

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

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

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

**Nita Taylor, County Manager**

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**AGENDA**

**Commission Chambers, Tuesday, July 21, 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. June 23, 2015 Regular Commission Meeting
  - b. July 13, 2015 Special Commission Meeting
7. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending June 30, 2015
  - c. Road Name Change Request
8. USGS Update & Presentation - “ Summary of U.S. Geological Survey NM Water Science Center’s Final Report: Water Resources During Drought Conditions and Post-Fire Water Quality in the Upper Rio Hondo Basin”
9. Creative Aging Committee of ENMU Presentation by Clara Farah-Request for Endorsement
10. Per Head Tax Update and Discussion

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

11. Forest, Land & Natural Resources Matters:
  - a. Smokey Bear Ranger District
  - b. Cibola National Forest
  - c. Community Forester
  - d. Office of State Engineer-Water Issues
12. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
13. Appeals for the Lincoln Historic Preservation Board: Findings of Fact and Conclusions of Law for Approval
  - a. Dickinson/Dockery Appeal
  - b. Randy and Ronda Dougherty Appeal
14. Lincoln Hills Subdivision: Commission to Consider subdivision owner's amending the Development Agreement deleting a portion of Gene Littler Lane from the north side of Antler to Paso Monte Loop
15. Approval of PNM Easement to the hospital for new MRI Machine
16. Approval of SNMEDD Agreement and Resolution 2015-4
17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
18. ICIP Discussion
19. Manager's Report
20. Road Issues
  - a. Rancho Ruidoso Valley Estates
  - b. Barbara Yates
21. Approval of Resolutions:
  - a. Resolution 2015-1 Adjusting Line Items for FY 2014-2015
  - b. Resolution 2015-2 Closing the FY 2014-2015 Budget
22. **1:00 P.M.:** Public Hearing to Consider the Approval of the Final Budget FY 15-16
  - a. Resolution 2015-3 Adopting the Final Budget FY 2015-2016
23. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
24. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - a. Road Task Force Steering Committee

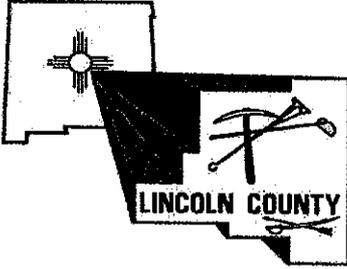
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25. Approval of Invitation to Bid 14-15-004 Carrizozo Senior Center
26. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
27. Signing of Official Documents
28. Next meetings:
  - a. August 18, 2015, Regular Commission Meeting
29. Adjourn

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# *County of Lincoln*

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

## Agenda Item 6

### SUBJECT

Approval of Minutes:

- a) June 23, 2015 Regular Commission Meeting
- b) July 13, 2015 Special Commission Meeting

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

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, June 23, 2015**

10  
11  
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 23,  
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  
19 8:30:27 AM.

20  
21 **2. Roll Call**

22  
23 **Roll Call.**

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

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

29  
30 **3. Invocation**

31  
32 The invocation was presented by Commissioner Stewart.

33  
34 **4. Pledge of Allegiance**

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

39 **5. Approval of Agenda**

40  
41 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,  
42 **Action:** Approve, **Moved by** Commissioner 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.

46  
47 **6. Approval of Minutes**

- 48  
49  
50 a. May 05, 2015 - Special Commission Meeting  
51 b. May 19, 2015 - Regular Commission Meeting

52 **Motion:** Approve the minutes of the May 5, 2015 Special Meeting and the May 19, 2015  
53 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded**  
54 **by** Commissioner Willard.

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

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

58  
59 **7. Approval of Consent Agenda**

- 60  
61 a. Payroll/Accounts Payable/Budget/ Expenditures  
62 b. Treasurer's Financial Report for the Month ending March 31, 2015  
63 c. The Alpine Village Sanitation District Mill Levy Tax Rate Approval  
64 d. Road Name Request

65  
66 Commissioner Stewart requested a separate vote for each item presented on the consent  
67 agenda.

68  
69 **Motion:** Approve Payroll, Accounts Payable, Budget, and Expenditures as presented, **Action:**  
70 Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

71  
72 Commissioner Stewart questioned if the County had received the annual distribution for  
73 Payment in Lieu of Taxes (PILT). Nita Taylor, Manager and Beverly Calaway, Treasurer  
74 anticipated receipt of the PILT funds within the next few days. Commissioner Stewart requested  
75 a list of overtime payments to employees during the past year for analysis.

76  
77 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

79 **No:** Commissioner Stewart.

80  
81 **Motion:** Approve the Treasurer's Financial Report for the Month ending March 31, 2015,  
82 **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

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

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

86  
87 **Motion:** Approve the Alpine Village Sanitation District Mill Levy Tax Rate, **Action:** Approve,  
88 **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

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

92  
93 **Motion:** Approve the Road Name Requests as presented, **Action:** Approve, **Moved by**  
94 Commissioner Draper, **Seconded by** Commissioner Stewart.

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

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

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

**8. Acknowledgment of Preliminary Budget Approval by DFA**

Nita Taylor, Manager provided copy of the letter from the Department of Finance and Administration's (DFA) Local Government Division approving the Preliminary Budget for Fiscal Year 2015-2016. Ms. Taylor reminded of the New Mexico State requirement for the Board of County Commissioners to acknowledge this budget approval in an open meeting.

**Motion:** Acknowledge receipt of the letter of approval of the FY 2015-2016 Preliminary Budget from DFA, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

**9. Introduction of Senator Ted Barela - Governor's Appointee to Senate District 39**

Ms. Taylor reminded Senator Ted Barela was appointed by Governor Susana Martinez to fill the vacancy in New Mexico Senate District 39 following the resignation of Senator Phil Griego. Ms. Taylor informed Senator Barela previously served as Mayor for the Town of Estancia for five years and also as a Trustee for ten years. Ms. Taylor commented Senator Barela began his official duties during the recent Special Session of the NM Legislature to approve the disbursement of Capital Outlay funds.

Senator Barela discussed his history of public service and commented on the recent Special Session where he worked to support capital outlay requests for District 39 as initiated by Senator Griego during the 2014 Regular Session. Senator Barela stated while the Capital Outlay process requires learning and thought, as a former Mayor he understood the challenges of small communities. Senator Barela discussed the need for collaboration between communities and counties in identify capital outlay requests. Senator Barela stated he was looking forward to learning more about Lincoln County to better serve the constituents within his district.

**10. Discussion – Factors Impacting Grazing and Property Rights in Otero County – Gary Stone, President, Otero County Cattleman's Association**

Gary Stone, President of the Otero County Cattleman's Association expressed belief the actions of special interest groups were threatening the industry, custom and culture of agriculture in both Otero and Lincoln County. Mr. Stone stated the discontinuation of grazing allotments on the Lincoln National Forest was currently on the agenda of many such groups. Mr. Stone discussed the economic impact of the loss of grazing allotments and reminded of the economic impact on the lumber industry in New Mexico when the Spotted Owl was listed as an endangered species. Mr. Stone requested the Lincoln County Commission revisit and refine the County's Public Land Use Plan in order to provide a tool for the County to request input on land issues.

148 Mr. Stone also requested Lincoln County join other counties to petition the department of Game  
149 and Fish and demand a voting seat on the Sikes Funds Habitat Committee. Mr. Stone  
150 informed this committee had decision make authority about funding projects for wildlife habitat  
151 maintenance which critically impact both water rights and grazing allotments. Mr. Stone stated  
152 belief there were plans to begin fencing off water holes on the Lincoln National Forest. Mr.  
153 Stone discussed his efforts to research the filing of multiple water rights transfer applications by  
154 the US Forest Service in New Mexico. Mr. Stone stated these transfers could restrict or impair  
155 water critical to ranchers and other agricultural users.  
156

157 Representative Yvette Herrell expressed support for Mr. Stone's concerns. Representative  
158 Herrell stated the issues raised by Mr. Stone were related to the fundamental question of who  
159 should manage public lands. Ms. Harrell informed legislation was introduced during the recent  
160 session to study the impact of the State of New Mexico assuming management of all public  
161 lands within the state. Representative Herrell discussed the costs and revenues associated  
162 with state and federal land management. Representative Herrell suggested the State of New  
163 Mexico could move away from reliance on Federal Payment in Lieu of Taxes (PILT) payments  
164 by assuming management of all public lands.  
165

166 **11. Forest, Land & Natural Resources Matters**

167 a. Smokey Bear Ranger District

168 Loretta Benavides, Acting District Ranger informed Ranger David Warnack would return to the  
169 District on July 27<sup>th</sup>. Acting Ranger Benavides stated the District had approved helicopter  
170 operations during the next week to assess the feral hog populations. Acting Ranger Benavides  
171 stated the next Assessment Phase Meeting for the Lincoln National Forest Plan revision was set  
172 for July 7, 2015 at Eastern New Mexico University. Acting Ranger Benavides further reported  
173 the current fire danger as low and stated as a result the District would conduct several more  
174 prescribed fire operations.  
175

176 b. Cibola National Forest – MOU

177 Ms. Taylor returned the approved Memorandum of Understanding for Lincoln County's  
178 participation as a cooperating agency in the revision of the Cibola Forest Plan. Ms. Taylor  
179 stated the MOU language was revised as discussed at the Regular Meeting of May 19, 2015  
180 and she was awaiting a response from the District Ranger.  
181

182 c. Forest Health - Community Forester

183 Ms. Taylor reported Laura Doth, Executive Director of South Central Mountain Resource  
184 Conservation District (SCMRCD) was working with the County to develop the 2016 Wildland  
185 Urban Interface grant application due in July.  
186

187 Rick Merrick, Community Forester with SCMRCD reported on current mitigation efforts including  
188 prescribed burns and review of applications for the Lincoln County Cost Share program for the  
189 upcoming fiscal year. Mr. Merrick reported the Ranches of Sonterra received official recognition  
190 as a Firewise Community and residents of Black Forest were working towards the designation.  
191

192 Ms. Taylor reported two recent bear attacks in Lincoln County.  
193

194 d. Office of State Engineer – Water Issues

199  
200 Lower Pecos Regional Water Plan Update: The Steering Committee met in May and June to  
201 discuss modifications to the Regional Water Plan Update. Revisions included a current list of  
202 water projects, programs and policies for the region for submission to the New Mexico Interstate  
203 Stream Commission for inclusion in the statewide plan.  
204

205 e. Predator Control Activities  
206

207 Ms. Taylor reported aerial operations by the New Mexico Department of Agriculture for predator  
208 control resulted in a plane crash on June 5, 2015. The crash took the lives of Pilot Kelly Hobbs  
209 of Lincoln County and Wildlife Specialist Shannon "Bubba" Tunnel.  
210

211 **13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**  
212 **OFFICIALS**  
213

214 Commissioner Draper commented on his recent attendance of the New Mexico Association of  
215 Counties Conference in Bernalillo County. Commissioner Draper discussed the financial  
216 challenges the NMAC Multi-Line Insurance Pool faced and the effect on counties.  
217

218 Commissioner Draper reported he and Commissioner Allen also attended a workshop on  
219 detention center issues and the challenges presented by mental health issues.  
220

221 Commissioner Stewart reported on his attendance of the Joint Land Use Study Committee and  
222 stated preliminary implementation plans were in progress. Commissioner Stewart stated the  
223 committee would reconvene in August.  
224

225 Jeremy Jordan of Lincoln reminded the public the annual Lincoln Days and Billy the Kid  
226 Pageant was set for the first weekend in August. Mr. Jordan stated in addition to regular  
227 activities the Sierra Blanca Amateur Radio Club would establish a special event radio station in  
228 Lincoln utilizing the call sign K5B. Mr. Jordan stated those wishing to participate could utilize  
229 the radio system and reminded of the importance of amateur radio operations when all other  
230 communication methods fail.  
231

232 Ron Stitt, resident of 109 Woodpine Court in Alto expressed concern about the condition of this  
233 road. Mr. Stitt expressed belief Woodpine was paved with asphalt when the County originally  
234 accepted the road for maintenance but had since deteriorated significantly. Mr. Stitt stated the  
235 road had received only minimal attention from the County Road Department in the last seven  
236 eight years and provided pictures of current conditions. Mr. Stitt stated it was reasonable to  
237 expect the County to maintain the road to the original condition of acceptance.  
238

239 Julie Claeys, also a resident of Woodpine Court stated she contacted her County Commissioner  
240 several years ago and subsequently the County Road Department applied some base material  
241 to the road. Ms. Claeys stated currently large amounts of gravel from that application had now  
242 eroded on to her property.  
243

244 **12. Consideration of Lincoln County Joining Otero and Socorro Counties in**  
245 **Submitting SET (Stronger Economies Together) Regional Application**  
246

247 Ms. Taylor presented a request from Greg Corey, the Village of Ruidoso Community  
248 Development Director for the County to participate in a county wide collaborative effort to submit  
249 a regional application for a "Strong Economies Together" (SET) grant. Ms. Taylor noted

250 Lincoln County's commitment would help ensure the region was eligible to submit an  
251 application.  
252

253 **Motion:** Approve Lincoln County support of the SET grant application, **Action:** Approve, **Moved**  
254 **by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

256 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
257 Commissioner Willard.  
258

#### 259 **14. Manager's Report**

260  
261 **1. Retirement Celebration for the Honorable Karen L. Parsons** was scheduled for June  
262 25, 2015 in the Twelfth Judicial District Court. Judge Parsons served Lincoln County as  
263 District Court Judge, Division III beginning in March 14, 1997. Judge Parsons extended  
264 a personal invitation to the Commissioners, other Public Officials and Lincoln County  
265 employees to join her at her retirement celebration.  
266

267 **2. NMAC Annual Conference** was held in Albuquerque June 16<sup>th</sup> – 18<sup>th</sup>. A number of  
268 County Public Officials and employees attended training classes, affiliate meetings, and  
269 general sessions. This year for the first time, workshops were open to all attendees.  
270 Topics included:

271  
272 a. **Gross Receipts Tax Reform-** A crucial step toward economic development. The  
273 panel addressed how to broaden the GRT base, lower rates and protect local  
274 government revenue.

275 b. **Miracle at Bernalillo County Metropolitan Detention Center!** A discussion of how  
276 counties can reduce jail low risk population and provide meaningful programs to  
277 those in need. Last year statewide Counties spent over \$35 million to house  
278 probation violators;

279 c. **To Preempt or not to Preempt?** Why local government is best positioned to protect  
280 the health, safety and welfare of its citizens. A number of bills were introduced  
281 during this past legislative session that would preempt local authority over a variety  
282 of issues, such as oil and gas, mining, agriculture and minimum wage. These bills  
283 would have eroded local authority over important health, safety and welfare concerns  
284 and would set a dangerous precedent.

285 d. **How to jumpstart your Local Economy – Who are You Going to Call?**  
286 **Economic Development Busters!** This panel addressed the need to catapult  
287 economic development projects to offset high unemployment, low income, or  
288 economic distress.  
289

290 **3. Worker's Compensation Pool Membership Meeting.** The Manager serving as  
291 alternate to Commissioner Stewart on the Pool Board attended the membership  
292 meeting. A key topic was the Loss Analysis Reports for the individual counties, and the  
293 Pool as a whole. The Manager reported the departments incurring the most Worker's  
294 Compensation claims were the Sheriff's and Road Departments with the highest number  
295 of incidents in the categories of: Struck or injured by animal or insect and fall or slip.  
296 The Manager stated weekly safety meetings for each department were ongoing in an  
297 attempt to bring awareness to safety practices, as well as a knowledge of the costs  
298 associated with accidents and injuries.  
299

300 **3. Secure Rural Schools (SRS) and PILT.** The Manager reported notification was  
301 received on June 15, 2015 of funding distributions based on the formula in the SRS Act.  
302 Lincoln County received \$167,848.48 with additional amounts distributed to school  
303 districts. The Manager reported distribution of Fiscal Year 2015 PILT payments to  
304 counties were expected by June 24, 2015.  
305

306 **4. Building Projects**

- 307 a. **Public Officials Building.** Final work was being completed on the HVAC units with  
308 final invoices submitted for payment prior to the fiscal year end pending final  
309 inspections.  
310 b. **Annex Building.** The first floor remodel currently complete with the exception of the  
311 security doors for the District Attorney's office. The District Attorney was in the  
312 process of installing data lines and the County hired a moving company to assist with  
313 moving on June 24, 2015. The District Attorney will also have assigned office space  
314 on the second floor for additional storage.  
315 c. **Carrizozo Senior Center.** The mandatory pre-bid conference was scheduled for  
316 June 30, 2015 with bids due by July 9, 2015. The Manager anticipated a bid award  
317 at the July 21, 2015 Regular Commission Meeting.  
318

319 **5. Departmental Updates:**

- 320  
321 a. **Punkin Schlarb, Finance Director** reported fiscal year end closing procedures  
322 continued with closeout of payroll, payables, purchase orders, and other actions to  
323 help define ending cash balances. Ms. Schlarb reported the Finance Affiliate met  
324 with the new State Auditor and the Department of Finance and Administration during  
325 the recent NMAC meeting and received updated guidelines and information.  
326 b. **Curt Temple, Planning Director** reported the final revisions for the Lincoln County  
327 map books were submitted to the printer this week.  
328 c. **Carl Palmer, Road Superintendent** stated the CAP/Co-op chip seal projects for this  
329 fiscal year were completed and received a positive public response. Mr. Palmer,  
330 speaking to the previous comment regarding Woodpine Court, stated to his  
331 knowledge the road was never an asphalt road but rather a chip seal road. Mr.  
332 Palmer further stated Woodpine Court was on the Road Department's planning list  
333 for future work.  
334

335 Commissioner Stewart requested copies of any correspondence related to Woodpine Court and  
336 Stag Loop. Commissioner Stewart also questioned whether the Road Department was  
337 monitoring road damage associated project work by Alto Lakes Water Association. Mr. Palmer  
338 reported he was monitoring the road conditions and stated the Association planned to repair the  
339 road damage.  
340

- 341 d. **Joe Kenmore, Emergency Services Director** reported the Nogal Fire Department  
342 ISO rating review was completed and anticipated a revised ISO rating in 60 to 90  
343 days. Mr. Kenmore stated the Capital Outlay funding for the Hondo Fire Station was  
344 well received and construction plans were completed. Mr. Kenmore stated as a  
345 result of recent legislation background checks were required for all Emergency  
346 Medical Technicians (EMTs). Mr. Kenmore reported a recent test of the Code Red  
347 system revealed a large number of nonworking numbers. Mr. Kenmore requested  
348 the public update their information and reminded information was now available  
349 through email and text.

- 350 e. **Billie Joe Guevara, Administrative Assistant/Human Resources** reported the  
351 State of New Mexico medical insurance premiums increased by 3% for employees  
352 effective July 1, 2015. Ms. Guevara stated several Sexual Harassment Training  
353 sessions were scheduled for attendance by all County employees.  
354 f. **Renee Montes, Senior Program Director** informed New Mexico rated second in the  
355 nation in senior hunger. Ms. Montes stated her department was working with the  
356 Road Runner Food Bank to provide food distributions at sites in Ruidoso, Ruidoso  
357 Downs, and Hondo on the fourth Tuesday of each month.  
358 g.

359 **15. GSWA Request to File Property Liens**  
360

361 Attorney Morel reported on June 9, 2015 the Lincoln County Clerk forward copies of fifteen liens  
362 presented by Greentree Solid Waste Authority for signature and recording through the authority  
363 of the Lincoln County Board of Commissioners. Attorney Morel stated the liens in question  
364 were submitted as a result of delinquency in payment for solid waste services rendered by  
365 GSWA. Attorney Morel noted twelve of the fifteen liens were previously submitted by GSWA in  
366 June of 2014.

367  
368 Attorney Morel stated the current Lincoln County Solid Waste Ordinance 2014-07 provides for  
369 the filing of liens due to delinquency of payment but reminded Ordinance 2014-07 superseded  
370 seven earlier Ordinances. Attorney Morel reminded he provided a detailed review of the liens  
371 submitted by GSWA in 2014 and identified a number of errors and inconsistencies. Attorney  
372 Morel stated in 2014 the Board of County Commissioners declined to approve the filing of the  
373 liens as presented and requested GSWA make the necessary corrections.

374  
375 Attorney Morel stated the 2015 liens presented today contained errors and inconsistencies  
376 nearly identical to those found in the 2014 GSWA liens and provided a detailed review of those  
377 errors and inconsistencies. Attorney Morel suggested he work GSWA to correct these issues  
378 as GSWA was legally entitled to collect money due.  
379

380 Commissioner Willard questioned if the County might correct and then record the liens without  
381 returning them to GSWA. Attorney Morel expressed concern about altering GSWA billing  
382 accounts and expressed a preference to work with GSWA's Attorney to correct the liens.  
383

384 Chair Stone reminded of the prior direction by the Board of Commissioners in 2014 to GSWA to  
385 make the corrections.  
386

387 **Motion:** Direct Lincoln County Attorney Morel to assist the GSWA Attorney to correct rates, late  
388 fees, and references for the liens presented, **Action:** Approve, **Moved by** Commissioner  
389 Willard, **Seconded by** Commissioner Stewart.

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

391 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
392 Commissioner Willard.  
393

394 **16. Solid Waste Collection Exemption per Ordinance No. 2014-07**  
395

396 Attorney Morel presented an application prepared as per direction from the Board of County  
397 Commissioners for an exemption from solid waste billing. Attorney Morel reminded the  
398 exemption was only for landowners with a minimum of 300 acres of contiguous land with  
399 adequate disposal sites in compliance with all other related State requirements for disposal of  
400 waste on private property.

401  
402 Ms. Taylor provided a summary of requests for seven other exemptions along with proposed  
403 solutions for further consideration.  
404

405 **Motion:** Adopt the Application for Waiver of Solid Waste Collection Fee for Landowners with  
406 300 Contiguous Acres of Land as to form and grant authority for minor modifications to the  
407 County Manager, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner  
408 Draper.  
409

410 Commissioner Willard questioned if the granting of this exemption would result in any conflict  
411 with current State Statute. Attorney Morel stated there were a number of state requirements  
412 which the application required the landowner to attest to compliance.  
413

414 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
415 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
416 Commissioner Willard.  
417

418 Commissioner Willard questioned if there was a need to modify the County's current Solid  
419 Waste Ordinance. Attorney Morel stated the exemption discussed today was currently  
420 identified in the Ordinance however there were other issues identified which might necessitate a  
421 revision of the Ordinance. Attorney Morel suggested these be visited after the County  
422 developed a Request for Proposal (RFP) for solid waste services. Attorney Morel stated the  
423 RFP would identify specific services to be provided by the County and potentially necessitate  
424 other revisions.  
425

#### 426 **17. Safety Net Care Pool & Indigent Health Care Claims**

427

428 Scott Annala, Indigent Health Care Administrator presented the Safety Net Care Provider Pool  
429 claims for approval. Mr. Annala processed 31 claims with 31 recommended for approval and  
430 none recommended for disapproval for a monthly authorization of \$27,995. Mr. Annala stated  
431 the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$254,747 with a  
432 monthly average of \$21,229.  
433

434 Mr. Annala presented the Indigent Health Care Payments request for the month and stated he  
435 processed 6 claims with 5 claims recommended for approval and 1 for disapproval for a total  
436 payment this month of \$1,301.61. Mr. Annala stated the total expenditure for IHC claims for  
437 Fiscal Year 2014-2015 to date was \$63,642.16 for an average monthly indigent claims payment  
438 of \$5,303.51. Mr. Annala stated average monthly indigent claims payments of \$5,303.51  
439 resulted in a total expenditure for the Fiscal Year ending June 30, 2015 of \$63,642.16 of a  
440 budgeted \$393,278. Mr. Annala additionally reported a refund received of \$70.84 from a claim  
441 processed in 2005.  
442

443 Mr. Annala suggested expansion of the Indigent Health Care provider base to include  
444 reimbursement for services by the Presbyterian Physician Group to utilize Indigent Health Care  
445 Funds. Commissioner Draper questioned if separate contracts were required for each  
446 physician. Mr. Annala stated each billing entity would require a separate Indigent Health Care  
447 Provider Agreement.  
448

449 Commissioner Stewart questioned the status of Indigent Health Care programs in other  
450 counties. Mr. Annala stated there were numerous counties which no longer provided Indigent  
451 Health Care funding for services to residents but have redirected the program towards  
452 reimbursement of health care costs for prisoners.  
453

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

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

458 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
459 Commissioner Willard.  
460

461 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments  
462 are attached hereto in reference thereto made a part hereof.  
463

#### 464 18. Update on MOU with the VOR Concerning Building Permits and Inspections 465

466 Mr. Temple discussed the intent of the Memorandum of Understanding (MOU) to extend  
467 construction inspections by the Village of Ruidoso outside of the municipality to defined areas  
468 within the County which were better served by the Village. Mr. Temple stated the MOU  
469 required the Village of Ruidoso to retain a full staff of inspectors but noted the Village was  
470 without an Electrical Inspector for the past four months.  
471

472 Mr. Temple provided an analysis of permits issued within the municipal limits and those issued  
473 in the County. Mr. Temple reminded the prior NM State Secretary of the Construction Industries  
474 Division (CID) had agreed to investigate any violations reported by the Village of Ruidoso  
475 building inspectors. Mr. Temple stated the new Secretary of CID was not as amenable to  
476 adopting jurisdiction for noncompliance. Mr. Temple stated enforcement might become  
477 problematic if a Village of Ruidoso Inspector found violations outside of the municipal limits.  
478

#### 479 19. Agreement with Curry County to House Inmates in Lincoln County Detention 480 Center 481

482 Ms. Taylor informed weather related damages to the Curry County Detention Center  
483 necessitated relocation of inmates during building repair. Ms. Taylor stated she received a  
484 request from Curry County for Lincoln County to enter into an agreement to house some of  
485 these inmates.  
486

487 Ms. Taylor stated Warden Arthur Anderson confirmed adequate space was available at the  
488 Lincoln County Detention Center and they were agreeable to housing adult male inmates with  
489 no history of mental illness.  
490

491 Ms. Taylor stated Attorney Morel prepared an Agreement acceptable to Curry County to house  
492 inmates at the daily rate of \$72 per inmate consistent with agreements with other counties.  
493

494 **Motion:** Approve the agreement with Curry County to house inmates at the Lincoln County  
495 Detention Center, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
496 Commissioner Draper.  
497

498 Attorney Morel informed the agreement was limited to housing no more than twenty male  
499 inmates with Curry County to retain responsibility for health care and other associated services.  
500

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

502 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
503 Commissioner Willard.  
504

505 **20. Tower Lease Agreement with the Capitan Municipal Schools**  
506

507 Ms. Taylor presented the agreement to formalize the prior approval of the request from the  
508 Capitan Municipal School District to collocate communication equipment on towers.  
509

510 Joe Kenmore, Director of the Office of Emergency Services expressed approval of the  
511 agreement stating adequate tower space was available and the appropriate coordination of  
512 frequency use with the Federal Communications Commission was in process.  
513

514 Commissioner Stewart noted the agreement stated the County would provide internet and  
515 electrical service and questioned the associated costs. Attorney Morel stated no internet  
516 service was available at the sites and electrical costs were minimal.  
517

518 **Motion:** Approve the Tower Lease Agreement with the Capitan Municipal Schools, **Action:**  
519 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

521 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
522 Commissioner Willard.  
523

524 **21. Award Bid 14-05-010 Resurface Old Fort Stanton Road**  
525

526 Ms. Taylor informed bids to resurface Old Fort Stanton Road were opened on June 9, 2015 with  
527 four bids received. Ms. Taylor detailed the bids as follows.  
528

529	Mesa Verde Enterprises, Inc	\$160,200.00
530	MP Chavez Enterprises, Inc.	\$151,764.00
531	Renegade Construction, LLC	\$165,320.00
532	Star Paving Company	\$245,006.40
533		

534 Commissioner Draper questioned if the Board of Commissioners was obligated to award to the  
535 low bidder. Attorney Morel stated the Commissioners could only consider the criteria defined in  
536 the bid packet.  
537

538 Orlando Samora, Purchasing Agent discussed the definition of the New Mexico resident  
539 preference as a 5% credit for contractors previously qualified with the State of New Mexico. Mr.  
540 Samora stated the standard bid process resulted in the award to the lowest bidder while the  
541 Request for Proposal or RFP process allowed for consideration of other criteria.  
542

543 Attorney Morel reminded all contractors were required to provide performance bonds.  
544

545 **Motion:** Award Bid 14-05-010 to MP Chavez Enterprises, Inc. for \$151,764.00, **Action:**  
546 Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

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

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

550  
551 **22. Preliminary Infrastructure Capital Improvement Plan (ICIP) – Direction and**  
552 **Prioritization**  
553

554 Ms. Taylor discussed the evolution of the Infrastructure Capital Improvement Plan (ICIP) to  
555 reflect current capital outlay awards and to encompass newly identified projects. Ms. Taylor  
556 reported the Manager's staff and Elected Officials met in June to identify additional or new ICIP  
557 projects and presented a list reflecting some of those suggestions as follows:  
558

- 559 1. New Hondo Fire Station
- 560 2. Expansion White Oaks Fire Station
- 561 3. Expansion Lincoln County Detention Center
- 562 4. Renovations New Horizons Facility
- 563 5. ADA Upgrades to Senior Centers
- 564 6. ADA Upgrades to Courthouse parking lots
- 565 7. Repair of Courthouse sidewalks
- 566 8. Heating/Cooling Unit for Ruidoso Public Health Office
- 567 9. Sheriff's Department vehicles
- 568 10. Road Department vehicles and equipment
- 569 11. Fleet Management software
- 570

571 Ms. Taylor stated total project costs were being identified with prioritization scheduled for the  
572 July Regular Meeting and final approval scheduled for the August Regular meeting.  
573

574 Commissioner Draper commented the new additions were appropriate but reminded  
575 prioritization was critical to receive appropriate funding.  
576

577 Commissioner Stewart suggested projected costs and detail would assist with prioritization for  
578 Capital Outlay requests but also for budgeting for projects the County might wish to fund.  
579

580 Commissioner Allen suggested the renovation of the Lincoln County Medical Center be added  
581 to the ICIP plan.  
582

583 **23. Resolution 2014-46 to Dispose of County Property by Auction**  
584

585 Ms. Taylor presented the Resolution for approval of County assets to be auctioned through the  
586 Public Surplus website.  
587

588 **Motion:** Adopt Resolution 2014-16, **Action:** Approve, **Moved by** Commissioner Stewart,  
589 **Seconded by** Commissioner Allen.

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

591 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
592 Commissioner Willard.  
593

594 Commissioner Draper, Clerk Burrows, and Sheriff Shepperd volunteered to review items prior to  
595 auction.  
596

597 **SEE EXHIBIT C:** Copy of Resolution 2014-16 is attached hereto in reference thereto made a  
598 part hereof.

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**26. Change Sheriff Department's Narcotics Enforcement Unit Clerk from part time to a full time position**

Ms. Taylor presented the request from Sheriff Robert Shepperd to reclassify the Narcotics Enforcement Unit Clerk from a part time to full time position. Ms. Taylor stated there was sufficient work to reclassify the position and grant funding would completely offset the additional payroll expense.

**Motion:** Approve the reclassification of the Sheriff's Department Narcotics Enforcement Unit Clerk from a part time to full time position, **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.

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

a. Final Budget FY 2015-2016

**Motion:** Schedule a public hearing to consider the Final Budget for Fiscal Year 2015-2016 at the July 21, 2015 Regular Meeting, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

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

a. Lincoln Historic Preservation Board

**Motion:** Reappoint L.M. Smith to the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

b. Planning Commission

No action taken.

c. Senior Citizens Olympic Committee

No action taken.

**29. Liability Insurance for Lincoln County Juvenile Justice Board**

Ms. Taylor stated the annual agreement with NM Children Youth and Families (CYFD) which provides grant funding for the Lincoln County Juvenile Justice Board included a new

650 requirement for liability insurance. Ms. Taylor reminded the Juvenile Justice Board, a 501-C3  
651 entity, was a subcontractor for services and Lincoln County served as the grant recipient. Ms.  
652 Taylor stated this was a rather unique arrangement with only Los Alamos County similarly  
653 structured.

654  
655 Ms. Taylor stated she was working with the New Mexico Association of Counties in conjunction  
656 with Los Alamos County to obtain the requested liability insurance. Ms. Taylor estimated the  
657 cost of this insurance as \$1,500 to \$3,000 per year. Ms. Taylor suggested the value of the  
658 program which helps keep juvenile offenders out of the courts and detention center was well  
659 worth the additional cost.

660  
661 **Motion:** Approve the expenditure of up to \$3000 for the purchase of liability insurance for the  
662 Lincoln County Juvenile Justice Board, **Action:** Approve, **Moved by** Commissioner Draper,  
663 **Seconded by** Commissioner Allen.

664  
665 Commissioner Draper suggested the LCJJB include the additional cost of the requested liability  
666 insurance in their annual request to Lincoln County for external agency funding.

667  
668 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
669 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
670 Commissioner Willard.

671  
672 Chair Stone recessed the Regular Meeting at 11:48:55 and reconvened at 1:00:37 PM.

673  
674 **30. Executive Session Pursuant to the Open Meetings Act: Discussion of all**  
675 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**  
676 **Discussion of the purchase, acquisition or disposal of real property or water**  
677 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**  
678

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

683 **New or Updated Matters since last report = \***

- 684  
685 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
686 *et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory  
687 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,  
688 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper  
689 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
- 690 2. *Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.* Suit filed  
691 May 1, 2014 Verified Petition for Declaratory and Supplemental Relief: Injunction. County was  
692 served May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All  
693 Pending Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict  
694 of interest and was disqualified from representing GSWA. GSWA has retained Robert Doughty  
695 as new counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First  
696 Amended Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for  
697 Preliminary Injunction Concerning Rate at which County Will Bill May 7, 2015. Lincoln County  
698 filed its Motion to Continue its Motion for Sanctions May 8, 2015 and the Order of Continuance  
699 was filed May 11, 2015.

700 3. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104*. Suit  
701 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.  
702 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge  
703 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed  
704 Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response  
705 Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed it Reply Brief Dec. 1, 2014.  
706 The case has been submitted to a panel of judges for decision and the County received Notice  
707 of Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien  
708 was filed April 29, 2015.

709 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*  
710 *041*. Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*  
711 *al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of  
712 water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs.  
713 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has  
714 been retained by the County, entered his appearance Sept. 22, 2014 and has responded in  
715 behalf of the County.

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

720 \*6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*  
721 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and  
722 Summons received June 15, 2015.

723

724

#### Tort Claims Notices Received or Threatened

#### 2015

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

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

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

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

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

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

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

746 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**  
747 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to  
748 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-  
749 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected  
750 and noted no progress had been made.

751 **Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22,  
752 2015 through attorney J. Robert Beauvais against the County of Lincoln in reference to Dep.  
753 Preston's Disciplinary Action Dispute.

754 **Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy,**  
755 **Lincoln County Sheriff Robert Shepperd, and the County of Lincoln** – Tort Claim Notice  
756 received May 4, 2015 from Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4<sup>th</sup>  
757 Amendment rights.

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

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

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

767  
768 **2014**

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

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

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

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

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

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

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

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

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

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

796 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,  
797 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit  
798 officers destroyed items in a home.

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

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

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

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

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

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

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

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

817 **Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25,  
818 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

821  
822 **2013**

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

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

829 **Silva, Elmo** - Tort Claim Notice received from attorney Richard Marquez November 6,  
830 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District  
831 Court to 38 years filed on July 3, 1990.

832  
833 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

837  
838 Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:01:16 PM.

839  
840 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 1:43:37 PM.

841  
842 Commissioner Allen attested that matters discussed in the closed meeting were limited to those  
843 specified in the motion for closure or in the notice of separate closed meeting.

844  
845 **31. Greentree Solid Waste Authority items for consideration/action:**

846  
847 a. Re-negotiation of the current Joint Powers Agreement should the County of Lincoln  
848 elect to remain a full member of Greentree Solid Waste Authority. **Tabled**

849  
850 b. Potential Action on Rates for Solid Waste Collection Services in Lincoln County  
851 outside municipalities and Alto Lakes Water and Sanitation District by Resolution  
852 2014-40 – **Tabled**

853  
854 c. Consideration of Options:  
855

- 856 i. Issue Third party Request for Proposal (RFP) for County of Lincoln Solid  
857 Waste Services. – **Tabled**  
858

859 **Motion:** Remove from the item from the table, **Action:** Approve, **Moved by** Commissioner  
860 Draper, **Seconded by** Commissioner Willard.

