

**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, September 15, 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 - August 18, 2015 Regular Commission Meeting
7. Approval of Consent Agenda
  - a. Payroll/Accounts Payable/Budget/ Expenditures
  - b. Treasurer’s Financial Report for the Month ending August 31, 2015
  - c. Acknowledge DFA Approval of 2015 Budget Adjustment Resolution As Amended
  - d. Acknowledge DFA Approval of 2015-2016 Final Budget
  - e. MOU with Lincoln County Cooperative Weed Management Area (LCCWMA)
  - f. Separate previously approved NMDOT CAP, COOP and School Bus Resolution into three separate resolutions (per new requirement of NMDOT)
    1. NMDOT CAP Resolution 2015- 11
    2. NMDOT COOP Resolution 2015-12
    3. NMDAT School Bus Resolution 2015-13
  - g. Replace previously approved NMDOT Cooperative Agreement to correct non-substantive errors; no change in approved contractual amounts.
8. NMAC Voluntary Benefits Program Presentation by Anne Sperling

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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.

9. Lincoln County Medical Center Presentation by Al Santos
10. Discussion / Possible Action Regarding LCMC Renovation Funding
11. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
12. Forest, Land & Natural Resources Matters:
  - a. Smokey Bear Ranger District
  - b. Cibola National Forest
  - c. Community Forester
  - d. Office of State Engineer-Water Issues
13. Update – Solid Waste Collections Request for Proposal
14. Discussion / Possible Action Regarding a Violation of Lincoln County Ordinance 2009-03 Involving Mr. Arturo Rodriguez y Toussaint's Property
15. Manager's Report
16. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
17. Resolution 2015-10 Designating Polling Places for the 2016 Election Cycle
18. Proclamation – Citizens' Day and Constitution Week in Lincoln County
19. Approval of Request for Proposal (RFP)15-16-001 - FEMA Related Services for County of Lincoln
20. **11:30 a.m.:** Inspection of the Detention Center/Lunch
21. **Tabled-** Annual Renewal MOU between the Village of Ruidoso & County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for DWI Enforcement Activities and Reimbursement Cost
22. Prior Year 2014-2015 Approval of LCJJB Invoices
23. Rancho Ruidoso Valley Estates – Request for Road Improvement
24. Discussion of Appointment of New Committee to Draft Revisions to the Appendix of Lincoln Historic Preservation Board
25. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
  - a. Land and Natural Resources Advisory Committee
  - b. Lincoln Historic Preservation Board

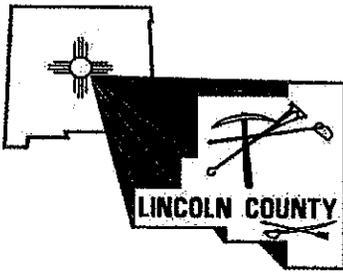
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- c. Planning Commission
  - d. Road Review Advisory Committee
  - e. Road Task Force Steering Committee
  - f. Senior Citizens Olympic Committee
26. Discussion / Possible Action on Road Department Recommendations
  27. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
  28. 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).
  29. Signing of Official Documents
  30. Next meetings:
    - a. October 20, 2015, Regular Commission Meeting
  31. 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

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## Agenda Item 6

### SUBJECT

Approval of Minutes:

- a. August 18, 2015

1 **COUNTY OF LINCOLN**

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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  
9 **Minutes**  
10 **Tuesday, August 18, 2015**

11  
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on August 18,  
13 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New  
14 Mexico.

15  
16 **1. Call to Order**

17  
18 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:03  
19 AM.

20  
21 **2. Roll Call**

22  
23 **Roll Call.**

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

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

29  
30 **3. Invocation**

31  
32 The invocation was presented by Pastor Hayden Smith.

33  
34 **4. Pledge of Allegiance**

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

38  
39 **5. Approval of Agenda**

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

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

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

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

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47 **6. Approval of Minutes**

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- a. July 21, 2015 - Regular Commission Meeting
- b. July 27, 2015 - Special Commission Meeting

**Motion:** Approve the minutes of the July 21, 2015 Regular Meeting and the July 27, 2015 Special Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

## 7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending July 31, 2015
- c. Corrected Financial Report for Month ending June 30, 2015
- d. Annual Renewal of MOU between the Village of Ruidoso and the County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for DWI Enforcement Activities and Reimbursement of Costs

**Motion:** Approve Consent Agenda Items 7(a), 7(b), and 7(c), Table Consent Agenda Item 7(d),  
**Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Attorney Morel requested Item 7(d) be tabled pending further legal review of the Memorandum of Understanding.

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

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

**Motion:** Recess the Regular Meeting and convene the Board of Finance, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Chair Stone recessed the Regular Meeting and convened the Board of Finance at 8:37:19 AM.

## 8. Board of Finance – County Treasurer

Beverly Calaway, Treasurer discussed the Treasurer's Report for the month ending June 30, 2015. Ms. Calaway presented revisions which reflected end of year corrections and budget adjustments adopted by Resolution 2015-07 during the July Regular Meeting. Ms. Calaway stated for the Fiscal Year 2014-2015 the Detail of Receipts reflected a collection rate of 150% for the General Fund accounts. Ms. Calaway reminded the collection rate of 105% was anticipated due to the County's conservative budgeting of revenues. Ms. Calaway noted the report also

97 reflected continued strong collections of current and delinquent property taxes at 105% of the  
98 budget.  
99

100 Ms. Calaway discussed the decline in Interest Earned as reflected by the 78% collection of  
101 budgeted funds. Ms. Calaway informed the rate of return on investments was a reflection of the  
102 overall decline in interest rates for investments including cash, certificates of deposits, and various  
103 government backed securities. Ms. Calaway reported only 64% of budgeted transfers in the  
104 General Fund and 78% of budgeted transfers from the Road Fund contributed to a solid beginning  
105 cash balance for the new fiscal year of \$8,095,646.76.  
106

107 Ms. Calaway provided gross receipts tax charts reflecting three years of collections for the  
108 Detention Center Debt, Environmental, Indigent Health, and Business Retention Gross Receipts  
109 Taxes.  
110

111 Ms. Calaway also discussed the Treasurers' Financial Report for the month ending July 2015 in  
112 the Fiscal Year 2015 – 2016. Ms. Calaway stated the report reflected total cash held by the  
113 Treasurer as of July 31, 2015 as \$17,063,435.93 and collection of \$27,280,991.50 or 96.29% of  
114 the 2014 total property taxes billed.  
115

116 Ms. Calaway stated the New Mexico Property Tax Division (PTD) scheduled a delinquent property  
117 tax sale in Lincoln County for August 26, 2015. Ms. Calaway informed originally the delinquent  
118 list consisted of 118 properties but reported only 26 properties remained as of this date. Ms.  
119 Calaway stated the increased number of properties over prior year's sales resulted from PTD's  
120 failure to conduct complete sales in the past with several of these properties being as much as  
121 six years delinquent.  
122

123 Ms. Calaway reminded the New Mexico Department of Finance was obligated to set Lincoln  
124 County's Property Tax Rates no later than September 1, 2015. Ms. Calaway further reminded  
125 within five days of receipt of the County's tax certificate the Board of Commissioners are required  
126 to meet and issue a written order to impose the 2015 property tax rates. Ms. Calaway stated  
127 subsequent to adoption of the 2015 rates the Treasurer and Assessor would calculate and  
128 produce the 2015 Tax Schedule and Property Tax Bills for mailing no later than November 1,  
129 2015.  
130

131 Commissioner Stewart discussed the expiration of the Business Retention Gross Receipt Tax on  
132 December 31, 2015 reminding Lincoln County currently received any collections over \$750,000.  
133 Commissioner Stewart questioned the distribution of overage, asking if the last "large" distribution  
134 would occur in September of 2015 with three additional small disbursements in 2016. Ms.  
135 Calaway confirmed the primary distribution of these funds was typically received from the State  
136 in September.  
137

138 **Motion:** Adjourn the Board of Finance and reconvene the Regular Meeting, **Action:** Adjourn,  
139 **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

141 **Yes:** Chair Stone, Commissioner Allen, Commissioner Draper, Commissioner Stewart,  
142 Commissioner Willard.  
143

144 Chair Stone adjourned the Board of Finance Meeting and reconvened the Regular Meeting at  
145 8:45:12 AM.

146

147 **10. Forest, Land, and Natural Resources Matters:**

148

149 **a. Smokey Bear Ranger District**

150

151 David Warnack, District Ranger discussed the benefits of a proposal to establish regular  
152 discussions in a working group environment between the USFS Ranger District and the Lincoln  
153 County Land and Natural Resources Advisory Committee (LANRAC). Ranger Warnack  
154 commented on potential opportunities to work with LANRAC on the Lincoln Forest Plan Revision  
155 and also address other planned projects. Ranger Warnack commented on the need to  
156 incorporate the County Land Use Plan information into the Forest Plan Revision. Ranger  
157 Warnack anticipated a need for the working group to meet quarterly to work on the forest plan  
158 revision and other land issues.

159

160 Ranger Warnack informed the Secure Rural Schools (SRS) funding was reauthorized by  
161 Congress and the Southern New Mexico Resource Advisory Committee would solicit proposals  
162 for expenditure of SRS Title II funds for roads, trails, and watershed projects this fall. Ranger  
163 Warnack requested Lincoln County provide input on potential projects. Ranger Warnack  
164 discussed the District's ongoing response to flooding on Forest Road 107 above Bonito Lake and  
165 stated the Forest Service would continue to research long term solutions.

166

167 Ranger Warnack discussed joint operations with the USDA Animal and Plant Health Inspection  
168 Service (APHIS) to eradicate feral pigs in Lincoln County. Ranger Warnack stated currently the  
169 District was working to secure approval to conduct feral pig eradication in the White Mountain  
170 Wilderness.

171

172 Ranger Warnack acknowledged the donation of a LED information sign from the Little Bear Fire  
173 Coalition through private donations to replace the older marquee sign in front of the Ranger  
174 Station.

175

176 Chair Stone questioned the timeline for the revision of the Environmental Assessment related to  
177 the spraying of herbicides for noxious weeds. Ranger Warnack stated the Forest Plan Revision  
178 would likely take four to five years but noted the spraying of noxious weeds was considered a  
179 "stand alone" project by the District. Ranger Warnack stated the Forest Supervisor recognized  
180 the severity of the problem and the refinement of the related Environmental Impact Study was a  
181 priority. Ranger Warnack anticipated a delay of approximately one year before authorization of  
182 any major spraying projects.

183

184 Chair Stone commented on his attendance at a recent meeting for the revision of the Cibola  
185 Forest Plan. Chair Stone questioned when regular meetings between cooperating agencies  
186 would occur for the Lincoln Forest Plan revision. Ranger Warnack stated the Lincoln Forest Plan  
187 revision was approximately two years behind the Cibola process but anticipated the Lincoln  
188 meetings would most likely begin next spring.

189

190 Commissioner Draper suggested inclusion of the two studies of the Upper Rio Hondo Basin  
191 conducted by the USGS in conjunction with Lincoln County in the Lincoln Forest Plan revision.  
192

193 Ranger Warnack agreed the data from the watershed studies could prove beneficial to the Forest  
194 Plan revision.  
195

196 Chair Stone reminded the agriculture industry lacked organizational standing except through the  
197 County Commission and the Soil and Water Conservation Districts. Chair Stone discussed the  
198 importance of agricultural use of forest lands and urged Ranger Warnack to include these entities  
199 as cooperating agencies.  
200

201 Ms. Taylor provided details of a meeting with Ranger Warnack, District Wildlife Biologist Larry  
202 Cordova, District Range Conservationist George Douds, Chair Stone, Manager Taylor, EOC  
203 Director Joe Kenmore, and twelve local ranchers to discuss the proposed fencing project at Seven  
204 Cabins Spring. Ms. Taylor stated the original proposal to "fence spring source and associated  
205 wetland to restore habitat and water source" was the topic of extensive discussion. Subsequent  
206 to the discussion, Ranger David Warnack agreed to change the scope of work to consider a new  
207 concept involving a two year project to place pipelines and water storage to capture the entire  
208 water production of the spring. Ms. Taylor commended Ranger Warnack for his spirit of  
209 cooperation but reminded Ranger Warnack had maintained in certain circumstances fencing off  
210 a particular area was the proper solution.  
211

#### 212 **b. Cibola National Forest**

213  
214 Ms. Taylor provided a copy of the Memorandum of Understanding with the Cibola National Forest  
215 as approved during the July Regular Meeting. Ms. Taylor reminded the MOU provided "a seat at  
216 the table" as a cooperating agency for the Cibola Forest Plan revision. Ms. Taylor informed she  
217 and Chair Stone attended one of four defined "Landscape Teams" meeting in Mountainair to  
218 provide input on behalf of Lincoln County.  
219

#### 220 **c. Forest Health**

221  
222 Ms. Taylor reported on presentations from Debi Lee, Village of Ruidoso Manager about the  
223 Grindstone Dam Liner Project and Justin King, consultant for the City of Alamogordo regarding  
224 the status of Bonito Lake during the recent Forest Speaker Series sponsored by the Little Bear  
225 Forest Reform Coalition.  
226

227 Rick Merrick with South Central Mountain Resource and Conservation District provided updates  
228 on the Wildland Urban Interface thinning projects and recent prescribed burns. Mr. Merrick  
229 reported total expenditures through the Lincoln County Cost Share program and the Non-Federal  
230 Lands grant amounted to \$480,000 paid to date to contractors in Lincoln County. Mr. Merrick  
231 stated South Central RC and D was now facilitating the Forest Speaker Series with plans for  
232 topics including ISO ratings, County Flood Plain updates, and other insurance related issues.  
233

#### 234 **d. Water Issues**

235

236 **Office of the State Engineer:** Ms. Taylor reported one new water right posting to the State  
237 Engineers website: Application T-511 POD 2 filed on July 20, 2015 by James and Mandy Denson  
238 and Dori Sullivan Gamble for Permit to Change Location of Well within the Tularosa Underground  
239 Water Basin in Lincoln County discontinuing the use of well T 511 at the current location and  
240 drilling a new well for the continued diversion of 15.0 acre feet per annum for irrigation and  
241 domestic purposes on 4.0 acres of land located .37 miles south of the intersection of State  
242 Highway 37 and Nogal Canyon Road. Applicant requested emergency authorization for the  
243 transfer.

244  
245 **USGS Studies of Water Quality in the Upper Rio Hondo Basin:** Ms. Taylor reminded after  
246 receiving a presentation and final copy of the USGS multiyear studies conducted in Lincoln  
247 County, the Board of County Commissioners directed a letter be composed to forward with the  
248 studies to the Office of the State Engineer and to the New Mexico Institute of Mining and  
249 Technology. Ms. Taylor contacted Kelly Cassels, Attorney for Lincoln County in current water  
250 litigation, for assistance in preparing the letter. Mr. Cassels suggested the County partner with  
251 other clients he represents in concurrent cases including the Alto Lakes Water and Sanitation  
252 District and three landowners to issue a letter to accompany the studies. Ms. Taylor stated the  
253 letter would address the impact of water rights transfers and water conditions in Lincoln County.  
254 Ms. Taylor discussed the cost associated with preparation of a letter and the potential to seek  
255 expert assistance. Ms. Taylor stated Mr. Cassels' other clients would contribute financially to  
256 towards costs.

257  
258 Commissioner Stewart suggested the Manager draft a simple letter expressing "great concern"  
259 about the study results. Ms. Taylor expressed belief based on prior discussion that the  
260 Commissioners wished to highlight some specific concerns.

261  
262 Commissioner Allen reminded former Commissioner Jackie Powell had voiced concerns about  
263 the definition and reference to streamflow as "perennial" versus the more accurate  
264 characterization of "torrential".

265  
266 There was a general consensus to have the Manager prepare a simple letter of concern, to include  
267 remarks regarding the difference between "perennial" and "torrential" flow as well as the use of  
268 the "average" flows, and include a comment from former Commissioner Powell.

269  
270 **Motion:** Appoint Chair Stone as Cooperator Program Contact and Manager Taylor as the  
271 Cooperator Administrative Contact for the Cibola Forest Plan Revision, **Action:** Approve, **Moved**  
272 **by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

276  
277 **13. 9:30 A.M.: Public Comment and Other Business from County Officials**

278  
279 Commissioner Draper reminded schools were back in session and requested drivers slow down  
280 and watch for children.

281

282 Commissioner Stewart commented on his participation in the Joint Land Use Study (JLUS)  
283 implementation committee meetings. Commissioner Stewart requested membership on the  
284 Noise and Airspace Committees as these were the most relevant to Lincoln County.  
285 Commissioner Stewart reported the Office of Economic Adjustment from the Department of  
286 Defense allocated \$640,000 for regional implementation of the plan. Commissioner Stewart  
287 reported he was keeping a diligent record of time and associated travel expenses for  
288 consideration as in kind services toward the \$5,000 contribution match due from Lincoln County.  
289

290 Commissioner Willard discussed his attendance at the Mescalero Apache Telecom Inc. (MATI)  
291 reception meeting to begin a multimillion dollar broadband communications project.  
292 Commissioner Willard stated the project located on the Mescalero Reservation would in the future  
293 expand to Lincoln County.  
294

295 Rhonda Burrows, County Clerk recognized Deputy Clerks Diane Shoemaker, Charlotte Emmons  
296 and Allysanne Huey for their recent milestone achievement of indexing and scanning all Lincoln  
297 County marriage licenses of record. Ms. Burrows discussed the efforts of the Clerk's office to fill  
298 in the gaps in the digital index with those records previously maintained on microfilm or in book  
299 form. Ms. Burrows stated Ms. Emmons previously scanned and indexed all County Probate  
300 Records and with the completion of Marriage Licenses, the Deputy Clerks were now working to  
301 index all Deeds. Ms. Burrows commended these employees for their dedication.  
302

303 Barbara Yates of 101 Pine Knot Trail once again asked for assistance to address the problem of  
304 water runoff from a County Road through her property. Ms. Yates reported her home was  
305 sustaining damage and despite the ditching around her home she was unable to keep up with  
306 flooding. Ms. Yates stated her proposed solution would not damage other property owners. Ms.  
307 Yates presented statements from several professionals regarding potential damage from the  
308 runoff to septic systems and two proposals from landscape companies for alternate solutions.  
309 Ms. Yates stated no mitigation efforts were sustainable until the redirection of water was  
310 addressed.  
311

312 Commissioner Stewart requested a copy of the disclosure statement provided at the time of  
313 property purchase. Ms. Yates discussed prior County action to replace a culvert and stated the  
314 seller had disclosed this action prior to sale. Commissioner Stewart suggested tax payer dollars  
315 required consideration of any notice on disclosure. Ms. Yates agreed to provide the disclosure  
316 statement but maintained her assertion the source of the problem was the increased rainfall being  
317 directed through a County culvert.  
318

319 Sherri Koehler, resident of Alto North encouraged the Board of County Commissioners to assist  
320 Ms. Yates with her drainage problem. Ms. Koehler stated her husband was past president of the  
321 Alto North Water Cooperative and he believed the installation of an additional culvert would  
322 resolve the issue.  
323

324 Patsy Sanchez, resident of Carrizozo discussed the current accumulation of water during heavy  
325 rains on Highway 54 in front of the County Courthouse and on the opposite side in front of her  
326 real estate office. Ms. Sanchez discussed the recent Courthouse addition and the associated  
327 impact on water drainage and requested assistance from Lincoln County.  
328

329 In additional comments Ms. Sanchez discussed the lack of steps to access bleachers at the  
330 Lincoln County Fairgrounds, requested funding to rewire the New Horizons building, and  
331 requested the Board of Commissioners take a "morally correct" stand against the proposed Iran  
332 Nuclear Agreement.  
333

334 Ms. Taylor informed representatives of the NM Department of Transportation would attend the  
335 Regular Commission Meeting in September and also would schedule future community meetings  
336 to gather public input on the redesign of Highway 54.  
337

338 Doris Cherry, speaking as a property owner and resident questioned whether property owners  
339 would receive prior notice of the spraying of poisons for noxious weeds. Ms. Cherry stated any  
340 spraying could affect her and others who cultivated organic gardens.  
341

342 Chair Stone stated there were protocols in place to provide notification and protect organic  
343 gardens.  
344

345 **9. Lincoln County Cooperative Weed Management Area**  
346

347 a. Status/Update – Stephanie Bason, Upper Hondo Soil and Water Conservation District  
348

349 Nita Taylor, County Manager reminded the Board of County Commissioners approved \$50,000  
350 in the FY 2015-2015 Final Budget for the Lincoln County Cooperative Weed Management Area  
351 (LCCWMA) under the direction of the Upper Hondo Soil and Water Conservation District. Ms.  
352 Taylor stated the purpose of the organization was the provision of services consisting of  
353 application of suppressive materials to areas of invasive species within the boundaries of Lincoln  
354 County. Ms. Taylor reminded of recent discussion and concerns regarding the high level of  
355 noxious weeds due to increased rainfall this summer.  
356

357 Stephanie Bason, LCCWMA Coordinator discussed considerations related to treatment of  
358 noxious weeds including weather, season, land owners, and locations of organic gardening. Ms.  
359 Bason informed there was a website titled "Drift Watch" sponsored by the Department of  
360 Agriculture and other agencies for beekeepers and organic gardeners to register locations of  
361 concern.  
362

363 Ms. Bason provided a list of treatments during the past year as applied by commercial applicators.  
364 Ms. Bason discussed the documentation requirements for applications including date, type of  
365 product applied, amount applied, noxious weed species treated, and weather conditions. Ms.  
366 Bason stated LCCWMA targeted community facilities such as the Lincoln County Fairgrounds  
367 annually when possible. Ms. Bason provided a list of community facilities, County roads, and  
368 recreational areas treated during the last year. Ms. Bason commented on joint efforts conducted  
369 with the Village of Ruidoso Parks and Recreation Department. Ms. Bason stated LCCWMA  
370 had recently contracted with a commercial sprayer for future applications.  
371

372 Chair Stone questioned if the municipalities provided financial assistance for LCCWMA. Ms.  
373 Bason stated the Village of Ruidoso did not provide direct funding but often provided herbicide.  
374

375 Chair Stone expressed concern about the prolific presence of cuckleburrns on County Roads and  
376 the effect of road work on spreading of seed.

377  
378 Commissioner Willard questioned if there were insects which might control musk thistle.  
379

380 Ms. Bason discussed the insect treatment and expressed belief the introduction was hampered  
381 by the presence of the Sacramento Mountain Thistle on the endangered species list. Ms. Bason  
382 suggested introduction of the beetle could prove useful and noted a Salt Cedar beetle was  
383 introduced in Lincoln County to assist with control.  
384

385 Commissioner Willard requested Ms. Bason investigate the possibility of utilizing this method to  
386 assist with the control of musk thistle.  
387

388 Attorney Morel expressed concerns about the proposed contract with LCCWMA as presented  
389 and suggested the contract should identify or include the Upper Hondo Soil and Water  
390 Conservation District (UHSWCD) which acts as the fiscal agent. Attorney Morel also suggested  
391 reporting requirements be clarified in the contract.  
392

393 Ms. Bason reminded the LCCSWA was established in 2002 as a cooperative entity under several  
394 State and Federal Laws. Ms. Bason noted similar cooperatives in other states were established  
395 with taxing authority but in New Mexico the weed cooperatives did not have taxing authority.  
396

397 Laura Johnson, Program Coordinator for the Upper Hondo SWCD stated the District had identified  
398 and was in process of contracting a vendor for herbicide applications under the State  
399 Procurement Code. Ms. Johnson stated additional reporting parameters were now in place to  
400 provide additional tracking information. Ms. Johnson stated Upper Hondo SWCD would require  
401 strict GPS reporting of applications from the vendor. Ms. Johnson stated reports would be  
402 submitted with any invoices for payment.  
403

404 Attorney Morel requested direction on potential revisions to the Contract for Services and  
405 questioned if the contract was more appropriately between the County of Lincoln and the Upper  
406 Hondo Soil and Water Conservation District acting as the fiscal agent for LCCSWA.  
407

408 Ms. Bason stated no objection to amending the contract but requested a review of the history to  
409 verify no obstructions. Ms. Bason reminded the district boundaries for the Upper Hondo SWCD  
410 were different from the district boundaries of the LCCSWA.  
411

412 Commissioner Stewart suggested inclusion of the Upper Hondo SWCD as a signatory agency to  
413 the Contract for Services in addition to LCCSWA. Commissioner Stewart also suggested  
414 increased specificity of reporting requirements.  
415

416 b. Entering into a Memorandum of Understanding  
417

418 Attorney Morel also expressed concern about the Memorandum of Understanding stating Lincoln  
419 County was one of twenty seven agencies participating but noted there were only two signatures  
420 on the MOU.  
421

422 Ms. Taylor questioned if the MOU was renewed every five years and questioned if LCCSWA had  
423 obtained signatures from the other agencies. Ms. Bason confirmed the MOU was renewed on a  
424 five year cycle and reported receipt of signed MOU's from six or seven of the other agencies to  
425 date. Ms. Bason agreed to provide copies of the MOU's received.  
426

427 **Motion:** Direct the County Attorney and Manager to revise the contract to expedite the process,  
428 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.  
429 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
430 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
431 Commissioner Willard.  
432

433 Chair Stone recessed the Regular Meeting at 10:46:17 AM and reconvened at 11:02:05 AM,  
434

435 **11. Approval of agreement between the County of Lincoln and Roper Construction, Inc.**  
436 **for construction of the Carrizozo Senior Center**  
437

438 Ms. Taylor reminded the bid for construction of the Carrizozo Senior Center was awarded during  
439 the July Regular Meeting to Roper Construction, Inc. Ms. Taylor stated the bid award included  
440 the base bid of \$929,000 plus \$10,000 for upgraded external lighting. Ms. Taylor stated Roper  
441 Construction, Inc. had met preliminary requirements and the proposed agreement was reviewed  
442 by Alan Morel, County Attorney.  
443

444 Attorney Morel expressed concern about a new State requirement to CDBG grant agreements  
445 requiring the County Attorney sign off and "personally guarantee" all bonds and other contractor  
446 requirements were adequately met. Attorney Morel objected to the State's requirement as  
447 onerous and burdensome to County Attorney's. Attorney Morel discussed the conditions of bond  
448 guarantee required before he would sign the agreement.  
449

450 **Motion:** Approve the Agreement between the County of Lincoln and Roper Construction, Inc.  
451 subject to satisfaction of the Attorney's concerns, **Action:** Approve, **Moved by** Commissioner  
452 Stewart, **Seconded by** Commissioner Draper.  
453

454 Commissioner Willard questioned the response of other County Attorney's to this requirement.  
455 Attorney Morel stated as this was a fairly new requirement, he had not yet had the opportunity to  
456 research other County Attorney responses. Ms. Taylor stated DFA responded to questions from  
457 Lincoln County regarding the requirement and informed to date all County's receiving CDBG  
458 grants had obtained the required attorney signature. Attorney Morel reported he would follow up  
459 with NMAC, Attorney's Affiliate and legislative representation.  
460

461 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
462 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
463 Commissioner Willard.  
464

465 **12. Approval of Lodger's Tax Applications and backup material:**  
466

467 Ms. Taylor stated the Lodger's Tax Committee met to consider two requests and approved  
468 Application 005 for consideration of award to the Ruidoso Valley Greeters in the amount of \$1,000.

469 Ms. Taylor noted the Lodger's Tax Committee took no action on a second application submitted  
470 by Peter Renich and the Carrizozo Chamber of Commerce due to a no show by the presenters.  
471

- 472 a. Application 005: Funding Request - \$2,000  
473 Purpose: Christmas Jubilee  
474 Date(s) of Event: November 13-15, 2015  
475 Presenter: Linda McKinley/Ruidoso Valley Greeters  
476

477 **Motion:** Approve Application 005 Ruidoso Valley Greeters for \$1,000, **Action:** Approve, **Moved**  
478 **by** Commissioner Willard, **Seconded by** Commissioner Stewart.  
479

480 Commissioner Draper recused himself from the vote citing a potential conflict of interest due to  
481 his current position on the Board of the Ruidoso Chamber of Commerce.  
482

483 **Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).  
484

484 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.  
485

485 **Abstain:** Commissioner Draper.  
486

487 **14. Resolution 2015-07 Amending Resolution 2014-37 NMDOT Cooperative Road**  
488 **Programs and Approval of 2015-2016 CAP/COOP/School Bus Agreements**  
489

490 Ms. Taylor stated the New Mexico Department of Transportation was awarding funding for the  
491 County projects approved at the February Regular Meeting by Adoption of Resolution 2014-37.  
492 Ms. Taylor stated Resolution 2015-07 amended the prior resolution for further processing of  
493 funds. Ms. Taylor also provided for consideration separate agreements for the School Bus Route  
494 Project; the Coop Project; and the CAP project.  
495

496 **Motion:** Approve the agreements and adopt Resolution 2015-07, **Action:** Approve, **Moved by**  
497 **Commissioner Stewart, Seconded by** Commissioner Allen.  
498

499 Commissioner Stewart noted the contribution amounts due from the State and County were  
500 amended in the new Resolution. Ms. Taylor reported the prior approval in February was a  
501 preliminary dollar amount based on estimated costs. Ms. Taylor stated when the State returned  
502 the agreements for approval costs were refined.  
503

504 Commissioner Stewart commented on the increased maintenance burden due to the addition of  
505 any paved road in the County.  
506

507 Chair Stone questioned how the County would maintain the road once paved. Carl Palmer,  
508 Road Superintendent explained the road would have a chip seal finish. Mr. Palmer discussed  
509 the maintenance needs of this and other chip sealed roads in the County and requested  
510 consideration of the acquisition of additional equipment.  
511

512 Commissioner Stewart requested the Manager and Road Superintendent develop a five year plan  
513 for maintenance of roads and to address the concerns expressed by citizens.  
514

515 Ms. Taylor expressed support for development of a long term plan to address citizen concerns  
516 and to conduct routine maintenance.

517

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

519 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Willard.

520 **No:** Commissioner Allen, Commissioner Draper.

521

522 **SEE EXHIBIT B:** Copy of Resolution 2015-07 is attached hereto in reference thereto made a  
523 part hereof.

524

525 **15. Resolution 2015-05 Final Infrastructure Capital Improvement Plan (ICIP) FY 2017-**  
526 **2021 for submission to the State - Deadline September 2, 2015**

527

528 Ms. Taylor presented the ICIP list for consideration and requested assistance in identification of  
529 top priorities for 2017. Ms. Taylor stated proposed 2017 projects included: Expand Detention  
530 Center, Expand White Oaks Fire Station, Renovate Lincoln County Medical Center; and Replace  
531 Heating/Colling Unit Ruidoso Health Center.

532

533 Chair Stone expressed concern about the lack of federal inmates being housed at the Detention  
534 Center and the associated loss of revenue. Chair Stone questioned what were the specific  
535 Detention Center issues restricting placement of those prisoners. Commissioner Draper  
536 expressed belief part of the problem was lack of staffing. Ms. Taylor stated staffing was an  
537 ongoing problem but also the lack of adequate medical facilities. Ms. Taylor suggested expanded  
538 space in the women's area would also provide space for the improvement of medical facilities.

539

540 Commissioner Stewart recommended the LCMC renovation be divided into two phases for  
541 planning purposes. Ms. Taylor concurred and recommended two phases in 2017 and 2018.

542

543 Commissioner Stewart suggested adding the repaving of CAP/COOP/School Bus Routes at a  
544 cost of \$250,000 per year annually from 2017 to 2021.

545

546 Commissioner Draper suggested reclassification of the Replacement of Heating and Cooling Unit  
547 for the Ruidoso Public Health Office to a higher priority level. Commissioner Stewart concurred  
548 and reminded this request was to satisfy an "unfunded" state mandate.

549

550 Chair Stone expressed belief the expansion of the White Oaks Fire Station was a priority due to  
551 the lack of adequate storage for fire protection equipment.

552

553 **Motion:** Approve the ICIP to indicate: Priority 1 – Replace Heating/Colling Unit for Ruidoso Public  
554 Health Office; Priority 2 – Expand White Oaks Fire Station; Priority 3 – Expand Detention Center;  
555 Priority 4 – Lincoln County Medical Center Renovation, Priority 5 – Repaving County Roads; with  
556 remaining projects as previously prioritized; **Action:** Approve, **Moved by** Commissioner Stewart,  
557 **Seconded by** Commissioner Willard.

558

559 Ms. Taylor recommended the Expansion of the Detention Center remain as a single phase  
560 project. There was a general consensus of agreement.

561

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

565  
566 **16. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims**  
567

568 Scott Annala, Indigent Health Care Administrator informed the Legislative Finance Committee  
569 requested each County report on expenditures from County Indigent Health Care Funds. Mr.  
570 Annala stated he submitted the report which reflects the overall decline in expenditures for  
571 Indigent Claims. Mr. Annala informed he would attend a meeting of the Health and Human  
572 Services Legislative Committee in Roswell next week to hear the scheduled presentation of the  
573 NM Hospital Association. Mr. Annala stated Brent Ernest, Secretary of Health and Humans  
574 Services was also scheduled to speak.

575  
576 Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala  
577 processed 12 claims with 12 recommended for approval and none recommended for disapproval  
578 for a monthly authorization of \$23,719.32. Mr. Annala stated approval of the claims would result  
579 in a total approval to date of SCP/SNCP claims for Fiscal Year 2015-2016 of \$39,174 or a monthly  
580 average of \$19,587.

581  
582 Mr. Annala presented the Indigent Health Care Payments request for the month and stated he  
583 processed 4 claims with 4 claims recommended for approval and none for disapproval for a total  
584 payment this month of \$7,437.64. Mr. Annala stated approval of the claims would result in a  
585 total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$13,636 or a monthly  
586 average of \$6,818. Mr. Annala stated based on the current monthly average he anticipated an  
587 annual expenditure of \$81,810 for this fiscal year.

588  
589 **Motion:** Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care  
590 as recommended. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
591 Commissioner Draper.

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

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

595  
596 **SEE EXHIBIT C:** Copies of the Sole Community Provider and Indigent Health Care Payments  
597 are attached hereto in reference thereto made a part hereof.

598  
599 Chair Stone recessed the Regular Meeting at 11:59:34 AM and reconvened at 1:00:05 PM.

600  
601 Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:01:30 PM.

602  
603 **20. Public Hearing to Consider Lincoln County Ordinance 2015-03 – An Ordinance**  
604 **Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County;**  
605 **Providing for Mandatory Disposal and Assessment of Fees; Providing for Violation**  
606 **of the Ordinance; and Repealing Ordinance 2014-07.**  
607

608 Attorney Morel detailed the revisions and additions to the current Ordinance including the added  
609 definitions of "habitable", "residence", and "uninhabitable". Attorney Morel stated Section 5 (d) a  
610 section defining the County's authority to set residential fees was unchanged but noted any  
611 contractor identified through the proposed Request for Proposal (RFP) would retain the authority  
612 to set commercial fees.

613  
614 Attorney Morel stated Section 7 defined the process for residents to obtain a "Waiver of the Solid  
615 Waste Collection Fee" by application for exemption as a landowner with at least 300 contiguous  
616 acres with adequate disposal sites or by proof of "un-inhabitability". Attorney Morel noted the  
617 proposed Ordinance provided for only these two exception procedures.

618  
619 Commissioner Draper questioned who would have authority to grant waivers. Attorney Morel  
620 anticipated the County Manager would have the administrative authority to review waiver  
621 applications and make a determination of validity.

622  
623 Commissioner Draper and Commissioner Stewart requested clarification on the language  
624 excluding the Alto Lakes Water and Sanitation District. Attorney Morel stated language in Section  
625 8 which references water and sanitation districts provided for this exclusion but agreed to add  
626 definitive language to the preamble.

627  
628 Terri Racher, Municipal Clerk for the Village of Corona expressed support for the addition of the  
629 definitions of habitable or uninhabitable. Ms. Racher discussed the current arrangement  
630 between the Village of Corona and Greentree Solid Waste Authority (GSWA) whereby the Village  
631 provided services to residents in the unincorporated areas of the County due to the lack of  
632 services by GSWA to the area. Ms. Racher stated under the current arrangement the Village  
633 billed County residents for services provided.

634  
635 Attorney Morel suggested this was a unique situation which necessitated a response to the  
636 Request for Proposals to determine whether services for the area were included by any  
637 respondent.

638  
639 Linda Phillips, Solid Waste Billing Clerk informed currently when the Village of Corona notified the  
640 County they were billing a County resident for services in their area the account was deleted to  
641 avoid duplicate billing.

642  
643 Attorney Morel suggested the Board of County Commissioners consider approving the current  
644 billing arrangement with Corona pending a response to the RFP. Attorney Morel expressed  
645 concern about creating a specific waiver for the situation as setting a precedence for other waiver  
646 requests.

647  
648 Commissioner Stewart questioned the number of County residents receiving services and billing  
649 through the Village of Corona.

650  
651 Ms. Racher estimated there were 50 to 75 County residents receiving bills from the Village of  
652 Corona.

653

654 Attorney Morel estimated the related loss of income to the County as approximately \$4,000  
655 quarterly.

656  
657 Receiving no further public comment, Chair Stone adjourned the Public Hearing and reconvened  
658 the Regular Meeting at 1:26:18 PM.

659  
660 **Motion:** Adopt Ordinance 2015-03 as written and provide for administrative procedures to  
661 address payment for services by the Village of Corona, **Action:** Approve, **Moved by**  
662 Commissioner Stewart, **Seconded by** Commissioner Willard.

