

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

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

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

**Nita Taylor, County Manager**

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**AGENDA**

**Commission Chambers, Tuesday, May 17, 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. April 15, 2016, Special Commission Meeting
  - b. April 19, 2016, Regular Commission Meeting
7. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending April 30, 2016
  - c. Carrizozo Soil & Water Conservation District Mill Levy Rate
  - d. Upper Hondo Soil & Water Conservation District Mill Levy Rate
8. 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
9. FY17 Grant Agreement: Children, Youth & Families Department for Lincoln County Juvenile Justice Board

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

10. Abandonment and Vacation of Easement: Kurt and Belinda Stegemann
11. Request to Issue Invitation to Bids
  - a. Plumbing / Heating & Cooling
  - b. Electrical
12. Liquor License Fee by Resolution 2015-39
13. Memorial Day Proclamation
14. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
15. Lincoln County Solid Waste Matters
  - a. Lease Agreement between the Village of Ruidoso and County of Lincoln for the Lincoln Compactor Site location
  - b. Waiver of Solid Waste Fees due to 300-Acre Exemption per Lincoln County Ordinance 2016-01
  - c. Waiver of Solid Waste Fees due to Uninhabitability Exemption per Lincoln County Ordinance 2016-01
  - d. New Service Offering – Personal Dumpsters
  - e. Business License Discussion
  - f. Status Update
16. Manager's Report
17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
18. **1:00 P.M.:** Public Hearing to consider a Transfer of Ownership and Location of Liquor License No. 0812, with Package Sales; Liquor License/App. No. 0812/Application No. 993506 from Allsup's Convenience Stores, Inc. No. 130 US Hwy 70/380 and Don Pablo Road, Hondo, New Mexico 88336
19. **1:30 P.M.:** Public Hearing to consider an applicant seeking a restaurant beer and wine license with on-premises consumption only for Liquor License No. 995507: Alto Café, Inc. 810 St. HWY 48, Alto, NM, New Mexico 88312
20. **1:45 P.M.:** Public Hearing to consider the Adoption of the Preliminary Budget, Fiscal Year 2016-2017 by Resolution 2015-40
21. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
  - a. Establish a system of fees for the Solid Waste Collection for the June 28, 2016 Regular Commission Meeting;
  - b. Business Registration Ordinance: Business Licenses

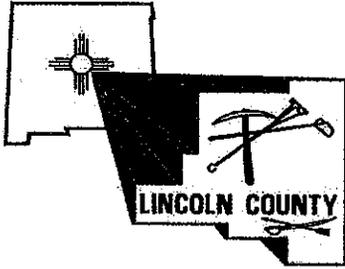
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PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

22. Approval of Lodger's Tax Application(s):
- a. Purpose: Ruidoso Grindstone Trail Runs  
Request: \$2,030.00  
Date(s) of event: July 30, 2016  
Presenter: Frederic Moras/Ski Run Road Challenge
  
  - b. Purpose: Lincoln County Cowboy Symposium  
Request: \$5000.00  
Date(s) of Event: October 7, 8 & 9, 2016  
Presenter: Sunny Hirschfeld/Hubbard Museum of the American West Foundation
  
  - c. Purpose: Fort Stanton Live  
Request \$8000.00  
Date(s) of Event: July 9-10, 2016  
Presenter: Dr. Walter Pittman/Fort Stanton Inc.
23. Consideration of Appointments and Removal from Boards/Commissioners/Committees:
- a. Senior Citizens Olympic Committee
  - b. Transportation Committee Appointment
  - c. Property Tax Protest Board
  - d. SERPTO
24. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
25. Approval of RFP #15-16-011 Environmental Consultant Services to SZ Enterprises, LLC  
Environmental Consulting
26. Signing of Official Documents
27. Next meetings:
- a. June 28, 2016, Regular Commission Meeting
  - b. July 19, 2016
28. Adjourn

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



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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) April 15, 2016, Special Commission Meeting
- b) April 19, 2016, Regular Commission Meeting

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

1 **COUNTY OF LINCOLN**

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

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

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

9  
10 **Minutes**  
11 **Friday April 15, 2016**

12  
13  
14 Minutes of the Special Meeting of the Lincoln County Commission held at 1:30 PM on April 15,  
15 2016 in at the Ruidoso Substation, 109 Kansas City Road, Ruidoso, New Mexico.

16  
17 **1. Call to Order**

18  
19 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 1:33  
20 PM.

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 Whitney Whittaker Chief Deputy County Clerk.

30  
31 **3. Invocation**

32  
33 The invocation was presented by Chair Stone.

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 Allen.

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. Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
49 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**

50 **Discussion of the purchase, acquisition or disposal of real property or water rights by**  
51 **the public body, Section 10-15-1, Sub-Paragraph H.(8).**  
52

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

57  
58 **New or Updated Matters since last report \***  
59

60 1. *\*Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
61 *et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory  
62 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,  
63 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper  
64 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint  
65 Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral  
66 Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three  
67 judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016  
68 affirming the district court's determination that statutory damages are not available and vacating  
69 \$100,000 punitive damages and attorney fee awards.

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

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

81 4. *\*Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*  
82 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and  
83 Summons received June 15, 2015. Complaint alleges damages while Sheriff's Deputies were  
84 executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7,  
85 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of  
86 Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct.  
87 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015. Settlement Agreement and  
88 Release of All Claims signed by Plaintiff March 14, 2016. Order of Dismissal With Prejudice filed  
89 April 4, 2016 by Judge Wormuth.

90 5. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*  
91 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint  
92 alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015.  
93 Removed to Federal Court Nov. 12, 2015. Order Granting Defendant's Motion for Protective  
94 Order and stay of discovery filed January 29, 2016.

95 B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal  
96 Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015. Plaintiff  
97 requested a Right to Sue from the EEOC on January 29, 2016.

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

100 Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took  
101 place January 19, 2016. Proposed Motion for Summary Judgment approved as to form  
102 February 5, 2016. Motion Hearing took place February 15, 2016 where Judge Bryant gave the  
103 parties until March 15, 2016 to resolve or Summary Judgement will be entered. Summary  
104 Judgment Against Defendants Willie E. Naron and Joanne R. Naron entered on March 23,  
105 2016.

106 7. *Orlando Montes v. Pinnacle Propane, LLC, Allen Sulzemeier, County of Lincoln , Lincoln*  
107 *County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death,  
108 Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of  
109 Consortium, Negligent Infliction of Emotional Distress filed with the 12<sup>th</sup> Judicial District Court  
110 Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was  
111 served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22,  
112 2016.

113 8. *Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff*  
114 *Department M-32-CV-2016-00036* Civil Complaint filed March 9, 2016 alleging personal and  
115 property damage.

116 **Lincoln County Ordinance Violations:**  
117 **Alan P. Morel: 12<sup>th</sup> Judicial District Attorney's Office**  
118 **Special Prosecutor**  
119

120 9. *\*State of N.M. v. Blaylock, Gregory M-30-MR-2016-00016* alleged violation of Lincoln  
121 County Ordinance 2014-04 Contraband in LCDC. The Non-Traffic citation was filed in the  
122 Magistrate Court on February 10, 2016. A misdemeanor arraignment was held on February 12,  
123 2016 at which time the Defendant pled "Not Guilty." The Defendant is represented by the Public  
124 Defender's Office. A Pre-Trial Hearing was scheduled for Tuesday, March 29, 2016 at 9:00  
125 a.m. on a Trailing Docket before Judge Mickie L. Vega, but due to Defendant's automobile  
126 accident March 28, a reset was scheduled for April 12, 2016 at 9 a.m. at which Defendant failed  
127 to appear. A bench warrant has been issued by the court for failure to appear in the sum of  
128 \$400 – cash only (\$300 fine and \$100 bench warrant fee).

129 10. *\*State of N.M. v. Parks, Nicole M-30-MR-2016-00010* alleged violation of Lincoln County  
130 Ordinance 2008-08 Dogs Running At Large. The Non-Traffic citation was filed in the Magistrate  
131 Court on January 15, 2016. A misdemeanor arraignment was held on January 17, 2016 at  
132 which time the Defendant pled "No Contest." A Sentencing Hearing took place Tuesday, March  
133 22, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega. Defendant advised the  
134 court she has gotten rid of the dog. Mr. Morel agreed to a 90 day deferred sentence,  
135 unsupervised probation, no fine and court costs of \$73. Agreement to Pay Fine and Fees filed  
136 March 22, 2016.

137 11. *\*State of New Mexico v. Sanders, Robert J. M-30-MR-2015-00253* alleged violation of  
138 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in  
139 Magistrate Court on December 23, 2015. The Defendant pled not guilty. A Pre-Trial Hearing  
140 was heard on March 29, 2016 at 9 a.m. on a Trailing Docket before Judge Vega where the  
141 Defendant pled No Contest and was found Guilty, sentenced to 90 days unsupervised probation  
142 concurrent with M-30-MR-2016-00001, fined \$300 with \$225 suspended and assessed court  
143 costs of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

144 12. *\*State of New Mexico v. Sanders, Robert J. M-30-MR-2016-00001* alleged violation of  
145 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non Traffic citation was filed in  
146 Magistrate Court on January 5, 2016. The Defendant pled Guilty and was found Guilty and  
147 sentenced to 90 days unsupervised probation concurrent with M-30-MR-2015-00253, fined  
148 \$300 with \$225 suspended and assessed court costs in the sum of \$73. Agreement to Pay Fine  
149 and Fees filed March 29, 2016.

150 13. *\*State of New Mexico v. Fragoso, Francisco M-32-MR-2016-00089* alleged violation of

151 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in  
152 Magistrate Court March 17, 2016. A First Appearance Hearing was scheduled for April 4, 2016.  
153 The Defendant pled No Contest and was found Guilty and received a deferred sentence subject  
154 to 90 days unsupervised probation, a \$25 donation to Crime Stoppers and court costs in the  
155 sum of \$73.

156 14. \**State of New Mexico v. Sandoval, Andrew D.* (case number unknown as of April 12,  
157 2016) alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large.. Deputy  
158 Kevin Kennedy of the Lincoln County Sheriff's Department prepared a Criminal Complaint which  
159 was delivered to the Carrizozo Magistrate Court for filing and issuance of a Summons to the  
160 Defendant.

### 161 Tort Claims Notices Received or Threatened

#### 162 2016

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

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

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

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

173 **\*Sonora Corporation (John Russell-CEO)**-Tort Claim Notice received April 6, 2016 via  
174 correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction  
175 Industries Division due to an alleged lack of final inspection and deviation from approved plans  
176 of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

177 **\*Jaramillo, Monica** – Tort Claim Notice received April 8, 2016 alleging Lincoln County  
178 road department employee in the performance of his road grading duties damaged Ms.  
179 Jaramillo's vehicle.

#### 180 2015

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

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

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

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

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

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

199 **Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015  
200  
201

202 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with  
203 Lincoln County Mine Ordinance 2009-01.

204 **Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter  
205 in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to  
206 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-  
207 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected  
208 and noted no progress had been made.

209 **Culp, Susan v. LCMC/Lincoln County**: Tort Claim Notice received May 4, 2015 from  
210 Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent  
211 supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about  
212 March 3, 2015 during Ms. Culp's gall bladder removal surgery.

213 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy  
214 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and  
215 wrongful conduct of the Lincoln County Sheriff's Department.

216 **Torres, Leopoldo**: Tort Claim Notice received June 4, 2015 from inmate Torres alleging  
217 inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

218 **Wallace, Stephen**: Tort Claim Notice received June 11, 2015 from Attorney Gary  
219 Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County  
220 Detention Center without proceeding with a timely extradition.

221 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris  
222 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County  
223 Detention Center.

224 **Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from  
225 Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and  
226 property damage against the County of Lincoln.

227 **Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing  
228 flooding at her private property.

229 **Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to  
230 ongoing flooding at their private property.

231 **Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair  
232 Dunn, alleging County trespass on private property.

233 **L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of  
234 medical care while incarcerated in Lincoln County Detention Center.

235 **Brown, Shelly** – Tort Claim Notice received December 31, 2015 alleged failure of the  
236 County of Lincoln to maintain road surfaces during snow or ice conditions.

237

238 **2014**

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

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

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

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

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

252 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of

253 her two minor children during a request for a deputy to assist in keeping the peace.  
254 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones  
255 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent  
256 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge  
257 regarding discharge from the Capitan Police Department.

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

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

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

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

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

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

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

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

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

280 **Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25,  
281 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

284

## 285 2013

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

289

290 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

292 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
293 Commissioner Willard.

294

295 Chair Stone recessed the Special Meeting and convened the Closed Session at 1:34 PM.

296

297 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:17 PM.

298

299 Commissioner Draper attested that matters discussed in the closed meeting were limited to  
300 those specified in the motion for closure or in the notice of separate closed meeting.

301

302 **7. Consideration / Action Resolution 2015-32: Resolution to Purchase Property.**

303

304 **Motion:** Adopt Resolution 2015-32, **Action:** Approve, **Moved by** Commissioner Stewart,  
305 **Seconded by** Commissioner Allen.

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

307 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
308 Commissioner Willard.

309  
310 **SEE EXHIBIT B:** Copy of Resolution 2015-32 is attached hereto in reference thereto made a  
311 part hereof.

312  
313 **8. Next Meeting:**

- 314  
315 a. April 19, 2016 - Regular Commission Meeting  
316 b. May 2, 2016 - Preliminary Budget Commission Meeting

317  
318 **29. Adjournment.**

319  
320 There being no further business to come before the Board of County Commissioners, Chair  
321 Stone adjourned the meeting at 3:18 PM

322  
323 Respectfully submitted by  
324 Whitney Whittaker  
325 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

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

9  
10 **Minutes**

11  
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 19,  
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 Regular Meeting of the Board of County Commissioners to order at 8:29  
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  
28 Rhonda Burrows, County Clerk.

29  
30 **3. Invocation**

31  
32 The invocation was presented by Commissioner Stewart.

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 Draper, **Seconded by** Commissioner Stewart.

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

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

46  
47 **6. Approval of Minutes**

49 March 10, 2016 – Special Commission Meeting  
50 March 15, 2016 - Regular Commission Meeting  
51

52 **Motion:** Approve the minutes of the March 10, 2016 Special Meeting with minor correction and  
53 the March 15, 2016 Regular Meeting; **Action:** Approve, **Moved by** Commissioner Stewart,  
54 **Seconded by** Commissioner Allen.

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

56 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
57 Commissioner Willard.  
58

## 59 7. Approval of Consent Agenda

- 60 a. Payroll/Accounts Payable/Budget/ Expenditures
- 61 b. Treasurer's Financial Report for the Month ending March 31, 2016
- 62 c. 2016 Fire Fund Distribution Applications
- 63 d. Agreement to Provide Occupational Health Services
- 64 e. Donation of Surplus Items to Magistrate Court, Carrizozo by Resolution
- 65 2015-38
- 66 f. Fair Housing Month Proclamation
- 67
- 68

69 **Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner  
70 Stewart, **Seconded by** Commissioner Willard.  
71

72 Commissioner Stewart requested clarification of several expenditures presented for approval.  
73

74 Commissioner Stewart suggested a change to the Fair Housing Proclamation to reflect the  
75 designation as Fair Housing Day rather than Month.  
76

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

78 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
79 Commissioner Willard  
80

81 **SEE EXHIBIT A:** Copies of Consent including Resolution 2015-38 are attached hereto in  
82 reference thereto made a part whereof.  
83

## 84 8. Board of Finance – County Treasurer Calaway

85  
86 Nita Taylor, Manager reminded New Mexico State Statute 6-10-8 defined the oversight duties of  
87 the Board of County Commissioners serving as the Board of Finance for the County. Ms.  
88 Taylor noted these duties include a responsibility to periodically receive a report from the  
89 County Treasurer and to review investments and expenditures.  
90

91 Chair Stone recessed the Regular Meeting and convened the Board of Finance at 8:39 AM.  
92

93 Beverly Calaway, Treasurer provided a review of the Treasurer's Report for the month ending  
94 March 31, 2016. Ms. Calaway noted the beginning cash balance in July of 2015 was  
95 \$8,096,474.77 and revenues received as of March 2016 were \$8,708,041.32. Ms. Calaway  
96 stated transfers out of the General Fund totaled \$4,010,026.05 to date as compared to  
97 \$5,987,381.99 at this time last year.  
98

99 Ms. Calaway stated 70% of projected revenues for the fiscal year were collected as of March  
100 31, 2016 and noted the County's Payment in Lieu of Taxes (PILT), estimated at \$1,695,000 was  
101 anticipated in mid-June.  
102

103 Ms. Calaway stated the Treasurer's office had collected 79% of budgeted revenues for this  
104 fiscal year from Property Tax Payments in addition to 84% of delinquent property tax revenues.  
105 Ms. Calaway informed Title Examiners from the NM State Property Tax Division (PTD) had  
106 researched Lincoln County's delinquent property tax list during the last six weeks. Ms.  
107 Calaway stated notices to property tax owners and physical red tagging of properties resulted in  
108 the collection of \$84,000 in delinquent property taxes during the month of March. Ms. Calaway  
109 stated PTD had set the Lincoln County Delinquent Property Tax Sale for July 27, 2016 with 116  
110 properties listed totaling \$264,404 in delinquent taxes.  
111

112 Ms. Calaway reviewed current investments including approximately \$3,100,000 invested in  
113 Certificates of Deposit or Government Backed Securities for debt service and the retention of  
114 required reserves in the amount of \$1,418,460. Ms. Calaway stated the Treasurer's office held  
115 \$18,500,000 in investments in local banks and \$162,108 in Fire Department Funds were  
116 invested with the New Mexico Finance Authority.  
117

118 Ms. Calaway stated the total cash held by the Treasurer on March 31, 2016 was \$21,456,036  
119 as compared to \$17,342,080 in March of 2015. Ms. Calaway informed the increase in total cash  
120 held reflected the receipt of approximately \$2,000,000 in FEMA funds; an increase of  
121 \$1,000,000 in property tax revenues; increased revenues from the housing of prisoners, and the  
122 hospital lease payment.  
123

124 Commissioner Stewart questioned if the approximately \$2,000,000 in FEMA funds held by the  
125 County was committed to future work projects.  
126

127 Ms. Calaway stated approximately \$276,000 of the FEMA funding was reimbursement for past  
128 work and \$1,700,000 was received for future work.  
129

130 Commissioner Willard clarified should Lincoln County choose not to perform the defined work  
131 projects the \$1,700,000 would revert to FEMA.  
132

133 Sherri Huddleston, Chief Deputy Treasurer discussed the process to "de-obligate" and return  
134 unspent funding to FEMA. Ms. Huddleston also confirmed the County's required match for  
135 FEMA funding was 12.5% of project costs.  
136

137 Chair Stone stated belief the County also held approximately \$660,000 in funds with the option  
138 to utilize those funds for the County's match on future projects or to reimburse the General  
139 Fund.  
140

141 Ms. Huddleston concurred and noted Lincoln County had received approximately \$700,000 in  
142 reimbursement for past projects which could revert to the General Fund or be utilized for future  
143 match.  
144

145 Chair Stone adjourned the Board of Finance Meeting and reconvened the Regular Meeting at  
146 8:47 AM.  
147

148 **9. Carrizozo Sr. Center - Request for Time Extension and Additional Services:**  
149 **Presented by Architect Howard Kaplan and Contractor Ryan Roper**

150  
151 Ms. Taylor informed necessary modifications to the building's plumbing design and a delay in  
152 receipt of the approved roofing material resulted in a request from Contractor Ryan Roper for a  
153 forty three day extension on the contractual completion date. Ms. Taylor stated the contract  
154 specified date for completion was June 3, 2016 and reminded the project's Community  
155 Development Block Grant (CDBG) funding expired on July 31, 2016. Ms. Taylor also  
156 presented information regarding two requests for additional action to repair the sidewalk in front  
157 of the building and to revise drainage from the site.  
158

159 Howard Kaplan, Architect with Wilson and Company, reminded the project was initially delayed  
160 due to the NM Construction Industries Division's delay in issuing the project permit. Mr. Kaplan  
161 stated the mechanical engineers failed to directly identify drainage issues in the facility's kitchen  
162 resulting in a redesign by his firm at no cost and an agreement to offset costs incurred by the  
163 plumber due to the delay. Mr. Kaplan stated the delay in receipt of roofing resulted from a  
164 change from a premium color to a standard color in an effort to save approximately \$1500.  
165

166 **Motion:** Grant the request for 43 day extension for the project and direct the Manager to  
167 request a CDBG extension, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
168 Commissioner Allen.  
169

170 Ryan Roper, Contractor discussed the problem associated with the removal of asphalt paving  
171 from the plan and the resulting drainage issue from the lower finish elevation. Mr. Roper  
172 expressed concern about the current site drainage but noted the architectural firm was  
173 responsible for design.  
174

175 Mr. Kaplan stated he had discussed the drainage issues with Mr. Roper and acknowledged the  
176 lack of paving would contribute to the problem. Mr. Kaplan stated the ponding area on the  
177 south side was designed for a severe event but concurred with Mr. Roper on the suggested  
178 installation of a sidewalk drain.  
179

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

181 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

182 **No:** Commissioner Draper  
183

184 Commissioner Stewart questioned the current status of the project budget. Commissioner  
185 Stewart suggested any sidewalk replacement or repair was the responsibility of the Town of  
186 Carrizozo.  
187

188 Ms. Taylor stated funds were sufficient in the budget to cover the estimated \$2500 cost of  
189 sidewalk drainage. Ms. Taylor suggested the authorization of expenditure for drainage fix and  
190 consideration of paving of the site during the upcoming budget hearing.  
191

192 **Motion:** Approve the expenditure for drainage and direct the Manager to work with the Town of  
193 Carrizozo on sidewalk repairs, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded**  
194 **by** Commissioner Allen.  
195

196 Chair Stone expressed a desire for the project to be of excellent quality and an asset to the  
197 community.  
198

199 Commissioner Allen requested parties involved coordinate any additional work to install  
200 drainage with work to repair the sidewalk.

201  
202  
203 Mr. Roper stated the site tied into the existing sidewalk in three locations and in areas the  
204 sidewalk exceeded the lot elevation by three to four inches. Mr. Roper expressed concerns  
205 about the timing of sidewalk repairs by the Town of Carrizozo and the potential for additional  
206 delay.

207  
208 Commissioner Stewart suggested the Manager engage in a discussion with the Town of  
209 Carrizozo and then revisit the subject during budget preparation.

210  
211 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0)  
212 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.  
213 **No:** Commissioner Draper.

214  
215 **18. County Volunteer Fire Departments Matters**

216  
217 **3. Grant Award Agreement between NM Energy, Minerals and Natural Resources**  
218 **Department and Lincoln County – White Oaks Volunteer Fire Department**

219  
220 Javier Anderson, NM State Forestry Capitan District Forester explained the nature of the grant  
221 was to obtain \$10,000 in funding for the White Oaks Fire Department for personal protective  
222 equipment. Mr. Anderson acknowledged the grants required a 10% monetary match from  
223 Lincoln County but noted the White Oaks Fire Department had sufficient funding in the  
224 Departments Fire Fund to accommodate the match.

225  
226 **4. Grant Award Agreement between NM Energy, Minerals and Natural Resources**  
227 **Department and Lincoln County – Hondo Valley Volunteer Fire Department**

228  
229 Mr. Anderson informed the Hondo Valley Volunteer Fire Department received a similar grant  
230 award last year for \$12,773 but was unable to expend the funds prior to fiscal year end. Mr.  
231 Anderson stated this was a renewal of the prior agreement.

232  
233 **Motion:** Approve the Grant Award Agreements with the NM Department of Energy, Minerals,  
234 and Natural Resources and the Hondo Valley and White Oaks Fire Departments, **Action:**  
235 Approve, **Moved by** Commissioner Stewart, **Seconded by Commissioner Willard.**

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

239  
240 **10. 2016 Wildfire Seasonal Outlook: Presented by Tom Bird, National Weather**  
241 **Service**

242  
243 Thomas Bird, National Weather Service Senior Forecaster, Fire Weather Program Leader, and  
244 Incident Meteorologist provided a detailed presentation on the "Fire and Weather Seasonal  
245 Outlook". Mr. Bird stated he developed the presentation to provide a preseason assessment of  
246 the 2016 Wildfire Season Outlook for land management agencies in the State of New Mexico.

247  
248 Mr. Bird provided an analysis of New Mexico statewide temperatures and precipitation for 2015.  
249 Mr. Bird stated based on statewide averages, New Mexico was both the fifth warmest and fifth  
250 wettest state in the nation in 2015. Mr. Bird discussed the historically strong El Nino active  
251 through the summer and the associated precipitation. Mr. Bird also provided illustrations of the

252 diminished snow pack in New Mexico due to warmer than normal conditions during the month of  
253 February.

254  
255 Mr. Bird stated the monthly Fire Potential Outlook for March 2016 in this area was above normal  
256 due to potentially high winds and increased fine fuels. Mr. Bird noted the State of New Mexico  
257 was now in abnormally dry to moderated drought conditions despite increased precipitation this  
258 past year.

259  
260 Mr. Bird defined the main considerations for the Southwest Seasonal Fire Potential as: drought  
261 status; fine fuels conditions; seasonal temperatures and precipitation; spring and early summer  
262 weather patterns; and the timing of monsoon weather. Mr. Bird noted 2016 had a "bumper  
263 crop" of carry over fine fuels and March of 2016 was the driest March on record for the State of  
264 New Mexico. Mr. Bird anticipated May and June as the months most likely to have above  
265 normal significant Wildland Fire Potential in this area.

266  
267 **11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**  
268 **OFFICIALS**

269  
270 Commissioner Stewart reported the Joint Land Use Study group received notice the German  
271 Airforce would depart Holloman Air Force Base in 2019 after conducting operations there since  
272 1992. Commissioner Stewart noted Otero County was the only non-signatory agency to the  
273 Joint Land Use Study (JLUS) in the area.

274  
275 Commissioner Stewart attended a meeting on March 30, 2016 regarding the Fort Stanton  
276 Veterans Cemetery and reported work was proceeding with a target date for completion of  
277 March 2017.

278  
279 Commissioner Stewart also reported on his attendance at the Otero-Lincoln County Regional  
280 Landfill meeting. Commissioner Stewart stated the organization was in the process of closing  
281 some cells and beginning construction on a new cell with an anticipated construction cost for  
282 each new cell of over \$1 million. Commissioner Stewart noted due to increased costs no  
283 rebates of excess funds were granted to members this year. Commissioner Stewart stated the  
284 facility had resolved issues with the New Mexico Environmental Department and the permit  
285 renewal was proceeding.

286  
287 Rhonda Burrows, Clerk reminded the public May 10, 2016 was the last day to register to vote in  
288 the Primary Election. Ms. Burrows reminded voters must be registered as a major party  
289 member to vote in the Primary Election.

290  
291 Shirley Crawford, Superintendent Capitan Schools discussed progress on the construction of a  
292 new building to house Middle and High School students. Ms. Crawford invited Commissioners  
293 and the public to tour the building site weekly on Thursday afternoons. Ms. Crawford stated the  
294 new building was designed to reflect a "collegiate setting" and would include the most recent  
295 technology.

296  
297 Ms. Crawford also informed the combined Capitan Middle and High School Choir qualified for  
298 and received third place during the 2016 NM State Choir Competition. Ms. Crawford stated  
299 Capitan Schools were dedicated to continued education in fine arts and informed the Capitan  
300 High School Band also qualified to complete in the NM State Band Competition. Ms. Crawford  
301 also discussed current and past graduates who had qualified for the prestigious Daniels  
302 Scholarship.

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352

**10. 2016 Wildfire Seasonal Outlook: Presented by Tom Bird, National Weather Service (continued)**

Chair Stone questioned Mr. Bird about the lack of winter moisture previously predicted as a "La Nina" event.

Mr. Bird stated a ridge of high pressure off the coast of California deflected the jet stream for approximately sixty days and limited the influence of "La Nina". Mr. Bird stated this ridge was unanticipated and was nicknamed "The Blob" by meteorologists.

Chair Stone expressed appreciation for the presentation.

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

Marsha Palmer, County Program Director for the Lincoln County Extension Service provided an update on the goals and accomplishments through various programs in the last fiscal year. Ms. Palmer discussed the various roles of staff including her role as Family Consumer Science Agent; Audra Lyon serving as the 4-H and Agricultural Agent; Tara Morris the ICAN Nutrition Educator; and Mozell Sparks serving as the Administrative Assistant. Ms. Palmer informed the ICAN Nutrition Educator was a new staff position this year funded entirely through a US Department of Agricultural grant.

Ms. Palmer reminded the mission of the Cooperative Extension Service was to provide practical, research based knowledge and programs to improve quality of life for New Mexico residents. Ms. Palmer stated the three major program areas were Agriculture/Horticulture; Family Consumer Sciences and 4-H Youth Development.

Ms. Palmer discussed the various Family Consumer programs including diabetes education, nutritional education, obesity prevention, food safety and preservation, and parenting. Ms. Palmer discussed the various program activities designed to educate both adults and youth. Ms. Palmer also discussed the ICAN Nutrition Educator's role as a coordinator with local schools to develop activities to promote improved nutrition.

Audra Lyon, 4-H and Agricultural Agent explained the role of the Extension Service in providing timely information to the public on topics and events related to agriculture and horticultural activities including the recent development of a quarterly newsletter. Ms. Lyon stated she continued to provide educational support for the Lincoln County Cooperative Weed Management regarding invasive and noxious weeds which cause negative environment and economic impact. Ms. Lyon stated she also organized a weed management workshop each year for which private pesticide applicators received Continuing Education Unites required for licensure.

Ms. Lyon discussed the Lincoln County 4-H program and noted the Extension Service was responsible for providing leadership, program development and management support for the volunteers who were "the heart" of the 4-H program. Ms. Lyon stated this year the 4-H program had a 28% increase in volunteer hours and a new 4-H "Black Bear" Club was initiated to serve youth in the Ruidoso area. Ms. Lyon noted youth participation in Lincoln County 4-H increased by 14% despite a historic decline in participation statewide.

353 Ms. Lyon introduced current 4-H members present including Clay Bob Stearns, Maggie Rich,  
354 John Wyatt Hemphill, and Kristi Gallacher. Each of the members discussed the benefits of 4-H  
355 membership and the impact on their individual lives.  
356

357 Ms. Lyon reminded Extension Service staff and 4-H members play a major role in the annual  
358 Lincoln County Fair as both participants and volunteer staff. Ms. Lyon informed the Junior  
359 Livestock Sale held during the Lincoln County Fair generated more than \$186,000 in sales for  
360 the youth of Lincoln County.  
361

362 Ms. Lyon thanked the Lincoln County Commission for their continued support of the Extension  
363 Service and the local youth of Lincoln County.  
364

365 **13. Forest, Land & Natural Resources Matters:**  
366

367 a. Smokey Bear Ranger District  
368

369 Ms. Taylor informed Ranger Heath Noel was unable to attend the meeting but provided a written  
370 update. Ms. Taylor stated the update included information on the temporary reassignment of  
371 Travis Mosely, current Lincoln Nation Forest Supervisor to the USFS Regional Office. Ms.  
372 Taylor stated other district activities included continued actions to begin rebuilding the Southfork  
373 Campground and various coordinated efforts with other organizations for summer trail  
374 improvements.  
375

376 b. Cibola National Forest  
377

378 Ms. Taylor provided an update on current status of the Cibola National Forest Plan Revision  
379 including comprehensive workshops to identify and prioritize "Values at Risk" on each Ranger  
380 District as well as a review of the Dart Forest Plan. Ms. Taylor reported she attended a portion  
381 of two workshops hosted by the Cibola and Joe Kenmore, Office of Emergency Services  
382 Director attended the Cibola's pre-season coordination meeting for managing wildfires.  
383

384 c. Community Forester  
385

386 Rick Merrick, South Central Mountain RC and D Community Forester stated he had an  
387 informational booth at the Ruidoso Home and Garden Show and noted he was able to speak  
388 with a number of new property owners in the area. Mr. Merrick provided an update on the  
389 Eastern New Mexico University Speaker Series as well as thinning projects conducted through  
390 the current Collaborative Forest Restoration Program grant. Mr. Merrick reported over 140  
391 people attended the Sacramento Mountain Wood Industry Summit. Mr. Merrick stated there  
392 were 26 speakers providing industry information and discussions of potential commercial  
393 business alternatives for the wood industry.  
394

395 d. Upper Hondo Soil and Water Conservation District  
396

397 Laura Johnson, Program Director stated the Conservation District was working with multiple  
398 agencies to identify the optimal timing for spraying of noxious weeds. Additionally the  
399 UHSWCD was providing vinegar for application to noxious weeds and would utilize a summer  
400 intern to map treatment areas. Ms. Johnson informed New Mexico State University and the  
401 New Mexico Department of Agriculture were in the process of updating the list of noxious and  
402 invasive weeds and the UPHSWCD would petition the agencies to move species of the spiny  
403 and regular cocklebur, loco weed, nightshade and gypsum from the watch list to the primary list.

404  
405 Ms. Johnson stated the UPHSWCD was participating with other agencies in the rehabilitation of  
406 the fire area on Moon Mountain including the provision of wattles and seed. Ms. Johnson also  
407 stated plans were in process to control weeds in the burn area.  
408

409 Ms. Johnson reported the Salado Dam was recently inspected by the Office of the State  
410 Engineer and there were several study steps pending completion. Ms. Johnson reported one  
411 problem identified by the State Engineer's office was damage to the concrete intake tower due  
412 to individuals using the tower for target practice. Ms. Johnson stated the site was under the  
413 legal jurisdiction of the Bureau of Land Management but the District planned to conduct some  
414 public outreach and education about the costs associated with the damage.  
415

416 Ms. Johnson discussed the UPHSWD's efforts to gather additional funding for activities through  
417 multiple grant applications including applications for watershed work and land stewardship  
418

419 Chair Stone questioned if the District had applied for any additional grants for control of noxious  
420 weeds.  
421

422 Ms. Johnson stated the District had submitted three grant applications for weed management  
423 but had not received approval as of this date.  
424

425 Chair Stone warned of a possible reduction in funding from Lincoln County for the weed  
426 management program due to budget constraints.  
427

428 There was a discussion regarding the coordination of efforts between the State Land Office,  
429 South Central Mountain RC and D, and the UPHSWCD to rehabilitate the burn area on Moon  
430 Mountain and mitigate potential flooding during the monsoon season.  
431

432 e. Office of State Engineer-Water Issues  
433

434 Ms. Taylor reported there were no new applications for water transfers posted on the State  
435 Engineer's website this month.  
436

437 **14. Lincoln County Solid Waste Collection Services - Update:**  
438

439 Ms. Taylor provided a detailed report of costs and activities associated with Lincoln County's  
440 assumption of Solid Waste Services summarized as follows:  
441

442 a. Costs incurred by category:  
443

|   |              |
|---|--------------|
| 444 Expenses for the first half of Fiscal Year 2015-2016: | \$ 1,178,245 |
| 445 Attorney Fees beginning December 2013:                | \$ 476,178   |
| 446 General Ledger costs January 1 – April 13, 2016:      | \$ 298,098   |

447

448 b. Equipment orders:  
449

|  |           |
|--|-----------|
| 450 35 Poly Carts/35 Side Load Dumpsters | \$ 23,056 |
|--|-----------|

451

452 c. Site Preparation:  
453

453 Alto Mountain Village - Proposed relocation site unavailable

- 454 • Cedar Creek – Permit for current site approved by US Forest Service

455 Laughing Horse Trail – New site development on Cora Dutton Road  
 456 Nosker/McCoy Property – Plans for relocation to Glencoe Fire Station #1  
 457 Buckhorn – Plans for relocation to Glencoe Fire Station #2  
 458 Hondo – County owned property no relocation planned  
 459 Lincoln – Short term lease with Village of Ruidoso and potential site purchase  
 460 Loma Grande – Permit for site issued by NM Department of Transportation  
 461 Ranches of Sonterra – Five year lease with Homeowners Association  
 462 San Patricio – Site unsafe continue search for relocation site  
 463 Sun Valley – Requested removal of Greentree Solid Waste compactor  
 464

465 d. Total Identified Exemptions to Solid Waste Billing: 836

466 e. Fees collected:

|     |                               |            |
|-----|-------------------------------|------------|
| 467 | 2015 Collections Jan – Apr 15 | \$ 243,174 |
| 468 | 2016 Collections Jan – Apr 15 | \$ 322,439 |
| 469 | 2015 Total Collections        | \$ 730,669 |

470 f. Requests for Services:

471 A number of requests were received for personal “dumpster” service.

472 A number of business customers within the County are not contracted for  
 473 commercial service with another company and are not billed by the County as  
 474 residential.

475 Ms. Taylor presented recommendations to consider a blanket waiver of past fees owed by  
 476 residents who were subsequently granted exemption from billing as an “uninhabitable” property;  
 477 to consider a new plan to offer “individual dumpster service”; and to develop a proposal for the  
 478 creation of a Lincoln County Business License.  
 479

480 Linda Phillips, Solid Waste Billing Clerk provided information regarding Sierra Contracting’s  
 481 planned community clean up days in Lincoln, San Patricio, and Nogal. Ms. Phillips stated plans  
 482 to continue to post additional information regarding Solid Waste disposal operations on the  
 483 Lincoln County website.  
 484

485 Commissioner Stewart commented on the \$476,178 expended for legal fees for one  
 486 governmental entity to sue another as an unfortunate cost born by tax payers. Commissioners  
 487 Stewart also noted for the record the County expended over \$772,429 out of the General Fund  
 488 including legal fees to assume solid waste services. Commissioner Stewart stated current  
 489 collections appear sufficient to operate solid waste operations and the County should consider a  
 490 mechanism to reimburse the General Fund over time for the funds expended.  
 491

492 There was additional discussion regarding businesses in the County who were not currently  
 493 assessed a commercial fee by Greentree Solid Waste Authority nor billed a residential fee by  
 494 Lincoln County  
 495

496 Attorney Morel commented on the need to identify all businesses by some method, identify their  
 497 method of payment, and further determine who should bill for services.  
 498  
 499  
 500  
 501  
 502

506 Commissioner Draper commented on the need to retain some funding for ongoing equipment  
507 replacement and other associated costs of operation.

508  
509 Commissioner Willard suggested a review of all identified exemptions to verify validity to  
510 potentially increase revenues prior to any consideration of a rate increase.

511  
512 **Motion:** Present all three recommendations with additional analysis for consideration at the May  
513 Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
514 Commissioner Willard.

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

516 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
517 Commissioner Willard.

518

519 **15. Approval of Lodger's Tax Applications:**

520

521 a. **Purpose:** Old Lincoln Days

522 **Request:** \$20,270.26

523 **Date(s) of Event:** Aug. 5-7, 2016

524 **Presenter:** Kristie Morrow, Lincoln Pageant & Festival

525 LTC Approved: \$16,220.00

526

527 b. **Purpose:** Ruidoso Grindstone Trail Runs

528 **Request:** \$2,030

529 **Date(s) of Event:** July 30, 2016

530 **Presenter:** Frederic Moras, Ski Run Road Challenge

531

532 Ms. Taylor requested consideration of the Ruidoso Grindstone Trail request after July 1, 2016 at  
533 the beginning of the next fiscal year.

534

535 **Motion:** Approve \$16,220.00 for Old Lincoln Days Application, **Action:** Approve, **Moved by**  
536 Commissioner Stewart, **Seconded by** Commissioner Allen.

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

538 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
539 Commissioner Willard.

540

541 Chair Stone recessed the Regular Meeting at 11:56 AM and reconvened at 1:00 PM.

542

543 **20. 1:00 PM Executive Session Pursuant to the Open Meetings Act:** Discussion of all  
544 Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and  
545 Discussion of the purchase, acquisition or disposal of real property or water rights by the  
546 public body, Section 10-15-1, Sub-Paragraph H.(8).

547

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

552 New or Updated Matters since last report \*:

553

554 1. \*Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,  
555 et al. D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory

556 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,  
557 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper  
558 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint  
559 Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral  
560 Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three  
561 judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016  
562 affirming the district court's determination that statutory damages are not available and vacating  
563 \$100,000 punitive damages and attorney fee awards.

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

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

575 4. *\*Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*  
576 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and  
577 Summons received June 15, 2015. Complaint alleges damages while Sheriff's Deputies were  
578 executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7,  
579 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of  
580 Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct.  
581 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015. Settlement Agreement and  
582 Release of All Claims signed by Plaintiff March 14, 2016. Order of Dismissal With Prejudice filed  
583 April 4, 2016 by Judge Wormuth.

584 5. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*  
585 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint  
586 alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015.  
587 Removed to Federal Court Nov. 12, 2015. Order Granting Defendant's Motion for Protective  
588 Order and stay of discovery filed January 29, 2016.

589 B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal  
590 Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015. Plaintiff  
591 requested a Right to Sue from the EEOC on January 29, 2016.

592 6. *\*Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect  
593 Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.  
594 Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took  
595 place January 19, 2016. Proposed Motion for Summary Judgment approved as to form  
596 February 5, 2016. Motion Hearing took place February 15, 2016 where Judge Bryant gave the  
597 parties until March 15, 2016 to resolve or Summary Judgment will be entered. Summary  
598 Judgment Against Defendants Willie E. Naron and Joanne R. Naron entered on March 23,  
599 2016.

600 7. *Orlando Montes v. Pinnacle Propane, LLC, Allen Sultermeier, County of Lincoln , Lincoln*  
601 *County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death,  
602 Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of  
603 Consortium, Negligent Infliction of Emotional Distress filed with the 12<sup>th</sup> Judicial District Court  
604 Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was  
605 served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22,  
606 2016.

607 8. *Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff*  
608 *Department M-32-CV-2016-00036* Civil Complaint filed March 9, 2016 alleging personal and  
609 property damage.

610 **Lincoln County Ordinance Violations:**  
611 **Alan P. Morel: 12<sup>th</sup> Judicial District Attorney's Office**  
612 **Special Prosecutor**  
613

614 9. *\*State of N.M. v. Blaylock, Gregory M-30-MR-2016-00016* alleged violation of Lincoln  
615 County Ordinance 2014-04 Contraband in LCDC. The Non-Traffic citation was filed in the  
616 Magistrate Court on February 10, 2016. A misdemeanor arraignment was held on February 12,  
617 2016 at which time the Defendant pled "Not Guilty." The Defendant is represented by the Public  
618 Defender's Office. A Pre-Trial Hearing was scheduled for Tuesday, March 29, 2016 at 9:00  
619 a.m. on a Trailing Docket before Judge Mickie L. Vega, but due to Defendant's automobile  
620 accident March 28, a reset was scheduled for April 12, 2016 at 9 a.m. at which Defendant failed  
621 to appear. A bench warrant has been issued by the court for failure to appear in the sum of  
622 \$400 – cash only (\$300 fine and \$100 bench warrant fee).

623 10. *\*State of N.M. v. Parks, Nicole M-30-MR-2016-00010* alleged violation of Lincoln County  
624 Ordinance 2008-08 Dogs Running At Large. The Non-Traffic citation was filed in the Magistrate  
625 Court on January 15, 2016. A misdemeanor arraignment was held on January 17, 2016 at  
626 which time the Defendant pled "No Contest." A Sentencing Hearing took place Tuesday, March  
627 22, 2016 at 9:00 a.m. on a Trailing Docket before Judge Mickie L. Vega. Defendant advised the  
628 court she has gotten rid of the dog. Mr. Morel agreed to a 90 day deferred sentence,  
629 unsupervised probation, no fine and court costs of \$73. Agreement to Pay Fine and Fees filed  
630 March 22, 2016.

631 11. *\*State of New Mexico v. Sanders, Robert J. M-30-MR-2015-00253* alleged violation of  
632 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in  
633 Magistrate Court on December 23, 2015. The Defendant pled not guilty. A Pre-Trial Hearing  
634 was heard on March 29, 2016 at 9 a.m. on a Trailing Docket before Judge Vega where the  
635 Defendant pled No Contest and was found Guilty, sentenced to 90 days unsupervised probation  
636 concurrent with M-30-MR-2016-00001, fined \$300 with \$225 suspended and assessed court  
637 costs of \$73. Agreement to Pay Fine and Fees filed March 29, 2016.

638 12. *\*State of New Mexico v. Sanders, Robert J. M-30-MR-2016-00001* alleged violation of  
639 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non Traffic citation was filed in  
640 Magistrate Court on January 5, 2016. The Defendant pled Guilty and was found Guilty and  
641 sentenced to 90 days unsupervised probation concurrent with M-30-MR-2015-00253, fined  
642 \$300 with \$225 suspended and assessed court costs in the sum of \$73. Agreement to Pay Fine  
643 and Fees filed March 29, 2016.

644 13. *\*State of New Mexico v. Fragoso, Francisco M-32-MR-2016-00089* alleged violation of  
645 Lincoln County Ordinance 2008-08 Dogs Running at Large. The Non-Traffic citation was filed in  
646 Magistrate Court March 17, 2016. A First Appearance Hearing was scheduled for April 4, 2016.  
647 The Defendant pled No Contest and was found Guilty and received a deferred sentence subject  
648 to 90 days unsupervised probation, a \$25 donation to Crime Stoppers and court costs in the  
649 sum of \$73.

650 14. *\*State of New Mexico v. Sandoval, Andrew D.* (case number unknown as of April 13,  
651 2016) alleged violation of Lincoln County Ordinance 2008-08 Dogs Running at Large.. Deputy  
652 Kevin Kennedy of the Lincoln County Sheriff's Department prepared a Criminal Complaint which  
653 was delivered to the Carrizozo Magistrate Court for filing and issuance of a Summons to the  
654 Defendant.

655 **Tort Claims Notices Received or Threatened**  
656

657 **2016**

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

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

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

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

668 **Sonora Corporation (John Russell-CEO)**-Tort Claim Notice received April 6, 2016 via  
669 correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction  
670 Industries Division due to an alleged lack of final inspection and deviation from approved plans  
671 of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

672 **Jaramillo, Monica** – Tort Claim Notice received April 8, 2016 alleging Lincoln County  
673 road department employee in the performance of his road grading duties damaged Ms.  
674 Jaramillo's vehicle.

675 **\*Wagoner, John** – Tort Claim Notice received April 12, 2016 via telephone call to Mr.  
676 Morel's office when Mr. Wagner threatened suit against Lincoln County with respect to alleged  
677 accumulation of garbage at property on Highway 70.

678  
679 **2015**

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

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

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

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

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

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

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

701 **Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter  
702 in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to  
703 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-  
704 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected  
705 and noted no progress had been made.

706 **Culp, Susan v. LCMC/Lincoln County**: Tort Claim Notice received May 4, 2015 from  
707 Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent

708 supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about  
709 March 3, 2015 during Ms. Culp's gall bladder removal surgery.

710 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy  
711 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and  
712 wrongful conduct of the Lincoln County Sheriff's Department.

713 **Torres, Leopoldo**: Tort Claim Notice received June 4, 2015 from inmate Torres alleging  
714 inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

715 **Wallace, Stephen**: Tort Claim Notice received June 11, 2015 from Attorney Gary  
716 Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County  
717 Detention Center without proceeding with a timely extradition.

718 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris  
719 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County  
720 Detention Center.

721 **Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from  
722 Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and  
723 property damage against the County of Lincoln.

724 **Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing  
725 flooding at her private property.

726 **Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to  
727 ongoing flooding at their private property.

728 **Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair  
729 Dunn, alleging County trespass on private property.

730 **L. Phillip Onsrud** – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of  
731 medical care while incarcerated in Lincoln County Detention Center.

732 **Brown, Shelly** – Tort Claim Notice received December 31, 2015 alleged failure of the  
733 County of Lincoln to maintain road surfaces during snow or ice conditions.

734  
735 **2014**

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

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

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

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

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

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

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

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

757 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney  
758 W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his

759 own equipment to alter a platted County right of way without the authorization or knowledge of  
760 the County.

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

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

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

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

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

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

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

777 **Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25,  
778 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

781  
782 **2013**

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

786  
787 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

789 **Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner  
790 Willard.

791 **No:** Chair Stone.

792  
793 Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:02 PM.

794  
795 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:50 PM.

796  
797 Commissioner Willard attested that matters discussed in the closed meeting were limited to  
798 those specified in the motion for closure or in the notice of separate closed meeting.

799  
800 **16. Manager's Report**

- 801  
802 **1. Ruidoso Valley Chamber of Commerce:** The Manager stated she had discussed  
803 a potential Lincoln County membership in the organization with Becky Brooks,  
804 Executive Director of the Ruidoso Valley Chamber of Commerce. The Manager  
805 discussed benefits of membership and reminded of the Chamber's sponsorship of  
806 Lincoln County Day in Santa Fe. The Manager expressed belief this event benefited  
807 Lincoln County through one-on-one meetings with legislators as well as State public  
808 officials. The Manager recommended Lincoln County apply for a Blue Spruce  
809 membership at the cost of \$350 per year.

