considered as the Board of County Commissioners and the Lodger's Tax Committee reviews your request for funding. If any space is left blank, please provide reasoning.

Describe Event: Three race courses - 4 miles, 8.8 miles and 13.2 miles - beginning and finishing at Wingfield Park - take both novice and experienced trail runners over the multiple use Grindstone lake trail system.

Have Lincoln County Lodger's Tax funds been requested for this event before? Please circle one: 2014: 184 2015: 250 yes no

If yes:

How many years has Lincoln County Lodger's Tax funds been used for the Event listed below? 2

List past years' requested funding amount(s):

Year: _____ Amount requested: _____ Amount funded: _____

Year: 2014 Amount requested: \$2800 Amount funded: \$2800

Year: 2015 Amount requested: \$1750 Amount funded: \$1750

What is the estimated total cost of the Event listed above for this year? _____

What percentage of the cost of the Event listed above are you requesting from the County? _____

How will the Event track guests who attend to determine how many out-of-town guests utilized County lodging as a result of the Event? Rooms sold at LA QUINTA (Ruidoso Downs) - special rate for runners - See demographic reports (2014-2015)

Are there any in-kind or matching funds anticipated for the Event? _____

If funding is granted by the Board of County Commissioners, please list dollar amounts of how funds are anticipated to be used in advertising:

Newspaper advertising: <u>\$950</u>	Radio: _____
Magazines: _____	Internet/Facebook: <u>\$480</u>
Printing/Posters: <u>\$300</u>	Other: <u>Portable toilets: \$300</u>

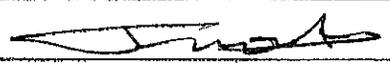
What percentage of your budget is planned to be used for out-of-County advertising? 95%

What sources and what amount of funding have been requested elsewhere?
Village of Ruidoso Lodger's tax: \$1500

Please feel free to add additional pages for consideration, and samples of past advertising or brochures.

STATEMENT OF UNDERSTANDING

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

Name of Applicant (Please Print):	<u>FREDERIC MORAS</u>		
Signature of Applicant:			
Address: Street/City/Zip:	<u>P.O. BOX 561 RUIDOSO, NM 88355</u>		
Phone:	<u>575-937-7106</u>	Email:	<u>WORDSO250@GMAIL.COM</u>
Date submitted:			

Please supply a list of attached documents, and include previous years' Event budgets:
Poster 2015 EL Paso Scene Ad copy 2015. Budget 2015/2016.
Demographic reports 2014/2015.

FOR COUNTY USE:	
Date received:	<u>3/10/16</u>
Received by:	<u>Billie J. Herrera</u>
Added to Lodger's Tax Committee Agenda scheduled for:	<u>MARCH 2016</u>

BUDGET 2015
RUIDOSO GRINDSTONE TRAIL RUNS

Was

Raceadventuresunlimited.com

Website advertising	200	200
Registration	375	376.75
Clock & finish line Arch	200	200
Mileage	150	158.92
Website & Facebook		33.57
Newspaper: El Paso Scene	950	876
Posters	350	149.25
Portable toilets	200	0
Trophies: Bears	200	64
Other awards	250	235.2
Tee shirts	2300	2183
Postage	120	11.18
Water & Gatorade		150.69
Canope tent purchase		99.99
Food	500	
Village permit	125	125
Equipment rental	150	0
USA Track Field sanction	150	250
US Forest permit	150	144
American Trail Running Asso	100	100
Misc	200	77.39
Racing equipment		152.17
Signs		186.84
TOTAL: \$6670		5773.95

RUIDOSO GRINDSTONE TRAIL RUNS
Saturday, July 30th, 2016
BUDGET

Raceadventuresunlimited.com	
- Website advertising:	\$200
- Registration:	\$400
- Clock & finish line arch:	\$200
- Mileage:	\$160
Facebook advertising:	\$150
El Paso Scene advertising: (May, June & July)	\$950
Portable toilets:	\$300
Trophies:	
- Bears	\$300
- Others (age groups):	\$350
Tee shirts:	\$2700
Permits:	
- USA Track & Field:	\$250
- Village of Ruidoso:	\$125
- US Forest Service:	\$150
American Trail Running Association: (Advertising & website)	\$130
Signs:	\$200
Postage:	\$100
Office supplies:	\$150
Posters	\$300

Race Date
July 26, 2014

Ruidoso Grindstone Trail Runs
Demographics Report

State - Arizona

Huachuca City	1
Prescott	1
Total AZ	2

State - California

Irvine	1
Total CA	1

State - Florida

Lake City	2
Total FL	2

State - Michigan

Lyons	1
Total MI	1

State - New Mexico

Alamogordo	15
Albuquerque	8
Alto	4
Artesia	1
Belen	4
Capitan	1
Carlsbad	1
Cloudcroft	4
Clovis	2
Deming	1
Hobbs	3
Holloman Air Force B	4
La Luz	1
Las Cruces	11
Lovington	18
Roswell	11
Ruidoso	15
Santa Cruz	1
Santa Teresa	3
Socorro	1
Total NM	109

State - Oklahoma

Ringwood	1
Weatherford	1
Total OK	2

State - Texas

Alpine	3
Dallas	1

Ruidoso Grindstone Trail Runs
Demographics Report

Race Date
July 26, 2014

State - Texas

El Paso	40
Fort Davis	1
Fort Worth	1
Houston	1
Lenorah	1
Lewisville	2
Lubbock	5
Midland	2
Odessa	1
Porter	2
Salt Flat	1
Shallowater	1
Snyder	2
Tarzan	1
Terrell	1
Total TX	66

State - Virginia

Chantilly	1
Total VA	1
Total Country USA	184

Total Participants 184

Race Date
July 25, 2015

Ruidoso Grindstone Trail Runs
Demographics Report

State -

Total 1

State - Arizona

Concho 1
Total AZ 1

State - State CH

Janos 1
Nuevo Casas Grandes 1
Total CH 2

State - State MM

Las Cruces 1
Total MM 1

State - Minnesota

Rochester 1
Total MN 1

State - State MX

Nuevo Casas Grandes 1
Total MX 1

State - Nebraska

Cloudcroft 1
Total NE 1

State - New Mexico

Alamogordo 22
Albuquerque 15
Alto 1
Artesai 1
Artesia 2
Capitan 2
Carlsbad 1
Cloudcroft 6
Clovis 9
High Rolls 2
Hobbs 3
Holloman Afb 4
Holloman Air Force Base 1
La Luz 4
Las Cruces 12
Lovingtn 1
Lovington 11

Race Date
July 25, 2015

Ruidoso Grindstone Trail Runs
Demographics Report

State - New Mexico

Mayhill	1
Nogal	3
Pine Hill	1
Portales	2
Ramah	1
Rio Rancho	1
Roswell	6
Ruidoso	19
Ruidoso Downs	1
Sacramento	1
Santa Teresa	2
Silver City	3
Texico	2
Tularosa	1

Total NM 141

State - Oklahoma

Shawnee	2
---------	---

Total OK 2

State - Texas

Alpine	1
Amarillo	2
Canutillo	1
Clint	1
Cloudcroft	1
Dallas	3
Dripping Springs	1
El Paso	74
Fort Davis	1
Highland Village	1
Lubbock	5
Mason	1
Midland	2
Porter	2
San Angelo	1
Vernon	1

Total TX 98

State - Virginia

Arlington	1
-----------	---

Total VA 1

State - Wisconsin

Tomah	1
-------	---

Total WI 1

Race Date
July 25, 2015

Ruidoso Grindstone Trail Runs
Demographics Report

Total Country 251

Total Participants 251

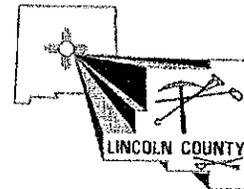


**Saturday
July 25th
7:30 a.m.**



**4 Mile & 8.50 Mile Runs
Start & Finish at Wingfield Park
Ruidoso, New Mexico**

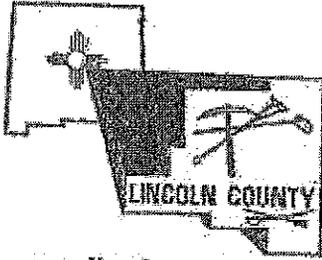
**REGISTRATION & TIMING
RACEADVENTURESUNLIMITED.COM**



EL PASO SCENE ADVERTISING

RECEIVED

FEB 26 2016



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County of Lincoln

ADMINISTRATION
LINCOLN COUNTY NM

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

LODGER'S TAX REQUEST FORM

Name of Event: Old Lincoln Days Date(s) of Event: August 5-7, 2016

Name of Organization(s) applying for Funding: Lincoln Pageant + Festivals

Amount requested for consideration: 20,870.26

The following list of items will be considered as the Board of County Commissioners and the Lodger's Tax Committee reviews your request for funding. If any space is left blank, please provide reasoning.

Describe Event:

The event celebrates the last great escape of Billy the Kid. 2016 will be the 71st year.

Have Lincoln County Lodger's Tax funds been requested for this event before? Please circle one: yes no

If yes:

How many years has Lincoln County Lodger's Tax funds been used for the Event listed below? _____

List past years' requested funding amount(s):

Year: 2015 Amount requested: 23,247.26 Amount funded: 19,000.00

Year: 2014 Amount requested: 18,901.37 Amount funded: 18,901.37

Year: 2013 Amount requested: 14,673 Amount funded: 14,673

What is the estimated total cost of the Event listed above for this year? _____

What percentage of the cost of the Event listed above are you requesting from the County? 75%

How will the Event track guests who attend to determine how many out-of-town guests utilized County lodging as a result of the Event? Survey

Are there any in-kind or matching funds anticipated for the Event? from the pageant itself

If funding is granted by the Board of County Commissioners, please list dollar amounts of how funds are anticipated to be used in advertising:

PLEASE SEE ATTACHED

Newspaper advertising:	<u>4568.59</u>	Radio:	<u>2415.60</u>
Magazines:	<u>570.35</u>	Internet:	<u>809.34</u>
Printing:	<u>7636.89</u>	Other:	<u>4269.49</u>

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

What percentage of your budget is planned to be used for out-of-County advertising? 90%

What sources and what amount of funding have been requested elsewhere?

None

Please feel free to add additional pages for consideration, and samples of past advertising or brochures.