663  
664 Paul Baca, Assessor stated his staff would assist in development of procedures to determine  
665 whether a dwelling was habitable or uninhabitable. Mr. Baca stated in addition to examination of  
666 the premises staff would consider whether utilities were present at the site.

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

671  
672 **SEE EXHIBIT D:** Copy of Ordinance 2015-03 is attached hereto in reference thereto made a part  
673 hereof.

674  
675 **17. Manager's Report**

676  
677 **1. Lincoln County Drug Court.** On July 28 2015 the Honorable James W. Counts, Chief  
678 Judge of the Twelfth Judicial District announced his decision to close down the Juvenile  
679 Drug Court in Lincoln County. Judge Counts quoted a number of statistics that are in  
680 dispute by individuals supporting the continuation of the Juvenile Drug Court. Judge  
681 Counts also cited the upcoming appointment of Dan Bryant as the new Twelfth Judicial  
682 Judge for Lincoln County and suggested it was a burdensome responsibility for a new  
683 judge. The Manager contacted Mr. Bryant, the District Attorney and others who had  
684 expressed opposition to the discontinuance of this program. The Manager stated the  
685 Investiture Ceremony for the Honorable Daniel A. Bryant was set for August 28, 2015 in  
686 the ceremonial courtroom at the Lincoln County District Court.

687  
688 **Motion:** Direct the Manager to write a letter of support for the Lincoln County Drug Court, **Action:**  
689 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

690  
691 Commissioner Willard stated the infrastructure for the Drug Court was well established in Lincoln  
692 County and expressed belief the data cited to support discontinuation of the program was  
693 incorrect.

694  
695 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
696 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
697 Commissioner Willard.

698  
699 **2. Lincoln County Juvenile Justice Board (LCJJB).** The Manager reminded during the  
700 July Regular Meeting additional funds up to \$5000 were approved to provide the Lincoln  
701 County Juvenile Justice Board with liability insurance as required by New Mexico Children,

702 Youth and Family Division. The Manager reported pending receipt of the policy at a cost  
703 of \$2,536.00, the County had received a Confirmation of Coverage. The Manager stated  
704 absent this policy the County would not receive the grant which was the mainstay of this  
705 critical program. The Manager provided copy of the LCJJB annual report for FY14-15  
706 which indicated 155 youth were served by the various programs during the year. The  
707 Manager stated since the goals of the LCJJB included reducing youth delinquency  
708 recidivism and the diversion of youth from further involvement in the juvenile justice  
709 system, the LCJJB strongly supported the continuance of the Drug Court in Lincoln  
710 County.

711  
712 **3. Multi-Jurisdictional Effort for Mitigation Planning.** As relayed last month, the Village  
713 of Ruidoso invited Lincoln County to participate in its proposed Multi-Jurisdictional  
714 Mitigation Plan. The Manager reported other participants included the City of Ruidoso  
715 Downs, Village of Capitan, Town of Carrizozo and Village of Corona. The Manager  
716 reported County representatives met with representatives from Ruidoso, Ruidoso Downs,  
717 and the NM Department of Homeland Security and Emergency Management on July 27,  
718 2015. The Manager stated the County team expressed an interest in pursuing this joint  
719 plan with municipal governments in Lincoln County, as the County Mitigation Plan will  
720 expire at approximately the same time the new plan would commence. The Manager  
721 stated participation would result in significant cost savings in the re-development of the  
722 County Plan as well as enhance the County's partnership with our neighbors regarding  
723 forest health.

724  
725 **4. PILT.** The Manager provided a summarization from Steve Kopelman, Executive Director  
726 for the New Mexico Association of Counties, of two Congressional bills introduced shortly  
727 before Congress began their summer recess.

728  
729 **S. 1925 (Heinrich):** On August 4, 2015, Senator Martin Heinrich introduced S.  
730 1925, a bill to extend the secure rural schools and community self-determination  
731 program and to make permanent the payment in lieu of taxes program and the  
732 land and water conservation fund. The bill was introduced with 14 Cosponsors.

733  
734 **H.R. 3257 (Meadows/Polis):** On July 28, 2015, Representative Mark Meadows  
735 introduced H.R. 3257, the PILT and SRS Certainty Act. The bill was introduced  
736 with 3 cosponsors and would reauthorize the SRS program for 5 years and provide  
737 five years of funding for PILT at an annual level capped at \$450 million

738  
739 **5. 2016 Capital Outlay Project Application Workshops.** Hubert Quintana of South New  
740 Mexico Economic Development District (SNMEDD) notified local governments the  
741 organization would host Capital Outlay Project Application Workshops throughout August.  
742 The Manager stated County employees would attend the August 27, 2015 workshop in  
743 Ruidoso Downs.

744  
745 **6. RFP for Solid Waste Collection.** The Manager reported work was progressing on the  
746 development of the Request for Proposals (RFP) with plans to issue the RFP by  
747 September 1, 2015 and to commence independent solid waste collection services for the  
748 County on January 1, 2015. The Manager stated prior to issuing the RFP, the County  
749 was attempting to resolve several key issues with GSWA. The Manager reported  
750 Commissioner Stewart requested the following items be place on the GSWA Agenda:  
751

- 752 a. To continue to provide solid waste collection services to the County on a month-to-  
 753 month basis until Lincoln County can complete their procurement process and contract  
 754 for these services (anticipated to be through December 31<sup>st</sup> ) at the existing terms  
 755 under which it is currently providing services;  
 756 b. To provide the County with GSWA's list of assets used to provide services to Lincoln  
 757 County including the type, age, and residual value of the equipment; and to provide  
 758 terms for the transfer of this equipment to Lincoln County;  
 759 c. To acknowledge Lincoln County's right, as a member of GSWA, to utilize the member  
 760 disposal fee at the landfill once a Provider of Solid Waste Collection Services has been  
 761 selected and contracted by the County.  
 762

763 The Manager stated additionally the County needed to meet with the Mayor, Village  
 764 Manager and Attorney for the Village of Ruidoso to formally request an agreement with  
 765 Lincoln County. The proposed agreement would allow the County's solid waste provider  
 766 use of the VOR's transfer station under certain circumstances.  
 767

768 **Motion:** Direct the Manager to set a meeting with Village of Ruidoso representatives to discuss  
 769 the potential use of the Village of Ruidoso Transfer Station, **Action:** Approve, **Moved by**  
 770 Commissioner Stewart, **Seconded by** Commissioner Willard.

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

772 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
 773 Commissioner Willard.  
 774

## 775 7. Building Project Updates

- 776
- 777 • Public Officials Building / Sheriff's Complex: The Manager reported work was complete  
 778 with a walk-through inspection set for August 24, 2015 and a final inspection on August  
 779 31, 2015.
  - 780 • Annex Building: The Manager reported work was complete and anticipated a walk-  
 781 through inspection in the next week;
  - 782 • Carrizozo Senior Center: The Manager noted the contract award was on the agenda  
 783 for approval today and anticipated construction would commence once all contracts  
 784 and contract requirements were completed.  
 785

## 786 8. Additional 2015 calendar items:

- 787
- 788 • August 17 - Picacho Community Meeting re: Power Outage: Manager reported the  
 789 meeting was well attended and informative.
  - 790 • August 19 - Multiline Pool Board Meeting - Santa Fe; Manager Taylor;
  - 791 • August 26 - Southeast Regional Transportation Planning Organization (SERTPO);  
 792 Commissioner Draper;
  - 793 • August 27 - 2016 Capital Outlay Project Application Workshops;
  - 794 • August 28 - Investiture Ceremony for the Honorable Daniel A. Bryant; Ceremonial  
 795 Courtroom
  - 796 • September 2 - ICIP Filing Deadline
  - 797 • September 8 - Special Commission Meeting to Impose Property Tax Rates
  - 798 • September 15 - Commission Meeting;
  - 799 • September 21 - 24 - Auditors in the House
  - 800 • November 11 - Groundbreaking Ceremony - Ft. Stanton Veteran's Cemetery

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848

**9. Departmental Updates:**

The Manager stated throughout the months of July and August, County employees were plagued with personal and family illnesses and losses of loved ones. The comradery and professionalism of the County team resulted efforts to cover all the duties of those absent in a manner which ensured County obligations were met. Hat's off to the County team of employees and public officials.

The Manager reported Carl Bartley, Fire Chief of Bonito Volunteer Fire Department had sent an email praising the Office of Emergency Services, particularly Aron Griewahl, for their preparing for the Department's ISO review. Chief Bartley stated Aron prepared most everything the inspector wanted in very professional binders complete with labeling and tabs for easy reference. The Manager extended thanks to Joe Kenmore, Spencer Baldwin and Aron Griewahl for their excellent service in preparing the various County fire stations for ISO rating inspections.

The Manager also reported Mickie Howard was offered and accepted the position of Sierra County Dispatch Director. The Manager noted Ms. Howard serving as the County's Asset Manager had worked diligently to resolve operational and audit issues. Ms. Howard expressed appreciation for her eleven years of employment with Lincoln County beginning with the Sheriff's Department and currently in the Manager's office.

Commissioner Stewart questioned the Manager about the reported hiring of an independent contractor for the Road Department.

The Manger explained the County had one blade operator assigned to each of six districts and due to the amount of road work it often took months to completely work the roads in one district. The Manager conceived the idea to hire an independent contractor to assist with these duties, subsequently met with NMAC to assure insurability for operation of County owned equipment, and requested the Attorney draft a contract. Ms. Taylor stated after a short trial with an independent contractor the contract was discontinued.

Commissioner Stewart requested any contract for services be brought to the Commission for prior approval.

- a. **Renee Montes, Senior Services Director** informed she received a Proclamation from Governor Susanna Martinez declaring September 21 - 25, 2015 as New Mexico End Hunger Week. Ms. Montes stated the Northcentral New Mexico Economic Development District in conjunction with the Non-Metro Area Agency on Aging were sponsoring the second annual End Hunger Summit in Albuquerque on September 23 and 24, 2015. Ms. Montes stated she would attend the summit which has a mission statement of building awareness of hunger in New Mexico by supporting underlying solutions which inspire self-sufficiency and community empowerment.
- b. **Billie Joe Guevara, Administrative Assistant/Human Resources** reported the new maintenance building was complete and offered to provide a tour to those interested.

849 c. **Curt Temple, Planning Director** provided each Commissioner a copy of the newly  
850 published map books. Mr. Temple discussed the recent complaints received by his  
851 department regarding noxious weeds. Mr. Temple informed work continues on the FEMA  
852 Mitigation grant application which was pending receipt of the updated cost benefit  
853 analysis.  
854

855 d. **Carl Palmer, Road Superintendent** discussed current road problems associated with  
856 increased rainfall and high winds. Mr. Palmer stated since schools were now in session,  
857 blade operators were working to improve school bus routes and feeder routes for schools.  
858 Mr. Palmer commented on the additional work incurred by the Road Department during  
859 the past year as a result of weather and expressed support for a Road Task Force  
860 Committee to assist in planning.  
861

862 Commissioner Stewart requested a monthly report to facility management by objective to include  
863 actual reporting of work including miles maintained, culverts cleaned, and other actions.  
864 Commissioner Stewart suggested in lieu of a committee the Manager and Road Superintendent  
865 develop a long range management plan and provide a monthly report.  
866

867 Ms. Taylor requested she work with the Road Superintendent to develop a format for monthly  
868 reporting. Ms. Taylor suggested too much detail could prove burdensome to the Road  
869 Department but agreed to develop a comprehensive report.  
870

871 Commissioner Draper reminded of prior discussions regarding the clogging of culverts and  
872 questioned the status of acquisition of equipment to assist with this problem.  
873

874 Mr. Palmer stated the proposal to buy a particular piece of equipment for this purpose was  
875 rejected by the prior Board of County Commissioners due to the cost and requirement to  
876 provide year-round temperature controlled housing. Mr. Palmer commented on the nature  
877 of the debris clogging culverts and the current labor intensive process to clean. Mr.  
878 Palmer discussed other equipment alternatives. Mr. Palmer stated he was approached  
879 by a private contractor who cleans culverts professionally but questioned the affordability  
880 of this option.  
881

882 Chair Stone expressed disappointment that no County Blade Operators were yet qualified as  
883 Operator IV's after a request was received to approve the higher level operator designation.  
884 Chair Stone suggested the Road Superintendent might obtain feedback from the residents served  
885 by operators to assist in determining whether an operator was eligible for the increase.  
886

887 Chair Stone questioned the cost of cattle guards and commented on the damage incurred from  
888 road equipment. Chair Stone also questioned whether the Road Department screening  
889 equipment was operable.  
890

891 Mr. Palmer stated after obtaining a rebuilt motor for the older piece of equipment, the  
892 operators continued to have trouble with the equipment due to age.  
893

894 Chair Stone suggested to use material without screening resulted in additional work and  
895 discussed the need for updated road maintenance equipment.

896  
897 e. **Punkin Schlarb, Finance Director** reported her department had minimal issues except  
898 for the vacancy created by the resignation of Mickie Howard.  
899

900 **18. Approval of Resolution 2015-09 Authorizing Modifications to the Collective**  
901 **Bargaining Agreement between the County of Lincoln and the Lincoln County**  
902 **Deputy Sheriff's Association**  
903

904 Ms. Taylor stated the Lincoln County Deputy Sheriffs' Association, acting as the exclusive  
905 collective bargaining representative for the Deputy Sheriffs, requested consideration of three  
906 items during the annual renewal of the Agreement between the County of Lincoln and the Lincoln  
907 County Deputy Sheriffs' Association. Ms. Taylor stated on July 30, 2015 the President and Vice  
908 President of the Association requested a 3% COLA increase with the possibility of the 3%  
909 increase going towards the County's PERA contribution for each deputy; a request to change the  
910 contract effectual date for one physical year from date of approval rather than the current County  
911 Fiscal Year; and a request to change the date of negotiations from May and June to earlier in the  
912 fiscal year.  
913

914 Ms. Taylor stated NMSA 10-11-5 provided authority for the County to provide additional  
915 contributions, termed "Picked-Up Contributions", to the employee portion of the PERA  
916 contribution. Ms. Taylor estimated the annual reoccurring cost of this request as \$43,188. Ms.  
917 Taylor stated the request to change the contract effectual date was problematic for budgeting  
918 purposes due to the potential for a contract extension beyond the twelve month contract period.  
919 Ms. Taylor advocated for the change to the dates for negotiation as beneficial.  
920

921 Commissioner Stewart reminded the Sheriff and Undersheriff were not part of the collective  
922 bargaining unit and questioned if they would receive increased contributions.  
923

924 Ms. Taylor stated while not a part of the bargaining unit, traditionally the Sheriff and Undersheriff  
925 received PERA contributions at the same rate as employees in the majority of counties. Ms.  
926 Taylor stated this was an option for consideration.  
927

928 Commissioner Stewart questioned the request for the 3% COLA applied to PERA versus a salary  
929 increase.  
930

931 Ms. Taylor reminded a salary increase affected employee benefit costs.  
932

933 Commissioner Stewart objected to changing the employee contribution rate for the Sheriff and  
934 Undersheriff as a "potential salary increase" for an elected official.  
935

936 Attorney Morel stated belief after discussion with PERA officials the additional contributions from  
937 the County were not considered a salary increase.  
938

939 **Motion:** Adopt Resolution 2015-09 including the County Manager's recommended changes,  
940 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

943 **No:** Commissioner Stewart.

944

945 **SEE EXHIBIT E:** Copy of Resolution 2015-09 is attached hereto in reference thereto made a part  
946 hereof.

947

948 **19. Resolution 2015-08 Sale of Used Emergency Services Equipment to Otero County**

949

950 Ms. Taylor stated the purpose of the Resolution was to obtain approval to sell one Stryker Medical  
951 MX Pro Cot to Otero County. Ms. Taylor stated the estimated value of the seven year old cot  
952 was \$500.00 and a request was received from Otero County to purchase the Pro Cot for that  
953 price.

954

955 **Motion:** Adopt Resolution 2015-08, **Action:** Approve, **Moved by** Commissioner Stewart,  
956 **Seconded by** Commissioner Willard.

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

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

960

961 Ms. Taylor suggested local Elected Officials conduct the required review on site upon receipt of  
962 the equipment for sale.

963

964 **SEE EXHIBIT F:** Copy of Resolution 2015-08 is attached hereto in reference thereto made a part  
965 hereof.

966

967 **21. Authorization to Schedule Public Hearing to Consider Other Outdated or New**  
968 **Lincoln County Ordinance**

969

970 No action taken.

971

972 **22. Consideration of Appointments and Removals from Boards/ Commissioners/**  
973 **Committees:**

974

975 a. **Tabled** – Road Task Force Steering Committee

976 b. Lodger's Tax Committee

977 c. Road Review Advisory Committee

978

979 **Motion:** Reappoint Sue Hutchinson to the Lodgers Tax Committee and Lance Hale to the Road  
980 Review Advisory Committee. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**  
981 Commissioner Allen.

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

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

985

986 **13. 9:30 A.M.: Public Comment and Other Business from County Officials -**  
987 **continued**

988

989 Jack Davis resident of 102 Vail Loop requested an opportunity to present additional information  
990 regarding his road complaint. Mr. Davis stated since the last meeting Commissioner Stewart and  
991 then separately the County Manager, Road Superintendent and Planning Director reviewed the  
992 property and his complaint. Mr. Davis stated the re-identification of the County right-of-way  
993 revealed his fence was in fact in the County right-of-way.  
994

995 Mr. Davis provided additional photos of property damage which he stated had occurred after the  
996 County conducted some work on the area. Mr. Davis stated he had two independent contractors  
997 review the damage and both contractors identified the erosion of the ditch and the erosion of the  
998 pipe system to the fire hydrant as the main problems. Mr. Davis stated the independent  
999 contractors suggested cementing of the ditch to facilitate the flow of water down the appropriate  
1000 water course and protect the fire suppression equipment. Mr. Davis stated he would grant an  
1001 easement to the County to maintain a proper "waterway" across his property in order to prevent  
1002 further damage to his property. Mr. Davis commented on the recent flow of water into his septic  
1003 tank and discussed the implications of contamination from that flow. Mr. Davis stated he faced a  
1004 moral and ethical dilemma as to whether to seek legal action but was present to formally request  
1005 no further damage be allowed to occur to his property.  
1006

1007 **23. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened**  
1008 **and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of**  
1009 **the purchase, acquisition or disposal of real property or water rights by the public**  
1010 **body, Section 10-15-1, Sub-Paragraph H.(8).**  
1011

1012 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened  
1013 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph  
1014 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body,  
1015 Section 10-15-1, Sub-Paragraph H (8) and as follows:

1016 **New or Updated Matters since last report = \***  
1017

1018 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*  
1019 *et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory  
1020 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,  
1021 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper  
1022 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.

1023 2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May  
1024 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served  
1025 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending  
1026 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest  
1027 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new  
1028 counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended  
1029 Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction  
1030 Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue  
1031 its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.

1032 3. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit  
1033 filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.  
1034 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge  
1035 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.  
1036 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief

1037 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed it Reply Brief Dec. 1, 2014. The  
1038 case has been submitted to a panel of judges for decision and the County received Notice of  
1039 Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was  
1040 filed April 29, 2015.

1041 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*  
1042 *041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*  
1043 *al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of  
1044 water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs.  
1045 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been  
1046 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of  
1047 the County.

1048 5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of  
1049 the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case  
1050 assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed  
1051 Oct. 23, 2014.

1052 6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*  
1053 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons  
1054 received June 15, 2015. Removed to Federal Court July 7, 2015.

1055 7. A. *\*Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*  
1056 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015.

1057 B. *\*Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal  
1058 Employment Opportunity Commission July 21, 2015.

#### Tort Claims Notices Received or Threatened

##### 2015

1061 **Cherry, Doris** – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating  
1062 possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-  
1063 compliance in remodeling the Lincoln County Courthouse buildings.

1064 **McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg  
1065 alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade  
1066 practices and/or unconscionable trade practices by GSWA.

1067 **UNM Hospital-Prins, Chad** – Tort Claim Notice received Feb. 26, 2015 in which UNM  
1068 Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center  
1069 inmate Prins was on furlough.

1070 **Sehorn, Sean M.** – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell  
1071 alleging Lincoln County Detention Center failed to provide adequate medical treatment during  
1072 inmate Sehorn's incarceration.

1073 **Lavin, Erica L. and Rathgeber, Jack** – Tort Claim Notice received March 2, 2015 from  
1074 Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful  
1075 termination.

1076 **Hanley, Constance** – Tort Claim Notice received March 20, 2015 from Attorney John  
1077 Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate,  
1078 defamation of character, libel and abuse of process.

1079 **Capitan Iron Mine through A. Blair Dunn** – Threatened Litigation on April 1, 2015  
1080 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with  
1081 Lincoln County Mine Ordinance 2009-01.

1082 **Chavez, Billy** – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and  
1083 Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to  
1084 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-  
1085 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected  
1086 and noted no progress had been made.  
1087

1088           **Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22,  
1089 2015 through Attorney J. Robert Beauvais against the County of Lincoln in reference to Dep.  
1090 Preston's Disciplinary Action Dispute.  
1091           **Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy,**  
1092 **Lincoln County Sheriff Robert Shepperd, and the County of Lincoln** – Tort Claim Notice  
1093 received May 4, 2015 from Attorney Manuel Garcia/Hakanson Firm, alleging violation of  
1094 defendants' 4<sup>th</sup> Amendment rights.  
1095           **Culp, Susan v. LCMC/Lincoln County:** Tort Claim Notice received May 4, 2015 from  
1096 Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent  
1097 supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about  
1098 March 3, 2015 during Ms. Culp's gall bladder removal surgery.  
1099           **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy  
1100 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and  
1101 wrongful conduct of the Lincoln County Sheriff's Department.  
1102           **Torres, Leopoldo:** Tort Claim Notice received June 4, 2015 from inmate Torres alleging  
1103 inmate-initiated attack on inmate Torres at Lincoln County Detention Center.  
1104           **Wallace, Stephen:** Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell  
1105 alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention  
1106 Center without proceeding with a timely extradition.  
1107           **Rider, Edward and Moorhead, Brennon** – Tort Claim Notice received July 13, 2015 from  
1108 Attorney W. Chris Nedbalek alleging Lincoln County Sheriffs' Deputies Rains and Christian  
1109 destroyed personal property of claimants. See 2014 TCN alleging same.  
1110           **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris  
1111 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County  
1112 Detention Center.  
1113           **Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek  
1114 alleging exposure to unsanitary conditions at Lincoln County Detention Center.  
1115           **\*Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from  
1116 Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and  
1117 property damage against the County of Lincoln.  
1118           **\*Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing  
1119 flooding at her private property.  
1120           **\*Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to  
1121 ongoing flooding at their private property.  
1122  
1123 **2014**  
1124           **Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his  
1125 rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges  
1126 damages by not being granted detainee to detainee correspondence.  
1127           **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney  
1128 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum  
1129 care for their infant son.  
1130           **Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while  
1131 incarcerated at Lincoln County Detention Center on March 11, 2014.  
1132           **Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in  
1133 Lincoln County Detention Center without being advised of his charges.  
1134           **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew  
1135 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a  
1136 minor, emotional distress.  
1137           **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan  
1138 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln

1139 County Detention Center that arise with Immigration and Customs Enforcement charges.  
1140 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of  
1141 her two minor children during a request for a deputy to assist in keeping the peace.  
1142 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones  
1143 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent  
1144 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge  
1145 regarding discharge from the Capitan Police Department.  
1146 **Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process  
1147 for inmates at Lincoln County Detention Center.  
1148 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W.  
1149 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own  
1150 equipment to alter a platted County right of way without the authorization or knowledge of the  
1151 County.  
1152 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,  
1153 2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers  
1154 destroyed items in a home.  
1155 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by  
1156 Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a  
1157 violation of 8<sup>th</sup> Amendment Rights.  
1158 **Ryen, Allen**- Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek  
1159 alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.  
1160 **Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek  
1161 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.  
1162 **McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by Attorney W. Chris  
1163 Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.  
1164 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014  
1165 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln  
1166 County Detention Center.  
1167 **Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek  
1168 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.  
1169 **Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris  
1170 Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.  
1171 **McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris  
1172 Nedbalek alleging violations of U.S. Constitutional Amendment rights.  
1173 **Diana Martwick, 12<sup>th</sup> Judicial District Attorney** – Tort Claim Notice received Nov. 25,  
1174 2014 alleging lack of adequate office space provided by the County of Lincoln.  
1175 **Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris  
1176 Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.  
1177  
1178 **2013**  
1179 **Allen, Katherine Elizabeth**- Notice of Tort Claim received Sept. 12, 2013 from Katherine  
1180 Allen against Lincoln County Detention Center for alleged injuries sustained during transport.  
1181 **Harrisburg Documents**- Attempts to recover Lincoln County documents illegally taken  
1182 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in  
1183 recovery efforts.  
1184  
1185 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Stone.  
1186 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
1187 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1188 Commissioner Willard.

1189  
1190 Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:04:48 PM.  
1191  
1192 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:19:19 PM.  
1193  
1194 Commissioner Stewart attested that matters discussed in the closed meeting were limited to those  
1195 specified in the motion for closure or in the notice of separate closed meeting.  
1196

1197 **24. County Road Damage Updates: Discussion and Possible Action**  
1198

1199 Attorney Morel reminded both claims for property damage were forwarded to the County's  
1200 Insurance Authority to determine their validity. Attorney Morel informed the New Mexico  
1201 Association of Counties (NMAC) would hire an expert to conduct a study of water flow from the  
1202 Little Bear Fire burn scar relative to the claims. Attorney Morel stated other right of way  
1203 improvements were identified for County action pending a response from NMAC. Attorney Morel  
1204 stated once results were received on the flow study the County would provide an additional  
1205 response.  
1206

1207 **15. Resolution 2015-05 Final Infrastructure Capital Improvement Plan (ICIP) FY 2017-**  
1208 **2021 for submission to the State - Deadline September 2, 2015 - continued**  
1209

1210 Ms. Taylor requested the Board of Commissioners reconsider the adoption of the ICIP Plan as  
1211 approved by prior action. Ms. Taylor stated Renee Montes, Director of Senior Services had  
1212 requested additional projects for senior facilities be included on the County's ICIP. Ms. Taylor  
1213 stated the requested additions were for Senior Center Program Wide Equipment; Program Wide  
1214 Rehabilitation Work; and Program Wide Building Updates. Ms. Taylor informed although Capital  
1215 Outlay requests for senior services were funded through a separate Legislative process  
1216 from other County ICIP projects, the projects were still required to appear on an individual county's  
1217 ICIP.  
1218

1219 **Motion:** Reconsider approval of the ICIP for FY 2017-2021, **Action:** Approve, **Moved by**  
1220 **Commissioner Stewart, Seconded by** Commissioner Draper.

1221 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1222 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1223 Commissioner Willard.  
1224

1225 **Motion:** Amend the ICIP for FY 2017-2021 to include: Priority 6 – Senior Center Program Wide  
1226 Equipment; Priority 7 – Senior Center Program Wide Rehabilitation Work; and Priority 8 – Senior  
1227 Center Wide Building Updates. **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded**  
1228 **by** Commissioner Draper.

1229 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

1230 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,  
1231 Commissioner Willard.  
1232

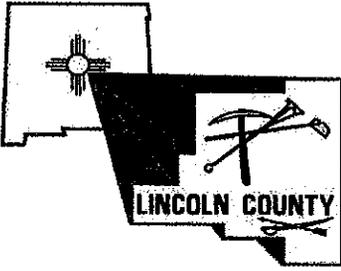
1233 **25. Signing of Official Documents**  
1234

1235 **26. Next meetings:**  
1236

1237 September 8, 2015 – Special Commission Meeting  
1238 September 15, 2015 - Regular Commission Meeting

1239  
1240 **27. Adjourn**  
1241  
1242 There being no further business to come before the Board of County Commissioners, Chair Stone  
1243 adjourned the meeting at 4:28:11 PM.  
1244  
1245 Respectfully submitted by,  
1246 Rhonda B. Burrows  
1247 Lincoln County Clerk

DRAFT



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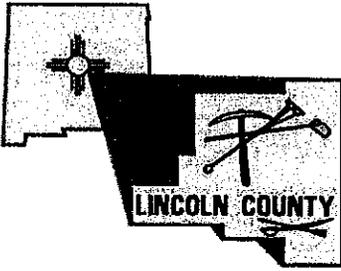
# County of Lincoln

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

## Agenda Item 7

**SUBJECT: Approval of Consent Agenda**

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending August 31, 2015
- c. Acknowledge DFA Approval of 2015 Budget Adjustment Resolution As Amended
- d. Acknowledge DFA Approval of 2015-2016 Final Budget
- e. MOU with Lincoln County Cooperative Weed Management Area (LCCWMA)
- f. Separate previously approved NMDOT CAP, COOP and School Bus Resolution into three separate resolutions (per new requirement of NMDOT)
  1. NMDOT CAP Resolution 2015- 11
  2. NMDOT COOP Resolution 2015-12
  3. NMDAT School Bus Resolution 2015-13
- g. Replace previously approved NMDOT Cooperative Agreement to correct non-substantive errors; no change in approved contractual amounts.



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# County of Lincoln

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

## 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 August 1 through August 31, 2015 in the amount of \$1,438,153.08.

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

**ADOPTED, PASSED AND SIGNED** the 15th day of September 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

SUSANA MARTINEZ  
GOVERNOR



THOMAS E. CLIFFORD, PH.D.  
CABINET SECRETARY

RICK LOPEZ  
DIRECTOR

BILL R. GARCIA  
Deputy Director

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501  
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 19, 2015

RECEIVED

AUG 27 2015

ADMINISTRATION  
LINCOLN COUNTY NM

Rhonda Burrows  
County Clerk  
Lincoln County  
PO Box 338  
Carrizozo, NM 88301

Re: FY 2015 Budget Adjustment Resolution AS AMENDED (DFA 15-733)

Dear Ms. Burrows:

Enclosed is the Lincoln County Resolution No. 2015-2 (LGD No. 15-733) approved as amended. The amendment was discussed with Charlene Schlarb of your staff and myself.

This amendment should be reviewed with the County Commission for its concurrence at its next meeting.

If you have any further questions or if I can be of any assistance please do not hesitate to contact me at (505) 827-8060.

Sincerely,

A handwritten signature in cursive script that reads "Elise M. Mignardot".

Elise M. Mignardot  
Budget and Finance Analyst

Enclosures  
CC: File

Department of Finance and Administration  
 Local Government Division  
 Financial Management Bureau  
 SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

ENTITY NAME: LINCOLN COUNTY  
 FISCAL YEAR: 2014-2015  
 DFA Resolution Number: 15-733

For Local Government Division Use Only  
 APPROVED (AS AMENDED) PURSUANT TO  
 SECTION 6-6-2 NMSA 1978  
 LOCAL GOVERNMENT DIVISION  
 DEPARTMENT OF FINANCE AND ADMINISTRATION  
 DATE: 8/20/15  
 BY: Susan M. Rodenrys

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2015-2	101	REVENUE	\$11,925,817	\$100,849	\$12,026,666	To balance and close FY 2014-2015
	101	TRANSFER (TO or FROM)	(\$11,156,781)	\$266,919	(\$10,889,862)	
	202	EXPENDITURE	\$222,982	\$295,513	\$518,495	
	202	REVENUE	\$222,982	\$317,360	\$540,342	
	202	TRANSFER (TO or FROM)	\$0	\$41,266	\$41,266	
	204	REVENUE	\$1,213,757	\$10,284	\$1,224,041	
	208	REVENUE	\$43,779	\$305	\$44,084	
	208	EXPENDITURE	\$812,440	\$14,895	\$827,335	
	211	EXPENDITURE	\$39,216	\$4,198	\$43,414	
	211	REVENUE	\$32,000	\$7,100	\$39,100	
	217	EXPENDITURE	\$1	\$0	\$1	
	218	REVENUE	\$1,764,664	\$6	\$1,764,670	
	218	TRANSFER (TO or FROM)	\$387,310	\$1,411	\$388,721	
	219	REVENUE	\$700,129	\$6,366	\$706,495	
	221	EXPENDITURE	\$2,789,374	\$344,888	\$3,134,272	
	221	REVENUE	\$3,911,670	\$71,229	\$3,982,899	
	226	REVENUE	\$371,800	\$182,285	\$554,085	
	300	EXPENDITURE	\$1,989,456	\$2,390	\$1,991,846	
	300	TRANSFER (TO or FROM)	\$202,170	(\$144,833)	\$57,337	
	402	TRANSFER (TO or FROM)	(\$20,205)	(\$20,205)	\$0	
	403	REVENUE	170,900	\$69,761	240,661	Deleted to correct deficit - duplicate
	403	TRANSFER (TO or FROM)	(\$20,205)	\$2,384	(\$17,821)	Deleted to correct deficit - duplicate
	600	EXPENDITURE	\$5,967,902	\$1,573	\$5,969,475	
	600	REVENUE	\$226,700	\$2,294	\$228,994	
	600	TRANSFER (TO or FROM)	\$5,601,439	(\$162,732)	\$5,438,707	
	300	RAY	1350,472	(103,237)	1,247,235	To correct budgeted deficit - body - to actuals
	300	BYD	1991,846	(179,804)	1,812,042	"
	600	644	5967,802	(163,037)	5,804,771	To correct projected byproduct deficit - actuals - expenditure

ATTEST: *Susan M. Rodenrys* Title: County Manager  
 7/27/15 (Date)  
 Mayor/Board Chairman *Susan M. Rodenrys* 7/27/15 (Date)

SUSANA MARTINEZ  
GOVERNOR



THOMAS E. CLIFFORD, PH.D.  
CABINET SECRETARY

RICK LOPEZ  
DIRECTOR

BILL R. GARCIA  
Deputy Director

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

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

RECEIVED

AUG 31 2015

August 24, 2015

ADMINISTRATION  
LINCOLN COUNTY NM

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

Dear Commissioner Stone:

The final budget for your local government entity ("entity") for Fiscal Year 2016, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit for Fiscal Year 2014 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with NMSA 1978, Section 6-6-2 (E) (2011), the LGD certifies your entity's final Fiscal Year 2016 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to NMSA 1978, Section 6-6-5 (1957). In addition, NMSA 1978, Section 6-6-6 (2001) provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

**Finally, as required by NMSA 1978, Section 6-6-2 (H) (2011), LGD is required to approve all transfers between line items and revised budgets for expenditures not included in the final approved budget.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Lopez".