810  
811 **Motion:** Authorize the Manager to obtain a Blue Spruce Membership with the Ruidoso Valley  
812 Chamber of Commerce, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**  
813 Commissioner Draper.  
814

815 Commissioner Draper disclosed his current membership role as Past President of the Ruidoso  
816 Valley Chamber of Commerce. Commissioner Draper stated his position would expire in June  
817 of this year but volunteered to continue to attend meetings as the Lincoln County  
818 Representative  
819

820 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)  
821 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
822 Commissioner Willard.  
823

824 **2. Municipality Requests for Transferring of land:** The Manager reported two  
825 municipalities recently requested Lincoln County transfer ownership of land to the  
826 municipality. The Manager provided copy of the request from the City of Ruidoso  
827 Downs to transfer a parcel of roadway right-of-way and reminded the Mayor of the  
828 Town of Carrizozo requested the County transfer ownership of land currently serving  
829 as a baseball park during a recent meeting. The Manager stated she researched the  
830 question with Attorney Morel and also sought advice from NM Department of  
831 Finance and Administration regarding intergovernmental transfers of land.  
832

833 Attorney Morel informed the decision on the proposed transfer of the two properties was at the  
834 discretion of the Board of County Commissioners with the understanding any road transfers  
835 would result in a decrease in the annual road mileage reported to the State. Attorney Morel  
836 stated the transfers would require an assessment of current value and the final transfer process  
837 was dependent on the value.  
838

839 **Motion:** Transfer ownership of Lincoln County property parcel located within Ruidoso Downs to  
840 the City of Ruidoso Downs contingent upon the assumption of all associated costs of transfer by  
841 the City of Ruidoso Downs, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**  
842 Commissioner Allen.

843 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
844 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
845 Commissioner Willard.  
846

847 **Motion:** Transfer ownership of Lincoln County property within Carrizozo to the Town of  
848 Carrizozo contingent upon the assumption of all associated costs of transfer by the Town of  
849 Carrizozo, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner  
850 Draper.

851 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).  
852 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.  
853 **No:** Commissioner Stewart.  
854

855 **3. Socorro County Detention Center Grand Opening:** The Manager reported she  
856 toured the new facility which was smaller in size and also a closed cell design rather  
857 than the open dormitory structure of the Lincoln County Detention Center.  
858

859 **4. National Civilian Community Corps Group will be in the County for several**  
860 **months:** The Manager informed the New Mexico Juvenile Justice Board was

861 sponsoring a group from the National Civilian Community Corps to assist with  
862 various projects in Lincoln County including working with students at the Hondo  
863 Schools; creating a park and walkway for the Humane Society; conducting  
864 preservation work at Ft. Stanton and in Lincoln; and also working on trail projects for  
865 the Bureau of Land Management and the US Forest Service.  
866

- 867 **5. Clarification to March 15, 2016 Commission-Approved FEMA Projects:** The  
868 Manager discussed prior action taken during the March Regular Commission  
869 Meeting to approve funding for several FEMA projects. The Manager informed the  
870 Commission took action to approve FEMA projects for the next fiscal year which  
871 correctly identified the appropriate projects but the funding match was mistakenly  
872 approved as \$147,310.75 and the actual required match for approved projects was  
873 \$55,341.27.  
874

875 **Motion:** Reconsider the motion to approve funding for 2016 FEMA projects, **Action:** Approve,  
876 **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

878 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
879 Commissioner Willard.

880  
881 **Motion:** Reduce the approved funding amount for 2016 FEMA projects from \$147,310.75 to  
882 \$55,341.27, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner  
883 Stewart.

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

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

886 **No:** Chair Stone, Commissioner Allen.  
887

#### 888 **6. Calendar of Events:**

- 889  
890 a. April 20, 2016: Fair Board / Livestock Meeting  
891 b. April 21, 2016: Internal Finance Meeting  
892 c. April 21, 2016: Lincoln County Historic Preservation Board Meeting  
893 d. May 2, 2016: Commission Budget Meeting / Public Hearing  
894 e. May 6-7, 2016: Smokey Bear Days  
895 f. May 17, 2016: Regular Commission Meeting  
896

#### 897 **7. Departmental Updates:**

- 898  
899 a. **Joe Kenmore, Director Office of Emergency Services** reported on several fires  
900 over the past month including the Moon Mountain Fire. Mr. Kenmore stated the  
901 County's Code Red system was utilized during the Moon Mountain Fire to provide  
902 notice of potential evacuations. Mr. Kenmore introduced Rick Hall as the new part  
903 time OES staff member. Mr. Kenmore stated Mr. Hall had 45 years of experience  
904 as a firefighter and would assist County Fire Departments with preparations for ISO  
905 rating reviews and also serve as an additional firefighter.  
906

- 907 b. **Curt Temple, Planning Director** informed he attended the Sacramento Wood  
908 Industry Summit and served on a panel providing information to potential contractors  
909 about local contacts for potential contracts. Mr. Temple reported work was  
910 progressing on the new compactor site on Cora Dutton Road. Mr. Temple stated  
911 Ordinance Administrator Samantha Mendez submitted grant applications for security

912 cameras for compactor sites and also a grant application for a mobile generator.  
913 Mr. Temple reported the Village of Ruidoso was willing to enter into a lease  
914 agreement with the County for the current compactor site in Lincoln but the location  
915 previously identified for a compactor site in Alto was unavailable and the County  
916 would seek another site.

917  
918 c. **Joel Bonnell, Road Superintendent:** Ms Taylor provided an update for Mr. Bonnell  
919 informing the job description for Operator IV was advertised internally and four  
920 applications were received.  
921

922 **17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**  
923

924 Mr. Annala discussed the New Mexico Human Services Department's (HSD) projected Medicaid  
925 funding shortfall and subsequent HSD actions to identify offsets. Mr. Annala stated current  
926 recommendations included a 5% reduction to providers for inpatient costs and a 3% reduction  
927 for outpatient services. Mr. Annala noted the recommendations for costs containments as  
928 identified by an appointed committee were subject to public comment and then scheduled for  
929 enactment on July 1, 2016.  
930

931 Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala  
932 processed 19 claims with 18 recommended for approval and 1 recommended for disapproval for  
933 a monthly authorization of \$24,402. Mr. Annala stated approval of the claims would result in a  
934 total approval to date of Safety Net Care Pool claims for Fiscal Year 2015-2016 of \$188,066 or  
935 a monthly average of \$18,806.  
936

937 Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala  
938 processed 5 claims with 4 claims recommended for approval and 1 claim recommended for  
939 disapproval for a total payment this month of \$2,999.94. Mr. Annala stated approval of the  
940 claims would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$  
941 64,480 or a monthly average of \$ 6,448. Mr. Annala stated based on the current monthly  
942 average he anticipated an annual expenditure of \$ 77,376 for the current fiscal year.  
943

944 **Motion:** Approval and denial of the claims as indicated for the Safety Net Care Pool and  
945 Indigent Health Care as recommended.

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

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

948 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
949 Commissioner Willard.  
950

951 There was a general discussion regarding payments to Presbyterian Hospital from the Indigent  
952 Fund as well as the tracking of "Safety Net Care Pool" related claims.  
953

954 Mr. Annala also informed ambulance payments formerly made to Lincoln County Medical  
955 Center were no longer submitted by LCMC and stated local ambulance services were  
956 subcontracted with a service from Albuquerque. Mr. Annala reminded a change in providers of  
957 services required County Commissioners approve a new contract for payment of Indigent  
958 Services.  
959

960 Attorney Morel commented Lincoln County held a Certificate of Public Convenience and  
961 Necessity for ambulance services assigned to Lincoln County Medical Center. Attorney Morel  
962 stated any change in providers would necessitate a review of the licensure.  
963

964 **SEE EXHIBIT B:** Copies of the Safety Net Care Pool and Indigent Health Care Payments  
965 are attached hereto in reference thereto made a part hereof.  
966

967 **18. County Volunteer Fire Departments Matters (continued)**  
968

969 **1. New Mexico State Fire Marshal and County Fire Departments – Partnership**  
970 **Agreement**  
971

972 Joe Kenmore, OES Director informed the agreement facilitated the OES Department's ability to  
973 "secure the scene" in the event of a fire for further investigation. Mr. Kenmore noted the  
974 Lincoln County OES staff do not conduct investigations which is the responsibility of the State  
975 Fire Marshal.  
976

977 **Motion:** Approve the agreement with the NM State Fire Marshal, **Action:** Approve, **Moved by**  
978 **Commissioner Stewart, Seconded by Commissioner Willard.**

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

980 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
981 Commissioner Willard.  
982

983 **2. Lincoln Fire District Request to Purchase of a New Tanker**  
984

985 Ms. Taylor informed the Lincoln Fire District submitted a request to and received approval from  
986 the State Fire Marshall for the purchase of a new tanker. Ms. Taylor informed the State Fire  
987 Marshall required final approval from local government.  
988

989 Joe Kenmore, OES Director detailed the Lincoln Fire Department's current budget and stated  
990 the department would not require a loan from the New Mexico Finance Authority for this  
991 purchase.  
992

993 **Motion:** Approve the Lincoln Fire District's purchase of a new tanker, **Action:** Approve, **Moved**  
994 **by Commissioner Stewart, Seconded by Commissioner Allen.**

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. Award of Bids:**  
1000

1001 Ms. Taylor informed bid proposals were received and opened on April 18, 2016. Ms. Taylor  
1002 detailed the bids received as follows:  
1003

1004 **a. 15-16-008 Chip Seal Cora Dutton Road**  
1005

|      |                               |              |
|------|-------------------------------|--------------|
| 1006 | Mesa Verde Enterprises, Inc.  | \$170,239.82 |
| 1007 | Blue Collar Construction, LLC | \$283,360.00 |
| 1008 | GM Emulsion, LLC              | \$ 46,718.00 |

1009

|      |  |              |
|------|--|--------------|
| 1010 | b. 15-16-009 Chip Seal Paintbrush Court, Woodpine Court, Stag Loop and |              |
| 1011 | Musketball Drive   |              |
| 1012 |  |              |
| 1013 | Mesa Verde Enterprises, Inc.   | \$ 36,636.91 |
| 1014 | Blue Collar Construction, LLC  | \$ 43,350.25 |
| 1015 | GM Emulsion, LLC   | \$ 46,718.00 |
| 1016 |  |              |

|      |  |                                     |
|------|--|-------------------------------------|
| 1017 | c. 15-16-010 Deep Asphalt Pavement Patching on Gavilan Canyon Road |                                     |
| 1018 |  |                                     |
| 1019 | Mesa Verde Enterprises, Inc.                                       | \$292,767.37 (\$252.39/square yard) |
| 1020 | *Reduced Bid for 642 square yards                                  | \$162,000.00                        |
| 1021 |  |                                     |

1022 **Motion:** Award Bid 15-16-008 to Mesa Verde for \$170,239.82; Award Bid 15-16-009 to Mesa  
 1023 Verde for \$36,636.91; and Award Bid 15-16-010 to Mesa Verde for 642 square yards for  
 1024 \$162,000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner  
 1025 Draper.

1026 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
 1027 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
 1028 Commissioner Willard.

1030 **21. Authorization to Issue Request for Proposal for Environmental Consultant**  
 1031 **Services**

1033 Ms. Taylor provided a timeline of events beginning with Lincoln County's application for a FEMA  
 1034 Hazard Mitigation Grant after the 2012 Little Bear Fire. Ms. Taylor stated the grant was to  
 1035 develop agreements with local landowners to conduct thinning on private property to create  
 1036 defensible space to protect private and public property and infrastructure.

1038 Ms. Taylor discussed the Education and Outreach activities associated with the grant including  
 1039 public meetings as well radio and newspaper advertisement to help identify areas of interest.  
 1040 Ms. Taylor noted the next step included a FEMA required Cost Benefit and Analysis which was  
 1041 completed under the direction of Curt Temple, Planning Director.

1043 Ms. Taylor discussed the current requirement for an Environmental Assessments on each  
 1044 property prior to beginning actual thinning. Ms. Taylor stated Lincoln County requested a  
 1045 separation of funding for this phase of the grant project and prior authorization of \$288,289 in  
 1046 funding was received from FEMA. Ms. Taylor stated the Lincoln County match for expenditure  
 1047 of these funds was \$72,072.25. Ms. Taylor requested authority to issue a Request for  
 1048 Proposals for Environmental Consultant Services to conduct the required NEPA Environmental  
 1049 Assessments.

1051 Curt Temple, Planning Director discussed the identification of strategic areas for thinning to  
 1052 assist in mitigation of wildfire risk particularly to more populated areas. Mr. Temple reminded  
 1053 all thinning under this grant proposal was targeted for private property. Mr. Temple noted the  
 1054 expenditure of federal funds necessitated an environmental assessment regardless of whether  
 1055 work was conducted on private or public property.

1057 **Motion:** Approve issuance of the Request for Proposal for Environmental Consultant Services,  
 1058 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.  
 1059 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

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

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

- a. Notice of Special Meeting & Public Hearing for May 2, 2016
- b. Adoption of the Preliminary Budget FY 2016-2017 May 17, 2016
- c. Public Hearing to set additional solid waste services and rates by Resolution

**Motion:** Schedule Public Hearings to consider and adopt the Preliminary Budget on May 2, 2016 and May 17, 2016, **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 Drape, Commissioner Willard.

**23. Consideration of Appointments and Removal from Boards/ Commissioners/ Committees:**

- a. Lodger's Tax Committee
- b. Planning Commission
- c. Senior Citizens Olympic Committee

**Motion:** Reappoint Paul Kunkle to the Senior Citizens Olympic Committee, **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.

**24. Signing of Official Documents**

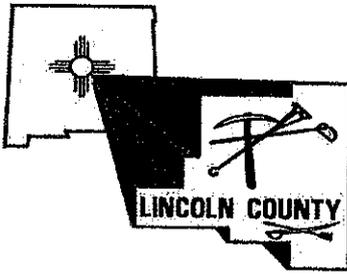
**25. Next meetings:**

- a. May 2, 2016 - Special Meeting
- b. May 17, 2016 - Regular Meeting

**26. Adjourn**

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:05 PM.

Respectfully submitted by,  
Rhonda B. Burrows  
Lincoln County Clerk



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# *County of Lincoln*

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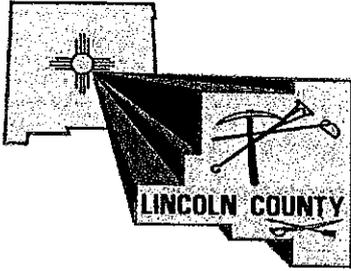
## Agenda Item 7

### SUBJECT

1. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer's Financial Report for the Month ending April 30, 2016
  - c. Carrizozo Soil & Water Conservation District Mill Levy Rate
  - d. Upper Hondo Soil & Water Conservation District Mill Levy Rate

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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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 April 1 through April 30, 2016 in the amount of \$1,542,238.69.

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

**ADOPTED, PASSED AND SIGNED** the 17th day of May, 2016.

### BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

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

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

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

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

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

ATTEST:

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

*2/11/16*  
RECEIVED

APR 26 2016

ADMINISTRATION  
LINCOLN COUNTY NM

Carrizozo Soil & Water Conservation District  
305 12<sup>th</sup> Street – PO Box 457, Carrizozo, NM 88301  
575-648-2941

Mill Levy Rate Resolution # 05 – 2016 - 2017

WHEREAS the Board of Supervisors was authorized by a referendum held May 4, 1999 to establish a mill levy for a period of 10 years, not to exceed the rate of one dollar per thousand dollars of the net taxable value of real property within the District; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978]; and

WHEREAS, the Soil and Water Conservation District Act in Section 73-20-46 provides that if the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary; and

WHEREAS, the Carrizozo SWCD is currently in debt to Upper Hondo SWCD for \$3,000.00 with a maturity date of May 1, 2018; and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

NOW THEREFORE, on this 12th day of April, 2016 the Board of Supervisors of the Carrizozo Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of one dollar per thousand dollars of the net taxable value of real property within the District for the 2016-2017 tax year.

Steve Harkey  
\_\_\_\_\_  
Chairman, Board of Supervisors  
*Sec., Treas.*

This resolution passed on a motion by Jim Grider  
and second by Steve Harkey.

Vote as follows (enter yea or nay):

|                |               |
|----------------|---------------|
| Melvin Johnson | <u>yea</u>    |
| Jim Grider     | <u>yea</u>    |
| Steve Harkey   | <u>yea</u>    |
| Gray Gallacher | <u>absent</u> |
| Lee Sulzemeier | <u>absent</u> |

Attest: Karen J. Hays  
\_\_\_\_\_  
April 12, 2016

# UPPER HONDO SOIL & WATER CONSERVATION DISTRICT

P. O. Box 900, 516 Smokey Bear Blvd., Capitan, NM 88316  
PH: (575) 354-2220 FAX: (575) 354-2515  
Email: upperhondo@windstream.net

## Mill Levy Rate Resolution #08-2015-2016

WHEREAS the Board of Supervisors was authorized by a referendum held February 28, 1985 to establish a mill levy not to exceed the rate of one dollar per thousand dollars of net taxable value of real property within the District; and

WHEREAS, the Attorney General of New Mexico in an opinion dated December 4, 2007 stated in 1988 the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] did not limit the effectiveness of an annual mil levy to a specific number of years for districts that had mil levy's prior to 1988; and

WHEREAS, the legislature did not apply the requirements imposed under the 1989 amendment of Section 73-20-46 to resolutions providing for annual levies under the previous law; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] previous to the 1989 amendment; and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

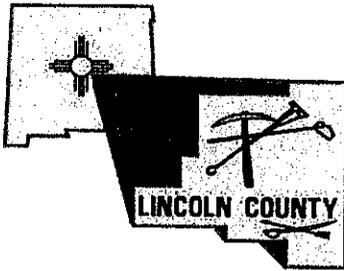
NOW THEREFORE, on this 12th day of April 2016 the Board of Supervisors of the Upper Hondo Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of .50 cents per thousand dollars of net taxable value of real property within the District for the **2016-2017** tax year.

James M. Cooper 4/12/16  
James Cooper, Chairman - Board of Supervisors Date

This resolution passed on a motion by SCOTT DANIEL and  
second by DAVID COX.

Vote as follows:

| Member               | Vote       | Member              | Vote       |
|----------------------|------------|---------------------|------------|
| <u>Robert Rummel</u> | <u>yes</u> | <u>David Cox</u>    | <u>yes</u> |
| <u>Jack P. ...</u>   | <u>yes</u> | <u>Scott Daniel</u> | <u>yes</u> |
| <u>James D. ...</u>  | <u>yes</u> | <u>James Cooper</u> | <u>yes</u> |



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# County of Lincoln

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## AGENDA ITEM NO. 8

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

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

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

**Smokey Bear Ranger District:** Smokey Bear District Ranger Heather Noel will be in attendance to provide an update of activities in the Smokey Bear District. At **Enclosure 1** is a news release, along with illustrative maps of the control burn that occurred Wednesday through Friday of this week (May 11 – 13).

**Cibola National Forest:** The Cibola National Forest Plan Revision process continues to proceed in Phase II - Revision. The schedule for this Phase is as follows:

- Winter 2015: Notice of Intent to Begin Plan Revision and to Prepare an Environmental Impact Statement;
- Fall 2016 – Winter 2017: Notice of Availability of Proposed Plan and Draft EIS
- Fall 2017 – Winter 2018: Notice of Objection Period Prior to Approval of the preferred Alternative and Final EIS;
- Spring – Summer 2018: Notice of Plan Approval and Final EIS

The following Phase III will include monitoring; which is ongoing.

**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 2**.

**Upper Hondo Soil & Water Conservation District.** Laura Johnson, Program Coordinator plans to 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.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



U.S. Forest Service  
Lincoln National Forest  
3463 Las Palomas Road  
Alamogordo, NM 88310  
Voice: 575-434-7200  
Web: [www.fs.usda.gov/lincoln](http://www.fs.usda.gov/lincoln)  
Twitter: @LincolnUSForest

# News Release

Media Contact: Loretta Benavidez  
575-434-7290  
[lbenavidez@fs.fed.us](mailto:lbenavidez@fs.fed.us)



## Prescribed Fire Operations Resume in May on the Smokey Bear Ranger District

**RUIDOSO, NM – May 9, 2016** - With recent moisture received in April and early May and the resulting spring grass green-up, fire officials on the Smokey Bear Ranger District in Ruidoso, NM, plan to implement prescribed fire operations on three project areas over the following few weeks. These prescribed burn projects include:

- **West Mountain unit:** 224 acres of piles, located east of NM State Hwy 246, 6 miles north of Capitan
- **443 Road unit:** 40 acres of piles, 2 miles south of Glencoe, along Forest Roads 443 and 443C
- **Fitness trail along Cedar Creek:** 26 acres of piles located at the fitness trail along Cedar Creek road adjacent to Ruidoso, NM

Exact ignition dates will be dependent upon weather and fuel moisture conditions. Fire managers will be monitoring the conditions closely to ensure that they fall within the ranges that have been identified in the burn plan. Optimal conditions will result in good ventilation and smoke dispersal, as well as help achieve the desired effects needed to accomplish the burn plan objectives.

The purpose of this project is woodland restoration and enhancement of ponderosa pine and piñon juniper stands by reducing ground and ladder fuels, which in turn will reduce the severity of wildland fire within the project boundaries in the future. Fuel reduction in this area will also aid in protection of valuable resources and adjacent private properties (Wildland Urban Interface).

Smoke from this burn may be visible from Ruidoso, Capitan, Lincoln, Roswell, Ruidoso Downs, Glencoe, Hondo and the surrounding areas. Smoke may settle into drainages and lower elevations at night, but is expected to dissipate by late-morning, as daytime temperatures increase. In the event that smoke is encountered on travel ways, motorists are advised to reduce travel speeds and turn lights on.

For information about the Lincoln National Forest, visit [www.fs.usda.gov/lincoln](http://www.fs.usda.gov/lincoln), or call 575-434-7200, Monday through Friday, 8:00 am to 4:30 pm. Follow us on Twitter <http://twitter.com/LincolnUSForest>

For Prescribed Fire updates visit [www.nmfireinfo.com](http://www.nmfireinfo.com) ###

The USDA Forest Service is an equal opportunity provider, employer and lender.

ENCL 1



# PRESCRIBED FIRE

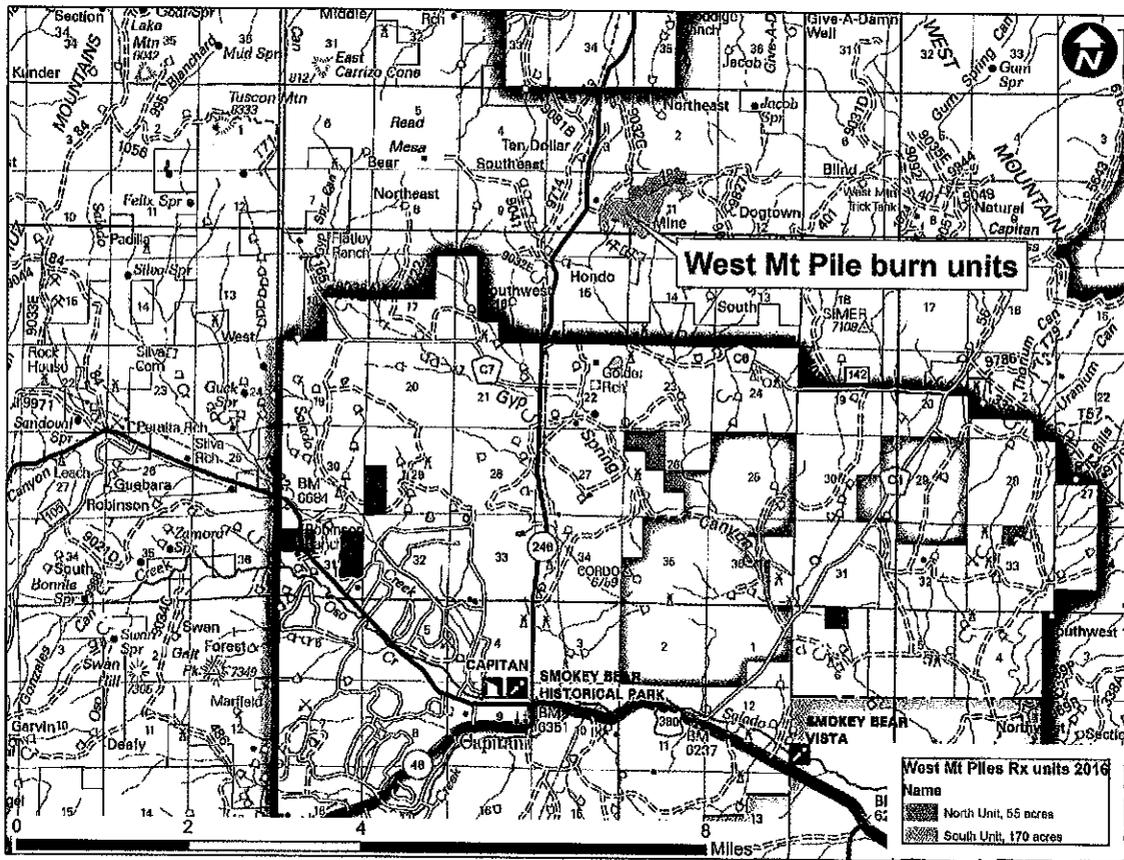
## Lincoln National Forest, Smokey Bear Ranger District

Planned ignition dates: May 11<sup>th</sup> – 13<sup>th</sup>

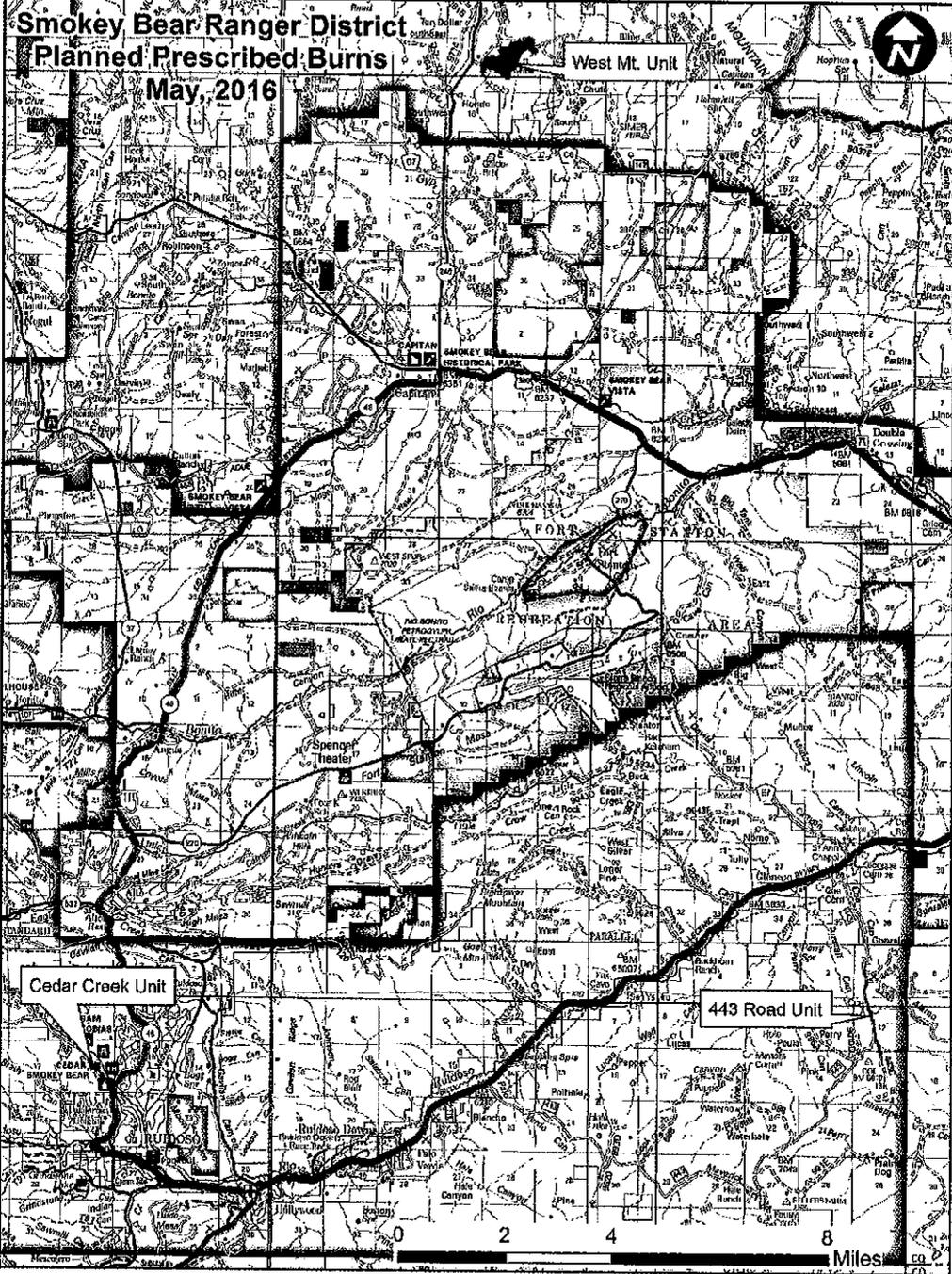
Unit: 224 acres of pinon pine & juniper slash piles located among green gazed down grasses.

Locations: Six miles north of Capitan, NM east of highway 246.

Updates: [www.nmfireinfo.com](http://www.nmfireinfo.com)



The USDA Forest Service is an equal opportunity provider and employer.



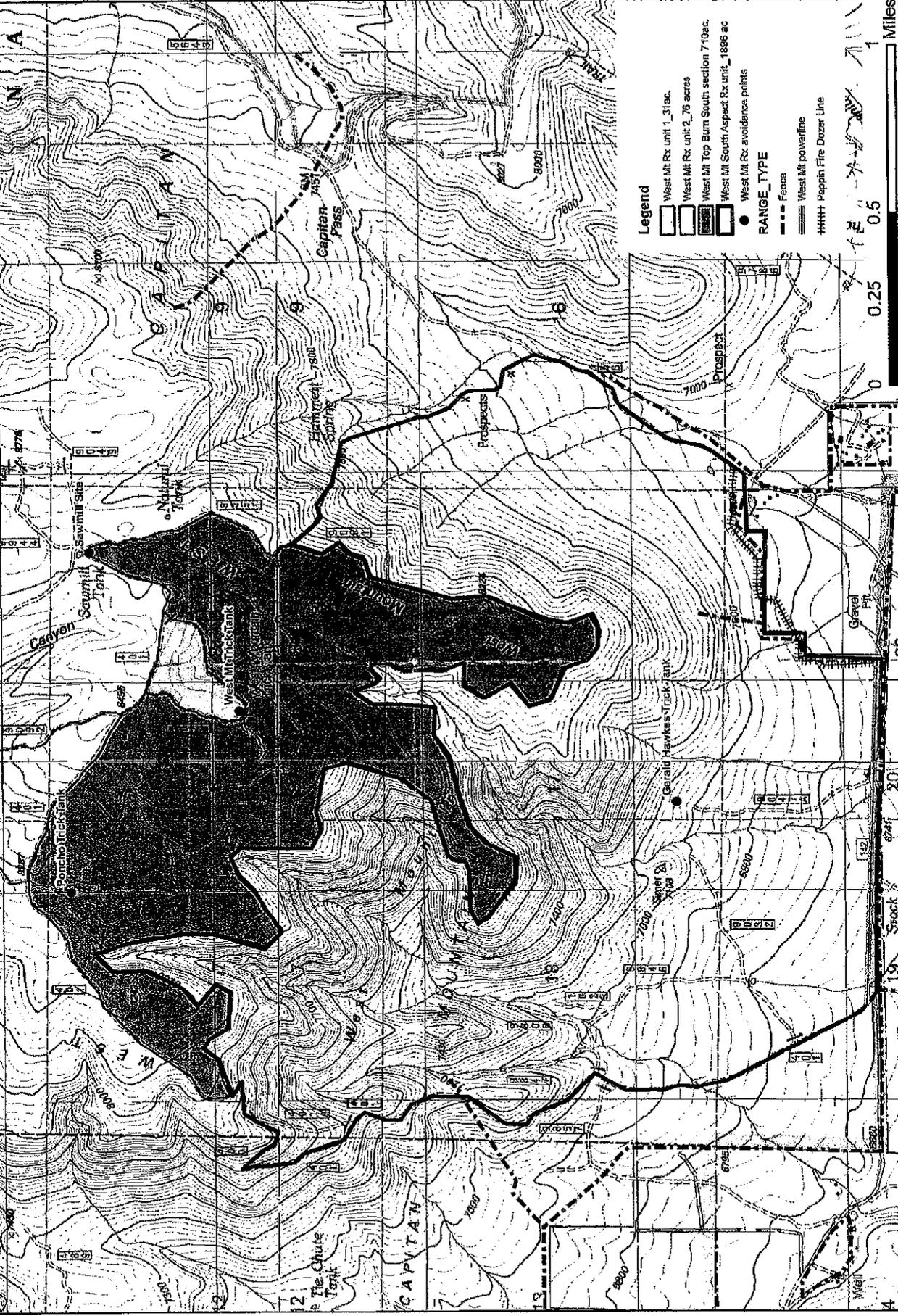
South Central Mountain RC&D, Rural Community Forester Report

May, 2016

- 1 I set up a booth and gave a presentation at the first annual Firewise meeting May 7, 2016 for Ranches of Sontera. 24 people were present. Landowners have contacted me to come out to their homes to conduct a home assessment. Some of these lands owners will only be available on the weekends so I will work with them to meet their schedule.
- 2 ENMU Speaker Series: The next speaker series will be held June 7, 2016. The topic will be "Grassland restoration efforts on the Smokey Bear District" by Kim Kuhar, Forest Fuels Specialist.
- 3 Ruidoso CFRP Grant: The Smokey Bear USFS conducted multiple Rx Burn operations. We had local resources participate on these Rx Burns. I meet with USFS personnel and a contractor to inspect West Mt. Unit #79 to consider adjusting budget to allow contractor to work on prepping holding line for this upcoming Rx Burn.(flyers attached)
- 4 State Wide RX Burn CFRP: We had a Rx Burn planned for the Mountainair District, Rx Burn was cancelled.
- 5 Final report for Sacramento Mountain Wood Industry Summit: After the Summit Steering Committee meet for their After Action Review meeting it was determined that we would consider holding another summit in the Fall of 2017.
- 6 I will attend and give a presentation to Rain Maker BOD. This presentation will be on Firewise info and consideration becoming a designated FIREWISE Community.

ENCL 2

# West Mt. Rx burn units



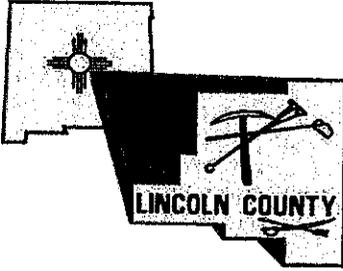
**Legend**

- West Mt. Rx unit 1\_316 ac.
- West Mt. Rx unit 2\_76 acres
- West Mt. Top Burn South section 710 ac.
- West Mt. South Aspect Rx unit\_1886 ac
- West Mt. Rx avoidance points

**RANGE TYPE**

- Fence
- West Mt. powerline
- Peppin Fire Dozer Line





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# County of Lincoln

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## AGENDA Item No. 9

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** FY16-17 Grant Agreement with Children, Youth & Families ("CYFD") Department for Lincoln County Juvenile Justice Board

**Discussion:** The County has received the FY16-17 Agreement No. 17-690-19800 from New Mexico Children, Youth and Families (CYFD) for FY16-17. See **Enclosure 1**. This long-standing agreement between the County and CYFD provides annual funding for the Lincoln County Juvenile Justice Board ("LCJJB"), the CYFD Continuum, with County as the grant recipient. The total amount of grant funds available on this year's annual Agreement is \$104,751.00.

**Recommendation:** Approve the County to enter into Agreement No. 17-690-19800 in the amount of \$104,751.00 with the NM Children, Youth and Families Department.

STATE OF NEW MEXICO  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT  
AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of New Mexico, CHILDREN, YOUTH AND FAMILIES DEPARTMENT, hereinafter referred to as the "Agency," and LINCOLN COUNTY, hereinafter referred to as the "Contractor," and is effective as of the date set forth below upon which it is executed by the Agency.

WHEREAS, the Agency is the state agency designated to receive and administer federal funds and the Agency desires to engage and the contractor is willing to provide the services outlined pursuant to Article II - Scope of Work.

NOW THEREFORE, the Agency and the Contractor in consideration of mutual covenants and agreements herein contained, do hereby agree as follows:

ARTICLE I. Term of Agreement

THIS AGREEMENT SHALL BECOME EFFECTIVE UPON WHICH IT IS EXECUTED BY AGENCY SECRETARY OR DESIGNEE. This Agreement shall terminate on (June 30, 2017) unless terminated pursuant to Article VI (Termination of Agreement), or Article XXIII (Appropriations).

ARTICLE II. Scope of Work

The Contractor shall provide the program of services as set forth in the scope of work which is attached hereto as "Attachment 1 – Scope of Work" and incorporated herein by reference, unless amended or terminated pursuant to Article VI (Termination of Agreement), or Article XXIII (Appropriations), *infra*. In consideration for the provision of those services, the Agency agrees to purchase and the Contractor agrees to perform the services identified in the Scope of Work.

ARTICLE III. Limitation of Cost

The total amount of the monies payable to the Contractor under this Agreement shall not exceed ONE HUNDRED FOUR THOUSAND SEVEN HUNDRED FIFTY ONE DOLLARS AND ZERO CENTS (\$104,751.00). The annual budget is attached hereto as "Attachment 2 – Budget" and incorporated herein by reference.

ARTICLE IV. Payment

The Agency shall make monthly payments to the Contractor for services and costs specified in Attachment 2 - Budget. The Contractor shall submit certified and documented invoices and vouchers monthly for actual work performed and expenses incurred to the Agency. The Contractor's failure to submit such payment vouchers, invoices, and supporting documentation

within fifteen (15) days after they are due may result in the non-availability of funds for payment and/or the denial of payment by the Agency.

**ARTICLE V. Return of Funds**

Upon termination of this Agreement, or after the services provided for herein have been rendered, surplus money, if any, shall be returned by the Contractor to the Agency.

**ARTICLE VI. Termination of Agreement**

A. Grounds. The Agency may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the Agency's uncured, material breach of this Agreement.

B. Notice; Agency Opportunity to Cure.

1. Except as otherwise provided in Article (VI)(B)(3), the Agency shall give Contractor written notice of termination at least thirty (30) days prior to the intended date of termination.

2. Contractor shall give Agency written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Agency's material breaches of this Agreement upon which the termination is based and (ii) state what the Agency must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the Agency does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the Agency does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach.

3. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor (i) if the Contractor becomes unable to perform the services contracted for, as determined by the Agency; (ii) if, during the term of this Agreement, the Contractor is suspended or debarred by the State Purchasing Agent; or (iii) the Agreement is terminated pursuant to Article XXIII, "Appropriations", of this Agreement.

C. Liability. Except as otherwise expressly allowed or provided under this Agreement, the Agency's sole liability upon termination shall be to pay for acceptable work performed prior to the Contractor's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE AGENCY'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.

D. Termination Management. Immediately upon receipt by either the Agency or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Agreement; and 3) take such

action as the Agency shall direct for the protection, preservation, retention or transfer of all property titled to the Agency and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the Agency upon termination and shall be submitted to the agency as soon as practicable.

**ARTICLE VII. Funds Accountability**

The parties shall provide for strict accountability of all monies made subject to this Agreement. The Contractor shall maintain fiscal records, follow generally accepted accounting principles, and account for all receipts and disbursements of funds transferred to the Contractor pursuant to this Agreement. The Contractor will include all monies made subject to this Agreement in the annual audit and will provide the Agency with a copy of the annual audit.

**ARTICLE VIII. Maintenance of Records**

The Contractor shall maintain detailed time and expenditure records that indicate the date, time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Agency, the Department of Finance and Administration and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Agency to recover excessive or illegal payments. The Contractor agrees to comply with the requirements and regulations set forth in **Attachment 3—Administrative and Fiscal Standards**, unless the Contractor effectively demonstrates in writing, with written approval from CYFD, that any specific Standard is inapplicable to such Contractor.

**ARTICLE IX. Confidentiality**

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

**ARTICLE X. Amendments**

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the Agency proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article VI herein, or to agree to the reduced funding.

**ARTICLE XI. Assignment**

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for

money due or to become due under this Agreement without the prior written approval of the Agency.

**ARTICLE XII. Applicable Law**

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

**ARTICLE XIII. Acquisition of Property**

The parties agree that neither party shall acquire any property as the result of this Agreement.

**ARTICLE XIV. Liability**

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation or alleged violation or requirements applicable to the performance of the Agreement. Each party shall be liable for its actions according to this Agreement subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, et. seq., NMSA 1978, as amended.

**ARTICLE XV. Execution of Documents**

The Agency and the Contractor agree to execute any document(s) necessary to implement the terms of this Agreement.

**ARTICLE XVI. Sub-Contracts**

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval by the CYFD Secretary or Designee. No such subcontract shall relieve the primary Contractor from any obligations and liabilities under this Agreement, nor shall subcontract obligate direct payment from the Procuring Agency. Contractor must notify subcontractors that they are subject to Article VIII - Maintenance of Records of this agreement.

**ARTICLE XVII. Equal Opportunity Compliance**

The Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any

program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

**ARTICLE XVIII. Workers' Compensation**

The Contractor agrees to comply with state laws and rules applicable to workers' compensation benefits for its employees. If the Contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the Agency.

**ARTICLE XIX. Lobbying Certification**

The Contractor, by signing below, certifies to the best of his/her knowledge and belief, that:

No federal appropriated funds have been paid or will be paid by or on the behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit a Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions. The undersigned shall require that the language of this certification be included in the award document for sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of facts upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. (United States Code). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

**ARTICLE XX. New Mexico Employees Health Coverage**

*(Governmental entities are excluded from this provision)*

A. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2010 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.

B. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.

C. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: <http://insurenemexico.state.nm.us/>.

#### **ARTICLE XXI. Background Checks**

CYFD contractors that have or could have primary custody of children for at least twenty hours per week are required to comply with NMAC 8.8.3 et. seq. requiring background checks on any employee, staff, volunteer or student intern, that has direct care responsibilities or potential unsupervised physical access to clients. The contractor must submit to CYFD Background Check Unit fingerprint cards and the appropriate fee for such employees, volunteers or staff required to have background checks. CYFD Background Check Unit will conduct nationwide, state and abuse and neglect background checks on required staff or volunteers in accordance with NMAC 8.8.3 standards. A CYFD eligibility letter must be in the employee, volunteer or staff member's personnel file prior to that individual having any unsupervised direct contact or unsupervised potential access to clients.

#### **ARTICLE XXII. Health Insurance Portability and Accountability Act of 1996**

The Contractor agrees to comply with the Health Insurance Portability and Accountability Act of 1996, and the terms in **Attachment 4, Business Associate Agreement**, which is attached and incorporated by reference.

#### **ARTICLE XXIII. Appropriations**

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by the Agency to the Contractor. The Agency's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the Agency proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

#### **ARTICLE XXIV. Suspension and Debarment Form**

The Contractor agrees to comply with the guidelines set for the in the Suspension and Debarment Form in **Attachment 5, Suspension and Debarment Form**.

**IN WITNESS WHEREOF**, the Agency and the Contractor have caused this Agreement to be executed, said Agreement to become effective as of the date set forth below upon which it is executed by Agency Secretary or Designee.

**Contractor –Lincoln County**

\_\_\_\_\_  
Authorized Signatory

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

\_\_\_\_\_  
Printed Title of Authorized Signatory

\_\_\_\_\_  
Legal Counsel, Contractor

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

**Agency – Children, Youth and Families Department**

\_\_\_\_\_  
Monique Jacobson, CYFD Secretary or Designee

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

**Approved as to legal form and sufficiency.**

\_\_\_\_\_  
Michael Heitz, CYFD General Counsel or Designee

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

**Attachment 1 – Scope of Work**  
**Lincoln County**

**Goal:**

To improve the Juvenile Justice System and decrease the incidences of juvenile delinquency in the community while increasing the emphasis on prevention and early intervention in juvenile justice services.

**Objective:**

To provide a continuum of cost effective services and temporary, non-secure alternatives to detention for youth who have been arrested or referred to the juvenile probation office or are at risk of such referral.

**Activities:**

The Contractor shall:

- A. Develop and maintain a juvenile justice advisory board, herein referred to as the "Community Advisory Board (CAB)", as required by statute under the Juvenile Continuum Act and the New Mexico Administrative Code 8.14.13.7(E). The Contractor, through the Juvenile Justice Continuum Coordinator (refer to paragraph B), will organize and coordinate regular meetings of the CAB.

The CAB will:

1. Develop and improve the "Comprehensive Strategic Plan" for juvenile justice and detention reform in Lincoln County to be updated a minimum of once per year;
2. Set policy for the Comprehensive Strategic Plan and the activities supported under this Agreement;
3. Determine the duties and responsibilities of the Juvenile Justice Continuum Coordinator, in accordance with the Scope of Work;
4. Provide oversight for the programs/service identified in the Scope of Work;
5. Continue to collaborate with the City and County to ensure improvements in the operational collaboration of local resources and service providers; and
6. Maintain a plan for sustainability of the programs/services implemented by the CAB.

- B. Contract with or hire a Juvenile Justice Continuum Coordinator who will:

1. Organize, coordinate and provide staff support for the CAB; this will include board development activities in conjunction with the CAB chair;
2. Inform the Agency's Program Manager of the date of each meeting and submit a copy of the written minutes of each meeting, within thirty (30) days of the meeting;

3. Submit to the Agency's Program Manager monthly requests for reimbursement. Such requests will be submitted on Agency Program Invoice and Expenditure Report forms, signed and sated by an authorized agent of the Contractor, to ensure that requests for reimbursement are submitted by the due date of the fifteenth (15) day of the following month, unless otherwise approved by the Agency's Program Manager, in advance;
  4. Provide data reports as required by the federal government, corresponding to the activities described in this Scope of Work. The Agency's Program Manager will provide the data report format. Programmatic data reports will be submitted monthly to the Agency and must accompany the monthly invoice. Failure to submit such programmatic data and financial reports may result in notice to the Contractor of non-availability of funds and/or the denial of payment by the Agency.
  5. Provide the Agency standardized progress reports monthly;
  6. Submit to the Agency a written "Final Report" prior to the termination of this Agreement and such other reports deemed necessary by the Agency. The Final Report shall contain at a minimum, but not be restricted to:
    - a. a year plan for sustainability of programs/services;
    - b. accomplishments/milestones achieved during this Agreement period;
    - c. statements regarding achievements, obstacles and progress made regarding the performance measures and related outcomes; and
    - d. continuing development and improvement of the Comprehensive Strategic Plan for a continuum of detention alternative program and services.
  7. Attend meetings as required by the Agency.
- C. The Contractor, based upon their application for the Juvenile Justice Continuum Gant and Title II Formula Grant, submitted for state fiscal year 2017, and incorporated herein by reference, agrees to contract with or hire to provide the following services as detailed in the aforementioned grant application which has been incorporated by reference, to youth, referred by the required partners or that are at risk of receiving such a referral, reimbursed based upon the fixed prices and number of youth to be served listed in Attachment 2 – Budget:
1. Juvenile Citation Program;
  2. Girls Circle;
  3. The Council;
  4. Intensive Community Monitoring;
  5. Restorative Justice; and
  6. Trauma Assessment.

**Duties and Responsibilities:**

The Contractor shall:

- A. Ensure that the CAB meets all goals and objectives and completes activities as specified in this contract and in compliance with all applicable state and federal laws.

- B. The Contractor agrees that funds received under this award will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for program activities.
- C. The Contractor understands that the Agency reserves the right to conduct periodic on-site monitoring visits upon reasonable notice to the Contractor and sub-contractors prior to each visit.
- D. The Contractor understands that it will be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.
- E. Attend meetings and trainings as required by the Agency.
- F. Provide copies of the CAB's meeting minutes within thirty (30) days of the meeting.
- G. The Contractor agrees to demonstrate an emphasis on effective, evidence-based strategies.
- H. Ensure that all programs must commence and be operational within ninety (90) days of the last signatory executing this Agreement. If the Contractor's program has not commenced or is not operational within that timeframe, the Contractor must report in writing to the Agency the steps taken to initiate the program, the reasons for the delay, and the expected starting date prior to the end of the ninety (90) days. If this justification is not received prior to the end of the ninety (90) days, the Contractor's program, at the Agency's discretion, may be terminated and the funds allocated to that program redistributed to other sites or programs.
- I. Submit reimbursement invoices to the Agency no later than fifteen (15) days after the end of each month. At a minimum, invoice documentation must include:
  - 1. The approved Agency's Program Invoice and Expenditure Report forms; and
  - 2. Any supporting documentation the Agency requires to verify the expense. This includes, but is not limited to invoices, receipts, time sheets, payroll registers, general ledger account reports, and proof of payment.
- J. Submit monthly programmatic data reports no later than fifteen (15) days after the end of each month. The submission of all reports are to be in the Agency provided form and format and is unacceptable in any other formats or hand written.
- K. Submit a final closeout report outlining all accomplishments, measurement of goals and objectives, and barriers to successful implementation or completion of this program within fifteen (15) days of the termination date of this Agreement. The submission of all reports are to be in the Agency provided form and format and is unacceptable in any other formats or hand written.

