

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

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

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

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, October 20, 2015 @8:30 A.M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes-
 - a. July 27, 2015 Special Commission Meeting Amended
 - b. September 8, 2015 Special Commission Meeting
 - c. September 15, 2015 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending September 30, 2015
 - c. 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
 - d. Volunteer Firefighters Adjusted Qualifications-Hondo Fire Department
 - e. Lincoln County Cooperative Weed Management Area Agreement
8. Ft. Stanton Veteran’s Cemetery Update
9. Recognition and Memorialization of Johnson Stevenson Stearns, Lincoln County Pioneer

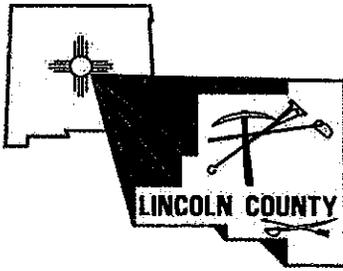
PLEASE NOTE: ALL SUBJECTS LISTED ON THIS AGENDA ARE TO BE CONSIDERED ACTION ITEMS BY THE BOARD OF COUNTY COMMISSIONERS UNLESS OTHERWISE INDICATED.

10. Recognition from State Fire Marshal to Corona, Hondo and Nogal Volunteer Fire Stations for Improved ISO Rating
11. Forest, Land & Natural Resources Matters:
 - a. Smokey Bear Ranger District
 - b. Cibola National Forest
 - c. Community Forester
 - d. Office of State Engineer-Water Issues
12. Lincoln County Detention Center Update – Warden Anderson
13. Approval of the First Amendment to County Detention Center Operations and Management Agreement by and between Emerald Correctional Management, LLC & Lincoln County
14. Lincoln Hills Subdivision: Commission to Consider subdivision owner’s amending the Development Agreement deleting a portion of Gene Littler Lane from the north side of Antler to Paso Monte Loop. Carl Bartley
15. “The Preservation of Public Access to Lincoln County Historical Records” Presentation by – Clerk Rhonda Burrows
16. Road Department Update
 - a. Status of Applicants for Road Superintendent Position
 - b. FEMA Related Services Recommended Roads for FY 15-16
17. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
18. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
19. Approval of Memorandum of Understanding between the Village of Ruidoso and the County of Lincoln for the Provision of Regulation Services of Residential and Commercial Construction within certain specified areas of the County of Lincoln
20. Award of Request for Proposals:
 - a. 15-16-002 Solid Waste Services for Lincoln County
 - b. 15-16-003 Independent Contractor Services for Misdemeanor Compliance Program
21. Manager’s Report
22. Approval of County Participation in The Village of Ruidoso Multi-Jurisdictional Hazard Mitigation Plan

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

23. Resolution 2015-14 Authorizing Submission of the Four-Year Plan for Services Provided to Senior Citizens
24. Approval of Reclassification of “Assets and Information Clerk” Position
25. Approval of Prior Year 2014-15 Invoices
26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - a. 2014-08 Personnel Policy
 - b. 2015-03 Solid Waste Ordinance
 - c. 2009-03 Litter Ordinance
27. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. Land and Natural Resources Advisory Committee-Douglas Fuqua
 - b. Lincoln Historic Preservation Board-Melissa Boute
 - c. Planning Commission –two vacant
 - d. Senior Citizens Olympic Committee – one vacant
 - e. Road Task Force – Private Citizen, Road Superintendent, Commissioner
28. Executive Session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters, Section 10-15-1, Sub paragraph H.(2) Evaluation of Lincoln County Manager Nita Taylor; 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. Potential Action Re: GSWA Litigation
30. Renewal of County Manager Contract-Terminates November 7, 2015
31. Signing of Official Documents
32. Next meetings:
 - a. November 17, 2015, Regular Commission Meeting
33. Adjourn

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County of Lincoln

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

Agenda Item 6

SUBJECT

Approval of Minutes:

- a) July 27, 2015 Special Commission Meeting Amended
- b) September 8, 2015 Special Commission Meeting
- c) September 15, 2015 Regular Commission Meeting

Amended
line 81, 135
173-174
188-189

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Monday, July 27, 2015**

11
12 Minutes of the Special Meeting of the Lincoln County Commission held at 3:00 PM on July 27,
13 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico.

15
16 **1. Call to Order**

17
18 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at
19 3:02:55 PM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

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

29
30
31 **3. Invocation**

32
33 The invocation was presented by Chair Stone.

34
35 **4. Pledge of Allegiance**

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

39
40 **5. Approval of Agenda**

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

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

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

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

48 **6. Amend Resolution 2015-3 by Resolution 2015-6**

49
50 **Motion:** Motion to reconsider adoption of Resolution 2015-3 and more specifically Disaster
51 Relief Fund 681 and LCMC Fund 502, **Action:** Approve, **Moved by** Commissioner Draper,
52 **Seconded by** Commissioner Allen.

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

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

56
57 a. Correction of the beginning cash balance of Fund 681 Disaster Relief

58
59 Nita Taylor, County Manager reported during the final budget verification process an error was
60 discovered in the beginning cash balance for Disaster Relief Fund Number 681. Ms. Taylor
61 provided a detailed accounting for the fund carryover balance, anticipated revenues, and the
62 proposed transfer of \$532,036 to the General Fund. Ms. Taylor stated, if approved, the
63 transfer of funds from the Disaster Relief Fund to the General Fund would leave sufficient funds
64 to meet budgeted expenses. Ms. Taylor stated additionally the transfer of funds back to the
65 General Fund would positively impact the County's ratio of Required Reserves reducing the
66 necessary transfers from 10% to 8% for the fiscal year.

67
68 **Motion:** Approve the adjustment of the beginning balance of Disaster Relief Fund 681, **Action:**
69 Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

73
74 b. Reconsideration of the motion on Fund 502 Lincoln County Medical Center-
75 Operating Cost

76
77 Ms. Taylor provided an analysis of LCMC's annual request and an analysis of funds available
78 including other fund obligations. Ms. Taylor presented a comparison of this year's request to
79 budget requests for the prior two years. Ms. Taylor noted in Fiscal Year 2013-2014 LCMC
80 requested no funding for operational costs, in Fiscal Year 2014-2015 LCMC requested
81 \$1,250,000 for operational costs, and for Fiscal Year 2015-2016 LCMC's request was for
82 \$1,775,000 for operational costs. Ms. Taylor stated Al Santos, LCMC Administrator had
83 requested the increase of \$525,000 over last year's request for operational funding as a
84 supplemental request for "Hospital based clinics" such as Family Medicine, Internal Medicine,
85 General Surgery, OB/GYN services, and other hospital based services.