STATEMENT OF UNDERSTANDING

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

Name of Applicant (Please Print):	<u>Kristi Morrow</u>		
Signature of Applicant:	<u>Kristi Morrow</u>		
Address: Street/City/Zip:	<u>P.O. Box 92 Lincoln, NM 88338</u>		
Phone:	<u>575-940-0012</u>	Email:	<u>kristi.morrow@earthlink.net</u>
Date submitted:	<u>2-26-2016</u>		

Please supply a list of attached documents, and include previous years' Event budgets:

FOR COUNTY USE:	
Date received:	<u>2/26/16</u>
Received by:	<u>Billiejo Guevara</u>
Added to Lodger's Tax Committee Agenda scheduled for:	<u>March 2016</u>

2016 ESTIMATED BUDGET

PRINTING

Banners	\$250.00
Program Design & Printing	\$6953.90
5000 programs (4000 to be distributed out of town/state Before even)	
Posters	\$226.50
Advertising Cards	\$207.09
Total	\$7636.89

Internet

Website (pageant)	\$709.34
What's up website	\$100.00
Total	\$809.34

Radio

Kbuy, Kwes	\$443.20
All of Lincoln County, Parts of Chaves & Otero County	
MTD, Kwmw, Knmb, Kidx, Ktun	\$898.02
All of Lincoln County	
Alamogordo, Roswell, Hobbs, Artesia, Lovington & Carlsbad	
Artesia Ktza, Kpze, Kend	\$1074.38
All of Eddy & Chavez County. Parts of Lea & Otero County And Pecos, TX	
Total	\$2415.60

Newspaper

Ruidoso News	\$247.10
Albuquerque Journal	\$2445.71
Statewide	
Clovis	\$343.60
Portales Tribune	\$700.78
Carlsbad Argus	\$700.00
Summer Guide	\$475.00
Total	\$4568.59

Magazine

New Mexico Magazine	\$570.35
Total	\$570.35

MISC

Banner on Horse Drawn Trolley	\$300.00
Porta Potts	\$3619.80
Trash	\$376.69
Total	\$4269.49

GRAND TOTAL

\$20,270.26

BILLY THE KID ANNUAL PAGEANT – 2016 INFO SHEET

VISITORS:

- 2015 ATTENDANCE: ALMOST 2,000 (Total 3 days) – up 35% from 2014 – due to increase in advertising – 75th Anniversary
- 11 US States (CA, FL, NM, ME, MI, MN, NJ, OK, TX, WA WI)
- 60% from TX and NM (split evenly)
- In NM, as far:
 - North as Santa Fe
 - South as LC and ELP
 - West as McKinley Cty
 - East as Curry Cty
- 5 Foreign Countries (Canada, Germany, Japan, Mexico, Vietnam)

SURVEYED 5% OF TOTAL ATTENDANCE:

- LODGING: 37% in Ruidoso, 20% in Capitan, 15% in Lincoln, remainder = other
- HOW DID THEY LEARN OF THE EVENT: 43% word of mouth, 22% radio, newspaper, mag, 10% internet, 9% TV and program placed at area locations
- 2016 GOAL IS TO IMPROVE SURVEY PROCESS TO GARNER MORE INFORMATION

BUDGET:

- \$23, 247 total cost
- 49% of total budget is spent on advertising (40% newspaper, 31% mags, 21% radio, 7% internet)
- Remainder on printing, porta-pottys, trash, ammunition, insurance, etc.
- Comments:

*Internet costs will be going down significantly in 2016 – new spt
Ticket prices going up 50% in 2016 – first time since 2005*

SCHOLARSHIP: children participating in pageant are eligible for a small scholarship. They must submit an essay regarding their experience. Amount is dependent upon participation levels and available \$ (typically \$250).

GENERAL COMMENTS:

1. Economic impacts are increased revenue for Lincoln County businesses.
2. Increased awareness of Lincoln County as a travel/tourism destination.
3. Increased knowledge concerning potential investments in Lincoln County.
4. Preservation of our heritage, strengthening of our values & traditions.
5. INCREASED LOCAL PRIDE & COMMUNITY SPIRIT

Lincoln County Lodgers' Tax Committee Minutes
Regular Meeting
March 29, 2016
Village of Capitan, Council Members, Capitan, New Mexico

Members present: Chair – Sue Hutchison, James Hobbs, Sheri Rodgers

1. Call to Order – 10:03 a. m. by Chair Hutchison

2. Roll Call

Chair Hutchison read roll call, noting all members present, and establishing a quorum

3. Chair Hutchison asked for a motion to accept the Minutes from the February meeting. Sheri Rodgers offered a motion to accept the Minutes as written. James Hobbs seconded. Motion passed.

4. Funding Requests:

a. Ruidoso Grindstone Trail Runs – Requesting \$2,030 for consideration. Date: July 30, 2016. No representation was present to field questions from Committee members. Committee agreed to hold request for one month to allow representation to attend.

b. Old Lincoln Days and Billy The Kid Pageant. Request for consideration, \$20,270.26. Dates: August 5-7, 2016

Nancy Deveny and Kristi Morrow represented the event, stating that this was their first year to present and were not well acquainted with the Lodgers' Tax funds requests procedure nor past years' statistics. After a thorough question and answer session, both Sue Hutchison and James Hobbs recommended that the Pageant committee seek a portion of their funding from other sources, including the Lincoln merchants, (primary beneficiaries of the event), as well as New Mexico Department of Tourism and Ruidoso Lodgers' Tax Committee.

Chair Hutchison offered a motion for 20% reduced funding of \$16,220. Sheri Rodgers seconded. Motion carried.

5. Next meeting scheduled for April 26th, Capitan Village Hall, 10:00 a. m.

6. Adjournment – 11:00 a. m.

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Date: 3/29/16

Application Number: 0013

Section 1

Name of Organization: Lincoln Pageant Festivals Corporation

Organization is Profit ~~Non-Profit~~ Government Related

Address of Contact: Kristi Morrow Phone: 575-940-0012
PO Box 92 Lincoln NM 88338

Amount requested: 20,270.26

If approved, funds will be used in the following manner:

Advertising within newspapers, Radio, Internet, Banners
Magazines, Porta Pottys, Trash

By signing below, I attest that I will provide the County of Lincoln all applicable documentation necessary to validate that the funds received were used in accordance with the Lincoln County Lodger's Tax Ordinance.

Kristi Morrow
Signature of Contact

3/29/16
Date

NOTE: Credit/Tag line MUST appear or be given as follows: Paid for by Lincoln County Lodger's Tax

Section 2 Lodger's Tax Committee

Meeting date: 3/29/16 Amount approved for recommendation: 16,220.00

Authorized Signature: [Signature]

Section 3 Lincoln County Board of Commissioners

Meeting date: 4/19/16 Amount approved: _____ Denied: _____

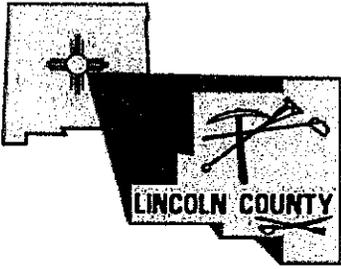
Comments: _____

County Manager's Signature: _____

NOTE: FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL A FULLY EXECUTED REIMBURSEMENT FORM IS SIGNED AND RETURNED TO THE COUNTY OF LINCOLN.

Distribution:

- 1. County Manager
- 2. County Finance
- 3. Lodger's Tax Committee
- 4. Organization



County of Lincoln

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

www.lincolncountynm.gov

Agenda Item No. 16

March 11, 2016

MEMORANDUM

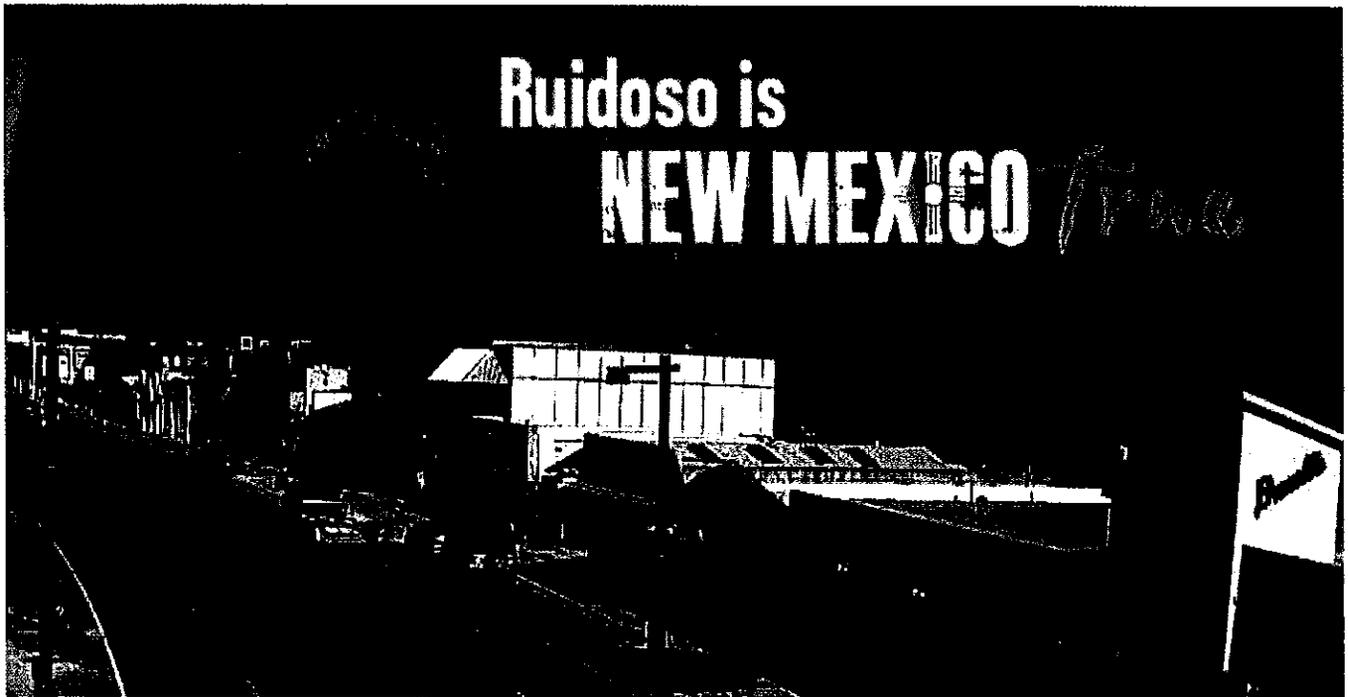
TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Manager's Report

- a. **Ruidoso Valley Chamber of Commerce.** Manager has been in conversation with Becky Brooks, Executive Director of the Ruidoso Valley Chamber of Commerce regarding potential Lincoln County membership. At **Enclosure 1** is a brochure describing the purpose of the organization and the benefits it brings to membership. A key event sponsored by the Chamber that benefits not only all the municipalities, but also the County is Lincoln County Day in Santa Fe, which places our County in front of the legislators for that day, making it possible for County leadership to benefit from one-on-one meetings with legislators as well as State public officials. The last page of the brochure outlines general benefits, such as submitting articles in the newsletter and free ads in newspapers, job postings on website. I recommend the Commission direct Manager to submit an application for a Blue Spruce membership at the cost of \$350 per year.
- b. **Municipality Requests for Transferring of land.** Two municipalities have recently requested the County to transfer a parcel of land (each) to the municipality. At **Enclosure 2** is a request from the City of Ruidoso Downs to transfer a roadway right-of-way. Town of Carrizozo Mayor recent addressed the Commission during public comment requesting the County to transfer a piece of property serving as a baseball park. Attorney Morel and I have discussed the legality of such land transfers, and Manager has also sought advice from Department of Finance & Administration. Manager is seeking general direction as to whether the Commission is interested in transferring County land to municipalities.
- c. **Socorro County Detention Center Grand Opening.** Socorro County held its Ribbon Cutting Ceremony & Grand Opening on Thursday, March 17th. Manager Delilah Walsh took me on a quick tour of the new facility, which is smaller in size than our facility. It has a closed-cell rather than an open dormitory structure.
- d. **National Civilian Community Corps Group will be in the County for several months.** New Mexico Juvenile Justice Board is sponsoring this group traveling to the County to assist in a number of projects. They'll be working with Hondo Schools (tutoring and mentoring kids), Humane Society (helping to create a memorial park and walkway), Ft. Stanton and Lincoln (preservation projects); BLM (trail projects) and EcoServants/Forest Service. Ted Allen, Lincoln County Juvenile Justice Board, will invite them to the May 17th Commission meeting for introduction. See **Enclosure 3**.