- L. The Contractor agrees to comply with any and all additional reporting requirements or informational requests imposed by the Agency, Department of Justice, Office of Justice Programs, or the New Mexico Legislature. The Agency will notify the Contractor of any additional reporting requirements as they are imposed.
- M. Through the Budget Adjustment Request (BAR) form, submit to the Agency any amendments by the Contractor to request changes and/or corrections for any programmatic, administrative, or financial element associated with this Agreement. The Agency, by written notice, has the right to deny any amendment request. All final BAR forms must be submitted to the Agency no later than forty-five (45) days prior to the end of the fiscal year. Requests submitted after that date may not be accepted or approved.
- N. Communication and details concerning this Agreement shall be directed to the following representative:

| <u>Agency</u>                           | <u>Contractor</u>          |
|---|----------------------------|
| Dorothy Mendonca                        | Nita Taylor                |
| JJAC Program Manager                    | County Manager             |
| Children, Youth and Families Department | Lincoln County             |
| PO Drawer 5160, Room 542                | P. O. Box 711              |
| Santa Fe, NM 87502                      | Carrizozo, NM 88301        |
| (P) 505-469-5325                        | (P) 575-648-2385, Ext. 101 |
- O. The Contractor's obligation to the Agency shall not end until all close out requirements are completed. Activities during this period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, program income balances, and accounts receivable to the Agency), performance measurement reports and determining the custodianship of records.
- P. The Contractor shall obtain written approval from the Agency for any travel outside the State of New Mexico with funds provided under this Agreement. Per Diem and mileage, and other miscellaneous expense, will be paid in accordance with the Department of Finance and Administration (DFA) Rule 2.42.2 NMAC. The request will be in the Agency provided form and format.
- Q. The Contractor will include all applicable provisions of this Agreement in every sub-contract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own sub-contractors.
- R. The Contractor, as well as all sub-contractors, is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities, sectarian or religious activities, lobbying, political patronage, and nepotism activities.
- S. The Contractor agrees to comply with applicable restrictions on sub-contracts that do not acquire and provide a Data Universal Numbering System (DUNS) number. This special condition does not apply to an award to an individual who received the award as a natural

person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

- T. The Contractor agrees that award funds may not be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

This restriction does not apply to the use of funds for any federal, state, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Any such activity funded under this Agreement must be reported to the Agency immediately.

- U. The Contractor is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this contract, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers, as pursuant to Executive Order 13513. "Federal Leadership on Reducing Text Messaging While Driving", 74 Fed. Reg. 51225 (October 1, 2009).

- V. The Contractor understand and agrees that any training or training materials developed or delivered with funding provided under this contract must adhere to the Office of Justice Programs Training Guiding Principles for Grantee and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.

- W. Mandatory Reporting Information: Under New Mexico law, all persons are mandatory reporters of suspected abuse or neglect of children. If the contractor suspects abuse or neglect in the audited facilities, the contractor must contact the New Mexico Statewide Central Intake Hotline (SCI) at 1-855-333-SAFE or #SAFE from a cellphone.

The Agency shall:

- A. Reimburse Contractor for verified services provided and incurred costs as stated in Attachment 2 – Budget.
- B. Provide information and/or make referrals for training and technical assistance.
- C. Based on periodic program and fiscal reviews, the Agency retains the sole discretion to reduce the budget of Contractors who do not provide sufficient services, do not submit the required programmatic and financial reports as required, or do not expend funds under this Agreement in a timely manner. The Agency retains the sole discretion to reduce contract amount and reallocate the resulting funds to a Contractor that is able to provide the required services during the contract period. Additionally, any funds not used per the budget as stated in Attachment 2 – Budget shall revert unless otherwise allowed by the Agency in writing.
- D. The Agency will review:

1. Sub-contracts and programs for accomplishment of Outcomes and Performance Measures as set forth in this Agreement.
2. The Community Advisory Board activities and member participation in periodic meetings of the CAB, including minutes of each Board meeting to be provided to the Agency.
3. Any additional funding received by the Contractor for the specific activities and programs included in this Agreement, including efforts by the Contractor to sustain and enhance funding for these programs. The Agency also retains the sole discretion to adjust amounts received under this Agreement if funds are received by the Contractor from other sources for the same services and activities to be performed under this Agreement.

**Data Collection:**

As a condition of funding, the Contractor agrees to report, at minimum, the following demographics, core measures and performance measurements.

Demographics:

- A. City, State and Zip Code for each youth served;
- B. Race/Ethnicity;
- C. Population Served:
  1. At-Risk Youth;
  2. First Time Offender;
  3. Repeat Offender;
  4. Sex Offender;
  5. Status Offender; and
  6. Violent Offender.
- D. Youth Currently in Detention;
- E. Gender:
  1. Male;
  2. Female; or
  3. Transgender.
- F. Age;
- G. Geographic Location:
  1. Urban;
  2. Tribal;
  3. Rural; or
  4. Frontier.
- H. Other Population Information:
  1. Mental Health;
  2. Substance Abuse;
  3. Truant/Dropout; or
  4. Pregnant.

Core Measures:

- A. New youth admissions during this reporting period;
- B. Number of program youth carried over from previous reporting period;
- C. Total number of youth in the program;
- D. Total number of youth who exited the program during the reporting period;
- E. Number of youth who exited the program having completed the program requirements during the reporting period;
- F. Percent of youth who successfully completed the program;
- G. How many youth is your program designed to serve;
- H. Number of current program youth who had an arrest during the reporting period;
- I. Number of current program youth who were committed to a juvenile facility during the reporting period;
- J. Number of program youth who had a re-arrest during the reporting period;
- K. Number of program youth who were re-committed during the reporting period;
- L. Number of program youth who were re-sentenced/received a subsequent consequence during the reporting period;
- M. Number of program youth with gang activity;
- N. Number of program youth who reported being satisfied with the program;
- O. Total number of program families; and
- P. Number of program families who report being satisfied with the program.

Performance Measures:

- A. Alternatives to Detention:
  - 1. Number of detention alternative program options;
  - 2. Number of youth receiving risk assessments (RAI); and
  - 3. Number of program youth who return to all scheduled hearings.
- B. Delinquency Prevention:
  - 1. Number of parents served;
  - 2. Number of program youth who received services for substance use;
  - 3. Number of program youth with noted behavioral change;
  - 4. Number of program youth who received services for substance abuse behavior;
  - 5. Number of program youth with improved school attendance;
  - 6. Number of program youth who received services for school attendance behavior;
  - 7. Number of program youth who exited the program having completed the program requirements.
- C. Diversion:
  - 1. Total number of program youth who received services for diversion behavior;
  - 2. Number of youth with noted behavior change;
  - 3. Number of first time offenders; and
  - 4. Number of youth formally processed.
- D. Mentoring:

1. Total number of mentors;
2. Total time, in days, of service across all mentors for this reporting period;
3. Number of youth in the program who received mentoring services;
4. Number of youth in the program with noted behavior change;
5. Number of mentors who returned the survey;
6. Number of mentors who reported being satisfied with the program;
7. Number of volunteer advocates in the program; and
8. Number of volunteer advocates remaining active until case completion.

E. Restitution/Community Service:

1. Amount of restitution owed this reporting period;
2. Amount of restitution paid this reporting period;
3. Amount of restitution carried over from last reporting period;
4. Number of current program youth charged with a probation violation;
5. Number of crime victims served by the program;
6. Number of crime victims served that returned a survey; and
7. Number of crime victims who report being satisfied with the program.

F. Restorative Justice:

1. Number of case dispositions;
2. Number of case dispositions that included restorative justice;
3. Number of crime victims;
4. Number of crime victims to participate in restorative justice;
5. Average time in hours spent by the victims' advocates with victims;
6. Average number of contacts between victim and victim advocates;
7. Number of cases in which community members had input into the offender disposition;
8. Number of offenders ordered to pay restitution;
9. Number of offenders that pay restitution;
10. Total number of offenders handled;
11. Number of youth to have restorative justice requirements; and
12. Number of youth to successfully complete their restorative justice requirements.

**PULL TOGETHER**

1. If Contractor's information is on PULLTOGETHER.org, Contractor is responsible for ensuring that their contact information is current on the website. Updated information may be sent to [info@pulltogether.org](mailto:info@pulltogether.org).
2. If Contractor's information is not on PULLTOGETHER.org and they would like to request that their information be on the website, please send a request to [info@pulltogether.org](mailto:info@pulltogether.org).

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3. If printed materials or printed items are purchased utilizing funds under this contract, those items will be on a PullTogether template or have the PullTogether logo. To obtain the template or logo please email [info@pulltogether.org](mailto:info@pulltogether.org).
  
4. Contractor is responsible for reaching out to three other non-profits or organizations in their area that serve child and families to discuss how to better collaborate and deliver services in a coordinated manner. A list of non-profits or organizations may be found on [PULLTOGETHER.org](http://PULLTOGETHER.org).

**Attachment 2 – Budget**  
**Lincoln County**

|  |                       |  |                         |
|--|-----------------------|--|-------------------------|
| <b>A. <u>Continuum and Board Activities:</u></b> |                       |  |                         |
| Continuum Coordinator                            | \$35 x 1085 Hours =   |  | \$37,975                |
| Travel   |                       |  | 1,176                   |
| Supplies   |                       |  | 500                     |
| Youth Committee Members                          |                       |  | <u>300</u>              |
|  |                       |  | <b>\$39,951</b>         |
| <b>B. <u>Juvenile Citation Program:</u></b>      |                       |  |                         |
| Based on Serving 40 Youth                        |                       |  |                         |
| Case Management                                  | \$40 x 375 Hours =    |  | <u>\$15,000</u>         |
| <b>C. <u>Girls Circle:</u></b>                   |                       |  |                         |
| Based on Serving 40 Youth                        |                       |  |                         |
| Girls Circle Session                             | \$200 x 40 Sessions = |  | <u>\$8,000</u>          |
| <b>D. <u>The Council:</u></b>                    |                       |  |                         |
| Based on Serving 40 Youth                        |                       |  |                         |
| Boys Council Session                             | \$200 x 40 Sessions = |  | <u>\$8,000</u>          |
| <b>E. <u>Intensive Community Monitoring:</u></b> |                       |  |                         |
| Based on Serving 60 Youth                        |                       |  |                         |
| Per Contact Fee                                  | \$15 x 1,040 Contact= |  | <u>\$15,600</u>         |
| <b>F. <u>Restorative Justice:</u></b>            |                       |  |                         |
| Based on Serving 24 Youth                        |                       |  |                         |
| Pre Circle Work                                  | \$50 x 24 Youth =     |  | \$1,200                 |
| Post Circle Work                                 | \$50 x 24 Youth =     |  | 1,200                   |
| Circle   | \$200 x 24 Youth =    |  | <u>4,800</u>            |
|  |                       |  | <b>\$7,200</b>          |
| <b>G. <u>Trauma Assessment:</u></b>              |                       |  |                         |
| Based on Serving 40 Youth                        |                       |  |                         |
| Trauma Assessment and Report                     | \$275 x 40 Youth =    |  | <u>\$11,000</u>         |
|  |                       |  | <b>\$11,000</b>         |
| <b>Total Grant Award not to exceed:</b>          |                       |  | <b><u>\$104,751</u></b> |

**Agreement No. 17-690-19800**

The Contractor shall be required to source a minimum of forty-percent (40%) of the total budgeted grant amount with local matching funds. The local matching funds may consist of money, land, equipment or in-kind services. Matching funds should be expended at the same rate as the grant funds and must be reported on the monthly invoices.

|  |               |
|--|---------------|
| Budgeted and contracted Grant Amount           | \$104,751     |
| 40% Minimum Match Liability for Lincoln County | <u>41,901</u> |
| Projected Budgeted Amount                      | \$146,652     |

\*Per diem and mileage, and other miscellaneous expenses, will be paid in accordance with the Department of Finance and Administration (DFA) Rule 2.42.2 NMAC.

**FUNDING INFORMATION:**

Juvenile Continuum Grant Fund (State General Fund)

Attachment 3

CHILDREN, YOUTH AND FAMILIES DEPARTMENT'S  
ADMINISTRATIVE  
AND  
FISCAL STANDARDS

For Sole Proprietors,  
For Non-Profit Organizations,  
Local Bodies of Government,  
And  
For-Profit Incorporated Entities

*Revised April 18, 2016*

***Note: All contractors and subcontractors are required to adhere to all local, state and federal regulations as applicable to their operations. All contractors are required to follow audit and reporting requirements set forth in this document. In the event of a contradiction between these standards and contract requirements the contract agreement supersedes the Administrative and Fiscal Standards.***

**ADMINISTRATIVE STANDARDS**

**For Non-Profit Organizations (with the exception of New Mexico higher education institutions, executive, judicial, and legislative branches of state government)**

1. The Board shall ensure that the agency has current articles of incorporation that meet all of the legal requirements of the governmental jurisdiction in which the contractor is located.
2. The Board shall ensure that the agency has current by-laws that are filed with the appropriate local, state, federal body or higher education institutions. At a minimum, the agency by-laws should include:
  - a. Membership (types, qualification, rights, duties);
  - b. Size of Board of Directors;
  - c. Method of selection and removal;
  - d. Duties and responsibilities of officers;
  - e. Committees;
  - f. Quorums;
  - g. Recording of minutes;
  - h. Method for amending by-laws.
3. The Board shall ensure that the agency complies with applicable legal requirements and regulations of all governmental and legally authorized agencies under whose authorities it operates. These include, but are not limited to those regarding equal employment opportunity, workers compensation, unemployment insurance, affirmative action, safety, licensing, etc.
4. Board members shall be residents of the area served by the organization and representative of the social, economic, linguistic, ethnic, and racial target population. The agency shall not employ a person related to a Board member by consanguinity or affinity within the third degree. This includes, but is not limited to, spouse, mother, father, brother, sister, grandparents, aunt, uncle, niece, nephew, first cousins, mother-in-law, father-in-law, brother-in-law or sister-in-law.
5. A permanent record shall be kept of all meetings of the Board. Minutes of the meetings of the agency's Board are required in order to accurately record the decisions made and actions taken. These minutes shall include, but not be limited to, meeting date, names of members attending, topic discussed, decisions reached, actions taken, and attachment of any documents referenced. Board minutes shall be signed and approved by an officer of the Board.

**For All Contractors**

**Personnel**

1. The contractor shall have a current and dated organization chart that accurately reflects the staff structure of authority, responsibility and accountability within the organization. The organizational chart must illustrate the relationship of each position or department to all other positions or departments within the organization.
2. The contractor shall have written personnel policies and procedures. All policies and procedures shall be reviewed annually, and any changes, additions, deletions, etc., shall be dated. Procedures must be in place that allows employees to provide input into changes in agency and personnel policies and procedures.
3. The contractor shall maintain current, written job descriptions and job qualifications for all positions (staff, consultants and direct service volunteers) in the agency. Each job description shall include, at a minimum:
  - a. Job title;
  - b. Salary range;
  - c. Duties;
  - d. Responsibilities of the positions;
  - e. Required minimum experience;
  - f. Required minimum training;
  - g. Required minimum education.
4. The contractor shall maintain a current, accurate and confidential personnel record for each paid and direct service volunteer employee. A personnel record on each employee shall contain, at a minimum;
  - a. Job description;
  - b. Initial application/resume;
  - c. Documentation of reference letters;
  - d. Result of employment investigation;
  - e. Background checks;
    1. CYFD contractors that have or could have primary custody of children for at least twenty hours per week are required to comply with NMAC 8.8.3 et. seq. requiring background checks on any employee, staff, volunteer or student intern, that has direct care responsibilities or potential unsupervised physical access to clients. The contractor must submit to CYFD Background Check Unit fingerprint cards and the appropriate fee for such employees, volunteers or staff required having background checks. CYFD Background Check Unit will conduct nationwide, state and abuse and neglect background checks on required staff or volunteers in accordance with NMAC 8.8.3 standards. A CYFD eligibility letter must be in the employee, volunteer or staff member's personnel file prior to that

individual having any unsupervised direct contact or unsupervised potential access to clients.

- f. Education/experience required;
- g. Wage and salary information;
- h. Job performance evaluation;
- i. Documentation/verification of all previous and ongoing training (including all component specific training and education);
- j. Incident reports;
- k. Commendations or disciplinary actions (if any).

This information must be reliable, accurate and current. All employee records must be kept in a locked file to ensure confidentiality.

5. The contractor shall be headed by a director. The director shall be responsible for the daily operation of the agency through decision-making, authorization of expenditures, and the implementation of policies and procedures.

#### Physical Facilities

The physical facilities must meet all licensing requirements per classification and should be located, constructed, equipped and operated to promote the efficient and effective conduct of the contractor's programs, to protect the health and safety of the persons serviced and the staff to promote the integration of those served into the community, to be accessible to persons served, staff and the community, meet the American's with Disabilities Act (ADA) and the Drug-Free Workplace Act of 1988.

### FISCAL STANDARDS

#### For All Contractors

##### Compliance

1. The contractor shall comply with all federal and state statutes, rules and regulations. Cost principles, administrative requirements and audit requirements, applicable to federal grants shall apply to state funds as referenced in the section Source Sheet of the CYFD Administrative and Fiscal Standards.
2. The contractor shall comply with all aspects of the provision of the contract, including all insurance, bonding and audit and financial reporting requirements.
3. The contractor (non-federal entities and applicants) must disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.
4. The contractor (non-federal entities and applicants) shall maintain a code of conduct policy that includes annual review and disclosure of any employee, board member or

subcontractor (e.g., consultants or independent contractors) that may have a **conflict of interest** or **conviction of a misdemeanor or felony**, had a judgment withheld or deferred, or are currently charged with committing a misdemeanor or felony.

### Insurance

1. The contractor, (with the exception of New Mexico higher education institutions, **executive, judicial, and legislative branches of state government**) shall obtain and maintain at all times during the term of this contract an Employee Dishonesty Policy covering the activities of the contractor in the amount of no less than 25% of the total (cumulative) dollar amount of the current CYFD contract(s).
2. The contractor shall obtain and maintain at all times during the term of this contract a general and professional liability insurance policy issued by an insurance company licensed to do business in the State of New Mexico. The policy shall include liability insurance coverage provided in the amount of at least \$100,000 for damage to or destruction of property arising out of a single occurrence; \$300,000 to any person for any number of claims arising out of a single occurrence for all damages other than property damage; or \$500,000 for all claims arising out of a single occurrence. The policy shall be secured by the contractor within thirty (30) days of the effective date of the current contract.
3. The contractor, (with the exception of New Mexico higher education institutions **executive, judicial, and legislative branches of state government**) if insured by General Services Department's Risk Management Division, shall secure and maintain sufficient fire and extended hazard insurance on all property in the custody of the contractor, which is furnished or owned by the Department or in which the Department has a financial interest, within thirty (30) days of the effective date of the current agreement. Sufficient insurance, for the purposes of this paragraph, means enough to cover CYFD's loss, if any to such property, in the event of fire or other hazard.
4. The contractor, (with the exception of New Mexico higher education institutions **executive, judicial, and legislative branches of state government**) if insured by General Services Department's Risk Management Division, shall name Children, Youth and Families Department as an "Additional Insured" with the insurance carrier of the contractor's liability insurance. A copy of the contractor's "Certificate of Liability Insurance" proving compliance with all the above insurance requirements must be available upon request.

### Fiscal Books of Records

The contractor must maintain the following books of record:

1. Chart of Accounts
2. General Ledger

3. Cash receipts and Cash Disbursements Journals
4. General Journal of adjusting entries, correcting entries, accrual entries, and cost allocation entries if not provided for in cash journals.
5. Subsidiary ledgers, if applicable to the organization.
6. Any Capital Outlay Inventory purchased with CYFD funding includes at a minimum:
  - a. Description of property;
  - b. Serial number or other ID number;
  - c. Date of purchase;
  - d. Acquisition cost by funding source(s);
  - e. Location and use of property;
  - f. Disposition data including date and price, if any.
7. Payroll journals and employee earnings records.
8. Fiscal Policy and Procedures that must include:
  - a. Handling of cash/checks;
  - b. Handling of voided checks;
  - c. Authorized check signatures;
  - d. Bank reconciliations;
  - e. Separation of duties;
  - f. Accounting system;
  - g. Travel, if included in the services, will adhere to Per Diem and Mileage Act Sections 10-8-1 to 10-8-8 NMSA 1978, regulations governing the per diem and mileage Act, and 2.42.2.11 NMAC, mileage –private conveyance, effective June 19, 2009.)
  - h. Cost allocation method;
  - i. Accounting policies for donations.
  - j. Conflict of Interest Policy

#### Reports

1. The contractor shall complete in full the State and Federal payroll tax forms in accordance with required time period and shall insure payroll taxes are paid within the required time frame.
2. The contractor shall complete in full and submit the required forms of the State Department of Labor.
3. The contractor shall submit timely program and financial reports to the funding agencies as specified in the contracts.

Retention of Records

The following are the requirements for the retention of financial records:

1. The contractor shall maintain for three (3) years, (in addition to current year records) detailed accounting and billing records which indicate the date, time, and nature of services rendered, records relating to contract services, and all operating financial documentation which shall be subject to inspection by the Department and if applicable, the State Auditor or their designee.
2. The Department shall have a right to audit billings and related documents both before and after payment. Payments made under a contract between the contractor and the Department shall not foreclose the right of the Department to recover excessive, illegal payments, and/or payments which are not in accordance with the contract.
3. The contractor shall maintain the funds from the CYFD contract **separately** in accurate financial records, books, files, and reports in accordance with generally accepted accounting principles, state and federal laws and regulation, and the requirements of the Departments as described in this Administrative and Fiscal Standards Guidance.
4. The financial management systems established by the contractor shall ensure it provides fiscal and budgetary controls as well as sound accounting procedures. A Schedule of Revenues & Expenditures Budget to Actual Comparison for each contract must be prepared and submitted to the Department at the same time as the annual financial audit or financial statement. The Schedule must include the approved original budget for the fiscal year, revised budget, actual revenue and expenditures and a variance column.

Audits

**NOTE: Audit and financial reporting requirements are applicable to all contractors and subcontractors of the Children, Youth and Families Department.**

1. Sole proprietor contractors receiving Department funds under \$100,000.00 must submit to the Department the Internal Revenue Services (IRS) Schedule C Profit or Loss From Business (Sole Proprietorship) and provide the State of New Mexico Taxation and Revenue Department Combined Report System (CRS-1) Form. Sole Proprietor billings are subject to review by the CYFD contract and program site reviewers and must be available upon request. A Sole Proprietorship is a type of business entity that is owned and run by one individual and in which there is no legal distinction between the owner and the business.
2. Audits for a contractor receiving under \$250,000.00 per year in cumulative Department funds (a total of all CYFD contracts awarded to the contractor within a fiscal year) whose Board has elected to not conduct an audit must comply with the following:
  - a) The contractor shall prepare financial statements that include a Revenue and Expenditure – Budget to Actual Comparison, Balance Sheet or Statement of Net Position and Income Statement or Statement of Activities. The contractor shall

disclose the method of accounting used (cash or accrual) to prepare such statements. The Revenues and Expenditures – Budget to Actual Comparison statement must include the original budget for the fiscal year as approved by the Board, revised budget, actual revenue and expenditures and variance column. A cash disbursement and cash receipt journal cannot take the place of the Balance Sheet and Income Statement. These financial statements shall be available upon request to the Department's Contract Audit Unit within three (3) months of the contractor's fiscal year end.

- b) This section (Section 2) does not apply to sole proprietor contracts covered under Audits section 1.
3. Audits for a contractor receiving \$250,000.00 to \$500,000.00 per year in cumulative Department funds (a total of all CYFD contracts awarded to the contractor with in a fiscal year) whose Board has elected to not conduct an audit must comply with the following:
- a) The contractor shall have an Independent Auditor's Report of Agreed-Upon Procedures (AUP) to ensure compliance with contract requirements in accordance with General Accepted Accounting Practice (GAAP). The AUP report shall be available upon request to the Department's Contract/Audit Unit within nine (9) months of the contractor's fiscal year end.
  - b) The contractor shall ensure that the selected accounting firm performing the AUP report is rotated every six (6) years (or less if mandated by the State Auditor) with a minimum two-year break.
  - c) The selected auditor shall not have provided non-auditing services within the year being audited that may be disallowed by the Generally Accepted Government Auditing Standards (GAGAS) independence standards (refer to The State of New Mexico State Auditor, State Audit Rule Subsection N of 2.2.2.8 NMAC).
4. Audits for a contractor receiving \$500,000.00 or greater per year in cumulative Department funds must disclose how much funding is being received from governmental funds (a total of all CYFD contracts awarded to the contractor with in a fiscal year):
- a) The contractor shall have an Independent Audit Report that conforms to the General Accounting Standards (Yellow Book) as recommended by GAO. This Independent Audit Report shall be available upon request to the Department's Contract/Audit Unit within nine (9) months of the contractor's fiscal year end. The contractor must also submit a copy of any Management Letter Comments issued by the Independent Auditor in a separate report.
  - b) The contractor shall ensure that the auditor or auditing firm performing the audit report is rotated every six (6) years (or less if mandated by the State Auditor) with a minimum two year break.

- c) The selected auditor shall not have provided non-auditing services within the year being audited that may be disallowed by the Generally Accepted Government Auditing Standards (GAGAS) independence standards (refer to The State of New Mexico State Auditor, State Audit Rule Subsection N of 2.2.2.8 NMAC).
5. A contractor receiving over \$750,000.00 per year in cumulative Federal funds must disclose in their financial audit report how much funding is being received from governmental funds (a total of all funds awarded to the contractor within a fiscal year) must adhere to the "uniform guidance for federal awards" (Uniform Guidance). The standards set forth in Title 2 Grants and Agreements Subtitle A Chapter II Part 200 Subpart F- Audit Requirements. For one full fiscal year after the effective date of the uniform guidance, non-federal entities must comply with the terms and conditions of their federal award, which will specify whether the uniform guidance applies. The contractor must have available upon request a copy of any Management Letter Comments issued by the Independent Auditor in a separate report.
  - a) The Contractor must have available upon request their audited financial statements within nine (9) months of their fiscal year end to the Agency's Contract/Audit Unit. The Contractor must also have available upon request the Management Letter Comments issued by the Independent Auditor in a separate report.
  - b) The contractor shall ensure that the auditor or auditing firm performing the audit report is rotated every six (6) years (or less if mandated by the State Auditor) with a minimum two-year break.
  - c) The selected auditor shall not have provided non-auditing services within the year being audited that may be disallowed by the Generally Accepted Government Auditing Standards (GAGAS) independence standards (refer to The State of New Mexico State Auditor, State Audit Rule Subsection N of 2.2.2.8 NMAC).
6. Financial Statements, Independent Auditor's Report of Agreed-Upon Procedures (AUP), and Audits must be mailed to:

Children, Youth and Families Department  
Administrative Services Division  
Contract Audit Unit  
P.O. Box 5160  
Santa Fe, NM 87502

## SOURCE SHEET

### ADMINISTRATIVE REQUIREMENTS

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)

<https://www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards>

State of New Mexico Manual of Model Accounting Practices (MAP's) issued by the New Mexico Department of Finance and Administration-Financial Control Division

<http://www.nmdfa.state.nm.us/Manuals.aspx>

The State of New Mexico State Auditor, State Audit Rule

[http://www.saonm.org/state\\_auditor\\_rule](http://www.saonm.org/state_auditor_rule)

### COST PRINCIPLES

Title 2 CFR, Chapter 1, Part 170, Reporting Sub-award and Executive Compensation Information.

Title 2 Grants and -Agreements Subtitle A Chapter II Part 200,

- Subpart A – Acronyms and Definitions
- Subpart B- General Provisions
- Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
- Subpart D- Post Federal Award Requirements
- Subpart E- Cost Principles
- Subpart F – Audit Requirements

FASB and AICPA Statements and Professional Pronouncements.

### AUDITS

U.S. General Accounting Office, Government Auditing Standards, (The Yellow Book, current revision).

FASB and AICPA Statements and Professional Pronouncements.

**Attachment 4 – Business Associate Agreement**

This is a business associate agreement in compliance with 45 CFR Section 160.504(e)(2) of the HIPAA privacy rule. Contractor understands that it may be considered a business associate of the Department under the HIPAA Privacy and Security Rules. Accordingly, the parties agree:

- The disclosures the Department will make to Contractor of any information that identifies an individual and includes information about the individual's health (protected health information), whether in electronic or physical form, shall be limited to the minimum reasonably necessary for Contractor's delivery of services described in the Scope of Work to which the parties have agreed to in the Contract.
- Any disclosures by Contractor of any individual's protected health information inconsistent with this agreement are strictly prohibited and shall be cause for termination of the Contract. Contractor shall take all reasonable steps to avoid such disclosures, including but not limited to implementation of all practical administrative, physical and technical safeguards.
- After the expiration of this Contract, whether because a party has cancelled it, it is fully executed or for any other cause, Contractor shall return all documents containing any individual's protected health information to the Department. Contractor also agrees that it shall take reasonable affirmative precautions to avoid any unauthorized disclosures of protected health information to third parties.
- Contractor understands it is responsible for reporting unauthorized disclosures, including but not limited to electronic security violations, to the Department's privacy office or the federal Office of Civil Rights. Contractor also understands it is responsible for reporting any other disclosure for purposes other than treatment, payment or operations to the Department's privacy office.
- Contractor agrees to bind their agents and subcontractors to the terms of this agreement.
- Contractor understands an individual has the right to inspect and request changes to the protected health information the parties use or create and that an appropriate privacy officer and/or the federal Office of Civil Rights has the authority to inspect the parties' procedures for management of the individual's protected health information.

Attachment 5

**Children, Youth and Families Department**

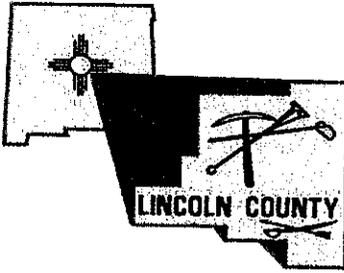
**Suspension and Debarment Form**

- A. Consistent with either 7 C.F.R. Part 3017 or 45 C.F.R. Part 76, as applicable, and as a separate and independent requirement of this contract with the Children, Youth and Families Department (CYFD), the Contractor certifies by signing this form, that it and its principals, to the best of its knowledge and belief: (1) are not debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal department or agency; (2) have not, within a three-year period preceding the effective date of this contract, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; (3) have not been indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with, commission of any of the offenses enumerated above in this Paragraph A; (4) have not, within a three-year period preceding the effective date of this PSC, had one or more public agreements or transactions (Federal, State or local) terminated for cause or default; and (5) have not been excluded from participation from Medicare, Medicaid or other federal health care programs pursuant to Title XI of the Social Security Act, 42 U.S.C. § 1320a-7.
- B. The Contractor's certification in Paragraph A, above, is a material representation of fact upon which the CYFD relied when this contract was entered into by the parties. The Contractor's certification in Paragraph A, above, shall be a continuing term or condition of this contract. As such at all times during the performance of this contract, the Contractor must be capable of making the certification required in Paragraph A, above, as if on the date of making such new certification the Contractor was then executing this contract for the first time. Accordingly, the following requirements shall be read so as to apply to the original certification of the Contractor in Paragraph A, above, or to any new certification the Contractor is required to be capable of making as stated in the preceding sentence:
- (1) The Contractor shall provide immediate written notice to the CYFD's Program Manager if, at any time during the term of this contract, the Contractor learns that its certification in Paragraph A, above, was erroneous on the effective date of this contract or has become erroneous by reason of new or changed circumstances.
  - (2) If it is later determined that the Contractor's certification in Paragraph A, above, was erroneous on the effective date of this contract or has become erroneous by reason of new or changed circumstances, in addition to other remedies available to the CYFD, the CYFD may terminate the contract.

C. As required by statute, regulation or requirement of this contract, and as contained in Paragraph A, above, the Contractor shall require each proposed first-tier subcontractor whose subcontract will equal or exceed \$25,000, to disclose to the Contractor, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by any Federal department or agency. The Contractor shall make such disclosures available to the CYFD when it requests subcontractor approval from the CYFD. If the subcontractor, or its principals, is debarred, suspended, or proposed for debarment by any Federal, state or local department or agency, the CYFD may refuse to approve the use of the subcontractor.

By: \_\_\_\_\_  
Contractor

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



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

# County of Lincoln

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

## AGENDA Item No. 10

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Abandonment and Vacation of Easement: Kurt Stegemann and Belinda Stegemann

**Discussion:** Kurt and Belinda Stegemann have petitioned the Board of County Commissioners for a formal abandonment and vacation of dedicated easement granted to the County of Lincoln on October 20, 1931. The County has never used this Easement, has no intention of using it. The land is located west of Glencoe on the south side of Hwy 70.

**Recommendation:** Grant the formal request for Abandonment and Vacation of the land legally described in the attached documents.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**ABANDONMENT AND VACATION  
OF EASEMENT**

**WHEREAS, KURT STEGEMANN and BELINDA STEGEMANN**, husband and wife, whose address is 14369 North Loop, Clint, Texas 79836, by and through their representative, Eric Collins, D.T. Collins & Associates, PC, have petitioned the Board of County Commissioners of Lincoln County, New Mexico, for a formal abandonment and vacation of the following described Easement situated in Lincoln County, New Mexico:

A tract of land known identified as 10A-ABMT-1 within the NE1/4 of Section 7, Township 11 South, Range 15 East, N.M.P.M., Lincoln County, New Mexico as shown by the New Mexico Department of Transportation Right-of-Way and Monumentation Map, New Mexico Project No. AC-MIP-070-4(34)264, thereof filed in the Office of the County Clerk and Ex-Officio Recorder of Lincoln County, New Mexico on April 15, 2016, in Cabinet K, Slide No. 26.

**WHEREAS**, on the 8<sup>th</sup> day of August, 1930, A. T. Stobaugh and Alice Stobaugh, husband and wife, granted to the County of Lincoln an easement which was filed of record in the Office of the Lincoln County Clerk on the 11<sup>th</sup> day of October, 1930, in Misc. Book 3, Pages 272-273; and

**WHEREAS**, on the 15<sup>th</sup> day of October, 1931, Alfred E. Hale granted to the County of Lincoln an easement which was filed of record in the Office of the Lincoln County Clerk on the 20<sup>th</sup> day of October, 1931, in Misc. Book 3, Page 445; and

**WHEREAS**, by virtue of that certain New Mexico Department of Transportation Right-Of-Way & Monumentation Map filed of record in the Office of the Lincoln County Clerk on the 15<sup>th</sup> day of April, 2016, in Book C-K, Page 26, the New Mexico Department of Transportation has

abandoned and vacated their interest in the same easement above identified. [A copy of the New Mexico Department of Transportation Right-Of-Way & Monumentation Map is attached hereto as Exhibit "A".]

**WHEREAS**, the Board of County Commissioners of Lincoln County, New Mexico, as of the date of execution below, approves of the abandonment and vacation of the Easement described herein.

**NOW, THEREFORE**, the Board of County Commissioners of Lincoln County, New Mexico, acting by and through its Chairman and the Lincoln County Clerk, does hereby ABANDON and VACATE the Easement as shown on Exhibit "A" attached hereto and more particularly described as follows:

A tract of land known identified as 10A-ABMT-1 within the NE1/4 of Section 7, Township 11 South, Range 15 East, N.M.P.M., Lincoln County, New Mexico as shown by the New Mexico Department of Transportation Right-of-Way and Monumentation Map, New Mexico Project No. AC-MIP-070-4(34)264. thereof filed in the Office of the County Clerk and Ex-Officio Recorder of Lincoln County, New Mexico on April 15, 2016, in Cabinet K, Slide No. 26.

DATED this \_\_\_\_\_ day of May, 2016.

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

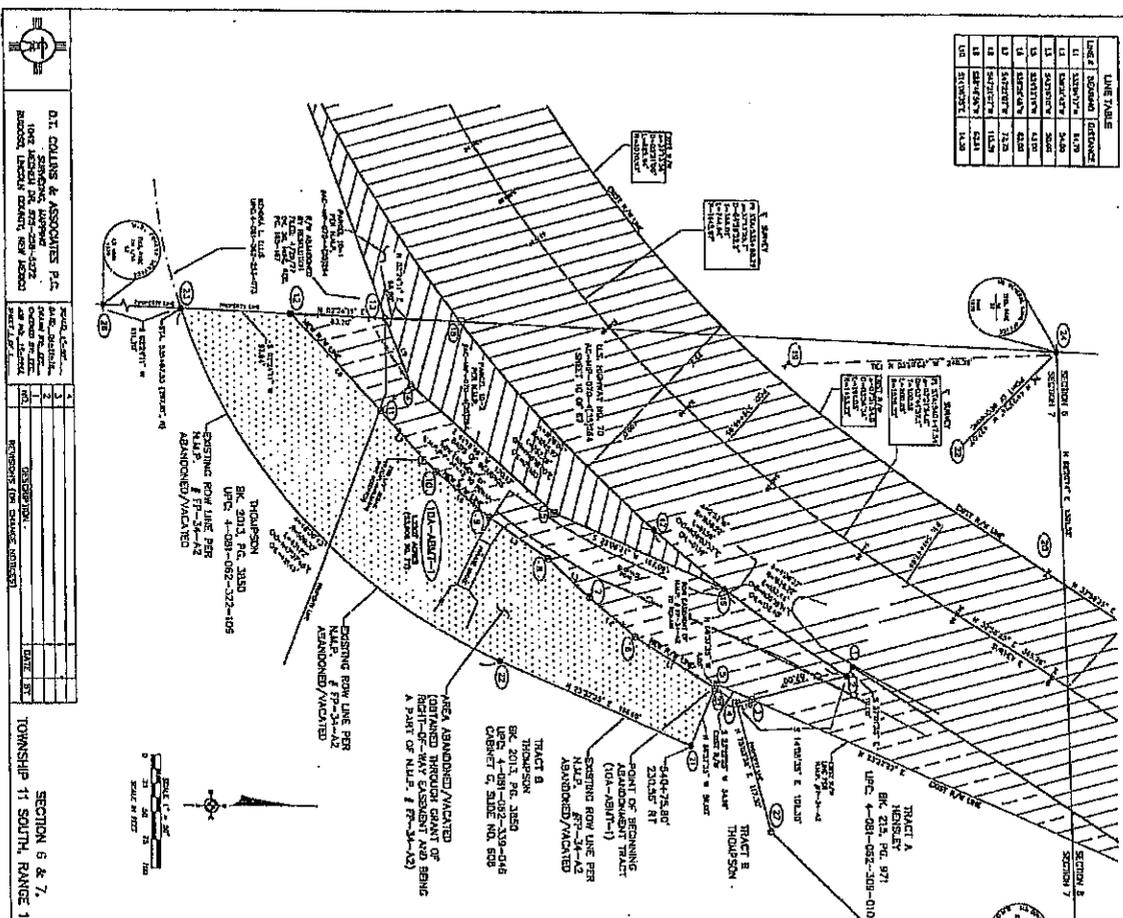
\_\_\_\_\_  
By: PRESTON STONE  
Its: Chairman

**ATTEST:**

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



| LINE TABLE |            |
|------------|------------|
| LINE 1     | SECTION 6  |
| LINE 2     | SECTION 7  |
| LINE 3     | SECTION 8  |
| LINE 4     | SECTION 9  |
| LINE 5     | SECTION 10 |
| LINE 6     | SECTION 11 |
| LINE 7     | SECTION 12 |
| LINE 8     | SECTION 13 |
| LINE 9     | SECTION 14 |
| LINE 10    | SECTION 15 |



**DIT COLLINS & ASSOCIATES P.C.**  
 1045 N. 10TH ST., SUITE 200  
 LINCOLN COUNTY, NEW MEXICO

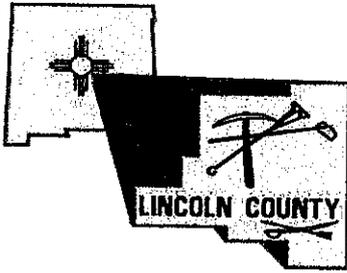
DATE: 4/11/2016  
 SHEET NO. 10A OF 27

SECTION 6 & 7,  
 TOWNSHIP 11 SOUTH, RANGE 15 EAST

- LEGEND**
- 1. POINTS IDENTIFIED BY DIT COLLINS & ASSOCIATES, P.C. ON OCTOBER 2013
  - 2. ALL DISTANCES ARE HORIZONTAL, BEING DISTANCES.
  - 3. DISTANCES ARE NEW MEXICO STATE PLATE COORD. STATE COORDS.
  - 4. BASE OF BEARING OF LINE BEING GIVEN IS BEARING POINTS 14 AND 15 BEING GIVEN. THIS BEARING IS BASED ON THE ADJACENT TRACT AND CONTAINS THE POINT DATA VALUES FOR HORIZONTAL INFORMATION.
  - 5. STATIONING AND OFFSETS SHOWN ARE AT RIGHT ANGLES TO POINTS.
  - 6. SURVEY CORRECTIONS SHOWN IN THE DESCRIPTION OF THE EXISTING RIGHT-OF-WAY ARE FOR THE PURPOSES OF THE SURVEY AND DO NOT AFFECT THE ORIGINAL SURVEY DATA.
- LEGEND**
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**POINT IDENTIFICATION TABLE**

| POINT NUMBER | DESCRIPTION          |
|--------------|----------------------|
| 1            | 104-68H-1, POINT 14  |
| 2            | 104-68H-1, POINT 15  |
| 3            | 104-68H-1, POINT 16  |
| 4            | 104-68H-1, POINT 17  |
| 5            | 104-68H-1, POINT 18  |
| 6            | 104-68H-1, POINT 19  |
| 7            | 104-68H-1, POINT 20  |
| 8            | 104-68H-1, POINT 21  |
| 9            | 104-68H-1, POINT 22  |
| 10           | 104-68H-1, POINT 23  |
| 11           | 104-68H-1, POINT 24  |
| 12           | 104-68H-1, POINT 25  |
| 13           | 104-68H-1, POINT 26  |
| 14           | 104-68H-1, POINT 27  |
| 15           | 104-68H-1, POINT 28  |
| 16           | 104-68H-1, POINT 29  |
| 17           | 104-68H-1, POINT 30  |
| 18           | 104-68H-1, POINT 31  |
| 19           | 104-68H-1, POINT 32  |
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| 23           | 104-68H-1, POINT 36  |
| 24           | 104-68H-1, POINT 37  |
| 25           | 104-68H-1, POINT 38  |
| 26           | 104-68H-1, POINT 39  |
| 27           | 104-68H-1, POINT 40  |
| 28           | 104-68H-1, POINT 41  |
| 29           | 104-68H-1, POINT 42  |
| 30           | 104-68H-1, POINT 43  |
| 31           | 104-68H-1, POINT 44  |
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# County of Lincoln

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## AGENDA Item No. 11

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Authorization to Issue Invitations for Bids for 1) Heating & Cooling; 2) Plumbing and 3) Electrical Contractors to Provide On-Call and Routine Maintenance for County Buildings

**Background:** For years the County has entered into contracts with providers of heating and cooling services, plumbing services and electrical services to provide on-call maintenance services. The most recent RFPs were issued in June, 2013, and awarded that same month by the Board of County Commissioners. The initial period of each contract was for a one-year term that could be renewed annually up to three additional years upon agreement of both parties and under the same terms and conditions as the original contract.

Although the contracts could be extended one additional year, until June 30, 2017, I am seeking authorization to forego that final annual renewal to issue revised RFPs. Revisions are to include a required format to be used in submitting invoices to the County (ie., itemized list of parts used with associated costs), as well as a paper trail to substantiate amount of time spent on each job. The contracts also need to be amended to include routine maintenance, as well as on-call maintenance.

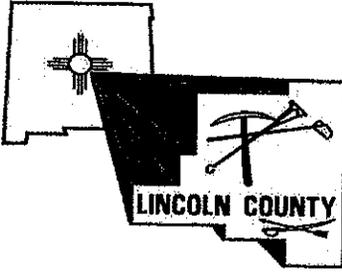
A final observation relates to combining the Heating & Cooling bid with the Plumbing bid, as very often it is difficult to assess initially which type of maintenance is required. In addition, we've learned through experience that the specialist contractor in each field takes a strong ownership of the equipment maintained under that awarded contract and prefers to be the sole contractor working on it.

The existing contracts contain a clause that allows either party to terminate the contract after having provided thirty days written notice to the other party.

**Recommendation:** Direct Manager to issue termination letters for each of the three on-call maintenance contracts, and to work with Attorney Morel to develop revised Invitation to Bid.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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# *County of Lincoln*

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## Agenda Item No. 12

**SUBJECT: Approval of Resolution:**

- a. Resolution 2015-39; Resolution to Approve Liquor License Fees

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**RESOLUTION NO. 2015-39**

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

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

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

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

The License Tax period shall begin July 1, 2016 and end June 30, 2017. The full amount of said License Tax fee is due and payable on the date of issuance of the License for the License year. **In the case of a new business, the license fee will be prorated from the date that the State of new Mexico issued its license to the nearest whole month. The concerned business is to provide proof of said date of state issuance. (For Example-If the New Mexico license is issued on or before the 15<sup>th</sup> of the month, the whole month's proration will apply, if issued after the 15<sup>th</sup> of the month the county license fee will be charged commencing the following full month.)**

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

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

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of May, 2016.

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

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

\_\_\_\_\_  
**DALLAS DRAPER, VICE CHAIR**

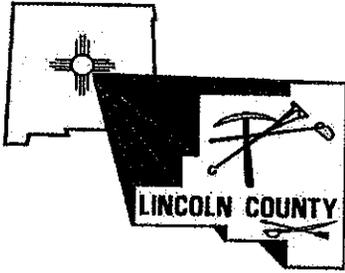
\_\_\_\_\_  
**ELAINE ALLEN, MEMBER**

\_\_\_\_\_  
**THOMAS F. STEWART, MEMBER**

\_\_\_\_\_  
**DR. LYNN WILLARD, MEMBER**

**ATTEST:**

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



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# County of Lincoln

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## Agenda Item No. 13

May 11, 2016

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Memorial Day Proclamation

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

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

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

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

**Recommendation:** Approve the attached proclamation.

## Memorial Day Proclamation

Every Memorial Day, Americans remember the debt of gratitude we owe to our veterans who lost their lives for our country. On this important day, communities across our Nation stop to remember and honor the great sacrifices made by our men and women in uniform.

Since its beginnings, our country has faced many threats that have tested its courage. From battlefields and jungle skirmishes to conflicts at sea and air attacks, generations of brave men and women have fought and died to defeat tyranny and protect our democracy. Their sacrifices have made this Nation strong and our world a better place.

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

As we commemorate this noble American holiday, we honor those who fell in defense of freedom. We honor them in our memory through solemn observances, with the love of a grateful Nation.

**NOW, THEREFORE, WE DO HEREBY PROCLAIM** May 30, 2016, as

### MEMORIAL DAY

and urge our citizens to observe Memorial Day as a day of prayer for permanent peace, and as a time to unite in prayer.

**PROCLAIMED** this 17<sup>th</sup> day of May, 2016, in Carrizozo, New Mexico.

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

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

\_\_\_\_\_  
**DALLAS DRAPER, VICE CHAIRMAN**

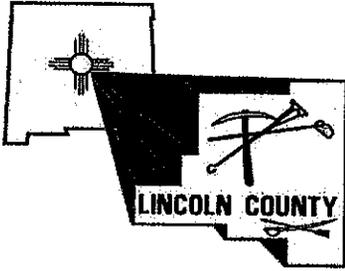
\_\_\_\_\_  
**ELAINE ALLEN, MEMBER**

\_\_\_\_\_  
**THOMAS F. STEWART, MEMBER**

\_\_\_\_\_  
**DR. LYNN WILLARD, MEMBER**

**ATTEST:**

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



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# *County of Lincoln*

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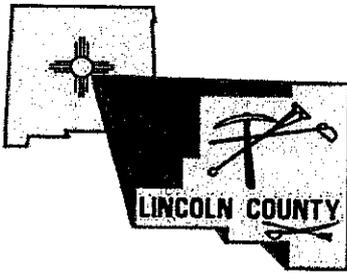
## Agenda Item No. 14

### SUBJECT

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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# County of Lincoln

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## AGENDA Item No. 15

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Lincoln County Solid Waste Matters

**Discussion:** During its April 19<sup>th</sup> meeting, the Commission was briefed on the current status of Solid Waste Collection Activities, and directed Manager to present additional information on key items such as: businesses not currently being assessed a solid waste collection fee due to inability to identify them; the need to retain some funding for ongoing equipment replacement and other associated costs of operation; and, identification of all exemptions to verify validity to potentially increase revenues prior to any consideration of a rate increase. Following is an update of activities and a request for Commission action on some items:

1. **Lease Agreement between the Village of Ruidoso and County of Lincoln for the Lincoln compactor site location.** The Village of Ruidoso has agreed to lease the County the compactor site at Lincoln for a fee of \$0.09 per square foot per year. This equates to \$720.00 per year to be paid in equal quarterly installments. See **Enclosure 1.**

**Recommendation:** Approve lease agreement between the Village of Ruidoso and the County of Lincoln for the Lincoln compactor site in the amount of \$720.00 per year.