Rick Lopez, Director  
Local Government

xc: file

d

**APPROVED (AS AMENDED) PURSUANT TO**  
**SECTION 6-2 NMSA 1978**  
**LOCAL GOVERNMENT DIVISION**

New Mexico Department of Finance and Administration  
 Local Government Division  
 Budget Request Recapitulation

COUNTY:  
 County of Lincoln

DATE: 8/19/2015 Fiscal Year 2015-2016

ROUNDED TO NEAREST DOLLAR

FUND TITLE	FUND NUMBER	UNAUDITED BEGINNING CASH BALANCE @ JULY 1	INVESTMENTS	BUDGETED REVENUES	BUDGETED DECREASES/INCREASES TO REVENUES	ESTIMATED ENDING CASH BALANCE	RESERVE REVENUES UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
GENERAL FUND - Operating (GF)	101	\$8,098,475	\$0	12,338,130	(5,499,464)	7,435,755	1,858,939	\$5,640,446
CORRECTION	201	\$0	\$0	0	0	0	\$0	\$0
ENVIRONMENTAL GRT	202	\$0	\$0	1,029,446	254,064	1,283,510	\$0	\$0
COUNTY PROPERTY VALUATION	203	\$371,985	\$0	270,000	0	641,985	\$0	\$0
COUNTY ROAD	204	\$301,914	\$0	871,944	2,114,741	3,035,630	252,969	(\$0)
EMS	206	\$1,207	\$0	47,236	0	48,443	\$0	\$0
ENHANCED 911	207	\$1,074	\$0	6,000	0	7,074	\$0	\$0
FARM & RANGE IMPROVEMENT	208	\$14,245	\$0	44,384	32,871	91,500	\$0	\$0
FIRE PROTECTION FUND	209	\$831,241	\$0	786,324	(140,185)	1,477,380	(\$0)	(\$0)
LEPF	211	\$3,269	\$0	32,000	0	35,269	(\$0)	(\$0)
LODGERS' TAX	214	\$50,418	\$0	65,075	0	97,418	\$18,075	\$18,075
RECREATION	217	\$0	\$0	0	0	0	\$0	\$0
INTERGOVERNMENTAL GRANTS	218	\$223,660	\$0	475,404	(25,055)	484,573	\$189,437	\$189,437
SENIOR CITIZEN	219	\$72,995	\$0	749,158	122,818	944,870	(\$0)	(\$0)
COUNTY INDIGENT FUND	220	\$914,343	\$0	645,000	11,716	1,103,456	\$467,603	\$467,603
COUNTY HOSPITAL FUND	221	\$3,370,500	\$0	3,953,810	0	3,276,328	\$4,047,982	\$4,047,982
COUNTY FIRE PROTECTION	222	\$0	\$0	0	0	0	\$0	\$0
DWI PROGRAM	223	\$0	\$0	0	0	0	\$0	\$0
CLERK RECORDING AND FILING	225	\$183,853	\$0	48,350	0	189,864	\$42,939	\$42,939
JAIL - DETENTION FUND	226	\$445,192	\$0	522,200	2,396,518	3,360,459	\$3,450	\$3,450
OTHER	299	\$343,397	\$0	1,466,322	(441,722)	1,242,997	\$125,000	\$125,000
CAPITAL PROJECT FUNDS	300	\$353,847	\$0	1,047,400	56,004	1,343,775	\$113,476	\$113,476
G. O. BONDS	401	\$0	\$0	0	0	0	\$0	\$0
REVENUE BONDS	402	\$272,000	\$0	645,000	(377,600)	267,400	\$272,000	\$272,000
DEBT SERVICE OTHER	403	\$862,469	\$0	176,124	137,111	272,075	\$903,629	\$903,629
ENTERPRISE FUNDS	500	\$0	\$0	0	0	0	\$0	\$0
Water Fund		\$0	\$0	0	0	0	\$0	\$0
Solid Waste		\$0	\$0	0	0	0	\$0	\$0
Waste Water		\$0	\$0	0	0	0	\$0	\$0
Airport		\$0	\$0	0	0	0	\$0	\$0
Ambulance		\$0	\$0	0	0	0	\$0	\$0
Cemetery		\$0	\$0	0	0	0	\$0	\$0
Housing		\$0	\$0	0	0	0	\$0	\$0
Parking		\$0	\$0	0	0	0	\$0	\$0
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0	\$0
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0	\$0
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0	\$0
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0	\$0
INTERNAL SERVICE FUNDS	600	\$35,955	\$0	144,470	1,358,164	1,537,945	\$663	\$663
TRUST AND AGENCY FUNDS	700	\$240,449	\$0	0	0	\$1,033	\$240,419	\$240,419
<b>GRAND TOTAL - ALL FUNDS</b>		<b>\$16,996,956</b>	<b>\$0</b>	<b>\$25,363,777</b>	<b>(\$0)</b>	<b>\$28,177,766</b>	<b>\$14,176,427</b>	<b>\$12,064,519</b>

**Department of Finance & Administration / Local Government Division  
Law Enforcement Protection Fund Carryover Request Form  
\*\*\*(this form must accompany the final budget submission)\*\*\***

Entity Name: Lincoln County Sheriff's Dept.  
 Contact Name: Donna Harkey  
 Contact Title: Administrative Assistant  
 Contact Phone Number: 575-648-2341  
 Contact E-mail Address: dharkey@lincolncountynm.gov

I hereby certify that the information presented on this form is true and correct to the best of my knowledge:	
	7/23/2015
Signature	Date

We hereby request approval from the Department of Finance & Administration / Local Government Division (DFA/LGD) to carryover the following balance from the Law Enforcement Protection Fund (LEPF) distribution:

Current Fiscal Year:	<u>FY 2014/2015</u>
Total Distribution for Current FY:	<u>\$32,000.00</u>
Balance on June 30th:*	<u>\$2,968.77</u> 3268.77

If the carryover is approved, we will be expending the balance in the succeeding fiscal year for the following allowable uses:

Succeeding Fiscal Year: FY 2015/2016  
 (This is the fiscal year that balance will be carried over to)

**Allowable Uses (pursuant to LEPF Rule, 2.110.3 NMAC):**

LAW ENFORCEMENT TRAINING AND EQUIPMENT

\*The June 30th balance should only be from the LEPF distribution and not include any other revenue sources. If the June 30th balance is greater than the total distribution amount for the current fiscal year, then the entity has a balance left over from a prior fiscal year's carryover. Balances can only be carried over for one subsequent year. Therefore, the balance calculated below that is from a prior fiscal year's carryover must be reverted to the State of New Mexico:

**Calculated Reversion Amount**

Balance on June 30th:	<u>\$2,968.77</u> 3268.77
LESS Total Distribution for Current FY:	<u>\$32,000.00</u>
Reversion Due to State:	None

*Handwritten notes:*  
 3268.77  
 O. O'Donoghue  
 8/24/15

**Reversion Instructions**

A check made payable to the "State of New Mexico, Department of Finance & Administration" for the Reversion Due to State amount above should be mailed to the following address:

*Brenda L. Suazo-Giles, Budget & Finance Analyst  
 DFA / Local Government Division  
 Bataan Memorial Building, Suite 201  
 Santa Fe, NM 87501*

If you have questions on this form, please call (505) 827-4127.

*Pursuant to the LEPF Rule, 2.110.3.10C, New Mexico Administrative Code, "The distributions from the fund are to be used, not accumulated. Fund balances may be carried over to a succeeding fiscal year only with prior written approval from the local government division."*

<b>FOR DFA/LGD USE ONLY:</b>	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Approved Carryover Amount: \$ _____
<b>APPROVED LOCAL GOVERNMENT DIVISION</b>		
DATE <u>8/18/15</u>		
		
DEPARTMENT OF FINANCE AND ADMINISTRATION		

**CONTRACT FOR SERVICES BETWEEN  
THE COUNTY OF LINCOLN AND  
THE LINCOLN COUNTY COOPERATIVE WEED MANAGEMENT AREA**

**THIS CONTRACT FOR SERVICES** is entered into by and between the County of Lincoln, New Mexico, hereinafter referred to as "County" and the Lincoln County Cooperative Weed Management area, hereinafter referred to as "LCCWMA."

**WHEREAS**, the Board of County Commissioners of the County of Lincoln, New Mexico has determined that the LCCWMA performs worthwhile and necessary services for the citizens of the County in the suppression of invasive plant species; and,

**WHEREAS**, the LCCWMA under the direction of the Upper Hondo Soil and Water Conservation District, hereinafter referred to as "UHSWCD", has agreed to act as fiscal agent and to provide suppressive services of invasive and noxious plant species within the boundaries of the County; and,

**WHEREAS**, it is in the interest of both parties that the County provide financial assistance to LCCWMA through the UHSWCD in providing these suppressive services.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises contained herein, the parties agree as follows:

**1. Purpose.**

The purpose of this Contract is to engage the services of the LCCWMA consisting of the hiring of personnel and application of suppressive materials to areas of invasive species within the boundaries of the County. LCCWMA shall utilize the most current New Mexico Noxious Weed List when determining which invasive species to target in the County. The UHSWCD has agreed to serve as the fiscal agent and to oversee LCCWMA.

**2. Consideration.**

In consideration for the services to be provided hereunder, the County agrees to provide a total of fifty thousand (\$50,000.00) dollars inclusive of Gross Receipts Tax, to be paid in periodic increments based upon written reports and receipts submitted by LCCWMA to the County Finance Director for reimbursement.

**3. Stipulation.**

The LCCWMA agrees that it will be responsible for all facets of these applications and shall be responsible for providing a quarterly report to the County of services provided. LCCWMA agent(s) shall keep and provide copies to the County of spray records that shall include, at a minimum, the following:

- Targeted noxious weed species
- County road sprayed
- Number of miles sprayed
- Chemical used
- Time and date of service

**4. Release.**

The LCCWMA hereby releases, waives and discharges the County from all liability, for any and all losses of damages, and any claims of damages resulting therefrom, on account of personal injury or property damages resulting while providing these treatment services and expressly agrees that this release, waiver and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of New Mexico, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

By entering into this Contract, the parties and their "public employees," as defined in the New Mexico Tort Claims Act, *supra*, do not waive sovereign immunity, do not waive any defenses and do not waive any limitations of liability pursuant to law. No provision in this Contract modifies or waives any provisions of the New Mexico Tort Claims Act, *supra*.

It is specifically agreed between the parties executing this Contract that it is not intended by any of the provisions or any part of this Contract to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to this Contract to maintain any suit for wrongful death, bodily or personal injury, damage to property, or any other matter whatsoever, pursuant to the provisions of this Contract.

**5. Term.**

The term of this Contract for Services shall be for the 2015-2016 State of New Mexico fiscal year.

**6. Termination.**

Either party shall have the right to terminate this Contract after having provided thirty (30) days' written notice to the other party. Termination pursuant to this provision will not relieve LCCWMA or UHSWCD from satisfactorily completing all work in progress at the time of such termination, nor shall it relieve either party from paying the other any sums due it under this Contract. Written notice shall be delivered by certified mail to the addresses listed below.

Manager  
County of Lincoln  
P. O. Box 711  
Carrizozo, NM 88301

Lincoln County Cooperative Weed Management Area  
and Upper Hondo Soil and Water Conservation District  
P.O. Box 900  
Capitan, NM 88316

**7. New Mexico Law.**

This Contract and all documents executed are deemed to be contracts under the laws of the State of New Mexico, and for all purposes shall be construed in accordance with such laws.

**8. Venue and Jurisdiction.**

The parties irrevocably agree that venue and jurisdiction are proper in the State of New Mexico and any legal action, suit or proceedings against them, jointly or severally, with respect to

enforcement of any matter under or arising out of or in connection with this Contract, shall be brought within the State of New Mexico.

**9. Severability.**

Should any one or more of the provisions contained in this Contract be for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**10. Entire Contract.**

This instrument sets forth the entire Contract between the parties. All negotiations relative to the matters contemplated by this Contract are merged and there are no other understandings, contracts, or agreements relating to the matters set forth, other than those incorporated in this Contract. No provision of this Contract shall be altered, amended, revoked or waived, except by an instrument in writing signed by the parties sought to be charged with such amendment, revocation or waiver.

**11. Modification.**

This Contract may be modified only by a writing duly executed by the parties.

**12. Binding Effect.**

Each party acknowledges that they have read and understand this Contract, that it is contractual and binding, and each party has had the benefit of independent legal counsel and executes the same as their own free will and accord for the purposes and considerations set forth herein.

**13. Authority.**

Each party by signing this Contract, hereby agrees that they are authorized to sign the same on behalf of the above named entities thereby binding each other individually as well as their respective entities.

**14. Construction.**

This Contract shall not be construed against any party for having drafted it or for having the Contract drafted by such party's counsel.

**15. Assignments.**

This Contract may not be assigned or delegated by LCCWMA or UHSWCD without the express written consent of the County. Any purported assignment and/or delegation shall not relieve LCCWMA or UHSWCD from liability hereunder.

**16. Further Documents.**

The parties shall, in good faith, execute such additional documents as may be necessary or appropriate to fully carry out the intent and purpose of this Contract.

**17. Remedies Upon Breach.**

Upon breach of this Contract by a party, the other party hereto shall be entitled to seek and recover all damages and other remedies available to such party at law, in equity or under the terms of this Contract, including all costs of litigation and reasonable attorney's fees.

**18. Execution.**

This Contract may be executed in one or more counterparts, each of which is deemed to be an original, an all of which will together constitute on and the same instrument.

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Manager  
County of Lincoln

ATTEST:

\_\_\_\_\_  
Clerk  
County of Lincoln

\_\_\_\_\_  
By Upper Hondo Soil & Water Conservation District  
It's:

ATTEST:

\_\_\_\_\_  
By:  
It's:

**RESOLUTION NUMBER 2015-11**

Lincoln County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY  
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Lincoln County and the New Mexico Department of Transportation enter into a Cooperative Agreement.

**WHEREAS**, the total cost of the Cooperative Agreement will be \$212,215.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$159,161.00 for the County Arterial Project, and;And
- b. Lincoln County's proportional matching share shall be 25% or \$53,054.00 for the County Arterial Project.

Lincoln County shall pay all cost, which exceed the total amount of \$212,215.00 for the County Arterial Project.

**NOW THEREFORE**, be it resolved in official session the Lincoln County Board of Commissioners determines, resolves and orders as follows:

That the project for this Cooperative Agreements is adopted and has a priority standing.

The agreements terminate on December 31, 2016 and the Lincoln County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

**NOW THEREFORE** , be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number CAP-2-16(406), Control No. L200302 County Arterial Project with the New Mexico Department of Transportation for LGRF Projects for year 2015-2016 to Plan, Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. Lincoln County Road- Cora Dutton Road

**Cora Dutton Road**-South of Capitan on Hwy 48 MM 18.5 turn West onto Cora Dutton project begins and goes 2.00 miles.

PASSED, APPROVED AND ADOPTED this 15th day of September 2015

Board of Commissioners  
Lincoln County, State of New Mexico

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

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

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

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

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

ATTEST:

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

**RESOLUTION NUMBER 2015-12**

Lincoln County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY  
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Lincoln County and the New Mexico Department of Transportation enter into a Cooperative Agreement.

**WHEREAS**, the total cost of the Cooperative Agreement will be \$72,880.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$54,660.00 for the Cooperative Agreement; and
- b. Lincoln County's proportional matching share shall be 25% or \$18,220.00 for the Cooperative Agreement

Lincoln County shall pay all cost, which exceed the total amount of \$72,880.00 for the Cooperative Agreement.

**NOW THEREFORE**, be it resolved in official session the Lincoln County Board of Commissioners determines, resolves and orders as follows:

That the project for this Cooperative Agreements is adopted and has a priority standing.

The agreements terminate on December 31, 2016 and the Lincoln County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

**NOW THEREFORE** , be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number SP-2-16(906), Control No. L200267 Cooperative Agreement with the New Mexico Department of Transportation for LGRF Projects for year 2015-2016 to Plan, Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. Lincoln County Road- Cora Dutton Road  
**Cora Dutton Road**-South of Capitan on Hwy 48 MM 18.5 turn West onto Cora Dutton project begins and goes .80 miles. .

PASSED, APPROVED AND ADOPTED this 15th day of September 2015

Board of Commissioners  
Lincoln County, State of New Mexico

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

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

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

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

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

ATTEST:

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

**RESOLUTION NUMBER 2015-13**

Lincoln County

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Lincoln County and the New Mexico Department of Transportation enter into a Cooperative Agreement.

**WHEREAS**, the total cost of the School Bus Project will be \$81,163.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation’s share shall be 75% or \$60,872.00 for the School Bus Route Project, and;
- b. Lincoln County’s proportional matching share shall be 25% or \$20,291.00 for the School Bus Route Project

Lincoln County shall pay all cost, which exceed the total amount of \$81,163.00 for the School Bus Route Project.

**NOW THEREFORE**, be it resolved in official session the Lincoln County Board of Commissioners determines, resolves and orders as follows:

That the project for this Cooperative Agreement is adopted and has a priority standing.

The agreements terminate on December 31, 2016 and the Lincoln County incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

**NOW THEREFORE** , be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number SB-7727(938)16, Control No. L200310 School Bus Route Project with the New Mexico Department of Transportation for LGRF Projects for year 2015-2016 to Plan, Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. Lincoln County Road-Cora Dutton Road  
**Cora Dutton Road**-South of Capitan on Hwy 48 MM 18.5 turn West onto Cora Dutton Road project begins and goes .70 miles.

PASSED, APPROVED AND ADOPTED this 15th day of September 2015

Board of Commissioners  
Lincoln County, State of New Mexico

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

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

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

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

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

ATTEST:

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

Contract No. \_\_\_\_\_  
Vendor No. 54389  
Project No. SP-2-16(906)  
Control No. L200267

## COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 between the NEW MEXICO DEPARTMENT OF TRANSPORTATION ("Department") and LINCOLN COUNTY, ("Public Entity").

In consideration of the covenants contained herein and pursuant to Sections 67-3-28 and 67-3-28.2 NMSA 1978 and Commission Policy No. 44-12, THE PARTIES AGREE AS FOLLOWS:

### SECTION ONE – PURPOSE:

The purpose of this Agreement is to provide Local Government Road Funds to LINCOLN COUNTY for the Plan, design, construction, reconstruction, pavement rehabilitation/improvements, blading & shaping, drainage improvements, misc. on various county roads, as described in Project No. SP-2-16(906), Control No. L200267 and the Public Entity's resolution attached as Appendix C ("Project"). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

### SECTION TWO – PROJECT FUNDING BY PARTIES:

1. The estimated total cost for the Project is **Seventy-Two thousand eight hundred and eighty dollars and no cents (\$72,880.00)** to be funded in proportional share by the parties hereto as follows:
  - a. **Department's share shall be 75%** **\$54,660.00**  
**Plan, design, construction, reconstruction, pavement rehabilitation/improvements, blading & shaping, drainage improvements, misc. on various county roads**
  - b. **The Public Entity's required proportional matching Share shall be 25%** **\$18,220.00**

For purpose stated above

c. **Total Project Cost** **\$72,880.00**

2. The **Public Entity** shall pay all Project costs, which exceed the total amount of **Seventy-Two thousand eight hundred and eighty dollars and no cents (\$72,880.00)**.

**SECTION THREE – THE PUBLIC ENTITY SHALL:**

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) days of execution of this Agreement, or as otherwise agreed to in writing by the Parties.
3. Be solely responsible for all local matching funds identified in Section Two. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
4. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section One and the Project estimate approved by the District Engineer.
5. In the event a contractor is hired for the Project, require the contractor to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractor's policy and a certificate of insurance must be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.
6. Require contractors that the Public Entity hires to perform services to defend, indemnify and hold harmless the Department from and against all suits, actions or claims of any character brought because of injury, including death or damages arising out of contractors' construction or maintenance activities pursuant to this agreement, as memorialized herein and subject to any additional permit that may be required of the contractor to perform said activities.
7. Be responsible, for performing or directing the performance, of all pre-construction activities,

including, but not limited to, the following:

- a. Utility Certification,
  - b. Drainage and storm drain design,
  - c. Geotechnical design,
  - d. Pavement design,
  - e. Environmental and archaeological clearances Certification,
  - f. Right-of-way acquisition Certification,
  - g. Hazardous substance/waste site(s) contamination,
  - h. Railroad Certification,
  - i. Intelligent Transportation System (ITS) Certification
8. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
  9. Obtain all required written agreements or permits, when applicable, from all public and private entities.
  10. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department shall result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
  11. Complete the project within 18 months of approval of funding by the State Transportation Commission.
  12. Agree that the Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within nine (9) months from the effective date of this agreement.
  13. Within thirty (30) days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund

projects, by submitting the **“Project Certification of Design, Construction, and Cost,”** form, which is attached as Exhibit A.

14. Within thirty (30) days of completion, furnish the Department an **“AS BUILT Summary of Costs and Quantities”** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **“Project Certification of Design, Construction, and Cost”** form.
15. Failure to provide the **“Project Certification of Design, Construction, and Cost”** form and an **“AS BUILT Summary of Costs and Quantities”** report within thirty (30) days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this agreement.
16. Maintain all facilities constructed or reconstructed with funds provided by this Agreement.

**SECTION FOUR – THE DEPARTMENT SHALL:**

Pay project funds as identified in Section Two, Paragraph 1a, to the Public Entity in a single lump sum payment after:

1. Receipt of a Notice of Award and Notice to Proceed and,
2. Verification of available Local Government Road Funds and Public Entity’s local matching funds identified in Section Two, Paragraph 1b.

**SECTION FIVE – BOTH PARTIES AGREE:**

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department shall be accounted for and disposed of by the Public Entity as directed by the Department.
2. That no money in the Local Government Road Fund shall be used by the Department to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to NMSA 1978 Section 67-3-28.2, to meet the match required.

3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition) and any amendments thereto, are incorporated herein by reference and shall control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

**SECTION SIX – THIRD PARTY BENEFICIARY CLAUSE:**

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

**SECTION SEVEN – PROJECT RESPONSIBILITY:**

The improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the Department.

**SECTION EIGHT – JURISDICTION:**

By reason of the Department's participation in the funding of this Project, the Department is not incorporating this Project into the state highway system, nor is the Department assuming any maintenance or user responsibility of liability for participation on this project.

**SECTION NINE – NEW MEXICO TORT CLAIMS ACT:**

Each party shall be responsible for liability arising from personal injury or damage to person and property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 41-4-1, et seq., NMSA 1978). This paragraph is intended only to define the liabilities between the parties hereto and is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act.

The Public Entity and its "employees" as defined in the New Mexico Tort Claims Act, and the Department and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and/or do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

**SECTION TEN – EQUAL OPPORTUNITY COMPLIANCE:**

The Public Entity agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Public Entity agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age or disability, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the Public Entity is found to be not in compliance with these requirements during the life of this Agreement, the Public Entity agrees to take appropriate steps to correct these deficiencies.

**SECTION ELEVEN –LEGAL COMPLIANCE**

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The Public Entity shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

**SECTION TWELVE – PUBLIC ENTITY'S PRIOR COSTS:**

Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and will not be included in the amount to be disbursed as agreed upon.

**SECTION THIRTEEN – ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:**

There shall be strict accountability for all receipts and disbursements relating hereto. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the Department within thirty days.

**SECTION FOURTEEN – DEPARTMENT'S AUTHORIZATION OF EXPENDITURES:**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico, for performance of this Agreement. The Department is expressly not committed to expenditure of any funds until such time as they are budgeted, appropriated by the legislature, and approved for expenditure. The Department's decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

**SECTION FIFTEEN – UNEXPENDED, UNENCUMBERED PROJECT BALANCES:**

Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project shall revert to the Department. These balances, if any, shall be reimbursed to the Department within thirty- (30) days of project completion or expiration of this Agreement, whichever occurs first.

**SECTION SIXTEEN – TERMS OF THIS AGREEMENT:**

This Agreement constitutes the entire Agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement.

Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

**SECTION SEVENTEEN – TERM:**

This Agreement becomes effective upon signature of all Parties. This Agreement terminates on December 31, 2016.

**SECTION EIGHTEEN – TERMINATION:**

1. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing 30 days written notice.
2. The Department may terminate this Agreement if the funds identified in Section Two have not been contractually committed within nine months from the effective date of this agreement.
3. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
4. Neither party shall have any obligation after said date of termination, except as stated in Sections Five, Seven and Eight. The Public Entity agrees to reimburse to the Department all unexpended Department funds disbursed in accordance with this Agreement.

**SECTION NINETEEN – SCOPE OF AGREEMENT:**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

**SECTION TWENTY – SEVERABILITY:**

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

**SECTION TWENTY-ONE – APPLICABLE LAW:**

The Laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1(G) NMSA 1978.

**SECTION TWENTY-TWO – AMENDMENT:**

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the Parties have set their hands and seals this day and year set forth below.

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Cabinet Secretary or Designee

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE DEPARTMENT'S  
OFFICE OF GENERAL COUNSEL**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Assistant General Counsel

**LINCOLN COUNTY**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Chairman

**ATTESTED**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Clerk

EXHIBIT A  
PROJECT CERTIFICATION OF  
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation  
District \_\_\_\_\_ LGRF Coordinator

Cooperative Agreement No. \_\_\_\_\_ Control No. \_\_\_\_\_  
Joint Powers Agreement No. \_\_\_\_\_ Control No. \_\_\_\_\_

Entity: \_\_\_\_\_

Scope of Work (Including Routes and Termini):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, in my capacity as \_\_\_\_\_ of \_\_\_\_\_  
state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this agreement and in the Local Government Road Fund Project Handbook (Current Edition);
2. Construction of the project was performed in accordance with standards and specifications set forth in:

\_\_\_\_\_ And completed on \_\_\_\_\_, 20\_\_\_\_; and

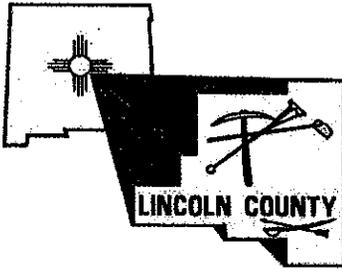
3. That the total project cost of \_\_\_\_\_, with New Mexico Department of Transportation 75% share of \_\_\_\_\_ and the **Public Entity** share of \_\_\_\_\_ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title





www.lincolncountynm.gov

# County of Lincoln

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

## AGENDA NO. 8

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Voluntary Benefits Program

**Purpose:** Presentation by Anne Sperling

**Discussion:** In February, 2015 the New Mexico Association of Counties' Board of Directors unanimously approved the NMAC Voluntary Benefits Program. This is an additional service for the member counties based on counties' outcry for such benefits that were once, but no longer, offered by the state of New Mexico. Ms. Sperling has provided the following enclosures for review prior to her presentation:

- Enclosure 1:** Why Voluntary Benefits from New Mexico Association of Counties;
- Enclosure 2:** Voluntary Benefits Program FAQs;
- Enclosure 3:** PowerPoint Presentation - Voluntary Benefits Program:  
Benefits, Rates, Communications, Expectations

**Recommendation:** Provide direction to Manager regarding interest of consideration of Voluntary Benefits Program through future adoption of formal resolution.

## Why Voluntary Benefits From NMAC?

The NMAC Board of Directors unanimously approved the NMAC Voluntary Benefits Program on February 14, 2015. It was approved as an additional service for the member counties based on counties' outcry for such benefits that were once offered by the state of NM. The state cancelled their voluntary benefits to the counties 2 years ago. Through NMAC's complete RFP process, "best in class" coverage and communication services were identified. And, through NMAC's negotiation for its members, no county will be charged a fee to offer the benefits to their employees.



## Value of NMAC's Voluntary Benefits Program

- Voluntary benefits, those for which employees pay 100% through payroll deduction, are a way to address employee appetite for benefits that are more flexible and personalized.
- Voluntary benefits expand the benefits offered **without increasing benefit costs to the counties**.
- Voluntary benefits help fill gaps in benefits and coverage – deductibles and out-of-pocket expenses.
- Voluntary benefits help employees achieve greater financial security through protecting themselves and family members in case of illness, disability, accident, or death.

## NM County Benefit Challenges

- High caliber voluntary benefits are not available to small counties (less than 200 employees). The NMAC pool of 10,000 employees allows smaller counties to obtain the same benefits as Class A counties.
- Expert state-wide insurance customer service is not easily or cheaply attained. NMAC's program will deliver employee benefits advice and customer service to all counties at no additional cost.
- Smaller HR departments struggle to have adequate time and staff to individually communicate and educate employees on their benefits. NMAC's program is an extension of the HR department!
- Counties have a lot of land mass and many locations. NMAC, through its voluntary benefits program, pledges to see all employees at every location to consistently and equally deliver the benefit news.

## Communication Opportunities at No Cost

- Offering the voluntary benefits encourages employees to interact with our custom communication service. Counties can customize their employee message. Our broker will coach the communication counselors on the custom message so that each employee fully understands the county communication goal. The coaching and delivery of message is at no cost to the counties.
- The NMAC Voluntary Benefits Program can issue a written benefit statement to show employees all of their county benefits in addition to their voluntary elections for no additional cost. This service alone is worth a great deal for encouraging employee loyalty to the county employer.

## Reduce Stress on the Job\* (\*MetLife 10<sup>th</sup> Annual Benefit Trends Study)

- 60% of employees indicate they are very concerned about having enough money to pay bills during a period of sudden income loss
- 49% of employees indicate they're very concerned about having enough money to make ends meet
- 47% of employees indicate they are very concerned about having appropriate health insurance for themselves and their family

## **Retirement Completion**

- Pre-mature death interrupts retirement planning for the loved ones left behind. Extra life insurance helps to complete the intended retirement plans.
- Long-term illness or injury interrupts retirement planning. Long-term care insurance helps to complete the intended retirement plans.
- County employees are given the opportunity to continue all of the voluntary benefits on their own once they retire or leave county employment. **All the NMAC voluntary benefit programs are 100% portable at the same price and same coverage limits** as they purchased through payroll deduction.

## **Generational Needs are Different**

- Baby Boomer, Gen X, and Gen Y have different insurance needs and Voluntary Benefits allow the generations to choose coverage that they need.
- Generational budgets are different and the pricing of the NMAC program addresses all budgetary guidelines.

## **NMAC Menu of Products Covers Many Needs**

- Accident
- Critical Illness with Cancer
- Universal Life with Long-Term Care
- Short-Term Disability
- Legal Club of America
- Wellness

## **Trustmark Insurance Company's History with Public Sector Clients**

- Trustmark has long-standing relationships with 100's of municipalities, counties and state governments nationwide.
- Trustmark is an insurer that has been issuing and serving voluntary solutions for over 102 years.
- Trustmark is an A- Excellent AM Best Rated insurer

## **Ward Services' Communication History with Public Sector Clients**

- Ward Services was established by Jim and Patty Ward in 1981 and is still owned by them
- Ward Services has over 33 years of enrolling Trustmark products
- Client references include school districts and municipalities
- Ward pays all of its education counselors on a salary or hourly basis – no commissions
- Ward has year-round bi-lingual (Spanish and English) customer service call center with "live" dedicated staff to the counties. The customer service staff is there to help with policy explanation and claims.
- Custom communication campaign design and materials are at no cost to all counties

**The NMAC Voluntary Benefits Program is a win, win, win for all counties and we hope that you join our *new* program!**



## Voluntary Benefits Program FAQs

**Question:** Does our county have to go through NM State Procurement procedures to put this program in place?

**Response:** No. This is a voluntary employee benefits program. There are no services or products for the county to purchase. All products, education about the products, and enrollment are completely free to the counties. Employees purchase, not the counties. This has been vetted out with state procurement-knowledgeable officers.

**Question:** Does our county need county commission approval to put this program in place?

**Response:** No. This program is approved by a representative of your county who sits on the NM Association of Counties Board of Directors. The NMAC Board of Directors UNANIMOUSLY voted in favor of implementing this program.

**Question:** Our county is very small. Will we be able to get these benefits for our employees?

**Response:** Yes. This Association program is built to meet the needs of all NM Counties no matter their size.

**Question:** How will this program be communicated to our employees?

**Response:** Each county will be given a team of education counselors that will meet with the employees one-on-one to explain the benefits, pricing, and dovetail it with their current core benefit elections. The education counselors are highly trained and salary paid with no commission incentive to "over-sell" to your employees. This process is tied and true for staying in "compliance" with offering benefits so that all employees have the right to accept or waive the coverage.

**Question:** How is this program paid for by the employees?

**Response:** It is paid for via payroll deduction. All benefits will be taken as a post-tax deduction so that no employee will be sent a 1099 for the benefits received and employees can cancel the coverage if they need to at anytime during the year.

**Question:** Can we still offer our AFLAC and Colonial and Allstate benefits in addition to these benefits?

**Response:** Not on a payroll deduction basis. If an employee wants to keep their AFLAC, Colonial or Allstate benefits, they will need to be billed at home.



## Voluntary Benefits Program FAQs

**Question:** Do we have to offer the entire menu of voluntary benefits to our employees?

**Response:** No. Each county will be given all 6 benefits to offer; but only two Trustmark offerings are required. With two Trustmark offerings, the county will be able to access the Trustmark Wellness Program at a greatly reduced price.

**Question:** Our payroll system does not have anymore available deduction slots. How are we to accommodate this program within our payroll system?

**Response:** Trustmark offers a free consolidated billing system that can consolidate all of the voluntary benefits plus other payroll deducted benefits (with the exception of medical insurance) into one payroll slot. They will reconcile the payroll with the insurers and will send payments to all of the insurers in the consolidated billing election. The County will remit one insurance payment to Trustmark for all insurers.

**Question:** Our payroll system is very old and not friendly for adding more benefits. How can you make this process easier for us?

**Response:** We understand that some payroll systems are antiquated and/or are difficult to maneuver. We have established electronic communications that will allow the Counties to upload through Excel or find employee enrollment through a "searchable PDF" for manual enrollment.

**Question:** We have many locations and many Spanish-speaking employees. How will each location and employee understand the program?

**Response:** The education counselors will be fluent in Spanish and we understand that each county will have a variety of locations and work shifts. All locations and work shifts will be accommodated in the scheduling process.

**Question:** When can we enroll?

**Response:** Enrollment dates of July 15th, August 1st, August 15th, September 1st, and September 15th are still available. All county census data, core benefits information, and payroll information must be submitted to Ward Services six (6) weeks in advance of enrollment in order to build the electronic enrollment system and to train the educators.



## Voluntary Benefits Program FAQs

**Question:** If we cannot meet the deadline for getting information to Ward Services for the selected enrollment dates, can we still enroll in 2015?

**Response:** Yes. 6 weeks lead time will still be the measurement; but Ward Services will be replaced with a different educator. Our preference is Ward Services for their experience in working with public entities; but there is another as the back-up with tried and true experience.

**Question:** Are the benefits portable?

**Response:** Yes. All the Trustmark and Legal Club benefits are portable. The policies are individual policies that cannot be cancelled by anyone other than the insured. The price is guaranteed not to change when exercising the portability right.

**Question:** Are the rates competitive?

**Response:** Yes. The rates are extremely competitive. They are cheaper than Aflac, Colonial or Allstate on an individual policy platform. The accident plan has one stated rate for individuals, employees + spouse, employee + child(ren), and employee + family coverage. The Critical Illness and Cancer coverage is issued based on age and smoking status. The Universal Life with Long-term Care coverage is purchased on a money-purchase basis. Money purchase means the employee tells the educator what they can afford; i.e. \$4.00 per week, \$8.00 per week, etc. The Legal Club of America is \$14.00 per month for the whole family. The short-term disability plan is based on weekly benefit, employee age, and smoking status. The rates are guaranteed never to go up after issue. So, there will be no rate changes based on age or renewal.

**Question:** Do our employees have to take physicals or answer medical questions?

**Response:** No physicals are required. A few medical questions might be asked if the employee is buying more than the guaranteed issue amount of coverage.

**Question:** Can our employees enroll their family members?

**Response:** Yes. In fact, some of the benefits don't require the employee to enroll to get spousal or children coverage.





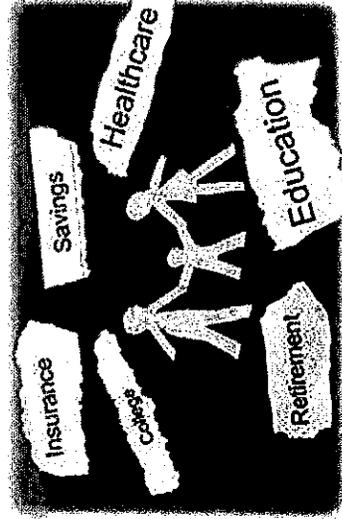
# NM Association of Counties Voluntary Benefits Program

**Benefits \* Rates \* Communication \* Expectations**



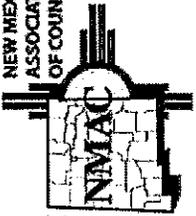
# The Benefits

- Trustmark Universal Life with Long-Term Care
- Trustmark Critical Illness with Cancer
- Trustmark Accident
- Trustmark Short-Term Disability
- Trustmark Wellness
- Legal Club of America



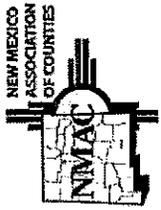
These product offerings are “best in class” for a family to succeed at financial planning through insurance. Everyone knows that many life events associated with health are expensive and very few have the financial means or time to save for the unexpected medical situation. Insurance allows small payments with a big payoff & tremendous relief on the budget.

NEW MEXICO  
ASSOCIATION  
OF COUNTIES



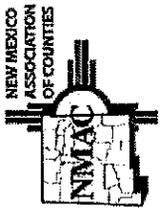
# Why Trustmark?

