

COUNTY OF LINCOLN
New Mexico
Special Meeting
Board of County Commissioners

Preston Stone, Chairman
Elaine Allen, Member
Lynn Willard, Member
Beverly Calaway, Treasurer
Rhonda B. Burrows, Clerk

Dallas Draper, Vice-Chair
Thomas F. Stewart, Member
Robert Shepperd, Sheriff
Paul Baca, Assessor
Stirling Spencer, Probate Judge

Nita Taylor, County Manager

Agenda

Tuesday, September 8, 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 Consent Agenda
 - a. Sun Valley Water & Sanitation District Mill Levy Request
7. Approval/Imposition of 2015-2016 Property Tax Rates
8. Approval of Memorandum of Understanding between the Village of Ruidoso and the County of Lincoln for the Provision of Regulation Services of Residential and Commercial Construction within certain specified areas of the County of Lincoln
9. Approval of Resolution 2015-5 Final Infrastructure Capital Improvement Plan (ICIP) FY 2017-2021
10. Update of Solid Waste Collection RFP

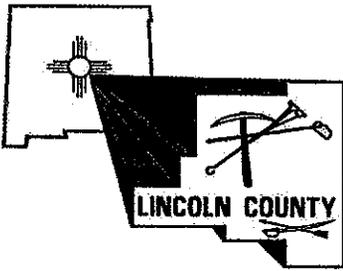
PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

THIS AGENDA IS SUBJECT TO CHANGE

11. Executive Session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters, Section 10-15-1, Sub paragraph H.(2); 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).
12. Possible Action – Road Department Evaluation
13. Signing of Official Documents if needed
14. Next Regular Meeting –Tuesday, September 15, 2015
15. Adjournment

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

THIS AGENDA IS SUBJECT TO CHANGE



County of Lincoln

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Agenda Item 6

SUBJECT

1. Approval of Consent Agenda
 - a. Sun Valley Water & Sanitation District

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

RECEIVED

SEP 03 2015

ADMINISTRATION
LINCOLN COUNTY NM

August 31, 2015

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 13, 2015 certifies to you a levy of six (6.0) mils for fiscal year 2015/2016 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 are copies of the following:

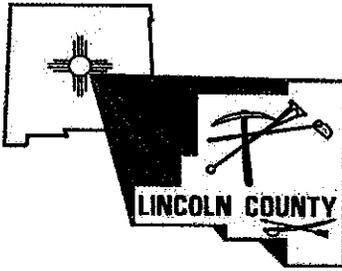
1. Resolution adopting the mill levy for fiscal year 2013/2014.
2. DFA has not certified Sun Valley Water & Sanitation District budget for fiscal year 2015/2016 as yet.

Respectfully submitted,



Charles Britten
Treasurer

Enclosures



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AGENDA ITEM NO. 7

September 4, 2015

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 2015 Tax Rates in the County.

Discussion: Each year in September, the Board of County Commissioners is required to review and issue an order imposing new tax rates for the fiscal year. New Mexico statute 7-38-34 requires the 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 re-issued letter and rates from DFA dated September 3, 2015 that was received by e.mail to the Treasurer on September 3, 2015. This re-issue by DFA was required due the revision of the predator control mill levy from 55 cents to 75 cents per head that had not been included in the original issue.

Assessor and Treasurer have reviewed the rates and certify their accuracy. They are present to explain the process and respond to questions.

At **Enclosure 2** is the written order imposing the rates for signature and delivery to the Assessor as required.

Recommendation:

Approve property rates as presented and have the Chairman sign the letter at **Enclosure 2**.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381



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

RECEIVED
SEP 03 2015
ADMINISTRATION
LINCOLN COUNTY NM

Thomas E. Clifford, Ph.D.
Cabinet Secretary

VIA CERTIFIED MAIL

September 3, 2015

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

Order Setting Property Tax Rates – 2015 Year

Dear Commissioner Stone,

Pursuant to NMSA 1978, Sections 7-37-7(A) (2004) and 7-38-33(A) (1989), I re-issue this order setting the 2015 tax rates in the attached amended Certificate of Property Tax Rates (Certificate) for all governmental units imposing rates in your county.

The attached amended Certificate includes the following change:

- Revision of the predator control mill levy from 0.55 to 0.75 cents per head according to the July 21, 2015 minutes of the Lincoln Board of County Commissioners action to increase the rate according to the results of the petitions collected from livestock owners.

NMSA 1978, Section 7-38-34 (1973) 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 re-issued rate-setting order.