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

862 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
863 Commissioner Willard.  
864

865 Ms. Taylor reminded Lincoln County hired Charles Fiedler of Gordon Environmental to assist  
866 with the development of a Request for Proposal (RFP) for solid waste services. Ms. Taylor  
867 stated Mr. Fielder recently conducted a survey of current services provided, service sites, and  
868 status of equipment. Ms. Taylor reported Mr. Fielder suggested development of an initial RFP  
869 containing a menu of services for consideration by the Board of County Commissioners.  
870

871 Commissioner Draper expressed a desire to keep all options open and questioned if Mr. Fiedler  
872 might seek feedback about services from potential vendors  
873

874 Commissioner Stewart also requested the RFP be developed in a broad and flexible manner to  
875 provide opportunity for vendors to respond based on their own recommendations and solutions.  
876

- 877 ii. Negotiation of Joint Powers Agreement and the status of the County of  
878 Lincoln should an RFP for a Third Party Contract for Services be sought.  
879

880 d. Identification and Valuation of GSWA Assets to Serve Lincoln County residents  
881

882 Ms. Taylor informed she requested from GSWA an identification and valuation of GSWA Assets  
883 currently allocated to services for Lincoln County residents. Ms. Taylor stated the purpose of  
884 the request for a specific list of assets was to assist with development of the RFP. Ms. Taylor  
885 stated GSWA provided an "Asset Allocation Plan" with replacement costs but stated this plan  
886 did not fulfill the request for specific assets utilized by County residents.  
887

888 Commissioner Stewart requested the Manager continue to seek the information for  
889 development of the RFP.  
890

- 891 e. Any and all other items pertaining to Greentree Solid Waste Authority and the County  
892 of Lincoln.  
893

894 **24. 2:00 p.m. Public Hearing: Lincoln County Historic Preservation Ordinance No.**  
895 **2004-04: Section VII (G):**  
896

897 Attorney Morel provided background for the two appeals of separate decisions rendered by the  
898 Lincoln Historic Preservation Board. Attorney Morel noted both appeals involved the  
899 appropriateness of the utilization of flags within the Lincoln Historic Preservation District for  
900 commercial advertising purposes.  
901

902 Attorney Morel stated the Dickinson appeal was considered as a "Request for Variance" to  
903 utilize a "Pizza" flag as indicated by the application presented to the Lincoln Historic

904 Preservation Board. Attorney Morel stated the Dougherty appeal was based on an application  
905 for use of an "Open" flag as signage.  
906

907 Attorney Morel stated the Public Hearing was a quasi-judicial hearing with each party afforded  
908 an opportunity to present their view. Attorney Morel provided copies of all related  
909 correspondence, applications, memorandums and minutes related to the decisions for  
910 consideration and inclusion in the record.  
911

912 Attorney Morel suggested Commissioner Allen recuse herself from these proceedings due to a  
913 potential conflict of interest as a resident of and business owner flying flags in the Lincoln  
914 Historic Preservation District.  
915

916 Chair Stone recessed the Regular Meeting and convened the Public Hearing at 2:00:08 PM.  
917

918 Rhonda Burrows, County Clerk administered the oath to individuals giving testimony.  
919

920 a. Appeal of the Lincoln Historic Preservation Board's denial of the Dickinson  
921 Gallery/Northside Pizza's Application for Variance to display a "Pizza" flag in the  
922 Lincoln Historic Preservation District.  
923

924 Sarah Dockery speaking for Dickinson Gallery/Northside Pizza provided a history of the  
925 business and the addition of Northside Pizza to the existing Gallery in late 2014. Ms. Dockery  
926 stated originally the business flew an American Flag and then changed to a simple tri-colored  
927 flag with the word "Pizza".  
928

929 Ms. Dockery stated after the business began using the "Pizza" flag they were contacted by  
930 Samantha Mendez, Lincoln County Ordinance Administrator advising of an Ordinance  
931 requirement to make application to the Historic Preservation Board for a variance. Ms. Dockery  
932 expressed belief the initial application was submitted incorrectly as a request for variance based  
933 on the advice of the Ordinance Administrator. Ms. Dockery stated an application for approval  
934 of signage was the proper request. Ms. Dockery stated the application was subsequently  
935 denied by the Historic Preservation Board and as per the Ordinance an appeal was initiated.  
936

937 Ms. Dockery detailed the timeline of events which resulted in a removal of the "Pizza" flag for six  
938 months. Ms. Dockery testified this change was detrimental to business and stated the use of  
939 the flag in question increased business by two fold.  
940

941 Ms. Cille Dickenson testified she was a resident of the Lincoln Historic Preservation District for  
942 forty four years and discussed the business's geographical location to other historic buildings in  
943 the area.  
944

945 L. M. Smith, Chairman of the Historic Preservation Board testified a majority of district residents  
946 who had contacted him objected to the use of the "Pizza" flag as historically inappropriate.  
947

948 Ginger Moore, Vice Chair of the Historic Preservation Board expressed belief the Board viewed  
949 the use of flags as signage not historically appropriate for use with in the District. Ms. Moore  
950 stated the duty of the Historic Preservation Board as defined in the Ordinance included the  
951 "intent to curb the creation of non-conforming uses or structures". Ms. Moore stated research  
952 indicated while some Historic Districts permitted the use of such flags, a similar number did not.  
953 Ms. Moore requested the Board of County Commissioners uphold the authority of the Historic  
954 Preservation Board to make these decisions.

955 Herb Marsh, resident of Lincoln noted typically the Historical Preservation Board approved  
956 approximately 99% of applications presented as in compliance with the County Ordinance. Mr.  
957 Marsh noted the Ordinance as adopted required the County Ordinance Administrator to report  
958 violations for consideration by the Historic Preservation Board. Mr. Marsh suggested the Board  
959 was not acting arbitrarily when denying the application for a flag as flags do not conform to the  
960 requirements of the Ordinance. Mr. Marsh objected to the argument that a lack of specific  
961 reference to flags within the Ordinance exempted them from regulation and maintained that  
962 "legally speaking" the Ordinance was very specific as to what signage was permitted including a  
963 list of all exceptions. Mr. Marsh opined the omission of any references to flags, banners or  
964 pennants was not one of oversight but rather one of intentional omission.  
965

966 Mr. Marsh noted the Ordinance identified specific materials, colors, and various details  
967 approved for signage. Mr. Marsh stated those appealing the ruling were not denied the right to  
968 signage but simply being held to the same standard as others who conformed to the Ordinance.  
969 Mr. Marsh requested no variance which nullifies the intent of the Ordinance be approved. Mr.  
970 Marsh stated a ruling to allow a flag for signage would not suit the character of Lincoln.  
971

972 Jeremy Jordon, resident and business owner within the Historic District suggested flags if  
973 considered as "signage" were then still subject to restrictions including requirements for  
974 particular materials, colors, and fonts as defined in the Ordinance. Mr. Jordon presented two  
975 petition pages titled "Objection to Dickinson Flag Variance" containing a total of sixteen  
976 signatures from residents of Zone A and B within the Lincoln Historic District. Mr. Jordan read  
977 from the petition pages stating "the variance policy expressly states under no circumstances  
978 should a variance be granted that significantly conflicts with or nullifies the objective spirit and  
979 intent of the ordinance". Additionally, the petition reads "granting a variance to allow the nylon  
980 flag clearly violates the spirit and intent of the Ordinance".  
981

982 Reginald Ritchie, prior Chair of the Historic District Preservation Board reminded the Historic  
983 Preservation Board continually provided guidance to assist homeowners and businesses within  
984 the District with Ordinance compliance. Mr. Ritchie asserted the Ordinance clearly defines  
985 appropriate variances and objected to the possibility of setting a precedent which would lead to  
986 a large number of flag signage within the Historic District.  
987

988 Cleis Jordan, resident of Lincoln provided a brief history and background of the creation of the  
989 Lincoln Historic District beginning in the 1930s and the organization of the Lincoln County  
990 Memorial Commission in 1949. Ms. Jordan commented on the adoption of the original Lincoln  
991 County Historical District Ordinance in 1972. Ms. Jordan discussed the acquisition of properties  
992 by various entities with subsequent donation to the State of New Mexico in 2006. Ms. Jordan  
993 noted over half of the properties within Lincoln were still privately owned, restored and  
994 maintained to conform to the historic period of 1860 to 1920. Ms. Jordan stated belief flags and  
995 banners were not utilized during this period and were therefore not appropriate for the  
996 community.  
997

998 Ms. Dickinson expressed concern about a "double standard" being applied to those seeking an  
999 appeal of the Historic District Preservations Board decision before the Board of Commissioners.  
1000 Ms. Dickinson reminded the flag in question was red, green, and white and asserted there were  
1001 at least six other signs in Lincoln with the same colors.  
1002

1003 Attorney Morel questioned Ms. Dickinson as to whether the request was for permission to fly a  
1004 flag or whether the request was also for a variance from the colors and fonts required by the

1005 Ordinance for signage. After discussion, Ms. Dickinson concurred the intent of the request was  
1006 for permission or variance to fly the flag with current colors and font.  
1007

1008 Randy Dougherty, resident and business owner for twenty years in Lincoln reminded he recently  
1009 appeared before the Board of Commissioners on a prior appeal related to fencing. Mr.  
1010 Dougherty objected to the assertion that only property owners were permitted to apply for  
1011 variances in the Historic District and also objected to what he termed as "selective  
1012 enforcement". Mr. Dougherty discussed improvements made to the three business locations he  
1013 rented in Lincoln and stated he had flown an "Open" sign for most of those twenty years. Mr.  
1014 Dougherty asserted he possessed historic pictures of cloth signs from the 1800s.  
1015

1016 Attorney Morel stated the placement of a sign or flag was clearly subject to the Ordinance.  
1017 Attorney Morel directed attention to Section 7 G 6 of the Ordinance which provides detail  
1018 regarding signage requirements. Attorney Morel opined the Board of Commissioners may  
1019 consider a cloth flag as "signage" and disputed Mr. Marsh's opinion that a lack of reference to  
1020 flags precluded this consideration. Attorney Morel noted the Historic Preservation District  
1021 Ordinance defined colors and fonts acceptable for signage but did not specifically limit signs to  
1022 wood construction. Attorney Morel stated the decision before the Board of Commissioners was  
1023 whether cloth signs were permitted as signage and therefore subject to Ordinance requirements  
1024 as to acceptable colors and font.  
1025

1026 Attorney Morel stated for the record the appeal was timely filed, acting as the County Attorney  
1027 he spent several months trying to resolve the issue, and therefore the appeal shall proceed to  
1028 the Board of County Commissioners. Attorney Morel stated the Board of Commissioners could  
1029 issue a reversal of the Historic Preservation Board's decision, uphold the decision, or make  
1030 changes to decision. Attorney Morel reminded the appeal was conducted during a Public  
1031 Hearing and after key finding of facts and conclusions of law were approved a second thirty day  
1032 appeal process would begin.  
1033

1034 Commissioner Stewart questioned a reference in the January 30, 2015 Historic Preservation  
1035 Board minutes regarding the approval of placement of Art Loop Flags and requested  
1036 clarification of this approval.  
1037

1038 L.M. Smith, Chair stated to his knowledge the request for placement of Art Loop Flags was one  
1039 for temporary event placement which was granted by prior Boards over the past 20 years.  
1040

1041 Attorney Morel presented a copy of a 2009 Resolution adopted by the Lincoln County Historic  
1042 Preservation Board which allowed temporary structures for special events such as Art Loop.  
1043

1044 There was lengthy discussion about the placement and use of U.S. Flags within the Historic  
1045 District including whether or not it was appropriate to use the U.S. Flags to indicate whether or  
1046 not a business was open.  
1047

1048 Herb Marsh spoke to Section 4 C of the Ordinance which contains the definition of construction  
1049 or alteration as actions which would affect the appearance of a structure and Section 4 R which  
1050 defines exterior appearance to included signage. Mr. Marsh expressed belief Section 7 G 1  
1051 was only a definition of materials acceptable for exterior appearance alterations.  
1052

1053 Attorney Morel discussed section 7 G 1 referenced by Mr. Marsh and suggested 7 G 6 dealing  
1054 with signage was more applicable to the situation and provided for a process for application to  
1055 the Historic Preservation Board for approval of materials prior to placement of signage.

1056  
1057 Commissioner Draper questioned Ms. Dockery if the denial of the placement of the flag had cost  
1058 her business money. Ms. Dockery stated belief loss was incurred from the potential for  
1059 increased sales. Ms. Dockery stated belief the use of a flag was not "signage" and stated she  
1060 had complied with the Ordinance requirements for signage on two prior occasions.  
1061  
1062 Chair Stone suggested there was a need to clarify the Ordinance to eliminate subjective  
1063 opinions regarding language.  
1064  
1065 Commissioner Stewart suggested there was opportunity to amend the Ordinance to define flags  
1066 as temporary in nature and for display only when businesses were open.  
1067  
1068 Chair Stone recessed the Public Hearing and reconvened the Regular Meeting at 4:12:16 PM.  
1069  
1070 Attorney Morel reminded the Historic Preservation Board's denial was for an application for a  
1071 variance to display a red, white, and green flag with the word Pizza on the front and back.  
1072  
1073 **Motion:** The Board of County Commissioners hereby reverses the decision of the Lincoln  
1074 Historic Preservation Board to permit use of a flag providing the flag meets the requirements of  
1075 the Ordinance as to color and font and is displayed only during business hours. **Action:**  
1076 Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.  
1077 **Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).  
1078 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Draper, Commissioner Willard.  
1079 **Abstain:** Commissioner Allen.  
1080  
1081 **SEE EXHIBIT D:** Notice of Public Hearing, correspondence, applications, memorandums,  
1082 minutes, and other documents attached hereto in reference thereto made a part hereof.  
1083  
1084 Chair Stone recessed the Public Hearing at 4:21:10 PM and reconvened the Regular Meeting at  
1085 4:31:13 PM.  
1086  
1087 Attorney Morel clarified the second public hearing was a separate matter to consider a denial of  
1088 an application by the Historic Preservation Board to utilize a flag within the District and not to  
1089 address a request for a variance as presented during the first appeal. Attorney Morel provided  
1090 copies of all correspondence, applications, memorandums and minutes related to the decision  
1091 for consideration and inclusion in the record.  
1092  
1093 Attorney Morel again suggested Commissioner Allen recuse herself from these proceedings due  
1094 to a potential conflict of interest as a resident of and business owner flying flags in the Lincoln  
1095 Historic Preservation District.  
1096  
1097 Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 4:32:38 PM.  
1098  
1099 Rhonda Burrows, County Clerk administered the oath to individuals giving testimony.  
1100  
1101 b. Appeal of the Lincoln Historic Preservation Board's denial of the Dougherty's  
1102 Application to display an "Open" flag in the Lincoln Historic Preservation District.  
1103  
1104 Rhonda Dougherty informed she and her husband own a gallery in Lincoln and had filed an  
1105 appeal based on a lack of action by the Lincoln Historic Preservation Board. Ms. Dougherty

1106 stated when she moved to Lincoln in 1997 she complied with Ordinance requirements for  
1107 permanent signage and received verbal permission to fly an "Open" flag during business hours.  
1108 Ms. Dougherty stated she had flown an "Open" flag in Lincoln continuously since that time.  
1109

1110 Ms. Dougherty stated in 2006 Ralph and Rosalie Dunlap requested permission to fly a  
1111 "Welcome" flag at their business in Lincoln. The Historic Preservation Board ruled a "Welcome"  
1112 flag was not an "Open" flag and the Dunlap's request was denied, however the Dougherty's  
1113 were allowed to continue use of their "Open" flag. Ms. Dougherty stated in 2008 a sandwich  
1114 shop had an A-Frame wooden sign which received a request from the Historic Preservation  
1115 Board to remove that particular sign and to utilize a flag in its place. Ms. Dougherty stated  
1116 knowledge of an additional gift shop who received permission to fly a flag. Ms. Dougherty  
1117 objected to the recent development of promoting the procedure to fly an U.S. Flag to indicate a  
1118 business as open as a commercialization of the U.S. Flag.  
1119

1120 Ms. Dougherty commented on the amount of Gross Receipts Tax paid and other contributions  
1121 made to the economy of the County during her eighteen years of business. Ms. Dougherty  
1122 discussed the requirement for property owners to file applications and appeals and stated on  
1123 the date the letter of complaint of the flag was received her landlord had departed for Nicaragua  
1124 for four months.  
1125

1126 Ginger Moore, Vice Chair Historic Preservation Board stated as a volunteer at the State Historic  
1127 Site she was never directed to advise visitors that only businesses who fly the U.S. Flag were  
1128 open. Ms. Moore requested the Commission consider and incorporate her comments from the  
1129 prior hearing into the record.  
1130

1131 Mr. Dougherty stated the average visitor would not understand the flying of the U.S. Flag as a  
1132 representation of a business being open.  
1133

1134 Herb Marsh stated the flying of a U.S. Flag to indicate a business as open was a custom of the  
1135 community. Mr. Marsh asserted Mr. and Mrs. Dougherty were not being denied the right to  
1136 have signage but were simply asked to comply with the Ordinance. Mr. Marsh stated the  
1137 Dougherty's viewed the Ordinance as a joke and expressed belief any adverse ruling simply  
1138 needed to be appealed to obtain a reversal. As a point of order Mr. Marsh stated the  
1139 Ordinance required the property owner to be present at any hearing conducted and the owner of  
1140 the property in question was not present. Mr. Marsh expressed belief the "Open" flag was not  
1141 in compliance with the current Ordinance.  
1142

1143 Ms. Dougherty stated the property owner of their rental was comfortable with the Dougherty's  
1144 representation during this hearing.  
1145

1146 Mr. Marsh stated the Ordinance required any appearance other than the owner's be an  
1147 authorized agent designated in writing.  
1148

1149 Attorney Morel stated agreement with Mr. Marsh's interpretation but opined it would be unfair to  
1150 raise this as a new issue on appeal and the requirement for the owner's appearance was more  
1151 appropriately addressed in the denial of the application by the Historic Preservation Board.  
1152

1153 Mr. Marsh objected saying the requirement for the owner to be present was specifically defined  
1154 as a requirement for an appeal hearing before the Board of Commissioners.  
1155

1156 Ms. Dougherty commented during 18 years of interaction with the Historic Preservation Board  
1157 and as a business owner renting property no one had ever requested the owner of the property  
1158 be present for any action before the Lincoln Historic Preservation Board. Ms. Dougherty stated  
1159 the Historic Preservation Board was disorganized and did not know the procedure to deal with a  
1160 tie vote.

1161  
1162 Linda Scribner, speaking as a County resident objected to the use of the U.S. Flag as an "open  
1163 for business sign" as an "abomination" and disrespectful to veterans who fought to protect the  
1164 flag.

1165  
1166 Ms. Moore stated for clarification of the record the Historic Preservation Board does not strive  
1167 to harass any particular individual and does strive to be fair and consistent.

1168  
1169 Mr. Dougherty commented on receipt of a letter from the County's Ordinance Administrator  
1170 citing presence of a motor home as a violation of the Ordinance. Mr. Dougherty objected to this  
1171 action as harassment.

1172  
1173 Commissioner Willard questioned if the hearing was legal absent the presence of the property  
1174 owner.

1175  
1176 Attorney Morel stated because the application denial did not identify the issue it was his belief it  
1177 was not fair or appropriate to raise new issues during this appeal process and because the  
1178 Dougherty's did not receive prior official notification of the requirement the hearing was within  
1179 the law.

1180  
1181 Mr. Morel reminded consideration of the Dougherty's Application by the Historic Preservation  
1182 Board had resulted in a tie vote and was therefore considered a denial of the application and the  
1183 Board of County Commissioners should therefore consider the appeal.

1184  
1185 Chair Stone adjourned the Public Hearing and reconvened the Regular Meeting at 5:03:57 PM.

1186  
1187 Attorney Morel stated the Commission should consider the appeal as timely filed and requested  
1188 the County Clerk incorporate all documents presented into the official record.

1189  
1190 Attorney Morel restated the Board of County Commissioner's options to uphold, reverse or  
1191 modify the decision of the Historic Preservation Board with findings of fact and conclusions of  
1192 law to be provided in support of the decision.

1193  
1194 **Motion:** The Board of County Commissioners hereby reverses the decision of the Lincoln  
1195 Historic Preservation Board to permit use of a flag providing the flag meets the requirements of  
1196 the Ordinance as to color and font and is displayed only during business hours, **Action:**  
1197 Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

1198 **Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

1199 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Draper, Commissioner Willard.

1200 **Abstain:** Commissioner Allen.

1201  
1202 **SEE EXHIBIT E:** Notice of Public Hearing, correspondence, applications, memorandums,  
1203 minutes, and other documents attached hereto in reference thereto made a part hereof.

1204  
1205 **25. Rancho Ruidoso Valley Estates Subdivision-Discussion of Road Maintenance**  
1206

1207 Mary Stanfield, resident of Rancho Ruidoso Valley Estates expressed a desire to clarify the  
1208 record regarding the history of road conditions in the subdivision. Ms. Stanfield stated Manager  
1209 Taylor and Carl Palmer, Road Superintendent attended a Rancho Ruidoso Valley Estates  
1210 Homeowners Association meeting on May 15, 2014 during which a list of six roads requiring  
1211 repair was presented as prioritized by the HOA. Ms. Stanfield expressed belief Mr. Palmer  
1212 and Ms. Taylor agreed to include two roads per year over the next few years in the County's  
1213 road repair plans. Ms. Stanfield stated currently Ms. Taylor and Mr. Palmer denied any such  
1214 agreement. Ms. Stanfield acknowledged repairs were completed to major roads in 2007 and for  
1215 some side loops in 2013 but reminded two cul-de-sacs were left incomplete at that time.  
1216

1217 Ms. Stanfield stated the HOA initiated an IPRA request for documents related to County road  
1218 projects for both the prior five years and for upcoming years. Ms. Stanfield stated due to the  
1219 broad request for information, over six thousand documents were presented for review and  
1220 there was insufficient time to review the records prior to this meeting.  
1221

1222 Ms. Stanfield stated plans to file a more specific IPRA request and requested an opportunity to  
1223 discuss the matter at the next Regular Meeting. Ms. Stanfield noted multiple individuals in the  
1224 audience available to attest to her recollection of a prior agreement to repair roads in Ruidoso  
1225 Rancho Valley Estates. Ms. Stanfield provided background documentation for review prior to  
1226 the next meeting.  
1227

1228 Ms. Taylor acknowledged attendance at the Homeowners Association Meeting and recalled  
1229 requesting the Homeowners Association to prioritize their needs. Ms. Taylor stated it was not  
1230 typical for County staff to commit in advance to road repairs due to the changing nature of road  
1231 conditions within the County and apologized for any misunderstanding. Ms. Taylor stated in  
1232 response to Ms. Stanfield's concerns Carl Palmer, Road Superintendent had reviewed the  
1233 roads in question and Mr. Palmer was developing a cost analysis for those repairs.  
1234

1235 Carl Palmer, Road Superintendent recalled the meeting in question but did not recall specifically  
1236 committing to particular road repairs. Mr. Palmer stated a prior analysis of the side roads in  
1237 question and those left unpaved yielded an estimate of approximately \$250,000 to overlay with  
1238 asphalt. Mr. Palmer stated chip sealing these roads would cost approximately 50% less. Mr.  
1239 Palmer apologized for any impression given that action would be immediate.  
1240

1241 Commissioner Draper reminded the public the County was responsible for maintaining 804  
1242 miles of roads many of which were in need of repair. Commissioner Draper commented on the  
1243 "competition" for time and dollars for road repair throughout the County.  
1244

1245 Yolanda Rubio, current member of the Rancho Ruidoso Valley Estates HOA Board commented  
1246 on the history of interaction with the County Commission and expressed belief funding for road  
1247 repairs for Rancho Ruidoso Valley Estates was long overdue with only minimal repairs occurring  
1248 since 2007.  
1249

1250 Ms. Stanfield stated the documentation provided for future review detailed actions from the  
1251 original acceptance of the Rancho Ruidoso Valley Estates by the County in 1995 through the  
1252 approval of road repairs in 2007 and 2013. Ms. Stanfield stated these records supported the  
1253 assertion of the need for repair particularly for the two cul-de-sacs identified.  
1254

1255 **32. Signing of Official Documents**  
1256  
1257

1258 **33. Next meetings:**  
1259  
1260 July 21, 2015 - Regular Commission Meeting  
1261

1262 **34. Adjourn**

1263  
1264 There being no further business to come before the Board of County Commissioners, Chair  
1265 Stone adjourned the meeting at 5:39:16 PM.

1266  
1267 Respectfully submitted by,  
1268 Rhonda B. Burrows  
1269 Lincoln County Clerk

DRAFT

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 **Monday July 13, 2015**

11  
12 Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on July 13,  
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 9:03:17  
19 AM

20  
21 **2. Roll Call**

22  
23 **Roll Call.**

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

25 **Absent:** Commissioner Draper.

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

29  
30 **3. Invocation**

31  
32 The invocation was presented by Commissioner Stewart.

33  
34 **4. Pledge of Allegiance**

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

38  
39 **5. Approval of Agenda**

40  
41 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary, Action:  
42 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

43 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).

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

45 **Absent:** Commissioner Draper.

- 46  
47 1. Approval of Lodger's Tax Applications with backup material:

48 2.

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- a. Application 0001: Funding Request: \$3,500  
Purpose: Alto Artist Studio Tour  
Date(s) of Event: August 6-9, 2015  
Presenter: Stephen Sabo/Alto Artist Studio Tour
- b. Application 0002: Funding Request: \$16,747.26  
Purpose: Old Lincoln Days  
Date(s) of Event: August 7-9, 2015  
Presenter: Cherie Hobbs/Lincoln Pageant & Festivals
- c. **TABLED UNTIL JULY 28, 2015 LODGER'S TAX MEETING**  
Funding Request: \$2,000  
Purpose: Christmas Jubilee  
Date(s) of Event: November 13-15, 2015  
Presenter: Linda Mckinley/Ruidoso Valley Greeters
- d. Application 0003: Funding Request: \$5,000  
Purpose: Golden Aspen Rally  
Date(s) of Event: September 16-20, 2015  
Presenter: Patric Pearson/CP6, Solutions, LLC.
- e. **TABLED UNTIL JULY 28, 2015 LODGER'S TAX MEETING**  
Funding Request: \$2,000  
Purpose: The Frontier Trail  
Date(s) of Event: N/A  
Presenter: Peter Renich/TinTopTec/Carrizozo Chambers
- f. Application 0004: Funding Request: \$2,000  
Purpose: Tour de Ruidoso  
Date(s) of Event: September 26, 2015  
Presenter: Michelle Thurston/Bicycle Ruidoso

Nita Taylor, Manager provided a general overview of the requirements of the Lodgers Tax Committee for awards, disbursements and expenditures. Ms. Taylor stated the annual Lodger's Tax budget was approximately \$60,000 with a Fiscal Year 2014-2015 carryover balance of \$36,000.

**Motion:** Approve Alto Artist Studio Tour Application 0001 for \$3,500; Old Lincoln Days Application 0002 for \$16,747.26; Golden Aspen Rally Application 0003 for \$5,000; and Tour de Ruidoso Application 0004 for \$2,000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 4).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.  
**Absent:** Commissioner Draper.

- 6. **Signing of Official Documents**
- 7. **Next meetings:**

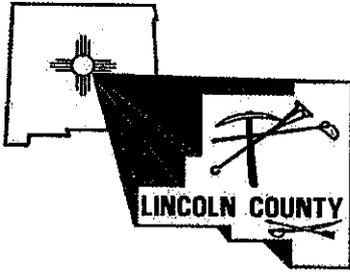
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**8. Adjournment**

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 9:11:02 AM.

Respectfully submitted by,  
Whitney Whittaker  
Lincoln County Chief Deputy Clerk

DRAFT



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# *County of Lincoln*

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

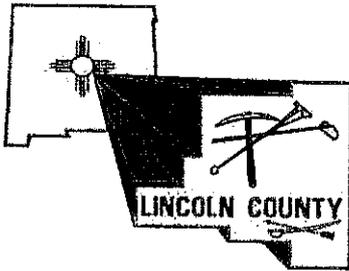
## Agenda Item 7

### SUBJECT

1. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer's Financial Report for the Month ending June 30, 2015  
Road Name Change Request

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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# County of Lincoln

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## ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from June 1 through June 30, 2015 in the amount of \$2,639,128.68.

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

**ADOPTED, PASSED AND SIGNED** the 21st day of July 2015.

### BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

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

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

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

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

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

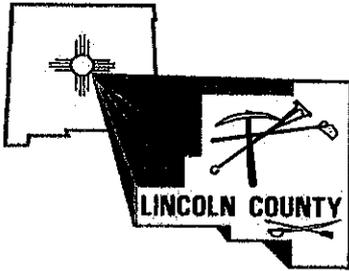
ATTEST:

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

Rural Addressing Fax  
(575) 648-2816



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# County of Lincoln

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

## ROAD NAME CHANGE REQUEST

This is a request to approve a Name for an Existing Easement Located in Gavilan Subdivision in the County of Lincoln. All interested parties as well as the County Rural Addressing Office have acknowledged and approved:

### LADY HAWK LN

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

**NOW, THEREFORE**, the above name Lady Hawk Ln is hereby approved.

**ADOPTED, PASSED AND SIGNED** the 21st day of July, 2015.

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

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

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

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

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

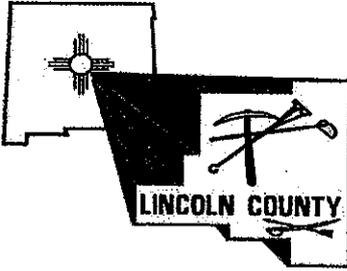
ATTEST:

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

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(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

Rural Addressing Fax  
(575) 648-2816



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# County of Lincoln

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## AGENDA ITEM No. 8

July 17, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** U S Geological Survey Project – Hydrologic Characterization of the Upper Rio Hondo Basin: *Water Resources during Drought Conditions and Post-Fire Water Quality in the Upper Rio Hondo Basin, Lincoln County, NM*

**Purpose:** To provide an opportunity for Lauren Sherson, U.S.G.S., to present an overview of project findings

### **Discussion:**

The County has partnered with USGS for a number of years by providing funding for the USGS Project: Hydrologic Characterization of the Upper Rio Hondo Basin. The most recent study addressed “Water Resources during Drought Conditions and Post-Fire Water Quality in the upper Rio Hondo Basin. Please find a summary of the study at **Enclosure 1**. The entire study, charts and maps are available at your request.

**Recommendation:** Consider information provided and determine if action is required.

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(575) 648-2381



Prepared in cooperation with Lincoln County, New Mexico

## Water Resources during Drought Conditions and Post-Fire

# Water Quality in the upper Rio Hondo Basin, Lincoln County, New Mexico, 2010–13

By Lauren R. Sherson and Steven E. Rice

### Summary

From 2011 to 2013, the upper Rio Hondo Basin, located in south-central New Mexico, experienced extreme drought conditions and two major wildfires. Total annual precipitation was 12.0 inches in 2011 and 13.7 inches in 2013 at the Ruidoso climate station, representing the 1<sup>st</sup> and 4<sup>th</sup>, respectively, lowest totals on record at this climate station. Annual Palmer Drought Severity Index (PDSI) values indicate that New Mexico Climate Division 6, which contains the upper Rio Hondo Basin, experienced extreme drought from April 2011 to August 2013. In April 2011, the White fire burned approximately 16 mi<sup>2</sup> (10,300 acres) near the city of Ruidoso Downs, New Mexico in the lower reaches of the Rio Ruidoso watershed. In June 2012, the Little Bear fire burned approximately 69 mi<sup>2</sup> (44,300 acres) in the high-elevation forests of the Rio Bonito and Ruidoso watersheds. Stakeholders and water-resource managers have had long-standing concerns over the impact of population growth and groundwater withdrawals. These concerns have been exacerbated by recent drought and wildfire conditions in the upper Rio Hondo Basin. In 2006 the U.S. Geological Survey (USGS), in cooperation with Lincoln County, initiated a study to assess and characterize water resources in the upper Rio Hondo Basin. Data collected during water years 2010–13 are presented and interpreted in this report.

Streamflow data were collected from two USGS streamflow-gaging stations in the upper Rio Hondo Basin: Rio Ruidoso at Hollywood (08387000) and Eagle Creek below South Fork near Alto (08387600). Annual mean streamflow at the Rio Ruidoso at Hollywood streamflow-gaging station was

ENCL 1

less than 50 percent of the average mean annual of 18.3 ft<sup>3</sup>/s during 2011–13 and was of similar magnitude to annual mean streamflow values measured during the 1950s drought. Minimal increases in streamflow at the Rio Ruidoso at Hollywood streamflow-gaging station were observed during spring (March to May) of 2011–13, with 2011 and 2013 near the 10<sup>th</sup> percentile of historical values. In addition, the first zero-streamflow values for the period of record (1954–2013) were recorded at the Rio Ruidoso at Hollywood streamflow-gaging station on June 27–29, 2013. The lowest annual mean streamflow on record (1969–80; 1988–2013) occurred in 2011 at the Eagle Creek below South Fork near Alto streamflow-gaging station, with the station recording zero streamflow for approximately 50 percent of the year.

Discrete and continuous groundwater-level measurements indicated basin-wide water-level declines during drought conditions in 2011–13. Discrete groundwater-level measurements were made approximately bimonthly in 37 wells between 2010 and 2013 and rises or declines in groundwater levels collected during 2010–13 were determined by calculating the difference in water levels from September 2009 to September 2013. The average water-level change among all 37 wells was -7.6 ft with several wells exhibiting declines of more than 30 ft. The largest water-level declines were observed in the upper reaches of the Rio Bonito and Rio Ruidoso watersheds, with smaller declines observed in the lower reaches of the Rio Bonito and Rio Ruidoso watersheds. In general, water-level changes observed during 2010–13, in which a majority of the change occurred during drought conditions of 2011–13, were on the order of decadal-scale changes that previously have been observed in the upper Rio Hondo Basin. Continuous groundwater-level measurements were made in 3 wells during 2008–13 in which groundwater-level declines on the order of those observed in bi-monthly water-level measurements were observed from January 2011 to summer 2013. Although water levels increased in two continuous

groundwater wells at the end of 2013 due to an extreme precipitation event, water-levels remained near or below minimum values observed during 2008–11.

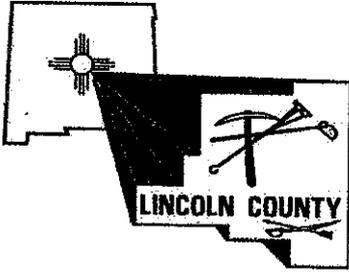
Stable-isotope data indicate that high-elevation winter precipitation generally contributes more to groundwater recharge than summer rains, except in the situations where there are large summer recharge events. This implies that little recharge is occurring at the lower elevations in the upper Rio Hondo Basin, as these areas receive a smaller amount of total precipitation, receive a smaller proportion of the annual total falling as winter precipitation, and have higher average temperatures resulting in more evaporative losses. Radioisotope data also indicate that groundwater in the upper Rio Hondo Basin is a mix of both younger and older water, and that recharge likely is occurring primarily at higher elevations but there may be some areas where localized recharge is occurring at lower elevations.

Surface-water and groundwater quality results from samples collected in 2012 and 2013 were examined to characterize overall chemistry and were compared to historical water-quality data from streams in the upper Rio Hondo Basin collected during 1926–57. In general, specific conductance showed an increasing trend moving eastward (downstream) through the upper Rio Hondo Basin in both surface-water and groundwater samples. Surface-water and groundwater samples appear to have similar overall major-ion chemical characteristics when compared to historical water-quality data from Mourant (1963), in which samples were also collected during drought conditions. All samples could be characterized as calcium-type, with variability in relative major-anion concentration (bicarbonate, sulfate, and chloride). Geology was found to influence the chemical characteristics of both surface-water and groundwater samples, with relatively higher concentrations of sulfate occurring in samples collected at lower elevations in the Permian regional aquifer system.

Additionally, surface-water sample results were analyzed to determine differences in unfiltered and filtered water-quality samples of streams in burned and unburned watersheds after the occurrence of

the Little Bear fire in June 2012. Samples were collected after post-fire monsoon rain events and during periods of stable hydrologic conditions. The first post-fire monsoon rain event in July 2012 generally produced the highest measured concentrations of selected fire-related constituents in unfiltered samples collected in the burned watersheds relative to later samples collected in burned watersheds and all samples collected in the unburned watershed. Despite no obvious indications of major changes to water quality in the Rio Bonito after the Little Bear fire during stable hydrologic conditions, it is evident that monsoon rain events have impacted water quality by delivering larger sediment loads and fire-related constituents into streams in the upper Rio Hondo Basin.

Changes in climate (including drought, the occurrence of wildfires, and shifts in the variability and distribution of precipitation) and increased groundwater- and surface-water use are likely to impact the availability of water in the upper Rio Hondo Basin. Increased drought probably will increase the potential for wildfires, which can impact downstream water quality and increase flood potential. Climate-model predicted decreases in winter precipitation may have an adverse effect on the amount of groundwater recharge that occurs in the upper Rio Hondo Basin, given the predominance of winter precipitation recharge as indicated by the stable isotope results. Decreases in surface-water supplies due to persistent drought conditions and reductions in the quality of water due to the effects of wildfire may lead to a larger reliance on groundwater reserves in the upper Rio Hondo Basin. Decreasing water levels because of increasing groundwater withdrawal could reduce baseflows in the Rio Bonito and Rio Ruidoso. Well organized and scientifically-supported regional water resources management will be necessary for dealing with the likely scenario of increases in demand coupled with decreases in supply in the upper Rio Hondo Basin.



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# County of Lincoln

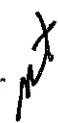
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## AGENDA ITEM No. 9

July 17, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Creative Aging Advisory Committee to Lincoln County

**Purpose:** For Dr. Clara Farah to present an overview of the purpose and need for a Creative Aging Advisory Committee to Lincoln County Residents – Gain Commission Endorsement

### Discussion:

There is currently a Creative Aging Advisory Committee (“CAAC”) that is an outgrowth of the Creative Aging Course taught at Eastern NM University – Ruidoso. The CAAC recently conducted a survey of county residents ages 50+ to better understand their needs addressing a number of topics. See **Enclosure 1**. At **Enclosure 2** is a summary of potential next steps for the CAAC to expand its committee and purpose. At **Enclosure 3** is a draft of an Agreement patterned after the Roswell Commission on Aging. It intends to interact with and complement the activities of the Commission’s newly established “Senior Citizens Providers/Vendors’ Advisory Council”, that is a requirement of the Non-Metro Area Agency on Aging. Sr. Center Director Renee Montes and Manager are working with the CAAC to help identify opportunities to work together.

**Recommendation:** Consider information provided and determine if Commission can endorse the newly expanded Commission on Aging.

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(575) 648-4182

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(575) 648-2381



## CREATIVE AGING ADVISORY COMMITTEE

We, the Creative Aging Advisory Committee, recognize that many of the key factors that influence a livable community are determined locally, in our case Lincoln County. We, therefore, strive to create an opportunity to bring together decision makers and influencers across the public, private, and volunteer sectors at the county level and work in partnership with seniors to put in place imaginative changes that will have real impact on the day-to-day lives of all of us as we age in this frontier community.

April 2015

ENCL 1

**2013 Livable Community Survey of Lincoln County Residents Ages 50+  
Creative Aging Advisory Committee**

5/12/15

The Creative Aging Advisory Committee (CAAC) is an outgrowth of the Creative Aging Course taught at Eastern New Mexico University-Ruidoso (ENMU) as a community education course by Clara Farah, Ph.D. Alumni of her classes and other interested individuals make up its membership, accepting the sobriquet of "Prickly Pears."

The CAAC believed there was a need to assess the multiple and diverse Lincoln County communities to determine how its residents, ages 50+, view the livability issues that make up quality of life for seniors. Surveys developed by the World Health Organization, the American Association of Retired Persons, as well as those from other organizations were reviewed. The resulting CAAC survey was distributed through senior centers, libraries, and other public facilities. The survey was publicized on radio programs and in the local newspaper. In addition, it was available on the ENMU website for on-line completion.

The survey was divided into seven domains: (1) Healthcare; (2) Transportation; (3) Employment; (4) Housing; (5) Social Activities; (6) Community Involvement; and (7) Information/Communication. Each domain had a number of questions, and each question had two parts: first, "How important is it to have this in Lincoln County?" and second, "Does it exist in Lincoln County?"

Of Lincoln County's 20,497 residents, as reported in the 2010 US Census, 10,034 were identified as age 50+. Four hundred and one (401) residents ages 50+ completed the survey, comprising four percent (4%) of the age 50+ county residents. This is a statistically reliable sample. Eighty-nine percent (89%) who responded are year round residents of Lincoln County; while seventy-nine percent (79%) view Lincoln County as a good or excellent place to live as they grow old. Seventy-eight percent (78%) of those who responded have lived in Lincoln County for eight years or more.

