

COUNTY OF LINCOLN
New Mexico
Special Meeting
Board of County Commissioners

Jackie Powell, Chairwoman
Mark Doth, Member
Dallas Draper, Member
Glenna N. Robbins, Treasurer
Rhonda B. Burrows, Clerk

Preston Stone, Vice-Chair
Kathryn L. Minter, Member
Robert Shepperd, Sheriff
Paul Baca, Assessor
Stirling Spencer, Probate Judge

Nita Taylor, County Manager

Agenda

Monday, September 8, 2014 @ 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 Consent Agenda
 - a. Sun Valley Water & Sanitation District Mill Levy Request
7. Approval/Imposition of 2014-2015 Property Tax Rates
8. 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).
9. Signing of Official Documents if needed
10. Next Regular Meeting –Tuesday, September 16, 2014
11. Adjournment

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

September 8, 2014: THIS AGENDA IS SUBJECT TO CHANGE

Agenda Item No. 6

SUBJECT

Approval of Consent Agenda:

- a. Sun Valley Water & Sanitation District Mill Levy Request

Slater

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SEP 04 2014

BNC

LINCOLN COUNTY TREASURER

**SUN VALLEY WATER & SANITATION DISTRICT
PO BOX 151
ALTO, NM 88312-0151**

August 31, 2014

Board of Lincoln County
PO Box 709
Carrizozo, NM 88301-0709

Dear Commissioners:

By Vote of the Board of Directors of Sun Valley Water & Sanitation District at it meeting on July 14, 2014 certifies to you a levy of six (6.0) mils for fiscal year 2014/2015 and directs the you levy this tax upon the assessed valuation of all taxable property within the boundaries of the Sun Valley Water & Sanitation District, in addition to other taxes you may levy, in accordance with the 7-18-16, New Mexico Statues Annotated, 1953 and 73-21-17, 73-21-18 NMSA 1978.

Attached to support this levy is copies of the following:

1. Resolution adopting the mill levy for fiscal year 2014/2015.
2. DFA approval of Sun Valley Water & Sanitation District budget for fiscal year 2014/2015 .

Respectfully submitted,



Charles Britten
Treasurer

Enclosures

SUSANA MARTINEZ
GOVERNOR

WAYNE SOWELL
DIRECTOR



THOMAS E. Clifford, PH.D.
CABINET SECRETARY

JESSICA LUCERO
ASSISTANT DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ Suite 201 ♦ Santa Fe, NM 87501
PHONE (505) 827-8051 ♦ FAX (505) 827-4948

August 26, 2014

Mr. Charles Britten, Treasurer
Sun Valley Water & Sanitation District
1096 Mecham Drive #225
Ruidoso, NM 88345-7067

Dear Treasurer Britten,

The final budget of your local government entity for Fiscal Year 2015, as approved by your governing body, has been examined. We find it has been developed in accordance with applicable statutes and budgeting guidelines. Sufficient resources appear to be available to cover budgeted expenditures.

In accordance with Section 6-6-2 (E) NMSA 1978, the Local Government Division provides full certification of the final FY2015 budget. *The Budget Certification Rule*, 2.2.3 NMAC, requires the FY 2013 "Agreed-Upon Procedures" audit or applicable Tier Certification to have been submitted to the Office of the State Auditor.

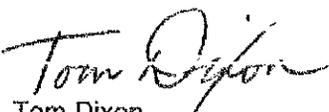
Budgets approved by the Division are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities. Any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for such claims and warrants allowed. It is highly recommended that cash balances not be utilized in the budget to cover what would otherwise be a deficit in the fund. Unanticipated expenses can occur, but current revenues should cover current expenses.

Furthermore, state statute requires all revenue sources be expended only for public purposes, and when applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is also governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the Anti-Donation Clause.

Finally, please be advised that approval by the Division is required by Section 6-6-2 (G) (H) NMSA 1978, of all transfers between funds and all budget increases.

If you have any questions, please call me at (505) 827-8059.

Sincerely,


Tom Dixon
Budget and Finance Analyst

cc: File

RESOLUTION 2014-2

Resolution to adopt mill levy for fiscal year July 1, 2014 to June 30, 2015 for Sun Valley Water and Sanitation District.