86
87 Ms. Taylor stated the County's approval of LCMC's full request when combined with other mill
88 levy commitments would reflect a negative balance of \$882,846 of mill levy funding. Ms. Taylor
89 noted the previously approved transfer of the Medicaid payment expenditure to the Indigent
90 Health Care Fund provided an additional \$325,720 in available mill levy funds and suggested
91 the maximum mill levy funding remaining for operational costs was \$1,217,874 of the
92 \$1,775,000 requested. Ms. Taylor stated any award of funds over the \$1,217,874 would result
93 in a total exhaustion of the annual mill levy revenues. Ms. Taylor stated the other revenues
94 sources identified by LCMC as potential funding sources included revenues in reserve, Indigent
95 Health Care Funds, or the annual lease payment of \$1,100,000. Ms. Taylor reminded of prior
96 discussion to pledge the lease payment for funding the renovation of LCMC.
97

98 Ms. Taylor provided additional analysis of LCMC's funding requests over the last few years and
99 information regarding supplemental funding to hospitals by other counties.
100
101 Commissioner Stewart stated there was sufficient funding in the overall budget to accommodate
102 LCMC's request. Commissioner Stewart suggested the reported contractual discounts and
103 allowances of \$41 million per year supported LCMC's request for operational funding.
104 Commissioner Stewart noted while there were reserves budgeted from mill levy funds for clinic
105 operations those funds were unavailable for hospital operations. Commissioner Stewart stated
106 the question of utilization of the lease payment for operational expenses was complicated by a
107 Supreme Court ruling prohibiting the use of mill levy receipts for construction. Commissioner
108 Stewart estimated the ending cash balance of the mill levy fund for the next year as \$3,238,501
109 after the proposed payment of \$1,775,000 for operational subsidy. Commissioner Stewart
110 stated in light of the Supreme Court's decision, the question became whether to pay the hospital
111 more than the annual amount approved by the voters or to honor the contractual obligation of
112 the lease payment for the exclusive use of the hospital.
113
114 Commissioner Stewart requested the Board of Commissioners determine what options were
115 available to utilize mill levy funds in the future and to consider whether to spend lease payments
116 for operational subsidies or construction projects.
117
118 Commissioner Draper reminded of the prior discussion about obligating the lease payment for
119 payment of the renovation debt. Commissioner Draper objected to a redefinition of services to
120 accommodate the reallocation of funds. Commissioner Draper discussed the "philosophical
121 attitude" the budget contained funding specifically dedicated to the hospital and the clinics but
122 reminded it was the duty of the Commissioners to maintain oversight of those funds on behalf of
123 the tax payers.
124
125 Commissioner Allen questioned the difference between LCMC's request and available funding.
126 Ms. Taylor stated the final difference after transferring the Medicaid payment obligation to the
127 Indigent Health Care fund was \$557,126.
128
129 **Motion:** Approve the Manager's recommendation for total LCMC funding not to exceed
130 \$1,799,874, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Stone.
131 **Vote:** Motion failed (**summary:** Yes = 2, No = 3, Abstain = 0).
132 **Yes:** Chair Stone, Commissioner Draper.
133 **No:** Commissioner Stewart, Commissioner Allen, Commissioner Willard.
134
135 **Motion:** Reaffirm the prior approval of the FY 2015-2016 Final Budget, **Action:** Approve,
136 **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
137
138 Ms. Taylor suggested the Board of County Commissioners direction to reduce overall County
139 deficit spending seemed counter to the full funding of the hospital's request. The Manager
140 reiterated LCMC's request was 42% higher than last year's request and was in excess of the
141 annual tax payer approved funding.
142
143 Commissioner Allen questioned why LCMC did not historically fully utilize the annual mill levy
144 revenues. Ms. Taylor discussed the prior utilization of mill levy funds for Sole Community
145 Provider obligations and for Capital Outlay expenses. Ms. Taylor stated traditionally carryover
146 funding was reserved for major construction projects such as the Professional Office Building.
147

148 Beverly Calaway, Treasurer informed LCMC's monthly lease payments to the County were
149 several months delinquent in the last fiscal year and were inconsistently received by the County
150 Treasurer's office.

151
152 Mr. Santos suggested while LCMC's request for funding may exceed those of hospitals in other
153 counties, LCMC also provided more services. Mr. Santos stated a willingness to reduce the
154 operational request by \$300,000 but commented on the possibility of reduced services.

155
156 Chair Stone discussed the Commissioner's direction to County departments to reduce
157 expenditures and suggested to approve LCMC's 42% increased budget request was counter to
158 this direction.

159
160 After further discussion, Mr. Santos agreed to a reduction in LCMC's total budget request from
161 \$2.8 million to \$2.5 million.

162
163 Ms. Taylor requested clarification if the proposed reduction was a reduced request for
164 operational funds or for capital outlay.

165
166 Mr. Santos stated the reduction was for the requested operational expenses.

167
168 **Commissioner Stewart withdrew his previous motion, Commissioner Allen withdrew her**
169 **second.**

170
171 **Motion:** Approve the FY 2015-2016 Final Budget as previously approved including the transfer
172 of \$325,720 for the Medicaid payment to the Indigent Health Care fund but with a reduction of
173 the budgeted ~~\$1,777,500~~ ~~\$1,775,000~~ for operational expenses for LCMC to ~~\$1,477,500~~
174 ~~\$1,475,000~~; and Adopt Resolution 2015-6, **Action:** Approve, **Moved by** Commissioner Stewart,
175 **Seconded by** Commissioner Allen.

176
177 Commissioner Willard requested the Manager's opinion on the motion.

178
179 Ms. Taylor expressed belief the reduction was inadequate to address the over spending of
180 \$557,000 of the annual voter approved funding. Ms. Taylor suggested the need for diligence in
181 protecting the funding reserves.

182
183 Commissioner Allen questioned why the Manager wished to protect the reserved funding.

184
185 Ms. Taylor reminded reserves were held for future capital outlay requests such as LCMC's
186 request this year for new ambulances.

187
188 Chair Stone requested assurance should the Board of Commissioners approve ~~\$1,477,500~~
189 ~~\$1,475,000~~ for operational expenses LCMC would not present a mid-year budget request for
190 additional funding.

191
192 Mr. Santos confirmed Chair Stone was correct.

193
194 **Vote:** Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).

195 **Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Willard.

196 **No:** Chair Stone, Commissioner Draper.