Throughout the survey there was often a significant variance between "How important is to have this in Lincoln County?" and "Does it exist in Lincoln County?" We surmise that a majority of the unsure responses to the question "Does it exist in Lincoln County?" can be attributed to a responder having had no contact or reason to know (e.g., through use) whether or not it exists. Nevertheless, when reviewing the survey results these variances should be considered "red flags"; all warrant further study and possible action.

While the domains were treated as distinct in the survey, we soon discovered the interrelatedness existing across the domains – at some level none of the domains stand alone. E.g., transportation impacts accessing health care, social as well as essential activities such as shopping and getting to and from housing, when affordable housing is distant from one's employment.

**Conclusions:** Accepting the sobriquet of Prickly Pears, we find that like the tiny barbed spines of that cactus, CAAC is difficult to dislodge once on topic, committed to seeing it through to its conclusion and/or resolution.

Although a lot more work than we first thought, it was important to have done this survey. We have added to the knowledge base regarding these topics in Lincoln County. We have met and continue to meet with representative leaders from across the county, enhancing our knowledge base, while at the same time confirming that each of them is not always aware of the other's work.

Before the survey there was only probability regarding the domains considered; there is now a degree of statistical certainty. However, realizing that even the best studies do not result in absolute certainty, we would argue against treating the survey results as the "final word." Further study is needed to understand the scope, implications and possible solutions that might be necessary to improve or resolve a problem or weakness in livability for Lincoln County.

The survey and its results have proven timely as evidenced by recent conversation, activity, proposed studies and newspaper articles in the areas of transportation, affordable housing, and an assisted living center, to name a few.

All domains were found to impact the livability of Lincoln County, however, some were found to be more important as evidenced by the interplay by some more than others. For example, there is a complication of interplay of Transportation across and between the domains that we may not have fully understood. To better understand and to help deal with this interplay we suggest that consideration needs to be given to an Economic Development study and planning process, in moving forward.

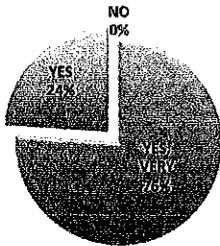
Where significant variance exists between "How important is it to have this in Lincoln County?" and "Does it exist in Lincoln County?" we would suggest that enhanced communication would help with this gap. E.g., while we know that different types of transportation exist, nevertheless, 92% of respondents said that Public Transportation is Important or Very Important to have in Lincoln County, but only 23% said Yes, it exists in the county. Regular communication and clarification of at least what transportation is currently available would help in more accurately defining county needs.

While 99% of respondents said local and county government that is responsive to citizen input is Important or Very Important, only 25% said Yes, it exists in the county. Elected officials and those whom they hire are accountable to their citizens. Efforts like the Livability Survey are important, require work and are complicated – but these efforts provide information that can help our leaders in their efforts to continue to improve livability in Lincoln County.

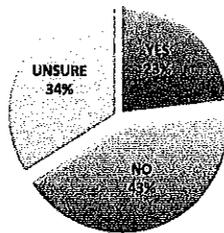
Finally, although the survey focuses on our county's 50+ population, the issues that surfaced are critically important to and impact residents of all ages in Lincoln County.

### Affordable, quality long-term care facilities

Is it Important?

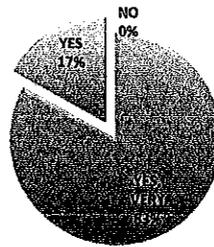


Do we have it?

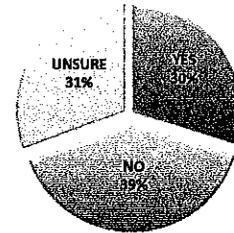


### Primary care physicians accepting new patients

Is it important?

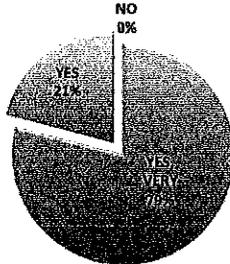


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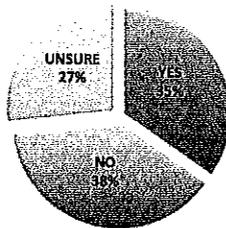


### Medical and surgical specialty care

Is it important?

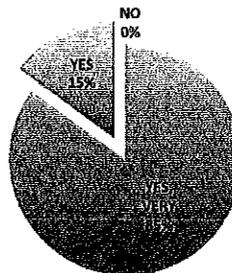


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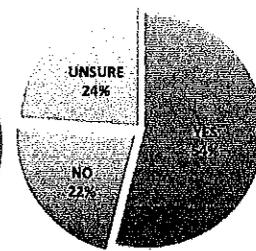


### Well staffed hospital

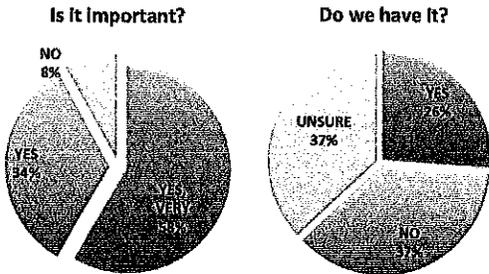
Is it important?



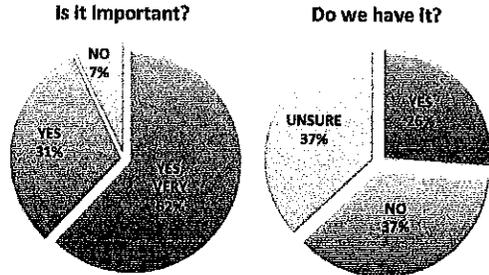
Do we have it?



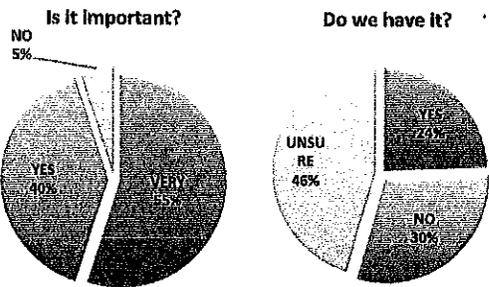
### Clean, accessible, convenient public transportation



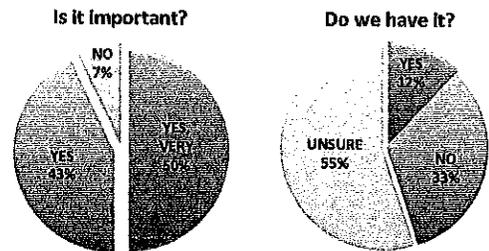
### Affordable, reliable public transportation

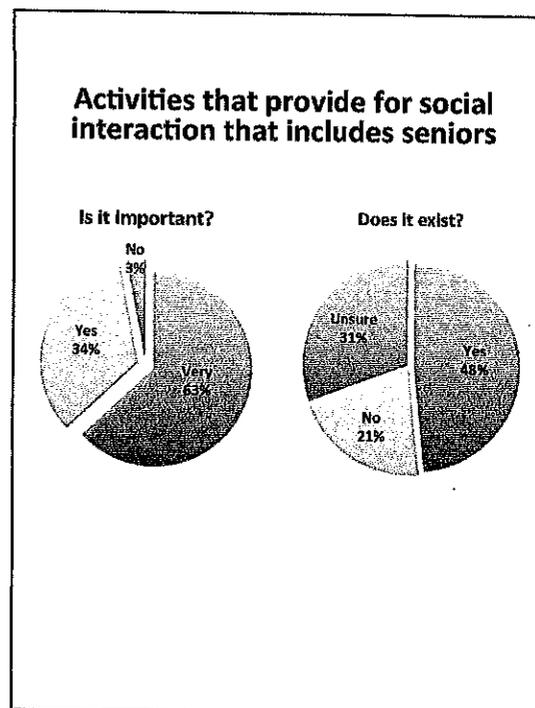
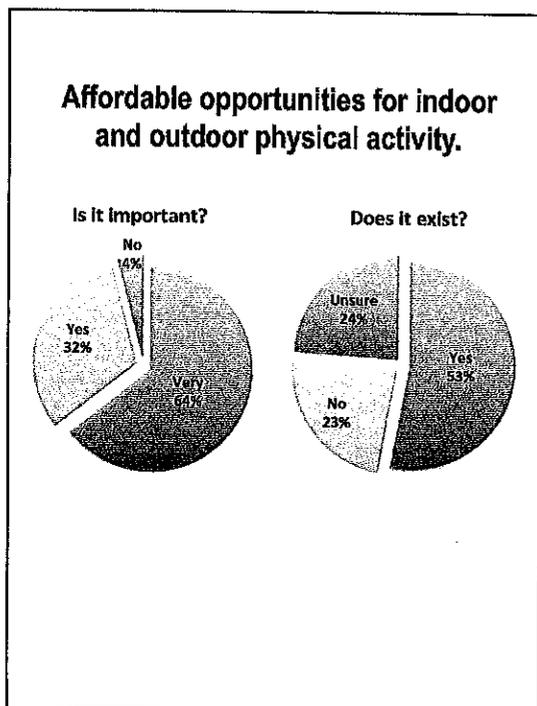
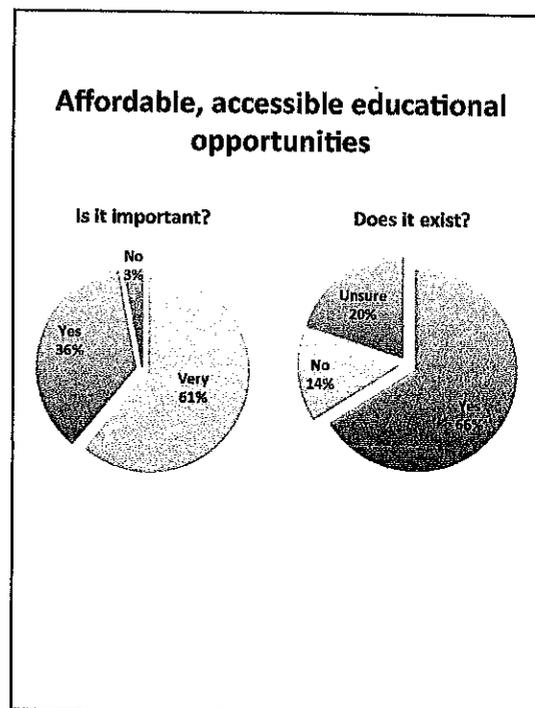
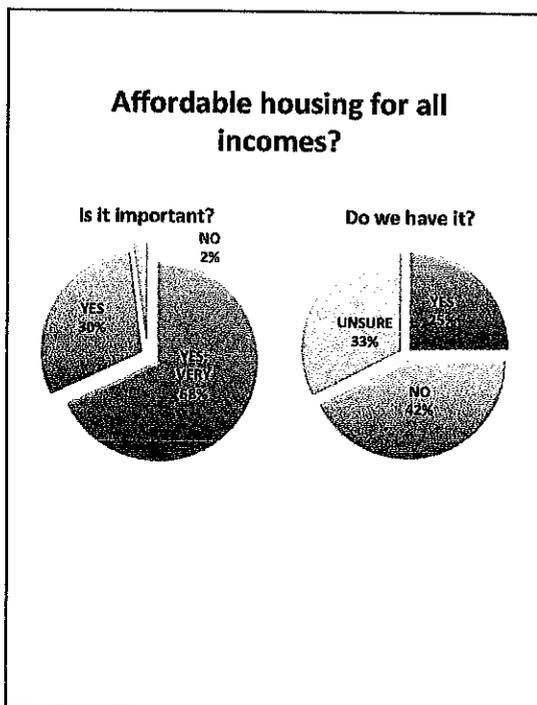


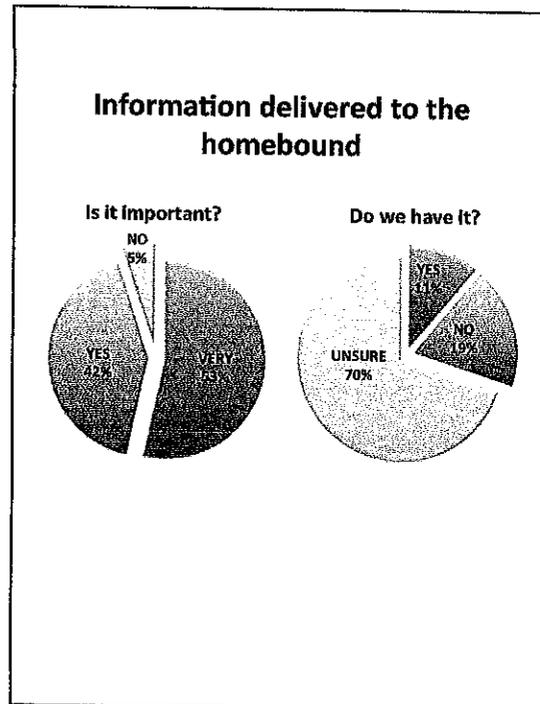
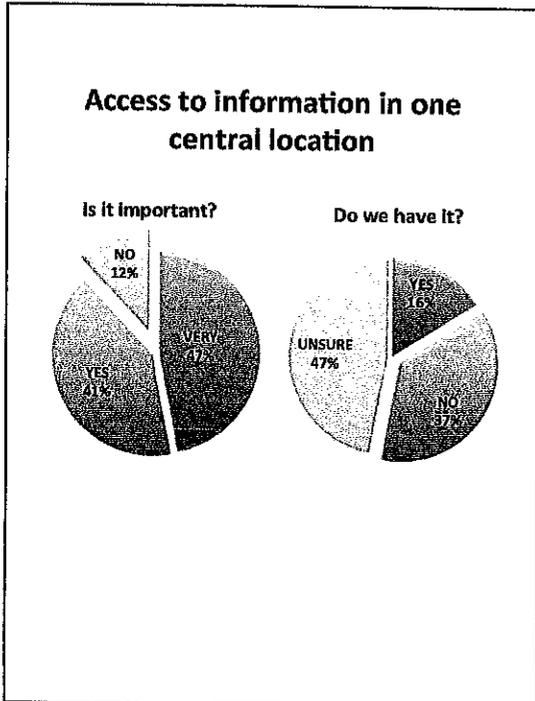
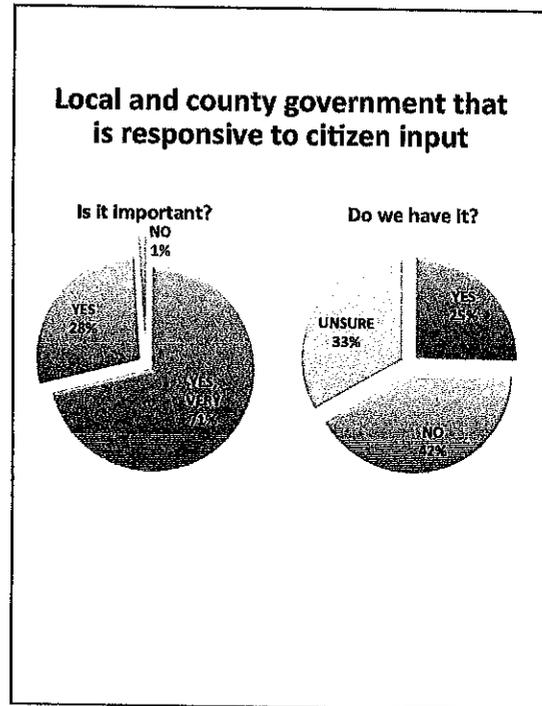
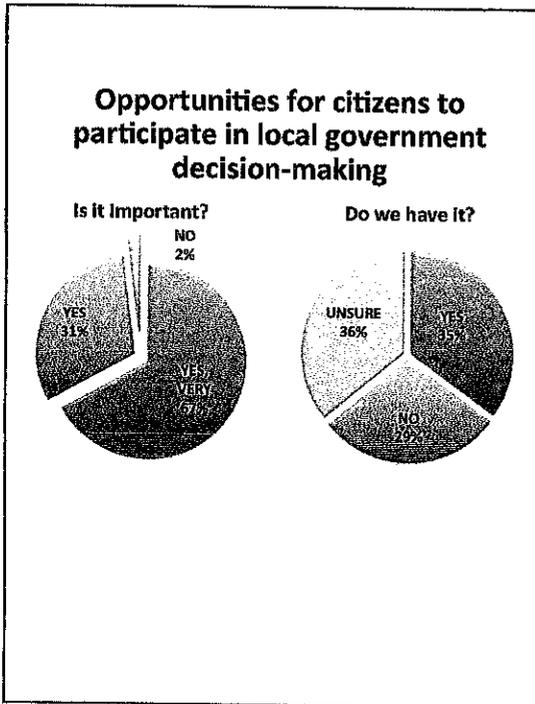
### Job opportunities for people 50 or older



### Job training for people for people 50 or older







Next steps for the Creative Aging Advisory Committee to ENMU-Ruidoso.  
Clara Farah. Draft. 7.8.15.

1. The original CAAC (Creative Aging Advisory Committee to ENMU-Ruidoso) is now moving forward toward a more comprehensive and inclusive county wide committee that will continue to focus on the original domains of quality of life for senior county residents we surveyed in 2013. However, now we will also include greater geographic diversity to our committee. We plan to be better prepared to counsel and also be accountable to our elected officials on issues surrounding aging in place in Lincoln County. Specifically, this group will be set up as an advisory group to the county commissioners as well as to all elected officials in our county municipalities who have an ongoing interest in providing the very best of care and services to our senior population.
2. CAAC's purpose is to support seniors in our county. We want to be responsive to senior needs by helping to research, counsel and educate individuals and organizations that work for the welfare of seniors. For example, to date CAAC has worked on such programs as indigent care issues, the Lincoln Transit System, the Ruidoso Community Center, employment opportunities for seniors, meals on wheels concerns, and the Community Education Department at ENMU.
3. CAAC, in its new role, will continue to operate in an advisory capacity to respond to county officials and to senior citizens in bringing awareness and attention to all officials concerning a broad area of quality of life concerns in our county for seniors. These subject categories come from CAAC's initial survey (2013) which was provided by AARP. These topics address such quality of life issues as: healthcare, transportation, employment, housing, social activities, community involvement and information/communication. NM state, through the department of Economic Development is now considering a developing a "Certificated Program for Retirement". This model, very similar to the one we have been using has been successful to date in such states as Texas and Louisiana. It has been suggested that it may be useful to active adults wanting to retire to our state. Thus emphasis on these domains can not only help us to organize the various components of quality of life in our communities, but it may also be useful to those involved in attracting new residents to our county .
4. Using as a model, the Roswell Commission on Aging, it is our plan to have our group gain written endorsements from both the commissioners and mayors of our municipalities. To do this, a few of us will present our idea and our background reports, to these groups at one of their monthly meetings. Also we will ask for representation from these government entities for an individual they can suggest who will regularly be a member of our our committee so that meeting information goes back and forth from our group directly to elected officials and to our citizens.
5. This group will meet monthly either at the college, the various government buildings around the county, or at the six senior centers in the county. Senior Center participation, both by employees as well as the public, is also be a very important aspect of our citizen involvement. These meetings will be public meetings possibly lasting for one hour, followed by an executive closed session of committee members to plan next steps and take care of housekeeping matters.
- 6 . Publicity of these meetings and the topics discussed will be regularly documented in our two newspapers, on our ENMU calendar and other forms of media, such as the radio and Facebook.
7. This Committee will continue to be a volunteer driven citizen organization responsive to both officials and the public. . Members of this committee will choose to volunteer to work with one of the domains so that there are separate task forces for each quality of life category. This will be done in order for research work to move ahead and be timely when called upon by officials to help with resolving problems and planning future programs within the county. This group will not have any legal authority, but simply be available as an advisory council to our citizens and officials.

ENCL 2

Creative Aging Advisory Committee to Lincoln County and ENMU-Ruidoso.  
Draft of an agreement, modeled on the ordinance of Roswell's Commission on Aging.  
7.8.15. Clara Farah

1. Members.

- a. The committee on aging will be composed of between 7 and 15 members approved by the County Commissioners and municipality Mayors. Initially these members will voluntarily serve for two years and then will be reviewed by the elected officials stated above as to continuing on to a further two year consecutive term.
- b. Members of the committee will be reside in Lincoln County.
- d. Any member missing three consecutive meetings in a term year will be deemed to have resigned his or her position and the resulting vacancy may be filled for the remainder of the unexpired term as herein provided.
- e. Members will serve without compensation.

2. Organization and Meetings.

- a. The chairperson of the committee on aging will be elected from among its membership by the committee members. Members of the committee will elect a vice-chairperson, secretary and such other officers as may be necessary.
- b. The committee will meet regularly at monthly intervals and at such special meetings as may be designated from time to time by the chairperson.
- c. A simple majority of the committee members will constitute a quorum for the transaction of business.
- d. The committee will adopt it own rules of procedure and will keep a record of its proceedings in the form of official minutes, which will be brief, but will include date and place of meeting, attendance, topics discussed and specific action recommendations. Minutes will be filed with in 10 days of the meeting date and sufficient email copies will be provided to assigned elected officials. It will be the duty of the secretary to incorporate in the minutes of the last monthly meeting of each year term a summary of recommendations promulgated and a bona fide record of members' attendance for the term year.
- e. Meetings will be open to the public with due notice of the time, place and agenda and will be adequately publicized in general news media.
- f. This committee may form, from within its membership or from without, special or standing committees to report to this committee for a purpose regarding the welfare of senior residents in Lincoln County.

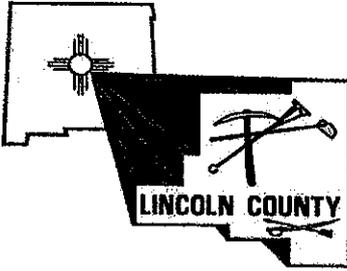
3. Functions.

This committee on aging will act in an advisory capacity to those officials designated above on multiple matters pertaining to issues of aging and will include such topics as housing, concerns of abuse, employment, healthcare and exploitation or neglect of adults. This committee will suggest methods for financing programs and can make express recommendations to designated elected officials.

4. Notice.

This committee on aging will promulgate a notice identifying itself and its functions and such notice will be prominently displayed in all senior facilities and all other public and private facilities or businesses serving a predominantly elder clientele.

ENCL 3



# County of Lincoln

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Agenda No. 10

July 14, 2015

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Per Head Tax – Predator Control Board

**Purpose:** To obtain an update on the Predator Control Board per head tax.

### **Discussion:**

A member of the Predator Control Board may be present to give an update on the per head tax and provide an update on the progress toward establishing the rate for the next five years. The following is the Statute Text:

77-15-7. Purpose of predator control program; method of establishment.

#### Statute text

Predator control programs shall be established in any county by the board of county commissioners upon receipt of a valid petition for that purpose. The predator control program shall be for the protection of sheep and goats, or cattle, or both groups of animals, against predators, for one-, two-, three-, four- or five-year periods.

77-15-8. Petitions; signatures required.

#### Statute text

The petitions for the establishment of a predator control program shall be valid for a program for the protection of sheep and goats, if in the proper form and signed by the owners of at least fifty-one percent of the sheep and goats listed on the tax rolls in the county, and shall be valid for a program for the protection of cattle if in the proper form and signed by the owners of fifty-one percent of the cattle listed on the tax rolls in the county. If a signer of the petition owns both cattle and sheep and goats, and wishes to sign the petition for the limited purpose of cattle, or for the limited purposes of sheep and goats he may do so by indicating after his signature "sheep and goats only" or "cattle only" as the case may be, in the column headed "Limitation." If there is no qualification and the signer owns both classes of animals, the signature shall be valid for both predator control programs. If the livestock are assessed under a partnership or firm name, the

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signer shall list the name under which assessed. The petition shall state a maximum rate of assessment.

77-15-9. Form of petitions.

Statute text

The petitions shall be in substantially the following form:

PETITION FOR COUNTY PREDATOR CONTROL PROGRAM

To the Board of County Commissioners of .....(name of county) New Mexico:

The undersigned, owners of at least fifty-one percent of the sheep and goats, and fifty-one percent of the cattle (or either, as the case may be) on the tax rolls of .....(name of county) county, New Mexico, hereby petition the board of county commissioners to establish a county predator control program as authorized by

.....  
(cite applicable law) to last for a period of ..... years from the date of the establishment of the program. This program shall be financed by a mill levy on the appropriate kind of livestock in this county at a rate not to exceed ..... (\$ ) per head.

We further petition the board of county commissioners to appoint the following five livestock owners, residents of this county, to serve as the county predator control board:

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

Date		Name Under	Limitation
Signed	Signature	Address	which assessed (if any)

The petitions may consist of as many sheets of paper as needed, as long as each sheet is headed as provided in this section.

77-15-10. Filing of petition; verification by board of county commissioners; creation of program; creation of predator control board.

Statute text

The petitions shall be filed on or before the first Monday in August in any year at a regularly scheduled meeting of the board of county commissioners. After examination of the petition, if the board finds the petition in order and properly signed by the owners of at least fifty-one percent of the sheep and goats, and by the owners of at least fifty-one percent of the cattle, the board shall declare a county predator control program established for both classes of animals for the period specified in the petition. If the petition is signed by the owners of fifty-one percent of either class but not both classes, the board shall declare a county predator program established for that class of animal for which the petition contains the required signatures for the period specified in the petition. The board shall further appoint the persons designated on the petition as the county predator control board, to serve for the period of the county predator control program.

The predator control program established shall commence on January 1 following the establishment of the program, and shall continue for the term specified on the petition. If any funds remain after the termination of the program, these funds shall be refunded to each livestock owner assessed under the County Predator Control Act [77-15-6 to 77-15-14 NMSA 1978] in the proportion that the number of head of his livestock protected and assessed under the act at the date of termination of the program bears to the total number of head of livestock protected and assessed under that county program at the date of termination. Any pelts collected shall be sold and the proceeds placed in the county predator control fund.

#### 77-15-11. Special levy.

##### Statute text

Upon the establishment of a county predator control program, the board of county commissioners shall order a special levy of a tax in the form of a mill levy which will produce not more than the rate limitation set on the petition, and, in no event, more than one dollar (\$1.00) per head on all animals in the county to be protected under the county predator control program. This special levy shall be over and above any other special levies and shall not be construed to be within the constitutional twenty-mill limitation. The proceeds of this special levy shall be deposited with the county treasurer for expenditure upon order of the county predator control board, and shall be spent, during the existence of the program, solely for predator control.

The amount of the levy shall be stated on the petition and the county board of predator control shall certify it to the board of county commissioners on or before the first Monday in August following their appointment. The special levy shall be assessed, levied and collected as other taxes in the county, and at the expense of the county.

The owners of fifty-one percent of the animals assessed under this County Predator Control Act [77-15-6 to 77-15-14 NMSA 1978] may require a change in the amount of the levy within the statutory limit by petitioning the county predator control board on or before the first Monday of July of any year.

Any owner of dairy animals or of feedlot animals being fattened on full feed for slaughter and which animals are included in the animals on the tax rolls for this special assessment, may have these animals excluded from the special assessment by filing a certified statement containing the description and count of such animals with the board of county commissioners prior to September 1 of the year in which the tax is assessed.

#### 77-15-12. Abolition or continuation of program.

##### Statute text

The owners of fifty-one percent of the animals covered by a county predator control program can abolish the program in any year by a petition to the county commissioners on or before the first Monday of August of any year in the same manner as the program was created.

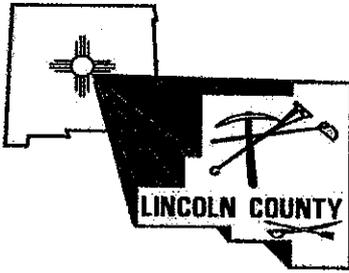
If it is desired to continue a program past the date set for its termination, it must be done by the same type of petition by which the program was initiated, and must be filed by the first Monday of August of the year preceding the termination date.

77-15-13. Powers of county predator control board.

Statute text

The county predator control board shall expend the moneys collected under the County Predator Control Act [77-15-6 to 77-15-14 NMSA 1978] for a predator control program for the county. The board may do so by establishing a separate predator control program or by contracting with other federal or state agencies or with agencies of other counties.

**Recommendation:** Receive the update.



www.lincolncountynm.gov

# County of Lincoln

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

## AGENDA Item No. 11

July 17, 2015

### MEMORANDUM

**TO:** County Commissioners

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

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

**Smokey Bear Ranger District:** Ranger Dave Warnack, may be in attendance to update the Commission on key activities. **Enclosure 1** may be included with a summary of activities.

**Cibola National Forest – Invitation to Participate as a Cooperating Agency.** Correspondence was received from Cibola District Ranger Elaine Kohrman this week. She responded to my inquiry regarding status of the MOU that the County signed, after striking some language. She explained she could not sign the document as amended, but stated appreciation that the Commission expressed interest by signing the document. She provided a number of documents to update status and extended an invitation for us to join at any time. See **Enclosure 1** for the e.mail correspondence from Ranger Kohrman; see **Enclosure 2** for list of 78 cooperating agencies invited to participate; see **Enclosure 3** for list of approximately 40 cooperating agencies that have signed MOU; see **Enclosure 4** for list of future meeting dates throughout July and August.

**Forest Health - Community Forester.** Rick Merrick with South Central Mountain RC&D may be in attendance to update the Commissioner on forest health activities.

### Water Issues:

**Office of the State Engineer:** there are no new postings for water rights transfers this month. There has also been little activity on the lawsuit between the Village of Ruidoso and the number of individuals who protested the Temporary Transfers from the Hondo Valley to the Village of Ruidoso. County Attorney Kelly Cassells has posed the idea to his clients that it may be beneficial to our cause to make an appointment with new State Engineer Tom Blaine to relay to him personally our position. No status on that potential meeting.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

## Nita Taylor

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**Subject:** FW: Cibola National Forest Mountain Ranger Districts - MOU  
**Attachments:** 20150414\_CAS\_Invite .xlsx; 20150716CA\_Accept.xlsx; 07-15-2015\_ForestPlanRevisionMeetings.docx

**From:** Kohrman, Elaine B -FS [mailto:ekohrman@fs.fed.us]  
**Sent:** Thursday, July 16, 2015 9:03 PM  
**To:** Nita Taylor  
**Cc:** Kohrman, Elaine B -FS; Green, Champe -FS  
**Subject:** RE: Cibola National Forest Mountain Ranger Districts - MOU

Hi Nita, as we discussed yesterday on the phone, I had the Regional Office and our Office of General Counsel review the MOU with the strikeouts that were made by the Lincoln County Commission. I appreciate the Commission's interest expressed by signing the document, however, I can't sign it with the paragraph regarding the Forest Service authority for the decision removed.

Please pass along that the Cooperating Agencies that have joined are well engaged in the process, are at the table with the Forest Service reviewing documents, and we are making changes based on their input. A team has organized for each "landscape/or place" that is associated with our districts (Mt. Taylor, Magdalena, Mountainair, and Sandia). The SWCDs for these areas have stepped up to lead the process. There are typically 10-20 people at each meeting. The Teams have reviewed and commented on draft desired conditions, materials related to the inventory and evaluation for potential wilderness, and proposed a vision and management map/approach for each area. These will be the subjects for discussion in the upcoming public meetings. The Cooperating Agencies are co-hosting and co-convening the public engagement process. They are organizing and leading the public meetings in their communities; deciding where and when and how to have the meetings; and we are providing technical assistance and support.

This process is different for everyone. I continue to be amazed by how much we learn from the community members at each meeting; what's important to them, and what they envision for the future. In addition, they continue to learn about our process, the complexity we deal with to develop a plan, and better understand the rules and regulations we operate under. It's definitely an evolving process. I'm thrilled that we have community members including land grants and tribes discussing issues, interests, and values. Some of the partnerships are long-term and well-honed, others are newly forming. In all places, there are new people at the table that have not worked together before and everyone is building new relationships.

I encourage you or members of the Commission to contact the Point of Contacts for the process (see attached for phone, emails) to get their opinion and views:

Dee Tarr – Claunch Pinto SWCD – Mountainair Team  
Brenda Smythe – Edgewood SWCD – Sandia Team  
Merry Jo Fahl – Magdalena Team  
Larry Winn – Mt. Taylor Team

I've attached a few documents to assist your review with the Commissioners:

1. List of cooperating agencies invited to participate (79)
2. List of cooperating agencies that have accepted and signed the MOU (approx. 40). They all signed the same copy we sent to Lincoln County. Agencies continue to sign on and join the process.

3. List of upcoming meetings co-hosted and co-convened by the Cooperating Agencies.

We will accept new cooperating agencies at any time, and the invitation is still open to the Lincoln County Commission. Let me know if you need further information before your meeting or as a follow up. Thanks! Elaine Kohrman

**From:** Nita Taylor [<mailto:NTaylor@lincolncountynm.gov>]  
**Sent:** Thursday, June 18, 2015 10:34 PM  
**To:** Kohrman, Elaine B -FS  
**Cc:** Nita Taylor  
**Subject:** Cibola National Forest Mountain Ranger Districts - MOU

Good evening Ms. Kohrman,

I'm following up on my letter to you of May 28<sup>th</sup> relaying the Lincoln County Commission's directive to me to respond to your invitation for the County to participate as a cooperating agency in the development of your draft forest plan. I've not heard back from you and want to provide my Commission with an update at its Tuesday, June 23<sup>rd</sup> meeting. I've attached the letter for your convenience. Look forward to hearing from you.