- Been serving the voluntary benefit market for 102 years
- “Boutique” Voluntary Benefits Carrier – don’t offer any other employee benefits other than worksite voluntary life, disability, accident, critical illness and wellness – They are the Experts!
- Trustmark is a mutual company, which means the policyholders own the company (not stockholders)
- History of long-term relationships: 50+ years with many clients
- Assets of the Trustmark Companies total \$1.9 billion
- Trustmark Companies customers total more than 14,000 employer groups and 2+ million covered lives or plan participants on an individual policy platform that are guaranteed renewable with no price increases due to age or renewal
- Deeply fostered relationships with major worksite and voluntary benefit distributors nationwide – no fly-by-night sales producers
- Rated A- (EXCELLENT) A.M. Best



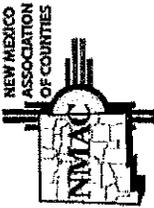
# Universal Life Long-Term Care Coverage

- **Product Highlights:**
  - Long-Term Care Coverage is embedded in the Universal Life
  - Universal Life is flexible, permanent, designed for a lifetime
  - Fully portable at the same price
  - Spouse, domestic partner, children and grandchildren can be covered even if the employee chooses not to participate
  - Accidental death benefit doubles the benefit if death occurs by accident prior to age 75
  - Issue age is up to age 80
  - Coverage begins the day the application is taken
- **Rates**
  - Rates are based on actual age and smoking status for cigarettes only.
  - Rates are guaranteed not to go up due to age or renewal
  - Money-purchase – employees dictate how much they can afford to pay



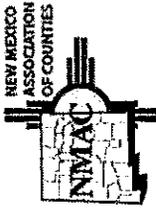
# Long-Term Care Coverage

- **Product Highlights:**
  - Long-Term Care Coverage is embedded in the Universal Life (not a rider)
  - Not able to perform 2 activities of daily living will trigger the claims process
  - Self-care for activities of daily living (ADLs) include functional mobility, bathing and showering, dressing, self-feeding, personal hygiene and grooming, toilet hygiene
  - Designed to accelerate the Universal Life Death Benefit at 4% per month for up to 50 months
  - Death benefit restoration restores the life insurance so that it is not diminished by the long-term care payout
  - Pays for assisted living, home healthcare, adult day care, and nursing home care
- **Rates (embedded in the life insurance purchase)**
  - Rates are based on actual age and smoking status for cigarettes only.
  - Rates are guaranteed not to go up due to age or renewal
  - Money-purchase – employees dictate how much they can afford to pay



# Critical Illness with Cancer Coverage

- **Product Highlights:**
  - Single Benefit – provides one lump-sum benefit upon first diagnosis of a covered condition (Heart Attack, Stroke, Occupational HIV, Renal Failure, Major Organ Transplant, Paralysis of 2+ limbs, Blindness, ALS, Invasive Cancer, Carcinoma in Situ, Coronary Artery Bypass Surgery)
  - Double Benefit – provides two lump-sum benefits with a second benefit payable for a subsequent and different diagnosis
  - Subsequent Condition Benefits – provides one payout for each and every covered condition. Plus, benefits paid on conditions with a partial payout do not reduce later payouts
  - Subsequent and Recurring Conditions Benefits – provides one payout for each and every covered condition. Additional payouts for the recurrence of a same covered condition are also available with no reduction in payout or limit on the number of recurrences
  - Health Screening Benefit – up to \$100 every calendar year
  - Fully Portable at the same price
  - Best Doctors® - Immediate access to InterConsultation for the best treatment plan, search for the best doctor for the diagnosis, medical priorities are met
- **Rates:**
  - Based on age and tobacco use
  - Based on lump-sum purchased as low as \$5,000 and up to \$100,000
  - Based on family members covered



# Accident Coverage

- **Product Highlights:**
  - Hospital Benefits – Admission Lump-sum, Confinement per day for 365 days, ICU per day for 15 days
  - Non-occupational coverage
  - Initial Care – ER, Ambulance, MD Visit, Lodging, Surgery, Blood, Emergency dental
  - Injuries – Fractures, Dislocations, Lacerations, Burns, Concussions, Eye injury, Herniated disc, Dismemberment, Tendon, Ligament, Rotator Cuff, Torn Knee Cartilage
  - Follow-up Care – Physical Therapy, Appliances, Prosthetic Device, Artificial Limb, Skin Graft, Transportation
  - Fully portable at the same price
  - Health Screening benefit up to \$100 per calendar year
  - Catastrophic Accident Benefit - \$100,000 for employees and \$50,000 for spouses and children
  - Accidental Death - \$25,000 for employees, \$10,000 for spouses, \$5,000 for children
- **Rates:**
  - Single Employee = \$11.78 per month or \$2.72 per week
  - Employee + Spouse = \$17.68 per month or \$4.08 per week
  - Employee + Child(ren) = \$24.22 per month or \$5.59 per week
  - Employee + Family = \$30.16 per month or \$6.96 per week



# Short-Term Disability Coverage

- **Product Highlights:**
  - No Integration (after issue) – Benefits are paid regardless of other coverage – coverage cannot exceed 60% of base income
  - Non-occupational disability
  - Level premiums – rates do not increase with age
  - Guaranteed renewable
  - Fully portable at the same price
  - Choice of designs – flat dollar amount or percentage of earnings
  - Maternity – covered as any other illness (pre-ex applies)
  - International coverage
  - Total Disability Definition – unable to work at his or her job + not working for pay or benefits + under a doctor's care
  - Waiver of Premium – no premium is due while out on disability
- **Rates:**
  - Based on age of employee
  - Based on monthly benefit purchased - \$100.00 up to \$6,000.00 (coverage cannot exceed 60% of base income)
  - Based on elimination period – 0-day for accident; 7-days for illness
  - Based on pay-out period – 6 months



# Wellness Plan

## Life Health & Wealth Solution

- **Product Highlights:**
  - 7-Week Promotional Engagement Campaign
  - e-Health Platform
  - Health Risk Assessment
  - Biometric Screening (\$56.50 per screen up to 74 scheduled screens or free with 75+ scheduled screenings. Price includes travel expenses)
  - Health Advising for moderate and high-risk participants
  - Daily emails, monthly newsletters, and quarterly webinars
  - Dedicated Coaching
  - Personalized Lifestyle Programs (digital coaching)
  - Spring walking program and Fall web-based program
  - Standard Aggregate Reports
  - Achieve Reporting for the purpose of offering incentives
  
- **Rates:** (Must offer at least 2 Trustmark Voluntary Benefit Programs)
  - \$2.95 per employee per month (\$35.40 per employee per year); or
  - \$4.95 per employee per month (\$59.40 per employee per year) with the Achieve Reporting for Incentives



# Legal Plan

## Legal Club of America

- **Product Highlights:**
  - Free and Discounted Legal Care – access to over 22,000 attorneys nationwide
  - Free Tax Preparation and Advice (1040, 1040A or 1040 EZ)
  - Identity Theft Solutions – full identity theft restoration services, keylogging defense software, \$25,000 in identity theft reimbursement expenses
  - Financial Education and Credit Counseling
  - Life Events Counseling – crisis and urgent needs
  - Not an insurance plan with pre-existing conditions
  - Not an insurance plan with contract limitations and contract language
  - No waiting periods for usage
  - No claim forms
  - No limitations on usage
  - The whole family can use the program
  - Fully portable at the same price
  
- **Rates:**
  - \$14.00 per month for the whole family



# Communication and Engagement Ward Services, Inc.

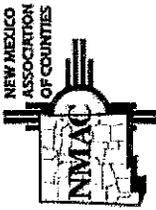
- **Why Ward Services?**
  - Established in 1981 by Jim and Patty Ward and is still owned by the Wards
  - Conducted 1-on-1 meetings with over 1 million employees
  - High impact strategies to meet with each employee at every location to deliver consistent information
  - Year-round Bi-lingual (Spanish and English) Customer Service Call Center – talking with a life person
  - Short planning period – 6 weeks for each county to ensure successful communication and engagement
  - Re-enrollment services available
  - Client References include School Districts, Retail, Healthcare, Municipalities
  - Over 33 years of enrolling Trustmark products
  - Pay all education counselors on a salary or hourly basis – no commission
  - Long-standing employees all over the nation who are highly trained
  
- **Rates:**
  - Free to all counties



# Communication and Engagement

## Ward Services, Inc.

- **Ward Services Delivers:**
  - AppointmentPlus – Online Appointment Scheduling Software (free to the counties) – use this tool via your web site, your Facebook page, or with an email link. If an employee has no access to electronic scheduling, Ward can accommodate manual scheduling with each department manager
  - Employee Benefits Statement to each employee and a summary to each county – shows the employee what he or she elected for core coverage as well as voluntary benefits including the payroll deduction amount according to the county's payroll requirement
  - Brainshark On-Demand® - the counties can produce and deliver complex messages such as this new product introduction or ACA compliance to employees (formatting and delivery of Brainshark is free to the counties)
- **Rates:**
  - Appointment Plus – free to the counties
  - Employee Benefits Statement for core and voluntary benefits – free to the counties. If a county wants a more robust benefits statement including PTO and retirement, etc., there will be an upcharge for that service
  - Brainshark On-Demand – free to the counties



# Communication and Engagement

## Ward Services, Inc.

- Ward Services Delivers:
  - Ward is 100% familiar with **Trustmark's Consolidated Billing service** and will upload into that system for easier billing and payroll reconciliation
  - **Selerix Systems** – electronic benefits enrollment system will be customized for each county for “their” benefits and payroll deductions
  - Dedicated Customer Service at the time of claim for all Trustmark products – no county employee will be left without knowing how to make a claim. The trained dedicated customer service employee of Ward Services will navigate the claims process for the county employee and the covered dependent and will know your county personally
- Rates:
  - Consolidated Billing – free to the counties with one Trustmark voluntary benefit option
  - Selerix – free to the counties – can be left behind for a fee for future enrollments
  - Dedicated Customer Service – free to the counties



# Process Expectations

- **Counties Need to Deliver:**
  - **No later than 6 weeks BEFORE enrollment begins** – Data must be delivered to Ward Services. **Sample file formats** for data organization will be delivered to each county requiring the following information:
    - Basic Census / Demographic report for all benefit-eligible employees and their dependents
    - Department Location Addresses and Department Contact Data
    - Core Benefits Benefit Statement Data – Medical, Dental, Disability, Life, Dependent Life, Supplemental Life – description of coverage plus employer and employee rates
    - Payroll system information – name, version, timing
    - Voluntary Benefits product offering
    - Trustmark Employer Agreement authorizing the payroll deductions
    - Eligibility Information (hours, waiting periods, ages, dependent definition)
    - Identify the enrollment conditions – locations and private spaces for personal communications
    - First point of contact – HR, Payroll, and IT
  - **1 week BEFORE enrollment begins** – each county must be finished with the scheduling software so that Ward counselors know the schedule for seeing at least **70%** of the benefit-eligible population

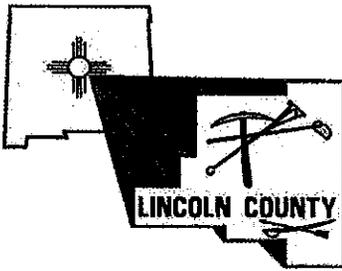


# Questions?



Contact: Anne Sperling  
Cell Phone: 505-670-2789

Email: [asperling@danielsinsuranceinc.com](mailto:asperling@danielsinsuranceinc.com)



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

# County of Lincoln

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

## AGENDA NO. 9

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

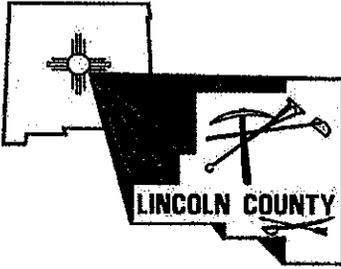
**FROM:** Nita Taylor, Lincoln County Manager 

**SUBJECT:** Lincoln County Medical Center Renovation

**Purpose:** Presentation by Al Santos

**Discussion:** LCMC Administrator Al Santos will make a presentation on the LCMC Renovation project.

**Recommendation:** No action required; for information only.



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# County of Lincoln

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## AGENDA NO. 10

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Funding of Lincoln County Medical Center Renovation

**Purpose:** Discussion and Possible Action

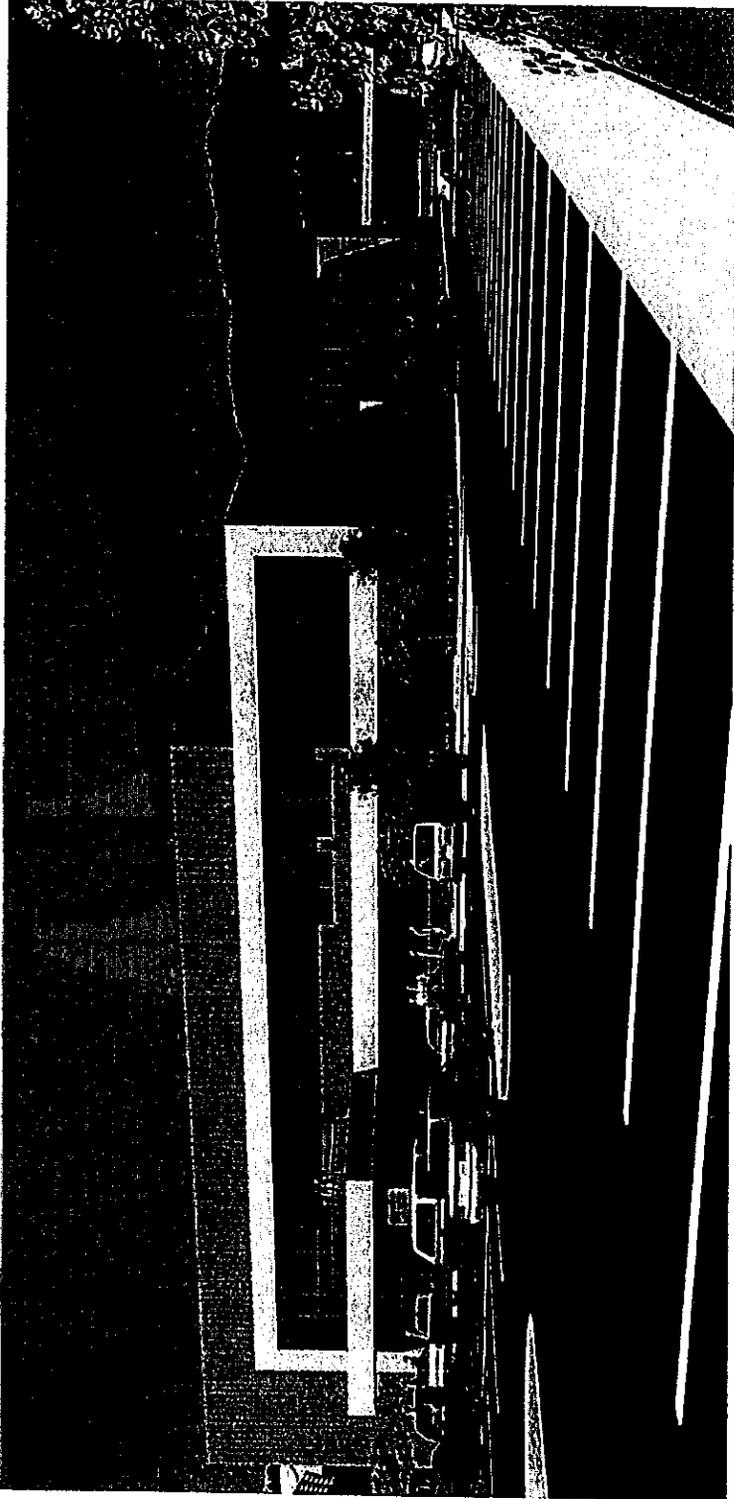
**Discussion:** At its April 14<sup>th</sup> Special Meeting, the Commission heard a formal presentation by LCMC Administrator recommending immediate pursuance of a \$25 million application with the New Mexico Finance Authority to finance the renovation and expansion option for LCMC. See **Enclosure 1**.

At its May 19<sup>th</sup> Regular Meeting, the Commission heard a formal presentation by RBC Capital Markets regarding additional funding options for the renovation and expansion of LCMC which also addressed Lincoln County Overview and Debt Capacity. See **Enclosure 2**. A description of the various types of bonds that can be considered, and the pros and cons of each are found at pages 12, 14, 19 and 22. Some require prior voter approval; some do not.

On that same day, the Commission agreed to retain RBC Capital Markets as the County's municipal advisor as duties relate to the issuance of obligations evidencing indebtedness, and directed Manager to enter into Agreement.

At **Enclosure 3** is a basic summary of discussion with RBC Capital Markets of the funding options.

**Recommendation:** Determine next steps and provide direction to Manager.



Recommendations  
Lincoln County Medical Center  
April 14, 2015

---

# Recommendations

1. Approve Renovation and Expansion Option
2. Pursue immediately \$25 million Application with NMIFA
3. Finalize new lease with LCMC/PHS
4. Select DPS through CES to complete design plans
5. Purchase Property required to relocate EMS

# 2015 - 2016 Lincoln County Medical Budget

		New Hospital Funding Scenarios	
		[ 2.6 Mil ]	[ 3.0 Mil ]
<u>Revenue:</u>			
[1] Hospital (2 Mil)	≈	\$ 2,300,000	\$ 2,650,000
[2] Rural Clinics (0.6/1.0 Mil)	≈	\$ 700,000	\$ 930,000
[3] Hospital Lease	≈	\$ 1,500,000	\$ 1,500,000
[4] Indigent GRT	≈	\$ 660,000	\$ 660,000
[5] Long Term Care Rent	≈	\$ (FY 2018)	\$ (FY 2018)
Total		\$ 5,160,000	\$ 5,740,000
<u>Expenses:</u>			
[1] Rural Clinic/EMS Ops	≈	\$ 859,810	\$ 875,000
[2] LCAP	≈	\$ 110,000	\$ 110,000
[3] SNCP Mil Levy Matching	≈	\$ 414,226	\$ 414,226
[4] Hospital Operations	≈	\$ 1,775,500	\$ 1,775,500
[5] New Hospital Loan	≈	\$ 1,500,000	\$ 1,500,000
Total		\$ 4,659,536	\$ 4,674,726
<b>County Ann. Med. Oper. Bal.</b>		<b>\$ 500,464</b>	<b>\$ 1,065,274</b>

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# Thank you!

## Questions?

Lincoln County, NM

Municipal Bonds – Overview

Lincoln County – Overview and Debt Capacity

May 19, 2015



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## Table of Contents

- Section I – Municipal Bonds Overview
- Section II – Lincoln County Overview and Debt Capacity

# Municipal Bonds - Overview

Section I



RBC Capital Markets

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## Municipal Bond 101 overview – What is a Municipal Bond?

- A bond is a loan.....plain and simple.
- The terms, pay-back dates and interest rates are carefully spelled out in the legal documents.
- When local governments, like Counties, need money to pay for something today, they promise to pay for it at some time in the future. Those promises are called bonds.
- Millions and millions of bonds are issued every year in the U.S. and the bond market in its entirety is incredibly large.
- Sometimes bonds are referred to by a different name which makes understanding bonds even more confusing.
- Bonds are often called fixed income securities; and

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## Municipal Bond 101 overview – Tax Exemption

- Interest on bonds excludable as income for federal tax purposes when the bonds are issued by municipal entities (or other non-profit entities) for general public purposes
- No more than 5% of bond proceeds is for the benefit of a private entity
- Proceeds of bonds issued are expected to be spent within three (3) years from the date of issuance
- Interest is typically exempt from state taxes, when purchased by a resident of the state from which the bond is issued

## Municipal Bond 101 overview – General Obligation Bonds

---

Typically least borrowing cost, highest rated debt

Debt can only be incurred for general government purposes.

Debt must be approved by a majority of voters voting.

Total outstanding debt cannot exceed 3% of assessed valuation.

Final maturity cannot exceed 20 years

Bonds are secured be ad valorem property tax on all property in the County.

Tax rate is equal to debt service on the bonds (i.e. no coverage required)

---

## Municipal Bond 101 overview – Revenue Bonds

### **General Obligation Bonds**

- Typically lowest borrowing costs, highest rated debt
- Property tax revenues used to secure debt
- Property tax rates set to pay 100% of the annual debt service (i.e. no coverage required)
- State Constitutional and statutory limitations on amount and length of debt

### **Gross Receipts Tax Bonds**

- Typically lower borrowing costs
- Gross Receipts Tax revenue used to secure debt
- Purchasers require revenue source to exceed debt service payments
- Statutory limitations on length of debt

---

## Municipal Bond 101 overview – Revenue Bonds

### **Enterprise / Net Revenue Bonds**

- Typically higher borrowing costs than General Obligation and Gross Receipts Tax bonds
- Net Revenue (i.e. Operating Revenue less Operating Expenses) pledged to the payment of debt
- Purchasers may require higher revenues to debt service payments depending on financial health of enterprise system
- Little statutory limitations on debt

### **Lease Revenue Bonds**

- Typically highest borrowing cost
- Lease payment pledged to the payment of debt
- Purchasers will require higher revenue to debt service payments
- Underlying long-term lease documents are a critical component.
- Fewer purchasers in market as other municipal bonds which can lead to higher interest rates.
- Very little statutory limitations on debt

Municipal Bond 101 overview – Municipal Bond Sale Alternatives

	Negotiated Sale	Competitive Sale	Private Placement
Description	Single or Team of Underwriter's Pre Selected	Public Bid – Specific Date and Time. Underwriter's place bids	Local Banks or Bond Banks purchase the debt
Bond Terms	Very Flexible	"Plain Vanilla" terms	Can be restrictive based upon purchaser's requirements
Sale Date	Determined Day-to-Day	Need Four or More Days Notice	High Flexibility based on Purchaser's Terms
Credit Ratings	Can Better Accommodate Lower Rated / Story Bonds	Needs High Rating for Reliable Results	No Rating Needed

Overview of Lincoln County  
Debt and Capacity Analysis

Section II



RBC Capital Markets

Gross Receipts Tax  
Revenue Bonds

Section III



RBC Capital Markets

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## Gross Receipts Tax Bonds

- Pros
  - Access to all sale alternatives
  - Lower borrowing cost
  - 30 year repayment schedule
- Cons
  - Requires imposition of additional gross receipts tax bonds
  - May require voter approval prior to imposition of grt increments
  - County revenue on hook if failure to receive lease payments
  - Requires a gross receipts tax increase

The county currently has one Gross Receipts Tax Revenue Bond outstanding.

- Series 2012
- \$2,670,000 Outstanding
- Final Maturity June 1, 2027

# Gross Receipts Tax Bonds – Imposed vs. Authorized

## Lincoln County, New Mexico Local Option Taxes as of January 1, 2015

Type of Tax & Purpose	Total Taxing		Percentage		Projected		Unused		Potential	
	Authority	Imposed	Revenue	Authority	Revenue	Authority	Add'l Revenue <sup>(4)</sup>			
County GRT <sup>(1)</sup> (3)	0.3750%	0.2500%	\$ 1,277,079	0.1250%	\$ -	0.1250%	\$ 586,827			
County 1/16th GRT <sup>(1)</sup> (3)	0.0625%	0.0000%	-	0.0625%	-	0.0625%	293,414			
County 3/8th GRT Hold Harmless <sup>(3)</sup> (5)	0.3750%	0.0000%	-	0.3750%	-	0.3750%	1,760,482			
County Infrastructure GRT <sup>(2)</sup> (4)	0.1250%	0.0000%	-	0.1250%	-	0.1250%	149,776			
County Capital Outlay GRT <sup>(1)</sup> (4)	0.2500%	0.0000%	-	0.2500%	-	0.2500%	1,173,655			
County Emergency Comm. & Medical GRT <sup>(1)</sup> (4)	0.2500%	0.0000%	-	0.2500%	-	0.2500%	1,173,655			
County Healthcare GRT <sup>(1)</sup> (4)	0.1250%	0.0000%	-	0.1250%	-	0.1250%	586,827			
County Hospital Emergency GRT <sup>(1)</sup> (4) (6)	0.2500%	0.0000%	-	0.2500%	-	0.2500%	1,173,654.88			
Speical County Hospital GRT <sup>(1)</sup> (4) (6)	0.1250%	0.0000%	-	0.1250%	-	0.1250%	586,827			
County Local Hospital GRT <sup>(1)</sup> (4)	0.1250%	0.0000%	-	0.1250%	-	0.1250%	586,827			
County Jail GRT <sup>(1)</sup> (4)	0.1250%	0.0000%	-	0.1250%	-	0.1250%	586,827			
County Environmental Services GRT <sup>(2)</sup> (4)	0.1250%	0.1250%	149,776	0.0000%	-	0.0000%	-			
County Fire Protection GRT <sup>(2)</sup> (4)	0.2500%	0.0000%	-	0.2500%	-	0.2500%	299,551			
County Quality of Life GRT <sup>(4)</sup>	0.2500%	0.0000%	-	0.2500%	-	0.2500%	1,173,655			
County Business Retention <sup>(4)</sup>	0.2500%	0.1875%	144,812	0.0625%	-	0.0625%	293,414			
<b>Total Local Option GRT</b>	<b>3.0625%</b>	<b>0.5625%</b>	<b>\$1,571,667</b>	<b>2.5000%</b>	<b>\$ -</b>	<b>2.5000%</b>	<b>\$10,425,393</b>			

1) County-wide taxable gross receipts. First and third 1/8th County GRT constitutes Pledged Revenues for outstanding GRT Bonds.

2) Unincorporated taxable gross receipts.

3) Can be imposed without election.

4) Requires election prior to imposition.

5) Can be imposed by ordinance only not subject to referendum.

6) State Statute amendment required prior to consideration of imposition.

Source: New Mexico Taxation & Revenue Department

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## Gross Receipts Tax Bonds – Capacity

- The County has three potential sources of gross receipts tax revenue that does not require a referendum to impose.
  - 3<sup>rd</sup> 1/8<sup>th</sup> County Gross Receipts Tax
    - Estimated annual unencumbered revenues of \$586,827
  - 1/16<sup>th</sup> County Gross Receipts Tax
    - Estimated annual revenues of \$293,413
  - 3 increments of 1/8<sup>th</sup> County Hold Harmless Gross Receipts Tax
    - Estimated annual revenues of \$1,760,481
  
- The County has two potential sources of gross receipts tax revenue that would require a referendum to impose.
  - 1/8<sup>th</sup> County Infrastructure Gross Receipts Tax (Unincorporated County Only)
    - Estimated annual unencumbered revenues of \$149,776
    - Can only be imposed after all County Gross Receipts tax has been imposed
  - 1/4<sup>th</sup> County Capital Outlay Gross Receipts Tax (Countywide)
    - Estimated annual revenues of \$1,173,645
    - Can only be imposed after the County Infrastructure GRT has been imposed
  - 1/8<sup>th</sup> County Local Hospital Gross Receipts Tax (Countywide)
    - Estimated annual revenues of \$586,827

# Gross Receipts Tax Bonds – FY2015 & FY2014 Collections

## FY 2015

	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL	Annualized
County Share GRT	90,326	107,253	111,409	115,048	96,334	107,603	81,627	110,765	90,193	81,638	94,118	94,118	1,086,316	1,185,072
County Share GRT(Food)	7,875	8,111	9,515	9,591	7,103	2,503	2,313	2,480	7,396	6,301	7,190	7,190	70,378	76,776
County Share GRT(Medical)	993	1,252	1,080	1,042	945	828	851	695	844	666	826	826	10,020	10,931
Total County Share GRT	99,194	116,616	122,004	125,681	104,382	110,934	84,791	113,939	98,433	88,605	102,135	102,135	1,166,714	1,272,779
County Business Retention	260	467	186,137	432	285	304	474	275	480	526	275	275	189,915	207,180
County Business Retention(Food)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
County Business Retention(Medical)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total County Business Retention	260	467	186,137	432	285	304	474	275	480	526	275	275	189,915	207,180
County Environmental	12,923	16,895	14,634	13,930	14,861	17,620	10,285	15,198	12,543	9,856	12,766	12,766	151,512	165,285
County Environmental(Food)	40	43	57	42	39	44	33	35	42	37	38	38	451	492
Total County Environmental	12,963	16,939	14,692	13,972	14,900	17,664	10,318	15,233	12,585	9,893	12,804	12,804	151,962	165,777
<b>Total</b>	<b>112,418</b>	<b>134,021</b>	<b>322,833</b>	<b>140,086</b>	<b>119,566</b>	<b>128,902</b>	<b>95,583</b>	<b>129,447</b>	<b>111,498</b>	<b>99,025</b>	<b>115,213</b>	<b>112,883</b>	<b>1,621,475</b>	<b>1,768,882</b>

## FY 2014

	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL	Annualized
County Share GRT	91,234	112,732	106,128	118,625	102,192	90,886	84,035	103,343	87,137	84,114	103,232	89,995	1,173,655	1,273,655
County Share GRT(Food)	7,693	8,064	8,908	9,215	7,026	7,053	6,878	8,020	6,783	6,333	7,256	6,756	89,986	96,986
County Share GRT(Medical)	897	971	1,156	1,320	1,072	1,101	1,000	1,568	974	1,028	1,097	1,254	13,439	14,439
Total County Share GRT	99,824	121,767	116,192	129,160	110,291	99,041	91,913	112,931	94,894	91,475	111,585	98,005	1,277,079	1,373,079
County Business Retention	373	833	139,612	491	428	238	313	218	461	264	426	1,155	144,812	156,812
County Business Retention(Food)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
County Business Retention(Medical)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total County Business Retention	373	833	139,612	491	428	238	313	218	461	264	426	1,155	144,812	156,812
County Environmental	9,410	14,288	10,680	11,820	13,102	12,074	12,149	14,627	10,934	12,129	14,431	13,679	149,323	163,323
County Environmental(Food)	37	40	51	39	38	39	34	26	37	31	35	45	453	492
Total County Environmental	9,446	14,328	10,731	11,859	13,140	12,113	12,183	14,653	10,971	12,161	14,466	13,724	149,776	163,776
<b>Total</b>	<b>109,643</b>	<b>136,928</b>	<b>266,535</b>	<b>141,510</b>	<b>123,859</b>	<b>111,392</b>	<b>104,410</b>	<b>127,805</b>	<b>106,326</b>	<b>103,900</b>	<b>126,477</b>	<b>112,883</b>	<b>1,574,667</b>	<b>1,729,667</b>

# Gross Receipts Tax Bonds – Existing Debt and Coverage

## Gross Receipts Tax Refunding Loan Series 2012 Bonds

Date	Principal	Coupon	Interest	Debt Service	Total	Debt Service Fiscal Year	Pledged Revenue	Coverage
6/1/2015	175,000	2.000%	47,950.00	222,950.00	222,950.00	222,950.00	638,539.75	2.86
12/1/2015	-	-	46,200.00	46,200.00	46,200.00	-	-	-
6/1/2016	175,000	3.000%	46,200.00	221,200.00	221,200.00	267,400.00	638,539.75	2.39
12/1/2016	-	-	43,575.00	43,575.00	43,575.00	-	-	-
6/1/2017	180,000	3.000%	43,575.00	223,575.00	223,575.00	267,150.00	638,539.75	2.39
12/1/2017	-	-	40,875.00	40,875.00	40,875.00	-	-	-
6/1/2018	190,000	3.000%	40,875.00	230,875.00	230,875.00	271,750.00	638,539.75	2.35
12/1/2018	-	-	38,025.00	38,025.00	38,025.00	-	-	-
6/1/2019	195,000	3.000%	38,025.00	233,025.00	233,025.00	271,050.00	638,539.75	2.36
12/1/2019	-	-	35,100.00	35,100.00	35,100.00	-	-	-
6/1/2020	200,000	4.000%	35,100.00	235,100.00	235,100.00	270,200.00	638,539.75	2.36
12/1/2020	-	-	31,100.00	31,100.00	31,100.00	-	-	-
6/1/2021	205,000	4.000%	31,100.00	236,100.00	236,100.00	267,200.00	638,539.75	2.39
12/1/2021	-	-	27,000.00	27,000.00	27,000.00	-	-	-
6/1/2022	215,000	4.000%	27,000.00	242,000.00	242,000.00	269,000.00	638,539.75	2.37
12/1/2022	-	-	22,700.00	22,700.00	22,700.00	-	-	-
6/1/2023	225,000	4.000%	22,700.00	247,700.00	247,700.00	270,400.00	638,539.75	2.36
12/1/2023	-	-	18,200.00	18,200.00	18,200.00	-	-	-
6/1/2024	235,000	4.000%	18,200.00	253,200.00	253,200.00	271,400.00	638,539.75	2.35
12/1/2024	-	-	13,500.00	13,500.00	13,500.00	-	-	-
6/1/2025	245,000	4.000%	13,500.00	258,500.00	258,500.00	272,000.00	638,539.75	2.35
12/1/2025	-	-	8,600.00	8,600.00	8,600.00	-	-	-
6/1/2026	250,000	4.000%	8,600.00	258,600.00	258,600.00	267,200.00	638,539.75	2.39
12/1/2026	-	-	3,600.00	3,600.00	3,600.00	-	-	-
6/1/2027	180,000	4.000%	3,600.00	183,600.00	183,600.00	187,200.00	638,539.75	3.41
<b>Total</b>	<b>\$ 2,670,000</b>		<b>\$ 704,900.00</b>	<b>\$ 3,374,900.00</b>	<b>\$ 3,374,900.00</b>	<b>\$ 3,374,900.00</b>		

# Gross Receipts Tax Bonds -- GRT Pledged Coverage

	New DS	Existing	Total DS	Revenue	Coverage
2016	1,409,200	267,400	1,676,600	2,190,000	1.31x
2017	1,406,800	267,150	1,673,950	2,190,000	1.31x
2018	1,408,800	271,750	1,680,550	2,190,000	1.30x
2019	1,410,000	271,050	1,681,050	2,190,000	1.30x
2020	1,410,400	270,200	1,680,600	2,190,000	1.30x
2021	1,410,000	267,200	1,677,200	2,190,000	1.31x
2022	1,408,800	269,200	1,678,000	2,190,000	1.31x
2023	1,406,800	270,400	1,677,200	2,190,000	1.31x
2024	1,409,000	271,400	1,680,400	2,190,000	1.30x
2025	1,410,200	272,000	1,682,200	2,190,000	1.30x
2026	1,405,400	267,200	1,672,600	2,190,000	1.31x
2027	1,409,800	187,200	1,597,000	2,190,000	1.37x
2028	1,408,000		1,408,000	2,190,000	1.56x
2029	1,410,200		1,410,200	2,190,000	1.55x
2030	1,406,200		1,406,200	2,190,000	1.56x
2031	1,406,200		1,406,200	2,190,000	1.56x
2032	1,410,000		1,410,000	2,190,000	1.55x
2033	1,407,400		1,407,400	2,190,000	1.56x
2034	1,408,600		1,408,600	2,190,000	1.55x
2035	1,408,400		1,408,400	2,190,000	1.55x
2036	1,406,800		1,406,800	2,190,000	1.56x
2037	1,408,800		1,408,800	2,190,000	1.55x
2038	1,409,200		1,409,200	2,190,000	1.55x
2039	1,408,000		1,408,000	2,190,000	1.56x
2040	1,410,200		1,410,200	2,190,000	1.55x
2041	1,405,600		1,405,600	2,190,000	1.56x
2042	1,409,400		1,409,400	2,190,000	1.55x
2043	1,406,200		1,406,200	2,190,000	1.56x
2044	1,406,200		1,406,200	2,190,000	1.56x
2045	1,409,200		1,409,200	2,190,000	1.55x
	<b>42,249,800</b>	<b>3,152,150</b>	<b>45,401,950</b>		

*EXAMPLE*

To achieve at least 1.30x coverage the county would need to pledge the following:

Type of Tax & Purpose	Available Options	Total
County GRT	\$ 1,225,367	(1)
County 1/16th GRT	293,414	
County 3/8th GRT Hold Harmless	1,760,482	(2)
County Infrastructure GRT	149,776	
County Capital Outlay GRT	1,173,655	
County Emergency Comm. & Medical GRT	1,173,655	
County Local Hospital GRT	586,827	
<b>Total Local Option GRT</b>	<b>\$6,363,176</b>	

- (1) The County currently pledges the 1<sup>st</sup> 1/8<sup>th</sup> of the County Share (638k). The County would need to additionally pledge the 3<sup>rd</sup> 1/8<sup>th</sup> County GRT (Not imposed); and
- (2) The County has 3 increments of 1/8<sup>th</sup> that can be imposed to generate \$1,760,482 or roughly \$587,000 per 1/8<sup>th</sup>. The County would need to impose 2 increments of the 3 available 1/8<sup>th</sup> Hold Harmless GRT to meet the revenue required on the left

Medical Center Lease  
Revenue Bonds

Section IV



RBC Capital Markets

## Medical Center Improvement Bonds - Overview

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- Lease Revenue Bonds
  - Pros
    - Potentially limits additional security pledge from County
    - May not require an election prior to issuance of debt
    - 30 year repayment schedule
  - Cons
    - Lease revenue only is not sufficient to pledge to repayment of debt – additional revenue source would required
    - Potentially highest borrowing cost
    - Sale alternatives potentially limited to public sale only

# Medical Center Improvement Bonds – 30 Year Amortization

– For illustrative purposes only, purchases will probably require either substantially higher coverage or GRT revenues sufficient to meet 100% of annual debt service in addition to lease payment

Lincoln County, New Mexico  
Lease Revenue Bonds  
Series 2015 Bonds

Period Ending	Principal	Coupon	Interest	Debt Service	Pledged Revenue	Coverage	Required	Revenue Required	'Additional
07/01/2016	\$ 330,000	5.500%	\$ 1,320,000	\$ 1,650,000	1,650,000	1.00	1.30	495,000.00	
07/01/2017	350,000	5.500%	1,301,850	1,651,850	1,651,850	1.00	1.30	495,555.00	
07/01/2018	370,000	5.500%	1,282,600	1,652,600	1,652,600	1.00	1.30	495,780.00	
07/01/2019	390,000	5.500%	1,262,250	1,652,250	1,652,250	1.00	1.30	495,675.00	
07/01/2020	410,000	5.500%	1,240,800	1,650,800	1,650,800	1.00	1.30	495,240.00	
07/01/2021	435,000	5.500%	1,218,250	1,653,250	1,653,250	1.00	1.30	495,975.00	
07/01/2022	455,000	5.500%	1,194,325	1,649,325	1,649,325	1.00	1.30	494,797.50	
07/01/2023	480,000	5.500%	1,169,300	1,649,300	1,649,300	1.00	1.30	494,790.00	
07/01/2024	510,000	5.500%	1,142,900	1,652,900	1,652,900	1.00	1.30	495,870.00	
07/01/2025	535,000	5.500%	1,114,850	1,649,850	1,649,850	1.00	1.30	494,955.00	
07/01/2026	565,000	5.500%	1,085,425	1,650,425	1,650,425	1.00	1.30	495,127.50	
07/01/2027	595,000	5.500%	1,054,350	1,649,350	1,649,350	1.00	1.30	494,805.00	
07/01/2028	630,000	5.500%	1,021,625	1,651,625	1,651,625	1.00	1.30	495,487.50	
07/01/2029	665,000	5.500%	986,975	1,651,975	1,651,975	1.00	1.30	495,592.50	
07/01/2030	700,000	5.500%	950,400	1,650,400	1,650,400	1.00	1.30	495,120.00	
07/01/2031	740,000	5.500%	911,900	1,651,900	1,651,900	1.00	1.30	495,570.00	
07/01/2032	780,000	5.500%	871,200	1,651,200	1,651,200	1.00	1.30	495,360.00	
07/01/2033	825,000	5.500%	828,300	1,653,300	1,653,300	1.00	1.30	495,990.00	
07/01/2034	870,000	5.500%	782,925	1,652,925	1,652,925	1.00	1.30	495,877.50	
07/01/2035	915,000	5.500%	735,075	1,650,075	1,650,075	1.00	1.30	495,022.50	
07/01/2036	965,000	5.500%	684,750	1,649,750	1,649,750	1.00	1.30	494,925.00	
07/01/2037	1,020,000	5.500%	631,675	1,651,675	1,651,675	1.00	1.30	495,502.50	
07/01/2038	1,075,000	5.500%	575,575	1,650,575	1,650,575	1.00	1.30	495,172.50	
07/01/2039	1,135,000	5.500%	516,450	1,651,450	1,651,450	1.00	1.30	495,435.00	
07/01/2040	1,200,000	5.500%	454,025	1,654,025	1,654,025	1.00	1.30	496,207.50	
07/01/2041	1,265,000	5.500%	388,025	1,653,025	1,653,025	1.00	1.30	495,907.50	
07/01/2042	1,335,000	5.500%	318,450	1,653,450	1,653,450	1.00	1.30	496,035.00	
07/01/2043	1,405,000	5.500%	245,025	1,650,025	1,650,025	1.00	1.30	495,007.50	
07/01/2044	1,485,000	5.500%	167,750	1,652,750	1,652,750	1.00	1.30	495,825.00	
07/01/2045	1,565,000	5.500%	86,075	1,651,075	1,651,075	1.00	1.30	495,322.50	
<b>Total</b>	<b>\$ 11,550,000</b>		<b>\$ 21,475,300</b>	<b>\$ 31,375,300</b>					

# General Obligation Bonds

Section V



RBC Capital Markets

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## General Obligation Bonds

- Pros
  - Access to all sale alternatives
  - Lowest borrowing cost
  - Potentially no tax increase if lease payments made on time
  - Requires voter approval prior to issuance of debt
- Cons
  - Requires voter approval prior to issuance of debt
  - Property tax rate increase in the event lease payment is not met
  - 20 year repayment schedule maximum

**The county currently does not have any general obligation debt outstanding.**

# History of Assessed Value, Tax Rates & General Obligation Debt Capacity

## RESIDENTIAL TAX RATES - Per \$1,000 Assessed Valuation

### Within 20 Mill Limit for General Purposes

	2014-15	2013-14	2012-13	2011-12	2010-11
State of New Mexico	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Lincoln County	5.169	5.164	4.860	4.915	4.803
Carrizozo, Town of	6.317	6.385	6.462	4.506	4.405
Carrizozo Schools	0.312	0.318	0.313	0.319	0.312
Ruidoso, Village of	5.165	5.142	4.842	4.885	4.818
Ruidoso Schools	0.311	0.310	0.295	0.297	0.292
<b>Total</b>	<b>\$17.274</b>	<b>\$17.319</b>	<b>\$16.772</b>	<b>\$14.922</b>	<b>\$14.630</b>

### Over 20 Mill Limit - Interest, Principal, Judgment, etc.

	2014-15	2013-14	2012-13	2011-12	2010-11
State of New Mexico	\$1,360	\$1,360	\$1,360	\$1,362	\$1,530
Lincoln County	2,750	2,750	2,750	2,750	2,750
Carrizozo, Town of	0.000	0.000	0.000	0.000	0.000
Carrizozo Schools	7.333	7.399	7.359	7.596	7.887
Ruidoso, Village of	1,500	0.000	0.000	0.000	0.000
Ruidoso Schools	7.951	7.756	7.818	7.830	7.801
<b>Total</b>	<b>\$20.994</b>	<b>\$19.265</b>	<b>\$19.287</b>	<b>\$19.538</b>	<b>\$19.968</b>

Source: Lincoln County Assessor's Office.