If you have any questions regarding this matter, please call the Local Government Division's Budget and Finance Bureau Chief, Susan M. Rodriguez, at 505-827-4964; or Special Projects Analyst, Brenda Suazo-Giles, at 505-827-4933.

Sincerely,

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

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

Enclosure(s): Amended Certificate of Property Tax Rates

ENCL 1

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

LINCOLN COUNTY

TAX YEAR 2015

NET TAXABLE VALUE: \$1,198,390,624

MUNICIPALITY:				Ruidoso	Ruidoso
TAXABLE VALUE:	305,302,983	68,170,862	105,458	996,338	
CATEGORY:	28 OUT NR	28 OUT NR	28-RU IN R	28-RU IN R	
State Debt Service	1,360	1,360	1,360	1,360	1,360
County Operational	1,360	1,360	1,360	1,360	1,360
County Debt Service	5,169	8,231	5,169	8,231	8,231
Total State	2,750	2,750	2,750	2,750	2,750

Total County	7,919	10,981	7,919	10,981	10,981
Municipal Operational			5,169	4,482	
Municipal Debt Service			1,500	1,500	
Total Municipal	0,000	0,000	6,669	5,982	5,982

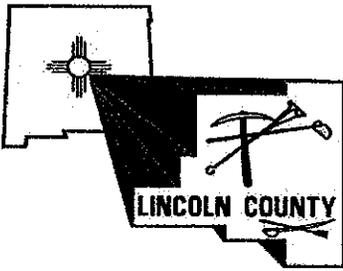
School District Operational	0,231	0,378	0,231	0,378	
School District Debt Service	1,162	1,162	1,162	1,162	
School Dist. Cap. Improvement	2,000	2,000	2,000	2,000	
House Bill 33, School Building	0,000	0,000	0,000	0,000	
School District Ed. Tech. Debt SVC	1,192	1,192	1,192	1,192	
Total School District	4,585	4,732	4,585	4,732	4,732

Total State, County, Municipal, & School District	13,864	17,073	20,533	23,055	23,055
Other:					
Lincoln County Medical Center	2,000	1,894	2,000	1,894	
Rural Clinics	0,600	0,569	0,600	0,569	

Total Other	2,600	2,463	2,600	2,463	2,463
GRAND TOTAL	16,464	19,536	23,133	25,518	25,518

ENMU Ruidoso Instr Center (1)

Where Applicable:	
Cattle Indemnity	8.739
Sheep/Goats/Swine/Alpacas	9.440
Dairy Cattle	4.523
Bison/Camelids/Ratite	10.000
Horses/Asses/Mules	8.709



County of Lincoln

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September 8, 2015

Thomas E. Clifford, Ph.D.
Secretary of Finance & Administration
Department of Finance and Administration
180 Bataan Memorial Building
Santa Fe, New Mexico 87501

RE: Certificate of Property Tax Rates – 2015 Tax Year and Written Order

Dear Mr. Clifford:

The Lincoln County Board of Commissioners meeting in special session on September 8, 2015, 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,

Preston Stone, Chairman
Board of County Commissioners

ATTEST:

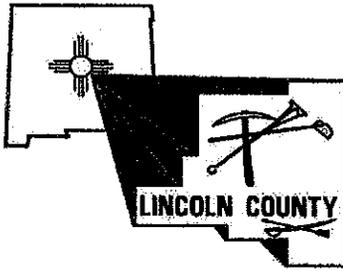
Rhonda Burrows, County Clerk

Cc/encl: Property Tax Division
Paul Baca, Assessor
Beverly Calaway, Treasurer

ENCL 2

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381



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AGENDA ITEM NO. 8

September 1, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Renew MOU with the Village of Ruidoso

Purpose: To obtain approval of renewing the MOU with the Village of Ruidoso Permitting Processing in the County

Discussion: During the August 19, 2014 regular County Commission meeting, the Commissioner's approved an MOU between the Village of Ruidoso ("VOR") and the County for the Village to conduct building inspections and to issue permits in the County. **Enclosure 1** is the new MOU for review and consideration. Included in the existing MOU with the VOR are the requirements to;

- Maintain a fully staffed permitting and inspection program with electrical, mechanical, plumbing and general construction inspectors who are certified by the State of New Mexico;
- Remove all extra fees to permits issued in the unincorporated areas of the County.
- Account for all receipts, and disbursements along with all relevant financial records;
- Make records available to the County upon request;
- Provide at a minimum quarterly reports identifying building permits issued, accounting of fees charged vs. cost of service, along with the location of permits issued;
- Require County approval(s)/signature(s) on all permits to be issued in the County, prior to a permit being issued by the Village of Ruidoso;
- Complete all inspections within one to two business days.