Thanks,

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

Line	Title	Salutation	First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP Code	Work Phone	Poc E-mail Address
1	Bernalillo County Open Space	Mr.	John	Berney	111 Union Sq. SE, Ste. 200		Albuquerque	NM	87102		jcbarney@bermco.gov
2	Bureau of Land Management, New Mexico State Office	Director	Aden	Sedlitz	PO Box 27115		Santa Fe	NM	87502	5059542000	
3	Cañon de Camué Land Grant	President	Manuel	García y Griego	PO Box 83		Tijeras	NM	87059	(505) 321-5541	mgarcia@unm.edu
4	Carrizozo Soil and Water Conservation District	District Manager			P.O. Box 457		Carrizozo	NM	88301		
5	Catron County	County Manager			P.O. Box 507		Reserve	NM	87830		
6	Cebolleta Land Grant	Mr.	Lee	Maestas	HC 77 Box 68		Cebolleta	NM	87014	(505) 980-1381	lee_maestas@msn.com
7	Chillili Land Grant	Mr.	Juan	Sanchez	14 Old Chillili Road		Chillili	NM	87059	(505) 249-6759	sanchez@chillili.org
8	Cibola County	County Manager			515 West High Street		Grants	NM	87020		
9	City of Albuquerque	Mr.	Matt	Shmader	P.O. Box 1293		Albuquerque	NM	87103	5054525200	mschmader@ceba.gov
10	City of Gallup	City Manager	Maryann	Usticker	110 W. Aztec Ave.		Gallup	NM	87301	5058631220	
11	City of Grants	City Manager	Laura	Jaramillo	P.O. Box 879		Grants	NM	87020		cityofgrants54@gmail.com
12	City of Socorro	Mayor and City			111 School of Mines Rd. P.O. Box X		Socorro	NM	87801	5758350240	
13	Ciudad Soil and Water Conservation District	Ms.	Zoe	Economic	6200 Jefferson NE, Rm. U 125		Albuquerque	NM	87109	5057615446	zeesscn@unm.edu
14	Claunch-Plato Soil and Water Conservation District	Ms.	Dierdre	Tarr	P.O. Box 129	121 W. Broadway, Suite 108	Mountainair	NM	87036	5058472243	dierdre.tarr@nm.nacdn.net
15	Coronado Soil and Water Conservation District	Mr.	Lynn	Montgomery	P.O. Box 69		Bernalillo	NM	87004	5053799511	linfo@soltonadosewcd.org
16	Cuba Soil and Water Conservation District	District Manager			P.O. Box 250		Cuba	NM	87013	5752893950	
17	Cubero Land Grant	Mr.	Joe	Desoto	PO Box 246		Cubero	NM	87014	(505) 290-7719	jpdesoto@msn.com
18	East Torrance Soil and Water Conservation District	Ms.	Cheri	Lujan	P.O. Box 58		Espanola	NM	87016	5053842272	cheri.lujan@nm.nacdn.net
19	Edgewood Soil and Water Conservation District	Ms.	Brenda	Smythe	P.O. Box 1050	2506 Rt. 66	Moriarty	NM	87035	5058321111	brenda@eswcd.org
20	Kirtland Air Force Base	Ms.	Martha	Garcia	2050 Wyoming Blvd. SE	Bldg. 20685, Ste Kirtland AFB	Grants	NM	87117	5058466446	martha.garcia.3@us.af.mil
21	Lava Soil and Water Conservation District	District Manager			1020 Nimitz Drive		Grants	NM	87020	5052874045	
22	Lincoln County	County Manager	Nita	Taylor	P.O. Box 711		Carrizozo	NM	88301		
23	McKinley County	Mr.	Doug	Decker	207 West Hill St		Gallup	NM	87301		ddecker@co.mckinley.nm.us
24	McKinley Soil and Water Conservation District	Mr.	Larry	Winn	2330 E. Hwy 66		Gallup	NM	87301	5057227355	larry2147@outlook.com
25	New Mexico Dept. of Agriculture	Ms.	Lacy	Levine	3190 S. Espana		Las Cruces	NM	88003	5756463007	llevine@nmda.nmsu.edu
26	New Mexico Dept. of Game & Fish	Director	Alexandra	Sandoval	1 Wildlife Way		Santa Fe	NM	87507	8882486666	
27	New Mexico Energy, Minerals, Natural Resources Division	Secretary	David	Martin	1220 S. St. Francis Dr.		Santa Fe	NM	87505	5054763200	
28	New Mexico Environment Dept.	Mr.	Thomas	Skibitski	3500 San Antonio Dr. NE		Albuquerque	NM	87109	5058272855	thomas.skibitski@state.nm.us
29	New Mexico Historic Preservation Division	Ms.	Michelle	Ensey	407 Galleto St. Ste 263 Bldg.	Bataan Mem.	Santa Fe	NM	87501	5058276320	michelle.ensey@state.nm.us
30	New Mexico Land Grant Council	Mr.	Arnuro	Archuleta	1829 Sigma Chi Rd. NE		Albuquerque	NM	87106	5052496759	arnuro.archuleta@comcast.net

32. New Mexico Tech	Chairman, Langmuir	801 Leroy Place	NM Tech	Socorro	NM	87801	5758355423
33 National Park Service Intermountain Region	Mr. Marc LeFrancois	PO Box 517		Mountainair	NM	87036	5058472585x31
34 Salado Soil and Water Conservation District	District Manager	P.O. Box 136		Dati	NM	87821	5757725722 x101
35 San Antonio de las Huertas Land Grant	Mr. Wayne Sandoval	PO Box 625		Placitas	NM	87043	505) 249.3752 frackman@aol.com
36 San Francisco Soil and Water Conservation District	District Manager	P.O. Box 119		Glenwood	NM	88039	5755392473
37 Sandoval County	County Manager: Phillip Rios	1500 Idalia Road, Building D		Bernalillo	NM	87004	
38 Sierra County	Ms. Kay Took	855 Van Patten		Truth or Consequences	NM	87901	ktbook@sierraco.org
39 Sierra Soil and Water Conservation District	Ms. Mary Jo Fahl	2101 S. Broadway		T or C	NM	87901	5758942212
40 Socorro County	County Manager: Delilah Walsh	PO Box 1		Socorro	NM	87801	
41 Socorro Soil and Water Conservation District	Ms. Nyleen Stowe	103 Francisco De Avondo		Socorro	NM	87801	5758380078
42 Tajique Land Grant	Ms. Vanessa Chavez	P.O. box 251		Torreón	NM	87061	505) 400-0940 drewmessababydom@aol.com
43 Tome Land Grant	Mr. Lawrence Sanchez	PO Box 688		Los Lunas	NM	87031	505) 859-0205 jesanchez@earthlink.net
44 Torrance County Commission	County Manager: Joy Ansley	PO BOX 48		Estancia	NM	87106	
45 Torreon Land Grant	President: Jose Maria	3908 Calle de Prado SW		Albuquerque	NM	87105	
46 Town of Mountainair	Mayor and Town Council	105 E. Broadway	P.O. Box 115	Mountainair	NM	87036	5058472321
47 USDA New Mexico Natural Resources Conservation Service	State Conservationist: Xavier	6200 Jefferson NE		Albuquerque	NM	87109	5057614400
48 USFWS New Mexico Ecological Services Field Office	Field Supervisor: Wally Murphy	2105 Osuna Rd. NE		Albuquerque	NM	87113	5058462325
49 Valencia County	County Manager: Jeff	PO Box 1119		Los Lunas	NM	87031	
50 Valencia Soil and Water Conservation District	District Manager: Madeline Miller	P.O. Box 170		Belen	NM	87002	5058646460
51 Village of Corona	Mayor: William	461 Corona Main	P.O. Box 37	Corona	NM	88318	5758495511
52 Village of Magdalena	Mayor and Village Council	108 Main St.		Magdalena	NM	87825	5758542561
53 Village of Milan	Village Council	P.O. Box 2727		Milan	NM	87021	
54 Village of Tijeras	Mayor and Village Council	Village of Tijeras Hall	P.O. Box 9	Tijeras	NM	87059	
55 Mescalero Apache Tribe	President: Danny	Breuninge P.O. Box 227		Mescalero	NM	88340	
56 Jicarilla Apache Nation	President: Ty Vicente	P.O. Box 507		Dulce	NM	87528	
57 Pueblo of Acoma	1st Lt. Governor: Robert	Moquino P.O. Box 309		Acoma	NM	87034	

58	The Hopi Tribe	Chairman	Herman G. Virgil A.	Honanie Slow	P.O. Box 123	Kyotsmovi	AZ	86039
59	Pueblo of Laguna	Governor	Val Pameesh	Stow	P.O. Box 194	Laguna Pueblo	NM	87026
60	Pueblo of Zuni	Governor	Ben Shelly	Pamreah	P.O. Box 339	Zuni	NM	87327
61	Navajo Nation	President	Jeff Haocous	Shelly	P.O. Box 7440	Window Rock	AZ	86515
62	Ft. Sill Apache Tribe	Chairman	E. Paul Torres	Haocous	Route 2, Box 121	Apache	OK	73006
63	Pueblo of Isleta	Governor	Isaac Daniel	Torres	P.O. Box 1270	Isleta Pueblo	NM	87022
64	Pueblo of Sandia	Governor	Daniel Cortz	Lujan	481 Sandia Loop Road	Bernalillo	NM	87004
65	Santo Domingo Pueblo	Governor	Lawrence Ronald	Cortz	P.O. Box 99	Santo Domingo Pueblo	NM	87052
66	Pueblo of Santa Ana	Governor	Ronald James	Montoya	2 Dove Road	Bernalillo	NM	87004
67	Pueblo of San Felipe	Governor	James J. Leroy	Tenorio	P.O. Box 4339	San Felipe Pueblo	NM	87001
68	Pueblo of San Ildefonso	Governor	David Raymond	Mountain	02 Turnyo Po	Santa Fe	NM	87506
69	Pueblo of Cochiti	Governor	David Raymond	Arquero	P.O. Box 70	Cochiti Pueblo	NM	87072
70	Pueblo of Zia	Governor	Raymond Franklin	Pino	135 Capital Square Dr.	Zia Pueblo	NM	87053-6013
71	Pueblo of Jemez	Governor	Ann Rodriguez	Loretto	P.O. Box 103	Jemez Pueblo	NM	87024
72	Pueblo of Acoma	Director	Victor Ringia	Martinez	P.O. Box 309	Acoma	NM	87034
73	Pueblo of Acoma/Chestnut Law Offices	Ms.	Leigh Iwama	Rodgers	P.O. Box 27190	Albuquerque	NM	87125-7190
74	Pueblo of Cochiti	Mr.	Tim Begay	Blusky	P.O. Box 70	Cochiti	NM	87072
75	Pueblo of Laguna	Mr.	Franklin Chaves	Ringia	P.O. Box 194	Laguna	NM	87026
76	Hopi Tribe	Mr.	Tim Franklin	Kuwanwis	P.O. Box 123	Kyotsmovi	AZ	87026
77	Navajo Nation	Mr.	Tim Franklin	Iwama	P.O. Box 4950	Window Rock	AZ	86515
78	Pueblo of Sandia	Mr.	Franklin Chaves	Chaves	481 Sandia Loop Road	Bernalillo	NM	87004

Cooperating Unit of Gov't	PoC	address	address 2	city, state zip	PoC email	phone	LT #	signed MOU?
Acoma Pueblo	Franklin Martinez, Dir., ANRD	PO Box 119		Acoma, NM 87034	fmartinez@puebloofacoma.org	505-552-5117x5546	2	
Acoma Pueblo	Ann Rodgers	PO Box 27190		Albuquerque, NM 87102		send duplicate corresp	2	
Acoma Pueblo	Robert Moquino	Acoma Pueblo		Acoma, NM 87132			2	
Bernalillo Co.	John Barney	111 Union Sq. SE, Ste. 200		Albuquerque, NM 87102	jbarney@berncogov	(505) 314-0404	5 Y	
Canon de Carnuel	Moises Gonzales	PO Box 83		Tijeras, NM 87059	mgonzoi@unm.edu	(505) 269-1695	5	
Canon de Carnuel	LM Garcia y Grilego	14 Old Chilili Rd.		Chilili, NM 87059	lmgarcia@unm.edu	(505) 277-2965	5 Y	
Chilili Land Grant	Juan Sanchez	515 W. High St.		Chilili, NM 87059	sanchez@chilili.org	(505) 249-6759	4 Y	
Cibola Co. Commissioners	Judy Horacek	P.O. Box 1293		Grants, NM 87020	jhhoracek@co.cibola.nm.us	505-285-2557	2 Y	
City of Albuquerque	Matt Schmader	P.O. Box 1293		Albuquerque, NM 87103	mschmader@cabo.gov	(505) 452-5200	5	
City of Albuquerque Open Space	Sarah Browne	110 W. Aztec Ave		Albuquerque, NM 87103	mschmader@cabo.gov	(505) 452-5200	5	
City of Gallup	Maryann Ustick	6008 Cantinn Aere		Gallup, NM 87301	mustick@gallupnm.gov	(505) 863-1222	2 Y	
City of Grants	Les Gaines	500 Santa Fe Ave.		Grants, NM 87020	jes@stewartbrothers.com	(505) 287-7927	2 Y	
City of Grants	Laura Jaramillo	828 Jackson Ave.		Grants, NM 87020	chyo@grants54@gmail.com	(505) 287-3301	2	
City of Grants	Eddie Dickens	254 Riverside St.		Grants, NM 87020	evandbry@msn.com	(505) 873-3096	5	
Ciudad SWCD	Zoe Economou	PO Box 129		Albuquerque, NM 87105	zoecon@unm.edu	5057055243 or 505847	4 Y	
Claunoh-Pinto SWCD	Dierdre Tarr	PO Box 255		Mountainair, NM 87036	dierdre_tarr@nm.nacdn.net	5058679580 or 505867	5	
Cochiti Pueblo	Keith V. Blue-Sky	PO Box 69		Cochiti Pueblo, NM 87072	blue-sky@pueblodecochiti.org	5053842272x103	5	
Coronado SWCD	Lynn Montgomery	PO Box 255		Bernalillo, NM 87004	sunfarm@toast.net	5058821111 or 505705	4 Y	
East Torrance SWCD	Cheri Lujan	PO Box 58		Estancia, NM 87016	cheri.lujan@nm.nacdn.net	5058464646	5 Y	
Edgewood SWCD	Brenda Smythe	PO Box 1050		Mountainair, NM 87035	bsmythe.eswcd@gmail.com	5058821111 or 505705	4 Y	
KAFB	Martha Garcia	2050 Wyoming Blvd. SE	Blgd. 20685, Ste. 116A	Kirtland AFB, NM 87117	martha.garcia.3@us.af.mil		4.5 Y	
Laguna Pueblo	Adam Ringla	P.O. Box 194		Laguna, NM 87026	arindia@lagunapueblo-nsn.gov	(505) 552-7512	2	
Laguna Pueblo	Sabin Chavez	PO Box 194		Laguna, NM 87026	chelkins@msn.com	(505) 552-6654	2	
Lava SWCD	Chase Elkins	1020 Nimitz Dr.		Grants, NM 87020	titlie92.1@aol.com	(505) 287-4045	2	
Manzano Merced	Daniel Antonio Herrera	PO Box 156		Manzano, NM 87036	dadecker@co.mckinley.nm.us	(505) 722-3868	2 Y	
McKinley County Commissioners	Douglas Decker	PO Box 70		Gallup, NM 87305	larry2747@outlook.com	(505) 879-3410	2 Y	
Merced del Pueblo de Torreón	Larry Winn	3411 Citiza Dr.		Gallup, NM 87301	joemariaperea@comcast.net	505-270-8591	4 Y	
National Park Service	Jose Maria Perea	3908 Calle del Prado SW		Albuquerque, NM 87105	marc.lefrancois@nps.gov	5058472585x31	4 Y	
NM Dept. of Agriculture	Marc A. Lefrancois	P.O. Box 517		Mountainair, NM 87036	lexvine@nmda.nmsu.edu	(575) 646-8024	fw Y	
NM Dept. of Agriculture	Lacy Levine	MSC APR PO Box 30005		Las Cruces, NM 88003	lowen@nmda.nmsu.edu	(505) 646-8024	fw	
NM Dept. of Cultural Affairs-HPD	Michelle Eusey	407 Galisteo St., Ste 326		Las Cruces, NM 88003	michelle.eusey@state.nm.us	(505) 827-0572	fw Y	
NM Environment Dept.	Greg Kaufman	NM SWQB		Santa Fe, NM 87501	greg.kaufman@state.nm.us	(505) 827-0572	fw	
NM Environment Dept.	Bob Spillers	525 Camino de Los Marques	525 Camino	Santa Fe, NM 87505	robert.spillers@state.nm.us	(505) 476-4324	fw	
NM Environment Dept.	Tom Skibitski	5500 San Antonio		Albuquerque, NM 87110	thomas.skibitski@state.nm.us	(505) 222-9552	fw	
NM Environment Dept.	Mike Marush			Albuquerque, NM 87110	mike.marush@state.nm.us	(505) 827-0505	fw	
NM Land Grant Council	Leonard T. Martinez			Albuquerque, NM 87106	lennym@aol.com	(505) 307-2163	fw	
NM State Land Office	Arturo Archuleta	1879 Sigma Chi Rd.		Albuquerque, NM 87106	arturo.archuleta@comcast.net	(505) 328-4104	2, 4, 5 Y	
NM Tech Langmuire Research Lab	Jim Lane	310 Old Santa Fe Trail		Santa Fe, NM 87504	ilane@slo.state.nm.us	(505) 827-5739	fw	
NM Tech Langmuire Research Lab	Graydon Aulich	801 Leroy Place		Socorro, NM 87801	aulich@rosbeak.nmt.edu	(575) 835-5914	3	
Pueblo de Cochiti	William Wynn	802 Leroy Place		Socorro, NM 87801	wynn@loon.nmt.edu	(575) 835-5503	3	
Pueblo de Isleta	Karl L.V. Blue-Sky	PO Box 70		Cochiti Pueblo, NM 87072	blue-sky@pueblodecochiti.org	505-463-4933	5 Y	
Pueblo de Santa Ana	Mark Dixon	PO Box 1270		Isleta, NM 07022	poi3687@isletapueblo.com	(505) 969-7560	4 Y	
Salado SWCD	Philip H. Shelley	02 Dove Road		Pueblo of Santa Ana, NM 87004	Phillip.Shelley@Santiaana-nsn.gov	(505) 280-5478	2 Y	
San Antonio de Las Huertas Land Grant	RuthAnn Harriet	PO Box 136		Datiil, NM 87821	ruthann.harriet@nm.nacdn.net	575772572x101	3 Y	
San Antonio de Las Huertas Land Grant	Wayne Sandoval	PO Box 625		Placitas, NM 87043	trackm@tq.com	(505) 867-1728	5	
Sandia Pueblo	Rebecca Skartwood	PO Box 625		Placitas, NM 87043	ccaraca@sandlapueblo.nsn.us	(505) 867-9329	5 Y	
Sandoval County Commissioners	Clinton Garcia			Placitas, NM 87043	ccaraca@sandlapueblo.nsn.us	(505) 771-5048	5	
Sierra Co. Commissioners	Jessica Tracy	PO Box 40		Bernalillo, NM 87004	ilewis@sandovalcountynm	505-867-0245	2, 5 Y	
Sierra SWCD	Bruce Lewis	855 Van Patten		T or C, NM 87901	bswingle@sierfaco.org	575-894-6215	3 Y	
Torrance Co. Commissioners	Mary Jo Faith	2101 S. Broadway		Truth or Consequences, NM 87901	sguetschow@tcnm.us	(575) 894-2232	3 Y	
Town of Atresco Grant	Steve Guetschow	PO Box 48		Estancia, NM 87016	sguetschow@tcnm.us	505-246-4759	4 Y	
	Joe Garcia			Estancia, NM 87016	lgarc20@msn.com		fw	

END  
3

Cibola NF Forest Plan Revision 20150716Coop Agency Acceptance List  
 Landscape Teams: fw=forestwide; 2=Mt.Taylor; 3=Magdalena; 4=Mountainair; 5=Sandia

Cooperating Unit of Gov't	PoC	address	address 2	city, state zip	PoC email	phone	LT #	Signed MOU?
Valencia SWCD	Jeff Goebel	PO Box 1371		Belen, NM 87002	jsobel@aboutlistening.com	541-610-7084		4 Y
Village of Magdalena	Stephanie Finch	PO Box 145		Magdalena, NM 87825	som@gillarrett.com	575-854-2261		3 Y



**U.S. Forest Service  
Cibola National Forest and National  
Grasslands**

**2113 Osuna Road NE  
Albuquerque, NM 87113**

**Web:** [www.fs.usda.gov/cibola](http://www.fs.usda.gov/cibola)

**Twitter:** @Cibola\_NF

**Facebook:** [www.facebook.com/cibolanf](http://www.facebook.com/cibolanf)

# News Release

**Media Contact: Marta Call  
505-346-3894 or 505-944-6962  
martaicall@fs.fed.us**



## Cibola Forest Plan Revision Public Meeting Schedule

**Albuquerque, NM, July 15, 2015—For Immediate Release.** The Cibola National Forest and National Grasslands began the process of revising the 1985 Cibola Forest Plan in November 2012.

As part of the revision process, the Cibola National Forest and National Grasslands has engaged with nearly 30 cooperating agencies to collaborate on developing land management plan direction that will guide future management of the Cibola. These cooperating agencies have formed landscape teams organized around the four mountain ranger districts of the Cibola (Mt. Taylor, Magdalena, Mountainair and Sandia Ranger Districts). Representatives from tribes, land grants, local and state government, and other federal agencies have been meeting together and designing a process for engaging diverse interests of the public in the revision of the Cibola Forest Plan.

The Cibola National Forest and National Grasslands and the four mountain district’s landscape groups will be holding open houses on the vision and desired conditions, management areas, and Phase 2 of the process for identifying and evaluating areas potentially suitable for wilderness consideration for the Forest Plan. “The vision and desired conditions are the backbone of a forest plan and direct the future of the Cibola, and it is important that everyone has input as either a user of the Cibola or someone interested in its long-term management,” said Forest Supervisor Elaine Kohrman. These public meetings will assist the Cibola in developing a draft forest plan with alternatives for further public review this fall.

A schedule of public meetings with locations is below. Documents and will be available Friday, July 17 on the website below, and hard copies will be presented during the meetings. Updates on Cibola Forest Plan Revision activities, meetings and upcoming field trips, and documents can be found at: [http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=FSBDEV3\\_065627](http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=FSBDEV3_065627)

### Schedule of Upcoming Cibola National Forest Plan Revision Open House Public Meetings

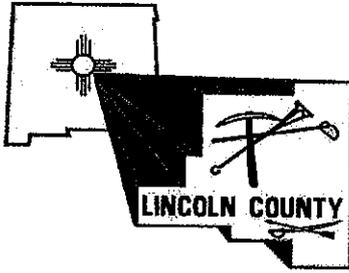
Date	Location	Time	Host
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USDA is an equal opportunity provider and employer.

ENCL 4

<b>July 22, 2015</b>	Presbyterian Church 7 Paseo del San Antonio Rd. Placitas, NM	5 PM – 8 PM	Sandia Landscape Team
<b>July 27, 2015</b>	Gallup Community Service Center 410 Bataan Veterans St. (Bingo Hall at Exit 22), Gallup, NM	6 PM – 8 PM	Mt. Taylor Landscape Team
<b>July 28, 2015</b>	Village of Corona Council Chambers 481 Corona Main, Corona, NM	6 PM – 8 PM	Mountainair Landscape Team
<b>July 30, 2015</b>	Ramah High School 74 S. Bloomfield Ave., Ramah, NM	6 PM – 8 PM	Mt. Taylor Landscape Team
<b>August 3, 2015</b>	Knights of Columbus Hall 1601 E. Roosevelt Ave at Sakelares Blvd. Grants, NM	6 PM – 8 PM	Mt. Taylor Landscape Team
<b>August 4, 2015</b>	Fine Arts Room, Magdalena High School 201 Duggins Dr., Magdalena, NM	5:30 PM – 8 PM	Magdalena Landscape Team
<b>August 5, 2015</b>	Kiva Meeting Room Albuquerque Open Space Visitor Center 6500 Coors Blvd. NW, Albuquerque, NM	5 PM – 8 PM	Sandia Landscape Team
<b>August 6, 2015</b>	Dr. Saul Community Center 107 Roosevelt, Mountainair, NM	6 PM – 8 PM	Mountainair Landscape Team
<b>August 11, 2015</b>	Albert Lyons Events Center 2953 S. Broadway Truth or Consequences, NM	5:30 PM – 8 PM	Magdalena Landscape Team
<b>August 12, 2015</b>	Cañon de Carnue Land Grant Annex Hall, Located between mile marker 5 and 6 on Highway 333, Tijeras, NM	5 PM – 8 PM	Sandia Landscape Team
<b>August 18, 2015</b>	Torreón Community Center 18 Torreón Heights Rd. E, Torreón, NM	6 PM – 8 PM	Mountainair Landscape Team

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

# *County of Lincoln*

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

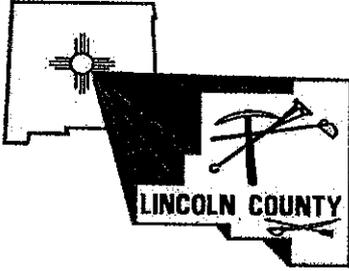
Agenda Item No. 12

## SUBJECT

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



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# County of Lincoln

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## AGENDA ITEM No. 13

July 17, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Appeals for the Lincoln Historic Preservation Board: Findings and Fact and Conclusions of Law for Approval:  
A. Cille Dickinson and Sarah Dockery  
B. Randy and Ronda Dougherty

**Purpose:** Obtain approval of the Appeals for the Lincoln Historic Preservation Board: Findings of Fact and Conclusions of Law for the: A) Dickinson/Dockery Appeal, and B) Randy & Ronda Dougherty Appeal.

The County Attorney, Alan Morel has prepared the documents based on action taken by the Board of Commissioner at the Public Hearing on June 23, 2015. See Enclosure: A for the Dickinson/Dockery Appeal and Enclosure B for the Dougherty Appeal.

**Recommendation:** Adopt Appeal Decisions.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

STATE OF NEW MEXICO  
COUNTY OF LINCOLN

IN THE MATTER OF THE APPEAL  
OF CILLE DICKINSON AND SARAH DOCKERY  
d/b/a DICKINSON GALLERY/NORTHSIDE PIZZA  
OF THE LINCOLN HISTORIC PRESERVATION BOARD'S  
DENIAL OF APPLICATION FOR VARIANCE

COUNTY OF LINCOLN and its  
BOARD OF COUNTY COMMISSIONERS,  
acting in their official capacity.

**COUNTY OF LINCOLN and its  
BOARD OF COUNTY COMMISSIONERS'  
FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

COME NOW, the County of Lincoln and its Board of County Commissioners by and through their attorney of record, Alan P. Morel, of the law firm of Alan P. Morel, P.A., and hereby submit their Findings of Fact and Conclusions of Law following the hearing held on the 23<sup>rd</sup> day of June, 2015 on the Appeal of Cille Dickinson and Sarah Dockery d/b/a Dickinson Gallery/Northside Pizza of the Lincoln Historic Preservation Board's Denial of Application for Variance as follows:

**FINDINGS OF FACT**

1. Cille Dickinson and Sarah Dockery, d/b/a Dickinson Gallery/NorthSide Pizza, (hereinafter referred to as "Appellants"), are the owners of the property located at 1311 Calle la Placita, Lincoln, New Mexico.
2. On the 21<sup>st</sup> day of December, 2014, Appellants filed an Application for Variance to hang a 3' x 5' silk flag with white, green and red colors with the word "Pizza" printed in black.
3. The Lincoln Historic Preservation Board, (hereinafter referred to as the "LHPB"), considered the application for variance at their regular meeting held on the 15<sup>th</sup> day of January, 2015,

at which time, the LHPB unanimously denied the application as presented.

4. LHPB specifically held that the denial of the application was due to: (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 and seek Alan's advice on the issue; and (3) applicants not present at meeting to discuss further.

5. On the 30<sup>th</sup> day of January, 2015, Appellants wrote to Mr. Alan Morel, Lincoln County Attorney, requesting mediation of the matter, pursuant to the provisions of LINCOLN HISTORIC PRESERVATION BOARD ORDINANCE NO. 2004-5, Section IX (A).

6. On the 26<sup>th</sup> day of March, 2015, the LHPB held a special meeting workshop to discuss treating informational flags as signs and the application process for flags.

7. The LHPB met in regular session on the 16<sup>th</sup> day of April, 2015, and once again discussed the application process and guidelines for treating flags as signs.

8. On April 16, 2015, the Appellants were advised that all applications for use of flags within the Lincoln Historic Preservation District would be stayed, pending an attempted resolution of the matter at the LHPB level.

9. Prior to a resolution being reached at the LHPB level, on the 1<sup>st</sup> day of June, 2015, the Appellants appealed the decision of the LHPB to the Board of County Commissioners of Lincoln County.

10. Appellants stated in their June 1, 2015 correspondence to the Lincoln County Commission that they did not receive confirmation of the LHPB's decision to deny the application for variance until the 14<sup>th</sup> day of May, 2015.

11. On the 5<sup>th</sup> day of June, 2015, the County of Lincoln, through its attorney, Alan P. Morel, forwarded correspondence to the Appellants advising them that their appeal would be heard before the Board of County Commissioners of Lincoln County as a public hearing to be scheduled on the 23<sup>rd</sup> day of June, 2015 at 2:00 p.m. A copy of the June 5, 2015 letter is attached hereto as Exhibit "A". [LINCOLN HISTORIC PRESERVATION BOARD ORDINANCE NO. 2004-5, Section IX (A).]

12. On the 19<sup>th</sup> day of June, 2015, Public Notice of the hearing on Appellants' appeal was published in the Ruidoso News. A copy of the Public Notice is attached hereto as Exhibit "B" and has been included as a part of the Record Proper on Appeal. [LINCOLN HISTORIC PRESERVATION BOARD ORDINANCE NO. 2004-5, Section IX (A).]

#### **JUNE 23, 2015 PUBLIC HEARING ON APPELLANTS' APPEAL**

13. The Board of County Commissioners of Lincoln County held a public hearing on the 23<sup>rd</sup> day of June, 2015 on Appellants' appeal.

14. All of the witnesses wishing to testify were sworn in.

15. Lincoln County Attorney, Alan P. Morel, requested that the following documents be made a part of the Record Proper on Appeal and be introduced into evidence. The documents provided to the Board of County Commissioners of Lincoln County at the hearing are attached hereto as Exhibits "C-1 through C-13" and identified as follows:

C-1. 12/21/14 Application for Construction, Alteration, or Demolition of Structure in Lincoln Historic District submitted by Appellants to the LHPB. (Note: The 1/15/15 decision of the LHPB denying the application is found at the bottom of Page 2 of the application.)

C-2. Public Notice/Agenda of the 1/15/15 regular board meeting of the LHPB

- C-3. Minutes of the LHPB 1/15/15 regular board meeting
- C-4. 3/10/15 letter from Lincoln County Attorney, Alan P. Morel, to Bill Strauser, Chair of the LHPB
- C-5. Public Notice/Workshop Agenda of the 3/26/15 workshop board meeting of the LHPB
- C-6. 3/26/15 Memo from Lincoln County Attorney, Alan P. Morel, to the LHPB regarding U.S. Historic Preservation Ordinances as they relate to the definition of "signs".
- C-7. Minutes of the LHPB 3/26/15 special meeting workshop
- C-8. Public Notice/Agenda of the 4/16/15 regular board meeting of the LHPB
- C-9. Minutes of the LHPB 4/16/15 regular board meeting
- C-10. Public Notice/Agenda of the 5/21/15 regular board meeting of the LHPB
- C-11. Minutes of the LHPB 5/21/15 regular board meeting and attachments thereto
- C-12. 6/1/15 letter from Cille Dickinson and Sarah Dockery to the Lincoln County Commission and attachments thereto.
- C-13. 1/2015 Notes prepared by LHPB Member, Ginger Moore, on Pertinent Sections/Items/Definitions & Descriptions regarding Signs in the Lincoln Historic Preservation Ordinance and attachment thereto.

16. Lincoln County Attorney, Alan P. Morel, advised Commissioner Elaine Allen that, due to the fact she had a business located within the Lincoln Historic Preservation District and had flags flying, she had a potential conflict of interest and should recuse herself from the discussion and any decisions which may be made. Please note that Commissioner Allen did in fact recuse herself from participation at any level in the appeal.

17. The Appellants presented their case and, as a part of Appellants' presentation of their case, testified that flying a flag in front of their business brought attention to their business which

increased business two-fold. The Appellants further stated that they only flew their flag during business hours and took it down in the evening and when they were not open for business. Appellants additionally stated that use of an American flag to designate that they were open was in fact offensive to them and a violation of flag etiquette.

18. Several members of the public additionally testified that the use of an American flag to denote that a business within the Lincoln Historic Preservation District was in fact offensive and inappropriate.

19. Appellants testified that their business is on the east side of town, not downtown in the high traffic or walking district which, once again, led to their use of a flag to designate they were open for business.

20. Appellant, Cille Dickinson, testified that she had been a resident of Lincoln for forty-four (44) years.

21. LHPB President, L.M. Smith, testified on behalf of the Board that the Lincoln Historic District was in fact historic, unique, and flags were not allowed under the Ordinance. There was no mention of flags in the Ordinance and, as such, they should not be allowed.

22. Board Member, Ginger Moore, testified that flags were regulated through the Ordinance and, the Ordinance did not allow flags. Board Member Moore cited multiple sections of the Lincoln Historic Preservation Ordinance in support of her position. Board Member Moore additionally felt that flags were a non-conforming use and, therefore, not allowed within the District. A copy of Board Member Moore's written comments presented at the June 23, 2015 public hearing is attached hereto as Exhibit "D" and has been included as a part of the Record Proper on Appeal.

23. Herb Marsh, a resident of Lincoln, testified that the LHPB did not act arbitrarily when denying the application for a flag as flags do not conform to the requirements of the Lincoln Historic Preservation Ordinance. Mr. Marsh additionally testified that the omission of reference to flags, banners or pennants was not one of oversight, but one of intentional omission. Lastly, Mr. Marsh cited various provisions of the Lincoln Historic Preservation Ordinance in support of his position.

24. The Board of County Commissioners, after having heard all evidence presented, closed the public hearing at 4:14 p.m.

### CONCLUSIONS OF LAW

1. The current Lincoln Historic Preservation Ordinance in effect is No. 2004-05.

Section V (E), Statement of the Board's Powers and Duties, states:

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.

The pertinent parts of Section IV, Definitions, as this Section applies to this issue, state:

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.

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."

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."

2. The flag flown in front of the Appellants' business which is the subject of their application for variance is located within the Lincoln Historic Preservation District, is publicly viewable from U.S. Highway 380, and subject to the provisions of the Lincoln Historic Preservation Ordinance.

3. Lincoln Historic Preservation Ordinance No. 2004-05, Section VII Construction, Alteration, or Demolition, Sub-paragraph (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."

4. Flags are cloth signs and, as such, are regulated within the Lincoln Historic Preservation District.

5. Lincoln Historic Preservation Ordinance No. 2004-05, Section IX Appeals, Penalties, Notices of Alleged Violation/Stop Work Orders, provides as follows:

"A. Appeals Procedure.

Any decision by the (LHP) Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received

and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or
2. uphold the decision of the Board; or
3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074 NMRA 2004."

6. Appellants' appeal of the LHPB's denial of their application was timely filed.
7. Appellants' flag, the subject of this appeal, does not conform with Lincoln Historic

Preservation Ordinance 2004-5.

**DECISION OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LINCOLN**

The Board of County Commissioners of the County of Lincoln, after hearing testimony and reviewed the evidence presented, upon a motion and a second, provide the following decision:

1. Reversed the decision of the LHPB, allowing for the use of a flag within the Lincoln Historic Preservation District with the stipulation that the colors and font of the flag must comply with the Lincoln Historic Preservation Ordinance No. 2004-5 and be displayed only during business hours. [unanimously approved with a vote of 4 to 0 with Commissioner Elaine Allen abstaining]

2. That Appellants' request for variance was denied to the extent that the flag used by the Appellants utilized colors and a font not authorized by the Lincoln Historic Preservation Ordinance No. 2004-5.

3. That Appellants will need to resubmit an application to the LHPB in accordance with the decision of the Board of County Commissioners of the County of Lincoln as set forth herein and in compliance with the Lincoln Historic Preservation Ordinance No. 2004-5.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of July, 2015.

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

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

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

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

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

\_\_\_\_\_  
Lynn Willard, Member

**Attest:**

---

Rhonda Burrows  
Lincoln County Clerk

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 5, 2015

Ms. Cille Dickinson and Ms. Sarah Dockery  
P.O. Box 127  
Lincoln, NM 88338

*Re: Lincoln Historic Preservation Board: Flag / Signs*

Dear Ms. Dickinson and Ms. Dockery:

Please be advised that your correspondence regarding the decision of the Lincoln Historic Preservation Board (LHPB) flag/sign matter has been received at the County of Lincoln and forwarded to my office for review.

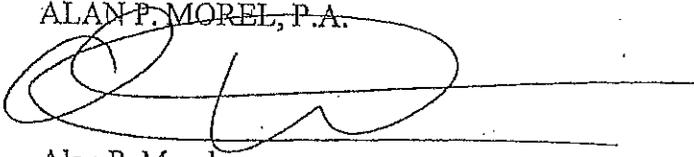
Please be further advised that your appeal will be heard by the Board of County Commissioners of the County of Lincoln on June 23, 2015 at 2 p.m. There are two appeals regarding LHPB decisions which will be heard on this date, with the second immediately following the first. Due to the fact that your appeal was received first, it will be heard first at 2 p.m.

I have enclosed with this correspondence a copy of the relevant sections of Lincoln Historic Preservation Ordinance 2004-05 for your review and information.

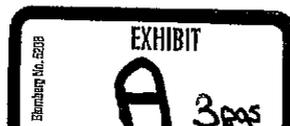
Should you have any additional questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

ALAN P. MOREL, P.A.

  
Alan P. Morel  
APM/sh

C: Nita Taylor, Manager, County of Lincoln  
Curt Temple, Planner, County of Lincoln  
Billie Jo Guevara, Administrative Assistant, County of Lincoln  
Samantha Mendez, Ordinance Administrator, County of Lincoln  
Lincoln County Board of Commissioners  
Lincoln Historic Preservation Board members



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.

Any decision by the Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or
2. uphold the decision of the Board; or
3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time, and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074, NMRA 2004.

#### B. Penalties.

Penalties for violation of this Ordinance shall be pursuant to NMSA 1978, § 3-21-13 or § 4-37-3. Violation of this Ordinance is a misdemeanor and shall be prosecuted as other misdemeanors are prosecuted in the Magistrate Court of the County of Lincoln, or in District Court, by the District Attorney, the Board of County Commissioners of the County of Lincoln, or the County Attorney. Every day each such violation shall continue to exist, shall constitute a separate violation.

Rivados  
News  
6/19/15

**Legal Notices 152**

Legal # 10629  
(Published 6/19/2015)

**NOTICE OF PUBLIC HEARING**

NOTICE is hereby given that the Lincoln County Board of Commissioners will hold a Public Hearing beginning at 2 p.m. on June 23, 2015 at the Lincoln County Courthouse (Commission Chambers) in Carrizozo, New Mexico.

Public Hearing to consider the Appeal of the decision of the Lincoln Historic Preservation Board's denial of the Dickinson Gallery / Northside Pizza's request to display a Pizza flag in the Lincoln Historic Preservation District and the Appeal of the decision of the Lincoln Historic Preservation Board's denial of the Dougherty's request to display an Open flag in the Lincoln Historic Preservation District. The Board of County Commissioner's decision shall be the final administrative appeal.

All parties and interested citizens will have an opportunity to be heard. If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575 648-2385 at least forty-eight (48) hours in advance of the meeting.

Billie Jo Guevara  
Administrative Assistant  
Human Resources Director



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 Aille Wilkinson & Sarah Dockrey  
Mailing Address P.O. Box 127 City Lincoln  
State NM Zip 88338 Phone (575) 653-4621  
Property Address 1311 Calle la Placita  
Property Legal Description ? Highway 380

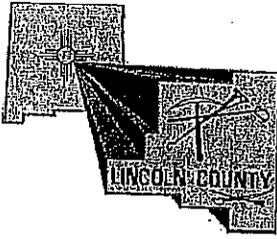
Historic landmark?  Yes  No

Type of project  Alteration to existing  Demolition  New Construction  
 Restoration/Rehabilitation  Other (  fencing  signage )

Specific Request Asking for a variance to hang a 3'x5' six flag with 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 Dickerson family sign from Pizom until closing

EXHIBIT 2pg  
C-1





# 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 15<sup>th</sup>, 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 20<sup>th</sup>, 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:

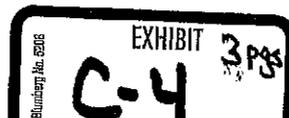
3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

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.

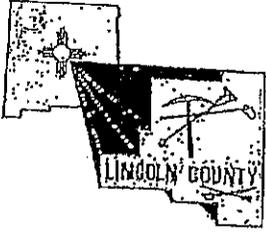
Please further consider this correspondence as my effort as the attorney for the County of Lincoln to meet with applicants as well as the Board to mediate a resolution prior to any requirement to appeal any decision to the Board of County Commissioners of the County of Lincoln pursuant to the Lincoln 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 26<sup>th</sup>, 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

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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.

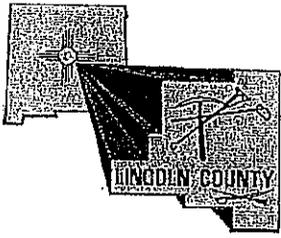
Roll Call – LM Smith, Ginger Moore, Melissa Boutte, Lee Abbott, Bill Strauser. Also present: Elaine Allen, Jim Court, Bill Dean, Beverly Strauser, Alan Morel, Vic Garrison, Sarah Dockery, Cille Dickenson, Phoebe Taylor, Reg Richey, Herb Marsh.

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 16<sup>th</sup>, 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 19<sup>th</sup>, 2015 Regular Meeting/ March 26<sup>th</sup>, 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

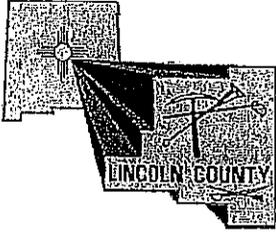
Monthly Reports on Pending Items Approved & Underway - None

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 21<sup>st</sup>, 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 16<sup>th</sup>, 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.



May 21, 2015

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

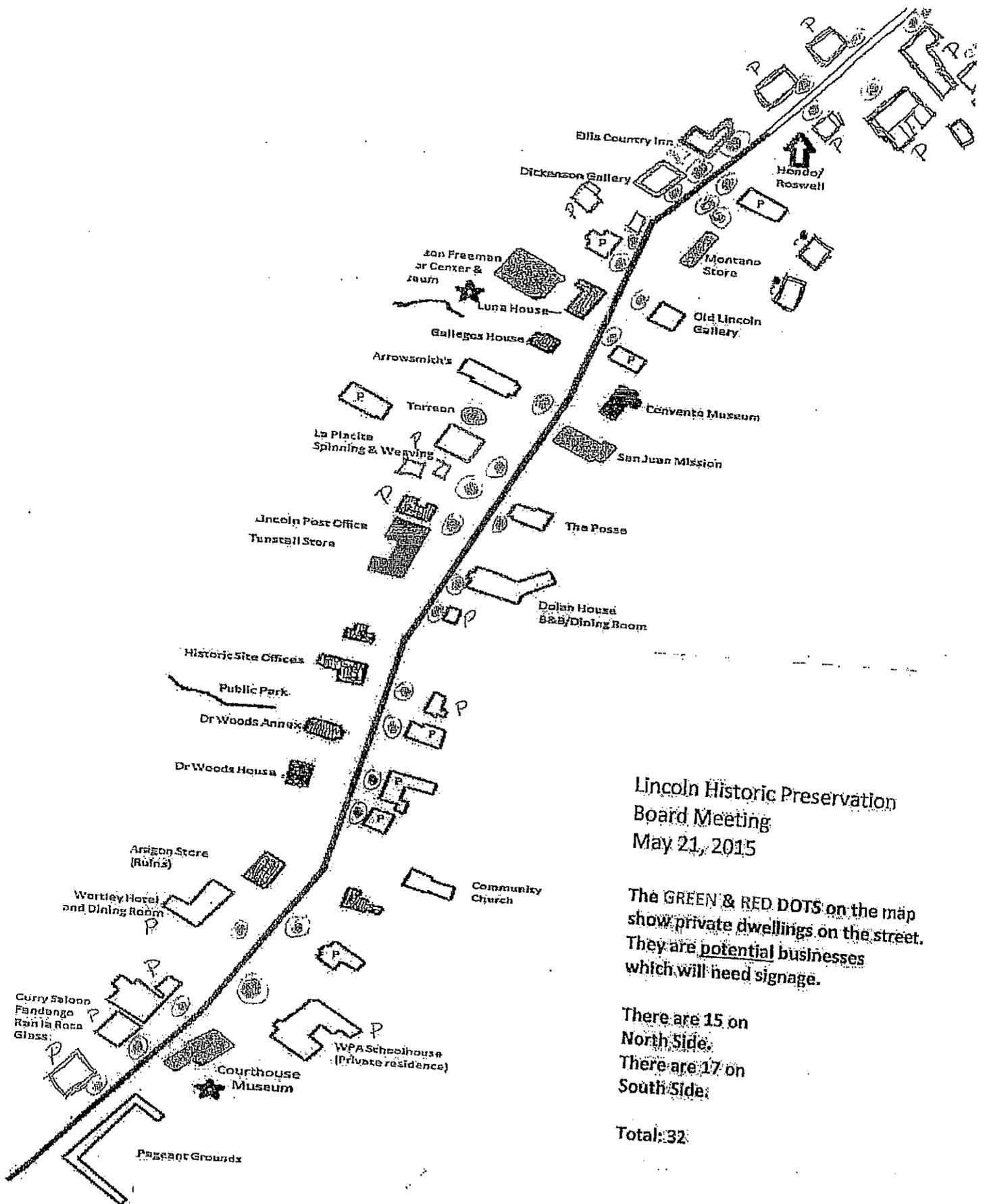
Correspondence – None

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.