- e. Clarification to March 15, 2016 Commission-Approved FEMA Projects.** For the March 15th Commission meeting, Manager's letter addressing FEMA projects, Agenda Item 10, requested approval of projects proposed to be completed yet this Fiscal Year: 1. Tara Trail Area; 2. Angus Area; 3. Alpine Village; and 4. Other locations targeted for Bionic Soil Stabilizer. County match was identified correctly identified as \$55,341.27. However, based on my incorrect oral recommendation, the Commission approved \$147,310.75 match for those same four projects. As the correct County match for those projects approved is \$55,341.27, clarification is necessary to point out that only that amount will be spent of the \$147,310.75 authorized.
- f. Calendar of Events:**
- a.** April 20: Fair Board / Livestock Meeting – 7:00 pm
 - b.** April 21: Internal Finance 101 Meeting: Purchase Orders, Time Reporting, Inventory, etc.,
 - c.** April 21: Lincoln County Historic Preservation Board Mtg. 7 pm
 - d.** May 2: Commission Budget Meeting / Public Hearing
 - e.** May 6 – 7: Smokey Bear Days
 - f.** May 17; Regular Commission Meeting
- g. Departmental Updates:**
- a. Roads – Joel Bonnell
 - b. Sr. Centers – Renee Montes
 - c. Human Resources – Billie Jo Guevara
 - d. Planning – Curt Temple
 - e. EOC – Joe Kenmore
 - f. Finance – Punkin Schlarb



RUIDOSO VALLEY CHAMBER OF COMMERCE MEMBERSHIP BENEFITS AND LEVELS

Excellence through Service

Ruidoso Valley Chamber of Commerce
720 Sudderth Drive
Ruidoso, NM 88345
575-257-7395
1-877-RUIDOSO

ENCL 1



The Ruidoso Valley Chamber of Commerce is a private, not-for-profit organization with approximately 500 businesses and organizations currently investing in membership. Our mission is to foster the growth, development and prosperity for Ruidoso, Ruidoso Downs and the surrounding area. The Chamber exists to serve, protect and promote our members.

Membership in the Ruidoso Valley Chamber of Commerce is an investment in your business as well as an investment in your community. We invite you to support the organization that supports your community.

We'll keep you posted on issues important to the business community and provide guidance on times when your voice needs to be heard in Santa Fe with emails and calls to legislators. We are a proud member of the New Mexico Association of Commerce and Industry, the New Mexico Chamber Executives Association and the US Chamber of Commerce. Membership in these organizations helps us stay current on all the issues that may affect our members.



Being active in the local chamber of commerce is an effective business strategy. It communicates to consumers that a company uses good practices, is reputable, cares about its customers, and is involved in its community.

The Ruidoso Valley Chamber of Commerce recognizes that tourism is a very important economic driver for our area. As such, the RVCC manages our two Visitor Centers, the Billy the Kid Scenic Byway Visitor Center and the main Visitor Center on Sudderth Drive. This way the RVCC coordinates information that is dispersed to our visitors. In addition, we are responsible for sending out monthly and weekly e-flashes to over 7,000 potential visitors. The purpose of these e-flashes is to inform people of the upcoming events so that they may plan their trips to Ruidoso. Once visitors arrive to our area, we are able to provide them with maps, calendars of events and information on activities.

EVENTS

These annual events are organized by the RVCC. Your sponsorship and support of these events is a great way to bring exposure and visibility to your business as well as show your support for the Chamber and Community.

- **Lincoln County Day in Santa Fe** – late Jan/early Feb – *Ruidoso Business advocacy at the State Legislature*
- **Annual Banquet** – early June – *Annual membership meeting and entertainment*
- **Ruidoso Art Festival** – late July – *Annual fundraiser held since 1971 bringing in 1/3 of operating budget*
- **Aspenfest** – early Oct – *Community wide Fall celebration including Aspenfest parade*
- **Aspenfest Scholarship Golf Tournament** – Aspenfest weekend - *Fundraiser for Lincoln County Youth Associations*
- **Festival of Lights** - Nov/Dec – *Community wide holiday season celebrations including Festival of Lights Parade*



REASONS TO JOIN THE RUIDOSO VALLEY CHAMBER OF COMMERCE

63%

More consumers are likely to want to purchase goods or services from a small business that is a chamber member.

Advertising - Promote your business through the Chamber's website and e-flashes.

Access to Information - The Chamber has a wealth of valuable information to answer your business and community questions.

Contact Your Local Elected Officials - We host an annual Meet Your Legislators event every December and host the Lincoln County Day Reception in Santa Fe every February.

Event Calendar - The Chamber and Visitor Center maintain the official event calendar for this area. Our calendar was viewed over 700,000 times in 2014 by visitors and residents alike.

Legislative Initiatives - The Chamber monitors and notifies you of important local and state issues that affect businesses and the quality of life.

Literature Displays - All members are encouraged to display their brochures and business cards in the Chamber lobby. Our lobby is visited by more than 8,000 visitors each year.

Membership Decal - 63% of consumers are more likely to buy from a Chamber member...so proudly promote your Chamber Membership with this our window decal.

Networking - Business After Hours events are held at a variety of locations and help you connect with potential new customers as well as exchange ideas with your peers.

Promotional Opportunities - The Chamber holds several events during the course of the year that allow our members the opportunity to promote themselves through sponsorships.

Referrals - The Chamber loves referring your business. Whether through phone inquiry, email, online or a visit to the Chamber's offices, businesses, residents and visitors alike will find information about your company. Referrals through the Chamber's website and online Membership Directory continue to grow and generate new leads for Chamber members.

Relocation Inquiries - We can provide a list of potential new residents who have requested relocation information. Members have the ability to establish name-recognition with these new folks even before they move here.

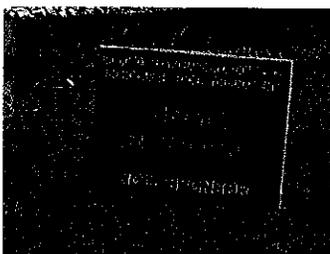
Ribbon Cuttings - The Chamber enjoys helping members celebrate the grand openings of their businesses by conducting ribbon cutting ceremonies and helping members promote the good news.

Seminars/Training - The Chamber conducts assorted seminars and training as determined by member needs.

Website - www.ruidosonow.com is the official website for Ruidoso and the surrounding area. This website lists all of our chamber members, the event calendar, visitor and community information.

Welcome Bags - The Chamber provides welcome bags to new residents or those purchasing a second home at the time of closing. Chamber members are encouraged to provide items to be included in these Welcome Bags.

If you would like to take advantage of these great benefits and become a member of the Ruidoso Valley Chamber of Commerce, contact Deborah Douds at 575-257-7395.



General Benefits

Business and Chamber Membership Levels

- Invitation to all Chamber Events
- Receives Electronic Newsletters
- Listing on RuidosoNow.com Website
- Website Key Words
- Website Listing Categories
- Option to Host a Business After Hours
- Sponsorship Opportunities
- Free Ads in Newsletter
- Free Access to RVCC List of Chamber Members
- Free Display of Rack Cards and Literature in Visitor Center
- Free Use of River Deck and Conference Room
- Website Banner Ad
- Mailing of Brochure in Visitor Info Packet
- Hot Deals listed on Website/Social Media
- Job Posting listed on Website/Social Media

Piñon

\$200.00

✓

✓

200 Characters

8 Words

1

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3 per year

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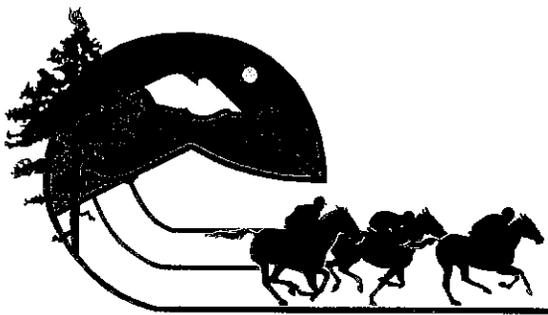
2 Times/year

\$10/week

\$10/piece

\$10/week

\$10/week



RECEIVED

MAR 24 2016

ADMINISTRATION
LINCOLN COUNTY NM

THE CITY OF
**RUIDOSO
DOWNS**
INCORPORATED 1947

Gary L. Williams, Mayor

Nita Taylor
Lincoln Co. Manager

March 23, 2016

Madam;

The City had been in discussion with NMDOT District 2 asking about transferring a right-a-way (Service Ln.) to the City of Ruidoso Downs. Service Ln. provides the only access to a subdivision located below the museum next to the track barn area. The City has been providing maintenance to the roadway and shoulder areas for several years. After research by DOT, we were informed by Mr. Timothy Parker (District 2 engineer) that this right-a-way actually belongs to Lincoln County (documentation provided). The City would like to meet with you to discuss the possibility of acquiring this right-a-way.

Respectively

Gary L. Williams
Mayor

City Councilors

Judy R. Miller ~ Margie R. Morales ~ Jimmy G. Romero ~ Shane L. Walker

P.O. Box 348 Ruidoso Downs, NM 88346 ~ 123 Downs Drive ~ (575) 378-4422 ~ Fax (575) 378-4586

www.ruidosodowns.us

ENCL 2

RESOLUTION
OF
STATE HIGHWAY COMMISSION

STATE HIGHWAY ABANDONMENT

WHEREAS a portion of US 70 has been constructed in Lincoln County, New Mexico, known as Project F-021-1(1);

AND WHEREAS portions of the old US 70 right of way are no longer necessary or desirable as State highways;

IT IS HEREBY ORDERED THAT that parcel of land lying and being situated in the NW 1/4 NE 1/4 of Section 29, T. 11S, R. 14E, NMRM, being more particularly bounded and described as follows, to wit:

Beginning at a point 100 feet to the left of and opposite center line Station 211+00 of NMP F-021-1(1), County of Lincoln, State of New Mexico, point on curve; thence southeasterly along the left right-of-way line of NMP F-021-1(1) on a 1.933° curve (radius = 2965 feet) through an arc of 18.159° to the right a distance of 784 feet to a point of curve; then southeasterly on a 1.462° curve (radius = 3920 feet) through an arc of 2°00' to the right a distance of 136.8 feet to a point of tangent; thence S. 89°30' E. a distance of 515 feet to a point on the westerly boundary line of the Village of Green Tree; thence northerly along said westerly boundary line a distance of 45 feet to a point on the northerly right-of-way line of NMSP 34-A3, County of Lincoln, State of New Mexico; thence N. 74°25' W. along said right-of-way line a distance of 488 feet to a point of curve; thence northwesterly on a 5.701° curve (radius = 1095 feet) through an arc of 27°00' to the left a distance of 473.6 feet; thence S. 11°25' E. a distance of 10 feet; thence S. 78°35' W. a distance of 313 feet; thence S. 11°25' E. a distance of 54 feet to the point and place of beginning, containing 2.502 acres, more or less.

is no longer necessary as a State Highway and is hereby certified back to Lincoln County.

