

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

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

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

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, June 23, 2015 @ 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) May 5, 2015 Special Commission Meeting
 - b) May 19, 2015 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/Expenditures
 - b. Treasurer’s Financial Report for the Month ending May 31, 2015
 - c. The Alpine Village Sanitation District Mill Levy Tax Rate Approval
 - d. Road Name Request
8. Acknowledgment of Preliminary Budget Approval by DFA
9. Introduction of Senator Ted Barela - Governor’s Appointee to Senate District 39
10. Discussion – Factors Impacting Grazing and Property Rights in Otero County – Gary Stone, President, Otero County Cattleman’s Association
11. Forest, Land & Natural Resources Matters

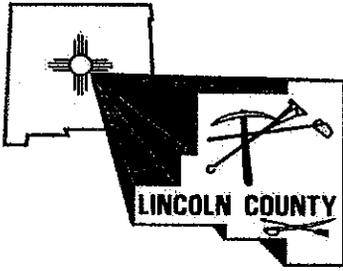
PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

- a. Smokey Bear Ranger District
 - b. Cibola National Forest – MOU
 - c. Community Forester
 - d. Office of State Engineer – Water Issues
 - e. Predator Control Activities
12. Consideration of Lincoln County Joining Otero and Socorro Counties in Submitting SET (Stronger Economies Together) Regional Application
13. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
14. Manager's Report
15. GSWA Request to File Property Liens
16. Solid Waste Collection Exemption per Ordinance No. 2014 - 07
17. Safety Net Care Pool & Indigent Health Care Claims
18. Update on MOU with the VOR Concerning Building Permits and Inspections
19. Agreement with Curry County to House Inmates in Lincoln County Detention Center
20. Tower Lease Agreement with the Capitán Municipal Schools
21. Award Bid 14-05-010 Resurface Old Fort Stanton Road
22. Preliminary Infrastructure Capital Improvement Plan (ICIP) – Direction and Prioritization
23. Resolution 2014-46 to Dispose of County Property by Auction
24. **2:00 p.m. Public Hearing:** Lincoln County Historic Preservation Ordinance No. 2004-04: Section VII (G):
- a. Appeal of the Lincoln Historic Preservation Board's denial of the Dickinson Gallery/Northside Pizza's Application for Variance to display a "Pizza" flag in the Lincoln Historic Preservation District.
 - b. Appeal of the Lincoln Historic Preservation Board's denial of the Dougherty's Application to display an "Open" flag in the Lincoln Historic Preservation District.
25. Rancho Ruidoso Valley Estates Subdivision-Discussion of Road Maintenance

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26. Change Sheriff Department's Narcotics Enforcement Unit Clerk from part time to a full time position
27. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - a. Final Budget FY 2015-2016
28. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. Lincoln Historic Preservation Board
 - b. Planning Commission
 - c. Senior Citizens Olympic Committee
29. Liability Insurance for Lincoln County Juvenile Justice Board
30. 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).
31. Greentree Solid Waste Authority items for consideration/action:
 - a) Re-negotiation of the current Joint Powers Agreement should the County of Lincoln elect to remain a full member of Greentree Solid Waste Authority.
Tabled
 - b) Potential Action on Rates for Solid Waste Collection Services in Lincoln County outside municipalities and Alto Lakes Water and Sanitation District by Resolution 2014-40 - **Tabled**
 - c) Consideration of Options:
 - i. Issue Third party Request for Proposal (RFP) for County of Lincoln Solid Waste Services. - **Tabled**
 - ii. Negotiation of Joint Powers Agreement and the status of the County of Lincoln should an RFP for a Third Party Contract for Services be sought.
 - d) Identification and Valuation of GSWA Assets to Serve Lincoln County residents
 - e) Any and all other items pertaining to Greentree Solid Waste Authority and the County of Lincoln.
32. Signing of Official Documents
33. Next meetings:
 - a. July 15, 2015, Regular Commission Meeting
34. Adjourn

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County of Lincoln

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Agenda Item 6

SUBJECT

Approval of Minutes:

- a) May 5, 2015 Special Commission Meeting
- b) May 19, 2015 Regular Commission Meeting

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Tuesday, May 5, 2015**

11
12 Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on May 5,
13 2015 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 8:30:11
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; Punkin Schlarb, Finance Director; Beverly
28 Calaway, Treasurer; and Rhonda Burrows, County Clerk.

29
30 **3. Invocation**

31
32 The invocation was presented by Commissioner Draper.

33
34 **4. Pledge of Allegiance**

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

38
39 **5. Approval of Agenda**

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

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

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

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

47 **6. Public Hearing: Preliminary Budget hearing, Fiscal Year 2015-2016; Infrastructure**
48 **Capital Improvements Plan (ICIP) Development**

49
50 Chair Stone recessed the Regular Meeting and convened the Public Hearing at 8:32:45 AM.

51
52 **7. County Manager's Overview**

53
54 Nita Taylor, Manager provided an overview of the process and a timeline for submission of the
55 preliminary and final budget. Ms. Taylor anticipated final approval of the preliminary budget
56 during the May 19, 2015 Regular Meeting.

57
58 Ms. Taylor acknowledged the work of Punkin Schlarb, Finance Director; Beverly Calaway,
59 Treasurer and her staff; and the other public officials for their work during the budget process.

60
61 Ms. Taylor stated the conservative budget as presented resulted in a revenue base of \$841,557
62 over the required reserve of \$1,881,300 or 3/12 of total General Fund expenditures of \$7,525,200.
63 Ms. Taylor stated expenditures were unconstrained and projected revenues were conservative.

64
65 Ms. Taylor discussed major transfers from the General Fund to cover departmental expenses
66 including; \$2,358,325 for Road Department operations; \$2,203,515 for Detention Center
67 operations; \$111,151 for Senior Citizen Centers; and \$110,000 for Juvenile Detention related
68 operations.

69
70 Ms. Taylor provided a history of property valuations beginning in 2004 and noted the increase in
71 valuation from \$1,131,149,006 in 2013 to \$1,163,765,087 in 2014. Ms. Taylor stated DFA
72 mandated the use of the 2014 valuation for the development of the Fiscal Year 2015-2016 budget.

73
74 Ms. Taylor stated external agency requests not currently included in the preliminary budget
75 amounted to \$562,639. Ms. Taylor reminded approval of these requests would increase the total
76 required reserves and decrease total funds remaining over the required reserves.

77
78 Ms. Taylor reminded clinic and hospital budget requests were funded solely from the Property
79 Tax Mill Levy currently imposed at the rate of 2.0 for LCMC and .6 for clinics.

80
81 Ms. Taylor noted additional departmental requests not included in the preliminary budget were
82 typically for capital improvements or one-time requests. Ms. Taylor again reminded approval of
83 these requests would decrease total funds remaining over the required reserves.

84
85 Commissioner Stewart expressed belief that unless drastic budget cuts were instituted this year
86 the County would be unable to meet the required 3/12th reserves requirement next year.
87 Commissioner Stewart stated in the prior two years expenses exceeded revenues by \$7 million.
88 Commissioner Stewart stated expenses for routine operations now exceed revenues by \$2.5
89 million. Commissioner Stewart suggested that for every external agency request approved, a
90 corresponding reduction of internal budgeted expenses should occur.

91
92 Commissioner Draper partially concurred with Commissioner Stewart but reminded of the
93 daunting financial issues faced by prior Commissions including the Greentree Solid Waste issue,
94 the building of the new Professional Office Building, and increasing Detention Center costs.

95
96 **8. External Agency Presentations and Requests**

97

- 98 a. Ms. Taylor presented a summary of external requests including history of prior funding
 99 awarded and comparison analysis of current request.
 100
 101 **b. NMSU Extension Office \$ 95,000**
 102 Request presented by Marsha Palmer, Lincoln County Extension Director
 103 **c. Capitan Library \$ 10,000**
 104 Request presented by Pat Garrett, Director
 105 **d. Corona Library \$ 5,000**
 106 Request presented by Denise Williams, Director and William Weckwirth, Council
 107 Member
 108 **e. Ruidoso Library \$ 25,000**
 109 Request presented by Cory Bard, Director
 110 **f. Juvenile Justice Board (LCJJB) \$ 22,000**
 111 Request presented by Ted Allen, Coordinator
 112 **g. SNMEDD \$ 6,000**
 113 Request presented by Hubert Quintana, Executive Director
 114 **h. USDA Predator Control/Wildlife \$ 91,500**
 115 Request presented by Brian V. Archuleta, District Supervisor, WS, Roswell
 116 Note: USDA Total Request of \$91,500. Per Head Tax of \$0.55 = \$18,400;
 117 delinquent taxes = \$1,200; Taylor Grazing = \$24,179, Request from General Fund
 118 = \$43,779
 119 **i. Noxious Weed Program \$ 50,000**
 120 Request presented by Stephanie Bason, Coordinator
 121 **j. South Central RC & D \$ 40,000**
 122 Request presented by Laura Doth, Executive Director and Rick Merrick, Rural
 123 Forrester.
 124 **k. Lincoln County Humane Society \$ 30,000**
 125 Request presented by Nancy Antilla, Treasurer
 126 **l. EcoServants \$ 25,000**
 127 Request presented by Stephen Carter, Executive Director
 128 **m. NM Bookmobile \$ 1,260**
 129 Request presented by Ms. Taylor on behalf of New Mexico State Library
 130 **n. Coalition of Arizona/NM Counties \$ 2,600**
 131 Request presented by Ms. Taylor on behalf of Howard Hutchinson, Executive Director
 132 **o. Boys & Girls Club of Sierra Blanca \$ 10,000**
 133 Request presented by Tim Coughlin, Executive Director
 134 **p. Lincoln County Fair Board Assoc. \$ 44,000**
 135 Request presented by Shad Cox, Vice President and Billy Bob Shafer, President
 136 **q. New Horizons Development Center \$ 110,000**
 137 Request presented by Ann Mitchell, Executive Director and Nurse
 138

139 Commissioner Willard suggested since the New Horizon building was owned by the County this
 140 request was more appropriately considered as a capital outlay project.
 141

142 **9. Funding Requests not received or Funded in Prior Year**
 143

- 144 **a. Miracle's Paws for Pets \$ 5,000**
 145 Request presented by Barbara Culler, President
 146
 147 **b) City of Ruidoso Downs \$ 28,000**

148 Request presented by Mayor Gary Williams on behalf of Lincoln County Transit.

149 **c) Region IX Education Coop. \$ 9,000**

151 Request presented by Brenda Motley-Lopez, LMSW, Program Director.

152
153 There was general consensus to request the County Attorney provide an opinion as to whether
154 the school based health clinic would qualify for Mill Levy funding.

155
156 **d) White Mountain S&R \$ 1,000**

157 Request presented by Tony Davis, President

158
159 Chair Stone recessed the Public Hearing at 10:58:07 AM and reconvened at 11:10:36 AM.

160
161 **10. La Casa Buena Salud**

162
163 Ms. Taylor presented the request on behalf of Seferino Montano, Chief Executive Officer for La
164 Casa Buena Salud New Mexico. Ms. Taylor informed the La Casa Clinic in Hondo presented a
165 request for \$226,000 in funding which was an increase over the prior year's request of \$85,000.
166 Ms. Taylor stated Mr. Montano reported the increased request was based on the recruitment and
167 assignment of a physician replacing the previous staffing of a "mid-level practitioner" to provide a
168 higher level of care. Ms. Taylor provided a history of prior funding and noted there were several
169 years the clinic received no County support and operated at a loss. Ms. Taylor also provided
170 copy of the Hondo Clinic FY 2014-2015 Budget and the Uniform Data System Report required by
171 the New Mexico Department of Human Services containing detailed information about
172 populations served and services provided.

173
174 Ms. Taylor suggested any final decision on funding be deferred and considered in the larger
175 context of funding the remaining Presbyterian managed clinics.

176
177 Commissioner Willard reported a member of the Hondo School Board, which serves as the Fiscal
178 Agent for the clinic, expressed reservations about the increased request for funding and the need
179 for a physician to staff the clinic.

180
181 Commissioner Allen expressed belief the local residents were supportive of placement of a
182 physician in the clinic. Commissioner Allen expressed belief it was not the duty of the County
183 Commission to make staffing decisions for the clinics.

184
185 **11. Medical Related Budget/LCMC/Clinics**

186
187 Al Santos, LCMC Administrator recapped his prior presentation for the budget request. Mr.
188 Santos provided statistics related to the economic impact of LCMC operations and noted there
189 were over 85,000 patient contacts in 2014. Mr. Santos detailed accomplishments over the past
190 year including implementation of electronic medical records and Joint Commission Accreditation.
191 Mr. Santos reminded of the successful reauthorization of the Hospital Mill Levy by voters during
192 the 2015 General Election.

193
194 Mr. Santos anticipated renegotiation of the hospital lease would increase the payment to \$1.5
195 million. Mr. Santos stated the increase could offset the debt service for the renovation and
196 remodel of LCMC as previously approved.

198 Mr. Santos stated the total budget request for the upcoming fiscal year was \$2,851,610 for LCMC
199 and the Presbyterian rural clinics. Mr. Santos noted the request was an increase over last year's
200 request and stated this was primarily to accommodate the purchase of two new ambulances.
201

202 Mr. Santos discussed various revenue streams and suggested there was opportunity once the
203 renovation and remodel of the existing facility was complete to lease the current beds for long
204 term care at an estimated revenue of \$500,000 per year. Mr. Santos presented guidance as to
205 how the County could budget health care revenues to accomplish the funding requests.
206

207 Ms. Taylor reviewed a chart analysis of the requests for clinic funding for all County supported
208 health clinics. Ms. Taylor noted the current .6 Mill Levy imposition for clinics generated
209 approximately \$654,000. Ms. Taylor stated total requests from all clinics totaled \$780,610. Ms.
210 Taylor stated a proposed increase in the currently imposed mill levy clinic assessment from .6 to
211 1 Mill would generate approximately \$470,000.
212

213 Ms. Taylor noted LCMC's request of \$1,775,000 for operations was an increase over last year's
214 request of \$1,250,000. Ms. Taylor stated LCMC's requests for \$392,000 and \$60,000 in Capital
215 Outlay, \$110,000 for LCAP, and \$1,775,000 for operations totaled \$2,337,000 excluding clinic
216 operations. Ms. Taylor stated the current 1.0 Mill Levy hospital assessment generated
217 approximately \$2,195,000. Ms. Taylor stated the request of \$2,337,000 combined with the current
218 obligations to the Safety Net Care Pool and Medicaid from Mill Levy funds would result in a
219 negative balance of \$881,946.
220

221 Commissioner Stewart questioned the status of the previously approved additional funding for
222 LCMC. Ms. Taylor stated as per direction \$486,500 budgeted for LCMC in the current fiscal year
223 along with an additional \$150,000 for LCAP was remitted to LCMC. Ms. Taylor stated the
224 additional \$376,701 approved distribution to LCMC was still pending the requested certification
225 of indigent health care services provided.
226

227 Commissioner Stewart commented on potential issues associated with the distribution of funds
228 from the Indigent Health Care Fund directly to a hospital for services. Commissioner Stewart
229 suggested disbursement of the remaining \$376,701 from mill levy funds and shifting Safety Net
230 Care Pool and Medicaid payment obligations to the Indigent Health Care fund. Ms. Taylor stated
231 the topic was not set for discussion at this meeting but the Commissioners could revisit the issue
232 during the Regular Meeting of May 19, 2014.
233

234 Mr. Santos stated LCMC could easily provide a certification of indigent expenditures for 2014.
235 Mr. Santos expressed belief the Indigent Health Care fund was established for the purpose of
236 supplementing indigent health care through local community hospitals. Mr. Santos further
237 suggested funding LCMC's request from not only Mill Levy funds but also considering all sources
238 of health care revenue. Mr. Santos stated the imposition of 2.0 Mills for the hospital and 1.0 Mill
239 for the clinics was one of "political expedience". Mr. Santos suggested since Presbyterian
240 provided 24 hour access, 7 days a week, for 365 days a year through their facilities they might
241 access clinic mill levy funding.
242

243 Commissioner Willard questioned the provision of 24 hour service in the clinics. Mr. Santos
244 clarified service 24 hour service was provided through Emergency Medical Services and the
245 LCAP program.
246

247 **12. Detailed Department Review**
248

249 Ms. Taylor stated the detailed department review consisted of an analysis of the budget as a
250 whole. Ms. Taylor stated looking at past revenue and expenditure trends, staff worked to present
251 a fiscally conservative budget. Ms. Taylor stated in lieu of a line by line departmental budget
252 review she and staff would stand for questions.
253

254 Commissioner Stewart suggested after consideration of the estimated beginning cash balance,
255 the Manager and staff review non County departmental budgeted projects such as the new
256 Carrizozo Senior Center and the FEMA grant programs for potential opportunities to increase the
257 cash carryover by terminating some of these programs.
258

259 There was a general discussion about pending FEMA grants and the required matching funds.
260 There was also discussion regarding the budgeted amount for capital outlay projects.
261

262 Chair Stone recessed the Public Hearing and reconvened the Regular Meeting at 12:07:30 PM.
263

264 Chair Stone recessed the Regular Meeting at 12:07:32 PM and reconvened at 1:01:26 PM.
265

266 **16. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened**
267 **and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7), and Discussion of**
268 **the purchase, acquisition or disposal of real property or water rights by the public**
269 **body, Section 10-15-1, Sub-Paragraph H.(8).**
270

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

275 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
276 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
277 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,
278 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper
279 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.

280 2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May
281 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served
282 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending
283 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest
284 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new
285 counsel Dec. 13, 2014. Hearing regarding 1) GSWA's Motion First Amended Verified Emergency
286 Motion Seeking Further Relief on GSWA's Request for Preliminary Injunction Concerning the
287 Rate at which the County Will Bill and 2) Lincoln County's Motion for Sanctions is scheduled for
288 May 12, 2015 at 9 a.m.

289 3. *Greentree Solid Waste Authority v. Lincoln County, et al.* D-0101-CV-2013-00104. Suit
290 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.
291 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge
292 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.
293 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief
294 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed it Reply Brief Dec. 1, 2014. The
295 case has been submitted to a panel of judges for decision and the County received Notice of
296 Submission from the Court of Appeals Jan. 2, 2015.

297 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*
298 *041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*

299 al (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of
300 water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs.
301 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been
302 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of
303 the County.

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

Tort Claims Notices Received or Threatened

2015

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

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

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

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

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

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

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

331 **Chavez, Billy** – **Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**
332 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to
333 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-
334 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected
335 and noted no progress had been made.

336 **Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22,
337 2015 through attorney J. Robert Beauvais against the County of Lincoln in reference to Dep.
338 Preston's Disciplinary Action Dispute.

2014

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

344 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 alleging
345 negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

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

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

350 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 alleging false imprisonment,
351 due process violations, unlawful detention of a minor, emotional distress.

352 **Class Action** – Tort Claim Notice received June 23, 2014 alleging false imprisonment,
353 false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration
354 and Customs Enforcement charges.

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

357 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 alleging wrongful arrest, false
358 imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress,
359 abuse of process, wrongful termination and retaliatory discharge regarding discharge from the
360 Capitán Police Department.

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

363 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 by attorney W.
364 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own
365 equipment to alter a platted County right of way without the authorization or knowledge of the
366 County.

367 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,
368 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers
369 destroyed items in a home.

370 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by
371 attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a
372 violation of 8th Amendment Rights.

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

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

377 **McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris
378 Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

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

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

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

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

388 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
389 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

392
393 **2013b**

394 **Allen, Katherine Elizabeth**- Notice of Tort Claim received Sept. 12, 2013 from Katherine
395 Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

396 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
397 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
398 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in

399 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego
400 allegedly sustained injuries while in custody due to an existing broken back injury. Claim has been
401 denied by NMAC.

402 **Espinoza, Robert** - Tort Claim Notice received from Robert Espinoza on June 4, 2013,
403 alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center
404 meal delivery van ran off road hitting chain link fence, poles and railroad ties.

405 **Harrisburg Documents** - Attempts to recover Lincoln County documents illegally taken
406 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in
407 recovery efforts.

408 **Silva, Elmo** - Tort Claim Notice received from attorney Richard Marquez November 6,
409 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District
410 Court to 38 years filed on July 3, 1990.

411
412 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

416
417 Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:02:15 PM.

418
419 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:05:40 PM.

420
421 Commissioner Stewart attested that matters discussed in the closed meeting were limited to those
422 specified in the motion for closure or in the notice of separate closed meeting.

423
424 **17. Consideration/Action on GSWA Counter Offer to Lincoln County- Ref: Settlement**
425 **Agreement and Release**

426
427 **Motion:** Remit \$44,691 plus gross receipts tax to Greentree Solid Waste Authority on the 15th of
428 each month and on the 1st of each month thereafter on a month to month basis for services as
429 currently provided. **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**
430 Commissioner Stewart.

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

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

434
435 Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 2:07:09 PM.

436
437 **13. Unfunded Optional Requirements**

438
439 Ms. Taylor stated during the preliminary budget cycle public officials and department heads
440 identified or submitted requests for optional items not included in their primary operational
441 budgets. Ms. Taylor presented a list of requests and pointed out the associated expenses were
442 incorporated into the preliminary budget. Ms. Taylor stated for any requests not approved an
443 adjustment to remove the budgeted expense from the preliminary budget would occur.

444
445 Ms. Taylor noted two requests associated with salaries were presented for consideration. Ms.
446 Taylor informed legislative action resulted in the increase in amount of compensation County
447 Appraisers may receive for completing and maintaining certification. Ms. Taylor further informed
448 based on newly enacted State Statute each county was required to employ a Certified Chief

449 Procurement Officer but the statute did not provide for additional compensation for this
450 certification.

451
452 Ms. Taylor presented the following requests for consideration:

453			
454	Sheriff:	1. Four SUVs	\$145,000
455		2. Dispatch Radio System	\$500,000
456			
457	Road Department:	3. Transport Truck	\$120,000
458		4. Grid Roller	\$ 35,000
459			
460	Detention Center:	5. Kitchen Equipment	\$ 8,224
461		6. Three Cameras	\$ 4,546
462			
463	Manager:	7. Repair Parking Lot – Substation	\$ 4,166
464		8. Storage Shed – Rural Addressing	\$ 1,671
465			
466	Total Optional County Requests (included in draft budget)		\$888,607
467			

468 Yovanne Lucero, Chief Deputy Assessor informed Paul Baca, Assessor agreed to provide funding
469 for the increase in compensation associated with Appraiser Certifications from the Assessor's
470 Reappraisal Fund should the Board of Commissioners approve the increase.

471
472 Ms. Taylor suggested deferring consideration of compensation for Certification of the Chief
473 Procurement Officer pending further research regarding the policy of other counties.

474 475 **14. Manager's Recommendations**

476
477 Ms. Taylor requested the Board of Commissioners consider and take action on external requests;
478 take action or consider deferring action pending additional information on the funding requests of
479 the hospital and clinics; approve the County departmental optional requests; and provide direction
480 regarding any desired adjustments to the preliminary budget.

481 482 **15. Board of County Commissioner's Preliminary Budget Guidance**

483
484 Commissioner Stewart suggested addressing the budget deficit of \$2,547,000 by postponing
485 action on the Optional County Requests of \$888,607. Commissioner Stewart suggested staff
486 review the budget to identify additional reduction opportunities such as the new Carrizozo Senior
487 Center, FEMA projects, construction and Capital Outlay projects. Commissioner Stewart
488 suggested staff could provide a list of any reductions and then request all departments reduce
489 overall budgets by the remainder. Commissioner Stewart suggested should the remaining cash
490 balance prove greater than anticipated, the County could systematically restore budget cuts.

491
492 Beverly Calaway, Treasurer commented on the potential impact of a forced budget reduction on
493 small department budgets such as the Treasurer's. Ms. Calaway stated historically the Treasurer
494 was extremely conservative in budget requests and as an example noted there were no changes
495 in the number of staff in the last 25 years.

496
497 Commissioner Stewart suggested the Manager could determine what reduction each department
498 could accommodate.

499

500 Rhonda Burrows, Clerk commented during the preliminary budget process the Manager and
501 Finance Director had requested departments consider reducing overall budget requests for
502 operations. Ms. Burrows reminded the Clerk and Assessor had voluntarily contributed funds
503 from both the Reappraisal Fund and the Recording Fee Fund to appropriate County projects in
504 the past.

505
506 Punkin Schlarb, Finance Director stated she provided actual expenses for the last two years
507 during the preliminary budget process to assist with budget reductions.

508
509 Yovanne Lucero, Chief Deputy Assessor stated the Assessor's office had also searched for
510 budget reductions. Ms. Lucero stated in past years the Assessor's office contributed as much as
511 \$100,000 per year from the Reappraisal Fund towards appropriate expenses in Assessor's
512 budget.

513
514 Ms. Taylor suggested the Commission consider the external requests and operational requests
515 and provide guidance as to any specific amount for reduction.

516
517 Chair Stone recessed the Public Hearing and reconvened the Regular Meeting 03:08:10 PM.

518
519 **Motion:** Approve the optional internal requests of 1 (3 SUVs), 2 (Dispatch Radio System), 3
520 (Transport Truck), 4 (Grid Roller), 6 (Kitchen Equipment), and 7 (Three Cameras), **Action:**
521 Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.

522
523 After general discussion, Chair Stone and Commissioner Draper agreed to amend the motion to
524 reflect a reduced approval of three SUV's for the Sheriff's department rather than four pending
525 additional cost estimates for the radio system.

526
527 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

529 **No:** Commissioner Stewart.

530

531 **NMSU Extension Office \$ 95,000**

532

533 **Motion:** Award NMSU Extension Service \$50,000, **Action:** Approve, **Moved by** Commissioner
534 Willard, **None seconded.**

535

536 **Motion:** Award NMSU Extension Service \$44,000, **Action:** Approve, **Moved by** Commissioner
537 Stewart, **None seconded.**

538

539 **Motion:** Award NMSU Extension Service no funding, **Action:** Approve, **Moved by** Commissioner
540 Stewart, **None seconded.**

541

542 **Motion:** Award NMSU Extension Service \$64,399, **Action:** Approve, **Moved by** Commissioner
543 Draper, **Seconded by** Commissioner Willard.

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

545 **Yes:** Commissioner Draper.

546 **No:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

547

548 **Motion:** Award NMSU Extension Service \$90,000, **Action:** Approve, **Moved by** Commissioner
549 Willard, **Seconded by** Commissioner Draper.

550 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
551 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
552 **No:** Commissioner Stewart.

553
554 **Capitan Library** **\$ 10,000**

555
556 **Motion:** Award Capitan Library \$5000, **Action:** Approve, **Moved by** Chair Stone, **Seconded by**
557 Commissioner Draper.

558 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
559 **Yes:** Chair Stone, Commissioner Draper.
560 **No:** Commissioner Allen, Commissioner Stewart, Commissioner Willard.

561
562 **Motion:** Award Capitan Library \$4000, **Action:** Approve, **Moved by** Commissioner Willard,
563 **Seconded by** Chair Stone.

564 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
565 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
566 **No:** Commissioner Stewart.

567
568 **Corona Library** **\$ 5,000**

569
570 **Motion:** Award Corona Library \$4000, **Action:** Approve, **Moved by** Commissioner Willard,
571 **Seconded by** Commissioner Draper.

572 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
573 **Yes:** Commissioner Willard, Commissioner Draper.
574 **No:** Chair Stone, Commissioner Stewart, Commissioner Allen.

575
576 **Motion:** Award Corona Library \$2500, **Action:** Approve, **Moved by** Chair Stone, **Seconded by**
577 Commissioner Draper.

578 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
579 **Yes:** Chair Stone, Commissioner Draper.
580 **No:** Commissioner Allen, Commissioner Stewart, Commissioner Willard.

581
582 **Motion:** Award Corona Library \$1500, **Action:** Approve, **Moved by** Commissioner Allen,
583 **Seconded by** Chair Stone.

584 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).
585 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper.
586 **No:** Commissioner Stewart, Commissioner Willard.

587
588 **Ruidoso Library** **\$ 25,000**

589
590 **Motion:** Award Ruidoso Library \$20,000, **Action:** Approve, **Moved by** Commissioner Willard,
591 **None seconded.**

592
593 **Motion:** Award Ruidoso Library \$15,000, **Action:** Approve, **Moved by** Commissioner Draper,
594 **Seconded by** Commissioner Willard.

595 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
596 **Yes:** Commissioner Draper, Commissioner Willard.
597 **No:** Chair Stone, Commissioner Stewart, Commissioner Allen.

598

599 **Motion:** Award Ruidoso Library \$10,000, **Action:** Approve, **Moved by** Commissioner Draper,
600 **Seconded by** Commissioner Allen.
601 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
602 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
603 **No:** Commissioner Stewart.

604
605 **Juvenile Justice Board (LCJJB) \$ 22,000**

606
607 **Motion:** Award Juvenile Justice Board \$8000, **Action:** Approve, **Moved by** Commissioner
608 Willard, **Seconded by** Commissioner Stewart.
609 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
610 **Yes:** Chair Stone, Commissioner Draper, Commissioner Stewart, Commissioner Willard.
611 **No:** Commissioner Allen.

612
613 **SNMEDD \$ 6,000**

614
615 **Motion:** Award SNMEDD \$6,000, **Action:** Approve, **Moved by** Commissioner Draper,
616 **Seconded by** Commissioner Stewart.
617 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
618 **Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner
619 Willard.
620 **No:** Chair Stone

621
622 **USDA Predator Control/Wildlife \$ 91,500**

623
624 **Motion:** Award USDA Predator Control/Wildlife \$43,779, **Action:** Approve, **Moved by** Chair
625 Stone, **Seconded by** Commissioner Stewart.
626 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
627 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper.
628 **No:** Commissioner Willard.

629
630 **Noxious Weed Program \$ 50,000**

631
632 **Motion:** Award the Noxious Weed Program \$50,000, **Action:** Approve, **Moved by**
633 Commissioner Willard, **Seconded by** Commissioner Draper.
634 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
635 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
636 **No:** Commissioner Stewart.

637
638 **South Central RC and D \$ 40,000**

639
640 **Motion:** Award South Central RC and D \$27,000 in Title III funds, **Action:** Approve, **Moved by**
641 Commissioner Stewart, **None seconded.**

642
643 **Motion:** Award South Central RC and D \$40,000, **Action:** Approve, **Moved by** Commissioner
644 Willard, **Seconded by** Commissioner Draper.
645 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).
646 **Yes:** Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

648

649 **Lincoln County Humane Society \$ 30,000**

650

651 **Motion:** Award Lincoln County Humane Society \$30,000, **Action:** Approve, **Moved by**
652 Commissioner Willard, **Seconded by** Commissioner Stewart.

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

654 **Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner
655 Willard.

656 **No:** Chair Stone.

657

658 **EcoServants \$ 25,000**

659

660 **Motion:** Award EcoServants \$10,000, **Action:** Approve, **Moved by** Commissioner Draper,
661 **Seconded by** Commissioner Willard.

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

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

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

665

666 **NM Bookmobile \$ 1,260**

667

668 **Motion:** Award the New Mexico Bookmobile \$1,260, **Action:** Approve, **Moved by**
669 Commissioner Willard, **Seconded by** Commissioner Stewart.

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

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

673

674 **Coalition of Arizona/NM Counties \$ 2,600**

675

676 **Motion:** Award Coalition of Arizona/NM Counties \$2,600, **Action:** Approve, **Moved by**
677 Commissioner Willard, **Seconded by** Chair Stone.

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

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

680 **No:** Commissioner Stewart.

681

682 **Boys and Girls Club of Sierra Blanca \$ 10,000**

683

684 **Motion:** Award Boys and Girls Club of Sierra Blanca \$8,000, **Action:** Approve, **Moved by**
685 Commissioner Willard, **Seconded by** Commissioner Draper.

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

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

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

689

690 **Lincoln County Fair Board Association \$ 44,000**

691

692 **Motion:** Award Lincoln County Fair Board Association \$30,000, **Action:** Approve, **Moved by**
693 Commissioner Willard, **Seconded by** Chair Stone.

694 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).

695 **Yes:** Chair Stone, Commissioner Willard.
696 **No:** Commissioner Stewart, Commissioner Allen, Commissioner Draper.
697
698 **Motion:** Award Lincoln County Fair Board Association \$24,000, **Action:** Approve, **Moved by**
699 Commissioner Draper, **Seconded by** Commissioner Allen.
700 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
701 **Yes:** Commissioner Allen, Commissioner Draper.
702 **No:** Chair Stone, Commissioner Stewart, Commissioner Willard.

703
704 **Motion:** Award Lincoln County Fair Board Association \$25,000, **Action:** Approve, **Moved by**
705 Commissioner Willard, **Seconded by** Chair Stone.
706 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
707 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Willard.
708 **No:** Commissioner Stewart.

709
710 **New Horizons Development Center \$ 110,000**

711
712 **Motion:** Consider the request for Capital Outlay. **Action:** Approve, **Moved by** Commissioner
713 Willard, **Seconded by** Commissioner Draper.
714 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
715 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
716 Commissioner Willard.

717
718
719 **Miracle's Paws for Pets \$ 5,000**

720
721 **Motion:** Award Miracle's Paws for Pets \$1,000. **Action:** Approve, **Moved by** Commissioner
722 Willard, **Seconded by** Commissioner Draper.
723 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).
724 **Yes:** Commissioner Allen, Commissioner Draper, Commissioner Willard.
725 **No:** Chair Stone, Commissioner Stewart.

726
727 **City of Ruidoso Downs \$ 28,000**

728
729 **Motion:** No support for this request, **Action:** Approve, **Moved by** Commissioner Stewart,
730 **Seconded by** Commissioner Allen.
731 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).
732 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.
733 **No:** Commissioner Draper.

734
735 **Region IX Education Coop. \$ 9,000**

736
737 **Motion:** Direct the County Manager to explore funding options from Mill Levy or Indigent Health
738 Care, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.
739 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
740 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
741 Commissioner Willard.

742
743 **White Mountain S&R \$ 1,000**

744

745 **Motion:** Award White Mountain Search and Rescue \$1,000 from Title III funding, **Action:**
746 Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

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

748 **Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

749 **No:** Chair Stone.

750

751 **Motion:** Direct the Manager to gather additional information related to hospital and clinic services
752 prior to consideration of those budget requests and Mill Levy imposition, **Action:** Approve,
753 **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

755 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper.

756 **No:** Commissioner Stewart, Commissioner Willard.

757

758 There was a general consensus to specifically identify revenue derived from Hospital Lease and
759 Mill Levy revenues separately from General Fund revenues and currently included in the
760 estimated ending cash balance.

761

762 Commissioner Stewart restated his suggestion to direct the Manager to review the budget for
763 options to reduce deficit spending by considering discontinuance of FEMA projects and the
764 Carrizozo Senior Citizens Center.

765

766 Chair Stone stated while the budget needed strict review he anticipated the Manager and the
767 various departments would work to decrease expenditures.

768

769 **18. Next Meeting:**

770

771 May 19, 2015 – Regular Meeting

772

773 **19. Adjournment**

774

775 There being no further business to come before the Board of County Commissioners, Chair Stone
776 adjourned the meeting at 4:13:56 PM.

777

778 Respectfully submitted by,

779 Rhonda B. Burrows

780 Lincoln County Clerk

1 **COUNTY OF LINCOLN**

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

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

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

8 **Minutes**
9 **Tuesday, May 19, 2015**

10 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on May 19,
11 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
12 Mexico.

13
14
15
16 **1. Call to Order**

17 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:22
18 AM.

19
20
21 **2. Roll Call**

22 **Roll Call.**

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

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

28
29
30 **3. Invocation**

31 The invocation was presented by Commissioner Stone.

32
33
34 **4. Pledge of Allegiance**

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

37
38
39 **5. Approval of Agenda**

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

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

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

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

45
46
47 **6. Approval of Minutes**

- 48
49 a) April 13, 2015 Special Commission Meeting
50 b) April 14, 2015 Special Commission Meeting
51 c) April 21, 2015 Regular Commission Meeting
52 d) April 28, 2015 Special Commission Meeting
53

54 **Motion:** Approve the minutes of the April 13, 2015 Special Meeting; April 14, 2015 Special
55 Meeting; April 21, 2015 Regular Commission Meeting; and the April 28, 2015 Special Commission
56 Meeting. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner
57 Allen.

58 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5)
59 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
60 Commissioner Willard.
61

62 **7. Approval of Consent Agenda**

- 63
64 a. Payroll/Accounts Payable/Budget/ Expenditures
65 b. Treasurer's Financial Report for the Month ending March 31, 2015
66

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

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

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

71 **No:** Commissioner Stewart.
72

73 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
74 hereof.
75

76 **8. Capitan Municipal Schools Request to Co-locate Repeaters on County Sites**

77
78 Nita Taylor, Manager informed the Capitan Municipal School District presented a request to co-
79 locate repeaters in County owned buildings on top of East Capitan Mountain and in the future on
80 Carrizo Peak to ensure adequate radio coverage for school bus operations.
81

82 Ms. Taylor stated a site inspection with Joe Kenmore, Director of the Office of Emergency
83 Services (OES) and a representative from Southard Services revealed sufficient space in the
84 building on Capitan Mountain to house the repeaters. Ms. Taylor stated no interference problems
85 with County communications or those of the Smokey Bear Ranger District were anticipated.
86

87 Shirley Crawford, Superintendent of Capitan Municipal Schools informed the co-location of
88 repeaters would benefit the School District with improved bus and emergency personnel
89 communications.
90

91 **Motion:** Approve the request from Capitan School District to co-locate repeaters, **Action:**
92 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
93

94 Alan Morel, County Attorney advised he would create a simple tower agreement but questioned
95 if there was a need to address maintenance and liability limitations. Attorney Morel also
96 questioned if there were any associated costs.
97

98 Joe Kenmore, Director of OES explained as this was a public service there were no associated
99 costs.

100
101 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

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

104
105 **9. Funding Options for Lincoln County Medical Center's Renovations and Expansion**
106 **Plan: Presentation by Erik Harrigan, RBC Capital**
107

108 Ms. Taylor reminded during the April 21, 2015 Special Commission Meeting the Board of County
109 Commissioners approved the option to renovate and remodel the Lincoln County Medical Center
110 for an estimated cost of \$25 to \$30 million. Ms. Taylor stated as per direction from the Board of
111 County Commissioners she scheduled a presentation by RBC Capital Markets, LLC to discuss
112 the various funding options.

113
114 a. Consideration of Retaining RBC Capital Markets, LLC
115

116 Erik Harrigan of RBC Capital Markets stated he prepared a presentation of various options but
117 was not making a specific recommendation at this time. Mr. Harrigan discussed the definition of
118 municipal bonds as an obligation to repay debt from a particular source of revenue. Mr. Harrigan
119 stated the Federal Government provided for an option to issue a tax exempt bond when public
120 funds or revenues were pledged for repayment. Mr. Harrigan stated the issuance of tax exempt
121 bonds would significantly lower borrowing costs.

122
123 Mr. Harrigan discussed the advantages and disadvantages of General Obligation Bonds versus
124 Gross Receipt Tax Bonds including associated costs, whether or not voter approval was required,
125 the maximum number of years for repayment, and the amount of "coverage" required. Mr.
126 Harrigan defined "coverage" as the amount of revenue required over and above the actual debt
127 service.

128
129 Mr. Harrigan also discussed the difference between Net Revenue Bonds and Lease Revenue
130 Bonds. Mr. Harrigan commented a lease revenue source was less common and typically incurred
131 the highest borrowing costs. Mr. Harrigan stated when utilizing a lease payment to secure a
132 Lease Revenue Bond, the lease payment must exceed the debt service payment sufficiently to
133 ensure "coverage". Mr. Harrigan stated typically Lease Revenue Bonds attracted fewer
134 purchasers than other municipal bonds and therefore carried a higher interest rate.

135
136 Mr. Harrigan discussed various options for marketing bonds through public and private entities.
137 Mr. Harrigan opined that based on the County's current financial status the County should receive
138 favorable interest rates in either the public or private market.

139
140 There was a general discussion regarding various Gross Receipts Tax (GRT) increments
141 available for imposition by the County and whether or not those increments required voter
142 approval.

143
144 **Motion:** Authorize the Manager to enter into a municipal advisory agreement with RBC Capital
145 Markets, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

146
147 Commissioner Willard questioned the approximate cost for RBC's services. Ms. Taylor stated
148 costs were associated with actual issuance and the representation of a transaction. Mr. Harrigan

149 concurred and stated should the County chose not to issue bonds, the cost for RBC's services
150 were limited to costs incurred for travel.

151
152 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

154 **No:** Commissioner Stewart.

155
156 **10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
157 **OFFICIALS**

158
159 Commissioner Draper congratulated local high school sports teams for their excellent
160 performance during the past year.

161
162 Commissioner Allen commented on the positive attitude exhibited by the Pink Ladies Auxiliary of
163 Lincoln County Medical Center.

164
165 Steve Duffy, local fund raiser and grant writer expressed support for the long range master plan
166 for the Lincoln County Medical Center complex. Mr. Duffy discussed the initiative to raise private
167 capital to help fund the remodel and renovation project. Mr. Duffy informed LCMC hired the firm
168 of Lawson and Associates to conduct a "capital campaign". Mr. Duffy discussed the possibility
169 of providing "naming opportunities" for contributors. Mr. Duffy anticipated presenting a request
170 to the Board of County Commissioners in the near future for approval of these "naming
171 opportunities".

172
173 **11. Land & Natural Resources Matters**

174
175 **Smokey Bear Ranger District** Lorretta Benavides informed she was serving as the Acting
176 District Ranger until September while Ranger David Warnack completed an assignment on the
177 Gila National Forest. Acting Ranger Benavides stated Recreation and Land staff were working
178 with the Gun Club and Calcium Creek landowners to resolve noise issues related to the Gun
179 Club's Special Use Permit. Acting Ranger Benavides anticipated the USFS Regional Office
180 would complete the internal review of the Draft Record of Decision and Final Environmental
181 Impact study for the North Fork Eagle Creek well Special Use Permit in mid-June. Acting Ranger
182 Benavides reported the District Fire Danger remained at Moderate with all seasonal crews fully
183 staffed and prepared for fire season.

184
185 **Cibola National Forest - Consideration of Entering into MOU:** Ms. Taylor presented a
186 Memorandum of Understanding (MOU) between Lincoln County and the Cibola National Forest
187 to participate as a cooperating agency in the development of the Cibola's draft Forest Plan.

188
189 Chair Stone expressed belief the County wished to participate as a cooperating agency in the
190 revision of the Cibola's Forest Plan but objected to the language of Section V(A) which reads "The
191 U.S. Forest Service has sole and ultimate decision making authority regarding the management
192 of National Forest System lands". Chair Stone stated this language was counter-productive when
193 inviting participation from cooperating agencies.

194
195 Alan Morel, County Attorney stated since the agreement was unsigned by either party the County
196 could delete the Section and return it to the US Forest Service for consideration.

197

198 **Motion:** Approve the MOU between Lincoln County and the Cibola National Forest striking
199 Section V(A), **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner
200 Willard.

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

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

204
205 **Forest Health - Community Forester:** Ms. Taylor reported Ranches of Sonterra residents had
206 expressed appreciation for Rural Forester Rick Merrick's assistance with their community
207 FIREWISE event.

208
209 Rick Merrick, Rural Forest provided an update on recent activities including thinning projects in
210 the Wildland Urban Interface, the ongoing Forest Speaker Series, and his recent appointment as
211 Vice President of the NM Prescribed Fire Council. Mr. Merrick stated the Ranches of Sonterra
212 had met the criteria for recognition as a FIREWISE community.

213
214 **NM Game & Fish – Bear and Cougar Hunting Rules:** Ms. Taylor informed the Department of
215 Game and Fish had opened the Bear and Cougar Rule to develop prospective amendments. Ms.
216 Taylor provided a broad overview of the process as well as a list of public meetings for discussion
217 of the new rule.

218
219 Commissioner Allen explained the rule was opened for review once every four years.
220 Commissioner Allen noted the plan to increase the overall take for these animals could also
221 include an opportunity for ranchers to participate in reducing numbers.

222
223 **Water Issues:**
224 **A. Regional Water Plan Update:** Lincoln County as a Stakeholder in the NM Interstate
225 Stream Commission's Region 10 – Lower Pecos was informed of efforts to update the
226 2001 Water Plan. Ms. Taylor detailed the various steps being taken including the
227 distribution of survey forms, utilization of a consultant to gather information about related
228 programs, policies and procedures for inclusion in the plan; and regional meetings in the
229 area.

230 **B. Water Rights Notices:** Ms. Taylor informed three new water rights notices were
231 posted on the State Engineer's website as follows:

232 1. SD-070867-9A Valley Apple Estates LLC to divert 1,973 acre-feet per annum of
233 surface water from point of diversion and place of use near Glencoe to point of diversion
234 and place of use near Hondo.

235 2. SD-0867-9 Andrew Herrera, Frutoso Herrera, Fermin Herrera, Ervin Herrera,
236 Freddy, Herrera, and Emileen Montano to divert 0.2656 acre-feet per annum from point of
237 diversion and place of use near Glencoe to point of diversion and place of use near Hondo.

238 3. SD 1914 & H0582-A into H4442-PODI Donaldson Enterprises, Inc. to
239 commence diversion of 19.5 acre feet per annum of surface water and groundwater with
240 move from and move to points of diversion and place of use located .086 miles northwest
241 of Hondo.

242 Update on the 2013 Applications for transfer by the Village of Ruidoso and subject
243 of lawsuit by Lincoln County against the Village of Ruidoso:

244 Office of the State Engineer cancelled all three requests; Office of the State
245 Engineer denied requests for extension of time to fulfill requirements of the permits; and
246 disallowed the Village of Ruidoso's accrual of credits from one year to the next.

247 **C. American Land Council:** Blair Dunn invited Lincoln County officials to participate in
248 the American Lands Council – New Mexico Post Session Summit on May 16, 2015.

249
250 Chair Stone recessed the Regular Meeting at 10:11:56 AM and reconvened at 10:22:39 AM.
251

252 **26. Office Space remediated & renovated by the County of Lincoln for use by the 12th**
253 **Judicial District Attorney**
254

255 Ms. Taylor presented a copy of a letter received from District Attorney Diana Martwick on May 14,
256 2015. Ms. Taylor noted Ms. Martwick was present at the meeting and suggested she address
257 the Commission.
258

259 Ms. Martwick informed she had consulted with the NM Attorney General regarding her belief
260 Lincoln County was not providing adequate office space for the District Attorney. Ms. Martwick
261 further stated while she hoped these issues were resolved through mediation she would not
262 proceed with litigation.
263

264 Ms. Martwick objected to the renovated space as insufficient to meet the District Attorney's needs
265 and stated security measures were inadequate to meet confidentiality requirements.
266

267 Ms. Martwick discussed the public's constitutional right to access and asserted the only resolution
268 to this issue was to relocate the District Attorney's office to Ruidoso. Ms. Martwick stated the
269 majority of residents served were located in the population center of Ruidoso and lacked adequate
270 transportation to and from the County Courthouse. Ms. Martwick stated the large number of
271 "failure to appear" cases were a result of a failure by the County to provide public transportation.
272

273 Ms. Martwick stated she was not prepared to move into the renovated space by the end of May
274 when the current lease expired.
275

276 Chair Stone suggested for the convenience of the District Attorney, the Commission consider
277 extending the lease for one month.
278

279 Ms. Taylor stated the lease payment was approximately \$1700 per month and the landowner
280 confirmed they could accommodate an extension of the lease until the end of June.
281

282 **Motion:** Extend the lease agreement for office space for the District Attorney at the NRCS building
283 until June 30, 2015, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
284 Commissioner Draper.
285

286 Attorney Morel stated the Commission should accept the District Attorney's earlier statement as
287 a credible threat of litigation. Attorney Morel commented the location of the County Courthouse
288 in Carrizozo was not a point of negotiation, the District Attorney's office was located in the
289 Courthouse for all of these past years, the County had spent in excess of \$400,000 to remediate
290 problems in the Annex building, and the County provided accommodations for the District Attorney
291 during this renovation. Attorney Morel agreed there was a need to address security issues and
292 the County might discuss relocation of the county employee. Attorney Morel stated prior to those
293 discussions the County Commission would need a commitment from the District Attorney to utilize
294 the space prior to expending more money to resolve issues.
295

296 Ms. Martwick stated with all the current issues she would not occupy the space and expressed
297 belief the Attorney General was concerned about the access issue.
298

299 Attorney Morel reminded the District Attorney's office was a State Agency and State Statute
300 required the County provide adequate quarters for the District Attorney as well as utilities and
301 maintenance for operation and upkeep. Attorney Morel stated many of the budgetary issues Ms.
302 Martwick raised were State budget problems not Lincoln County's. Attorney Morel expressed a
303 desire to work with Ms. Martwick to meet statutory requirements.
304

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

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

309 Ms. Taylor identified several options to address the District Attorney's security issues but noted
310 these would require expenditure of additional funds.
311

312 After further discussion, Chair Stone recessed the Regular Meeting at 10:52:09 AM to review the
313 renovated office space and reconvened at 11:08:57 AM.
314

315 Attorney Morel suggested additional time to consider solutions but requested a commitment from
316 the District Attorney prior to moving forward with security measures.
317

318 Ms. Martwick committed to moving into the County Annex building but stated the commitment did
319 not constitute an agreement the space provided was adequate and the move was contingent upon
320 adequate security measures.
321

322 12. Manager's Report

323
324 1. **Behavioral Health Services in Lincoln County.** Rex Wilson, Director-Southern
325 Region for Presbyterian Medical Services (PMS) informed La Frontera, Community
326 Mental Health Center, would no longer provide counseling services in Ruidoso as of
327 June 30, 2015. In response to this closing the State requested PMS and other MCO's
328 to develop a response to the behavioral health needs of Lincoln County, as well as
329 neighboring counties of Torrance, Socorro and Otero. As part of the process, PMS
330 must submit an application for Federal Qualified Health Center (FQHC) status and
331 include letters of support from the community. Mr. Wilson requested written support
332 from Lincoln County to submit the PMS application.
333

334 **Motion:** Direct the Manager to submit a letter of support for PMS, **Action:** Approve, **Moved by**
335 Commissioner Stewart, **Seconded by** Commissioner Draper.