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

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.

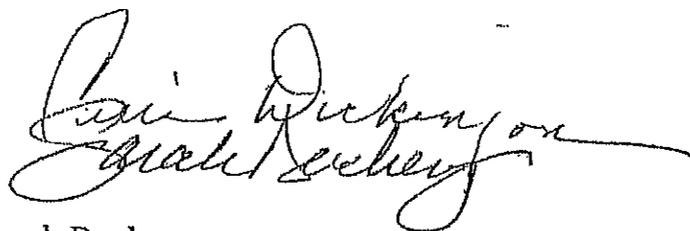
We are a small business trying to fill a need in the tourist trade in Lincoln, that being an inexpensive meal that can be taken outside to be eaten. NorthSide Pizza is located on the East end of Lincoln, not near the museums, other retail or restaurant establishments or even the natural walking tour 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.

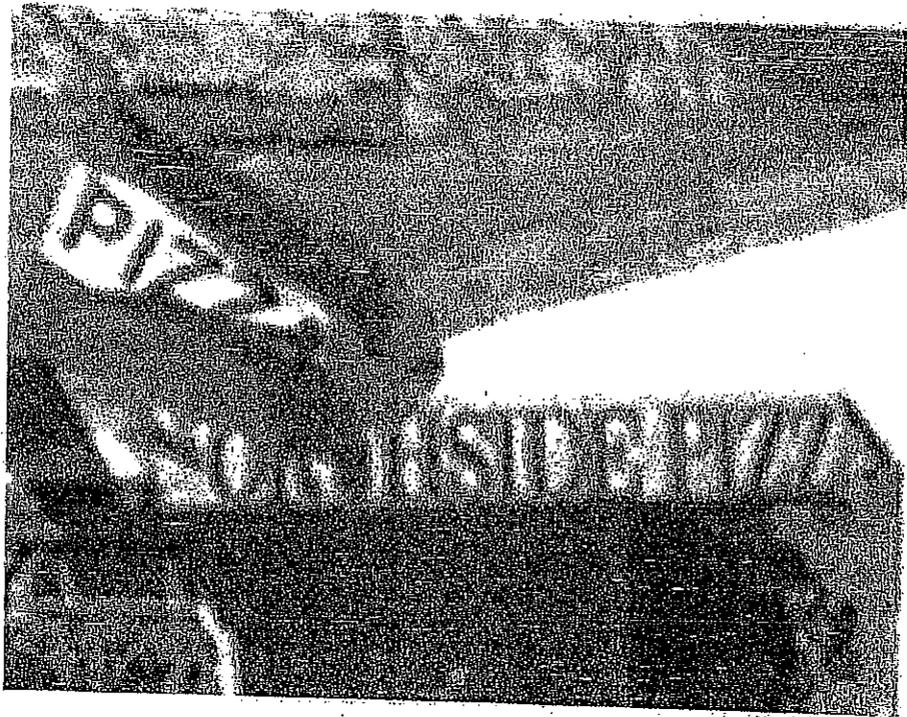
Please find enclosed a photo of the flag in question plus all letters and materials reference above.

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 Wilkinson & Sarah Dockery

Mailing Address P.O. Box 127 City Lincoln

State NM Zip 88338 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 hang a 3x5' sign 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 Dickerson garage sign from 10:00AM until closing

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  
Alle 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:

Sign, 3x5' in metal flag holder, twice 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: Alle Dickinson Sarah Doherty

BELOW 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.

*Deke Wilkinson*

*Sarah Decker*

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  
Lille Wilkinson and Sarah Decker  
1259 Calle La Placita Lincoln, N.M. 88538

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, 3x5' in metal flag holder, to be hung above  
Wilkinson 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: Lille Wilkinson 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>Melinda Borth</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."

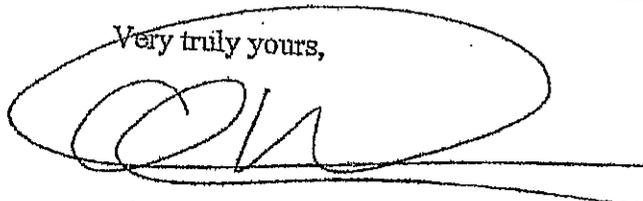
It would appear that flags are equated to a cloth sign and as such are clearly regulated within the District.

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 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-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.



Flowers 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.

Major Work \$ 25.00  
Minor Work \$ 5.00

PROPERTY 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 Flowery 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: \_\_\_\_\_

- City Clerk
- City Manager
- City Council
- HPC Commission
- Historic Preservation Commission
- City of Flowery Branch



# 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

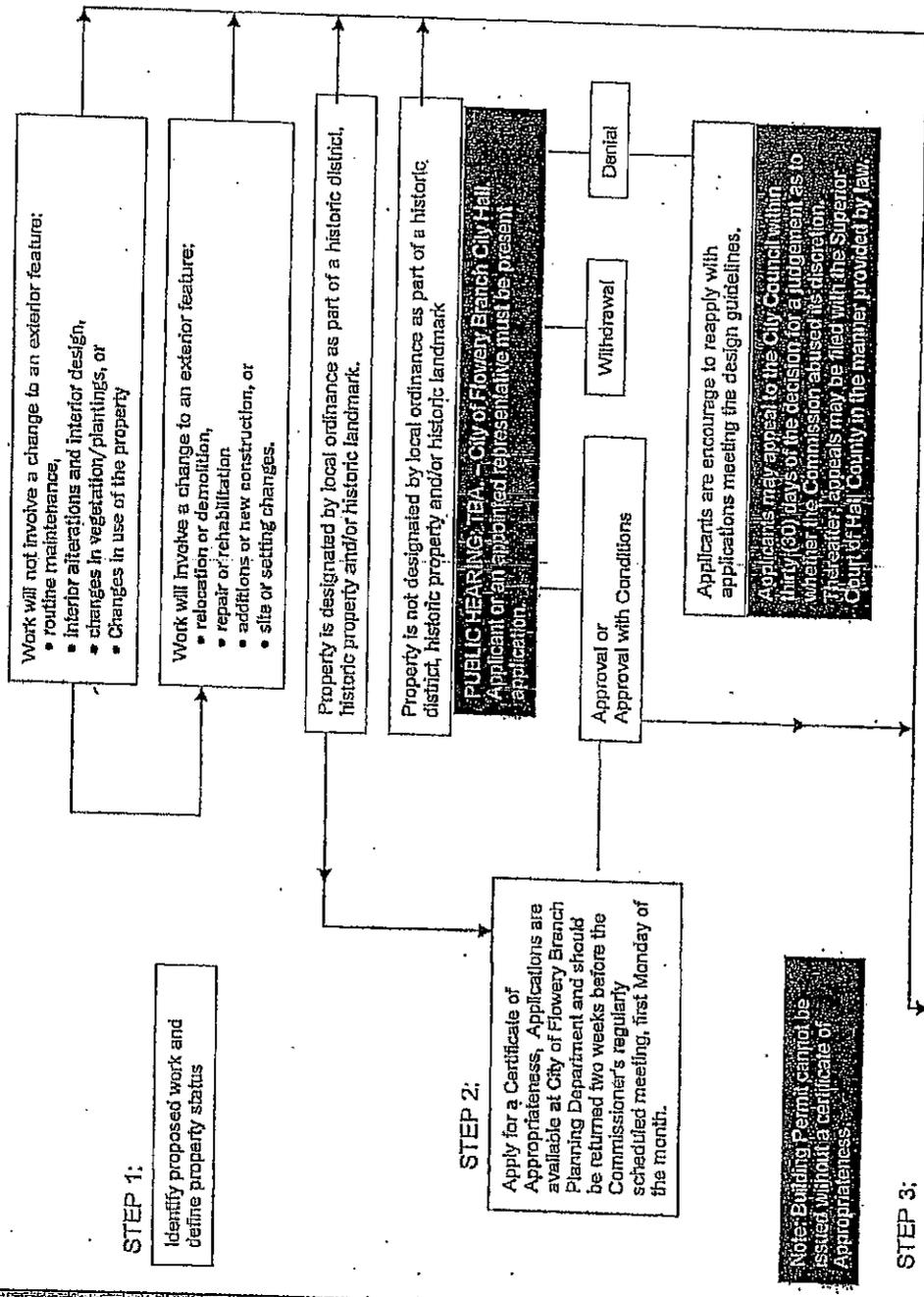
DATE RECEIVED:

DATE REVIEWED:

Fee paid: \_\_\_\_\_

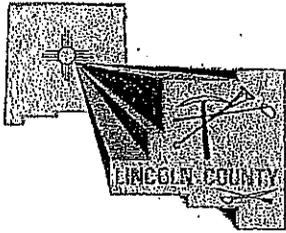
Approved  Denied

# APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS



**Note: Building Permit cannot be issued without a certificate of Appropriateness.**

Applications are available at City of Flowery Branch Planning Department, 5509 Main Street, P.O. Box 737, Flowery Branch, Georgia, 30549. Please contact (770) 967-6376 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.

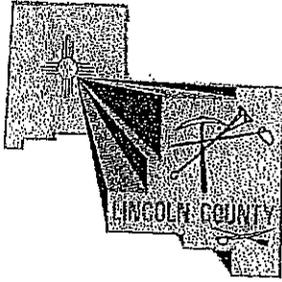
## SECTION VIII. ARCHITECTURAL GUIDELINES

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.





# 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 predominant of the period, Victorian, Art Nouveau and Woodcut.
- No novelty fonts, whimsicality 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

Old Community old community

OLD Community OLD COMMUNITY CHURCH

Examples of  
Fonts and Lettering  
Styles from the late  
Nineteenth Century



1) My name is Grijal Morel. My husband & I moved to Lincoln 4 years ago, and I have served on the Preservation Board for 2 years.

Good Afternoon - Chairman Stone, County Commissioners, County Manager, Ladies and Gentlemen.

As Vice President of the Preservation Board, the Board asks you to uphold the decisions we have made: 1) The Board agrees flags are regulated thru the Ordinance, and 2) In it's decisions regulating the use of flags, the Board has said that cloth flags are not allowed in the Historic District. We do not have the authority over the flying of the U.S. flag.

In good wisdom, the Lincoln County Commissioners established the Lincoln Historic Preservation Ordinance in the 1970s to "PROTECT AND PRESERVE THE LINCOLN HISTORIC DISTRICT; ESTABLISHING THE LINCOLN HISTORIC PRESERVATION BOARD AND ITS POWERS; ENACTING ARCHITECTURAL GUIDELINES AND PROVISIONS FOR APPEALS, VARIANCES, VIOLATIONS, AND PENALTIES; GRAND-FATHERING AS TO REGULATIONS OF STRUCTURES AND CONDITIONS EXISTING PRIOR TO THE ENACTMENT OF ORDINANCE 1984-1. . .

This important law states in SECTION III. Item G. "It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historic interest or value is a PUBLIC NECESSITY. . ."

ITEM G. Subsection 2. States the purpose of the Ordinance is to "Safeguard Lincoln Town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;"

Subsection 3. adds the law is established to "Foster civic pride in the beauty and noble accomplishments of the past;"

and it summarizes in Subsection 7. "This Ordinance is intended to promote the maintenance of this living environment without creating. . . non-conforming structures or uses."

Under SECTION E. Page 654 the Board's Powers and Duties are laid out. I will share with you a small part of that section today asking you to consider the effort the Board makes to be fair in it's proceedings AND I stress that it is the Board's responsibility to uphold this law, this Ordinance, as it is written. Those parts of the Ordinance that pertain to requirements concerning signs are outlined in your packet and are being addressed by others here today.

Item No. 1. The Board shall adopt the County of Lincoln's policy for the conduct of its business. The Board shall seek to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District in accordance with Appendix B, Architectural Guidelines, which is incorporated into, and made a part of this Ordinance by reference.

Item No. 3. Approve or disapprove applications relating to the . . . exterior features of structures subject to public view from U.S. Highway 380.

Item No. 9. The Lincoln Historic Preservation Board is the County Board responsible for recommending all Lincoln Historic Preservation District activities to the Board of County Commissioners.

The Preservation Board has been considering the impact of the use of flags as signs within the Historic District since January. Mr. Morel has provided us excellent examples of other Historic District's use of flags however, their Ordinances are not ours - and we respectfully disagree with the County Attorney's opinion on the matter. As many examples as there are of Historic Districts that allow flags - there are an equal amount that do not allow, or strictly restrict, flags. A notable example is the Historic District in Salt Lake City, Utah.

In closing, I repeat my request to the Commission to uphold the decisions the Preservation Board has made.

Thank you for the opportunity to speak to you today.



STATE OF NEW MEXICO  
COUNTY OF LINCOLN

IN THE MATTER OF THE APPEAL  
OF RANDY AND RONDA DOUGHERTY  
TO THE LINCOLN HISTORIC PRESERVATION BOARD'S  
DENIAL OF APPLICATION TO FLY AN "OPEN" FLAG

COUNTY OF LINCOLN and its  
BOARD OF COUNTY COMMISSIONERS,  
acting in their official capacity.

**COUNTY OF LINCOLN and its  
BOARD OF COUNTY COMMISSIONERS'  
FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

COMENOW, the County of Lincoln and its Board of County Commissioners by and through their attorney of record, Alan P. Morel, of the law firm of Alan P. Morel, P.A., and hereby submit their Findings of Fact and Conclusions of Law following the hearing held on the 23<sup>rd</sup> day of June, 2015 on the Appeal of Randy and Ronda Dougherty of the Lincoln Historic Preservation Board's Denial of Application to Fly an "Open" Flag as follows:

**FINDINGS OF FACT**

1. Randy and Ronda Dougherty, (hereinafter referred to as "Appellants"), are the owners of the business known as Ran La Roca Glass located at 487 Calle la Placita, Lincoln, New Mexico.
2. On the 30<sup>th</sup> day of April, 2015, Appellants filed an Application to hang an "Open" flag measuring 26" x 40" only during Open hours which would be taken in and out each day with no construction of any kind, or alteration to the property.

3. The Lincoln Historic Preservation Board, (hereinafter referred to as the "LHPB"), considered the application at their regular meeting held on the 21<sup>st</sup> day of May, 2015, at which time, the LHPB votes were 2 for and 2 against. The LHPB notes on page 2 of the Appellants' Application state: "split vote - will be voted on again at next meeting - June 18, 2015."

4. The failure of the motion on May 21, 2015 is in fact a denial of the Appellants' application.

5. On the 5<sup>th</sup> day of June, 2015, the Appellants appealed the decision of the LHPB to the Board of County Commissioners of Lincoln County.

6. On the 5<sup>th</sup> day of June, 2015, the County of Lincoln, through its attorney, Alan P. Morel, forwarded correspondence to the Appellants advising them that their appeal would be heard before the Board of County Commissioners of Lincoln County as a public hearing to be scheduled on the 23<sup>rd</sup> day of June, 2015 at 2:00 p.m. A copy of the June 5, 2015 letter is attached hereto as Exhibit "A". [LINCOLN HISTORIC PRESERVATION BOARD ORDINANCE NO. 2004-5, Section IX (A).]

7. On the 19<sup>th</sup> day of June, 2015, Public Notice of the hearing on Appellants' appeal was published in the Ruidoso News. A copy of the Public Notice is attached hereto as Exhibit "B" and has been included as a part of the Record Proper on Appeal. [LINCOLN HISTORIC PRESERVATION BOARD ORDINANCE NO. 2004-5, Section IX (A).]

#### **JUNE 23, 2015 PUBLIC HEARING ON APPELLANTS' APPEAL**

8. The Board of County Commissioners of Lincoln County held a public hearing on the 23<sup>rd</sup> day of June, 2015 on Appellants' appeal.

9. All of the witnesses wishing to testify were sworn in.

10. Lincoln County Attorney, Alan P. Morel, requested that the following documents be made a part of the Record Proper on Appeal and be introduced into evidence. The documents provided to the Board of County Commissioners of Lincoln County at the hearing are attached hereto as Exhibits "C-1 through C-9" and identified as follows

- C-1. 3/10/15 letter from Lincoln County Attorney, Alan P. Morel, to Bill Strauser, Chair of the LHPB
- C-2. Public Notice/Workshop Agenda of the 3/26/15 workshop board meeting of the LHPB
- C-3. 3/26/15 Memo from Lincoln County Attorney, Alan P. Morel, to the LHPB regarding U.S. Historic Preservation Ordinances as they relate to the definition of "signs".
- C-4. Minutes of the 3/26/15 special meeting workshop
- C-5. 4/30/15 Application for Construction, Alteration, or Demolition of Structure in Lincoln Historic District submitted by Appellants to the LHPB. (Note: The 6/1/15 decision of the LHPB advising that it was a "split vote - will be voted on again at next meeting - June 18, 2015" is found at the bottom of Page 2 of the application.)
- C-6. Public Notice/Agenda of the 5/21/15 regular board meeting of the LHPB
- C-7. Minutes of the LHPB 5/21/15 regular board meeting and attachments thereto
- C-8. 6/5/15 Appeal letter from Ronda and Randy Dougherty received by the Lincoln County Administration Offices addressed to: "To whom it may Concern"
- C-9. 1/2015 Notes prepared by LHPB Member, Ginger Moore, on Pertinent Sections/Items/Definitions & Descriptions regarding Signs in the Lincoln Historic Preservation Ordinance and attachment thereto.

11. Lincoln County Attorney, Alan P. Morel, advised Commissioner Elaine Allen that, due to the fact she had a business located within the Lincoln Historic Preservation District and had flags flying, she had a potential conflict of interest and should recuse herself from the discussion and

any decisions which may be made. Please note that Commissioner Allen did in fact recuse herself from participation at any level in the appeal.

12. The Appellants presented their case, and as a part of Appellants' presentation, Ronda Dougherty testified that; (1) there is no place to put a sign on a post in front of their business; (2) their gallery was opened in 1997 and the prior LHPB said they could fly their "Open" flag and it has been flying for the past 18 years; (3) their business is hurting because the public doesn't know that an American flag means a business is open; (4) that flying an American flag to advertise that your business is open is confusing; and (5) they additionally felt that being forced to advertise your business as being open by flying an American flag is a form of harassment.

13. As a part of Appellants' presentation, Randy Dougherty testified that flying an American flag does not equal open. Someone driving through town doesn't know an American flag is equal to an "Open" flag.

14. LHPB President, L.M. Smith, testified on behalf of the Board that the Lincoln Historic District was in fact historic, unique, and flags were not allowed under the Ordinance. There was no mention of flags in the Ordinance and, as such, they should not be allowed.

15. Board Member, Ginger Moore, testified that the LHPB was not harassing anyone and flags were regulated through the Ordinance and, the Ordinance did not allow flags. Board Member Moore cited multiple sections of the Lincoln Historic Preservation Ordinance in support of her position. Board Member Moore additionally felt that flags were a non-conforming use and, therefore, not allowed within the District. A copy of Board Member Moore's written comments presented at the June 23, 2015 public hearing are attached hereto as Exhibit "D" and have been included as a part of the Record Proper on Appeal.

16. Several members of the public testified that the use of an American flag to denote that a business within the Lincoln Historic Preservation District was in fact offensive, an abomination, disgraceful and inappropriate.

17. While it was not included in the basis of the LHPB's denial of the application, there was an issue raised as to the jurisdictional ability of the Appellants to file the application and the appeal because they are not the owners of the real property where their business is located.

18. Appellant Ronda Dougherty stated that over the past 18 years and various applications she was never required to be designated as the owner's agent or even made aware of the requirement.

19. The Board of County Commissioners, after having heard all evidence presented, closed the public hearing at 4:14 p.m.

#### CONCLUSIONS OF LAW

1. The current Lincoln Historic Preservation Ordinance in effect is No. 2004-05.

Section V (E), Statement of the Board's Powers and Duties, states:

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.

The pertinent parts of Section IV, Definitions, as this Section applies to this issue, state:

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.

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.”

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.”

2. The “Open” flag flown in front of the Appellants’ business which is the subject of their application is located within the Lincoln Historic Preservation District, is publicly viewable from U.S. Highway 380, and subject to the provisions of the Lincoln Historic Preservation Ordinance.

3. Lincoln Historic Preservation Ordinance No. 2004-05, Section VII Construction, Alteration, or Demolition, Sub-paragraph (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.”

4. Flags are cloth signs and, as such, are regulated within the Lincoln Historic Preservation District.

5. The Lincoln Historic Preservation Ordinance No. 2004-5, Section IV (B) defines

Agent as follows:

“Agent means a representative by written proxy of any owner of real property located within the Historic District for the purpose of submitting plans to the Lincoln Historic Preservation Board or one who acts as the representative of the owner when the real property is owned by a trust or corporation.”

6. The Lincoln Historic Preservation Ordinance No. 2004-5, Section IV (BB) defines

Owner(s) as follows:

“Owner(s) means the owner of any real property located within a Historic District (see ‘agent’).”

7. The LHPB’s denial of the application should have included the fact that Appellants are not the owners of the property, nor agents of the owners via a written proxy and, this issue can not be raised for the first time on appeal.

8. Appellants had standing to file the present appeal.

9. Lincoln Historic Preservation Ordinance No. 2004-05, Section IX Appeals, Penalties,

Notices of Alleged Violation/Stop Work Orders, provides as follows:

A. Appeals Procedure.

Any decision by the (LHP) Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or
2. uphold the decision of the Board; or
3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074 NMRA 2004.

10. Appellants' appeal of the LHPB's denial of their application was timely filed.
11. Appellants' flag, the subject of this appeal, does not conform with Lincoln Historic Preservation Ordinance 2004-5.

**DECISION OF THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LINCOLN**

The Board of County Commissioners of the County of Lincoln, upon a motion and a second, provide the following decision:

1. Reversed of the decision of the LHPB, allowing for the use of a flag within the Lincoln Historic Preservation District with the stipulation that the colors and font of the flag must

comply with the Lincoln Historic Preservation Ordinance No. 2004-5 and be displayed only during business hours. [unanimously approved with a vote of 4 to 0 with Commissioner Elaine Allen abstaining]

2. That Appellants' application to fly an "Open" flag was denied to the extent that the font/flag used by the Appellants was not authorized under the Lincoln Historic Preservation Ordinance No. 2004-5.

3. That Appellants will need to resubmit an application to the LHPB in accordance with the decision of the Board of County Commissioners of the County of Lincoln as set forth herein and in compliance with the Lincoln Historic Preservation Ordinance No. 2004-5.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

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

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

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

\_\_\_\_\_  
Lynn Willard, Member

**Attest:**

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

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 5, 2015

Mr. and Mrs. Randy Dougherty  
P.O. Box 234  
Lincoln, NM 88338

**Re: Lincoln Historic Preservation Board: Flag / Signs**

Dear Mr. and Mrs. Dougherty:

Please be advised that your correspondence regarding the decision of the Lincoln Historic Preservation Board (LHPB) flag/sign matter has been received at the County of Lincoln and forwarded to my office for review.

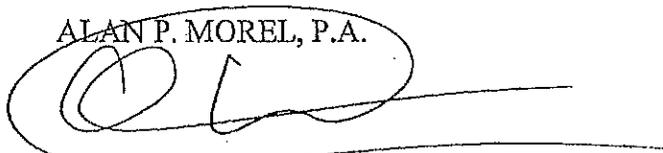
Please be further advised that your appeal will be heard by the Board of County Commissioners of the County of Lincoln on June 23, 2015 at 2 p.m. There are two appeals regarding LHPB decisions which will be heard on this date, with the second immediately following the first. Due to the fact that the Dickinson/Dockery appeal was received first, it will be heard first at 2 p.m.

I have enclosed with this correspondence a copy of the relevant sections of Lincoln Historic Preservation Ordinance 2004-05 for your review and information.

Should you have any additional questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

ALAN P. MOREL, P.A.



Alan P. Morel  
APM/sh

- C: Nita Taylor, Manager, County of Lincoln  
Curt Temple, Planner, County of Lincoln  
Billie Jo Guevara, Administrative Assistant, County of Lincoln  
Samantha Mendez, Ordinance Administrator, County of Lincoln  
Lincoln County Board of Commissioners  
Lincoln Historic Preservation Board members



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.

Any decision by the Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or
2. uphold the decision of the Board; or
3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time, and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074, NMRA 2004.

#### B. Penalties.

Penalties for violation of this Ordinance shall be pursuant to NMSA 1978, § 3-21-13 or § 4-37-3. Violation of this Ordinance is a misdemeanor and shall be prosecuted as other misdemeanors are prosecuted in the Magistrate Court of the County of Lincoln, or in District Court, by the District Attorney, the Board of County Commissioners of the County of Lincoln, or the County Attorney. Every day each such violation shall continue to exist; shall constitute a separate violation.

Ru'doso  
News  
6/19/15

**Legal Notice 152**

Legal #10629  
(Published 6/19/2015)

**NOTICE OF PUBLIC HEARING**

NOTICE is hereby given that the Lincoln County Board of Commissioners will hold a Public Hearing beginning at 2 p.m. on June 23, 2015, at the Lincoln County Courthouse (Commission Chambers) in Carrizozo, New Mexico.

Public Hearing to consider the Appeal of the decision of the Lincoln Historic Preservation Board's denial of the Dickinson Gallery / Northside Pizzeria's request to display a Pizza flag in the Lincoln Historic Preservation District and the Appeal of the decision of the Lincoln Historic Preservation Board's denial of the Dougher's request to display an Open flag in the Lincoln Historic Preservation District. The Board of County Commissioners' decision shall be the final administrative appeal.

All parties and interested citizens will have an opportunity to be heard. If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575-648-2385 at least forty-eight (48) hours in advance of the meeting.

Billie Jo Guevara  
Administrative Assistant  
Human Resources Director

EXHIBIT 1 pg  
B  
Blumberg No. 6285

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:

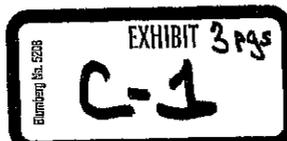
3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.

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."

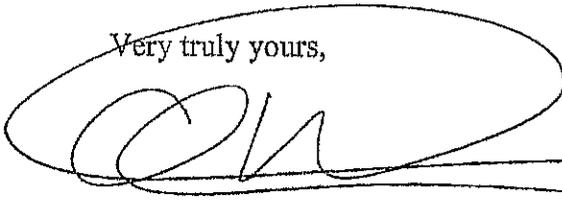
It would appear that flags are equated to a cloth sign and as such are clearly regulated within the District.

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.

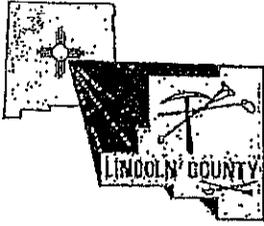
Please further consider this correspondence as my effort as the attorney for the County of Lincoln to meet with applicants as well as the Board to mediate a resolution prior to any requirement to appeal any decision to the Board of County Commissioners of the County of Lincoln pursuant to the Lincoln 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 26<sup>th</sup>, 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  
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 Poma Glass  
Mailing Address PO Box 234 City Lincoln  
State NM Zip 88338 Phone 575-653-4519  
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



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

RONNA & KIMMY 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.

If flags 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. 7 Days

I hereby agree that all work will comply with approved plans.

Applicant's Signature: Ronna Dougherty

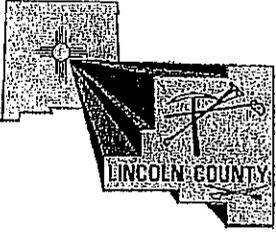
RECEIVED  
MAY 07 2015

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



# 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 21<sup>st</sup>, 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 16<sup>th</sup>, 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.





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

Received by  
Lincoln County  
Administration  
DN  
6-5-15 (via email)

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 1<sup>st</sup> 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

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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 brown and cream
- Lettering should be fonts representative of the period, Victorian, Art Nouveau and Woodcut.
- No novelty fonts, ultra-modern or computer lettering
- See examples below of acceptable fonts.



### Acceptable Fonts

OLD COMMUNITY CHURCH

OLD COMMUNITY CHURCH

Old Community Church OLD COMMUNITY CHURCH

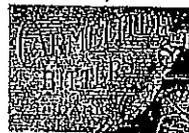
### Unacceptable fonts

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



My name is Gidget Morel. My husband & I moved to Lincoln 4 years ago, and I have served on the Preservation Board for 2 years.

Good Afternoon - Chairman Stone, County Commissioners, County Manager, Ladies and Gentlemen.

As Vice President of the Preservation Board, the Board asks you to uphold the decisions we have made: 1) The Board agrees flags are regulated thru the Ordinance, and 2) In it's decisions regulating the use of flags, the Board has said that cloth flags are not allowed in the Historic District. We do not have the authority over the flying of the U.S. flag.

In good wisdom, the Lincoln County Commissioners established the Lincoln Historic Preservation Ordinance in the 1970s to "PROTECT AND PRESERVE THE LINCOLN HISTORIC DISTRICT; ESTABLISHING THE LINCOLN HISTORIC PRESERVATION BOARD AND ITS POWERS; ENACTING ARCHITECTURAL GUIDELINES AND PROVISIONS FOR APPEALS, VARIANCES, VIOLATIONS, AND PENALTIES; GRAND-FATHERING AS TO REGULATIONS OF STRUCTURES AND CONDITIONS EXISTING PRIOR TO THE ENACTMENT OF ORDINANCE 1984-1. . .

This important law states in SECTION III. Item G. "It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historic interest or value is a PUBLIC NECESSITY. . ."

ITEM G. Subsection 2. States the purpose of the Ordinance is to "Safeguard Lincoln Town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;"

Subsection 3. adds the law is established to "Foster civic pride in the beauty and noble accomplishments of the past;"

and it summarizes in Subsection 7. "This Ordinance is intended to promote the maintenance of this living environment without creating . . . non-conforming structures or uses."

Under SECTION E. Page 654 the Board's Powers and Duties are laid out. I will share with you a small part of that section today asking you to consider the effort the Board makes to be fair in it's proceedings AND I stress that it is the Board's responsibility to uphold this law, this Ordinance, as it is written. Those parts of the Ordinance that pertain to requirements concerning signs are outlined in your packet and are being addressed by others here today.

Item No. 1. The Board shall adopt the County of Lincoln's policy for the conduct of its business. The Board shall seek to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District in accordance with Appendix B, Architectural Guidelines, which is incorporated into, and made a part of this Ordinance by reference.

Item No. 3. Approve or disapprove applications relating to the . . . exterior features of structures subject to public view from U.S. Highway 380.

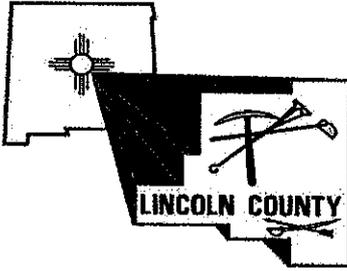
Item No. 9. The Lincoln Historic Preservation Board is the County Board responsible for recommending all Lincoln Historic Preservation District activities to the Board of County Commissioners.

The Preservation Board has been considering the impact of the use of flags as signs within the Historic District since January. Mr. Morel has provided us excellent examples of other Historic District's use of flags however, their Ordinances are not ours - and we respectfully disagree with the County Attorney's opinion on the matter. As many examples as there are of Historic Districts that allow flags - there are an equal amount that do not allow, or strictly restrict, flags. A notable example is the Historic District in Salt Lake City, Utah.

In closing, I repeat my request to the Commission to uphold the decisions the Preservation Board has made.

Thank you for the opportunity to speak to you today.

EXHIBIT D  
179  
0025704 (01/04/04)



www.lincolncountynm.gov

# County of Lincoln

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

## Agenda No. 14

July 17, 2015

### MEMORANDUM

**TO:** County Commissioners  
**FROM:** Alan Morel, Attorney, County of Lincoln  
**SUBJECT:** Lincoln Hills Subdivision request to cease use of a portion of Gene Littler Lane

**Purpose:** To discuss and provide direction to County Manager and Attorney

Mr. Brad Pittenger, with Lincoln Hills Subdivision and Mr. Carl Bartley, owner of three lots near the Lincoln Hills Subdivision have approached the County to inquire if the County would be agreeable to cease use of a portion of Gene Littler Lane which has been identified as a public access in the Lincoln Hills Subdivision Covenants and related documents. Mr. Bartley owns three lots adjacent to the roadway. Two of his lots are on the east side of Gene Littler Lane and one is on the west side of Gene Littler Lane. His property is shown at Enclosure 1. The roadway is now a lawful access to the Lincoln Hills Subdivision.

Mr. Pittenger and Mr. Bartley are interested in finding out whether or not this Commission would object to doing away with the section of Gene Littler Lane which generally bisects Mr. Bartley's property. I met with Mr. Bartley and Mr. Pittenger several weeks ago to discuss the possibility and the issues which must be addressed concerning the request.

According to the Development Agreement for Lincoln Hills, Unit One – Four, the developer agreed to designate a construction entrance to Lincoln Hills defined as a sixty (60) feet wide, 1,200 feet long access connecting with Paso Monte Loop (previously named Old Fort Stanton Road). The Agreement is at Enclosure 2. It is a portion of this section of Gene Littler Lane that Mr. Pittenger and Mr. Bartley would like authorization to do away with, beginning at Antler Drive to Paso Monte Loop.

In a letter from Mr. Mark Adams of Hunter's Draw, LLC dated October 7, 2005, Mr. Adams stated that construction shall only use the designated "Construction Entrance" when entering and leaving the Lincoln Hills property. The Construction Entrance to which he refers is now named Gene Littler Lane and is, in part, the section of road in question. See Mr. Adams' letter at Enclosure 3. There are still undeveloped lots which remain in Lincoln Hills which could utilize the Construction Entrance in the future. Mr. Adams' correspondence is referring to use of the Construction Entrance for construction of the Subdivision in my opinion.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

According to Lincoln County Subdivision Ordinance 2013-02, there must be two entrances/exits to subdivisions with more than six lots. Section 12.3 of the Ordinance is at Enclosure 4. Currently, at the north side of the Lincoln Hills Subdivision Gene Littler Lane is one of the entrances/exits to Lincoln Hills with the other being Lincoln Hills Road which connects to High Mesa Road on the south side. See Enclosure 5. If the request is granted, traffic can still be routed through Antler-Reindeer roads rather than utilizing the northern portion of Gene Littler Lane.

#### ISSUES:

A. According to the New Mexico Survey and Engineering Laws, subdivisions may not have landlocked tracts. If the desired section of property were to be purchased by Mr. Bartley, a portion of the roadway in question if not re-platted into other properties could be landlocked.

B. We cannot increase the number of tracts as a part of this process or it will be considered a "subdivision." Should the Commission grant the request, the properties in question would likely need to be re-surveyed and re-platted so as not to increase the number of tracts.

C. Public notice and a Public Hearing would need to take place. All property owners adjacent to Gene Littler Lane would be required to be notified.

D. The Lincoln Hills Disclosure Statement Section 8.3 of the Lincoln Hills Covenants, Conditions and Restrictions would need to be amended. Section 8.3 may be seen at Enclosure 6.

#### **Recommendation**

Request instructions from the Commission regarding how to proceed.



4 820

## DEVELOPMENT AGREEMENT

Lincoln Hills, Unit One – Four  
a Subdivision developed by  
Hunter's Draw, L.L.C.



**WHEREAS**, Hunter's Draw, L.L.C. a New Mexico Limited Liability Company, whose address is 5702 Maple Shade, Dallas, Texas 75252, hereafter referred to as the **Developer**, is developing a subdivision in S/2 SE/4 Section 25, T.10S, R.13E, N.M.P.M., SW/4 NW/4 and W/2 SW/4, Section 29, S/2 N/2 and S/2, Section 30, T.10S, R.14E, N.M.P.M., Lincoln County, New Mexico, said subdivision being platted as "Lincoln Hills, Unit One – Four."

**WHEREAS**, Lincoln County Subdivision Regulations require a Development Agreement between the **Developer** and **Lincoln County** with regards to the subdivision;

**NOW THEREFORE**, the Developer and Lincoln County agree to the following:

1. **Lincoln County** will allow the **Developer** to file a plat of the subdivision showing four (4) units, subject to the following agreement.
2. At the time of plat filing, the **Developer** will provide **Lincoln County** with a bond or CD for Units 1, 2, 3 and 4, based on the terms of this Agreement.
3. The bond or CD shall cover the following costs:
  - a) Road construction costs.
  - b) Water service lines.
  - c) Electric, telephone, television cable, and natural gas installations shall be bonded only if the **Developer** does not have signed and funded, or no fee, agreements with a specific utility company.
  - d) Water wells, storage tanks and pumping systems shall be bonded.



4. Bonds or CD's for Units One - Four will be based on a cost estimate prepared by and signed by a New Mexico Professional Engineer or by bids obtained from a licensed New Mexico Contractor. The bond amount shall be subject to review and approval by a County representative. Paragraph 3, above, sets parameters for the bond or CD.
5. The **Developer** will be allowed to replat Units One - Four in accordance with "Lincoln County Subdivision Regulations."
6. The **Developer** will be allowed to develop Units in a non-consecutive order.
7. **Lincoln County** and the **Developer** agree that the lands platted as "Golf Course" are a part of the Lincoln Hills, Unit One – Four Subdivision.
8. **Lincoln County** acknowledges that roads in the subdivision are private and will be built to County Private Road Standards and will be paved. Construction and Inspection will be as outlined in Article 12 – Road Design Standards, Subdivision Ordinance

2001-06. The \$5,000 paving design and inspection fee will not be charged.