197

198 **SEE EXHIBIT A:** Copy of Resolution 2015-6 is attached hereto in reference thereto made a
199 part hereof.

200
201 **7. Signing of Official Documents**

202
203 **8. Next meetings:**

204 a. August 18, 2015 - Regular Commission Meeting

205
206
207 **9. Adjourn**

208
209 There being no further business to come before the Board of County Commissioners, Chair
210 Stone adjourned the meeting at 4:03:02 PM.

211
212 Respectfully submitted by,
213 Rhonda B. Burrows
214 Lincoln County Clerk

DRAFT

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Tuesday, September 8, 2015**

11
12 Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 AM on September
13 8, 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 Special Meeting of the Board of County Commissioners to order at 8:30:12
19 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

25 **Absent:** Commissioner Draper.

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

29
30 **3. Invocation**

31
32 The invocation was presented by Chair Stone.

33
34 **4. Pledge of Allegiance**

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

39 **5. Approval of Agenda**

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

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

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

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

45 **Absent:** Commissioner Draper.

46
47 **6. Approval of Consent Agenda**
48

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

50
51 **Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner
52 Stewart, **Seconded by** Commissioner Allen.

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

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

55 **Absent:** Commissioner Draper.

56
57 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
58 hereof.

59
60 **7. Approval/Imposition of 2015-2016 Property Tax Rates**

61
62 Nita Taylor, Manager provided a copy of the Order Setting Property Tax Rates for 2015 received
63 from the New Mexico Department of Finance and Administration (DFA) on September 3, 2015.
64 Ms. Taylor reminded each year in the month of September the Board of County Commissioners
65 must review and authorize the imposition of new tax rates for the next year by written order
66 delivered to the County Assessor within five days after receipt of the DFA's Order. Ms. Taylor
67 noted DFA re-issued their order after the County Treasurer discovered an error in the original
68 rates which did not reflect an increase in the predator control mill levy from 55 cents to 75 cents
69 per head.

70
71 Beverley Calaway, Treasurer presented an Average Tax Rate History data chart comparing the
72 2015 Tax Rates to previous years dating back to 2005. Ms. Calaway also provided copy of an
73 article discussing the yield control formula utilized by DFA. Ms. Calaway stated she and her staff
74 analyzed and verified the tax rates initially sent by the DFA and found an error related to the
75 increase in the predator control rate. Ms. Calaway expressed belief Lincoln County's 2015
76 property tax billing would exceed thirty million dollars. Ms. Calaway stated the Treasurer's office
77 contacted each tax district involved and received confirmation the rates as imposed were correct
78 and would provide adequate budget revenues for operation.

79
80 Paul Baca, Assessor presented a Central Assessed Value Comparison of 2015 values as
81 compared to 2014. Mr. Baca commented on the valuations and provided a comparison of current
82 and prior school districts tax rates. Mr. Baca reminded his office reviews local valuations yearly
83 and in combination with State assessed values for certain properties these valuations drive the
84 final property tax rates. Mr. Baca reminded one purpose of the yield control formula was to
85 keep tax rates from being overly inflated. Mr. Baca also reminded an increase in valuations over
86 the prior year did not necessarily result in a decrease in rates imposed by DFA.

87
88 **Motion:** Approve the Certificate of Property Tax Rates and issue a written order to the Assessor
89 to impose the rates, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
90 Commissioner Willard.

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

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

93 **Absent:** Commissioner Draper.

94
95 **SEE EXHIBIT B:** Copy of the Certificate of Property Tax Rates for 2015 is attached hereto in
96 reference thereto made a park hereof.

97
98 **8. Approval of Memorandum of Understanding between the Village of Ruidoso and the**

99 **County of Lincoln for the Provision of Regulation Services of Residential and**
100 **Commercial Construction within certain specified areas of the County of Lincoln**
101

102 Ms. Taylor presented the Memorandum of Understanding for review. Ms. Taylor noted the Village
103 of Ruidoso was not currently meeting all MOU requirements and discussed the various
104 challenges. Ms. Taylor stated the Village of Ruidoso Inspection Department had not been fully
105 staffed since October of 2014 but they were actively recruiting an Electrical Inspector to fulfill that
106 requirement. Ms. Taylor discussed the various benefits of the agreement to builders and
107 residents but noted some complaints were received regarding the Village of Ruidoso's higher fees
108 for inspection.
109

110 **Motion:** Approve the MOU between the County of Lincoln and the Village of Ruidoso, **Action:**
111 **Approve, Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

114 **Absent:** Commissioner Draper.
115

116 **9. Approval of Resolution 2015-5 Final Infrastructure Capital Improvement Plan (ICIP)**
117 **FY 2017-2021**
118

119 Ms. Taylor informed during the August 18, 2015 Regular Meeting the 2015-2016 ICIP was
120 unanimously approved but formal adoption of a Resolution was required by the State for final
121 submission of the ICIP.
122

123 **Motion: Adopt Resolution 2015-5; Action:** Approve **Moved by** Commissioner Willard,
124 **Seconded by** Commissioner Stewart.

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

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

127 **Absent:** Commissioner Draper.
128

129 **SEE EXHIBIT C:** Copy of Resolution 2015-05 is attached hereto in reference thereto made a
130 part hereof.
131

132 **10. Update of Solid Waste Collection RFP**
133
134

135 Ms. Taylor informed the Request for Proposal (RFP) for Solid Waste Services for Lincoln County
136 was issued on August 31, 2015. Ms. Taylor stated the RFP was advertised in the Albuquerque
137 Journal, the El Paso Times, the Ruidoso News, and posted on the Lincoln County website.
138

139 Ms. Taylor provided the following list of key event dates:
140

- 141 1. 09-08-2015 Return of Acknowledgment of "Receipt" Form the Distribution List
- 142 2. 09-14-2015 Pre-proposal conference (mandatory)
- 143 3. 10-07-2015 Submission of Proposal
- 144 4. 10-28-2015 Contract Award for presentation to Commission for approval
- 145 5. 11-17-2015 Commission Approval
146

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

149 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
150 **Discussion of the purchase, acquisition or disposal of real property or water rights**
151 **by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
152

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

157 **New or Updated Matters since last report = ***
158

- 159 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
160 *et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
161 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,
162 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper
163 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
- 164 2. *Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.* Suit filed May
165 1, 2014 Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served
166 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending
167 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest
168 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new
169 counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended
170 Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction
171 Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue
172 its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.
- 173 3. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit
174 filed January 9, 2013. Petition for Declaratory Judgment, Preliminary and Permanent Injunction.
175 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge
176 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.
177 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief
178 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed it Reply Brief Dec. 1, 2014. The
179 case has been submitted to a panel of judges for decision and the County received Notice of
180 Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was
181 filed April 29, 2015.
- 182 4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-*
183 *041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et*
184 *al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of
185 water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs.
186 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been
187 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of
188 the County.
- 189 5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of
190 the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case
191 assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed
192 Oct. 23, 2014.
- 193 6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*
194 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons
195 received June 15, 2015. Removed to Federal Court July 7, 2015.
- 196 7. *A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*
197 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015.