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

337 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
338 Commissioner Willard.
339

340 2. **Primary Telecommunications Audit:** The Manager reported she and the Finance
341 Director met with The SpyGlass Group, LLC, regarding a potential audit of County
342 primary telecommunications service accounts including local voice, long distance
343 voice, data, internet and wireless to seek cost recovery, service elimination and cost
344 reduction recommendations. The Manager stated the audit would provide
345 recommendations without cost for potential improvements and also deliver a complete
346 telecommunications inventory to County.

347 3. **FY17 – 2021 Infrastructure Capital Improvement Plan – Local Government ICIP**
348 **Guidelines:** The Manager and staff attended mandatory ICIP training conducted by
349 the Department of Finance and Administration (DFA), Local Government Division, and

350 SNMEDD on May 12, 2015. The Manager reported the County's plan should include
351 the five year cycle from July 1, 2016 through June 30, 2021 with a deadline for
352 submittal to DFA/LGD of September 2, 2015. The Manager stated staff would present
353 the initial draft ICIP at the Regular Meeting in June, followed by a review during the
354 Regular Meeting in July, and submission for final approval in August.
355

- 356 **4. Multi-Line Pool Board.** The Manager, as the County's representative, attended the
357 Multi-Line Pool Board meeting held May 6, 2015. The Manager reminded a key
358 responsibility of the Multi-Line Board was to address litigation against counties across
359 the state, consider input by the Multi-line staff and attorneys handling cases, and
360 approve or disapprove recommendations for settlement of cases including settlement
361 amounts. The Manager stated the Multi-Line Pool Board also assessed the health of
362 the pool in general and made decisions on membership dues to counties. The
363 Manager provided a summary of Lincoln County's claim history since 2005 and noted
364 Lincoln County had demonstrated a positive trend in declining claim loss since FY
365 2012-2013.
366

367 **2. Building Projects**

- 368 a. *Public Officials Building.* The two-fold project includes a new roof, and installation
369 of new HVAC units that control the temperature of each office independently. As
370 this project has progressed, other building deficiencies were identified and required
371 action. The Manager cited as an example the unclogging of drainage pipes located
372 inside the exterior columns of the building. The Manager expected work to be
373 completed with bills submitted and paid by the end of the fiscal year.
374 b. *Annex Building.* The Manager reported the renovation and remodel project was
375 near completion with new piping and ceiling grids and tiles on the second floor and
376 the new roof installed. The Manager anticipated completion of the first floor in the
377 next week with replacement flooring, new ceiling tiles and grids; wall treatment;
378 HVAC re-piping and new ADA compliant restrooms. The Manager noted
379 previously unidentified problems needed to be addressed but anticipated
380 completion by the fiscal year end.
381 c. *Carrizozo Senior Center.* Re-drawn architectural plans were under final review
382 and pending approval from DFA's Local Government Division. The Manager
383 anticipated reissuance of the formal RFP in the next month.
384

385 **3. Upcoming Events.**

- 386 a. May 20th - GSWA Regular Meeting,
387 b. May 21st - GSWA Public Information Meeting
388 c. May 21st - Lincoln Historical Preservation Board.
389 d. May 22nd - Regional Water Plan Meeting.
390 e. May 25th - Memorial Day Observed (county offices closed)
391 f. May 27th - NM Game & Fish Mtg. on Bear & Cougar Hunting Rules:
392 g. May 30th - Hubbard Foundation NM Grant Program Reception and Award
393 Presentation
394

395 **4. Departmental Updates:**

- 396 a. Punkin Schlarb, Finance Director reported on year end close out procedures as
397 well as continued preliminary budget analysis.
398 b. Carl Palmer, Road Superintendent discussed recent delays to expenditure of
399 CAP/COOP road funds. Mr. Palmer stated he was entering into a Memorandum
400 of Understanding (MOU) with the Village of Ruidoso for the purchase of hot mix.

- 401 c. Joe Kenmore, Director of the Office of Emergency Services (OES) informed the
402 Hondo Fire Station received an improved ISO rating of 6, down from the previous
403 ISO of 8. Mr. Kenmore discussed the potential for improvement in the Nogal Fire
404 Department's current ISO rating of 9 with the installation of thirteen new fire
405 hydrants in Nogal. Mr. Kenmore reminded the public to be aware of the dangers
406 of flash flooding and lightening associated with thunderstorms.
- 407 d. Curt Temple, Planning Director stated his department would complete installation
408 of the "Turn Around - Don't Drown" signage for twelve low water crossings during
409 this month. Mr. Temple informed the State Engineer was utilizing office space in
410 the County Substation in Ruidoso twice monthly to meet with the public. Mr.
411 Temple stated he would present data collected by the Village of Ruidoso as
412 required by the Permitting MOU at the next meeting. Mr. Temple stated the
413 contract to construct the new Nogal Fire Station was awaiting signature of the main
414 contractor. Mr. Temple anticipated set up and completion of the new Maintenance
415 building in Carrizozo by end of July.

416
417 Commissioner Stone informed an individual contacted him about the cost prohibitive repair of a
418 low water crossing to meet the County's Flood Plain Ordinance requirements. Chair Stone
419 commented on the negative impacts of the Flood Plain Ordinance and discussed the problems
420 associated with granting variances.

421
422 Mr. Temple reminded Lincoln County adopted a "minimal" Ordinance to
423 accommodate federal requirements in order to provide subsidized flood insurance
424 to residents. Mr. Temple estimated there were 121 Flood Insurance policies
425 issued within the County at a reduced rate.

426
427 **13. Random Selection for Audit of Lodger's FY14-15 pursuant to Lincoln County**
428 **Lodger's Tax Ordinance, Section 9**
429

430 Ms. Taylor reminded LC Lodger's Tax Ordinance 2004-04 required the Board of County
431 Commissioners to select one or more vendors for the annual random audit. Ms. Taylor stated the
432 annual audit was conducted to verify the amount of gross rent subject to the occupancy tax.

433
434 Ms. Taylor presented a blind drawing for two pools of thirteen lodger's each with one pool
435 consisting of larger vendors and a separate pool for small vendors. Ms. Taylor stated as in
436 previous years those lodger's audited in the prior year were removed from the selection pools.

437
438 Commissioner Allen selected at random vendors numbered seven and eight and Commissioner
439 Willard selected vendors numbered fourteen and twenty two for audit.

440
441 **14. Memorial Day Proclamation**
442

443 Ms. Taylor stated it was fitting to specifically recognize by proclamation this year's Memorial Day
444 Celebration. Ms. Taylor recommended approval of the proclamation in recognition of those who
445 previously and more recently gave their lives in defense of our country.

446
447 **Motion:** Approve the Memorial Day Proclamation, **Action:** Approve, **Moved by** Chair Stone,
448 **Seconded by** Commissioner Willard.

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

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

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15. Liquor License Fee by Resolution 2014-43

Rhonda Burrows, Clerk stated State Statute empowered county commissioners to adopt by resolution an annual, non-prohibitive license tax on those holding a state liquor license within the unincorporated areas of the county. Ms. Burrows stated the fees imposed by this Resolution were unchanged in the last several years.

Motion: Adopt Resolution 2014-43, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

SEE EXHIBIT B: Copy of Resolution 2014-43 is attached hereto in reference thereto made a part hereof.

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

Scott Annala, Indigent Health Care Administrator presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 13 claims with 13 recommended for approval and none recommended for disapproval for a monthly authorization of \$18,135. Mr. Annala stated the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$226,752 with a monthly average of \$20,614.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 10 claims with 7 claims recommended for approval and 3 for disapproval for a total payment this month of \$1,244.61, a record low. Mr. Annala stated the total expenditure for IHC claims for Fiscal Year 2014-2015 to date was \$62,340.55 for an average monthly indigent claims payment of \$5,667.32. Mr. Annala estimated expenditures based on average monthly payments of approximately \$68,000 of a budgeted \$363,000 this fiscal year.

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

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

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

17. Lincoln County Alarm System Ordinance 2011-04 Permit Violations:

a. Jessica Quintana

Attorney Morel informed LC Alarm System Ordinance 2011-04 required individuals who possess a burglar alarm to obtain a permit from the County as well as to annually renew such a permit. Attorney Morel stated non-payment and or non-renewal constituted a violation of the Ordinance.

502 **Motion:** Direct the County Attorney prepare and record a lien on the property of Jessica Quintana,
503 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.
504 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
505 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
506 Commissioner Willard.

507
508 **18. Letter of Support for Tierra del Sol Housing Corporation's request for the**
509 **"Affirmation of Eligible Partner Status in the House by House Reservation**
510 **Program."**
511

512 Ms. Taylor provided background on the non-profit organization Tierra del Sol which assists low
513 income homeowners with housing repairs to bring homes up to current code standards. Ms.
514 Taylor stated a change in the organization's funding mechanism required them to seek an
515 "Affirmation of Eligible Partners Status for the Owner Occupied House by House Reservation
516 Program" prior to providing services in Lincoln County.
517

518 Ms. Taylor stated currently no individuals in Lincoln County were receiving assistance under the
519 Owner Occupied Housing Rehabilitation Program, however Commissioner Stone and the
520 Manager's office had received correspondence from residents in need of this service. Ms. Taylor
521 also verified Tierra del Sol as a company in "good standing" with the Corporations Division of the
522 Secretary of State's office.
523

524 **Motion:** Direct the Manager to send a letter of support for Tierra del Sol Housing Corporation,
525 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.
526 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
527 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
528 Commissioner Willard.
529

530 **19. Dispose of Surplus Inventory via Turn in for Credit**
531

532 Ms. Taylor informed Sheriff Robert Sheppard requested approval to turn in for credit four old All-
533 Terrain Vehicles (ATVs) towards a new ATV. Ms. Taylor stated Mickie Howard, Assets and
534 Inventory would take the appropriate steps to notify the State Auditor and the New Mexico
535 Department of Finance and Administration.
536

537 **Motion:** Adopt Resolution 2014-45, **Action:** Approve, **Moved by** Commissioner Stewart,
538 **Seconded by** Commissioner Willard.
539 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).
540 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
541 Commissioner Willard.
542

543 Commissioner Willard, Commissioner Draper, and Clerk Burrows agreed to inspect the items prior
544 to disposal.
545

546 **SEE EXHIBIT D:** Copy of Resolution 2014-45 is attached hereto in reference thereto made a
547 part hereof.
548

549 Chair Stone recessed the Regular Meeting at 12:00:03 PM and reconvened at 1:00:12 PM.
550 Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:00:27 PM.
551

552 **21. 1:00 P.M.: Public Hearing to consider the following**

- 553
554 a. Lincoln County Ordinance No. 2015-03 – An ordinance Providing for
555 the Efficient and Sanitary Collection of Solid Waste in Lincoln County;
556 Providing for Mandatory Disposal and Assessment of Fees; Providing a
557 Penalty for Violation of the Ordinance; and Repealing Ordinance 2014-
558 07.
559

560 Ms. Taylor stated since the County began billing for Solid Waste Services in January 2015, a
561 number of residents had expressed concerns about the mandatory requirement to pay solid waste
562 collection fees under different circumstances. Ms. Taylor stated the purpose of the public hearing
563 was to present those concerns, discuss solutions and provide opportunity for members of the
564 public to speak on the issues.
565

566 Ms. Taylor reminded Lincoln County Ordinance 2015-03 states “the responsible party...of any
567 premises whether vacant, improved, or unimproved is responsible for payment of the mandatory
568 fee for collection”. Ms. Taylor discussed the definition of “premises” in the Ordinance as “the site
569 of any dwelling, business, plant or commercial establishment ...and is the unit upon which
570 mandatory fees are assessed and collected.”
571

572 Ms. Taylor reported top complaints received included; residents who lived in the County but do
573 not utilize the solid waste collection system; the payment of the same rate for service regardless
574 of whether residents drive a number of miles to a compactor or receive curb service; owners of
575 rarely used second homes objecting to full billing; owners of multiple properties receiving multiple
576 bills; owners of multiple residences on one property receiving multiple bills; owners of vacant
577 rental property; properties with no utilities or uninhabitable structures; and properties spanning
578 more than one county.
579

580 Ms. Taylor noted only one exemption was defined in the current Ordinance which was for
581 landowners with 300 or more contiguous acres of land with adequate disposal sites per household
582 and who have obtained a permit from the NM State Environmental Department. Ms. Taylor stated
583 the Environmental Department no longer issues these permits. Ms. Taylor suggested creating an
584 application process should the County wish to continue this particular exemption.
585

586 Ms. Taylor pointed out the Ordinance as currently written does not provide authority for any
587 County employee to grant any exemption.
588

589 Ms. Taylor stated the Ordinance was developed under the concept the collection of solid waste
590 was essential to the health, welfare, and safety of all County landowners, residents and visitors
591 and as such was designed to collect the same rate from each owner of every premises. Ms.
592 Taylor stated it was important to remember every exemption granted would necessitate an
593 adjustment to the overall fee assessment to meet costs.
594

595 Chair Stone expressed support for the large landowner exemption and agreed the County should
596 develop an application process.
597

598 Commissioner Draper commented major revision of the Ordinance was untimely due to the
599 uncertain nature of future solid waste collection services. Commissioner Draper expressed
600 support for the three hundred acre exemption but suggested consideration of any other
601 exemptions at a later date.
602

603 Chair Stone questioned if GSWA had provided a list of property owners who they exempted from

604 payment. Linda Phillips, Solid Waste Billing Clerk stated no list of exemptions was provided by
605 GSWA. Ms. Taylor stated GSWA had claimed there was no list maintained of exemptions
606 granted.
607

608 Attorney Morel suggested some minor revisions to remove language referencing the now
609 non-existent State permit and to administratively create an application documenting information
610 on landowners requesting a three hundred acre exemption.
611

612 Commissioner Stewart suggested an application for any exemption requested to accumulate
613 data on a variety of exemption issues. Commissioner Stewart noted the County was transferring
614 funds in the amount of \$254,064 in the next year to cover the deficit in fee collections and any
615 data collected might prove valuable.
616

617 Linda Phillips, Solid Waste Billing Clerk stated the most common concern expressed by residents
618 was whether a premises or dwelling was considered habitable or uninhabitable and therefore
619 subject to billing. Ms. Phillips suggested development of a process to determine if a structure
620 is habitable or not.
621

622 Commissioner Draper objected to any process which required County staff or the Assessor to
623 make that determination.
624

625 Ms. Taylor stated it was possible to continue to bill and enforce the current Ordinance with only
626 a clarification of the 300 acre exemption. Ms. Taylor noted the ordinance as written referred to
627 "premises" and if enforced, this would include all types of buildings on a property.
628

629 Commissioner Allen commented on the issue of multiple billings for multiple buildings on a single
630 property as a hardship particularly when one or more of the buildings was not habitable.
631

632 Attorney Morel stated the Board of Commissioners could revise definitions to tailor billing towards
633 those who actually generate trash.
634

635 Ms. Taylor reminded the primary purpose of the Public Hearing was to discuss various problems
636 and options but suggested approval of revisions for the purpose of creating an application
637 process for large landowner exemptions.
638

639 Paul Baca, Assessor stated his office does adjust valuation based on the current condition of the
640 buildings on any parcel, however he does not consider nor determine whether any particular
641 dwelling was "habitable". Mr. Baca stated this type of determination is subjective.
642

643 Commissioner Stewart concurred with Commissioner Draper that all property owners had a
644 responsibility to support solid waste collection services regardless of the condition of dwellings
645 or length of occupation.
646

647 Commissioner Allen stated belief it was important to determine the actual client base and again
648 objected to multiple billings for one property.
649

650 Curt Temple, Planning Director reminded slash removal service was included in the costs
651 reported by GSWA. Mr. Temple stated if GSWA were to discontinue slash disposal in the
652 County this would lead to other problems such as increased fire danger. Mr. Temple stated the
653 collection and disposal of slash was an important consideration in any plan for services.
654

655 Chair Stone requested further public comment and receiving none recessed the Public Hearing
656 and reconvened the Regular Meeting at 1:48:25 PM.

657
658 **Motion:** Direct the Manager to develop an application process for a three hundred acre landowner
659 exemption from solid waste billing and present the application at the next Regular Meeting,
660 **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.
661 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
662 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
663 Commissioner Willard.

664
665 Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 1:49:37 PM.

666
667 b. Adoption of the Preliminary Budget, Fiscal Year 2015-2016 by
668 Resolution 2014-44

669
670 Ms. Taylor presented a revised budget based on recommendations from the Public Hearing of
671 May 5, 2015. Ms. Taylor stated after incorporation of actions to approve or disapprove requests
672 from external agencies as well as optional internal requests, Lincoln County's projected ending
673 balance over required reserve was \$946,253.

674
675 Ms. Taylor stated today's public hearing would provide an opportunity for review of hospital and
676 clinic funding requests and the related imposition of the Hospital Mill Levy rates.

677
678 Ms. Taylor reminded Lincoln County Medical Center (LCMC) requested \$514,610 for operating
679 funds and capital outlay for the clinics in Capitan, Carrizozo, and Corona. Ms. Taylor further
680 reminded La Casa Buena Salud presented an increased request over prior years of \$266,000
681 based on the employment of a physician to provide services at the Hondo Clinic.

682
683 Seferino Montano, CEO of La Casa Buena Salud, provided a history of La Casa's Hondo Clinic
684 and past Lincoln County funding provisions. Mr. Montano noted La Casa received \$250,000 in
685 operational funding in the first year of operations but a decision by the Board of Commissioners
686 to issue a RFP for clinic operations resulted in La Casa providing services without financial
687 assistance from the County until a subsequent mill levy election revised the language to include
688 La Casa. Mr. Montano discussed the decision to staff the Hondo Clinic with a physician rather
689 than a mid-level medical practitioner.

690
691 Ms. Taylor stated voters authorized 2.00 for hospital funding and 1.0 for clinics but noted in the
692 current fiscal year the Board of County Commissioners approved imposition of 2.00 mills for the
693 hospital and .6 mills for the clinics.

694
695 Commissioner Stewart commented the full funding of all clinic requests would exceed current mill
696 levy clinic revenues. Commissioner Stewart questioned if La Casa might accommodate a
697 reduced award of funding for operations.

698
699 Mr. Montano stated the clinic could accommodate a reduced award of funding as long as the level
700 of funding was increased over last year's to help offset additional costs associated with staffing
701 of a physician.

702
703 Commissioner Willard questioned if the placement of the physician would increase clinic visits
704 and if so would the increase allow for a reduction in County funding in the future.

705

706 Mr. Montano stated if La Casa's placement of a physician resulted in increased revenues at the
707 site he would have no objection to a reduction in funding as long as all clinics were subject to the
708 same scrutiny.

709
710 Commissioner Stewart suggested La Casa's request of \$266,000 be reduced to \$139,560 to
711 avoid exceeding total revenues anticipated from the .6 Clinic Mill Levy.

712
713 Paul Baca, Assessor discussed the increase in valuation this year of \$37 million dollars and the
714 associated increase in mill levy revenues.

715
716 Dudley McCauley, Controller for LCMC commented on what LCMC classified as "hospital based
717 clinics" including Family Medicine, Internal Medicine, General Surgery, OB/GYN, and Physical
718 Therapy.

719
720 Commissioner Willard questioned if LCMC's current request for clinic and hospital funding
721 presumed an increase in the total Mills imposed to 3.0.

722
723 Mr. McCauley confirmed the LCMC budget request was predicated on the estimated revenues
724 from a full 3.0 Mill Levy imposition.

725
726 Chair Stone commented on the part time services provided at the Capitan Clinic and suggested
727 the only basis for an increase in the imposed mill levy was an increase in clinic services.

728
729 Mr. McCauley stated LCMC's data did not support to provision of full time operations in the
730 Capitan Clinic.

731
732 Chair Stone reminded that prior to Presbyterian and LCMC assumption of management, the
733 Capitan Clinic was open on a full time basis.

734
735 Ms. Taylor noted the request from LCMC as presented would utilize all revenue from a full 3.0
736 mill levy imposition and no funding would remain for the La Casa Hondo Clinic.

737
738 Commissioner Draper noted LCMC's request as presented included funding for "hospital based
739 clinics" for the first time. Commissioner Draper objected to LCMC's statement of "Attempting to
740 segment our 3.0 Mil Levy by strictly hospital and clinic budget silos will erode the integrity of our
741 healthcare delivery system in Lincoln County". Commissioner Draper questioned if the referenced
742 "hospital based clinics" were qualified to receive "clinic" mill levy funds.

743
744 Attorney Morel reminded the question submitted to the voters specifically designated the
745 recipients of funding as Capitan, Carrizozo, Corona and Hondo Clinics. Attorney Morel reminded
746 the question voted on also differentiated between the imposition of mills for hospital funding and
747 for clinic funding. Attorney Morel stated in the many years he had served as County Attorney this
748 was the first time he had seen a reference to "hospital based clinics".

749
750 Ms. Taylor commented she was not able to ascertain from the information provided the amount
751 of funding LCMC received through the Safety Net Care Pool. Ms. Taylor reminded this
752 information was provided in prior years and was critical to any decision on hospital funding. Ms.
753 Taylor suggested postponing the decision on budgeted funding for the hospital until the County
754 received all information requested.

755
756 Commissioner Stewart stated the preliminary budget contained amounts derived from LCMC's

757 original request for this fiscal year. Commissioner Stewart cautioned the inclusion of the hospital
758 lease payment in the calculation of anticipated revenue was problematic if the lease was pledged
759 to both operational requirements and capital outlay.
760

761 There was a brief discussion regarding the language of the hospital lease and potential
762 restrictions for use of this revenue.
763

764 Receiving no further public comment, Chair Stone adjourned the Public Hearing and reconvened
765 the Regular Meeting at 2:44:30 PM.
766

767 **Motion:** Approve the preliminary budget for LCMC and the rural clinics as presented with an
768 adjustment to increase the La Casa Hondo Clinic budget to \$139,560, **Action:** Approve, **Moved**
769 **by** Commissioner Stewart, **Seconded by** Commissioner Allen

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

771 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
772 Commissioner Willard.
773

774 **20. FEMA Emergency Declarations 4197 and 4199: Conventional Program vs.**
775 **Alternative Procedures Pilot Program**
776

777 Ms. Taylor provided a history of the proposed FEMA projects and discussed the administrative
778 options of the Conventional Program versus the Alternative Procedures Pilot Program. Ms.
779 Taylor noted the Alternative Program provided an incentive to complete work at the most efficient
780 cost and to utilize remaining funds for other projects. Ms. Taylor stated the Conventional Program
781 provided for reimbursement based on actual costs of the identified projects regardless of whether
782 the costs were greater or less than the original estimate.
783

784 Ms. Taylor stated based on initial staff recommendations and belief projects would be completed
785 below cost the Board of County Commissioners agreed to administer projects under the
786 Alternative Procedures Program. Ms. Taylor detailed various factors including the identification
787 of additional damage to roads and the potential for cost overruns not reimbursable under the
788 Alternative Procedures Program. Ms. Taylor stated based on current information the County
789 should consider revising the FEMA agreement.
790

791 Mr. King stated the advantage of the Alternative Program was the ability to utilize any funds
792 remaining for additional work but acknowledged the County was responsible for any cost overruns
793 under this option. Mr. King stated since the original decision similar conditions and circumstances
794 in other counties had initiated a second discussion about the most beneficial administration
795 program.
796

797 Commissioner Stewart questioned if the cost of Mr. King's contract was included in the budgeted
798 FEMA funding. Mr. King stated the budgeted costs included in the project worksheets for the
799 FEMA application included costs for engineering and project management. Mr. King stated the
800 County currently had two FEMA projects which included these costs but also six or so smaller
801 projects.
802

803 Commissioner Stewart questioned the estimated cost of the large projects. Mr. King stated
804 estimated costs for the two large projects was approximately \$9.7 million and encompassed 25
805 to 30 miles of damaged roads within the County.
806

807 Commissioner Stewart estimated the County's associated costs to obtain the FEMA funding as
808 \$400,000 over the next three years and questioned if the projects merited the cost.
809

810 Ms. Taylor noted there was a carryover in disaster relief funds from last year. Ms. Taylor stated
811 in subsequent years the County could budget for the match and utilize in kind services to offset
812 actual expenditures.
813

814 Commissioner Stewart confirmed any work completed was reimbursable and was not dependent
815 on the completion of all projects identified. Mr. King concurred and stated should the County
816 choose to abandon projects FEMA would provide funding to offset the cost of actual work
817 completed.
818

819 **Motion:** Amend the agreement with FEMA and NMDHSEM to reflect the change to the
820 Conventional Program, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by**
821 Commissioner Stewart.

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

823 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
824 Commissioner Willard.
825

826 **21. 1:00 P.M.: Public Hearing - Continued**
827

828 **Motion:** Adopt Resolution 2014-44 **Action:** Approve, **Moved by** Chair Stone, **Seconded by**
829 Commissioner Draper.
830

831 Commissioner Stewart objected to the motion and restated his concerns regarding the declining
832 cash balance and the County's future ability to meet required reserves.
833

834 There was a general discussion about options to reduce expenditures such as External Agency
835 requests and a suggestion from Commissioner Allen to consider a tax increase if necessary.
836

837 Ms. Taylor stated after consideration of revenues and expenditures which were budgeted
838 conservatively, she supported the budget as presented.
839

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

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

842 **No:** Commissioner Stewart.
843

844 **SEE EXHIBIT E:** Copy of Resolution 2014-44 is attached hereto in reference thereto made a part
845 hereof.
846

847 **22. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
848 **Lincoln County Ordinance**
849

850 No action taken.
851

852 **23. Consideration of Appointments and Removals from Boards/ Commissioners/**
853 **Committees:**
854

- 855 a. Lincoln Historic Preservation Board
856 b. Planning Commission
857 c. Senior Citizens Olympic Committee

858
859 No action taken.

860
861 **24. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened**
862 **and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of**
863 **the purchase, acquisition or disposal of real property or water rights by the public**
864 **body, Section 10-15-1, Sub-Paragraph H.(8).**

865
866 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened
867 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph
868 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body,
869 Section 10-15-1, Sub-Paragraph H.(8) and as follows:

870 **New or Updated Matters since last report = ***

- 871
872 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
873 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
874 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,
875 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper
876 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
- 877 *2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May
878 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served
879 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending
880 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest
881 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new
882 counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended
883 Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction
884 Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue
885 its Motion for Sanctions May 8, 2015.
- 886 3. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit
887 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.
888 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge
889 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.
890 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief
891 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The
892 case has been submitted to a panel of judges for decision and the County received Notice of
893 Submission from the Court of Appeals Jan. 2, 2015.
- 894 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*
895 *041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*
896 *al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of
897 water rights from the Honda Valley to the Village of Ruidoso and the City of Ruidoso Downs.
898 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been
899 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of
900 the County.
- 901 5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor* D-1226-CV-2014-00188 Appeal of
902 the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case
903 assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed
904 Oct. 23, 2014.

905
906
907

Tort Claims Notices Received or Threatened

2015

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

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

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

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

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

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

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

928 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**
929 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to
930 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-
931 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected
932 and noted no progress had been made.

933 **Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22,
934 2015 through attorney J. Robert Beauvais against the County of Lincoln in reference to Dep.
935 Preston's Disciplinary Action Dispute.

936 ***Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy,**
937 **Lincoln County Sheriff Robert Shepperd, and the County of Lincoln** – Tort Claim Notice
938 received May 4, 2015 from Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4th
939 Amendment rights.

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

944 2014

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

949 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 alleging
950 negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

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

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

955 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 alleging false imprisonment,
956 due process violations, unlawful detention of a minor, emotional distress.

957 **Class Action** – Tort Claim Notice received June 23, 2014 alleging false imprisonment,
958 false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration

959 and Customs Enforcement charges.
960 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of
961 her two minor children during a request for a deputy to assist in keeping the peace.

962 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 alleging wrongful arrest, false
963 imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress,
964 abuse of process, wrongful termination and retaliatory discharge regarding discharge from the
965 Capitan Police Department.

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

968 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 by attorney W.
969 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own
970 equipment to alter a platted County right of way without the authorization or knowledge of the
971 County.

972 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,
973 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers
974 destroyed items in a home.

975 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by
976 attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a
977 violation of 8th Amendment Rights.

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

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

982 **McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris
983 Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

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

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

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

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

993 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
994 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

997
998 **2013**
999 **Allen, Katherine Elizabeth**- Notice of Tort Claim received Sept. 12, 2013 from Katherine

1000 Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

1001 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
1002 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
1003 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in
1004 Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego
1005 allegedly sustained injuries while in custody due to an existing broken back injury. Claim has been
1006 denied by NMAC.

1007 **Espinoza, Robert** - Tort Claim Notice received from Robert Espinoza on June 4, 2013,
1008 alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center
1009 meal delivery van ran off road hitting chain link fence, poles and railroad ties.

1010 **Harrisburg Documents** - Attempts to recover Lincoln County documents illegally taken
1011 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in
1012 recovery efforts.

1013 **Silva, Elmo** - Tort Claim Notice received from attorney Richard Marquez November 6,
1014 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District
1015 Court to 38 years filed on July 3, 1990.

1016
1017 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

1018 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

1019 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1020 Commissioner Willard.

1021
1022 Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:50:12 PM.

1023
1024 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:48:57 PM.

1025
1026 Commissioner Draper attested that matters discussed in the closed meeting were limited to those
1027 specified in the motion for closure or in the notice of separate closed meeting.

1028
1029 **Motion:** Authorize the Manager to expend \$12,000 plus Gross Receipts Tax and not one penny
1030 more to install security measures for the District Attorney's office space in the Annex building,

1031 **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

1032 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1033 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1034 Commissioner Willard.

1035
1036 **25. Greentree Solid Waste Authority items for consideration/action:**

1037
1038 a. Re-negotiation of the current Joint Powers Agreement should the County of Lincoln
1039 elect to remain a full member of Greentree Solid Waste Authority. **Tabled**

1040
1041 b. Potential Action on Rates for Solid Waste Collection Services in Lincoln County
1042 outside municipalities and Alto Lakes Water and Sanitation District by Resolution
1043 2014-40 – **Tabled**

1044
1045 c. Consideration of Options:
1046 i. Issue Third party Request for Proposal (RFP) for County of Lincoln Solid
1047 Waste Services. - **Tabled**
1048 ii. Negotiation of Joint Powers Agreement and the status of the County of
1049 Lincoln should an RFP for a Third Party Contract for Services be sought.

1050
1051 d. Any and all other items pertaining to Greentree Solid Waste Authority and the
1052 County of Lincoln.

1053
1054 **Motion:** Remove Item 25 (c) (i) from the table, **Action:** Approve, **Moved by** Commissioner
1055 Stewart, **Seconded by** Commissioner Willard.

1056 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1057 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1058 Commissioner Willard.

1059

1060 **Motion:** Direct the Manager to enter into a third party contract with Gordon Environmental to
1061 develop an RFP for Solid Waste Services, **Action:** Approve, **Moved by** Commissioner Stewart,
1062 **Seconded by** Commissioner Willard.
1063 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
1064 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1065 Commissioner Willard.

1066
1067 **27. Signing of Official Documents**

1068
1069 **28. Next meetings:**

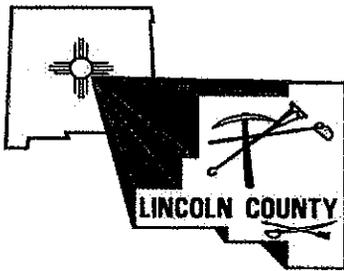
- 1070
1071 a. June 23, 2015, Regular Commission Meeting
1072 b. July 21, 2015, Regular Commission Meeting

1073
1074 **29. Adjourn**

1075
1076 There being no further business to come before the Board of County Commissioners, Chair Stone
1077 adjourned the meeting at 4:52:50 PM.

1078
1079 Respectfully submitted by,
1080 Rhonda B. Burrows
1081 Lincoln County Clerk

DRAFT



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County of Lincoln

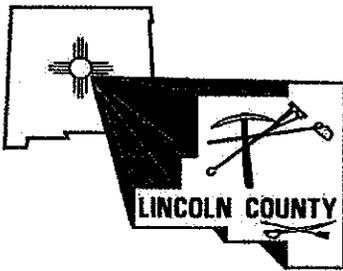
P.O. Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

Agenda Item 7

SUBJECT

Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/Expenditures
- b. Treasurer's Financial Report for the Month ending May 31, 2015
- c. The Alpine Village Sanitation District Mil Levy Tax Rate Approval
- d. Road Name Request



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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 May 1 through May 31, 2015 in the amount of \$ 1,703,834.18.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 23rd day of June, 2015.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Preston Stone, Chairman

Dallas Draper, Vice-Chair

Elaine Allen, Member

Thomas Stewart, Member

Lynn Willard, Member

ATTEST: _____
Rhonda B Burrows, County Clerk

6.039

RECEIVED

JUN 04 2015

ADMINISTRATION
LINCOLN COUNTY NM

The Alpine Village Sanitation District
P. O. Box 1217, Ruidoso, New Mexico 88355

William Hanson, President (575) 937-1117
Mike Buechter, Vice President (575) 257-0086
Cheryl Knobel, Secretary (575) 257-7776

June 2, 2015

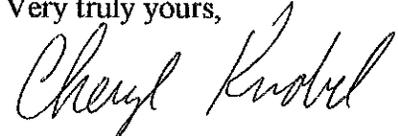
Ms. Nita Taylor
Lincoln County Manager
P. O. Box 711
Carrizozo, New Mexico 88301

Dear Ms. Taylor:

The Board of Directors for Alpine Village Sanitation District met June 1, 2015 and approved the continuance of the mil levy tax rates. The previous rate was calculated at 5.925. We await notice of the new tax rates and calculations.

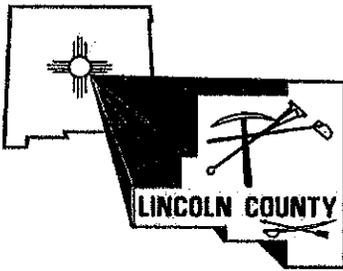
Please let us know if we can provide any additional information.

Very truly yours,



Cheryl Knobel, Secretary and Board Member
Alpine Village Sanitation District

C: Joe Buchanan, Accountant for AVSD
William Hanson, President, AVSD
Mike Buechter, Vice President, AVSD



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County of Lincoln

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

ROAD NAME REQUEST

This is a request to approve a New Road Name to an existing easement in Alto Crest Subdivision, Unit 1, Block 4, Lots 3 thru 11, located in Alto NM in the County of Lincoln. The County Rural Addressing Office has approved the following name:

ROOFTOP DR

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

NOW, THEREFORE, the above name Rooftop Dr is hereby approved.

ADOPTED, PASSED AND SIGNED the 23st day of June, 2015.

Preston Stone
Chairman

Dallas Draper
Vice-Chairman

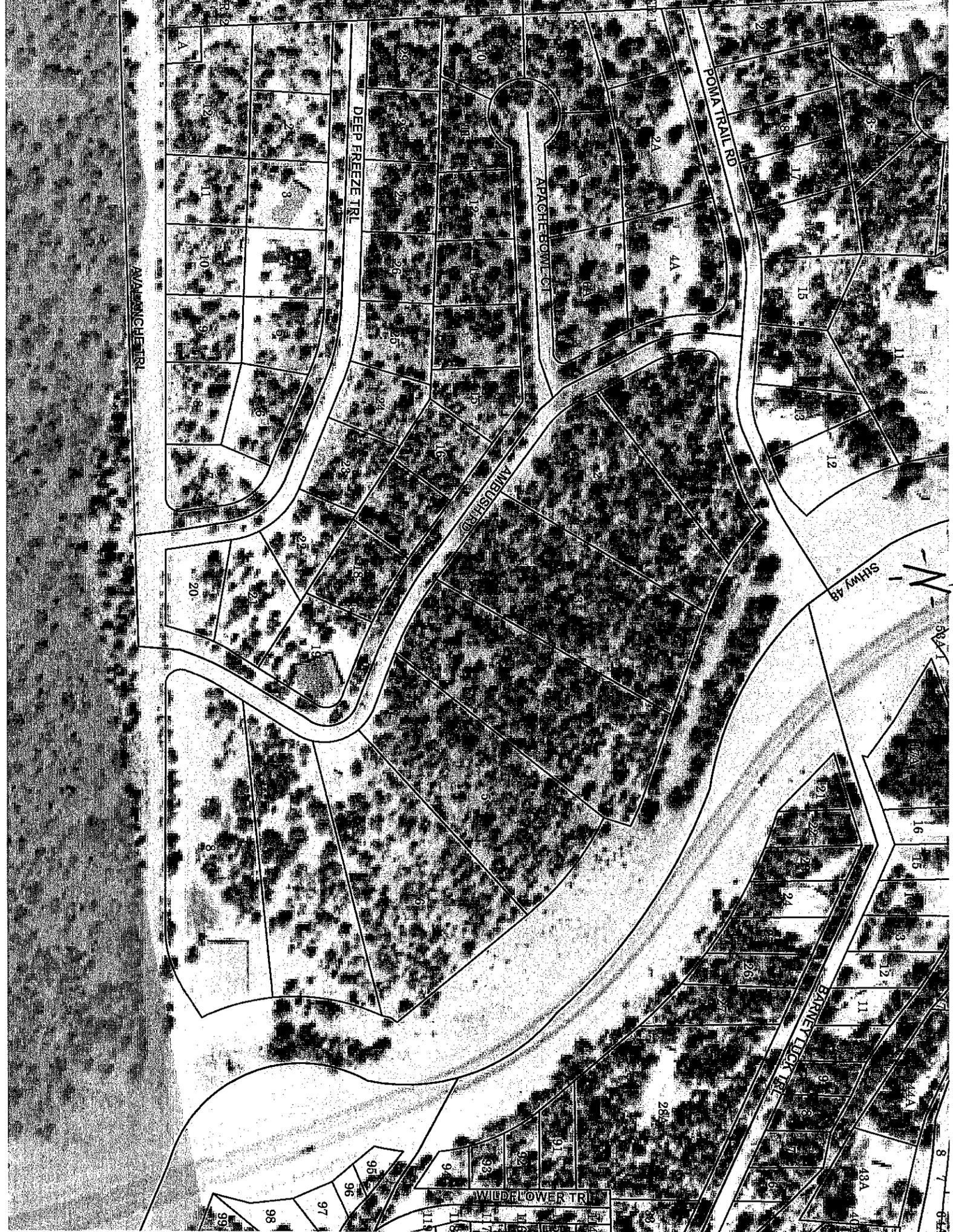
Lynn Willard
Commissioner

Tom Stewart
Commissioner

Elaine Allen
Commissioner

ATTEST:

Rhonda B Burrows, County Clerk



SHHWY 48

POMPA TRAIL RD

APACHE BLVD

AMBUSH RD

DEEP FREEZE TRL

AVAMANCHE TRL

BARNET LICK TRL

WILDFLOWER TRL

8 7 6 5 4 3 2 1

Map showing numerous numbered lots including: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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LINCOLN COUNTY-NM
REINDA B. HARRIS, CLERK
201006030
Book 2010 Page 6030
1 of 3
09/20/2010 03:15:45 PM
BY DIANE



EASEMENT AGREEMENT

Recitals:

Whereas the owners of Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4, ALTO CREST SUBDIVISION, UNIT 1, Ruidoso, Lincoln County, New Mexico ("Grantors"), wish to grant unto themselves as Grantees an easement and right-of-way upon and across the above described real property; and,

Whereas James ^{JS} Sharp and Hazel L. Sharp, husband and wife, own Lots 3, 6, 7, 8, 9, 10, and 11, Block 4, Dan A. Grundy, a single man, owns Lot 4, Block 4, and Jimmy D. Walden and Christi Walden, husband and wife, own Lot 5, Block 4, all in ALTO CREST SUBDIVISION, UNIT 1, Ruidoso, Lincoln County, New Mexico.

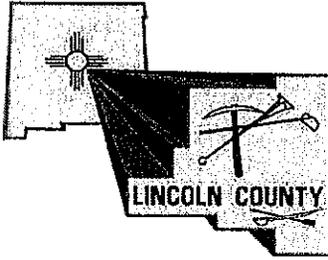
1. **Grant of Easement** - Grantors, for good and valuable consideration, hereby grant and convey to Grantees an easement and right-of-way across the above described lots

2. **Location of Easement** - The easement conveyed is more particularly described as an easement thirty (30) feet wide, fifteen (15) feet on each lot, following the adjacent boundaries of Lots 3, 4, 5, 6, 8, 9, 10, and 11, Block 4, ALTO CREST SUBDIVISION, UNIT 1. The beginning point of the Easement is Deep Freeze Lane and approximately 75 feet from the corner of Lot 7 and Sierra Blanca street and it proceeds through Lot 7 to the common boundary line of Lots 3, 4, 5, 6, 8, 9, 10, and 11, a distance of approximately three hundred ninety-four (394) feet long. ("The Easement").

3. **Purpose of Easement** - The Easement, privileges, and rights herein granted shall be used only for the purpose of ingress and egress from Deep Freeze Lane to the above described lots for the owners thereof, their guests, invitees, and agents.

4. **Duration of Easement** - The Easement and the privileges and rights herein granted shall be permanent, perpetual, and shall run with the land comprising the above described lots.

5. **Secondary Easements** - In addition to the Easement, privileges, and rights herein conveyed, Grantees shall have the right to use so much of the surface of the hereinbefore-described property of Grantors as may be reasonably necessary to maintain the Easement.



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ROAD NAME CHANGE REQUEST

This is a request to approve a Road Name Change to an existing easement Plante Dr, in Section 28, Township 10S, Range 13E located in Alto NM in the County of Lincoln. The County Rural Addressing Office has approved the following name:

LA CINCUENTA

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

NOW, THEREFORE, the above name La Cincuenta is hereby approved.

ADOPTED, PASSED AND SIGNED the 23st day of June, 2015.

Preston Stone
Chairman

Dallas Draper
Vice-Chairman

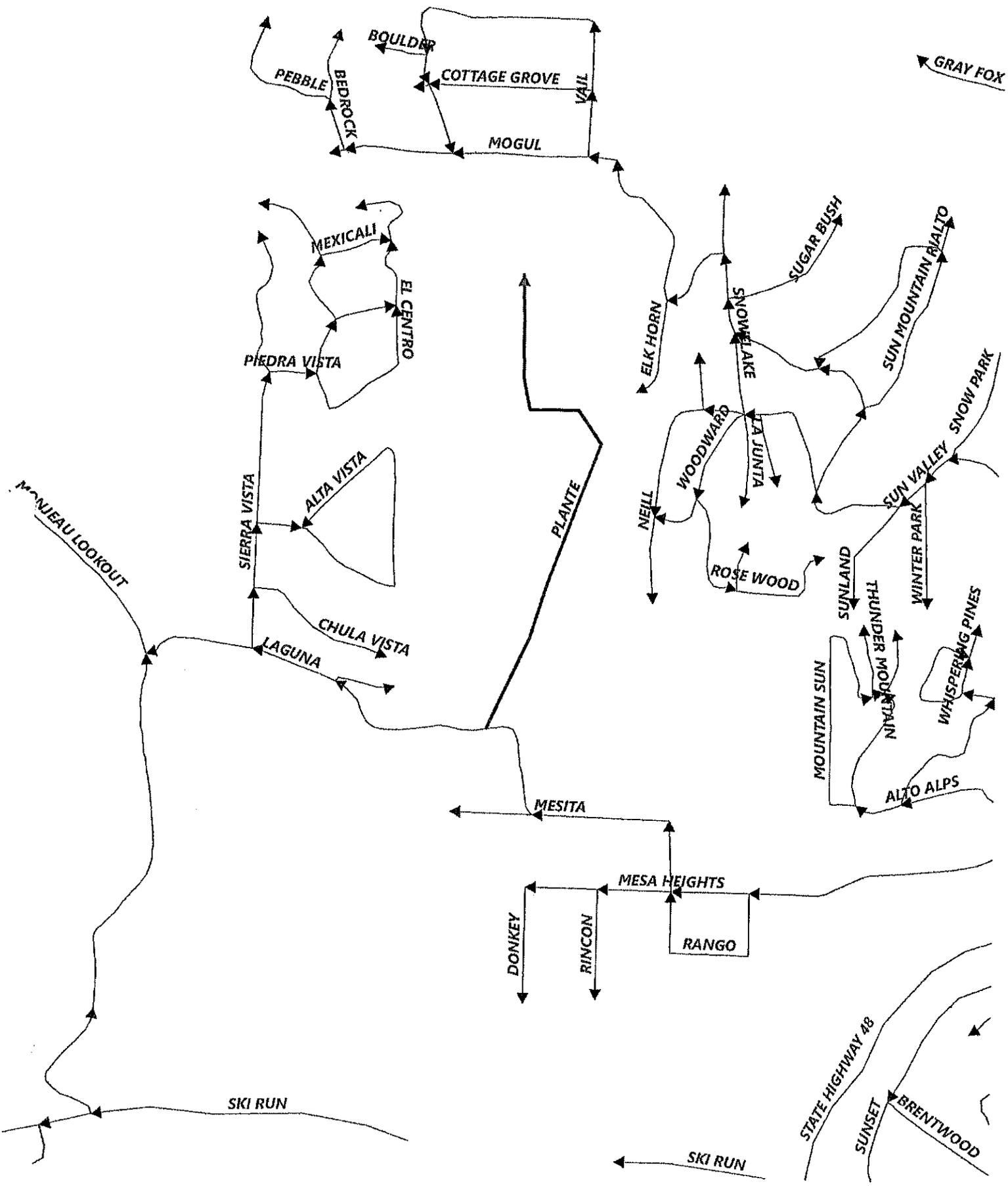
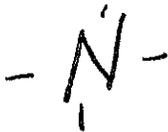
Lynn Willard
Commissioner

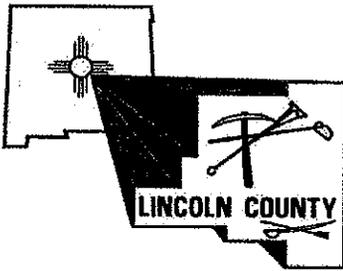
Tom Stewart
Commissioner

Elaine Allen
Commissioner

ATTEST:

Rhonda B Burrows, County Clerk





County of Lincoln

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AGENDA ITEM NO. 8

June 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Approval of Preliminary Budget by DFA

Purpose: To acknowledge Department of Finance and Administration (DFA) approval of our recent 2015-2016 Commission- approved preliminary budget.

Discussion:

At enclosure 1 is a letter from DFA approving our preliminary budget for 2015-2016. According to the state requirements, the Board of County Commissioners must acknowledge budget approvals in the minutes of a commission meeting.