9. The **Developer** agrees to designate a construction and main entrance to the Lincoln Hills property through the deeded property described as a 60 feet wide, 1,200 feet long access connecting with Paso Monte Loop. The "Construction Entrance/Main Entrance" shall be from Paso Monte Loop, formerly known as Old Fort Stanton Road and County Road D003, and shall be clearly marked "Construction Entrance/Main Entrance." All construction-related vehicles belonging to any Company with which Hunter's Draw, L.L.C. and/or its development representative(s) has entered into a binding agreement shall utilize said "Construction Entrance/Main Entrance" for ingress and egress to the Lincoln Hills property. Any construction vehicles that violate the requirement for use of this designated entry/exit to the Lincoln Hills property shall be fined for each occurrence.

LINCOLN COUNTY-NM  
TAMMIE J MADDOX, CLERK  
200600218  
Book 2006 Page 218  
2 of 3  
01/10/2006 09:58:26 AM  
BY LOREEL

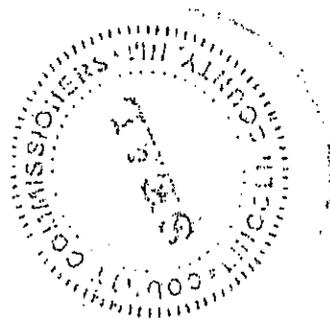
AGREED upon this 15 day of NOVEMBER, 2005.

Attest: Tammie J. Maddox  
Tammie J. Maddox,  
Lincoln County Clerk

Rick Simpson  
Rick Simpson, Chairman <sup>Vice</sup>  
Lincoln County Commission

HUNTER'S DRAW, L.L.C.  
a New Mexico Limited Liability Company

Hugh Anderson  
Hugh Anderson  
Managing Member



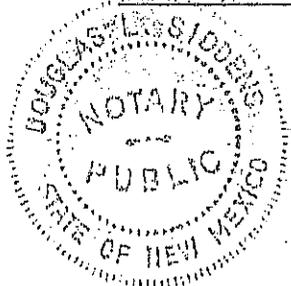
ACKNOWLEDGMENT:

STATE OF ) ss  
COUNTY OF ) ss

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of November, 2005, by Hugh Anderson, Managing Member of Hunter's Draw, L.L.C., a New Mexico Limited Liability Company, on behalf of said Limited Liability Company.

My commission expires:  
3-14-2007

R. Sidden  
Notary Public



LINCOLN COUNTY-NM  
TAMMIE J MADDOX, CLERK  
200600218  
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3 of 3  
01/10/2006 09:58:26 AM  
BY LOREE1

Hunter's Draw LLC

October 7, 2005

Mr. Tom Stewart  
Lincoln County  
P.O. Box 711  
Carrizozo, New Mexico 88301

Dear Mr. Stewart,

In accordance with the discussions in the Planning Commission meeting which recommended approval of our project to the Lincoln County Council, I have provided sample contract language concerning construction vehicles ingress and egress during the initial construction of the infrastructure of this development.

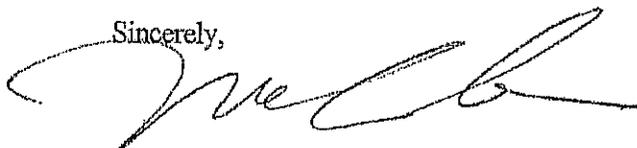
**Construction Vehicle Access:**

All construction related vehicles belonging to any Company in which Hunter's Draw, L.L.C. and/or its development representative has entered into a binding agreement with shall only use the designated "Construction Entrance" when entering and leaving the Lincoln Hills property. The designated "Construction Entrance", which shall be clearly marked, shall be from Old Fort Stanton Road. Any construction vehicles that violate this requirement shall be fined for each occurrence.

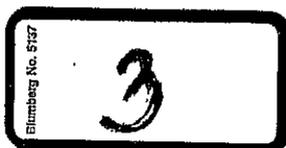
The above language shall be inserted into the construction contracts in which Hunter's Draw, L.L.C. and or its development representative enters into with its vendors who are responsible for the infrastructure of the development.

If you have additional question, please do not hesitate to contact me at 214-668-5717.

Sincerely,



Mark Adams



5702 Maple Shade • Dallas, Texas 75252  
Phone: 972-931-0081 • Fax: 972-267-5724

2013 JUL 17 PM 2:05

- I. existing and proposed contours to a minimum of 10' interval;
- J. adequate curve data to allow construction as intended; and
- K. the necessary data to tie proposed road to property corners.
- L. A Traffic Impact Analysis shall be required for all Type One and Two Subdivisions, and all Type Four and Five Subdivisions containing twenty-five (25) or more lots, as to any roads tying to the development, including roads not tied to a state highway, in accordance with NMDOT standards.

**Section 12.3 Street Layout**

The proposed layout shall be made according to sound land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts. All subdivisions having six (6) or more lots must have a minimum of two entrances/exits built to County standards.

**Section 12.4 Half Streets Prohibited**

The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render the dedication of full street rights-of-way impracticable, then adequate provision must be assured by the subdivider, that where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed developer.

Where land is subdivided into extra large tracts where the potential for future subdivision exists, such tract shall be arranged so as to allow for the provision of future streets and a logical further re-subdivision pattern.

**Section 12.5 Adjacent Highway**

Where a proposed subdivision contains lots abutting or adjacent to a major highway, it may be planned so as to avoid having lots fronting on a highway. The subdivision shall be laid out to have a minimum number of intersections with highways. The "sight distance" at any intersection must provide for adequate "stopping distance." Where the subdivision contains, or is adjacent to a state or federal highway, the subdivider must satisfy the New Mexico Department of Transportation as to the permit required to connect.

**Section 12.6 Private Roads**

Private roads in all subdivisions are required to be built to County standards. All private roads will be allowed in subdivisions if built to County standards and only if an accepted means of guaranteed maintenance by lot or tract owners is presented to and accepted by the County Commission. Designation of private roads will be noted on the Disclosure Statement and deeds. In addition, the driving surface on private roads shall not be less than twenty-feet (20') in width and shall otherwise be built to County standards. Performance Bonds will be required on all subdivisions containing private roads.



implied, including but not limited to the power to levy and collect Assessment (of whatever nature) for the maintenance, repair, or replacement of the common areas existing on the land.

- (d) After the sale of seventy five (75%) of the lots in LINCOLN HILLS, maintenance of the landscaping easements and signage easements will be conveyed to the Homeowner's Association.
- (e) The provision hereof in regard to the duty of the Committee and/or the Homeowners' Associations and /or its Board of Directors to maintain all the common areas as set out herein, to enforce the assessment procedure set out herein, and to enforce the rights extended to the County as set out herein with regard to the Common Properties shall not be revoked or amended without additional approval of the County. Furthermore, no amendment or revocation of any provision of this Declaration that in any way affects the rights and authority of the County shall be made or approved without prior written consent of the County.

Section 8.2 Easement for Golf Course Maintenance In addition to the easements and rights reserved in Article IV, Declarant, its successor or assigns hereby reserves easements ("Golf Course Land Easement") as shown in the recorded final plat to erect, install, maintain, repair, landscape and/or replace fences, walls and/or sprinkler systems which comprise the Golf Course Land. Upon formation and incorporation of the Association, Declarant shall assign the Golf Course Land Easement and all of its rights in the easements reserved in Article IV to the Association; provided, however, that notwithstanding the foregoing, upon conveyance of the Golf Course to Lincoln Hills Golf Club, but not otherwise, such Golf Course Land Easement shall at the same time be assigned to Lincoln Hills Golf Club, its successors and assigns.

Section 8.3 Members' Easements of Enjoyments Subject to the provisions of Section 8.4 of this Article, every Member and every tenant of every Member, who resides on a lot, and each individual who resides with either of them, respectively, on such lot shall have a non-exclusive right and easement to use and enjoyment in and to the Common Properties, and such easement shall be appurtenant to and shall pass with the



title of every lot; provided, however, such easement shall not give such person the right to make alterations, additions or improvements to the Common Properties.

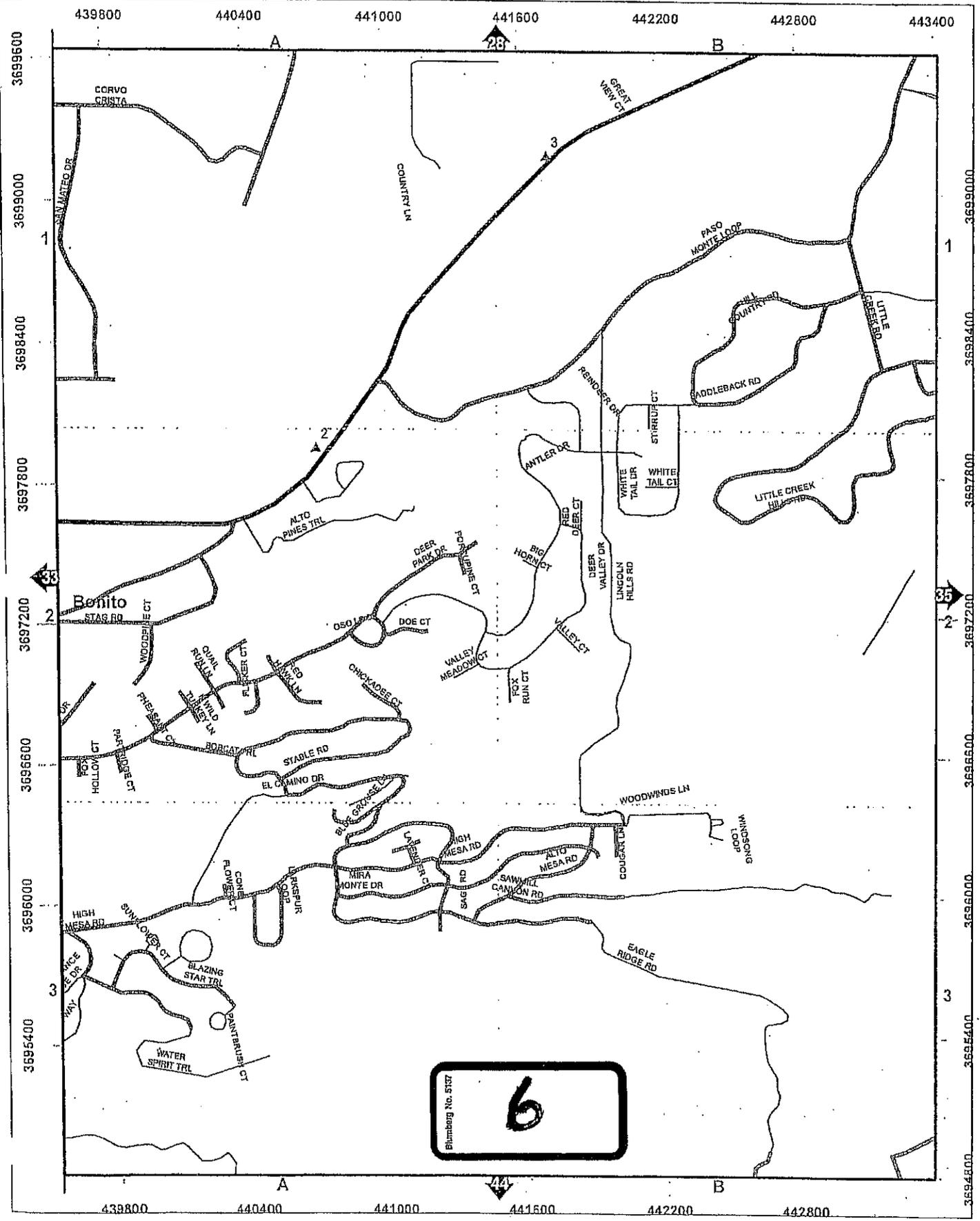
Section 8.4 Extent of a Member's Easements The rights and easements of enjoyment created by Section 8.3 shall be subject to and limited by the following:

- (a) The right of the Association to prescribed regulations governing the use, operation and maintenance of any designated Common Properties.
- (b) The right of the Association to enter into and execute contracts with parties (including the Declarant or an affiliate of the Declarant) for the purpose of providing maintenance for all or a portion of the Common Properties or providing materials or services consistent with the purpose of the Association.
- (c) The right of the Association, as may be provided in its Bylaws, to suspend the voting rights of any member and to suspend the right of any individual to use any of the Common Properties for any period during which any assessment against a lot owned by such individual remains unpaid, and for any period not to exceed sixty (60) days for an infraction of its rules and regulations.
- (d) With respect to any and all portions of the common properties, until formation and incorporation of the Association, Declarant shall have the right and option to alter, improve, landscape and/or maintain the Common Properties.

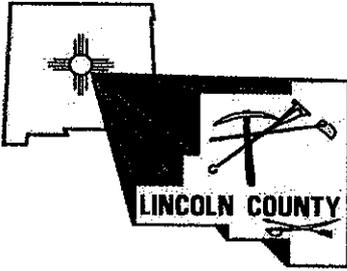
## **ARTICLE IX**

### **COVENANTS FOR ASSESSMENTS**

Section 9.1 Creation of the Lien and Personal Obligation of Assessments Declarant, for each lot owned by it, hereby covenants and agrees, and each purchaser of any lot by acceptance of a deed or other conveyance document creating in such Owner the interest required to be deemed an Owner, whether or not it shall be so expressed in any such deed or other conveyance document, shall be deemed to covenant and agree (and such covenant and agreement shall be deemed to constitute a portion of the



Blumberg No. 5137  
**6**



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# County of Lincoln

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

AGENDA ITEM NO. 15

July 17, 2015

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: PNM Easement to the hospital for New MRI Machine

**Purpose:** To obtain an approve of an easement.

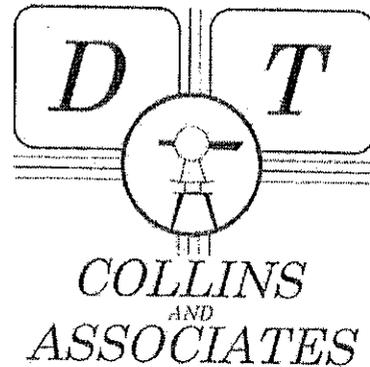
### **Discussion:**

Planning Director, Curt Temple will be present and has asked that this item be on the agenda for an approval of PNM easement to the hospital for a new MRI Machine.

**Recommendation:** Approve the PNM easement.

July 15, 2015

County of Lincoln  
300 Central Avenue  
P.O. Box 711  
Carrizozo, NM 88301



For Professional Services in Connection with electric easement at Hospital for new MRI Machine.

Easement requested by Jim Stover.

Attached is the PNM Easement and exhibit that needs to be signed by the Chairman of the Board for the County of Lincoln and the County Manager. Once it is signed and notarized (make sure you add the day in which it is notarized), file it with the County Clerk with the attached filing check.

If you have any questions, please let me know.

Respectfully,

Eric Collins, PLS #18077

DTCA Job Number: 15-752

1042 Mechem Drive  
Ruidoso, NM 88345

eric@dtcollins.com  
575-258-5272

PUBLIC SERVICE COMPANY OF NEW MEXICO  
EASEMENT (ELECTRIC)

THIS EASEMENT made this \_\_\_\_\_ day of July, 2015 by and between

the County of Lincoln, a Political Subdivision of the State of New Mexico

(Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation, and Qwest Corporation authorized to do business in New Mexico (Grantees), and their successors and assigns. The rights of Qwest Corporation hereunder are for communications purposes only.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees a perpetual easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain overhead and/or underground facilities for the transmission and distribution of electric power and energy and facilities for fiber optics and other communication purposes. Such facilities may include (but are not limited to) lines, cables, poles, guy wires, anchors, conduits and other equipment, fixtures, appurtenances and structures necessary to maintain such facilities on, over, beneath, through and across the easement hereinafter described, together with free access to, from and over said easement, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein, and with the right to utilize the easement to extend services to customers of Grantees, and to trim and remove any trees, shrubs, bushes or vegetation and remove any structures which interfere with the purposes set forth herein. The easement granted herein is within lands situate in Lincoln County, New Mexico, and is more particularly described as follows, to wit:

PNM Project No.:

LEGAL DESCRIPTION OF UTILITY EASEMENT

AN AREA OF LAND LOCATED WITHIN A PART OF THE HOSPITAL TRACT A1, RUIDOSO, LINCOLN COUNTY, NEW MEXICO AS SHOWN BY THE BOUNDARY SURVEY REPLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW MEXICO ON OCTOBER 11, 2013 IN CABINET J, SLIDE NO. 916 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF HOSPITAL TRACT A1, THENCE S 83°53'53" E A DISTANCE OF 125.78 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE S 78°49'01" E A DISTANCE OF 52.16 FEET; THENCE S 11°10'59" W A DISTANCE OF 9.01 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT TO THE POINT OF BEGINNING AN ARC DISTANCE OF 52.94 FEET AND WHOSE RADIUS IS 921.06 FEET AND CENTRAL ANGLE IS 03°17'36" (CH=N 69°01'00" W 52.93').

ALL AS GENERALLY SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A".

(WITHIN THE SW/4 SE/4 OF SECTION 25, T11S, R13E, N.M.P.M., RUIDOSO, LINCOLN COUNTY, NM)

Grantor hereby covenants that Grantor is the true and lawful owner of the land described herein.

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect nor construct any building, pool or other structure thereon, nor drill nor operate any well thereon, nor conduct any activity which violates provisions of the National Electric Safety Code.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgagees, lessees, tenants, successors and assigns of the parties hereto. Grantees shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement, and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ and seal \_\_\_\_\_ this \_\_\_\_\_ day of July, 2015

\_\_\_\_\_(SEAL) \_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL) \_\_\_\_\_(SEAL)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO }  
COUNTY OF LINCOLN }

This instrument was acknowledged before me on \_\_\_\_\_ July, 2015

By \_\_\_\_\_ the County of Lincoln, a Political Subdivision of the State of New Mexico

My commission expires:

(Seal)

Notary Public  
ACKNOWLEDGMENT FOR CORPORATION  
STATE OF NEW MEXICO }  
COUNTY OF LINCOLN }

This instrument was acknowledged before me on \_\_\_\_\_ July, 2015

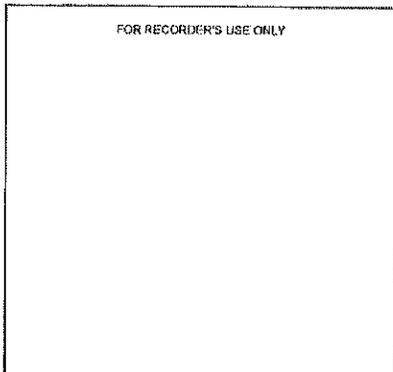
By \_\_\_\_\_ (Name of Officer) \_\_\_\_\_ (Title of Officer)

of \_\_\_\_\_ (Corporation Acknowledgment)

a \_\_\_\_\_ corporation, on behalf of said corporation.  
(State of Incorporation)

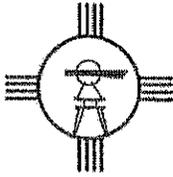
My commission expires:  
(Seal)

\_\_\_\_\_  
Notary Public



PNM  
REFERENCE  
NUMBER





D.T. COLLINS & ASSOCIATES P.C.  
 SURVEYING, MAPPING  
 1042 MECHEM DR. 575-258-5272  
 PLS NO. 18077  
 RUIDOSO, LINCOLN COUNTY, NEW MEXICO

JOB NO. 15-752  
 SCALE 1"=40'  
 DATE 7-15-2015

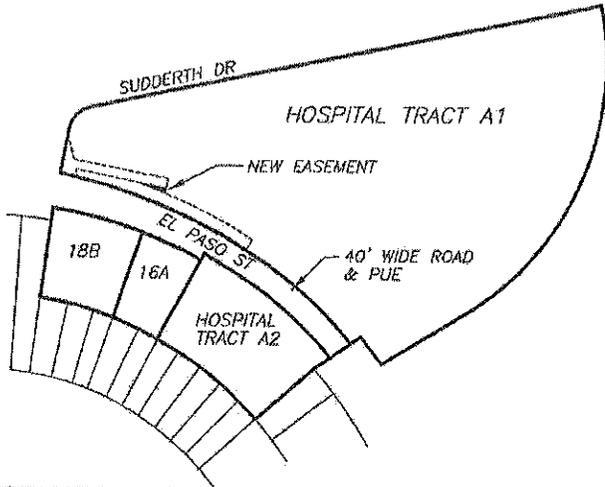
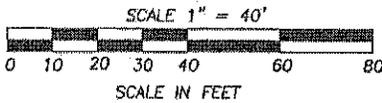


EXHIBIT "A" TO GRANT OF ELECTRIC UTILITY EASEMENT WITHIN THE HOSPITAL TRACT A1, RUIDOSO, LINCOLN COUNTY, NEW MEXICO AS SHOWN BY THE BOUNDARY SURVEY REPLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW MEXICO ON OCTOBER 11, 2013 IN CABINET J, SLIDE NO. 916.

(SW/4 SE/4 OF SECTION 25, T11S, R13E)

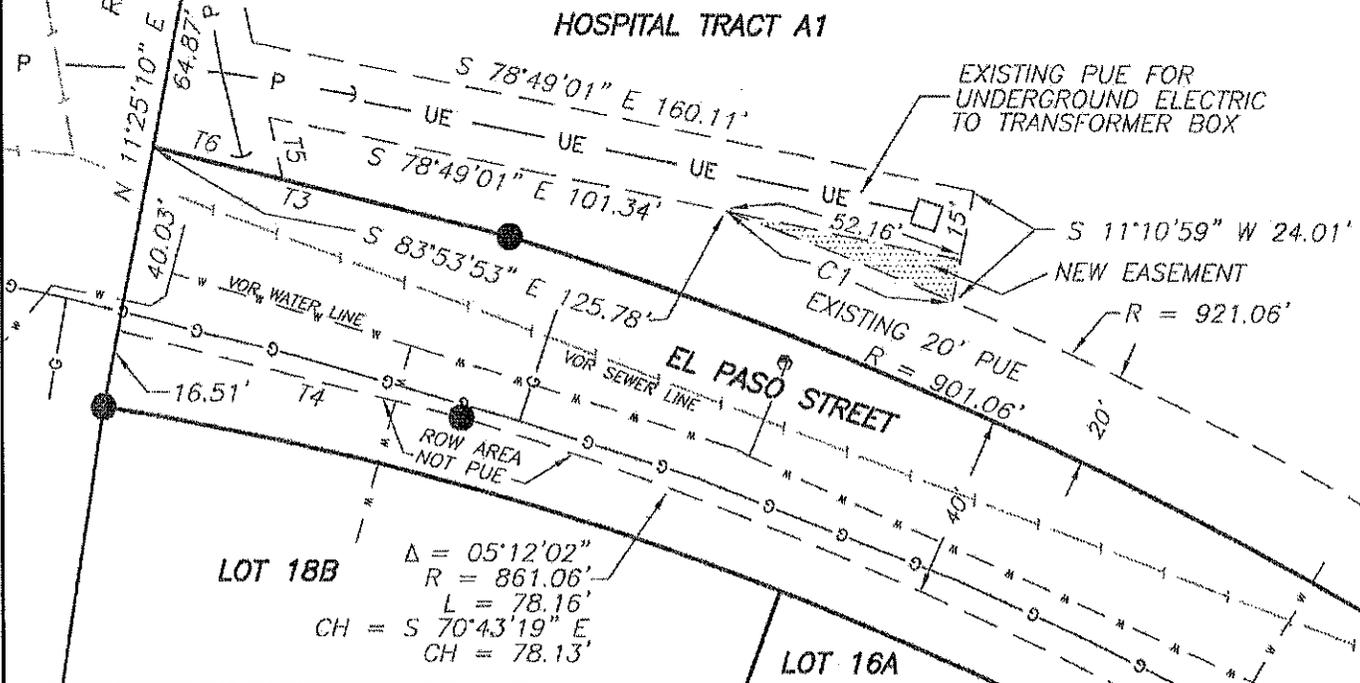


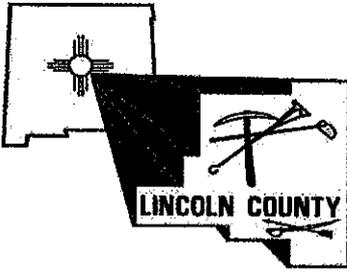
SUDDERTH DRIVE

NUMBER	DIRECTION	DISTANCE
T1	S 12°35'59" E	42.32'
T3	N 76°14'35" W	79.99'
T4	S 76°14'35" E	77.34'
T5	S 12°35'59" E	13.62'
T6	N 76°14'35" W	29.47'

$\Delta = 67^{\circ}11'50''$   
 $R = 48.00'$  F&R  
 $L = 56.29'$   
 $CH = S 45^{\circ}01'05'' W$   
 $CH = 53.12'$

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD
C1	03°17'36"	921.06	52.94	N 69°01'00" W	52.93





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# County of Lincoln

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

## Agenda No. 16

July 14, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Southeastern New Mexico Economic Development District (SNMEDD) Agreement and Resolution 2015-4

**Purpose:** To obtain approval of the attached agreement and Resolution 2015-4.

**Discussion:**

The letter at *Enclosure 1* explains that an agreement and resolution is required for FY 2015-2016 with the Southeastern New Mexico Economic District (SNMEDD).

SNMEDD was budgeted for \$6,000 in this year's budget. The agreement at *Enclosure 2* and Resolution at *Enclosure 3* solidify the arrangement between the County of Lincoln and SNMEDD.

**Recommendation:** Approve the Agreement and Resolution 2015-4.

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

**SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT  
COUNCIL OF GOVERNMENTS**

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

Hubert H. Quintana  
*Executive Director*

RECEIVED

JUL 13 2015

ADMINISTRATION  
LINCOLN COUNTY NM

July 1, 2015

Dear SNMEDD/COG Member:

With regard to your annual membership in the District for the 2015/2016 fiscal year, we have enclosed the following:

- I. **AGREEMENT** – required by the Department of Finance and Administration for disbursement of local funds and which conforms to state regulations. Two copies are enclosed. After the Agreement has been executed, please keep one copy and return one to our office.
- II. **RESOLUTION** – upon approval by your council or commission, it is to be signed, attached to and distributed with the attached Agreement.
- III. **2015/2016 ASSESSMENT SCHEDULE AND BUDGET FOR 2015/2016** – enclosed for your information.
- IV. **WORK PROGRAM FOR STATE APPROPRIATED FUNDS** – enclosed for your information.
- V. **INVOICE** – enclosed for billing and bookkeeping purposes. Please return one copy with your check.

The most recent audit and financial statements are available upon request.

As you know, we are in the process of finalizing the SNMEDD/COG budget for the coming year and your prompt attention is greatly appreciated.

If you have any questions or require further information, please feel free to contact me. Thank you for your support and letting us serve you.

Sincerely,



Hubert H. Quintana  
Executive Director

HHQ/pm  
Enclosures

ENCL 2

**AGREEMENT**

This Agreement, entered into by and between the Southeastern New Mexico Economic Development District/COG (hereinafter known as the "District") and the County of Lincoln a member of said District (hereinafter known as the "Member") is as follows:

**I. The District agrees to provide the following services to the Member upon request and final approval of the District budget:**

- A. Undertake studies, collect data and develop regional plans and programs pertaining to such subjects as human and natural resource development, community facilities and the general improvement of living and working environments.
- B. Furnish technical and management assistance in the development of planning activities.
- C. Coordinate local planning with that of other Members of the District and the State.
- D. Assist in community and economic development, transportation and public works projects.
- E. Assist member governments with their legislative activities.
- F. Assist in the preparation of applications for funding under various state, federal and private grant programs. Contracts for administration may be entered into between Member and District if Member requires or desires District to administrate project.
- G. Provide a Comprehensive Economic Development Strategy at the direction of the Board.
- H. Engage in such other activities as are necessary to improve area development and address regional problems.

**II. The Member agrees to the following:**

- A. To remain an active member of the District.
- B. To make an annual contribution of \$ 6,000.00 to the District as recognition of active membership.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at

ATTEST:

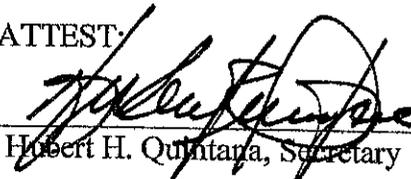
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New Mexico

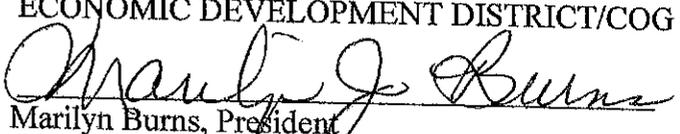
\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor/Commission Chairman

ATTEST:

SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT/COG

  
Hubert H. Quintana, Secretary

  
Marilyn Burns, President

ENCL 2

RESOLUTION NO. 2015-4

WHEREAS, the County of Lincoln hereinafter referred to as the County, is a member of and desires the services of the Southeastern New Mexico Economic Development District/COG, and

WHEREAS, in accordance with article 58, section 4-58-1 to 4-58-6 NMSA 1978, an agreement setting forth the terms and conditions of active membership in the Southeastern New Mexico Economic Development District/COG is required, and

WHEREAS, it is the desire of the County to continue as an active member of the Southeastern New Mexico Economic Development District/COG.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF LINCOLN THAT:

1. The Agreement attached to the Resolution expressed the desires and intent of the County.
2. The Agreement attached is hereby ratified and approved and the proper official(s) of the County are hereby authorized and instructed to affix their signature (s) thereto.
3. A copy of this Resolution (together with the referenced Agreement) shall be filed with the State of New Mexico, Department of Finance and Administration, Local Government Division and the Southeastern New Mexico Economic Development District/COG; and shall be made a part of the budget documentation of the County.

DONE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015 at

County of Lincoln  
New Mexico

ATTEST:

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Clerk

ENCL 3

**Southeastern New Mexico Economic Development District/  
Council of Governments**

**FY 2015-2016 ANNUAL WORK PLAN  
(revised)**

State of New Mexico  
Grant-In-Aid Program

July 10, 2015

The following are functions, measures, targets and tasks the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG) will complete in fulfillment of its obligation to its member governments and the State of New Mexico Department of Finance and Administration-Local Government Division to provide planning, technical assistance and capacity building services to local governments in southeastern New Mexico.

**Function 1. Submit reports, budgets and planning outcomes to the Local Government Division.**

- Task 1.1 Prior to July 10, 2015 submit a Board approved Annual Work and Operations Budget to the Local Government Division.
- Task 1.2 Submit Quarterly Progress Reports and payment reimbursement invoices to the Local Government Division no later than the 15<sup>th</sup> day of the month (January, April, July, October) following the close of each quarter. Quarterly reports must be approved by the Board of Directors prior to submittal. The Annual Report will be submitted following the Annual Meeting in January, 2016.
- Task 1.3 Provide professional development training to staff at least once annually.
- Task 1.4 Schedule and include as an agenda item for each quarterly meeting of the Board of Directors a training component to benefit local elected officials.

- Task 1.5 Attend regularly scheduled meetings member government city and/or commission, special purpose meetings to which we are invited to provide technical assistance or conduct hearings and meetings of the New Mexico Association of Regional Councils.
- Task 1.6 Attend regularly scheduled Board Meetings of the Southwest Regional Executive Directors Association and the National Association of Development Organizations (NADO).
- Task 1.7 Conduct an internal strategic planning review with Board of Directors to analyze program progress, program service needs and future direction of the SNMEDD/COG. The review must be conducted prior to January, 2016.
- Task 1.9 Conduct Mayors' Summits to provide training to local elected and appointed officials on programs, services and current issues of interest once a year.

*Benefit to New Mexico Citizens: Increased timeliness of reporting activities. Increased capacity of regional planning district. Better coordination between regional and state levels.*

**Function 2. Community Development Block Grant, Economic Development Public Works Assistance, Colonias Infrastructure Fund and other funding assistance programs—Provide local governments with application and general technical assistance**

- Task 2.1 Inform all members of CDBG, EDA, USDA, CIF and other funding program rule changes and Notifications of Funding Assistance (NOFA) within 15 days of the adoptions of the rule changes or NOFA.
- Task 2.2 Prepare and complete funding assistance applications for members upon their request including the conducting of public hearings as may be necessary.
- Task 2.3 Provide Grant Administration and Technical Assistance to member governments upon approval of a contractual agreement between the local government and the funding agency.

Task 7.4 Support the Legislative Jobs Council to identify and facilitate procurement of economic base jobs in target industries in southeastern New Mexico in an effort to sustain the Council's work and may include staff training.

Task 7.5 Support and promote the local agriculture and related value added industries.

Task 7.6 Provide business counseling and training to prospective and existing small business owners through the operation of the Small Business Development Center with Eastern New Mexico University-Roswell.

*Benefit to New Mexico Citizens: Develop regional resources to improve and strengthen the existing core for sustainable communities.*

- Task 6.2 Maintain transportation-related technical information on the website, as available, to assist local governments and others in packaging applications that improve the infrastructure of the region.
- Task 6.3 Provide orientations or similar training to newly appointed RPO members representing local governments, preparing them in their roles on the Regional Transportation Policy and Technical Committees.
- Task 6.4 Meet with local elected officials, informing them of the transportation-related programs and activities available to them through the Southeastern Regional Planning Organization (SERPO) and encourage their input in regional transportation planning.
- Task 6.5 Maintain and provide the SERPO regional transportation planning function in concert with the New Mexico Department of Transportation.
- Task 6.6 Organize, schedule and host, as necessary, SERPO Policy Committee and Technical Committee meetings.

*Benefit to New Mexico Citizens: Assist in the development of a comprehensive transportation network and infrastructure improvements plan to move people, goods and services efficiently.*

**Function 7. Provide resources toward the development of new business or business expansions to retain and create jobs.**

- Task 7.1 Prepare a Comprehensive Economic Development Strategy update for submittal to our local government members and the Economic Development Administration (EDA) under the guidance and rules established by EDA.
- Task 7.2 Meet quarterly with the region's five economic development corporation/entities to gather and share information.
- Task 7.3 Support the energy industry in the region by attending energy related workshops and meeting quarterly with energy related professionals.

- Task 2.4 Coordinate presentations to the Community Development Council and Colonnias Infrastructure Fund Board by our member governments seeking CDBG or CIF funding.

- Task 2.5 Notify each CDBG or CIF grantee that their attendance is mandatory at the Grant Implementation Workshops.

- Task 2.6 Assist local governments with the updating of the comprehensive plans

*Benefit to New Mexico Citizens: Better prepared funding assistance applications and presentations. Well implemented and administered project grants.*

**Function 3. Infrastructure Planning—Coordinate the ICIP process regionally.**

- Task 3.1 Sponsor ICIP training session that will be presented to local governments and others by a member of the DFA/LGD staff.

- Task 3.2 Assist and provide local governments technical assistance with the development and submittal of the ICIP.

- Task 3.3 Encourage local municipal, county governments and other entities to include operation and maintenance costs in the ICIP.

- Task 3.4 Encourage submission of ICIP to the State

- Task 3.5 Encourage members to develop financing plans for each of their top five ICIP priorities, including a project description, secured sources of funding and, where applicable, utility rate structure and asset management plans.

- Task 3.6 Have staff attend and assist local government members to attend, through the provision of scholarships, the annual New Mexico Infrastructure Finance Conference.

- Task 3.7 Conduct regional clearinghouse review, as may be necessary for all applications submitted to funding agencies.

*Benefits to New Mexico Citizens: Timely and meaningful local infrastructure planning connected to financing sources.*

**Function 4. Capital Outlay—Increase quality of project planning, legislative representation and administration.**

- Task 4.1 Assist local entities seeking assistance in the preparation and submission of capital outlay request forms through informational workshops and direct application technical assistance.
- Task 4.2 Work with Legislators throughout the region on locally established capital improvement priorities by holding project vetting hearings on a county by county basis.
- Task 4.3 Assist with testimony or information as might be required during the legislative session.
- Task 4.4 Prepare a preliminary list of projects submitted by local entities and submit list to local legislators.
- Task 4.5 Track capital outlay legislation relevant to community development, infrastructure improvement projects and project planning and programming.
- Task 4.6 Work with local elected officials to complete on-going projects in a timely manner or recommend reauthorization, re-appropriation or revision of grant funds as may be necessary.

*Benefit to New Mexico Citizens: Better and more timely use of taxpayer funds to support local infrastructure projects*

**Function 5. Rural Support—Build capacity of local governments, rural water associations and other rural organizations.**

- Task 5.1 Coordinate a minimum of one training session in planning, budgeting, finance, auditing and/or administration for District Officials and their staffs.

Task 5.2 Work with rural water associations, community ditches, acequias and other non-members on capital project planning. Assistance may be based on a Board approved fee for service schedule.

Task 5.3 Engage rural members and non-members requesting assistance in "project prospectus development", develop, review and vet projects seeking funding sources to meet specific project needs. Assistance may be based on a Board approved fee for service schedule.

Task 5.4 Offer a training workshop to rural water associations and other non-member organizations in each county on the capital improvement project planning process.

Task 5.5 Provide scholarships for local government staff and/or elected officials to attend capacity building training, workshops and conferences sponsored by state, regional and national planning and development organizations.

Task 5.6 Provide US Census data information and support for the region as the US Census Bureau Affiliate.

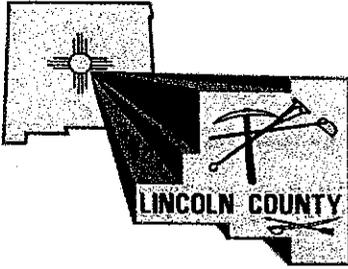
Task 5.7 Provide public relations for the SNMEDD and local governments through continuous media dissemination.

Task 5.8 Meet with community elected and appointed officials and key community leaders to increase community capacity building foundation.

Task 5.9 Educate and inform the general public, legislative and congressional law makers about the negative impact of regulatory constraints on local economies.

**Function 6. Transportation—Provide local governments with assistance to improve the region's transportation system for the efficient movement of goods, services, and people.**

Task 6.1 Compile and maintain a database of transportation-related projects that may be contemplated or that are ready to be implemented for local governments within the region.



# County of Lincoln

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

AGENDA No. 17

www.lincolncountynm.gov  
July 14, 2015

## MEMORANDUM

**TO:** County Commissioners

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

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

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

### Discussion:

**Safety Net Care Pool Authorizations:** This month our coordinator processed twenty (20) claims, seventeen (17) of which are recommended for approval, and three (3) for disapproval for the reasons indicated at Enclosure 1. If approved, the total recommended authorization this month is \$15,454.27. See Enclosure 1.