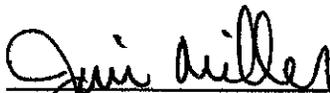
WHEREAS, THE Governing Body of Sun Valley Water & Sanitation District, County of Lincoln, State of New Mexico, has determined a 6 % mill levy for fiscal year 2014/2015;

WHEREAS, said 6% mill levy was developed on the basis of need and through cooperation with all user departments, elected officials and department supervisors, and;

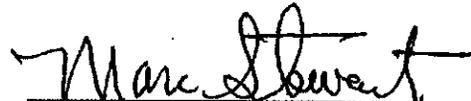
WHEREAS, it is the majority opinion of this Board that the 6% mill levy meets the requirements as currently determined for fiscal year 2014/2015;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of Sun Valley Water and Sanitation District, County of Lincoln, State of New Mexico, hereby adopts a 6% mill levy herein above described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

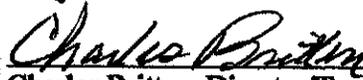
RESOLVED in session this 14th day of July, 2014, the Governing Body of Sun Valley Water and Sanitation District, New Mexico.



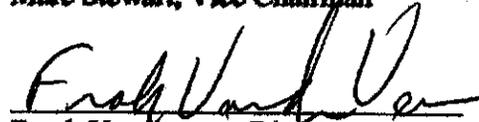
Jim Miller, Chairman



Marc Stewart, Vice Chairman



Charles Britten, Director/Treasurer



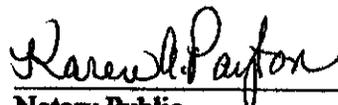
Frank Vanderveen, Director



Sarah Mazur, Director

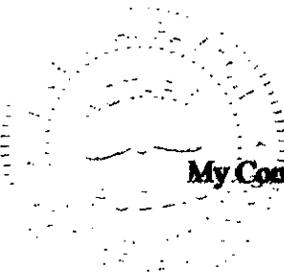
STATE OF NEW MEXICO }
 s.s. }
COUNTY OF LINCOLN }

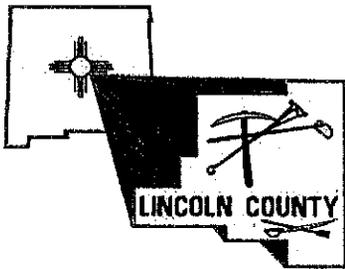
The foregoing instrument was acknowledged before me this 14th day of July, 2014 by Jim Miller, Marc Stewart, Charles Britten, Frank Vanderveen, and Sarah Mazur the Board of Directors of Sun Valley Water and Sanitation District.



Notary Public

My Commission Expires: 06-09-2016





www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 7

September 2, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Certificate of Tax Rates Approval

Purpose: To obtain a written order imposing the 2014 Tax Rates in the County.

Discussion:

Each year the Board of County Commissioners is required to review and issue and order imposing new tax rates for the fiscal year. The statute in question states as follows:

7-38-34. Board of county commissioners to order imposition of the tax.

Statute text

Within five days of receipt of the property tax rate-setting order from the department of finance and administration, each board of county commissioners shall issue its written order imposing the tax at the rates set on the net taxable value of property allocated to the appropriate government units. A copy of this order shall be delivered immediately to the county assessor.

Attached at enclosure 1 is the letter and rates from DFA dated September 1, 2014 that was received by certified mail on September 4, 2014. Assessor and Treasurer have reviewed the rates and certify their accuracy. At enclosure 2 is the written order imposing the rates for signature and delivery to the Assessor as required.

Recommendation:

After the Assessor and Treasurer review the rates and answer questions, approve and have the Chairwoman sign the letter at enclosure 2.



Susana Martinez
GOVERNOR

State of New Mexico
Department of Finance & Administration
180 Bataan Memorial Building
Santa Fe, New Mexico 87501
Phone: (505) 827-4985
Fax: (505) 827-4984

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SEP 04 2014

ADMINISTRATION
LINCOLN COUNTY NM

Thomas E. Clifford, Ph.D.
Cabinet Secretary

September 1, 2014

BY CERTIFIED MAIL

Jackie Powell, Chair
Lincoln County Commission
P. O. Box 711
Carrizozo, NM 88301

RE: Order Setting Property Tax Rates - 2014 Property Tax Year

Dear Chair Powell:

Pursuant to Sections 7-37-7(A) and 7-38-33(A) NMSA 1978, I issue this order setting as the 2014 property tax rates for all governmental units imposing rates in your county the rates set forth in the attached Certificate of Property Tax Rates (Certificate).

Section 7-38-34 NMSA 1978 requires the Board of County Commissioners (Board) to issue and deliver to the County Assessor its own written order imposing these rates within five days of its receipt of this letter rate-setting order. Before the Board issues its order, the county is responsible for ensuring that the rates are correct, in accordance with 3.6.50.11(D) NMAC. To further those efforts, please immediately share the Certificate with all governmental entities (other than the State) that have rates included in the Certificate, so that they can also check the accuracy of their rates. In addition, please note that the "percentage change I" used in Section 7-37-7.1(A) NMSA 1978's yield control calculations this year was 0.65%.