**2014 Assessed Valuation** **\$1,168,342,311**

Debt Limitation	3%	\$35,050,269
Outstanding General Obligation Debt		
G/O Bonding Capacity		\$35,050,269

### Total Levy

	2014-15	2013-14	2012-13	2011-12	2010-11
State of New Mexico	\$1,360	\$1,360	\$1,360	\$1,362	\$1,530
Lincoln County	7,919	7,914	7,610	7,665	7,553
Carrizozo, Town of	6,317	6,395	6,482	4,506	4,405
Carrizozo Schools	7,645	7,717	7,672	7,915	8,199
Ruidoso, Village of	6,665	5,142	4,842	4,885	4,818
Ruidoso Schools	8,262	8,066	8,113	8,127	8,093
Lincoln County Medical Center & Rural Clinics	2,600	2,600	2,535	2,553	2,515
ENMU - Ruidoso Branch	1,808	1,803	1,715	1,726	1,700
Total Residential in Town of Carrizozo	\$25,841	\$25,976	\$25,639	\$24,001	\$24,202
Total Non-Residential in Town of Carrizozo	\$26,534	\$26,160	\$27,641	\$25,868	\$26,078
Total Residential in Village of Ruidoso	\$28,615	\$26,885	\$26,175	\$26,318	\$26,209
Total Non-Residential in Village of Ruidoso	\$30,246	\$28,977	\$31,064	\$30,837	\$30,010

Source: New Mexico Department of Finance & Administration

# General Obligation Bonds – Potential Tax Rates

Lincoln County, New Mexico  
 General Obligation Bonds  
 Series 2015 Bonds

Period Ending	Principal	Coupon	Interest	Debt Service	Assessed Value	Tax Rate
					@ 90% Collection	
07/01/2016	\$ 820,000	4.000%	\$ 974,200	\$ 1,794,200	1,163,765,087	1.71
07/01/2017	850,000	4.000%	941,400	1,791,400	1,163,765,087	1.71
07/01/2018	885,000	4.000%	907,400	1,792,400	1,163,765,087	1.71
07/01/2019	920,000	4.000%	872,000	1,792,000	1,163,765,087	1.71
07/01/2020	955,000	4.000%	835,200	1,790,200	1,163,765,087	1.71
07/01/2021	995,000	4.000%	797,000	1,792,000	1,163,765,087	1.71
07/01/2022	1,035,000	4.000%	757,200	1,792,200	1,163,765,087	1.71
07/01/2023	1,075,000	4.000%	715,800	1,790,800	1,163,765,087	1.71
07/01/2024	1,120,000	4.000%	672,800	1,792,800	1,163,765,087	1.71
07/01/2025	1,165,000	4.000%	628,000	1,793,000	1,163,765,087	1.71
07/01/2026	1,210,000	4.000%	581,400	1,791,400	1,163,765,087	1.71
07/01/2027	1,260,000	4.000%	533,000	1,793,000	1,163,765,087	1.71
07/01/2028	1,310,000	4.000%	482,600	1,792,600	1,163,765,087	1.71
07/01/2029	1,360,000	4.000%	430,200	1,790,200	1,163,765,087	1.71
07/01/2030	1,415,000	4.000%	375,800	1,790,800	1,163,765,087	1.71
07/01/2031	1,475,000	4.000%	319,200	1,794,200	1,163,765,087	1.71
07/01/2032	1,530,000	4.000%	260,200	1,790,200	1,163,765,087	1.71
07/01/2033	1,595,000	4.000%	199,000	1,794,000	1,163,765,087	1.71
07/01/2034	1,655,000	4.000%	135,200	1,790,200	1,163,765,087	1.71
07/01/2035	1,725,000	4.000%	69,000	1,794,000	1,163,765,087	1.71
<b>Total</b>	<b>\$ 24,355,000</b>		<b>\$ 11,486,600</b>	<b>\$ 34,047,400</b>		

General Obligation Bonds – Tax Rate Matrix - \$25,000,000 of Net Proceeds\*

Property Value	Assessed Value	Tax Rate >>>>>>		Current		20 Year Amortization (assumes 4% rate)	
		Annual Change	Monthly Change	Annual Change	Monthly Change	Annual Change	Monthly Change
\$150,000	\$50,000	\$0	\$0.00	\$86	\$7.13	\$1,710	
200,000	66,667	\$0	\$0.00	\$114	\$9.50		
250,000	83,333	\$0	\$0.00	\$143	\$11.88		
300,000	100,000	\$0	\$0.00	\$171	\$14.25		
500,000	166,667	\$0	\$0.00	\$285	\$23.75		

\* Actual Results may vary

**HOSPITAL FUNDING SOURCES  
GENERAL DISCUSSION WITH COUNTY'S MUNICIPAL ADVISOR  
ERIC HARRIGAN - RBC CAPITAL MARKETS**

**1. NMFA Loan.**

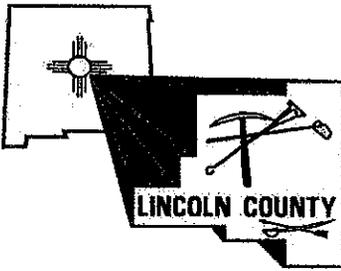
- a. Lincoln County does not currently have the capacity to borrow \$25 million without having a defined revenue stream i.e., and lease payment revenues only would more than likely not be an acceptable pledge to the loan;
- b. Cannot lock in the interest rate without NMFA Board approval, which would require a defined revenue stream;

**2. USDA Loan.**

- a. Works under a specific funding cycle – lengthy application process. RBC is checking into this option.
- b. Total available funds are much less than they once were – maybe \$35 million for the entire state;
- c. Similar to NMFA a USDA loan would require a defined revenue stream that would be acceptable to USDA (RBC checking on what kind of revenue stream would be acceptable to USDA).

**3. General Obligation Bond.**

- a. Commission must define for the ballot what the funds will be used for; i.e., “up to **\$25,000,000** for the purpose of constructing, renovating, etc., hospital”;
- b. Commission only has the authority to approve an election resolution determining the “not to exceed amount” of GO debt to be issued;
- c. RBC Capital Markets would structure the bonds to the desired level and provide the estimated future debt service tax rates (assuming certain growth in County assessed values);
- d. Once annual debt service has been determined, tax rate is set annually to the amount of debt service due which would increase or decline as the County's assessed valuation changes;
- e. If sufficient revenues (i.e. lease payments) are deposited to the GO debt service fund then a millage would not be levied for that year. So long as **lease payments or other available revenue streams are sufficient to pay the debt service on the bonds** then no tax rate increase would result from the issuance of GO Bonds;
- f. If voters approve in November, funds can be available as early as February or March.



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

# *County of Lincoln*

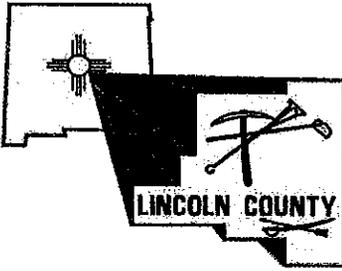
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P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## **Agenda Item No. 11**

### **SUBJECT**

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



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# County of Lincoln

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## AGENDA Item No. 12

September 10, 2015

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Forest, Land and Natural Resources Matters

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

**Cibola National Forest.** The landscape meetings for the Mountainair Ranger District have been in conflict with the County Commission meetings for August and September. Update information is forthcoming from Landscape Coordinator Dierdre Tarr and will be provided to Commission upon receipt.

**Forest Health - Community Forester.** Rick Merrick with South Central Mountain RC&D may be in attendance to update the Commissioner on forest health activities. South Central Mountain RC&D is working closely with Upper Hondo Soil & Water Conservation District, NM State Forestry, the County and other partners to host the Prescribed Burn Workshop scheduled for October 29<sup>th</sup>. See **Enclosure 1a**.

**Water Issues:** There are three new postings for water rights applications on the State Engineer's website this month. See **Enclosure 2:**

1. Sally Canning H-4328. Permit requested to use an existing well as a supplemental point of diversion for the diversion of 87.75 acre-feet per annum of surface water of the Rio Bonito, for the irrigation of 27.0 acres of land. The points of diversion and places of use are located near the Billy the Kid Trail, 2.35 miles from the town of Lincoln. See **Enclosure 3**.
2. Joe Buchanan H-188. Cedar Creek Cabin Owners Association. No information accessible on website.
3. James Miller H-785. SunValley Water and Sanitation District. No information accessible on website.

**Recommendation:** None. Information only.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

**Smokey Bear RD, Lincoln National Forest, Briefing Paper for  
Lincoln County Commissioners Meeting  
September, 2015**

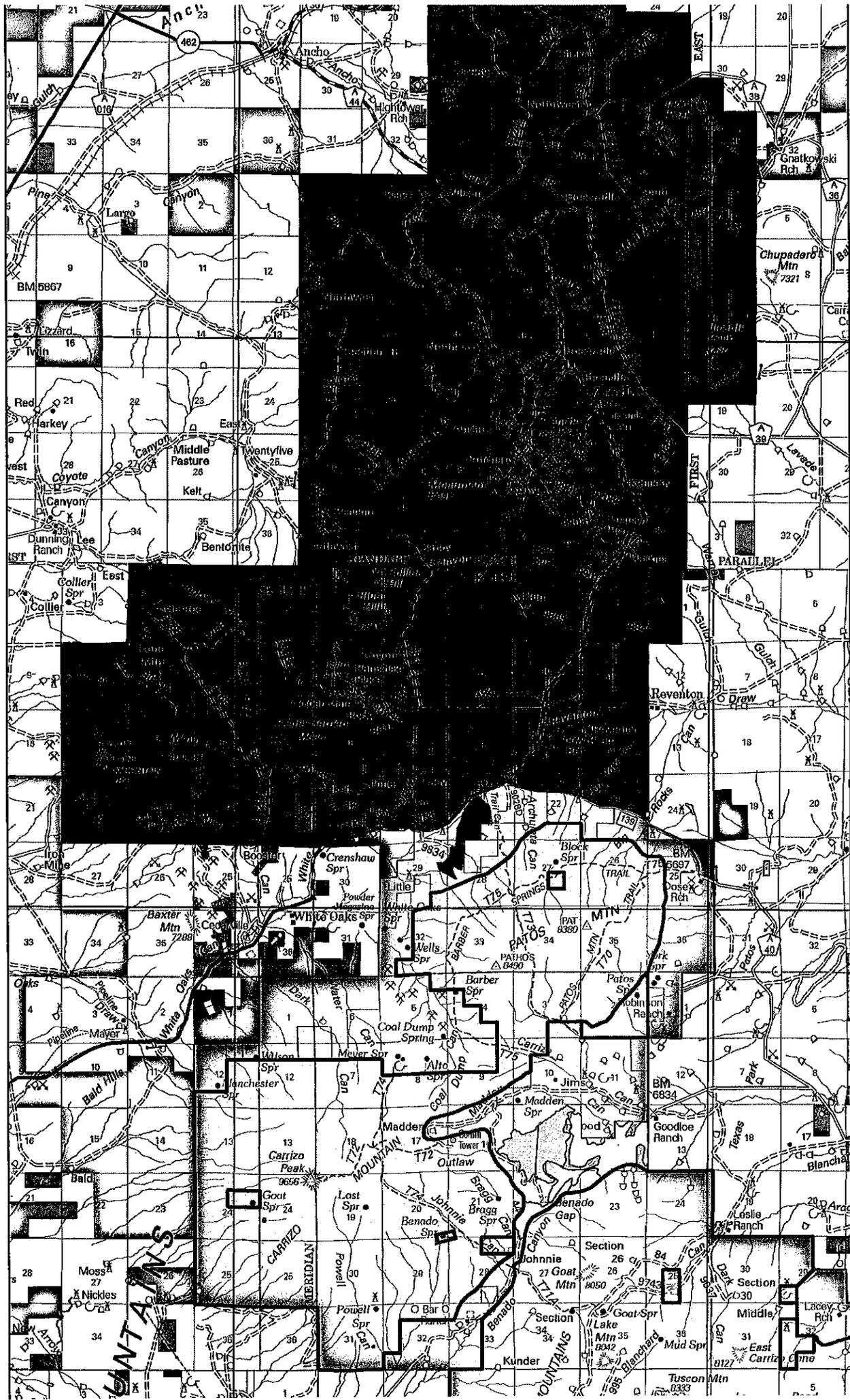
**Critical Updates**

- New Restoration Planning Area on the Smokey Bear RD
  - Discuss the need to identify a new planning area on SBRD
  - Review Maps (attached)
  - Discuss initial criteria (attached)
  - Discuss stakeholder involvement
- Forest Plan Revision
  - Review email delivered to mailing list on 9/9/15 (attached)
  - Review Public Participation Strategy (attached)
  - Discuss Assessment Phase
- North Fork Eagle Creek Wells - Special Use Permit Application - Village of Ruidoso
  - A Final Environmental Impact Statement (FEIS) and a Draft Record of Decision (DROD) will be published in September/October.
  - This FEIS is similar to the Supplemental Draft Environmental Impact Statement (published in 2014). It includes a comparison of the environmental effects of implementing three alternatives, including (1) Status quo - continued access to infrastructure and unrestricted pumping; (2) No Action - no infrastructure access and no pumping; and (3) Proposed Action - continued access to infrastructure and adaptive management of pumping.
  - The deciding official for this project is the Lincoln National Forest, Forest Supervisor. The Forest Supervisor will issue a Draft Record of Decision identifying which of the 3 alternatives best addresses the purpose and needs of the project.
  - This decision is subject to objection pursuant to 36 CFR Part §218, subparts A and B. Objections will only be accepted from individuals or organizations who have previously submitted specific written comments regarding this proposed planning effort during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously-submitted timely, specific written comments regarding this proposed planning effort unless based on new information arising after the designated comment opportunities.
  - The Objection Period begins when the FEIS and DROD are published in the Alamogordo Daily News and the Ruidoso News. The Objection Period is open for 45 days from the date of publication of the legal notice. Complete instructions for filing timely objections will be included in the legal notice.

**End of Report**

## Priority Landscape Planning Area Decision Process

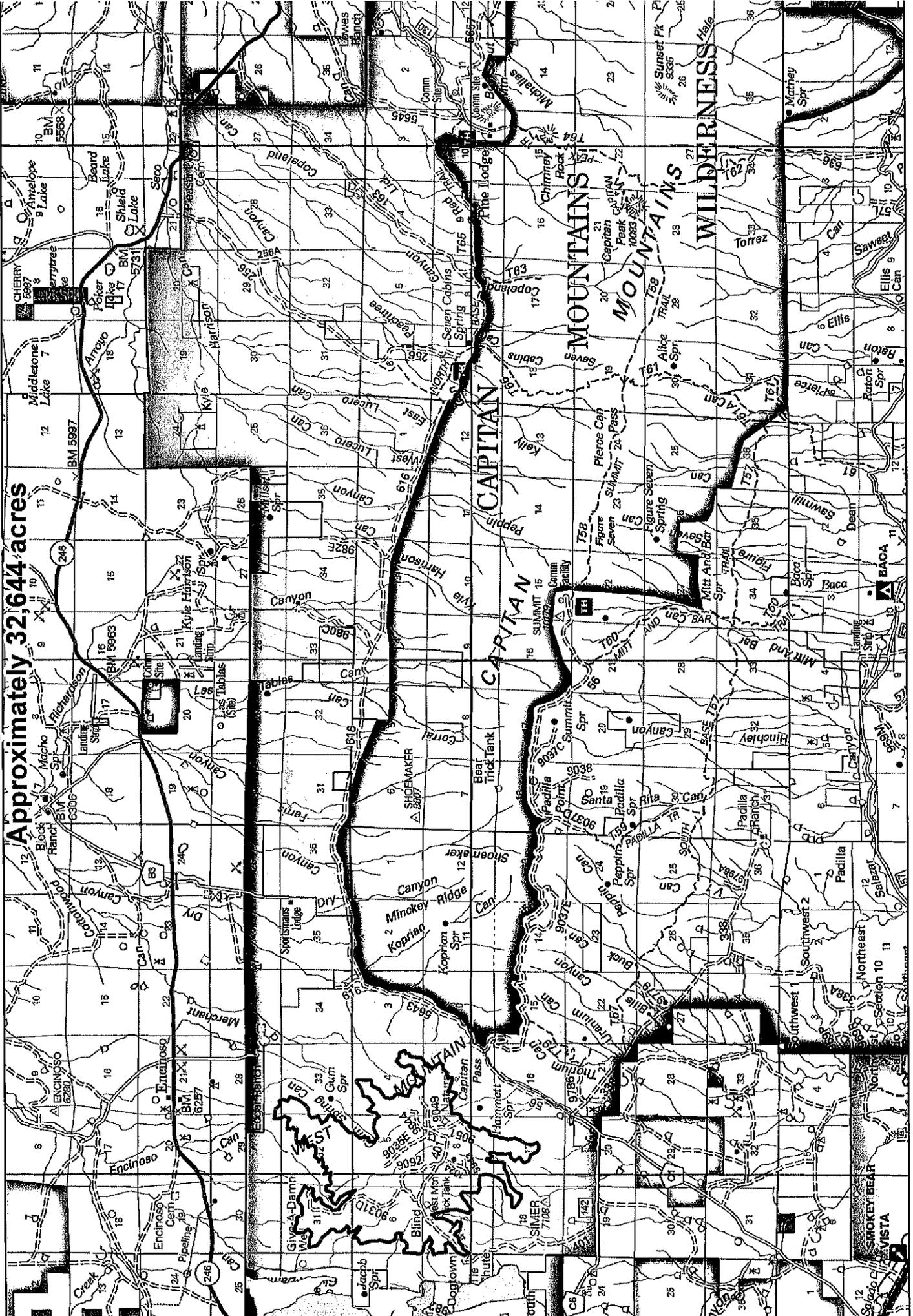
- Is the NEPA / Decision large or complex enough to warrant prioritized focus by the Forest and Stakeholders to accomplish rather than be handled as one or more smaller, less complex EA's or CE's? As a guide - an area that is greater than 10,000 acres in size or an issue/action that takes place over an area greater than 10,000 acres.
- It should be an Integrated Decision (lead to significant and needed improvements for multiple disciplines like: Range, Wildlife, Watershed, Recreation, Wilderness, Timber, Forest Products, Fuels and Fire.
- It should have a history or at least potential involvement of Forest Stakeholders (i.e. permittees, adjacent landowners, NM Game & Fish, NM State Forestry, BLM, Soil & Water Conservation District, etc.).
- Is it reasonably achievable either through the Forest or through TEAMS, CFRP or other alternatives? What are the challenges or obstacles to success?





# North Capitans Planning Area

## Approximately 32,644 acres



**This is a courtesy copy of an email bulletin sent by Sabrina Flores.**

**This bulletin was sent to the following groups of people:**

Subscribers of Lincoln National Forest Plan Revision (1780 recipients)

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Dear Lincoln National Forest Plan Revision Participant,

Thank you again for signing up to be a part of our electronic mailing list. We will be sending you information to keep you up to date on the process, future meetings where you can be involved, notification of website updates, forms that can be used to submit information back to us, and various other materials as they become available. If at any time you would like to be removed from the list please reply back to this email with an "Unsubscribe" message or follow the directions outlined below.

**Here is an update of what we have accomplished since the last email sent out on June 25, 2015:**

- Thursday, June 25, 2015 a "Notice of Initiating the Assessment Phase of the Lincoln National Forest Land Management Plan" was published in the Federal Register officially starting the Forest Plan revision process.
- We completed the Public Participation Strategy based on information collected at the March Community Conversations (see attachment). This document along with other documents can be found on the following web site, [fs.usda.gov/goto/lincolnforestplan](http://fs.usda.gov/goto/lincolnforestplan).
- Since the March Community Conversations, we have met 15 different times both internally and externally to present the overall Forest Plan Revision process, the Assessment Phase, to work with the public, and to collect information.
- The Forest Plan Revision Team has begun to compile and analyze ecological, social, cultural, and economic information that will support the "need for change" from the current plan to the new plan.

In effort to continue to work with the public in the assessment phase, we would like to connect with as many of you as we can. If you are interested in having us give your group, agency, or organization a presentation or have a meeting on Forest Plan Revision, the Assessment Phase, please respond to the e-mail at the end of this message.

**In the Assessment Phase we will be rapidly evaluating existing, relevant information for the following topics:**

- Terrestrial ecosystem, aquatic ecosystems, and watersheds
- Air, soil, and water resources and quality
- Natural Processes including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change
- Baseline assessment of carbon stocks
- Threatened and endangered, proposed and candidate species, and potential species of conservation concern present and in the plan area
- Cultural and historic resources and use
- Areas of tribal importance
- Social, Cultural, and economic conditions

- Multiple uses and their contributions to local, regional, and national economies
- Recreation settings, opportunities, and access, and scenic character
- Existing designated areas located in the plan area including wilderness and wild and scenic rivers and potential need and opportunity for additional designated areas
- Infrastructure, such as recreational facilities and transportation and utility corridors
- Land status and ownership, use and access patterns
- Renewable and nonrenewable energy and mineral resources
- Benefits people obtain from the planning area (ecosystem services)

**Future steps in the Assessment Phase from this point forward are:**

- Assessment workshops #1 in late fall 2015 (more information to come).
- Assessment workshops #2 in late winter 2016.
- The Draft Assessment will be submitted to the Southwestern Regional Office in early spring 2016.
- The Final Assessment Report will be completed by early summer 2016.

We look forward to working with you on this Forest Plan Revision. Feel free to email or call me at the information provided below or to reply back to [Inf\\_fpr\\_comments@fs.fed.us](mailto:Inf_fpr_comments@fs.fed.us) with your Forest Plan Revision questions. Your feedback on our communication efforts is welcomed. Thank you.

Sincerely,

*/s/ Sabrina A. Flores*

**Sabrina A. Flores Natural Resource Planner**

**Forest Service**

**Lincoln National Forest, Supervisor's Office**

p: 575-434-7200 x7237 [sflores@fs.fed.us](mailto:sflores@fs.fed.us)

3463 Las Palomas Rd. Alamogordo, NM 88310 [www.fs.fed.us](http://www.fs.fed.us)

**Caring for the land and serving people**



# Lincoln National Forest

## Forest Plan Revision Public Participation Strategy

July 8, 2015

### Purpose

The Lincoln National Forest is currently revising the 1986 Forest Plan. This public participation strategy is intended to provide a framework for communication, participation and collaboration among all parties involved, or desiring involvement in the Lincoln National Forest Plan Revision (FPR). Engaging internal and external audiences throughout the multi-phase, multi-year process will be essential to the success of the revised forest plan. This is a living document that is anticipated to evolve based on input and feedback from all parties throughout the process.

### Goals

- Establish and maintain open communication channels with internal and external audiences.
- Increase awareness, allow for shared learning and promote a common understanding of the importance of the planning process and the forest plan.
- Keep all concerned parties informed throughout the process.
- Provide opportunities to exchange data and information.
- Create a broad, clear decision-making process that improves the FPR process.
- Promote constructive open dialogue, debate and deliberation among different perspectives.
- Encourage input and feedback throughout all phases of the planning process.
- Build and maintain effective working relationships to help improve the problem solving process.
- Use proactive methods and tools to meet the expectations and information needs of interested parties.
- Communicate key messages regarding FPR and the resulting document that will guide management decisions on the Lincoln National Forest for the next 15 years.

## Background

The Forest Plan is a comprehensive document that guides forest resource management, use and protection. It aims to balance multiple uses and sustained yield of forest resources. It sets forth a vision for land management, describing the desired conditions within the forest, and lays out specific objectives, standards and guidelines for how to achieve those desired conditions.

National U.S. Forest Service policy requires plans be revised periodically. The Forest Service's 2012 Planning Rule directs Forest Plans to be science-based and developed with extensive public involvement and collaboration. The current Lincoln National Forest Plan can be found under documents at <http://www.fs.usda.gov/goto/forestplan> was last revised in 1986, and has been amended fifteen times, most recently in 2009. Many changes have occurred since then environmentally, socially and economically. We will confirm what is working with the 1986 plan and identify where there is a need for change.

This multi-year process involves three phases; assessment, revision and monitoring.

### **Phase 1. The Assessment**

The assessment will look at conditions and opportunities on the National Forest within the context of the broader landscape by identifying and evaluating relevant existing information from a variety of sources. Biodiversity; soils; watershed and wildlife habitat conditions; natural functions and processes on the land; areas of tribal importance; multiple uses and their economic contributions; and recreation are just some of items that will be evaluated during this initial phase. Public engagement in this phase will provide opportunities to share data and knowledge of existing forest conditions and identify trends and perceptions of risks to social, economic and ecological systems. Public engagement will be particularly important in developing the potential list of species of conservation concern, determining geographic extent of the plan area's influence on social and economic conditions, and informing potential special designation (e.g. wilderness, wild and scenic river) inventories. This phase will take about a year to complete. The results of the assessment will help identify what "needs to change" from the current forest plan.

### **Phase II. Plan Revision and NEPA**

The goal of the plan revision phase is to decide which parts of the forest plan will be updated, and to develop and adopt recommendations for this. The revision process includes the development of plan components (desired conditions, objectives, standards and guidelines) which reflect different management scenarios, known as "alternatives". Development of a monitoring program with stakeholder involvement will also be part of the revision process. Environmental analysis will be completed on all alternatives following the process required by the National Environmental Policy Act (NEPA).

Public involvement during this phase of the revision process will be focused on developing areas of agreement relevant to plan components, designing those components, and ensuring the use of best available scientific information in plan development. The "decision space" or ability to influence the process for particular topics will be further defined as we go through the plan revision phase. In addition, the NEPA process will provide opportunities to comment on the draft plan and accompanying analysis documents. An objection period will occur before the approval of the final plan and record of decision.

### **Phase III. Implementation and Monitoring**

After the revised forest plan is adopted, the forest plan and monitoring program will be implemented. Monitoring provides feedback by tracking relevant changes over time, testing assumptions underlying management decisions, and measuring the effectiveness of management activity in achieving desired outcomes. The Planning Rule requires a monitoring report every two years after adoption of a new forest plan.

## **Guiding Principles for Participation and Collaboration**

Public participation activities are integral parts of the plan revision process. The Lincoln National Forest is committed to working with all interested parties to build a forest plan that is developed collaboratively and supported broadly. Such a plan will reflect input from diverse stakeholders and incorporate local knowledge and experience, and conform to current law, regulation and policy.

Based on input received during the March 2015 Community Conversation series, a set of collaborative principles and expectations were outlined.

### **Collaborative principles for all parties:**

- Be respectful, objective, constructive and on topic
- Listen to and be respectful of divergent viewpoints
- Identify and focus on common ground
- Learn from the past but focus on the future; check your assumptions about others
- Appreciate diverse educational backgrounds and experience
- Share knowledge, data and information
- Be willing to learn from one another
- Value each other's time
- Take responsibility for your role and commit to the process
- Encourage the younger generation and minorities to participate

### **Expectations for the Forest Service:**

- Rely on, value and incorporate local knowledge; recognize the importance of the forest resources to adjacent communities
- Be inclusive of all stakeholder groups and incorporate diverse perspectives
- Communicate consistently, frequently, in a timely manner and in plain language
- Explain where in the process there are opportunities to be engaged
- Provide all relevant information regarding collaborative work with other entities
- Be transparent; if change is necessary, provide an explanation
- Use the best available science and communicate clearly about its origins, advantages, limitations and application in all phases of the process
- Utilize common sense
- Define the "decision space" and the scope of influence stakeholders might have for elements of the revision
- Clarify constraints imposed by law, regulation and policy; differentiate between them and demonstrate compliance with all
- Demonstrate progress through the planning process; follow through and follow up
- Inform stakeholders on how will use input

- Demonstrate expertise, professionalism and accountability during face to face meetings and in documents
- Utilize diverse ways of reaching stakeholders; include face to face local meetings, online formats and local publications
- Utilize professional facilitators where possible
- Provide timely feedback

### **Expectations for the Community Stakeholders:**

- Expect stakeholders to actively participate in process and contribute

### **Public Participation Process Agreements**

This section describes the principles and best practices that the Forest may use in FPR:

- All public planning meetings are open to the public.
- All public planning meeting materials and notes will be made available on the Lincoln National Forest website ([www.fs.usda.gov/goto/lincolnforestplan](http://www.fs.usda.gov/goto/lincolnforestplan)). Hard copies will also be provided for public meetings.
- Public meeting agendas may be posted to the website at least one week in advance.
- Participating in public planning meetings does not limit anyone's activity during the NEPA process. Individuals who contribute during collaborative planning workshops may participate in the NEPA process, including submitting formal comments or submitting objections.
- The Lincoln National Forest will seek information from individuals and organizations. However, per restrictions on the use of federal advisory boards, the Forest Service cannot ask a group, as a whole, whether consensus exists. The Lincoln NF will encourage self-convened workgroups around resource topic areas that will inform collaborative work sessions.

### **Who is Involved in Forest Plan Revision**

All members of the public who share an interest in the future of land and resource management on the Lincoln are encouraged to participate in FPR. Inclusion of diverse perspectives, knowledge, skills, roles, jurisdictions, supports the development of a comprehensive plan. The Forest seeks to continue working with partners and neighbors toward improving forest health and resiliency, supporting jobs and providing multiple uses and ecosystem services.

### **The Lincoln National Forest counts among its plan revision stakeholders:**

- Agency partners – federal, state, county, local
- Businesses and chambers
- Clubs and community groups
- Community members
- Civil Rights organizations
- Educators, students (college, high school, secondary, elementary)
- Elected officials – national, regional, local
- Environmental and conservation organizations
- Federally recognized Indian Tribes
- Fire safety and community protection groups

- Forest Service employees and retirees
- Interested Individuals (local, regional, national)
- Local government
- Low-income populations
- Media
- Minority populations
- Private landowners
- Permittees
- Soil and Water Conservation Districts/Natural Resource Conservation Districts
- University Cooperative Extension, Researchers
- Volunteer and stewardship groups
- Youth and youth-related organizations

It is a goal of the planning process to identify common objectives with Tribal, state, and local governments, and find opportunities to resolve or reduce conflicts. The IDT will review the planning and land use policies of other public agencies to understand and give consideration to their objectives. The Lincoln NF will consider ways the revised Forest Plan could contribute to compatibility between the National Forest and other agency plans. Requests for cooperating agency status are encouraged from eligible state, local and Tribal governments, but are applicable only during the NEPA process for the plan revision phase and will be considered at that time. Meetings will be conducted with government agencies to discuss issues, concerns, and management plans.

The 2012 Rule specifically identified that forests seek out and engage low-income, youth, and minority populations. To engage low-income populations in FPR, the Forest will identify non-profits and social services organizations that provide support to low-income populations to suggest possible approaches and opportunities. To engage youth in FPR, the Forest will use web/social media and identify and participate with youth organizations which have natural affinities to the National Forest such as: Youth Conservation Corps, Boy & Girl Scouts, 4H, and Future Farmers of America. The Forest will also contact science and natural resources teachers at the elementary, secondary, high school, and university levels to discuss opportunities to include FPR in their lessons. To engage minority populations in FPR, the Forest will identify and work with community leaders to suggest possible approaches/opportunities and gathering places to hold listening sessions, dialogue and discussions about use and management of the Forest. Bilingual versions of FPR materials/handouts could be produced.

## **Methods**

Information needs and public involvement levels may change throughout the FPR process. Public input, feedback, and collaboration are some of the effective ways members of the public can participate. It is important that the Forest ask interested individuals how they want to be informed and be involved in various activities. The Lincoln NF will use the following techniques and approaches to engage diverse stakeholders.

1. The Forest Plan Revision website is the main repository for updates, notices, public participation opportunities, background materials and links to other references  
[www.fs.usda.gov/goto/lincolnforestplan](http://www.fs.usda.gov/goto/lincolnforestplan)
2. News Releases will be sent out when new steps are taken in the FPR process. These are sent to a wide audience and media for further distribution.
3. Legal notices will be published in the newspaper of record, which is the Alamogordo Daily News. Legal notices may also be published in The Ruidoso News and Current Argus in Carlsbad.
4. Notices will be published in the Federal Register as required by the 2012 Planning Rule Final Directives.

5. Another social media method we will use is Twitter to send brief updates and links to additional information. <https://twitter.com/LincolnUSForest>
6. The email address for Forest Plan Revision is [Inf\\_fpr\\_comments@fs.fed.us](mailto:Inf_fpr_comments@fs.fed.us)
7. An email distribution list will be maintained specifically for FPR to send out information on updates, notices, invitations to provide comments, and other opportunities for public participation. Please email [Inf\\_fpr\\_comments@fs.fed.us](mailto:Inf_fpr_comments@fs.fed.us) to request to be added to the list.
8. Presentations can be made by the FPR team for organizations and other entities upon request. Presentation materials are also posted on the FPR web page.
9. Outreach materials such as FAQs, newsletters, information sheets, and handouts will be distributed at outreach events and posted to the website.
10. Phone calls will be made by district personnel to local community members when appropriate.
11. Flyers will be posted in communities to announce upcoming events.
12. Staff will attend large events in the local communities at a Lincoln National Forest booth to provide information on Forest Plan Revision.
13. Public meetings, open houses, and workshops will be hosted in surrounding communities throughout the process.
14. Send mail to Lincoln National Forest Plan Revision, 4363 Las Palomas Road, Alamogordo , NM 88310
15. A suggestion from the Collaboration Cadre that was to form an informal sounding board from a broad spectrum of individuals/groups to provide input on how communities wish to be engaged in Forest Plan Revision. This idea will be explored further during the Forest Plan Revision process.

## Forest Service Teams

Within the Forest Service, there are several teams that are involved in the plan revision process. In summary, from local to regional, the roles are as follows:

### a. Lincoln NF Interdisciplinary Team (IDT)

- \* *Forest Planner*: Manages, organizes and serves as the primary point of contact for the revision process
- \* *Core Team*: Five member team (including the Forest Planner) 100% dedicated to the FPR effort and providing planning, social, economic, recreation, wildlife, vegetation, soil and water resource support.
- \* *Extended Team*: 15-25 member team consisting of Lincoln NF, Regional Office staff and contractor support devoting a portion of their time to the revision effort in the areas of air, cultural resources, fire, GIS, infrastructure, lands/special uses, mineral/energy, range, recreation, scenery, silvicultural, social and economic resources, tribal resources, soils and water resources.