198 B. Preston, DeAnna: Notice of Charge of Discrimination submitted to the U.S. Equal
199 Employment Opportunity Commission July 21, 2015.

200 **Tort Claims Notices Received or Threatened**

201 **2015**

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

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

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

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

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

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

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

223 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**
224 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to
225 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-
226 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected
227 and noted no progress had been made.

228 **Preston, DeAnna** – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22,
229 2015 through Attorney J. Robert Beauvais against the County of Lincoln in reference to Dep.
230 Preston's Disciplinary Action Dispute.

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

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

239 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy
240 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and
241 wrongful conduct of the Lincoln County Sheriff's Department.

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

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

247 **Rider, Edward and Moorhead, Brennon** – Tort Claim Notice received July 13, 2015 from
248 Attorney W. Chris Nedbalek alleging Lincoln County Sheriffs' Deputies Rains and Christian
249 destroyed personal property of claimants. See 2014 TCN alleging same.

250 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris
251 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County
252 Detention Center.

253 **Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek
254 alleging exposure to unsanitary conditions at Lincoln County Detention Center.

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

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

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

262
263 **2014**

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

267 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney
268 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum
269 care for their infant son.

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

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

274 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew
275 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a
276 minor, emotional distress.

277 **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan
278 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln
279 County Detention Center that arise with Immigration and Customs Enforcement charges.

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

282 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones
283 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent
284 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge
285 regarding discharge from the Capitan Police Department.

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

288 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W.
289 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own
290 equipment to alter a platted County right of way without the authorization or knowledge of the
291 County.

292 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,
293 2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers
294 destroyed items in a home.

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

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

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

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

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

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

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

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

313 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
314 2014 alleging lack of adequate office space provided by the County of Lincoln.

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

317
318 **2013**

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

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

324
325 **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

326 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

328 **Absent:** Commissioner Draper.

329
330 Chair Stone recessed the Regular Meeting and convened the Closed Session at 9:06:38 AM

331
332 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 9:38:57 AM

333
334 Commissioner Willard attested that matters discussed in the closed meeting were limited to those
335 specified in the motion for closure or in the notice of separate closed meeting

336
337 **12. Possible Action – Road Department Evaluation**

338
339 Ms. Taylor requested approval to enter into an agreement with a provider to conduct a Road
340 Department evaluation under procurement guidelines.

341
342 **Motion:** Enter into an agreement with a provider for the amount of \$2,500 , **Action: Approve,**
343 **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

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

346 **Absent:** Commissioner Stewart.

347

348 **13. Signing of Official Documents**

349

350 **14. Next Regular Meeting**

351 Tuesday, September 15, 2015

352

353 **15. Adjournment**

354

355 There being no further business to come before the Board of County Commissioners, Chair Stone
356 adjourned the meeting at 9:40:53 AM

357

358 Respectfully submitted by,

359 Whitney Whittaker

360 Lincoln County Chief Deputy Clerk

DRAFT

1 **COUNTY OF LINCOLN**

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

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

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

8
9 **Minutes**
10 **Tuesday, September 15, 2015**

11
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on September
13 15, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico.

15
16 **1. Call to Order**

17
18 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at
19 8:30:37 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 Commissioner Draper.

33
34 **4. Pledge of Allegiance**

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

38
39 **5. Approval of Agenda**

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

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

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

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

46
47 **6. Approval of Minutes**

48
49 a. August 18, 2015 - Regular Commission Meeting
50

51 **Motion:** Approve the minutes of the August 18, 2015 Regular Meeting with syntax correction,

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

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

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

56
57 **7. Approval of Consent Agenda**
58

- 59 a. Payroll/Accounts Payable/Budget/ Expenditures
60 b. Treasurer's Financial Report for the Month ending August 31, 2015
61 c. Acknowledge DFA Approval of 2015 Budget Adjustment Resolution As Amended
62 d. Acknowledge DFA Approval of 2015-2016 Final Budget
63 e. MOU with Lincoln County Cooperative Weed Management Area (LCCWMA)
64 f. Separate previously approved NMDOT CAP, COOP and School Bus Resolution into
65 three separate resolutions (per new requirement of NMDOT)
66 1. NMDOT CAP Resolution 2015- 11
67 2. NMDOT COOP Resolution 2015-12
68 3. NMDAT School Bus Resolution 2015-13
69 g. Replace previously approved NMDOT Cooperative Agreement to correct non-
70 substantive errors; no change in approved contractual amounts.
71

72 **Motion:** Approval of Consent items as presented. **Action:** Approve, **Moved by** Commissioner
73 Stewart, **Seconded by** Commissioner Draper.

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

75 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
76 Commissioner Willard.
77

78 **SEE EXHIBIT A:** Copies of Consent Items including Resolutions 2015-11, 2015-12, and 2015-
79 13 are attached hereto in reference thereto made a part hereof.
80

81 **8. NMAC Voluntary Benefits Program Presentation by Anne Sperling**
82

83 Ms. Sperling informed the New Mexico Association of Counties (NMAC) Board of Directors
84 unanimously approved the NMAC Voluntary Benefits Program on February 14, 2015. Ms.
85 Sperling stated the program was approved in response to a request from the counties for
86 coverage options after the State of New Mexico's cancelled their voluntary benefits program two
87 years ago. Ms. Sperling discussed the benefits of the NMAC pool which included higher caliber
88 benefits at lower costs, support for County Human Resource duties, and consistent
89 communication. Ms. Sperling stated all NMAC voluntary Benefit programs were 100% portable
90 with no price or coverage limit changes.
91

92 Ms. Sperling stated benefit products included coverage for accidents, critical illness including
93 cancer, universal life, long term care insurance, short term disability, legal services, and wellness
94 services. Ms. Sperling stated employees may participate through a post-tax payroll deduction.
95 Ms. Sperling stated rates for services were very competitive and in most cases lower than current
96 individual policies.
97

98 Commissioner Stewart questioned if the County should consider issuing an RFP for voluntary
99 benefits.

100
101 Ms. Sperling informed she had issued RFP's on behalf of NMAC to identify best pricing and
102 coverage from benefit providers.