Any questions concerning or suspected errors in the rates should be immediately brought to the attention of the Local Government Division's Susan M. Rodriguez at (505) 827-4964.

Sincerely,

Thomas E. Clifford, Ph.D.
Secretary of Finance & Administration

Encl: Certificate of Property Tax Rates

cc: Property Tax Division, Taxation & Revenue Department
County Assessor – Certified Mail
County Treasurer – Regular Mail

ENCL 1

LINCOLN COUNTY AVERAGE TAX RATE HISTORY

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
RUIDOSO IN RES	23.182	22.813	26.125	25.984	26.543	25.988	26.209	26.318	26.175	26.885	28.615
RUIDOSO IN N/R	29.298	27.132	30.507	30.827	31.277	28.905	30.010	30.837	31.064	28.977	30.246
R/DOWNS IN RES	22.926	22.618	25.965	27.298	29.175	29.159	29.209	28.093	28.308	28.731	29.099
R/DOWNS IN N/R	29.650	28.330	32.132	33.924	35.170	33.917	34.937	34.949	35.324	34.034	34.123
RUIDOSO & DOWNS O.I.	18.479	18.230	21.339	21.250	21.600	21.124	21.391	21.433	21.333	21.743	21.960
RUIDOSO & DOWNS O.N.	23.148	22.266	25.425	25.611	25.683	24.141	25.066	25.656	25.787	24.526	24.405
CARRIZOZO IN RES	24.030	23.570	23.760	24.214	25.052	23.921	24.202	24.001	25.639	25.976	25.841
CARRIZOZO IN N/R	29.143	28.654	28.445	28.946	27.968	25.598	26.078	25.868	27.641	26.160	26.534
CARRIZOZO OUT RES	19.566	19.161	19.044	19.501	20.209	19.513	19.797	19.495	19.177	19.591	19.524
CARRIZOZO OUT N/R	23.918	23.429	23.220	23.721	23.961	22.617	23.400	23.260	23.148	22.425	22.126
CORONA IN RES	22.079	21.183	21.626	21.196	21.355	20.648	20.601	20.747	20.367	20.988	20.727
CORONA IN N/R	26.283	25.392	25.718	25.512	25.265	24.106	24.631	25.275	25.040	24.224	23.668
CORONA OUT RES	17.664	16.837	17.201	17.223	17.197	16.661	16.644	17.032	16.518	17.016	16.762
CORONA OUT N/R	21.658	20.967	21.293	21.297	20.995	19.718	20.206	20.966	20.615	19.799	19.233
HONDO RES	19.014	20.121	21.149	20.565	20.195	21.026	21.048	21.478	21.247	21.112	20.957
HONDO N/R	23.293	24.243	25.238	24.632	23.986	23.843	24.504	25.381	25.329	23.883	23.628
CAPTAN IN RES	15.876	15.524	16.033	15.796	16.034	15.439	16.184	16.300	18.155	19.880	19.715
CAPTAN IN N/R	21.149	20.877	21.182	20.965	20.888	19.441	22.734	22.886	23.126	23.447	23.089
CAPTAN OUT RES	14.648	14.401	14.745	14.503	14.705	14.178	14.922	14.922	14.827	16.535	16.421
CAPTAN OUT N/R	18.925	18.652	18.957	18.740	18.663	17.357	18.615	19.048	19.074	19.414	18.864
RUIDOSO-RU IN RES						19.042	19.740	19.877	19.669	21.677	23.066
RUIDOSO RU IN N/R						22.121	23.569	24.229	24.351	23.865	24.705
AVERAGE RATE	22.203	21.725	22.956	23.066	23.296	22.203	22.966	23.184	23.268	23.220	23.328
TAXABLE VALUE	615,303,222	686,219,982	721,934,100	818,733,862	887,828,843	1,019,442,539	1,038,712,174	1,088,628,937	1,105,798,545	1,131,149,096	1,163,765,887
% Increase/Decrease	4.70%	11.53%	5.20%	13.41%	8.44%	14.82%	1.89%	1.92%	4.45%	2.29%	2.88%