IT IS FURTHER ORDERED that the Board of County Commissioners of Lincoln County be notified of the above action.

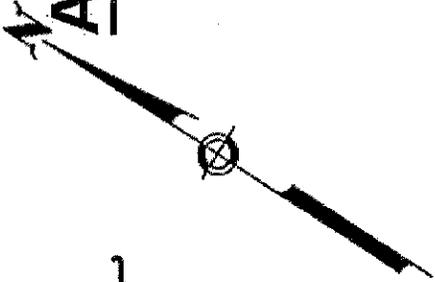
Approved by New Mexico State Highway
Commission 3-22-62 1962

Ref. US 70
Proj. F-021-1(1)
Ruidoso Downs

U.S. 70

NATIONAL

Abandon to Lincoln C



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198

195

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Dr. Cap. in Conc.

N 55° 46' E

54.97'

292.89'

TRACIT 1B

194+45.08

(72)

F. A. Miller
W² NW⁴ of Sec. 29
Sta. 180+36.9 to Sta. 193+16.1
Cause No 6628

196+71.30

197+32
R.M.E. 197+32.97
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L 13
L 20
L 20

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on to Lincoln County

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NATIONAL

(dedicated to Chaparral Motel)
Remain

Lincoln County
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 $L=426.5'$
 $R=905'$

$N 74^{\circ} 25' W$
 $430'$

obliterated

ABANDONED
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 $200'$

R/W
 $5.80' 306'$

R/W
 $226+02.90$

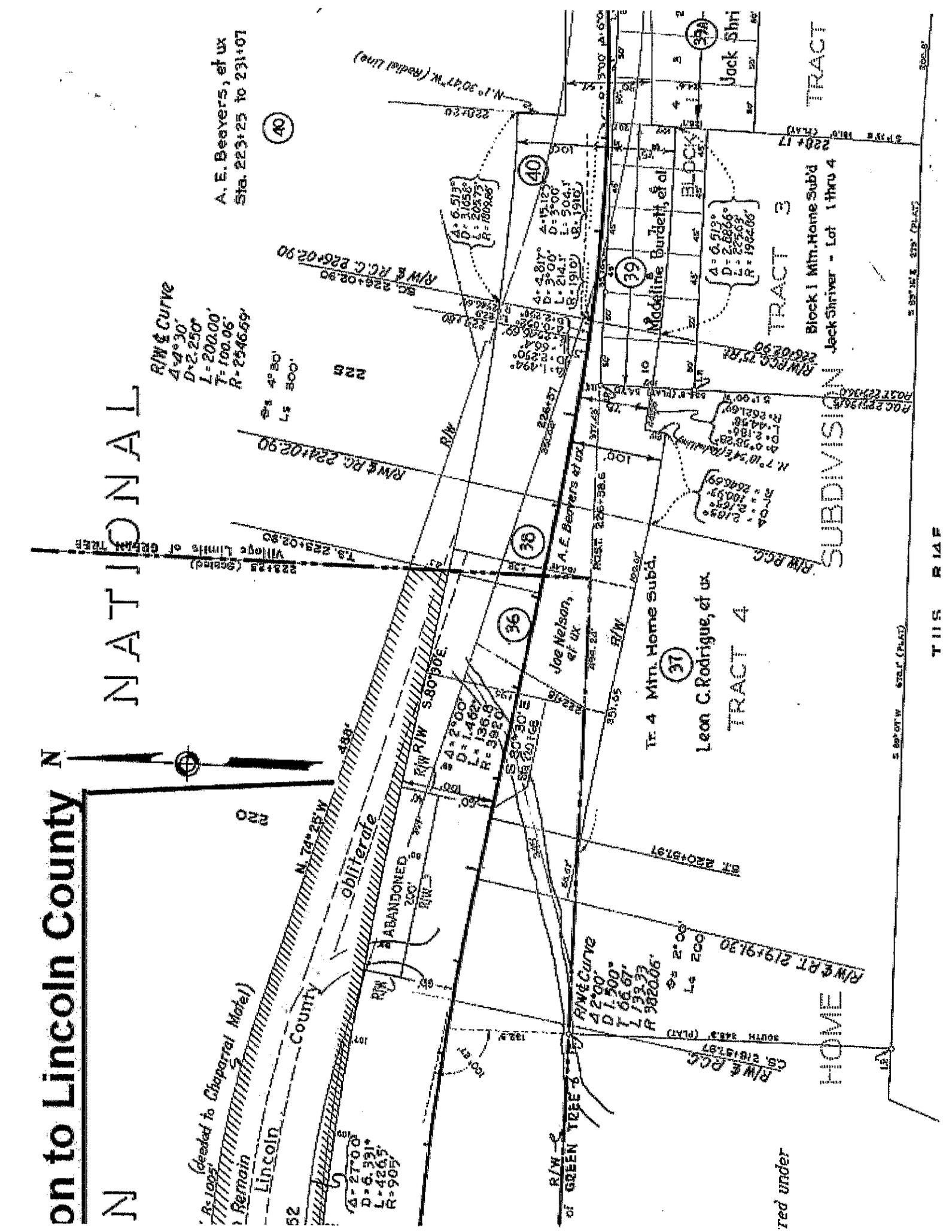
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$A=2700'$
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of GREEN TREE 6
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 $R=905'$

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 Leon C. Rodrigue, et ux
 TRACT 4

Block 1 Mtn. Home Subd
 Jack Shriver - Lot 1 thru 4
 TRACT 3

Madeline Burdett, et al
 TRACT 3

Joe Nelson, et ux
 TRACT 3

Jack Shri
 TRACT 3

Block 1 Mtn. Home Subd
 Jack Shriver - Lot 1 thru 4
 TRACT 3

Madeline Burdett, et al
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Joe Nelson, et ux
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Jack Shri
 TRACT 3

red under

WATERS

TEAM LEADER Krystal Perkins



John Casertano
Hometown: Rockville, MD
Fun Fact: All facts are fun!
Spirit Animal: River Otter



Shel Reinerston
Hometown: Franklin, MA
Fun Fact: My favorite type of weather is when half the sky is bright and shiny and the other half is engulfed in a terrible storm.
Spirit Animal: Albatross



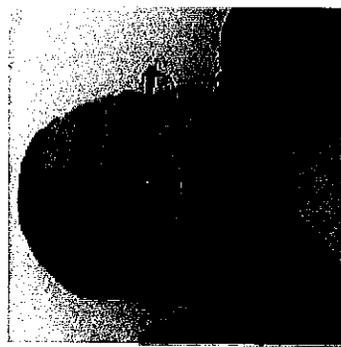
Ethan Pankow
Hometown: Decorah, Iowa
Fun Fact: I was an All-American Runner my sophomore year of college.
Spirit Animal: Greyhound



Kirby Aristide
Hometown: North Beach Miami, FL
Fun Fact: I'm a joker!
Spirit Animal: A Chilled-out Lion



Jordan Perry
Hometown: Buffalo, NY
Fun Fact: I was hit by a car in a hospital parking lot
Spirit Animal: Wolf



Ashely James
Hometown: Colchester, VT
Fun Fact: I guessed the ending to Alfred Hitchcock's "psycho" while I was watching it for the first time.
Spirit Animal: Dragon



Hometown: Salisbury, MA
Fun Fact: I was stung by a manowar jellyfish and survived!
Spirit Animal: Sea Turtle



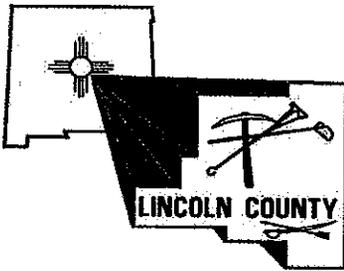
Katy McLaughlin
Hometown: Reading, MA
Fun Fact: I've been Skydiving!
Spirit Animal: Border Collie

Mason Meadows
Hometown: Shepherdstown, WV
Fun Fact: I hated tomatoes for 21 years, now they're my favorite food
Spirit Animal: Golden Retriever

Lainey Castle
Hometown: Richmond, KY
Fun Fact: I have a twin brother and we are both Gemini.
Spirit Animal: A snake



WE'RE EXCITED TO EXPLORE NEW MEXICO, MEET AMAZING PEOPLE, AND GET THINGS DONE!



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM 17

April 13, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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

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 Nineteen (19) claims. There are Eighteen (18) claims which are recommended approval and one (1) that is recommended for disapproval. If approved, the total recommended authorization this month is **\$24,402.22**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed Five (5) claims. Four (4) are recommended for approval and one (1) is recommended for disapproval. If approved, total recommended payment this month is **\$2,999.94**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for April.

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 \$64,480.12 or an average of \$6,448 a month. At this pace, we will spend \$77,376.14 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 \$188,065.67 or an average of \$18,806.57 a month.

Recommendation: Approve and disapprove the claims as indicated for the Safety Net Care Pool report at Enclosure 1 and 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 \$163,663.45

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

APRIL # CLAIMS FOR APPROVAL 18
CLAIMS FOR DENIAL 1
APRIL # TOTAL CLAIMS 19

APRIL TOTAL \$ AMOUNT APPROVED \$24,402.22

TOTAL # CLAIMS THIS FY APPROVED 163
TOTAL # CLAIMS THIS FY DENIED 23
TOTAL # CLAIMS FY 2015 - 2016 186

TOTAL APPROVED THIS FISCAL YEAR \$188,065.67

FACILITY: LINCOLN COUNTY MEDICAL CENTER 04/19/2016 THROUGH 04/19/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21288	02/13/2016	8025.00	6179.25	077%
21289	10/26/2015	1260.00	970.20	077%
21290	11/09/2015	79.00	60.83	077%
21293	01/10/2016	1288.00	991.76	077%
21294	01/29/2016	784.00	603.68	077%
21309	01/19/2016	369.00	284.13	077%
21310	02/22/2016	1408.00	1084.16	077%
21298	03/08/2016	79.00	60.83	077%
21299	02/24/2016	3062.20	2357.89	077%
21297	01/16/2016	3292.00	2534.84	077%
21301	11/19/2015	15.80		000%
PATIENT'S BILL IS BELOW \$50				
21300	01/22/2016	1288.00	991.76	077%
21302	02/20/2016	5794.00	4461.38	077%
21304	03/15/2016	438.00	337.26	077%
21303	02/23/2016	507.40	390.70	077%
21305	02/19/2016	176.10	135.60	077%
21306	02/29/2016	494.90	381.07	077%
21307	02/29/2016	60.60	46.66	077%
21311	02/04/2016	3286.00	2530.22	077%
			24402.22	