Recommendation: Acknowledge receipt of DFA approval of our 2015-2016 preliminary budget.

SUSANA MARTINEZ
GOVERNOR



THOMAS E. CLIFFORD, PH.D.
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

BILL R. GARCIA
Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

RECEIVED

JUN 15 2015

ADMINISTRATION
LINCOLN COUNTY NM

June 11, 2015

The Honorable Commissioner Preston Stone
Lincoln County
PO Box 711
Carrizozo, NM 88301-0711

Dear Commissioner Stone:

In accordance with Section 6-6-2 (B) NMSA 1978, the Department of Finance and Administration, Local Government Division (LGD) has examined the proposed budget of your local government entity for Fiscal Year 2016 and hereby grants approval and certification for use. Sufficient resources appear to be available to cover proposed budgeted expenditures. However, we must point out that the final approval will be certified no later than the first Monday of September 2015.

Approval and certification of your final budget is contingent upon submission of the following by no later than **July 31, 2015**:

- The June 30, 2015 (fourth quarter) financial report;
- A resolution approving the June 30, 2015 (fourth quarter) financial report;
- Adjustments/revisions discussed with staff (attached); and
- A revised budget recap page to include updated Unaudited Beginning Cash Balances as of July 1, 2015 that agree with Ending Cash Balances as of June 30, 2015 per the fourth quarter financial report (or an explanation as to why these balances don't match). **If LGD budget format is used.**

Please note final budget certification will be "conditional" per 2.2.3 NMAC if Fiscal Year 2014 audit has not been filed with the Office of the State Auditor.

If you have questions regarding this matter, please call Elise Mignardot of my staff at 505-827-8060.

Sincerely,

A handwritten signature in black ink that reads "Bill R. Garcia" followed by a flourish.

Rick Lopez, Director

xc: file

ENCL 1

LINCOLN COUNTY

**DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION
ADJUSTMENTS TO THE FISCAL YEAR 2016 BUDGET:**

FUND

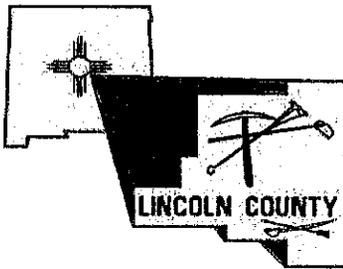
EXPLANATION

LEPF

Please note: these grant revenues must be fully expended in the fiscal year. State law prohibits accumulation of grant revenue in this fund. Furthermore, if there will be a carryover amount, approval must be requested in the LGD carryover request form.

NOTE:

Please note that the general fund cash balance is being depleted. If not addressed in the interim prior to final budget submission, the governing body will be warned of this occurrence in the final budget approval letter.



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AGENDA Item No. 9

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: **Introduction of Senator Ted Barela**

Discussion: Senator Ted Barela was appointed by Governor Susana Martinez to fill a vacancy in the New Mexico Senate District 39. In addition to the County of Lincoln, his district includes the Counties of Bernalillo, San Miguel, Santa Fe, Torrance and Valencia. Senator Barela's first formal role in his newly appointed position was to participate in the Governor's Special Session held on Monday, June 8th to identify projects for capital outlay consideration. He advocated for those projects in his district requested by the various municipalities and counties, and supported by his predecessor, Phil Griego of San Jose. See **Enclosure 1** for Lincoln County projects recommended to the Governor.

Senator Griego has been assigned to the following Legislative Interim Committees:

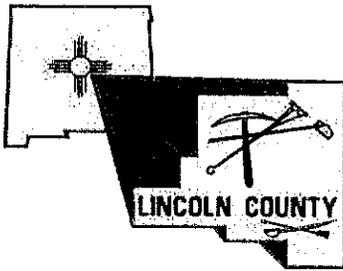
- Land Grant
- Radioactive & Hazardous Materials
- Revenue Stabilization & Tax Policy
- Indian Affairs
- Disabilities Concerns (Subcommittee)
- Investments & Pensions Oversight
- Water & Natural Resources

Prior to his appointment, Senator Barela gained solid local government experience by serving the Town of Estancia as Mayor for five years and as Trustee for ten year, as well as having worked for the New Mexico Department of Transportation for over 26 years, holding various levels of responsibility.

Recommendation: No action required; informational only.

2015 CAPITAL OUTLAY PROPOSAL SENT TO GOVERNOR

1 Capitan Depot Historic Museum	\$80,000	
2 Capitan Water Meters & GIS System	\$65,000	
3 Capitan Water Storage Tanks	\$105,000	
		\$250,000
4 Carrizozo Sewer Line	\$113,500	\$113,500
5 Corona PSD Activity Vehicle	\$25,000	
6 Corona Sidewalk Improvement / Main Street Hwy 54	\$45,000	
7 Corona Sloan Simpson Park	\$20,000	
8 Corona Streets Improve	\$25,000	
		\$115,000
9 ENMU - Ruidoso Trades Program - Instructional Space	\$600,000	\$600,000
10 Ft. Stanton Historic Site Barracks & Exhibit	\$40,000	
11 Ft. Stanton Veteran Cemetery Access Road	\$500,000	
		\$540,000
12 GSWA - Trailer	\$40,000	\$40,000
13 Lincoln - Historic Site Building Windows / Doors	\$20,000	\$20,000
14 Lincoln County - Hondo Fire Station	\$210,000	
15 Lincoln County - New Horizons Residential Care Facility	\$70,810	
16 Lincoln County - White Oaks Fire Station Expansion	\$25,000	
		\$305,810
17 Ruidos Downs Agua Fria PH2 Sewer System Improvement	\$100,000	
18 Ruidoso Downs City Hall Roof Replace	\$86,500	
		\$186,500
19 Ruidoso / Ft. Stanton Water System Improvement	\$150,000	
20 Ruidoso Police Department Generator	\$35,000	
		\$185,000
	\$2,355,810	\$2,355,810



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AGENDA Item No. 10

June 18, 2015

MEMORANDUM

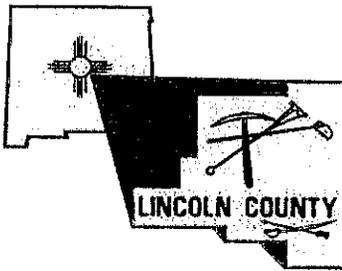
TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Factors Impacting Grazing and Property Rights in Otero County

Discussion: Gary Stone, President of Otero County Cattleman's Association will present to the Commission factors impacting grazing and property rights in Otero County.

Recommendation: No action required; informational only.



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AGENDA Item No. 11

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Forest, Land and Natural Resources Matters

Smokey Bear Ranger District: Loretta Benavidez, Acting Ranger - Smokey Bear District, may be in attendance to update the Commission on key activities. See **Enclosure 1** for summary of activities.

Cibola National Forest – Invitation to Participate as a Cooperating Agency. At its May 19th meeting the Commission considered the invitation from Forest Supervisor of the Cibola National Forest, Elaine Kohrman, to participate as a cooperating agency in the development of the draft forest plan, alternatives and Environmental Impact Statement (EIS) and directed that a letter be sent to Forest Supervisor Kohrman accepting that invitation, with modification to the MOU as written. See **Enclosure 2**. To date, Cibola National Forest has not responded.

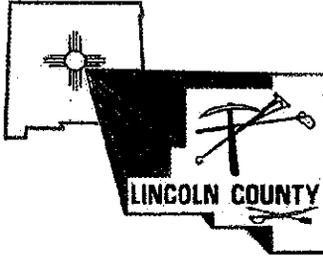
Forest Health - Community Forester. Rick Merrick with South Central Mountain RC&D may be in attendance to update the Commissioner on forest health activities. See **Enclosure 3a**. Laura Doth, Executive Director of SCMRCD is working with the County to develop the 2016 Wildland Urban Interface grant application. The applications are due in July. These grants, normally total approximately \$500,000 per year to Lincoln County, assist communities at risk from catastrophic wildland fires by providing assistance in a number of areas, including hazardous fuels reduction activities on federal land or on adjacent nonfederal land for activities that mitigate the threat of catastrophic fire to communities.

NM Game & Fish – Bear Attack. At **Enclosure 3** is the press release provided in early June regarding the Lincoln County resident attacked by an adult black bear near Baca Campground off Forest Service Road 57.

Water Issues:

Lower Pecos Regional Water Plan Update: The Steering Committee for Region 10 of the NM Interstate Stream Commission's (ISC) met on Friday, May 22nd and Friday, June 12th in Artesia to discuss modifications to its Regional Water Plan Update. The goal was to submit a list of water projects, programs and policies for this region to the NM ISC to include in the statewide plan. See **Enclosure 4** for draft list of projects.

Predator Control Activities. Aerial operations used by Wildlife Services to kill animals that prey on livestock and other wildlife resulted in a plane crash taking the lives of Lincoln County pilot, Kelly Hobbs and his gunner, Bubba Tunnel. The County's deepest condolences to the families of these brave, dedicated men who lost their lives too early.



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May 28, 2015

Forest Supervisor Elaine Kohrman
Cibola National Forest
2113 Osuna Road NE
Albuquerque, NM 87113-1001

Dear Ms. Kohrman:

Thank you for your invitation for Lincoln County to participate as a cooperating agency in the development of the draft forest plan, alternatives, and Environmental Impact Statement (EIS) Analysis for the Cibola National Forest Mountain Ranger Districts.

As you are aware, the County has, in the past, been very dissatisfied with some of the actions taken by the Cibola National Forest – Mountainair Ranger District. As a step toward fostering its awareness of potential actions and perhaps having an opportunity to provide meaningful and timely input, the Lincoln County Commission approved the County's participation as a Cooperating Agency in the development of the draft forest plan and associated activity.

The Commission directed me, as the County Manager, to sign the MOU with the following modification: strike the sentence at Section V.A., Page 3: "The U. S. Forest Service has sole and ultimate decision making authority regarding the management of National Forest System lands".

We look forward to working with you in this cooperative process of modifying the Cibola National Forest's Land and Resource Management Plan, and the development of the required EIS Analysis.

Sincerely,

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

cc: Lincoln County Commissioners
Alan Morel, Esq.

ENCL 2

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

MEMORANDUM OF UNDERSTANDING
Between The
And The
USDA, FOREST SERVICE
CIBOLA NATIONAL FOREST

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the , hereinafter referred to as "Cooperator," and the USDA, Forest Service, Cibola National Forest, hereinafter referred to as the "U.S. Forest Service."

Background: The U.S. Forest Service is revising the existing 1985 Cibola Forest Plan as required by the National Forest Management Act. After two years of engaging the public in assessing conditions, trends, and risks to sustainability and identifying the needs for change to the 1985 Cibola Forest Plan, the U.S. Forest Service has published a Notice of Intent (NOI) to revise the 1985 Cibola Forest Plan and prepare an Environmental Impact Statement (EIS). This proposed action affects the Magdalena, Mt. Taylor, Mountainair and Sandia Ranger Districts.

Title: Cooperating Agency Status

I. PURPOSE:

The purpose of this MOU is to document a framework for cooperation and to define the relationship and duties between the parties as Cooperating Agencies in the preparation of an Environmental Impact Statement (EIS) for Forest Plan Revision. This MOU is established to provide coordination, communication, and the exchange of ideas and information between the Forest Service and the Cooperator pursuant to the revision of the Cibola National Forest's Land and Resource Management Plan and development of the required National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) analysis. The Forest Service and the Cooperator will cooperate in the areas of natural and cultural resources and properties and traditional land use with respect to each entity's regulations, on matters important to the Cooperator's constituency, and on public involvement activities. While the Forest Service recognizes the expertise of the Cooperator in these subjects, this agreement does not preclude the Cooperator from submitting other information, comments, and/or data pertaining to the Cibola Land and Resource Management Plan or EIS analysis, including but not limited to the suggestion of alternatives or alternative methods of accomplishing natural resource objectives.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The U.S. Forest Service is in the process of preparing an EIS for Forest Plan Revision for the Sandia, Mountainair, Magdalena, and Mt. Taylor Ranger Districts. The U.S. Forest Service must assure that the EIS complies with the National Environmental Act (NEPA) and other applicable federal statutes, regulations, and Presidential Executive Orders. In addition, the U.S. Forest Service will produce the EIS in accordance with established timeframes and the terms of this agreement.

The U.S. Forest Service will benefit from this agreement by gaining broader public engagement with wide public support, including all diverse interests, with the anticipated outcome of a revised forest plan and alternatives for lands administered by the U.S. Forest Service as described above. Both parties will benefit the development of the Forest Plan and EIS, as the effects analysis, completed with the supplied information, will be more accurate and support a more informed decision by the Forest Supervisor on a final, revised Cibola Forest Plan.

The authority of the U.S. Forest Service to participate in this agreement is provided by NEPA, 42 U.S.C. 4321 et seq. The authority of the Cooperator to participate in this agreement is provided by 39 CFR Part 219.

In consideration of the above premises, the parties agree as follows:

III. U.S. FOREST SERVICE SHALL, As Lead Agency:

- A. Be responsible for the preparation and content of the EIS
- B. Invite the Cooperator to participate as a member of the extended interdisciplinary team.
- C. Provide the opportunity for the Cooperator to review and comment on:
 - 1) A collaborative, public engagement strategy;
 - 2) A draft proposed action;
 - 3) Preliminary range of alternatives;
 - 4) Preliminary draft of the socio-economic section of the affected environment and environmental consequences;
 - 5) Draft EIS;
 - 6) Final EIS;
- D. Notify the Cooperator of all public notices made by the U.S. Forest Service pertaining to Forest Plan revision;
- E. Keep the Cooperator apprised of the forest plan revision schedule and provide an updated schedule as needed;
- F. Review and incorporate, as appropriate, information provided by the Cooperator into the EIS;
- G. Make the final Forest Plan decision in regards to the management of lands, resources, goods, and services provided by lands administered by the U.S. Forest Service as described above, in accordance with the 2012 Planning Rule (36 CFR 219) and the Council for Environmental Quality's Regulations for Implementing NEPA (40 CFR Parts 1500-1508).

IV. THE Cooperator SHALL, as Cooperating Agency:

- A. Co-convenc and help design collaborative public engagement processes and events, inclusive of diverse stakeholders and interests;
- B. Provide the U.S. Forest Service with the relevant information related to the Cooperator's comprehensive plan with respect to natural resource based industries, the economy, culture, and traditional uses;

- C. Provide the U.S. Forest Service with information and effects to the Cooperator's comprehensive planning from management of U.S. Forest Service lands within the borders or jurisdiction of the Cooperator and identify opportunities for the revised forest plan to address identified impacts, contribute to joint objectives, or resolve or reduce conflicts;
- D. Provide the U.S. Forest Service with responses to data requests to the degree the data are reasonably available within the time limits that will meet the project schedule;
- E. Complete a review of the draft and final EIS;
- F. Be available to discuss any documents or analysis provided by the Cooperator;
- G. Provide as specific-as-possible comments on requested products;
- H. May designate a Cooperator representative to serve on the extended interdisciplinary team.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT/TO:

- ~~A. The U.S. Forest Service has sole and ultimate decision-making authority regarding the management of National Forest System lands.~~
- B. Both Parties will cooperate to achieve better outcomes while ensuring each agency's key mandates and legal requirements are adequately met.
- C. Communicate openly and provide a conduit for the timely exchange of information.
- D. Resolve conflicts at the lowest administrative level.
- E. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

not 5/28/15

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:
Telephone:	Telephone:
FAX:	FAX:
Email:	Email:

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Name: Champe Green	Name: Elaine Kohrman
Address: 2113 Osuna Rd. NE	Address: 2113 Osuna Rd. NE
City, State, Zip: Albuquerque, NM 87113	City, State, Zip: Albuquerque, NM 87113
Telephone: 505-346-3889	Telephone: 505-346-3804
FAX: 505-346-3901	FAX: 505-346-3901
Email: champegreen@fs.fed.us	Email: ekohrman@fs.fed.us

- F. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or Cooperator is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Cooperator, at Cooperator's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- G. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or Cooperator from participating in similar activities with other public or private agencies, organizations, and individuals.
- H. ENDORSEMENT. Any of Cooperator's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of Cooperator's products or activities and does not by direct reference or implication convey the Cooperator's endorsement of the U.S. Forest Service's products or activities.
- I. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated, and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any U.S. Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable laws

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- J. USE OF U.S. FOREST SERVICE INSIGNIA. In order for Cooperator to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- K. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- L. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information Act regulations (5 U.S.C. 552).
- M. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- N. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. Cooperator is encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:
- "Cibola National Forest of the U.S. Forest Service, Department of Agriculture, is revising its 1985 Cibola Forest Plan and preparing an Environmental Impact Statement analysis on the proposed, revised plan and alternatives to that proposed plan."
- Cooperator may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. Cooperator is requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to the U.S. Forest Service's Office of Communication as far in advance of release as possible.
- O. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. Cooperator shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

- P. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. Cooperator shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- Q. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- R. DEBARMENT AND SUSPENSION. Cooperator shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should Cooperator or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- S. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- T. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through September 2017 or upon approval of the revised Cibola Forest Plan, at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized signatory officials.
- U. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.

Nita Taylor

5/28/2015

NITA TAYLOR, County Manager
County of Lincoln, New Mexico

Date

ELAINE B. KOHRMAN, Forest Supervisor
U.S. Forest Service, Cibola National Forest and
National Grasslands

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



New Mexico Department of Game and Fish
Media contact: Karl Moffatt, (505) 476-8007
Public contact: (888)-248-6866
karl.moffatt@state.nm.us

FOR IMMEDIATE RELEASE, June 2, 2015

Bear sought in attack on shed hunter

LINCOLN – Department of Game and Fish officers are searching for an adult black bear involved in the attack of a 55-year-old man in the Lincoln National Forest on Monday afternoon.

The Lincoln County man suffered deep flesh wounds from scratches on his chest and a bite to his leg. He was treated and released from Lincoln County Medical Center in Ruidoso.

Conservation officers were searching for the bear Tuesday so it can be tested for rabies. The New Mexico Department of Health will interview the victim to assess his potential exposure and the need for rabies vaccinations. Rabies in bears is rare but it is a nearly 100 percent fatal disease, so every precaution will be taken.

The attack occurred in the forest near Baca Campground off Forest Service Road 57. The man had been hunting for antler sheds in thick brush when he apparently surprised the bear. The bear charged the man and attacked him before fleeing into the woods.

The injured man notified his hunting companion by two-way radio and the two hiked to their vehicle and drove to the hospital.

Here are some ways to protect yourself if you live in or visit bear country.

If you encounter a bear:

- Stop, and back away slowly while facing the bear. Avoid direct eye contact, as the bear may consider that a threat. Do not run. Make yourself appear large by holding out your jacket. If you have small children, pick them up so they don't run.
- Give the bear plenty of room to escape, so it doesn't feel threatened or trapped. If a black bear attacks you, fight back using anything at your disposal, such as rocks, sticks, binoculars or even your bare hands. Aim for the bear's nose and eyes.
- If the bear has not seen you, stay calm and slowly move away, making noise so the bear knows you are there. Never get between a mother bear and her cubs.

If you live or camp in bear country:

- Keep garbage in airtight containers inside your garage or storage area. Place garbage

outside in the morning just before pickup, not the night before. Occasionally clean cans with ammonia or bleach.

- Remove bird feeders. Bears see them as sweet treats, and often they will look for other food sources nearby.
- Never put meat or sweet-smelling food scraps such as melon in your compost pile.
- Don't leave pet food or food dishes outdoors at night.
- Clean and store outdoor grills after use. Bears can smell sweet barbecue sauce and grease for miles.
- Never intentionally feed bears to attract them for viewing.
- Keep your camp clean, and store food and garbage properly at all times. Use bear-proof containers when available. If not, suspend food, toiletries, coolers and garbage from a tree at least 10 feet off the ground and 4 feet out from the tree trunk.
- Keep your tent and sleeping bag free of all food smells. Store the clothes you wore while cooking or eating with your food.
- Sleep a good distance from your cooking area or food storage site.

###



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South Central Mountain RC&D, Rural Community Forester Report

June 2015

- 1 Ruidoso WUI Interagency Prescribed Fire CFRP Grant : There were two RX burns conducted with collaborators during this period. We had one burn in the Monjeau Fire look out parking lot. The second burn was the Sawmill Rx burn in Sawmill canyon.
- 2 Lincoln County cost share program: Nothing new to report
- 3 Cedar Creek NFL: Nothing new to report
- 4 ENMU Speaker Series: July 7, 2015 5:30 pm, Forest Revision plan, public input meeting.
- 5 I will be setting up a booth and giving a brief Firewise presentation at the annual meeting for Ranches of Sontera Property Owner Association on July 18, 2015
- 6 White Oaks CFRP: I spoke at a public meeting in White Oaks, June 13, 2015
- 7 I will speaking with Dan Ray from the USFS at the Alto Lakes POA annual meeting, July 28, 2015

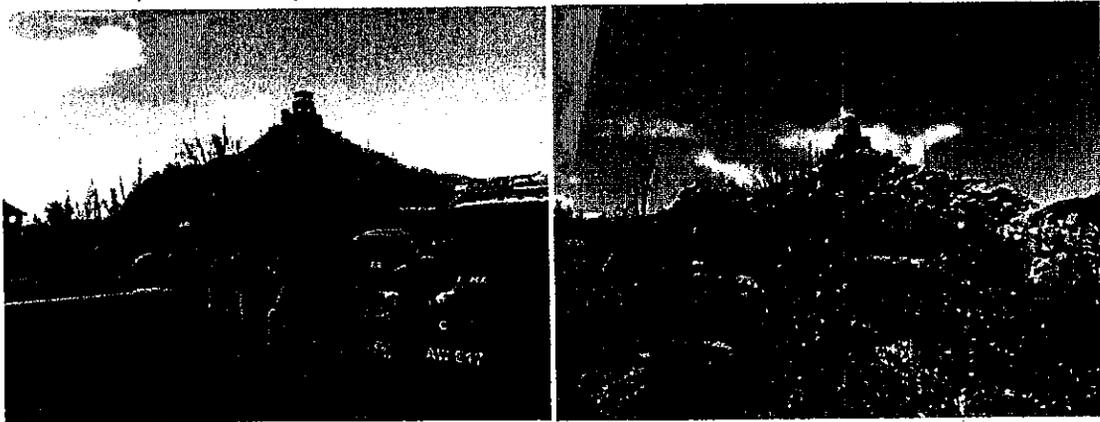
ENCL 3A

Rx Fire Briefing 05/29/15

Week of 05/25 – 05/29

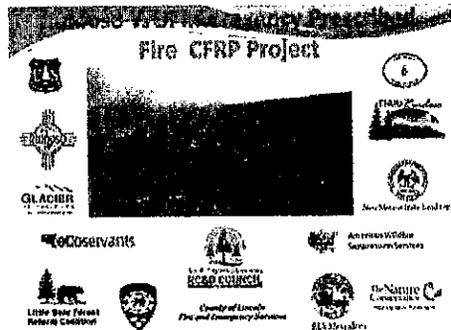
Accomplishments:

- Approximately 1 acre of slash piles were burned at Monjeau Lookout on Friday the 29th. Slash piles were generated from recent hazard tree mitigation efforts. The prescribed fire operations were conducted as a Collaborative burn with American Wildfire Engine 17 and District Fire Personnel under the Ruidoso WUI Interagency Prescribed Fire CFRP Project.
- No holding issues
- No smoke issues
- Consumption of most piles exceeded 90%



Activities planned for 06/01 – 07/03

- Pile and broadcast burning is planned to continue through June in the Ruidoso Area when weather conditions are favorable and adequate fire resources are available. These prescribed burns are also planned to be conducted through the Ruidoso WUI Interagency Prescribed Fire CFRP Project.



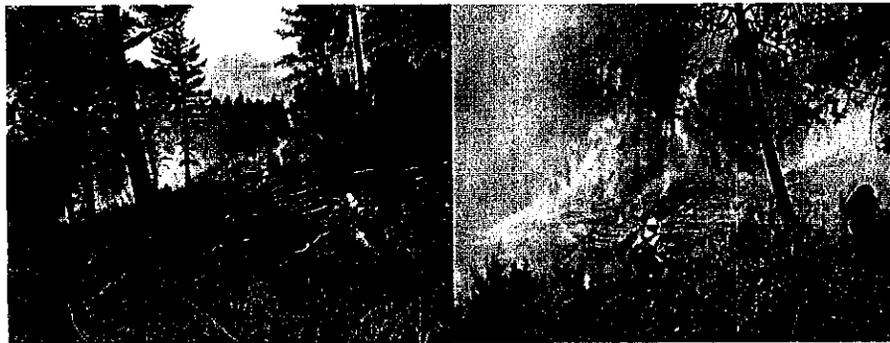
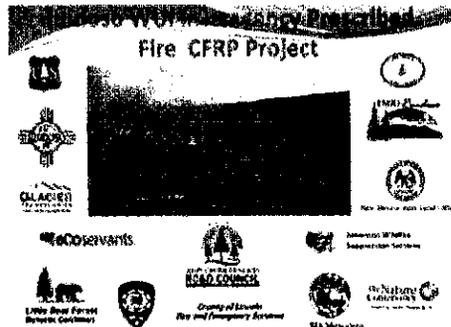
- Prescribed Fire Updates are posted regularly at www.nmfireinfo.com.
- Lincoln National Forest Fire Information Contact: Forest Public Affairs Officer, 575-434-7290

Rx Fire Briefing 06/18/15

Week of 06/14 – 06/18

Accomplishments:

- Approximately 20 acres of slash piles were burned Sunday and another 10 acres were burned Thursday in Sawmill Canyon (between Mescalero Lake and Grindstone Lake).
- No smoke or safety issues.
- Gusty & shifty winds on Sunday created some holding issues but ceasing ignitions early in the day and providing extra time & resources ensured the burn remained secure in the unit.
- Slash consumption exceeded 90%, a few adjacent trees torched but mortality remained well under the limit of the prescription.
- Although it was not originally planned as a Collaborative Rx burn under the Ruidoso WUI Interagency Prescribed Fire CFRP Project, Forest Service Engines were able to get quicker and easier access to water by requesting a water tender from Ruidoso Fire Department during holding operations. With the established cooperative protocol of the Collaborative Rx Burn Program and trust developed from these burns over the last 2 years, requesting assistance from a cooperator agency took very little time and was an easy decision to make by the Burn Boss without hesitation or doubt.



Activities planned for 06/19 – 07/03

- Pile burning is planned to continue on favorable days in Sawmill Canyon.
- **Prescribed Fire Updates** are posted regularly at www.nmfireinfo.com.
- **Lincoln National Forest Fire Information Contact:** Forest Public Affairs Officer, 575-434-7290

DRAFT

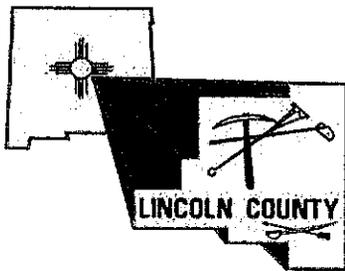
Regional Water Planning Update

Projects, Programs, and Policies
Lower Pecos Region 10

Planning Region	County	Regional or System Specific (R),(SS)	Strategy Type (Project, Program or Policy)	Strategy Approach (What issue does strategy address) (see Tab 3)	Project Name	Source of Project Information	Project lead (Entity or Organization)	Timeframe (Fiscal Year)	Cost	Comments
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Storage Tank booster pumps, piping from well to tank	2015 WTB application	Town of Hagerman		\$ 282,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Well pump and transmission line	2015 WTB application	Town of Hagerman		\$ 1,460,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Chaves Co Pecos River & Hagerman Canal Structure	2015 Capitol Outlay Bill SB159	Roswell		\$ 135,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Dexter Water Towers Improve	2015 Capitol Outlay Bill SB159	Dexter		\$ 100,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Hagerman Waer Line RR Crossing	2015 Capitol Outlay Bill SB159	Hagerman		\$ 25,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Hagerman Water Storage Tank	2015 Capitol Outlay Bill SB159	Hagerman		\$ 300,000.00	
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Lake Arthur Water Systems Improve	2015 Capitol Outlay Bill SB159	Lake Arthur		\$ 90,000.00	
Lower Pecos	Chaves	SS	Project		Roswell Parks Splash Pads	2015 Capitol Outlay Bill SB159	Roswell		\$ 145,000.00	
Lower Pecos	Chaves	SS	Project		Walking Trail / Water Retention Pond	2016-2020 ICIP Project List		2016	\$ 50,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Sierra VFD - Water Well & Storage Tank	2016-2020 ICIP Project List		2016	\$ 150,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Dunken VFD - Water Well for Fire Station	2016-2020 ICIP Project List		2016	\$ 100,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Rio Felix VFD - Water Well & Pressurized Storage Tank	2016-2020 ICIP Project List		2016	\$ 150,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	South Main Water Sewer Project	2016-2020 ICIP Project List		2016	\$ 2,550,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Midway VFS Water Well/Storage Tank	2016-2020 ICIP Project List		2018	\$ 480,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Improve System Efficiency	Penasco VFD Water Storage Tanks	2016-2020 ICIP Project List		2017	\$ 250,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Dunken VFD Water Well / Storage Tank	2016-2020 ICIP Project List		2018-2019	\$ 300,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	Berrondo VFS Water Well & Water Storage Tank	2016-2020 ICIP Project List		2018-2019	\$ 300,000.00	Single phase project
Lower Pecos	Chaves	SS	Project	Increase Supply	EGP VFD Drill Water Well and Pressurized Water Tank	2016-2020 ICIP Project List		2020	\$ 200,000.00	

ENCL 4

Lower Pecos??	Curry, Quay, Roosevelt	R	Project		Eastern NIM Rural Water System	2014 WTB application	ENMWJA		\$ 3,200,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Wastewater effluent reuse Phase 5	2015 WTB application	City of Carlsbad		\$ 2,500,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	South Wellfield/Double Eagle water wells	2015 WTB application	City of Carlsbad		\$ 2,500,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Double Eagle Water Wells	2014 WTB application	City of Carlsbad		\$ 1,500,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Water System Improvements	2015 WTB application	Otis MDWC & SWA		\$ 499,500.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Loving Sewer Collection System Improve	2016-2020 ICIP Project List	Loving		\$ 50,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Loving Water System Improvements	2016-2020 ICIP Project List	Loving		\$ 50,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Otis MDWC & SWA Water Mains Phase 6	2016-2020 ICIP Project List	Otis		\$ 50,000.00
Lower Pecos	Eddy	SS	Project	Improve System Efficiency	Otis MDWC & SWA Water Mains Phase 8	2016-2020 ICIP Project List	Otis		\$ 15,000.00
Lower Pecos	Lincoln	SS	Project	Improve System Efficiency	SCADA	2015 WTB application	Village of Capitán		\$ 225,000.00
Lower Pecos	Lincoln	SS	Project	Improve System Efficiency	Meter Replacement Project	2015 WTB application	Village of Capitán		\$ 286,575.00
Lower Pecos	Lincoln	SS	Project	Improve System Efficiency	Water Transmission Pipeline	2015 WTB application	Village of Capitán		\$ 325,000.00
Lower Pecos	Lincoln	SS	Project	Improve System Efficiency	Aqua Fria Water Distribution System Improvements	2015 WTB application	City of Ruidoso Downs		\$ 849,952.00
Lower Pecos	Lincoln	SS	Project	Protect Existing Supply	Mechanical Removal of non-native phreatophytes to watershed	2015 WTB application	Upper Hondo SWCD		\$ 500,000.00
Lower Pecos	Lincoln	SS	Project	Protect Existing Supply	Grindstone Reservoir Dam Liner	2014 WTB application	Village of Ruidoso		\$ 3,157,600.00
Lower Pecos??	Lincoln	SS	Project	Improve System Efficiency	Replacement of Distribution Lines	2014 WTB application	Alto Lakes SWCD		\$ 1,502,000.00
Lower Pecos	Otero	SS	Project	Improve System Efficiency	Water System compliance/improvements	2015 WTB application	Mescalero Apache Tribe		\$ 1,272,000.00
Lower Pecos	Otero	SS	Project	Improve System Efficiency	Mescalero Community Water/Sewer Line Project	2016-2020 ICIP Project List	Mescalero Apache Tribe	2016	\$ 21,335,000.00
Lower Pecos	Otero	SS	Project	Improve System Efficiency	Village Water Improvement	2015 WTB application	Mescalero Apache Tribe		\$ 5,000,000.00
Lower Pecos	Otero	SS	Project	Protect Existing Supply	Turkey Pen Canyon Watershed Improvements	2015 WTB application	Mescalero Apache Tribe		\$ 750,000.00
									\$ 52,634,627.00



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 12

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Stronger Economies Together (SET) Regional Application

Discussion: Village of Ruidoso Community Development Director Greg Corey has requested the County to participate in a County-wide collaborative effort to submit a regional application for a “Strong Economies Together” (SET) grant. See **Enclosure 1** for correspondence from Mr. Corey. See **Enclosure 2** for the Regional Application – 2015. Per Mr. Corey, should the County opt not to participate, our region will have to be removed from the application.

Per the application, the purpose of SET is “to strengthen the capacity of communities/counties in rural America to work together in developing and implementing an economic development blueprint for their multi-county region, one that strategically builds on the current and emerging economic strengths of that region.”

New Mexico is one of the states in which its regions are invited to participate in this program. Per the guidelines, the counties that make up a region must be contiguous to one another. Each region must encompass three or more counties and the population and/or geographic area of the region must be: 1) at least 51% rural in nature, or 2) 75% of the region’s land area must be located in rural areas of that region.

To date a number of counties and municipalities have signed commitment letters to actively participate in the SET planning process: Sierra County, Catron County, City of Socorro, Village of Magdalena, City of Belen, Carrizozo Works, Inc., NM Tech, Western NM University, University of New Mexico – Valencia Campus, Village of Ruidoso, Mescalero Apache Tribe, City of Ruidoso Downs.

Recommendation: Support the SET effort, ensuring our region can be included on the application.

AGENDA Item No. 11

County Manager’s Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

Nita Taylor

From: Greg Cory <GregCory@ruidoso-nm.gov>
Sent: Monday, June 15, 2015 5:20 PM
To: lynn.willard@gmail.com; dash3d@hotmail.com; preston.stone@hotmail.com; Elaine Allen; Tom Stewart
Cc: Nita Taylor; DebiLee@ruidoso-nm.gov
Subject: Economic Statistics

Commissioners:

In my new role, as Community Development Director for the Village of Ruidoso, I have been compiling economic information. Regrettably, most of the current indicators are negative:

- Total population, in Lincoln County, has declined 2.65% over the past ten years.
- Wages in Lincoln County are approximately 30% less than the State average.
- County-wide real estate sales, for the first five months of 2015 were \$41.8 million, compared with \$56 million for the same period last year.
- Full-time equivalent enrollment, at ENMU-Ruidoso, dropped 5% last year. Student enrollment, in the Ruidoso Municipal School District, declined 4.5% in the last three years.
- Gross receipt taxes, for Ruidoso, are down 8.8% from last year.

Ruidoso, among other municipalities in Lincoln County, is working on job retention and development. While many activities can be done on a local basis, the Federal Government continues to request regional teamwork in addressing economic development.

Ruidoso, Ruidoso Downs, Carrizozo and Mescalero recently cooperated in the submission of a USDA "Strong Economies Together" (SET) grant application. If awarded, the grant will provide assistance in developing a regional economic plan. We have been encouraged to join another group, based in Socorro, in their application. This joint effort holds great promise in getting the grant application approved.

We are hopeful that the County of Lincoln will support this effort. We do not anticipate that this will result in any significant time commitment from the County. No financial investment is requested or expected.

Greg Lee Cory
Community Development Director
Village of Ruidoso
Office (575) 258-4343 ext. 1063
Mobile (575) 937-3976



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Regional Application 2015

Stronger Economies Together

About Stronger Economies Together (SET):

In many counties – especially counties with smaller populations -- finding ways to create, attract, and retain jobs is a challenging process. Pursuing economic development as a single rural county in isolation from other nearby counties is becoming increasingly ineffective. In today's global market place, economic development progress is more likely to be realized when rural and metro counties work together as a multi-county region to assess, design, and implement plans that build on their assets and comparative economic strengths.

Purpose:

The purpose of SET is to strengthen the capacity of communities/counties in rural America to work together in developing and implementing an economic development blueprint for their multi-county region, one that strategically builds on the current and emerging economic strengths of that region. In short, SET is a High Quality regional economic development Plan (HQP) development process.

Sponsors:

The *Stronger Economies Together* (SET) Program is sponsored by USDA Rural Development (USDA RD), in partnership with the Southern Rural Development Center, its three sister Regional Rural Development Centers, and their land-grant university colleagues. One of the land-grant institutions playing a key coordinating role is the Purdue University Center for Regional Development (PCRD).

Eligible States/Regions:

Regions located in the following states are invited to take part in Phase V of the SET program. These states are *Illinois, Indiana, Iowa, Louisiana, Michigan, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, and Virginia.*

PLEASE NOTE that counties that make up your region must be contiguous to one another.

What Types of Regions Are the Most Likely to Benefit from SET?

Regions have entered the SET program from a variety of starting points. Some regional groups are newly formed, while others have been in place for an extended period of time. While SET is particularly appropriate for newly forming regions, it can also be helpful for more established regions that are interested in exploring new opportunities or revisiting/refining existing plans (e.g., such as the region's Comprehensive Economic Development Strategy (CEDs)).

Successful SET regions share five important features and as such, regional team members are urged to fully embrace the following attributes:

- Recognition that regional strategies represent a key part of the overall economic development blueprint for the region's small communities, cities, and counties;
- Openness to exploring economic activities that focus on strengthening a core number of existing or emerging economic clusters that can expand the economic vitality of the region ;
- Commitment to gathering inputs and insights from a large diverse set of institutions and people when determining the region's goals and plans, going well beyond a reliance on economic development professionals and elected officials;
- Willingness to take a fresh look at where the region is, where it wants to go, and the best way to get there;
- Commitment to devote significant time and energy needed (a) to actively participate and work through all SET planning materials as a regional team; and (b) to use this process to develop a High Quality regional economic development Plan (HQP) that is developed and implemented by the regional team.

Planning Process: A Key Component of the SET Program:

The SET program includes four (4) core modules plus a set of modules tailored to each region's particular needs. The discussion and application of the modules are facilitated with each regional team on a face-to-face basis. State Resource Teams, made up of representatives of your state's land-grant university-based Extension Service, state USDA Rural Development staff, and other key partners, will coach the SET planning process and serve as resource persons to your team. Approximately 20+ hours of active facilitated planning will be provided to each regional team over the course of several months. Selected regional teams are expected to actively participate in the entire process. More information about the stages of the process is available at: http://srdc.msstate.edu/set/files/set_overview.pdf.

The High Quality Plan: A Critical Component of the SET Program:

The SET planning process is a means to an end. The end, of course, is a region with a stronger economy. Regions that join SET are required to develop and implement a High Quality Plan (HQP). The attributes of a HQP is available here - http://srdc.msstate.edu/set/high_quality_ed_plan.html. Creation of a HQP positions the region for implementation of the plan and a stronger economy.

Technical Assistance to Begin Implementing the Plan Available to Regional Teams:

Aside from facilitating the SET process, the State Coaching Team will provide in the range of 20 to 40 hours of technical assistance to your regional team for a period of 6-12 months once your team has completed its SET planning process. By technical assistance we mean that Extension educators and USDA RD State staff will assist your team in securing the type of information (e.g., data, expertise, advice), or to provide facilitation or additional coaching on a topic if needed to guide your regional team as you begin to implement your High Quality Plan (HQP). This includes securing the help of university colleagues or USDA RD state staff members who may have the background/expertise needed by your team.

Major Benefits to Successful Applicants:

Each selected region will receive a number of important benefits including:

- Valuable coaching on the core building blocks that will serve as the foundation for developing and launching your region's HQP.
- In-depth data that are tailored to your region, information that helps delineate the critical drivers of your economy (including the presence or emergence of regional clusters).
- Tools that uncover local assets and resources that can be tapped to advance your region's economic strategies and actions.
- Coaching and technical assistance from Extension educators, USDA RD State staff, and the Regional Rural Development Centers to guide your regional team as it begins to implement its HQP.
- Opportunity to share information and gather ideas/insights from other regions across the nation involved in the SET program.

The Rural Requirement:

Each region must encompass three or more counties and the population and/or geographic area of the region must be at least 51% rural in nature OR (2) 75% of the region's land area must be located in rural areas of that region. (See definitions and resources in the "Additional Information" section of this document.) While a region may cross state boundaries (something we encourage if it makes sense for your region), the counties that make up that multi-state region must meet the rural requirement as well.

Deadline Date for Applications:

Applications are due electronically no later than May 7, 2015 by 11:59 p.m. local time. Please submit your application to: Michael Patrick. You will receive an acknowledgement of your application within two business days. We urge all applicants to contact us immediately if they have not received an acknowledgement within this time period.

All applications will be carefully studied by a State Resource Team representing the state's USDA RD office, Cooperative Extension Service, and other key community/economic development organizations or agencies in your state. The State Resource Team may contact applicants in order to conduct site visits and a tour with representatives of your group. Once the State Resource Team has completed its evaluation of all SET applicants, it will submit its recommendations to the national USDA RD office. Key representatives from USDA RD and the Regional Rural Development Centers will review the national pool of finalists. The national USDA RD Office will make the final decision regarding regions in each of the target states that will be invited to be part of the SET program. This announcement is expected to take place in summer by June 30.

Questions?

If you have any questions, please contact:

Michael Patrick, Community Development Specialist at jmpat@nmsu.edu or (575) 202-4253

Terry Brunner, State Director at terry.brunner@nm.usda.gov or (405) 761-4950



Stronger Economies Together

APPLICATION FORM

Stronger Economies Together Program

Deadline for Applications: May 7, 2015; 11:59 p.m. Local Time

Please Complete All Sections of the Application Form

Part A: Information about Your Regional Team

- a. Name of your Regional Team (if none has been decided yet, just provide a name that best describes the geographic area of your regional group).

Central New Mexico Economic Development Association

Working Group A: Middle Rio Grande Economic Development Association

Working Group B: Central Highlands Economic Development Association

NOTE: For purposes of this application, a region is defined as an area that encompasses three or more counties that are contiguous to one another. It is acceptable for your region to cross state boundaries.

- b. What counties are included in your region? Socorro, Sierra, Catron, Valencia, Lincoln, Mescalero Apache Nation, Otero

- c. Main contact person for your regional team: Dr. Vannetta Perry and Mr. Ray Dean

- d. Email address: Vannetta Perry – drvperry@gmail.com
Ray Dean – redean88341@yahoo.com

Please indicate whether:

- Business OR Personal
- Business OR Personal

- e. Telephone number: Vannetta Perry – 575-322-0010
Ray Dean – 575-648-8500

- Business OR Personal
- Business OR Personal

- f. Mailing address: PO Box 743, Socorro, NM, 87801

- Business OR Personal

- g. Please place an "X" by the ONE statement that best describes your regional team.

Our regional team:

- Is brand new and has been organized for the purpose of applying for the SET program
- Has been organized for more than one year, but is inactive and/or in need of help to get back on track
- Is less than one year old and is still trying to get off the ground in developing a sound regional economic development plan
- Has been in place for one year or more and has developed OR is pursuing an effective regional economic development plan. The group is open to reconsidering all aspects of the plan

Part B: Brief Economic Description of Your Region (250 word limit)

Present an overview of why the proposed area is an economic region and the sectors that represent key drivers of your economy. Here are the types of information you might include in your description:

- **Economic region:** Is this region an economic region? For instance, what evidence do you have that the counties in your region, taken together, constitute an economic region (or an emerging economic region)?
- **Key sectors that make up your economy and the current health of these sectors:** In general, tell us about how the economy of your region is doing and why. Are your key sectors stable, expanding, declining, or mixed in terms of their performance?

Central New Mexico has been an identifiable economic region since the end of World War II, on both sides of the White Sands Missile Range, including the I-25 Rio Grande corridor westward to the Arizona border and the US Highway 54/70 corridor eastward toward the Pecos Valley. A significant amount of the Central New Mexico region jobs and gross receipts come from common economic sectors, including agriculture, tourism, health care, utilities, education, technology, arts and entertainment, recreation and transportation. The commonalities of trade across these sectors define Sierra County northward to Valencia County and Lincoln/Otero Counties westward to Catron County as an economic region.

The performance of most key sectors in this region is currently mixed. The mixed performance of this region's key economic sectors is due to heavily dependence on state and federal funding, the health of the national economy and the ability of key sectors to transform themselves in the 21st century global economy. Although current performance is mixed, there are still substantial economic assets on which the region can build, including: Spaceport America and its experiential visitor centers; El Camino Real Historic Trail Site; Old Lincoln; Ruidoso Downs Racetrack, Ski Apache and Inn of the Mountain Gods; White Sands National Monument; White Sands Missile Range (WSMR), Holloman AFB and other military installations; numerous regional airports and industrial parks; historic districts and scenic by-ways; historic museums such as the Geronimo Springs Museum and the Hubbard Museum of the American West; the Lightning Field; national wildlife refuges and New Mexico State Parks; the Gila, Apache, Cibola and Lincoln National Forests; BLM lands including the Fort Stanton - Snowy River Cave National Conservation Area; vast hunting/fishing and outfitting opportunities, etc. Elephant Butte and Bonito Lakes; hot springs; countless challenging, beautiful 18 hole golf courses; growing art and cultural communities and districts; a strong technical environment [New Mexico Tech, Very Large Array, WSMR, Apache Point Observatory, HAFB, Brackish Groundwater National Desalination Research Facility]; and, a strong employee training resource network [UNM-Valencia, WNMU, ENMU-Ruidoso and NMSU -Alamogordo; SW New Mexico and SE New Mexico Work Force Training Centers].

Belen Rail Station is a main maintenance and refueling station for the Burlington Northern Santa Fe Railroad, the second largest freight railroad network in North America, running through MRGEDA and through Lincoln/Otero Counties with operating trackage rights in the latter area. An inland port for rail and trucking planned for Belen will support regional economic development efforts. Both west and east track networks will also support regional economic development efforts focused on international trade to the south with Mexico.

Renewable energy development/industries, brackish water desalination and other natural resource-based industries are also a great opportunity for this region. Wind, solar, and biomass energy production is commercially viable across much of the entire region. Rare earth mineral extraction potential has also been identified at multiple locations across the region. Small local business opportunities continue exist where there are gaps in products and services offered. Opportunities also exist for increased adoption of new technologies including increased brackish water desalination and production of new agriculture products such as biochar and organic compost for central/eastern/southern NM agriculture [vineyards, orchards, croplands, and locally produced food gardens]. Reinvestment, diversification into and new developments/products in agriculture and value-added [via community kitchens] are also opportunities. Revitalization of regional forest industry businesses that utilize small diameter timber and forest waste for energy production and/or international product export is also a high priority.

Part C: History of Working Together in the Region (250 word limit)

Please describe your regional team's history of working together on economic development issues in the past. What have been your successes, if any? What have been your challenges or barriers, if any? Please describe any previous planning efforts among the regional team members. Please note that points are not awarded for the volume of your past history, since SET is ideal for new groups. Rather, points are awarded for the completeness and clarity of the description.

This regional team has no history of working together as a team, but all principals and their respective organizations recognize this as an opportunity to establish a new regional economic development strategy for the middle Rio Grande across through the central highlands portions of New Mexico. In addition to enticing new industry and small businesses and aiding agriculture, we believe that the I-25 corridor from T or C to Belen, and the southcentral mountain region has the potential to grow as a tourism destination. Further much of this region adjoins the BNSF railroad, and US Highways 380 and 60, US Highways 54 and 70, and Interstates 25 and 40 - all high traffic, well-maintained highways steeped in history and beautiful, unforgettable scenery.

There are both current and past examples of collaboration best practices intra-country and cross-county in the Mid Rio Grande region that could guide this regional effort and could provide an example for similar collaboration in the Otero/Lincoln region. For example:

- Collaboration among the County of Socorro, the City of Socorro, and the Alamo Chapter of the Navajo Nation as an earlier Socorro County plan mentioned "grow the arts community, pursue gallery space, work with the Alamo Chapter of the Navajo Nation Arts Center" and that has come about in the form of Alamo Gallery and Gifts
- Lincoln, Socorro and Sierra Counties were involved in a joint land use for military use
- Valencia and Socorro Counties participated with Torrance and Bernalillo Counties in a feasibility study for a local/regional food hub to serve restaurants and food markets in the metro area and surrounding communities
- The Village of Ruidoso and the Mescalero Tribe are currently working on water resources utilization; the Village of Ruidoso and Carrizozo Works have recently worked together on a regional housing study
- All municipalities and counties are involved in the Association of Councils of Governments; and
- All counties are members of the NM Association of Counties.