103
104 There was general discussion regarding the potential impact to current and future employee
105 benefits.

106
107 **Motion:** Direct the Manager to further investigate the NMAC program and provide a
108 recommendation for formal resolution in the future, **Action:** Approve, **Moved by** Commissioner
109 Willard, **Seconded by** Commissioner Draper.

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

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

113

114 **9. Lincoln County Medical Center Presentation by Al Santos**

115

116 Commissioner Willard reported after viewing a presentation during a recent Rotary Club Meeting
117 he requested the Lincoln County Medical Center (LCMC) Administrator provide the same
118 presentation to the Board of County Commissioners.

119

120 Al Santos, LCMC Administrator informed this particular presentation was commissioned by the
121 Lincoln County Medical Center Foundation, a separately organized 501-C3, in combination with
122 their fund raising committee and their consultant Lawson and Associates.

123

124 Mr. Santos presented a background of the facility over the last ten years including the recent
125 additions of a new physical therapy clinic, a new professional office building, and updated clinic
126 facilities. Mr. Santos reminded Presbyterian had managed the facility since 1952 and currently
127 paid a \$1.1 million dollar lease payment to Lincoln County. Mr. Santos provided a list of
128 accreditations and recent awards received by LCMC.

129

130 Mr. Santos discussed the complicated nature of health care finances and provided a list of current
131 revenue sources available for hospital operations. Mr. Santos stated 94% of LCMC revenues
132 were generated by hospital operations with 6% derived from other revenue sources. Mr. Santos
133 noted bad debt and charity care accounted for more than 8% of total costs. Mr. Santos stated an
134 operating income of 2 – 5% provided opportunity for reinvestment. Mr. Santos stated the facility
135 had 200 operating days of cash on hand. Mr. Santos discussed the LCMC renovation project
136 and presented illustrations of planned improvements.

137

138 Mr. Santos presented a list of potential revenue sources available to the County for financing the
139 renovation project.

140

141 Commissioner Stewart questioned the inclusion of the Indigent Health Care Gross Receipt Tax
142 and expressed belief the County had identified other obligations for these revenues.

143

144 Mr. Santos reported a number of fund raising events had accumulated pledges of over \$250,000
145 towards the cost of renovation.

146

147 **11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
148 **OFFICIALS**

149
150 Sue Deavours of San Patricio objected to receiving a separate billing for solid waste services for
151 a small trailer placed next to the main residence on the property. Ms. Deavours stated she
152 purchased the trailer as an "extra bedroom" for her mother but acknowledged the trailer had
153 separate electric service and septic tank.

154
155 Melissa Corpening of 102 Musketball discussed the travel on that road. Ms. Corpening cited
156 increased traffic, increased speed, and the related dust as ongoing issues. Ms. Corpening stated
157 the Road Superintendent informed her the speed limits on dirt roads correlated with the nearest
158 posted speed on paved roads, but Ms. Corpening suggested the County consider other speed
159 control measures such as speed bumps. Ms. Corpening stated she had spoken several times
160 with Carl Palmer, Road Superintendent and also the County Manager regarding these conditions.
161 Ms. Corpening conducted her own traffic count over a period of several days and presented her
162 findings for review. Ms. Corpening requested the Board of Commissioners assist her in this
163 matter.

164
165 Patsy Sanchez, a resident of Carrizozo reminded of her prior complaint about water accumulation
166 on Highway 54. Ms. Sanchez anticipated presenting her concerns to the representatives from
167 the NM Department of Transportation today but noted the topic was not on the agenda.

168
169 Nita Taylor, County Manager stated representatives from the Department of Transportation were
170 scheduled to discuss Highway 54 revisions during the October Regular Meeting.

171
172 Ms. Sanchez, speaking as a Board Member for New Horizons, questioned why the New Horizon
173 facility improvement needs were not included in the County's ICIP for this fiscal year. Ms.
174 Sanchez reminded the facility contributed to the economy of the County with 33 employees and
175 17 residents. Ms. Sanchez invited the Board of County Commissioners to tour the facility.

176
177 Ms. Taylor informed improvements for New Horizons were not listed as an ICIP priority for this
178 year but were listed on the ICIP for consideration during the FY 2016-2017 legislative cycle.

179
180 Paul Baca, Assessor informed the NMAC Assessors Affiliate was meeting in Ruidoso on October
181 14 and 15, 2015. Mr. Baca extended an invitation to the Board of Commissioners to attend.

182
183 Punkin Schlarb, Finance Director stated due to the recent resignation of the NMAC Finance
184 Affiliate Chair as Vice Chair she would assume that position.

185
186 **9. Lincoln County Medical Center Presentation by Al Santos (continued)**

187
188 Commissioner Draper reminded the Lincoln County Medical Center renovation was listed as a
189 priority on the County's ICIP plan which could afford opportunity for other State and Federal
190 funding.

191
192 Mr. Santos commented Commissioner Allen was serving as the fundraising Chairwoman and she
193 was researching additional funding options as well. Mr. Santos stated State legislators as well
194 as the Mescalero Apache Tribe were supportive of the project.

195
196 Chair Stone questioned if the slogan of Better to Best referred to the facility or to services
197 provided.

198

199 Mr. Santos suggested as a slogan it was primarily worded to engender philanthropic support while
200 acknowledging the need to replace aging facilities.

201
202 Chair Stone referred to Mr. Santos' report regarding the recruitment of nine new staff members
203 and questioned if the new staff were replacements for vacated positions or an increase to staff.

204
205 Mr. Santos stated of the nine approximately three were nurse practitioner or physician assistant
206 replacements and there were six new providers.

207
208 Chair Stone questioned the average number of beds occupied at LCMC.

209
210 Mr. Santos reminded as a critical access hospital LCMC was limited to a defined federal maximum
211 occupancy of twenty five beds. Mr. Santos stated designation as a critical access hospital
212 provided a higher reimbursement rate of 101% of current Medicare reimbursement rates.

213
214 Chair Stone noted a reference to potential revenues sources based on an increase of the mill levy
215 currently imposed at 2.6 mills to 3.0 mills. Chair Stone questioned how Mr. Santos would justify
216 to tax payers the imposition of a full 3.0 mills.

217
218 Mr. Santos suggested additional capacity provided by renovation could result in the addition of
219 services such as oncology infusion, kidney dialysis, or additional providers. Mr. Santos also
220 reminded of the potential to convert existing beds to a long term care facility.