2. **Waiver of Solid Waste Fees due to 300-Acre Exemption per Lincoln County Ordinance 2016-01.** Lincoln County Ordinance 2016-01, Section 7.A provides that an owner may request a Waiver of the Solid Waste Collection Fee, if the landowner has at least three-hundred (300) contiguous acres of land with adequate disposal sites per household and if the solid waste that is generated on that property does not harm the environment or endanger the public health, welfare or safety. This provision was adopted by the County per Ordinance 2015-03 and became effective on September 19, 2015. The County has received requests for exemption by a total of 167 property owners since the process to request an exemption was formalized. We've verified that these property owners qualify for that exemption under the County Ordinance. The total amount of unpaid fees related to those accounts since the County took over the billing process on January 1, 2015 is \$23,457.26. See **Enclosure 2.**

**Recommendation:** Approve a blanket waiver of \$23,457.26 to those accounts identified and verified to be a landowner with 300+ acres and who otherwise qualify for the exemption.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

3. **Waiver of Solid Waste Fees due to Uninhabitability Exemption per Lincoln County Ordinance 2016-01.** Lincoln County Ordinance 2016-01, Section 7.B provides that an owner of residential property may request a Waiver of the Solid Waste Collection Fee due to uninhabitability if the property is uninhabitable. The Waiver request shall be in writing with sufficient details provided to prove uninhabitability and must be both submitted to and approved by the County. This provision was adopted by the County per Ordinance 2015-03 and became effective on September 19, 2015. The County has granted 34 requests for exemption since the process to request an exemption was formalized. We've verified that these property owners qualify for that exemption under the County Ordinance. The total amount of unpaid fees related to those accounts since the County took over the billing process on January 1, 2015 is \$6,329,54. See **Enclosure 3**
4. **New Service Offering – Personal Dumpsters.** We have been discussing the potential of providing a new “personal dumpster service” to county residents requesting such service, and are working with our vendor to determine the process, the pricing, the ability to obtain additional dumpsters in a timely manner, etc. Item No. 21a of this Agenda is seeking Commission approval to schedule a hearing at the June 28<sup>th</sup> Commission meeting to address “A System of Fees for Solid Waste Collection”; we will provide a recommendation for the new service at that time.
5. **Business License Discussion.** As a follow-up to last month’s discussion regarding the identification of business owners in the County, Manager and Attorney contacted a number of Counties to determine whether business licenses are required, for what purpose, which County department administers the process, what the fees are, etc. As a result, Mr. Morel has drafted an Ordinance for your review. See **Enclosure 4** for the draft Ordinance and **Enclosure 5** for draft Business Registration Application. Item No. 21b of this Agenda is seeking Commission approval to schedule a hearing at the June 28<sup>th</sup> Commission meeting to address “Business Registration Ordinance: Business Licenses”; we will provide a recommendation at that time.
6. **Status Update.** Weekly meetings have been initiated with Sierra Contracting to identify and recommend solutions to problems:
  - Sierra continues to identify places where existing dumpsters need to be replaced or additional dumpsters need to be placed (i.e., Arabela);
  - Lack of equipment to load and haul dumpsters is preventing the switch-out of existing dumpsters located in “bear” area that can be better used in other areas of the County. Possible solutions include: 1) requesting road department assistance on a temporary basis; 2) purchasing trailer with hydraulic lift; renting/leasing equipment from the Village of Ruidoso on a temporary basis; use Procurement Process to call for quotes contractors to haul dumpsters;
  - Strategically place cameras at sites with high illegal dumping activity; County did not receive grant funds as requested; have ordered three cameras utilizing County funds;
  - Additional signage has been ordered and will be placed immediately upon receipt;
  - Slash / green waste / pine needles continue to be a concern of residents requiring the service; Sierra reports more residents are hauling to its location;
  - Non-paying customers have been identified and processes considered to initiate the lien process once the Commission takes action on the “system of fees” during the June 28<sup>th</sup> meeting.

**Recommendation:** None, other than that already requested.

## LEASE AGREEMENT

**THAT FOR AND IN CONSIDERATION** of the agreement, covenants, and provisions contained herein, the VILLAGE OF RUIDOSO, a municipal corporation ("Village") whose address is 313 Cree Meadows Dr., Ruidoso, New Mexico 88345 and the COUNTY OF LINCOLN, whose address is P.O. Box 711, Carrizozo, New Mexico 88310 ("Lessee"), do hereby agree as follows:

1. **Property leased.** For and in consideration of payment by Lessee of the rentals herein specified and the compliance by Lessee with the covenants and conditions herein set forth and the rules and regulations of Village, whether now in force or hereafter enacted, Village does hereby lease and let unto Lessee all of the following described undeveloped area:

This area shown and described on Exhibit "A" attached hereto, together with an easement for ingress and egress as shown thereon.

2. **Payment provisions.** Lessee agrees to pay Village as follows:

Lessee shall pay to the Village as ground rental the sum of nine cents (\$.09) per square foot, per year. Said rental sum shall be paid in equal quarterly installments due on the first day of March, June, September and December, with the initial payment being prorated to the effective date of this agreement.

3. **Term.** The term of this agreement shall be for a period of one (1) year from the effective date, subject to the following:

a. Village may terminate this agreement at the end of the initial term or any renewal term upon ninety (90) days' notice.

b. Lessee may terminate this agreement at any time upon thirty (30) days' notice, subject to surrender of possession provisions contained herein.

4. **Effective date.** The effective date of this agreement is the date of the last signature to be obtained by the parties.

5. **Objects and purposes.** Lessee covenants and agrees to use the leased premises for only the following purposes:

a. Siting of trash dumpsters for collection of trash by Lincoln County or its successor in interest.

b. Siting of trash compactor and/or related equipment of Lincoln County or its successor in interest.

ENCL 1

6. **Conditions of use premises.** Lessee covenants and agrees to use said leased premises as follows:

a. Lessee shall maintain fencing along the access road and around the site adequate to prevent unauthorized vehicular ingress and egress from the site. Said fencing shall be installed within ninety (90) days of the effective date of this lease.

b. Lessee shall maintain fencing a minimum of six (6) feet high around the collection site adequate to prevent trash from being blown off the site.

c. Lessee shall build and/or improve the access road to the site to such standards as are necessary for safe and efficient passage of Lessees' equipment, and shall maintain said access road at its own expense.

d. Lessee shall take all necessary and reasonable measures to safeguard its equipment from trespass, from injury to users, and from becoming an attractive nuisance.

e. Lessee shall secure and restrict access to the site in a reasonable manner to prevent any use other than that which is authorized by Lincoln County provided, that the Village and/or the Federal Aviation Administration shall have unrestrictive access to the road easement.

f. Lessee shall keep the premises in a clean and sanitary condition.

g. Lessee shall comply with all applicable laws, rules, regulations or ordinances of any governing entity with jurisdiction.

7. **Utilities.** Lessor shall be under no obligation to provide any utilities to the leased premises and Lessee shall have sole responsibility for provision of such utilities as it deems necessary.

8. **Signs.** Lessee may install signs as it deems necessary to identify the site, subject to approval of the Village manager, said approval not to be unreasonably withheld.

9. **Insurance and indemnity.** Lessee shall indemnify and hold harmless the Village, its officers, agents and employees from any and all liability, including attorney's fees and costs, arising from Lessee's use of the premises, and including any and all unauthorized use of either the premises or equipment by any person. Lessee shall give prompt notice of any claim made or suit instituted which in any way may affect Village, and Village by same shall have the right to compromise and defend same to the extent of its duty, to participate in the defense of any claim or litigation with attorneys of its own selection, and without relieving Lessee of its obligation of indemnity. This obligation shall survive any termination of this agreement. In addition, Lessee shall hold the Village harmless against all mechanics' and materialman's liens and/or liens of like nature, and against all reasonable attorney fees and other costs arising by reason of such liens or claims. Nothing in this paragraph shall be construed as imposing any liability on the Village beyond matters for which it would be liable pursuant to the New Mexico Tort Claims Act and the Village expressly retains any and all immunity it enjoys under said Act.

10. **Quiet enjoyment.** Village shall provide peaceable and quiet enjoyment to Lessee upon Lessee's fulfillment of the conditions herein.

11. **Surrender of possession.** Upon expiration or other termination of this agreement, Lessee shall surrender the premises to Village in good condition, reasonable wear and tear excepted. All building and fixture improvements shall become the property of the Village unless otherwise provided. Lessee shall have the right to remove its equipment and personal property within ninety (90) days of termination, provided that it is not then in default of its obligations herein. Lessee shall repair any damage caused by said removal. Any property not removed within said time frame shall become part of the premises and ownership shall vest in the Village

12. **Inspections by the Village.** Village may enter upon the premises at all reasonable times for any purpose necessary, incidental to, or connected with the exercise of its ownership rights or other rights under this agreement.

13. **Taxes.** Lessee shall pay any gross receipts tax, personal property tax, transaction tax or other exaction assessed or assessable as the result of its occupancy of the premises or conduct of the business. Any property tax on the value of the unimproved property shall be the responsibility of Village, provided, that the Village may elect to terminate this agreement in the event of property tax assessment. Any property tax on the value of the improvements shall be the responsibility of the Lessee.

14. **Approvals, consents, and notices.** All approvals, consents and notices called for this lease must be in writing.

15. **Reservation of rights to Village.**

a. **General reservation.** The leased premises are accepted by Lessee subject to any and all existing easements or other encumbrances of record, and Village shall have the right to install, lay, construct, maintain, repair and operate such sanitary sewers, drains, storm water sewers, pipelines, manholes, connections, water, oil or gas pipelines, telecommunications lines, and other necessary or convenient appliances or appurtenances, over in, upon, through, across, and along the leased premises or any part of them, as will not interfere with Lessee's operations, and to enter thereupon for any and all such purposes. Village also reserves the right to grant franchises, easements, rights-of-way and permits in, over, and upon, along or across any and all portions of the leased premises for the same purposes. No right reserved in Village as provided for in this paragraph shall be exercised as to interfere unreasonably with Lessee's operation hereunder, or to impair the security of any secured creditor of Lessee. Village agrees that any rights granted to any parties by reason of this clause shall contain provisions that the surface shall be restored to its original condition upon the completion of any construction.

b. **Specific uses.** It is acknowledged by the parties that the premises are part of the property and facilities of Village necessary for its operation of the Sierra Blanca

Regional Airport. At any time that Village and/or the Federal Aviation Administration may need the premises for such operation or related activities, it may terminate this lease upon reasonable notice.

16. **Default and termination.**

- a. Termination by Village. Village shall have the right to terminate this agreement upon sixty (60) days notice in the event of Lessee's default and failure to cure within said time period of any condition contained herein. Three or more defaults by Lessee within a twelve (12) month period shall entitle Village to terminate regardless of cure.
- b. Termination by Lessee. Lessee may terminate this lease and surrender possession as provided herein at any time upon thirty (30) days notice.

17. **Assignment and subletting.** It is agreed by the parties that the purpose of this lease is for operation of a trash collection facility by Lincoln County. Accordingly, this lease shall not be transferrable for any other purpose. Any assignment to a successor in interest of Lincoln County shall be subject to approval of Village, and all terms and conditions of this agreement shall be binding upon any successor or assignee.

18. **Attorney's fees and costs.** In the event of any action to enforce the provisions of this agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

19. **Notices.** Notices shall be hand delivered or sent by certified mail as follows:

- a. Village: Village of Ruidoso  
Attention: Village Manager  
313 Cree Meadows  
Ruidoso, New Mexico 88345
- b. County: Lincoln County  
Attention: County Manager  
P.O. Box 711  
Carrizozo, New Mexico 88301

WITNESS OUR HANDS:

LESSOR:

VILLAGE OF RUIDOSO

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

Date:

5/10/16  
\_\_\_\_\_

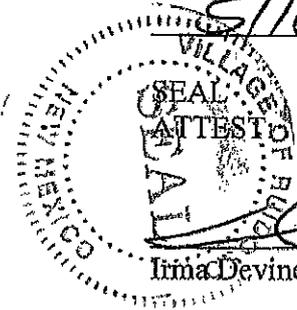
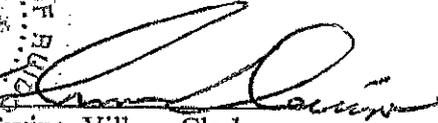
LESSEE:

COUNTY OF LINCOLN

\_\_\_\_\_

Date:

\_\_\_\_\_

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

will need to  
modify language  
below.

**EXHIBIT TO  
LEASE AGREEMENT BETWEEN  
THE VILLAGE OF RUIDOSO, NEW MEXICO  
AND THE  
LINCOLN COUNTY SOLID WASTE AUTHORITY  
BEING A PART OF THE W/2 NW/4  
SECTION 29, T9S, R16E, N.M.P.M.,  
LINCOLN COUNTY, NEW MEXICO**

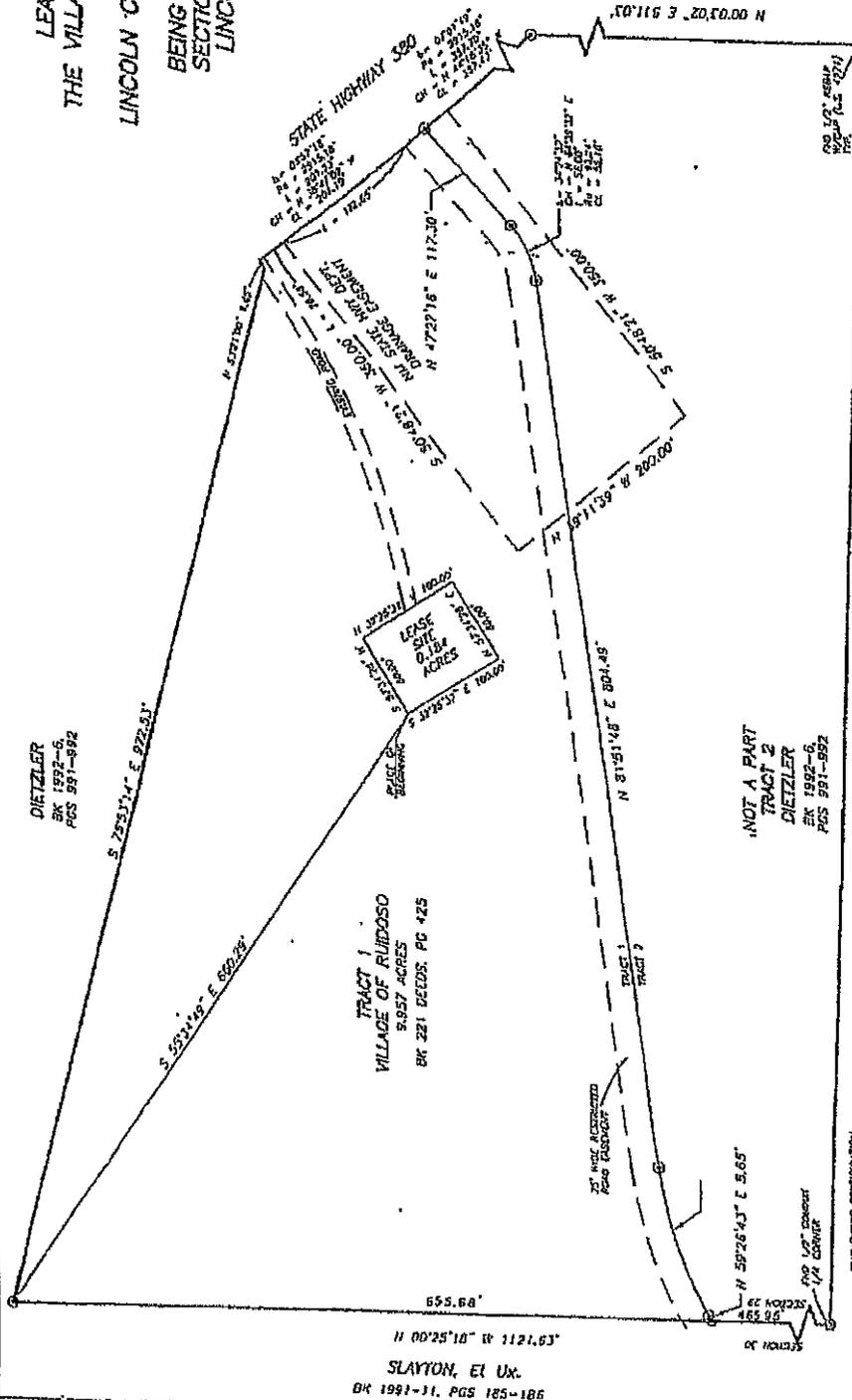
**DESCRIPTION - LEASE SITE**

A TRACT OF LAND IN THE W/2 NW/4 OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 16 EAST, N.M.P.M., LINCOLN COUNTY, NEW MEXICO, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF TRACT 1 AS SHOWN BY THE BOUNDARY SURVEY PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF LINCOLN COUNTY, NEW MEXICO, JULY 14, 2000, BY CABINET G, SLIDE NO. 705; THENCE S 57°44'42" E A DISTANCE OF 662.89 FEET TO THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE S 17°25'21" E A DISTANCE OF 100.00 FEET; THENCE S 72°11'42" E A DISTANCE OF 100.00 FEET; THENCE S 72°11'42" E A DISTANCE OF 40.00 FEET TO THE SAID PLACE OF BEGINNING AND CONTAINING 6.124 ACRES, MORE OR LESS.

TOGETHER WITH A 30 FOOT WIDE EASEMENT FOR ACCESS AND EGRESS TO STATE HIGHWAY 580 ALONG OR ADJOINING AN EXISTING DIRT ROAD INTO SUBJECT PROPERTY.

TOGETHER WITH A 20 FOOT WIDE EASEMENT FOR DIVERGENT OR UNDERGROUND UTILITIES FROM STATE HIGHWAY 580 TO SUBJECT PROPERTY.



**300 Acre Exemption**  
**Solid Waste Collection Fees Billed Prior to Granting of Exemption**

|    |                              |               |    |                |           |
|----|------------------------------|---------------|----|----------------|-----------|
| 1  | DAVIDSON CATTLE, CO          | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 2  | MANESS, LLOYD A              | YESO          | NM | 300 plus acres | \$ 282.70 |
| 3  | 2T PICACHO LLC,              | PECOS         | TX | 300 plus acres | \$ 56.54  |
| 4  | 2T PICACHO LLC,              | PECOS         | TX | 300 plus acres | \$ 56.54  |
| 5  | 99 CATTLE, CO                | CORONA        | NM | 300 plus acres | \$ 169.62 |
| 6  | ADAMS, BEN Q JR              | CORONA        | NM | 300 plus acres | \$ 169.62 |
| 7  | ADAMS, BEN Q JR              | CORONA        | NM | 300 plus acres | \$ -      |
| 8  | ALBERT RANCHES, LP           | MALDEN BRIDGE | NY | 300 plus acres | \$ -      |
| 9  | ALBERT RANCHES, LP           | MALDEN BRIDGE | NY | 300 plus acres | \$ -      |
| 10 | ALBERT, KEVIN                | MALDEN BRIDGE | NY | 300 plus acres | \$ 113.08 |
| 11 | ALLEN, JOHN C III            | TINNIE        | NM | 300 plus acres | \$ 169.62 |
| 12 | ANGELL #2, FAMILY            | LOVINGTON     | NM | 300 plus acres | \$ 226.16 |
| 13 | ANGELL #2, FAMILY            | LOVINGTON     | NM | 300 plus acres | \$ 226.16 |
| 14 | ANNON, ROELIFF               | ALCALDE       | NM | 300 plus acres | \$ -      |
| 15 | ARROYO SECO, INC             | ANTHONY       | NM | 300 plus acres | \$ 56.54  |
| 16 | ARROYO SECO, INC             | ANTHONY       | NM | 300 plus acres | \$ 49.62  |
| 17 | BAR W RANCH, INC             | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 18 | BAR W RANCH, INC             | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 19 | BARHAM FAMILY RANCH          | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 20 | BARHAM REV LIVING TRUST      | CARRIZOZO     | NM | 300 plus acres | \$ 56.54  |
| 21 | BELL, RALPH MACK             | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 22 | BIRD, WILLIAM RAY            | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 23 | BOGLE LTD, CO                | DEXTER        | NM | 300 plus acres | \$ 113.08 |
| 24 | BOGLE LTD, CO                | DEXTER        | NM | 300 plus acres | \$ 113.08 |
| 25 | BOGLE LTD, CO                | DEXTER        | NM | 300 plus acres | \$ 113.08 |
| 26 | BOGLE LTD, CO                | DEXTER        | NM | 300 plus acres | \$ 113.08 |
| 27 | BOGLE LTD, CO                | DEXTER        | NM | 300 plus acres | \$ 113.08 |
| 28 | BOND LIVESTOCK CO, E T       | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 29 | BOYLES ENTERPRISES, INC      | EL PASO       | TX | 300 plus acres | \$ 169.62 |
| 30 | BOYLES ENTERPRISES, INC      | EL PASO       | TX | 300 plus acres | \$ 169.62 |
| 31 | BOYLES ENTERPRISES, INC      | EL PASO       | TX | 300 plus acres | \$ 169.62 |
| 32 | BOYLES ENTERPRISES, INC      | EL PASO       | TX | 300 plus acres | \$ 226.16 |
| 33 | BRYAN, WILLIAM GLEN          | CORONA        | NM | 300 plus acres | \$ 169.62 |
| 34 | BULLOCK LAND & CATTLE CO     | ROSWELL       | NM | 300 plus acres | \$ 169.62 |
| 35 | BULLOCK LAND & CATTLE CO,LLC | ROSWELL       | NM | 300 plus acres | \$ 169.62 |
| 36 | BURTON RANCH INVESTMENTS, LP | ABILENE       | TX | 300 plus acres | \$ 56.54  |
| 37 | BURTON RANCH INVESTMENTS, LP | ABILENE       | TX | 300 plus acres | \$ -      |
| 38 | CHAVEZ, JUAN F &             | CAPITAN       | NM | 300 plus acres | \$ 113.08 |
| 39 | COOK, GEORGE &               | ALBUQUERQUE   | NM | 300 plus acres | \$ 282.70 |
| 40 | CORDOVA RANCH, LLC           | LOS LUNAS     | NM | 300 plus acres | \$ 113.08 |
| 41 | CORDOVA RANCH, LLC           | LOS LUNAS     | NM | 300 plus acres | \$ 113.08 |
| 42 | CORN, MICHAEL W              | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 43 | CRENSHAW, DARLA J            | CARRIZOZO     | NM | 300 plus acres | \$ 339.24 |
| 44 | CUMMING FAMILY TRUST D       | YUMA          | AZ | 300 plus acres | \$ 113.08 |

**300 Acre Exemption**  
**Solid Waste Collection Fees Billed Prior to Granting of Exemption**

|    |                               |              |    |                |           |
|----|-------------------------------|--------------|----|----------------|-----------|
| 45 | CURRANT CREEK CATTLE CO, INC  | CORONA       | NM | 300 plus acres | \$ 113.08 |
| 46 | DINWIDDLE CATTLE COMPANY, LLC | CAPITAN      | NM | 300 plus acres | \$ 113.08 |
| 47 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ -      |
| 48 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 49 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 50 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 51 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 52 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 53 | DONALDSON ENTERPRISES, INC    | MCLEAN       | VA | 300 plus acres | \$ 56.54  |
| 54 | DTMC LIMITED PARTNERSHIP      | ROSWELL      | NM | 300 plus acres | \$ 113.08 |
| 55 | DUNN, AUBREY L JR             | ROSWELL      | NM | 300 plus acres | \$ 169.62 |
| 56 | EDGAR RANCHES, LTD            | CAPITAN      | NM | 300 plus acres | \$ 113.08 |
| 57 | EDWARDS RANCHES, LLC          | YUMA         | AZ | 300 plus acres | \$ 113.08 |
| 58 | EDWARDS RANCHES, LLC          | YUMA         | AZ | 300 plus acres | \$ 113.08 |
| 59 | EDWARDS RANCHES, LLC          | YUMA         | AZ | 300 plus acres | \$ 113.08 |
| 60 | EL CAPITAN RANCH, LLC         | GRAHAM       | TX | 300 plus acres | \$ 56.54  |
| 61 | ELDRIDGE TRUST                | CAPITAN      | NM | 300 plus acres | \$ 113.08 |
| 62 | EMPRESA NOGAL INV PROP, LLC   | NOGAL        | NM | 300 plus acres | \$ 226.16 |
| 63 | ERRAMOUSPE, JOSEPH            | CORONA       | NM | 300 plus acres | \$ -      |
| 64 | F & F FAMILY LTD PARTNERSHIP  | MOSQUERO     | NM | 300 plus acres | \$ 113.08 |
| 65 | FOUR WINDS RANCH, INC         | TUCSON       | AZ | 300 plus acres | \$ 282.70 |
| 66 | FOUR WINDS RANCH, INC         | TUCSON       | AZ | 300 plus acres | \$ 339.24 |
| 67 | GENTS CATTLE CO, INC          | ROSWELL      | NM | 300 plus acres | \$ 113.08 |
| 68 | GENTS CATTLE CO, INC          | ROSWELL      | NM | 300 plus acres | \$ 113.08 |
| 69 | GG ARMSTRONG & SON, LLC       | ROSWELL      | NM | 300 plus acres | \$ 56.54  |
| 70 | GG ARMSTRONG & SON, LLC       | ROSWELL      | NM | 300 plus acres | \$ 56.54  |
| 71 | GONZALES, RALPH R             | SAN PATRICIO | NM | 300 plus acres | \$ 113.08 |
| 72 | GOODLOE TRUST                 | CAPITAN      | NM | 300 plus acres | \$ 56.54  |
| 73 | GOODLOE TRUST                 | CAPITAN      | NM | 300 plus acres | \$ 56.54  |
| 74 | GOODLOE, FLOYD                | CAPITAN      | NM | 300 plus acres | \$ 56.54  |
| 75 | GOODLOE, FLOYD                | CAPITAN      | NM | 300 plus acres | \$ 56.54  |
| 76 | HALL-GNATKOWSKI, INC          | CARRIZOZO    | NM | 300 plus acres | \$ 113.08 |
| 77 | HARKEY CATTLE CO, INC         | ANCHO        | NM | 300 plus acres | \$ 56.62  |
| 78 | HARKEY, STEVEN P              | CARRIZOZO    | NM | 300 plus acres | \$ 56.54  |
| 79 | HARRAL RANCH                  | CORONA       | NM | 300 plus acres | \$ 169.62 |
| 80 | HARRAL RANCH                  | CORONA       | NM | 300 plus acres | \$ 113.08 |
| 81 | HARRIS, THELMA LANITA         | CORONA       | NM | 300 plus acres | \$ 113.08 |
| 82 | HIGH DESERT RANCH, LLC        | BLOOMFIELD   | NM | 300 plus acres | \$ 169.62 |
| 83 | HIGH DESERT RANCH, LLC        | BLOOMFIELD   | NM | 300 plus acres | \$ 169.62 |
| 84 | HIGH DESERT RANCH, LLC        | BLOOMFIELD   | NM | 300 plus acres | \$ 169.62 |
| 85 | HIGH DESERT RANCH, LLC        | BLOOMFIELD   | NM | 300 plus acres | \$ 169.62 |
| 86 | HIGHTOWER LAND & CATTLE, CO   | ANCHO        | NM | 300 plus acres | \$ 56.54  |
| 87 | HIGHTOWER LAND & CATTLE, CO   | ANCHO        | NM | 300 plus acres | \$ 56.54  |
| 88 | HOOTEN, ROBERT I              | CARRIZOZO    | NM | 300 plus acres | \$ 113.08 |

**300 Acre Exemption  
Solid Waste Collection Fees Billed Prior to Granting of Exemption**

|     |                                  |               |    |                |           |
|-----|----------------------------------|---------------|----|----------------|-----------|
| 89  | HOOTEN, ROBERT I                 | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 90  | HOOTEN, ROBERT I                 | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 91  | HT RANCH, LLC                    | ALTO          | NM | 300 plus acres | \$ 113.08 |
| 92  | JACKSON, L Y & SARA, FAMILY, LLC | RUIDOSO DOWNS | NM | 300 plus acres | \$ 113.08 |
| 93  | JEFFERS, PHILLIP                 | NOGAL         | NM | 300 plus acres | \$ 113.08 |
| 94  | JOHN THOMAS RANCH, LLC           | BELEN         | NM | 300 plus acres | \$ -      |
| 95  | JONES CORONA RANCH, LLC          | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 96  | JONES CORONA RANCH, LLC          | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 97  | JONES, CHARLES                   | CAPITAN       | NM | 300 plus acres | \$ 113.08 |
| 98  | JONES, SUSAN L                   | HOPE          | NM | 300 plus acres | \$ 113.08 |
| 99  | KELLEY, MARKEL L                 | YESO          | NM | 300 plus acres | \$ 282.70 |
| 100 | KNIGHT, THOMAS A                 | CARRIZOZO     | NM | 300 plus acres | \$ 113.08 |
| 101 | KOSTOHRYZ 8TH                    | FORT WORTH    | TX | 300 plus acres | \$ 113.08 |
| 102 | KOSTOHRYZ, GEORGE                | FT WORTH      | TX | 300 plus acres | \$ 113.08 |
| 103 | L/S CATTLE, CO                   | CORONA        | NM | 300 plus acres | \$ 113.08 |
| 104 | LATIGO RANCH OF LINCOLN          | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 105 | LATIGO RANCH OF LINCOLN          | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 106 | LAZY "H" LTD.                    | GLENCOE       | NM | 300 plus acres | \$ 113.08 |
| 107 | MANESS, LLOYD A                  | YESO          | NM | 300 plus acres | \$ 282.70 |
| 108 | MARLEY, MARK                     | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 109 | MARLEY, MARK                     | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 110 | MCDANIEL FAMILY TRUST            | CAPITAN       | NM | 300 plus acres | \$ 56.54  |
| 111 | MCINNES, WILLIE                  | ROSWELL       | NM | 300 plus acres | \$ 113.08 |
| 112 | MERRITT, RONALD L JR             | YESO          | NM | 300 plus acres | \$ 113.08 |
| 113 | MERRITT, RONALD L JR             | YESO          | NM | 300 plus acres | \$ 113.08 |
| 114 | MILLS TRUST, OPAL JUANITA        | WHITE OAKS    | NM | 300 plus acres | \$ 113.08 |
| 115 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 116 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 117 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 118 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 119 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 120 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 121 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 122 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 123 | NOGAL ORB, LLC                   | NOGAL         | NM | 300 plus acres | \$ 226.16 |
| 124 | O BAR O, LTD                     | NOGAL         | NM | 300 plus acres | \$ 113.08 |
| 125 | O BAR O, LTD                     | NOGAL         | NM | 300 plus acres | \$ 113.08 |
| 126 | ONE HUNDRED RANCH, INC           | ROSWELL       | NM | 300 plus acres | \$ 56.54  |
| 127 | PANCHO PEAKS, LLC                | PORTALES      | NM | 300 plus acres | \$ -      |
| 128 | PANCHO PEAKS, LLC                | PORTALES      | NM | 300 plus acres | \$ -      |
| 129 | PINO, CHRISTY M                  | ARLINGTON     | VA | 300 plus acres | \$ 113.08 |
| 130 | PRUDENCIO, BERNADETTE            | HONDO         | NM | 300 plus acres | \$ 113.08 |
| 131 | PRUDENCIO, RAMON                 | HONDO         | NM | 300 plus acres | \$ 113.08 |
| 132 | RAMOS LAND & CATTLE CO           | DEXTER        | NM | 300 plus acres | \$ 226.16 |

**300 Acre Exemption  
Solid Waste Collection Fees Billed Prior to Granting of Exemption**

|     |                             |             |    |                |           |
|-----|-----------------------------|-------------|----|----------------|-----------|
| 133 | RAMOS LAND & CATTLE CO      | DEXTER      | NM | 300 plus acres | \$ 226.16 |
| 134 | RAMOS LAND & CATTLE CO      | DEXTER      | NM | 300 plus acres | \$ 226.16 |
| 135 | RAMOS LAND & CATTLE CO.     | DEXTER      | NM | 300 plus acres | \$ 226.16 |
| 136 | RAMOS LAND & CATTLE CO.     | DEXTER      | NM | 300 plus acres | \$ 226.16 |
| 137 | RIO GRANDE-ALAMEDA          | ALBUQUERQUE | NM | 300 plus acres | \$ 113.08 |
| 138 | RIVERSTONE RANCH, INC       | COLUMBUS    | TX | 300 plus acres | \$ 113.08 |
| 139 | ROBERT E RANCH, LLC         | ROSWELL     | NM | 300 plus acres | \$ 169.62 |
| 140 | SALAS, DANNY                | PICACHO     | NM | 300 plus acres | \$ 56.54  |
| 141 | SEA GEM, LLC                | BARTLETT    | IL | 300 plus acres | \$ 56.54  |
| 142 | SHAFER RANCHES INC.         | CARRIZOZO   | NM | 300 plus acres | \$ 113.08 |
| 143 | SILVA RANCH, INC            | CAPITAN     | NM | 300 plus acres | \$ 113.08 |
| 144 | SISNEROS TRUST              | TINNIE      | NM | 300 plus acres | \$ 56.54  |
| 145 | SISNEROS TRUST              | TINNIE      | NM | 300 plus acres | \$ 56.54  |
| 146 | SKEEN BUCKHORN RANCH, LLC   | PICACHO     | NM | 300 plus acres | \$ 169.62 |
| 147 | SKEEN BUCKHORN RANCH, LLC   | PICACHO     | NM | 300 plus acres | \$ 169.62 |
| 148 | SKEEN, MIKE L               | PICACHO     | NM | 300 plus acres | \$ 339.24 |
| 149 | SMITH, WESLEY T             | CAPITAN     | NM | 300 plus acres | \$ 226.16 |
| 150 | STANSELL RANCH, LP          | BOERNE      | TX | 300 plus acres | \$ 169.62 |
| 151 | STANSELL RANCH, LP          | BOERNE      | TX | 300 plus acres | \$ 169.62 |
| 152 | STANSELL RANCH, LP          | BOERNE      | TX | 300 plus acres | \$ 169.62 |
| 153 | SULTEMEIER BYPASS TRUST     | CORONA      | NM | 300 plus acres | \$ 226.16 |
| 154 | SULTEMEIER, CLINT L         | CORONA      | NM | 300 plus acres | \$ 169.62 |
| 155 | SULTEMEIER, CLINT L         | CORONA      | NM | 300 plus acres | \$ 113.08 |
| 156 | SULTEMEIER, MARK            | CORONA      | NM | 300 plus acres | \$ 113.08 |
| 157 | SULTEMEIER, MARK            | CORONA      | NM | 300 plus acres | \$ 113.08 |
| 158 | SULTEMEIER, MELVIN          | CORONA      | NM | 300 plus acres | \$ 169.62 |
| 159 | T-75 RANCH, INC             | CAPITAN     | NM | 300 plus acres | \$ 113.08 |
| 160 | THREE RIVERS CATTLE LTD, CO | ROSWELL     | NM | 300 plus acres | \$ 169.62 |
| 161 | TURNEY, PAUL E              | CAPITAN     | NM | 300 plus acres | \$ 113.08 |
| 162 | VEGA, GARY                  | CARRIZOZO   | NM | 300 plus acres | \$ 169.62 |
| 163 | VEGA, JOHN                  | CARRIZOZO   | NM | 300 plus acres | \$ 169.62 |
| 164 | VEGA, JOHN E                | CARRIZOZO   | NM | 300 plus acres | \$ 169.62 |
| 165 | WAPITI RANCH, LLC           | ROSWELL     | NM | 300 plus acres | \$ -      |
| 166 | WAPITI RANCH, LLC           | ROSWELL     | NM | 300 plus acres | \$ 113.08 |
| 167 | WEDDIGE FARMS, INC          | HOPE        | NM | 300 plus acres | \$ 282.70 |
| 168 | WENZEL, GEORGE              | MENARD      | TX | 300 plus acres | \$ 282.70 |
| 169 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 170 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 171 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 172 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 173 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 174 | WESTALL RANCHES, LLC        | CARLSBAD    | NM | 300 plus acres | \$ 226.16 |
| 175 | WILKE, MICHAEL J.           | STANTON     | NE | 300 plus acres | \$ 113.08 |
| 176 | WILSON, RUTH                | CARRIZOZO   | NM | 300 plus acres | \$ 113.08 |

**300 Acre Exemption**  
**Solid Waste Collection Fees Billed Prior to Granting of Exemption**

|     |                   |         |    |                        |                     |
|-----|-------------------|---------|----|------------------------|---------------------|
| 177 | WORRELL, CHARLENE | CAPITAN | NM | 300 plus acres         | \$ 56.54            |
| 178 | WORRELL, CHARLENE | CAPITAN | NM | 300 plus acres         | \$ 56.54            |
|     |                   |         |    | <b>TOTAL WRITE OFF</b> | <b>\$ 23,457.26</b> |

## Residential Inhabitability Waiver

### Solid Waste Collection Fees Billed Prior to Granting of Exemption

|    | Name                     | City          | State | Category      | Balances  |
|----|--------------------------|---------------|-------|---------------|-----------|
| 1  | ARAGON, ANTHONY          | SAN PATRICIO  | NM    | uninhabitable | \$ 113.08 |
| 2  | BURCH, TILLMAN M         | CAPITAN       | NM    | Uninhabitable | \$ 226.16 |
| 3  | CORONA-TUCKER, NANCY M   | SAN PATRICIO  | NM    | Uninhabitable | \$ 226.16 |
| 4  | FARIAS LIVING TRUST      | SAN ANTONIO   | TX    | Uninhabitable | \$ 169.62 |
| 5  | FOX, HUGH R              | LINCOLN       | NM    | Uninhabitable | \$ 226.16 |
| 6  | GARRISON, LOGAN          | RUIDOSO       | NM    | Uninhabitable | \$ 282.70 |
| 7  | H & J BONNELL RANCH, INC | RUIDOSO DOWNS | NM    | uninhabitable | \$ 226.16 |
| 8  | HILLYARD, GARY           | MEDIAPOLIS    | IA    | uninhabitable | \$ 223.22 |
| 9  | HILLYARD, GARY L         | HILO          | HI    | Uninhabitable | \$ 282.70 |
| 10 | HOBBS, BOBBY             | SAN PATRICIO  | NM    | uninhabitable | \$ 56.54  |
| 11 | JOINER, BETTY L          | CAPITAN       | NM    | Uninhabitable | \$ 226.16 |
| 12 | JOLLEY, CYNTHIA C        | VAN TASSELL   | WY    | Uninhabitable | \$ 226.16 |
| 13 | JONES FAMILY TRUST       | BELLFLOWER    | CA    | Uninhabitable | \$ 56.54  |
| 14 | LOVELACE, IRENE          | GLENCOE       | NM    | Uninhabitable | \$ 226.16 |
| 15 | LUCERO, RITA             | SAN PATRICIO  | NM    | Uninhabitable | \$ 282.70 |
| 16 | LUNDELL, ROBERT N        | RED ROCK      | TX    | Uninhabitable | \$ 169.62 |
| 17 | MELOT REV TRUST          | BELLA VISTA   | AR    | Uninhabitable | \$ 226.16 |
| 18 | RICE, ROBERT J           | BELTSVILLE    | MD    | Uninhabitable | \$ 226.16 |
| 19 | ROBINSON, DAVID          | RUIDOSO       | NM    | Uninhabitable | \$ 282.70 |
| 20 | RUE, CHARMAIN            | RIO RANCHO    | NM    | Uninhabitable | \$ 113.08 |
| 21 | SAIZ, JOEY               | CAPITAN       | NM    | Uninhabitable | \$ 282.70 |
| 22 | SANCHEZ, JOSE A & JUDITH | SHOW LOW      | AZ    | uninhabitable | \$ 113.08 |
| 23 | SANCHEZ, ROMAN JR        | SAN PATRICIO  | NM    | uninhabitable | \$ 169.62 |
| 24 | SANCHEZ, VICTORIA E      | ARABELA       | NM    | uninhabitable | \$ 113.08 |
| 25 | SMITH, NEVA L            | CAPITAN       | NM    | uninhabitable | \$ 282.70 |
| 26 | TOWNLEY, SAMMY B         | FORT STANTON  | NM    | Uninhabitable | \$ 113.08 |
| 27 | TRUJILLO, FRANK          | DEXTER        | NM    | Uninhabitable | \$ 339.24 |
| 28 | WELLS FARGO BANK N.A.    | FORT MILL     | SC    | Uninhabitable | \$ 169.62 |
| 29 | WELLS, SHIRLEY D         | EL PASO       | TX    | Uninhabitable | \$ 169.62 |
| 30 | WETZEL, PAUL F           | RUIDOSO DOWNS | NM    | uninhabitable | \$ -      |
| 31 | WIELAND, BILLY C         | RUIDOSO DOWNS | NM    | uninhabitable | \$ 113.08 |
| 32 | WIELAND, BILLY C         | RUIDOSO DOWNS | NM    | uninhabitable | \$ 113.08 |
| 33 | ZAMORA, LEROY            | CARRIZOZO     | NM    | uninhabitable | \$ 282.70 |
| 34 | CARPENTER, JIMMY L       | RUIDOSO       | NM    | Uninhabitable | \$ -      |

\$ 6,329.54

*ENCL 3*

ORDINANCE NO. 2016-\_\_

**AN ORDINANCE DEFINING ENGAGING IN BUSINESS AND RELATED TERMS; PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF LOCAL BUSINESS REGISTRATION; PROVIDING FOR THE COLLECTION OF FEES; PROHIBITING OPERATING AN UNREGISTERED BUSINESS; AND PROVIDING FOR A FINE FOR VIOLATION**

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the Lincoln County Business Registration Ordinance.

**SECTION 2. PURPOSE**

The Board of County Commissioners finds and declares that the registration of businesses is conducive to the promotion of the health, general welfare and safety of the public and that registering businesses enhances efficiency and economy in furnishing public services, tax collection, and information to the public.

**SECTION 3. AUTHORITY**

This Ordinance is adopted under the authority of the following provisions of New Mexico law: §4-37-1, NMSA 1978 (County Ordinances), §4-37-3, NMSA 1978 (Enforcing County Ordinances); and §§ 3-38-1 through 3-38-6, NMSA 1978 (Business Registration and Licensing).

**SECTION 4. JURISDICTION**

This Ordinance shall apply to all unincorporated areas of the County of Lincoln.

**SECTION 5. DEFINITIONS**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Combined Reporting System (CRS) Tax Identification Number:** A tax identification number used to report and pay tax collected on gross receipts from business conducted in New Mexico.

**Engaging in Business:** Persons operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade, pursuit or activity for the purpose of profit and who are required to obtain a CRS Identification Number.

**Person:** Any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company firm, partnership, joint venture, syndicate, or other entity engaging in a business, profession, occupation, trade, pursuit or activity.

**Place of Business:** The premises, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, to which the public is expressly

or impliedly invited for the purpose of transacting of business. In the event there is no such location, but the business is transacted at the location of the buyer, then the general sales area shall be considered a "Place of Business."

#### **SECTION 6. REGISTRATION REQUIRED: UNLAWFUL CONDUCT**

1. It shall be unlawful for any person to engage in, conduct or carry on any business or occupation within the County of Lincoln without registering the business, paying the required fees, and complying with the terms of this Ordinance.
2. It shall be unlawful for any person to knowingly file an application for issuance or renewal of any business registration on which any of the information required has been falsified.
3. Any person violating this Ordinance shall be penalized as provided in Section 16.
4. Exempted from this Ordinance are:
  - a. Garage and yard sales less than three (3) consecutive days in duration.
  - b. Flea markets and farmer's markets (but not operators of flea markets and farmer's markets).
  - c. Roadside sellers of fruits and vegetables.
  - d. The growing, producing or trapping of livestock, poultry, unprocessed agricultural products, hides or pelts. Persons engaged in business of buying or selling wool or mohair or of buying and selling livestock on their own account are producers for purposes of this section.
  - e. The pasturing, feeding, penning, or feeding of livestock prior to sale.
  - f. The selling or leasing of oil, natural gas, or mineral interests.
  - g. Any activity whose entire receipts are exempted from the gross receipts tax.

#### **SECTION 7. APPLICATION TO DO BUSINESS**

Any person engaging in business after September 1, 2016 must complete a County of Lincoln Business Registration Form for each outlet, branch, location, or place of business within the unincorporated areas of the County. For new business owners after transfers of business and for persons commencing business after September 1 or any year, the Business Registration Form and Fee are due thirty (30) days after the day such person commences business in the County. The Application Form is available from the County of Lincoln Ordinance Administrator's office at: 115 Kansas City Road, Ruidoso, New Mexico, or online at:

[http://www.lincolncountynm.gov/county\\_offices/planning](http://www.lincolncountynm.gov/county_offices/planning)

No illegal or unlicensed businesses required under Federal, State, or County law to have a license may be registered. Any person engaging in business with the County of Lincoln government shall be registered to do business in the County of Lincoln.

## **SECTION 8. IMPOSITION OF FEES**

There is imposed on each place of business located in the County of Lincoln an annual Business Registration fee of twenty five dollars (\$25) pursuant to §3-38-3, NMSA 1978. The business registration fee shall not be prorated for business conducted for a portion of the year.

## **SECTION 9. TEMPORARY BUSINESS REGISTRATION**

For business located in the County of Lincoln which operate ten (10) total days per calendar year or less, there is imposed a Temporary Business Registration Fee of ten dollars (\$10) instead of the twenty five dollars (\$25) annual Business Registration fee. Application for a Temporary Business Registration may be submitted to the County Ordinance Administrator's Office at any time, but business may not be conducted prior to receipt of a Certificate of Temporary Business Registration.

## **SECTION 10. RENEWAL**

Prior to September 1 of each year, a person engaging in a business within the County of Lincoln and subject to this Ordinance shall apply to renew the Business Registration and shall pay an annual fee of twenty five dollars (\$25) for each place of business to the County Ordinance Administrator's Office. A new owner of a registered business must update the Business Registration Application on file with the County Ordinance Administrator.

## **SECTION 11. LATE FEE**

In the event a person or business does not pay the registration fee before it commences business on the annual renewal fee prior to September 1 each year, a late fee of twenty five dollars (\$25) shall be imposed in addition to the registration fee.

## **SECTION 12. TRANSFERABILITY**

No registration issued pursuant to this Ordinance shall be transferable from one business to another, or from one person conducting business to a succeeding person conducting the same business.

## **SECTION 13. DISPLAY**

The County Ordinance Administrator or designee shall provide a suitable Certificate of Registration to be furnished to each place of business coming within the terms of this Ordinance, and such Certificate of Registration shall be prominently displayed at the place of business for which such registration is issued.

## **SECTION 14. DUPLICATES**

A duplicate Certificate of Registration may be issued by the County Ordinance Administrator or designee to replace any such registration issued under this Ordinance which has been lost or destroyed if the person to whom it was issued files a sworn statement attesting to the fact of such loss or destruction and pays a duplicate fee of five dollars (\$5).

### **SECTION 15. CRS TAXPAYER IDENTIFICATION NUMBER**

Any person filing for issuance or renewal of any business registration shall include in the application his/her current CRS Taxpayer Identification Number or evidence of application for such current CRS Taxpayer Identification Number as issued by the New Mexico Taxation and Revenue Department and any other information required by the County of Lincoln.

### **SECTION 16. PENALTY**

Any person convicted of a violation of this Ordinance shall be subject to a penalty not to exceed three hundred dollars (\$300). Each day such violation is committed or permitted to continue after issuance of a citation shall constitute a separate offense and shall be punishable as such hereunder.

### **SECTION 17. WARNING BEFORE CITATION ISSUED**

In the event the County Ordinance Administrator believes that a person is engaging in business without registration, the County shall deliver a notice of violation to that person. If after thirty (30) days from receipt of the notice the person to whom the notice is sent fails to register the business or shows that he/she is not required to register the County Ordinance Administrator may issue a citation of file a complaint in a court of competent jurisdiction alleging a violation of this section.

### **SECTION 18. ENFORCEMENT**

Appropriate legal or administrative action may be taken to prevent conduct of business, restrain, correct, or abate the violation of this article, to prevent the occupancy of a building, structure or land on which the business is located, or to withhold the issuance of permits or inspection as appropriate. In addition, the Business Registration Fee may be collected by suit in Magistrate or District Court. The County of Lincoln may institute any appropriate action or proceeding as provided for herein any time up to four (4) years after the violation. The remedies provided in this section are not exclusive, and if any person engages in business in the County of Lincoln without obtaining the required registration for such business, the County of Lincoln may proceed in any manner authorized by law, including specifically but not limited to the procedures set forth by state law in § 3-38-5 and § 3-38-6, NMSA 1978.