Part D: Challenges of Pursuing a Regional Economic Development Plan (250 word limit)

In Part C, you discussed the history of working together across your region. In this part, please focus on the future and, specifically, what you anticipate will be some of the key challenges that your team will face as it seeks to develop and launch a regional economic development plan? Please address how you may resolve these issues. For instance, consider potential challenges related to:

- A. Recruiting a large and diverse set of regional team members that will work together through the entire planning process
- B. Developing a regional mindset
- C. Implementing the plan
- D. Other key challenges your region believes it may encounter

A. Regional Team Challenges include the inertia created by existing, traditional economic development thinking that has never included both sides of the vast White Sands Missile Range. Moreover, in the eastern portion of the proposed region, the development and planning challenge has been the historic animosity between communities within Lincoln County, or negligence in working with the Mescalero Apache Tribe, dating almost back to the 1850s, often resulting in inability to work consistently, collaboratively together. The current scene is mixed - current conflicts between public entities within Lincoln County and to some extent, between Lincoln and Otero Counties, are not helping. Finally, the challenge of working closely across a large geographic area, within the constraints imposed by busy schedules and maintaining initial project member enthusiasm will require unusual dedication, discipline and planning. Internet tools such as shared calendars and Skype and conferencing equipment such as Polycom will help considerably.

B. A Regional Mindset. On the eastern side of the proposed project Ruidoso Mayor Tom Battin and former ENMU-Ruidoso President Dr. James Miller [now retired, but on the proposed SET Team] have worked for a decade attempting to create a regional mindset surrounding a small core of common issues – economic and workforce development, water resources, forest health, economic and business development, education, the Ruidoso/Mescalero relationship. It is the belief of the expanded Regional Team that the project partners share that regional mindset and are prepared to set aside historic or geographic differences in order to transform the regional economy. For example, improved relations now exist among all Lincoln County Mayors and with Mescalero Tribal President Danny Brueninger. Mr. Brueninger is Mescalero Apache and has worked in Washington D.C. area for a considerable amount of time, bringing a new perspective to the conduct of Tribal affairs. We also expect USDA Deputy Under Secretary for Natural Resources Butch Blazer, also Mescalero Apache, to also eventually participate in this regional project. On the western side of the proposed project, developing a regional mindset that leverages new capital, takes advantage of new high tech startups, the NMT entrepreneurship program and intellectual property assets will take economic development in a new direction; however the challenge is creating local ownership of the new initiatives. New approaches to more specific branding and collaborative marketing of the region's agricultural products will also require a new mindset.

C. Plan implementation. The SET proposed project will need help in designing and implementing a regional economic development plan with associated success metrics. Some metrics are measurable and obvious, e.g. regional unemployment decrease. Some metrics are equally obvious but not as measurable, e.g. quality of life improvement. This may suggest a different execution strategy following creation of an overall regional plan. Regional work groups will be allowed, encouraged and supported to work on a local community strategy by themselves, with oversight and provision of technical assistance by the Regional Partnership team. Challenges including sufficiency of human, leadership and financial resources in small communities and on the reservations.

D. Other Key Challenges include 1) the lack of basic ED infrastructure such as universally accessible high speed internet and 4G cell service, properly developed industrial parks, financial incentives for new business/industry; 2) the brain drain – well-educated individuals and young families leaving rural New Mexico for higher wage employment in the urban Southwest; 3) an unskilled workforce; 4) lack of commercial property to house new businesses; 5) lack of affordable residential housing; 6) a pronounced lack of capital; and 7) high utility rates in some areas. First and foremost, the development of leadership that embodies the regional mindset and a collaborative leadership style over the long haul is a key challenge. Identifying other individuals and member organizations who are willing to be part of the regional plan execution is also a challenge.

Part E: Interest in the SET Initiative (400 word limit)

1. Explain why your regional team would like to be part of the SET program. What are the primary factors influencing your interest in SET right now?
2. What do you hope/expect will happen in your region due to your participation in SET?

Many members across the entire Central NM region have ongoing economic development efforts. The proposed Team wants to be part of the SET program in order to understand how to bring these other efforts together in a truly comprehensive, integrated regional plan.

The primary factors influencing our present interest in SET are:

- Ability to access to professional ED planners who will provide technical assistance and planning
- Awareness that current efforts are labor intensive and investment inefficient, whereas collaborative efforts will maximize, efficiency and effectiveness
- Understanding that isolated efforts are often ineffective whereas concerted efforts built on assets and comparative economic strengths often succeed
- Opportunity to learn best practices from other regions in the state and nation;
- Opportunity to receive technical assistance on natural resource and energy development issues from world-class R & D institutions like NMT and NMSU

It is our expectation that we will accomplish specific goals as a result of our participation in SET including:

- Creation of roadmap to diversify and transform the regional economy
- Establishment of regional and working group goals and objectives
- Development of a regional plan of action
- Identification of plan investment sources and establishment of plan priorities
- Ability to leverage the strengths of public and private sectors across region
- Establishment of metrics and methods for measuring plan success
- Utilization of the outcomes of the planning process to finalize the development of the Middle Rio Grande Economic Development Association and the Central Highlands Economic Development Association
- Improvement in the quality of life for residents across the region

Part F: Current Members of Your Regional Team and Commitment Letters

Please provide the names of the individuals and their respective organization/agency affiliations that have agreed to be part of your regional team. More effective regional teams include representation from many sectors. Applications with broad representation will score higher. ALSO, a **signed commitment letter** from each person on your team that states that he/she has agreed **(1) to actively participate** in the SET planning process and **(2) to honor the commitments** stated below must be included with this application.

Name of Regional Team Member	Primary Organization/Agency the Person Represents	Have Commitment Letter from this Person?
Dr. Vannetta Perry, Retired Superintendent of Schools, Socorro Consolidated Schools	Educational Consultant Owner, Perry Farms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bruce Swingle, County Manager	Sierra County	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Kate Fletcher, County Manager	Catron County	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Dr. Ravi Bhasker, Mayor	City of Socorro	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Michael Olguin, Jr., Councilor	City of Socorro	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Diego Montoya, Mayor	Village of Magdalena	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Delilah Walsh, County Manager	Socorro County	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Jessica Smith, Extension Agent	Socorro County Extension Service	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Jay Ruybalid, Manager	City of Belen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prescott Grey, Owner	Vertu Fine Art Gallery/ Chair, Socorro Tourism Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ray Dean, President	Carrizozo Works, Inc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Michael Hensley, Ed.D.	New Mexico Institute of Mining and Technology (NM Tech)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Karen Weber	Western New Mexico University Extended Learning Center	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wayne Abraham	SBDC, University of New Mexico- Valencia Campus	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rockford Hayes	VP, Community Newspapers Number Nine Media, Inc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Anton Salome, Assistant Superintendent	Socorro Consolidated Schools	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Jon Barela	New Mexico Economic Development Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Leslie Keener	Burlington National Santa Fe Railroad	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Dr. Jim Miller	US Forest Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Greg Cory, Community Development Director	Village of Ruidoso	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Frizell Frizell, Jr., Chief Operating Officer	Mescalero Apache Tribe Inn of the Mountain Gods	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gary Williams, Mayor	City of Ruidoso Downs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Dr. James Miller, ENMU Ruidoso Retired President. Consultant	Placer Mountain Services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rick Crowe, Real Estate Developer	Destiny Real Estate Development	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

(Feel free to attach a separate sheet if needed to add more Regional Team members)

Commitments: Success of SET depends on the commitment of all regional team members to the following:

- Recognition that regional strategies represent a key part of the overall economic development blueprint for the region's small communities, cities, and counties;
- Openness to exploring economic activities that will focus on strengthening a handful of key existing or emerging economic clusters in the region;
- Commitment to gathering inputs and insights from a large diverse set of institutions and people when determining the region's goals and plans;
- Willingness to take a fresh look at where the region is, where it wants to go, and the best way to get there;
- Commitment to devoting the significant time and energy needed a) to actively participate and work through the entire SET planning process as a regional team; and b) to use this process as the foundation for a High Quality regional economic development Plan that is developed and implemented by the regional team.

Additional Information for Applicants



Stronger Economies Together

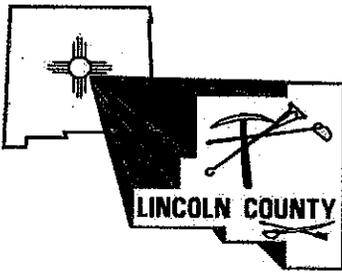
Definition of Rural

For purposes of this application, rural refers to counties that are classified as nonmetropolitan areas by the Office of Management and Budget. Nonmetropolitan areas can be either micropolitan or noncore counties. This information can be downloaded from the following SRDC web site:
<http://srdc.msstate.edu/set/definitionrural.html>

How Proposals Will Be Scored

All proposals will be scored on a **200 points basis**. The following details the maximum amount of points associated with each component of the SET application. Please note that in addition to the scores associated with each SET application, USDA RD will be looking for other key elements in the selection process, such as regions with: (a) a different mix of recent regional work history; (b) varying levels of ruralness; (c) different economic characteristics; (d) crossing state lines; (e) varying levels of social and demographic features (i.e., high poverty, population migration patterns, and racial/ethnic changes). These additional elements are intended to ensure that a good mix of regions is part of the SET program.

	<u>Maximum Points Possible</u>
Description provided of your economic region (Part B)	25
Description of history of working together (Part C)	15
Discussion of challenges of pursuing a regional plan (Part D)	50
Discussion of the region's interest in the SET initiative (Part E)	50
Diversity of people/organizations that have committed to be on your SET team (Part F)	50
Overall quality and completeness of the proposal	10
TOTAL POINTS	200



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County of Lincoln

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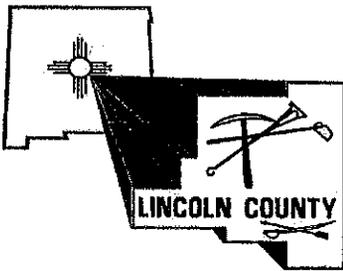
Agenda Item No. 13

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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AGENDA Item No. 14

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: **MANAGER'S REPORT UNDER CONSTRUCTION**

Will provide it over the weekend.

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

LEGAL MEMORANDUM

Date: June 17, 2015

To: County of Lincoln Board of Commissioners
C: Nita Taylor, Manager, County of Lincoln
C: Rhonda Burrows, Clerk, County of Lincoln

From: Alan P. Morel, P.A.

Re: Greentree Solid Waste Authority's 2015 request for the County of Lincoln to file Liens

On June 9, 2015, I received an email from the County of Lincoln's Clerk's office which contained copies of fifteen (15) Liens which Greentree Solid Waste Authority (GSWA) presented to the County of Lincoln Board of County Commissioners for consideration of filing. The Liens in question are as a result of delinquency in payment from the patrons noted. Please note that twelve (12) of the fifteen (15) Liens requested to be filed by GSWA are the same requests for Liens presented by GSWA in June of 2014.

Lincoln County Ordinance 2014-07: Solid Waste Ordinance provides for the filing of Liens due to delinquency of payment in Section 6 (A) through (D). Ordinance 2014-07 supersedes the seven (7) earlier Ordinances: 1992-05, 1993-07, 1998-12, 2000-05, 2005-03, 2008-06, and 2008-07.

As background, in June, 2014, I provided a detailed review of Liens from GSWA which at the time, were prepared for the Commission's review for filing. See Exhibit A attached hereto. The 2014 Liens contained a number of errors and inconsistencies which were noted in the memo from my office. The information was presented to the County of Lincoln Manager, Nita Taylor who presented it to the Board of County Commissioners. The action taken regarding the 2014 GSWA request for filing of liens was to inform GSWA of the discrepancies and inconsistencies, requesting that they make corrections. Notification was made to GSWA; however no corrections were made.

The 2015 Liens contain errors and inconsistencies which are nearly identical to those found in the 2014 GSWA liens.

Review

1. Each 2015 Lien and each affidavit lists Lincoln County Ordinance 2000-5, which has been repealed and replaced with 2014-07.

2. Some Liens reflect no late fees, some correctly reflect \$5.00 per quarter, and others appear to reflect a percentage of the amount owed. It is unclear what formula is being used by GSWA to determine the fee to charge delinquent accounts regarding county late fees. Many inconsistencies appear in the 2015 Liens regarding the county late fees charged.

3. With the exception of the Vicky Angel Lien, each Lien lists the 1/1/15 Jan Feb Mar fee of \$65.96, a fuel surcharge fee of \$4.50 and a tax of \$3.52 for a total quarterly fee of \$73.98. The 2014 Liens, which were not recommended for filing, contained a fee of \$62.84 per quarter. GSWA fees were unlawfully increased on July 1, 2013, yet there is a discrepancy between the fees GSWA listed on their 2014 charges and those listed in their 2015 charges.

Below is a detailed list of the additional discrepancies found in the 2015 Liens requested to be filed.

A. The Walter and Kathleen White Lien lists a Jan Feb Mar fee of \$65.96, a fuel surcharge fee of \$4.50 and a tax fee of \$3.52. County late fees are \$5.00 and are charged three times.

B. The Eric and Deborah Walls Lien lists the same fees as the White lien.

C. The Vicky Angel Lien lists a Jan Feb Mar fee of \$68.96, a fuel surcharge fee of \$4.50 and a tax fee of \$3.67. These fees are not uniform with the other Lien fees.

D. The James and Briana Reding Lien lists late fee county fees of \$5.00, then changes to \$9.89, \$12.04, and \$13.13.

E. The Mitzi Ward Lien lists two (2) late fee county fees of \$5.00, then changes to \$9.20, \$11.36 and \$12.45.

F. The Apps Revocable Living Trust Lien lists seven (7) late fee county fees of \$5.00, then changes to \$6.03, \$7.09, \$8.16, \$10.32, and finally \$11.41.

G. The Robert and Shannon Kuykendall Lien lists late fee county fees of \$5.00, \$9.89, 12.04, and \$13.13.

H. The Fred Cunningham Lien lists five (5) late fee county fees of \$5.00, then changes to \$5.08, \$6.03, \$7.09, \$8.16, \$9.23, \$11.38 and \$12.47.

I. The Raul Garcia Lien lists two (2) late fee county fees of \$5.00, then changes to \$10.27, \$12.43, and \$13.52.

J. The Bruce Duncan Lien lists two late fee county fees of \$5.00, then changes to \$10.45, \$12.61, and \$13.70.

K. The Carl McDaniel Lien lists six (6) late fee county fees of \$5.00, then changes to \$5.26, \$6.20, \$7.14, \$8.21, \$9.28, \$10.35, \$12.50, and \$13.59.

L. The Jeffery Lash Lien lists six (6) late fee county fees of \$5.00, then changes to \$5.74, \$6.68, \$7.63, \$8.69, \$10.83, \$12.99 and \$14.08.

M. The Manuel Preciado Lien lists late fee county fees of \$9.89, \$12.04, and \$13.13.

N. The Jeffery Milnes Lien lists two (2) late fee county fees of \$5.00, then changes to \$5.16, \$6.10, \$15.05, \$17.21, and \$13.73.

O. The Christopher Wallace Lien lists five (5) late fee county fees of \$5.00, then changes to \$5.66, \$6.72, \$7.79, \$8.95, \$11.11 and \$12.20.

Conclusion

Based upon my review of the Liens prepared by GSWA, it is my recommendation that they not be filed until corrected.

First, the Liens as well as the affidavits need to be corrected to reflect the proper County Ordinance at issue, namely 2014-07.

Second, there is absolutely no uniformity with respect to the application of late fees to the various Liens prepared by GSWA. Some of the invoices reflect late fees in 2012, skip 2013 and add late fees from 2014 and 2015. The rate at which late fees are charged is unknown, as well as the formula for assessing charges. County residents were charged different late fees at different times and rates, which should not occur if everyone were treated equally. Additionally, GSWA is charging a \$100.00 "Lien fee" (processing) for each lien. It is unknown how GSWA arrived at this charge.

Last, the Liens appear to include unlawful rate increases. Due to the fact that GSWA indicates a "balance forward," it is impossible to break out exactly how the balances brought forward were arrived at.

For the foregoing reasons, I recommend the Commission deny GSWA's request to file the fifteen (15) Liens described above until such time as they have been corrected to rectify the deficiencies identified in this legal memorandum.

Sincerely,

ALAN P. MOREL, P.A.



Alan P. Morel
AM/sh

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

LEGAL MEMORANDUM

TO: Lincoln County Board of Commissioners
CC: Nita Taylor, Manager, Lincoln County
FROM: Alan P. Morel
DATE: June 3, 2014
RE: GSWA's request to file 15 separate liens

INTRODUCTION

I have been asked to review Greentree Solid Waste Authority's (GSWA) request to file fifteen (15) separate liens against property owners located within the County of Lincoln. I have reviewed the liens for legal sufficiency and would note the following:

The face of each Lien states that it is being filed "...pursuant to Lincoln County Ordinance 2000-05..." This Ordinance has been replaced or modified three times since October 20, 2000 ending with the current Ordinance 2008-07. (See 2005-03 Repealed 2000-05; 2008-06 Repealed 2005-03; 2008-07 Repealed 2008-06.)

Paragraph five on the face of the Lien states that GSWA is charging a \$100 processing fee.

Q: Where was this fee authorized?

The second page of each lien titled Affidavit paragraph 1 states that: "pursuant to paragraph six 'Liens,' of Lincoln County Ordinance 2000-05 entitled 'an Ordinance Amending and Restating Lincoln County Ordinance No. 2000-05, Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County..." First, the reference to Lincoln County Ordinance 2000-05 is wrong. Second, the paragraph states the exact same Ordinance is both stated and amended which is obviously incorrect.



Brief Issues with respect to each proposed Lien:

Each and every lien reflects an initial charge of \$62.84, consisting of a service charge of \$53.85, a \$6.00 fuel service charge and \$2.99 tax for a total of \$62.84 charge per quarter. The fees charged were increased on Sept. 30, 2013 to \$71.16 per quarter, possibly due to GSWA Board action on July 1, 2013 unlawfully increasing solid waste charges to County residents by \$2.64 per month.

Lien: James M. and Briana Reding:

One late fee was charged April 1, 2012 of \$5.00.

No additional late fees were charged for over two years.

Lien: Mitzi Ward:

Two \$5.00 late fees were charged, one on January 1, 2012, one on April 1, 2012. No other late fees were charged for over two years.

Lien: APPS Revocable Trust:

Seven \$5.00 late fees were charged through October 1, 2013. Thereafter, late fees appear to be a percentage of the invoice i.e., April 1, 2014 late fee is \$7.09.

Lien: Robert and Shannon Kuykendall:

One \$5.00 late fee was charged on April 1, 2012. No other late fees were charged for the next two years.

Lien: Fred Cunningham:

Five \$5.00 late fees were charged through April 1, 2013. Thereafter it appears to be a percentage of the invoice.

Lien: Raul Garcia, Jr.:

Two \$5.00 late fees were charged, last one being April 1, 2012 and no further late fees were charged for over two years.

Lien: Orlando and Rosalie Olivas:

Two \$5.00 late fees were charged, the last one was on October 1, 2012. No further late fees were charged. Additionally the charges are higher than any other individuals' invoices: \$65.99 and \$74.31 respectively.

Lien: Kevin and Angie Gomez

Six \$5.00 late fees were charged through July 1, 2013. Thereafter they appear to be a percentage of the invoice.

Lien: Bruce Duncan:

Two \$5.00 late fees, last one being April 1, 2012. No additional late fees for over two years.

Lien: Carl McDaniel:

Six \$5.00 late fees were charged, last one on Jan. 1, 2013. Thereafter the late fee charges appear to be a percentage of the invoice, last one being \$9.28.

Lien: Jeffery Lash:

Six \$5.00 late fees were charged, last one on Jan. 1, 2013. Thereafter the late fee charges appear to be a percentage of the invoice, last one being \$9.76.

Lien: Manuel Preciado, Sr.:

Mr. Preciado was never charged a late fee!

Lien: Jeffery Milnes:

Two \$5.00 late fees were charged, last one on April 1, 2011. Two subsequent late fees appear to be a percentage of the invoice, last one being April 1, 2012. No late fees were charged for over two years.

Lien: Christopher Wallace:

Five \$5.00 late fees were charged, last one on July 1, 2013. Additional late fees appear to be a percentage of the invoice.

Lien: Michael Matthews:

Six \$5.00 late fees were charged, last one on April 1, 2013. Additional late fees appear to be a percentage of the invoice.

Conclusion

Based upon my review of the liens prepared by GSWA, it is my recommendation that they not be filed until corrected.

First, the liens as well as the affidavits need to be corrected to reflect the property County Ordinance at issue, namely 2008-07. Second, to the extent the liens and invoices provide for an unlawful rate increase approved by the GSWA Board on July 1, 2013, and appear on all invoices as of Sept. 30, 2013, each lien needs to be corrected to delete this unlawful assessment. The minutes of the GSWA Board meeting from July 1, 2013 reflect that the residential rate for County customers was increased \$2.64 per month. \$2.64 times three months plus applicable tax would appear to equal the invoiced amount of \$71.16. If the liens do not include the unlawful rate increase imposed by GSWA, an explanation needs to be provided for the increase in invoice amounts beginning Sept. 30, 2013.

Last, there is absolutely no uniformity with respect to the application of late fees to the various liens prepared by GSWA. Some of the invoices do not reflect any late fees, some invoices reflect \$5.00 late fees for a few quarters with no additional late fees for more than two years. Some invoices provide for \$5.00 late fees per quarter as well as late fees which appear to be a percentage of the invoice. Additionally, different County residents were charged different late fees at different times, which should not occur if everyone were treated equally.

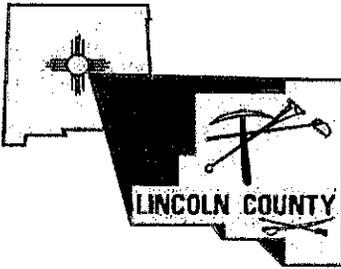
For the foregoing reasons, I recommend the Commission deny GSWA's request to file the 15 liens described above until such time as they have been corrected to rectify the deficiencies identified in this legal memorandum.

Sincerely,



ALAN MOREL

Alan P. Morel, P. A.



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 16

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Solid Waste Collection 300 Acre Exemption / Requests for Other Exemptions

Discussion: During its May 19th Commission meeting, the Commission directed the Manager to develop an application form and process for an exemption for solid waste billing for landowners with 300 or more contiguous acres, and present the application at the next Regular Meeting. Ordinance 2014-07, Section 7.A, allows the following:

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, obtains a permit from the State Environment Department, agrees to comply with all other provisions of the State regulations as to disposal, and if the solid waste that is generated on that property, does not harm the environment or endanger the public health, welfare of safety.

See **Enclosure 1** for the proposed Application Form and **Enclosure 2** for additional information required to ensure state requirements are being met. See **Enclosure 3** for sample of resident correspondence.

Requests for Other Exemptions: Below are resident concerns with the current language of the ordinance that requires a solid waste collection fee; followed by proposed solutions.

1. **Properties that do not have utilities and are not livable according to owners.**
 - a. *Onsite inspection of property that includes the submission of a formal request And advance payment of an approved fee to be charged to property owner. Approval by an appointed board.*
 - b. *Based on Tax Assessors appraised value. Ex: Anything below a tax assessed value of \$5,000.00*
2. **Properties that have 2 or more homes on one piece of land.**
 - a. *Utility monitoring process to determine applicable fees*

3. **Properties that are too far from dumpsters.**
 - a. *Determine a specific distance from property to dumpster.*
4. **Mobile Homes and other structures that are considered storage.**
 - a. *Onsite inspection of property that includes the submission of a formal request and advance payment of an approved fee to be charged to property owner.*
5. **Different rate for customers with Poly Carts and more than 1 cart.**
 - a. *Poly carts have curb service once a week and should be charged accordingly as to convenience;*
 - b. *Additional Poly Cart should carry an additional fee.*
6. **Residents below poverty level that say they cannot afford.**
 - a. *Application Process and Standard State Guidelines met.*
7. **Definition of "premises" too strict a guideline to set mandatory fee.**
 - a. *New Mexico Uniform Owner-Resident Relations Act (47-8-1, F) a "dwelling unit" means a structure, mobile home or the part of a structure, including a hotel or motel, that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household and includes a parcel of land leased by its owner for use as a site for the parking of a mobile home."*

Recommendation: Approve form and process for 300-acre landowner exemption; provide direction regarding other requests for exemption; schedule public hearing for July to addresses changes to Ordinance 2014-07.

**APPLICATION FOR
WAIVER OF THE SOLID WASTE COLLECTION FEE
LANDOWNERS WITH 300 CONTIGUOUS ACRES OF LAND**

Section 7a of Lincoln County Ordinance No. 2014-07 allows a landowner with 300 contiguous acres of land with adequate disposal sites per household, to request a waiver of the solid waste collection fee. Landowner must agree to comply with all provisions of the State regulations as to disposal, and attest that the solid waste that is generated on that property does not harm the environment or endanger the public, welfare or safety.

1. LANDOWNER NAME(S) _____ LCSW Account # _____
2. MAILING ADDRESS _____
3. LEGAL DESCRIPTION (OR MAP) OF PROPERTY _____

4. BRIEF PHYSICAL DESCRIPTION OF LAND LOCATION _____

I, _____, hereby certify and attest to the following:

Print name

- I am the legal owner of the land described above, and that all information is correct;
- I have provided required documentation for On-Site disposal of domestic solid waste (attached);
- I dispose of all solid waste generated on my property and do not utilize the Solid Waste Collection System;
- I agree to fully comply with Lincoln County Ordinance No 2014-07

Signed

Date

Submit this form by mail, e.mail or in person to LCSW Collections at 300 Central Avenue, Carrizozo, NM

Approved _____ Not Approved Due To: _____

LCSW Collections

Date

ENCL 1

LINCOLN COUNTY, NEW MEXICO
Required Documentation for
On-Site Disposal of Domestic Solid Wastes

Introduction

Section 20.9.7.8 NMAC allows for on-site disposal of domestic waste generated by a person residing and occupying that same property if:

- 1) the property is located in place where it is not feasible to dispose of solid waste in a permitted solid waste facility;
- 2) such disposal does not harm the environment or endanger the public health or safety and
- 3) such disposal does not violate any wastes that are those typically generated by households or other wastes having similar characteristics.

This form is a means of proving the required demonstrations for such exemptions. Please attach additional sheets as necessary.

I. General Information

Name _____

Address _____

Location of Disposal Activity: (GPS)-LAT _____ LON _____

Please provide a demonstration the person performing the on-site disposal is residing and occupying the property _____

Please describe other regulations governing on-site disposal of solid waste at this location and summarize the main requirements. _____

II. Feasibility of Disposal at an Alternate Site:

A. Indicate the name of and the distance to the nearest alternate disposal site which has been permitted. _____

B. Provide an estimate of the quantities of domestic waste generated per year (tons or cubic yards), the costs of transportation and disposal at the nearest disposal site and why these costs are prohibitive or impose a hardship. _____

C. Describe the route of travel to the nearest alternate disposal site and indicate any areas, which may be problematic for transport of the waste which may result in additional risks to the transporters or public. _____

D. Describe the characteristics of the nearest alternate disposal site including the size, capacity to accept the quantity of waste generated by the property holder and the operator's willingness to accept waste. Provide any known operational problems associated with the nearest disposal site and how this additional waste may compound those problems. _____

E. Describe methods used to dispose of waste, which may pose a threat to the environment such as oils, solvents, greases etc., and to recycle those materials that are readily recyclable. _____

F. Describe any additional factors, which help support an exemption under Section 20.9.7.8 NMAC. _____

G. Based on the information submitted above, summarize the reasons why it is not feasible to dispose of the solid waste at the nearest disposal facility rather than on-site. _____

III. General Site Characteristics

A. Describe the general location of the proposed onsite disposal site including its proximity to the general population; to any known watercourses, groundwater, flood plains, alluvial fans, faults, sink holes, public water supplies, and how access is restricted to the public and large animals. _____

B. Describe the disposal process (trench fill, area fill, etc.), how often waste deposited (daily, weekly, monthly) and type and frequency of cover. _____

C. Describe geological and hydrological features of the disposal area, which demonstrate the site does not have an adverse impact on the public or the environment. _____

IV. Certification

I hereby certify the information submitted is true and accurate to the best of my knowledge, that the domestic waste was generated on-site and the on-site disposal activities described do not harm the environment or pose a threat to the public health or safety and complies with the general intent of the Solid Waste Management Rules.

Signature

Print Name

Date

RECEIVED

JUN 19 '05

ADMINISTRATION
LINCOLN COUNTY NM

To: Nita Taylor

Lincoln County Manager

From: Joseph McKnight

PO Box 928, Roswell, NM 88202

Re: Solid Waste Billing

I am writing this letter because I feel that we should not be paying for solid waste removal.

Yes, there is a structure on the property, owner # 244575, customer # 901 that is not utilized as a home.

My sibling's and I do not live on the property, we live in Roswell and Arizona but it is still a working cattle ranch. We do not generate any solid waste and if we did we would dispose of it in our City of Roswell dumpsters at our homes.

Thank you for your understanding of our particular circumstances in resolving this issue. Should you have any questions please feel free to call me at (575) 420-8477.

Regards,

Joseph McKnight

ENCL 3

RECEIVED

MAY 20 2015

ADMINISTRATION
LINCOLN COUNTY NM

May 17, 2015

Dear Ms. Phillips

Just receiving the bill for waste disposal for \$113.00 I was so upset as to where to squeeze that money from? So I will humbly put forth your consideration to exonerate me from this payment.

At 81 yrs old on a poverty level I have cut out all that I can that is necessary, to pay for heat, electric, insurance for health, home, car, & food. I could go on but hopefully consider your understanding of my request

Try to give back to Pueblo by volunteering at Christian Services & J.C. MC Thrift Shop 2x a week for 7 yrs. Burns all papers, etc. in wood stove & what ever else possible. My garbage consists of a Walmart bag once a week as living alone don't have much. My luxuries are Basic T.V. on older set and most important my health, which God doesn't bill me for.

On principle, would so appreciate your your consideration of deleting a refuse bill.

Thank you.

Sincerely,
Ellie Dalquault

FinCo

Year 2010 ASSR02
0 Centrl 2700 Full
0 Land 900 Txb1
0 Impr 900 Exmpt
0 P.P.
2700 M.H. 0 Net
0 Livstk

HC 71 BOX 1181
CAPITAN NM 88316
Pos to()

Property Description	Code	Value	Desc	Quantity	Rate	Print=Y	Taxable
	001		FAMILY				900
4 000 335 800 001	390		RES/MH				900

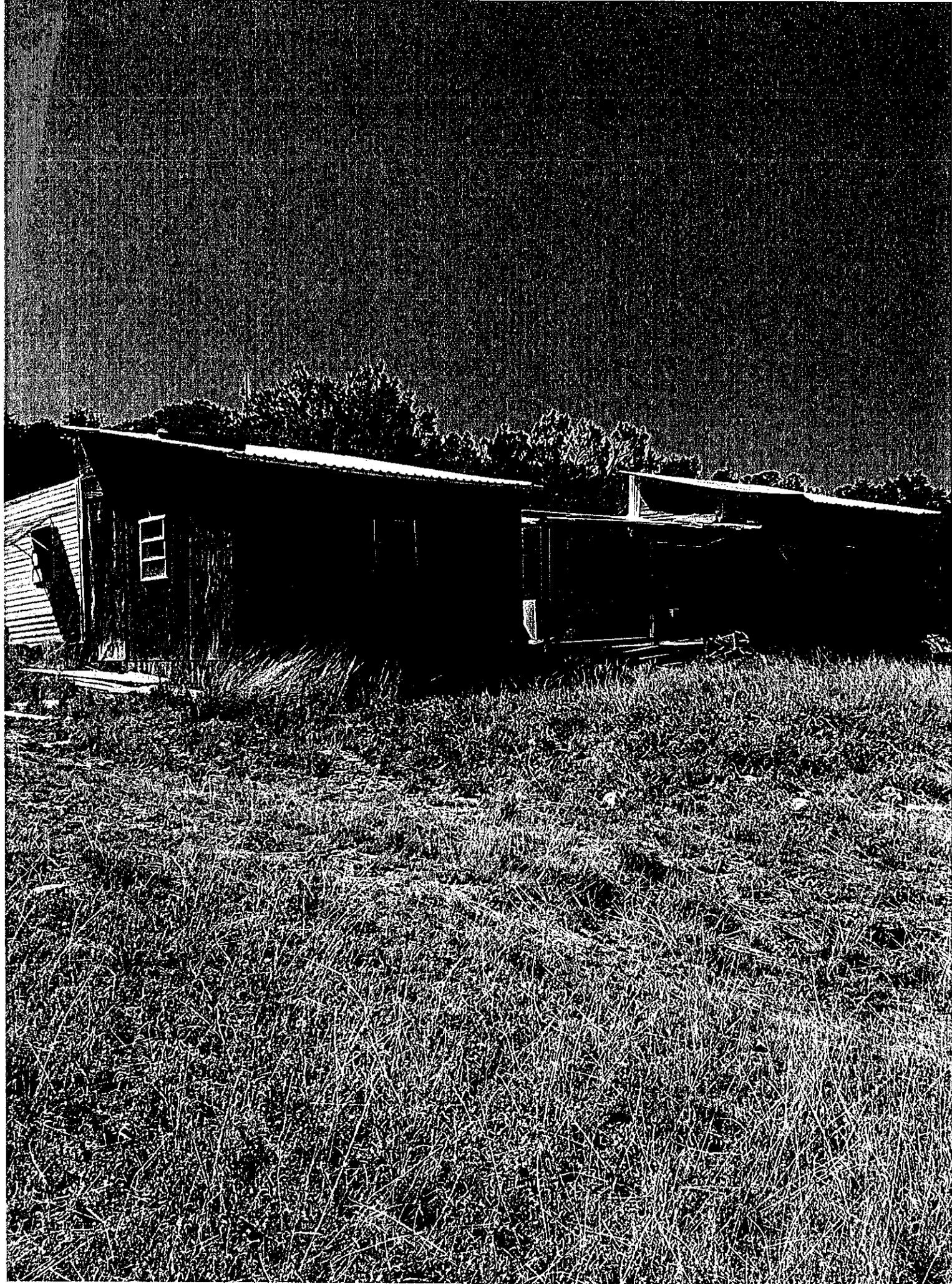
BOOK 000
1965 NEW MOON
012X055 MH PTD-001436 LIC-000000
LOC-TIMBERLANE HILLS SD.
LOT 12, BLOCK 3

Res-Values Full 2700
Res-Values Taxable 900
Res-Values Exempt 900
Res-Values Net-Zero 0

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

no utilities
not habitable



April 19, 2015

Lincoln County Solid Waste
P.O. Box 711
Carrizozo, NM 88301

Ref #s 1006 Dist - 20, 1301- Dist 20

Greetings:

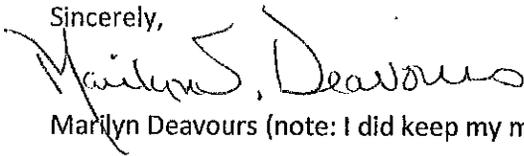
This letter is to protest the fact that my husband, Gabriel Sanchez and I (Marilyn Deavours), are both being billed as of the most recent billing from you, two bills. We understand that you were using your records as a source of billing. However, the second structure that you are billing doesn't warrant a \$113 quarterly billing for trash pickup.

My mother who is nearly ninety and blind sometimes comes to stay there. But, I do all of her cooking and take care of her from my house (Gabriel Sanchez property). Different family members care for mom and when I care for her, she is sleeping in the separate structure for her and my privacy.

Please do not penalize us. I feel that a separate and additional charge for my husband and I is excessive. We are both 68 years old and basically live on social security.

Thank you for your consideration in this matter. I am paying as we are accustomed to (only one bill and feel that the waste we have is minimal).

Sincerely,



Marilyn Deavours (note: I did keep my maiden name although we are married)

PS We are paying Ref. 1006 Dist-20

~~82525180~~

Sanchez
248790



Adams Ranch

P.O. Box 373

Corona, New Mexico 88318

Phone / Fax (575) 849-1207

April 7, 2015

TO: Director
Lincoln County Solid Waste Division
P.O. Box 711
Carrizozo, New Mexico 88301

FROM: Ben Q. Adams
P.O. Box 373
Corona, New Mexico 88318

REF: Solid Waste Charges
REF# 622 DIST 130
REF# 623 DIST 130

Dear Sir:

Please find enclosed two bills from Lincoln County Solid Waste Division listing two different collection locations (code #15/01/15 ALL and #23/01/15 ALL) from which solid waste collection services are suppositively being provided.

My wife and I are retired senior citizens, ages 73 and 66, and sole occupants of our ranch located 27 miles east of Corona, New Mexico, 7 miles north of the highway. Traveling to Corona from our house is a two-hour, 54 mile, bone-jarring round trip, much of which is over a rough, rocky ranch road with numerous gates to open and close. The only reason we go to Corona at all is because it is the nearest Post Office. Because of the fuel expense, time involved (2 hours), and wear-and-tear to our 10-year-old vehicle, not to mention ourselves, we only pick up mail in Corona twice a month. Corona does not provide any other services relevant to us as there is no grocery store, drug store, etc.

Because we live on a very modest fixed income (social security) we cannot afford to spend money for services that are not being provided or required. For the last 36 years all trash generated on the ranch has been buried in a small landfill on the property. With just my wife and I, we generate very little trash. We recycle what we can and either compost vegetable material or feed it to chickens or horses. It makes no sense, financially or physically, for us to load up our vehicle with trash and make a 54-mile round trip to Corona where we would have to unload

it to be picked up by a third party we would then have to pay with money we don't have to spend.

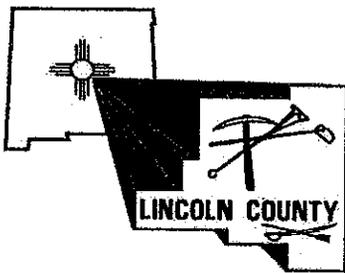
I assume that the Solid Waste Division does not make on site collections from customers, therefore, I am requesting a waiver from trash collection. I should not be charged for services I do not need, have never received, and will never have access to like the people in Corona.

Sincerely,

A handwritten signature in cursive script that reads "Ben Q. Adams".

Ben Q. Adams
Adams Ranch

Incl: 2



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM 17

June 12, 2015

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 SCP/Safety Net Care Pool Payments, and the Indigent Health Care (IHC) Payments.

Discussion:

Safety Net Care Pool Payments: This month our coordinator processed a total of Thirty-one (31) claims, all of which are for approval. If approved, the total recommended authorization this month is **\$27,994.64**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed six (6) claims. Five (5) claims are recommended for approval and one (1) is recommended for disapproval, for the reasons indicated in enclosure 2. If approved, total recommended for payment this month is **\$1,301.61**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for June and the Year-To-Date that each lists the applications by provider.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$24,262** and **\$16,919** respectively. The FY 13-14 year-end total was **\$203,029.23**. Our budget for FY14 – 15 is \$393,278. To date, the total expenditure is \$63,642.16 or an average of \$5,303.51 monthly.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,371,890** and **\$1,034,535** respectively. The FY 13 - 14 monthly average was **\$86,211**. To date, the total authorization is \$254,746.91 or an average of \$21,228.91 a month.

Recommendation: Approve the claims as indicated for the Safety Net Care Pool report at Enclosure 1 and approve and disapprove 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 2014 - 2015

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$226,752.27

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

JUNE # CLAIMS FOR APPROVAL 31
CLAIMS FOR DENIAL 0
JUNE # TOTAL CLAIMS 31

JUNE TOTAL \$ AMOUNT APPROVED \$27,994.64

TOTAL # CLAIMS THIS FY APPROVED 248
TOTAL # CLAIMS THIS FY DENIED 11
TOTAL # CLAIMS FY 2014 - 2015 259

TOTAL APPROVED THIS FISCAL YEAR \$254,746.91

FACILITY: LINCOLN COUNTY MEDICAL CENTER 06/23/2015 THROUGH 06/23/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21022	04/11/2015	1451.00	1117.27	077%
21023	04/17/2015	17968.00	3577.22	020%
20993	05/13/2015	1028.00	791.56	077%
21029	02/10/2015	260.00	200.20	077%
21026	03/13/2015	485.23	373.63	077%
20997	04/30/2015	672.00	517.44	077%
20998	04/15/2015	63.60	48.97	077%
20999	03/27/2015	197.20	151.84	077%
21000	04/11/2015	477.00	367.29	077%
21001	04/13/2015	124.40	95.79	077%
21002	05/09/2015	2387.00	1837.99	077%
20996	05/22/2015	104.00	80.08	077%
21003	03/05/2015	2641.00	2033.57	077%
20994	04/24/2015	387.00	297.99	077%
21004	04/15/2015	50.00	38.50	077%
21005	04/21/2015	260.00	200.20	077%
21006	02/06/2015	1082.00	833.14	077%
20995	08/28/2014	294.00	226.38	077%
21007	12/12/2014	50.00	38.50	077%
21024	04/10/2015	500.00	385.00	077%
21008	04/14/2015	217.60	167.55	077%
21025	09/07/2014	300.00	231.00	077%
21011	03/21/2015	198.00	152.46	077%
21012	04/12/2015	125.20	96.40	077%
21016	01/19/2015	95.80	73.77	077%
21017	04/17/2015	60.60	46.66	077%
21018	04/24/2015	235.00	180.95	077%
21027	04/30/2015	1014.20	780.93	077%
21028	04/29/2015	123.00	94.71	077%
21020	04/29/2015	3294.00	2536.38	077%
21021	05/04/2015	13534.12	10421.27	077%
			27994.64	

APPROVED- 31 REJECTED-

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2014 - 2015

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$62,340.55

ADJUSTMENTS

CLIAM 94-6456 70.84

From Presbyterian for 6/29/05

TOTAL ADJUSTMENTS: 70.84

JUNE # CLAIMS FOR APPROVAL 5

CLAIMS FOR DENIAL 1

JUNE # TOTAL CLAIMS 6

JUNE TOTAL \$ AMOUNT APPROVED \$1,301.61

TOTAL # CLAIMS THIS FY APPROVED 103

TOTAL # CLAIMS THIS FY DENIED 36

TOTAL # CLAIMS FY 2014 - 2015 139

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$63,642.16
*Assuming the above is approved

FACILITY: ANESTHESIA ASSOCIATES OF NM 06/23/2015 THROUGH 06/23/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21019	05/04/2015	896.00	689.92	077%
			689.92	

APPROVED- 1 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 06/23/2015 THROUGH 06/23/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21009	04/30/2015	86.99	66.98	077%
21013	04/01/2015	322.88	248.62	077%
21014	04/22/2015	322.88	248.62	077%
21015	04/15/2015	20.95		000%

PATIENT'S BILL IS BELOW \$50

564.22

APPROVED- 3 REJECTED- 1

FACILITY: MICHAEL P CLEMENTS, M.D. 06/23/2015 THROUGH 06/23/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21010	03/03/2015	61.65	47.47	077%
			47.47	

APPROVED- 1 REJECTED-

INDIGENT FUND MEETING

JUNE 23, 2015

TOTAL APPLICATIONS	37	29,296.25
TOTAL APPROVED	36	
TOTAL DENIED	1	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		689.92
APPROVED-	1	
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		27,994.64
APPROVED-	31	
DENIED-		
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		47.47
APPROVED-	1	
DENIED-		
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		564.22
APPROVED-	3	
DENIED-	1	

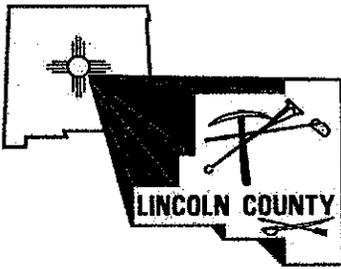
YTD

INDIGENT FUND MEETING

JUNE 23, 2015

TOTAL APPLICATIONS	411	318,389.07
TOTAL APPROVED	361	
TOTAL DENIED	50	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		4,359.34
APPROVED-	11	
DENIED-	1	
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		1,441.80
APPROVED-	12	
DENIED-		
ROSWELL		
EASTERN NM MEXICO MEDICAL CNTR		5,253.63
APPROVED-	3	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		19,055.90
APPROVED-	14	
DENIED-	7	
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		1,952.17
APPROVED-	5	
DENIED-	2	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		1,317.21
APPROVED-	16	
DENIED-		
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		
APPROVED-		
DENIED-	7	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		254,746.91
APPROVED-	248	
DENIED-	10	
ALTO		
LINCOLN COUNTY RADIOLOGY		956.09
APPROVED-	11	
DENIED-		
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		95.49
APPROVED-	2	
DENIED-	8	

ALBUQUERQUE NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	23	5,720.21
DENIED-	8	
ROSWELL PATHOLOGY CONSULTANTS OF NM		
APPROVED-	1	679.33
DENIED-		
ALBUQUERQUE PRESBYTERIAN HOSPITAL		
APPROVED-	10	17,608.02
DENIED-	5	
RUIDOSO RUIDOSO HOME CARE & HOSPICE		
APPROVED-	1	3,000.00
DENIED-	2	
ALBUQUERQUE UNM HEALTH SCIENCES CTR		
APPROVED-	4	2,202.97
DENIED-		



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM NO. 18

June 16, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Building Permits and Inspection Process

Purpose: To give an update on the Permitting Processing in the County

Discussion:

As outlined in item fifteen (15) of the MOU an analysis report be provided to the commission at a minimum of a quarterly basis (See Encl 1) for this report.

Planning Director, Curt Temple would like give the Commission an update on the building permits and Inspection process.

Recommendation: Receive update from Planning Director.