Current Status: Ruidoso has not been in full compliance with the MOU due to:

- Not having a fully staffed building inspection department since October 2014 (no electrical inspector);
- Cost reports provided are for all P&Z employees, not just permitting/inspection personnel, making it impossible to assess costs for provision of County services;
- Reports are not being provided on a timely basis;
- The VOR has not been able to enforce "stop work" orders in the County.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Early discussions by the previous County Commissioners included the topic of whether the County should receive a portion of revenues from the VOR, based on the permit revenues generated from County issued permits over the costs of providing the service. It was determined that an analyzation of costs to the VOR vs. revenues received should be analyzed prior to further consideration. The VOR is opposed to this type of revenue sharing.

Local builders favor the process of permitting and inspections by the VOR because of the short one-to-two day inspection timeline vs. the Construction Industries Division's commitment to inspect weekly. While the VOR permit fees are 3-4 times higher than the State CID's fees, some homeowners/builders opt for the quick turn-around, while others have complained about the high fees assessed by the Village of Ruidoso and would opt for the longer inspection turn-around offered by CID.

The VOR informed Planning Director Curt Temple that they plan to have a new Electrical inspector as soon as they can hire a qualified applicant (two applications are pending), which would bring them into compliance with the MOU.

Recommendation: Approve MOU between the County and the Village of Ruidoso, based on the net benefits to the builders and residents of Lincoln County and the partnership developed between the Village of Ruidoso and the County, with a commitment from the VOR to have its electrical inspector in place by November 1, 2015.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
VILLAGE OF RUIDOSO
AND
THE COUNTY OF LINCOLN**

**FOR THE PROVISION OF REGULATION SERVICES OF RESIDENTIAL AND
COMMERCIAL CONSTRUCTION WITHIN CERTAIN SPECIFIED AREAS OF
THE COUNTY OF LINCOLN.**

THIS AGREEMENT is made and entered into between the COUNTY OF LINCOLN ("COUNTY") and the VILLAGE OF RUIDOSO ("Ruidoso"). County and Ruidoso are collectively referred to as "the Parties." The common power to be exercised is as set forth in the Agreement.

WHEREAS, the Parties are public agencies, as defined in the Act, and are authorized by law to enter into this Agreement; and,

WHEREAS, pursuant to the Construction Industries Licensing Act (CILA) § 60-13-44 E, NMSA, 1978 the County has the right of review of all specifications of residential and commercial general construction and the responsibility to ensure compliance with construction standards adopted by the County; and,

WHEREAS, Ruidoso is a Municipality as defined in § 12-6-2 NMSA, 1978, and has by ordinance adopted the conditions, provisions, limitations and terms of a building code pursuant to its powers under § 3-18-1 NMSA, 1978; and,

WHEREAS, pursuant to § 3-18-6 A(4) and C(1) NMSA, 1978, a municipality has jurisdiction over building permits issued by the municipality except with respect to construction specifically exempted by the CILA; and may authorize the investigation of code violations or activities of licensees or others that constitute violations of, § 60-13-23, 24, or 36 NMSA 1978; and,

WHEREAS, the Parties desire to enter into this Agreement in order to effectuate administrative efficiency in the regulation of residential and commercial general construction, including mechanical, electrical and plumbing inspections and permits located within the geographical boundaries of the County in those areas designated on Exhibit "A" which are incorporated herein by reference as they currently exist or may be modified in the future by agreement of the parties.

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE REGULATION OF RESIDENTIAL AND COMMERCIAL GENERAL CONSTRUCTION LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE COUNTY AND WITHIN THE GEOGRAPHICAL BOUNDARIES SET FORTH ON EXHIBIT "A", WHICH ARE NOT OWNED BY THE STATE OF NEW MEXICO, OR RUIDOSO SHALL BE ACCOMPLISHED AS FOLLOWS:

1. **AUTHORIZATION AND SCOPE.** Ruidoso is hereby granted the authority to regulate residential and commercial construction located within the geographical boundaries of the County in the geographical boundaries set forth on Exhibit "A" as they currently exist or may be modified in the future by agreement of the parties, which are not owned by the State of New Mexico, subject to the terms and conditions set forth herein. Ruidoso will issue, monitor and maintain documents for all construction permits and provide inspection services for said permits. Ruidoso will also provide Building Code Enforcement services subject to the terms and conditions of this Agreement within the constraints of applicable law.