APPROVED- 18 REJECTED- 1

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$61,480.18

ADJUSTMENTS

TOTAL ADJUSTMENTS: 0

APRIL # CLAIMS FOR APPROVAL 4

CLAIMS FOR DENIAL 1

APRIL # TOTAL CLAIMS 5

APRIL TOTAL \$ AMOUNT APPROVED \$2,999.94

TOTAL # CLAIMS THIS FY APPROVED 88

TOTAL # CLAIMS THIS FY DENIED 8

TOTAL # CLAIMS FY 2015 - 2016 96

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$64,480.12

*Assuming the above is approved

FACILITY: GERALD CHAMPION REGIONAL MED CTR 04/19/2016 THROUGH 04/19/2016

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21291	07/15/2015	1190.57	000%
DATE OF SERVICE NOT ELIGIBLE FOR PAYMENT			
21292	02/17/2016	1796.02	1382.94 077%
21295	01/22/2016	300.00	231.00 077%
21296	03/15/2016	300.00	231.00 077%
21308	01/22/2016	1500.00	1155.00 077%
			2999.94

APPROVED- 4 REJECTED- 1

YTD

INDIGENT FUND MEETING

APRIL 19, 2016

TOTAL APPLICATIONS	282	252,545.79
TOTAL APPROVED	251	
TOTAL DENIED	31	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		
APPROVED-	2	2,399.32
DENIED-		
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		
APPROVED-	4	364.22
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		
APPROVED-	5	1,760.00
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	61	37,487.02
DENIED-	2	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	163	188,065.67
DENIED-	23	
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	4	1,139.36
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-	1	68.22
DENIED-	3	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	5	1,023.88
DENIED-	2	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		
APPROVED-	4	19,238.10
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		
APPROVED-	2	1,000.00
DENIED-		

INDIGENT FUND MEETING

APRIL 19, 2016

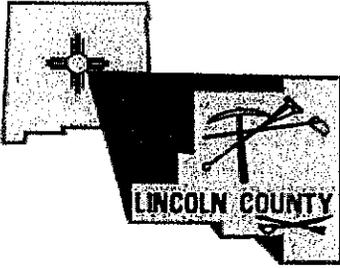
TOTAL APPLICATIONS	24	27,402.16
TOTAL APPROVED	22	
TOTAL DENIED	2	

ALAMOGORDO

GERALD CHAMPION REGIONAL MED CTR		2,999.94
APPROVED-	4	
DENIED-	1	

RUIDOSO

LINCOLN COUNTY MEDICAL CENTER		24,402.22
APPROVED-	18	
DENIED-	1	



www.lincolncountynm.gov

County of Lincoln

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

AGENDA Item No. 18

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: County Volunteer Fire Departments Matters

Purpose: Consider and approve Agreements and Request to Purchase Equipment

- Partnership Agreement Between NM State Fire Marshal and County Fire Departments.** See **Enclosure 1.** The purpose of this Agreement is to allow fire departments the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal /division with fire code inspections and origin and cause investigations, when deemed beneficial by both parties. EOC Director Joe Kenmore can address the benefits of entering into this Agreement, and supports that action.
- Lincoln Fire District Request to Purchase a New Tanker.** The Lincoln Fire District has submitted proper specifications to the State Fire Marshal for the purchase of a new Tanker. The Fire Marshal has approved the use of fire protection moneys to finance the purchase of the Tanker. The Lincoln Fire District is currently as ISO classification of 6, with a minimum yearly Fire Protection Fund Allocation of \$117,168. The State Fire Marshal requires final approval by local government.
- Grant Award between NM Department of Energy, Minerals and Natural Resources Department (NMEMNRD) and Lincoln County.** NM-EMNRD has awarded a Grant to the White Oaks Volunteer (WOVFD) for \$10,000 to purchase Personal Protection Equipment. The WOVFD has sufficient funds in its budget to cover the matching fund requirement.
- Grant Award between NM Department of Energy, Minerals and Natural Resources Department (NMEMNRD) and Lincoln County.** NM-EMNRD has awarded a Grant to the Hondo Valley Volunteer Fire Department (HVFD) for \$12,773 to purchase Personal Protection Equipment. The HVFD has sufficient funds in its budget to cover the matching fund requirement.

Recommendation: Approve Grant Award Agreements and Partnership Agreement between NM State Fire and Lincoln County and Fire Marshal's approval of Lincoln Fire District's purchase of new tanker. Authorize Manager to be signatory to agreements.

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIR
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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

NM STATE FIRE MARSHAL
John Standefer
INTERIM CHIEF OF STAFF
Andrea Delling

NOTICE

Date: March 25, 2016

To: New Mexico Fire Chiefs and Administrator

From: John Standefer, New Mexico State Fire Marshal
John J. Ludi, Deputy State Fire Marshal Code Enforcement Bureau
Randal Arnold, Deputy Fire Marshal Fire Investigations Bureau

Subject: Partnership Agreement

Attached is the partnership agreement application between the Public Regulation Commission's Fire Marshal Division, and the New Mexico Municipal and County Fire Departments. Please read the agreement over and indicate what you and your fire department agree to act upon. Upon review please return the completed signed partnership agreement to the State Fire Marshal Office Code Enforcement.

Please be advised that the application for your department's participation in the annual partnership agreement should be forward to the Mayor or Commission Chairman of your local governing body. You should verify that the information provided by you on the partnership agreement application has been received and is accurate. The signatures of the Fire Chief/Fire Marshal and the Local Government Representative are required. The application must be received in this Office **on or before April 29, 2016**.

Thank you for your assistance.

Mailing Address:

New Mexico State Fire Marshal's Office
State Fire Marshal Office Code Enforcement
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504-1269

PARTNERSHIP AGREEMENT BETWEEN
THE FIRE MARSHAL DIVISION OF THE PUBLIC REGULATION COMMISSION
AND
LOCAL GOVERNMENTS OPERATING NM CERTIFIED FIRE DEPARTMENTS

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

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

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

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

PARTNERSHIP AGREEMENT BETWEEN
THE NEW MEXICO STATE FIRE MARSHAL DIVISION OF THE PUBLIC REGULATION
COMMISSION
AND
LOCAL GOVERNMENTS OPERATING NM CERTIFIED FIRE DEPARTMENTS

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

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

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

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

Please write legibly if the content is not legible the application will be rejected.

Full Name of Local Government: County of Lincoln

Municipality County

If a County; does the agreement include all county fire districts (departments)?

Yes No

If no; indicate the status of each the fire district (departments):
(Add additional pages if required.)

Departments Included: _____

Departments Not Included: _____

Municipal or County Fire Chief (Marshal): _____

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

None

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

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

Conduct origin and cause investigations, collect evidence, interview witnesses and work with local fire/law enforcement officials and the district attorney for full prosecution. Provide training for investigators. (Copies of certificates are not required)

Detail:

Notes:

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

None

Conduct all fire code inspections within the department's jurisdiction

Conduct plans review and acceptance testing of fire suppression and detection systems. (Including all other types fire protection systems)

Your department **must** provide a training summary for personnel performing plans review, acceptance testing and fire code enforcement inspections. (Copy of certificates are not required)

SUMMARY: _____

Responsibility for Except:

State Owned Properties

Public/Charter Schools

Universities and Colleges

Other Explain: _____

FOR SCHOOLS AND CHARTER SCHOOLS: A summary report of school(s) name, address, date of inspection and name of department personnel performing the inspection will be required to be sent to the New Mexico State Fire Marshal's Code Enforcement Bureau within 30 days of the inspection. Inspections may be listed on one document. Full reports are not required, unless requested.

Please note that the State Fire Marshal Division views a local government and fire department's approval of plans review shop drawings and conducting of acceptance tests as an indicator that the local jurisdiction has taken full responsibility of said building and all future fire code enforcement activity at that particular address.

Does the local government have a building code official? Yes No

Print: _____
Name Local Building Official: if applicable Address Phone Number

Print: _____
Name NM State Building Official (C.I.D.) Phone Number

Additional Comments: _____

Required Signature Page

Print: _____ Sign: _____
Local Government Representative Title Date
(Mayor, County/City Manager ect.)

Print: Joe P. Kenmore Sign: Joe P. Kenmore 4-13-16
Local Fire Chief or Fire Marshal Date

Print: _____ Sign: _____
N.M. State Fire Marshal Date

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

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DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIRPERSON
DISTRICT 4 LYNDA LOVEJOY
DISTRICT 5 SANDY JONES



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

STATE FIRE MARSHAL DIVISION

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

INTERIM CHIEF OF STAFF

Andrea Delling

STATE FIRE SERVICE SUPPORT BUREAU

] March 9, 2016

Spencer Baldwin, Fire Marshal
Lincoln County Office of Emergency Services
HC 71 Box 1102
Capitan, NM 88316

Dear Spencer,

The specifications you submitted on March 7, 2016 on behalf of the Lincoln Fire District for the purchase of a new Tanker have been reviewed and are approved. The Lincoln Fire District is authorized to use fire protection Fund monies for the purchase of this vehicle. The Fire Station **shall** have the adequate space needed to properly house this vehicle. ***This Vehicle shall comply with the requirements of NFPA 1901, Standard for Automotive Fire Apparatus, 2009 Edition. This vehicle shall be equipped with all required equipment as per NFPA 1901, at the time it is placed in service.***

"This letter shall serve as approval to expend fire protection fund monies to finance the cost of the *New Tanker*. The *Lincoln Fire District* is currently an ISO classification of 6 with a minimum yearly Fire Protection Fund Allocation of \$117,168.00.

If there are any major changes in the specifications that are made prior to bidding procedures, this office must approve the changes or this authorization of expenditure shall be rendered null and void.

If you anticipate a loan, I recommend that you contact the New Mexico Finance Authority {NMFA} at 505-984-1454 to finance the vehicle. A loan through NMFA will be at minimal interest. This letter shall serve as authorization for you to enter into an agreement with NMFA for the commitment of fire protection fund monies.

For future references, please be reminded that all purchases shall be accomplished in accordance with the policies and guidelines of your governing body, the provisions of the Public Purchase Act, and as approved by the New Mexico Department of Finance and Administration.

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, VICE-CHAIR
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA, CHAIRPERSON
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1120 Paseo De Peralta 4th Floor, Rm# 413
P.O. Box 1269
Santa Fe, NM 87504

STATE FIRE MARSHAL DIVISION

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

INTERIM CHIEF OF STAFF

Andrea Delling

Final Approval and determination of the purchase of this apparatus is incumbent upon the local government to ensure all needs of the fire Department are properly met to ensure full and complete response capabilities in the Fire District.

If you have any questions please do not hesitate to contact me at 505-470-1997

Respectfully,

A handwritten signature in black ink, appearing to read "Rudy F. Padilla", written over a horizontal line.

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

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

**GRANT AWARD AGREEMENT
BETWEEN THE
NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
AND THE
Lincoln County**

THIS AGREEMENT is made and entered into by and between the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) and The Lincoln County for the ~~El Comro~~ **White Oaks** District 3 Fire Department (WOVFD).

This Agreement is entered by EMNRD's authority at NMSA 1978, §§ 68-2-6 and 68-2-8 and is subject to all federal legislation, regulations, and policies applicable to the U.S. Department of Agriculture, National Fire Plan - Volunteer Fire Assistance Program (VFA).

The parties mutually agree:

1. Scope of Work: WOVFD shall purchase Personal Protection Equipment (PPE) or Fire Fighting Equipment (FFE) designated under the State of New Mexico – General Services, Price Agreement 40-521-14-05639 (Price Agreement). EMNRD's Forestry Division (Division) will provide WOVFD with a copy of the Price Agreement with the Notice to Proceed.