### b. Forest Leadership Team (FLT)

- \* *Lincoln NF Supervisor*: Responsible official (decision-maker) for approval of plan revision. While the Agency is committed to public participation and encourages collaboration, the Forest Supervisor is the responsible official and is accountable for all formal land management planning decisions affecting NFS lands and may not relinquish that responsibility. The Forest Supervisor may consider the recommendations of collaborators, but is not obligated to follow the recommendations in making a decision.

- \* *District Rangers (DRs)*: Liaisons to forest communities and constituents on plan revision issues

- \* *Public Affairs Officer (PAO)*: Prepares communication materials in cooperation with the Core Team. Main point of contact for the media.
- \* *Fire Management Officer*:
- \* *Staff Officers*:

**c. Regional Office (RO) Revision Team**

- \* Facilitates understanding of the 2012 Planning Rule.
- \* Reviews all revision documents
- \* Provides technical transfer and RO assistance in support of conducting ecologically and socioeconomic based assessments identified in the 2012 Rule.

**d. Regional Leadership**

- \* *Regional Forester*: Reviewing officer for the objection process.

DRAFT

## Action Plan Lincoln National Forest 2015

The Action Plan sets dates and identifies roles and responsibilities to reach and engage the greatest number of people.

Pre-Assessment				
Target Date	Activity/Action	Stakeholders	Responsible Party	Date Accomplished
Jan 2015	Collaborative Workshop	Gila & Lincoln NF IDT & FLT	Collaboration Cadre	Jan 2015
Feb 2015	Brief County Commissioners	Counties	District Rangers	Feb and March 2015
Feb 2015	Develop external web page	All	Webmaster	Feb 2015
Feb 2015	Develop outreach materials	FS and non-FS	Core Team/FLT	Feb 2015
Feb 2015	Schedule Community Conversations	All	Core Team/FLT	Feb 2015
Feb 2015	Create SharePoint site for FPR	FS	Webmaster	Feb 2015
Feb 2015	Outreach for Community Conversations	All	Districts, Extended & Core Team	Feb 2015
Feb 2015	News Release to introduce FPR	Media, General public	PAO	Feb 2015
Feb 2015	Internal email to all employees	Lincoln NF employees	Forest Supervisor, PAO	Feb 2015
Feb 2015	Utilize social media to expand outreach	FS and non-FS	PAO	Feb 2015
March 2015	Outreach for Community Conversations	All	Districts, Extended & Core Team	March 2015
March 2015	Conduct internal briefings at Districts/SO	Lincoln NF employees	Core Team	March 2015
March 2015	Hold Community Conversations	All	Forest-wide, Collaboration Cadre	March 26 – 30, 2015
March 2015	Summarize Generation W all input	All	Core Team	March 2015
March 2015	Summarize Community Conversation input	All	Core Team	April 2015
March 2015	Web updates	FS and non-FS	Webmaster	March 2015
Mar/Apr 2015	Present at organization meetings	Organizations	Core Team	March and April 2015
Mar/Apr 2015	Present at local government meetings	Local government	District Rangers, Core Team	March and April 2015
June 2015	Initiation of Assessment in Federal Register	All	Core Team, Forest Supervisor	June 2015
June 2015	Post Community Conversation summaries	All	Webmaster	June 2015
June 2015	Legal notice on initiation of assessment	All	Core Team	June 2015
July 2015	News Release on initiation of assessment	All	PAO	July 2015
July 2015	Communicate with Tribal Leaders	Tribes	District Rangers, Archeologists	
July 2015	Distribute Public Participation Strategy	All Stakeholders	PAO, Core Team, FLT	July 2015

**Assessment Phase**

<b>Target Date</b>	<b>Activity/Action</b>	<b>Stakeholders</b>	<b>Responsible Party</b>	<b>Date Accomplished</b>
Ongoing	Meetings with Tribes	Tribal representatives	Archaeologists, District Rangers	
Ongoing	Present at local government meetings	Local government	District Rangers, Core Team	
Ongoing	Provide updates on status of process	Congressional	District Rangers, PAO, Core Team	
Ongoing	Present at organization meetings	Organizations	Core Team	
Ongoing	Engage low-income populations	Low-income populations	Core Team, PAO, Districts	
Ongoing	Engage youth populations	Youth	Core Team, PAO, Districts	
Ongoing	Engage minority populations	Minority populations	Core Team, PAO, Districts	
Ongoing	Engage minority populations	Minority populations	Core Team	
July 2015	Conduct internal briefings at Districts/SO	Lincoln NF employees	Regional Office Analysis Team	
July 2015	First meeting w/ Regional Office A-Team	Core and Extended Team		
July 2015	Conduct visits at Districts	Lincoln NF employees	Core Team	
July-Sep 2015	Call for existing, available data	Agencies, NGOs, public	Core Team	
July-Sep 2015	Meetings with agencies	Agencies	Core and Extended Team	
July 2015	Develop newsletter	All stakeholders	Core Team	
July 2015	Conduct visits at Districts/SO	Lincoln NF employees	Core Team	
Aug-Sept 2015	Public meetings on Assessment Phase	All stakeholders	Forest-wide, Facilitator	
Sept-Oct 2015	Field trips: topics and locations TBD		IDT, FLT, Districts	
Sep-Nov 2015	Workshops on Assessment topics	All stakeholders	Forest-wide, Facilitator	
April 2016	Draft Assessment Report for RO Review		Core Team, Extended Team	
June 2016	Assessment Report publicly available	All stakeholders	Core Team	
June 2016	Public meetings for Assessment Report	All stakeholders	Forest-wide, Facilitator	

**Plan Revision and NEPA Phase**

<b>Target Date</b>	<b>Activity/Action</b>	<b>Stakeholders</b>	<b>Responsible Party</b>	<b>Date Accomplished</b>
Ongoing	Meetings with Tribes	Tribal representatives	Archaeologists, District Rangers	
Ongoing	Present at local government meetings	Local government	District Rangers, Core Team	
Ongoing	Present at organization meetings	Organizations	Core Team	
Ongoing	Meetings with agencies	Agencies	Core and Extended Team	
Ongoing	Engage low-income populations	Low-income populations	Core Team, PAO, Districts	
Ongoing	Engage youth populations	Youth	Core Team, PAO, Districts	
Ongoing	Engage minority populations	Minority populations	Core Team, PAO, Districts	
Ongoing	Engage minority populations	Minority populations	Core Team, PAO, Districts	
Ongoing	Conduct internal briefings at Districts/SO	Lincoln NF employees	Core Team	
2016	Develop "need for change"	All stakeholders	Forest-wide, Interested stakeholders	

2016	Notice of Intent to Revise Plan	All stakeholders	Core Team, Forest Supervisor	
2016	Develop desired conditions	All stakeholders	Forest-wide, Interested stakeholders	
2016	Build NEPA alternatives	All stakeholders	Forest-wide, Interested stakeholders	
TBD	Topic: Species of conservation concern	All stakeholders	Forest-wide, Interested stakeholders	
2016-2017	Develop plan components	All stakeholders	Forest-wide, Interested stakeholders	
2016-2017	Develop monitoring plan	All stakeholders	Forest-wide, Interested stakeholders	
2017	Public Review of Draft plan and DEIS	All stakeholders	Core Team, Forest Supervisor	
2017-2018	Response to comments		Core Team, Forest Supervisor	
2018	Adjustments to plan and DEIS		Core Team, Forest Supervisor	
2018	Develop proposed final Forest Plan & EIS		Core Team, Forest Supervisor	
2018	Selection of preferred alternative		Forest Supervisor	
2018	Consultation w/ US Fish and Wildlife Service		Core and Extended Team Bios	
2018	Notice of Objection Period		Forest Supervisor	
2019	Approve Final Plan and EIS		Forest Supervisor	
2019	Record of Decision		Forest Supervisor	

**Implementation and Monitoring Phase**

<b>Target Date</b>	<b>Activity/Action</b>	<b>Stakeholders</b>	<b>Responsible Party</b>	<b>Date Accomplished</b>
2021	Biennial monitoring report publicly available		Planner	
2021	Public review of monitoring report		All stakeholders	



South Central Mountain RC&D, Rural Community Forester Report

August 2015

- 1 Ruidoso WUI Interagency Prescribed Fire CFRP Grant : Conducted a Pre-burn meeting for Alto Mesa RX burn. Present were Mark Meyers/State Land Office, Frank Silva/David Cunningham/State Forestry, Anthony Sanchez/USFS/Smokey Bear District and Brad Pittenger/Outlaw sub-division General Manager. Working on last 40 acres on Moon Mountain.
- 2 ENMU Speaker Series: October 6, 2015: The scheduled topic is Update on Forest Plan Revision
- 3 Working with Lincoln County land owners on Forestry health.
- 4 Update on NM Prescribe Burn Council Workshop: October 29,2015(flyers attached)
- 5 Lincoln/Otero County Wood Industry Summit

ENCL 1A

**FREE**

# Southeast New Mexico Prescribed Burning Workshop

*Sponsored by the New Mexico Prescribed Fire Council, Lincoln County, Upper Hondo Soil & Water Conservation District, and South Central Mountain Resource Conservation & Development*

**Date:** Thursday, October 29th, 2015

**Time:** 9:00 a.m. - 4:00 p.m.

**Location:** Lincoln County Fair Grounds in Capitan, NM

Are YOU interested in using fire as a management tool on your private land? Join us & learn:

*State Laws \* NM Smoke Management Program*

*Weather & RX Burning \* Burn Plans*

*Liability Issues & Insurance Avenues \* Funding Assistance & Opportunities*

*Field Trip on Sid Goodloe's Ranch, Prescribed Burning outcomes on private land*

**LUNCH PROVIDED!** Reserve your spot! RSVP by October 10<sup>th</sup> @ [nmrxfire.nmsu.edu](http://nmrxfire.nmsu.edu)

Or contact Don Kearney @ 575-405-2387 or Doug Boykin @ 575-835-9359



## New Mexico Prescribed Fire Council Mission

To encourage the exchange of information, techniques, and experiences among practitioners of prescribed fire in New Mexico, and to promote public understanding of the importance and benefits of safe use of prescribed fire.

**SE New Mexico Prescribed Burning Workshop and Information Meeting**  
**Lincoln County Fair Grounds in Capitan, NM**  
**Thursday, October 29<sup>th</sup>, 2015**  
**9:00 a.m. to 4:00 p.m.**



<b>AGENDA</b>		
<b>Time</b>	<b>Topic</b>	<b>Presenter</b>
9:00	Welcome, Introductions, Purpose of Workshop	Don Kearney – Chair, NM Prescribed Fire Council
9:15	State Laws and Liability issues (How they pertain to RX Burning)	Doug Boykin - New Mexico State Forestry
9:30	Insurance Avenues	Leslie Kutz - The Bramlett Agency
9:45	Smoke Requirements	Claudia Standish – NMED/NM Air Quality Bureau
10:00	Basic Weather Issues Related to RX Burning	Tom Bird - National Weather Service, Santa Teresa, NM
10:15	<b>- BREAK -</b>	
10:30	Basic Burn Plan Requirements	Don Kearney- Chair, NM Prescribed Fire Council
11:00	Funding Assistance Opportunities	<i>NRCS ( Brenda Simpson/ Kris Graham-Chavez)</i> <i>FWS ( Hydrologist, Angel Montoya)</i> <i>Forest Guild ( TBD)</i>
11:30	Noxious Weeds and Fire	Doug Cram - Assistant Professor and Extension Fire Specialist NM State University
12:00	WRAP UP Questions & Group discussions	<b>ALL</b>
12:30	<b><i>Lunch on site provided by the Upper Hondo Soil &amp; Water Conservation District (UHSWCD) South Central Mountain Resource Conservation &amp; Development (SCMRCD)</i></b>	
2:00	Successful Projects on Private lands Sid Goodloe's Ranch NW of Capitan	Sid Goodloe
4:00	Dismiss	

For more information about the NM Prescribed Fire Council please visit: [nmrxfire.nmsu.edu](http://nmrxfire.nmsu.edu)  
**Contacts**

Don Kearney, 575-405-2387 or Doug Boykin, 575-835-9359

**New Mexico Prescribed Fire Council Mission**

*To encourage the exchange of information, techniques, and experiences among practitioners of prescribed fire in New Mexico, and to promote public understanding of the importance and benefits of safe use of prescribed fire.*

**New Mexico Office of the State Engineer /  
Interstate Stream Commission**

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[Water Information](#)

## Lincoln County

[Water Rights](#)

Notice For Publications (NFP)

**File No:**

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**Posted**

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Chaves County

Cibola County

Colfax County

Curry County

DeBaca County

Dofia Ana County

Eddy County

Grant County

Guadalupe County

Harding County

Hidalgo County

Lea County

Lincoln County

Los Alamos County

Luna County

McKinley County

Mora County

Otero County

Quay County

Rio Arriba County

Roosevelt County

Sandoval County

San Juan County

San Miguel County

Santa Fe County

Sierra County

Socorro County

Taos County

Torrance County

Union County

Valencia County

[Water Rights Database Lookup](#)

[Water Rights District Offices](#)

File No:	Name	Posted
H-4328-POD1	Sally Canning	19-Aug-15
H-188	Cedar Creek Cabin Owners Association c/o Joe Buchanan	13-Aug-15
H-785-S-4	SunValley Water and Sanitation District, c/o James Miller	13-Aug-15

ENCL 2

County: Lincoln  
Name: Sally Canning  
File#: H-4328-POD1

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NOTICE is hereby given that on June 22, 2015, Sally Canning, 601 Canoncito, Roswell, New Mexico 88201; filed Application No. H-4328-POD1 with the STATE ENGINEER for permit to use an existing well H-4328-POD1 located at a point in the SW1/4NE1/4SE1/4 in Section 19, Township 9 South, Range 16 East, N.M.P.M. as a supplemental point of diversion for the diversion of 87.75 acre-feet per annum of surface water of the Rio Bonito, a tributary of the Pecos River in the Hondo Basin diverting from the following location,

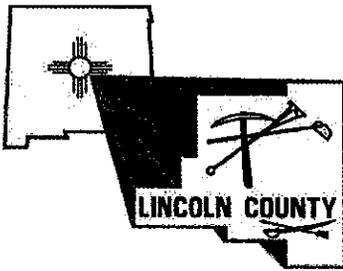
POINT OF DIVERSION	SUBDIVISION	SECTION	TOWNSHIP	RANGE
SD-01899	SW1/4NE1/4NW1/4	19	9 S.	16 E.

for the irrigation of 27.0 acres of land located as follows,

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. NE1/4SE1/4	19	9 S.	16 E.)	
Pt. SW1/4	20	9 S.	16 E.)	27.0

The above described points of diversion and places of use are located near the Billy the Kid Trail, 2.35 miles from the town of Lincoln, Lincoln County, New Mexico.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed, and include the writer's complete name and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment you must specifically identify your water rights; and/or (2) Public welfare/conservation of water; if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially affected. The written protest must be filed, in triplicate, with Tom Blaine, P.E., State Engineer, 1900 West Second Street, Roswell, New Mexico 88201, within ten (10) days after the date of last publication of this Notice. Facsimiles (fax) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protest can be faxed to Office of the State Engineer, (575) 623-8559. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with Sections 72-2-16, 72-5-6, and 72-12-3.



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# County of Lincoln

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

## AGENDA NO. 13

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Solid Waste Collections Request for Proposal

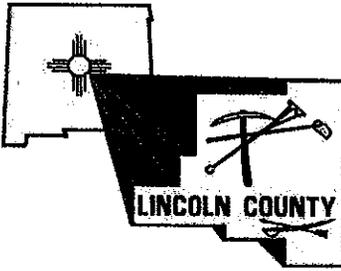
**Purpose:** To provide an update

**Discussion:** The RFP for Solid Waste Services for Lincoln County was issued on August 31<sup>st</sup>, 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](http://www.lincolncountynm.gov/county_offices/finance/index.php)

In response to the RFP, the County received six "Receipt" Forms back from interested contractors. All six are likely to attend the mandatory pre-proposal conference scheduled for the afternoon of Monday, September 14<sup>th</sup>. The Commission will be provided an update at the Commission meeting. Charles Fiedler with Gordon Environmental will be in attendance to respond to Commission questions.

**Recommendation:** Information only.



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# County of Lincoln

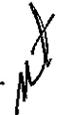
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## AGENDA NO. 14

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Violation of Lincoln County Ordinance 2009-3 Involving Mr. Arturo Rodriguez y Toussaint's Property

**Discussion:** County Ordinance Administrator received a complaint from landowner Roy Covington regarding his neighbor's property located in the Western Hills subdivision and subsequently inspected the property and found it to be out of compliance with Ordinance 2009-3, regulating refuse, solid waste and litter. See **Enclosure 1**.

Planning Department informed Mr. Rodriguez y Toussaint that he was out of compliance and agreed to meet with him face-to-face to discuss removal of litter on his property. Mr. Rodriguez y Toussaint informed he would correspond with the County to request his matter to be heard by the Commission. See **Enclosure 2** for timeline of activity between Planning Department and Mr. Rodriguez Y Toussaint. See **Enclosure 3** for Notice of Violation sent by Ordinance Administrator to Mr. Rodriguez y Toussaint.

Correspondence received by Mr. Rodriguez Y Toussaint states that he has filled in an area of approximately 300 sq. feet with glass bottles, plastic, paper cartons, metallic tubes and other materials that he believes will not contaminate all of the local soil. He has combined it all in a retaining wall of cement. He is asking the Commission "for a permit to finish his project with the understanding that the environmental protection will be his ultimate priority". See **Enclosure 4** for original letter from Mr. Rodriguez y Toussaint with photographs, along with translation of letter.

It is unclear whether Mr. Rodriguez Y Toussaint is requesting a Solid Waste or Refuse Disposal Permit, as allowed by Section 12 of the Ordinance, or whether he is requesting a variance from Section 2 of the Ordinance. While the Ordinance does allow a permit for Solid Waste Disposal, he has not gone through the proper procedures. If Mr. Rodriguez is requesting a variance, the Ordinance does not include a variance procedure.

**Recommendation:** Recommend Planning Department continue to work with Mr. Rodriguez y Toussaint to bring the matter into compliance, and if unable to achieve that, to bring the matter back to the Commission.

County Manager's Fax  
(575) 648-4182

Finance/Purchasing Fax  
(575) 648-2381

LINCOLN COUNTY-NM  
TAMMIE J MADDOX, CLERK  
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BY LOREE1



### ORDINANCE NO. 2009-03

AN ORDINANCE REPEALING LINCOLN COUNTY ORDINANCE 2003-02 AND ENACTING AN ORDINANCE WHICH REGULATES REFUSE, SOLID WASTE, AND LITTER IN LINCOLN COUNTY, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to repeal Ordinance 2003-02, and enact a new Ordinance to protect the health, safety, and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary and proper to provide for safe and sanitary collection and disposal of refuse and solid waste, and control litter; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to provide a coordinated county-wide program of control of refuse and solid waste in cooperation with the Federal and State agencies; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that is necessary and proper to protect the waters, both underground and flowing in rivers, creeks, and streams, through the enactment of regulations concerning the proximity of disposal of refuse and solid waste to underground and surface water; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that it is necessary to adopt the powers enumerated in NMSA 1978, §4-56-1, *et seq.*, for the storage, collection, and disposal of refuse and solid waste; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to protect the environment and promote the preservation of the natural beauty of Lincoln County lands.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lincoln County as follows:

**Section 1. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

“Arroyo” shall include any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

“Ashes” means fire residue of any kind, including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible of spontaneous combustion.

“Construction” or “Demolition Debris” means materials generally considered water insoluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing. If such debris is mixed with any other type of solid waste, it loses its classification as Construction and Demolition Debris.

“County Manager” is the chief administrative assistant to the Board of County Commissioners of Lincoln County.

“Debris” is all waste building material, including, but not limited to, bricks, concrete blocks, shingles, roofing material, lumber, pipe, commercial construction wastes, and any other matter that is commonly known as debris.

“Dismantled” or “Partially Dismantled Vehicle” means any motor vehicle from which some parts or parts which are ordinarily a component thereof have been removed or are missing.

“Flood Plain” is the relatively flat area or low land adjoining the channel of a watercourse or a body of standing water which has been or may be covered by flood waters, and which has a one (1%) percent chance of occurring in a given number of years, the limits of which are shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).

"Garbage" includes all waste food, swill, carrion, slops, and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals.

"Ground Water" means interstitial water which occurs in saturated earth material, and which is capable of entering a well in sufficient amounts to be utilized as a water supply.

"Hauler" is any person who collects refuse or debris from any property not owned by that person.

"Inoperative" or "Inoperable Motor Vehicle" means any motor vehicle which, by reason of dismantling, disrepair, or other cause or reason, is incapable of being propelled under its own power.

"Landfill" is a facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this Ordinance.

"Greentree Solid Waste Authority" means the Greentree Solid Waste Authority or its successor.

"Litter" is any quantity of improperly discarded solid waste, decaying or non-decaying solid or semi-solid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, construction debris, uncontainerized paper such as fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage, or junk parts and scrap materials found in public areas or generated while traveling in a motor vehicle.

"Motor Vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Person" is any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

"Public area" is any land owned by the community or open to common use such as streets, roads, sidewalks, alleys, arroyos, or other public ways and any and all public parks, spaces, grounds, and buildings.

"Refuse" includes garbage and rubbish

"Rubbish" includes, but is not limited to, all dismantled or partially dismantled motor vehicles, inoperable motor vehicles, waste paper, paper cartons, cardboard, tree branches, yard waste, wood, glass, plastic, discarded furniture and appliances or parts thereof, tin cans, dirt, ashes, bottles, liquid petroleum waste such as motor oil and similar items, and all other unwholesome material of every kind, not including garbage.

“Solid Waste” means, but is not limited to any garbage, litter, refuse, debris, rubbish, yard waste, appliances, inoperable vehicles, construction and demolition debris, or other discarded material originating from residential, industrial, or commercial sources.

“Water Table” is the surface in unconfined ground water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

“Well” is a bored, drilled or driven shaft or a dug hole whose depth is greater than the largest surface dimension of the hole.

“Yard Waste” is vegetative matter resulting from landscaping, land maintenance and land clearing operations.

**Section 2. Accumulation of Refuse, Solid Waste and Litter; Removal; Penalty.**

A. No person shall permit to accumulate upon premises owned, leased, or occupied by him, which are within two hundred feet (200') of another property boundary or public easement (prescriptive or otherwise), any refuse, solid waste, or litter, except in covered water-tight containers made of metal or plastic.

B. No person shall throw, dump, or dispose of any refuse, solid waste, or litter on any road, street, gutter, sidewalk, or alley; nor shall any person set fire or cause or procure a fire to be set to any rubbish, refuse, garbage, or solid waste unless in an incinerator which has been approved by the fire chief or health authority of the County. No cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic, or any other substance which would create offensive, obnoxious or dangerous fumes or odors shall be burned.

C. No person in control of that property or that causes such action shall cause or permit to remain upon any property, private or public, any refuse, solid waste, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

D. Any unauthorized accumulation of refuse, solid waste, or litter is hereby declared to be a nuisance and is unlawful.

E. No person shall cast, sweep, or deposit anywhere within the County, solid waste, refuse, or litter elements upon the road, street, sidewalk, alley, sewer, parkway, or other public place within the County.

F. Subject to any limitations or otherwise provided by law, the Sheriff is authorized to inspect and enter upon any private property where he/she has probable cause to suspect that unlawful accumulations of refuse, solid waste, or litter may exist.

LINCOLN COUNTY-NM  
TAMMIE J MADDOX, CLERK  
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BY LOREEL

1. If, upon the basis of such inspections, the Sheriff finds that any of Subsections A-E of this Section have not been complied with or that a violation exists, he/she shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful refuse, solid waste, or litter accumulations exist, to properly correct such conditions within a designated period of time from ten (10) days up to thirty (30) days.
2. Upon the failure, neglect, or refusal of any person, owner tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return of such prescribed notice undeliverable if the notice is served by mail), the Lincoln County Board of Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.
3. The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law.

G. Where the Sheriff finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of refuse, solid waste, or litter and immediate measures are required to alleviate this clear and present danger, the County Manager may waive the ten (10) day notification period.

H. Costs for correction of unlawful accumulation of refuse, solid waste, or litter shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

I. Nothing in Paragraph F of this Section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this Section.

J. Penalty. Violation of this Section, in addition to any other cost assessed for the cleanup of illegal stored or deposited refuse, solid waste, or litter, shall be punished under the Provisions of Section 11 of this Ordinance.

**Section 3. Refuse and Solid Waste; Pre-collection Practices.**

A. Refuse or solid waste, if not properly stored on the premises where it is generated, shall be placed and maintained in Greentree Solid Waste Authority containers, the Otero/Greentree

Solid Waste Authority Landfill, or other refuse and solid waste disposal facility(ies) licenced and permitted in conformance with applicable State law, State regulations and this Ordinance.

B. It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to place the same in Greentree Solid Waste Authority containers.

C. Solid waste or refuse disposed of in containers provided by Greentree Solid Waste Authority shall be first deposited in bagged and closed containers.

D. Toxic and hazardous waste, liquid petroleum, distillates, and similar liquid materials shall not be disposed of in Greentree Solid Waste Authority containers, but in accordance with Section 6 of this Ordinance.

E. Disposal of ashes. It is unlawful to dispose of hot ashes in any manner. Hot ashes may become cold ashes and subject to disposal by:

- A. Cooling in place for a minimum of forty-eight (48) hours and inspection to determine that no live embers capable of spontaneous combustion are present; or
- B. Extinguishment with water or sand and stirring to the point where inspection reveals that no embers capable of spontaneous combustion are present.
- C. Cold ashes shall be placed in a bag or other enclosed container before placing in a refuse container.

#### **Section 4. Refuse Containers.**

A. Commercial haulers are expressly prohibited from the use of Greentree Solid Waste Authority containers for the disposal of refuse and solid waste collected on a fee basis. Violations are subject to the penalties provided in Section 11 in this Ordinance.

B. Mobile Home Parks: Every mobile home park shall provide for the collection of not less than .75 cubic yards of refuse or solid waste weekly per mobile home space. If the Greentree Solid Waste Authority Manager determines that additional refuse containers are necessary, he/she may order such additional containers as may be required to prevent excessive solid waste, refuse or litter or any hazard to the public or residents of the park.

C. Condominium/Multi-family Residential Units: Every condominium or multi-family residential development consisting of ten (10) or more units shall provide for the collection of not less than .75 cubic yards of refuse or solid waste weekly per residential unit. If the Greentree Solid Waste Authority Manager determines that additional refuse containers are necessary, he/she may order such additional containers as may be required to prevent excessive solid waste, refuse or litter or any hazard to the public or other residents of the residential development.

D. All users of the Greentree Solid Waste Authority containers shall comply with the rules and regulations established by the County for the use, care, and location of such containers and shall keep the lids and covers furnished for such containers closed at all times, except when they are being filled or emptied.

E. All refuse and solid waste shall be placed in a container provided by the Greentree Solid Waste Authority and shall be reduced in size to no more than four (4') feet in length. No items in excess of these dimensions or weighing more than fifty (50) pounds shall be placed in the refuse containers provided by Greentree Solid Waste Authority.

F. In the event that a refuse container provided by the Greentree Solid Waste Authority is full, refuse or solid waste shall not be placed on the ground or in proximity to the container so as to constitute a litter or health hazard or the possibility that the refuse may become blown and scattered.

G. It is unlawful to impede access to a Greentree Solid Waste Authority container other than necessary for the time to remove and deposit refuse or solid waste in the receptacle.

**Section 5. Damage to Refuse Containers.**

A. It is prohibited for any person, including children, to be on or in refuse containers for any purpose.

B. It is unlawful to intentionally damage any refuse container owned or leased by the County.

C. Any individual who damages any such container provided for County residents shall be liable to Greentree Solid Waste Authority for the cost, repair, or replacement of such container, in addition to the penalties provided in Section 11 of this Ordinance.

**Section 6. Toxic, Hazardous, Ignitable, Flammable, or Explosive Refuse and Solid Waste or Refuse.**

A. Poison, acids, caustics, chemicals, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, concrete, construction or demolition debris, toxic, highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

B. Yard waste, including grass and tree clippings, pine needles, leaves, and cut weeds shall not be placed in the containers provided by the Greentree Solid Waste Authority, but shall be disposed of in an approved landfill or in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the same.

**Section 7. Construction Sites And Transportation of Materials.**

A. All persons who have secured a building permit shall, before the start of any construction activity in the County, furnish or place on those premises a container or fenced area of suitable size and design to contain all refuse, solid waste or litter which may be disturbed or removed from the premises by the wind or elements. Within thirty (30) days of completion, all refuse, solid waste and refuse containers shall be removed from the premises.

B. No person generating refuse or solid waste shall allow refuse, solid waste or litter of any kind to be blown or carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition, who have obtained a building permit, shall remove the refuse, solid waste, and litter, including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. Demolition refuse or solid waste shall be removed and disposed of within five (5) days of completion to an approved solid waste transfer station or landfill.

**Section 8. Scavenging Prohibited.**

It is unlawful for any person not authorized by the County to remove, collect, or disturb the refuse or solid waste stored in a Greentree Solid Waste Authority landfill or refuse container. No person shall remove any refuse or solid waste from a container and scatter the same upon any public or private property.

**Section 9. Regulations Adopted.**

A. The laws of the State of New Mexico dealing with refuse and solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Health and Environmental Department or and division thereof, including, but not limited to the Environmental Improvement Division (or any successor department, agency or division), along with any subsequent revision or amendments to such laws or regulations, are hereby adopted and incorporated herein by this reference and made a part of this Ordinance; provided, however, that the penalty provisions provided herein shall apply to violations prosecuted under this Ordinance.

B. No person shall establish or operate a refuse or solid waste disposal facility without first obtaining a permit from the Board of County Commissioners of Lincoln County. The application for and granting of a refuse or solid waste disposal facility permit by the County Commissioners shall be governed by the regulations regarding the application and granting of refuse and/or solid waste permits, from time to time published by the Environmental Improvement Division, together with the additional requirements established by this Ordinance.

**Section 10. Refuse and Solid Waste Landfill Regulations.**

A. No refuse or solid waste disposal site shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste within ten thousand feet (10,000') of any airport, as established by the Federal Aviation Administration.

B. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste within two (2) miles of the middle of the Ruidoso River, the Bonito River, the Hondo River, the Carrizo Creek, the Eagle Creek, the Magado Creek, or any other flowing watercourse within Lincoln County.

C. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste within a flood plain, subject to a one hundred year flood, as designated by the appropriate state or federal agency.

D. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste in any location where the ground water or the water table is less than one hundred feet (100') below the surface of the land or the bottom surface of any proposed refuse pit, whichever is more restrictive.

E. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any refuse or solid waste within any arroyo as defined in this Ordinance.

F. No refuse or solid waste disposal site or facility shall be established or operated, nor shall any person dump, store, or otherwise dispose of any refuse or solid waste in other than authorized containers, within the visible sight of a United States or New Mexico State Highway or County road existing within the County unless such site is blocked, shielded, or otherwise hidden from view.

G. Notwithstanding anything contained elsewhere in this Ordinance to the contrary, the regulations set forth in this Section 10 shall not apply to the following:

1. a person who is a homeowner, residential lessee or tenant or agricultural enterprise who disposes of solid waste on the property he owns, rents or leases if the solid waste was generated on that property;
2. a person occupying property who disposes of solid waste generated on the property if the property is located in a place that makes it not feasible to dispose of the solid waste in a permitted solid waste facility and the disposal of the solid waste does not harm the environment or endanger the public health or safety and does not violate any provision of the Solid Waste Act or any regulation adopted under that act; or

3. a person in possession of property who disposes on that property construction and demolition debris or yard waste generated on the property if the disposition of the solid waste does not violate any provision of the Solid Waste Act or any regulation adopted under that act.

H. It is mandatory that any operating landfill pit be dug crossways to the prevailing winds.

- I. An eight foot (8') chain link fence is required around each landfill pit.

**Section 11. Penalties.**

- A. Persons convicted of violating of this Ordinance shall be punishable by a fine of Three Hundred Dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment, except as set forth in paragraphs B, C, and D below.
- B. Persons violating this Ordinance by discarding or disposing of solid waste or debris on public or private property in any manner other than disposing it in an authorized landfill, shall, upon conviction, be subject to a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00).
- C. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00).
- D. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

**Section 12. Permit Procedures.**

A. The Board of County Commissioners of Lincoln County, after following all procedures prescribed by this Ordinance, may by two-thirds (2/3) majority vote at a public meeting, grant a Solid Waste or Refuse Disposal Permit.

B. The purpose of the permit procedure is to ensure that the regulatory requirements set forth in this Ordinance are met, in addition to those imposed by the State of New Mexico and the Environmental Improvement Division (EID).

C. The permit procedure commences with the filing of a Solid Waste Disposal Permit Application with the County Manager, accompanied by an approved permit from the appropriate agency of the State of New Mexico. The information requested in that Application regarding disclosure and verification is referred to hereby and incorporated herein by reference as if more fully set forth.

D. Upon certification by the County Manager's Office that the Solid Waste Permit Application is complete, the request will be transmitted to the Board of County Commissioners of Lincoln County for public hearing.

E. Upon receipt of an application for any Solid Waste or Refuse Disposal Permit, the Board of County Commissioners of Lincoln County shall be given forty-five (45) days within which to hold a public hearing regarding the effect of such proposed solid waste or refuse disposal upon the health, welfare and safety of the citizenry of the Lincoln County.

F. Prior to the public hearing before the Board of County Commissioners of Lincoln County, notice of the application for permit shall be published twice in a local newspaper of general circulation, fourteen (14) and seven (7) days prior to the public hearing. Notice of the public hearing shall be mailed, by certified mail, returned receipt requested, to the proposed applicants for the permit, as shown by the application submitted to the County Manager, at least ten (10) days prior to the first public hearing.

G. Within ninety (90) days immediately following the first public hearing regarding the application for permit, the Board of County Commissioners of Lincoln County shall have made a decision regarding the issuance of said permit. However, if no action has been taken by the Board of County Commissioners of Lincoln County within ninety (90) days after the first public hearing, said application shall be considered approved, and a permit shall be issued by the Board of County Commissioners of Lincoln County.

**Section 13. Severability.**

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

**Section 14. Recording.**

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the County Clerk.

**Section 15. Repeal of Ordinance No. 2003-02.**

Upon the effective date of this Ordinance, Ordinance No. 2003-02 shall be considered repealed.

**Section 16. Effective Date.**

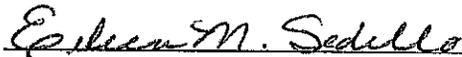
This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County.

**PASSED, APPROVED AND ADOPTED** this the 20th day of October, 2009.

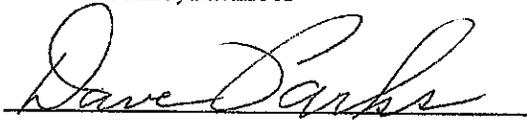
**BOARD OF COUNTY COMMISSIONERS  
OF LINCOLN COUNTY, NEW MEXICO**



Tom Battin, Chairman



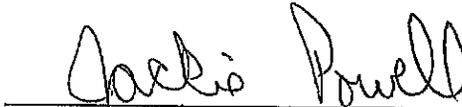
Eileen Sedillo, Member



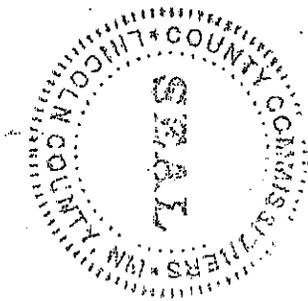
Dave Parks, Member



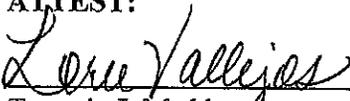
Don Williams, Member



Jackie Powell, Member

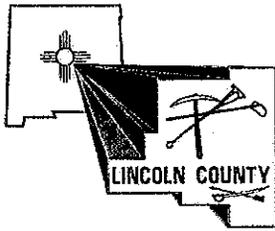


**ATTEST:**

*for*   
Tammie J. Maddox  
Lincoln County Clerk

LINCOLN COUNTY-NM  
TAMMIE J MADDOK, CLERK  
200908398  
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11/02/2009 10:50:46 AM  
BY LOREE1

countyatty/pfb/ords/solidwaste-litter2009



# COUNTY OF LINCOLN

## Planning Department

109 Kansas City Road, Ruidoso, New Mexico 88345

Timeline- Mr. Rodriguez- Toussaint

7/9/2015- Ordinance Administrator (O.A) received a complaint from Mr. Roy Covington regarding his neighbor's property located in the Western Hills Subdivision, Unit 1, block 4.

7/20/2015- O.A. inspected the property and found it to be out of compliance due to the debris and household waste scattered in the yard.

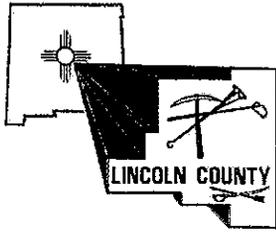
7/21/15- O.A. mailed a letter certified and return receipt stating that the lot needs to be cleaned up because it is a violation of County Ordinance No. 2009-03.

7/27/15- Mr. Rodriguez- Toussaint called stating he will work on his property and try to bring it back into compliance but that he would need more time due to the financial hardship he was facing and the time it would take for him to work on removing the debris alone. O.A. granted him 60 days and informed him that he needs to call if he needs a time extension.

8/10/15- Mr. Rodriguez- Toussaint called the O.A. and stated that he would like to come by the office and have a face to face meeting. Meeting set for 8/14/15 at 8:30 am.