2. **PREREQUISITES.**
 - a. Ruidoso shall, at all times relevant to this Agreement, maintain a permitting and inspection program and shall employ full time plan review personnel and electrical, mechanical, plumbing and general construction inspectors who are certified by the International Code Council and the State of New Mexico throughout the term of this Agreement.

 - b. If Ruidoso fails to maintain a permitting and inspection program, or if it fails to replace within four (4) months or one hundred twenty (120) days and employ the requisite inspectors as set forth in this Agreement, the County may terminate this agreement by providing and delivering written notice to Ruidoso of termination at least four (4) months or one hundred twenty (120) days prior to the effective date of termination and take such action as is necessary to provide for these services in house or through an agreement with the State of New Mexico.

3. **BUILDING STANDARDS.** The building standards applied by Ruidoso shall be, at the least, the minimum State standards, as required by § 3-17-6 A NMSA, 1978.

4. **VIOLATION ENFORCEMENT AND MONITORING.** Ruidoso will assist the State with enforcement and provide monitoring of Building Ordinance violations consistent with State Law.

5. **TERM.** The term of this Agreement shall be for a period of one year from the date of its execution by the last party signing. During that period the parties shall regularly communicate concerning the performance of the services contemplated herein and shall jointly monitor permitting fees, inspection performance time frames, and any other issues or performance standards contained on Exhibit "B" which is attached hereto and is incorporated herein by reference. Thereafter, in the event the parties determine to continue with this Agreement it shall continue until terminated pursuant to the terms hereof or by operation of law.

6. **TERMINATION.** This Agreement may be terminated by either party upon delivery of written notice to the other at least four (4) months or one hundred twenty (120) days prior to the effective date of termination. By such termination, neither party may nullify or void any obligation required to have been performed prior to the effective date of termination.
7. **SUBCONTRACTING AND ASSIGNMENT.** Ruidoso may not subcontract any portion of the services to be performed by it pursuant to this Agreement, assign this Agreement, or obligate itself in any manner to any third party with respect to any rights or responsibilities under this Agreement, without prior written consent of the County.
8. **RECEIPTS AND DISBURSEMENTS.** Ruidoso shall account for receipts and disbursements relating hereto and shall make all relevant financial records available to the County upon request, and shall maintain all related records in accordance with state records retention policies after this Agreement has expired or has been terminated.
9. **AMENDMENT.** This Agreement may not be altered, changed, or amended except by instrument in writing executed by the parties hereto and approved by the Secretary of the New Mexico Department of Finance and Administration.
10. **WAIVER.** No waiver of any breach or term or condition of this Agreement shall constitute a waiver of any other term or condition of this Agreement, or a subsequent waiver of the same breach or term or condition. No waiver of any term or condition of this Agreement shall be valid or binding unless in writing and signed by the party alleged to have granted the waiver.
11. **GOVERNING LAW.** This Agreement and the interpretation hereof shall be governed by the laws of the State of New Mexico pertaining to such agreements. The District Court of the Twelfth Judicial District within and for Lincoln County shall be the court of venue for resolution of any disputes that arise pursuant to this agreement.
12. **MERGER OF PRIOR AGREEMENTS.** This Agreement incorporates all of the conditions, agreements and understandings between the parties concerning the subject matter hereof, and all such conditions, agreements and understandings have been merged into this Agreement. No prior condition, agreement, or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
13. **HOLD HARMLESS.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act. Nothing contained in this Agreement should be construed as a waiver of the protections afforded to local governments under the New Mexico Tort Claims Act.

14. **APPROPRIATIONS.** The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Village Council for the performance of this Agreement.
15. **ANALYSIS AND REPORTING OF FEES COLLECTED.** The parties agree that the Village of Ruidoso shall provide a report to the County of Lincoln at a minimum of a quarterly basis which will identify the building permits issued, the fees charged, a cost comparison of fees charged with the cost of providing said services, and the location of the services rendered: i.e. within the municipal limits of the Village of Ruidoso or in the County. Once the data identified herein has been collected for a period of not less than six months, the parties will utilize the data to determine whether or not a portion of the fees collected by the Village of Ruidoso should be paid over to the County of Lincoln.

IN WITNESS WHEREOF, the parties have herein below set their respective hands.