**Indigent Health Care Claims:** This month our coordinator processed six (6) claims. Five (5) are recommended for approval, and one (1) for disapproval for the reason indicated at Enclosure 2. If approved, total recommended for payment this month is \$6,198.19. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for July.

**Manager's Analysis** – For the last two years, the average Indigent Health Care monthly payments were \$16,919 and \$5,304 respectively. The FY 14 - 15 year-end total was \$63,642. To date, the total expenditure is \$6,198.19. At this pace, we will spend \$74,378 in FY 15 – 16, in the indigent claim line item.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were \$1,034,535 and \$254,747 respectively. The FY 14 - 15 monthly average was \$21,229. To date, the total authorization is \$15,454.27.

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

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

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

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$0.00

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

JULY # CLAIMS FOR APPROVAL 17

# CLAIMS FOR DENIAL 3

JULY # TOTAL CLAIMS 20

JULY TOTAL \$ AMOUNT APPROVED \$15,454.27

TOTAL # CLAIMS THIS FY APPROVED 17

TOTAL # CLAIMS THIS FY DENIED 3

TOTAL # CLAIMS FY 2015 - 2016 20

TOTAL APPROVED THIS FISCAL YEAR \$15,454.27

FACILITY: LINCOLN COUNTY MEDICAL CENTER

07/21/2015 THROUGH 07/21/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21030	06/08/2015	2448.00	1884.96	077%
21031	02/10/2015	300.00	231.00	077%
21032	04/27/2015	600.00	462.00	077%
21033	06/11/2015	2283.00	1757.91	077%
21034	06/13/2015	3241.00	2495.57	077%
21054	03/31/2015	402.00	309.54	077%
21053	04/24/2015	64.00	49.28	077%
21036	02/13/2015	25.00		000%
PATIENT'S BILL IS BELOW \$50				
21037	03/02/2015	25.00		000%
PATIENT'S BILL IS BELOW \$50				
21055	01/30/2015	2265.09	1744.12	077%
21038	05/01/2015	56.00	43.12	077%
21039	05/27/2015	504.00	388.08	077%
21040	06/12/2015	97.20	74.84	077%
21049	01/12/2015	900.00	693.00	077%
21042	06/17/2015	3370.00	2594.90	077%
21044	06/12/2015	1373.00	1057.21	077%
21050	06/12/2015	789.00	607.53	077%
21045	03/03/2015	370.20	285.05	077%
21047	05/29/2015	1008.00	776.16	077%
21048	03/23/2015	48.20		000%
PATIENT'S BILL IS BELOW \$50				

15454.27

APPROVED- 17 REJECTED- 3

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$0.00

ADJUSTMENTS

## TOTAL ADJUSTMENTS:

JULY # CLAIMS FOR APPROVAL	5
# CLAIMS FOR DENIAL	1
JULY # TOTAL CLAIMS	6

JULY TOTAL \$ AMOUNT APPROVED \$6,198.19

TOTAL # CLAIMS THIS FY APPROVED	5
TOTAL # CLAIMS THIS FY DENIED	1
TOTAL # CLAIMS FY 2015 - 2016	6

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$6,198.19  
\*Assuming the above is approved

FACILITY: DONA ANA MEDICAL SUPPLY DBA LINC 07/21/2015 THROUGH 07/21/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21041	12/04/2014	178.24	178.24 100%
			178.24

APPROVED- 1 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 07/21/2015 THROUGH 07/21/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21035	02/11/2015	520.00	400.40 077%
21043	05/04/2015	7122.92	5484.65 077%
21046	03/03/2015	125.20	96.40 077%
			5981.45

APPROVED- 3 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 07/21/2015 THROUGH 07/21/2015

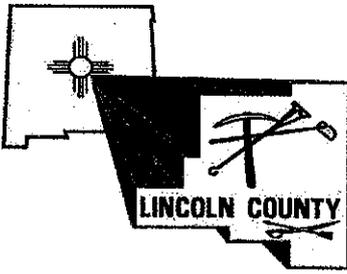
HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21051	05/20/2015	50.00	38.50 077%
21052	05/14/2015	2.10	000%
PATIENT'S BILL IS BELOW \$50			
			38.50

APPROVED- 1 REJECTED- 1

INDIGENT FUND MEETING

JULY 21, 2015

TOTAL APPLICATIONS	26	
TOTAL APPROVED	22	21,652.46
TOTAL DENIED	4	
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		
APPROVED-	1	178.24
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	3	5,981.45
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	17	15,454.27
DENIED-	3	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	1	38.50
DENIED-	1	



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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. 18

July 18, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Preliminary Infrastructure Capital Improvement Plan

**Discussion:** As discussed in the June Commission meeting, the current ICIP at Enclosure is in the process of being modified to include additional projects below:

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, adding required detail and developing a prioritization to present to the Commission at its August Meeting, at which it must be finalized to meet the timeline of September 2<sup>nd</sup> for submission to the State.

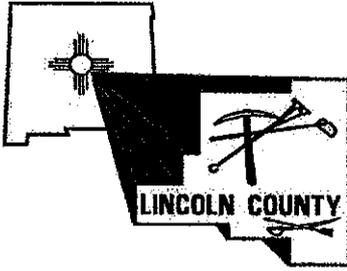
County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

Infrastructure Capital Improvement Plan FY 2017-2021

Lincoln County  
Project Summary

ID	YEA R	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	250,000	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	305,810	2,104,017	2,022,018	630,000						Total Project Cost:	4,960,000
															Total Not Yet Funded:	4,446,190



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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

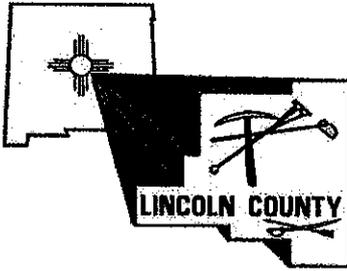
July 18, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** MANAGER'S REPORT TO BE PROVIDED AT July 21<sup>st</sup> MEETING



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# County of Lincoln

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## AGENDA Item No. 20

July 18, 2015

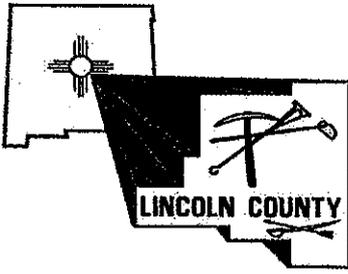
### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** ROAD ISSUES

- A. Rancho Ruidoso Valley Estates residents may attend to discuss road concerns.
- B. Barbara Yates has cancelled discussion of her road concern until next month, pending the receipt of additional information.



# *County of Lincoln*

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

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Agenda Item No. 21

**SUBJECT: Approval of Resolutions:**

- a. Resolution 2015-1 Adjusting Line Items for FY 2014-2015
- b. Resolution 2015-2 Closing the FY 2014-2015 Budget

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**RESOLUTION 2015-1**  
**A RESOLUTION ADJUSTING LINE ITEMS OF THE**  
**FY 2014-2015 BUDGET OF LINCOLN COUNTY**

**WHEREAS**, the Lincoln County Board of Commissioners meeting in regular session on July 21, 2015 did review requests for adjustment to the 2014-2015 Budget; and

**WHEREAS**, it was determined that the proposed internal budget item transfers and adjustments would be beneficial for the citizens of Lincoln County and the line item adjustments are required within the departments to satisfy audit requirements;

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

Line Number	Description	Increase	Decrease	Total
401012011	PERA	1,249.85		
401012013	Group Insurance		(1,262.73)	
401012017	Retiree Healthcare	12.88		(0.00)
401022018	Penalty & Interest	185.72		
401022101	Postage	5.95		
401022131	Maintenance Equipment	12,884.35		
401022218	County Promotion/Function	85.00		
401022400	Attorney Fees		(13,161.02)	0.00
401032002	Full Time Salary	2,519.05		
401032003	Overtime		(74.25)	
401032010	FICA		(1,178.92)	
401032011	PERA	13.55		
401032012	Worker's Comp		(4.14)	
401032013	Group Insurance	5,172.53		
401032015	Medicare		(276.12)	
401032017	Retiree Healthcare	75.67		
401032102	Printing & Publishing	987.18		
401032103	Office Supplies		(2,717.83)	
401032104	Telephone		(481.63)	
401032130	Maintenance Vehicle		(5,466.11)	
401032133	Vehicle Fuel		(3,621.84)	
401032140	Mileage & Per Diem		(2,692.60)	

401032141	Dues/Conferences/Registration	(4,034.05)	
401032150	Professional Services	15,611.32	
401032182	Contractual Agreements	(46.81)	3,785.00
401042705	Capout - Software	(5,533.47)	
401042901	Capout - Computers	1,748.47	(3,785.00)
401052002	Full Time Salary	1,693.47	
401052010	FICA	0.40	
401052010	FICA	(0.80)	
401052011	PERA	127.20	
401052012	Worker's Compensation	(0.40)	
401052012	Worker's Compensation	0.80	
401052017	Retiree Healthcare	49.01	
401052104	Telephone	51.65	
401052133	Vehicle Fuel	(1,921.33)	0.00
401072012	Worker's Comp	0.40	
401072102	Printing & Publishing	(1,244.70)	
401072130	Maintenance Vehicle	896.70	
401072133	Vehicle Fuel	347.60	0.00
401082004	Part Time Salary	(7,617.89)	
401082005	Temporary Salary	7,617.89	
401082005	Temporary Salary	(7,617.89)	
401082005	Temporary Salary	7,617.89	0.00
401092003	Overtime	261.69	
401092106	Fuel Heating	(261.69)	0.00
401152012	Worker's Compensation	0.20	
401152017	Retiree Health Care	(0.20)	0.00
401172011	PERA	(0.60)	
401172012	Worker's Compensation	0.20	
401172017	Retiree Health Care	0.40	0.00
401192012	Worker's Compensation	3.10	
401192102	Printing & Publishing	1,095.24	
401192103	Supplies Office	239.11	
401192104	Telephone	3,393.63	

401192130	Maintenance Vehicle	1,779.28	
401192130	Maintenance Vehicle		(3,558.56)
401192133	Vehicle Fuel		(1,779.28)
401192133	Vehicle Fuel		(4,992.18)
401192133	Vehicle Fuel	3,558.56	
401192140	Mileage & Per Diem	246.10	
401192141	Dues/Conferences/Registration	15.00	(0.00)
401212001	Elected Official Salary		(23,264.87)
401212002	Full Time Salary	40,550.86	
401212003	Overtime		(500.00)
401212005	Temporary Salary		(2,679.06)
401212010	FICA	24.56	
401212013	Group Insurance		(14,137.81)
401212131	Maintenance Equipment		(7,745.64)
401212131	Maintenance Equipment	7,745.64	
401212015	Medicare	6.32	0.00
401222001	Elected Official Salary	0.14	
401222131	Maintenance Equipment	7,745.64	
401222133	Vehicle Fuel		(7,969.64)
401222133	Vehicle Fuel	7,745.64	
401222133	Vehicle Fuel		(7,745.64)
401222150	Professional Service	40.25	
401222921	Capout - Equipment/OP	183.61	0.00
GRAND TOTAL GENERAL FUND			0.00
402402119	Special County Projects		(20,000.00)
402402921	Capout-Equipment/OP	20,000.00	
TOTAL ROAD FUND			0.00
406632909	Capout - Office Furniture		(3,917.24)
406632943	Cabinets	3,917.24	
TOTAL CLERK FEES			0.00
407452133	Vehicle Fuel	110.99	
407452140	Mileage & Per Diem		(110.99)
TOTAL BONITO FIRE			0.00
409472305	Insurance - Volunteer		(1.41)

	Fire/EMS		
409472899	Interest Payment	1.41	
TOTAL HONDO FIRE			0.00
411492108	Maintenance Building		(198.66)
411492305	Insurance - Volunteer Fire/EMS	198.66	
TOTAL NOGAL FIRE			0.00
414912924	Capout - Renovations	0.22	
414912937	FAC Expansion/Improvements		(77.03)
414912970	Judicial/Sheriff Expansion	76.81	
TOTAL CAPITAL IMPROVEMENTS PROJECTS			0.00
416972107	Electric	26.60	
416972140	Mileage & Per Diem		(225.58)
416972305	Insurance - Volunteer Fire/EMS	198.66	
416972899	Interest Payment	0.32	
TOTAL WHITE OAKS FIRE			(0.00)
419522142	Training		(198.66)
419522305	Insurance - Volunteer Fire/EMS	198.66	
TOTAL ARABELA FIRE			0.00
421592133	Vehicle Fuel	2,020.12	
421592194	Hot Mix Patch		(2,020.12)
TOTAL GAS TAX REVENUE			0.00
424692133	Vehicle Fuel	871.13	
424692142	Training		(871.13)
TOTAL FIRE SERVICES ADMINISTRATION			0.00
450622105	Water		(4,726.00)
450622174	Ankle Start Up Fees		(4,797.90)
450622217	Contractual Incarceration	4,797.90	
450622921	Capout - Equipment/Op	4,726.00	
TOTAL CORRECTIONS			0.00
466822225	Operating Costs	50.00	
466822909	Capout - Office Furniture		(27,197.00)

466822940	Capital Outlay	(1,623.49)	
466822079	Confidential Funds	(50.00)	
466822940	Capital Outlay	28,820.49	
<b>TOTAL SHERIFF'S SEIZURE</b>			<b>0.00</b>
499682133	Vehicle Fuel	(272.18)	
499682140	Mileage & Per Diem	158.14	
499682141	Dues/Conferences/Registration	114.04	
<b>TOTAL RE-APPRAISAL</b>			<b>0.00</b>
500202142	Training	241.07	
500202142	Training	(14,382.64)	
500202142	Training	(482.14)	
500202921	Capout - Equipment/OP	482.14	
500202921	Capout - Equipment/OP	14,382.64	
500202921	Capout - Equipment/OP	(241.07)	<b>(0.00)</b>
500242142	Training	(6,973.00)	
500242921	Capout - Equipment/OP	6,973.00	<b>0.00</b>
500252142	Training	1,617.00	
500252921	Capout - Equipment/OP	(1,617.00)	<b>0.00</b>
500262142	Training	1,657.00	
500262921	Capout - Equipment/OP	(1,657.00)	<b>0.00</b>
500272142	Training	(721.43)	
500272142	Training	(482.14)	
500272142	Training	(728.00)	
500272142	Training	(728.43)	
500272142	Training	1,442.86	
500272921	Capout - Equipment/OP	(1,442.86)	
500272921	Capout - Equipment/OP	482.14	
500272921	Capout - Equipment/OP	728.43	
500272921	Capout - Equipment/OP	721.43	
500272921	Capout - Equipment/OP	728.00	<b>0.00</b>
<b>TOTAL EMERGENCY MEDICAL SERVICES</b>			
502732225	Operating Costs	154,711.74	
502732524	St Medicaid Fund Contribution	(11,411.72)	

502732525	Sole Community Provider	11,411.72	
502732921	Capout - Equipment/OP		(154,711.74)
TOTAL LINCOLN COUNTY MEDICAL CENTER			0.00
520752138	Equipment/Repair	6,400.71	
520752138	Equipment/Repair		(4,197.83)
520752142	Training	300.00	
520752142	Training		(2,502.88)
TOTAL LAW ENFORCEMENT PROTECTION			0.00
530772012	Worker's Compensation	0.40	
530772104	Telephone	37.42	
530772105	Water	220.32	
530772107	Electric	371.58	
530772176	Raw Foods		(2,411.89)
530772176	NSIP	1,743.26	
530772177	NSIP		(1,743.26)
530772177	NSIP	1,782.17	0.00
530782012	Worker's Compensation	0.40	
530782106	Fuel Heating		(640.92)
530782107	Electric	640.52	0.00
530792012	Worker's Compensation	0.40	
530792101	Postage	30.62	
530792104	Telephone	90.36	
530792107	Electric	252.34	
530792130	Maintenance Vehicle		(1,598.47)
530792130	Maintenance Vehicle	3,196.94	
530792131	Maintenance Equipment		(3,196.94)
530792131	Maintenance Equipment	1,598.47	
530792133	Vehicle Fuel		(373.72)
530802104	Telephone	21.60	
530802106	Fuel Heating		(411.76)
530802177	NSIP	390.16	0.00
TOTAL SENIOR CITIZENS			0.00
563842025	GRT (CRS)		(11,112.83)
563842546	Environmental Gross Receipts		(8,398.77)
563842546	Environmental Gross Receipts	19,511.60	

<b>TOTAL GSWA-ENVIRONMENTAL GROSS RECEIPTS</b>		<b>0.00</b>
<b>659342002</b>	Full Time Salary	2,977.69
<b>659342003</b>	Overtime	(6,772.16)
<b>659342011</b>	PERA	25.31
<b>659342012</b>	Worker's Compensation	0.23
<b>659342013</b>	Group Insurance	496.87
<b>659342015</b>	Medicare	42.13
<b>659342017</b>	Retiree Healthcare	69.44
<b>659342225</b>	Operating Costs	3,160.49
<b>TOTAL NM HIDTA PARTNERSHIP</b>		<b>0.00</b>

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2015.

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

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

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

\_\_\_\_\_  
Thomas Stewart

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

\_\_\_\_\_  
Lynn Willard, Member

ATTEST:

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

**RESOLUTION 2015-2  
A RESOLUTION ADJUSTING THE 2014-2015  
BUDGET FOR LINCOLN COUNTY**

**WHEREAS**, the Lincoln County Board of Commissioners, meeting in a regular session on July 21, 2015 did review requests for adjustments to the 2014-2015 Budget; and

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

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

<b>REVENUES</b>				
<b>Line Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>	<b>Total</b>
401001253	Flood Plain Ordinance Adm	4,000.00		
401001262	Reimbursement/Refund	27,689.48		
401001270	Insurance Recoveries	18,549.94		
401001649	County Business Retention GRT	50,421.59		
401001925	BJA Bulletproof Vest Grant	187.50		
<b>TOTAL FOR GENERAL FUND</b>				<b>100,848.51</b>
409001602	Grant Funds	12,099.48		
<b>TOTAL FOR HONDO FIRE FUND</b>				<b>12,099.48</b>
421001520	Gasoline Tax	10,284.32		
<b>TOTAL FOR GAS TAX REVNUUE FUND</b>				<b>10,284.32</b>
423001640	Taylor Grazing - Farm & Range	304.68		
<b>TOTAL PREDATORY ANIMAL CONTROL</b>				<b>304.68</b>
424001560	State Fire Allotment	2,796.00		
<b>TOTAL FOR FIRE SERVICES ADMINISTRATION FUND</b>				<b>2,796.00</b>
450001311	Housing of Prisoners	113,914.90		
450001593	Corrections Fees	68,370.17		
<b>TOTAL FOR CORRECTIONS FUND</b>				<b>182,285.07</b>
466001180	Interest Earned	32.58		

466001262	Reimbursement/Refunds	2,261.00		
<b>TOTAL FOR SHERIFF SEIZURE FUND</b>				<b>2,293.58</b>
502001010	Current Property Tax	59,328.59		
502001340	Sale of County Property	11,900.00		
<b>TOTAL FOR LINCOLN COUNTY MEDICAL CTR FUND</b>				<b>71,228.59</b>
508001562	Principal Payment	53,381.53		
508001568	Interest Payment	16,379.02		
<b>TOTAL FOR DEER PARK SAD INCOME FUND</b>				<b>69,760.55</b>
520001602	Grant Funds	7,100.00		
<b>TOTAL FOR LAW ENFORCEMENT PROTECTION FUND</b>				<b>7,100.00</b>
530001730	Grant Meals Equip All Centers	5,366.47		
<b>TOTAL FOR SENIOR CITIZENS FUND</b>				<b>5,366.47</b>
563001140	Solid Waste Fee	297,848.14		
563001541	Environmental Gross Receipt Tax	19,511.60		
<b>TOTAL FOR GSWA-ENVIRONMENT GROSS RECEIPT FUND</b>				<b>317,359.74</b>
659001262	Reimbursement/Refund	5.72		
<b>TOTAL FOR HIDTA</b>				<b>5.72</b>
<b>TRANFERS</b>				
Line Number	Description	Increase	Decrease	Total
682001951	1st 1/8th Income Fund		(2,384.82)	
664001950	1st 1/8th State Reserve	2,384.82		0.00
460001951	Drug Enforcement Grant		(3,776.00)	
401001950	General Fund	3,776.00		0.00
401001951	General Fund		(41,255.55)	
563001950	Solid Waste Fees	41,255.55		0.00
401001951	General Fund		(5,187.45)	
659001950	HIDTA Fund	5,187.45		0.00

420001951	Legislative Appropriation Fund		(144,883.42)	
401001950	General Fund	144,883.42		0.00
414001951	Capital Improvements Fund		(164,702.13)	
401001950	General Fund	164,702.13		0.00
683001951	Gross Receipts Tax Debt		(0.34)	
450001950	Corrections Fund	0.34		0.00
<b>EXPENDITURES</b>				
<b>Line Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>	<b>Total</b>
404422512	Recreation - Carrizozo	0.09		
<b>TOTAL FOR RECREATION FUND</b>				<b>0.09</b>
420282401	Legislative Admin Fees	2,390.00		
<b>TOTAL FOR LEGISLATIVE APPROPRIATION</b>				<b>2,390.00</b>
466822079	Confidential Funds	50.00		
466822940	Capital Outlay	1,623.49		
<b>TOTAL FOR SHERIFF'S SEIZURE FUND</b>				<b>1,673.49</b>
502732131	Maintenance Equipment	41,184.14		
502732225	Operating Costs	230,587.26		
502732525	Sole Community Provider	72,335.83		
502732522	EMS - Operations	790.32		
<b>TOTAL FOR LINCOLN COUNTY MEDICAL CENTER</b>				<b>344,897.55</b>
508312899	Interest Payment	0.11		
<b>TOTAL FOR DEER PARK SAD INCOME FUND</b>				<b>0.11</b>
520752138	Equipment Repair	4,197.83		
<b>TOTAL FOR DEER PARK SAD INCOME FUND</b>				<b>4,197.83</b>
563842024	GSWA Billing Payment	287,114.27		
563842546	Environmental Gross Receipts	8,398.77		
<b>TOTAL FOR GSWA-ENVIRONMENT GROSS RECEIPTS</b>				<b>295,513.04</b>

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2015.

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

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Preston Stone, Chairman

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Dallas Draper, Vice Chairman

---

Elaine Allen, Member

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Lynn Willard, Member

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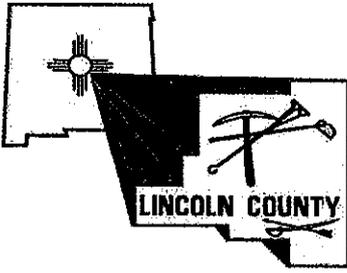
Thomas Stewart

ATTEST:

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Rhonda Burrows, County Clerk





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

# *County of Lincoln*

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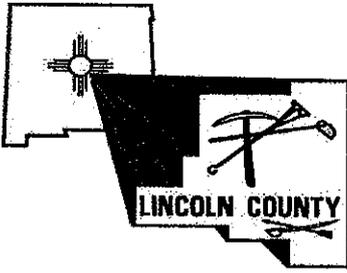
## Agenda Item 22

### SUBJECT

1. Public Hearing to Consider the Approval of the Final Budget FY 15-16
  - A. Resolution 2015-3 Adopting the Final Budget FY 2015-2016

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(575) 648-4182

Finance/Purchasing Fax  
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# County of Lincoln

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## AGENDA ITEM Nos. 22

July 18, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Final Budget Approval FY15-16 - Public Hearing

At the regular commission meeting of May 15, 2015, the county's preliminary budget was approved, with modifications, and forwarded to DFA for subsequent approval, which was received on June 15, 2015. As a separate document, you have received the "County of Lincoln Final Budget for Fiscal Year 2015 – 2016". At **Enclosure 1**, pages 1 and 2, are the summary sheets of that Final Budget for your convenience and the public's information.

#### Review of Changes:

##### 1. **Changes in Revenue & Expenditures Since Preliminary Budget:**

The **Treasurer's Beginning Cash Balance** of **\$ 8,095,647** has been modified from the preliminary budget forecast \$5,270,265. This reflects a true-up of \$2,825,382 (+53.6%) that is main due to adjustments required to: 1) accommodate bills received and paid since June 19<sup>th</sup>, and 2) account for expenses budgeted for prior year that were underspent. The Treasurer continues Lincoln County long-term practice of conservatively budgeting 93% of anticipated revenues for fiscal year.

**Final Adjusted Budgeted Fund Expenditures** of **\$7,435,755** has also been modified, for the same reasons, from the preliminary budget amount of \$7,443,554.

Of key impact is the modification of **Final Adjusted Operating Transfer** of (\$5,685,175) from (\$7,362,793) presented and approved in the preliminary budget. This reflects a reduction of \$1,677,618 (22.8%) of funds being transferred out of the General Fund to other revenue funds. Per Commission directive, all funds were closely reviewed to determine transfers that could be reduced while maintaining a conservative budget that would allow County business to be taken care of adequately. These reductions include budget cuts as well as modifications to the receipt/expenditure of grant funds over multi-year awards. The funds contributing to the majority of the transfer reductions include:

- a) **Road Department** - Fund 402, page 22. Reductions total approximately \$149,000 or 5.8 %. Trend analysis confirms that budgeted levels remaining in these accounts exceed those amounts spent in the past several years.

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- b) **Capital Improvements Projects** – Fund 414, page 32. No cap-out construction projects are scheduled for FY15-16, enabling a reduction in the budget of \$500,000; estimates for the cost of the Sheriff's Dispatch Radio System are under projected amount by \$100,000.
- b) **Forest Title III** – Fund 428, page 41. Receipt of Title III funds late in the 4<sup>th</sup> quarter allowed the reduction of \$12,226 transfer from the General Fund.
- c) **FEMA Mitigation** – Fund 462, page 45. The grant request for FY15-16 has been modified to include Phase II activity only, the conducting of mandatory Environment Assessment studies prior to the commencement of actual thinning activity. This phase will take approximately one year, once the amended application to FEMA is approved. This reduced the required transfer from the General Fund by \$210,448.
- d) **Disaster Relief Fund** - Fund 681, page 74. This FEMA / NMDHE&EM (Homeland Security) grant provides funding for the damage to County roads during the 2014 rain events. The grant guidelines allow for 75% of federal funds and 50% of state funds to be provided to the County in advance. The budgeted receipt of this funding (\$4,284, 198) in FY15-16 was driving a significant required budgeted match from the County (\$446,325). A change in process to request the funding for only the amount of work the County chooses to do (and can afford to do) resulted in the elimination of a need to transfer funds from the General Fund - \$446,325. The 12.5 % required match of \$125,000 can be met with carryover funds.

2. **Ending reserve over required reserve.** By law, funds must be reserved in the amount of 3/12 of General Fund expenditures. The required reserve is \$1,858,939, and this budget reflects \$5,453,907 over that requirement.

3. **After reviewing the above, consider potential additions or deletions of the following:**

- Review external requests to see if any changes are desired (**Enclosure 2**).
- Review previously unfunded and new requests and approve additional funding to the extent you want to commit the revenues for these expenditures (**Enclosure 3**).

#### 4. **Non-General Fund Budget Considerations**

- a. **Rural Clinic Funding.** Both La Casa Buena Salud and LCMC submitted its initial budget requests for the May 2<sup>nd</sup> Preliminary Budget Hearing. La Casa modified its request at the May 19 Preliminary Budget Hearing. See **Enclosure 5** for Table of Total FY15-16 budget request/approvals for Rural Clinics. These levels are included in the Final Budget.
- b. **Hospital Funding.** LCMC presented its initial request for Hospital Funding for the May 2<sup>nd</sup> Preliminary Budget Hearing. Its total request, including Operating Costs in the amount of \$1,775,000, is \$2,337,000. These Operating Costs are \$525,000 higher than requested last year, and, per Mr. Santos, are requested to supplement Hospital-Based Clinics such as Family Medicine, Internal Medicine, General Surgery, OB/GYN, Physical Therapy and PMG Lab.

In response to requests for additional financial information needed to analyze the budget request for FY15-16, LCMC has provided budgeted and actual information for calendar year 2015; not for FY15-16. Of key relevance and importance to a thorough analysis is estimated revenues LCMC anticipates to receive from the Safety Net Care Pool and increased Medicaid rates. LCMC has not provided that information.

At **Enclosure 6** for is a summary of LCMC's funding request compared to the funds available from the Hospital Mill Levy. If the Commission were to approve total exhaustion of the fund for FY15-16, it could approve a maximum of \$892,154 for LCMC's Operating Costs. To approve greater than that would require utilizing a portion of the lease payment paid to the County by LCMC.

5. **Final Recommendation and Comment:**

The Public Officials and Department Heads are to be commended for diligently participating in the budget process. Each has been reasonable in their forecasts for FY15-16, and willing to consider and actuate budget reductions from prior years. In addition, all were cognizant of the past year's budget guidelines in the management of their operations. As this budget process necessarily falls mainly to Finance and Treasury, Punkin Schlarb and Beverly Calaway and their teams expended valuable time and energy "over and above" in finalizing this budget package and recommendation. Through their diligent efforts to develop and monitor the budget and spending levels throughout the year, I'm confident this FY 2015 – 2016 Lincoln County Budget is solid and properly reflects conservatively forecasted revenues, as well as forecasted expenditures at levels that ensure responsible oversight of public funds.

**Recommendation.** Should you opt to approve any of the additional expense items presented to you for consideration, or make any other changes, direct Staff to incorporate such modifications, and approve Resolution 2015-3 at **Enclosure 8** for forwarding to DFA with the final budget.

**Department of Finance and Administration  
Local Government Division  
Budget Recapitulation**

(CENTS ROUNDED TO NEAREST DOLLAR)

Entity Code 26 GENERAL FUND

Fiscal Year 2015-2016 USE OVER REQ. RESERVES

7,312,846 ENDING CASH

(A) PROPERTY TAX CATEGORY	(B) ACCOUNT NUMBER	(C) 2014 FINAL VALUATIONS	(D) 2014 OPERATING TAX RATE	(E) TOTAL PRODUCTION [C X D] * 93%	FOR LOCAL GOVERNMENT USE:
RESIDENTIAL	31500	810,148,125	0.007919	6,415,563	1,858,939 REQ. RESERVE
NON-RESIDENTIAL	31500	353,616,962	0.010624	3,756,827	5,453,907 OVER REQ. RESERVE
COLLECTION RATIO		116,893		93%	12,338,130 REVENUES
		<b>TOTAL PRODUCTION</b>		<b>9,460,322</b>	-5,665,175 TRANSFERS
					7,435,755 EXPENDITURES
					-782,801 REV TO EXP.

5,453,907 Total over required reserves  
-782,801 use for Recurring Expenses  
4,671,106 use for NonRecurring expenses

1,858,939 REQUIRED RESERVE 3/12  
252,969 REQUIRED RESERVE 1/12

(F) FUND TITLE	(G) FUND NUMBER	(H) FY 2015-2016 BEGINNING CASH BALANCE	(I) FY 2015-2016 ADJUSTED BUDGETED FUND REVENUES	(J) FY 2015-2016 ADJUSTED OPERATING TRANSFER	(K) FY 2015-2016 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2015-2016 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
GENERAL FUND	401	8,095,647	12,338,130	(5,685,175)	7,435,755	7,312,846	
ROAD FUND	402	278,953	678,944	2,114,741	2,819,669	252,969	
RECREATION	404						
SPECIAL PROGRAMS	405	871	0	75,890	76,760	0	
RECORDING FEES	406	183,853	48,350	0	189,864	42,339	
BONITO FIRE DEPT.	407	81,841	198,853	(50,799)	229,894	0	
HONDO FIRE DEPT.	409	155,012	116,893	(16,202)	285,703	0	
LINCOLN FIRE DEPT.	410	286,400	148,340	0	434,740	0	
NOGAL FIRE DEPT.	411	104,331	49,469	0	153,800	0	
GLENCOE-PALO VERDE FIRE DEPT.	412	37,416	98,748	(37,683)	98,481	0	
CAPITAL IMPROVEMENTS PROJECTS	414	18,400	0	1,176,520	1,194,920	0	
WHITE OAKS FIRE DEPT.	416	62,767	58,286	(23,321)	97,732	0	
AGREEMENTS	418		20,000	204,000	224,000	0	
ARABELA FIRE DEPT.	419	90,547	49,489	(12,180)	127,856	0	
LEGISLATION APPROPRIATIONS	420	2,390	547,400	(267,390)	282,400	0	
GAS TAX SPECIAL	421	22,961	193,000	0	215,961	0	
PREDATORY ANIMAL CONTROL	423	14,245	44,384	32,871	91,500	0	
FIRE SERVICES ADMINISTRATION	424	12,927	66,246	0	79,173	0	
FIREFIGHTING/STRIKE ACTIVITIES	425	0	21,530	0	21,530	0	
FOREST TITLE III	428	12,226	27,000	1,774	41,000	0	
<b>Page Total</b>		<b>9,460,787</b>	<b>14,705,061</b>	<b>(2,486,954)</b>	<b>14,070,735</b>	<b>7,608,155</b>	<b>0</b>

Page 1

ENCL 1

**Budget Recapitulation - Continued**  
(CENTS ROUNDED TO NEAREST DOLLAR)

County **LINCOLN**

(F) FUND TITLE	(G) FUND NUMBER	(H) FY 2015-2016 BEGINNING CASH BALANCE	(I) FY 2015-2016 BUDGETED FUND REVENUES	(J) FY 2015-2016 ADJUSTED OPERATING TRANSFER	(K) FY 2015-2016 ADJUSTED BUDGETED FUND EXPENDITURES	(L) FY 2015-2016 ADJUSTED ENDING FUND CASH BALANCE	(M) APPROVED RESOLUTIONS
LODGERS TAX FUND	42	51,246	65,075	0	97,418	18,903	
CORRECTIONS	43	445,192	522,200	2,396,518	3,360,459	3,450	
JAG	44	0	10,000	0	10,000	0	
HOMELAND SECURITY FUND	45	34,224	171,563	(25,055)	180,732	0	
SHERIFF SEIZURE FUND	46	1,780	40	0	1,158	662	
REAPPRAISAL FUND	47	371,985	270,000	0	641,985	0	
RUIDOSO AREA AMBULANCE	48	1,201	20,000	0	21,201	0	
CAPTAN AMBULANCE DEPT.	49	(0)	8,022	0	8,022	0	
CARRIZO AMBULANCE DEPT.	50	0	6,060	0	6,060	0	
CORONA AMBULANCE DEPT.	51	(0)	5,528	0	5,528	0	
HONDO AMBULANCE DEPT.	52	6	7,632	0	7,632	0	
RURAL HEALTH CLINICS	53	520,663	654,710	0	665,892	509,481	
LOMC - HOSPITAL	54	2,849,837	3,299,100	0	3,236,156	2,912,781	
DEER PARK SP FUND	55	0	0	0	0	0	
DEER PARK SAD INCOME FUND	56	704,599	173,050	(131,890)	0	745,759	
LAW ENFORCEMENT PROTECTION	57	3,269	32,000	0	35,269	0	
ZIA SENIOR CITIZENS	58-63	72,895	749,158	122,818	944,870	0	
ENVIRONMENTAL GROSS RECEIPTS	64	0	1,029,446	254,064	1,283,510	0	
TREASURER'S RETURNED CK FUND	65	2,678	1,930	0	4,608	0	
ENHANCED 911 DATA BASE/NETWORK	66	1,074	6,000	0	7,074	0	
FOREST HEALTH FUND	67	189,436	159,295	0	159,295	189,436	
MISDEMEANOR COMPLIANCE FUND	68	0	95,500	0	95,500	0	
CDBG GRANT FUND	69	351,457	500,000	323,394	1,061,375	113,476	
INDIGENT CLAIMS FUND	70	914,343	645,000	11,716	777,736	793,323	
JUVENILE FUND	71	7,686	113,000	90,314	211,000	0	
NM HIDTA PARTNERSHIP GRANT	72	0	134,546	0	134,546	0	
1st 1/8 GRT STATUTORY RESERVE	73	157,870	0	0	0	157,870	
DISASTER RELIEF FUND	74	125,000	1,331,792	(446,325)	1,010,467	0	
1st 1/8th GRT INCOME FUND	75	272,000	645,000	(377,600)	267,400	0	
1st 1/8th GRT DEBT RESERVE FUND	76	0	3,074	269,001	272,075	272,000	
Page Total		7,078,440	10,658,716	2,486,955	14,506,968	5,717,143	0
Grand Total		16,539,227	25,363,777	0	28,577,776	13,325,297	0

**LINCOLN COUNTY FINAL BUDGET REVIEW - JULY 21, 2015**  
**2015 - 2016 External Requests Summary**

	A	B	C	D	E	F	G	H	I
Organization	11-12 Funded	12-13 Funded	13-14 Funded	14-15 Request	14-15 Funded	15-16 Request 5.5.15	Diff. 15-16 Request From 14- 15 Funded	Funded 5.5.15	% Granted
1 NMSU Co-op Ext. Svcs.	\$63,400	\$93,337	\$64,399	\$93,000	\$93,000	\$95,000	\$2,000	\$90,000	95%
2 Capitan Library	\$3,000	\$3,000	\$5,000	\$13,295	\$5,000	\$10,000	\$5,000	\$4,000	40%
3 Corona Library	\$3,000	\$3,000	\$5,000	\$5,000	\$5,000	\$5,000	\$0	\$1,500	30%
4 Ruidoso Library	\$15,000	\$15,000	\$20,000	\$35,000	\$20,000	\$25,000	\$5,000	\$10,000	40%
5 LCJJB	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$22,000	\$14,000	\$8,000	36%
6 SNMEDD	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$0	\$6,000	100%
7 USDA Wildlife Svcs.	\$31,363	\$38,603	\$39,373	\$47,721	\$47,721	\$47,116	-\$605	\$47,116	100%
<p align="center"><b>Note: Total Request \$91,500. Per head tax of \$0.55 = \$18,400; delinquent taxes = \$1,500; Taylor Grazing = \$24,484 Requested \$47,116 from Gen'l Fund.</b></p>									
8 Upper Hondo (Noxious Weeds)	\$50,000	\$50,000	\$40,000	\$50,000	\$50,000	\$50,000	\$0	\$50,000	100%
9 South Central Mtn. RC&D	\$7,000	\$40,000	\$30,000	\$40,000	\$40,000	\$40,000	\$0	\$40,000	100%
10 Humane Society of Lincoln Cnty	\$30,000	\$30,000	\$30,000	\$35,000	\$30,000	\$30,000	\$0	\$30,000	100%
11 EcoServants	\$20,000	\$15,000	\$15,000	\$25,000	\$15,000	\$25,000	\$10,000	\$10,000	40%
12 NM State Library Rural Bookmobile	\$1,050	\$1,050	\$1,260	\$1,260	\$1,260	\$1,260	\$0	\$1,260	100%
13 Coalition of Counties		\$5,000	\$5,000	\$5,000	\$5,000	\$2,600	-\$2,400	\$2,600	100%
14 Boys & Girls Club	0	\$0	\$3,000	\$6,000	\$6,000	\$10,000	\$4,000	\$8,000	80%
15 Lincoln County Fair Board	\$19,500	\$23,000	\$24,000	\$24,000	\$24,000	\$44,000	\$20,000	\$25,000	57%
16 New Horizons				\$60,000	\$40,000	\$110,000	\$70,000	\$39,109	****
17 Sub-total	\$257,313	\$330,990	\$296,032	\$394,276	\$355,981	\$412,976	\$56,995	\$333,476	81%
<b>Special Requests</b>									
18 Miracle's Paws for Pets				\$0	\$0	\$5,000	\$5,000	\$1,000	20%
19 City of Ruidoso Downs				\$0	\$0	\$28,000	\$28,000	\$0	0%
20 Region IX Education				\$0	\$0	\$9,000	\$9,000	\$9,000	**
21 White Mtn. Search &		\$1,000		\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	100%
22 Total	\$257,313	\$331,990	\$296,032	\$395,276	\$356,981	\$446,976	\$99,995	\$344,476	77%
23 % Change-Prior Year Funded		29%	-11%		21%			-4%	