A. WOVFD may purchase the PPE or FFE directly from the Price Agreement or from another source as long as WOVFD follows its own procurement rules and policy when selecting a vendor. Firefighting boots, and individual items with a cost greater than \$5,000.00 are not eligible for purchase under this Agreement.

B. Communications equipment (portable and handheld radios) is eligible for purchase under this Agreement. All communications equipment WOVFD purchases must be "Project 25" compliant (a national standard for communications equipment) and field programmable. No individual radio can cost more than \$5,000.00.

C. WOVFD has discretion as to the amount of equipment it acquires under this Agreement, as long as the items are covered under the Price Agreement. Any changes to or deviation from the items listed in the Price Agreement requires the EMNRD VFA Coordinator's written consent.

2. Compensation:

A. EMNRD shall reimburse WOVFD 90% of items purchased only upon receipt of one detailed and certified statement evidencing purchase of and payment for equipment purchased under this Agreement along with copies of supplier invoices.

B. VFA grant award to WOVFD shall be:

Amount of Grant:	\$10,000.00
Local Match:	<u>\$ 1,000.00</u>
Total Budget:	\$11,000.00

C. The Lincoln County must submit one Reimbursement Form (Attachment 2), including purchase orders, invoices, and cancelled checks, no later than December 15,

2016, or reimbursement cannot be made.

3. Auditing Procedures:

A. Equipment – Equipment WOVFD acquires under this Agreement shall be subject to audit by EMNRD pursuant to Office of Management and Budget Circular A-133. Title to the equipment vests in Lincoln County. WOVFD shall manage, use, and dispose of the equipment in accordance with 7 C.F.R. 3016.32 (Attachment 1).

B. Supplies – Supplies WOVFD acquires under this Agreement that are worth more than \$100.00 shall be subject to EMNRD's audit pursuant to Office of Management and Budget Circular A-133. Title to the supplies vests in Lincoln County.

C. Financial Records - WOVFD's financial records involving procurement and all other related records including programmatic records, supporting documents, and statistical records under this Agreement shall comply with all federal, state, and local government auditing requirements, including 2 C.F.R. Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87,) and in particular federal grant management rules pertaining to the National Fire Plan – Volunteer Fire Assistance Grant. WOVFD shall retain these records until December 31, 2023.

4. Grant Award Provisions:

A. WOVFD shall comply with all applicable provisions of U.S. Department of Agriculture, Forest Service, Grant No. 15-DG-11031600-017, FFY Consolidated Payments Domestic Grant. The Division shall provide WOVFD with a copy of the grants with the Notice to Proceed.

B. This VFA grant is awarded on the basis of information provided in WOVFD's application submitted for VFA funding in federal Fiscal Year 2016. To be eligible for cost sharing, WOVFD shall purchase all equipment and supplies after the Agreement's effective date and no later than December 1, 2016.

C. WOVFD must submit to EMNRD one reimbursement claim including reimbursement request, invoices, cancelled checks, and proof of payments no later than December 15, 2016 or reimbursement cannot be made. The reimbursement claim shall include the Agreement number for which the claim is being submitted, documentation of matching funds provided by WOVFD and the total amount being requested by WOVFD for reimbursement.

D. WOVFD assures that it has legal authority to receive monies for purposes intended hereby and the ability and intention to finance its share of the costs of the PPE or FFE.

5. Term: This Agreement becomes effective when executed by an authorized representative of Lincoln County and of EMNRD and when DFA encumbers funds for this Agreement. It shall terminate on December 31, 2016.

6. Termination: Either party may terminate this Agreement upon written notice delivered to the other at least 10 days prior to the intended termination date. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to termination.

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

8. Appropriations: This Agreement's terms are contingent upon the New Mexico State Legislature and U.S. Department of Agriculture, Forest Service, granting sufficient appropriation and authorization. If sufficient appropriation or authorization is not granted, EMNRD may terminate this Agreement, or in the alternative suspend performance pending approval of sufficient appropriation or authorization, upon written notice from EMNRD to WOVFD. EMNRD's decision as to whether sufficient appropriations are available shall be at its sole and absolute discretion and shall be final, binding, and accepted by WOVFD.

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

**STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT**

By: _____ Date: _____
Cabinet Secretary or Designee

Lincoln County

By: _____ Date: _____
Authorized Representative Signature

Printed Name and Title

Attachment 1
Code of Federal Regulations

Title 7 – Agriculture

Volume: 15

Date: 2014-01-01

Original Date: 2014-01-01

Title: Section 3016.32 - Equipment. Context: Title 7 - Agriculture. Subtitle B - Regulations of the Department of Agriculture (Continued).

CHAPTER XXX - OFFICE OF THE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE. PART 3016 - UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS.

Subpart C -- Changes, Property, and Subawards

§3016.32 Equipment.

(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) Use. (1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in §3016.25(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) Disposition. When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) Federal equipment. In the event a grantee or subgrantee is provided federally-owned equipment:

(1) Title will remain vested in the Federal Government.

(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.

(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

(g) Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party

is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

- (1) The property shall be identified in the grant or otherwise made known to the grantee in writing.
- (2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow §3016.32(e).
- (3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

Attachment 2

Reimbursement Form	
Date:	
Volunteer Fire Department (VFD) Name:	
Fiscal Agent Name:	
VFD Representative Name:	
Address:	
SHARE Number:	
Reimbursement Request Number:	
Grant Amount Expended:	
Local Share Expended (Match): (This amount must be at least 10% of grant amount.)	
Total Amount Expended: (Total + Grant Amount + Local Share)	
Signature:	
Printed Name and Title:	
Must also attach the required purchase orders, invoices and cancelled checks	
Remit To:	Brian W. Filip State of New Mexico Energy, Minerals and Natural Resources Department Forestry Division 1220 St. Francis Dr. Santa Fe, New Mexico 87505

**GRANT AWARD AGREEMENT
BETWEEN THE
NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
AND THE
Lincoln County**

THIS AGREEMENT is made and entered into by and between the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) and The Lincoln County for the Hondo Valley Volunteer Fire Department (HVFD).

This Agreement is entered by EMNRD's authority at NMSA 1978, §§ 68-2-6 and 68-2-8 and is subject to all federal legislation, regulations, and policies applicable to the U.S. Department of Agriculture, National Fire Plan - Volunteer Fire Assistance Program (VFA).

The parties mutually agree:

1. Scope of Work: HVFD shall purchase Personal Protection Equipment (PPE) or Fire Fighting Equipment (FFE) designated under the State of New Mexico – General Services, Price Agreement 40-521-14-05639 (Price Agreement). EMNRD's Forestry Division (Division) will provide HVFD with a copy of the Price Agreement with the Notice to Proceed.

A. HVFD may purchase the PPE or FFE directly from the Price Agreement or from another source as long as HVFD follows its own procurement rules and policy when selecting a vendor. Firefighting boots, and individual items with a cost greater than \$5,000.00 are not eligible for purchase under this Agreement.

B. Communications equipment (portable and handheld radios) is eligible for purchase under this Agreement. All communications equipment HVFD purchases must be "Project 25" compliant (a national standard for communications equipment) and field programmable. No individual radio can cost more than \$5,000.00.

C. HVFD has discretion as to the amount of equipment it acquires under this Agreement, as long as the items are covered under the Price Agreement. Any changes to or deviation from the items listed in the Price Agreement requires the EMNRD VFA Coordinator's written consent.

2. Compensation:

A. EMNRD shall reimburse HVFD 90% of items purchased only upon receipt of one detailed and certified statement evidencing purchase of and payment for equipment purchased under this Agreement along with copies of supplier invoices.

B. VFA grant award to HVFD shall be:

Amount of Grant:	\$12,773.00
Local Match:	<u>\$ 1,277.00</u>
Total Budget:	\$14,050.00

C. The Lincoln County must submit one Reimbursement Form (Attachment 2), including purchase orders, invoices, and cancelled checks, no later than December 15,

2016, or reimbursement cannot be made.

3. Auditing Procedures:

A. Equipment – Equipment HVFD acquires under this Agreement shall be subject to audit by EMNRD pursuant to Office of Management and Budget Circular A-133. Title to the equipment vests in Lincoln County. HVFD shall manage, use, and dispose of the equipment in accordance with 7 C.F.R. 3016.32 (Attachment 1).

B. Supplies – Supplies HVFD acquires under this Agreement that are worth more than \$100.00 shall be subject to EMNRD's audit pursuant to Office of Management and Budget Circular A-133. Title to the supplies vests in Lincoln County.

C. Financial Records - HVFD's financial records involving procurement and all other related records including programmatic records, supporting documents, and statistical records under this Agreement shall comply with all federal, state, and local government auditing requirements, including 2 C.F.R. Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87,) and in particular federal grant management rules pertaining to the National Fire Plan – Volunteer Fire Assistance Grant. HVFD shall retain these records until December 31, 2023.

4. Grant Award Provisions:

A. HVFD shall comply with all applicable provisions of U.S. Department of Agriculture, Forest Service, Grant No. 15-DG-11031600-017, FFY Consolidated Payments Domestic Grant. The Division shall provide HVFD with a copy of the grants with the Notice to Proceed.

B. This VFA grant is awarded on the basis of information provided in HVFD's application submitted for VFA funding in federal Fiscal Year 2016. To be eligible for cost sharing, HVFD shall purchase all equipment and supplies after the Agreement's effective date and no later than December 1, 2016.

C. HVFD must submit to EMNRD one reimbursement claim including reimbursement request, invoices, cancelled checks, and proof of payments no later than December 15, 2016 or reimbursement cannot be made. The reimbursement claim shall include the Agreement number for which the claim is being submitted, documentation of matching funds provided by HVFD and the total amount being requested by HVFD for reimbursement.

D. HVFD assures that it has legal authority to receive monies for purposes intended hereby and the ability and intention to finance its share of the costs of the PPE or FFE.

5. Term: This Agreement becomes effective when executed by an authorized representative of Lincoln County and of EMNRD and when DFA encumbers funds for this Agreement. It shall terminate on December 31, 2016.

6. Termination: Either party may terminate this Agreement upon written notice delivered to the other at least 10 days prior to the intended termination date. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to termination.

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

8. Appropriations: This Agreement's terms are contingent upon the New Mexico State Legislature and U.S. Department of Agriculture, Forest Service, granting sufficient appropriation and authorization. If sufficient appropriation or authorization is not granted, EMNRD may terminate this Agreement, or in the alternative suspend performance pending approval of sufficient appropriation or authorization, upon written notice from EMNRD to HVFD. EMNRD's decision as to whether sufficient appropriations are available shall be at its sole and absolute discretion and shall be final, binding, and accepted by HVFD.

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

**STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT**

By: _____
Cabinet Secretary or Designee

Date: _____

Lincoln County

By: _____
Authorized Representative Signature

Date: _____

Printed Name and Title

Attachment 1
Code of Federal Regulations

Title 7 – Agriculture

Volume: 15

Date: 2014-01-01

Original Date: 2014-01-01

Title: Section 3016.32 - Equipment. Context: Title 7 - Agriculture. Subtitle B - Regulations of the Department of Agriculture (Continued).

CHAPTER XXX - OFFICE OF THE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE. PART 3016 - UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS.

Subpart C -- Changes, Property, and Subawards

§3016.32 Equipment.