Approved this _____ day of _____, 2015

MAYOR, VILLAGE OF RUIDOSO

Tom Battin

Seal

ATTEST:

Irma Devine, Clerk

Approved this _____ day of _____ 2015

**CHAIR, BOARD OF COUNTY
COMMISSIONERS OF LINCOLN COUNTY**

Preston Stone

Seal

ATTEST:

Rhonda Burrows, County Clerk

VILLAGE OF RUIDOSO LEGAL

APPROVED AS TO FORM
Zachary J. Cook

COUNTY OF LINCOLN LEGAL

APPROVED AS TO FORM
Alan P. Morel

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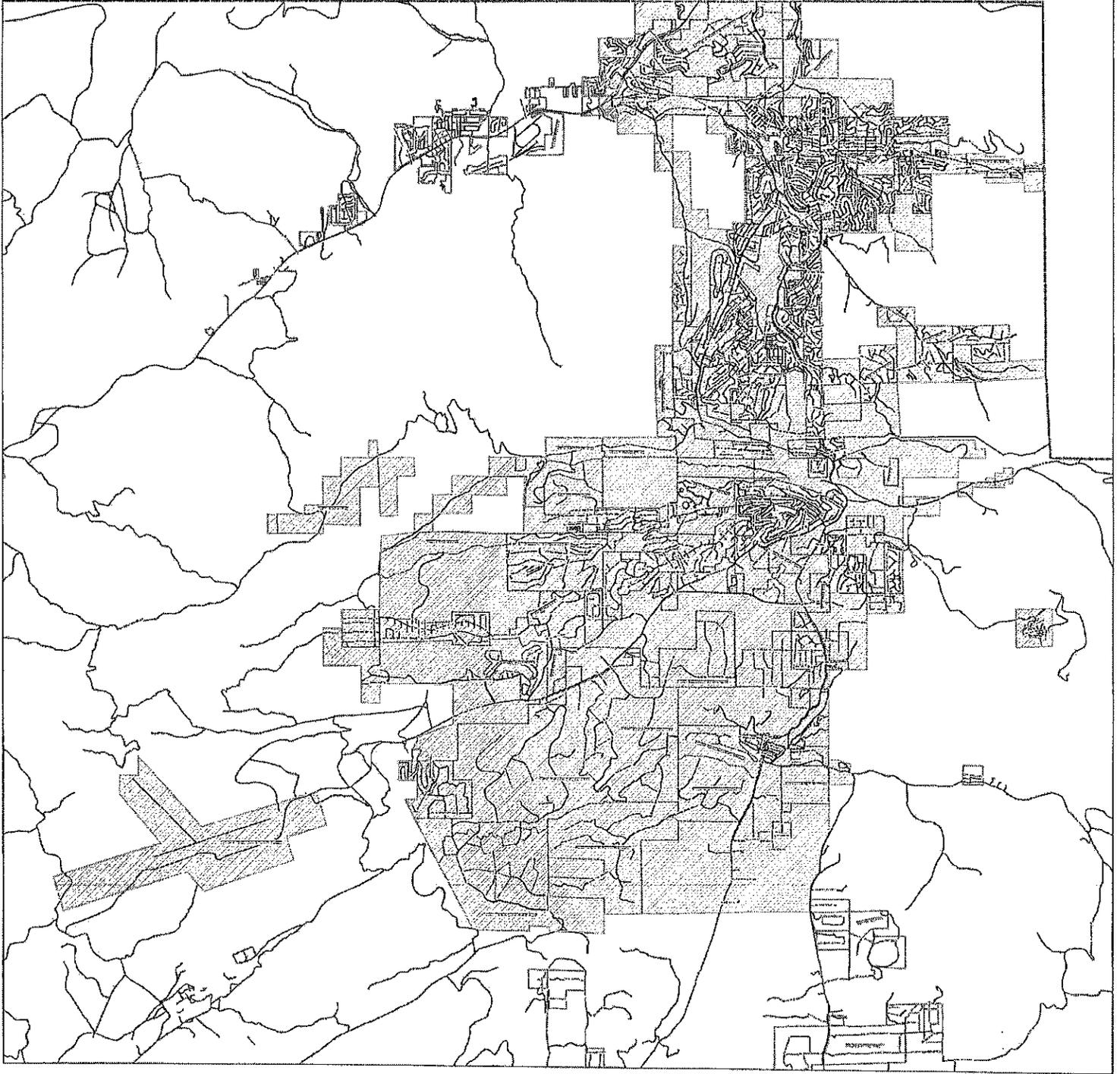


EXHIBIT "B"