\*\*\*\*

Commission approved \$110,000 requested; budget is offset by Legislative Appropriation of \$70,810

ENCL 2

## OPTIONAL COUNTY REQUESTS

### Final Budget Hearing

July 21, 2015

	Amount Requested	Amount Approved
<b>SHERIFF</b>		
1 Four SUVs	\$145,000	\$108,750
2 Dispatch Radio System	\$500,000	\$500,000
	<b>\$645,000</b>	<b>\$608,750</b>
<b>ROAD DEPT.</b>		
3 Transporter Truck	\$120,000	\$120,000
4 Grid Roller	\$35,000	\$35,000
5 Asphalt Distributer Trailer (mounted)	\$70,000	\$0
	<b>\$225,000</b>	<b>\$155,000</b>
<b>LINCOLN COUNTY DETENTION CENTER</b>		
6 Kitchen Equipment	\$8,224	\$8,224
7 Three Cameras	\$4,546	\$4,546
	<b>\$12,770</b>	<b>\$12,770</b>
<b>MANAGER</b>		
8 Repair Asphalt Parking Lot - County Annex - Ruidoso	\$4,166	\$0
9 Storage Shed for Rural Addressing Supplies	\$1,671	\$0
	<b>\$5,837</b>	<b>\$0</b>
10 (Already included in draft budget)	<b>\$888,607</b>	<b>\$776,520</b>

**Salary treatment for Certificated Employees\*\*\***

- |          |  |  |
|----------|--|--|
| <b>1</b> | HB 348 provides that a Board of County Commissioners may increase additional incentive pay for Appraisers in the office of the County Assessor beyond the current limit of \$1,000 per year, based upon holding of the appropriate qualifying certification specified in the bill. Maximum that can be authorized is \$7,500.                | Included in Budget - Assessor's Special Fund<br><b>Enclosure 4</b> |
| <b>2</b> | State Statute 13-1-95.2 requires that each local government have in place a Chief Procurement Officer that has taken and passed requirement training to become certified. Recertification every two years is required. As this is a requirement for the position, state law does not address incentive pay for the additional certification. | No Increase Requested  |

**TITLE 3: TAXATION**  
**CHAPTER 6: PROPERTY TAXES**  
**PART 3: COUNTY INVOLVEMENT IN PROPERTY TAX**

**3.6.3.1 ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630  
[8/31/96; 3.6.3.1 NMAC - Rn, 3 NMAC 6.3.1, 4/30/01]

**3.6.3.2 SCOPE:** The sections under this part apply to all property subject to property taxation under the Property Tax Code, owners and agents of owners of such property and all county officials and personnel of the taxation and revenue department charged with administration of the Property Tax Code.  
[8/31/96; 3.6.3.2 NMAC - Rn, 3 NMAC 6.3.2, 4/30/01]

**3.6.3.3 STATUTORY AUTHORITY:** Section 9-11-6.2 NMSA 1978.  
[8/31/96; 3.6.3.3 NMAC - Rn, 3 NMAC 6.3.3, 4/30/01]

**3.6.3.4 DURATION:** Permanent.  
[8/31/96; 3.6.3.4 NMAC - Rn, 3 NMAC 6.3.4, 4/30/01]

**3.6.3.5 EFFECTIVE DATE:** 8/31/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.  
[8/31/96; 3.6.3.5 NMAC - Rn & A, 3 NMAC 6.3.5, 4/30/01]

**3.6.3.6 OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Property Tax Code.  
[8/31/96; 3.6.3.6 NMAC - Rn, 3 NMAC 6.3.6, 4/30/01]

**3.6.3.7 DEFINITIONS:** [Reserved.]  
[8/31/96; 3.6.3.7 NMAC - Rn, 3 NMAC 6.3.7, 4/30/01]

**3.6.3.8 DIRECTOR'S SUPERVISORY POWER OVER COUNTY ASSESSORS - DUTY TO EVALUATE PERFORMANCE AND PROVIDE TECHNICAL ASSISTANCE - PROPERTY VALUATION FUND CREATED**

**A. ANNUAL EVALUATION OF ASSESSORS:** The division will conduct, during each calendar year, an evaluation of each county assessor's operations during that calendar year. The evaluation will include, but not be limited to, a review of the performance of the county assessor's functions on the basis of:

- (1) The department's copy of the written report the assessor is required to submit to the board of county commissioners pursuant to Section 7-36-16 NMSA 1978;
- (2) The assessor's and assessor's employees' possession of, compliance with, and knowledge of regulations, orders, rulings and instructions pertaining to the Property Tax Code, valuation manuals, and cost and valuation schedules;
- (3) The assessor's compliance with the training requirement set forth in Subsection B of Section 7-35-5 NMSA 1978;
- (4) The assessor's and assessor's employees' attendance at and participation in training programs on the technical, legal and administrative aspects of property taxation;
- (5) The assessor's maintenance of current tax maps and property record cards;
- (6) The assessor's allowance or disallowance of exemptions;
- (7) A field review by one or more division employees of the operations of the assessor's office; and
- (8) Any other information which may aid the division in evaluating the county assessor's operation.

**B. APPROPRIATE TECHNICAL ASSISTANCE:** The phrase "appropriate technical assistance" does not require department attorneys to represent county assessors at hearings.

**C. REQUESTS FOR TECHNICAL ASSISTANCE:** Requests by county assessors for technical assistance in the form of appraisal of property by department employees or mapping by department employees are required to be in writing.

[3/23/83, 12/29/94, 8/31/96; 3.6.3.8 NMAC - Rn & A, 3 NMAC 6.3.8, 4/30/01]

**3.6.3.9 VALUATION MANUALS - COST AND VALUATION SCHEDULES:** Department employees, county assessors and their employees are required to use the most current department valuation manuals and cost and valuation schedules. Alternative cost and valuation schedules and alternative valuation manuals may be used with the director's written approval.  
[3/23/83, 12/29/94, 8/31/96; 3.6.3.9 NMAC - Rn, 3 NMAC 6.3.9, 4/30/01]

**3.6.3.10 APPROVAL OF REIMBURSEMENT:** Written approval by the director or the director's delegate for reimbursement of expenses incurred by assessors and employees of the state and its political subdivisions who attend training programs conducted or sponsored by the department is required to be obtained in advance of attendance at the training program.  
[3/23/83, 12/29/94, 8/31/96; 3.6.3.10 NMAC - Rn, 3 NMAC 6.3.10, 4/30/01]

**3.6.3.11 [RESERVED.]**  
[3.6.3.11 NMAC - Rn, 3 NMAC 6.3.11, 4/30/01]

**3.6.3.12 [RESERVED.]**  
[3.6.3.12 NMAC - Rn, 3 NMAC 6.3.12, 4/30/01]

**3.6.3.13 SECRETARY TO NOTIFY SECRETARY OF DEPARTMENT OF FINANCE AND ADMINISTRATION OF INFORMATION INDICATING NONCOMPLIANCE OF COUNTY TREASURER:** The secretary will immediately notify the secretary of finance and administration of any information the secretary acquires indicating that a county treasurer has failed to comply with the Property Tax Code or regulations, orders, rulings, or instructions of the department under the Property Tax Code or of the department of finance and administration. Department employees are required to notify the secretary of any information they acquire indicating such failure to comply by a county treasurer.  
[3/23/83, 12/29/94, 8/31/96; 3.6.3.13 NMAC - Rn, 3 NMAC 6.3.13, 4/30/01]

**3.6.3.14 [RESERVED.]**  
[3.6.3.14 NMAC - Rn, 3 NMAC 6.3.14, 4/30/01]

**3.6.3.15 REDUCTION OF REIMBURSABLE AMOUNT ONLY AFTER REPORT FROM DEPARTMENT OF FINANCE AND ADMINISTRATION:** The secretary will not consider reduction of the amount a county is required to reimburse the department until a report is obtained by the department from the department of finance and administration showing the extent to which county funds are available to make the reimbursement. If county funds are available to reimburse the actual costs of the services, no reduction in the amount required to be reimbursed will be made.  
[3/23/83, 12/29/94, 8/31/96; 3.6.3.15 NMAC - Rn, 3 NMAC 6.3.15, 4/30/01]

**3.6.3.16 NEW MEXICO CERTIFIED APPRAISER CERTIFICATION:** The purpose of the New Mexico certified appraiser certificate is to recognize professionalism and competency in the valuation of property for property taxation purposes. Certified appraisers may use this designation in conjunction with the valuation of a wide range of property as it is customarily defined in their assessment jurisdiction in accordance with New Mexico property tax division's commitment to excellence. To qualify for certification, the following general educational requirements must be fulfilled.

A. To receive a New Mexico certified appraiser certificate from the New Mexico taxation and revenue department an individual must have received credit for the following qualifying educational courses:

- (1) IAAO Course 101, *fundamentals of real property appraisal* (30 hours);
- (2) IAAO Course 102, *income approach to valuation* (30 hours);
- (3) IAAO Course 300, *fundamentals of mass appraisal* (30 hours); and
- (4) 30 hours of any of the following:
  - (a) IAAO Course 201, *appraisal of land*;
  - (b) IAAO Course 112, *income approach to valuation II*;
  - (c) IAAO Course 311, *residential modeling concepts*;
  - (d) IAAO Course 312, *commercial/industrial modeling concepts*; or

(e) IAAO Course 320, *multiple regression analysis*.

B. To receive qualifying credit for a course, an individual must pass the test with a score of seventy percent or better.

C. Courses taken to satisfy the qualifying educational requirements shall not be repetitive in nature; each course completed shall be credited toward the required number of qualifying education hours, shall represent an increase in appraiser's knowledge and none may be taken online.

D. Courses approved by the New Mexico board of real estate appraisers as qualifying education are allowed but must be at least 30 hours each, not taken online, similar to the above requirements and approved by property tax division prior to the completion of the course.

E. An individual who has received an equivalent real property appraiser certification or licensing from the New Mexico board of real estate appraisers and successfully completed the IAAO Course 300 may seek a waiver of all other educational requirements by submitting a copy of the individual's license/certificate to the property tax division for consideration.

F. An approved IAAO or New Mexico board of real estate appraisers, uniform standards of professional appraisal practice course is highly encouraged at any time during the certification process and for continuing education hours after certification.

G. A minimum of 30 hours of continuing education should be completed every three years by all certified appraisers. Continuing education hours may be completed online and can be IAAO or New Mexico board of real estate appraisers approved courses. Certified appraisers are responsible for maintaining the necessary documentation to demonstrate compliance with the continuing education requirements in this rule.

H. Courses for continuing education credit shall have significant intellectual or practical content and shall deal primarily with matters directly related to appraisal practice or to the ethical obligations of certificate holders. The primary objective of such courses shall be consistent with the taxation and revenue department's charge to protect the public and to increase the professional competency of certificate holders.

[3.6.3.16 NMAC - N, 1/31/14]

**HISTORY 3.6.3 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: PTD Rule No. 82, Regulations Pertaining to the Property Tax Code, filed 3/23/83.

TRD Rule No. PTC-95, Regulations Pertaining to the Property Tax Code, Sections 7-35-1 to 7-38-90 NMSA 1978, filed 12/29/94.

History of Repealed Material: [RESERVED]

**NMAC History:**

3 NMAC 6.3, County Involvement in Property Tax, filed 8/19/96.

3.6.3 NMAC, County Involvement in Property Tax, filed 4/17/01.

# FY15 - 16 RURAL CLINIC BUDGET REQUESTS

	Request	Granted/ Recommended	% Granted
<b>Rural Clinics</b>			
1 La Casa - Hondo	<b>\$266,000</b>	<b>\$139,560</b>	52.47%
2 Corona	\$30,000	\$30,000	100%
3 Carrizozo	\$374,610	\$374,610	100%
4 Carrizozo HVAC Repairs	\$10,000	\$10,000	100%
5 Capitan	\$100,000	\$100,000	100%
6 <b>Total LCMC</b>	<b>\$414,610</b>	<b>\$514,610</b>	100%
7 Total Requested	<b>\$680,610</b>		
8 <b>Total Budget Granted</b>		<b>\$654,170</b>	
<b>Funds Available</b>			
9 Current .6 Mill	\$626,000		
10 Property Taxes - Delinquent	\$28,000		
11 Interest Earned	\$710.00		
12 <b>Total Funds Available</b>	<b>\$654,710</b>		
13 <b>Unbudgeted Funds</b>		<b>\$540</b>	

Fund 501, Page 53 of Budget:

## FY15 - 16 Hospital Request - LCMC

Hospital	Request	Recommended
1 Capital Request - 2 ambulances	\$360,000	\$360,000
2 Capital Request - 2 Power Pro Stretchers	\$32,000	\$32,000
3 Capital Request - Water & Sewer Repair & Parking Lot Repairs	\$60,000	\$60,000
4 LC Community Assist Program	\$110,000	\$110,000
5 <span style="float: right;"><b>Sub-Total</b></span>	<b>\$562,000</b>	<b>\$562,000</b>
Operating Costs	\$1,775,000	
6 <b>Total LCMC Requested</b>	<b>\$2,337,000</b>	
7		
8 <b>Total Budget Granted</b>		
 <b>Funds Available</b>		
9 Current 2.0 Mill	\$2,100,000	
10 Property Taxes - Delinquent	\$95,000	
11 Interest Earned	\$4,100.00	
12 <b>Total Funds Available</b>	<b>\$2,199,100</b>	
 <b>Other Expense Covered by Mill Levy</b>		
13 Safety Net Care Pool Pmt to State	\$414,226	\$414,226.00
14 State Medicaid Fund Contribution	\$325,720	\$325,720.00
15 EMS Oper. Expenses (Utilities)	\$5,000	\$5,000.00
Total - Other	<b>\$744,946</b>	<b>\$744,946.00</b>
16 <span style="float: right;"><b>Sub-Total</b></span>	<b>\$3,081,946</b>	<b>1,306,946</b>
17 Funds Available	\$2,199,100	
18 Shortfall	-\$882,846	
19 Available for Operating Costs		<b>\$892,154</b>

# LINCOLN COUNTY MEDICAL CENTER

## County Commissioners Supplemental Report

January 1, 2015 through May 30, 2015

	LCMC ENTERPRISE					LCMC CLINICS										Total
	Hospital	E M S	Clinics	Total		Corona	Carrizozo Medical	Carrizozo Dental	Capitan	Subtotal	Surgical	White Mountain	Subtotal	Regional Lab	Total	
Inpatient Revenue	\$ 11,135,704	\$ -	\$ -	\$ 11,135,704		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Outpatient Revenue	\$ 18,831,090	\$ 971,569	\$ 4,776,573	\$ 24,579,232		\$ 37,126	\$ 230,930	\$ 264,923	\$ 123,969	\$ 656,948	\$ 920,997	\$ 2,119,873	\$ 3,040,870	\$ 1,078,755	\$ 4,776,573	
<b>Gross Patient Revenue</b>	\$ 29,966,794	\$ 971,569	\$ 4,776,573	\$ 35,714,936		\$ 37,126	\$ 230,930	\$ 264,923	\$ 123,969	\$ 656,948	\$ 920,997	\$ 2,119,873	\$ 3,040,870	\$ 1,078,755	\$ 4,776,573	
Reductions:																
Charity	\$ (697,574)	\$ (50,243)	\$ (56,238)	\$ (804,055)		\$ (743)	\$ (582)	\$ (15,177)	\$ (323)	\$ (16,825)	\$ (15,746)	\$ (14,142)	\$ (29,888)	\$ (9,526)	\$ (56,239)	
Third Party Contractuals	\$ (16,352,283)	\$ (464,040)	\$ (2,082,501)	\$ (18,898,824)		\$ (19,580)	\$ (121,857)	\$ (41,603)	\$ (72,827)	\$ (255,867)	\$ (429,007)	\$ (964,913)	\$ (1,393,920)	\$ (432,713)	\$ (2,082,500)	
Safety Net Care Pool Receipts	\$ 432,270	\$ -	\$ -	\$ 432,270		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Bad Debt	\$ (924,603)	\$ (97,279)	\$ (90,516)	\$ (1,112,398)		\$ (1,356)	\$ (9,078)	\$ (12,958)	\$ (697)	\$ (24,089)	\$ (11,075)	\$ (26,314)	\$ (37,389)	\$ (29,038)	\$ (90,516)	
<b>Total Reductions</b>	\$ (17,542,190)	\$ (611,562)	\$ (2,229,255)	\$ (20,383,007)		\$ (21,679)	\$ (131,517)	\$ (69,738)	\$ (73,847)	\$ (296,781)	\$ (455,828)	\$ (1,005,369)	\$ (1,461,197)	\$ (471,277)	\$ (2,229,255)	
<b>Net Patient Revenue</b>	\$ 12,424,604	\$ 360,007	\$ 2,547,318	\$ 15,331,929		\$ 15,447	\$ 99,413	\$ 195,185	\$ 50,122	\$ 360,167	\$ 465,169	\$ 1,114,504	\$ 1,579,673	\$ 607,478	\$ 2,547,318	
Other Operating Revenue:																
Mill Levy	\$ 1,021,799	\$ -	\$ 210,254	\$ 1,232,053		\$ 12,500	\$ 78,044	\$ 78,044	\$ 41,666	\$ 210,254	\$ -	\$ -	\$ -	\$ -	\$ 210,254	
Other	\$ 112,730	\$ 425	\$ 50,956	\$ 164,111		\$ -	\$ 19,250	\$ 19,250	\$ -	\$ 38,500	\$ -	\$ (30)	\$ (30)	\$ 12,486	\$ 50,956	
<b>Total Other Operating Revenue</b>	\$ 1,134,529	\$ 425	\$ 261,210	\$ 1,396,164		\$ 12,500	\$ 97,294	\$ 97,294	\$ 41,666	\$ 248,754	\$ -	\$ (30)	\$ (30)	\$ 12,486	\$ 261,210	
<b>Total Operating Revenue</b>	\$ 13,559,133	\$ 360,432	\$ 2,808,528	\$ 16,728,093		\$ 27,947	\$ 196,707	\$ 292,479	\$ 91,788	\$ 608,921	\$ 465,169	\$ 1,114,474	\$ 1,579,643	\$ 619,964	\$ 2,808,528	
Operating Expenses:																
Salaries Wages & Benefits	\$ 5,860,239	\$ 529,169	\$ 1,954,712	\$ 8,344,120		\$ 20,967	\$ 100,664	\$ 292,351	\$ 51,684	\$ 465,666	\$ 393,566	\$ 1,095,480	\$ 1,489,046	\$ -	\$ 1,954,712	
Professional Fees	\$ 598,220	\$ -	\$ -	\$ 598,220		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Supplies	\$ 1,056,412	\$ 73,149	\$ 77,099	\$ 1,206,660		\$ 1,320	\$ 6,600	\$ 14,247	\$ 5,425	\$ 27,592	\$ 27,675	\$ 21,832	\$ 49,507	\$ -	\$ 77,099	
Purchased Services	\$ 3,737,795	\$ 127,507	\$ 374,194	\$ 4,239,496		\$ 4,700	\$ 24,093	\$ 30,530	\$ 12,438	\$ 71,701	\$ 53,737	\$ 127,793	\$ 181,530	\$ 120,963	\$ 374,194	
Insurance	\$ 273,085	\$ 26,362	\$ 544,219	\$ 843,666		\$ 1,560	\$ 7,802	\$ 15,605	\$ 6,242	\$ 31,209	\$ 310,146	\$ 202,863	\$ 513,009	\$ -	\$ 544,218	
Depreciation	\$ 627,011	\$ -	\$ 3,279	\$ 630,290		\$ -	\$ -	\$ 3,279	\$ -	\$ 3,279	\$ -	\$ -	\$ -	\$ -	\$ 3,279	
<b>Total Operating Expenses</b>	\$ 12,152,762	\$ 756,187	\$ 2,953,503	\$ 15,862,452		\$ 28,547	\$ 139,099	\$ 356,012	\$ 75,789	\$ 599,447	\$ 785,124	\$ 1,447,968	\$ 2,233,092	\$ 120,963	\$ 2,953,502	
Capital Expenditures	\$ 291,667	\$ -	\$ -	\$ 291,667		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Operating Efficiency</b>	\$ 1,114,704	\$ (395,755)	\$ (144,975)	\$ 573,974		\$ (600)	\$ 57,608	\$ (63,533)	\$ 15,999	\$ 9,474	\$ (319,955)	\$ (333,494)	\$ (653,449)	\$ 499,001	\$ (144,974)	

# LINCOLN COUNTY MEDICAL CENTER - Fiscal 2015

	Budgeted 2015 - Jan through Dec		
	HOSPITAL	CLINICS	EMS
Gross Revenue	\$ 68,620,295	\$ 13,492,606	\$ 2,400,098
CD&A + Indigent + Charity + Bad Debt	\$ (40,901,532)	\$ (5,829,418)	\$ (757,806)
Net Patient Revenue	\$ 27,718,763	\$ 7,663,188	\$ 1,642,292
Operating Expenses	\$ 29,599,230	\$ 6,596,136	\$ 1,685,477
Operating Efficiency	\$ (1,880,467)	\$ 1,067,052	\$ (43,185)
Mil Levy Operations Funding	\$ 1,459,000	\$ 930,610	\$ -
Other Operating Revenue	\$ 75,000	\$ 150,000	\$ -
Capital Outlay	\$ 548,572	\$ 10,000	\$ 392,000
Mil Levy Capital Funds	\$ 60,000	\$ 10,000	\$ 392,000
Required Reserves [2%]	\$ 585,055	\$ 174,876	\$ 32,846
Net Operating Efficiency	\$ (1,480,094)	\$ 1,962,786	\$ (468,031)
60 Day Cash Reserve [minimum]	\$ 4,616,965	\$ 1,084,296	\$ 277,065
Volume Data - Projected	33,000	49,000	3,400
			85,400
Operating Expense per Volume Metric	\$ 896.95	\$ 134.62	\$ 495.73
Mil Levy Operational Funding per Vol Metric	\$ 44.21	\$ 18.99	\$ -
			27.98
	[a] Discharges & Ancillary Visits	[b] Patient Visits	[c] Total Responses

[a] Hospital Volume Data includes hospital Discharges + ED visits + Heritage visits + Radiology visits + Cardiopulmonary visits  
 [b] Clinic Volumes include Capitan, Carrizozo, Corona, Internal Medicine, Family Medicine, OB/Surgical and PT clinic visits  
 [c] EMS volumes are the Total Responses from all 5 EMS stations. From these responses there were 2,593 people transported.

**LINCOLN COUNTY MEDICAL CENTER - Fiscal 2015**

Patient Revenue [reimbursements] from all sources (Medicare, Medicaid, Self-pay, I H S, Commercial, etc.) are recorded in the accounts totaling Gross Revenue. These are the gross amounts charged for LCMC services. Medicaid was projected at \$19,589,675 for 2015.

Safety Net Care Pool funds are budgeted as either Medicaid Revenues [Base Rate funding] or as a credit to the CD&A reductions to revenue for the Uncompensated Care Revenue.

	Budgeted 2015 - Jan through Dec		
	HOSPITAL	CLINICS	EMS
Gross Revenue	\$ 68,620,295	\$ 13,492,606	\$ 2,400,098
CD&A + Indigent + Charity + Bad Debt	\$ (40,901,532)	\$ (5,829,418)	\$ (757,806)
Net Patient Revenue	\$ 27,718,763	\$ 7,663,188	\$ 1,642,292
Operating Expenses	\$ 29,599,230	\$ 6,596,136	\$ 1,685,477
Operating Efficiency	\$ (1,880,467)	\$ 1,067,052	\$ (43,185)
Mill Levy Operations Funding	\$ 1,459,000	\$ 930,610	\$ -
Other Operating Revenue	\$ 75,000	\$ 150,000	\$ -
Capital Outlay	\$ 548,572	\$ 10,000	\$ 392,000
Mill Levy Capital Funds	\$ 60,000	\$ 10,000	\$ 392,000
Required Reserves [2%]	\$ 585,055	\$ 174,876	\$ 32,846
Net Operating Efficiency	\$ (1,480,094)	\$ 1,962,786	\$ (468,031)
			\$ 14,661

60 Day Cash Reserve [minimum] \$ 4,616,965 \$ 1,084,296 \$ 277,065 \$ 5,978,326

Volume Data - Projected	[a] Discharges & Ancillary Visits	[b] Patient Visits	[c] Total Responses
	33,000	49,000	3,400
			85,400

Operating Expense per Volume Metric \$ 896.95 \$ 134.62 \$ 495.73 \$ 443.57

Mill Levy Operational Funding per Vol Metric \$ 44.21 \$ 18.99 \$ - \$ 27.98

[a] Hospital Volume Data includes hospital Discharges + ED visits + Heritage visits + Radiology visits + Cardiopulmonary visits  
 [b] Clinic Volumes include Capitan, Carrizo, Corona, Internal Medicine, Family Medicine, OB/Surgical and PT clinic visits  
 [c] EMS volumes are the Total Responses from all 5 EMS stations. From these responses there were 2,593 people transported.

**RESOLUTION 2015-3**

**A RESOLUTION ADOPTING THE FINAL  
2015-2016 BUDGET FOR LINCOLN COUNTY**

**WHEREAS**, the Lincoln County Board of Commissioners, meeting in a regular session on July 21, 2015 did review the final 2015-2016 budget and it was determined that the proposed budget would be beneficial for the citizens of Lincoln County; and

**NOW, TEREFORE, BE IT RESOLVED**, that the budget priorities for 2015-2016 for Lincoln County are:

- Priority One – Constrain expenditures to live within budget
- Priority Two - Find Additional sources of revenue
- Priority Three – Improve Management of Existing Revenues

**BE IT FURTHER RESOLVED**, that the Lincoln County board of Commissioners hereby continue the existing special mill levy of 2.75 mills, apportioned this year as follows: GENERAL COUNTY GOVERNMENT 2.75 MILLS;

**BE IT FURTHER RESOLVED**, that the Lincoln County board of Commissioners hereby authorizes the November 4, 2014 Voter approved 3 mills, Hospital Mill Levy apportioned this year as follows: LINCOLN COUNTY MEDICAL CENTER at 2.0 MILLS and RURAL HEALTH CLINICS AT .6 MILLS;

**BE IT FURTHER RESOLVED**, that the Lincoln County Board of Commissioners hereby respectfully requests final approval from the Local Government Division of the Department of Finance And Administration; and

**ATTACHMENTS:** Balance Sheet and Departmental Budgets 2015-2016

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July 2015.

**BOARD OF COMMISSIONERS FOR  
THE COUNTY OF LINCOLN,  
STATE OF NEW MEXICO**

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

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

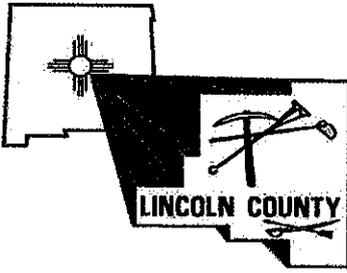
\_\_\_\_\_  
Elaine Allen, Member

\_\_\_\_\_  
Lynn Willard, Member

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

**ATTEST:**

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



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

# *County of Lincoln*

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

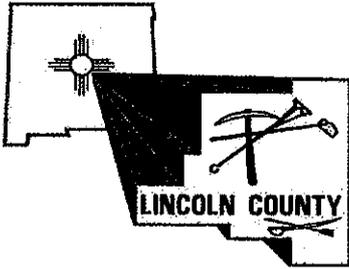
## Agenda Items 23

### SUBJECT

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

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381



www.lincolncountynm.gov

# County of Lincoln

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

## Agenda Item 24

July 16, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Appointments and Removals from Boards/Commissioners Committee

**Purpose:** To consider appointments to the following committees

#### **Discussion:**

The Road Task Force Steering Committee needs approval of two Commissioners and a private citizen appointed to this committee. The attached gives the background of this committee.

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:** Appoint members to the Road Task Force Steering Committee and continue to look for members for the Planning Commission and the Senior Citizens Olympic Committee.

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

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

**EASTERN AREA WORKFORCE DEVELOPMENT**

**BOARD**

Lynn Willard 02/17/15

**FORT STANTON DEVELOPMENT COMMISSION**

**(STATE STATUTES)**

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

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

**06)**

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

**\* ROAD TASK FORCE (STEERING COMMITTEE)**

**09/28/2006**

COMMISSIONER -  
 COMMISSIONER -  
 COUNTY MANAGER - NITA TAYLOR  
 ROAD SUPERINTENDENT - CARL PALMER  
 PRIVATE CITIZEN -

9/28/2006

1567

X 7. **PROPOSED COUNTY ROAD TASK FORCE DISCUSSION**

Mr. Stewart stated that Commissioner Battin requested an opportunity for discussion of the County Road Task Force.

Commissioner Battin explained that his intention for establishing a road task force was strictly to offer some form of assistance to Road Superintendent Albert Hernandez with all the overwhelming demands on his department. The duties of this committee would consist of evaluating roads in Lincoln County and investigate alternative sources of funding. The commission agreed that Mr. Hernandez was doing a great job with the resources he has, but recent rains have caused additional strain on the county road maintenance system, and the county has the responsibility of maintaining these roads.

Commissioner Hobbs moved the approval of establishing a steering committee to consist of five members including; two citizens, one county commissioner, the County Manager and the Road Superintendent. Commissioner St. John seconded and the motion carried with all ayes.

5. **AMBULANCE EQUIPMENT LEASE AGREEMENT - VILLAGE OF RUIDOSO**

Mr. Stewart updated the commission on the status of the agreement between the Village of Ruidoso and the County of Lincoln for emergency medical services. Mr. Stewart explained that the lease agreement with the Village of Ruidoso for emergency medical equipment is scheduled to expire September 30, 2006, and that was the purpose of this special meeting today. The Village of Ruidoso approved the extension of the lease of their equipment to the County of Lincoln on September 26, 2006; however, they tabled the agreement pending an audit of their EMS contract with Presbyterian. Mr. Stewart reported that the Village of Ruidoso would be conducting an emergency meeting this morning at 8:00 A.M. to reconsider their decision to table the agreement. The commission will need to decide whether or not they wish to extend the lease of Ruidoso's EMS equipment. Mr. Stewart suggested the commission approve the extension of lease today, based on the results of the Village of Ruidoso's meeting held earlier this morning. Mr. Stewart said that the county didn't want to agree to extend the lease without the approval of the basic contract from the Village of Ruidoso. Mr. Stewart informed the commission that Mayor Lonnie R. Nunley was on his way to address the commission. Mr. Stewart reviewed the few changes as approved by the Village of Ruidoso to the agreement. The finalized agreement will be presented at the October 17, 2006, Regular Commission Meeting. Mr. Stewart assured the commission that there would not be any interruptions in operations and all provisions of the Lease Agreement remain in effect.

There was minimal discussion on the role of the Public Regulatory Commission. EMS Director Jim Stover explained that the Public Regulatory Commission has no part in the lease agreement between the Village of Ruidoso and the County of Lincoln. The County is presently in the process of leasing, through the New Mexico Public Regulatory Commission, its Certificate of Convenience and Necessity to Presbyterian Healthcare Services for the management and operation of ambulance services in Lincoln County and that provision is included in the agreement.

Commissioner St. John moved the approval of the Extension of Lease Agreement by and between the Village of Ruidoso and the County of Lincoln until October 31, 2006. Commissioner Battin seconded. After discussion, Chairman Simpson called for the vote and the motion carried 3 to 1, with Commissioner Hobbs voting nay.

SEE EXHIBIT B: Copy of Extension of Lease Agreement attached hereto in reference thereto made a part hereof.

LEGAL NOTICE

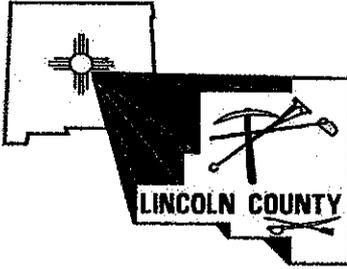
NOTICE OF  
SPECIAL COMMISSION MEETING

NOTICE is hereby given that the Lincoln County Board of Commissioners will hold a Special Commission Meeting at 9:00 AM on Thursday, September 28, 2006 in the Commission Chambers of the Carrizozo Courthouse, Carrizozo, New Mexico. The purpose of the meeting is the renewal of the ambulance equipment lease/agreement with the Village of Ruidoso which is due to expire September 30, 2006; approval of a Health Council Roster; a proposed county road task force discussion; and to conduct such other business as may be required.



Thomas F. Stewart  
County Manager

NOTIFIED NEWS MEDIA - POSTED ON OFFICIAL BULLETIN BOARD.



www.lincolncountynm.gov

# County of Lincoln

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

## AGENDA ITEM NO. 25

July 17, 2015

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Bid Award of Carrizozo Senior Center

**Purpose:** To award bid 14-15-004

**Discussion:**

Submitted sealed bids were opened on July 9, 2015 to construct the Carrizozo Senior Citizen Center. Nine bids were received, enclosed is a breakdown of how the bids were submitted.

Roper Construction, Inc. of Alto turned in the lowest base bid of \$929,000 plus any of the alternates as funds may allow for a total bid of \$997,000.

Howard Kaplan from Wilson & Company has submitted a letter of recommendation of award.

**Recommendation:** Award to the lowest base bid received from Roper Construction, Inc. of Alto, NM.

**WILSON  
& COMPANY**

4900 Lang Ave. NE  
Albuquerque, NM 87109  
505-348-4000  
505-348-4072 Fax

Albuquerque  
Colorado Springs  
Denver  
Fort Worth  
Houston  
Kansas City  
Lenexa  
Omaha  
Pasadena  
Phoenix  
Rio Rancho  
Salina  
San Bernardino

July 13, 2015

Nita Taylor, County Manager  
County of Lincoln  
300 Central Avenue  
Carrizozo, NM 88301

**Re: Carrizozo Senior Center  
Recommendation of Award**

Dear Mrs. Taylor:

Bids for the construction of the Carrizozo Senior Center were opened on July 9, 2015 at 11:00am. Nine bids were received. We recommend that the award be made to the lowest Base Bid received from Roper Construction, Inc of Alto, NM. The award may be made for the Base Bid plus any of the Alternates as funds may allow.

Base Bid	Add Alt #1	Add Alt #2	Total Bid
\$929,000.00	\$58,000.00	\$10,000.00	\$997,000.00

All Bid prices do not include NM Gross Receipts Tax.

Roper Construction, Inc. is licensed to perform the work and is in good standing. The contractor's license number is 93278 and holds current classifications of GB98, GA01, GA03, GF02, GF05, GF09, MS03 and GF07 (see attached). Provided that funds are available, we recommend the selection of Roper Construction, Inc. as the contractor for the Carrizozo Senior Center.

WILSON & COMPANY, INC.



Howard M. Kaplan, RA  
Senior Project Manager

BID SUBMITTAL FORM

Project Name: Carrizozo Senior Center

CDBG Project No. 13-C-RS-1-03-G-028

9-Jul-15

Architects Estimate \$938,966.76

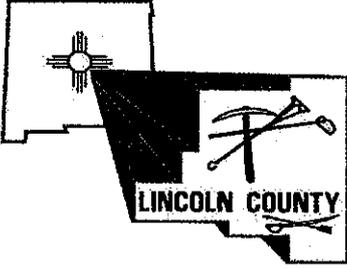
Owner: Lincoln County  
Architect: Wilson & Company

Contractor Name	NM License #	Workforce Solutions #	Bid Bond		Sub Contr List		Sect 3 Plan		Acknowledge Addendum #1		Acknowledge Addendum #2		Base Bid \$	Add Alt #1	Add Alt #2	Total Bid \$
			Y	N	Y	N	Y	N	Y	N	Y	N				
Roper Construction	93278	100224620110516	X		X		X		X		X		\$929,000.00	\$ 58,000.00	\$ 10,000.00	\$997,000.00
Classic Industries													\$989,871.00	\$ 46,131.00	\$ 10,590.00	\$1,046,592.00
JRP Maaster Builders													\$979,450.00	\$ 56,350.00	\$ 11,700.00	\$1,047,500.00
Armor Construction													\$948,000.00	\$ 46,000.00	\$ 6,500.00	\$1,000,500.00
Longhorn Industries, Inc.													\$1,097,700.00	\$ 67,700.00	\$ 11,000.00	\$1,176,400.00
AIC General Contractors													\$1,295,000.00	\$ 70,687.00	\$ 7,000.00	\$1,282,687.00
Jaynes Corporation													\$1,130,000.00	\$ 64,000.00	\$ 10,500.00	\$1,204,500.00
Pavillion Construction													\$1,120,443.00	\$ 50,000.00	\$ 8,800.00	\$1,179,243.00
Basic IDIQ													Non-Responsive Bid			



I certify that the bids received are accurate and true.

*Howard M. Kaplan*  
7/13/2015



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

# *County of Lincoln*

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

Agenda Item. 26

## SUBJECT

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

See attached list.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

# Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12  
Post Office Box 1030  
Ruidoso, New Mexico 88355-1030

Jira Plaza  
Telephone (575) 257-3556  
Facsimile (575) 257-3558

July 21, 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-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
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. Removed to Federal Court July 7, 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 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

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

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

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

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

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

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

**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 Attorney Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4<sup>th</sup> Amendment rights.

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

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

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

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

**\*Rider, Edward and Moorhead, Brennon** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging Lincoln County Sheriffs' Deputies Rains and Christian destroyed personal property of claimants. See 2014 TCN alleging same.

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

**\*Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging exposure to unsanitary conditions at Lincoln County Detention Center.

## **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 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

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

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

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

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

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

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

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

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

**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 8<sup>th</sup> Amendment Rights.

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

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

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

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

## **2013**

**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.