### **SECTION 19. SEVERABILITY**

The provisions of this Ordinance are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County of Lincoln that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable, had been specifically exempted therefrom.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

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

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

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

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

**ATTEST:**

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

**COUNTY OF LINCOLN**  
**P.O. BOX 711**  
**CARRIZOZO, NEW MEXICO 88301**  
**Phone: 575 258-5934 Fax: 575 258-5938**

|  |
|--|
| <input type="checkbox"/> initial application<br><input type="checkbox"/> renewal |
|--|

**BUSINESS REGISTRATION APPLICATION**

Any person engaging in business within the unincorporated areas of the County of Lincoln, New Mexico, must register their business annually. Any person failing to register or renew their business prior to September 1 will be charged a late fee of twenty five dollars (\$25). Business registrations are not transferable. The County of Lincoln's Business Registration Ordinance may be found at the County of Lincoln's website:

<http://www.lincolncountynm.gov/county>

**OWNER/BUSINESS INFORMATION**

|  |  |
|--|--|
| Owner's Name   | Business Name  |
|  |  |
| Type of Business   | Physical Address of Business                             |
| Mailing Address of Business  | Business Phone Number (s)                                |
|  |  |
| Emergency or Cellular number(s)                                      | Email address  |
|  |  |
| Combined Reporting System (CRS) New Mexico Tax Identification Number |  |
|  |  |
| What are the hours of operation?                                     | Is the public invited to your place of business?         |
|  | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Are hazardous materials stored or used in your business?             |  |
| <input type="checkbox"/> yes <input type="checkbox"/> no             |  |
| If yes, please attach an inventory/disclosure form.                  |  |

**SIGNATURE**

It shall be unlawful for any applicant to knowingly provide any false, misleading or materially inaccurate information on this application. I hereby certify under penalty of perjury that the statements made herein are, to the best of my knowledge, true, correct, and complete.

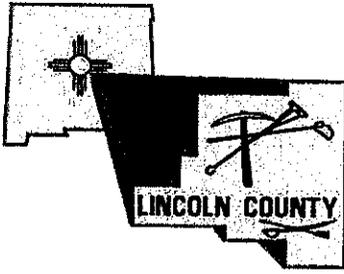
Date: \_\_\_\_\_

Applicant's Printed Name \_\_\_\_\_ Applicant's Signature \_\_\_\_\_

**For County Use Only**

|                                      |                                 |                 |
|--------------------------------------|---------------------------------|-----------------|
| <input type="checkbox"/> Approved    | <input type="checkbox"/> Denied |                 |
|                                      |                                 | Date: _____     |
| County Ordinance Administrator _____ |                                 |                 |
| Year: _____                          | Registration # _____            | Late fee: _____ |

*ENCL 5*



# 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

May 13, 2016

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Manager's Report

1. **Mandatory ICIP Training.** The final two days of ICIP training is scheduled for May 18<sup>th</sup> in Tucumcari and May 24<sup>th</sup> in Albuquerque. This year all ICIP Entity/CPMS Codes and passwords have been changed. This is a collaborative effort between the Capital Outlay Bureau and the Local Government Division of DFA to simplify the login process for both program. The deadline for the FY2018 – 2022 ICIP submission for counties is September 1, 2016. See **Enclosure 1**. The ICIP will be presented to you at the June 28<sup>th</sup> Commission meeting in draft format; it must be finalized by the August meeting to be submitted timely by September 1<sup>st</sup>.
2. **State Auditor Approval for Lincoln County's request to contract with RPC CPAA + Consultants, LLP** to conduct the FY16 annual audit for Lincoln County. See **Enclosure 2** for letter of approval from State Auditor, listing contingencies of the contract.
3. **Carrizozo Sr. Center.** We are working to finalize the approval of the change order approved by the Commission last month, and expect it to be finalized shortly. Manager spoke with Carrizozo Mayor Lucero regarding the Town of Carrizozo repairing the sidewalk bordering the new Sr. Center. Although she provided me with their Ordinance assigning the repair of sidewalks to the property owner, she committed to checking with the Town Counsel regarding the matter. See **Enclosure 3**.
4. **Voluntary Fire Stations – Update.** **Nogal Fire Station** is finally looking like a bright red fire station! Some of you will not miss it when you travel between Ruidoso and Carrizozo on Tuesday for the Commission meeting. Curt will provide an update on estimated completion date. The Hondo Fire Station also has funds set aside to build a new fire station at the Hondo Sr. Center site, and is beginning to work with an architect. Next is White Oaks Fire Station, who will build an expansion rather than a new station.
5. **Calendar of Events:**
  1. May 18: Fair Board Meeting – 7:00 pm
  2. May 19: Lincoln County Historic Preservation Board Mtg. 7 pm
  3. May 24: ICIP Training (Mandatory)
  4. June 7: ENMU Speaker Series 7:00 pm: "Grassland Restoration efforts on the Smokey Bear District"- Kim Kuhar, Forest Fuels Specialist
  5. June 22-24: NMAC Annual Conference – Lea County
  6. June 28 Commission Meeting
6. **Departmental Updates:**



# Infrastructure Capital Improvement Plan

## 2016 ICIP Training Workshop Notice

### All Entities Encouraged To Attend...

The Department of Finance & Administration/Local Government Division (DFA/LGD) invites you to participate in the Annual ICIP Training Workshops. The Training Workshops are free to the public, and will assist communities in developing their Fiscal Year 2018-2022 ICIP. The workshops will include a full day of training to include presentations from funding sources, and hands-on training for the ICIP database. Presenters from DFA include Special Services Bureau Community Development Bureau, as well as Capital Outlay Bureau, Aging & Long Term Services Department, NM Finance Authority, NM Economic Division, Indian Affairs Department, and more.

### FY 2017-2021 ICIP RECAP

Over \$2.9 billion for the top 5 projects FY2017 projects were submitted in 2015, with a grand total of over \$11.9 billion for the FY2017-2021 ICIP submissions. 427 entities submitted their ICIP to DFA/LGD to include submissions from 33 counties; 100 municipalities; 75 nations, tribes, and pueblos; and 133 special districts. Over 6,100 projects were included in submissions. The detail for approximately 3,200 of the top five 2017 projects were reviewed by LGD staff. Projects for all included roads, water, wastewater, new buildings, renovations, equipment, emergency and specialty vehicles, and more.

On August 23, 2015, an email from the Aging & Long-Term Services Department (ALTSD), was distributed to NM Senior Citizen facilities, inviting them to submit an ICIP for their capital projects. A total of 86 senior citizen facilities submitted their ICIP with an additional 242 projects and over \$37 billion for Senior Citizen facility projects.

The FY 2017-2021 ICIP final reports were published in mid-November on the LGD ICIP website, and can be viewed at <http://nmdfa.state.nm.us/ICIP.aspx>.

### FY 2018-2022 ICIP SUBMISSION DEADLINES

The FY 2018-2022 ICIP submission deadlines will change to a specific day for each entity and include Senior Citizen facilities. Our goal once again is to publish the ICIP on the DFA/LGD website by mid-November. The deadlines are as follows:

- Special Districts: June 15, 2016, 5:00 PM
- Tribal Governments: July 15, 2016, 5:00 PM
- Counties and Municipalities: September 1, 2016, 5:00 PM
- Senior Citizen Facilities: September 15, 2016, 5:00 PM

### WHY ATTEND TRAINING WORKSHOPS?

The ICIP Training Workshops are open to all New Mexico local government entities, tribal governments, legislators, local elected officials, Senior Citizen facilities, and others who would like a better understanding of the ICIP process.

ENCL 1

# 2016 ICIP Training Workshop Registration Form

The ICIP Training workshops are free to all participants. Pre-Registration is required for all Workshops.

**All workshops will begin at 8:00 a.m. and end at 4:00 p.m.**

*Exact locations and agenda will be sent one (1) week prior to workshop to all who have pre-registered.*

**Registrations will be limited to two (2) individuals per entity as space will be limited.**

**Please print, type, or use the fillable form.**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Entity/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

I will attend the following workshop (**please select only one workshop per person**):

- | Date:                                      | Location:   | Co-Sponsored by:                                     |
|--|-------------|--|
| <input type="checkbox"/> April 20, 2016    | Deming      | SCNMCOG & SWNMCOG                                    |
| <input type="checkbox"/> April 26, 2016    | Roswell     | SNMEDD   |
| <input type="checkbox"/> April 28, 2016    | Gallup      | NWNMCOG  |
| <input type="checkbox"/> May 3, 2016       | Santa Fe    | NCNMEDD  |
| <input type="checkbox"/> May 5, 2016       | Albuquerque | MRCOG  |
| <input type="checkbox"/> May 18, 2016      | Tucumcari   | EPCOG  |
| <input type="checkbox"/> NEW! May 24, 2016 | Albuquerque | MRCOG <input type="checkbox"/> <b>Webinar Option</b> |

\*Webinar option for the Albuquerque May 5<sup>th</sup> ICIP Training will be available for those who cannot attend a training in person. Please mark the Webinar option tab and you will be sent the access information one (1) week prior to meeting.

Special Needs/Requests: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or services to attend or participate in the workshops, please contact our offices one week prior to the workshop, or as soon as possible at (505) 827-4957, or [CarmenB.Morin@state.nm.us](mailto:CarmenB.Morin@state.nm.us).

Return Registration Form via email or fax to: **DFA/LGD**  
**Attn: Carmen Morin**  
**[CarmenB.Morin@state.nm.us](mailto:CarmenB.Morin@state.nm.us); or Fax 505-827-4948**

For inquiries regarding registration, please contact Carmen Morin at 505-827-4957 or [CarmenB.Morin@state.nm.us](mailto:CarmenB.Morin@state.nm.us). Schedule is subject to change. Please confirm location and date prior to attending. **Keep checking the DFA/LGD website at <http://www.nmdfa.state.nm.us/ICIP.aspx> for additional locations/dates and updates.**

Timothy M. Keller  
State Auditor



*file after 1/8/17 ANNOUNCES TO COMMISSION*  
Sanjay Bhakta, CPA, CGFM, CFE, CGMA  
Deputy State Auditor

**State of New Mexico  
OFFICE OF THE STATE AUDITOR**

April 26, 2016

Charlene Schlarb  
Lincoln County  
cschlarb@lincolncountynm.gov

Dear Charlene Schlarb,

Pursuant to NMSA 1978, Sections 12-6-3 and -14, and NMAC 2.2.2.8, the Office of the State Auditor hereby approves the request and contract for RPC CPAA + CONSULTANTS, LLP (the "IPA") to conduct the Fiscal Year 2016 annual audit for Lincoln County (the "Agency"). This approval is contingent upon the following:

- The IPA and the Agency will use the form of contract generated through the Office of the State Auditor's OSA-Connect system, with no changes. Any changes to the contract must be approved in writing by the State Auditor.
- The contract price and all other terms of the contract will be identical to the information submitted through the OSA-Connect system.
- If applicable, the Agency will submit the contract for any additional required approvals from an oversight authority, including an approvals by the Public Education Department or Higher Education Department required by NMSA 1978, Section 12-6-14.
- If applicable, the Agency will submit to the Department of Finance and Administration Contracts Review Bureau the required number of signed contracts, a copy of this letter and any other required documentation.

If any of these conditions is not satisfied, this approval will be void, and the Agency will be required to commence the contracting process again with the submission of new information through the OSA-Connect system.

When the contract has been fully executed, please email a PDF copy to [OSAreports@osa.state.nm.us](mailto:OSAreports@osa.state.nm.us), as required by NMAC 2.2.2.8(G)(6). If you have any questions, please contact the Office of the State Auditor at (505) 476-3800. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Bhakta", written over a horizontal line.

Sanjay Bhakta, CPA, CGFM, CFE, CGMA  
Deputy State Auditor

2540 Camino Edward Ortiz, Suite A, Santa Fe, New Mexico 87507  
Phone (505) 476-3800 \* Fax (505) 827-3512  
[www.osanm.org](http://www.osanm.org) \* 1-866-OSA-FRAUD

ENCL 2

SECTION 9-1

SIDEWALKS AND CURBS

- 9-1-1 Permit Required
- 9-1-2 Specifications
- 9-1-3 Condemnation of Sidewalk

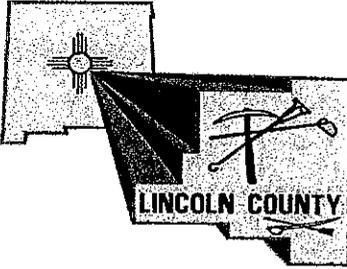
9-1-1 PERMIT REQUIRED: Any person desiring to repair or construct sidewalks within the Municipality shall before commencing such work obtain a permit from the Clerk.

9-1-2 SPECIFICATIONS: Specifications for the construction or repair of all sidewalks and curbs within the Municipality shall be on file in the office of the Clerk and any person repairing or construction sidewalks and or curbs shall comply in all respects to the specifications of file.

9-1-3 CONDEMNATION OF SIDEWALK: The Mayor and Board of Trustees may, at any time, condemn by resolution any portion of a sidewalk when in their judgment it shall be deemed necessary and they shall provide for the construction of a new sidewalk. Should any person fail, after notification to repair or construct such sidewalk, then the Municipality shall proceed with such work and the cost thereof shall become a lien upon the property as provided by law.

RET 11/88

ENCL 3



# County of Lincoln

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

www.lincolncountynm.gov

Agenda Item No. 17

May 10, 2016

## MEMORANDUM

**TO:** County Commissioners

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

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

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

### Discussion:

**Safety Net Care Pool Authorizations:** This month our coordinator processed Twenty-two (22) claims, all of which are recommended for approval. If approved, the total recommended authorization this month is **\$11,166.45**. 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 **\$7,059.00**. See Enclosure 2. At Enclosure 3 is the summary of the Indigent Fund Meeting for May and a year to date total of applications approved and denied per provider.

**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 \$71,539.12 or an average of \$6,503.56 a month. At this pace, we will spend \$78,042.68 in FY 15 – 16, in the indigent claim line item.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,034,535** and **\$254,747** respectively. The FY 14 - 15 monthly average was **\$21,229**. To date, the Safety Net Care Pool total authorization is \$199,232.12 or an average of \$18,112 a month.

**Recommendation:** Approve the claims as indicated for the Safety Net Care Pool report at Enclosure 1 and approve and disapprove the claims in 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 \$188,065.67

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

MAY # CLAIMS FOR APPROVAL 22  
# CLAIMS FOR DENIAL 0  
MAY # TOTAL CLAIMS 22

MAY TOTAL \$ AMOUNT APPROVED \$11,166.45

TOTAL # CLAIMS THIS FY APPROVED 185  
TOTAL # CLAIMS THIS FY DENIED 23  
TOTAL # CLAIMS FY 2015 - 2016 208

TOTAL APPROVED THIS FISCAL YEAR \$199,232.12

FACILITY: LINCOLN COUNTY MEDICAL CENTER

05/17/2016 THROUGH 05/17/2016

| HC CLAIM # | DATE OF SERVICE | AMT DUE | PAID    |      |
|------------|-----------------|---------|---------|------|
| 21312      | 02/01/2016      | 1500.00 | 1155.00 | 077% |
| 21313      | 12/18/2015      | 672.00  | 517.44  | 077% |
| 21314      | 02/26/2016      | 952.00  | 733.04  | 077% |
| 21315      | 03/29/2016      | 1400.00 | 1078.00 | 077% |
| 21316      | 04/14/2016      | 79.00   | 60.83   | 077% |
| 21317      | 03/02/2016      | 109.44  | 84.27   | 077% |
| 21318      | 12/10/2015      | 1799.20 | 1385.38 | 077% |
| 21319      | 02/11/2016      | 216.40  | 166.63  | 077% |
| 21320      | 03/18/2016      | 392.00  | 301.84  | 077% |
| 21321      | 02/10/2016      | 937.60  | 721.95  | 077% |
| 21322      | 03/09/2016      | 931.40  | 717.18  | 077% |
| 21323      | 03/31/2016      | 100.60  | 77.46   | 077% |
| 21324      | 04/05/2016      | 84.28   | 64.90   | 077% |
| 21325      | 03/08/2016      | 280.00  | 215.60  | 077% |
| 21326      | 03/29/2016      | 334.00  | 257.18  | 077% |
| 21327      | 03/31/2016      | 99.00   | 76.23   | 077% |
| 21328      | 04/08/2016      | 99.00   | 76.23   | 077% |
| 21330      | 04/19/2016      | 1005.65 | 774.35  | 077% |
| 21332      | 04/15/2016      | 107.80  | 83.01   | 077% |
| 21333      | 02/03/2016      | 1457.80 | 1122.51 | 077% |
| 21334      | 03/03/2016      | 1448.50 | 1115.35 | 077% |
| 21335      | 03/30/2016      | 496.20  | 382.07  | 077% |

11166.45

APPROVED- 22 REJECTED-

ENCL 1

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$64,480.12

ADJUSTMENTS

TOTAL ADJUSTMENTS: 0

MAY # CLAIMS FOR APPROVAL 4

# CLAIMS FOR DENIAL 1

MAY # TOTAL CLAIMS 5

MAY TOTAL \$ AMOUNT APPROVED \$7,059.00

TOTAL # CLAIMS THIS FY APPROVED 92

TOTAL # CLAIMS THIS FY DENIED 9

TOTAL # CLAIMS FY 2015 - 2016 101

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$71,539.12

\*Assuming the above is approved

ENCL 2

FACILITY: EASTERN NM MEXICO MEDICAL CNTR 05/17/2016 THROUGH 05/17/2016

| HC CLAIM # | DATE OF SERVICE | AMT DUE  | PAID    |      |
|------------|-----------------|----------|---------|------|
| 21329      | 02/23/2016      | 68362.30 | 5926.00 | 009% |
|            |                 |          | 5926.00 |      |

APPROVED- 1 REJECTED-

FACILITY: FRONTIER MEDICAL 05/17/2016 THROUGH 05/17/2016

| HC CLAIM # | DATE OF SERVICE | AMT DUE | PAID   |      |
|------------|-----------------|---------|--------|------|
| 21336      | 03/16/2016      | 220.00  | 220.00 | 100% |
| 21337      | 04/16/2016      | 220.00  | 220.00 | 100% |
|            |                 |         | 440.00 |      |

APPROVED- 2 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 05/17/2016 THROUGH 05/17/2016

| HC CLAIM #                               | DATE OF SERVICE | AMT DUE | PAID   |      |
|--|-----------------|---------|--------|------|
| 21331                                    | 02/24/2016      | 900.00  | 693.00 | 077% |
| 21338                                    | 02/02/2016      | 619.52  |        | 000% |
| PATIENT HAS MET OR EXCEEDED POLICY LIMIT |                 |         |        |      |
|  |                 |         | 693.00 |      |

APPROVED- 1 REJECTED- 1

INDIGENT FUND MEETING

MAY 17, 2016

|                                  |    |           |
|----------------------------------|----|-----------|
| TOTAL APPLICATIONS               | 27 | 18,225.45 |
| TOTAL APPROVED                   | 26 |           |
| TOTAL DENIED                     | 1  |           |
|                                  |    |           |
| ROSWELL                          |    |           |
| EASTERN NM MEXICO MEDICAL CNTR   |    | 5,926.00  |
| APPROVED-                        | 1  |           |
| DENIED-                          |    |           |
|                                  |    |           |
| RUIDOSO                          |    |           |
| FRONTIER MEDICAL                 |    | 440.00    |
| APPROVED-                        | 2  |           |
| DENIED-                          |    |           |
|                                  |    |           |
| ALAMOGORDO                       |    |           |
| GERALD CHAMPION REGIONAL MED CTR |    | 693.00    |
| APPROVED-                        | 1  |           |
| DENIED-                          | 1  |           |
|                                  |    |           |
| RUIDOSO                          |    |           |
| LINCOLN COUNTY MEDICAL CENTER    |    | 11,166.45 |
| APPROVED-                        | 22 |           |
| DENIED-                          |    |           |

YTD

INDIGENT FUND MEETING

~~MAY 17, 2016~~

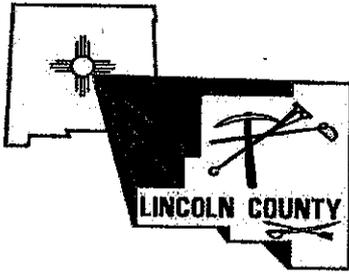
|                                  |     |            |
|----------------------------------|-----|------------|
| TOTAL APPLICATIONS               | 309 | 270,771.24 |
| TOTAL APPROVED                   | 277 |            |
| TOTAL DENIED                     | 32  |            |
|                                  |     |            |
| ALBUQUERQUE                      |     |            |
| ANESTHESIA ASSOCIATES OF NM      |     | 2,399.32   |
| APPROVED-                        | 2   |            |
| DENIED-                          |     |            |
|                                  |     |            |
| RUIDOSO                          |     |            |
| DONA ANA MEDICAL SUPPLY DBA LINC |     | 364.22     |
| APPROVED-                        | 4   |            |
| DENIED-                          |     |            |
|                                  |     |            |
| ROSWELL                          |     |            |
| EASTERN NM MEXICO MEDICAL CNTR   |     | 5,926.00   |
| APPROVED-                        | 1   |            |
| DENIED-                          |     |            |
|                                  |     |            |
| RUIDOSO                          |     |            |
| FRONTIER MEDICAL                 |     | 2,200.00   |
| APPROVED-                        | 7   |            |
| DENIED-                          |     |            |
|                                  |     |            |
| ALAMOGORDO                       |     |            |
| GERALD CHAMPION REGIONAL MED CTR |     | 38,180.02  |
| APPROVED-                        | 62  |            |
| DENIED-                          | 3   |            |
|                                  |     |            |
| RUIDOSO                          |     |            |
| LINCOLN COUNTY MEDICAL CENTER    |     | 199,232.12 |
| APPROVED-                        | 185 |            |
| DENIED-                          | 23  |            |
|                                  |     |            |
| ALTO                             |     |            |
| LINCOLN COUNTY RADIOLOGY         |     | 1,139.36   |
| APPROVED-                        | 4   |            |
| DENIED-                          | 1   |            |
|                                  |     |            |
| RUIDOSO                          |     |            |
| MICHAEL P CLEMENTS, M.D.         |     | 68.22      |
| APPROVED-                        | 1   |            |
| DENIED-                          | 3   |            |
|                                  |     |            |
| ALBUQUERQUE                      |     |            |
| NEW MEXICO ONCOLOGY HEMATOLOY    |     | 1,023.88   |
| APPROVED-                        | 5   |            |
| DENIED-                          | 2   |            |
|                                  |     |            |
| ALBUQUERQUE                      |     |            |
| PRESBYTERIAN HOSPITAL            |     | 19,238.10  |
| APPROVED-                        | 4   |            |
| DENIED-                          |     |            |

ENCL 3

RUIDOSO  
RUIDOSO HOME CARE & HOSPICE  
APPROVED-  
DENIED-

2

1,000.00



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

# *County of Lincoln*

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

AGENDA NO. 18

## SUBJECT

1. **1:00 P.M.:** Public Hearing to consider a Transfer of Ownership and Location of Liquor License No. 0812, with Package Sales; Liquor License/App. No. 0812/Application No. 993506 from Allsup's Convenience Stores, Inc. No. 130 US Hwy 70/380 and Don Pablo Road, Hondo, New Mexico 88336

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
P.O. Box 25101 ▪ Santa Fe, New Mexico 8750  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

April 11, 2016

RECEIVED

Certified Mail No.: 9171 9690 0935 0079 1502 21

APR 18 2016

Rhonda B. Burrows, Clerk  
Lincoln County  
P.O. Box 338  
Carrizozo, NM 88301-0338

ADMINISTRATION  
LINCOLN COUNTY NM

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

Daniel Rubin, Esq.  
GENERAL COUNSEL

Mary Kay Root  
DIRECTOR

Re: Lic. No. /Appl. No.: License No. 0812 / Application No. 993506  
Name of Applicant: Allsup's Convenience Stores, Inc.  
Doing Business As: Allsup's Convenience No. No. 130  
Proposed Location: US Hwy 70/380 and Don Pablo Road  
Hondo, New Mexico 88336

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

**THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0812, WITH PACKAGE SALES.**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

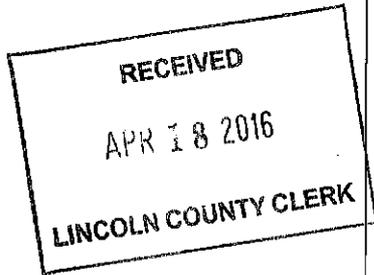
Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800



The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Charmaine Koroneos-Martinez  
Hearing Officer  
NM Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4804  
Fax: 505-476-4595  
Email: [Charmaine.koroneos@state.nm.us](mailto:Charmaine.koroneos@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application
3. Zoning Statement
4. Copy of a No Objection letter from Hondo Valley Public Schools, dated February 9, 2016
5. Complaint letter from Frederick Ficke, dated March 20, 2016
6. Response letter to Complaint letter, signed by Lonnie D. Allsup



### LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable. J.J.J. Dollar Bar, L.L.C.,

Record Owner of Existing License a Texas limited liability company  
 Current D/B/A Name Tinnie Silver Dollar Steakhouse & Saloon Tinnie's General  
 Current Premises Address 28842 US Hwy 70, Tinnie, NM Lincoln City Store

Application is for: Change of Stock  Change of Officers/Directors  Transfer Ownership of Existing License  Transfer Ownership and Location  Transfer Location  Other

Issue New License  Type of License being applied for Dispenser

Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

D/B/A name to be used: Allsup's Convenience Store, No. 130 Phone number for licensed premises: (575) 769-2311

NAME OF APPLICANT (company or individual) Allsup's Convenience Stores, Inc. ADDRESS (including city, state, zip) P.O. Box 1907, Clovis, NM 88102-1907 TELEPHONE NUMBER (575) 769-2311  
 Physical location where license is to be used: US Hwy 70/380 and Don Pablo Rd, Hondo, New Mexico 88336 (Lincoln County)  
 Mailing address: P.O. Box 1907, Clovis, New Mexico, 88102-1907 (Include street number / highway number / state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes  No  If yes, give license number and type \_\_\_\_\_  
 I, (print name) Lonnie D. Allsup, as (title) President, being first duly sworn upon oath  
 deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that  
 if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a Notary Public  
ALLSUP'S CONVENIENCE STORES, INC.

Signature of Applicant Lonnie D. Allsup, Its President Date 2-26-16

SUBSCRIBED AND SWORN TO before me this 26 day of Feb 20 16 by Lonnie D.  
 Notary Public Shari Allen My Commission Expires 12-30-18

OFFICIAL SEAL  
 SHARI ALLEN  
 NOTARY PUBLIC - STATE OF NEW MEXICO  
 My commission expires: \_\_\_\_\_

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_

Check one: Approved  Disapproved  City/County Official \_\_\_\_\_ (Signature & Title)

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_  
 For Alcohol and Gaming Division Use Only

RECEIVED  
 FEB 29 2016  
 ALCOHOL & GAMING DIVISION



RECEIVED  
 FEB 29 2016

ALCOHOL & GAMING DIVISION

**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
 SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant  Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (provide details) \_\_\_\_\_  
 See Deeds of Acquisition attached hereto as Exhibits A-1 and A-2 and incorporated by reference.  
 2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) \_\_\_\_\_

B. Date and term of lease \_\_\_\_\_

3. Premises location is zoned (example C-1) N/A  
 If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning. See Exhibit B attached hereto and incorporated by reference.  
 4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

Miles/feet 2.1 miles Name of church First Baptist Church Address/location of church US Hwy 70 & Hwy 380, Tinnie, NM 88351

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

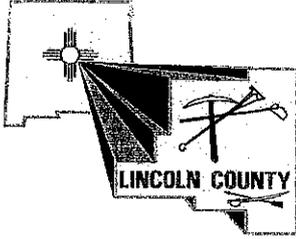
Miles/feet 150 feet Name of school Hondo Valley Public School Address/location of school US Hwy 70 & Hwy 380, Hondo, NM 88336  
 School Please see attached letter from Hondo Valley School Board dated 2-9-16.  
 6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance) attached as Exhibit B-1 and incorporated by reference.

Miles 75.7 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises. See Exhibit C attached hereto and incorporated by reference.  
 \*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery  Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) \_\_\_\_\_



# COUNTY OF LINCOLN

## Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

February 8, 2016

*via email/U.S. Mail*

Tatum & McDowell  
921 E. 21<sup>st</sup> Street, Suite E  
Clovis, NM 88101

**Re: *Allsup's store #130 liquor license application.***

To Whom It May Concern:

This letter is to confirm that the County of Lincoln does not have zoning which would regulate the sale of alcoholic beverages at the following location.

*Site Address: 28586 U.S. Hwy. 70 Hondo, NM 88336*

This building is located in an unincorporated area of Lincoln County.

The sale of liquor, package or by the drink are not regulated by the County of Lincoln, and are dependent on the type of liquor license owned. The County of Lincoln does place on the Board of County Commissioner's agenda the approval of proposed transfers for all liquor licenses. The proposed transfer will need to be heard at a public meeting of the County Commission.

If I can be of further assistance, please feel free to contact my office.

Sincerely,

Curt Temple, CFM  
County of Lincoln  
Planning Director

RECEIVED

FEB 29 2016

ALCOHOL & GAMING DIVISION

EXHIBIT B



## Hondo Valley Public Schools

---

P. O. Box 55  
Hondo, New Mexico 88336  
(575) 653-4411  
Fax (575) 653-4414

February 9, 2016

Allsup's Convenience Stores, Inc.  
c/o Edwin B. Tatum, Esq.  
Tatum & McDowell  
921 E. 21<sup>st</sup> Street, Suite E  
Clovis, New Mexico 88101

Re: 300 Foot Liquor License Waiver Request – Allsup's Convenience Stores, Inc.  
28598 US-70, Hondo, New Mexico 88336

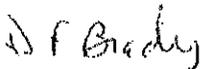
Dear Mr. Tatum,

Thank you for your informing the Hondo Valley Public Schools that Allsup's Convenience Stores, Inc., is seeking a New Mexico dispenser liquor license for its convenience store located at 28598 US-70, Hondo, New Mexico 88336, within 300 feet of Hondo Valley School. Because the location of the license is within 300 feet of District property that is used for schooling purposes, it is appropriate for the School District to provide input to the applicant and Lincoln County prior to the County's consideration of a waiver of the 300 foot restriction.

In accordance with the School Alcohol-Free Zone Act and §60-6B-10, NMSA 1978, the School District promotes and encourages an alcohol-free environment for its students and its school community on school property. The District encourages that adjacent landowners take reasonable measures to support an alcohol-free environment on school property.

After consideration of the matter at its February 8, 2016, special meeting, the Hondo Valley Public Schools Board of Education does not oppose Allsup's application for a dispenser license for package sales at the proposed premises. A copy of this letter will be provided to the County Clerk's Office for its records.

Sincerely,



Donna Brady  
Board President

**RECEIVED**  
Cristina Burrows, Lincoln County Clerk

FEB 29 2016

Alcohol and Gaming Division  
P.O. Box 25101  
Santa Fe N.M.  
87504

*Charmaine*

MARCH 20, 2016

To whom it may concern;

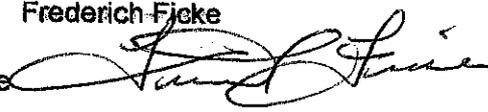
This is a complaint for a liquor license that is being located at Allsup's Convenience store, located at Hwy 70/380 and Don Pablo rd, Hondo N.M. 88336.

I understand there is a law against locating a liquor store near a School or a Church. This Allsup's is located next to the Hondo Valley Public Schools. The license that is wanting to be transferred to this location was being used by the Tinnie Silver Dollar 3 miles down the road. Before Allsup's bought this license Marvin Green and his Associate Brian met with the Superintendent of the Hondo Valley Schools to ask for a waiver. The Superintendent set up a special board meeting to for Allsup's proposal. The School seems to need some land for a new water tank. Seems a deal has been struck between the School and Allsup's to give a couple acres of land for their positive vote to put liquor in this store location. I consider that to be a bribe Allsup's has agreed to give the School the land regardless of the outcome of this license being placed here. I believe this to still be very wrong. The School has a lot of sporting events and their yearly fiesta dance. There are also children who go to this store during their lunch break. The only business in Hondo is the School and Allsup's. Last year during our Motorcycle Rally a biker was hit and killed coming out of this Allsup's by a drunk driver. Speed limits are not obeyed very well through this area. I believe adding liquor to this location will and can cause more deadly accidents with drivers. I certainly would not want to see any children hurt. The Tinnie Silver Dollar did not sell as much liquor as an Allsup's will. This location will be a disaster waiting to happen. This store is small and very run down. The owner Mr. Allsup's has complaints filed with our local Environmental dept for raw sewage coming out of the septic tank. This information comes from their local supervisor Mary Mitchell. The roof on the building has many leaks when it rains causing slip and fall dangers in the store. Mary Mitchell has told me Mr. Allsup's won't put money into a store that won't produce larger profits. All it seems is that Mr. Allsup's is about profit. Mr. Allsup's doesn't care about our community. Mary Mitchell has said it is just about big business. I plead that this commission rejects this license location.

Thank You

Frederich Ficke

Frederich Ficke  
P.O. Box 121  
Lincoln N.M.  
88338



RECEIVED

MAR 25 2016

ALCOHOL & GAMING DIVISION

**IN THE MATTER OF THE APPLICATION  
OF ALLSUP'S CONVENIENCE STORES, INC.  
FOR THE TRANSFER OF LIQUOR LICENSE  
NO. 0812 SUMMARY RESPONSE OF ALLSUP'S  
CONVENIENCE STORES, INC. TO OBJECTION  
OF FREDERICH FICKE FILED WITH THE NEW  
MEXICO REGULATION AND LICENSING  
DEPARTMENTALCOHOL AND GAMING DIVISION  
ON MARCH 25, 2016.**

In addition to testimony before the Alcohol and Gaming Division at its Preliminary Hearing regarding Liquor License No. 0812 on April 1, 2016, Allsup's Convenience Stores, Inc. ("Allsup's") further responds to the above-captioned Objection/Complaint of Frederich Ficke as follows:

1. Allsup's categorically denies any trade, deal or other relationship between Allsup's and the Hondo Valley Public Schools District ("School District") whereby the School District agreed to support Allsup's request for a waiver of the statutory requirement of a 300 foot distance pursuant to Section 60-6B-10 New Mexico Statutes Annotated, 1978 Compilation as amended, and, its offer to gift approximately two acres of Allsup's adjacent real property to the School District. These matters are entirely separate and the School District will receive the real property gift regardless of whether Liquor License No. 0812 is ultimately transferred to Allsup's or not. Allsup's is pleased to make needed improvements to the Hondo Valley Public School District and the Village of Hondo by virtue of this gift.
2. Attached to this Response Summary is a copy of the letter of Donna Brady, President of the Hondo Valley Public Schools Board of Education to Allsup's Convenience Stores, Inc. dated February 9, 2016 whereby it advised the Lincoln County Commission that it did not oppose the application of Allsup's to the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division to acquire Liquor License No. 0812 for location in its Hondo, New Mexico Store No. 130 even though the transfer would require a grant of waiver of the 300 foot distance requirement described in Item 1 above. The approval of the Hondo Valley Public Schools reflected in the letter of President Donna Brady was sent after a Public Special School Board meeting was conducted by the School District Board of Education to seek public input regarding its position regarding Allsup's acquisition of Liquor License No. 0812. The Public Special School Board Meeting was held on February 8, 2016 on the grounds of the Hondo Valley Public School adjacent to Allsup's Hondo Store No. 130, which meeting was attended by the Marvin Green, District Manager of the Allsup's Roswell District and Mary Mitchell, Area Supervisor of the Ruidoso Area wherein Allsup's Hondo Store No. 130 is located, as well as our counsel and counsel for the School District. Copies of the Notice of the Special School Board Meeting and the Agenda for this meeting were provided by Geno Zamora, Esquire, of Santa Fe, the School District Counsel.
3. All other statements contained in the Ficke Objection/Complaint are categorically untrue and none are relevant to the waiver to be requested of the Lincoln County Commission by Allsup's. Allsup's Hondo Store No. 130 is operated in accordance with all New Mexico laws and regulations including those of the New Mexico Environment Department. If the transfer of Liquor License No. 0812 to its Hondo Store No. 130

location is granted, Allsup's will use this Liquor License ONLY for the retail sale of packaged alcoholic beverages as it does in its other Allsup's convenience stores located in New Mexico and Texas who have licenses for the sale of retail alcoholic beverages. Nowhere in the three states in which Allsup's operates its convenience store business does it sell any alcoholic beverages by the drink nor allow the consumption of any alcoholic beverages on its property.

4. Allsup's is a proud and long-time New Mexico corporate, law-abiding citizen of over 56 years. It prides itself on adhering to all applicable laws and regulations governing all facets of its business especially its sale of packaged alcoholic beverages.

Dated the 4<sup>th</sup> day of April, 2016.

ALLSUP'S CONVENIENCE STORES, INC.

By:   
LONNIE D. ALLSUP  
President



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## Hondo Valley Public Schools

---

P. O. Box 55  
Hondo, New Mexico 88336  
(575) 653-4411  
Fax (575) 653-4414

### **HONDO VALLEY PUBLIC SCHOOLS**

#### **Special School Board Meeting**

The School Board of Education of the Hondo Vally Public Schools will hold a Special School Board Meeting on Monday, February 8, 2016 at 6:00 pm in the Multi-purpose Room. A copy of the agenda will be available by Friday, February 5, 2016 at the Administration Office and the school website at <https://www.hondoschools.org>



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# Hondo Valley Public Schools

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P. O. Box 55  
Hondo, New Mexico 88336  
(575) 653-4411  
Fax (575) 653-4414

## **AGENDA**

### **Special School Board Meeting**

**February 8, 2016**

**6:00 P.M. MULTIPURPOSE ROOM**

- |      |   |                   |
|------|---|-------------------|
| I.   | Opening Exercises   |                   |
| II.  | Consideration/Discussion of 300 Foot Liquor License Waiver Request-Allsup's Convenience Stores, Inc., 25898 US 70, Hondo, NM, and consideration of transfer of real property from Allsup's Convenience Stores, Inc. | <b>Discussion</b> |
| III. | Public Comments   |                   |
| IV.  | Liquor License Waiver Request   | <b>Action</b>     |
| V.   | Adjournment   | <b>Action</b>     |



## Hondo Valley Public Schools

P. O. Box 55  
Hondo, New Mexico 88336  
(575) 653-4411  
Fax (575) 653-4414

February 9, 2016

Allsup's Convenience Stores, Inc.  
c/o Edwin B. Tatum, Esq.  
Tatum & McDowell  
921 E. 21<sup>st</sup> Street, Suite E  
Clovis, New Mexico 88101

Re: 300 Foot Liquor License Waiver Request – Allsup's Convenience Stores, Inc.  
28598 US-70, Hondo, New Mexico 88336

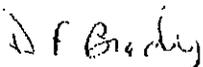
Dear Mr. Tatum,

Thank you for your informing the Hondo Valley Public Schools that Allsup's Convenience Stores, Inc., is seeking a New Mexico dispenser liquor license for its convenience store located at 28598 US-70, Hondo, New Mexico 88336, within 300 feet of Hondo Valley School. Because the location of the license is within 300 feet of District property that is used for schooling purposes, it is appropriate for the School District to provide input to the applicant and Lincoln County prior to the County's consideration of a waiver of the 300 foot restriction.

In accordance with the School Alcohol-Free Zone Act and §60-6B-10, NMSA 1978, the School District promotes and encourages an alcohol-free environment for its students and its school community on school property. The District encourages that adjacent landowners take reasonable measures to support an alcohol-free environment on school property.

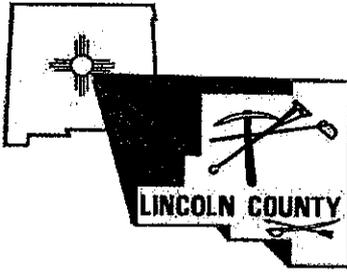
After consideration of the matter at its February 8, 2016, special meeting, the Hondo Valley Public Schools Board of Education does not oppose Allsup's application for a dispenser license for package sales at the proposed premises. A copy of this letter will be provided to the County Clerk's Office for its records.

Sincerely,



Donna Brady  
Board President

Cc: Rhonda Burrows, Lincoln County Clerk



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

# *County of Lincoln*

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

AGENDA NO. 19

## SUBJECT

1. **1:30 P.M.:** Public Hearing to consider an applicant seeking a restaurant beer and wine license with on-premises consumption only for Liquor License No. 995507: Alto Café, Inc. 810 St. HWY 48, Alto, NM, New Mexico 88312

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87504  
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101  
(505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

April 20, 2016

RECEIVED

APR 26 2016

Susana Martinez  
GOVERNOR

Certified Mail No.: 9171 9690 0935 0078 6755 72

Robert "Mike" Unthank  
SUPERINTENDENT

Lincoln County  
Rhonda Burrows, County Clerk  
P.O. Box 338  
Carrizozo, NM 88301

ADMINISTRATION  
LINCOLN COUNTY NM

David Jablonski  
DEPUTY  
SUPERINTENDENT

Re: Lic. No. /Appl. No.: Application No. 995507  
Name of Applicant: Alto Café, Inc.  
Doing Business As: Alto Café  
Proposed Location: 810 St. Hwy 48  
Alto, New Mexico 88312

Diane A. Martwick  
CHIEF GENERAL  
COUNSEL

Mary Kay Root  
DIRECTOR

**ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.**

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Conditional Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

**THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY.**

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Rose L. Garcia  
Hearing Officer  
NM Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4552  
Fax: 505-476-4595  
Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application
3. Copy of zoning statement.

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New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

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MAR 17 2016  
Page 1

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700  
1872314



New Mexico Regulation and Licensing Department - Alcohol and Gaming Division  
PO Box 25101 - Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

### LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 995507  
Application Number 995507  
Local option (AGD use) \_\_\_\_\_  
Record Owner of Existing License \_\_\_\_\_  
Current D/B/A Name ALTO CAFE  
Current Premises Address 810 State Hwy 48 ALTO, NM 88312

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Other \_\_\_\_\_  
Issue New License  Type of License being applied for Beer + Wine

Applicant is: Individual \_\_\_\_\_ Corporation S-CORP Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual) ALTO CAFE, INC.  
ADDRESS (including city, state, zip) 810 State Hwy 48 ALTO, N.M. 88312  
TELEPHONE NUMBER 575-937-3853

D/B/A name to be used: ALTO CAFE  
Phone number for licensed premises: \_\_\_\_\_

Physical location where license is to be used: 810 STATE HWY 48 ALTO, New Mexico 88312  
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: P.O. BOX 1570 ALTO, N.M. 88312

Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No  If yes, give license number and type \_\_\_\_\_

I, (print name) PETER BLANCHARD, as (title) President, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant agrees that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant Peter Blanchard Date 2/25/16

SUBSCRIBED AND SWORN TO before me this 1<sup>st</sup> day of MARCH, 2016 by Peter Blanchard

Notary Public Gregg P. Doval My Commission Expires 9.17.19

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_

For Alcohol and Gaming Division Use Only

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MAR 17 2016  
ALCOHOL & GAMING DIVISION



RECEIVED

MAR 17 2016

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

ALCOHOL & GAMING DIVISION

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 MAR 17 2016  
 ALCOHOL & GAMING DIVISION

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant  Leased by Applicant (attach copy of deed or lease)  Other (provide details)

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Peter or Cheryl Blanchard

B. Date and term of lease 3/31/2016 - March 31, 2036

3. Premises location is zoned (example C-1) No Zoning

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

Miles/feet 1/2 Name of church Grace Harvest Address/location of church 806 Gasileo Canyon, Redoso

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

Miles/feet 4 1/2 Name of school White Mountain Elementary Address/location of school 203 E. White Mountain Dr. Redoso

6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance.)

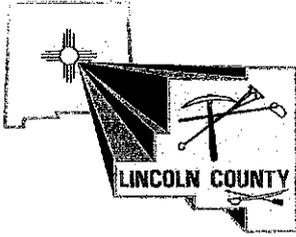
Miles 600 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge  Restaurant  Package Grocery  Racetrack  Hotel  Other (specify) \_\_\_\_\_



# COUNTY OF LINCOLN

## Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

February 26, 2016

*via hand delivery*

Peter and Cheryl Blanchard  
dba Alto Cafe  
P.O. Box 1570  
Alto, NM 88312

**Re: *The Alto Cafe beer and wine license application.***

To Whom It May Concern:

This letter is to confirm that the County of Lincoln does not have zoning which would regulate the sale of alcoholic beverages at the following location. 810 NM State Highway 48 Alto, New Mexico. This building is located in an unincorporated area of Lincoln County.

The sale of liquor, package and by the drink are not regulated by the County of Lincoln, and are dependent on the type of liquor license owned. The County of Lincoln does place on the Board of County Commissioner's agenda the approval of proposed transfers for all liquor licenses. The proposed transfer will need to be heard at a public meeting of the County Commission.

If I can be of further assistance, please feel free to contact my office.

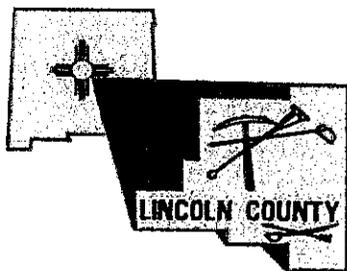
Sincerely,

Curt Temple,  
Planning Director  
County of Lincoln

RECEIVED

MAR 17 2016

ALCOHOL & GAMING DIVISION



www.lincolncountynm.gov

# County of Lincoln

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

## AGENDA Item No. 20

May 11, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** **PUBLIC HEARING:** Adoption of the Preliminary Budget, FY 2016-2017 by Resolution 2015-40

Please find under separate cover, the modified preliminary FY 16-17 budget for Commission consideration, comment and approval. This revised preliminary budget is based on Commission direction from the Public Hearing held on May 2, 2016. We are on target with meeting the timelines required by the following approved budget schedule:

- |   |                   |
|---|-------------------|
| 1. Held Preliminary Hearing with External Entities                  | May 2, 2016       |
| 2. Submit modified Preliminary Budget to Commissioners for approval | May 17, 2016      |
| 3. Submit Commission approved preliminary budget to DFA             | June 1, 2016      |
| 4. Obtain preliminary budget approval from DFA                      | July 1, 2016      |
| 5. Hold final budget hearing and forward to DFA                     | July 19, 2016     |
| 6. Load final budget into accounting system                         | Upon DFA Approval |
| 7. Forward final budget to DFA                                      | Sept. 2016        |

### **Commission Approved Budget Requests**

After incorporating the Commission's actions at the May 2, 2016 preliminary budget hearing, the County's projected ending balance over required reserve is **\$4,492,119** (See **Enclosure 5, Page 1**). At that hearing, the Board of County Commissioners entertained requests from 17 external agencies totaling **\$386,367**; fully or partially approved all 17 requests, totaling **\$280,267**; and denied partial funding in the amount of \$106,100. **Enclosure 1** summarizes the approved requests, along with the partially funded requests.

The Commissioners also reviewed optional *internal requests by County departments and Public Elected Officials*, including capital outlay projects and salary increases for both elected officials and classified employees. After considerable discussion, the Commission approved a portion of the requests, as summarized at **Enclosure 2**; and postponed consideration of those requests not funded until after the full impact of their actions and other modifications to the budget were formalized.

As described during the May 2<sup>nd</sup> budget meeting, increases in certain Fund categories require transfer of General Fund revenues to cover the departmental expense, as some Fund categories have no revenue source at all, and others have insufficient revenues to cover its expenses. As a result of further analysis of projected end-of-year fund balances, positive adjustments were made to the Beginning Cash Balances of several funds: 1. *Road Fund (402)* increased by \$227,632; 2. *Corrections Fund (450)* increased by \$575,000; and 3. *Zia Senior Centers Fund (530)* increased by \$85,000. These budgeted increases in the Beginning Cash Balances result in a reduction of funds required to be transferred out of the General Fund to cover operating expenses in those three specific funds. The combined impact of these increased Beginning Cash Balances and the increased level of expenses approved by the Commission on May 2<sup>nd</sup> is a \$61,877 increase in transfers out of the General Fund, from \$4,813,659 to \$4,875,536. See **Enclosure 3** for a summary of major changes from the May 2<sup>nd</sup> Preliminary Budget to the modified May 11<sup>th</sup> Preliminary Budget under consideration today; **Enclosure 4** provides a summary of salary adjustments approved, with the classified employees' salary treatment reflecting the entire FY16-17 fiscal year, and the elected officials/appointees' summary representing the second half of the fiscal year commencing on January 1, 2017. See **Enclosure 5** for overall balance and revenue sheets.