TO LINCOLN COUNTY-RUIDOSO

MEMORANDUM OF UNDERSTANDING

FOR INSPECTIONS AND PERMITTING IN

LINCOLN COUNTY

1. The fee schedule for inspections and permitting pursuant to this Memorandum of Understanding is attached hereto and incorporated herein by reference. The Parties hereby agree that the fee for inspections to be charged County residents shall be the same as those charged Ruidoso.
2. Requests to schedule inspections shall be telephoned to an automated inspection request phone number. The permit holder shall provide all information required by the inspector when requesting an inspection to be scheduled. Requests will be processed the next business day and will be scheduled as work load and staff availability permit. Every effort will be made to schedule and complete inspections within one (1) to two (2) business days.
3. When an applicant appears for a building permit, or downloads an application on line, the applicant shall be provided with an application form which shall include a space for County approval. The applicant shall be instructed to take the application form to the County Annex building for review. After insuring that all County requirements are fulfilled, the County shall approve the application form and the applicant shall be instructed to return to Village Hall to complete the application and pay the applicable fee.
4. The County review shall include at least the following elements:
 - A. Flood plain documentation, certification and approval where necessary;
 - B. Driveway cut approval (contingent on payment of the required fee and inspection by the Road Department);
 - C. Registration/sign up with Greentree Solid Waste Authority for solid waste collection for both household collection and construction debris where applicable;
 - D. Address issued by County Rural Addressing.

BUILDINGS (Chapter 22)

Permit and inspection fees (22-34): After consultation with the village manager, the building official may waive permit fees as authorized in the building code.

Building permit fees:

(1) Permit fees are assessed based on a formula that takes into account that the level of effort for a larger, more complex project is not directly proportional to the value of construction (22-34(b)).

The minimum fee is 50.00 up to a construction value of 2,000.00

For construction values from 2,001.00 through 100,000.00 fees are computed and tabulated in 1,000.00 increments. The fee for construction values from 100,001.00 through 500,000.00 is 795.00 plus 4.48 per 1,000.00 over 100,000.00. The fee for construction values from 500,001.00 through 1,000,000.00 is 2,587.00 plus 3.80 per 1,000.00 over 500,000.00. The fee for construction values over 1,000,000.00 is 4,487.00 plus 2.92 per 1,000.00 over 1,000,000.00.

(2) The building official shall issue in January of each year a valuation worksheet for use during the calendar year.

(3) Demolition permit (22-34(c)(2)).

Wrecking and demolition up to and including 1,500 square feet of floor area	\$35.00
Each additional 500 square feet or fraction thereof	\$ 8.00

(4) Moving of buildings (22-34(c)(3)).

Buildings up to ten feet in width	\$35.00
Each additional foot over ten feet in width	\$ 3.00
Proficiency test fee for homeowners applying for permit under section 22-34(d)	\$35.00

Electrical permit fees (22-74):

(1) Residential:

Manufactured home	\$45.00
100 amp and below service	\$52.00
101—200 amp service	\$90.00
201—320 amp service	\$105.00

321—400 amp service	\$225.00
401 and above service	\$360.00
Temporary service	\$ 45.00
Remodel	\$ 45.00
(2) Commercial:	
100 amp and below service	\$ 92.00
101—200 amp service	\$130.00
201—320 amp service	\$175.00
321—400 amp service	\$275.00
401—600 amp service	\$375.00
601—800 amp service	\$475.00
801—1,000 amp service	\$575.00
1,001—2,000 amp service	\$775.00
2,001+ amp service	\$1,075.00
Temporary	\$ 45.00
Remodel	\$ 45.00
(3) Other inspections and fees:	
Reinspections	\$ 45.00
Services change	\$ 20.00
Swimming pools and spas	\$ 45.00
Septic	\$ 20.00
Minimum fee for items not listed*	\$ 20.00

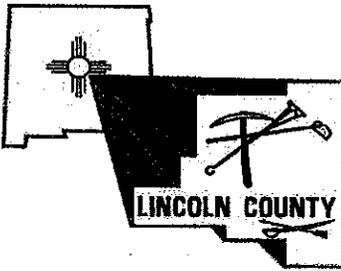
*Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, equipment, hourly wages and fringe benefits of all the employees involved. Fees or charges for properties located outside the village boundaries shall be increased by the amount of ten percent of the permit fee for travel and time necessary in rendering services.