(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) Use. (1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in §3016.25(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) Disposition. When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) Federal equipment. In the event a grantee or subgrantee is provided federally-owned equipment:

(1) Title will remain vested in the Federal Government.

(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.

(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

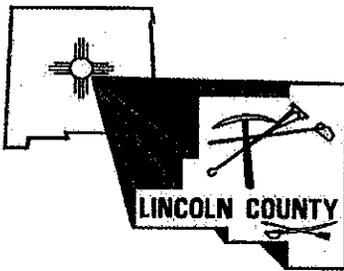
(g) Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party

is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

- (1) The property shall be identified in the grant or otherwise made known to the grantee in writing.
- (2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow §3016.32(e).
- (3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

Attachment 2

Reimbursement Form	
Date:	
Volunteer Fire Department (VFD) Name:	
Fiscal Agent Name:	
VFD Representative Name:	
Address:	
SHARE Number:	
Reimbursement Request Number:	
Grant Amount Expended:	
Local Share Expended (Match): (This amount must be at least 10% of grant amount.)	
Total Amount Expended: (Total + Grant Amount + Local Share)	
Signature:	
Printed Name and Title:	
Must also attach the required purchase orders, invoices and cancelled checks	
Remit To:	Brian W. Filip State of New Mexico Energy, Minerals and Natural Resources Department Forestry Division 1220 St. Francis Dr. Santa Fe, New Mexico 87505



County of Lincoln

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

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AGENDA ITEM NO. 19

April 15, 2016

MEMORANDUM

TO: County Commissioners

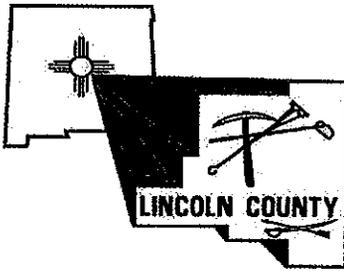
FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Bid Awards:
Bid 15-16-008 Chip Seal Cora Dutton Road
Bid 15-16-009 Chip Seal Paintbrush Court, Woodpine Court, Stag Loop and
Musketball Drive
Bid 15-16-010 Deep Asphalt Pavement Patching on Gavilan Canyon Road

Purpose: To award bids 15-16-008, 15-16-009, and 15-16-010

Discussion:

Bid proposals will open on April 18, 2016. Manager will present information on bids received, and make a recommendation to the Commission at the April 19, 2016 Commission meeting.



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County of Lincoln

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Agenda Item. 20

SUBJECT

1:00 PM Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

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

April 19, 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. Case was submitted to a panel of three judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016 affirming the district court's determination that statutory damages are not available and vacating \$100,000 punitive damages and attorney fee awards.
2. *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.
3. *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.
4. **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. Complaint alleges damages while Sheriff's Deputies were executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct. 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015. Settlement Agreement and Release of All Claims signed by Plaintiff March 14, 2016. Order of Dismissal With Prejudice filed April 4, 2016 by Judge Wormuth.

5. 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. Order Granting Defendant's Motion for Protective Order and stay of discovery filed January 29, 2016.

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. Plaintiff requested a Right to Sue from the EEOC on January 29, 2016.

6 **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. Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took place January 19, 2016. Proposed Motion for Summary Judgment approved as to form February 5, 2016. Motion Hearing took place February 15, 2016 where Judge Bryant gave the parties until March 15, 2016 to resolve or Summary Judgement will be entered. Summary Judgment Against Defendants Willie E. Naron and Joanne R. Naron entered on March 23, 2016.

7. *Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeier, County of Lincoln , Lincoln County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016.

8. *Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036* Civil Complaint filed March 9, 2016 alleging personal and property damage.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th Judicial District Attorney's Office
Special Prosecutor

9. **State of N.M. v. Blaylock, Gregory M-30-MR-2016-00016* alleged violation of Lincoln County Ordinance 2014-04 Contraband in LCDC. The Non-Traffic citation was filed in the Magistrate Court on February 10, 2016. A misdemeanor arraignment was held on February 12, 2016 at which time the Defendant pled "Not Guilty." The Defendant is represented by the Public Defender's Office. A Pre-Trial Hearing was scheduled for Tuesday, March 29, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega, but due to Defendant's automobile accident March 28, a reset was scheduled for April 12, 2016 at 9 a.m. at which Defendant failed to appear. A bench warrant has been issued by the court for failure to appear in the sum of \$400 – cash only (\$300 fine and \$100 bench warrant fee).

10. **State of N.M. v. Parks, Nicole M-30-MR-2016-00010* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running At Large. The Non-Traffic citation was filed in the Magistrate Court on January 15, 2016. A misdemeanor arraignment was held on January 17, 2016 at which time the Defendant pled "No Contest." A Sentencing Hearing took place Tuesday, March 22, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega. Defendant advised the court she has gotten rid of the

dog. Mr. Morel agreed to a 90 day deferred sentence, unsupervised probation, no fine and court costs of \$73. Agreement to Pay Fine and Fees filed March 22, 2016.

11. **State of New Mexico v. Sanders, Robert J. M-30-MR-2015-00253* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in Magistrate Court on December 23, 2015. The Defendant pled not guilty. A Pre-Trial Hearing was heard on March 29, 2016 at 9 a.m. on a Trailing Docket before Judge Vega where the Defendant pled No Contest and was found Guilty, sentenced to 90 days unsupervised probation concurrent with M-30-MR-2016-00001, fined \$300 with \$225 suspended and assessed court costs of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

12. **State of New Mexico v. Sanders, Robert J. M-30-MR-2016-00001* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non Traffic citation was filed in Magistrate Court on January 5, 2016. The Defendant pled Guilty and was found Guilty and sentenced to 90 days unsupervised probation concurrent with M-30-MR-2015-00253, fined \$300 with \$225 suspended and assessed court costs in the sum of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

13. **State of New Mexico v. Fragoso, Francisco M-32-MR-2016-00089* alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in Magistrate Court March 17, 2016. A First Appearance Hearing was scheduled for April 4, 2016. The Defendant pled No Contest and was found Guilty and received a deferred sentence subject to 90 days unsupervised probation, a \$25 donation to Crime Stoppers and court costs in the sum of \$73.

14. **State of New Mexico v. Sandoval, Andrew D.* (case number unknown as of April 13, 2016) alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large.. Deputy Kevin Kennedy of the Lincoln County Sheriff's Department prepared a Criminal Complaint which was delivered to the Carrizozo Magistrate Court for filing and issuance of a Summons to the Defendant.

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.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

Seidel, Walter R., Jr. – Tort Claim Notice received January 26, 2016 regarding a motor vehicle accident involving Claimant and a Lincoln County Sheriff's vehicle.

Hill, Walter – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

Sonora Corporation (John Russell-CEO)-Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

Jaramillo, Monica – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

***Wagoner, John** – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

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.

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

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 8th 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.

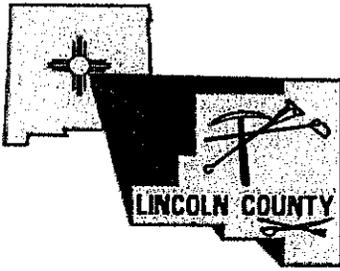
McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th 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.

2013

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.



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County of Lincoln

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AGENDA Item No. 21

April 14, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: **FEMA Hazard Mitigation Grant Program (HMGP)** - Authorization to Issue RFP for Environmental Consultant Services

Background: In late 2012, after Little Bear Fire, Lincoln County applied for Hazard Mitigation Grant Program funding: Hazardous Fuel Reduction and Defensible Space. This project was to manage vegetation and create defensible space by thinning to protect local private and public property and infrastructure. The County would utilize the USFS, Soil and Water Conservation District, along with other team members to assist it with technical aspects of planning and creating localized mitigation measures. The County was to coordinate with landowners on the importance of the program and its upkeep as it pertains to defensible space. The areas initially targeted for thinning were West Gavilan, Upper Cedar Creek, Carrizo, Nogal, Brady Canyon, Lakeshore, Flying J Ranch, Eagle Creek, Sun Valley and South 220. The project was initially designed one large project, but the County requested it be split into two: 1) Education and Outreach to inform the public and gauge its interest and willingness to participate; and 2) Environmental Assessment on all lands selected for thinning, followed by the actual thinning project.

- Education and Outreach, a number of public meetings were held, radio and newspaper ads, etc. Of the \$157,333 funds granted, the County spent approximately \$70,000.
- Once Education and Outreach identified interest and willingness to participate, our local team was aware of actual potential locations for treatment. At that point, a Benefit Cost Analysis (BCA) was required to determine the value of implementing such a plan. Curt Temple performed that analysis, developed maps and worked within our local team and NMDHSEM to complete the BCA.

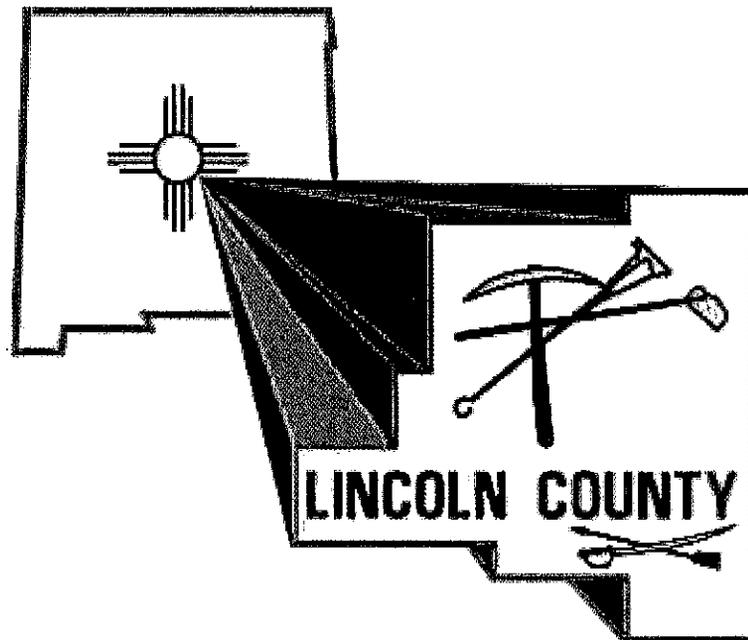
Discussion: Because the actual thinning project cannot commenced until the Environmental Assessment is completed on each property, we again requested the next two steps to be separated into two phases. We received notification in late December that the Environmental Assessment Phase (retermed Phase I), was authorized for funding. The total award was \$288,289, with the County's portion being \$72,072.25. These funds are budgeted under the Disaster Relief Fund, line 2116, Disaster Contractors. See **Enclosure 1** for excerpts from RFP document and **Enclosure 2** for Budget Fund Summary.

Recommendation: Because this step of the overall Mitigation Project that will address hazardous fuel reduction and defensible space, must be taken prior to the actual thinning project, I recommend you approve the submission of this RFP.