**Pending Budget Requests for Commission Consideration and Action.** As mentioned, this conservative budget holds \$4,492,119 over the required reserve amount of \$1,855,424 and is available for the Commission to approve additional funding as it sees fit. **Enclosure 6**, the Budget Review Checklist provided by the NM Department of Finance and Administration ("DFA"), clearly shows the impact of budget decisions on the County's General Fund. It compares the revenues anticipated to be received to those being transferred to other funds and general fund expenses. The formula for the Balanced Budget Determination Ratio follows: The DFA goal is for the ratio is to be 5% or less.

$$\begin{aligned} &[(\text{FY16-17 Gen'l Fund Rev}) \text{ less } (\text{Transfers out}) \text{ less } (\text{Expenditures})] \text{ Divided by } (\text{Expenditures}) = \text{Ratio} \\ & [(\$12,144,775 \text{ less } \$4,875,536 \text{ less } \$7,421,695)] \text{ Divided by } \$7,421,695 = 2.05\% \end{aligned}$$

As the Commission considers, or reconsiders, each category of expense, including the External Agency requests and the County's Optional Requests, Finance and Treasury staff will maintain a log of changes to the budget and calculate the impact. Items heard by the Commission that were not acted upon include the following:

1. **Zia Senior Center** Director Renee Montes presented to the Commission a plan to partially offset loss of Federal and State funding to the Zia Senior Centers in the approximate amount of \$139,000. The plan presented for consideration as an alternative to transferring greater amounts from the General Fund or cutting services, was to implement a potential reduction of operating hours (not services provided) at the Corona and Hondo Senior Centers. With the reduction of hours, three positions (one each in Carrizozo, Hondo and Corona) would be reclassified from full-time to part-time, equating to a reduction in salary and loss of employee benefits (except for PERA). Ms. Montes estimated the savings to the County of this reclassification of positions to be approximately \$46,000. This reclassification was in addition to a concurrent reduction of operating expenses of about \$93,000. The budget does reflect the reduction in operating expenses, but does not reflect any reduction for potential reclassification of positions. See **Enclosure 7** for a summary of the estimated impact. This summary illustrates that of the sixteen (16) employees of Zia Sr. Centers, seven (7) are currently classified at part-time; six (6) are classified as full time (plus Ms. Montes); and three (3) full-time positions are being considered for reclassification to part-time. The current estimate is calculated to be a savings of \$50,036. Currently the budget shows a transfer to Fund 530 (Page 59, Line 1950) in the amount of \$105,545. This amount would be reduced by \$50,000 as a result of reclassification.

2. **Clinic Funding Requests**

- a. Lincoln County Medical Center requested \$594,370 for a combination of operating funds and capital outlay for the clinics in Capitan, Carrizozo and Corona.
- b. La Casa Buena Salud requested \$139,560 to staff with a Certified Nurse Practitioner.
- c. Total of Clinic Funding Requests equals \$733,930.

Both of these requests for the rural health clinics will be funded from the Rural Clinics Health Center Fund (Fund 501, page 53). The budgeted .6 mill levy is estimated to yield \$654,334 and is not sufficient to cover these budget requests. A review of this Fund shows an estimated carryover in the amount of \$506,527. *Total mill levy funds plus Carryover is equal to \$1,160,861.*

Mr. Montañó committed to provide an audit of days and hours of operations for last fall and winter prior to the May Commission meeting. He also expected to confirm whether or not La Casa would be in the position to hire a Certified Nurse Practitioner.

3. **Lincoln County Medical Center** requested funding for its Emergency Medical Services and Medical Center as follows:

|  |                     |
|--|---------------------|
| a. LCEMS Capital Requests                    | \$ 375,850,         |
| b. LCMC Operating Funds                      | \$ 1,500,000        |
| c. LCMC Capital Requests                     | \$ 74,000           |
| d. LCMC Community Assistance Program         | \$ 110,000          |
| <b>TOTAL EMS AND MEDICAL CENTER</b>          | <b>\$ 2,109,850</b> |
| e. <b>TOTAL CLINICS</b>                      | <b>\$ 594,370</b>   |
| <b>TOTAL CLINICS, EMS AND MEDICAL CENTER</b> | <b>\$ 2,704,220</b> |

The County also pays its Safety Net Care Pool obligation of \$414,226 to the state out of these mill levy funds. The anticipated revenues generated do not support both the total LCMC request and the Safety Net Care Pool payment.

**\*\*Mr. Troy Clark provided information illustrating that the PHS budget request results in an operating margin of 4.7%. He committed to provide additional information supporting the need for that level of margin at the Commission meeting.**

**Conclusion & Manager's Recommendation:** I recommend a thorough review of summary pages 1 – 4 (**Enclosure 4**) for an understanding of the good financial health of the County. The Grand Total Line on Page 2 illustrates a cash balance of \$13,893,157 at Fiscal Year-end, after all revenues collected and all expenses paid:

- 1. Discuss and provide the manager any desired final adjustments in any area of the budget – internal and external requests at Enclosures 1 and 2;
- 2. Determine whether to adjust the total amount of the LCMC request of \$2,704,220 to a lesser amount resulting in a lower margin for inclusion in the FY16-17 budget. I recommend the Commission make a final determination on LCMC funding only after considering the presentation made by Mr. Clark supporting a margin of 4.7%;
- 3. Determine whether to grant or adjust the requested amount from La Casa Buena Salud for the Hondo Clinic after receipt of Mr. Montañó's audit of days and hours worked in the Fall and Winter; and following receipt of information regarding staffing the Center.
- 4. Approve Resolution 2015-40 for forwarding to DFA with the approved preliminary budget. See **Enclosure 8.**

**LINCOLN COUNTY PRELIMINARY BUDGET APPROVAL - MAY 17, 2016**

**2016 - 2017 External Requests Summary**

|   |  | A                | B                | C                          | D                         | E                          | F   | G                         | H           | I      |
|---|--|------------------|------------------|----------------------------|---------------------------|----------------------------|---|---------------------------|-------------|--------|
|   | Organization                                   | 13-14<br>Funded  | 14-15<br>Funded  | 15-16<br>Request<br>5.5.15 | 15-16<br>Funded<br>5.5.15 | 16-17<br>Request<br>5.2.16 | Diff. 16-17<br>Request<br>From<br>15-16<br>Funded | 16-17<br>Funded<br>5.2.16 | % Granted   | Fund # |
| 1   | NMSU Co-op Ext. Svcs.                          | \$64,399         | \$93,000         | \$95,000                   | \$90,000                  | \$72,951                   | -\$17,049   | \$72,951                  | 100%        | 418    |
| 2   | Capitan Library                                | \$5,000          | \$5,000          | \$10,000                   | \$4,000                   | \$15,000                   | \$11,000  | \$5,000                   | 33%         | 405    |
| 3   | Corona Library                                 | \$5,000          | \$5,000          | \$5,000                    | \$1,500                   | \$5,000                    | \$3,500   | \$3,000                   | 60%         | 405    |
| 4   | Ruidoso Library                                | \$20,000         | \$20,000         | \$25,000                   | \$10,000                  | \$30,000                   | \$20,000  | \$15,000                  | 50%         | 405    |
| 5   | LCJJB  | \$8,000          | \$8,000          | \$22,000                   | \$8,000                   | \$12,000                   | \$4,000   | \$10,500                  |             | 657    |
| 6   | SNMEDD   | \$6,000          | \$6,000          | \$6,000                    | \$6,000                   | \$7,000                    | \$1,000   | \$7,000                   |             | 405    |
| 7   | USDA Wildlife Svcs.                            | \$39,373         | \$47,721         | \$47,116                   | \$47,116                  | \$32,556                   | -\$14,560   | \$32,556                  | 100%        | 423    |
| <p align="center"><b>Note: Total Request \$94,500. Per head tax of \$0.75 = \$24,840; delinquent taxes = \$425; Taylor Grazing = \$36,679 Requested \$32,556 from Gen'l Fund.</b></p> |  |                  |                  |                            |                           |                            |   |                           |             |        |
| 8   | Upper Hondo (Noxious Weeds)                    | \$40,000         | \$50,000         | \$50,000                   | \$50,000                  | \$60,000                   | \$10,000  | \$50,000                  | 83%         | 418    |
| 9   | South Central Mtn. RC&D                        | \$30,000         | \$40,000         | \$40,000                   | \$40,000                  | \$40,000                   | \$0   | \$25,000                  | 63%         | 418    |
| 10  | Humane Society of Lincoln Cnty                 | \$30,000         | \$30,000         | \$30,000                   | \$30,000                  | \$31,000                   | \$1,000   | \$26,000                  | 84%         | 418    |
| 11  | EcoServants                                    | \$15,000         | \$15,000         | \$25,000                   | \$10,000                  | \$25,000                   | \$15,000  | \$10,000                  | 40%         | 405    |
| 12  | NM State Library Rural Bookmobile              | \$1,260          | \$1,260          | \$1,260                    | \$1,260                   | \$1,260                    | \$0   | \$1,260                   | 100%        | 405    |
| 13  | Coalition of Counties                          | \$5,000          | \$5,000          | \$2,600                    | \$2,600                   | \$7,600                    | \$5,000   | \$5,000                   | 66%         | 405    |
| 14  | Boys & Girls Club                              | \$3,000          | \$6,000          | \$10,000                   | \$8,000                   | \$10,000                   | \$2,000   | \$10,000                  | 100%        | 405    |
| 15  | Miracle's Paws for Pets                        |                  | \$0              | \$5,000                    | \$1,000                   | \$1,500                    | \$500   | \$1,000                   | 67%         | 405    |
| 16  | City of Ruidoso Downs - Lincoln County Transit |                  | \$0              | \$28,000                   | \$0                       | \$34,500                   | \$34,500  | \$5,000                   | 14%         | 418    |
| 17  | White Mtn. Search & Rescue                     |                  | \$1,000          | \$1,000                    | \$1,000                   | \$1,000                    | \$0   | \$1,000                   | 100%        | 418    |
| 18  | <b>Total</b>                                   | <b>\$272,032</b> | <b>\$332,981</b> | <b>\$402,976</b>           | <b>\$310,476</b>          | <b>\$386,367</b>           | <b>\$75,891</b>                                   | <b>\$280,267</b>          | <b>73%</b>  |        |
| 19  | <b>% Change-Prior Year Funded</b>              |                  | <b>22%</b>       |                            |                           | <b>-7%</b>                 |   |                           | <b>-10%</b> |        |

**ENCL 1**

**OPTIONAL COUNTY REQUESTS**  
**Preliminary Budget Approval Hearing**

**May 17, 2016**

|   |   | A                    | B                  |            |
|---|---|----------------------|--------------------|------------|
|   |   | Amount<br>Requested  | Amount<br>Approved |            |
| <b>SHERIFF</b>                            |   |                      |                    |            |
| 1   | Three SUVs  | \$116,700            | \$77,800           | (2)        |
| 2   | Transport vehicle                                 | \$37,000             |                    |            |
| 3   | Record Management System - Replace Sleuth         | <del>\$200,000</del> | \$150,000          |            |
| 4   | <b>Total Sheriff</b>                              | <b>\$353,700</b>     | <b>\$227,800</b>   | <b>64%</b> |
| <b>ROAD DEPT.</b>                         |   |                      |                    |            |
| 5   | Three 4-WD Crew Cab Pick-ups - 3/4 Ton            | \$130,500            | \$87,000           | (2)        |
| 6   | Culvert Jetter                                    | \$99,000             | \$99,000           | (1)        |
| 7   | Three Dump Trucks                                 | \$450,000            | \$150,000          | (1)        |
| 8   | Transport Truck                                   | <del>\$132,000</del> |                    |            |
| 9   | <b>Total Road</b>                                 | <b>\$811,500</b>     | <b>\$336,000</b>   | <b>41%</b> |
| <b>MANAGER</b>                            |   |                      |                    |            |
| 10  | Tommy Lift for Maintenance Supervisor             | \$2,544              |                    |            |
| 11  | Window Replacement in Clerk/Treasurer Offices     | \$30,000             | \$30,000           |            |
| 12  | Parking Lot Repair for County Property            | \$19,600             |                    |            |
| 13  | One 4-WD Pick-up for Rural addresser              | <del>\$23,000</del>  | \$23,000           |            |
| 14  | <b>Total Manager</b>                              | <b>\$75,144</b>      | <b>\$53,000</b>    | <b>70%</b> |
| <b>SALARY TREATMENT</b>                   |   |                      |                    |            |
| 15  | Salary Treatment for Elected Officials            | \$23,664             |                    |            |
| 16  | 3% COLA for Classified Employees                  | \$207,129            | \$207,129          |            |
| 17  | <b>Total Salary Treatment</b>                     | <b>\$230,793</b>     | <b>\$207,129</b>   |            |
| 18  | <b>Total Optional County Requests</b>             | <b>\$1,471,137</b>   | <b>\$823,929</b>   | <b>56%</b> |
| <b>ADDITIONAL COUNTY OPTIONAL REQUEST</b> |   |                      |                    |            |
| 19  | Paving of Sr. Center Parking Lot                  | \$60,000             |                    |            |
| 20  | <b>Total Additional Request for Consideration</b> | <b>\$60,000</b>      |                    |            |

*ENCL 2*

**FY16-17 COMMISSION APPROVED PRELIMINARY BUDGET ADJUSTMENTS**

Monday, May 02, 2016

| <b>FUND</b> | <b>DESCRIPTION</b>  | <b>AMOUNT</b>      | <b>COMMENT</b>   |
|-------------|---|--------------------|--|
| 401         | General County Government   | \$37,513           | Increase to Workman's Comp and Law Enforcement Insurance |
| 405         | Special Programs  | \$87,260           | Added all external requests & membership dues            |
| 414         | Capital Improvement Projects  | \$661,800          | Added internal requests                                  |
| 418         | Agreements  | \$184,951          | Added external requests                                  |
| 428         | Forest Title III  | \$25,000           | Increase to meet external request (3019)                 |
| 564         | Solid Waste   | (\$2,444)          | Reduced to not transfer from Gen Fund                    |
| 657         | Juvenile Duns   | \$2,500            | Increase to cover insurance                              |
|             | <b>Sub-total</b>  | <b>\$996,580</b>   |  |
|             | Classified Employees 3% Wage Increase                                   | \$92,599           |  |
|             | Elected Officials and Appointed Personnel                               | \$17,077           |  |
|             | <b>Sub-total Wage Increases</b>   | <b>\$109,676</b>   |  |
|             | <b>TOTAL COMMISSION APPROVED PRELIMINARY BUDGET ADJUSTMENTS: 5/2/16</b> | <b>\$1,106,256</b> |  |

ENCL 3

# FY 16-17 SALARY ADJUSTMENTS

## Classified Employees

## Elected Officials and Their Appointees

| FUND | CURRENT          | 3%<br>INCREASE<br>EMPLOYEES | IMPACT TO<br>GENERAL<br>FUND | NEWLY ELECTED<br>OFFICIALS | CURRENT<br>SALARY | ELECTED<br>OFFICIALS AND<br>APPOINTED<br>PERSONNEL @<br>10% | TOTAL IMPACT<br>ELECTED<br>OFFICIALS TO<br>GENERAL FUND |
|------|------------------|-----------------------------|------------------------------|----------------------------|-------------------|---|---|
| 401  | 2,144,148        | 2,194,436                   | 50,288                       | COMMISSION                 | 22,832            | 23,973  | 1,141   |
| 402  | 1,061,599        | 1,086,744                   | 25,145                       | COMMISSION                 | 22,832            | 23,973  | 1,141   |
| 499  | 51,759           | 53,038                      | 1,279                        | ASSESSOR                   | 57,265            | 60,129  | 2,864   |
| 530  | 513,034          | 525,762                     | 12,728                       | CHIEF DEPUTY ASSESSOR      | 54,402            | 57,123  | 2,721   |
| 564  | 45,246           | 46,449                      | 1,203                        | PROBATE                    | 20,024            | 21,025  | 1,001   |
| 654  | 62,310           | 63,666                      | 1,356                        | SHERIFF                    | 59,699            | 62,684  | 2,985   |
| 659  | 34,971           | 35,571                      | 600                          | UNDERSHERIFF               | 59,699            | 62,684  | 2,985   |
|      | <b>3,913,067</b> | <b>4,005,666</b>            | <b>92,599</b>                | ADMIN ASSISTANT            | 44,774            | 47,013  | 2,239   |
|      |                  |                             |                              |                            | <b>341,527</b>    | <b>358,604</b>  | <b>17,077</b>   |

This excludes all Deputies and should they negotiate an increase this amount will increase dramatically

ENCL 4



| (F)<br>FUND TITLE               | (G)<br>FUND NUMBER | (H)<br>FY 2016-2017<br>BEGINNING CASH<br>BALANCE | (I)<br>FY 2016-2017<br>BUDGETED FUND<br>REVENUES | (J)<br>FY 2016-2017<br>ADJUSTED<br>OPERATING<br>TRANSFER | (K)<br>FY 2016-2017<br>ADJUSTED<br>BUDGETED FUND<br>EXPENDITURES | (L)<br>FY 2016-2017<br>ADJUSTED<br>ENDING FUND<br>CASH BALANCE | (M)<br>APPROVED<br>RESOLUTIONS |
|---------------------------------|--------------------|--|--|--|--|--|--------------------------------|
| LODGERS TAX FUND                | 42                 | 0  | 47,669   |  | 47,669   | 0  |                                |
| CORRECTIONS                     | 43                 | 575,000  | 502,550  | 2,389,291  | 3,466,851  | 0  |                                |
| JAG                             | 44                 | 0  | 0  | 0  | 0  | 0  |                                |
| HOMELAND SECURITY FUND          | 45                 | 11,851   | 229,252  | 72,072   | 313,175  | 0  |                                |
| SHERIFF SEIZURE FUND            | 46                 | 0  | 0  | 0  | 0  | 0  |                                |
| REAPPRAISAL FUND                | 47                 | 108,305  | 266,000  | 0  | 374,305  | 0  |                                |
| RUIDOSO AREA AMBULANCE          | 48                 | 0  | 19,922   | 0  | 19,922   | 0  |                                |
| CAPITAN AMBULANCE DEPT.         | 49                 | 0  | 7,314  | 0  | 7,314  | 0  |                                |
| CARRIZO AMBULANCE DEPT.         | 50                 | 0  | 5,438  | 0  | 5,438  | 0  |                                |
| CORONA AMBULANCE DEPT.          | 51                 | 0  | 5,221  | 0  | 5,221  | 0  |                                |
| HONDO AMBULANCE DEPT.           | 52                 | 0  | 7,385  | 0  | 7,385  | 0  |                                |
| RURAL HEALTH CLINICS            | 53                 | 506,527  | 654,334  | 0  | 733,930  | 426,931  |                                |
| LCMC - HOSPITAL                 | 54                 | 1,517,525  | 2,198,741  | 0  | 979,076  | 2,737,190  |                                |
| DEER PARK SP FUND               | 55                 | 0  | 0  | 0  | 0  | 0  |                                |
| DEER PARK SAD INCOME FUND       | 56                 | 723,576  | 131,350  | (131,890)  | 131,890  | 591,146  |                                |
| LCMC LEASE FUND                 | 57                 | 3,011,163  | 1,100,000  | 0  | 3,100,000  | 1,011,163  |                                |
| LAW ENFORCEMENT PROTECTION      | 58                 | 0  | 32,000   | 0  | 32,000   | 0  |                                |
| ZIA SENIOR CITIZENS             | 59-64              | 85,000   | 690,283  | 105,545  | 880,828  | 0  |                                |
| ENVIRONMENTAL GROSS RECEIPTS    | 65                 | 0  | 150,000  | 0  | 150,000  | 0  |                                |
| SOLID WASTE                     | 66                 | 0  | 870,939  | 0  | 869,698  | 1,241  |                                |
| TREASURER'S RETURNED CK FUND    | 67                 | 2,927  | 2,000  | 0  | 4,927  | 0  |                                |
| ENHANCED 911 DATA BASE/NETWORK  | 68                 | 335  | 6,000  | 0  | 6,335  | 0  |                                |
| FOREST HEALTH FUND              | 69                 | 0  | 49,744   | 0  | 49,744   | 0  |                                |
| MISDEMEANOR COMPLIANCE FUND     | 70                 | 0  | 110,500  | 0  | 110,500  | 0  |                                |
| CDBG GRANT FUND                 | 71                 | 0  | 269,110  | 286,811  | 555,920  | 0  |                                |
| INDIGENT CLAIMS FUND            | 72                 | 703,180  | 646,000  | 8,421  | 1,113,632  | 243,968  |                                |
| JUVENILE FUND                   | 73                 | 0  | 104,751  | 70,500   | 175,251  | 0  |                                |
| NM HIDTA PARTNERSHIP GRANT      | 74                 | 0  | 134,546  | 0  | 134,546  | 0  |                                |
| 1st 1/8 GRT STATUTORY RESERVE   | 75                 | 115,186  | 0  | 0  | 0  | 115,186  |                                |
| DISASTER RELIEF FUND            | 76                 | 3,027,087  | 0  | 0  | 1,180,547  | 1,846,540  |                                |
| 1st 1/8th GRT INCOME FUND       | 77                 | 272,000  | 646,000  | (378,850)  | 267,150  | 272,000  |                                |
| 1st 1/8th GRT DEBT RESERVE FUND | 78                 | 0  | 0  | 255,873  | 255,873  | 0  |                                |
| Page Total                      |                    | 10,659,662                                       | 8,887,059  | 2,677,773  | 14,979,126   | 7,245,368  | 0                              |
| Grand Total                     |                    | 19,025,111                                       | 24,032,557                                       | 0  | 29,164,511   | 13,893,157   | 0                              |

LINC COUNTY  
 FORM GF-1.1  
 GENERAL FUND REVENUES

| (A)<br>GENERAL FUND REVENUES<br>REVENUE SOURCE | (B)<br>ACCOUNT<br>CODE | (C)                      |                          | (D)                      |                          | (E)                      |                          | ADJUSTMENT | ADJUSTED TOTAL<br>2016 - 2017 FY<br>BUDGET |
|--|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|------------|--|
|  |                        | 2013 - 2014 FY<br>ACTUAL | 2014 - 2015 FY<br>ACTUAL | 2014 - 2015 FY<br>ACTUAL | 2015 - 2016 FY<br>BUDGET | 2016 - 2017 FY<br>BUDGET | 2016 - 2017 FY<br>BUDGET |            |  |
| Edispatch                                      | 950                    | 0                        | 0                        | 0                        | 0                        | 0                        | 4,750                    |            | 4,750                                      |
| Property - Current                             | 1010                   | 6,485,739                | 6,640,562                | 6,483,993                | 6,483,993                | 6,500,000                | 6,500,000                |            | 6,500,000                                  |
| Delinquent Property Tax                        | 1020                   | 303,071                  | 299,389                  | 293,447                  | 293,447                  | 293,773                  | 293,773                  |            | 293,773                                    |
| Delinquent Discretionary Mills                 | 1033                   | 126,712                  | 130,718                  | 126,712                  | 126,712                  | 129,153                  | 129,153                  |            | 129,153                                    |
| General County Mill - Current 2.75 mill        | 1037                   | 2,956,745                | 3,047,190                | 2,976,329                | 2,976,329                | 3,000,000                | 3,000,000                |            | 3,000,000                                  |
| Non-Rendition Fees                             | 1041                   |                          | 217                      |                          | 0                        | 0                        | 0                        |            | 0  |
| Penalty & Interest                             | 1050                   | 252,433                  | 268,178                  | 263,168                  | 263,168                  | 254,105                  | 254,105                  |            | 254,105                                    |
| Administrative Fees                            | 1051                   | 1,864                    | 1,849                    | 1,813                    | 1,813                    | 1,849                    | 1,849                    |            | 1,849                                      |
| Liquor License                                 | 1150                   | 4,025                    | 3,150                    | 3,475                    | 3,475                    | 3,175                    | 3,175                    |            | 3,175                                      |
| Interest on Investments                        | 1180                   | 29,533                   | 24,130                   | 23,908                   | 23,908                   | 20,000                   | 20,000                   |            | 20,000                                     |
| DWI Traffic Safety Bureau                      | 1200                   | 3,976                    | 2,921                    | 3,187                    | 3,187                    | 1,000                    | 1,000                    |            | 1,000                                      |
| ODWI   | 1204                   |                          | 5,563                    | 12,020                   | 12,020                   | 5,000                    | 5,000                    |            | 5,000                                      |
| Clerk's Fees                                   | 1210                   | 136,977                  | 121,000                  | 122,848                  | 122,848                  | 118,000                  | 118,000                  |            | 118,000                                    |
| Probate Fees                                   | 1220                   | 2,460                    | 2,490                    | 2,520                    | 2,520                    | 2,500                    | 2,500                    |            | 2,500                                      |
| Sheriff's Fees                                 | 1230                   | 15,250                   | 7,443                    | 13,554                   | 13,554                   | 7,000                    | 7,000                    |            | 7,000                                      |
| Alarm Permit Fees                              | 1231                   | 24,100                   | 25,935                   | 25,610                   | 25,610                   | 25,000                   | 25,000                   |            | 25,000                                     |
| Placard Fees (rural addressing)                | 1240                   | 3,369                    | 2,115                    | 3,224                    | 3,224                    | 1,200                    | 1,200                    |            | 1,200                                      |
| Subdivision/P & Z Fees                         | 1250                   | 9,414                    | 5,350                    | 5,400                    | 5,400                    | 3,000                    | 3,000                    |            | 3,000                                      |
| OES Fire Reimbursement                         | 1252                   | 18,307                   | 390                      | 0                        | 0                        | 0                        | 0                        |            | 0  |
| Flood Plain Ordinance Adm                      | 1253                   |                          | 4,000                    | 0                        | 0                        | 4,000                    | 4,000                    |            | 4,000                                      |
| Reimbursement/Refund                           | 1262                   | 51,787                   | 27,689                   | 0                        | 0                        | 0                        | 0                        |            | 0  |
| Insurance Recoveries                           | 1270                   | 42,602                   | 18,550                   | 0                        | 0                        | 0                        | 0                        |            | 0  |
| Rental of County Property                      | 1290                   | 1,200                    | 0                        | 0                        | 0                        | 0                        | 0                        |            | 0  |
| Sale of County Property                        | 1340                   | 24,037                   | 3,932                    | 0                        | 0                        | 0                        | 0                        |            | 0  |
| Fax Machine                                    | 1345                   | 159                      | 111                      | 143                      | 143                      | 50                       | 50                       |            | 50   |
| <b>PAGE TOTAL</b>                              |                        | <b>10,493,760</b>        | <b>10,642,874</b>        | <b>10,361,351</b>        | <b>10,361,351</b>        | <b>10,373,555</b>        | <b>10,373,555</b>        | <b>0</b>   | <b>10,368,805</b>                          |

LINC. COUNTY

| (A)<br>GENERAL FUND REVENUES<br>REVENUE SOURCE | (B)<br>ACCOUNT CODE | (C)                      |                          | (D)                      | (E)                                 |                   | ADJUSTMENT | ADJUSTED TOTAL<br>2016 - 2017 FY<br>BUDGET |
|--|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------|------------|--|
|  |                     | 2013 - 2014 FY<br>ACTUAL | 2014 - 2015 FY<br>ACTUAL | 2015 - 2016 FY<br>BUDGET | REQUEST<br>2016 - 2017 FY<br>BUDGET |                   |            |  |
| <b>OTHER CHARGES FOR SERVICES</b>              |                     |                          |                          |                          |                                     |                   |            |  |
| Photocopies & Scans                            | 1450                | 4,497                    | 3,925                    | 3,846                    | 3,029                               | 3,029             |            | 3,029                                      |
| Data Processing                                | 1451                | 11,731                   | 13,196                   | 13,122                   | 12,857                              | 12,857            |            | 12,857                                     |
| Voided One Year Old Checks                     | 1460                | 73                       | 84                       | 0                        | 50                                  | 50                |            | 50   |
| Motor Vehicle Fees                             | 1530                | 68,444                   | 93,462                   | 69,394                   | 45,000                              | 45,000            |            | 45,000                                     |
| Cigarette Tax - 2 cent - Regular               | 1550                |                          |                          | 0                        | 0                                   | 0                 |            | 0  |
| Alto Paving Principal & Interest               | 1562                |                          |                          | 0                        | 0                                   | 0                 |            | 0  |
| Alto Paving Late Fees                          | 1563                |                          |                          | 0                        | 0                                   | 0                 |            | 0  |
| Election Filing Fees                           | 1570                | 500                      |                          | 0                        | 0                                   | 0                 |            | 0  |
| Auto Voters Registration Sys.                  | 1573                | 660                      | 373                      | 621                      | 100                                 | 100               |            | 100  |
| Trans. & Xtrad. of Prisoners                   | 1590                | 195                      | 375                      | 453                      | 0                                   | 0                 |            | 0  |
| Grant Funds                                    | 1602                |                          | 6,250                    | 0                        | 0                                   | 0                 |            | 0  |
| Forest Patrol - Sheriff                        | 1610                | 13,437                   | 18,555                   | 21,438                   | 20,000                              | 20,000            |            | 20,000                                     |
| Payment in Lieu of Taxes                       | 1630                | 1,691,372                | 1,562,805                | 1,695,122                | 1,550,000                           | 1,550,000         |            | 1,550,000                                  |
| Special PILT - Taxes                           | 1632                | 7,500                    | 7,500                    | 5,000                    | 7,500                               | 7,500             |            | 7,500                                      |
| County Permit Fees                             | 1646                |                          | 25                       | 25                       | 25                                  | 25                |            | 25   |
| GRT Tax Equalization (7-1-6.16)                | 1647                | 90,039                   | 70,090                   | 134,721                  | 134,721                             | 134,721           |            | 134,721                                    |
| County Business Retention GRT                  | 1649                | 144,812                  | 190,422                  | 190,000                  | 500                                 | 500               |            | 500  |
| BJA Bulletproof Vest Grant                     | 1925                | 1,253                    | 2,188                    | 2,188                    | 2,188                               | 2,188             |            | 2,188                                      |
| <b>PAGE TOTAL</b>                              |                     | <b>2,034,512</b>         | <b>1,969,243</b>         | <b>2,135,930</b>         | <b>1,775,970</b>                    | <b>1,775,970</b>  | <b>0</b>   | <b>1,775,970</b>                           |
| <b>TOTAL REVENUES (Carry to Recap)</b>         |                     | <b>12,528,272</b>        | <b>12,612,122</b>        | <b>12,497,281</b>        | <b>12,149,525</b>                   | <b>12,149,525</b> | <b>0</b>   | <b>12,149,525</b>                          |

FISCAL YEAR 2016-2017  
COUNTY LINCOLN  
ITEMS NEEDED FOR SUBMISSION:

Resolution approving budget

SUPPORTING SCHEDULES:

- Salary
- Insurance
- Debt Service
- Investment
- S-5, Detail of Non-Budgeted Reserve Req (IF APPLICABLE)

Counties: Verify Elected Official Salaries

ANALYST ERICA CUMMINGS  
BUDGETS  
INTERIM APPROVAL ANALYST INITIAL BY BUREAU CHIEF  
INTERIM RECEIVED May 17, 2016  
Date last report received: April 15, 2016 For report ending: Q3  
FINAL RECEIVED  
FINAL APPROVAL ANALYST INITIAL BY BUREAU CHIEF  
FINAL RECEIVED  
Date last report received: 6/30th report received:  
QUARTERLY REPORT SUBMISSION STATUS  
QUARTERLY REPORT SUBMISSION STATUS  
AUDIT COMPLIANCE FY 2016: circle applicable YES / NO

| INTERIM | INTERIM RECEIVED | INTERIM APPROVAL ANALYST INITIAL BY BUREAU CHIEF |
|---------|------------------|--|
| INTERIM | May 17, 2016     | By Bureau Chief                                  |
| FINAL   | FINAL RECEIVED   | FINAL APPROVAL ANALYST INITIAL BY BUREAU CHIEF   |
| FINAL   | FINAL RECEIVED   | FINAL APPROVAL ANALYST INITIAL BY BUREAU CHIEF   |

BUDGETS

| INTERIM             | Beginning Cash Balance @ July 1 | Investments | Revenues     | Transfers     | Expenditures   | Ending Cash Balance | Required Reserves unavailable for budgeting | Available Ending Cash Balance |
|---------------------|---------------------------------|-------------|--------------|---------------|----------------|---------------------|---|-------------------------------|
| General - Operating | \$6,500,000                     | \$0         | \$12,144,775 | (\$4,875,536) | \$7,421,695    | \$6,347,543         | \$1,855,424                                 | \$4,492,119                   |
| County Road         | \$560,000                       | \$0         | \$1,148,148  | \$1,615,883   | \$3,068,335.78 | \$255,695           | \$255,695                                   | \$0.58                        |
| GRAND TOTAL         | \$19,025,111                    | \$0         | \$24,032,557 | \$0           | \$29,164,511   | \$13,893,157        |   | \$11,782,039                  |

GENERAL FUND  
Balanced Budget Determination:  
Calculation of revenues and expenditures including transfers

|           |               |              |               |                     |             |   |        |
|-----------|---------------|--------------|---------------|---------------------|-------------|---|--------|
| Revenues  | \$12,144,775  | Expenditures | \$7,421,695   | Ending Cash Balance | (\$152,457) | Required Reserves unavailable for budgeting | -2.05% |
| Transfers | (\$4,875,536) | Transfers    | (\$4,875,536) | Ending Cash Balance |             | Required Reserves unavailable for budgeting |        |
| Revenues  | \$12,144,775  | Expenditures | \$7,421,695   | Ending Cash Balance |             | Required Reserves unavailable for budgeting |        |
| Transfers | (\$4,875,536) | Transfers    | (\$4,875,536) | Ending Cash Balance |             | Required Reserves unavailable for budgeting |        |

NOTE: If higher than 5% note in comments & discuss with entity & warn in letter

FINAL

| FINAL               | Unaudited Beginning Cash Balance @ July 1 | Investments | Revenues | Transfers | Expenditures | Ending Cash Balance | Required Reserves unavailable for budgeting | Available Ending Cash Balance |
|---------------------|---|-------------|----------|-----------|--------------|---------------------|---|-------------------------------|
| General - Operating | \$0                                       |             |          |           |              | \$0                 | \$0   | \$0                           |
| Road                | \$0                                       |             |          |           |              | \$0                 | \$0   | \$0                           |
| GRAND TOTAL         | \$0                                       |             |          |           |              | \$0                 |   | \$0                           |

NOTE: If higher than 5% note in comments & discuss with entity & warn in letter

GENERAL FUND  
Balanced Budget Determination:  
Calculation of revenues and expenditures including transfers

|           |     |              |     |                     |     |   |         |
|-----------|-----|--------------|-----|---------------------|-----|---|---------|
| Revenues  | \$0 | Expenditures | \$0 | Ending Cash Balance | \$0 | Required Reserves unavailable for budgeting | #DIV/0! |
| Transfers | \$0 | Transfers    | \$0 | Ending Cash Balance | \$0 | Required Reserves unavailable for budgeting |         |
| Revenues  | \$0 | Expenditures | \$0 | Ending Cash Balance | \$0 | Required Reserves unavailable for budgeting |         |
| Transfers | \$0 | Transfers    | \$0 | Ending Cash Balance | \$0 | Required Reserves unavailable for budgeting |         |

NOTE: If higher than 5% note in comments & discuss with entity & warn in letter

FISCAL YEAR 2016-2017

COUNTY LINCOLN

ENCL 6

**OTHER WAGE CONSIDERATIONS PRESENTED TO COMMISSION - ZIA SR. CENTER BUDGET ADJUSTMENT**

\*\*Change three positions from full time (40 hours) to part time (30 hours): Not incorporated into Budget)

|    | POSITION                   | LOCATION      | FT<br>SALARY | FT<br>Salary w/<br>Benefits | PT<br>SALARY | PT<br>Salary w/<br>Benefits | Difference | Comments   |
|----|----------------------------|---------------|--------------|-----------------------------|--------------|-----------------------------|------------|--|
| 1  | Site Manager/MAPIS Coor    | Carrizozo     | \$34,064     | \$46,776                    | \$34,064     | \$46,730                    |            |  |
| 2  | <i>Custodian PT</i>        | Carrizozo     | \$16,707     | \$19,924                    | \$16,707     | \$19,924                    |            | Yellow Highlight - already PT Position (7)         |
| 3  | District Driver (open)     | Carrizozo     | \$23,070     | \$44,555                    | \$16,310     | \$19,450                    | -\$25,105  | Blue Highlight - proposed change from FT to PT (3) |
| 4  | Cook                       | Carrizozo     | \$22,276     | \$40,422                    | \$22,276     | \$40,376                    |            | White Highlight - FT Position (6)                  |
| 5  | <i>Trainees (3) PT</i>     | Carrizozo     | \$22,230     | \$23,958                    | \$22,230     | \$23,958                    |            |  |
| 6  | Site Manager               | Capitan       | \$29,972     | \$46,883                    | \$29,972     | \$46,837                    |            |  |
| 7  | <i>Cook PT</i>             | Capitan       | \$16,432     | \$19,596                    | \$16,310     | \$19,450                    |            |  |
| 8  | Site Manager               | Corona        | \$23,632     | \$39,021                    | \$17,724     | \$21,136                    | -\$17,885  |  |
| 9  | <i>Cook PT</i>             | Corona        | \$11,723     | \$13,983                    | \$11,138     | \$13,287                    |            |  |
| 10 | Site Manager               | Hondo         | \$23,632     | \$34,380                    | \$23,632     | \$34,335                    |            |  |
| 11 | Cook                       | Hondo         | \$23,640     | \$28,189                    | \$17,730     | \$21,143                    | -\$7,046   |  |
| 12 | Site Manager               | Ruidoso Downs | \$23,632     | \$33,252                    | \$23,632     | \$33,206                    |            |  |
| 13 | <i>Cook PT</i>             | Ruidoso Downs | \$16,707     | \$19,924                    | \$16,310     | \$19,450                    |            |  |
| 14 | <i>Driver PT</i>           | Ruidoso Downs | \$11,138     | \$13,287                    | \$11,138     | \$13,287                    |            |  |
| 15 | Cook                       | Ruidoso Downs | \$22,276     | \$31,635                    | \$22,276     | \$31,589                    |            |  |
| 16 | <i>Custodian PT (Open)</i> | Ruidoso Downs | \$16,310     | \$19,450                    | \$16,310     | \$19,450                    |            |  |
|    | <b>TOTAL</b>               |               | \$337,441    | \$475,235                   | \$317,759    | \$423,608                   | -\$50,036  |  |

ENCL 7

**RESOLUTION NO. 2015-40  
A RESOLUTION ADOPTING THE PRELIMINARY  
2016-2017 BUDGET FOR LINCOLN COUNTY**

**WHEREAS**, the Board of County Commissioners of Lincoln County, New Mexico meeting in a regular session on May 17, 2016, did review the preliminary 2016-2017 budget and it was determined that the proposed budget would be beneficial for the citizens of Lincoln County, and

**BE IT FURTHER RESOLVED** that the budget priorities for 2016-2017 for Lincoln County are:

- Priority One – Find additional sources of revenue
- Priority Two – Improve Management of Existing Resources
- Priority Three – Maintain a balanced budget

**BE IT FURTHER RESOLVED** that the Lincoln County Board of Commissioners hereby continues the existing special mil levy of 2.75 mils, apportioned this year as follows: GENERAL COUNTY GOVERNMENT 2.75 MILS; and

**BE IT FURTHER RESOLVED** that the Lincoln County Board of Commissioners hereby continues the existing Hospital Mil Levy at existing rates apportioned this year as follows: LINCOLN COUNTY MEDICAL CENTER AND EMS AT 2.0 MILS AND RURAL HEALTH CLINICS AT .6 MILS; and

**NOW, THEREFORE, BE IT RESOLVED** that the Lincoln County Board of Commissioners hereby respectfully requests preliminary approval from the Local Government Division of the Department of Finance and Administration.

**ATTACHMENTS:** County Annual Budget Form  
Budget Supporting Schedule  
Balance Sheet & Department Budgets FY 2016-2017

**PASSED, APPROVED AND ADOPTED**, this 17<sup>th</sup> day of May, 2016.

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

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

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

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

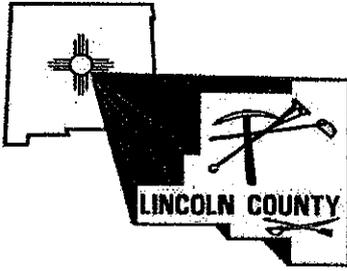
\_\_\_\_\_  
**Lynn Willard, Member**

\_\_\_\_\_  
**Thomas Stewart, Member**

**ATTEST:**

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

*ENCL 8*



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

# *County of Lincoln*

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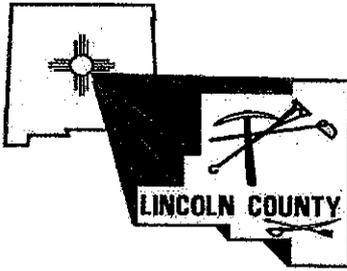
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## Agenda Items No. 21

### SUBJECT

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

- a. Establish a system of fees for the Solid Waste Collection for the June 28, 2016 Regular Commission Meeting;
- b. Business Registration Ordinance: Business Licenses



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# County of Lincoln

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## AGENDA ITEM No. 22

May 11, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Lodger's Tax Applications

**Purpose:** To approve Lodger's Tax Applications

**Discussion:** The Lodger's Tax Committee was presented with three requests and one was approved.

- A. Purpose: Ruidoso Grindstone Trail Runs  
Request: \$2,030.00  
Date(s) of event: July 30, 2016  
Presenter: Frederic Moras/Ski Run Road Challenge  
**Application No. 0014 in the amount of \$1,000.00**
- B. Purpose: Lincoln County Cowboy Symposium  
Request: \$5000.00  
Date(s) of Event: October 7, 8 & 9, 2016  
Presenter: Sunny Hirschfeld/Hubbard Museum of the American West Foundation
- C. Purpose: Fort Stanton Live  
Request \$8000.00  
Date(s) of Event: July 9-10, 2016  
Presenter: Dr. Walter Pittman/Fort Stanton Inc

After discussion with the committee, the presenters of Lincoln County Cowboy Symposium and Fort Stanton Live allowed the County to table their requests until the May meeting when funds may be available to consider requests.

### **Recommendation:**

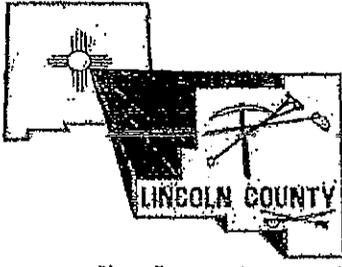
Approve the Lodger's Tax Committee approved amount totaling \$1,000.00 to Ski Run Road Challenge for the Ruidoso Grindstone Trail Runs Event.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

RECEIVED

MAR 10 2016



# County of Lincoln ADMINISTRATION LINCOLN COUNTY NM

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

www.lincolncountynm.net

## 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: 124 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: Portable toilets: <u>\$300</u> |

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

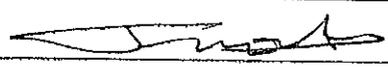
What sources and what amount of funding have been requested elsewhere?

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): | FREDERIC MORAS  |
| Signature of Applicant:           |  |
| Address: Street/City/Zip:         | P.O. BOX 561 RUIDOSO, NM 88355  |
| Phone:                            | 575-937-7106  |
| Email:                            | WORDSO250@GMAIL.COM   |
| 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:  | 3/10/16            |
| Received by:  | Billie G. Yulewark |
| Added to Lodger's Tax Committee Agenda scheduled for: | MARCH 2016         |

**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         |
| <b>TOTAL: \$6670</b>        |      | <b>5773.95</b> |

**RUIDOSO GRINDSTONE TRAIL RUNS**  
**Saturday, July 30<sup>th</sup>, 2016**  
**BUDGET**

|  |        |
|--|--------|
| Raceadventuresunlimited.com                                    |        |
| - Website advertising:   | \$200  |
| - Registration:  | \$400  |
| - Clock & finish line arch:                                    | \$200  |
| - Mileage:   | \$160  |
| Facebook advertising:  | \$150  |
| El Paso Scene advertising:<br>(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:<br>(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

### 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

Ruidoso Grindstone Trail Runs

Demographics Report

State -

1

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

Cloudfcroft

1

Total NE

1

State - New Mexico

Alamogordo

22

Albuquerque

15

Alto

1

Artesai

1

Artesia

2

Capitan

2

Carlsbad

1

Cloudfcroft

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

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

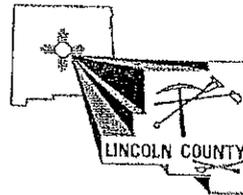


**Saturday  
July 25<sup>th</sup>  
7:30 a.m.**

**Ruidoso**  
& BILLY THE KID COUNTRY, LINCOLN COUNTY, NEW MEXICO

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

**REGISTRATION & TIMING  
RACEADVENTURESUNLIMITED.COM**



EL PASO SCENE ADVERTISING

MAR 14 2016

ADMINISTRATION  
LINCOLN COUNTY NM

LODGER'S TAX REQUEST FORM

Name of Event: Lincoln County Cowboy Symposium Date(s) of Event: October 7, 8 & 9, 2016

Name of Organization(s) applying for Funding: Hubbard Museum of the American West Foundation

Amount requested for consideration: \$5,000

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 Hubbard Museum of the American West Foundation, a 501c3 organization, at Ruidoso Downs Racing Inc. is requesting Lodgers Tax funds from Lincoln County to promote the 27th Annual Lincoln County Cowboy Symposium on October 7, 8 & 9, 2016.

The Lincoln County Cowboy Symposium began as a dream of Ray Reed, local cowboy and musician, and was created to meet two very specific objectives. The first was to protect and honor the cultural heritage of the American Cowboy and the ranching way of life. The second objective was to improve tourism in Lincoln County during the shoulder season of October. Traditionally, Labor Day and the running of the All American Futurity signaled the end of the high season in the area. Ray approached R D Hubbard and R O Anderson who agreed that this was a worthwhile endeavor. They sponsored the first event in October of 1990.

Twenty seven years later, during the second full weekend in October, Ruidoso Downs Race Track will once again host the nation's finest cowboy & western swing musicians, horsemen, chuckwagon cooks, western artists and craftsmen for three days of events, demonstrations and outstanding cowboy programming for the entire family.

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? 8 (according to available records)

List past years' requested funding amount(s):

|                    |                                  |                                  |
|--------------------|----------------------------------|----------------------------------|
| Year: <u>14/15</u> | Amount requested: <u>\$5,000</u> | Amount funded: <u>\$5,000</u>    |
| Year: <u>13/14</u> | Amount requested: <u>\$5,000</u> | Amount funded: <u>\$5,000</u>    |
| Year: <u>10/11</u> | Amount requested: <u>\$3,000</u> | Amount funded: <u>\$2,455.03</u> |
| Year: <u>09/10</u> | Amount requested: <u>\$1,500</u> | Amount funded: <u>\$1,500</u>    |
| Year: <u>08/09</u> | Amount requested: <u>\$1,500</u> | Amount funded: <u>\$1,500</u>    |
| Year: <u>07/08</u> | Amount requested: <u>\$2,500</u> | Amount funded: <u>\$2,500</u>    |
| Year: <u>06/07</u> | Amount requested: <u>\$4,000</u> | Amount funded: <u>\$2,448.06</u> |
| Year: <u>03/04</u> | Amount requested: <u>\$5,000</u> | Amount funded: <u>\$4,444.69</u> |

What is the estimated total cost of the Event listed above for this year? \$356,800

What percentage of the cost of the Event listed above are you requesting from the County? 1.4%

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? Personal phone calls will be made to Lincoln County lodgers and RV parks in the month following the event. Random surveys will be conducted at the event.