Plumbing and mechanical fees:

Eight plumbing fixtures or fewer	\$ 60.00
Each additional group of four plumbing fixtures	\$ 21.00
Evaporative cooler installation	\$ 11.00
Gas pipe system up to four gas appliances	\$ 40.00
Swimming pools	\$ 40.00
Water heater (electric)	\$ 7.00
Mobile home service	\$ 5.00
Water conditioner	\$ 7.00
Yard sprinkler	\$ 7.00
Fire protection head (each)	\$ 1.00
Grease trap/test port	\$ 10.00
Other items not listed	\$ 33.00
Ventilation	\$ 3.00
Refrigeration system	\$ 13.00
Duct work system	\$ 13.00
Furnace installation	\$ 13.00
Radiant heating installation (includes boiler)	\$ 40.00
Other heating appliances	\$ 13.00
Boiler (other than radiant)	\$ 13.00
Items not listed	\$ 33.00

Medical gas system	\$ 33.00
Hood/exhaust (residential)	\$ 6.50
Hood/exhaust (commercial)	\$ 33.00
Administrative fees per application for processing electrical and plumbing/mechanical permits:	
Residential (up to four-plex)	\$ 25.00
Multifamily above four-plex and commercial (based on value of work)	
0 to 2,000	\$ 25.00
2,001 to 25,000	\$ 35.00
25,001 to 50,000	\$ 40.00
50,001 to 100,000	\$ 45.00
100,001 and up	\$ 50.00

Fees or charges for properties located outside the village boundaries shall be increased by the amount of ten percent of the permit fee for travel and time necessary in rendering services. The 10% charge will be eliminated with the MOU



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County of Lincoln

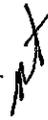
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AGENDA NO. 9

September 4, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Resolution 2015-5 Adopting Final Infrastructure Capital Improvement Plan FY2017 - 2021

Purpose: To obtain approval of Resolution 2015-5

Discussion: At its August 18, 2015 regular meeting, the Commission unanimously approved the FY2017 – 2021 ICIP, as amended by the Commission. See **Enclosure 1** for Lincoln County Project Summary. As the motion approved did not contain language to adopt Resolution 2015-5 (See **Enclosure 2**), as required by the State Department of Finance and Administration, the matter is brought back to the Commission for final action.

Recommendation: Approve Resolution 2015-5.

**COUNTY OF LINCOLN
RESOLUTION NO. 2015-5
ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)**

WHEREAS, the County of Lincoln recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that:

1. The County has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2014-12.

PASSED, APPROVED AND ADOPTED by the Lincoln County Board of Commissioners at its special meeting of September 8, 2015.

Board of Commissioners
Lincoln County, State of New Mexico

Preston Stone, Chairman

Dallas Draper, Vice Chair

Elaine Allen, Member

Tom Stewart, Member

Lynn Willard, Member

ATTEST:

Rhonda Burrows, Clerk

Infrastructure Capital Improvement Plan FY 2017-2021

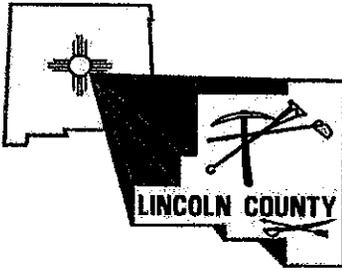
Lincoln County Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2017	2018	2019	2020	2021	Total Project Cost	Amount Not Yet Funded	Phases?
31205	2017	001	Ruidoso Health Center Replace Heating - Cooling Un	Health-Related Cap Infra	0	60,000	0	0	0	0	60,000	60,000	No
23877	2017	002	Expand White Oaks Fire Station	Fire	45,000	255,000	0	0	0	0	300,000	255,000	No
28733	2017	003	Expand Detention Center	Domestic Violence Facilities	163,000	537,000	0	0	0	0	700,000	537,000	No
31200	2017	004	Lincoln County Medical Center Renovation	Health-Related Cap Infra	0	17,000,000	16,000,000	0	0	0	33,000,000	33,000,000	Yes
31468	2017	005	3 Miles - County Road Repaving	Hiways/Roads/Streets/Bridges	0	500,000	500,000	500,000	500,000	500,000	2,500,000	2,500,000	Yes
31466	2017	006	Senior Center Program Wide Equipment	Senior Facilities	0	100,000	0	0	0	0	100,000	100,000	No
31467	2017	007	Senior Center Program Wide Vehicle Replacement	Senior Facilities	0	100,000	0	0	0	0	100,000	100,000	No
31508	2017	008	Senior Center Program Wide Building Upgrades	Senior Facilities	0	100,000	0	0	0	0	100,000	100,000	No
24125	2018	001	New Road Yard	Adm/Service Facilities (local)	0	0	560,000	0	0	0	560,000	560,000	No
24124	2018	002	Improve Fairgrounds	Convention Facilities	0	0	120,000	0	0	0	120,000	120,000	No
29713	2018	004	New Horizons Health Center Renovations	Health-Related Cap Infra	70,810	0	429,190	500,000	500,000	0	1,500,000	1,429,190	Yes
28949	2019	001	Live Fire Training Facility	Fire	0	0	700,000	0	0	0	700,000	700,000	No
29037	2019	002	Water Crossings At Fairgrounds	Public Safety Equipment/Bldgs	0	0	700,000	0	0	0	700,000	700,000	No
27264	2020	001	Glencoe Bridge	Hiways/Roads/Streets/Bridges	0	0	0	100,000	0	0	100,000	100,000	No