221
222 Chair Stone questioned if there was opportunity to expand services at the Capitan Clinic to five
223 days a week. Mr. Santos expressed a commitment to recruit staffing for expanded days of service
224 at the Capitan Clinic.

225
226 Gary Mitchell, Chair of the Board of Trustees for LCMC discussed LCMC's unique relationship
227 which combined local support through the Board of County Commissioners, management
228 services of Presbyterian as a private provider, and oversight by the local Board of Trustees. Mr.
229 Mitchell stated Board of Trustee members viewed their responsibility to represent the residents
230 of the County as their first and foremost priority. Mr. Mitchell commented on the past history of
231 the hospital and the aging of the facility. Mr. Mitchell discussed the need to update the facility
232 in order to maintain accreditation and requested the County move forward expediently to begin
233 renovation. Mr. Mitchell suggest charitable contributions would increase once there was a
234 financial commitment from the County.

235 236 **10. Discussion / Possible Action Regarding LCMC Renovation Funding**

237
238 Ms. Taylor reminded of prior presentations and discussions regarding the various options
239 available to finance the LCMC renovation project. Ms. Taylor stated options considered included
240 submission of an application to the New Mexico Finance Authority or the issuance of various types
241 of bonds. Ms. Taylor further reminded the County retained RBC Capital Markets as an advisor.

242
243 Commissioner Stewart discussed the charts provided by RBC which illustrated the history of
244 Lincoln County's assessed values, current tax rates, and debt capacity. Commissioner Stewart
245 stated the Tax Rate Matrix provided illustrated the estimated annual cost to property owners.
246 Commissioner Stewart expressed concern about the estimated increased LCMC lease payment
247 of \$1.5 million dollars as insufficient to offset the anticipated debt service of \$1.7 million dollars.
248 Commissioner Stewart discussed the potential implication of implementation of various Gross
249 Receipt Tax increments and suggested the best option was to seek a voter approved bond.

250 Commissioner Stewart opined the \$1.5 million lease payment would offset the majority of the debt
251 service and the Commission would impose only the portion of available mills needed.
252

253 Commissioner Draper reminded until a "fair market value" as required by State Statute was
254 established the actual lease payment was not firmly established and it could effectively be enough
255 to offset any debt service. Commissioner Draper expressed support for seeking a General
256 Obligation Bond but questioned seeking 2 mills versus the minimum needed as potentially
257 detrimental to bond passage.
258

259 Eric Harrigan, RBC Capital markets clarified when issuing a bond the voters approve a specific
260 debt amount and not a certain mill rate. Mr. Harrigan stated the tax rate was then set annually
261 and any lease payment deposited in a debt service fund would result in the subsequent reduction
262 of the tax rate imposed.
263

264 Commissioner Stewart discussed the possibility of using the existing accrued lease payment of
265 \$2.2 million to either purchase property for expansion or for deposit in a debt service fund.
266

267 Commissioner Allen expressed support for submission of applications to the New Mexico Finance
268 Authority (NMFA) and to the US Department of Agriculture (USDA). Commissioner Allen stated
269 she was serving as Chair of the LCMC Fundraising Committee in an effort to offset the final costs
270 to tax payers. Commissioner Allen supported exploration of every potential funding source prior
271 to committing to issuance of a bond.
272

273 Chair Stone questioned whether there were any negative consequences to applying for a NMFA
274 or USDA loan.
275

276 Mr. Harrigan stated an NMFA application would require the County to list the pledged revenues
277 for repayment and as yet these were undefined. Mr. Harrigan stated NMFA would review any
278 application submitted but from a revenue standpoint currently the County had insufficient Gross
279 Receipts Tax increments imposed to support payment and there was a high probability NMFA
280 would not accept the hospital lease payment as security. Mr. Harrigan stated as an alternative
281 the hospital could consider pledging their net revenues to secure the loan. Mr. Harrigan stated
282 the USDA application process was quite lengthy and typically the NMFA lending rate was lower.
283 Mr. Harrigan stated the USDA application would also require identification of pledged revenues.
284

285 Chair Stone questioned if the USDA would accept a pledge of the facility itself to secure a loan.
286

287 Mr. Harrigan stated there was an option to seek a Department of Housing and Urban Development
288 (HUD) loan by mortgaging the facility but this was a lengthy process and HUD loans typically
289 carried a higher interest rate.
290

291 Commissioner Allen commented since any question submitted for voter approval would not go on
292 the ballot until the 2016 General Election, the County had time to research all other options.
293 Commissioner Allen suggested Chair Stone appoint two Commissioners to work with the Manager
294 and Attorney to explore all options.
295

296 There was lengthy discussion about various financing options and associated revenue
297 requirements.
298

299 **Motion:** Apply to the New Mexico Finance Authority for a \$25 million dollar loan to remodel the
300 Lincoln County Medical Center in Ruidoso, New Mexico no later than September 24, 2015 for

301 consideration at NMFA's October 22, 2015 meeting, **Action:** Approve, **Moved by** Commissioner
302 Allen, **Seconded by** Commissioner Willard.

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

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

306
307 **Motion:** Apply immediately to USDA for a grant and or loan in an amount not to exceed \$25
308 million dollars and to apply to any other state or federal agency who may have funds available for
309 remodel of the hospital and would grant or loan said monies to the County of Lincoln, **Action:**
310 Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

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

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

314
315 **Motion:** Authorize the Chairman to appoint two Commissioners to work with the Manager and
316 Attorney to oversee the various application processes, utilize all resources, and report back to the
317 Board of County Commissioners, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded**
318 **by** Commissioner Draper.

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

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

322
323 Chair Stone appointed Commissioner Allen and Commissioner Draper.

324
325 Beverly Calaway, Treasurer requested the Board of County Commissioners consider the addition
326 of language to any revised lease agreement in order to ensure the timely receipt of the lease
327 payment from Presbyterian to the County of Lincoln.

328
329 **12. Forest, Land & Natural Resources Matters:**

330
331 a. Smokey Bear Ranger District

332
333 Dave Warnack, Ranger informed the Smokey Bear Ranger District had begun the process to
334 identify a new Priority Landscape Planning Area. Ranger Warnack stated identification of a new
335 Planning Area included consideration of the opportunity for significant and needed improvements
336 for multiple disciplines such as Range, Wildlife, Watershed, Recreation, Wilderness, Timber,
337 Forest Products, Fuels and Fire. Ranger Warnack discussed other relevant criteria and
338 presented maps of three areas within the district for consideration.