CERTIFICATE OF PROPERTY TAX RATES IN MILLS
 LINCOLN COUNTY
 TAX YEAR 2014

AMENDED 9/4/2014

NET TAXABLE VALUE: \$1,163,765,087

MUNICIPALITY:	Ruidoso	Ruidoso Downs	Ruidoso Downs	Ruidoso Downs	Ruidoso Downs	Carrizozo	Carrizozo
TAXABLE VALUE:	360,150,210	136,721,913	26,455,615	21,024,202	68,636,261	35,880,259	7,336,259
CATEGORY:	3 IN R	3 IN NR	35 IN R	35 IN NR	3/35 OUT R	3/35 OUT NR	7 IN R
State Debt Service	1.360	1.360	1.360	1.360	1.360	1.360	1.360
County Operational	1.360	1.360	1.360	1.360	1.360	1.360	1.360
County Debt Service	5.169	7.874	5.169	7.874	5.169	7.874	7.874
Special Mill Levy	2.750	2.750	2.750	2.750	2.750	2.750	2.750
Total State	10.624	10.624	10.624	10.624	10.624	10.624	10.624
Total County	7.919	7.919	7.919	7.919	7.919	7.919	7.919
Total Municipal	6.665	5.841	7.149	9.718	0.000	0.000	6.317
School District Operational	0.312	0.425	0.312	0.425	0.312	0.425	0.312
School District Debt Service	5.951	5.951	5.951	5.951	5.951	5.951	5.951
School Dist. Cap. Improvement	2.000	1.977	2.000	1.977	2.000	1.977	1.964
House Bill 33, School Building	0.000	0.000	0.000	0.000	0.000	0.000	0.000
School District Ed. Tech. Debt SVC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total School District	8.263	8.353	8.263	8.353	8.263	8.353	7.645
Total State, County, Municipal, & School District	24.207	26.178	24.691	30.055	17.542	20.337	23.241
Other:	2.000	1.832	2.000	1.832	2.000	1.832	1.832
Lincoln County Medical Center	0.600	0.550	0.600	0.550	0.600	0.550	0.550
Rural Clinics	1.808	1.686	1.808	1.686	1.808	1.686	1.686
ENMU Ruidoso Instr Center (1)	1.808	1.686	1.808	1.686	1.808	1.686	1.686
Total Other	4.408	4.068	4.408	4.068	4.408	4.068	2.600
GRAND TOTAL	28.615	30.246	29.099	34.123	21.950	24.405	25.841
Where Applicable:	Cattle Indemnity 10.000 Res: 1.000 Carrizozo SWCD Sheep/Goats/Swine/Alpaca 10.000 NonRes: 1.000 Dairy Cattle 5.000 Upper Hondo SWCD Bison/Camelids/Ratite 10.000 Res: 0.500 Horses/Asses/Mules 10.000 NonRes: 0.500						
	Predator Control: 0.55 cents per head on cattle, sheep & goats (1) To: ENMU Controller Hwy 70 Portales, NM 88130						

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

LINCOLN COUNTY

TAX YEAR 2014

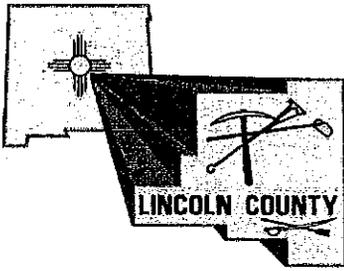
NET TAXABLE VALUE:

\$1,163,765,087

MUNICIPALITY:	Ruidoso	Ruidoso	Ruidoso
TAXABLE VALUE:	103,426	103,426	1,008,504
CATEGORY:	28-RU IN R	28-RU IN R	28-RU IN NR
State Debt Service	1,360	1,360	1,360
County Operational	1,360	1,360	1,360
County Debt Service	7,874	5,169	7,874
Special Mill Levy	2,750	2,750	2,750
Total State	10,824	7,919	10,624
Total County	10,824	7,919	10,624
Municipal Operational	5,165	5,165	4,341
Municipal Debt Service	1,500	1,500	1,500
Total Municipal	6,665	6,665	5,841
School District Operational	0.232	0.232	0.367
School District Debt Service	1.192	1.192	1.192
School Dist. Cap. Improvement	2,000	2,000	1,821
House Bill 33, School Building	0,000	0,000	0,000
School District Ed. Tech. Debt SVC	1,118	1,118	1,118
Total School District	4,542	4,542	4,498
Total State, County, Municipal, & School District	13,821	20,486	22,323
Other:			
Lincoln County Medical Center	2,000	2,000	1,832
Rural Clinics	0,600	0,600	0,550
Total Other	2,600	2,600	2,382
GRAND TOTAL	16,421	23,086	24,705

Where Applicable:

Cattle Indemnity	10,000
Sheep/Goats/Swine/Alpaca	10,000
Dairy Cattle	5,000
Bison/Camelids/Ratite	10,000
Horses/Asses/Mules	10,000



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County of Lincoln

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

September 8, 2014

Thomas E. Clifford, Ph.D.
Cabinet Secretary Designate
Department of Finance and Administration
Bataan Memorial Building, Suite 201
Santa Fe, New Mexico 87501

RE: Certificate of Property Tax Rates – 2014 Tax Year and Written Order

Dear Mr. Clifford:

The Lincoln County Board of Commissioners meeting in special session on September 8, 2014, voted to approve the above-mentioned Certificate of Property Tax Rates, and hereby issue this written order to the Assessor imposing the tax at the rates set on the taxable value of property allocated to the appropriate governmental units.