FNCL 1

Infrastructure Capital Improvement Plan FY 2017-2021

10779	2020	003	Fire Station Water Holding Tanks	Fire	0	0	0	0	30,000	0	30,000	30,000	No
Number of projects:													
Funded to date:													
			278,810	18,652,000	19,009,190	1,130,000	1,000,000	500,000	40,570,000	40,291,192			
Grand Totals													



www.lincolncountynm.gov

County of Lincoln

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

AGENDA NO. 10

September 4, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Request for Proposal for Solid Waste Services for Lincoln County

Purpose: To provide an update

Discussion: The RFP for Solid Waste Services for Lincoln County was issued on August 31st, 2015. It was advertised in the Albuquerque Journal, the El Paso Times and the Ruidoso News. It can be found on the Lincoln County website at:

http://www.lincolncountynm.gov/county_offices/finance/index.php

See **Enclosure 1** for Sequence of Events. Key dates are as follows:

1. 09.08.2015 Return of Acknowledgment of "Receipt" Form for Distribution List
2. 09.14.2015 Pre-proposal conference (mandatory)
3. 10.07.2015 Submission of Proposal
4. 10.07.2015 Proposal Evaluation
5. 10.28.2015 Contract Award for presentation to Commission for approval
6. 11.17.2015 Commission Approval

Recommendation: Information only.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP provides the schedule for the procurement, describes the major procurement events and contains the general requirements governing the procurement.

A. SEQUENCE OF EVENTS

The Procurement Manager will make every effort to adhere to the following schedule:

ACTION	RESPONSIBILITY	DATE
1. Advertise RFP	Procurement Manager (PM)	08/30/2015 (Sunday)
2. Issue RFP	Procurement Manager (PM)	08/31/15 (Monday)
3. Return of "Acknowledgment of Receipt" Form for Distribution List	Potential Offerors (PO)	09/8/15 (Tuesday)
4. Pre-Proposal Conference	PM, PO	09/14/15 (Monday)
5. Deadline to Submit Additional Questions	PO	09/21/15 (Monday)
6. Response to Written Questions/RFP Amendments	PM	09/25/15 (Friday)
7. Submission of Proposal	Offerors	10/7/15 (Wednesday) 3:00 PM MDT
8. Proposal Evaluation	Evaluation Committee (EC)	10/7/15 (Wednesday) to 10/12/15 (Monday)
9. Notification of Finalists (If desired)	EC	10/13/15 (Tuesday)
10. Best & Final Offer (If requested)	Offerors	10/20/15 (Tuesday)
11. Oral Presentations (If requested)	Offerors	10/22/15 (Thursday)
12. Contract Negotiations (If needed)	Tentative winner/County	10/23/15 (Friday) to 10/27/15 (Tuesday)
13. Contract Award*	Purchasing Agent/BCC*	10/28/15 (Wednesday)
14. Protest Deadline	Offerors	11/16/15 (Monday)
15. Contract Initiation**	Contractor	1/1/2016 (Friday)

*Contract award is subject to approval of the Board of County Commissioners (BCC).

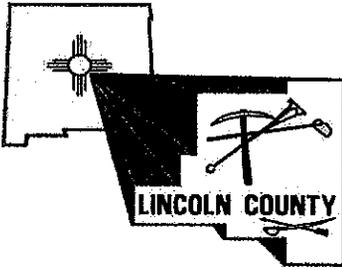
**Subject to Contract Negotiations.

B. EXPLANATION OF EVENTS

The following paragraphs further detail the activities listed in the sequence of events shown in Section II, Paragraph A.

1. Issue RFP

This RFP is being issued by the Lincoln County Purchasing Agent on behalf of the County of Lincoln and the Lincoln County BCC.



County of Lincoln

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Agenda Item 11

SUBJECT

Executive Session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters, Section 10-15-1, Sub paragraph H.(2); 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, 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 it 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.

7. *A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015.

B. Preston, DeAnna: Notice of Charge of Discrimination submitted to the U.S. Equal Employment Opportunity-Commission July 21, 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' 4th 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.

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

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

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

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 8th Amendment Rights.

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

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

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

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

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

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

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

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

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

2013

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

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