339
340 Ranger Warnack stated the Forest Plan Revision was in the Assessment Phase with continued
341 efforts to gather public input. Ranger Warnack stated the District met with both the Upper Hondo
342 Soil and Water Conservation District and the Carrizozo Soil and Water Conservation District as
343 stakeholders in the revision process. Ranger Warnack anticipated additional public meetings
344 would occur in November to gather relevant information.

345
346 Ranger Warnack stated the Forest Supervisor would issue the Final Environmental Impact
347 Statement (FEIS) and a Draft Record of Decision on the Village of Ruidoso's Special Use Permit
348 Application for the North Fork Eagle Creek Wells in the next few weeks. Ranger Warnack stated
349 the 45 day Objection Period would begin once the FEIS and Draft Decision were published in the
350 Alamogordo Daily News and the Ruidoso News.

351

352 b. Community Forester

353
354 Rick Merrick, Community Forester for South Central Mountain Resource Conservation
355 and Development Council reported plans to complete a prescribed burn on Alto Mesa
356 were pending some snowfall due to high grass growth. Mr. Merrick stated plans were in
357 process to conduct a treatment of forty acres on Moon Mountain.

358
359 Mr. Merrick reported Spencer Baldwin of the Office of Emergency Services and Curt
360 Temple, Planning Director participated in the recent Forest Speaker Series along with
361 Harlan Vincent, Chief of the Ruidoso Fire Department and representatives from the
362 insurance industry. Mr. Merrick stated topics included an explanation of ISO ratings, flood
363 plain designations and factors which affect homeowner insurance costs.

364
365 Mr. Merrick stated he was still receiving calls from landowners about trees dying due to
366 bark beetle infestation. Mr. Merrick stated he had also received information about a fungus
367 affecting pinon, juniper, and some aspens in the area.

368
369 Mr. Merrick stated the Prescribed Burn Council would host an informative meeting for
370 ranchers and landowners about the use of prescribed burns for land management on
371 October 29, 2015.

372
373 **20. 11:30 a.m.: Inspection of the Detention Center/Lunch**

374
375 Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner
376 Willard and Nita Taylor, County Manager conducted an inspection of the Detention Center.

377
378 **12. Forest, Land & Natural Resources Matters: (continued)**

379
380 c. Cibola National Forest

381
382 Ms. Taylor reported prior meetings of the Landscape Committee were in conflict with County
383 Commission meetings. Ms. Taylor stated the next meeting was set for October 8, 2015 and she
384 planned to attend.

385
386 d. Office of State Engineer-Water Issues

387
388 Ms. Taylor reported three new notices were posted on the State Engineer's website this month:

389
390 1. Sally Canning H-4328: Permit to use an existing well as a supplemental point of
391 diversion for diversion of 87.75 acre feet per annum of surface water of the Rio Bonito for the
392 irrigation of 27.0 acres of land. Points of diversions and places of use are 2.35 miles from the
393 town of Lincoln.

394
395 2. Joe Buchanan H-188: Cedar Creek Cabin Owners Association. No additional
396 information accessible on the website.

397
398 3. James Miller H-785: Sun Valley Water and Sanitation District. No additional
399 information accessible on the website.

400
401 **13. Update – Solid Waste Collections Request for Proposal**

402
403 Ms. Taylor stated the Request for Proposal for Solid Waste Services was issued on August 31,
404 2015. Ms. Taylor stated advertisements were placed in the Albuquerque Journal, the El Paso

403 Times, and the Ruidoso News. Ms. Taylor stated the RFP was also posted on the County's
404 website. Ms. Taylor stated in response to these advertisements the County received notices of
405 interest from six contractors.

406
407 Ms. Taylor stated five of the six respondents attended the mandatory pre-proposal meeting on
408 September 14, 2015. Ms. Taylor reported parties present asked good questions such as if
409 subcontractors were allowed. Ms. Taylor stated additional questions related to available
410 equipment. Ms. Taylor stated Charles Fiedler of Gordon Environmental advised attendees the
411 available equipment was at the end of usable life and suggested the County or contractor would
412 need to purchase new equipment for services.

413
414 **14. Discussion / Possible Action Regarding a Violation of Lincoln County Ordinance**
415 **2009-03 Involving Mr. Arturo Rodriguez y Toussaint's Property**
416

417 Ms. Taylor stated after notice and discussion with the County Ordinance Administrator regarding
418 noncompliance with Ordinance 2009-03, Mr. Arturo Rodriguez y Toussaint sent correspondence
419 requesting the Board of County Commissioners consider the matter. Ms. Taylor stated despite
420 notification of the agenda item Mr. Toussaint was not present at this meeting.

421
422 Curt Temple, Planning Director provided a history and timeline of activity initiated by a complaint
423 from a neighboring landowner in the Western Hills Subdivision regarding refuse, solid waste and
424 litter. Mr. Temple noted there was a previous complaint about the same property to the NM State
425 Construction Industries Division several years ago and a recent investigation by the NM
426 Environmental Department regarding sewage.

427
428 Ms. Taylor provided a copy of correspondence received wherein Mr. Toussaint stated he was
429 using glass bottles, plastic, paper cartons, metallic tubes and other materials which he described
430 as "non-contaminating" to back fill an area of approximately 300 square feet.

431
432 Mr. Temple stated on July 21, 2015 the Ordinance Administrator notified Mr. Toussaint he was in
433 violation of the County Ordinance which prohibits a person from bringing trash onto property in
434 the County. Mr. Temple stated on July 27, 2015 Mr. Toussaint contacted his office by telephone
435 and advised he would work to resolve the issue but requested an extension of time due to financial
436 hardship. Mr. Temple stated Mr. Toussaint was given 60 days to correct the violation. Mr.
437 Temple and the Ordinance Administrator met with Mr. Toussaint in person on August 14, 2015
438 and it was agreed he would remove the litter from his property. Mr. Temple stated Mr. Toussaint
439 requested permission to leave the previously buried material now covered by plaster on the
440 property. Mr. Temple advised Mr. Toussaint would need permission from the Board of County
441 Commissioners to leave the buried material on site.

442
443 Ms. Taylor stated it was unclear whether the property owner was requesting a Solid Waste or
444 Refuse Disposal Permit as provided for by the Ordinance or a variance for which there was no
445 provision in the Ordinance.

446
447 Mr. Temple stated as Mr. Toussaint was not present today the 60 day notification period would
448 continue and he would report back for consideration of action after that period elapsed.

449
450 Commissioner Willard questioned if the State Environmental Department was currently involved.