Thank you for your staff's assistance in this matter.

Sincerely,

Jackie Powell, Chairwoman
Board of County Commissioners

ATTEST:

Rhonda Burrows, County Clerk

Cc/enc: Property Tax Division
Paul Baca, Assessor
Glenna Robbins, Treasurer

ENC 2

Agenda Item No. 8

SUBJECT

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

See attached list.

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

September 8, 2014

LINCOLN COUNTY EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT: DISCUSSION OF ALL THREATENED AND/OR PENDING LITIGATION SECTION 10-15-1, SUBPARAGRAPH H.(7); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE PUBLIC BODY, SECTION 10-15-1, SUBPARAGRAPH H.(8)

New or Updated Matters since last report = *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Conclusion of Law/Order was filed May 15, 2014 entered in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014.
2. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board. Attorney has agreed to stay the case pending the decision from the Court of Appeals.
3. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic=s Lien. Order granting motion for resetting 4/17/13. Motion for Summary Judgment filed Jan. 29, 2014. Hearing scheduled for Jan. 5, 2015 with Judge Parsons presiding.
4. *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, Motion to Waive Time to Reassign District Judge (Judge Karen Parsons was disqualified). County was served May 14, 2014. Mr. Melendres has filed Answer, Motion to Disqualify Mr. Beauvais and Change of Venue. Hearing on Rule 16 Scheduling Conference is scheduled for Sept. 18, 2014 and Hearing on all Pending Motions is scheduled Nov. 20 with Judge Ritter.
5. *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. Telephonic Mediation Conference scheduled for Sept. 14, 2014 and GSWA's Brief in Chief due Sept. 14, 2014.

6. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first motion to dismiss or Summary Judgment filed August 29, 2013. Hearing was Jan. 6, 2014, and produced an Order of Dismissal, with a Motion to Reconsider filed Jan. 8, 2014. Hearing on the Merits occurred May 12, 2014 in Carrizozo with Judge Parsons and produced an Order Granting Motion to Dismiss. Appeal was filed Aug. 4, 2014.

*7. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. Tort Claim Notice was filed on October 27, 2011. LCSO and LC Manager were served on August 5, 2013. Advised NMAC assigned the case to Brennan and Sullivan Law Firm Sept. 5, 2013. Case was moved to Federal Court August 30, 2013. Settlement Conference scheduled for July 22, 2014 was vacated through an Order Vacating Settlement Conference and Order to Show Cause filed July 16, 2014. Plaintiffs and Defendants Agreed Motion to Modify Scheduling Order filed Aug. 5, 2014.

8. *State of NM/Lincoln County v. Avalon-Construction, Ruidoso, NM D-1226-CV 2014-00006* Filed Jan. 6, 2014 Open complaint for Refund of Taxes paid. Case assigned to Basham & Basham/Dwyer. Motion to Dismiss filed July 17, 2014 and telephonic negotiation conference was July 3, 2014.

*9. *State of NM v. Irene Howcroft – M-30-MR-2013-00190* Alleged animal nuisance and violation of Lincoln County Ordinance No. 2008-08. The District Attorney's office has entered their appearance and Mr. Morel filed his Notice of Withdrawal as Counsel Aug. 20, 2014.

10. Potential Litigation: 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.

Tort Claims Notices Received or Threatened

2014

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

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

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at LCDC on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in LCDC without being advised of his charges.

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

Class Action – Tort Claim Notice received June 23, 2014 alleging false imprisonment, false arrest, deprivation of rights at LCDC 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.

Allen, Elaine – Tort Claim Notice received July 28, 2014 claiming defamatory and false personal statements targeting her were published on Lincoln County's website.

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

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at LCDC.

2013

Allen, Katherine Elizabeth- Notice of Tort Claim against Lincoln County Detention Center for alleged injuries sustained during transport.

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

Espinoza, Robert B Tort Claim Notice received from Robert Espinoza on June 4, 2013,

alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

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.

Montoya, Emilia L. - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took place at the LCDC.

Ramos, Aaron - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos= safety and welfare and violation of his U.S. Constitutional rights.

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