8/14/15- The Planning Director and O.A. met with Mr. Rodriguez- Toussaint in regards to the removal of the litter on his property. He expressed that he would like to keep the buried material that has been plastered over for many years, but that he would continue removing the loose material. The O.A. informed him that if he wished to keep the material that is buried that he would need to request that from the County Commissioners at their next meeting in September. The O.A. provided him with address that the letter would need to be mailed to along with the date it is due by. He was also informed that he needs to explain to the commissioners as to what his plans are and what types of materials will be used to create this retaining wall. He was also informed that he needs to remove all unburied material from the lot. Mr. Rodriguez- Toussaint stated that he will send a letter to the County Manager requesting to be placed on the September agenda.

10/27/15- Scheduled date of next progress report.



**COUNTY OF LINCOLN**  
Planning Department  
109 Kansas City Road, Ruidoso, New Mexico 88345

July 21, 2015

*Mailed Certified and Return Receipt*

Arturo Rodriguez- Toussaint  
14643 Cassidy Drive  
El Paso, TX 79938

**RE: Notice of Violation**  
**Case Number: CDEF2015- 9**

Dear Sir or Madam:

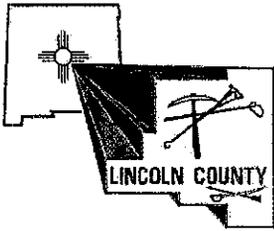
The purpose of this letter is to notify you that your property located in the Western Hills Subdivision, Unit 1, Block 4, has been found to be in violation of Lincoln County Ordinance No. 2009-03, which regulates the refuse, solid waste, and litter within the county. This ordinance is available for your review at [www.lincolncountynm.gov](http://www.lincolncountynm.gov), or at your request, I will mail a copy of it to you.

The debris you are burying is unlawful and needs to be removed. Do not haul anymore litter and/or debris to your property that will be buried there.

The County of Lincoln requests that you take the necessary actions to bring your property into compliance within thirty (30) days of the date of this letter. If there are extenuating circumstances that would prevent you from doing so, please let me know within ten (10) working days. Should you have any further questions or concerns, please contact me at (575) 258-8533 extension 2.

Sincerely,

Samantha J. Mendez

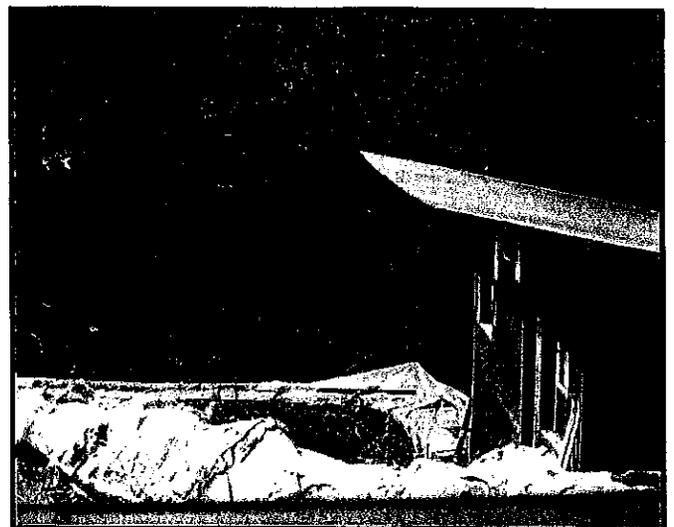
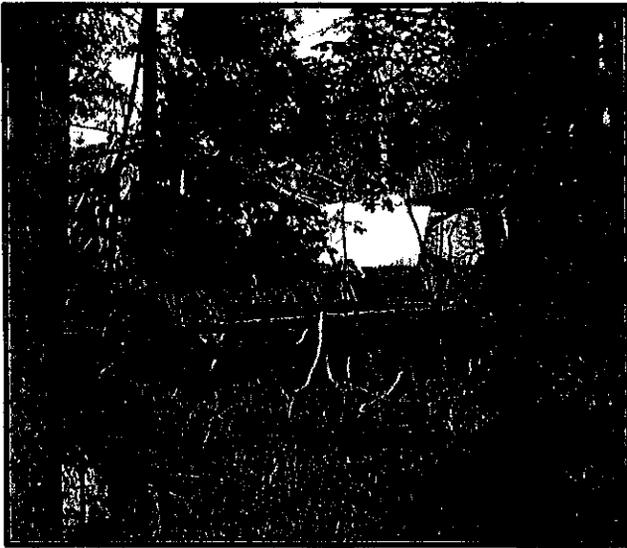


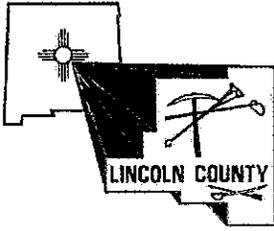
# COUNTY OF LINCOLN

## Planning Department

109 Kansas City Road, Ruidoso, New Mexico 88345

These photos were taken 7/8/15 by Samantha J. Mendez, Lincoln County Ordinance Administrator.



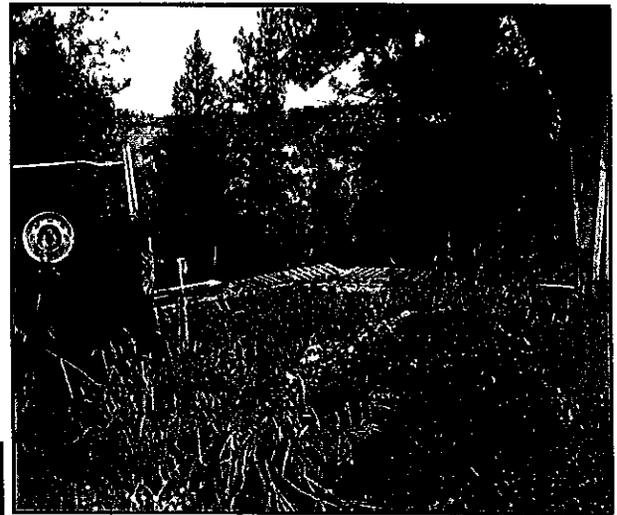
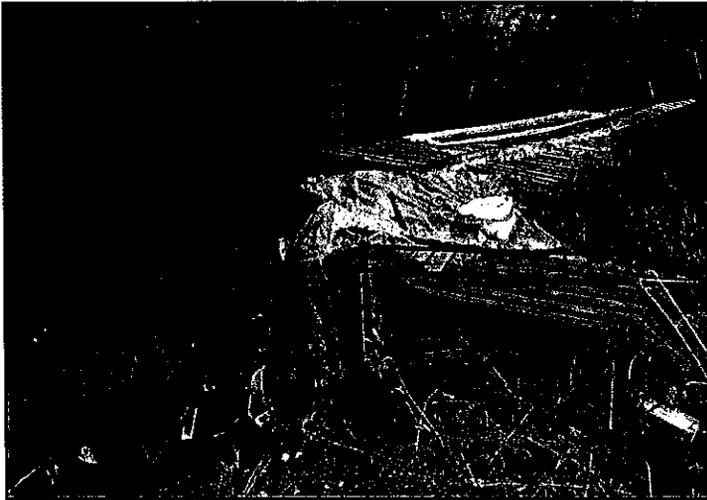


# COUNTY OF LINCOLN

## Planning Department

109 Kansas City Road, Ruidoso, New Mexico 88345

These photos were taken 9/9/15 by Samantha J. Mendez, Lincoln County Ordinance Administrator.



Mr. Arturo Rodriguez translated letter

Through this channel I turn respectfully to you to expose the following. First, excuse my writing in Spanish because I don't know the language and I can explain it better in my own language.

I am Arturo Rodriguez and I have and possess the property and ownership of land located as follows:  
*Unit 1 Block 4 Lots 30 and 31 Western Hills Subdivision Ruidoso, NM 88345*

I acquired this land 10 years ago and since then I have the desire to obtain a bit more space to utilize as outdoor parking. I filled in the area of approximately 300 feet, a square of 30 x 10 , using for this purpose glass bottles, plastic, paper cartons, metallic tubes ( the ones used for rain water) and other materials that I care about that will not possibly contaminate all of the local soil that is provided from outside. It is a completely confined retaining wall that will be covered with a cement mortar coating and the surface will be leveled so that water or precipitation does not penetrate and can flow to follow its normal surface or cause.

On June 3, 2015 I received notification from the New Mexico Environmental Department, the Environmental Protection division wherein I was informed that an anonymous caller informed this department that I needed to make a revision to my septic system on my property. On June 6, this revision was inspected by Steven C. Stedman, with the Planning Department of the State, and having also been notified in writing that there is no violation in this regard. I should mention that by then was in a similar process to fill the previous dimensions of 10 x 4 feet, which was not brought to the attention of the expert inspector from the environmental department. But never the less, on July 21, 2015 I received notification from the County of Lincoln Planning Department that the fill in process does not comply with the ordinance # 2009-03 and that I needed to remove everything that I had deposited (filled).

As I am writing this with my hands the removal waste products elimination ordered must be found 90-95%, so I supplied you with the closing and filling of the materials that I will use as suggested by the planning department, tree limbs, tree trunks and dirt. For my part I have supplied all of the inorganic materials like bottles, paper, etc. and combining it all in the retaining wall with cement. The cost of materials and dirt being too high and therefore beyond my economic powers.

It should be mentioned that in 1983, I built a cabin in Alto N.M. and it was verbally authorized like the afore mentioned which did not present any problems, so I figured I could do the same without knowing about the new regulations, so I figured you might consider as the rules have varied (changed) a permit to finish my project on the understanding that the environmental protection will be my ultimate priority. I would like the attention of those her serve to give my request and pray it is possible to expose my personal situation at your next meeting on September 15, 2015.

RECEIVED

AUG 27 2015

ADMINISTRATION  
LINCOLN COUNTY NM

NITA TAYLOR COUNTY OF LINCOLN

1

COUNTY COMMISSION MEETING

A QUIEN CORRESPONDA

POR ESTE CONDUCTO ME DIRIJO RESPETUOSAMENTE A USTEDES PARA EXPONER LO SIGUIENTE

PRIMERO OFRESCO EXCUSAS POR ESCRIBIR ESTO EN ESPAÑOL, PUES EL IDIOMA INGLES NO LO DOMINO, Y PUEDO COMETER HERRORES

SOY ARTURO RODRIGUEZ Y TOUSSAINT Y POSEO EN PROPIEDAD UN TERRENO UBICADO COMO

SIGUE: UNITE 1 BLOCK 4 LOTS 30 AND 31. WESTERN HILLS SUBDIVISION RUIDOSO N.M. 88345

EL CUAL ADQUIRI HACE ALREDEDOR DE DE 10 AÑOS Y DESDE ENTONCES Y CON EL DESEO DE OBTENER

UN POCO MAS DE ESPACIO PARA SER UTILIZADO COMO ESTACIONAMIENTO Y/O AREA DE ESTAR

EN EL EXTERIOR, HE RELLENADO UNA AREA DE APROXIMADAMENTE 300 PIES CUADRADOS

30X10' UTILIZANDO PARA ELLO MATERIALES COMO, BOTELLAS DE VIDRIO Y PLASTICO, CARTON

Y PAPEL, TUBOS METALICOS (LOS QUE SE UTILIZAN PARA ENCAUSAR EL AGUA DE LLUVIA) Y

ALGUNOS OTROS MATERIALES CUIDANDO SIEMPRE QUE NO SEAN CAUSANTES DE POSIBLE

CONTAMINACION, TODO ESTO MEZCLADO CON TIERRA DEL LUGAR O APORTADA DE FUERA,

ESTA COMPLETAMENTE CONFINADO CON UN MURO DE CONTENCION EL CUAL SERA TERMI-

NADO CON RECUBRIMIENTO DE MORTERO-CEMENTO, LA SUPERFICIE SERA NIVELADA PARA

QUE EL AGUA DE PRECIPITACIONES NO PENETRE Y PUEDA FLUIR POR SUPERFICIE Y SEGUIR

SU CAUSE NORMAL.

EN JUNIO 3 DE 2015 RECIBI NOTIFICACION POR ESCRITO DEL DEPARTAMENTO DE PROTE-

CCION AL AMBIENTE DEL ESTADO DE NUEVO MEXICO (ENVIRONMENT DEPARTMENT

ENVIRONMENTAL PROTECTION DIVISION) EN EL QUE SE ME HACE SAVER QUE POR UNA



LLAMADA ANONIMA ESTE DEPARTAMENTO EFECTUARIA UNA REVISION AL SISTEMA SEPTICO DE MI PROPIEDAD, EN JUNIO 6 ESTA REVISION FUE EFECTUADA POR STEVEN C. STEDMAN DEL MENCIONADO DEPARTAMENTO DEL ESTADO, HABIENDO SIDO NOTIFICADO TAMBIEN POR ESCRITO QUE NO EXISTE VIOLACION ALGUNA AL RESPECTO.

DEBO MENCIONAR QUE PARA ESE ENTONCES SE ENCONTRABA EN PROCESO UN RELLENO SEMEJANTE AL ANTERIOR CON DIMENCIONES DE 10X4 PIES, EL CUAL NO LLAMO LA ATENCION DEL INSPECTOR EXPERTO EN PROTECCION AMBIENTAL.

SIN EMBARGO CON FECHA 21 DE JULIO RECIBI NOTIFICACION DEL DEPARTAMENTO DE PLANEACION DEL CONDADO DE LINCOLN (COUNTY OF LINCOLN PLANNING DEPARTMENT) COMUNICANDOME QUE EL PAQUEÑO RELLENO EN PROCESO NO CUMPLIA CON LA ORDENANZA # 2009-03 DEL CONDADO, POR LO QUE DEBERIA REMOVER TODO LO QUE ESTA DEPOSITADO EN EL.

AL TIEMPO DE ESTAR ESTE ESCRITO EN SUS MANOS LA REMOSION ORDENADA SE DEBERA ENCONTRAR AL 90-95%, POR LO QUE SUPLICO A USTEDES SU AUTORIZACION PARA CONCLUIR

The removal of the  
filling  
is 90-95%  
and is not contaminated  
matel.



ESTE RELLENO CON LOS MATERIALES QUE SE ME INDIQUEN, EL DEPARTAMENTO DE PLANEACION PROPONE TRONCOS Y RAMAS DE ARBOL MAS TIERRA, YO POR MI PARTE SUPlico SE ME HACEN MATERIALES DE TIPO INORGANICO COMO BOTELLAS, PAPEL, CARTON ,ETC CONFINADO TODO CON MURO DE CONTENCION Y CUBIERTO CON REBESTIMIENTO DE CEMENTO. ESTO POR SER EL COSTO DE TIERRA O MATERIALES COMPRADOS DEMASIADO ALTO Y POR LO TANTO ESTAR FUERA DE MIS POSIBILIDADES ECONOMICAS.

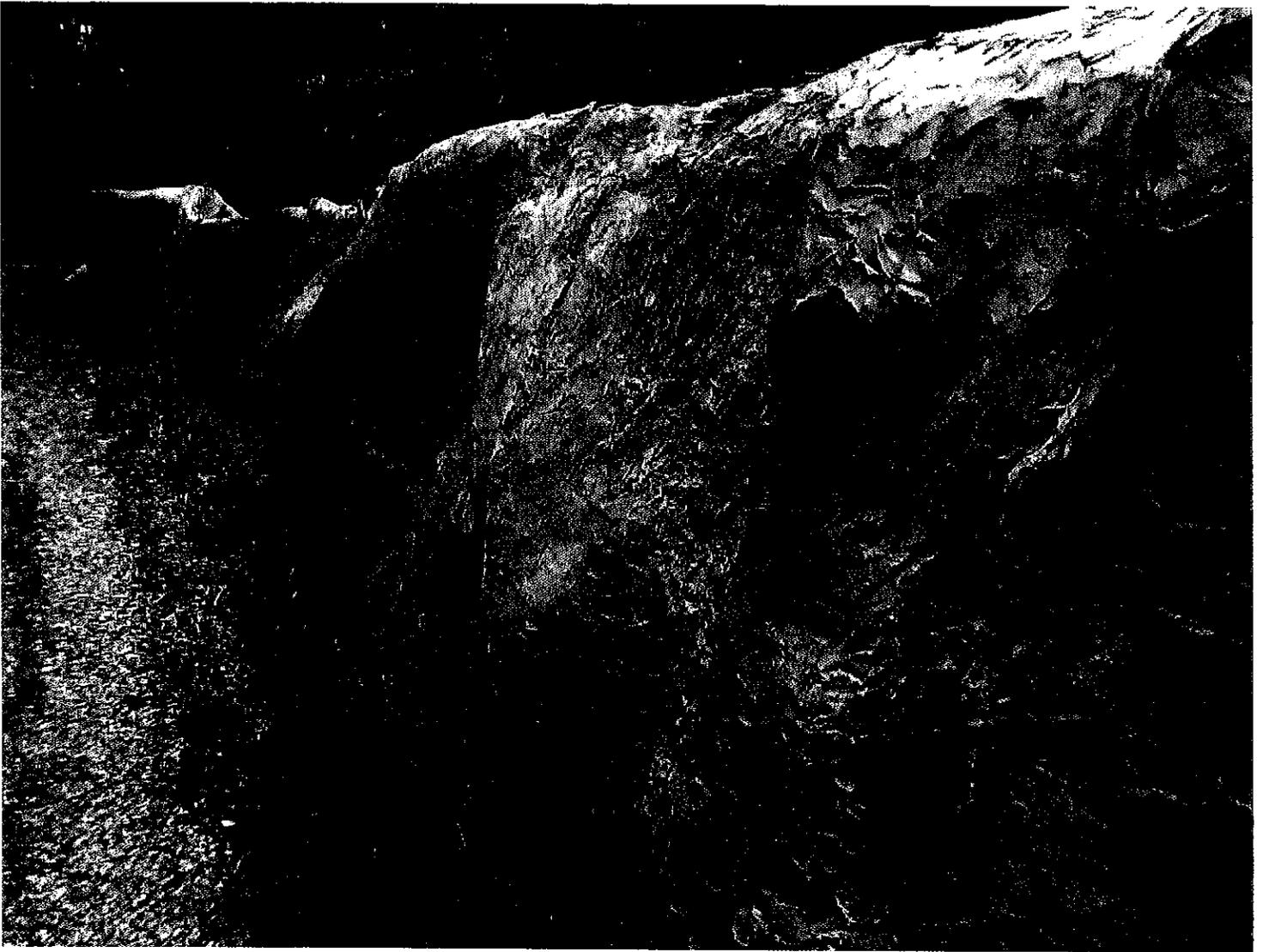
CABE MENCIONAR QUE EN 1983 CONSTRUI UNA CABAÑA EN ALTO N.M Y FUE AUTORIZADO VERBALMENTE POR EL ING DE LA CIUDAD UN RELLENO SEMEJANTE AL MENCIONADO CON ANTERIORIDAD, EL CUAL NUNCA PRESENTO PROBLEMA ALGUNO, POR LO QUE SUPUSE QUE PODIA HACER LO MISMO, SIN CONOCER EL NUEVO REGLAMENTO, POR LO QUE SUPlico A USTEDES CONSIDERAR COMO UNA VARIANTE AL REGLAMENTO Y PERMITIRME TERMINAR MI PROYECTO, EN LA INTELIGENCIA QUE LA PROTECCION AL AMBIENTE SERA PRIORIDAD Y POR ULTIMO, AGRADESCO LA ATENCION QUE SE SIRVAN DAR A MI SOLICITUD Y SUPlico SI ES POSIBLE SE ME PERMITA EXPONER MI SITUACION PERSONALMENTE EN SU PROXIMA REUNION DE SEPTIEMBRE 15.

  
ATENTAMENTE ARTURO RODRIGUEZ Y TOUSSAINT

P.D MI DIRECCION DE CORREO ES:

ANEXO FOTOGRAFIAS

14643 CASSIDY DR. EL PASO TX. 79938 TEL 915 875 4423



ACABADO PROPUESTO 1  
Proposed Finish 1

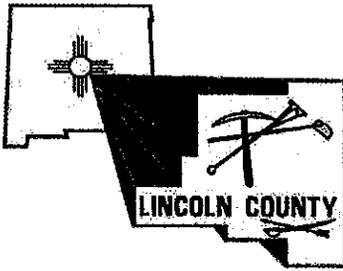


ACABADO PROPUESTO 2  
Proposed finish 2



MURO DE CONTENCIÓN

Retaining wall



www.lincolncountynm.gov

# County of Lincoln

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

Agenda Item <sup>15</sup>/<sub>19</sub>

September 15, 2015

## MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NTX*

SUBJECT: Manager's Report

### 1. Building Renovation.

While major construction efforts and costs tied to renovation of County buildings are behind us, the Commission approved \$500,000 in Cap-Out Construction to meet County needs as they arise:

- One such need has been identified by the **Treasurer's Office** to increase the security to her offices, her employees and county assets. Currently the Treasurer's quarters are designed in a manner that lends no security whatsoever to individuals coming into her offices; and many individuals daily have a need to visit the Treasurer's office to conduct their business with the County. Once inside, there is no door separating the public from the employees and there is no safety glass, or any type of partition between the employees collecting funds and the individuals making payments or coming in for other reasons. Treasurer Calaway and I have met with several CES contractors to solidify the design and estimate the cost of the project. We have opted for low-cost options when possible, and have selected the low cost estimate of \$29,149.17. Plan is to issue the Purchase Order next week to get this project complete prior to the issuance of tax bills.
- Annex Building – Upstairs. Now that the District Attorney quarters are complete, we will begin the process to move the Finance Department to the top floor. Expenses tied to this move will be limited to the relocating of phones, data, computers, files, furniture, etc. Maintenance will include a paint job (conducted by staff) and verification that heating and cooling ducts and units are in working order. Heating and cooling is provided by the same boiler and chiller used for the DA's quarters, so no problems are anticipated.

2. **2016 Capital Outlay Project Application Workshops.** Hubert Quintana of SNMEDD will be in Lincoln County on August 30<sup>th</sup> to work with us on our Capital Outlay Project Application. Deadline for Capital Requests to be in the offices of SNMEDD is October 22, 2015; and the subsequent deadline for SNMEDD to have the packages to the Legislative Council Service in Santa Fe is Sunday, January 31, 2016. See **Enclosure 1**.

3. **Legislative Health & Human Services Committee.** Manager Taylor, Clerk Rhonda Burrows and Indigent Health Care Administrator Scott Annala attended the meeting of the Legislative Health and Human Services Interim Committee Meeting held in Roswell on August 26<sup>th</sup>. The meeting was well attended and provided excellent information an insight on funding of healthcare in New Mexico. See **Enclosure 2** for summary of notes put together by Clerk Burrows.

**Additional calendar items:**

- September 21 – 24 – Auditors in the House
- October 20<sup>th</sup> – Regular Commission Meeting
- October 21<sup>st</sup> – 23<sup>rd</sup> – Multi-line pool board training
- November 11<sup>th</sup> – Groundbreaking Ceremony – Ft. Stanton Veteran’s Cemetery
- November 12<sup>th</sup> – Leadership Lincoln in County Offices for Overview of County Government
- November 17<sup>th</sup> – Regular Commission Meeting

4. **Departmental Updates:**

- a. Finance – Punkin Schlarb
- b. Roads – Carl Palmer
- c. Planning – Curt Temple
- d. EOC – Joe Kenmore
- e. Human Resources – Billie Joe Guevara
- f. Senior Centers – Renee Montes

**LEGISLATIVE COUNCIL SERVICE  
52ND LEGISLATURE-SECOND SESSION-2016  
CAPITAL OUTLAY REQUEST FORM (revised 8/25/15)**

This form is designed to assist you in describing your proposed capital outlay project. Please provide complete and accurate information. You may be asked to provide copies of the request form with supporting documentation to sponsors, other legislators and committees.

**EACH CAPITAL OUTLAY REQUEST MUST BE SIGNED BY THE SPONSORING LEGISLATOR.**

**A separate, signed form is required for each legislative sponsor.**

Forms must be submitted to the Legislative Council Service capital outlay office by:

***5 p.m., Sunday, January 31, 2016.***

DOCUMENTATION REQUIREMENTS

**Capital assets must be owned by the state or a political subdivision of the state.** If the asset will be leased to another organization, the owner will be asked to certify that the item is leased at fair market value and that the asset will be properly maintained *prior to the release of funding*. **Economic development projects** that represent a public-private partnership under the Local Economic Development Act (LEDA) require local or regional government approval and a project participation agreement in accordance with ordinances adopted pursuant to that act.

**REMEMBER TO GIVE A COPY OF THE SIGNED, COMPLETED REQUEST TO EACH SPONSOR AND  
RETAIN A COPY FOR YOUR FILES.**

*This form may be copied or downloaded from the legislature's web site ([www.nmlegis.gov](http://www.nmlegis.gov)).  
The form is available in PDF format or as an editable MS-Word document.*

**PLEASE REMOVE THIS PAGE BEFORE SUBMITTING YOUR REQUEST.**

**LEGISLATIVE COUNCIL SERVICE  
52ND LEGISLATURE-SECOND SESSION-2016  
CAPITAL OUTLAY REQUEST FORM**

Legislative Sponsor: \_\_\_\_\_

Sponsor's Signature: \_\_\_\_\_

Legislative Aide: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Project Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Other Legislative Sponsors?: \_\_\_\_\_  
(Be sure to submit a separate signed Capital Outlay Request Form for each legislative sponsor.)

**PROJECT DESCRIPTION**

1. What is the **TOTAL cost** for the project or this phase of the project?: \$ \_\_\_\_\_  
(Individual legislators may fund part or all of this cost during the funding phase following the request deadline.)

2. Brief **project description** (please specify the proposed use of capital funds, such as "to plan, design and construct a multipurpose center"; "to design and construct a dam"; or "to purchase and equip a vehicle"):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **Location** of this project (city, town, school district, chapter, pueblo)?: \_\_\_\_\_

4. **County** in which the project will be located?: \_\_\_\_\_

5. **Entity requesting funding** for this project?: \_\_\_\_\_

6. **Fiscal agent (entity to receive funding)** for this project? (Only the state or political subdivisions of the state are eligible to receive funding.): \_\_\_\_\_

7. **Entity that will own the project** upon completion?: \_\_\_\_\_

8. **Is** the project: YES NO N/A  
a public school project that is included in a school district **capital master plan**?: \_\_\_\_\_  
a local government project that is included in the local **Infrastructure  
Capital Improvement Plan (ICIP)**?: \_\_\_\_\_

9. **If** the project is included in the ICIP, please provide the **ICIP identification #**: \_\_\_\_\_

Continued ⇨

**PROJECT BUDGET**

Please provide a breakdown of the total estimated project cost, including completed phases of the project:

	<u>COMPLETED</u>	<u>UNCOMPLETED</u>	<u>TOTAL</u>
<i>Planning:</i>	\$ _____	\$ _____	\$ _____
<i>Design (Architectural/Engineering):</i>	\$ _____	\$ _____	\$ _____
<i>Construction:</i>	\$ _____	\$ _____	\$ _____
<i>Land Purchase:</i>	\$ _____	\$ _____	\$ _____
<i>Equipment:</i>	\$ _____	\$ _____	\$ _____
<i>Rights of Way/Easements:</i>	\$ _____	\$ _____	\$ _____
<i>Other (specify _____):</i>	\$ _____	\$ _____	\$ _____
<i>Other (specify _____):</i>	\$ _____	\$ _____	\$ _____
<i>Other (specify _____):</i>	\$ _____	\$ _____	\$ _____
<b>Total Estimated Cost:</b>	\$ _____	\$ _____	\$ _____

Please list <b>PRIOR FUNDING SOURCES</b> for the project:	YEAR	AMOUNT
_____	_____	\$ _____
_____	_____	\$ _____

Please list any <b>MATCHING FUNDS</b> secured for the project:	AMOUNT
_____	\$ _____
_____	\$ _____

**OTHER INFORMATION**

<b><u>Will the project:</u></b>	YES	NO	N/A
eliminate health or safety hazards or other liability issues?	___	___	___
address federal, state or local judicial mandates or requirements?	___	___	___
prevent or correct deterioration of capital asset(s)?	___	___	___
address issues of population or client growth?	___	___	___
be constructed on state-owned property?	___	___	___

<b><u>Has the project:</u></b>	YES	NO	N/A
been designed to be energy efficient?	___	___	___
received public input and endorsement?	___	___	___
planned for future operational costs?	___	___	___
acquired land for the project? (land owner: _____)	___	___	___

<b><u>Can the project:</u></b>	YES	NO	N/A
be successfully phased, so that each phase will be operational?	___	___	___
be completed with this legislative appropriation?	___	___	___

<b><u>If the project is located in a major metropolitan area (Albuquerque [including Los Lunas], Santa Fe, or Las Cruces) and will serve a state agency or facility, is the project in compliance with the state master plan for that area?</u></b>	YES	NO	N/A
	___	___	___

**Proposed project start date:** \_\_\_\_\_

***If the capital asset will be leased to another organization,*** please submit a letter from the fiscal agent identifying the owner of the asset (capital assets must be owned by the state or a political subdivision of the state) and certifying that the asset will be leased at fair market value and appropriately maintained.

***If the project is a local economic development project*** representing a public-private partnership under the Local Economic Development Act, please submit a copy of the project participation agreement between the private entity and the applicable local or regional government.

## LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

Wednesday - August 26, 2015

Notes – Rhonda Burrows

Jeff Dye gave a good presentation on the effects of ACA and other changes on hospitals including the new ICD 10 coding requirements. He of course pushed for full funding of Safety Net Care Pool but did not offer specifics. *Hospitals seem to be shifting their focus from discussion of uncompensated care to discussion of underinsured and the difference between cost and reimbursement.* Mr. Dye stated on average government payers (Medicare, Medicaid) account for 72% of Accounts Receivable with 16% private pay and 12% still uninsured. The increase in the Medicaid expansion has hospitals focusing more on the cost versus reimbursement issue. *One important point on that topic is the agreement by any provider who receives reimbursement through Medicaid or Medicare to accept that reimbursement as payment in full and based on this I do not believe there is a mechanism for hospitals to request additional state or county funding for those clients.* Also Secretary Earnest reported during his presentation that the Medicaid Base rate increased by 62%.

Brock Slabach, National Rural Health Associations spoke about rural hospitals at risk for closure. Mr. Slabach discussed the Critical Access Hospital status stating this designation was designed to help the small rural hospitals and when they meet certain criteria Medicare will pay 101% of costs for Medicare patients – this amount is degraded a bit by various factors to approximately 94% of cost. *Note: LCMC is a critical access hospital.*

Secretary Earnest discussed the history of the change from Sole Community Provider to Safety Net Care Pool and the diminished need for County Indigent Health Funds to cover uninsured as the number of insured increase. *Secretary Earnest seemed to imply that as the number of uninsured declines there may be a diminished need for both IHC funds and the Safety Net Care Pool.* Secretary Earnest informed the overall shortfall for the maximum federal match of SNCP was less than the original estimate of \$9 million but he wasn't certain yet of the exact amount. When questioned how the gap would be funded he stated HSD had no authority to request additional payment from counties. When questioned about accommodating the shortfall from other HSD funds, Secretary Ernest stated HSD was already in deficit spending for 2014-2015 and would need an emergency appropriation due to the lack of payment from counties of the amount requested during the last year of the Sole Community Provider payment program. HSD had apparently "advanced" the full match amount for final SCP payments and now has to make up the difference. *There were several counties who refused to provide additional funding for distributions by HSD in a prior fiscal year other than the 1/12<sup>th</sup> that was imposed for the next fiscal year. Lincoln County was one county who declined to make this payment because acting on the belief there were no more disbursements of Sole Community provider funds to LCMC - the County provided substantial funding directly to LCMC as a "stop gap" measure and therefore did not feel obligated to "retro fund" the final Supplemental payment.*

When asked how HSD planned to deal with the shortfall for FY 2015 -2016 - Secretary Ernest stated plans to reduce the base rate increase (currently a 62% increase) for Medicaid to accommodate the shortfall. Secretary Earnest stated hospitals received notification from HSD in July of the potential for a base rate decrease.

Secretary Earnest also stated by accomplishing full funding and draw down of the federal match in 2014 HSD was able to provide reimbursement for all Medicaid services at cost and through SNCP cover costs of uninsured.

Secretary Earnest also discussed a third program under the Medicaid Waiver for providing payments to hospitals which demonstrate Quality Improvements and stated the Department was establishing "baselines" for comparison utilizing criteria previously established in other reporting mechanisms.

Senator Ortiz y Pino discussed the economic impact of hospitals and Senator Morales suggested that to not fully fund the SCNP match would equate to an economic loss (i.e. 7 million dollar shortfall for match equals 30 million revenue from Feds) overall loss of revenue to hospitals.

Senator Kernan asked Secretary Ernest during the discussion whether his definition of uncompensated care was the same as the hospitals he stated he would rather doubted they were ☺. There was discussion about the HM to study uncompensated care.

Charles Sallee, LFC presented an analysis of the funding of health care through HSD including revenue streams i.e. (Medicaid 1/16<sup>th</sup>; County 1/12<sup>th</sup>). Mr. Salle did discuss the current LFC study of County Indigent Health Care Funds but acknowledge that Counties use this funding in multiple ways including for payment of Medicaid obligation and also discussed the complexity of the various tax impositions by Counties to fund health care. *Mr. Sallee mentioned an approximate balance of \$30 million in County IHC funds but no legislator or panel member suggested action on those funds.* Mr. Salle identified the principal financial challenges for SNCP as 1) Insufficient assured revenues requiring State General Fund infusion and 2) declined County contributions which led to the 2014 deficit spending by HSD. Mr. Sallee stated the analysis of Uncompensated Care was due in September of 2015.

Senator Kernan raised the question as to how many counties use Indigent Funds to pay for detention center health costs and Mr. Sallee concurred there were several counties who utilize the Indigent 1/8<sup>th</sup> to cover prisoner health care costs.

There were multiple presentations from NM Hospital CEO's from various groups including: Nonprofit Rural Hospitals; Public Hospitals, and Investor Owned Hospitals. These were primarily presentations about current status, business challenges, and patient health programs.

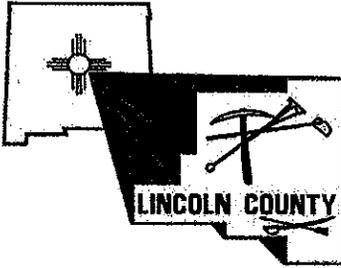
Former Representative John Heaton as a member of the Carlsbad Mayor's Hospital Task Force discussed Carlsbad's ongoing problems with their CHS owned hospital (they own 6 in New Mexico) and gave multiple illustrations of the cost charge difference over other non CHS owned hospitals.

## **ADDITIONAL NOTES - SCOTT ANNALA**

I think it was Charles Sallee that made the comment that the gap between the 1/12<sup>th</sup> -vs- 1/8<sup>th</sup> **was going to be revisited.** My interpretation is that they will make another nab at the full 1/8<sup>th</sup>, to fund the gap.

Charles was also way off base when he spoke of how many counties use the second 1/8<sup>th</sup> to fund prisoner healthcare. I only know of one county, Dona Ana that *does not* use indigent funds for prisoner healthcare.

There was a question asked of Brent Ernest as to how many counties are participating in the 1/12<sup>th</sup>. He stated **ALL** were participating. SB 268 exempted Bernalillo and Sandoval.



# County of Lincoln

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## AGENDA ITEM NO. 16

September 9, 2015

### MEMORANDUM

**TO:** County Commissioners

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

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

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

#### Discussion:

**Safety Net Care Pool Authorizations:** This month our coordinator processed twenty-five (25) claims. Twenty-four (24) claims are recommended approval and one (1) is recommended for disapproval. If approved, the total recommended authorization this month is **\$27,009.36**. See Enclosure. 1.

**Indigent Health Care Claims:** This month our coordinator processed five (5) claims. Four (4) are recommended for approval and one (1) is recommended for disapproval. If approved, total recommended payment this month is **\$1,077.00**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for September.

**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 \$14,712.83 or an average of \$4,904.28 a month. At this pace, we will spend \$58,851.32 in FY 15 – 16, in the indigent claim line item.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,034,535** and **\$254,747** respectively. The FY 14 - 15 monthly average was **\$21,229**. To date, the Safety Net Care Pool total authorization is \$66,182.95 or an average of \$22,060.98 a month.