Are there any in-kind or matching funds anticipated for the Event? The 2016 Lincoln County Cowboy Symposium is a proud recipient of an award for \$15,000 as a New Mexico True 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: | 1,500 | Radio:    | 6,000 |
| Magazines:             | 6,000 | Internet: | 2,700 |
| Printing               | 2,500 | Other:    | 1,300 |

What percentage of your budget is planned to be used for out-of-County advertising? 80%

What sources and what amount of funding have been requested elsewhere? \$3,000 – VofRLT and \$5,000 CofRDLT

*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): Sunny Hirschfeld

Signature of Applicant: *Sunny Hirschfeld*

Address: Street/City/Zip: PO Box 449, Ruidoso Downs NM 88346

Phone: 575/378-4431

Email: [lccs@raceruidoso.com](mailto:lccs@raceruidoso.com)

Website: [cowboysymposium.org](http://cowboysymposium.org)

Date submitted: March 7, 2016

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

2015 budget, 2016 budget, 2015 Program

#### FOR COUNTY USE:

Date received: *3/14/16*

Received by: *Billie P. Huron*

Added to Lodger's Tax Committee Agenda scheduled for: April 26, 2016

**LINCOLN COUNTY COWBOY SYMPOSIUM  
ESTIMATED BUDGET 2015**

Expenses

|                        |         |
|------------------------|---------|
| Advertising            | 20,000  |
| Chuckwagon Supplies    | 10,000  |
| Entertainment          | 150,000 |
| Fees/Licenses          | 300     |
| Payroll                | 35,000  |
| Payroll Expenses       | 18,000  |
| Prizes                 | 14,500  |
| PR Special             | 18,000  |
| Rentals                | 30,000  |
| Sound                  | 10,000  |
| Supplies               | 9,000   |
| Arena/Education Events | 12,000  |
| Entertainer Lodging    | 23,000  |
| Travel                 | 4,000   |
| Total                  | 353,800 |

Income

|                         |         |
|-------------------------|---------|
| Admissions              | 200,000 |
| Advertising             | 13,000  |
| Chuckwagon Meal Tickets | 22,000  |
| Sponsorships            | 15,000  |
| Vendor Booths           | 70,000  |
| Total                   | 320,000 |

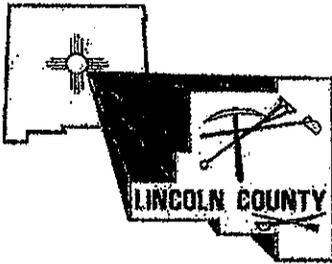
**LINCOLN COUNTY COWBOY SYMPOSIUM  
ESTIMATED BUDGET 2016**

Expenses

|                        |             |
|------------------------|-------------|
| Advertising            | 20,000      |
| Chuckwagon Supplies    | 10,000      |
| Entertainment          | 150,000     |
| Fees/Licenses          | 300         |
| Payroll                | 35,000      |
| Payroll Expenses       | 18,000      |
| Prizes                 | 14,500      |
| PR Special             | 18,000      |
| Rentals                | 30,000      |
| Sound                  | 10,000      |
| Supplies               | 10,000      |
| Arena/Education Events | 12,000      |
| Entertainer Lodging    | 25,000      |
| Travel                 | 4,000       |
| <br>Total              | <br>356,800 |

Income

|                         |             |
|-------------------------|-------------|
| Admissions              | 200,000     |
| Advertising             | 13,000      |
| Chuckwagon Meal Tickets | 22,000      |
| Sponsorships            | 30,000      |
| Vendor Booths           | 70,000      |
| <br>Total               | <br>335,000 |



RECEIVED BY  
LINCOLN COUNTY

APR 13 2016

# County of Lincoln

FINANCE DEPARTMENT

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

www.lincolncountynm.net

## LODGER'S TAX REQUEST FORM

Name of Event: Fort Stanton Live Date(s) of Event: 9/10 July 2016

Name of Organization(s) applying for Funding: Fort Stanton Inc.

Amount requested for consideration: \$8,000

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:

Two day event; living history, military reenactments, Mescalero performs, live music, food vendors, historical lectures - event is family oriented

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? 12 when awarded

List past years' requested funding amount(s):

Year: 2015 Amount requested: \$5,000 Amount funded: \$1,000

Year: 2014 Amount requested: \$5,000 Amount funded: \$4,500

Year: 2013 Amount requested: ? Amount funded: \$10,025 - Lincoln/Captain Hubbard/Downs

What is the estimated total cost of the Event listed above for this year? \$28,000

What percentage of the cost of the Event listed above are you requesting from the County? 18%

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? Each visitor - Questionnaire - where from? - heard about FSL? - which media? - where staying in Lincoln County? - 1st time FSL? - came for FSL? - family size?

Are there any in-kind or matching funds anticipated for the Event? Raidoso/Captain Lodgers Tax

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>\$3,770</u> | Radio:    | <u>\$3,480</u> |
| Magazines:             | <u>\$3,770</u> | Internet: | <u>\$3,335</u> |
| Printing:              | <u>\$1,400</u> | Other:    |                |

What percentage of your budget is planned to be used for out-of-County advertising? 70%

What sources and what amount of funding have been requested elsewhere?  
Ruidoso Lodger's Tax - \$8,000

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): | Dr. Walter Earl Pittman |                         |
| Signature of Applicant:           | Walter E. Pittman       |                         |
| Address: Street/City/Zip:         | 2 Park Road             |                         |
| Phone:                            | 575-491-4235            | Email: wpittman@uwa.edu |
| Date submitted:                   | 25 March 2016           |                         |

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

1. 2015 Media Schedule
2. 2015 Fort Stanton Live Expenses (as of August)
3. 2014 Fort Stanton Live Expenses

|  |
|--|
| <b>FOR COUNTY USE:</b>   |
| Date received: 4/13/16   |
| Received by: Finance Dept.                                       |
| Added to Lodger's Tax Committee Agenda scheduled for: April 2016 |

**FORT STANTON LIVE!**

2015 Media Schedule

| MEDIA   | May   | June                | July        | NET COST        |
|---|---|---------------------|-------------|-----------------|
| <i>Guides/Magazine</i>                                    |   |                     |             |                 |
| <b>2015/16 Ruidoso Visitors Guide</b>                     |   |                     |             |                 |
| 1/3 page, 4-color square                                  | in circulation from April 2015 through March 2016 |                     |             | \$1,776         |
| <b>New Mexico Magazine</b>                                |   |                     |             |                 |
| 1/6 page vertical, 4-color                                |   | summer/events focus |             | \$1,030         |
| <b>Lincoln County Art Loop Guide</b>                      |   |                     |             |                 |
| size unknown  |   |                     |             | \$211           |
| <i>Weekly Newspaper Tabloids (Entertainment Oriented)</i> |   |                     |             |                 |
| <b>Vamanos (Ruidoso, Alamo, Carlsbad) - Fridays</b>       |   |                     |             |                 |
| 1/4 page, 4-color   |   | June 5, 12, 19 & 26 | July 3 & 10 | \$662           |
| <b>El Paso Times Tiempo - Fridays</b>                     |   |                     |             |                 |
| 1/4 page, 4-color   |   | June 19 & 26        | July 3 & 10 | \$441           |
| <b>Las Cruces Bulletin - Fridays</b>                      |   |                     |             |                 |
| 1/4 page, b/w   |   | June 19 & 26        | July 3      | \$612           |
| <b>Roswell Record Vision - every other Thursday</b>       |   |                     |             |                 |
| 1/4 page, 4-color   |   | June 4 & 18         | July 3      | \$512           |
| <b>Lubbock Avalanche-Journal GO! - Fridays</b>            |   |                     |             |                 |
| 1/4 page, b/w   |   | June 19 & 26        | July 2      | \$810           |
| <i>Online digital ads</i>                                 |   |                     |             |                 |
| <b>RuidosoNews.com</b>                                    |   | 50,000 imp          |             | \$300           |
| <b>AlamogordoNews.com</b>                                 |   | 40,000 imp          |             | \$240           |
| <b>CurrentArgus.com</b>                                   |   | 40,000 imp          |             | \$240           |
| <b>ElPasoTimes.com</b>                                    |   | 150,000 imp         |             | \$900           |
| <b>RDR.com (Roswell Record)</b>                           |   | all imp for 1 month |             | \$400           |
| <b>LubbockOnline.com</b>                                  |   | 100,000             |             | \$600           |
| <i>Radio</i>  |   |                     |             |                 |
| <b>Ruidoso/SE NM: KRUI-AM News Talk</b>                   |   | 6 weeks             |             | \$375           |
| <b>W105-FM Country</b>                                    |   | 6 weeks             |             | \$375           |
| <b>Ruidoso: KBUY-FM Classic Hits</b>                      |   | 3 weeks             |             | \$270           |
| <b>Roswell: KBCQ-AM Classic Hits</b>                      |   | 3 weeks             |             | \$497           |
| <b>Roswell: KBIM-FM Country</b>                           |   | 4 weeks             |             | \$480           |
| <b>Carlsbad: KATK-AM News Talk</b>                        |   | 3 weeks             |             | \$240           |
| <b>Alamogordo: KQEL-FM Oldies</b>                         |   | 4 weeks             |             | \$528           |
|   |   |                     |             |                 |
|   |   |                     |             |                 |
| <b>TOTAL</b>  |   |                     |             | <b>\$11,499</b> |



**Fort Stanton Live Expenses  
2014**

| <b>FUNCTION</b>                 | <b>EXPENSE</b> |
|---------------------------------|----------------|
|                                 | \$             |
| Chris Kofakis                   | 1,000.00       |
|                                 | \$             |
| Adventure Marketing             | 850.00         |
|                                 | \$             |
| Bonkers Graphic Design          | 550.00         |
|                                 | \$             |
| True West Publishing            | 350.00         |
|                                 | \$             |
| New Mexico Magazine             | 1,050.00       |
|                                 | \$             |
| Visual Imaging                  | 120.00         |
|                                 | \$             |
| Visitors Guide Ruidoso          | 850.00         |
|                                 | \$             |
| Clear Channel Broadcasting      | 580.00         |
|                                 | \$             |
| Ruidoso News                    | 3,000.00       |
|                                 | \$             |
| Cannon Industries Porta Potties | 2,650.00       |
|                                 | \$             |
| Wild West Magazine              | 525.00         |
|                                 | \$             |
| Ruidoso News                    | 665.00         |
|                                 | \$             |
| Abilene Reporter                | 600.00         |
|                                 | \$             |
| Albuquerque On Line             | 1,285.00       |
|                                 | \$             |
| Clear Channel El Paso           | 580.00         |
|                                 | \$             |
| Bear Sky Graphics               | 520.00         |
|                                 | \$             |
| San Angelo Standard             | 600.00         |
|                                 | \$             |
| MTD Inc.                        | 500.00         |
|                                 | \$             |
| The West Radio                  | 200.00         |
|                                 | \$             |
| Majestic Roswell                | 640.00         |
|                                 | \$             |
| The Agency                      | 340.00         |
| Ronney Moon Radio Portales      | \$             |

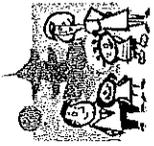
|                                 |           |
|---------------------------------|-----------|
|                                 | 650.00    |
|                                 | \$        |
| Carlsbad Rancho                 | 400.00    |
|                                 | \$        |
| Mescalero                       | 800.00    |
|                                 | \$        |
| Band                            | 800.00    |
|                                 | \$        |
| Gift Shop Bags                  | 1,000.00  |
|                                 | \$        |
| T Shirts                        | 650.00    |
|                                 | \$        |
| KCRS-AM Odessa                  | 570.00    |
|                                 | \$        |
| Petty Cash, Reenactors, etc.    | 4,000.00  |
|                                 | \$        |
| Reenactor Meals                 | 950.00    |
|                                 | \$        |
| Wieder History Group, Advertise | 530.00    |
|                                 | \$        |
| J. Pope                         | 200.00    |
|                                 | \$        |
|                                 | 28,005.00 |



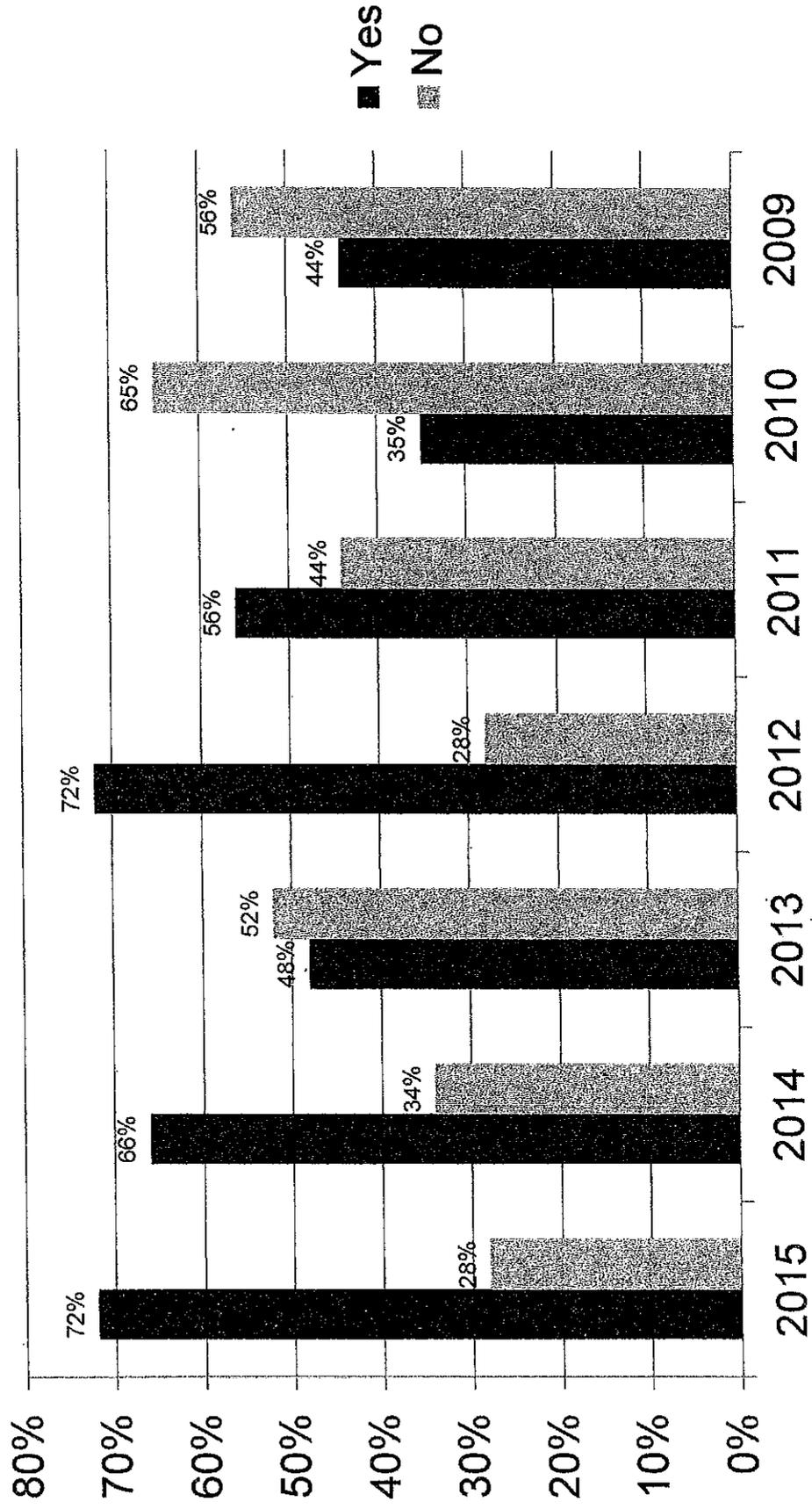
# Fort Stanton Live! 2015



July 11-12, 2015

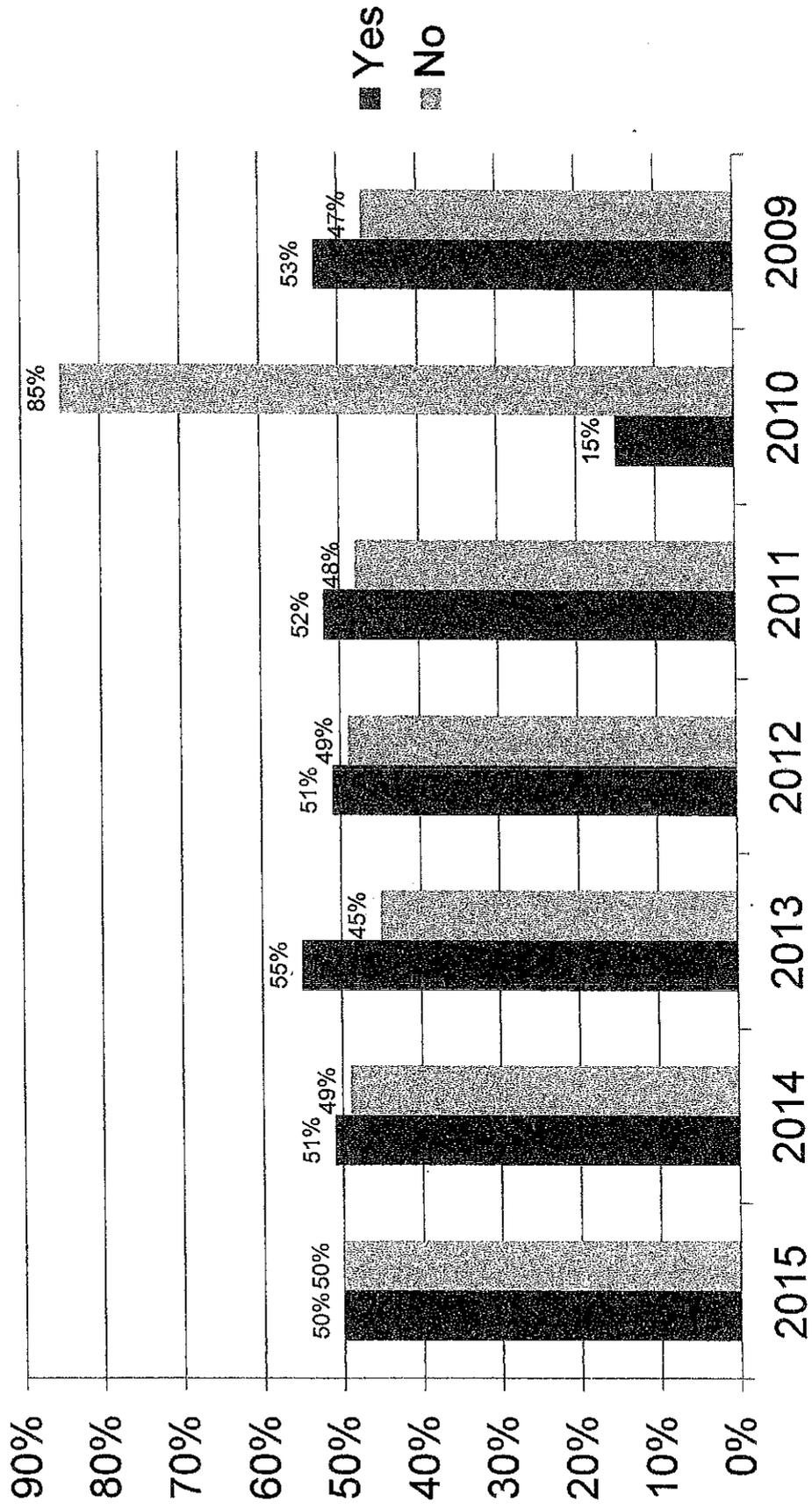


# First Time at Fort Stanton Live



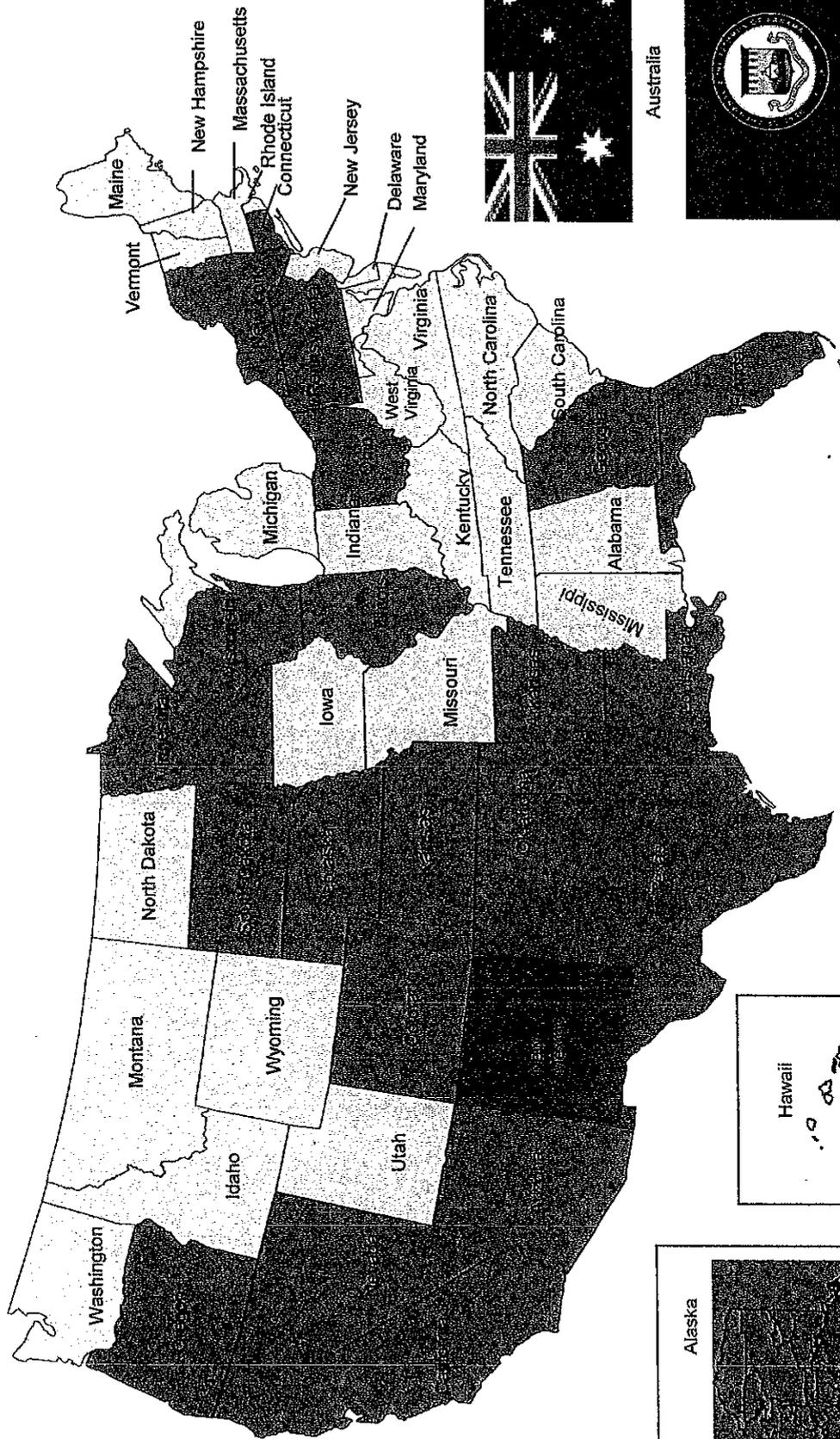


# Travel to Lincoln County Principally for FSL

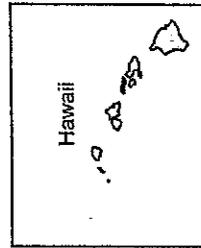
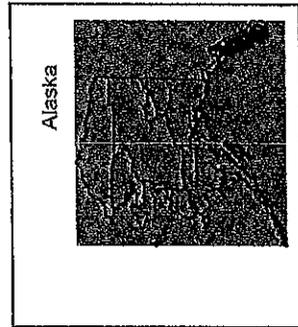




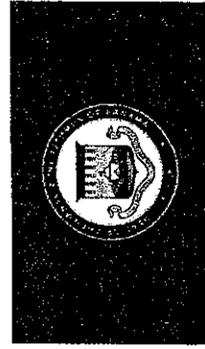
# Places We Came From



51% - NM  
 34% - TX  
 15% - Other States  
 .2% - Outside US



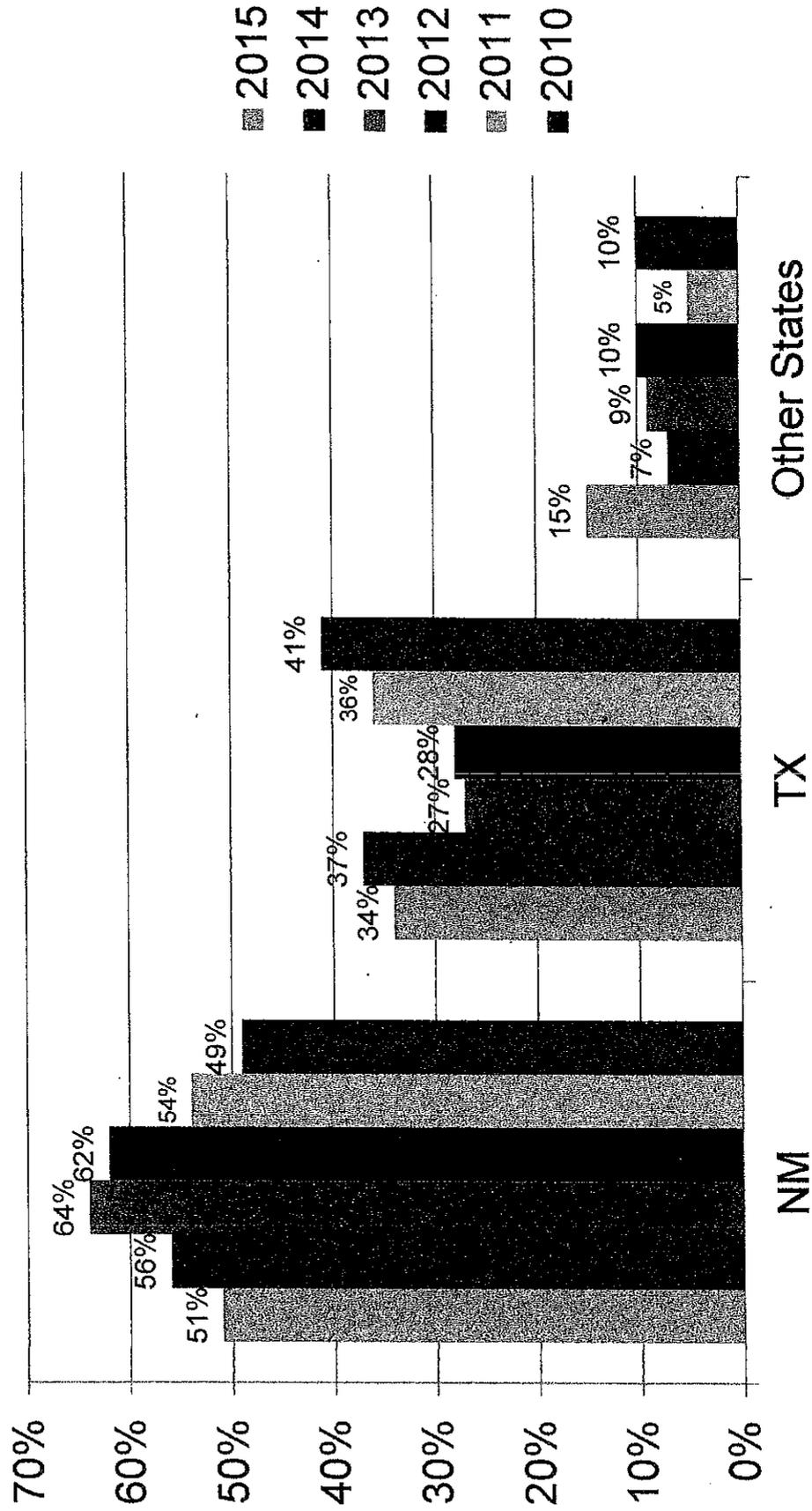
Australia



Panama

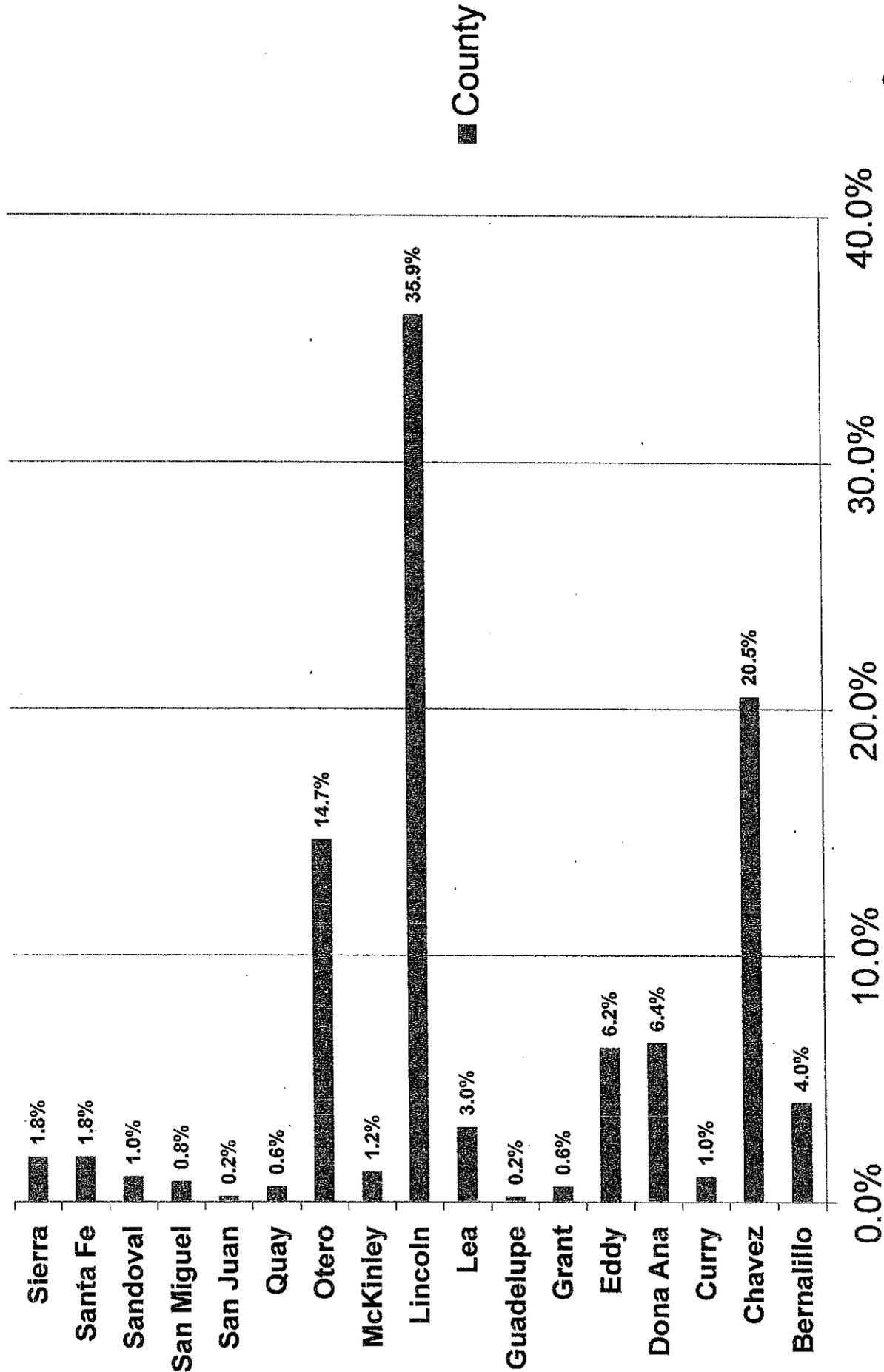


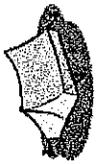
# Where We Are From



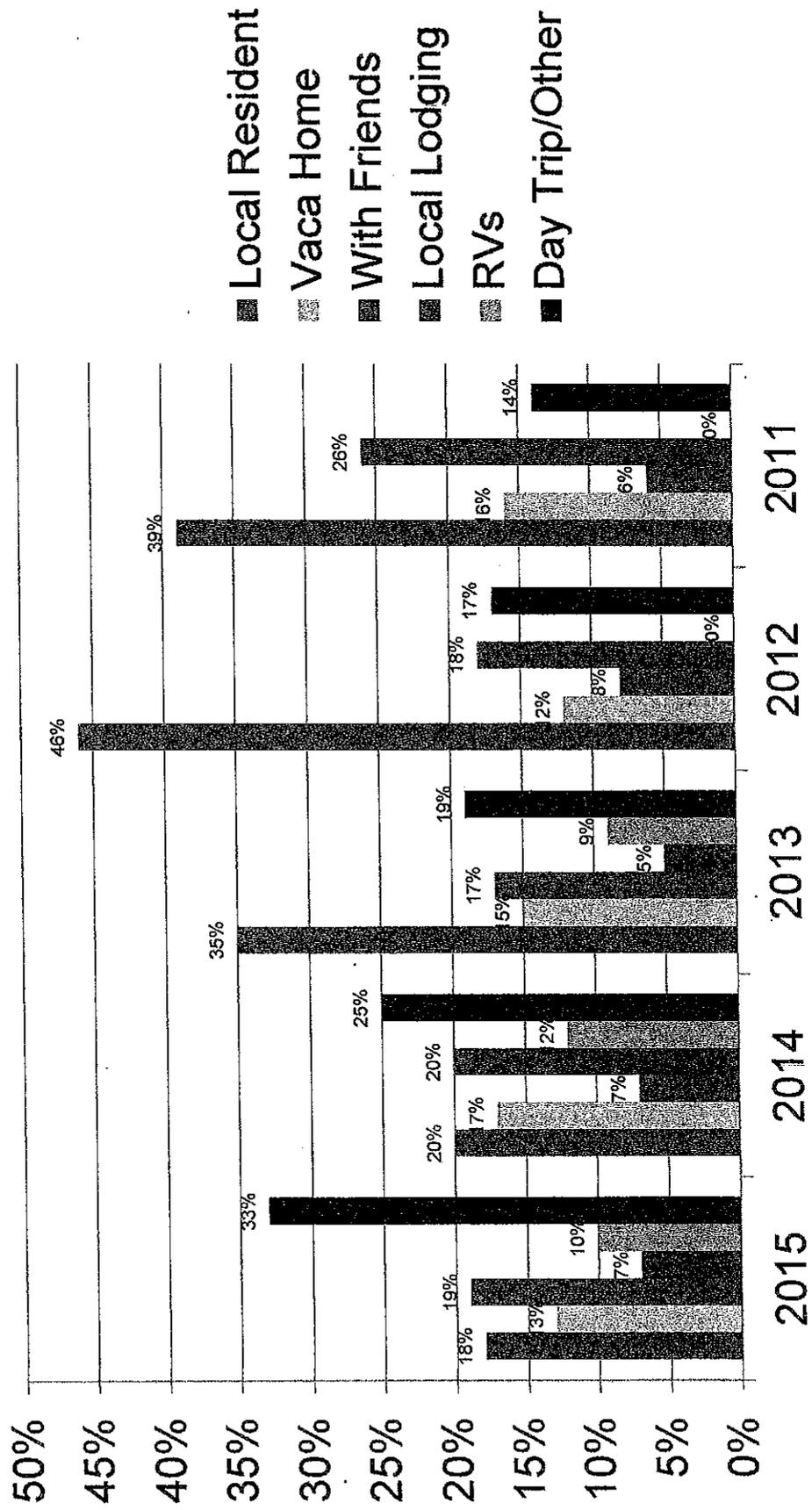


# New Mexico Distribution





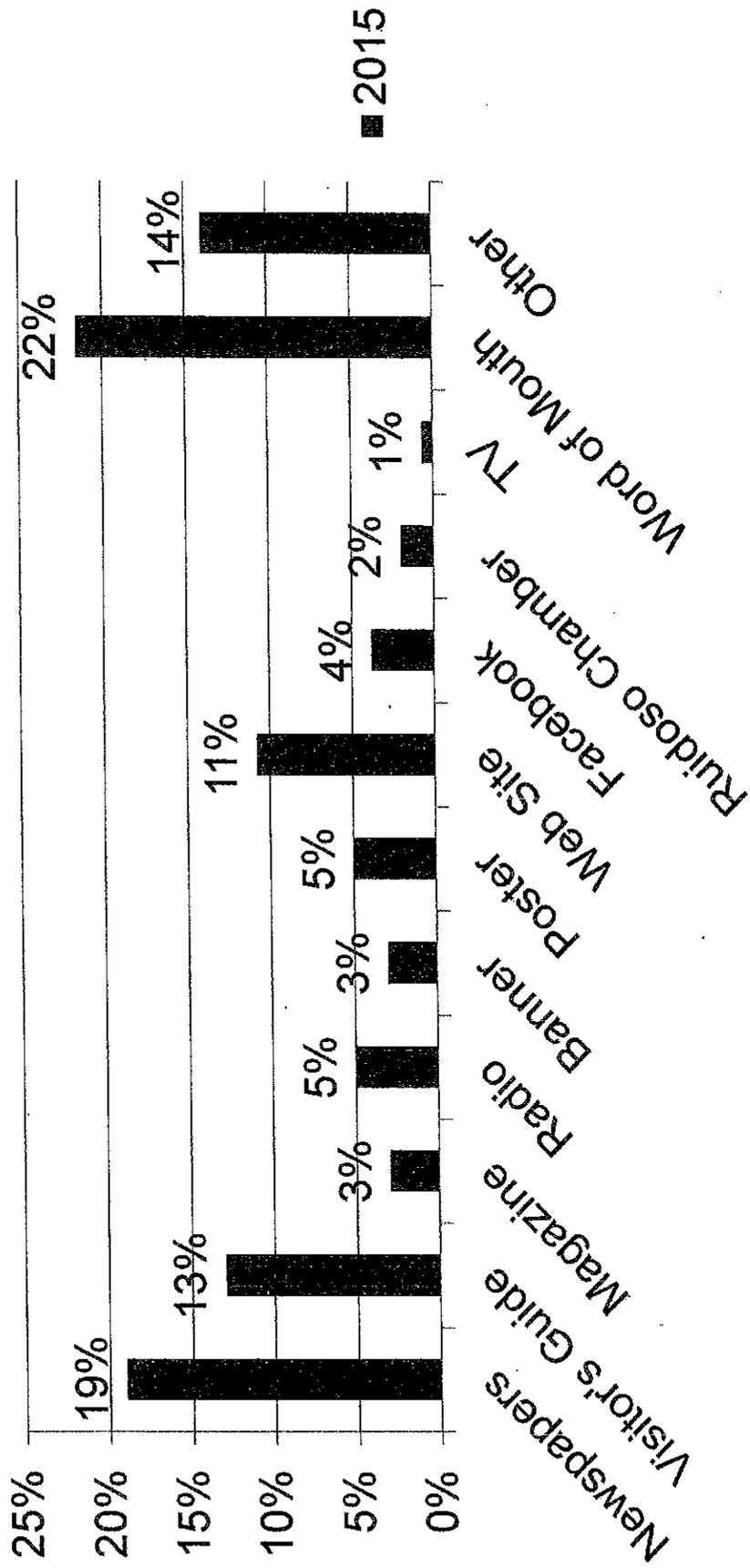
# Where We Stayed

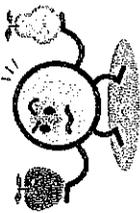




# How Did You Hear About FSL

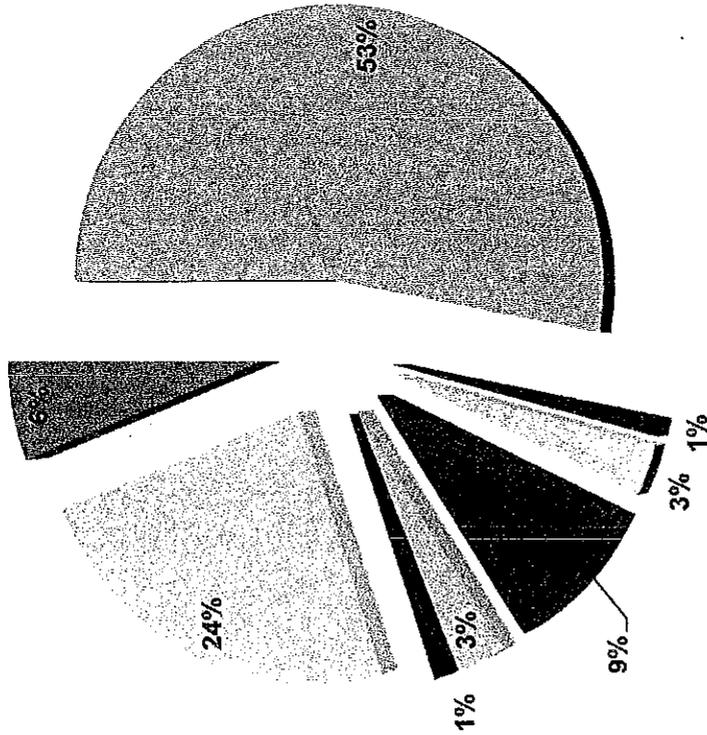
2015





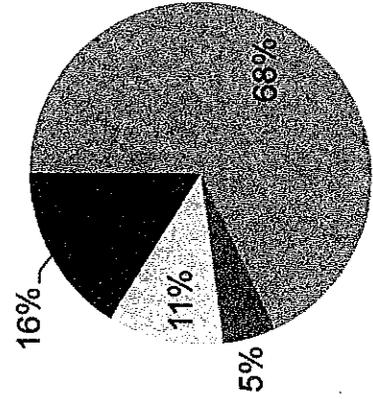
# Which Paper

- Ruidoso News
- Albuquerque Journal
- Las Cruces Sun
- El Paso Times
- Alamogordo
- Ft Bliss Bugle
- Roswell Daily Record
- Lubbock Avalanche

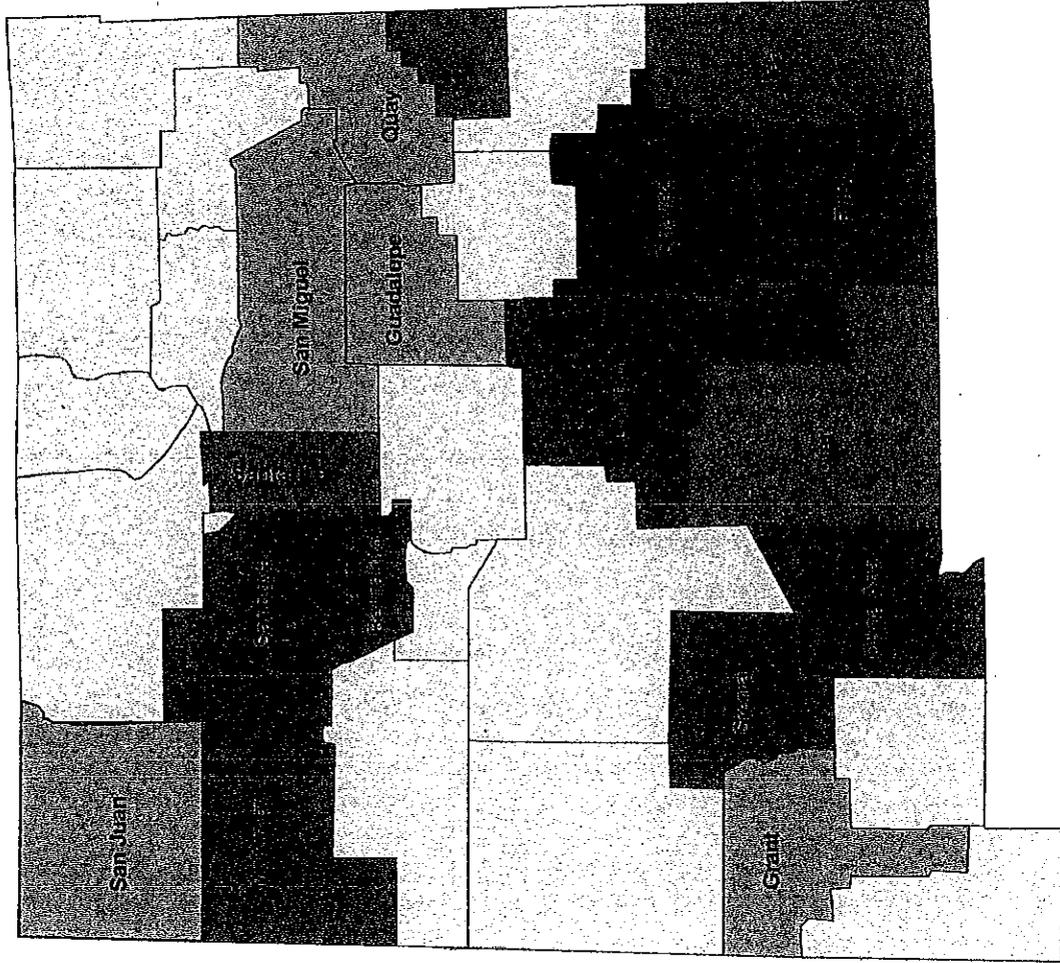


# Which Magazine

- NM Mag
- AAA
- True West
- Ruidoso Travel Mag

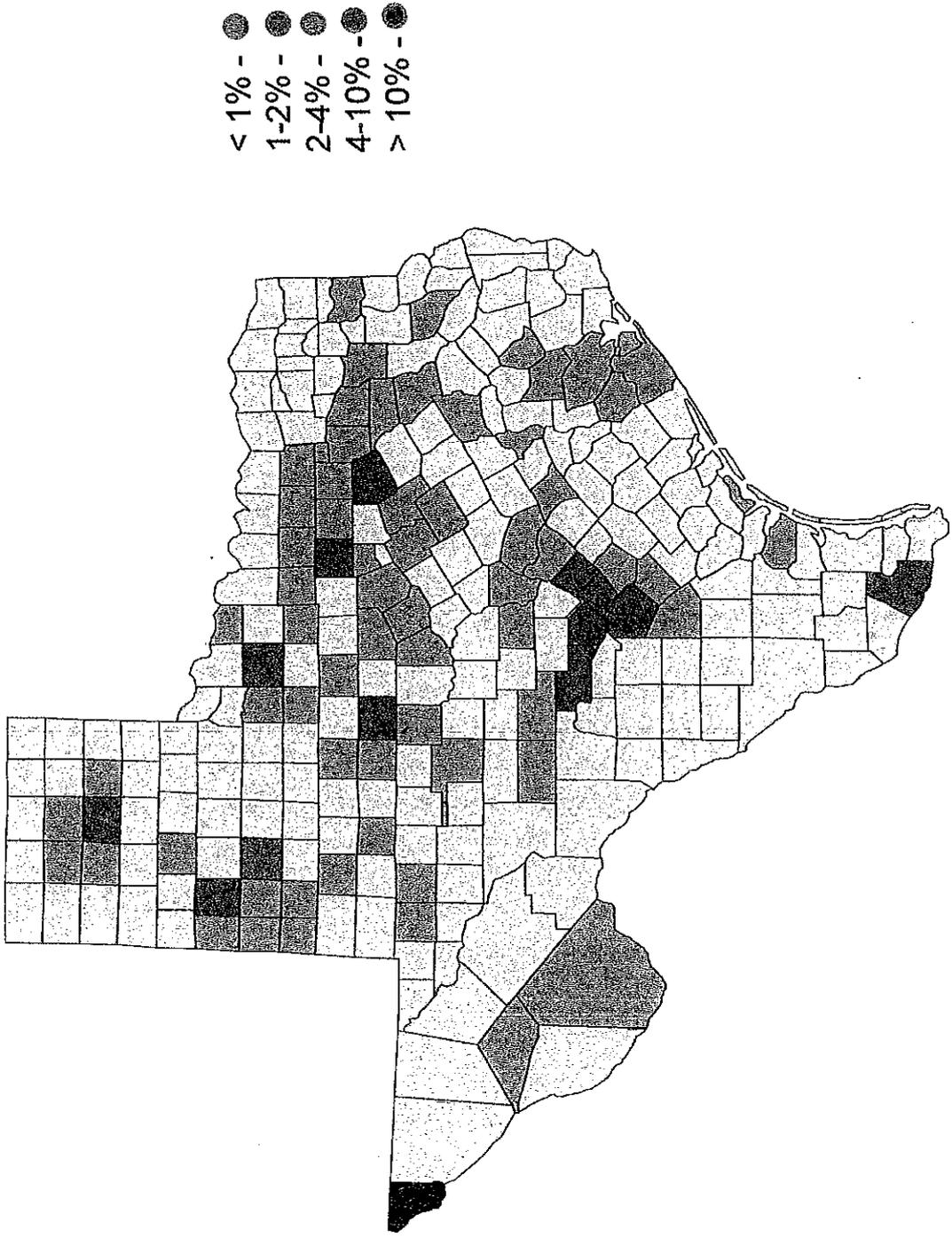


# New Mexico

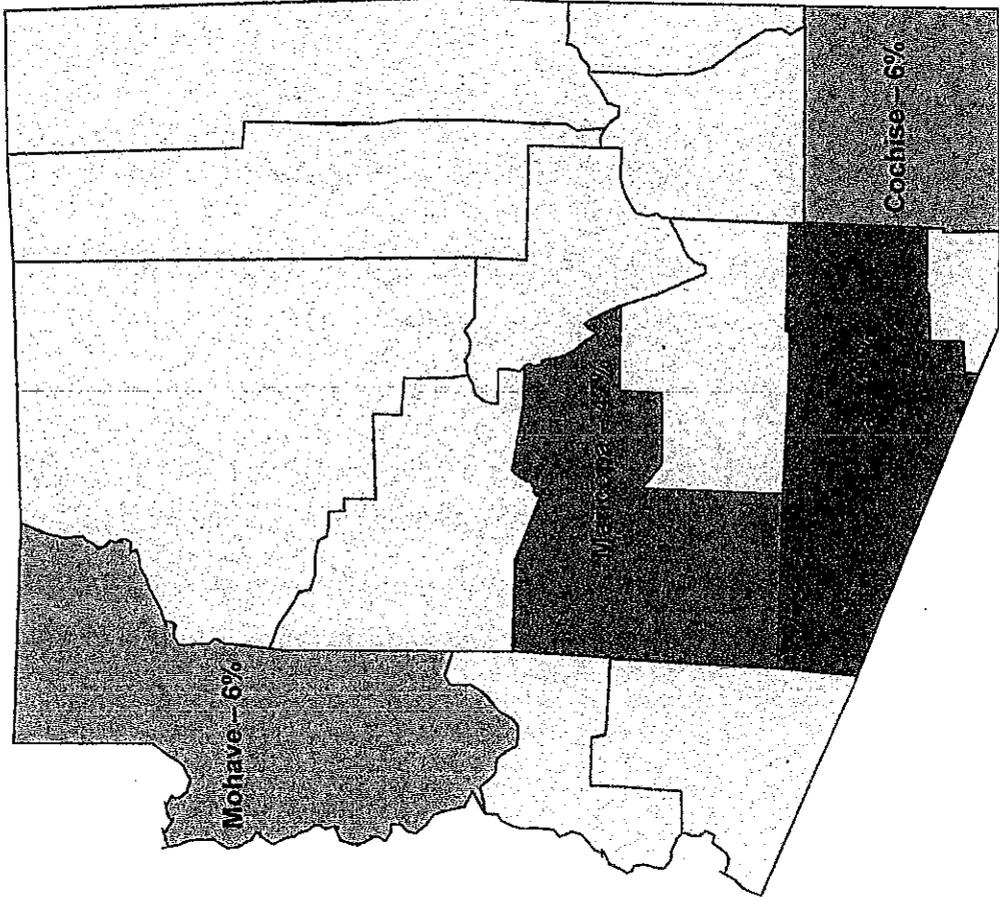


- <1%
- 1-10%
- 10-20%
- 20-30%
- 30+%

# Texas

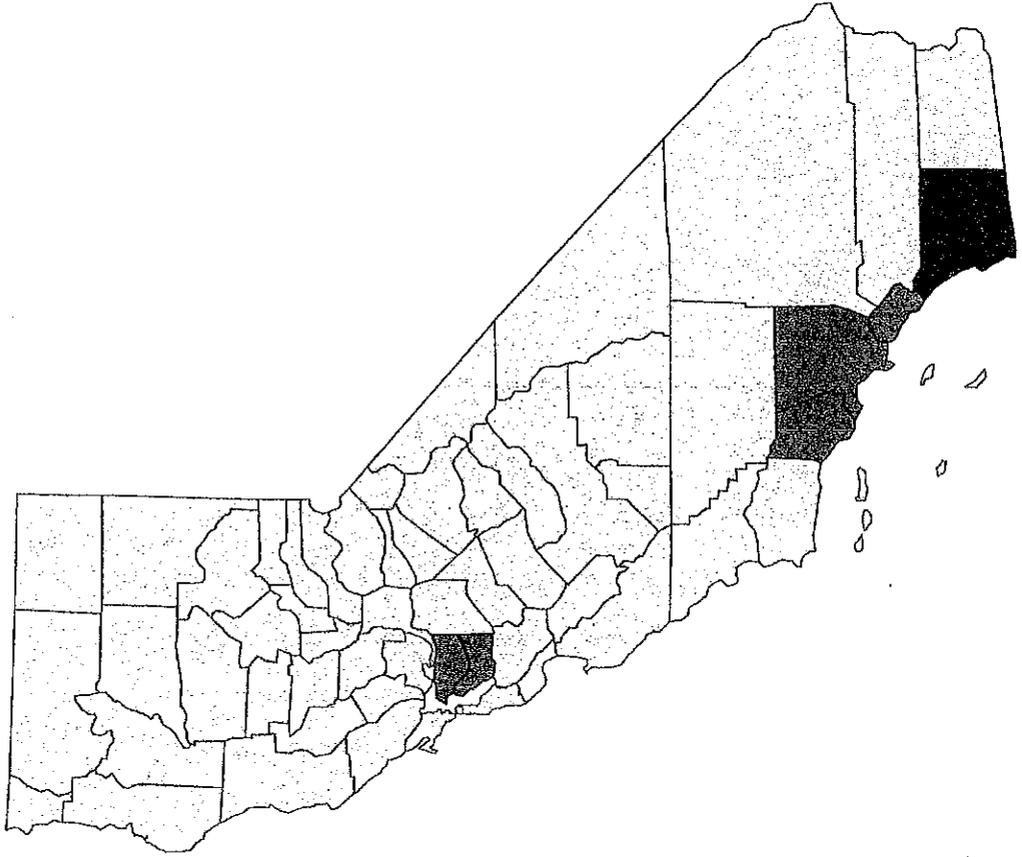


# Arizona



# California

1-15%  
15-30%  
30-45%



Lincoln County Lodger's Tax Committee

Minutes April 26, 2016

1. Call to Order. The meeting convened at 10:04 a.m.

2. Roll Call

Present:

James Hobbs

Sheri Rodgers

Sue Hutchison

Absent:

David Vigil

3. Approval of Minutes – passed.

Prior to discussion related to funding requests, the committee looked at the ledger sheet in the packet which indicated the amount of funding available for disbursement. According to the Lodgers' Tax Requests/History page, the available balance for the meeting was \$4,799.70. This figure was confirmed via telephonic conference one hour prior to the meeting by Chair Hutchison with Lincoln County Finance Director Punkin Schlarb.