County of Lincoln
Carrizozo, NM 88301

Request for Proposal (RFP)

15-16-011



Environmental Consultant Services

For

County of Lincoln

Due: May 16, 2016
2:00 p.m. MDT

ENCL 1

LEGAL NOTICE

Request For Proposals 15-16-011 Environmental Consultant Services

DUE: May 16, 2016

NOTICE is hereby given that competitive sealed proposals will be received by the County of Lincoln, for Environmental Consultant Services. Complete Request for Proposal (RFP) documents may be obtained at the office of the County Purchasing Agent, 300 Central Ave., Carrizozo, NM 88301 and by calling Orlando Samora at (575) 648-2385 ext. 105 or go to lincolncountynm.gov, find Purchasing under County Offices to download Bids and RFP's.

All proposals submitted must be clearly marked on the outside of the sealed package or envelope with the RFP Title, RFP Number, and Due Date. If the RFP is sent by mail, the sealed package or envelope shall have the notation "Sealed Proposal" along with the RFP Number. Proposals should be sent or hand-delivered to County of Lincoln, P.O. Box 711 (300 Central Ave.), Carrizozo, NM 88301 by 2:00 PM Local Time, May 16, 2016. Proposals received after that date and time will be returned unopened. Faxed proposal cannot be accepted.

The Lincoln County Board of Commissioners will review the proposals and make their final determination during the regular Commission meeting on May 17, 2016 at the Lincoln County Commission Chambers.

Lincoln County reserves the right to accept or reject any or all proposals and to waive all formalities. The order to proceed will be based upon the obtaining of necessary funds.

Orlando Samora
Purchasing Agent

Published in the *Lincoln County News* on Thursday, April 28, 2016.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP contains the schedule, description and conditions governing the procurement.

A. SEQUENCE OF EVENTS

The Procurement Manager will make every effort to adhere to the following schedule:

Action	Responsible Party	Date
1. Issue RFP	Procurement Manager	April 28, 2016
2. Return of "Acknowledgment of Receipt" Form for Distribution List	Potential Offerors	May 6, 2016
3. Deadline to submit Questions	Potential Offerors	May 6, 2016
4. Response to Written Questions/RFP Amendments	Procurement Manager	May 9, 2016
5. Submission of Proposal	Potential Offerors	May 12, 2016
6. Proposal Evaluation	Evaluation Committee	May 12, 2016
7. Selection of Finalists	Evaluation Committee	As needed
8. Contract Negotiations	Tentative Winner/County	As needed
9. Approval of BOCC	BOCC	May 17, 2016
10. Contract Award	Agency/Finalist Offerors	AS NEEDED
11. Protest Deadline	Offerors	May 31, 2016

B. EXPLANATION OF EVENTS

The following paragraphs describe the activities listed in the sequence of events shown in Section II. A., above.

1. Issuance of RFP

This RFP is being issued by the Lincoln County Purchasing Agent on behalf of the Lincoln County Board of Commissioners.

2. Acknowledgement of Receipt

Potential Offerors should hand deliver, return by facsimile, email or registered or certified mail the "Acknowledgement of Receipt" form" that accompanies this document, (See

Attachment 1
**SCOPE OF WORK
And Deliverables**

NEPA ENVIRONMENTAL ASSESSMENT

**LINCOLN COUNTY, NM
HAZARDOUS FUEL REDUCTION AND DEFENSIBLE
SPACE PROJECT
300.2 Vegetation Management Wildfire Project**

Lincoln County proposes the mitigation of hazardous fuel reduction and defensible space, 300.2 Vegetation Management Wildfire Project for a specified area of 993 acres, 6 private land lots.

The consultant shall provide the following Specified Services for the project as described below.

Task 1 Conduct Environmental Assessment

The project for Lincoln County, NM (993 specified acres) involves the operation of hazardous fuel reduction and defensible space. This action requires an assessment of environmental impacts in accordance with the National Environmental Policy Act (NEPA), as described in 40 CFR Parts 1500 – 1508. Consultant will conduct and prepare required documentation for biological, archeological, environmental and cultural resource studies, required by NEPA. This Scope of Work describes the services to be performed and the deliverables to be furnished by the consultant.

Task 1.1 Data Collection for the Environmental Assessment

Objective: Collect data in the following categories, as needed, to support the preparation of an environmental assessment (EA). Visit to sites will be required.

Product: Data and analysis for inclusion in the EA. Each of the following items as well as their direct, indirect and cumulative effects and their significance will be addressed as part of the documentation.

1. Air Quality

Assess proposed action's impact on air quality by evaluating the impact of the action on the National Ambient Air Quality Standards (NAAQS) in accordance with the Clean Air 3030Act and the National Environmental Policy Act.

2. Wetlands

The consultant shall evaluate and discuss the potential for impacts to wetlands adjacent to the proposed action. If wetlands are identified at the site, a wetlands delineation will be conducted.

3. Floodplains and Floodways

The consultant shall assess the impacts of the proposed action on floodplains and floodways.

4. Biological Resources

Does the project site involve:

- A. Critical habitat for plants and animals of community interest
- B. Endangered, unusual or rare species of:
 - 1. Land animals
 - 2. Birds
 - 3. Plants

5. Fish, Wildlife, and Plants

Evaluate the potential impact the proposed action would have on fish, wildlife, and plants in the vicinity, in accordance with the Endangered Species Act of 1973, the Sikes Act Amendments of 1974, Executive Order 13112 – Invasive Species, the Fish and Wildlife Coordination Act of 1958, and the Fish and Wildlife Conservation Act of 1980.

- Identify any potential effect on listed species or their habitat within the project area.
- Obtain species lists from State and Federal agencies, and determine if present on or within impact area of the project.
- Obtain lists of any proposed, threatened or endangered species within the project area.
- Conduct a site visit to determine the potential presence of listed species and critical habitat in the area, and assess any impacts on them.

6. Cultural Resources

The proposed project is directed to 993 acres. Consultant is required to identify any Area of Potential Effect (APE) for the proposed action.

7. Socioeconomic and Environmental Justice

The potential for social impacts including changes to transportation, housing, and economic development; as well as environmental justice, and children's environmental health and safety risks will be evaluated and discussed by the consultant.

Task 1.2 Prepare Draft EA for Agency Review

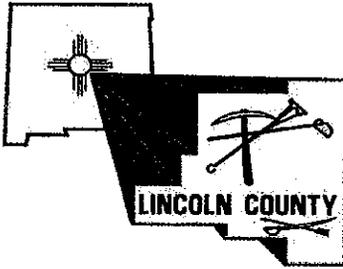
Objective: Prepare a draft EA for review by the regulatory agencies and the public.

**FORM SP-7
DISASTER RELIEF FUND**
(CENTS ROUNDED TO NEAREST DOLLAR)

LINCOLN COUNTY

(A) DISASTER RELIEF FUND	(B) ACCOUNT CODE	(C) 2012-2013 FY ACTUAL	(D) 2013-2014 FY ACTUAL	(E) 2014-2015 FY BUDGET	(F) 2015-2016 FY REQUEST			(G) ADJUSTMENT	(H) ADJUSTED TOTAL 2015-2016 FY BUDGET
					2015-2016 FY BUDGET	ACCOUNTS PAYABLE	BUDGET TOTAL REQUEST		
REVENUES									
FEMA - (4197 & 4199)	1022	1,953,439		398,147	1,000,000				1,000,000
GRANT - 4079	1737				236,643				236,643
FLOOD MITIGATIONS ASSISTANCE 2012	1027	254,422		97,087					0
EWP PROJECT	1028		3,060	84,711					0
REIMBURSEMENT/REFUND	1262	39,025	2,832		78,447				78,447
FMAG	1564			10,415	16,702				16,702
CARRYOVER - 335711.15									
TOTAL REVENUES (Carry to Recap)		2,246,885	5,891	590,360	1,331,792	0	0	0	1,331,792
TRANSFERS IN & OUT									
IN (12.5% MATCH)	1950								0
OUT to 401	1951				(532,036)				(532,036)
TOTAL TRANSFERS (Carry to Recap)		0	0	0	(532,036)	0	0	0	(532,036)
EXPENDITURE SUMMARY									
FULL TIME SALARY	2002	8,798							0
OVERTIME	2003	2,181							0
FICA	2010	681							0
PERA	2011								0
WORKER'S COMPENSATION	2012								0
GROUP INSURANCE	2013								0
MEDICARE	2015	159							0
RETIREE HEALTH CARE	2017	0							0
TOTAL SALARIES & BENEFITS		11,819	0	0	0	0	0	0	0
DISASTER SUPPLIES/MATERIALS	2112	12,376		79,945					0
DISASTER CONTRACTORS	2116	1,058,398	354,333	377,655	1,000,000				1,000,000
DISASTER FORCED LABOR	2117	2,140			0				0
FLOOD MITIGATION	2118	250,508		114,269					0
EWP PROJECT	2122		8,692	18,432					0
FMAG	2125			10,415	10,467				10,467
DISASTER	2573			0					0
TOTAL EXPENDITURES (Carry to Recap)		1,323,422	363,025	600,716	1,010,467	0	0	0	1,010,467
GRAND TOTAL DISASTER RELIEF FUND		1,335,241	363,025	600,716	1,010,467	0	0	0	1,010,467

ENK
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County of Lincoln

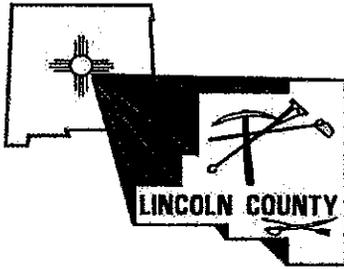
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

Agenda Items 22

SUBJECT

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

- a. Notice of Special Meeting & public Hearing for May 2, 2016
- b. Adoption of Preliminary Budget FY 2016-2017 May 17, 2016



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Agenda Item 23

April 13, 2016

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Appointments and Removals from Boards/Commissioners Committee Update

Discussion:

Consider and appoint/reappoint the following member to the committee:

- Senior Citizens Olympic Committee – Re-appointment Paul Kunkle

The following are the Boards/Commissioners Committee that still needs members appointed:

- Land and Natural Resources Advisory Committee - one position
- Lodger's Tax Committee – one position resignation of Alice Seely
- Planning Commission - three positions

Recommendation: Re-appoint Paul Kunkle to the Senior Citizens Olympic Committee and continue to look for members for LANRAC, Planning Commission, and Lodger's Tax Committee.

PROPERTY TAX PROTEST BOARD – 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WETZEL	BOX 698, CARRIZO, 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	1	08/18/15	08/17
DIST 2	ROBERT BARBER	BOX 745 RUIDOSO DOWNS, 88346	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@BALABB.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		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
	OPEN				
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/17/13	12/15

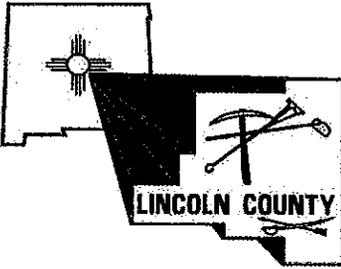
PUBLICATION IS REQUIRED.

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		



County of Lincoln

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'APR -1 2016

FINANCE DEPARTMENT

March 18, 2016

Paul Kunkle
352 Country Club Dr.
Ruidoso, NM 88345

Dear Mr. Kunkle:

Your term for the Senior Citizens Olympic Committee has expired. If you would like to serve an additional two year term, 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 Director

Yes I would like to remain on the Senior Citizens Olympic Committee

No I would not like to remain on the Senior Citizens Olympic Committee.

Paul Kunkle