VOR PERMITS FOR 2015			Building Permits	P&Z Expenditures
MONTH	VOR	COUNTY	TOTAL	P&Z
January	\$ 12,064.34	\$ 3,712.64	\$ 15,776.98	\$ 44,778.51
February	\$ 9,107.72	\$ 5,822.46	\$ 14,930.18	\$ 31,137.50
March	\$ 3,448.67	\$ 3,149.20	\$ 6,597.87	\$ 28,028.42
April	\$ 10,374.69	\$ 6,424.97	\$ 16,799.66	\$ 29,907.08
May				
June				
July				
August				
September				
October				
November				
December				
TOTAL	\$ 34,995.42	\$ 19,109.27	\$ 54,104.69	\$ 133,851.51

ENCL 1

VILLAGE OF RUIDOSO BUILDING PERMITS FOR 2015

MONTH	VOR	COUNTY	TOTAL
January	\$ 12,064.34	\$ 3,712.64	\$ 15,776.98
February	\$ 9,107.72	\$ 5,822.46	\$ 14,930.18
March	\$ 3,448.67	\$ 3,149.20	\$ 6,597.87
April	\$ 10,374.69	\$ 6,424.97	\$ 16,799.66
May			
June			
July			
August			
September			
October			
November			
December			
TOTAL PERMITS	\$ 34,995.42	\$ 19,109.27	\$ 54,104.69

PROJECTS: ALL
 APPLIED DATES: 0/00/0000 THRU 99/99/9999
 ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES
 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
 STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE	
20140915	8/29/2014	ARQUETTE CONSTRUCTION, INC.	221 EAGLE CREEK CWNV RD	OWNER	RESIDENTIAL GARAGE/CARPORT	06-RESGAR	
18-RESPLBG	1/05/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	J&BPLUM	0.00	125.00	
LIMIT - OUTSIDE							
20140955	9/16/2014	CDP BUILDERS, INC.	3 LEGACY POINT DR	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM	
17-RESMECH	1/12/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	J&BPLUM	0.00	103.00	
18-RESPLBG	1/12/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	J&BPLUM	0.00	174.00	
LIMIT - INSIDE							
					TOTAL VALUE	0.00 TOTAL FEE	277.00
20141070	10/15/2014	CHANDLER BUILDERS, INC.	131 GARY PLAYER CT	OWNER	NEW RESIDENTIAL BUILDING	01-RESNEW	
17-RESMECH	3/30/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	J&BPLUM	0.00	64.00	
18-RESPLBG	3/15/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	MRPLUM	0.00	92.00	
LIMIT - INSIDE							
					TOTAL VALUE	0.00 TOTAL FEE	156.00
20141125	11/04/2014	JOHN CORNELIUS BUILDERS, IN	144 PASEO DE AGUAYO	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM	
17-RESMECH	1/06/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	78.50	
18-RESPLBG	1/06/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	153.00	
LIMIT - OUTSIDE							
					TOTAL VALUE	0.00 TOTAL FEE	231.50
20141151	11/13/2014	BAUDO ENTERPRISES, LLC	100 OAK GROVE PL	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM	
17-RESMECH	3/24/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	J&BPLUM	0.00	64.00	
18-RESPLBG	3/24/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	J&BPLUM	0.00	167.00	
LIMIT - INSIDE							
					TOTAL VALUE	0.00 TOTAL FEE	231.00
20141171	11/20/2014	WHITE SANDS CONSTRUCTION	307 US HIGHWAY 70	OWNER	COMMERCIAL REMODEL	22-COMREM	
38-COMPLB	1/15/2015	COMMERCIAL PLUMBING	COM - COMMERCIAL PLUMBING	DARNOID	0.00	1,009.00	
37-COMMEC	2/03/2015	COMMERCIAL MECHANICAL	COM - COMMERCIAL MECHANICAL	MGSREFR	0.00	77.00	
LIMIT - INSIDE							
					TOTAL VALUE	0.00 TOTAL FEE	1,086.00
20141183	11/26/2014	BLUE SPRUCE CONSTRUCTION, I	364 STATE HWY 220	BLUESPRUCO	NEW COMMERCIAL BUILDING	20-COMNEW	
17-RESMECH	2/04/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	ADVAPLUMN	0.00	48.50	
18-RESPLBG	2/04/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ADVAPLUMN	0.00	181.00	
LIMIT - OUTSIDE							

PROJECTS: ALL

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EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
18-RESPLBG LIMIT - OUTSIDE	2/27/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	153.00
TOTAL VALUE						213.00
20141221	12/10/2014	CROWBAR CONSTRUCTION	222 YELLOW PINE RD	OWNER	RESIDENTIAL ADDITION	02-RESADD
18-RESPLBG LIMIT - INSIDE	1/07/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	ALLAMERPLU	0.00	85.00
20141229	12/17/2014	CDP BUILDERS, INC.	105 SUNNY LANE	OWNER	RESIDENTIAL REPAIR	04-RESREP
18-RESPLBG LIMIT - INSIDE	1/15/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	132.00
20141243	12/23/2014	GRAHAM CONSTRUCTION	403 HIGH MESA DR	OWNER	RESIDENTIAL REPAIR	04-RESREP
04-RESREP LIMIT - OUTSIDE	1/05/2015	RESIDENTIAL REPAIR	RESREP - RESIDENTIAL REPAIR	OWNER	10,500.00	168.60
20141244	12/23/2014	YOUNGER CONSTRUCTION	245 AIRPORT RD	OWNER	RESIDENTIAL RE-ROOF	08-RESROOF
08-RESROOF LIMIT - OUTSIDE	1/26/2015	RESIDENTIAL RE-ROOF	08 - RES RE-ROOF	OWNER	10,164.00	168.60
20150002	1/05/2015	BONITO RIVER SERVICES, INC.	138 SUGAR BUSH RD	OWNER	RESIDENTIAL MECHANICAL	17-RESMEC
17-RESMECH LIMIT - OUTSIDE	1/05/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	78.00
20150003	1/06/2015	SUTTON, FERRON	305 LANCASHIRE LN	OWNER	RESIDENTIAL ADDITION	02-RESADD
02-RESADD LIMIT - INSIDE	1/09/2015	RESIDENTIAL ADDITION	02 - RES ADD/ALTERATIONS	OWNER	3,765.30	79.03
20150004	1/06/2015	SIERRA BLANCA ENTERPRISES,	210 CROWN DR E9	OWNER	RESIDENTIAL FENCE/RET WALL	09-RESFEN
09-RESFEN LIMIT - INSIDE	1/28/2015	RESIDENTIAL FENCE/WALL	09 - RES FENCE/RETAINING WA	OWNER	39,000.00	412.25
20150005	1/06/2015	KOEHLEKONCRETE & DOORS	107 MAPLEWOOD LANE	OWNER	RESIDENTIAL FENCE/RET WALL	09-RESFEN
09-RESFEN LIMIT - OUTSIDE	1/06/2015	RESIDENTIAL FENCE/WALL	09 - RES FENCE/RETAINING WA	OWNER	30,000.00	343.24
20150006	1/06/2015	REMINGTON HOMES	104 WESTBURY DR	OWNER	RESIDENTIAL DECK	11-RESDECK
11-RESDECK LIMIT - INSIDE	1/09/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	4,823.04	94.02

PROJECTS: ALL

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES

EXPIRE DATES: 9/09/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE	PROJECT NAME	LOCATION BUILDING CODE	CONTRACTOR	DESCRIPTION	VALUATION	PROJ TYPE	FEE
20150011	1/08/2015	LLB CONSTRUCTION	123 LINCOLN HILLS RD	OWNER	NEW RESIDENTIAL BUILDING		03-RESREM	
01-RESNEW	1/08/2015	NEW RESIDENTIAL BUILDING	01 - SINGLE FAMILY DWELLING	OWNER	351,235.04	1,920.53		
LIMIT - INSIDE								
20150012	1/08/2015	GRAHAM CONSTRUCTION	105 RIO ST	OWNER	RESIDENTIAL REMODEL		03-RESREM	
03-RESREM	1/08/2015	RESIDENTIAL REMODEL	02 - RES ADD/ALTERATIONS	OWNER	2,100.00	62.56		
LIMIT - INSIDE								
20150013	1/09/2015	YOUNGER CONSTRUCTION	458 CEDAR CREEK	OWNER	RESIDENTIAL RE-ROOF		08-RESROOF	
08-RESROOF	1/26/2015	RESIDENTIAL RE-ROOF	08 - RES RE-ROOF	OWNER	2,662.00	62.56		
LIMIT - INSIDE								
20150014	1/13/2015	VENTURA CONSTRUCTION &	215 COUNTRY CLUB DR	OWNER	RESIDENTIAL MECHANICAL		17-RESMEC	
17-RESMECH	1/13/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	38.00		
LIMIT - INSIDE								
20150015	1/13/2015	JORGE REYES CONST	108 NORTH EAGLE DR	OWNER	RESIDENTIAL DECK		11-RESDECK	
11-RESDECK	1/14/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	4,805.75	94.02		
LIMIT - INSIDE								
20150017	1/15/2015	COWAN CONSTRUCTION, INC.	112 E RIVERSIDE DR	OWNER	RESIDENTIAL DEMOLITION		15-RESDMO	
15-RESDMO	1/15/2015	RESIDENTIAL DEMOLITION	60 - DEMOLITIONS	OWNER	0.00	43.00		
LIMIT - INSIDE								
20150018	1/16/2015	NHB CONSTRUCTION	121 FOX DR	OWNER	NEW RESIDENTIAL BUILDING		03-RESREM	
01-RESNEW	1/16/2015	NEW RESIDENTIAL BUILDING	01 - SINGLE FAMILY DWELLING	OWNER	175,000.00	2,102.36		
LIMIT - INSIDE								
20150021	1/20/2015	UNDERDOWN'S PLUMBING INC.	503 GRINDSTONE CANYON R	UNDEPLUM	RESIDENTIAL PLUMBING		18-RESPLBG	
18-RESPLBG	1/20/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	UNDEPLUM	0.00	85.00		
LIMIT - INSIDE								
20150022	1/12/2015	SOUTHWEST AIR SYSTEMS, INC.	102 E. RIVERSIDE	SOUTHWEST	RESIDENTIAL MECHANICAL		17-RESMEC	
17-RESMECH	1/20/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	SOUTHWEST	0.00	51.00		
LIMIT - INSIDE								
20150023	1/20/2015	ALL RIGHT PLUMBING AND	113 WINGFIELD DR	OWNER	RESIDENTIAL PLUMBING		18-RESPLBG	
18-RESPLBG	1/20/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	78.00		

PROJECT VALUATION AND FEE REPORT

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20150026 03-RESREM LIMIT - INSIDE	1/22/2015 1/23/2015	CASTALDY ENTERPRISES RESIDENTIAL REMODEL		A-5 INNSBROOK DR 02 - RES ADD/ALTERATIONS	OWNER OWNER	RESIDENTIAL REMODEL 1,431.84	03-RESREM 50.00
20150027 04-RESREP LIMIT - INSIDE	1/22/2015 1/23/2015	DEBEQUE CONTRACTORS RESIDENTIAL REPAIR		604 WHITE MOUNTAIN 104 RESREP - RESIDENTIAL REPAIR	OWNER OWNER	RESIDENTIAL REPAIR 1,500.00	04-RESREP 50.00
20150029 01-RESNEW LIMIT - OUTSIDE	1/23/2015 1/26/2015	CHANDLER BUILDERS, INC. NEW RESIDENTIAL BUILDING		116 SANTO DOMINGO CT 01 - SINGLE FAMILY DWELLING	OWNER OWNER	NEW RESIDENTIAL BUILDING 321,073.78	03-RESREM 1,785.41
20150030 04-RESREP LIMIT - OUTSIDE	1/23/2015 1/26/2015	TOWER CONSTRUCTION RESIDENTIAL REPAIR		156 CROWN RIDGE RD RESREP - RESIDENTIAL REPAIR	OWNER OWNER	RESIDENTIAL REPAIR 18,500.00	04-RESREP 248.97
20150031 22-COMREM LIMIT - OUTSIDE	1/23/2015 1/23/2015	ROCKY MOUNTAIN CONSTRUCTION COMMERCIAL REMODEL		1 COUNTRY CLUB DR 21 - COMERCIAL ADD/ALTERATI	OWNER OWNER	COMMERCIAL REMODEL 80,000.00	22-COMREM 678.92
20150033 06-RESGAR LIMIT - OUTSIDE	1/28/2015 1/28/2015	HERRERA INSALLATIONS RESIDENT GARAGE/CARPORT		109 GOLDENROD LANE 04 - RES GARAGE / CARPORT	OWNER OWNER	RESIDENTIAL GARAGE/CARPORT 20,677.69	06-RESGAR 267.10
20150034 09-RESFEN LIMIT - INSIDE	1/28/2015 1/29/2015	EXPRESS STUCCO & CONST, LLC RESIDENTIAL FENCE/WALL		105 BUCKNER 09 - RES FENCE/RETAINING WA	OWNER OWNER	RESIDENTIAL FENCE/RET WALL 1,500.00	09-RESFEN 50.00
20150035 17-RESMECH LIMIT - INSIDE	1/28/2015 1/28/2015	BONITO RIVER SERVICES, INC. RESIDENTIAL MECHANICAL		106 CARDINAL DR RES - RESIDENTIAL MECHANICA	OWNER OWNER	RESIDENTIAL MECHANICAL 0.00	17-RESMEC 91.00
20150036 18-RESPLRG LIMIT - INSIDE	1/29/2015 1/29/2015	S & J COX PLUMBING & HEATIN RESIDENTIAL PLUMBING		207 RIDGE RD RES - RESIDENTIAL PLUMBING	OWNER OWNER	RESIDENTIAL PLUMBING 0.00	18-RESPLRG 65.00
20150037 18-RESPLRG	1/29/2015 1/29/2015	S & J COX PLUMBING & HEATIN RESIDENTIAL PLUMBING		205 RIDGE RD RES - RESIDENTIAL PLUMBING	OWNER OWNER	RESIDENTIAL PLUMBING 0.00	18-RESPLRG 65.00

PROJECTS: ALL
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PROJECT SEGMENT	ISSUE DATE	NAME	DESCRIPTION	DT	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20150048 03-RESREM LIMIT - OUTSIDE	2/02/2015 2/03/2015	SMITH, DEBRA	RESIDENTIAL REMODEL		151 ALTO PINES TRAIL 02 - RES ADD/ALTERATIONS	OWNER OWNER	RESIDENTIAL REMODEL 32,626.00	03-RESREM 366.89
20150049 03-RESREM LIMIT - INSIDE	2/02/2015 2/03/2015	HELMER, PAULA	RESIDENTIAL REMODEL		503 GRINDSTONE CANY RD 02 - RES ADD/ALTERATIONS	OWNER OWNER	RESIDENTIAL REMODEL 250.00	03-RESREM 50.00
20150050 04-RESREP LIMIT - INSIDE	2/02/2015 2/02/2015	AZTEC STUCCO & CO.	RESIDENTIAL REPAIR		144 SLEEPY HOLLOW RD RESREP - RESIDENTIAL REPAIR	OWNER OWNER	RESIDENTIAL REPAIR 3,000.00	04-RESREP 62.56
20150051 18-RESPLBC LIMIT - INSIDE	2/04/2015 2/04/2015	CAPTAN PLUMBING	RESIDENTIAL PLUMBING		209 COYOTE LANE RES - RESIDENTIAL PLUMBING	OWNER OWNER	RESIDENTIAL PLUMBING 0.00	18-RESPLBC 82.00
20150053 08-RESROOF LIMIT - OUTSIDE	2/05/2015 2/06/2015	CHRISTIAN CONSTRUCTION	RESIDENTIAL REROOF		142 PINE HILL TRAIL 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 2,500.00	08-RESROOF 62.56
20150054 08-RESROOF LIMIT - INSIDE	2/05/2015 2/05/2015	JOHN LYNN ROOFING	RESIDENTIAL REROOF		1230 MECHEM DR #13 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 3,250.00	08-RESROOF 79.03
20150055 05-RESSHED LIMIT - OUTSIDE	2/05/2015 2/11/2015	TALLMAN, JOCK	RESIDENTIAL STORAGE SHED		234 EAGLE RIDGE RD 03 - RES STORAGE SHED	OWNER OWNER	RESIDENTIAL STORAGE SHED 2,000.00	05-RESSHED 50.00
20150056 01-RESNE# LIMIT - OUTSIDE	2/05/2015 2/05/2015	TALLMAN, JOCK	NEW RESIDENTIAL BUILDING		238 EAGLE RIDGE RD 01 - SINGLE FAMILY DWELLING	OWNER OWNER	NEW RESIDENTIAL BUILDING 933,308.68	03-RESREM 4,233.57
20150057 08-RESROOF LIMIT - OUTSIDE	2/05/2015 2/05/2015	ARROWHEAD ROOFING	RESIDENTIAL REROOF		103 ST ANDREWS CT 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 5,986.00	08-RESROOF 107.99
20150058 11-RESDECK LIMIT - OUTSIDE	2/05/2015 2/06/2015	ALTO MESA BUILDERS, INC.	RESIDENTIAL DECK		115 NORTH LOOP RD 11 - RES DECK	OWNER OWNER	RESIDENTIAL DECK 6,000.00	11-RESDECK 107.99

PROJECT VALUATION AND FEE REPORT

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 STATUS: ALL

PROJECT SEGMENT	ISSUE DATE	NAME	DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20150066	2/10/2015	TANNER IRONS	RESIDENTIAL FENCE/WALL	109 CHAPARRAL DR	OWNER	RESIDENTIAL FENCE/RET WALL 2,000.00	09-RESFEN 50.00
LIMIT - INSIDE							
20150070	2/11/2015	BONITO RIVER SERVICES, INC.	RESIDENTIAL MECHANICAL	101 SANTA ROSA DR	OWNER	RESIDENTIAL MECHANICAL 0.00	17-RESMEC 51.00
LIMIT - INSIDE							
20150075	2/13/2015	HINDE, THOMAS	RESIDENTIAL STORAGE SHED	111 TIMBERLINE CT	OWNER	RESIDENTIAL STORAGE SHED 800.00	05-RESSHED 50.00
LIMIT - INSIDE							
20150076	2/13/2015	J & B PLUMBING, HEATING & COMMERCIAL PLUMBING	COMMERCIAL PLUMBING	190 LINCOLN HILLS DR	OWNER	COMMERCIAL PLUMBING 0.00	38-COM PLE 65.00
LIMIT - OUTSIDE							
20150079	2/16/2015	MCLAIN, STEPHEN	COMMERCIAL REMODEL	270 A COUNTRY CLUB DR	OWNER	COMMERCIAL REMODEL 72,000.00	22-COMREM 631.16
LIMIT - INSIDE							
20150080	2/16/2015	YOUNGER CONSTRUCTION	RESIDENTIAL RE-ROOF	105 DEER PARK DR	OWNER	RESIDENTIAL RE-ROOF 16,940.00	08-RESROOF 230.12
LIMIT - OUTSIDE							
20150081	2/16/2015	PACHECO AND SON CONSTRUCTION	RESIDENTIAL FENCE/WALL	305 MAIN RD	OWNER	RESIDENTIAL FENCE/RET WALL 7,337.40	09-RESFEN 133.73
LIMIT - INSIDE							
20150082	2/17/2015	FERRERA PLUMBING, HEATING & COMMERCIAL MECHANICAL	COMMERCIAL MECHANICAL	406 MECHEM DR	HERRERUM	COMMERCIAL MECHANICAL 0.00	37-COMMEC 78.00
LIMIT - INSIDE							
20150083	2/17/2015	VENTURA CONSTRUCTION & RESIDENTIAL MECHANICAL	RESIDENTIAL MECHANICAL	147 JARRETT	VENTPLUM	RESIDENTIAL MECHANICAL 0.00	17-RESMEC 98.00
LIMIT - OUTSIDE							

PROJECTS: ALL

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STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE		
20150087	2/20/2015	SALLY, MCNUYT	204 GUAYALOTE RD	OWNER	RESIDENTIAL FENCE/RET WALL	09-RESFEN		
09-RESFEN	2/20/2015	RESIDENTIAL FENCE/WALL	09 - RES FENCE/RETAINING WA	OWNER	1,000.00	50.00		
LIMIT - INSIDE								
20150088	2/20/2015	CHRISTIAN CONSTRUCTION	115 N EAGLE DR	OWNER	RESIDENTIAL REPAIR	04-RESREP		
04-RESREP	2/23/2015	RESIDENTIAL REPAIR	RESREP - RESIDENTIAL REPAIR	OWNER	2,300.00	125.12		
LIMIT - INSIDE								
20150089	2/20/2015	ABM HEATING AND COOLING LLC	100 PIPEPIN ST	OWNER	RESIDENTIAL MECHANICAL	17-RESMEC		
17-RESMECH	2/20/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	41.00		
LIMIT - INSIDE								
20150093	2/23/2015	BONITO RIVER SERVICES, INC.	128 SEQUOIA DR	OWNER	RESIDENTIAL MECHANICAL	17-RESMEC		
17-RESMECH	2/23/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	71.00		
18-RESPLBG	2/23/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	47.00		
LIMIT - INSIDE								
					TOTAL VALUE	0.00	TOTAL FEE	118.00
20150094	2/23/2015	TALLMAN, JOCK	228 EAGLE RIDGE RD	OWNER	NEW RESIDENTIAL BUILDING	01-RESNEW		
01-RESNEW	2/23/2015	NEW RESIDENTIAL BUILDING	01 - SINGLE FAMILY DWELLING	OWNER	737,808.86	3,490.68		
LIMIT - INSIDE								
20150095	2/23/2015	BAC ENTERPRISES	143 MEANDER DR	OWNER	RESIDENTIAL DECK	11-RESDECK		
11-RESDECK	2/23/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	7,008.48	133.73		
LIMIT - INSIDE								
20150097	2/24/2015	SANCHEZ, PABLO	213 COCONINO LN	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM		
01-RESNEW	2/24/2015	NEW RESIDENTIAL BUILDING	01 - SINGLE FAMILY DWELLING	OWNER	177,334.08	1,141.46		
LIMIT - INSIDE								
20150099	2/25/2015	ALPINE BUILDING, INC.	117 PORR DR	OWNER	RESIDENTIAL REPAIR	04-RESREP		
04-RESREP	2/25/2015	RESIDENTIAL REPAIR	RESREP - RESIDENTIAL REPAIR	OWNER	13,000.00	190.10		
LIMIT - INSIDE								
20150100	2/25/2015	S & J COX PLUMBING & HEATIN	1342 LITTLE BIG HORN RD	OWNER	RESIDENTIAL MECHANICAL	17-RESMEC		
17-RESMECH	2/25/2015	RESIDENTIAL MECHANICAL	RES - RESIDENTIAL MECHANICA	OWNER	0.00	85.00		
LIMIT - OUTSIDE								

PROJECTS: All

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE	NAME	DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20150108 02-RESADD LIMIT - INSIDE	2/26/2015	BOGLE, BOB	RESIDENTIAL ADDITION	201 WEST REDWOOD DR 02 - RES ADD/ALTERATIONS	OWNER OWNER	RESIDENTIAL ADDITION 10,400.00	02-RESADD 168.60
20150109 09-RESFEN LIMIT - INSIDE	2/26/2015	DEBEQUE CONTRACTORS	RESIDENTIAL FENCE/WALL	604 WHITE MOUNTAIN 607-8 09 - RES FENCE/RETAINING WA	OWNER OWNER	RESIDENTIAL FENCE/RET WALL 1,000.00	09-RESFEN 50.00
20150110 21-COMADD LIMIT - INSIDE	2/26/2015	PARSONS FAMILY ENT. INC. (D	COMMERCIAL ADDITION	2959 SUDDERTH DR 21 - COMERCIAL ADD/ALTERATI	OWNER OWNER	COMMERCIAL ADDITIONS 68,000.00	21-COMADD 606.64
20150113 17-RESMECH 18-RESPLBG LIMIT - OUTSIDE	3/02/2015	BONITO RIVER SERVICES, INC.	RESIDENTIAL MECHANICAL	143 CHERRY CREEK RD RES - RESIDENTIAL MECHANICA	OWNER OWNER	RESIDENTIAL PLUMBING 0.00	18-RESPLBG 79.00
20150114 18-RESPLBG LIMIT - INSIDE	3/02/2015	UNDERDOWN'S PLUMBING INC.	RESIDENTIAL PLUMBING	210 COCONINO LN RES - RESIDENTIAL PLUMBING	UNDEPLUM UNDEPLUM	RESIDENTIAL PLUMBING 0.00	18-RESPLBG 85.00
20150115 09-RESFEN LIMIT - INSIDE	3/02/2015	CHASE THE SUN CONSTRUCTION	RESIDENTIAL FENCE/WALL	415 MAIN 09 - RES FENCE/RETAINING WA	OWNER OWNER	RESIDENTIAL FENCE/RET WALL 1,000.00	09-RESFEN 50.00
20150116 08-RESROOF LIMIT - OUTSIDE	3/03/2015	YOUNGER CONSTRUCTION	RESIDENTIAL REROOF	103 BULL ELK CT 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 10,648.00	08-RESROOF 168.60
20150117 08-RESROOF LIMIT - OUTSIDE	3/03/2015	YOUNGER CONSTRUCTION	RESIDENTIAL REROOF	101 FOX HOLLOW CT 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 7,986.00	08-RESROOF 133.73
20150119 11-RESDECK LIMIT - INSIDE	3/05/2015	DEBEQUE CONTRACTORS	RESIDENTIAL DECK	604 WHITE MOUNTAIN DR 11 - RES DECK	OWNER OWNER	RESIDENTIAL DECK 2,000.00	11-RESDECK 50.00

TOTAL VALUE 0.00 TOTAL FEE 137.00

PROJECT VALUATION AND FEE REPORT

03/31/2015 9:22 AM

PROJECTS: ALL

APPLIED DATES: 0/00/0000 THRU 99/99/9999

ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES

EXPIRE DATES: 0/00/0000 THRU 99/99/9999

STATUS: ALL

PROJECT SEGMENT	ISSUE DATE	NAME	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE
20150133	3/13/2015	WOOD, PAUL	321 GRANITE DR	OWNER	RESIDENTIAL DECK	11-RESDECK
11-RESDECK	3/13/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	3,840.00	79.03
LIMIT - INSIDE						
20150134	3/13/2015	MARLIN ALSTON CONSTRUCTION	439 PARADISE CANYON DR	OWNER	RESIDENTIAL REMODEL	03-RESREM
03-RESREM	3/16/2015	RESIDENTIAL REMODEL	02 - RES ADD/ALTERATIONS	OWNER	20,000.00	258.16
LIMIT - INSIDE						
20150135	3/13/2015	RODRIGUEZ, ROBERT	103 & 105 DEODAR RD	OWNER	RESIDENTIAL REPAIR	04-RESREP
04-RESREP	3/23/2015	RESIDENTIAL REPAIR	RESREP - RESIDENTIAL REPAIR	OWNER	1,500.00	50.00
LIMIT - INSIDE						
20150136	3/13/2015	YOUNGER CONSTRUCTION	111 PINE CONE LN	OWNER	RESIDENTIAL RE-ROOF	08-RESROOF
08-RESROOF	3/18/2015	RESIDENTIAL REROOF	08 - RES RE-ROOF	OWNER	6,534.00	121.17
LIMIT - OUTSIDE						
20150141	3/17/2015	STONE, ELDON	112 LAKASPUR LOOP	OWNER	NEW RESIDENTIAL BUILDING	03-RESREM
01-RESREM	3/17/2015	NEW RESIDENTIAL BUILDING	01 - SINGLE FAMILY DWELLING	OWNER	491,791.10	2,550.23
LIMIT - OUTSIDE						
20150143	3/17/2015	FLORES, JULIAN	309 KEYES DR	OWNER	RESIDENTIAL DECK	11-RESDECK
11-RESDECK	3/17/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	2,400.00	62.56
LIMIT - INSIDE						
20150144	3/19/2015	ALDRICH BUILDERS OF NM LLC	119 SINGING PINES	OWNER	RESIDENTIAL ADDITION	02-RESADD
02-RESADD	3/19/2015	RESIDENTIAL ADDITION	02 - RES ADD/ALTERATIONS	OWNER	120,000.00	984.60
LIMIT - INSIDE						
20150148	3/23/2015	CROWBAR CONSTRUCTION	110 SAN MIGUEL RD	OWNER	RESIDENTIAL DECK	11-RESDECK
11-RESDECK	3/24/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	2,160.00	62.56
LIMIT - INSIDE						
20150150	3/24/2015	ROMAN'S PLUMBING, REPAIR, A	122 KIRKMAN DR	OWNER	RESIDENTIAL PLUMBING	18-RESPLBG
18-RESPLBG	3/24/2015	RESIDENTIAL PLUMBING	RES - RESIDENTIAL PLUMBING	OWNER	0.00	65.00
LIMIT - INSIDE						
20150151	3/25/2015	HERRERA PLUMBING, HEATING A	118 AUGUSTA CT	OWNER	RESIDENTIAL DECK	11-RESDECK
11-RESDECK	3/30/2015	RESIDENTIAL DECK	11 - RES DECK	OWNER	8,200.00	145.77

PROJECTS: ALL
 APPLIED DATES: 0/00/0000 THRU 99/99/9999
 ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES
 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
 STATUS: ALL

PROJECT SEGMENT	ISSUE DATE SEGMENT DT	NAME DESCRIPTION	LOCATION BUILDING CODE	CONTRACTOR SEG. CONT.	DESCRIPTION VALUATION	PROJ TYPE FEE	
20150159 40-COMROOF LIMIT - INSIDE	3/30/2015 3/30/2015	KERNS ROOFING COMMERCIAL ROOF REPAIR	2640 SUDDETH 40 - COMMERCIAL ROOF REPAIR	OWNER OWNER	COMMERCIAL ROOF REPAIR 2,520.00	40-COMROOF 52.56	
20150161 08-RESROOF LIMIT - INSIDE	3/30/2015 3/30/2015	KEYES JR, CONRAD RESIDENTIAL REROOF	111 1/2 FIFTH ST 08 - RES RE-ROOF	OWNER OWNER	RESIDENTIAL RE-ROOF 720.00	08-RESROOF 50.00	
*** TOTALS ***					NUMBER OF PROJECTS: 106	VALUATION: 4,953,588.07	FEES: 36,901.10

*** SEGMENT RECAP ***

PROJECT SEGMENT - DESCRIPTION	# OF SEGMENTS	VALUATION	FEE
01-RESNEW - NEW RESIDENTIAL BUILD	7	3,187,551.54	17,224.24
02-RESADD - RESIDENTIAL ADDITION	5	181,813.30	1,785.55
03-RESREM - RESIDENTIAL REMOUEL	5	56,407.84	787.61
04-RESREP - RESIDENTIAL REPAIR	8	57,225.00	1,016.52
05-RESSHD - RESIDENTIAL STORAGE	2	2,800.00	100.00
06-RESGAR - RESIDENT GARAGE/CARPO	1	20,677.69	267.10
08-RESROOF - RESIDENTIAL REROOF	12	77,360.00	1,384.56
09-RESFEN - RESIDENTIAL FENCE/WAL	9	83,337.40	1,189.22
11-RESDECK - RESIDENTIAL DECK	14	131,777.27	1,965.31
15-RESDEMO - RESIDENTIAL DEMOLITI	1	0.00	43.00
17-RESMECH - RESIDENTIAL MECHANIC	19	0.00	1,393.50
18-RESPLBG - RESIDENTIAL PLUMBING	23	0.00	2,213.00
20-COMNEW - NEW COMMERCIAL BUILDI	1	931,634.03	4,227.21
21-COMADD - COMMERCIAL ADDITION	1	68,000.00	606.64
22-COMREM - COMMERCIAL REMODEL	2	152,000.00	1,310.08
37-COMMEC - COMMERCIAL MECHANICAL	2	0.00	155.00
38-COMPLB - COMMERCIAL PLUMBING	3	0.00	1,120.00
40-COMROOF - COMMERCIAL ROOF REPA	2	3,004.00	112.56

*** TOTALS ***

117 4,953,568.07 36,901.10

PROJECTS: ALL
 APPLIED DATES: 0/00/0000 THRU 99/99/9999
 ISSUED DATES: 1/01/2015 THRU 3/31/2015 USE SEGMENT DATES
 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
 STATUS: ALL

*** BUILDING CODE RECAP ***

BUILDING CODE - DESCRIPTION	# OF PROJECTS	# OF SEGMENTS	VALUATION	FEES
01 - SINGLE FAMILY DWELLING	7	7	3,187,551.54	17,224.24
02 - RES ADD/ALTERATIONS	10	10	238,221.14	2,573.16
03 - RES STORAGE SHED	2	2	2,800.00	100.00
04 - RES GARAGE / CARPORT	1	1	20,677.69	267.10
08 - RES RE-ROOF	12	12	77,360.00	1,384.56
09 - RES FENCE/RETAINING WALL	9	9	83,337.40	1,189.22
11 - RES DECK	14	14	131,777.27	1,965.31
20 - NEW COMMERCIAL BUILDING	1	1	931,634.03	4,227.21
21 - COMMERCIAL ADD/ALTERATIONS	3	3	220,000.00	1,916.72
40 - COMMERCIAL ROOF REPAIR	2	2	3,004.00	112.56
60 - DEMOLITIONS	1	1	0.00	43.00
COM - COMMERCIAL MECHANICAL	1	2	0.00	155.00
COM - COMMERCIAL PLUMBING	3	3	0.00	1,120.00
RES - RESIDENTIAL MECHANICAL	19	19	0.00	1,393.50
RES - RESIDENTIAL PLUMBING	13	23	0.00	2,213.00
RESREP - RESIDENTIAL REPAIR	8	8	57,225.00	1,016.52
*** TOTALS ***	106	117	4,953,588.07	36,901.10

SELECTION CRITERIA

REPORT SELECTION

PROJECT RANGE FROM: THROUGH ZZZZZZZZZZ
 PROJECT STATUS: All
 CONTRACTOR: All
 PROJECT TYPE: Exclude: BL-FIRE, BL-RO, BL-VN, PZ-BLA, PZ-CU, PZ-PU, PZ-DV, PZ-RZ, PZ-SD, PZ-SP
 SEGMENT: All
 VALUATION RANGE FROM: 0.00 THROUGH 999,999,999.99

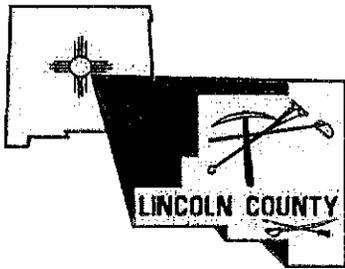
PROJECT DATES

APPLIED RANGE FROM: 00/00/0000 THROUGH 99/99/9999
 ISSUED RANGE FROM: 01/01/2015 THROUGH 03/31/2015
 USE SEGMENT DATES: YES
 EXPIRE RANGE FROM: 00/00/0000 THROUGH 99/99/9999
 USE SEGMENT DATES: NO

PRINT OPTIONS

TOTALS ONLY: NO
 INCLUDE SEGMENTS: YES
 COMMENT CODES: LIMIT,

*** END OF REPORT ***



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County of Lincoln

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

AGENDA Item No. 19

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Agreement with Curry County to House Inmates in Lincoln County Detention Center

Discussion: Due to weather-caused damages to the Curry County Detention Center, Curry County Manager Pile and Warden Sandoval have requested Lincoln County Detention Center to house some of its inmates during times of building repair. Warden Anderson reports there is adequate space at LCDC and is agreeable to housing adult male inmates with no history of mental illness.

Attorney Morel has prepared an Agreement that is acceptable to Curry County. The daily rate per inmate is \$72, the rate already in place with other counties. See Agreement at **Enclosure 1**.

Recommendation: Approve County Manager to enter into Agreement with Curry County for housing of inmates.

**AGREEMENT FOR INMATE CONFINEMENT
BETWEEN THE COUNTY OF CURRY
AND THE COUNTY OF LINCOLN**

THIS AGREEMENT is entered into by and between the County of Lincoln, hereinafter referred to as the "County" and the County of Curry, hereinafter referred to as the "Contractor."

RECITALS

WHEREAS, the Contractor is in need of a facility for the incarceration, care, and maintenance of persons charged with or arrested for violation of the Contractor's ordinances, arrested by the Contractor's law enforcement officials, or arrested by other law enforcement agencies within the Contractor's jurisdiction; and

WHEREAS, the County owns and operates the Lincoln County Detention Center ("LCDC") which has, from time to time, vacant bed space; and

WHEREAS, the County is willing to incarcerate the Contractor's inmates on a space available basis.

NOW, THEREFORE, IT IS MUTUALLY AGREED by both parties as follows:

1. **PURPOSE.** The purpose of this Agreement is to establish the terms and conditions under which the County shall accept and detain, on a space available basis, the Contractor's inmates which may be delivered to LCDC, from time to time, for incarceration.

2. **COMPENSATION.**

Per Diem

The Contractor shall pay the County \$72.00 per full or partial calendar day for each Contractor inmate confined at LCDC. The per diem rate will increase each year beginning on June 1, 2016, in an amount equal to five percent (5%) of the then current rate.

Booking Fee

A booking fee shall not be charged for each individual booked into the LCDC.

3. **BILLINGS.** The County shall bill the Contractor on a monthly basis and shall provide the Contractor a statement containing the names of the Contractor's inmates and their booking numbers, dates of incarceration, for the total number of days billed and the total Contractor inmate costs for the month. The Contractor shall pay the bill within thirty (30) days of receipt. If a bill is not paid within forty-

five (45) days of the billing date, a late payment charge of 1.5% of the original bill shall accrue monthly and be owed to the County.

4. **INMATE APPROVAL.** The LCDC Director shall have the right to refuse the housing of any Contractor inmate in the LCDC. LCDC will not accept women, juveniles or mentally ill inmates from Contractor.
5. **TRANSPORTATION.** The Contractor shall be responsible for all transportation costs for its inmates to and from LCDC. In the event of medical necessity, LCDC shall be the contractor for transportation at the rates identified in Paragraph 7, Medical Care, Section C, of this Agreement.
6. **INMATE POSSESSIONS.** The County will store and safe keep all inmate personal property which is removed from Contractor inmates upon arrival at LCDC.
7. **MEDICAL CARE.**
 - A. **Routine On-Site Care.** The County shall provide routine on-site medical care, routine dental care, and routine mental health care for Contractor's inmates while they are detained at LCDC.
 - B. **Prescription Pharmaceuticals.** The Contractor is responsible for and shall reimburse the County for any pharmaceutical costs for its inmates.
 - C. **Off-Site Care.** The Contractor is responsible for all costs of off-site medical, dental and mental health care of its inmates at any off-site medical facility. The County shall provide notice to the Contractor, within twenty-four (24) hours, of rendered off-site care to Contractor inmates. Upon request by the Contractor, the County may provide transportation and security to and from the off-site facility. The County shall bill the Contractor at the rate of \$20.00 per officer, per hour, and \$.35 per mile to and from the appointment. The Contractor shall be responsible for providing security for its inmates for any period of medical confinement that exceeds 24 hours.
8. **TERM.** This Agreement shall become effective when signed by both parties. The initial term of the Agreement is one (1) year. Unless either party provides sixty (60) days written notice to the other party of its intent not to renew the Agreement, the Agreement will automatically be renewed for a one-year (1) period, not to exceed a total of four (4) years.
9. **TERMINATION.** This Agreement may be terminated by either party upon sixty (60) days written notice to the other party. However, a termination shall not be effective until such time as all of the Contractor's inmates have been removed from LCDC. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. If notice of

termination is given by either party, the Contractor must pick up its inmates within the 60-day written notice period or be subject to a charge of (\$255.00) per day beginning on the 61st day. Upon termination of this Agreement, the County is under no obligation to accept the Contractor's inmates.

10. **FACILITIES AND EQUIPMENT.** Any and all facilities and equipment used by the County pursuant to this Agreement and any addenda thereto shall remain the property of the County or any other party with whom the County shall enter into an agreement for the use or lease of property or facilities. The Contractor shall not be responsible for the maintenance, upkeep, or repair of any County facility or property used pursuant to this Agreement.
11. **NO THIRD PARTY BENEFICIARIES.** This Agreement does not create, nor does either party to this Agreement intend to create any right, title, or interest in or for the benefit of any person other than the County of the Contractor, and no person shall claim any right, title, interest under this Agreement, or seek to enforce this Agreement as a third party beneficiary of this Agreement or otherwise.
12. **LIABILITY.** Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation or alleged violation of requirements applicable to the performance of the Agreement. Each party shall be liable for its actions and subject to the immunities and limitations of the New Mexico Tort Claims Act.
13. **WORKER'S COMPENSATION.** The County shall comply with state laws and rules applicable to worker's compensation benefits for its employees.
14. **SUBCONTRACTING.** The County may subcontract the services to be performed under this Agreement. In the event that the County does subcontract the services, Contractor shall be given a minimum of sixty (60) days' written notice prior to any contract going into effect.
15. **RECORDS AND AUDIT.**
 - A. **County Information.** The County shall maintain detailed records and shall endeavor to ensure that billing statements are accurate and correspond to inmate housing and booking records. Such records shall be subject to inspection by the Contractor, the Department of Finance and Administration, and the State Auditor.
 - B. **Contractor Information.** The Contractor shall provide as requested all court and/or arrest documents necessary to justify the Contractor's inmate incarceration and shall furnish any and all criminal histories of Contractor inmates in custody at LCDC.

16. **AMENDMENTS.** This Agreement shall not be altered, changed, or amended unless executed by an instrument, in writing, executed and approved by both parties.
17. **SCOPE OF AGREEMENT.** This Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written Agreement. No prior agreement, covenant or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
18. **APPLICABLE LAW.** This Agreement shall be governed by the laws of the State of New Mexico.
19. **REPRESENTATION AND WARRANTIES.** The County hereby represents that is in compliance with the Americans with Disabilities Act.
20. **NON-DISCRIMINATION.** The County is an Equal Opportunity Employer.
21. **ACCESS BY CONTRACTOR.** The Contractor, through permission of the director of LCDC, may inspect the conditions under which its inmates are detained at the LCDC. Access to LCDC shall be coordinated through the Director of LCDC, the Jail Administrator, or their designee.
22. **SEVERABILITY.** Should any part of this Agreement be determined invalid or unenforceable by a court, the remainder of this Agreement shall not be affected and shall remain valid and enforceable to the fullest extent of the law.

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IN WITNESS WHEREOF, the County and the Contractor have caused this Agreement to be executed, said Agreement to become effective when signed by both parties.

Contractor – County of Curry, New Mexico

Authorized Signatory

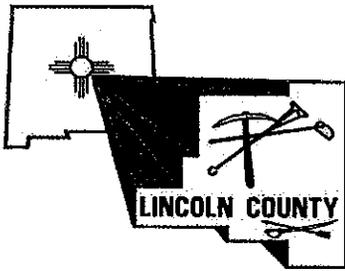
Date: _____

Printed Title of Authorized Signatory

County: The County of Lincoln

Nita Taylor
Lincoln County Manager

Date: _____



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County of Lincoln

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

Agenda Item 20

June 16, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Capitan Municipal Schools Tower Lease Agreement

Purpose: To approve lease agreement.

Discussion:

At its May 19, 2015 Commission meeting, the Commission approved the Capitan Municipal Schools' request to co-locate repeaters in County owned buildings on top of East Capitan Mountain and in the future on Carrizo Peak to ensure adequate radio coverage for school bus operations. Attached at enclosure 1 is a draft of the Agreement between the County of Lincoln and Capitan Municipal Schools.

Recommendation: Approve the Tower Lease Agreement.

AGREEMENT BETWEEN THE COUNTY OF LINCOLN

AND

CAPITAN MUNICIPAL SCHOOLS

TOWER LEASE AGREEMENT

This Tower Lease Agreement, hereinafter referred to as "Lease," is made and entered into this ___ day of ____ 2015, by and between The County of Lincoln at P. O. Box 711, Carrizozo, NM 88301, hereinafter referred to as "LANDLORD" and Capitan Municipal Schools at P. O. Box 278, Capitan, NM 88316, hereinafter referred to as "TENANT."

WITNESSETH:

1. Premises: LANDLORD hereby leases to TENANT and TENANT hereby leases from LANDLORD, space on a radio tower structure at a tower height of one-hundred twenty (120) feet and associated real property owned and operated by LANDLORD, identified as the Capitan Repeater Site at East Capitan Mountain, hereinafter referred to as "Leased Premises." Said Leased Premises being located at East Capitan Mountain, County of Lincoln, State of New Mexico.

2. Communications Equipment: LANDLORD hereby grants permission to TENANT to install and operate the following and associated equipment on or in the Leased Premises:

1. Two (2) 100 Amp AGM Batteries
2. One (1) Kenwood TKR UHF Repeater
3. One (1) 19 inch equipment rack
4. One (1) Poly Phaser Lightning Protector
5. One (1) Duplexer
6. Cables, fuses and other items necessary for operation

- A. The use of said equipment room shall be non-exclusive to TENANT.
- B. LANDLORD's permission granted to TENANT to install and operate the equipment set forth in this paragraph shall in no way limit LANDLORD's use of the radio tower structure and associated real property.

3. Term: The primary term of this Lease shall be for five (5) years and shall commence on _____, 2015 and shall terminate on _____, 2020, unless extended

ENCL 1

by mutual agreement between the parties. LANDLORD has the unilateral right not to extend or renew this Agreement.

4. Rent: During the primary term of the Lease, as rental for the Leased Premises, TENANT will pay LANDLORD at the address designated in Paragraph 10, the annual sum of \$-0-, payable in equal monthly installments of \$-0- each, all in advance.

TENANT may not assign, transfer, or otherwise encumber its interest in the Agreement except with the prior written consent of LANDLORD, which may be withheld in the LANDLORD's sole and absolute discretion.

The addition of any equipment to the Leased Premises by TENANT shall first be approved by LANDLORD.

5. Use: TENANT will abide by all local, State and Federal Laws and obtain all permits and licenses necessary to operate its system. TENANT shall use the Leased Premises for no other purpose, without the prior written consent of LANDLORD.

6. Access: LANDLORD agrees that during the term of this Lease or its extensions as hereinafter provided, TENANT shall have reasonable ingress and egress on a 24-hour basis to the Leased Premises for the purposes of maintenance, installation, repair and removal of said Communications Equipment. It is agreed, however, that only authorized engineers or employees of TENANT, or person under TENANT's direct supervision, will be permitted to enter the said Leased Premises to install remove and/or repair TENANT's Communications Equipment. TENANT is responsible for the cost of all such activities.

7. Utilities/Internet: LANDLORD will pay charges for electricity and supply internet access. TENANT shall be solely responsible for and promptly pay all charges for telephone and any other utility used or consumed by TENANT on the Leased Premises. TENANT and the Utility Company providing services to TENANT shall have access to all areas of the Leased Premises necessary for installation, maintenance, and/or repair of such services.

8. Extensions: Five (5) year extensions of this Lease may be granted to TENANT unless LANDLORD or TENANT elect to terminate this Lease by giving written notice to the other of its intention to terminate during the last six (6) months of the first five year term or any extension thereof, but in no event shall such notice be less than ninety (90) days prior to the expiration of any such term.

9. Holding Over: If TENANT should remain in possession of the Leased Premises after the expiration of the primary term or any extension of this Lease, without the exercise of an option or the execution by LANDLORD and TENANT of a new Lease, then TENANT shall be deemed to be occupying the Leased Premises as a tenant-at-sufferance on a month-to-month basis, subject to all the covenants and obligations of this Lease. In the event the TENANT becomes a tenant-at-sufferance on a month-to-month basis, such tenancy shall be subject to termination by LANDLORD, by LANDLORD providing TENANT with thirty (30) days written notice of such termination.

10. Notice: Any notice shall be in writing and shall be delivered by hand or sent by United States Registered or Certified Mail, postage prepaid addressed as follows:

Landlord: COUNTY OF LINCOLN
P.O. Box 711
Carrizozo, NM 88301
Telephone: (575) 648-2385

Tenant: CAPITAN MUNICIPAL SCHOOLS
P.O. Box 278
Capitan, NM 88316
Telephone: (575) 354-8500

Copy: Alan P. Morel
Alan P. Morel, P.A.
P.O. Box 1030
Ruidoso, NM 88355
Telephone: (575) 257-3556
Counsel for the County of Lincoln

The LANDLORD hereto may change its address to which said notice shall be delivered or mailed by giving notice of such change as provided above. Notice shall be deemed given when delivered (if delivered by hand) or when postmarked (if sent properly by mail).

11. Liability and Indemnity: TENANT agrees to indemnify and save the LANDLORD harmless from all claims (including costs and expenses of defending against such claims) arising or alleged to arise from the negligence or willful misconduct of TENANT or TENANT's agents, employees or contractors occurring during the term of this Lease or any extensions in or about the Leased Premises. TENANT agrees to use and occupy the Leased Premises at its own risk and hereby releases LANDLORD, its agents and employees, from all claims for any damage or injury brought on by TENANT to the full extent permitted by law. LANDLORD in turn agrees to indemnify and save TENANT harmless from all claims (including cost and expenses of defending against such claims) arising or alleged to arise from the negligence or willful misconduct of LANDLORD and LANDLORD's agents, employees, contractors or other tenants of LANDLORD occurring during the term of this Lease.

12. Termination: TENANT shall have the right to terminate this Lease at any time upon any of the following events:

A. Upon providing LANDLORD six (6) months written notice.

B. If the approval of any agency, board, court, or other governmental authority necessary for the construction and/or operation of the Communications Equipment cannot be obtained, or is revoked if TENANT determines the cost of obtaining or retaining such approval is prohibitive.

C. If TENANT determines that the property is not appropriate for locating its Communications Equipment for technological reasons, including but not limited to, signal interference.

TENANT will give LANDLORD thirty (30) days written notice of termination of this Lease under the terms of this Paragraph number 12 sections (B) and (C). Upon termination, neither party will owe any further obligation under the terms of this Lease, except for TENANT's responsibility of removing all of its Communications Equipment from the Leased Premises and restoring the areas occupied by TENANT to as near as practicable to its original condition, save and except normal wear and tear and acts beyond TENANT's control.

13. Defaults and Remedies: Notwithstanding anything in the Lease to the contrary, TENANT shall not be in default under this Lease until:

A. In the case of any default, thirty (30) days after receipt of written notice thereof from LANDLORD.

In the event of TENANT's failure to comply with any other material provision of this Lease, LANDLORD may, at its option, terminate this Lease, and any other damages to which the LANDLORD may be entitled. Should LANDLORD be entitled to collect damages and be forced to do so through its attorney, or by other legal procedures, LANDLORD shall, upon receipt of a favorable ruling, be entitled to its reasonable costs and attorney fees thereby incurred upon said collection.