4. Funding Request: \$2,030.00 Ruidoso Grindstone Trail Runs

4a. Mr. Fredrich Moras was available to present information and answer questions. Funds had been secured from Lodgers' Tax funds through the County during 2014 and 2015. Funds will primarily be used for advertising.

Discussion took place with respect that the available funds for allocation were rather low. Mr. Moras agreed to accept a recommendation for \$1,000 funding from Lincoln County Lodgers' Tax funds to assist with newspaper advertising.

Motion was made by Sheri Rodgers to recommend to the Commission \$1,000 of this request, and was seconded by James Hobbs. The motion passed unanimously.

4b. Funding Request: \$5,000 Lincoln County Cowboy Symposium.

Sunny Hirschfield was present to answer questions. After discussion with the Committee, Ms. Hirschfield agreed to allow the Committee to table the request until the May meeting when funds may be available to consider the request. Motion was made by Chair Hutchison to table the request and second offered by Sheri Rodgers. The motion passed unanimously.

4c. Funding Request: \$8,000 Fort Stanton Live

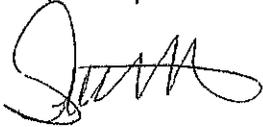
Dr. Walter Pittman was present to answer questions. After discussion with the Committee, Dr. Pittman agreed to allow the Committee to table the request until the May meeting when funds may be available to consider the request. Motion was made by Chair Hutchison to table the request and second offered by James Hobbs. The motion passed unanimously.

5. Acceptance of the expense budget reports ending March 31, 2016. Report was accepted unanimously. The Committee reviewed all Outstanding Purchase Orders.

6. The next meeting is scheduled for May 31, 2016.

7. The meeting was adjourned at 11:09 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sue Hutchison', written in a cursive style.

Sue Hutchison, Chair

Lincoln County Lodgers' Tax Committee

**LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING**

Date: 4/26/16

Application Number: 0014

**Section 1**

Name of Organization: Ruidoso Grindstone Trail Runs

Organization is  Profit  Non-Profit  Government Related

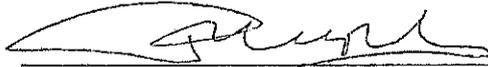
Address of Contact: P.O. Box 561 Phone: 575 937-7106  
Ruidoso, NM  
88355

Amount requested: 2,030.00

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

\_\_\_\_\_

*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.*

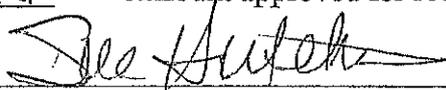


4/26/16  
Date

*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: 4/26/16 Amount approved for recommendation: 1,000.00

Authorized Signature: 

**Section 3 Lincoln County Board of Commissioners**

Meeting date: \_\_\_\_\_ Amount approved: \_\_\_\_\_ Denied: \_\_\_\_\_

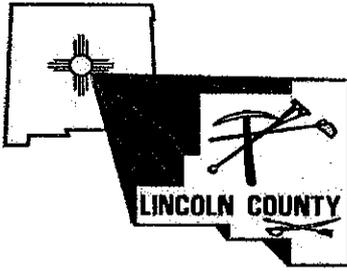
Comments: \_\_\_\_\_

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



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

# County of Lincoln

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

## Agenda Item 23

April 11, 2016

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Appointments and Removals from Boards/Commissioners Committee Update

#### Discussion:

Consider and appoint/reappoint the following member to the committee:

- Senior Citizens Olympic Committee– Gene Nitz & Jim Clements
- Southeast Regional Transportation Planning Organization (SERPO)
- Property Tax Protest Board

The following are the Boards/Commissioners Committee that still needs members appointed:

- Lodger's Tax Committee
- Land and Natural Resources Advisory Committee - one position
- Planning Commission – three positions

**Recommendation:** Appoint Gene Nitz & Jim Clements to the Senior Citizens Olympic Committee and continue to look for members for Lodger's Tax Committee, LANRAC, and Planning Commission.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**PROPERTY TAX PROTEST BOARD – 2 YEAR TERM**

| DISTRICT NO. | MEMBER                     | ADDRESS                       | RESIDES IN DISTRICT NO. | DATE APPOINTED | TERM EXPIRATION |
|--------------|----------------------------|-------------------------------|-------------------------|----------------|-----------------|
|              | LORI WEITZEL               | BOX 698, CARRIZOZO, 88301     |                         | 05/20/14       | 05/16/16        |
|              | DONDA RICHARDSON           | BOX 9, CAPITAN, NM 88316      |                         | 05/20/14       | 05/16/16        |
|              | ALTERNATE – DEREK MOORHEAD | 1201 MECHEM DR, RUIDOSO 88345 |                         | 05/20/14       | 05/16/16        |

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

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

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

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

PUBLICATION IS REQUIRED

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

| DISTRICT NO. | MEMBER                   | ADDRESS                         | RESIDES IN DISTRICT NO. | DATE APPOINTED | TERM EXPIRATION |
|--------------|--------------------------|---------------------------------|-------------------------|----------------|-----------------|
|              | PAUL KUNKLE 575-630-1099 | 352 COUNTRY CLUB RD, RUIDOSO    |                         | 04/19/16       | 04/18           |
|              | 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           |

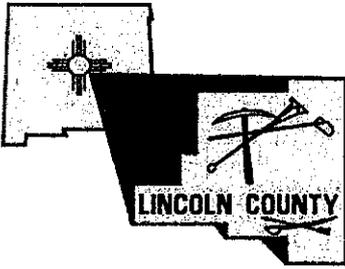
PUBLICATION IS REQUIRED.

**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                       |                |                 |



RECEIVED

MAY 04 2016

*County of Lincoln*

ADMINISTRATION  
LINCOLN COUNTY, NM

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

April 22, 2016

Gene Nitz  
218 Jack Little Dr.  
Ruidoso, NM 88345

Dear Mr. Nitz:

Your term for the Senior Citizens Olympic Committee has expired. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, May 17, 2016, please indicate below and return for further processing.

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

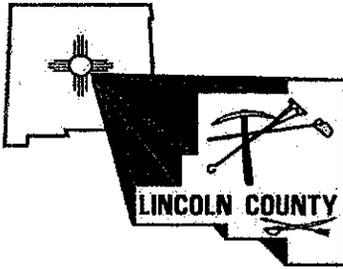
Sincerely,

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources 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.

  
Gene Nitz



www.lincolncountynm.gov

# County of Lincoln

RECEIVED

APR 28 2016

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

ADMINISTRATION  
LINCOLN COUNTY NM

April 22, 2016

Jim Clements  
101 Pow Wow Trail  
Ruidoso, New Mexico 88345

Dear Mr. Clements:

Your term for the Senior Citizens Olympic Committee has expired. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, May 17, 2016, please indicate below and return for further processing.

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

Sincerely,

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources 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.

Jim Clements

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**SPECIAL BOUNDARY COMMISSION**

JACKIE POWELL APPOINTED: 01/16/2007  
L. RAY NUNLEY  
FRED HANSON

**SOUTHEAST REGIONAL TRANSPORTATION**

**PLANNING ORGANIZATION (SERPO) 10/19/04**

**(INDEFINITE TERMS)**

POLICY COMMITTEE MEMBER – CARL PALMER

APPOINTED: 04/16/13

TECHNICAL COMMITTEE MEMBER: Lynn Willard

APPOINTED: 03/17/15

**COMMUNITY HEALTH IMPROVEMENT COUNCIL**

**ROSTER FY 09 (APPROVED 02-15-11 TERM EXP**

**JANUARY 2012)**

Scott Annala – Access to Care  
Britt Beaty – Access to Care  
Shirley Beer- Behavioral Health  
Aimee Bennett – Substance Abuse  
Celeste Bonds – Youth  
Jennifer Chadwick – Access to Care  
Shannon Dictson – Awareness and Education  
Angie Fernandez – Nutrition  
Tina Godby-Ware – DV/Sexual Assault  
Melissa Gebhart – Youth  
Barbara Gomez – Community Events  
Patty Gray – Access to Care  
Linda Hand – SDA Prevention/Family Stabilization  
Bill Hanson-DWI Prevention Program  
Shawn Lott- Lactation education and Support  
Barbara Mader-Holistic Healing  
James Martin-Access to Care/Geriatric Issues  
Misty Gay McArthur-Health Education/Family Stabilizations

Brenda Motley-Lopez -  
Petrina nelson-Mental Health/Substance Abuse  
Ardena Orosco – Substance Abuse Prevention  
Toni Peppard – Chronic Health, Birth-21  
Lydia Radosevich-Physical Therapy  
Andrea Reed-Community Health  
Alicia Rios-Disabilities  
Maurie St. John – Senior Issues  
Georgia Underwood – Advocate  
Diane Ventura – Community Health

**COMPREHENSIVE PLAN STEERING COMMITTEE**

**MEMBERS (09/19/2006)**

DR. JIM MILLER – RESIDENT  
MARY DOKIANOS - RESIDENT  
DUANE FROST - PLURAAAC  
JERRY CARROLL - PLANNING  
MAYOR L. RAY NUNLEY - RUIDOSO  
JOHN WATERS – RUIDOSO DOWNS CITY MANAGER  
MAYOR BILL HIGNIGHT - CORONA  
MAYOR SAM HAMMOND - CAPITAN  
TOM BATTIN - COMMISSIONER  
GARY STILLWELL – LINCOLN HISTORIC BOARD  
JACKIE POWELL - COMMISSIONER  
WELDA OR JIM GRIDER - CARRIZOZO  
TOM STEWART – COUNTY MANAGER  
CURT TEMPLE – PLANNING DIRECTOR

**LINCOLN COUNTY TRANSIT STEERING COMMITTEE**

**09/09/2007**

JUDY PEKELSMAS (BOX 37, CAPITAN, 354-9109)

**WOLF EIS COOPERATING AGENCY:**

APPOINTED: RICK SIMPSON, PRIMARY

**PROPERTY TAX PROTEST BOARD - 2 YEAR TERM**

| DISTRICT NO. | MEMBER                     | ADDRESS                       | RESIDES IN DISTRICT NO. | DATE APPOINTED | TERM EXPIRATION |
|--------------|----------------------------|-------------------------------|-------------------------|----------------|-----------------|
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|              | 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)**

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| 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)**

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|--------------|--------------------------|---------------------------------|-------------------------|----------------|-----------------|
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|              | LUCY SERVIES             | 107 JACK LITTLE DR. B3, RUIDOSO |                         | 01/13/15       | 01/17           |
|              | JIM CLEMENTS             | 101 POW WOW TR, RUIDOSO 88345   |                         | 12/17/13       | 12/15           |
|              | <b>OPEN</b>              |                                 |                         |                |                 |
|              | GENE NITZ                | 218 JACK LITTLE DR, RUIDOSO     |                         | 12/17/13       | 12/15           |

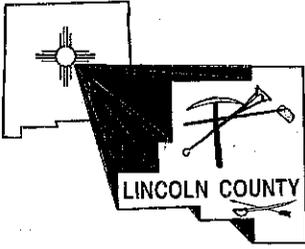
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**SOLID WASTE AUTHORITY, LINCOLN COUNTY - 2 YEAR TERM (AGREEMENT NO. 343)**

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



# Lincoln County Assessor

P.O. Box 38 • 300 Central Ave. • Carrizozo, New Mexico 88301-0038 • (575) 648-2306 • FAX (575) 648-2390

**PAUL BACA**  
Assessor

**YOVANNE LUCERO**  
Chief Deputy

**RECEIVED**

**MAY 12 2016**

ADMINISTRATION  
LINCOLN COUNTY NM

May 12, 2016

RE: Protest Board Members

Dear Chairman Stone and Commission,

The Lincoln County Valuation Protest Board members need to be re-appointed for the 2016 and 2017 tax years. This board convenes yearly in order to hear the formal protests regarding valuation of property for Ad Valorem tax purposes.

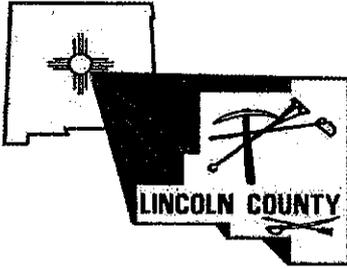
I respectfully request that the Lincoln County Commission re-appoint the current protest board members. They have agreed to serve another 2 year term.

The members are:

Donda Richardson – Realtor with Bill Pippin Realty  
Lori Wetzel – City Bank Compliance Officer  
Derek Moorhead – Alternate

Respectfully Submitted,

Paul Baca  
Lincoln County Assessor



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

# *County of Lincoln*

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

Agenda Item. 24

## SUBJECT

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

See attached list.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

# Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12  
Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

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

May 17, 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. *\*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. Amended Complaint Civil Rights Violation [42 USC 1983] was filed May 6, 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.

5. *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 Judgment will be entered. Summary Judgment Against Defendants Willie E. Naron and Joanne R. Naron entered on March 23, 2016.

6. *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 12<sup>th</sup> 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.

7. *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.

8. *\*Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. GSWA's Writ of Certiorari was denied by the New Mexico Supreme Court December 2, 2015. Mandate to District Court Clerk from the Clerk of the Court of Appeals filed on April 19, 2016. Notice of Status Conference (Judgment on Mandate) scheduled for May 10, 2016 at 10:30 a.m. before Judge Sarah Singleton at the 1<sup>st</sup> Judicial District Court in Santa Fe, NM.

**Lincoln County Ordinance Violations:**  
**Alan P. Morel: 12<sup>th</sup> Judicial District Attorney's Office**

9. *\*State of NM v. Blaylock, Gregory M-30-MR-2016-00016* Violation of County Ordinance 2014-04-Contraband at Lincoln County Detention Center. Non-Traffic citation was filed in Carrizozo Magistrate Court on February 10, 2016. A misdemeanor arraignment took place February 12, 2016 when the Defendant pled "Not Guilty." Defendant represented by Public Defender's office. Pre Trial Hearing was scheduled for March 29, 2016 but due to Defendant's automobile accident March 28, a reset was scheduled for April 12, 2016 at which time 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). A Pre-Trial Hearing is scheduled June 7, 2016 at 9 a.m. on a trailing docket before Judge Mickie Vega.

10. *\*State of NM v. Sandoval, Andrew D. M-30-MR-2016-00042* Violation of County Ordinance 2008-08-Animals running at large. Criminal Complaint filed March 31, 2016 in Carrizozo Magistrate Court. First Appearance hearing took place April 20, 2016 where the Defendant pled "Guilty" and was found Guilty. Sentencing Hearing is scheduled for May 24, 2016 9 a.m. on a trailing docket before Judge Mickie Vega.

11. \*State of NM v. Rice, Wallace M-30-MR-2015-00241 Violation of County Ordinance 2014-04-Transportation or Possession of Contraband into Lincoln County Detention Center. Criminal Complaint filed November 23, 2015 in Carrizozo Magistrate court. First Appearance hearing took place December 14, 2015 where the Defendant pled "Guilty." Sentencing Hearing was scheduled for January 19, 2016 however, the Defendant failed to appear due to his concurrent incarceration, being in the custody of the US Marshal in the case of USA v. Wallace R. Rice, Criminal No. 15-mj-4434 until federal prosecution is complete. Bench warrant was served April 28, 2016, along with an Order Setting Conditions of Release and Bail Bond by Judge Mickie Vega. Sentencing Hearing is scheduled for Tuesday, May 24, 9 a.m. on a trailing docket before Judge Mickie Vega.

### **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.

**\*Steward, Tynell** – Tort Claim Notice received April 18, 2016 alleging abuse while incarcerated in Lincoln County Detention Center.

**\*Coleman, Chad** – Tort Claim Notice received April 25, 2016 alleging warrantless search and seizure and malicious prosecution.

#### **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 8<sup>th</sup>

Amendment Rights.

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

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

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

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

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

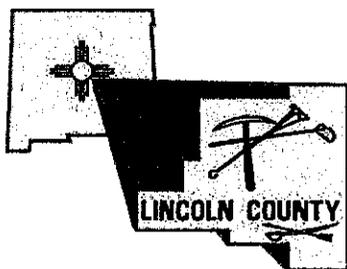
**McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

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

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

**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.



# County of Lincoln

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

www.lincolncountynm.gov

## AGENDA Item No. 25

May 13, 2016

### MEMORANDUM

**TO:** County Commissioners

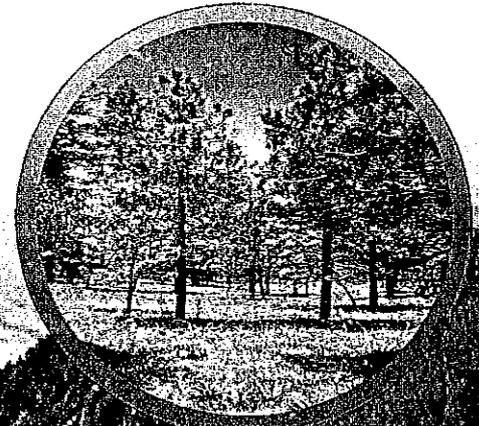
**FROM:** Nita Taylor, Lincoln County Manager 

**SUBJECT:** Approval of RFP #15-16-011 Environmental Consultant Services to SZ Enterprises, LLC  
Environmental Consulting

**DISCUSSION:** During its April 19th meeting, the Commission granted authority to issue an RFP for Environmental Consultant Services to conduct an environmental assessment for the mitigation of hazardous fuel reduction and defensible space, 300.2 Vegetation Management Wildfire Project for an area consisting of approximately 993 acres, 6 private land lots. This is the next step to complete required by the FEMA Hazard Mitigation Grant Process prior to commencing the actual thinning project.

One sole bid was received by SZ Enterprises, LLC for a project cost of \$85,020.00. See **Enclosure 1** for excerpts from response to RFP. I disclose that a member of my family, brother-in-law Clark Taylor, is on the SZ Enterprises, LLC team working this project.

**Recommendation:** Award to bid to SZ Enterprises, LLC



Proposal for

RFP# 15-16-011

Environmental Consultant Services

300.2 Vegetation Management

Wildfire Project

May 12, 2016

Submitted to

Submitted by



Lincoln County  
New Mexico



SZ Enterprises, LLC

ENCL 1

## LETTER OF TRANSMITTAL FORM

1. Identity (Name) and Mailing Address of the submitted organization:

SZ Enterprises, LLC

P.O. Box 1125

Alto, NM 88312

2. For the person authorized by the organization to contractually obligate the organization:

Name: Stephany Zabel

Title: Owner/Environmental Scientist

3. For the person authorized to negotiate the contract on behalf of the organization:

Name: Stephany Zabel

Title: Owner/Environmental Scientist

E-Mail Address: stephany@szenvironmental.com

Telephone Number: (970)239-0770

4. For the person to be contacted for clarifications:

Name: Stephany Zabel

Title: Owner/Environmental Scientist

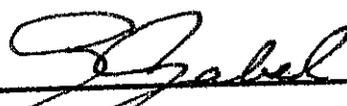
E-Mail Address: stephany@szenvironmental.com

Telephone Number: (970)239-0770

On behalf of the organization named in item # 1. above, I accept the Conditions Governing the Procurement as required in Section II, Paragraph C.1.

I concur that submission of our proposal constitutes acceptance of the Evaluation Factors contained in Section V of this RFP.

I acknowledge receipt of any and all amendments to this RFP.

 5/11/16

Authorized Signature and Date (Must be Signed by the person identified in Item #2 above.)

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## 1. Standards Compliance

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SZ Enterprises, LLC agrees to comply with current and future standards established by Lincoln County, New Mexico and any standards of FEMA.



## **2. Response to Specifications/Scope of Work**

### **2.1 Introduction**

Lincoln County is seeking an environmental consultant to conduct an environmental assessment for the mitigation of hazardous fuel reduction and defensible space, 300.2 Vegetation Management Wildfire Project for an area consisting of approximately 993 acres, 6 private land lots.

SZ Enterprises, LLC, is composed of environmental professionals who are all local Lincoln County residents that understand first-hand about wildfire risks and the importance of improving ecological conditions in this area. The presence of dangerous levels of natural fuels in the project area suggest the need to change existing densities and certain vegetation types that are currently present. If an ignition should occur in specified project area, catastrophic wildfire would almost certainly result in causing severe loss of property. The main goal of the proposed project is to reduce the amount of vegetation in the specified areas that is available for wildfire, and to assist in risk loss to the Lincoln County area.

### **2.2 Project Objective**

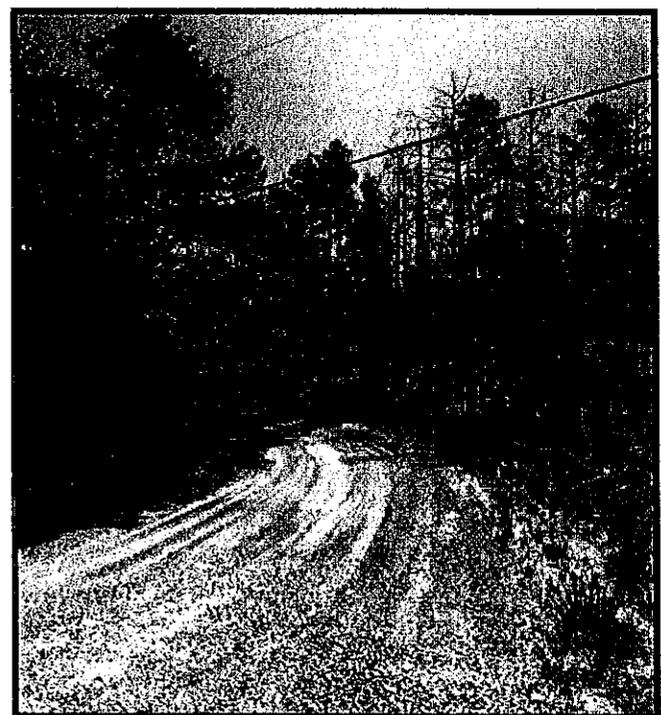
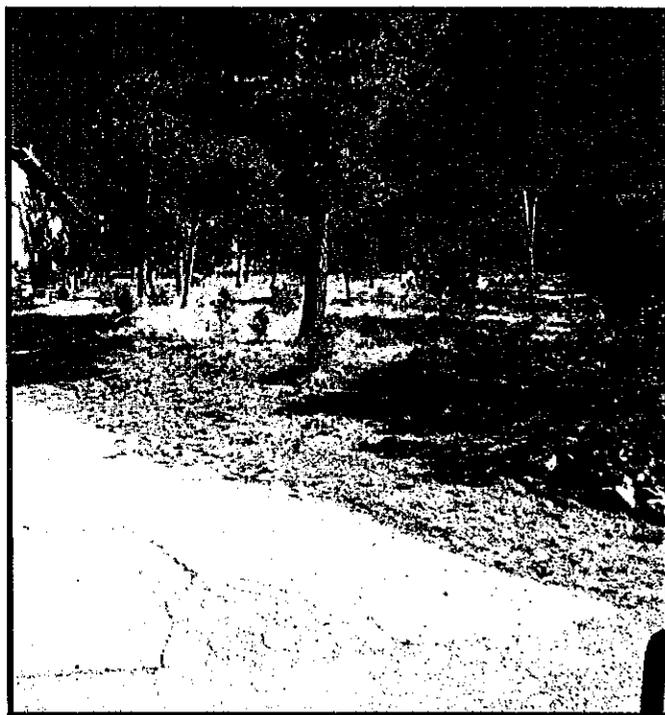
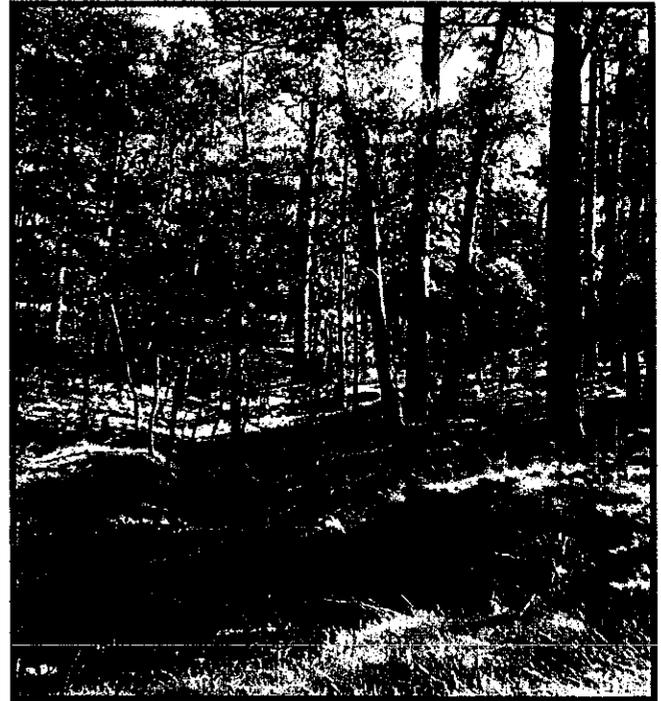
SZ Enterprises, LLC understands the project objective to be as follows:

- i. Conduct and prepare required environmental assessment (EA) documentation for biological, archeological, environmental and cultural resource studies that are required by the National Environmental Policy Act (NEPA), for the specified area of 993 acres, 6 private land lots.

The principle work activities to meet project objective are:

- i. Collect data, including visiting specified sites, to address the direct, indirect, and cumulative effects and any significance pertaining to the following:
  - Air Quality
  - Wetlands
  - Floodplains and Floodways
  - Biological Resources
  - Fish Wildlife and Plants
  - Cultural Resources
  - Socioeconomic and Environmental Justice.
- ii. Prepare a Draft EA to be reviewed by all regulatory agencies, Lincoln County and stakeholder agencies determined by FEMA, as well as preparing any and all preliminary Draft EA versions submitted to FEMA.
- iii. Submit Draft EA to the Public and agencies for review, with will be in accordance with CEQ regulations.
- iv. Prepare Final Draft EA, including any agency comments and addressing any issues raised from agency review and public input; and providing documentation in the Appendix that such reviews have occurred and include the appropriate documentation in the Final Draft EA and FONSI (if appropriate).

- vi. Submit EA to FEMA for final review and issuance of a FONSI (if appropriate).
- vii. Publish Final EA/FONSI (if appropriate) in local newspapers for final Public informational review period (10 days).



### **3. Experience in the Field / Familiarity with Lincoln County**

#### **3.1 Proponent's Qualifications and Experience**

##### **SZ Enterprises, LLC**

SZ Environmental Enterprises, LLC, is a minority woman-owned, certified small business environmental consulting company located in Alto, New Mexico. A newly founded company consisting of a staff, which is comprised of local Lincoln County, New Mexico residents that offers over 30+ combined years of experience in the environmental industry. SZ Enterprises, LLC specialize in local, State, and Federal environmental compliance and can deliver a wide spectrum of environmental services with quality and commitment. These services include hazard mitigation plans, environmental site assessments, environmental data review and report preparation, as well as sampling and monitoring for government and private enterprises.

SZ Enterprises, LLC is committed to customer service, customer satisfaction and successful project completion. SZ Enterprises, LLC will work closely and collaboratively with Lincoln County staff to ensure a successful project. Our team will provide boots-on-the-ground expertise in the overall project and a local knowledge of Lincoln County as well as an in depth understanding of the diverse culture.

##### **Stephany Zabel**

##### **Owner / Environmental Scientist / QA-QC**

Stephany Zabel is an Environmental Scientist with a BS in Business Administration and a MS in Environmental, Safety and Health Management, who launched the environmental consulting firm, SZ Environmental Enterprises, LLC. Ms. Zabel has a long history in project management and in 2011, she began working in the environmental industry assisting government, private organizations, and local communities with their sustainability efforts. She is experienced in business development, strategic planning, grant writing, regulation compliance, emergency management planning, and FEMA response. She has also participated in the Gold King Mine Spill disaster, assisting the residents of New Mexico while working as a key player with tribal, local, State and Federal agencies. In addition, Ms. Zabel holds vast international experience, allowing her to be effective at communicating across various cultures.

Ms. Zabel serves as the Operations Manager and QA-QC officer with many years experience in operations management, including efficiency and effectiveness of business systems. Her primary responsibilities focus on ensuring the company's processes and procedures are in place, consistent, and being implemented; quality assurance and quality control, including implementation and tracking of SZ Enterprises QA-QC plan; and ensuring that the company's goals are being met along with the projects goals. Ms. Zabel will also assist in conducting surveys and the development of the Environmental Assessment.

## **Clark Taylor** **Project Lead / Environmental Scientist**

Clark Taylor was born and raised in Lincoln County and is a retired rangeland /watershed specialist with 32 years of experience administering natural resources with the Bureau of Land Management, US Forest Service and the Natural Resources Conservation Service. Using the laws, regulations and policies that apply to the management of natural resources. He has applied the laws, regulations, and policies relative to the management of natural resources in a variety of landscape and ecosystems. He has extensive experience in analysis of vegetative types, soils and water resources. Also, Clark offers much experience with NEPA and CEQ. He has had formal classroom training for the National Environmental Policy Act (P.L.91-190), and the Council on Environmental Quality requirements for federal agencies, and federal funding to avoid environmental degradation, preserve historic, cultural, and natural resources. Clark has also been the author of over 100 environmental assessments related to grazing permit renewals, chemical brush control, water pipelines, fences, mechanical brush control, fuel reductions, and water shed rehabilitation projects. He has analyzed and completed numerous categorical excursions for projects such as vegetative thinning, pipeline installations, fences, and watershed rehabilitation projects. In addition, Clark has been an interdisciplinary team member for major environmental assessments, environmental impact statements, and resource planning documents.

## **Dick Shaw** **Archeological & Cultural Specialist / Environmental Scientist**

As a retiree from the Soil Conservation Service (SCS)/Natural Resources Conservation Service (NRCS), Dick Shaw offers over 30+ years of professional experience in the environmental field. Dick has been a resident of Lincoln County for over 10 years and has very good local knowledge. Currently, Dick is contracted with the New Mexico Association of Conservation Districts (NMACD) to provide technical assistance to the USDA/NRCS and Forest Service (FS) and the USDI/Bureau of Land Management (BLM). NRCS, FS and BLM entered into a cooperative agreement in the 2006-2007 timeframe to address natural resources issues and concerns on public lands throughout the state of New Mexico. Due to the nature of federal land management agencies, i.e. the FS and BLM, very little effort had been provided to allotments/permittees within their respective jurisdictions in the development of brush treatment projects, the development and/or maintenance of livestock water systems and fencing, etc. However, this effort needed a facilitator/mediator to work alongside BLM, NRCS and FS conservationists, biologists, hydrologists, soil scientist, and botanist and last but not most important, the rancher/permittee. Coordinated Resource Management Plans (CRMP's) are developed by NMACD contractors, like Dick Shaw, that address critical resource issues on each separate allotment where the FS/BLM permittee has requested assistance. The eventual document (CRMP) is provided to each agency participating and the permittee for review and eventual concurrence. From this document, NRCS develops conservation plans that may ultimately lead to a contract with the permittee that addresses the resource concerns and BLM/FS develops Environmental Assessments that describe the various alternatives, including the alternative to proceed with installation of conservations practices required to address those resource issues and concerns. Dick assists in the design and layout, needed for cultural clearances, of livestock water systems and fencing, as well as determining the project area for vegetative treatments of both noxious weeds and invasive plants, such as juniper, creosote and mesquite. Dick also holds vast experience working on archaeological & cultural surveys necessary to meet NEPA requirements.



**Rosa Romero**  
**Biologist / Environmental Scientist**

Rosa Romero, a native New Mexican, is knowledgeable of the species impacts and environmental issues facing New Mexico and Lincoln County. Rosa attended Western New Mexico University obtaining a Bachelor's degree in Zoology, a minor in Botany, coursework in ecology and participation in ecological studies. While employed with the USDA Forest Service Rosa participated in large scale ecosystem restoration projects using NEPA guidelines to conduct, write, edit, and evaluate Environmental Assessments for numerous projects.

Rosa has published numerous articles, technical presentations and publications for The Wildlife Society. One article entitled *Quick Response Experimental Post-Wildfire Translocation on the Narrow Headed Gartersnake (Thamnophis rufipuntatus)* and a technical dissertation for New Mexico Network for Women in Science and Engineering, entitled *The Importance of the Preservation of Native Wildlife of the Southwest*. Rosa has been an adjunct professor for New Mexico State University and is currently employed as an Environmental Scientist for the State of New Mexico Environment Department. She currently resides with her family in Ruidoso, New Mexico.

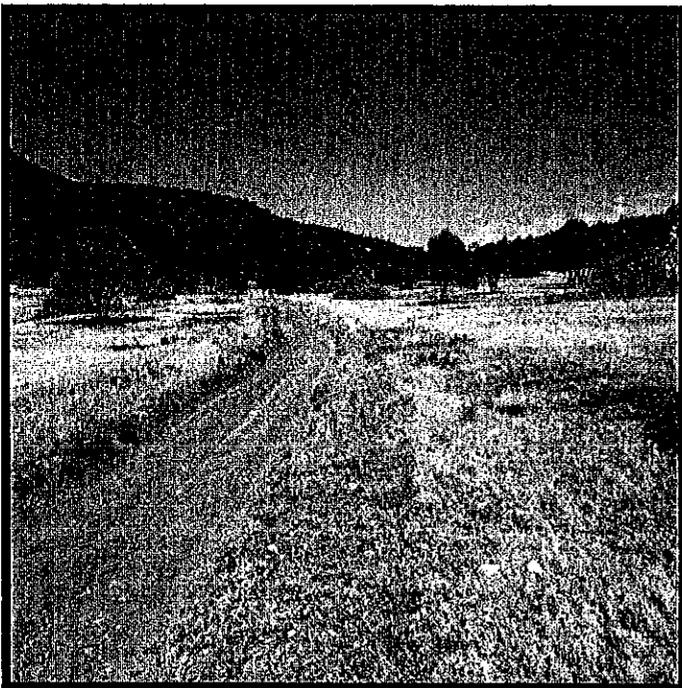


### 3.2 Team Members' Experience and Past Performance with Similar Projects

**Clark Taylor**  
**Project Lead / Environmental Scientist**  
**BS in Range Science**

**Conducted and authored over 100 Environmental Assessments including:**

- **69 KV Power line- Idaho Power Company/BLM;** Treatment of vegetation occurring in and adjacent to utility power line corridor and identification for access routes to conduct maintenance activities..
- **30" CO2 Transmission Pipeline – Shell Oil Company/BLM;** Treatment of vegetation occurring in and adjacent to the construction of a 30" CO2 transmission pipeline.
- **Turkey Gavilan Thinning Project – US Forest Service;** a thinning project removing of Pinon-Juniper, Ponderosa Pine, and Mixed Conifer intended for fuels reduction within the Wildland/Urban interface (WUI).
- **Moon Mountain Thinning Project;** a thinning project removing of Pinon-Juniper, Ponderosa Pine, and Mixed Conifer intended for fuels reduction within the Wildland/Urban interface (WUI).



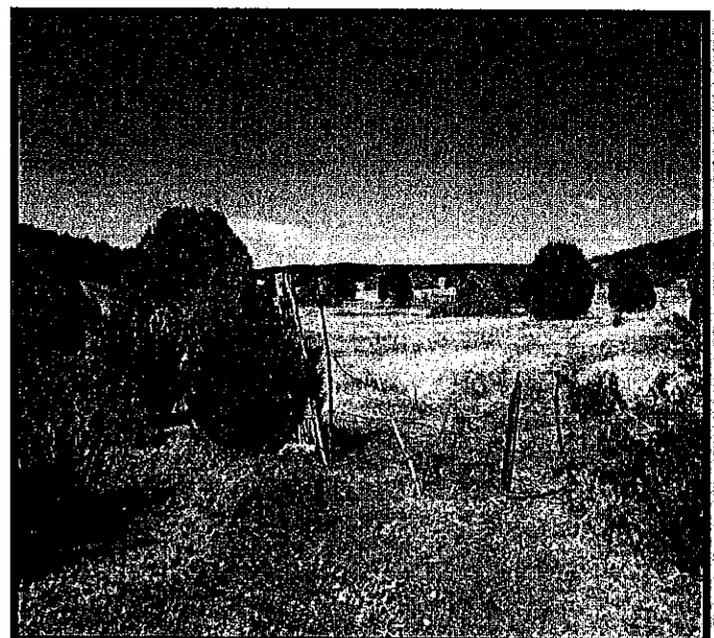
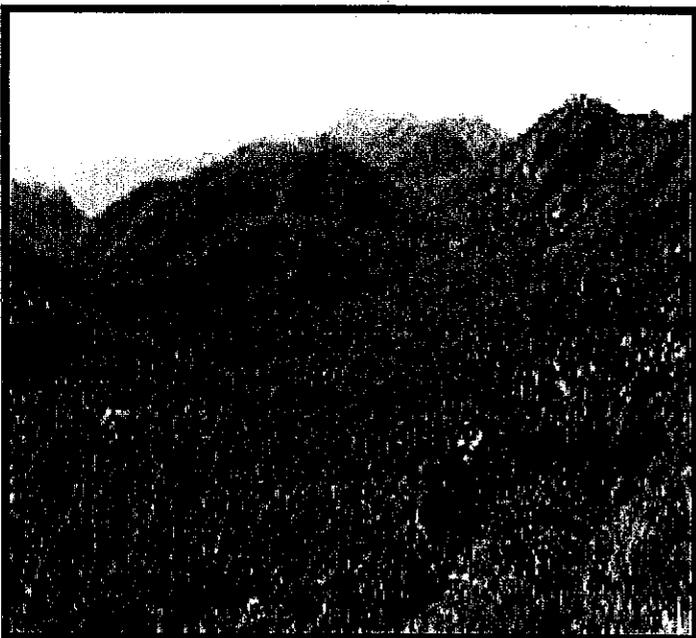
**Rosa Romero**

**Biologist / Environmental Scientist**

**BS in Zoology with a minor in Botany**

**Conducted biological and cultural reviews for Environmental Assessments for the following projects:**

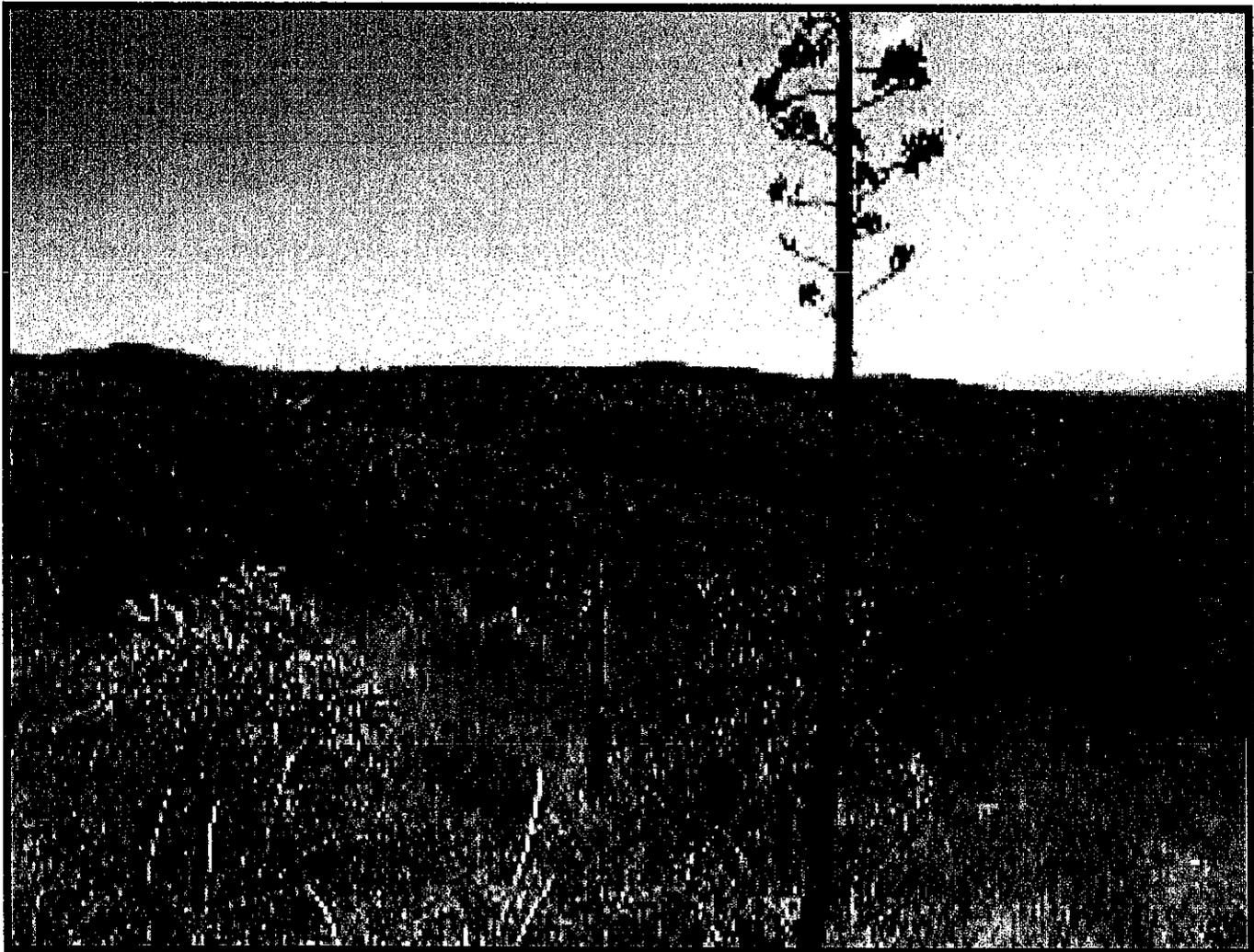
- **Burro Analysis for the Restoration of Forest Health project**; a thinning of Pinon-Juniper, Ponderosa Pine, and Mixed Conifer intended for grassland restoration.
- **Pine Lawn Fire Salvage**; a salvage of Dead and dying trees on approximately 250 acres along US Hwy 180, the salvage which included harvesting of fire damaged trees.
- **TEP Powerline Vegetation Treatment and Access Route**; a treatment of vegetation occurring in and adjacent to utility power line corridor and identification for access routes to conduct maintenance activities.
- **Moraga Canyon-Collins Park Antelope Corridor**; treat approximately 6,500 acres of Pinon Juniper and Ponderosa Pine habitat to link Collins Park with the Plains of San Augustin and facilitate Pronghorn Antelope movement, restoring a native ungulate and game species to its historic home range.
- **Grazing Consultation and Evaluation for the Cox Canyon, Deadman, Y Canyon, and O Bar O Allotment Environmental Assessment**; a grazing allotment management plan for the Cox Canyon, Deadman, Y Canyon, and O Bar O Allotments and Frisco Plaza Allotment.



**Dick Shaw****Archeological & Cultural Specialist / Environmental Scientist****BS in Wildlife Science****MS in Wildlife Science**

**Conducted cultural resource surveys and clearances as well as archeological surveys and clearances on an array of projects including most recently:**

- **Arvil Yaste Ranch;** Vegetative treatment project intended to restore native grasslands
- **Three Rivers Ranch;** Vegetative treatment intended to restore native grasslands



## 4. Funding Changes

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**Funding Changes:**

SZ Enterprises has never requested contract funding increases.

## 5. Litigation History

---

**Litigation History:**

There is no litigation history ever associated with SZ Enterprises, LLC. SZ Enterprises, LLC has never received or had any legal disputes or claims in the last 5 years.

## 6. Insurance

---

**Insurance:**

SZ Enterprises, LLC is insured for General and Professional Liability Coverage under Hiscox Inc. (See Appendix A for Insurance Certificate).

## 7. Capability and Agreement to Perform

---

**Capability and Agreement to Perform:**

SZ Enterprises, LLC certifies that the company and all team members are capable and qualified to provide the products and/or services required by this RFP, and SZ Enterprises, LLC agrees to perform the Scope of Work as specified in the contract at Appendix B.

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## 5. Cost Response Form

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### APPENDIX C

### COST RESPONSE FORM

County of Lincoln RFP 15-16-011

Environmental Consultant Services  
for  
LINCOLN COUNTY

State gross receipts and local option taxes (if any) shall not be included in the proposed cost. Such taxes shall be separately reimbursed by the County.

OFFEROR NAME: SZ Enterprises, LLC

TOTAL PROPOSED COST \$ 1308 hrs @ \$65/hr = \$85,020.00

(Total cost to perform Scope of Work, not including tax.)