**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

# SCP / SAFETY NET CARE POOL CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$39,173.59

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

SEPTEMBER # CLAIMS FOR APPROVAL 24  
# CLAIMS FOR DENIAL 1  
SEPTEMBER # TOTAL CLAIMS 25

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$27,009.36

TOTAL # CLAIMS THIS FY APPROVED 53  
TOTAL # CLAIMS THIS FY DENIED 4  
TOTAL # CLAIMS FY 2015 - 2016 57

TOTAL APPROVED THIS FISCAL YEAR \$66,182.95

FACILITY: LINCOLN COUNTY MEDICAL CENTER

09/15/2015 THROUGH 09/15/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21072	07/11/2015	1241.00	955.57	077%
21073	08/27/2015	804.00	619.08	077%
21074	08/02/2015	1754.00	1350.58	077%
21075	06/25/2015	8043.00	6193.11	077%
21076	07/01/2015	891.00	686.07	077%
21077	04/30/2015	60.60	46.66	077%
21078	08/27/2015	728.00	560.56	077%
21079	05/08/2015	56.00	43.12	077%
21080	06/26/2015	672.00	517.44	077%
21081	07/31/2015	1512.00	1164.24	077%
21085	08/19/2015	2643.00	2035.11	077%
21086	08/30/2015	2429.00	1870.33	077%
21087	08/25/2015	520.00	400.40	077%
21088	06/18/2015	131.00	100.87	077%
21089	06/30/2015	844.00	649.88	077%
21090	07/13/2015	624.00	480.48	077%
21091	08/19/2015	755.00	581.35	077%
21092	08/31/2015	3354.00	2582.58	077%
21093	06/25/2015	1480.00	1139.60	077%
21095	05/27/2015	1969.60	1516.59	077%
21096	06/24/2015	1377.30	1060.52	077%
21097	08/14/2015	124.20	95.63	077%
21099	05/05/2015	1260.00	970.20	077%
21100	07/28/2015	1804.40	1389.39	077%
21101	07/10/2015	37.80		000%

PATIENT'S BILL IS BELOW \$50

27009.36

APPROVED- 24 REJECTED- 1

# INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$13,635.83

ADJUSTMENTS

## TOTAL ADJUSTMENTS:

SEPTEMBER # CLAIMS FOR APPROVAL	4
# CLAIMS FOR DENIAL	1
SEPTEMBER # TOTAL CLAIMS	5

SEPTEMBER TOTAL \$ AMOUNT APPROVED \$1,077.00

TOTAL # CLAIMS THIS FY APPROVED	13
TOTAL # CLAIMS THIS FY DENIED	2
TOTAL # CLAIMS FY 2015 - 2016	15

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$14,712.83

\*Assuming the above is approved

FACILITY: GERALD CHAMPION REGIONAL MED CTR 09/15/2015 THROUGH 09/15/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21082	04/23/2015	50.00	38.50 077%
			38.50

APPROVED- 1 REJECTED-

FACILITY: MICHAEL P CLEMENTS, M.D. 09/15/2015 THROUGH 09/15/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21098	07/08/2015	20.54	000%
PATIENT'S BILL IS BELOW \$50			

APPROVED- REJECTED- 1

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 09/15/2015 THROUGH 09/15/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21094	08/05/2015	50.00	38.50 077%
			38.50

APPROVED- 1 REJECTED-

FACILITY: RUIDOSO HOME CARE & HOSPICE 09/15/2015 THROUGH 09/15/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21083	07/31/2015	200.00	200.00 100%
21084	08/26/2015	800.00	800.00 100%
			1000.00

APPROVED- 2 REJECTED-

INDIGENT FUND MEETING

SEPTEMBER 15, 2015

TOTAL APPLICATIONS	30	28,086.36
TOTAL APPROVED	28	
TOTAL DENIED	2	

ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		38.50
APPROVED-	1	
DENIED-		

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		27,009.36
APPROVED-	24	
DENIED-	1	

RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	1	

ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		38.50
APPROVED-	1	
DENIED-		

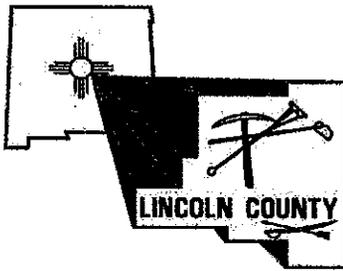
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		1,000.00
APPROVED-	2	
DENIED-		

YTD

INDIGENT FUND MEETING

SEPTEMBER 15, 2015

TOTAL APPLICATIONS	72	80,895.78
TOTAL APPROVED	66	
TOTAL DENIED	6	
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		279.68
APPROVED-	3	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		6,019.95
APPROVED-	4	
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		66,182.95
APPROVED-	53	
DENIED-	4	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	1	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		115.50
APPROVED-	3	
DENIED-	1	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		7,297.70
APPROVED-	1	
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		1,000.00
APPROVED-	2	
DENIED-		



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# County of Lincoln

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## Agenda Item No. 17

September 9, 2015

### MEMORANDUM

**To:** Board of County Commissioners  
**From:** Rhonda Burrows, County Clerk  
**Subject:** Approval of Vote Centers/Polling Place Resolution 2015-10

---

New Mexico Statutes Section 1-3-2 requires that no later than the first Monday in November of the odd-numbered year, the Board of County Commissioners shall by resolution designate polling places for the upcoming 2016 Primary and General Elections.

NMSA provides that "precincts may be consolidated by the board of county commissioners..." if the consolidation meets the following language of 1-3-4D:

- 1) any voter of the county shall be allowed to vote in any consolidated precinct polling location in the county
- 2) each consolidated precinct shall be comprised of no more than ten precincts
- 3) each consolidated precinct shall comply with NMSA 1-3-7 (site requirements)
- 4) each consolidated precinct polling location shall have a broadband internet connection and real time access to the statewide voter registration database.

The polling sites listed in the Resolution were used in the 2014 Primary and General Elections. We have conducted a recent review of the proposed sites to assure adequate site requirements and adequate internet connections.

**Recommendation:** I respectfully request approval of Resolution 2015-10 as presented.

**Lincoln County  
Resolution Number 2015-10**

**A Resolution Designating the Polling Places  
for the 2016 Primary and General Elections**

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-3-2 requires that no later than the first Monday in November of the odd-numbered year, the Board of County Commissioners shall by resolution designate polling places; *and*

**WHEREAS**, the Board of County Commissioners finds that each polling place designated in this resolution complies with the provisions of NMSA 1978, Section 1-3-7, titled Polling Places; *and*

**WHEREAS**, the Board of County Commissioners finds that those precincts that are consolidated to create Vote Centers meet the requirements of NMSA 1978, Section 1-3-4, will be available to voters of any precinct in the county to cast a vote at the Vote Center, will make voting more convenient and accessible to voters of the consolidated precinct, will not result in delays for voters in the voting process, and are centrally located within the consolidated precinct; *and*

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-6-5.7 requires early voting to be conducted in the office of the County Clerk and at such alternate voting locations as may be established by the county clerk; *and*

**WHEREAS**, the New Mexico Statutes Annotated 1978, Section 1-6-20 requires the Board of County Commissioners to create an absent voter precinct for each county

**WHEREAS**, the Board of County Commissioners finds that each polling place provides individuals with physical mobility limitations unobstructed access to at least one voting machine.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners designates the polling locations for the 2016 Primary and General Elections as follows:

**ELECTION DAY VOTE CENTERS:**

*(All voters in the county may vote at these locations, regardless of where they live.)*

**Precinct Numbers**

**Location and Address**

1, 19

Corona Village Hall  
461 Main Street, Corona, NM

2, 13, 17

Lincoln County Courthouse  
300 Central Avenue, Carrizozo, NM

3, 4, 14, 20

Capitan Municipal Schools  
150 Forest Street, Capitan, NM

5, 6, 7, 8, 9, 21

Ruidoso Convention Center  
111 Sierra Blanca Drive, Ruidoso, NM

10, 11, 18, 22

Ruidoso Downs Zia Center  
393 Highway 70 W, Ruidoso Downs, NM

12, 15, 16

Hondo Valley Public Schools  
111 Don Pablo Lane, Hondo, NM

**ABSENTEE/EARLY VOTE**

Lincoln County Courthouse  
300 Central Avenue, Carrizozo, NM

**EARLY VOTE**

Horton Complex  
237 Service Road, Ruidoso, NM

**PASSED, APPROVED, and ADOPTED** this 15th day of September, 2015.

Board of Commissioners  
Lincoln County, State of New Mexico

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

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

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

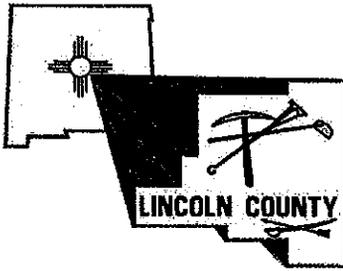
\_\_\_\_\_  
**Thomas F. Stewart, Member**

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

**ATTEST:**

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

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



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# County of Lincoln

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## AGENDA NO. 18

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Proclamation – Citizenship Day and Constitution Day / Week in Lincoln County

**Discussion:** Citizenship Day and/or Constitution Week is an American federal observance that recognizes the adoption of the United States Constitution and those who have become U.S. citizens. It is normally observed on September 17<sup>th</sup>, the day in 1787 that delegates to the Constitutional Convention signed the document in Philadelphia.

The law establishing the present holiday was created in 2004 with the passage of an amendment to the Omnibus spending bill of 2004. In addition to renaming the holiday “Constitution Day and Citizenship Day”, this act mandates that all publicly funded educational institutions, and all federal agencies, provide educational programming on the history of the American Constitution on that day

**Recommendation:** Proclaim September 17<sup>th</sup> as Citizenship Day and Constitution Day in Lincoln County, and the week of September 17<sup>th</sup> through September 23<sup>rd</sup>, 2015 as Constitution Week in Lincoln County.

**PROCLAIMING CITIZENSHIP DAY  
AND CONSTITUTION WEEK IN LINCOLN COUNTY**

**WHEREAS**, delegates to the Constitutional Convention of 1787 crafted what would become the United States Constitution and grasped that our future should be built on the foundations of national consent to a Federal Government and respect for individual rights; and

**WHEREAS**, the delegates ratified the Constitution on September 17, 1787, and submitted it to the States for approval; and

**WHEREAS**, our Nation now celebrates one of the longest written Constitutions in history, and our Republic would surely falter except for the faith and confidence that we place in our Constitution, and

**WHEREAS**, the Congress, by resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as "Citizenship Day," and by resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week"

**NOW, THEREFORE, WE DO HEREBY PROCLAIM SEPTEMBER 17, 2015 THROUGH SEPTEMBER 23, 2015 AS CONSTITUTION WEEK IN LINCOLN COUNTY AND ASK ALL OUR CITIZENS TO REAFFIRM THEIR COMMITMENT TO OUR NATION AND THE CONSTITUTION.**

**GIVEN UNDER OUR HAND, THIS SEPTEMBER 15, 2015, AT THE LINCOLN COUNTY COURTHOUSE, IN CARRIZOZO, NEW MEXICO.**

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

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

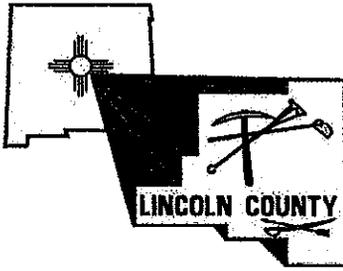
\_\_\_\_\_  
**Elaine Allen, Member**

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

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

**ATTEST:**

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



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# County of Lincoln

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## AGENDA ITEM NO. 19

September 9, 2015

### MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: RFP Award of FEMA Related Services for County of Lincoln

**Purpose:** To award RFP 15-16-001

**Background:** During its November, 2014 and May, 2015 meetings, the Commission approved the County's participation in FEMA Emergency Declarations 4197 and 4199 for flooding events that occurred between July and September, 2014. The award was to repair identified damages to county roads, with the total identified damages at \$9,792,451.70: FEMA would cover 75% of the cost, the State and the County would each cover 12.5%. The County can control its annual cost by only scheduling those roads for repair in a given year that it can afford. In its final FY15-16 budget approval meeting in July, Commission approved completing this FEMA funded road repair to the amount of \$1,000,000. The cost of the contractor to manage FEMA related services will be taken out of these FEMA funds.

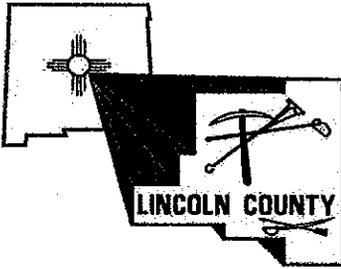
**Discussion:** Submitted sealed proposals were opened on September 8, 2015 for FEMA related Services for the County of Lincoln. An evaluation committee, consisting of the Purchasing Agent, Orlando Samora, Finance Director Punkin Schlarb and Office of the Emergency services Director Joe Kenmore met on September 8, 2015 to compile the results of their group evaluation.

Proposals were submitted by King Industries Corporation and Disasters, Strategies & Ideas Group, LLC. The committee evaluated: 1) statements of qualifications and performance data; 2) approach to the project and 3) ability to finish the required services.

The average scores assigned to the offerors are as follows (highest being the best response), with the Evaluation Committee recommending King Industries Corporation:

	POINTS	COST
King Industries Corporation	93.7	\$20,040
Disasters, Strategies & Ideas Group, LLC.	89.4	\$22,400

**Recommendation:** Grant the award as recommended by the Evaluation Committee to the offeror with the highest score assigned and lowest cost of \$20,040 to King Industries Corporation of Alto, NM.



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# *County of Lincoln*

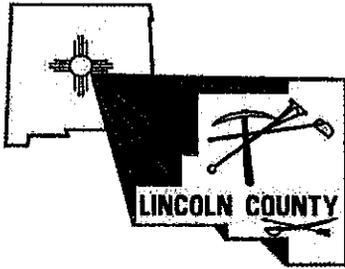
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## Agenda Item No. 20

### SUBJECT

11:30 a.m. Lunch: Inspection of the Lincoln County Detention



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# County of Lincoln

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## AENDA ITEM NO. 21

September 9, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Annual Renewal MOU between the Village of Ruidoso & County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for DWI Enforcement Activities and Reimbursement Cost

**Discussion:** MOU was tabled at last month's meeting due to Attorney Morel request for required modifications:

1. Reciprocal Hold-Harmless language;
2. Clarification of Notice recipients

**Recommendation:** Approve MOU

**MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE  
VILLAGE OF RUIDOSO AND THE COUNTY OF LINCOLN  
AS THE ADMINISTRATIVE AUTHORITY FOR LINCOLN  
COUNTY SHERIFF’S OFFICE FOR  
DRIVING WHILE INTOXICATED (“DWI”) PREVENTION ENFORCEMENT  
ACTIVITIES AND REIMBURSEMENT OF COSTS**

**WHEREAS**, the Village of Ruidoso, (“the Village”) is the fiscal agent for the Lincoln County DWI grant funds; and,

**WHEREAS**, the County of Lincoln, (“LC”) is the administrative authority for the Lincoln County Sheriff’s Office (the “LCSO”); and,

**WHEREAS**, the Village has received funding from the State of New Mexico Local DWA Grant Program, which the Village wishes to utilize in part to reimburse LC for DWI Prevention enforcement activities including overtime worked by the LCSO; and,

**WHEREAS**, the accomplishment of the work and services described in this Memorandum of Understanding (“MOU”) is beneficial to the Local DWI Prevention program of LC (“the program”) and will serve to protect the health, safety, and welfare of all the citizens of LC; and,

**WHEREAS**, the increased police presence over peak traffic hours in LC is in the public interest.

**THEREFORE**, the parties enter into this MOU for the term of July 1, 2015 through May 31, 2016 to facilitate the detection and prevention of DWI related violations and hereby agree as follows:

1. LCSO acknowledges and agrees that the reimbursement provided for in this MOU is limited to salary costs only and that DWI Grant Funds may not be used to reimburse participating agencies for employer contributions required under FICA, Medicare, Medicaid, and/or any other benefits the agency may afford its officers.
2. The LCSO shall perform saturation patrols, shoulder taps, and underage drinking activities during peak traffic hours as determined by its Departmental Supervisor(s) after consultation with the DWI Prevention Program Coordinator.
3. This overtime cost reimbursement will be paid in an amount not to exceed five thousand dollars (\$5,000.00) for the period of time between July 1, 2015 and May 31, 2016.
4. The LCSO shall submit monthly claims for payment to the Village DWI Prevention Coordinator in the form of a letter containing the following information:

- a. The enforcement activity completed.
- b. The names of all officers involved and their hourly wage.
- c. The number of hours worked.
- d. The total amount requested.
- e. A breakdown of the total enforcement actions taken.

5. The LCSO shall provide all equipment required by its officers to perform these activities.

6. This MOU may be terminated with or without cause upon two (2) weeks' advance written notice by either party. Termination shall be effective upon receipt of the notice. Notice shall be delivered by certified mail to the addresses listed below. The Village shall reimburse LCSO for work accruing before the effective date of termination.

7. All notices under this MOU shall be sufficient if mailed by United States Postal Service first class mail, or by certified mail if required, postage prepaid to:

Lincoln County Sheriff  
P.O. Box 278  
Carrizozo, NM 88301

Lincoln County Manager  
P.O. Box 711  
Carrizozo, NM 88301

Village of Ruidoso Manager  
313 Cree Meadows Drive  
Ruidoso, NM 88345

8. It is expressly understood and agreed by LC and the Village that neither shall be held liable for the actions of the other party or any of the members of the parties while in any manner furnishing services hereunder. The parties do hereby waive all claims against each other for any loss, damage, personal injury, or death arising from the performance of this MOU.

9. This MOU incorporates all agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants, and understandings have been merged into this written MOU. No prior agreement, covenant, or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this MOU.

10. This MOU shall not be altered, changed, amended except by an instrument in writing executed by the parties hereto.

11. If any term of this MOU shall be held invalid or non-enforceable, the remainder of this MOU shall not be affected and shall be valid and enforceable to the fullest extent of the law.

12. The parties agree that this MOU shall be construed and interpreted in accordance with the laws of the State of New Mexico and that the proper court having jurisdiction and venue to resolve any dispute under or surrounding this MOU shall be the District Court of the Twelfth Judicial District in and for the County of Lincoln

**IN WITNESS WHEREOF**, the parties have executed this MOU as of the latest date shown by the signature of the parties below.

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Tom Battin, Mayor  
Village of Ruidoso

**ATTEST:**

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Irma Devine, Clerk  
Village of Ruidoso

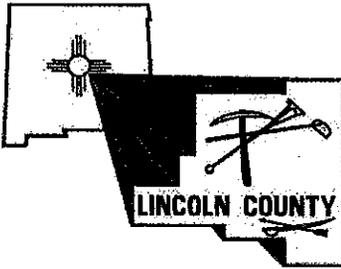
BY: \_\_\_\_\_ Date: \_\_\_\_\_  
William Hanson, DWI Coordinator  
County of Lincoln

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Preston Stone, Chair  
County of Lincoln Board of Commissioners

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Rhonda Burrows, Clerk  
County of Lincoln

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert Shepperd, Sheriff  
County of Lincoln



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# County of Lincoln

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## AGENDA NO. 22

September 9, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Approval of Prior Year Expense

**Purpose:** Requesting approval of prior year expense for payment to LCJJB.

**Discussion:**

County received invoice from Lincoln County Juvenile Justice Board for 2<sup>nd</sup> half of its County-approved FY14-15 funding on August 5<sup>th</sup>. Manager advised LCJJB Coordinator that submission of invoice after the end of the fiscal year was out of compliance with process, but due to the financial status of the LCJJB, agreed to approve the expense. Because this FY14-15 expense was paid out in FY15-16, Commission approval is required.

**Recommendation:** Approve prior year expense.

County of Lincoln

STATE OF NEW MEXICO  
Carrizozo, New Mexico 88301

VENDOR NUMBER AND NAME
99548 LINCOLN COUNTY JUVENILE

CHECK # 0088535

DATE 08/14/2015

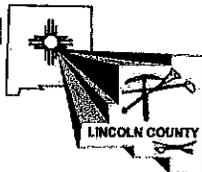
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	INVOICE NUMBER	P.O. NUMBER	GENERAL LEDGER #	AMOUNT PAID
PER COMMISSION ACTION COUNTY MATCH - 2ND HALF	2-2 2-2		657322964	4000.00

Total Paid \$4,000.00

COUNTY OF LINCOLN

STATE OF NEW MEXICO  
Carrizozo, New Mexico 88301



FIRST NATIONAL BANK-RUIDOSO  
RUIDOSO, NEW MEXICO 88345

95-428  
1122

Check # 0088535

VOID ONE YEAR AFTER DATE

CHECK DATE  
08/14/2015

PAY THIS AMOUNT  
\$4,000.00

PAY EXACTLY FOUR THOUSAND AND 00/100 DOLLARS \*\*\*\*\*

TO THE ORDER OF

LINCOLN COUNTY JUVENILE  
JUSTICE BOARD  
PO BOX 203  
LINCOLN NM 88338 0203

*[Handwritten Signature]*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

**COPY-0001**  
**\*\*VOID\*\***  
TWO SIGNATURES REQUIRED

AUG / 27 / 2015

RECEIVED

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ADMINISTRATION  
LINCOLN COUNTY NM



## LINCOLN COUNTY JUVENILE JUSTICE BOARD INVOICE

INVOICE DATE: JULY 13<sup>TH</sup>, 2014

INVOICE NUMBER: 2

CONTRACTOR NAME: LINCOLN COUNTY JUVENILE JUSTICE BOARD  
CONTRACTOR ADDRESS: PO BOX 203  
LINCOLN, NM 88338  
TERM OF CONTRACT: JULY 1<sup>ST</sup> 2015- JUNE 30<sup>TH</sup> 2015  
PURPOSE OF CONTRACT: TO PROVIDE FINANCIAL SUPPORT TO LCJJB PROGRAMS  
PER CONTRACT DATED AND SIGNED JUNE 6<sup>TH</sup> 2014

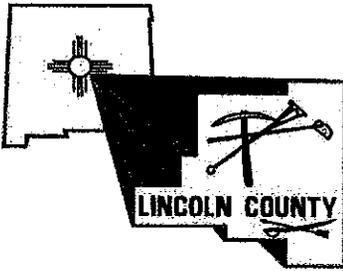
AMOUNT OF CONTRACT:	\$8,000
PREVIOUS BALANCE:	\$4,000
<b>AMOUNT OF BILLING:</b>	<b>\$4,000</b>
BALANCE REMAINING:	\$0

PLEASE MAKE CHECK PAYBLE TO LINCOLN COUNTY JUVENILE JUSTICE BOARD

JULY 13<sup>TH</sup>, 2015

Ted Allen  
LCJJB Coordinator

LINCOLN COUNTY JUVENILE JUSTICE BOARD  
PO BOX 203  
LINCOLN, NM 88338



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

# County of Lincoln

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

## AGENDA ITEM 23

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

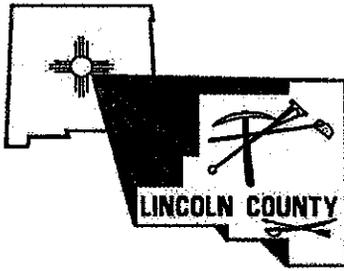
**FROM:** Nita Taylor, Lincoln County Manager 

**SUBJECT:** Rancho Ruidoso Valley Estates Subdivision – Request for Road Improvement

**Discussion:** Representatives of Rancho Ruidoso Valley Estates will present to the Commission its concerns with road maintenance and improvement projects in its subdivision. No information has been provided to include in Commission Board Books.

Road Superintendent and County Manager will respond to issues presented.

**Recommendation:** Consider Rancho Ruidoso Valley Estates' concerns and County's formal response.



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# County of Lincoln

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

## AGENDA ITEM 24

September 10, 2015

### MEMORANDUM

**TO:** County Commissioners

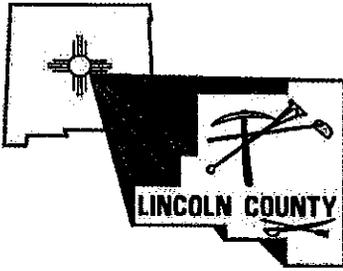
**FROM:** Nita Taylor, Lincoln County Manager *NT*

**SUBJECT:** Establishment of Committee to Draft Revisions to the Appendix "B" of the Lincoln Historic Preservation Ordinance

**Discussion:** Appendix B to the Lincoln Historic Preservation Ordinance consists of narrative and illustrations of historical territorial buildings, architectural criteria for new construction; guidelines for design review and materials, including illustration of what is acceptable and what is not. It also address signs and signage, including acceptable font and lettering from the nineteenth century.

It has been suggested that a review and revision of Appendix B would likely result in easier interpretation and enforcement of requirements for the homeowner / landowner, the County Ordinance Administrator and the Preservation Board, each responsible for compliance with the Ordinance. Committee members will be identified and appointed.

**Recommendation:** Approve the concept of new committee to review existing Appendix B and draft recommended modifications.



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# County of Lincoln

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

## Agenda Item 25

September 9, 2015

### MEMORANDUM

**TO:** County Commissioners

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

**SUBJECT:** Appointments and Removals from Boards/Commissioners Committee

**Purpose:** To consider appointments to the following committees

### **Discussion:**

Consider and appoint/reappoint the following members to the committees:

- a. Lincoln Historic Preservation Board –Reginald Richey
- b. Planning Commission-Mary Dokianos
- c. Road Review Advisory Committee-James Russ
- d. Road Task Force – Robert Barber (verbal request to County Manager)

The Land and Natural Resources Advisory Committee has one vacant position that was tabled. 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. The Road Task force needs one Commissioner and one additional private citizens appointed to this committee.

**Recommendation:** Re-appoint members to the Lincoln Historic Preservation Board, Planning Commission and Road Review Advisory Committees and continue to look for members for the LANRAC, Planning Commission, Senior Citizens Olympic Committee and the Road Task Force Committee.

**LAND AND NATURAL RESOURCES ADVISORY COMMITTEE - 2 YEAR TERM (ORDINANCE NO. 2008-4)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman <a href="mailto:lincoln@nmsu.edu">lincoln@nmsu.edu</a>	HC 31, Box 48, Carrizozo, NM		02/17/15	02/2017
DIST 2	Mary Ann Siegel-Russ <a href="mailto:siegbig1@hotmail.com">siegbig1@hotmail.com</a>	104 Plumas Place, Ruidoso 575-937-0720		10/12/14	10/2016
DIST 3	Bob Johnson <a href="mailto:bobj@valornet.com">bobj@valornet.com</a>	Box 464, Alto, NM 88312 (575)336.4002		01/13/15	01/2017
DIST 4	Douglas Fuqua <a href="mailto:dfuqua1@hotmail.com">dfuqua1@hotmail.com</a>	Box 1042 Alto, NM 88312 (575)336.1832		9/17/13	09/2015
DIST 5	<b>TABLED</b>			01/13/15	01/2017
AT LARGE	Duane Frost <a href="mailto:dfrost@plateautel.net">dfrost@plateautel.net</a>	Box 81, Claunch, NM 87011 (849.4950)		02/17/15	02/2017
AT LARGE	Robert Barber <a href="mailto:rwob1601@hotmail.com">rwob1601@hotmail.com</a>	Box 126, 270 Cora Dutton Rd, Capitán 575-354-7018/575-808-9814			

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SLECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

**LINCOLN HISTORIC PRESERVATION BOARD - 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338))**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER <i>Resigned</i>	BOX 197, LINCOLN (653-4670)	5	12/17/13	12/15
DIST 2	LEE ABBOTT (CELL 614-507-3210)	BOX 177, LINCOLN, (653-4153)	5	01/13/15	01/17
DIST 3	L.M. SMITH <a href="mailto:lms2bls@pvmnetworks.net">lms2bls@pvmnetworks.net</a>	BOX 215, LINCOLN	5	06/23/15	06/17
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/17/13	09/15
DIST 5	GINGER MOORE (653-4073) <a href="mailto:gemoore105@yahoo.com">gemoore105@yahoo.com</a>	BOX 57, LINCOLN, NM 88338	5	02/18/14	02/16

MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

**LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD - 03/03/00**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	02/17/15	
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.

**LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/17/15	02/17
973-8244	GENERAL PUBLIC - SUE HUTCHISON <a href="mailto:Suehutch1958@gmail.com">Suehutch1958@gmail.com</a>	1149 SHOESHONE TRAIL ALTO	4	08/20/13 18/15	08/17
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/10/14	06/16
505-3506127 937-2121	TOURIST RELATED- ALICE SEELY; <a href="mailto:alice@aliceseely.com">alice@aliceseely.com</a>	BOX 166 HONDO, NM 88336	5	04/25/14	04/16

Bill Strauser  
PO Box 197  
Lincoln, NM 88338

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AUG 25 2015  
ADMINISTRATION  
LINCOLN COUNTY NM

August 21, 2015

Mrs. Nita Taylor  
Lincoln County Manager  
PO Box 711  
Carrizozo, NM 88301

Honorable County Manager

I hereby respectfully submit my resignation from the Lincoln County Historical Preservation Board. I wish that things could change in Carrizozo. In the approximate 8 years that I have been on the board the Commissioners have not upheld ONE appeal that has come before them from the Preservation Board.

The historical appeal of Lincoln is being eroded little by little. Lincoln is a jewel over any other Old West town I know of. People who buy property in Lincoln receive the Ordinance before they buy. Some of them make applications that do not comply with the Ordinance - when the Board denies their request they appeal to the County and then some sort of compromise is made which does not uphold the strict message of the Ordinance. People who are long time residents try to work any angle possible. Some of whom have served on the board in the past. SHIPO should be the major resource in considering any deviance from the Ordinance - not ordinances from Eastern US historic areas.

Potential new Board members need to be vetted on their knowledge of the ordinance and their ability to be fair and consistent in applying the ordinance.

Respectfully submitted



Bill Strauser

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SEP 02 2015

ADMINISTRATION  
LINCOLN COUNTY NM

31 August 2015  
*via email and USPS mail*

Board of Commissioners of Lincoln County, New Mexico  
300 Central Avenue  
P.O. Box 700  
Carrizozo, NM 88301

Attention: Preston Stone, Chair,  
Dallas Draper, Vice Chair  
Elaine Allen, Member  
Thomas F. Stewart, Member  
Lynn Willard, Member

I, Reginald Wade Richey, am submitting my name in nomination for appointment to the Lincoln Historic Preservation Board.

I have owned property in the Lincoln Historic District since 1994 and have been domiciled in the District and registered to vote within Lincoln County since 1998.

My qualifications include the following:

Licensed Registered Architect; 1970-present.  
Former Member/Chairperson; Lincoln Historic Preservation Board; 1999-2004.  
Member/Vice-Chairperson; Cultural Properties Review Committee; 2011-present.  
President: Rio Bonito Preserve; Lincoln, NM; 2000-present.  
Member: Pecos District Resource Advisory Council, BLM; 2011-present.

The Ordinance provides that the Lincoln County Commission will make every effort to insure that the Board contains preservation-related profession members. My experience in this province has been extensive. For example, from 1970-1973, I was the Architect in charge of design/planning for the Auraria Higher Education Center Master Plan in Denver, Colorado; in 2004 I completed work on the adaptive reuse of an historic structure for the Deming Public Library project in Deming, New Mexico.

The Cultural Properties Review Committee is credited by the New Mexico Cultural Properties Act to serve as a professional policy-making/advisory board for historic preservation in New Mexico. My experience on this Committee and my qualifications as noted above demonstrate my interest in historic preservation, a prerequisite for Board membership.

Thank you for your consideration in this matter. I look forward to hearing back from you soon.

Sincerely,



Reginald Wade Richey  
P. O. Box 237  
9931 US Highway 380  
Lincoln, NM 88338  
telephone: 575-653-4015  
email: rwrnm@pvtm.net

cc: Nita Taylor, Manager, County of Lincoln, *via email and USPS mail*

653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	08/19/14	08/16
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**NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	TOM STEWART	PO BOX 515 ALTO, NM	4	01/13/15	01/16
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/13/15	01/16

**NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	DALLAS DRAPER	113 ALPINE VILLAGE, RUIDOSO	3	01/13/15	01/16
	ALTERNATE - TOM STEWART	PO BOX 515 ALTO, NM	4	01/13/15	01/16

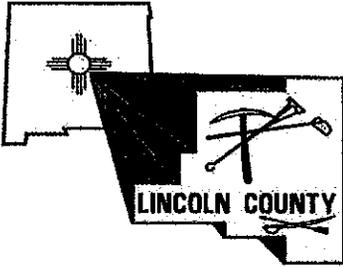
**PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2013-6)**

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPTIAN, NM 937-5996	COMM.POWELL	04/25/14	04/16
DIST 2	OPEN				
DIST 3	MARY ANN RUSS siegbiegl@hotmail.com	104 PLUMAS PL., RUIDOSO 575-937-0720	COMM. POWELL	01/14/14	01/16
DIST 4	MARY DOKIANOS (336-7640) mbd@valonet.com	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/17/13	09/15
DIST 5	Tabbed MEMBER-AT-LARGE - ANNELLA HATTER	112 BULLION LOOP, WHITE OAKS (648-2702) ANNI@ABLELINCOLN.NET		01/13/15	01/17
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/13/15	01/17

**PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY - 5 YEAR TERM (STATUTE 77-15-7thru12)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZOZO 88301	1	03/25/15	03/20
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	03/25/15	03/20
	RON MERRITT	HC66 BOX 30, YESO 88136	1	03/25/15	03/20
	MIKE SKEEN	BOX 67, PICACHO 88343	5	03/25/15	03/20/
	LEE SULTEMEIER	Box 147, CORONA 88318		03/25/15	03/20
	BILLY BOB SHAFER	BOX 82, CARRIZOZO 88301	1	003/25/15	03/20

ACB HOLDS ELECTION - PUBLICATION IS REQUIRED  
(RATE WENT FROM \$.55 TO \$.75)



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AUG 25 2015

# County of Lincoln

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

August 20, 2015

Mary Dokianos  
103 Winter Hawk Heights  
Alto, New Mexico 88312

Dear Ms. Dokianos:

Your term for the Planning Commission will expire September 2015. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources Director

Yes I would like to be re-appointed to the Planning Commission.

No I would not like to be re-appointed at this time.

  
Mary Dokianos

**PROPERTY TAX PROTEST BOARD - 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WEITZEL	BOX 698, CARRIZOZO, 88301		05/20/14	05/16
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/20/14	05/16
	ALTERNATE - DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/20/14	05/16

**REGIONAL WASTE WATER JOINT USE BOARD - 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

**ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2003-5)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE 575-430-9060 F-630-0126	BOX 745 RUIDOSO DOWNS, 88346	1	08/20/13	08/15/17
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/21/14	10/16
DIST 3	JAMES RUSS	PO BOX 2362 RUIDOSO NM	3	08/20/13	08/15
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHCH@BAJABB.COM)	PO BOX 237, ALTO, NM 88312		01/13/15	01/17
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	07/15/14	07/16

PUBLICATION IS REQUIRED

**SENIOR CITIZENS OLYMPIC COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 1994-5)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	PAUL KUNKLE 575-630-1099	352 COUNTRY CLUB RD, RUIDOSO		02/17/15	03/17
	LUCY SERVIES	107 JACK LITTLE DR. B3, RUIDOSO		01/13/15	01/17
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/17/13	12/15
	<b>TABLED</b>				
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/17/13	12/15

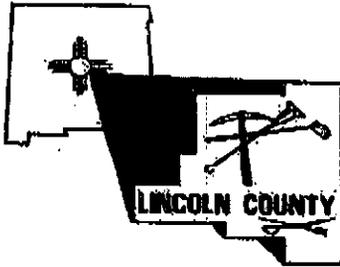
PUBLICATION IS REQUIRED.

**SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT (SNMEDD) 2 YEAR TERM**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
/	DALLAS DRAPER	113 ALPINE VILLAGE, RUIDOSO	3	01/13/15	01/17
	ALTERNATE - LYNN WILLARD	109 NOGAL PLACE, RUIDOSO	2	01/13/15	01/17
	PRIVATE SECTOR - REBECCA BROOKS	720 SUDDERTH DR, RUIDOSO (575)257-7395		01/09/15	01/17

**SOLID WASTE AUTHORITY, LINCOLN COUNTY - 2 YEAR TERM (AGREEMENT NO. 343)**

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	GARY WILLIAMS		5		



# County of Lincoln

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

www.lincolncountynm.gov

August 20, 2015

James M Russ II  
PO Box 2362  
Ruidoso, NM 88355

Dear Mr. Russ:

Your term for the Road Review Advisory Committee will expire September 2015. If you would like to Serve an addition two year term and be re-appointed at the next commission meeting, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of assistance to you, please contact this office.

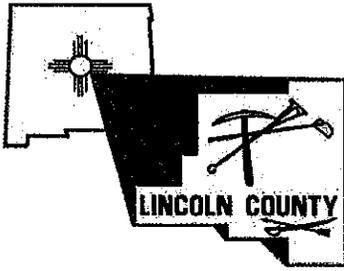
Sincerely,

Billie-Jo Guevara  
Administrative Assistant/  
Human Resources Director

Yes I would like to be re-appointed to the Road Review Advisory Committee.

No I would not like to be re-appointed at this time.

James Russ



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

# County of Lincoln

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

## AGENDA ITEM 26

September 10, 2015

### MEMORANDUM

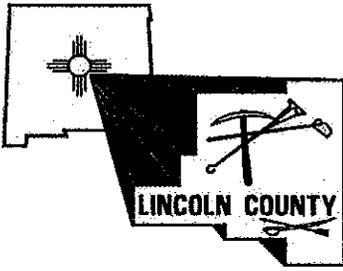
**TO:** County Commissioners

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

**SUBJECT:** Retention of Road Department Consultant

**Discussion:** During the September 8<sup>th</sup> Special Meeting, the Commission granted broad approval to retain a consultant to assess the Road Department at a cost of no greater than \$2,500. Direction is sought to further identify areas to be reviewed.

**Recommendation:** Discuss options and provide direction / approval to Manager to move forward.



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

# *County of Lincoln*

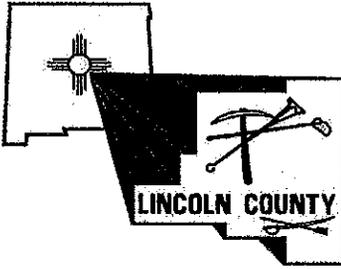
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P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

## Agenda Items 27

### SUBJECT

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances.



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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. 28

### 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 15, 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. Mediation scheduled for Oct. 29, 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.

**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.

**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 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**

**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.