14. Insurance: TENANT shall, at its expense, maintain in force during the term of this Lease, a combined single limit policy of bodily injury and property damage insurance, with a limit of not less than \$1,025,000.00 as provided for in Section 41-4-1, et. seq. NMSA, 1978 insuring LANDLORD and TENANT against all liability arising out of the use, occupancy, or maintenance of the Leased Premises and appurtenant areas, which policy shall be endorsed as a primary insurance as to LANDLORD.

15. Assignment and Subletting: TENANT may not assign or sublet the Leased Premises or any part thereof without written approval which LANDLORD has the right to deny. In the event the Leased Premises are assigned or sublet, the transferee shall be required to abide by the terms and conditions of this Lease Agreement or any extension or renewal thereof. TENANT shall remain liable for fulfillment of payments under this Lease and the nature of the use of the Leased Premises.

16. Other Conditions:

A. Whenever under the Lease the consent or approval of either party is required or a determination must be made by either party, no such consent or approval shall be unreasonably withheld or delayed, and all such determinations shall be made on a reasonable basis and in a reasonable manner.

B. LANDLORD covenants that the TENANT shall, upon observing the other covenants and conditions herein upon its part to be observed, peaceably and quietly hold and enjoy the Leased Premises during the term of this Lease or as it may be extended without hindrance, ejection or molestation by the LANDLORD, any person or persons claiming under the Landlord or any other tenant of the LANDLORD.

C. LANDLORD assumes no responsibility for the license, operation and/or maintenance of TENANT's antenna.

D. TENANT covenants and agrees that TENANT Communications Equipment, its installation, operation and maintenance will:

(1) Not irreparably damage the radio tower structure and accessories thereto. If TENANT does damage LANDLORD's premises or equipment for any reason, TENANT will at TENANT's expense repair and restore LANDLORD's tower and/or equipment to its prior condition.

(2) Not interfere with the operation of existing tenants' television transmit & receive equipment and/or radio equipment or the radio equipment of other tenants on said tower. In the event there is interference by Tenant, Tenant will promptly take all steps necessary to correct and eliminate same within a reasonable period of time. If tenant is unable to eliminate such interference within ten (10) days, Tenant shall contact Landlord in order to determine whether or not Tenant needs to remove its antenna from Landlord's property and whether or not this agreement shall terminate.

(3) Comply with all applicable rules and regulations of the Federal Communications Commission and electrical codes of the City and/or State concerned.

E. If the tower erected by LANDLORD located on said Leased Premises is damaged through no fault of TENANT so as to render it substantially unusable for TENANT's use, rent shall abate for such period not in excess of ninety (90) days while LANDLORD, at its option and expense, restores the tower to its condition prior to such damage. Provided however, in the event LANDLORD fails to repair the tower within said ninety (90) day period, TENANT shall have the right to terminate this Lease with no further obligations hereunder. LANDLORD shall be responsible for repairing any damage to the fence on the Leased Premises unless caused by TENANT, its agents or employees, and TENANT shall be responsible for repairing any

damage to any buildings or equipment it places on the Leased Premises. TENANT shall be responsible for any damages to the tower caused by TENANT.

F. TENANT shall not change the frequency, power or character of its equipment without first obtaining the written consent of LANDLORD.

G. In the event that any government or other public body shall take all or such part of the Leased Premises thereby making it physically or financially infeasible for the Leased Premises to be used in the manner it was intended to be used by this Agreement, then TENANT shall have the right to terminate this Lease effective as of the date of the taking by the condemning party.

17. Applicable Law: This Agreement shall be construed and enforced in accordance with the laws of the COUNTY OF LINCOLN, and the State of New Mexico.

18. Entire Agreement and Binding Effect: This Lease and any attached exhibits signed or initialed by the parties constitute the entire Agreement between LANDLORD and TENANT; no prior written or prior contemporaneous or subsequent oral promises or representations shall be binding. This Lease shall not be amended or changed except by written instrument signed by both parties hereto. Paragraph captions herein are for convenience only, and neither limit nor amplify the provisions of this Lease. The provisions of this Lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties, but this provision shall in no way alter the restriction hereon in connection with assignment by TENANT.

19. Environmental Contamination: TENANT agrees to indemnify and hold harmless LANDLORD, its successors or assigns, from any and all claims, actions, causes of action, demands, rights, damages, costs, and expenses, including claims for contribution, which TENANT now has or which hereinafter may accrue on account of or in any way growing out of the environmental contamination of the Leased Premises or any surrounding properties which may have suffered contamination as a result of TENANT's activities on the Leased Premises. Responsibility for cleanup of any environmental contamination to the Leased Premises caused by TENANT shall remain with TENANT and shall not transfer to LANDLORD, its successors and assigns.

20. Interference

(a) Notwithstanding anything in this Agreement to the contrary, it is expressly understood and agreed that if the installation or operation of TENANT's Equipment shall interfere:

(i) with other radio communication systems and equipment installed prior to the Commencement Date of this Agreement, TENANT shall upon request (verbal or otherwise) immediately suspend its operations (except for intermittent testing) and do whatever LANDLORD deems reasonably necessary to eliminate or remedy such interference. If it is determined that such interference cannot be rectified, then either party may, at its option, terminate this Agreement upon thirty (30) days prior written notice to the other, whereupon TENANT shall remove the Equipment at its sole cost and expense.

(ii) with any other radio communications systems and equipment installed at the Site after the Commencement Date of this Agreement, TENANT shall cooperate fully with LANDLORD and any future tenant or licensee injured by TENANT's interference ("Future Party") to remedy the interference. TENANT shall do whatever LANDLORD deems reasonably necessary to cure such interference, provided, however, that all costs related to remedying such interference shall be the responsibility of the Future Party, unless such interference is due to failure, defects or deficiencies in TENANT's system, equipment, or installation.

(b) TENANT hereby acknowledges that LANDLORD has licensed and/or leased, and will continue to license and/or lease, space at and upon the Site to third parties for the installation and operation of radio communication facilities. LANDLORD accepts this Agreement with this knowledge and waives any and all claims against LANDLORD resulting from or attributable to interference caused by present or future equipment, facilities or methods of operation employed by LANDLORD in its business upon the Site. TENANT also waives any and all claims against LANDLORD arising from interference resulting to TENANT by virtue of equipment, facilities or operations employed by any other licensee or tenant of LANDLORD in its business upon the Site. In the event that any such interference occurs that materially interferes with TENANT's utilization of the Site, TENANT, at its sole remedy, in lieu of any and all other remedies at law, or in equity, may terminate this Agreement at any time thereafter by giving LANDLORD thirty (30) days' prior written notice to that effect, and such termination shall be effective at the end of such thirty (30) day period, provided, however, that such termination will not be effective if LANDLORD eliminates such interference within thirty (30) days of TENANT's termination notice. TENANT shall pay LANDLORD any fees due for the period up to the termination of this Agreement. Any advance payments for periods after the termination of this Agreement will be reimbursed to TENANT.

SIGNATURES TO FOLLOW

IN WITNESS WHEREOF, LANDLORD and TENANT have executed this Lease Agreement as of the date and year first above written.

LANDLORD:

TENANT:

COUNTY OF LINCOLN

CAPITAN MUNICIPAL SCHOOLS

By:
Its: Manager

By:
Its:

By: _____

By: _____

Nita Taylor, Manager

Name & Title:

THE STATE OF NEW MEXICO)
)
COUNTY OF LINCOLN)

On this the _____ day of _____, 2015, before me personally appeared _____, to me personally known, who, being by me duly sworn did say that she is the Manager of THE COUNTY OF LINCOLN and that said instrument was signed and sealed on behalf of said company by authority of its Board of Commissioners, and said Manager acknowledged said instrument to be the free act and deed of THE COUNTY OF LINCOLN.

NOTARY PUBLIC

My Commission Expires:

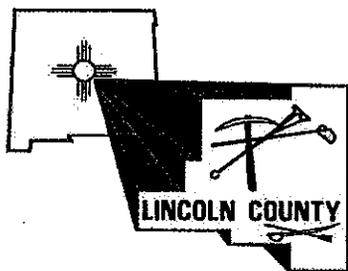
THE STATE OF NEW MEXICO)
)
COUNTY OF LINCOLN)

On this the _____ day of _____, 2015, before me personally appeared _____, to me personally known, who, being by me duly sworn did say that (s)he is the _____ of CAPITAN MUNICIPAL SCHOOLS, and that said instrument was signed and sealed on behalf of said company by authority of its Board of _____, and said _____ acknowledged said instrument to be the free act and deed of said CAPITAN MUNICIPAL SCHOOLS.

NOTARY PUBLIC

My Commission Expires:

DRAFT



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County of Lincoln

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

Agenda Item 21

June 16, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Bid Award 14-15-010 Resurface Old Fort Stanton Road

Purpose: To consider four bids.

Discussion:

On June 9, 2015 bids were opened for Resurfacing Old Fort Stanton Road 14-15-010. There were four bids received and have met the requirements. At enclosure 1 is a comparative bid sheet of the bids received for your review.

Mesa Verde Enterprises, Inc.	\$160,200.00
MP Chavez Enterprises, Inc.	\$151,764.00
Renegade Construction, LLC	\$165,320.00
Star Paving Company	\$245,006.40

Recommendation: MP Chavez, Enterprises, Inc. for the low bid of \$151,764.00.

COUNTY OF LINCOLN
Bid 14-15-010

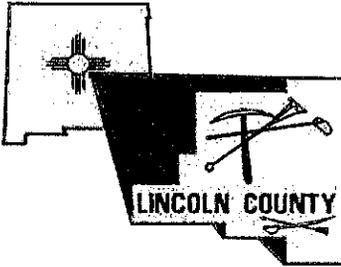
Due: June 9, 2015

Resurface Old Fort Stanton Road
COMPARATIVE BID SHEET

Item No.	Description	Co. Name Mesa Verde Enterprises, Inc.	Co. Name MP Chavez Enterprises, Inc.	Co. Name Renegade Construction LLC	Co. Name Star Paving Company	Co. Name	Co. Name
1.	Resurface Old Fort Stanton Road	\$160,200.00	\$151,764.00	\$165,320.00	\$245,006.40		
2.	Contractor's License No.	2967	376851	92228	23947		
3.	DOL Registration No.	0147342010626	1754820150527	002459220120530	002272820110706		
4.	NM Resident Preference No.	L0080881616	No	L0999692240	L0125597648		
5.	NM Resident Veterans Preference Certificate	NO	No	NO	NO		
6.	Bid Bonds Incl.	Yes	Yes	Yes	Yes		

Recorded by: Orlando Samora

Date:



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County of Lincoln

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AGENDA Item No. 22

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Preliminary Infrastructure Capital Improvement Plan

Discussion: The Infrastructure Capital Improvement Plan is continually evolving as current projects sometimes remain on the list until completion while new projects are identified as existing buildings and equipment age or become obsolete, or circumstances require additional infrastructure. Normally, the starting point of a new fiscal year ICIP is the prior year's ICIP with updates. See **Enclosure 1** for the FY2017 – 2021 ICIP updated to reflect the recent awards sent to the Governor for approval. See **Enclosure 2** for the total awards in the County, including municipalities, solid waste authority, ENMU and State Monuments' awards to Ft. Stanton and Lincoln. The total for the County is \$2,355,810; the total for the State is \$295,033,450.

For this preliminary look at the FY 2017 – 2021 ICIP, Manager's Staff and Public Officials met in early June to identify additional, as well as new IPRA Projects:

1. New Hondo Fire Station
2. Expand White Oaks Fire Station
3. Expand Detention Center
4. New Horizons
5. ADA Upgrades to Sr. Centers
6. ADA Upgrades to Parking Lots (handicapped)
7. Sidewalk in front of Courthouse
8. Heating / Cooling Unit for Ruidoso Health Center
9. Vehicles for Sheriff's Dept.
10. Vehicles & Equipment for Road Dept.
11. Fleet Manager Software

We are in the process of identifying total project costs, and developing a prioritization to present to the Commission at its July Meeting. Final approval of the ICIP will be scheduled for the August 18th Commission meeting, to meet the timeline of September 2nd for submission to the State.

Recommendation: Review proposals and direct staff with additional needs and prioritization preferences.

Infrastructure Capital Improvement Plan FY 2017-2021

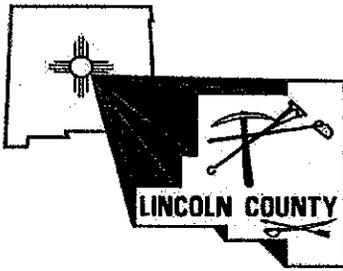
Lincoln County
Project Summary

ID	YEAR	RANK	PROJECT TITLE	CATEGORY	FUNDED TO DATE	2015 SPECIAL SESSION	2017	2018	2019	2020	2021	TOTAL PROJECT COST	AMOUNT NOT YET FUNDED	PHASES?
27104	2016	001	New Hondo Fire Station	Fire	25,000	210,000	275,000	0	0	0	0	300,000	65,000	No
23877	2016	002	Expand White Oaks Fire Station	Fire	20,000	25,000	230,000	0	0	0	0	250,000	205,000	No
28733	2016	003	Expand Detention Center	Domestic Violence Facilities	163,000	0	537,000	0	0	0	0	700,000	537,000	No
24125	2016	004	New Road Yard	Adm/Service Facilities (local)	0	0	560,000	0	0	0	0	560,000	560,000	No
29713	2016	005	Carrizozo Health Center Renovations	Health-Related Cap Infra	0	70,810	500,000	500,000	500,000	0	0	1,500,000	1,429,190	Yes
24124	2017	001	Improve Fairgrounds	Convention Facilities	0	0	0	120,000	0	0	0	120,000	120,000	No
29037	2017	002	Water Crossings At Fairgrounds	Public Safety Equipment/Bldgs	0	0	0	700,000	0	0	0	700,000	700,000	No
28949	2017	003	Live Fire Training Facility	Fire	0	0	0	700,000	0	0	0	700,000	700,000	No
10779	2018	001	Fire Station Water Holding Tanks	Fire	0	0	0	0	30,000	0	0	30,000	30,000	No
27264	2018	002	Glencoe Bridge	Hiways/Roads/Streets/Bridges	0	0	0	0	100,000	0	0	100,000	100,000	No

Number of Projects: 10
 Funded to date: 208,000
 Year 1: 305,810
 Year 2: 2,104,017
 Total Project Cost: 4,960,000
 Total Not Yet Funded: 4,446,190

2015 CAPITAL OUTLAY PROPOSAL SENT TO GOVERNOR

1 Capitan Depot Historic Museum	\$80,000	
2 Capitan Water Meters & GIS System	\$65,000	
3 Capitan Water Storage Tanks	\$105,000	\$250,000
4 Carrizozo Sewer Line	\$113,500	\$113,500
5 Corona PSD Activity Vehicle	\$25,000	
6 Corona Sidewalk Improvement / Main Street Hwy 54	\$45,000	
7 Corona Sloan Simpson Park	\$20,000	
8 Corona Streets Improve	\$25,000	\$115,000
9 ENMU - Ruidoso Trades Program - Instructional Space	\$600,000	\$600,000
10 Ft. Stanton Historic Site Barracks & Exhibit	\$40,000	
11 Ft. Stanton Veteran Cemetery Access Road	\$500,000	\$540,000
12 GSWA - Trailer	\$40,000	\$40,000
13 Lincoln - Historic Site Building Windows / Doors	\$20,000	\$20,000
14 Lincoln County - Hondo Fire Station	\$210,000	
15 Lincoln County - New Horizons Residential Care Facility	\$70,810	
16 Lincoln County - White Oaks Fire Station Expansion	\$25,000	\$305,810
17 Ruidos Downs Agua Fria PH2 Sewer System Improvement	\$100,000	
18 Ruidoso Downs City Hall Roof Replace	\$86,500	\$186,500
19 Ruidoso / Ft. Stanton Water System Improvement	\$150,000	
20 Ruidoso Police Department Generator	\$35,000	\$185,000
	\$2,355,810	\$2,355,810



County of Lincoln

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Agenda Item 23

June 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Auction County Assets on Public Surplus

Purpose: To obtain approval to Auction County Assets on Public Surplus website and Approve Resolution 2014-46

Discussion:

Approval is sought to auction County Assets on Public Surplus website

DESCRIPTION	AGENCY	SERIAL NUMBER	INVENTORY#
FILE CABINET/PLAN HOLDER	RURAL ADDRESSING	NONE	8703414
DRAFTING TABLE	RURAL ADDRESSING	NONE	8703055
DELL COMPUTER	SHERIFF	6G2R2F1	8704364
DVD SECURITY CAMERA	HOMELAND SECURITY	EDVR9D1V-NA-002GR	8704405
GATEWAY COMPUTER	SHERIFF	0031921146	8703610
HP COMPAQ COMPUTER	SHERIFF	MXL21208J8	8705907
EPSON PRINTER/FAX	NOGAL FIRE	QX2Y120857	8706151
MEDICAL EQUIPMENT STAND	RURAL HEALTH	5200-60	8703799
GATEWAY COMPUTER	SHERIFF	0035440330	8703929
GATEWAY COMPUTER	SHERIFF	0017583852	8702399
GATEWAY COMPUTER	SHERIFF	0031921147	8703611
GATEWAY COMPUTER	SHERIFF	0027549774	8703182
DELL COMPUTER	SHERIFF	GJ9HWH1	8704621
DELL COMPUTER	SHERIFF	DC96TH1	8704626
DELL COMPUTER	SHERIFF	HZ26TH1	8704625
DELL COMPUTER	SHERIFF	HG96TH1	8704628
DELL COMPUTER	SHERIFF	8J9HWH1	8704620
DELL COMPUTER	RE-APPRAISAL	C2GJXH1	8704632
HP COMPAQ COMPUTER	SHERIFF	MXL21208H7	8705909
DELL COMPUTER	SHERIFF	D2GJXH1	8704631
ELECTRIC HOT FOOD UNIT	SENIOR CITIZENS	NONE	8702385
4 DRAWER LETTER FILE	SHERIFF	NONE	6801225
4 DRAWER LETTER FILE	SHERIFF	NONE	6900449
4 DRAWER LETTER FILE	SHERIFF	NONE	7401909
3 DRAWER LEGAL FILE	SHERIFF	NONE	5900168
3 DRAWER LEGAL FILE	SHERIFF	NONE	5900169

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

HP OFFICEJET PRINTER	TREASURER	CB815A	8705392
GATEWAY COMPUTER	SHERIFF	0031921146	8703610
GATEWAY COMPUTER	NOGAL FIRE	0036772136	8704058
HP COMPUTER	RURAL ADDRESSING	SMXL9290TBS	1-1196
8 2 DRAWER FILE CABINETS	SHERIFF	NONE	NONE
2003 FORD EXPEDITION	SHERIFF	1FMPU16L43LB79586	8703417

Recommendation: Approve the listed property for reporting to the State Auditor and DFA, request at least three elected officials to review the actual property to be auctioned on Public Surplus website, and approve Resolution 2014-46.

RESOLUTION NO. 2014-46

APPROVAL OF DISPOSTION OF SURPLUS INVENTORY VIA ONLINE AUCTION

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on June 23, 2015 did review the listed surplus inventory that is recommended for disposal via online auction, and

WHEREAS, none of the items listed are expected to sell for over \$5,000, and

WHEREAS, the computer hard drives will be removed and destroyed prior to sale, and

WHEREAS, county logos will be removed from all vehicles prior to sale

DESCRIPTION	AGENCY	SERIAL NUMBER	INVENTORY#
FILE CABINET/PLAN HOLDER	RURAL ADDRESSING	NONE	8703414
DRAFTING TABLE	RURAL ADDRESSING	NONE	8703055
DELL COMPUTER	SHERIFF	6G2R2F1	8704364
DVD SECURITY CAMERA	HOMELAND SECURITY	EDVR9D1V-NA-002GR	8704405
GATEWAY COMPUTER	SHERIFF	0031921146	8703610
HP COMPAQ COMPUTER	SHERIFF	MXL21208J8	8705907
EPSON PRINTER/FAX	NOGAL FIRE	QX2Y120857	8706151
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GATEWAY COMPUTER	SHERIFF	0031921147	8703611
GATEWAY COMPUTER	SHERIFF	0027549774	8703182
DELL COMPUTER	SHERIFF	GJ9HWH1	8704621
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DELL COMPUTER	SHERIFF	HG96TH1	8704628
DELL COMPUTER	SHERIFF	8J9HWH1	8704620
DELL COMPUTER	RE-APPRAISAL	C2GJXH1	8704632
HP COMPAQ COMPUTER	SHERIFF	MXL21208H7	8705909
DELL COMPUTER	SHERIFF	D2GJXH1	8704631
ELECTRIC HOT FOOD UNIT	SENIOR CITIZENS	NONE	8702385
4 DRAWER LETTER FILE	SHERIFF	NONE	6801225
4 DRAWER LETTER FILE	SHERIFF	NONE	6900449
4 DRAWER LETTER FILE	SHERIFF	NONE	7401909
3 DRAWER LEGAL FILE	SHERIFF	NONE	5900168
3 DRAWER LEGAL FILE	SHERIFF	NONE	5900169
HP OFFICEJET PRINTER	TREASURER	CB815A	8705392
GATEWAY COMPUTER	SHERIFF	0031921146	8703610
GATEWAY COMPUTER	NOGAL FIRE	0036772136	8704058
HP COMPUTER	RURAL ADDRESSING	SMXL9290TBS	I-1196
8 2 DRAWER FILE CABINETS	SHERIFF	NONE	NONE
2003 FORD EXPEDITION	SHERIFF	1FMPU16L43LB79586	8703417

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

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2015.

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

Preston Stone, Chairman

Tom Stewart, Member

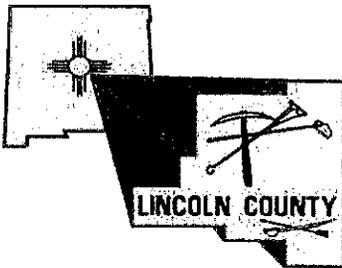
Dallas Draper, Vice Chair

Attest:

Elaine Allen, Member

Rhonda Burrows, County Clerk

Lynn Willard, Member



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County of Lincoln

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AGENDA ITEM NO. 24

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Appeal of Lincoln Historic Board Decision

Purpose: Public Hearing Regarding Two Appeals of Lincoln Historic Board Decisions

Discussion:

The Lincoln Historic Board on January 15, 2015 denied the Dickinson Gallery/Northside Pizza's request to display a Pizza flag in the Lincoln Historic Preservation District. See **Enclosure 1** for Appeal Packet containing all required appeal material, prepared by Mr. Morel.

The Lincoln Historic Board on May 21, 2015 denied Randy & Ronda Dougherty's request to display an Open flag in the Lincoln Historic Preservation District. See **Enclosure 2** for Appeal Packet containing all required appeal material, prepared by Mr. Morel

Recommendation: Take action based on information and material presented.

County of Lincoln
105 Kansas City Road
Ruidoso, New Mexico 88345
505-258-5934

Application for Construction, Alteration, or Demolition
of Structure in Lincoln Historic District

The Lincoln Historic Preservation Board has been designed, by the authority of Lincoln County Ordinance, to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District, and shall have the authority to approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to the public view from U.S. Highway 380.

The property owner shall submit with this application six (6) legible sets of plans to the County Manager's office, along with a copy of the building permit, if required, issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico (telephone 505-827-7030). The plans shall be reviewed by the County Manager's Office and five (5) sets thereof shall be forwarded to the Historic Preservation Board seven (7) days prior to the regularly scheduled meetings. Plans shall be drawn to scale with the size scale identified thereon. Architectural drawings are not required, but are recommended.

Date 12/21/2014

Name(s) of applicant Lille Wilkinson & Sarah Dockery

Mailing Address P.O. Box 127 City Lincoln

State NM Zip 88539 Phone (575) 653-4621

Property Address 1311 Calle la Placita

Property Legal Description ? Highway 380

Historic landmark? Yes No

Type of project Alteration to existing Demolition New Construction
 Restoration/Rehabilitation Other (fencing signage)

Specific Request Asking for a variance to have a 3'x5' six flag white, green, red colors with the word Pizza printed in black.

Applicant's statement of the proposed project: (Please be specific and attach sheet if space is inadequate.)
This flag will hang out side over the Wilkinson gallery sign from Lincoln Hotel building

Application for Alteration Construction, Restoration, or Demolition
of Structure in Lincoln Historic District - Page 2

Name and address of applicant and/or agent for project, if any
Cille Dickinson and Sarah Doherty
1259 Calle La Placita Lincoln, N.M. 88338

Please attach a copy of the building permit issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico, for this project.

Please attach the following: Plot plan Elevation(s) Photograph(s) (not Polaroids)
Indicate thereon the proposed alterations or additions.

Please provide and attach color samples.

If signs are proposed, indicate material, size, method of attachment, and intended placement position:

6x6' in metal flag holder, to be hung above Dickinson Gallery sign. Will be hung flag to meeting!

Estimated time frame for project: Has been hanging

I hereby agree that all work will comply with approved plans.

Applicant's Signature: Cille Dickinson Sarah Doherty

BELOW THIS LINE FOR ADMINISTRATIVE USE ONLY

Date application received: DEC 11 2014

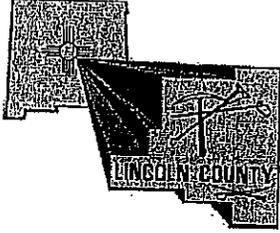
Board action taken: BY: Approved Approved with conditions Denied Withdrawn

Notes on conditions: 1) Flag does not meet sign requirements - colors, fonts.
2) Board unsure about flags being covered under sign rules - will ask for special meeting to discuss & seek Alan's advice on the issue. 3) not present at meeting to discuss further.

Lincoln Historic Preservation Board

By: M. Boratto

Date: 1/15/15



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a regular board meeting on Thursday, January 15th, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
November 20th, 2014 Regular Meeting
- IV. NEW BUSINESS
 1. Election of Chair, Vice-Chair, Secretary
 2. Business sign request – Cille Dickinson & Sarah Dockery
- V. OLD BUSINESS
 1. None
- VII. CORRESPONDENCE
- VIII. REPORT – SITE VISIT BY BOARD (IF APPROPRIATE)
- IX. MONTHLY REPORTS ON PENDING ITEMS APPROVED & UNDERWAY
 1. None
- IX. ITEMS FOR DISCUSSION – No action will be taken.
- X. ADJOURN

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

Lincoln Historic Preservation Board

January 15, 2015

Call to Order: Bill Strauser called the meeting to order at 7:05 PM

Roll Call: LM Smith, Ginger Moore, Bill Strauser, Melissa Boutte, Lee Abbott. Also present: Beverly Strauser, Samantha Mendez, County Ordinance Administrator.

Approval of minutes November 20, 2014 regular meeting: G Moore moved to approve the minutes as stated, LM seconded. Motion passed 5-0.

New Business

Election of officers – LM recognizes new board member Lee Abbott. G Moore nominated LM Smith as chair, M Boutte seconded. Motion passed 5 – 0. LM nominated G Moore as vice chair, M Boutte seconded. Motion passed 5-0. LM Smith nominated Lee Abbott, who declined the nomination. G Moore nominated Bill Strauser who also declined. G Moore nominated M Boutte, LM seconded. Motion passed 5-0.

Business sign request – Cille Dickenson and Sarah Dockery. Ginger asked Samantha if a letter was sent to them and Samantha said there was a letter sent regarding the flag. Bill noted in the ordinance the type of signs allowed, which does not include flags. Ginger asked to clarify whether a variance is being sought, which is what the application states. Bill noted that other flags had been put up around Lincoln and had been taken down. Everyone recognized that American flags are OK. M Boutte asked if it is not allowed even if the flag comes down every evening. Ginger noted in the ordinance page 651 it states anything erected temporarily or permanently. M Boutte says that without flags it is hard for tourists to realize anything is open in Lincoln. M Boutte also noted that there are other flags that will need to be addressed. Lee Abbott asked about the Art Loop flags, which are OK. G Moore asked if this should be tabled until the next meeting and LM said not to table it. There is concern that if one flag is allowed, that would open the door to lots of flags and if they have to take it down, it should be applied fairly to everyone in town with a flag. G Moore motioned to deny the application as presented. B Strauser seconded. Motion passed 5 – 0.

Old Business: None

Correspondence: Note from Gerard stating no progress to report.

Monthly Reports on Pending Items Approved and Underway: None

Items for Discussion – No action will be taken: None

Adjourn: B Strauser moved to adjourn the meeting at 7:30, Lee Abbott seconded. Motion passed 5 – 0.

Respectfully submitted,

Melissa Boutte, Secretary

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

March 10, 2015

Bill Strauser, Chair
Lincoln Historic Preservation Board
P. O. Box 197
Lincoln, NM 88338

Re: Authorization to fly flags within the Lincoln Historic District

Dear Mr. Strauser:

I have been asked to render an opinion regarding the ability of the County of Lincoln to regulate the flying of flags within the Lincoln Historic Preservation District. The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled "Statement of the Board's Powers and Duties" provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled "Definitions" as it applies to this issue, states:

C: "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. "Exterior Appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels."

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

The Miriam Webster definition of a sign is:

"A display (as a lettered board or a configuration of neon tubing) used to identify or advertise a place of business or a product.

The Miriam Webster definition of a flag is:

"A rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation), as a signaling device, or as a decoration. Something used like a flag to signal or attract attention."

The best definition of a sign that includes flags that I have found is as follows:

"Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information."

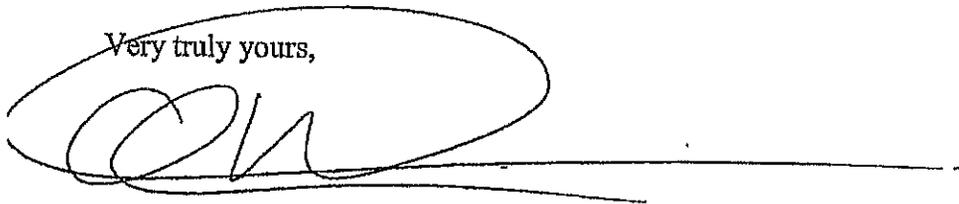
It would appear that flags are equated to a cloth sign and as such are clearly regulated within the District.

It is my recommendation that the Lincoln Historic Preservation Board hold a special meeting, after public notice, to address what types of cloth signs would be permissible within the District. My office is obtaining definitions of signs from other historic districts throughout the country which will be provided to the Board for consideration at a special meeting called to address this issue. Unfortunately, I will be out of the state during the next regularly scheduled Lincoln Historic Preservation Board meeting March 19, 2015; however, I am available the evenings of March 26 and March 27. I am hopeful that by working with the Board and the public that is interested in this matter, we can develop a set of guidelines that can be utilized to address this issue.

It is further my recommendation that all enforcement actions relating to flags within the Lincoln Historic Preservation District be stayed until such time as the Board can arrive at standards to address this issue. If the Board is unable to agree upon standards to be utilized to approve of cloth signs within the District, my recommendation would be to place this matter on a regularly scheduled Board of County Commission agenda for further direction from the Commission. I am confident that the Board as well as the interested public can arrive at a satisfactory resolution of this matter.

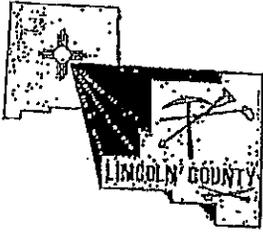
Please further consider this correspondence as my effort as the attorney for the County of Lincoln to meet with applicants as well as the Board to mediate a resolution prior to any requirement to appeal any decision to the Board of County Commissioners of the County of Lincoln pursuant to the Lincoln Historic Preservation Ordinance 2004-05, Section 9, subparagraph A.

Very truly yours,



Alan P. Morel, P.A.
APM/sh

C: Nita Taylor, Manager, County of Lincoln
Curt Temple, Planning Director, County of Lincoln
Ginger Moore
Rhonda Dougherty
Cille Dickinson
Jon Amastae



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a workshop board meeting on Thursday, March 26th, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

WORKSHOP AGENDA

- I. CALL TO ORDER
- II. WORKSHOP ITEMS
 1. Discussion on treating informational flags as signs
 2. Discussion on the application process for flag
- III. ADJOURN

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

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

MEMO

Date: March 26, 2015
To: Lincoln Historic Preservation Board
From: Alan P. Morel, P.A.
Re: U.S. Historic Preservation Ordinances as they relate to the definition of "signs."

Ordinances relating to Historic Districts contain a variety of definitions and/or guidance regarding regulations within an established Historic District.

Six sources relating to this search have been reviewed for consideration in the Lincoln Historic Preservation Board's discussion:

- A. Washington, North Carolina Historic District Design Guidelines (*Exhibit A*)
- B. Pennsylvania Historic District Model Ordinance for Local Governments (*Exhibit B*)
- C. Texas Historic Landmark and District Model Zoning Ordinance (*Exhibit C*)
- D. Lake Wales, Florida Historic District Ordinance Discussion (*Exhibit D*)
- E. Savannah, Georgia Historic Sign District Ordinance (*Exhibit E*)
- F. Flowery Branch, Georgia Historic District Documents
 - Georgia Historic Preservation Act (*Exhibit F-1*)
 - Flowery Branch Ordinances (*Exhibit F-2*)
 - Zoning Ordinance of City of Flowery Branch (*Exhibit F-3*)
 - Flowery Branch Certificate of Appropriateness Application (*Exhibit F-4*)
 - City of Flowery Branch Plan Submittal Route Sheet (*Exhibit F-5*)

A. Washington, NC's Chapter 4, "Streetscape and Site design" gives broad guidance regarding the use of signs in the Historic District:

"...signage in the historic district comes in all shapes and sizes. While signs serve important functions, sensitive design that complements and does not detract from historic architecture can enhance the historic district."

Those who wish to hang or display signs in Washington, NC's Historic District must apply for a Certificate of Appropriateness. Submittals must include:

“...an accurate description of the sign including size, material, and location, along with a material sample, if available. In addition to these design guidelines, signs in the historic district must meet all applicable requirements of the zoning ordinance.”

The guidelines apply to a wide definition of signs; however, in 4.4.3 of the Guidelines, signs which are not allowed include:

“Portable signs, including banners, unless otherwise specified, are not allowed.”

B. Pennsylvania’s Model Historic District Ordinance defines sign as:

“Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.”

Section 501 of the Model Ordinance states:

A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public or service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon.”

C. Texas Historic Landmark and District Model Zoning Ordinance states in Section 7:

“No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district.”

D. Lake Wales, Florida’s Historic District Regulatory Board Ordinance 2007-58 states that sign installation or alteration must be permitted through filing a Certificate of Appropriateness. Specific

guidelines and time limits for the review process of filed Certificates of Appropriateness are located in Section 23-227.3. The Section indicates that a separate Development Review Committee is formed that deals with the review process and makes recommendations to the Board. Applicants are invited to meet with the Development Review Committee during the review process. Any indicated modifications to the Certificate are suggested during the Committee review.

E. Savannah, Georgia's Historic Sign District gives clear requirements and conditions for all signs and include:
8-3121.(B)(1):

Where Review Board Approval is Required.

"Except for those signs allowed under section 8-3116, all signs within the historic sign district shall require review and approval by the historic district board of review prior to the issuance of a permit or the erection of said sign."

The District also restricts banners, pennants, pinwheels and streamers with the exceptions of flags and banners of the United States or any other political entity. Included in the restrictions list are portable, folding and similar moving signs, and signs erected on or located on any street or public right-of-way, curb, curbstone, hydrant, lamppost, trees, barricade, temporary walk, telephone, telegraph or electric light pole, other utility pole, public fence, or on a fixture of a fire alarm or police system, except public directory and information signs.

In Savannah's Historic Sign District temporary signs are also addressed.

(6)(a): Except for public information signs erected or maintained by a nonprofit organization or governmental agency or department for which a permit has been issued, no temporary sign shall be located on public property."

F. Georgia's Historic Preservation Act and Flowery Branch, Georgia's Historic District have produced several documents which may assist Lincoln, New Mexico's discussion of interpretation for the word "sign" in the context of Historic Districts.

Contained in the Georgia Historic Preservation Act's definition section 44-10-12:

(5) "Historic district means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof..."

(9) "Material change in appearance means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

(D) a change in the location of advertising visible from the public right of way on any historic property."

44-10-27 lists requirements for the need to obtain a certificate of appropriateness and 44-10-28 give procedures when reviewing certificates for Historic Preservation Commissions to follow.

Flowery Branch has created Ordinance 375 which adopts provisions for historic preservation, and Ordinance 441 which specifically adopts sign regulations in the Cotton and Railroad Historic Districts, and in the Flowery Branch Historic District. The Ordinances refer to the Zoning Ordinance for the City of Flowery Branch, GA that contains definitions for signs.

In Ordinance No. 375 the definition for sign is:

"A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, devise or communication designed or used for the purpose of identifying, announcing, directing, or informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article 24 of the Flowery Branch Zoning Ordinance. The term 'sign' includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers."

Article 24.3 of the Flowery Branch, GA Zoning Ordinances contains fifty two (52) definitions of specific types of signs. Two which are responsive to Lincoln, NM's discussion:

24.3: Flag: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a packing. For purposes of this Article, except as otherwise provided herein, a "flag" is a "sign."

24.3: Sign: A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose or identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-or-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term "sign" includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers."

Finally, Flowery Branch Ordinance No. 441 is an Ordinance which deals with sign regulation specifically within Historic Districts.

In its preamble:

"WHEREAS, the City of Flowery Branch has adopted sign regulation as a part of its zoning ordinance, but those regulations alone are not tailored to the specific needs of protecting the character of the city's historic district..."

"WHEREAS, unlike decision about signs in areas outside the Flowery Branch historic district, the erection or establishment of signs are considered a material change in appearance that require review and approval by the City of Flowery Branch Historic Preservation Commission, pursuant to Ordinance No. 375..."

Ordinance No. 441 is a 24 page document which deals with Design Requirements, Types of Signs Permitted, Review and Approval Procedures and Administration and Enforcement. Regarding definitions, Ordinance No. 441 refers to the Flowery Branch Zoning Ordinance's fifty two (52) sign definitions.

Flowery Branch's Application for a Certificate of Appropriateness is attached hereto for reference.

Conclusion:

The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled "Statement of the Board's Powers and Duties" provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled "Definitions" as it applies to this issue, states:

C: "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. "Exterior Appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels."

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

Recommendation:

Adopt Guidelines and Application for use in approving signs / flags in the Lincoln Historic Preservation District.

Lincoln Historic Preservation Board

March 26, 2015

Special Meeting Workshop

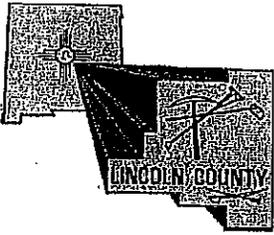
Call to Order – LM Smith called the meeting to order at 7pm.

Roll Call – LM Smith, Ginger Moore, Melissa Boutte, Lee Abbott, Bill Strauser. Also present: Elaine Allen, Jim Court, Bill Dean, Beverly Strauser, Alan Morel, Vic Garrison, Sarah Dockery, Cille Dickenson, Phoebe Taylor, Reg Richey, Herb Marsh.

Discussion on treating informational flags as signs and the application process for flags

The purpose of the special meeting was to discuss the treatment of flags as signs for use in the historic district of Lincoln. Some people felt that flags were not signs and strictly not allowed. Also discussed was the use of the US flag to denote that a business was open. Others felt that a flag is type of sign and therefore covered in the ordinance as such. No solution was put forth by the board.

Meeting was adjourned at 8:11pm.



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a regular board meeting on Thursday, April 16th, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

AGENDA

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES**
March 19th, 2015 Regular Meeting/ March 26th, 2015 Workshop Meeting
- IV. **NEW BUSINESS**
 1. Discussion of application process, and guidelines for flags as signs
 2. New house construction—Eslavio & Monica Lovato
- V. **OLD BUSINESS**
 1. New shed construction – Ron Garrett
- VII. **CORRESPONDENCE**
- VIII. **REPORT – SITE VISIT BY BOARD (IF APPROPRIATE)**
- IX. **MONTHLY REPORTS ON PENDING ITEMS APPROVED & UNDERWAY**
 1. None
- IX. **ITEMS FOR DISCUSSION – No action will be taken.**
- X. **ADJOURN**

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

Call to Order: LM Smith called the meeting to order at 7:00 p.m.

Roll Call: Ginger Moore, LM Smith, Lee Abbott, Bill Strauser. Absent: Melissa Boutte. Also present: Beverly Strauser, Samantha Mendes, County Ordinance Administrator; Phoebe Taylor, Linda Fox, Eslavio Lovato, Cille Dickinson, Alan Morel, County Attorney; Nita Taylor, County Manager.

Approval of Minutes: Lee Abbott moved to approve the minutes as stated. Bill Strauser seconded. Motion passed: 4-0.

New Business:

1. Discussion of application process, and guidelines for flags as signs:

Bill Strauser stated his support of the Ordinance guidelines for signs without any alteration. Lee Abbott supported the inclusion of flags being used as signs within the District if the flag design followed the guidelines set forth in the Ordinance. LM Smith agreed with Mr. Strauser's statement. Ginger Moore agreed with Mr. Strauser's statement. Mr. Morel's gave his view that based on the study and discussion from the Workshop on March 26th, flags should be considered signs within the Historic District.

After a general discussion including comments and questions from the audience and the Board, Linda Fox asked for clarification of the original discussion about the use of flags in the District. Her understanding was that the Board was considering whether flags could be used to designate whether a business was open - and not whether flags could be used for general advertising purposes. There was no clear consensus on this point. Ms. Fox also made the point the flags used for Art Loop are temporary (as these flags were mentioned as supporting the use of flags during the general discussion) and have been accepted for usage for special events only.

These conclusions were accepted by the Board: 1) Cille Dickinson will receive the details of the Board's denial of her application of January 15, 2015. Samantha Mendes will work with acting-Secretary Ginger Moore to do so as soon as possible. 2) Cille Dickinson will submit a new application for signage for her business within 60 days of this meeting. 3) Mr. Alan Morel will work with Ms. Samantha Mendes to send a letter to any business flying flags (excluding the U.S. flag) within the District. These businesses must apply to the Board within 60 days for permission to use their flags. 4) The Board will review the applications on the use of flags on a case by case basis following the current guidelines of the Ordinance. 5) Mr. Morel will forward Lincoln County's sign Ordinance to this Board, as signs within the Historic District must also comply with Lincoln County's Ordinance.

2. New house construction - Eslavio & Monica Lovato:

Mr. Lovato requested demolition of the current house at 9559 US Highway 380 due to the instability of the walls and foundation of the building. The house is of no historic value. Lee Abbott moved, and Ginger Moore seconded the motion to approve demolition of the building. Motion passed: 4-0.

Mr. Lovato presented a picture of the exterior features of a Cavco manufactured home he wishes to purchase and place at the same address, and in the same location as the current residence. Mrs. Lovato is handicapped, so the construction of the house will include a small ramp in the front of the house, and another ramp in the back, to provide access for her. The Board pointed out the need for the house to conform to the Ordinance regarding the style of windows, doors and exterior color. Samantha Mendes will mail a copy of the Ordinance to the Lovato's so they can comply with it's requirements as the house is built. Lee Abbott made the motion the Board accept the Lovato's application for a new building with conditions that the house comply with the window, door and color guidelines of the Ordinance. Ginger Moore seconded the motion. The motion passed: 4-0.

Old Business:

1. New shed construction - Ron Garrett:

A site visit was made prior to the meeting to the Garrett's property to confirm the new building can't be seen from the highway; and that has been confirmed. Ginger Moore moved the Garrett's application be approved. Lee Abbott seconded the motion. Motion passed: 4-0. The Garrett's will be notified of the approval to build.

Correspondence:

1. A letter dated April 7, 2015 was read by President, LM Smith. It was submitted by the Girrard family stating, "There is no progress to report."

Site Visit - None

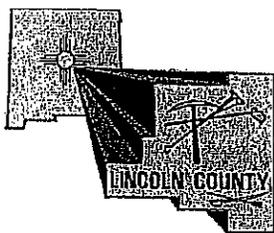
Monthly Reports on Pending Items Approved & Underway - None

Items for Discussion - No Action Will be Taken:

1. Lee Abbott inquired about the status of the Girrard property as it concerns the County. Mr. Morel explained the County has exhausted their repertoire after 10 years to get the Girrard's to clean up their property and to comply with the Ordinance on their building.

Adjourn: Ginger Moore made the motion to adjourn. Lee Abbott seconded. The meeting was adjourned by LM Smith at 8:00 pm.

Note: There is no voice record of this meeting.



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a regular board meeting on Thursday, May 21st, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

AGENDA

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES**
April 16th, 2015 Regular Meeting
- IV. **NEW BUSINESS**
 1. New sign approval—Rhonda & Randy Dougherty
- V. **OLD BUSINESS**
 1. None
- VII. **CORRESPONDENCE**
- VIII. **REPORT – SITE VISIT BY BOARD (IF APPROPRIATE)**
- IX. **MONTHLY REPORTS ON PENDING ITEMS APPROVED & UNDERWAY**
 1. None
- IX. **ITEMS FOR DISCUSSION – No action will be taken.**
- X. **ADJOURN**

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

Call to Order: LM Smith called the meeting to order at 7pm.

Roll Call: LM Smith, Bill Strauser, Melissa Boutte, Lee Abbott. Also present: Beverly Strauser, Samantha Mendez, County Ordinance Administrator, Ronda Dougherty, Linda Fox and a sheriff's deputy.

Approval of minutes April 16, 2015 regular meeting: Lee moved to approve the minutes as stated, Melissa seconded. Motion passed 4-0.

New Business

New Sign Approval – Ronda & Randy Dougherty: Ronda said that her application lays out what she is asking for. She wants to replace her current "OPEN" flag with a new one. Lee said he likes the new design and sees flags as signs under the ordinance. Bill stated that the ordinance does not cover flags, therefore he believes they are not allowed. Linda Fox noted that if every home in Lincoln became a business and decided to hang flags we would have 32 flags flying in town. See attached for her illustration and statement. Melissa noted that Ronda has had an OPEN flag flying in front of her gallery in at least 2 locations for no less than 10 years and it has never been an issue. She also stated that she believes flags are covered under the ordinance as signs and should be treated as such. Her new flag design fits rules under signs in the ordinance. LM stated that he does not believe the ordinance provides for flags and they should not be allowed. Bill motioned to table the issue until the next meeting. No second. Motion failed. Lee motioned to approve the applicants' flag. Melissa seconded. 2 yes votes and 2 no votes.

Old Business – None

Correspondence – None

Site Visits – None

Items for Discussion – No action will be taken:

Ajourn – L. Abbott moved that meeting be adjourned at 7:45pm. Lee seconded. Motion passed 4-0.

Good signage tells and shows what a business sells. Signage is already well covered in the Ordinance as to material, size, font, color and placement.
If a business is not attracting customers, perhaps its signage needs updating or tweaking. Does the sign easily show what the business has to offer?
Is advertising being done?

Setting precedents for the future is the business of this Board - please consider:

- Attracting customers for our local businesses is not the job of this Board.
- If someone says they need to use a flag or banner, it is vital to think of the future image of Lincoln.
- Do we want visitors to look down the street as they enter town and see different and distracting flags?
- Do we want to maintain the simple, uncluttered image we now have now?
- To show "I'm Open", American flags are already being used successfully in Lincoln. If it's up it's open. If it's not, they're closed.
- Why not set that as a precedent for the future image of Historic Lincoln?

Thank-you.

Linda S. Fox



Lincoln Historic Preservation
Board Meeting
May 21, 2015

Gille Dickinson and Sarah Dockery
Dickinson Gallery / NorthSide Pizza
1311 Calle la Placita
P. O. Box 127
Lincoln, NM 88338
(575) 653-4621

RECEIVED

JUN 03 2015

ADMINISTRATION
LINCOLN COUNTY NM

RECEIVED

JUN 03 2015

Lincoln County Commission
P.O. Box 711
Carrizozo, NM 88301

June 1, 2015

Dear Commissioners:

In the later part of 2014 we added a take-out pizza kitchen to the Dickinson Gallery. After a couple of weeks of slow business we replaced our American flag with a red, white and green flag with 'Pizza' printed on it.

In December of 2014 Ms. Samantha Mendez dropped by our establishment to give us a picture of our flag and Application for the Lincoln Historic District.

On December 21, 2014 we made application to the Preservation board for our flag.

On January 15, 2015 our application for our flag was denied. No reason was given by the board.

On January 30, 2015 we applied to Mr. Alan Morel, Lincoln County Attorney, for an appeal as per the procedures outlined in the Ordinance.

March 10, 2015 we received a letter from Mr. Alan Morel, outlining his recommendations to the Preservation board. The letter is addressed to Mr. Strausser of the Preservation board but no direct reply to our appeal.

March 26, 2015 at a Preservation board meeting Mr. Alan Morel provided research material into the issue of flags in a historic district. This meeting served as a workshop to discuss the issue of flags in the Lincoln Historic district. No decisions were made at this time, nor was there a mention of any appeals pending action.

During the April meeting of the Preservation board we asked for clarification as to why our flag was denied. No explanation was given during the meeting but Mr. Alan Morel assured us that we would receive a letter stating the reasoning.

April 21, 2015 Ms. Samantha Mendoza sends us 2 pages from the Ordinance.

April 22, 2015 Ms. Samantha Mendoza writes on the behalf of the Preservation board, that flags will now be addressed as signs, as outlined in the Ordinance. With receipt of this letter we were to take our flag down, but we could submit another application to the Preservation board.

We were also informed that if our flag was not taken down that the Lincoln County Sheriff's department would be contacted in order to issue us a fine.

May 14, 2015 we received from the Preservation board the initial denial letter with the reasoning supplied.

Due to other obligations we have not applied to the Preservation board again for the approval of our flag. The climate surrounding the issue of flags in the Lincoln Historic District has become fairly hostile.

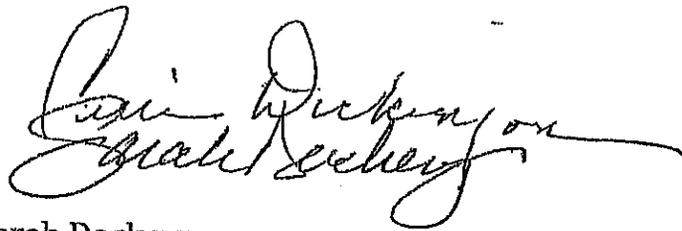
We are a small business trying to fill a need in the tourist trade in Lincoln, that being an inexpensive meal that can be taken outside to be eaten. NorthSide Pizza is located on the East end of Lincoln, not near the museums, other retail or restaurant establishments or even the natural walking tour of Lincoln. Our 'walk-in' or 'driving-by' business has increased by displaying the 'Pizza' flag and people consistently comment on how thrilled they were to see the flag. The summer season may prove different but as it stands now, our business is financially viable with flying the flag.

We write in hopes that this commission can come to a reasonable decision concerning this issue. We have been occupying our time with this matter for going on 6 months and now we are actually in the busy season. We feel that our appeal has not been handled to the letter of the Ordinance and we are concerned about our financial satiability.

Please find enclosed a photo of the flag in question plus all letters and materials reference above.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cille Dickinson" and "Sarah Dockery" on two lines, with a long horizontal flourish extending to the right.

Cille Dickinson and Sarah Dockery



County of Lincoln
105 Kansas City Road
Ruidoso, New Mexico 88345
505-258-5934

Application for Construction, Alteration, or Demolition
of Structure in Lincoln Historic District

The Lincoln Historic Preservation Board has been designed, by the authority of Lincoln County Ordinance, to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District, and shall have the authority to approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to the public view from U.S. Highway 380.

The property owner shall submit with this application six (6) legible sets of plans to the County Manager's office, along with a copy of the building permit, if required, issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico (telephone 505-827-7030). The plans shall be reviewed by the County Manager's Office and five (5) sets thereof shall be forwarded to the Historic Preservation Board seven (7) days prior to the regularly scheduled meetings. Plans shall be drawn to scale with the size scale identified thereon. Architectural drawings are not required, but are recommended.

Date 12/21/2014

Name(s) of applicant Cille Dickinson & Sarah Dockrey

Mailing Address P.O. Box 127 City Lincoln

State NM Zip 88338 Phone (505) 653-4621

Property Address 1311 Calle La Pracita

Property Legal Description ? Highway 380

Historic landmark? Yes No

Type of project Alteration to existing Demolition New Construction
 Restoration/Rehabilitation Other (fencing signage)

Specific Request Asking for a variance to hang a 3x5' six flag white, green, red colors with the word Pizza printed in black.

Applicant's statement of the proposed project: (Please be specific and attach sheet if space inadequate.)
This flag will hang out side over the Dickinson garage sign from 10:00AM until closing

Name and address of applicant and/or agent for project, if any
Cille Dickinson and Sarah Dockery
1259 Calle La Planita Lincoln, N.M. 88338

Please attach a copy of the building permit issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico, for this project.

Please attach the following: Plot plan Elevation(s) Photograph(s) (not Polaroids)
Indicate thereon the proposed alterations or additions.

Please provide and attach color samples.

If signs are proposed, indicate material, size, method of attachment, and intended placement position:

Sign, 3x6' in metal flag holder, will hang above Dickinson Gallery sign. Will bring flag to meeting!
Estimated time frame for project: Has been hanging

I hereby agree that all work will comply with approved plans.

Applicant's Signature: Cille Dickinson Sarah Dockery

HOLD THIS LINE FOR ADMINISTRATIVE USE ONLY

Date application received: _____
Board action taken: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn
<input type="checkbox"/> Notes on conditions: _____

Lincoln Historic Preservation Board
By: _____ Date: _____

12/21/14

APPLICATION FOR A VARIANCE

I am asking for a variance for the following reasons:

1. Our North Side Pizza sign is flat against the building and is very difficult to see when traffic goes 70 mph through Lincoln.
2. I feel a 3X5 foot flag will be less obtrusive than a large sign attached to the building screaming Pizza.
3. The flag has made a big improvement in sales.

Thank for your consideration.

Dele Wilkinson

Grant Jackson

Application for Alteration, Construction, Restoration, or Demolition
of Structure in Lincoln Historic District - Page 2

Name and address of applicant and/or agent for project, if any
Cille Dickinson and Sarah Decker
1259 Calle La Placita Lincoln, N.M. 88338

Please attach a copy of the building permit issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico, for this project.

Please attach the following: Plot plan Elevation(s) Photograph(s) (not Polaroids)
Indicate thereon the proposed alterations or additions.

Please provide and attach color samples.

If signs are proposed, indicate material, size, method of attachment, and intended placement position:

Six 3x5' in metal flag holder, will hang above
Dickinson Gallery sign. Will bring flag to meeting!
Estimated time frame for project: Has been hanging

I hereby agree that all work will comply with approved plans.

Applicant's Signature: Cille Dickinson Sarah Decker

BELOW THIS LINE FOR ADMINISTRATIVE USE ONLY

Date application received:	<u>DEC 9 2014</u>
Board action taken:	BY: _____ <input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <input checked="" type="checkbox"/> Denied <input type="checkbox"/> Withdrawn
<input type="checkbox"/> Notes on conditions	_____
Lincoln Historic Preservation Board	
By: <u>Melissa Booth</u>	Date: <u>1/15/15</u>

Cille Dickinson and Sarah Dockery
NorthSide Pizza/Dickinson Gallery
1311 Calle la Placita
P.O. Box 127
Lincoln, NM 88338
(575) 653 - 4621

Alan Morel, Lincoln County Attorney
c/o Lincoln County Commission
P.O. Box 711
Carrizozo, NM 88301

January 30, 2015

Mr. Morel

We are requesting an appeal to the January 15, 2015 decision of the Lincoln Historical Preservation Board. A variance was requested to allow us to hang a fabric flag outside, 1311 Calle la Placita, Dickinson Gallery / NorthSide Pizza. This request was denied.

After reading the entire Lincoln Historic Preservation Ordinance, we have realized that asking for a variance was not in order as there is no verbiage in the ordinance concerning 'flags.' In retrospect we should have just asked for approval of the flag. We believe that our flag when compared to the sign portion of the ordinance is acceptable.

V. SITE

C. SIGNS

Signs shall be limited to those painted on walls or small hanging signs no larger than twenty-four square feet.

Our flag is fifteen (15) square feet, in three (3) colors (green, red and white) and in a font that is neutral to historic or modern senses.

During the months of November and December we had several customers stop in for a pizza, saying that they saw the flag and just had to stop. Since we have stopped putting the flag out during open hours we have actually had no one stop at all; therefore, our business is suffering financially. In reference to the ordinance

X. VARIANCE

C. ECONOMIC HARDSHIP

The Board may recommend approval of plans when it finds that the applicant faces economic hardship if the plans are not approved.

we respectfully request for an alternative solution.

Sincerely,

Cille Dickinson and Sarah Dockery

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

March 10, 2015

Bill Strauser, Chair
Lincoln Historic Preservation Board
P. O. Box 197
Lincoln, NM 88338

Re: Authorization to fly flags within the Lincoln Historic District

Dear Mr. Strauser:

I have been asked to render an opinion regarding the ability of the County of Lincoln to regulate the flying of flags within the Lincoln Historic Preservation District. The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled "Statement of the Board's Powers and Duties" provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled "Definitions" as it applies to this issue, states:

C: "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. "Exterior Appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels."

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

The Miriam Webster definition of a sign is:

"A display (as a lettered board or a configuration of neon tubing) used to identify or advertise a place of business or a product.

The Miriam Webster definition of a flag is:

"A rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation), as a signaling device, or as a decoration. Something used like a flag to signal or attract attention."

The best definition of a sign that includes flags that I have found is as follows:

"Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information."

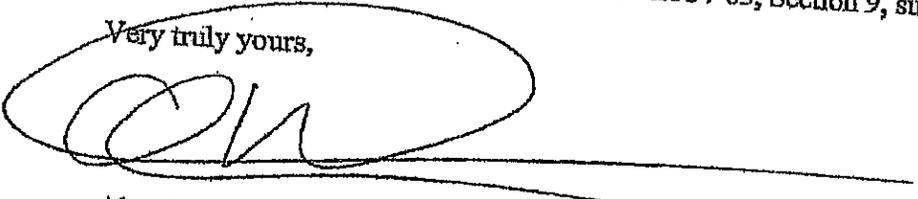
It would appear that flags are equated to a cloth sign and as such are clearly regulated within the District.

It is my recommendation that the Lincoln Historic Preservation Board hold a special meeting, after public notice, to address what types of cloth signs would be permissible within the District. My office is obtaining definitions of signs from other historic districts throughout the country which will be provided to the Board for consideration at a special meeting called to address this issue. Unfortunately, I will be out of the state during the next regularly scheduled Lincoln Historic Preservation Board meeting March 19, 2015; however, I am available the evenings of March 26 and March 27. I am hopeful that by working with the Board and the public that is interested in this matter, we can develop a set of guidelines that can be utilized to address this issue.

It is further my recommendation that all enforcement actions relating to flags within the Lincoln Historic Preservation District be stayed until such time as the Board can arrive at standards to address this issue. If the Board is unable to agree upon standards to be utilized to approve of cloth signs within the District, my recommendation would be to place this matter on a regularly scheduled Board of County Commission agenda for further direction from the Commission. I am confident that the Board as well as the interested public can arrive at a satisfactory resolution of this matter.

Please further consider this correspondence as my effort as the attorney for the County of Lincoln to meet with applicants as well as the Board to mediate a resolution prior to any requirement to appeal any decision to the Board of County Commissioners of the County of Lincoln pursuant to the Lincoln Historic Preservation Ordinance 2004-05, Section 9, subparagraph A.

Very truly yours,



Alan P. Morel, P.A.
APM/sh

- C: Nita Taylor, Manager, County of Lincoln
- Curt Temple, Planning Director, County of Lincoln
- Ginger Moore
- Rhonda Dougherty
- Cille Dickinson
- Jon Amastae

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

MEMO

Date: March 26, 2015
To: Lincoln Historic Preservation Board
From: Alan P. Morel, P.A.
Re: U.S. Historic Preservation Ordinances as they relate to the definition of "signs."

Ordinances relating to Historic Districts contain a variety of definitions and/or guidance regarding regulations within an established Historic District.

Six sources relating to this search have been reviewed for consideration in the Lincoln Historic Preservation Board's discussion:

- A. Washington, North Carolina Historic District Design Guidelines
- B. Pennsylvania Historic District Model Ordinance for Local Governments
- C. Texas Historic Landmark and District Model Zoning Ordinance
- D. Lake Wales, Florida Historic District Ordinance Discussion
- E. Savannah, Georgia Historic Sign District Ordinance
- F. Flowery Branch, Georgia Historic District Documents
 - Georgia Historic Preservation Act
 - Flowery Branch Ordinances
 - Zoning Ordinance of City of Flowery Branch
 - Flowery Branch Certificate of Appropriateness Application
 - City of Flowery Branch Plan Submittal Route Sheet

A. Washington, NC's Chapter 4, "Streetscape and Site design" gives broad guidance regarding the use of signs in the Historic District:

"...signage in the historic district comes in all shapes and sizes. While signs serve important functions, sensitive design that complements and does not detract from historic architecture can enhance the historic district."

Those who wish to hang or display signs in Washington, NC's Historic District must apply for a Certificate of Appropriateness. Submittals must include:

"...an accurate description of the sign including size, material, and location, along with a material sample, if available. In addition to these design guidelines, signs in the historic district must meet all applicable requirements of the zoning ordinance."

The guidelines apply to a wide definition of signs; however, in 4.4.3 of the Guidelines, signs which are not allowed include:

"Portable signs, including banners, unless otherwise specified, are not allowed."

B. Pennsylvania's Model Historic District Ordinance defines sign as:

"Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs."

Section 501 of the Model Ordinance states:

A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public or service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon."

C. Texas Historic Landmark and District Model Zoning Ordinance states in Section 7:

"No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district."

D. Lake Wales, Florida's Historic District Regulatory Board Ordinance 2007-58 states that sign installation or alteration must be permitted through filing a Certificate of Appropriateness. Specific

guidelines and time limits for the review process of filed Certificates of Appropriateness are located in Section 23-227.3. The Section indicates that a separate Development Review Committee is formed that deals with the review process and makes recommendations to the Board. Applicants are invited to meet with the Development Review Committee during the review process. Any indicated modifications to the Certificate are suggested during the Committee review.

E. Savannah, Georgia's Historic Sign District gives clear requirements and conditions for all signs and include:
8-3121.(B)(1):

Where Review Board Approval is Required.

"Except for those signs allowed under section 8-3116, all signs within the historic sign district shall require review and approval by the historic district board of review prior to the issuance of a permit or the erection of said sign."

The District also restricts banners, pennants, pinwheels and streamers with the exceptions of flags and banners of the United States or any other political entity. Included in the restrictions list are portable, folding and similar moving signs, and signs erected on or located on any street or public right-of-way, curb, curbstone, hydrant, lamppost, trees, barricade, temporary walk, telephone, telegraph or electric light pole, other utility pole, public fence, or on a fixture of a fire alarm or police system, except public directory and information signs.

In Savannah's Historic Sign District temporary signs are also addressed.

(6)(a): Except for public information signs erected or maintained by a nonprofit organization or governmental agency or department for which a permit has been issued, no temporary sign shall be located on public property."

F. Georgia's Historic Preservation Act and Flowery Branch, Georgia's Historic District have produced several documents which may assist Lincoln, New Mexico's discussion of interpretation for the word "sign" in the context of Historic Districts.

Contained in the Georgia Historic Preservation Act's definition section 44-10-12:

(5) "Historic district means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof..."

(9) "Material change in appearance means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

(D) a change in the location of advertising visible from the public right of way on any historic property."

44-10-27 lists requirements for the need to obtain a certificate of appropriateness and 44-10-28 give procedures when reviewing certificates for Historic Preservation Commissions to follow.

Flowery Branch has created Ordinance 375 which adopts provisions for historic preservation, and Ordinance 441 which specifically adopts sign regulations in the Cotton and Railroad Historic Districts, and in the Flowery Branch Historic District. The Ordinances refer to the Zoning Ordinance for the City of Flowery Branch, GA that contains definitions for signs.

In Ordinance No. 375 the definition for sign is:

"A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, devise or communication designed or used for the purpose of identifying, announcing, directing, or informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article 24 of the Flowery Branch Zoning Ordinance. The term 'sign' includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers."

Article 24.3 of the Flowery Branch, GA Zoning Ordinances contains fifty two (52) definitions of specific types of signs. Two which are responsive to Lincoln, NM's discussion:

24.3: Flag: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a packing. For purposes of this Article, except as otherwise provided herein, a "flag" is a "sign."

24.3: Sign: A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term "sign" includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers."

Finally, Flowery Branch Ordinance No. 441 is an Ordinance which deals with sign regulation specifically within Historic Districts.

In its preamble:

"WHEREAS, the City of Flowery Branch has adopted sign regulation as a part of its zoning ordinance, but those regulations alone are not tailored to the specific needs of protecting the character of the city's historic district..."

"WHEREAS, unlike decision about signs in areas outside the Flowery Branch historic district, the erection or establishment of signs are considered a material change in appearance that require review and approval by the City of Flowery Branch Historic Preservation Commission, pursuant to Ordinance No. 375..."

Ordinance No. 441 is a 24 page document which deals with Design Requirements, Types of Signs Permitted, Review and Approval Procedures and Administration and Enforcement. Regarding definitions, Ordinance No. 441 refers to the Flowery Branch Zoning Ordinance's fifty two (52) sign definitions.

Flowery Branch's Application for a Certificate of Appropriateness is attached hereto for reference.

Conclusion:

The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled "Statement of the Board's Powers and Duties" provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled "Definitions" as it applies to this issue, states:

C: "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. "Exterior Appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, ~~signs~~, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels."

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

Recommendation:

Adopt Guidelines and Application for use in approving signs / flags in the Lincoln Historic Preservation District.



Flowerly Branch

HISTORIC PRESERVATION COMMISSION

Application for a Certificate of Appropriateness (COA)

To the Historic Preservation Commission (HPC) for a proposed change to a locally designated property

PLEASE NOTE

Application Requirements: All applications must be complete and include required support materials (listed on the reverse side of this application form).

Application Deadline: Application and support materials must be submitted fifteen (15) days prior to the regular HPC meeting, usually the first Monday of each month. Applications must be submitted to City Hall.

Application Representation: The applicant or an authorized representative of the applicant must attend public hearing to support the application.

Building Permit Requirements: In addition to a COA application, building permits must be acquired from the building & Inspection Department. Building permits will not be issued without proof of a COA.

FORMS AND PROJECT INFORMATION

Applicant: _____
Telephone: () _____
Mailing Address: _____

NOTE: If applicant is not the owner, a letter from the owner authorizing the proposed work must be included. Please include owner's telephone number and mailing address.

Property Address: _____

Zoning: _____
Historic Preservation Overlay District—Historic Districts, Properties, and Landmarks

Brief Description of Projection: _____

(example: addition of sunroom, replacement of awning, installation of satellite dish, etc.)

TYPE OF PROJECT (CHECK ALL THAT APPLY):

Construction

- New Building
- Addition to building
- Major building restoration, rehabilitation, remodeling
- Minor exterior change
- Demolition or relocation of building(s)

Site Changes

- Parking area(s), driveway (s), or walkway(s)
- Fence(s), walk(s)
- Mechanical system(s) or non temporary structure(s)
- Sign(s)

PROPOSED STARTING DATE: _____

CONTRACTORS/CONSULTANTS: _____

In consideration for the City of Flowerly Branch's review of this application, the applicant hereby agrees to hereby indemnify and hold harmless the City and its agents and employees from and against any and all claims, damages, and/or liability arising from or related to this application or any issuance of a permit thereunder.

SIGNATURE: _____ DATE: _____

Major Work \$ 25.00
Minor Work \$ 5.00

Office: _____
Phone: _____
Address: _____
City: _____
State: _____
Zip: _____
Project: _____
COA #: _____

HISTORIC PRESERVATION COMMISSION

CERTIFICATE OF APPROPRIATENESS CRITERIA CHECKLIST

Not all information listed below is required for each project. In order to save time and effort, please consult with the Better Hometown Manager prior to completing your application.

1. SIGNS: (See ordinance No. 208 for complete details)

- Dimensional elevation identifying materials, colors (include samples), lettering style.
- Description of lighting.
- Designation of location (for fascia or wall sign show how and where it will be attached: for freestanding sign show height measured from the existing and proposed grade clearance from grade.
- Photographs of sign location from all directions and site plan with sign location and dimensions from property lines and dimensions from building(s) or structure(s) on lot.

2. REMODELING AND ADDITIONS:

- Elevation drawing indicating proposed alterations. Minimum scale: $\frac{1}{4}'' = 1'-0''$ (Architectural rendering may be required for major alterations). Please consult Historic Preservation Commission staff. Make sure to include door and window design if altered. Manufacturer's catalog data may be used, if applicable.
- Exterior material description.
- Site plan showing dimensions of lot and location of existing building(s) or structure(s) on lot, location of additions, dimensions of existing structure and additions. (show use of addition and location of windows and doors if applicable.
- Photograph of existing conditions from all elevations.
- Historic photographs should accompany any request to return a structure to an earlier historic appearance

3. MATERIAL CHANGES:

- Written description of area involved.
- Color photographs or slides of areas involved and surrounding structures if applicable.
- Sample or photo of materials involved, (Color samples optional)

4. ACCESSORY USES:

Parking Areas:

- Site plan showing layout, number of spaces, dimensions, and location of screening and distance from all property lines.
- Indicate height, design and materials of walls and fences; indicate type of vegetation. Include material samples if applicable.
- Description of surface materials.

Fences and Walls:

- Site plan showing location of fence/wall.
- Photograph of area affected.
- Description of materials and design.

Walks, Satellite Dishes and Other Landscape Features:

- Site plan showing location and layout.
- Photograph of area affected.
- Description of materials and design.

5. DEMOLITION:

- The Historic, scenic, or architectural significance of the building, structure, site, tree, or object;
- The importance of the building, structure, site, tree or object to the ambiance of the district.
- The difficulty or impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
- Whether the building, structure, site, tree, or object is one of the last Remaining examples of its kind in the neighborhood or the city;
- Whether there are definite plans for use of the property if the proposed Demolition is carried out, and what the effect of those plans of the character of the surrounding area would be;
- Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse;
- Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

6. RELOCATION:

1. A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object contributes to its present setting;
2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the Character of the surrounding area will be;
3. Whether the building, structure, or object, can be moved without significant damage to its physical integrity.
4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

7. PARKS, MONUMENTS & FOUNTAINS:

- Site plan showing location of monuments, dimensions, location of Screening and plantings.
- Indicate type of vegetation.
- Surface materials of paths, seating areas.
- Type of street furniture if applicable. (Manufacturer's catalog data may be used if applicable).

8. NEW CONSTRUCTION:

- Elevation drawings, minimum scale $\frac{1}{4}'' = 1'0''$, showing all sides and dimensions. Elevation drawings to scale showing relationship to structures immediately adjacent.
- Photograph of proposed site and adjoining properties.
- Site plan including building footprint and location of off-street parking showing setbacks. Include number of spaces, surface material, screening and all other information required under parking areas.
- Site plan including building footprint, setbacks and other exterior features such as steps, Doors porches, windows and texture samples.
- Material list including door and window styles, color (optional) and texture samples.
- Scale model indicating significant detail. (This may be required for major construction. Please consult Historic Preservation Commission Staff).

Any questions concerning application procedures should be directed to the staff of the City of Flowery Branch Historic Preservation Commission at the City of Flowery Branch Planning Department, 5509 Main Street, Flowery Branch, GA. 30542, (770) 967-6378.

**AUTHORIZATION BY PROPERTY OWNERS
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**

CITY OF FLOWERY BRANCH, GEORGIA

I swear that I am the owner of the property located at:

(property address)

Which is the subject matter of the attached application, as is shown in the records of the City of Flowery Branch, Georgia.

I authorize the person named below to act as applicants or agent in the pursuit of this Certificate of Appropriateness Application

Name of Applicant or Agent:

Address:

Signature of Owner:

Date:

DECLARATION OF OWNERSHIP

I Swear that I am the owner of the property located at:

(property address)

Which is the subject matter of the attached application, as is shown in the records of City of Flowery Branch, Georgia

Ownership meaning owning 51% or more of a property and further described below:

OWNERSHIP: An application for a Certification of Appropriateness must be submitted by an individual with 51% or more ownership in fee simple of subject property being applied for, or his legal agent authorized in writing over the owner's signature.

(Signature of Owner)

(Date)

CITY OF FLOWERY BRANCH, GEORGIA
HISTORIC PRESERVATION COMMISSION

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

DESIGNATED PROPERTY

TODAY'S DATE

Address: _____

Owner: _____

Name: _____

Phone: _____

Full Address: _____

If the person submitting the request is not the Property Owner but is acting as the Agent for the request for a Certificate of Appropriateness, please fill out the following information and submit the attached Authorized by the Property Owner.

AUTHORIZED AGENT

Name: _____

Phone: _____

Full Address: _____

PROPOSED WORK:

Please refer to the attached submittal criteria checklist to determine what is required for the project being proposed. It is in the interest of both the applicant and the Historic Preservation Commission that a clear descriptive submittal be received, and insufficient information will delay review of the application.

SIGNATURE OF APPLICANT: _____

For Planning Department use

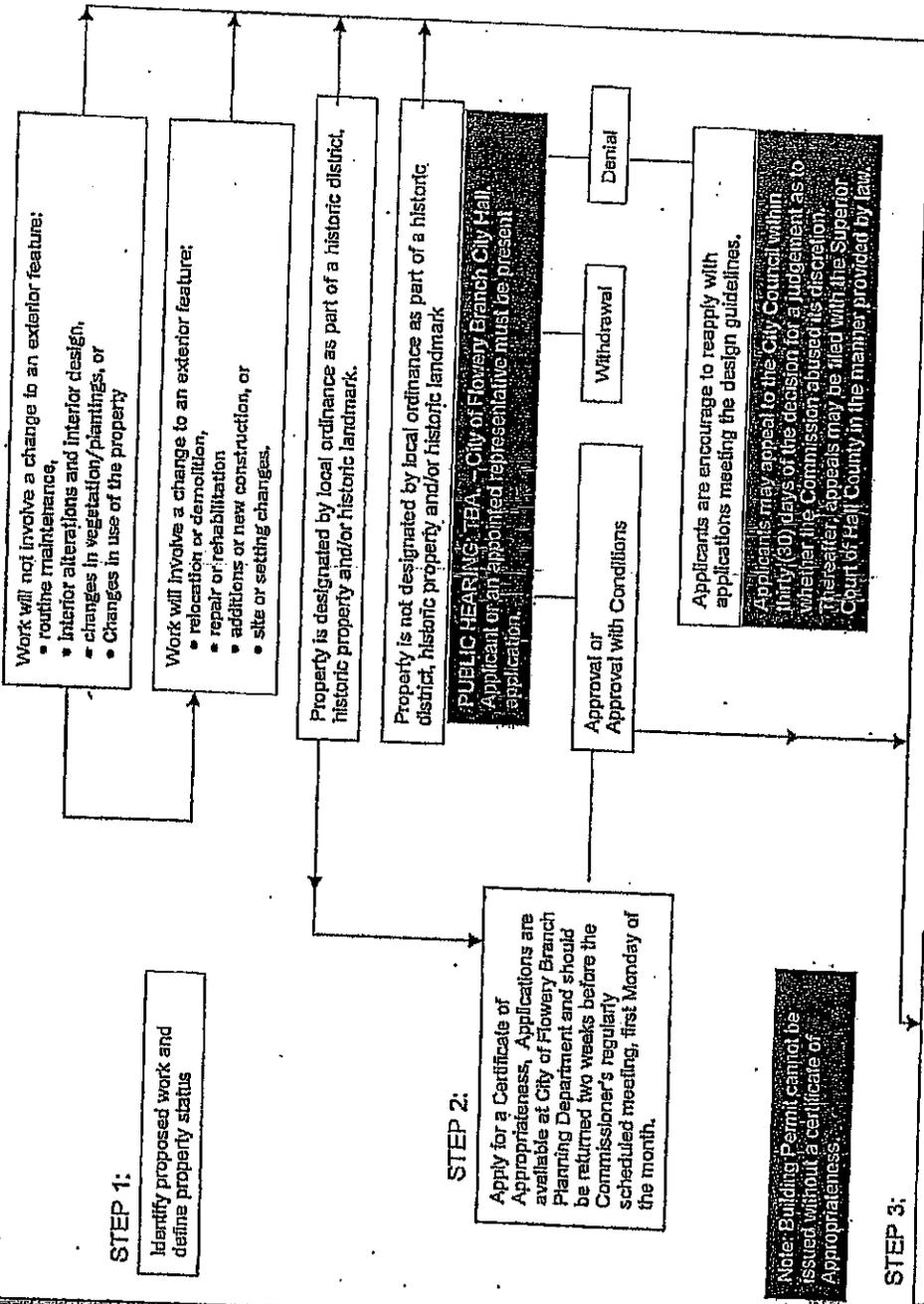
DATE RECEIVED:

DATE REVIEWED:

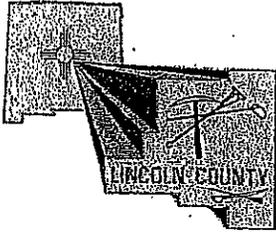
Fee paid: _____

Approved Denied

APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS



Applications are available at City of Flowery Branch Planning Department, 5509 Main Street, P.O. Box 757, Flowery Branch, Georgia 30549. Please contact (770) 367-6378 for information.



COUNTY OF LINCOLN

Planning Department

109 Kansas City Road, Ruidoso, New Mexico 88345

April 21, 2015

Ms. Dickenson,

Enclosed you will find page 16 & B-28 from the Lincoln Historic Preservation Ordinance.

Should you have any questions or concerns, please do not hesitate to call me. You can reach me at the numbers listed below.

Sincerely,

Samantha J. Mendez

5. Only those businesses and services whose exterior features contribute to the harmony and continuity of the area shall be permitted. Specifically excluded from the Historic District are any businesses whose wares are permanently displayed outdoors, including but not limited to trailer sales, automobile sales, junk yards, wrecking yards, rendering plants, slaughter plants, or heavy industry.

6. Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All "For Sale" signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located in the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent.

7. All owners of buildings within the Lincoln Historic District shall be responsible for and provide reasonable maintenance to their building or buildings to prevent decay and deterioration. A variance of this requirement may be requested by the owner from the Board.

8. All unsightly accumulation shall not be permitted. No person shall permit to accumulate upon premises owned, leased, or occupied by him, any refuse, solid waste, or litter.

9. A satellite dish will be allowed as long as it is not subject to public view from U.S. Highway 380.

10. Solar Features. Solar features shall not be publicly visible from U.S. Highway 380.

SECTION VIII. ARCHITECTURAL GUIDELINES

Appendix B is hereby designated as the Architectural Guidelines for the Historic District.

SECTION IX. APPEALS, PENALTIES, NOTICES OF ALLEGED VIOLATION/ STOP WORK ORDERS.

A. Appeals Procedure.

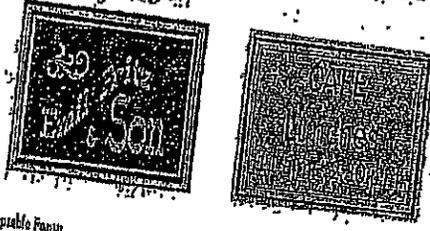
Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality.

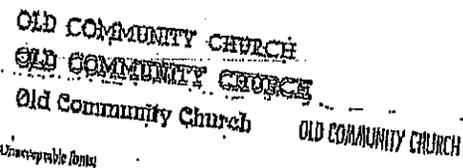
Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

SIGNAGE

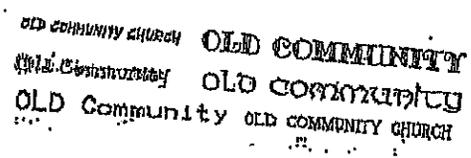
- Standard coloring, preferably brown and white or brown and green
- Lettering should use Sans serif type of the weight, thickness, ascenders, and descenders of the building
- No "Neon" signs, neon signs or neon lettering
- No signs on poles or signs on signs



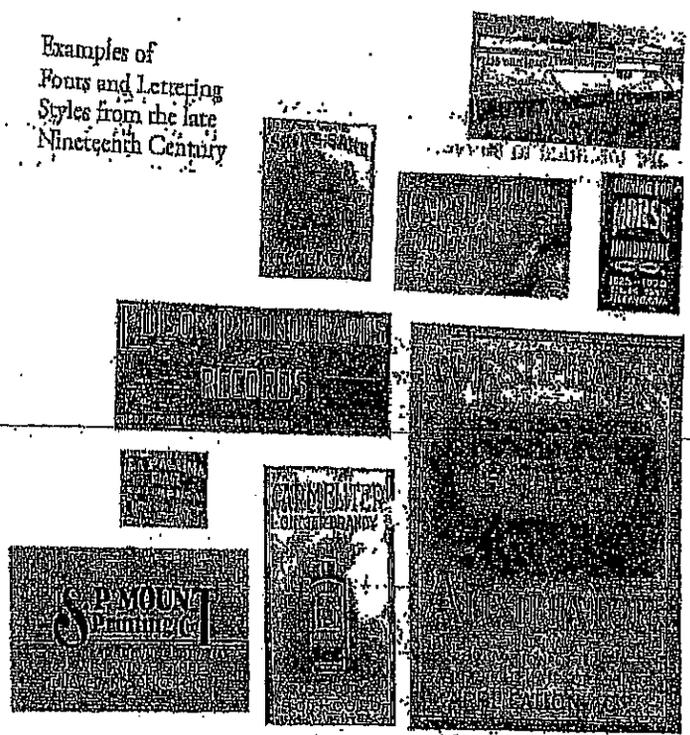
Acceptable Fonts

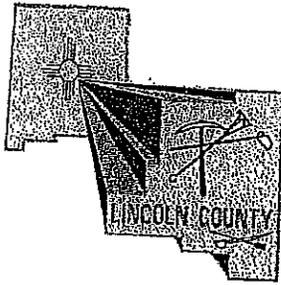


Unacceptable Fonts



Examples of Fonts and Lettering Styles from the late Nineteenth Century





COUNTY OF LINCOLN

Planning Department

109 Kansas City Road, Ruidoso, New Mexico 88345
(575) 258-8533

April 22, 2015

Cille Dickinson
PO Box 127
Lincoln, NM 88338

Dear Sir/ Madam:

This letter is in reference to the flag hanging on your pizza shop. After the Lincoln Historic Preservation meeting on April 16, 2015, the Lincoln Historic Preservation Board has come to the conclusion that flags will now be addressed as signs. Signs are regulated within the Lincoln Historic Preservation Ordinance Number 2004-5, but must be approved by the Lincoln Historic Preservation Board before they can be used. Your flag has not been approved.

Upon receipt of this letter, the flag must be taken down. Should you wish to keep the flags up please submit an application to the LHPB. For your convenience, I have enclosed a Lincoln Historic District application. Please submit the application before May 14, 2015 to the County of Lincoln, Planning Department, 109 Kansas City Road, Ruidoso, NM 88345. Once we receive it, you will be placed on the agenda for the May 21, 2015, Lincoln Historic Preservation Board meeting.

Should you have any questions, please call me at 575-258-8533 extension 2.

Sincerely,

Samantha J. Mendez
Ordinance Administrator

NOTES ON PERTINENT SECTIONS/ITEMS/DEFINITIONS & DESCRIPTIONS regarding Signs in the Lincoln Historic Preservation Ordinance. . .

Prepared by Ginger Moore
January 2015

Section IV. Definitions

C. **"Alteration"** means any construction, modification, addition, moving or partial demolition which would affect exterior appearance of a structure or Landmark which is located in the Historic District.

R. **"Exterior appearance"** means the visual character of all outside surfaces of a structure or Landmark. **Including the kind and texture of the building material**, the type and style of all roofs, windows, doors, **signs**, fences, driveways. . .

LL. **"Structure"** means **anything constructed, placed, or erected, either temporarily or permanently, above ground level which requires location on the ground or attachment to something located on the ground.**

Section VII.

A. **No person shall construct, alter, or demolish a structure within the Historic District unless he has obtained (the required permits. . .), and has received written approval from the Board.**

G. **Regulations.**

1. **All exterior construction shall be earth color**, constructed of adobe, appearance of adobe, plaster, stuccoes, rock or of wood construction, with the architectural style being that of the frontier period or territorial period.

6. **Signs shall be limited to those hanging or mounted on walls or posts in the ground.** Signs shall be no larger than twenty-four sq. ft. Signs shall not be illuminated. **The material to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.**

APPENDIX "B"

Section III.

B. **Materials and Details.**

1. Exterior Construction. **All exterior construction shall be earth color, constructed of adobe, appearance of adobe, plastered, stuccoed, rock or of wood construction with the architectural style being that of the Frontier period or Territorial period.**

Section V.

C. **Signs.**

Signs shall be limited to those painted on walls or small hanging signs no larger the 24 sq. ft.

Page B28

Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality. Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

SIGNAGE:

- **Restrained coloring, preferably brown and white or brown and cream.**
- **Lettering should use fonts reminiscent of the period. Victorian, Art Nouveau and Woodcut. No novelty fonts, ultramodern or computer lettering.**
- **Examples are given of acceptable signs and fonts. See attached:**

Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality.

Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

SIGNAGE

- Retained coloring preferably brown and white or black and cream.
- Lettering should use fonts reminiscent of the period, Victorian, Art Nouveau and Woodcut.
- No overly formal, ultra-modern or computer lettering.
- See examples below of signs and fonts.



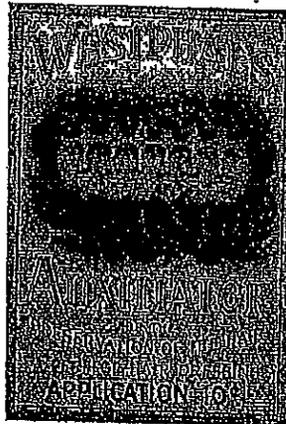
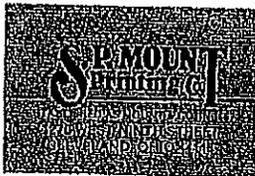
Acceptable Fonts

OLD COMMUNITY CHURCH
 OLD COMMUNITY CHURCH
 Old Community Church OLD COMMUNITY CHURCH

Unacceptable fonts

OLD COMMUNITY CHURCH OLD COMMUNITY CHURCH
 Old Community Church old community church
 OLD Community OLD COMMUNITY CHURCH

Examples of Fonts and Lettering Styles from the late Nineteenth Century



MAJ 1

County of Lincoln
105 Kansas City Road
Ruidoso, New Mexico 88345
505-258 5934

Application for Construction, Alteration, or Demolition
of Structure in Lincoln Historic District

The Lincoln Historic Preservation Board has been designed, by the authority of Lincoln County Ordinance, to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District, and shall have the authority to approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to the public view from U.S. Highway 380.

The property owner shall submit with this application six (6) legible sets of plans to the County Manager's office, along with a copy of the building permit, if required, issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico (telephone 505-827-7030). The plans shall be reviewed by the County Manager's Office and five (5) sets thereof shall be forwarded to the Historic Preservation Board seven (7) days prior to the regularly scheduled meetings. Plans shall be drawn to scale with the size scale identified thereon. Architectural drawings are not required, but are recommended.

Date 4/30/15
Name(s) of applicant Ronda & Randy Dougherty - Ran La Recon Glass
Mailing Address PO Box 234 City Lincoln
State NM Zip 88338 Phone 575-653-4219
Property Address 487 Calle La Placita
Property Legal Description Saloon & Old Museum - La Paloma Bay

Historic landmark? Yes No ?

Type of project Alteration to existing Demolition New Construction
 Restoration/Rehabilitation Other (fencing signage)

Specific Request OPEN Flag

Applicant's statement of the proposed project: (Please be specific and attach sheet if space is inadequate.)

OPEN Flag - that measures 26" x 40"
that will only be hung during OPEN Hours, ONLY
taken in & out each day, NO CONSTRUCTION
of ANY kind, or alteration to the property

ENCL 2

Application for Alteration Construction, Restoration, or Demolition
of Structure in Lincoln Historic District - Page 2

Name and address of applicant and/or agent for project, if any
Ronda & Randy Dougherty - PO Box 234
Lincoln, NM 88338

NA Please attach a copy of the building permit issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico, for this project.

NA Please attach the following: Plot plan Elevation(s) Photograph(s) (not Polaroids)
Indicate thereon the proposed alterations or additions.

Please provide and attach color samples.

flag
If signs are proposed, indicate material, size, method of attachment, and intended placement position:
Material - CANVAS, Size - 26" x 40", Attachment: flag
Pole placed inside a flag pole bracket, placement in front
of front door.
Estimated time frame for project: 7 DAYS

I hereby agree that all work will comply with approved plans.

Applicant's Signature: Ronda Dougherty

RECEIVED
MAY 07 2015
ADMINISTRATIVE USE ONLY

Date application received: _____ BY: AK

Board action taken: Approved Approved with conditions Denied Withdrawn

Notes on conditions: Split vote - will be voted on again at
next meeting - June 18, 2015.

Lincoln Historic Preservation Board
By: Matthew Smith Date: 6/1/15

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

March 10, 2015

Bill Strauser, Chair
Lincoln Historic Preservation Board
P. O. Box 197
Lincoln, NM 88338

Re: Authorization to fly flags within the Lincoln Historic District

Dear Mr. Strauser:

I have been asked to render an opinion regarding the ability of the County of Lincoln to regulate the flying of flags within the Lincoln Historic Preservation District. The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled "Statement of the Board's Powers and Duties" provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled "Definitions" as it applies to this issue, states:

C: "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. "Exterior Appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels."

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

The Miriam Webster definition of a sign is:

"A display (as a lettered board or a configuration of neon tubing) used to identify or advertise a place of business or a product.

The Miriam Webster definition of a flag is:

"A rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation), as a signaling device, or as a decoration. Something used like a flag to signal or attract attention."

The best definition of a sign that includes flags that I have found is as follows:

"Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information."

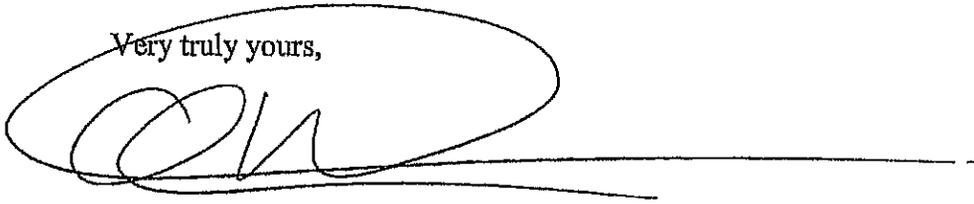
It would appear that flags are equated to a cloth sign and as such are clearly regulated within the District.

It is my recommendation that the Lincoln Historic Preservation Board hold a special meeting, after public notice, to address what types of cloth signs would be permissible within the District. My office is obtaining definitions of signs from other historic districts throughout the country which will be provided to the Board for consideration at a special meeting called to address this issue. Unfortunately, I will be out of the state during the next regularly scheduled Lincoln Historic Preservation Board meeting March 19, 2015; however, I am available the evenings of March 26 and March 27. I am hopeful that by working with the Board and the public that is interested in this matter, we can develop a set of guidelines that can be utilized to address this issue.

It is further my recommendation that all enforcement actions relating to flags within the Lincoln Historic Preservation District be stayed until such time as the Board can arrive at standards to address this issue. If the Board is unable to agree upon standards to be utilized to approve of cloth signs within the District, my recommendation would be to place this matter on a regularly scheduled Board of County Commission agenda for further direction from the Commission. I am confident that the Board as well as the interested public can arrive at a satisfactory resolution of this matter.

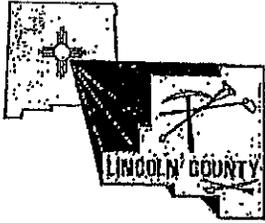
Please further consider this correspondence as my effort as the attorney for the County of Lincoln to meet with applicants as well as the Board to mediate a resolution prior to any requirement to appeal any decision to the Board of County Commissioners of the County of Lincoln pursuant to the Lincoln Historic Preservation Ordinance 2004-05, Section 9, subparagraph A.

Very truly yours,



Alan P. Morel, P.A.
APM/sh

- C: Nita Taylor, Manager, County of Lincoln
- Curt Temple, Planning Director, County of Lincoln
- Ginger Moore
- Rhonda Dougherty
- Cille Dickinson
- Jon Amastae



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a workshop board meeting on Thursday, March 26th, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

WORKSHOP AGENDA

- I. CALL TO ORDER
- II. WORKSHOP ITEMS
 1. Discussion on treating informational flags as signs
 2. Discussion on the application process for flag
- III. ADJOURN

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

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

MEMO

Date: March 26, 2015
To: Lincoln Historic Preservation Board
From: Alan P. Morel, P.A.
Re: U.S. Historic Preservation Ordinances as they relate to the definition of "signs."

Ordinances relating to Historic Districts contain a variety of definitions and/or guidance regarding regulations within an established Historic District.

Six sources relating to this search have been reviewed for consideration in the Lincoln Historic Preservation Board's discussion:

- A. Washington, North Carolina Historic District Design Guidelines (*Exhibit A*)
- B. Pennsylvania Historic District Model Ordinance for Local Governments (*Exhibit B*)
- C. Texas Historic Landmark and District Model Zoning Ordinance (*Exhibit C*)
- D. Lake Wales, Florida Historic District Ordinance Discussion (*Exhibit D*)
- E. Savannah, Georgia Historic Sign District Ordinance (*Exhibit E*)
- F. Flowery Branch, Georgia Historic District Documents
 - Georgia Historic Preservation Act (*Exhibit F-1*)
 - Flowery Branch Ordinances (*Exhibit F-2*)
 - Zoning Ordinance of City of Flowery Branch (*Exhibit F-3*)
 - Flowery Branch Certificate of Appropriateness Application (*Exhibit F-4*)
 - City of Flowery Branch Plan Submittal Route Sheet (*Exhibit F-5*)

A. Washington, NC's Chapter 4, "Streetscape and Site design" gives broad guidance regarding the use of signs in the Historic District:

"...signage in the historic district comes in all shapes and sizes. While signs serve important functions, sensitive design that complements and does not detract from historic architecture can enhance the historic district."

Those who wish to hang or display signs in Washington, NC's Historic District must apply for a Certificate of Appropriateness. Submittals must include:

“...an accurate description of the sign including size, material, and location, along with a material sample, if available. In addition to these design guidelines, signs in the historic district must meet all applicable requirements of the zoning ordinance.”

The guidelines apply to a wide definition of signs; however, in 4.4.3 of the Guidelines, signs which are not allowed include:

“Portable signs, including banners, unless otherwise specified, are not allowed.”

B. Pennsylvania’s Model Historic District Ordinance defines sign as:

“Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.”

Section 501 of the Model Ordinance states:

A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public or service, business, occupation or professional carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon.”

C. Texas Historic Landmark and District Model Zoning Ordinance states in Section 7:

“No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historic landmark or any property within a historic district.”

D. Lake Wales, Florida’s Historic District Regulatory Board Ordinance 2007-58 states that sign installation or alteration must be permitted through filing a Certificate of Appropriateness. Specific

guidelines and time limits for the review process of filed Certificates of Appropriateness are located in Section 23-227.3. The Section indicates that a separate Development Review Committee is formed that deals with the review process and makes recommendations to the Board. Applicants are invited to meet with the Development Review Committee during the review process. Any indicated modifications to the Certificate are suggested during the Committee review.

E. Savannah, Georgia's Historic Sign District gives clear requirements and conditions for all signs and include:

8-3121.(B)(1):

Where Review Board Approval is Required.

"Except for those signs allowed under section 8-3116, all signs within the historic sign district shall require review and approval by the historic district board of review prior to the issuance of a permit or the erection of said sign."

The District also restricts banners, pennants, pinwheels and streamers with the exceptions of flags and banners of the United States or any other political entity. Included in the restrictions list are portable, folding and similar moving signs, and signs erected on or located on any street or public right-of-way, curb, curbstone, hydrant, lamppost, trees, barricade, temporary walk, telephone, telegraph or electric light pole, other utility pole, public fence, or on a fixture of a fire alarm or police system, except public directory and information signs.

In Savannah's Historic Sign District temporary signs are also addressed.

(6)(a): Except for public information signs erected or maintained by a nonprofit organization or governmental agency or department for which a permit has been issued, no temporary sign shall be located on public property."

F. Georgia's Historic Preservation Act and Flowery Branch, Georgia's Historic District have produced several documents which may assist Lincoln, New Mexico's discussion of interpretation for the word "sign" in the context of Historic Districts.

Contained in the Georgia Historic Preservation Act's definition section 44-10-12:

(5) "Historic district means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof..."

(9) "Material change in appearance means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

(D) a change in the location of advertising visible from the public right of way on any historic property."

44-10-27 lists requirements for the need to obtain a certificate of appropriateness and 44-10-28 give procedures when reviewing certificates for Historic Preservation Commissions to follow.

Flowery Branch has created Ordinance 375 which adopts provisions for historic preservation, and Ordinance 441 which specifically adopts sign regulations in the Cotton and Railroad Historic Districts, and in the Flowery Branch Historic District. The Ordinances refer to the Zoning Ordinance for the City of Flowery Branch, GA that contains definitions for signs.

In Ordinance No. 375 the definition for sign is:

“A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, devise or communication designed or used for the purpose of identifying, announcing, directing, or informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article 24 of the Flowery Branch Zoning Ordinance. The term ‘sign’ includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.”

Article 24.3 of the Flowery Branch, GA Zoning Ordinances contains fifty two (52) definitions of specific types of signs. Two which are responsive to Lincoln, NM’s discussion:

24.3: Flag: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a packing. For purposes of this Article, except as otherwise provided herein, a “flag” is a “sign.”

24.3: Sign: A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose or identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-or-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this Article, the term “sign” includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.”

Finally, Flowery Branch Ordinance No. 441 is an Ordinance which deals with sign regulation specifically within Historic Districts.

In its preamble:

“WHEREAS, the City of Flowery Branch has adopted sign regulation as a part of its zoning ordinance, but those regulations alone are not tailored to the specific needs of protecting the character of the city’s historic district...”

“WHEREAS, unlike decision about signs in areas outside the Flowery Branch historic district, the erection or establishment of signs are considered a material change in appearance that require review and approval by the City of Flowery Branch Historic Preservation Commission, pursuant to Ordinance No. 375...”

Ordinance No. 441 is a 24 page document which deals with Design Requirements, Types of Signs Permitted, Review and Approval Procedures and Administration and Enforcement. Regarding definitions, Ordinance No. 441 refers to the Flowery Branch Zoning Ordinance’s fifty two (52) sign definitions.

Flowery Branch’s Application for a Certificate of Appropriateness is attached hereto for reference.

Conclusion:

The current Lincoln Historic Preservation Ordinance in effect is 2004-05. Section 5, subparagraph E titled “Statement of the Board’s Powers and Duties” provides that:

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

Section 4, titled “Definitions” as it applies to this issue, states:

C: “Alteration” means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.

Subparagraph R states as follows:

R. “Exterior Appearance” means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences driveways, exterior lights fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels.”

Subparagraph GG provides:

GG: "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

There is no question but that flags located within the Lincoln Historic Preservation District affect the exterior appearance of structures located within the District. Although flags are not specifically defined in the Ordinance, they clearly come within the purview of the Board as it relates to their ability to regulate the exterior appearance of structures located within the District. As such, flags must be approved by the Board prior to placement within the District.

Lincoln Historic Preservation Ordinance 2004-05, Section 7.G-6 states:

"Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All 'For Sale' signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located within the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent."

Recommendation:

Adopt Guidelines and Application for use in approving signs / flags in the Lincoln Historic Preservation District.

Lincoln Historic Preservation Board

March 26, 2015

Special Meeting Workshop

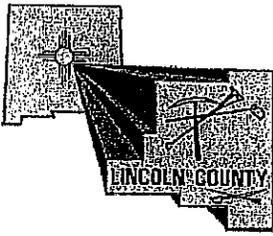
Call to Order – LM Smith called the meeting to order at 7pm.

Roll Call – LM Smith, Ginger Moore, Melissa Boutte, Lee Abbott, Bill Strauser. Also present: Elaine Allen, Jim Court, Bill Dean, Beverly Strauser, Alan Morel, Vic Garrison, Sarah Dockery, Cille Dickenson, Phoebe Taylor, Reg Richey, Herb Marsh.

Discussion on treating informational flags as signs and the application process for flags

The purpose of the special meeting was to discuss the treatment of flags as signs for use in the historic district of Lincoln. Some people felt that flags were not signs and strictly not allowed. Also discussed was the use of the US flag to denote that a business was open. Others felt that a flag is type of sign and therefore covered in the ordinance as such. No solution was put forth by the board.

Meeting was adjourned at 8:11pm.



COUNTY OF LINCOLN

Planning Department

115 Kansas City Road, Ruidoso, New Mexico 88345 (575) 258-5934

PUBLIC NOTICE

Notice is hereby given that the Lincoln Historical Preservation Board will hold a regular board meeting on Thursday, May 21st, 2015. The meeting will be held in the old Community Church in Lincoln, beginning at 7:00 p.m.

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

April 16th, 2015 Regular Meeting

IV. NEW BUSINESS

1. New sign approval—Rhonda & Randy Dougherty

V. OLD BUSINESS

1. None

VII. CORRESPONDENCE

VIII. REPORT – SITE VISIT BY BOARD (IF APPROPRIATE)

IX. MONTHLY REPORTS ON PENDING ITEMS APPROVED & UNDERWAY

1. None

IX. ITEMS FOR DISCUSSION – No action will be taken.

X. ADJOURN

POSTED ON OFFICIAL BULLETIN BOARD – County Courthouse and Lincoln Post Office.
FYI to local news media.

Call to Order: LM Smith called the meeting to order at 7pm.

Roll Call: LM Smith, Bill Strauser, Melissa Boutte, Lee Abbott. Also present: Beverly Strauser, Samantha Mendez, County Ordinance Administrator, Ronda Dougherty, Linda Fox and a sheriff's deputy.

Approval of minutes April 16, 2015 regular meeting: Lee moved to approve the minutes as stated, Melissa seconded. Motion passed 4-0.

New Business

New Sign Approval – Ronda & Randy Dougherty: Ronda said that her application lays out what she is asking for. She wants to replace her current "OPEN" flag with a new one. Lee said he likes the new design and sees flags as signs under the ordinance. Bill stated that the ordinance does not cover flags, therefore he believes they are not allowed. Linda Fox noted that if every home in Lincoln became a business and decided to hang flags we would have 32 flags flying in town. See attached for her illustration and statement. Melissa noted that Ronda has had an OPEN flag flying in front her of her gallery in at least 2 locations for no less than 10 years and it has never been an issue. She also stated that she believes flags are covered under the ordinance as signs and should be treated as such. Her new flag design fits rules under signs in the ordinance. LM stated that he does not believe the ordinance provides for flags and they should not be allowed. Bill motioned to table the issue until the next meeting. No second. Motion failed. Lee motioned to approve the applicants' flag. Melissa seconded. 2 yes votes and 2 no votes.

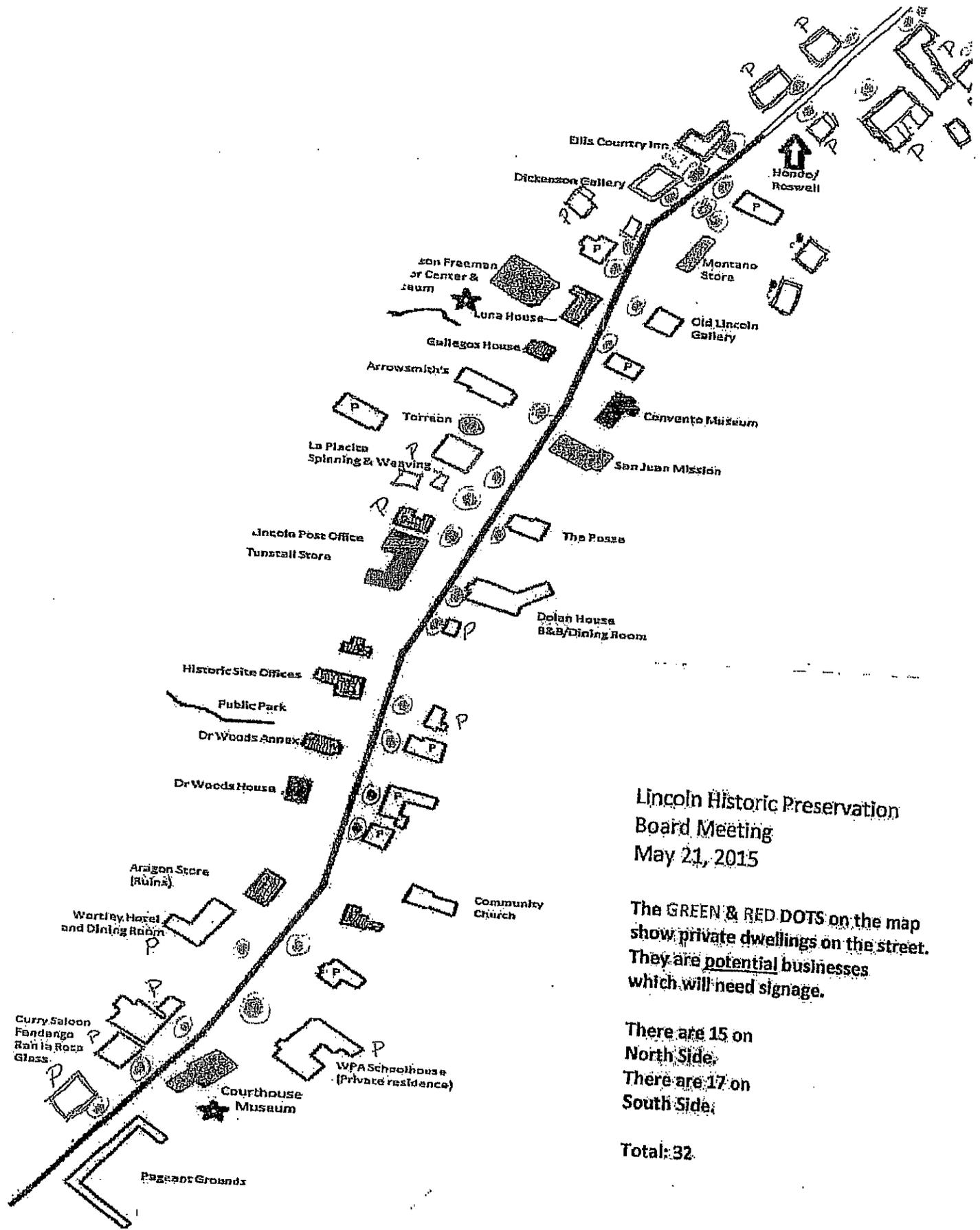
Old Business – None

Correspondence – None

Site Visits – None

Items for Discussion – No action will be taken:

Ajourn – L Abbott moved that meeting be adjourned at 7:45pm. Lee seconded. Motion passed 4-0.



**Lincoln Historic Preservation
Board Meeting
May 21, 2015**

The GREEN & RED DOTS on the map show private dwellings on the street. They are potential businesses which will need signage.

There are 15 on North Side
There are 17 on South Side

Total: 32

Good signage tells and shows what a business sells. Signage is already well covered in the Ordinance as to material, size, font, color and placement.

If a business is not attracting customers, perhaps its signage needs updating or tweaking. Does the sign easily show what the business has to offer?
Is advertising being done?

Setting precedents for the future is the business of this Board - please consider:

- Attracting customers for our local businesses is not the job of this Board.
- If someone says they need to use a flag or banner, it is vital to think of the future image of Lincoln.
- Do we want visitors to look down the street as they enter town and see different and distracting flags?
- Do we want to maintain the simple, uncluttered image we now have now?
- To show "I'm Open", American flags are already being used successfully in Lincoln. If it's up it's open. If it's not, they're closed.
- Why not set that as a precedent for the future image of Historic Lincoln?

Thank-you.

Linda S. Fox



Lincoln Historic Preservation
Board Meeting
May 21, 2015

Ronda and Randy Dougherty

PO Box 234

Lincoln NM 88338

575-653-4219

To whom it may Concern,

I am appealing the decision of/or the lack of a decision of the Lincoln County Historical Board, concerning my OPEN flag that has flown in front of my business for 18 years in the Town of Lincoln. I received a letter from the County Planning and Zoning that I needed to take down my OPEN flag. I appeared before the Lincoln County Historical Board in May, at which time we asked to continue to fly our OPEN flag.

First, I have built a business in the town of Lincoln that does not rely on the traffic that comes to visit the State Monument. My customers look for my OPEN flag when driving thru town in order to determine if we are open or not. Many are snowbirds, which for years have stopped, on their way thru town when traveling back home.

Second, we receive delivers daily from UPS. The UPS drivers only stop if the OPEN Flag is out. We do not live in the building where our business is located, as do most people in Lincoln, making it more difficult to make alternative arrangements. We have production schedules that need to be meant each day. So having timely deliveries is important to us and our livelihood.

The board was a tied discussion, two for and two against. The Historical Board made a decision that they would table the decision until the next historical meeting and vote again. This issue has been a discussion since January of this year. Both of the people that voted to allow my Flag,

informed the board that they both would be on vacation in June, meaning that my application has no chance of being approved in June. I am being harassed and unfairly treated by a small group of people in Lincoln.

I am being unfairly treated in this matter.

1. When I applied for my permanent signage, in 1997 I was verbally told that I could fly an OPEN flag, as long as it was only out when I was open. Since it was temporary.
2. Then again, when the board reviewed Ralf and Rosalie Dunlop's Welcome flag and our OPEN flag in 2006. It was decided that Our OPEN flag could be flown, but not a welcome flag.
3. Then when the Curry Salon was open as a sandwich shop in 2008 To 2010. The sandwich shop was asked to take down a sandwich Board and replace it with an OPEN flag, by the historical board. The small gift shop next to the sandwich shop flew an OPEN flag that was approved by the historical board. We were allowed to continue to fly our OPEN flag, once again.
4. A few people of Lincoln want us to fly an American Flag in place of an Open Flag. An American flag does not say OPEN to most people. This is commercializing the American Flag and I do not believe or agree with this. Also the Location that I moved from 4 years ago, is now a residence and they fly an American Flag out front of their home daily. This makes it very confusing for people that are looking for our business but may have not stopped since we move 4 years ago. It's also confusing when the volunteers for the State Monument tell visitors that the only businesses that are open fly an American Flag. This is just another form of harassment by The Historical Board in Lincoln, the volunteers and the State Monument.

Every single person that now sits on the Historical Board moved to Lincoln, at least 10 YEARS after our business first opened its doors in Lincoln. Over the years we have employed and contributed to the economy in our area more than any single business, in town, consistently. We have redone and refurbished the insides of at least four different buildings in Lincoln. We made it a practice to only buy locally when possible, even if it meant we spent a little more money on things we used daily. We have drawn people from all over the United States to our small family run business in Lincoln and in return they eat in the restaurants, stay in the hotels and shop in the businesses here in Lincoln. We are a regular contributor to "The Nest". Over the 30 years we have been in business we have contributed to several hundred charities in the Southwestern United States. Not to mention, that both Randy and I have contributed 1000s of hours to our local Art Community, thru Art Loop, over the past 20 years. Our business is a large contributor to our community and the local economy.

We have create Art Glass for such places as, The Art Institute of Chicago, The Philadelphia Museum of Art and several hundred small Galleries across the United States on a regular bases. Now a few jealous people in our area, that have no idea what we do or what we have contributed to our community want to destroy the little bit of business that happens to walk in our Gallery each day in Lincoln, by not allowing us to fly an OPEN flag in front of our business. There is no other word for this than HARRASEMENT. When I mentioned that we should be grandfather in as the board themselves have used these very words to explain other circumstances of other ordinances that have been allowed over the years, I was told that there is no such thing. I am compelling

you to make a decision in our favor both legally and morally by allowing us to continue to fly our OPEN flag, that is both temporary and not a permanent alteration to any building, as the Historical Board has randomly declared, after 18 years of flying our OPEN flag, in Lincoln. Since several of the board members have declared themselves strict Constitutionalists. Its also our 1st Amendment right.

Thank you for your Consideration

Ronda Dougherty

NOTES ON PERTINENT SECTIONS/ITEMS/DEFINITIONS & DESCRIPTIONS regarding Signs in the Lincoln Historic Preservation Ordinance. . .

Prepared by Ginger Moore
January 2015

Section IV. Definitions

C. "Alteration" means any construction, modification, addition, moving or partial demolition which would affect exterior appearance of a structure or Landmark which is located in the Historic District.

R. "Exterior appearance" means the visual character of all outside surfaces of a structure or Landmark. Including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences, driveways. . .

LL. "Structure" means anything constructed, placed, or erected, either temporarily or permanently, above ground level which requires location on the ground or attachment to something located on the ground.

Section VII.

A. No person shall construct, alter, or demolish a structure within the Historic District unless he has obtained (the required permits. . .), and has received written approval from the Board.

G. Regulations.

1. All exterior construction shall be earth color, constructed of adobe, appearance of adobe, plaster, stuccoes, rock or of wood construction, with the architectural style being that of the frontier period or territorial period.

6. Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four sq. ft. Signs shall not be illuminated. The material to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

APPENDIX "B"

Section III.

B. Materials and Details.

1. Exterior Construction. All exterior construction shall be earth color, constructed of adobe, appearance of adobe, plastered, stuccoed, rock or of wood construction with the architectural style being that of the Frontier period or Territorial period.

Section V.

C. Signs.

Signs shall be limited to those painted on walls or small hanging signs no larger the 24 sq. ft.

Page B28

Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality. Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

SIGNAGE:

- Restrained coloring, preferably brown and white or brown and cream.
- Lettering should use fonts reminiscent of the period. Victorian, Art Nouveau and Woodcut. No novelty fonts, ultramodern or computer lettering.
- Examples are given of acceptable signs and fonts. See attached:

Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality.

Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

SIGNAGE

- Reversed coloring, preferably brown and white or black and cream
- Lettering should use forms reminiscent of the period, Victorian, Art Nouveau and Woodcut.
- No novelty fonts, abbreviations or overly ornate lettering.
- See examples below of signs and fonts.



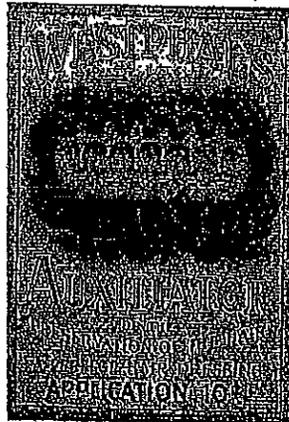
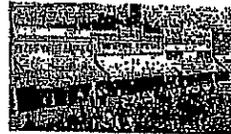
Acceptable Fonts

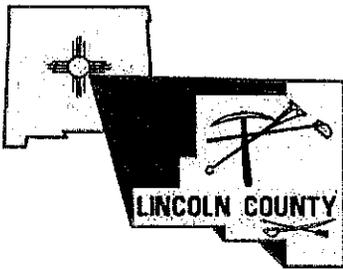
OLD COMMUNITY CHURCH
 OLD COMMUNITY CHURCH
 Old Community Church OLD COMMUNITY CHURCH

Unacceptable Fonts

old community church OLD COMMUNITY
 Old Community old community
 OLD Community old COMMUNITY CHURCH

Examples of Fonts and Lettering Styles from the late Nineteenth Century





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County of Lincoln

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AGENDA Item No. 25

June 18, 2015

MEMORANDUM

TO: County Commissioners

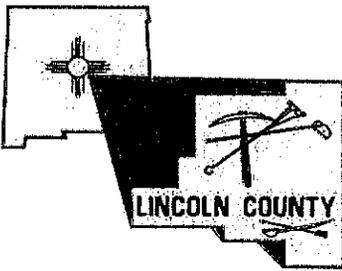
FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Rancho Ruidoso Valley Estates Subdivision – Discussion of Road Maintenance

Discussion: Representatives of Rancho Ruidoso Valley Estates will present to the Commission its concerns with road maintenance and improvement projects in its subdivision. No information has been provided to include in Commission Board Books.

Road Superintendent and County Manager will respond to issues presented.

Recommendation: Consider Rancho Ruidoso Valley Estates' concerns and County's formal response.



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AGENDA Item No. 26

June 18, 2015

MEMORANDUM

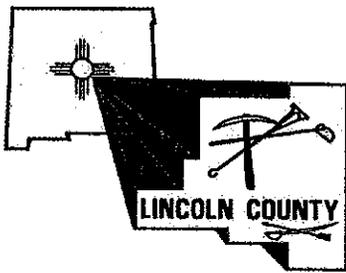
TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: **Reclassification of Sheriff Department Clerk from part time to full time**

Discussion: The Sheriff has requested that his Narcotics Enforcement Unit Clerk be reclassified from part time to full time. There is sufficient work load to reclassify the position. The upgrade to full time will be paid completely by grant funds, causing no additional expense to the County.

Recommendation: Approve the reclassification of the Sheriff Departments Narcotics Enforcement Unit Clerk from part time to full time.



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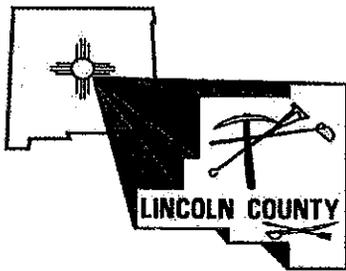
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Agenda Items 27

SUBJECT

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

- a. Final Budget FY 2015-2016



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Agenda Item No. 28

June 16, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Appointments and Removals from Boards/Commissioners Committee

Purpose: To consider appointments to the following committees

Discussion:

Lincoln Historic Preservation Board member L.M. Smith would like to be reappointed and his letter is attached.

The Planning Commission has two vacant positions that need to be filled by Commission Districts 2 & 5. The Senior Citizens Olympic Committee has one vacant position.

Recommendation: Reappoint L.M. Smith to the Lincoln Historic Preservation Board and continue to look for members for the Planning Commission and the Senior Citizens Olympic Committee.

GAUTIER, MANAGEMENT ASSOCIATES (505/821-0933)

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincolin@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/17/15	02/2017
DIST 2	Mary Ann Siegel-Russ siegie1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/12/14	10/2016
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/13/15	01/2017
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		9/17/13	09/2015
DIST 5	TABLED				
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		01/13/15	01/2017
AT LARGE	Robert Barber twob1601@hotmail.com	270 Cora Dutton Rd, Capitán 575-354-7018/575-808-9814		02/17/15	02/2017

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/17/13	12/15
DIST 2	LEE ABBOTT (CELL 614-507-3210)	BOX 177, LINCOLN, (653-4153)	5	01/13/15	01/17
DIST 3	L.M. SMITH lms285@pntnet.com	#5 MERCEDES CT, ROSWELL, NM	5	04/16/13	04/15
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/17/13	09/15
DIST 5	GINGER MOORE (653-4073) gemoore105@yahoo.com	BOX 57, LINCOLN, NM 88338	5	02/18/14	02/16

Emailed 4/15/15

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

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

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	02/17/15	
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

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

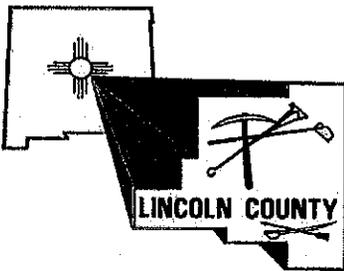
LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/17/15	02/17
973-8244	GENERAL PUBLIC - SUE HUTCHISON Suehutch1958@gmail.com	1149 SHOESHONE TRAIL ALTO	4	08/20/13	08/15
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/10/14	06/16
505-3506127	TOURIST RELATED- ALICE SEELY;	BOX 166	5	04/25/14	04/16

*

RECEIVED

MAY 26 2015



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County of Lincoln ADMINISTRATION
LINCOLN COUNTY NM

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

April 30, 2015

L.M. Smith
#5 Mercedes Ct.
Roswell, NM 88201

Dear L.M. Smith:

Your term for the Lincoln Historic Preservation Board has expired April 2015. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, May 19, 2015, 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.

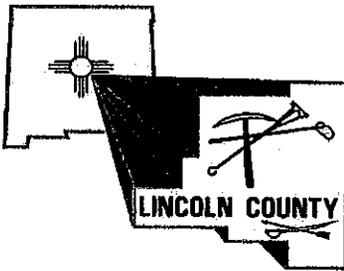
Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources Director

Yes I would like to be re-appointed to the Lincoln Historic Preservation Board.

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

L.M. Smith



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County of Lincoln

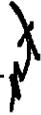
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AGENDA Item No. 29

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: **Liability Insurance for Lincoln County Juvenile Justice Board**

Discussion: The County has received Agreement No. 16-690-18430 from New Mexico Children, Youth and Families (CYFD) for FY16-17. See **Enclosure 1**. This Agreement provides annual funding for the Lincoln County Juvenile Justice Board, the CYFD Continuum, with County as the grant recipient. In Lincoln County's circumstance, the sub-contractor, LCJJB, is a 501-C-3 entity. The only other County with its CYFD Continuum structured in that manner is Los Alamos. All other Counties have County employees project managing the Continuum.

This year, CYFD is requiring liability insurance coverage, with CYFD named as an "additional insured", which the County has never been required to provide before. Without the coverage, the County will not be awarded the grant, and LCJJB will lose its funding and the key opportunity to continue to impact the youth in Lincoln County in the same manner it does today. Manager is working with Los Alamos County and the NMAC Insurance provider to try to obtain this insurance. While there is no firm solution yet, our NMAC provider is optimistic that a policy can be obtained.

Based on the Los Alamos County experience, I estimate the cost of this insurance to be from \$1,500 to \$3,000, which is not close to the value the County receives from this program keeping our juveniles out of courts and jail systems.

Recommendation: Approve up to \$3,000 to purchase a liability insurance policy to the County's LCJJB program.

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 **COUNTY OF LINCOLN**, 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 AS OF THE DATE UPON WHICH IT IS EXECUTED BY AGENCY SECRETARY OR DESIGNEE. This Agreement shall terminate on **June 30, 2016** 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 Thirteen Thousand One Hundred Eleven Dollars and No Cents (\$113,111.00)**. 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.

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 – County Of Lincoln

Authorized Signatory

Date: _____

Printed Title of Authorized Signatory

Legal Counsel, Contractor

Date: _____

Agency – Children, Youth and Families Department

Secretary or Designee, CYFD

Date: _____

Approved as to legal form and sufficiency.

Office of General Counsel, CYFD

Date: _____

Attachment 1 – Scope of Work dated July 1, 2015
County of Lincoln

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 in Lincoln County for youth who have been arrested or referred to the juvenile probation office or are at risk of such referral.

Performance Measures:

- A. The number of youth served in the programs;
- B. Number of youth completing all program requirements; and
- C. The number of youth who offend or re-offend while in the programs or offend or re-offend within 90 days of completing the programs.

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 dated 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. Contract with or hire, with written approval by the CYFD Secretary or Designee, for the following services and ensure that the related goals, objectives and performance measures are achieved:

1. **Girl's Circle**

Goal:

To increase girls' self-esteem and positive relationship skills in order to reduce risk of delinquent behavior.

Objective:

To provide an evidenced-based gender specific program for females who are at-risk of delinquent behavior.

Performance Measures:

- a. Number and demographics of youth referred to the program;
- b. Numbers of youth who attend sessions weekly;
- c. Number of youth who complete the program; and
- d. Number of youth who report increased sense of self-esteem and enhanced positive relationship skills.

2. **Boy's Council**

Goal:

To increase boys' self-esteem and positive relationship skills in order to reduce risk of delinquent behavior.

Objective:

To provide an evidenced-based gender specific program for males who are at-risk of delinquent behavior.

Performance Measures:

- a. Number and demographic of youth referred to the program;
- b. Number of youth who attend sessions weekly;
- c. Number of youth who complete the program; and
- d. Number of youth who report increased sense of self-esteem and enhanced positive relationship skills.

3. **Citation Program**

Goal:

Reduce the rate of delinquency of youth who commit petty misdemeanors or status offenses.

Objective:

To provide intake assessments and educational classes to youth and family referred by the juvenile probation office. Classes will address family issues and

goals; relationship skills; self-esteem; anger management; decision making and life skills.

Performance Measures:

- a. Number and demographics of youth who referred to the program;
- b. Number of intake assessments completed;
- c. Number of youth and/or families who attend all classes as required;
- d. Number of youth completing community services as required; and
- e. Number of youth and/or families who report increased ability to successfully address issues leading to the citation.

4. **Intensive Community Monitoring**

Goal:

Reduce recidivism and divert youth from further involvement in the juvenile justice system.

Objective:

To provide temporary alternative to detention and case management for youth referred by the juvenile probation office. Services include: home visits, daily telephone contact and site visits to school or work to ensure that youth complete all required sanctions. Youth are seen a minimum of three times a week, receive daily telephone contact and at least two weekly additional contacts, by phone or in person, at school or in the community.

Performance Measures:

- a. Number and demographics of youth referred to the program;
- b. Number of intake assessments completed;
- c. Number of successful contact with youth while enrolled in the program;
- d. Number of youth who successfully complete all sanctions as required; and
- e. Number of youth who complete the program.

5. **Restorative Justice**

Goal:

To reduce recidivism by reconnecting youth who have committed a crime to the community through increasing individual personal accountability and empathy for others.

Objective:

To provide restorative justice programming that includes three sessions: one for the victims; one with the offenders; and a final conference including both victims and offenders as well as involved community stakeholders in order to facilitate mediation and reparation.

Performance Measures:

- a. Number and demographics of youth referred to the program;
- b. Number of youth who attend all sessions as required;
- c. Number of reparation plans completed; and
- d. Number of victim satisfaction debriefings completed.

6. **Trauma Assessments**

Goal:

Reduce recidivism and divert youth from further involvement in the juveniles justice system.

Objective:

To provide trauma assessments by a licensed clinician to youth referred by the juvenile probation office. Youth who meet the criteria for Post Traumatic Stress Disorder (PTSD) will be referred to services in the community for treatment.

Performance Measures:

- a. Number and demographics of youth referred to the program;
- b. Number of assessments completed;
- c. Number of youth identified as meeting criteria for PTSD; and
- d. Number of youth who access services identified on individualized service plans.

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 will be submitted 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:

Agency

Janet M. Musolf
JJAC Program Manager
Children, Youth and Families Department
PO Drawer 5160, Room 542
Santa Fe, NM 87502
(P) 505-709-8453

Contractor

Nita Taylor
County Manager
Lincoln County
PO Box 711
Carrizozo, NM 88301
(P) 575-648-2385 x101

- 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. If this Agreement results in any copyrightable material or inventions, the Agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use, the work or materials for governmental purposes.
- T. 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).

- U. 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.

The Agency shall:

- A. Reimburse Contractor for verified services provided and incurred costs as stated in Attachment 2 – Budget dated July 1, 2015.
- 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.

Attachment 2 – Budget dated July 1, 2015
County of Lincoln

FY 2016	Continuum	Girl's Circle	Boy's Council	Citation Program	Intensive Case Monitoring	Restorative Justice	Trauma	Totals
Personnel								\$0.00
Benefits								\$0.00
Contractual	\$37,132.00	\$6,201.00	\$6,201.00	\$15,503.00	\$15,618.00	\$14,355.00	\$14,355.00	\$109,365.00
Travel					\$2,584.00			\$2,584.00
Supplies	\$862.00							\$862.00
Other Costs								\$0.00
Youth Committee	\$300.00							\$300.00
Totals:	\$38,294.00	\$6,201.00	\$6,201.00	\$15,503.00	\$18,202.00	\$14,355.00	\$14,355.00	\$113,111.00

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	\$ 113,111.00
40% Minimum Match Liability for Lincoln County	<u>45,244.00</u>
Projected Budgeted Amount	\$ 158,355.00

*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

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 September 3, 2013

Note: All contractors 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)

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, or federal body. 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 included, 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. See attached Source Sheet.
- 2. The contractor shall comply with all aspects of the provision of the contact, including all insurance, bonding and audit and financial reporting requirements.

Insurance

- 1. The contractor, with the exception of New Mexico higher education institutions, 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 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 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;

- h. Cost allocation method;
- i. Accounting policies for donations.

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 of Children, Youth and Families Department.

1. Sole proprietor contractors receiving Department funds under \$100,000.00 must submit to the Department the Sole Proprietor Business Reporting Form "Schedule C". 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 \$150,000.00 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 New Assets 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 \$150,000.00 to \$300,000.00 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. The selected accounting firm shall not have provided non-auditing services within the year being reviewed.

4. Audits for a contractor receiving \$300,000.00 or greater per year in cumulative Department 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. The selected auditor shall not have provided non-auditing services within the year being audited.

5. Audit for an contractor receiving over \$500,000.00 per year in cumulative Federal funds (a total of all contracts awarded to the contractor with in a fiscal year) the contractor must receive an audit as required by the U.S. Office of Management and Budget, Circular A-133 Audits of States, Local Governments and Non-Profit Organizations, and U.S. Office of Management and Budget, Circular A-21, Cost Principles for Educational Institutions. 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. The selected auditor shall not have provided non-auditing services within the year being audited.

6. Financial Statements, AUP and Audits must be mailed to:

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

SOURCE SHEET

ADMINISTRATIVE REQUIREMENTS

Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; also known as the Common Rule.

OMB Circular A-110, Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

COST PRINCIPLES

OMB Circular A-21, Cost Principles for Educational Institutions

OMB Circular A-87, Cost Principles for State and Local Governments.

OMB Circular A-122, Cost Principles for Non-Profit Organizations.

FASB and AICPA Statements and Professional Pronouncements.

AUDITS

OMB Circular A-133 Audits of States, Local Governments and Non-Profit Organizations.

OMB Compliance Supplement for Audits of States, Local Governments and Non-Profit Organizations.

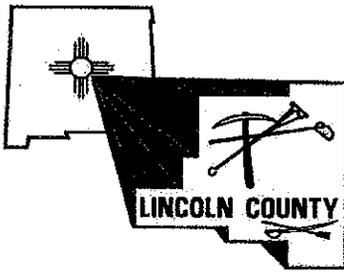
U.S. General Accounting Office, Government Auditing Standards, (The Yellow Book, current revision).

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 or the federal Office of Civil Rights has the authority to inspect the parties' procedures for management of the individual's protected health information.



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Agenda Item. 30

SUBJECT

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

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

June 23, 2015

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

New or Updated Matters since last report = *

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

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

3. *Greentree Solid Waste Authority v. Lincoln County, et al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was filed April 29, 2015.

4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et al.* and H-272 *et*

al (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

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

*6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015.

Tort Claims Notices Received or Threatened

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 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 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 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.

Preston, DeAnna – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22, 2015 through attorney J. Robert Beauvais against the County of Lincoln in reference to Dep. Preston's Disciplinary Action Dispute.

Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy, Lincoln County Sheriff Robert Shepperd, and the County of Lincoln – Tort Claim Notice received May 4, 2015 from Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4th Amendment rights.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 by 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.

***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.

2014

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

Millerden, Kenneth and Anita – Tort Claim Notice received May 9, 2014 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 alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 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 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 by 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.

Rider, Edward Allen and Moorhead, Brennon – Tort Claim Notice received Oct. 20, 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers destroyed items in a home.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

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

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

McMurray, Cody – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

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

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

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

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

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

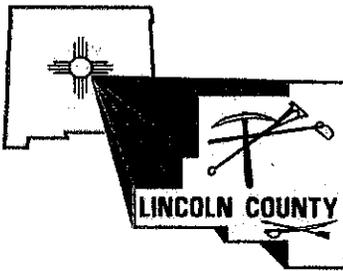
Inmate Group – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Allen, Katherine Elizabeth- Notice of Tort Claim received Sept. 12, 2013 from Katherine Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

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.

Silva, Elmo B Tort Claim Notice received from attorney Richard Marquez November 6, 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District Court to 38 years filed on July 3, 1990.



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AGENDA Item No. 31

June 18, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: **GSWA Items for Additional Consideration**

31. Greentree Solid Waste Authority items for consideration/action:

- c) Consideration of Options:
 - i. Issue Third party Request for Proposal (RFP) for County of Lincoln Solid Waste Services. **-(Move to Untable)**

Discussion: Mr. Charles Fiedler, County consultant for developing the RFP conducted a thorough field trip through the County last week to assess current services provided: He found:

- There are a total of 12 active locations (the County provided map includes Alto Lakes and a site on US70 at the intersection with El Corte that no longer appears active.
- The 14 compactor units include 2 that are the exchange units, allowing two roll-off trucks to service the stations at the same time.
- Three of the locations represent commercial or private facilities (i.e., Ranches of Sonterra, Bonito Nazarene and Alto Alps Condominiums)
- Six of the locations (Loma Grande, Sun Valley, Cedar Creek, Buckhorn Glencoe and San Patricio) are situated on the sides of roads with no defined property.
- Several of the compactor locations (Nogal, Bonito, Cedar Creek, Ranches, Sun Valley, Alto Alps, and Lincoln) as well as almost all of the 3CY dumpster location visited (like the Rain Maker Subdivision and others on SH 220) and the two cart appear to be established subdivisions or communities that currently provide utilities (like access to public water and sewer) which usually means they are billing monthly for utilities.
- None of the 3CY containers really appeared to represent "Bear Proof" containers

While Mr. Fiedler is currently working on a "menu" of solid waste services for Commission consideration, he advised an early discussion regarding "scope" of services offered should be held. Currently, residents are offered a variety of services, from 3cy containers located at various locations, polycart door – to – door service; slash pick-up, compactor units, etc.; all of whom pay approximately the same fee for service. The Commission should consider whether it opts to continue to offer this same structure of collection services to its residents.

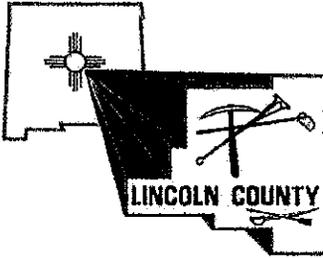
County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

31.d Identification and Valuation of GSWA Assets to Serve Lincoln County residents

Discussion: Manager requested GSWA to provide an inventory of equipment that GSWA utilizes currently to serve the County's residents, along with the asset value per item, to enable the County and GSWA to discuss the potential purchase or other method of gaining possession or use of those assets. See **Enclosure 1**. GSWA provided its Asset Management Plan. See **Enclosure 2**.



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June 9, 2015

DISTRIBUTED ELECTRONICALLY

Greentree Solid Waste Authority
Chairman Ray Dean
26590 US Hwy 70
Ruidoso Downs, NM 88346

Dear Chairman Dean,

The County is in the process of developing its Request for Proposals for the collection of solid waste services in Lincoln County, outside of municipalities and outside Alto Lakes Water & Sanitation District. To move forward, it is important for the County to obtain an inventory of all equipment that GSWA is utilizing currently to serve that client base, along with the asset value per item, to enable the County and GSWA to discuss the potential purchase or other method of gaining possession or use of those assets.

We also understand from our various discussions with your staff that GSWA has leased land in a number of locations, on which to place the dumpsters and compactors. Should another provider be selected to take over solid waste collection services, we'd like to discuss with you the possibility and the process of having GSWA assign or sublease those locations to the County.

Finally, we would appreciate you providing us with copies of the current collection station registrations. We are in the process of identifying the steps that will be required to transfer these to the County. I look forward to hearing from you at your earliest convenience.

Sincerely,

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

Cc: GSWA Board of Directors
Joe Lewandowski
Debra Ingle
Charles Fiedler, Gordon Environmental, Inc.

ENCL 1

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

BACKGROUND REGARDING SYSTEM

The Lincoln County Solid Waste Authority (LCSWA) [now the Greentree Solid Waste Authority] was created in 1991 and has had seven Operational Supervisors which includes the current supervisor, each with differing philosophies in capital asset acquisition, maintenance and replacement. Moreover, LCSWA did not have in-house mechanics at all times since 1991; therefore, equipment maintenance was not what it is today with a fully equipped shop, mobile mechanics truck and at least one qualified, experienced mechanic. The goal of this asset management plan is to meet the required level of service offered GSWA customers in the most cost-effective way possible. Further, the plan will enable management and governing Board members assistance in making better decisions in managing aging assets. GSWA cares about the prudent management of its physical assets because 1) these assets represent a major public investment; 2) well-run infrastructure is important in regional economic development efforts; 3) property operation and maintenance of a solid waste utility is essential for public health and safety, and environmental cleanliness; and, 4) asset management promotes efficiency and innovation in the operation of the solid waste and recycling system.

The plan below lists the assets owned by GSWA and rates them with a 1-5 system of poor to excellent. The plan lists the equipment when it was purchased, location, condition, and when it should be replaced.

ASSET INVENTORY LIST

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Transporter Trucks				
#78 2002 Freightliner Transporter	Greentree	4 – Good	2011	\$125,000
#14 2003 Western Star Transporter	Greentree	1 – Poor	2013	\$125,000
#21 2006 Freightliner Transporter	Greentree	4 – Good	2016	\$125,000
#29 2015 Mack Roll-Off	System	5 – Excellent	2025	\$250,000
#19 2005 Freightliner Roll-Off	System	3 – Average	2010	\$250,000
# 73 1997 Freightliner Roll-Off	System	3 – Average	2011	\$250,000
#15 2004 Freightliner Roll-Off	System	3 – Average	2009	\$250,000
#90 Wilkens Walking Floor Trailer	Greentree	4 – Good	2021	\$90,000
#85 Wilkens Walking Floor Trailer	Greentree	4 – Good	2015	\$90,000

Greentree Solid Waste Authority
 Asset Management Plan

June 2009--Updated August 2013- Updated April 2015

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Light Trucks				
#23 2008 Chevy Pickup 1 ton	System	4 - Good	2013	\$60,000
#25 2008 Chevy Pickup 1 ton	System	5 - Excellent	2013	\$60,000
#26 2008 Chevy Pickup 1 ton	System	5 - Excellent	2013	\$60,000
#24 2008 Chevy Pickup 2 ton	System	5 - Excellent	2013	\$70,000
#11 2003 Chevy Pickup 3/4 ton	System	4 - Good	2013	\$40,000

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Collection Trucks				
#30 2015 Mack Side Load Truck	System	5 - Excellent	2025	\$260,000
#31 2016 Mack Side Load -Poly	System	5 - Excellent	2025	\$260,000
#28 2011 Freightliner Coronado Side Loader	System	4 - Good	2017	\$260,000
#27 2008 Amer.LaFrance Residential Truck- Pc	System	4 - Good	Replaced	\$260,000
#17 2004 Freightliner Side load Truck	System	2 - Below Average	2009	\$260,000
#56 1993 Ford Side Load Truck	System	1 - Poor	2009	\$260,000
#22 2007 Sterling Side load Truck	System	1 - Poor	Replaced	\$260,000
#74 1998 Volvo Rear Load Truck	System	3 - Average	2003	\$260,000

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Recycling Center Equipment				
#92 CAT Forklift 2PD5000	Greentree	5 - Excellent	2025	\$50,000
#84 Daewoo Forklift D202600	Greentree	2 - Below Average	Replaced	\$40,000
#55 Fruehauf Trailer	Greentree	1 - Poor	2015	
Clean up Trailer	Greentree	3 - Average	2005	\$2,000
Recycle Roll-off Trailer (16 yarder)	Greentree	4 - Good	2008	\$100,000
#5 International Horizontal Baler (used)	Greentree	3 - Average	2009	\$100,000
#1 Vertical Baler	Greentree	3 - Average	2000	\$30,000
#4 Cram-a-Lot Vertical Baler	Greentree	4 - Good	2019	\$30,000
#3 Cram-a-Lot Vertical Baler	Greentree	4 - Good	2019	\$30,000
#6 Horizontal Baler	Greentree	4 - Good	2019	\$100,000
#87 Grapple System	System	1 - Poor	2006	\$100,000
#86 Grapple System	System	2 - Below Average	2010	\$100,000
#91 2011 Grapple System	System	3 - Average	2017	\$100,000
#20 2005 Sterling Roll-Off/Grappler	System	3 - Average	2010	\$250,000
#58 1982 International Recycle Roll-Off	System	1 - Poor	1998	\$200,000
#79 2002 Freightliner RO/ Grappler Truck	System	1 - Poor	2007	\$200,000

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Transfer Station Equipment				
#88 Caterpillar Backhoe	Greentree	3 - Average	2009	\$75,000
#89 Caterpillar Backhoe	Greentree	3 - Average	2014	\$75,000
Dumpster Trailer	System	3 - Average	2015	

Greentree Solid Waste Authority
 Asset Management Plan

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Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
34 Cubic Yard Automated Compactors				
C22A-Compactor Rolloff USA& Power Unit	System	3 - Average		
C20-Compactor Rolloff USA& Power Unit	System	3 - Average		
C16-Compactor Rolloff USA& Power Unit	System	3 - Average		
C17-Compactor Rolloff USA& Power Unit	System	3 - Average		
C18-Compactor Rolloff USA& Power Unit	System	3 - Average		
C-Compactor Rolloff USA& Power Unit	System	3 - Average		
C-Compactor Rolloff USA& Power Unit	System	3 - Average		
C8-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C6-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C11- Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C15-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C3-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C1-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C2- Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C13- Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C10-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C4-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
C23-Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	3 - Average		\$35,000
Compactor - CRAM-O-LOT	System	5 - Excellent		\$35,000
Compactor - CRAM-O-LOT	System	5 - Excellent		\$35,000

Greentree Solid Waste Authority
Asset Management Plan

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Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Compactor - GRAM-0-LOT	System	5 - Excellent		\$35,000
Waste Poly Carts				
2005 96 Gallon PC	System	3 - Average	As Needed	\$110 each
2007 96 Gallon PC	System	4 - Good	As Needed	\$110 each
2012 96 Gallon PC	System	5 - Excellent	As Needed	\$110 each
Waste Dumpsters				
10 1 1/2 yard	System	2 - 3 Average		\$500 each
275 3 yard	System	Varies	Annual	\$730 each
72 3 yard	System	5 - Excellent	2017	\$730 each
(on repair schedule with assigned employee)				
Recycling Dumpsters				
50 3 yard	System	Varies	Annual	\$730 each
Recycling Roll Off Container				
5 Green, 16 cubic yard containers	System	4 - Good	As Needed	
3 Green, 30 cubic yard containers	System	4 - Good	As Needed	\$6,000 each
Item *				
	Location of Use	Condition	Estimated Replacement Year	Replacement Value

Greentree Solid Waste Authority
 Asset Management Plan
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Roll - Off Container (30 cubic yard)	System	2 - 3 Average	As Needed	\$6,000 each
69 roll off containers				

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Roll - Off Container (40 cubic yard)				
3 roll - off containers	System	5 - Excellent	2025	
11 roll - off containers	System	1 - Poor	2015	

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Buildings*				
Transfer Station/Recycling Center/Offices	Greentree	5 - Excellent	2033	
Transfer Station/Recycling Center/Offices	R. Downs	1 - Poor	2005	

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Land*				
24.9 acres, 26590 Us Hwy 70	Greentree			
1.2 Acres, 201 2 nd Street	R. Downs			

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value
Private or County Owned Land (GSWA Owned Equipment)				
Loma Grande Collection Site Hwy 37	Highway 37	5 - Excellent	2035	\$150,000
Hondo Collection Site Hwy 380	Hondo Valley	5 - Excellent	2035	\$150,000
Buckhorn Loop Collection Site Hwy 70	Glencoe area	5 - Excellent	2035	\$150,000

Item *	Location of Use	Condition	Estimated Replacement Year	Replacement Value

Carrizozo Collection Center (2010)		
Yard Replacement	Town and western Line 1 - Poor	2011
		\$200,000

Long Term Funding Strategy

The long-term funding and capital replacement strategy is guided by the following industry benchmarks:

- Land – 100 years
- Equipment – 5 years*
- Roll – off Containers – 15-20 years
- Operational and Administrative Buildings – 40 years

The long-term funding strategy is a combination of operating capital infusions, New Mexico Legislative capital outlay funding requests, and bi-annual NMED Solid Waste grant funding requests. All four have been successfully used on an annual basis for the past thirteen (13) years.

***Critical Assets**

* Some equipment life expectancy due to maintenance

Appendix

2017 – 2021 Year Long Range Infrastructure Capital Improvement Plan (ICIP)

Plan Priority Rank

1. Roll Off Truck Emergency Replacement
2. Waste Collection Truck Replacement Schedule
3. Transporter Trailer Replacement Schedule
4. Construct & Equip Compactor Collection Centers
5. Solid Waste Compactor/Dumpster/Poly Equipment

Adopted by GSWA Board 18th day of June 2015.

Ray Dean

GSWA Board Chairman

Gary L. Williams

Secretary/Treasurer