451
452 Mr. Temple stated Mr. Toussaint claimed he had contacted the Environmental Department about
453 his septic tank and also claimed to have a letter of approval from the department. Mr. Temple

454 stated it appeared Mr. Toussaint was using the refuse to construct a retaining wall and if this was
455 the case, the Village of Ruidoso required a permit as the property was within the three mile platting
456 and planning zone.

457
458 Commissioner Stewart questioned if Village of Ruidoso Planning Department was notified.
459

460 Mr. Temple stated the Village had previously red tagged the trailer on the property.
461

462 **15. Manager's Report**

463
464 **1. Building Renovation:** The Manager informed major construction efforts and costs tied
465 to renovation of County buildings were complete. The Manager reminded the Commission
466 had approved \$500,000 in Cap-Out Construction funding for this fiscal year to meet
467 County needs as they arise.
468

- 469 • The Treasurer's Office requested funding approval to increase security for the
470 Treasurer's offices, employees and County assets. The Treasurer's office currently
471 lacked any security measures for the conduct of business with individuals who daily
472 appeared in person at the Treasurer's office. The Manager reported currently there
473 was no door separating the public from the employees and no safety glass or partition
474 of any type between employees collecting funds and those individuals making
475 payments or coming in for other reasons. The Manager and Treasurer Calaway met
476 with several CES contractors to solidify the design and estimate the cost of the project.
477 The Manager stated low cost options were considered when possible and resulted in
478 the lowest cost estimate of \$29,149.17. The Manager stated plans were to proceed
479 in the next week to complete the project prior to the issuance of tax bills in October.
480

481 There was consensus from the Commissioners to proceed with the remodel of the Treasurer's
482 office.
483

- 484 • **Annex Building – Upstairs:** The Manager stated since the District Attorney quarters
485 were complete plans were to begin moving the Finance Department to the top floor.
486 The Manager stated expenses tied to the move were limited to relocation of phones,
487 data, computers, files, furniture, etc. The Manager stated staff would repaint in
488 addition to verifying heating and cooling ducts and units were in working order. The
489 Manager reminded heating and cooling were provided by the same boiler and chiller
490 used for the District Attorney's quarters and anticipated no problems.
491

492 **2. 2016 Capital Outlay Project Application Workshops:** The Manager reported Hubert
493 Quintana of Southern New Mexico Economic Development District (SNMEDD) was
494 scheduled to be onsite August 30, 2015 to assist the County with the Capital Outlay Project
495 Application. Deadline for SNMEDD to receive Capital Requests was October 22, 2015
496 with a subsequent deadline for SNMEDD to deliver applications packages to the
497 Legislative Council Service in Santa Fe by January 31, 2016.
498

499 **3. Legislative Health & Human Services Committee:** The Manager reported she, Clerk
500 Rhonda Burrows and Indigent Health Care Administrator Scott Annala attended the
501 Legislative Health and Human Services Interim Committee Meeting held in Roswell on
502 August 26, 2015. The meeting was well attended and provided excellent information an
503 insight on funding of healthcare in New Mexico.
504

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513
- 4. Additional calendar items:**
- September 21 – 24 – Auditors in the House
 - October 20th – Regular Commission Meeting
 - October 21st – 23rd – Multi-line pool board training
 - November 11th – Groundbreaking Ceremony – Ft. Stanton Veteran's Cemetery
 - November 12th – Leadership Lincoln in County Offices for Overview of County Government
 - November 17th – Regular Commission Meeting

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- 4. Departmental Updates:**
- a. **Punkin Schlarb, Finance Director** informed the department was preparing for auditors who were scheduled for an onsite visit next week. Ms. Schlarb also discussed plans to replace the iSeries computer.
- b. **Carl Palmer, Road Superintendent** provided an update on removal of trees from County right of ways in the Alto area. Mr. Palmer reported asphalt patching of roads in the Alto and Sun Valley areas were complete with the exception of the Deer Park Valley Assessment District. Mr. Palmer noted recent work involving heavy truck traffic was conducted by the Alto Lakes Water and Sanitation District resulting in road damage in the Deer Park Valley area. Mr. Palmer stated belief the Sanitation District would accept responsibility for and repair damage due to the truck traffic. Mr. Palmer reported the completion of the sealant coating for Gavilan Canyon Road was pending good weather conditions. Mr. Palmer reminded the Department of Transportation funding was available until the end of the year.
- c. **Curt Temple, Planning Director** reported the Flood Plain Managers Association was conducting a Calendar Contest for grade school students to promote the "Turn Around - Don't Drown" campaign. Mr. Temple stated the County's FEMA Grant was finalized and submitted to FEMA with a revised Cost Benefit Analysis.
- d. **Joe Kenmore, Office of Emergency Services Director (OES)** reported on the change in ISO ratings for various departments including declines in the Hondo Fire Department ISO rating from 8 to 6 and the Nogal Fire Department from 9 to 6. Mr. Kenmore stated the Arabella and Bonito Fire Departments were awaiting ISO results after recent review. Mr. Kenmore reported use of the County's Mobile Command Unit at the Ruidoso Downs Track to assist with communications and traffic control during the Labor Day Weekend. Mr. Kenmore stated there were plans to utilize the Command Unit during the September Motorcycle Rally in Ruidoso.
- Commissioner Draper suggested OES initiate efforts to inform the public about the improvements in County Fire Department ISO ratings.
- Chair Stone requested OES monitor the roof at LCMC for potential problems in the event of heavy snowfall.
- e. **Billie Joe Guevara, Administrative Assistant/Human Resources** reported a representative from NMAC was scheduled for onsite employee trainings on customer service.

555 Chair Stone recommended the County provide an annual "refresher" on the policy handbook to
556 each department.

557
558 **16. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims**
559

560 Scott Annala, Indigent Health Care Administrator presented the Safety Net Care Pool claims for
561 approval. Mr. Annala processed 25 claims with 24 recommended for approval and 1
562 recommended for disapproval for a monthly authorization of \$27,009.36. Mr. Annala reminded
563 the monthly average approval for Fiscal Year 2014-2015 was \$21,229. Mr. Annala stated the
564 currently monthly average for Fiscal Year 2015-2015 was \$22,060 with a projected annual
565 authorization of \$66,183.

566
567 Mr. Annala presented the Indigent Health Care Payments request for the month and stated he
568 processed 5 claims with 4 claims recommended for approval and 1 for disapproval for a total
569 payment this month of \$1,077.00. Mr. Annala stated the current monthly average for Fiscal Year
570 2015-2016 for Indigent Health Care claims was \$4,904.28 with a projected annual expenditure of
571 \$58,851.32.

572
573 **Motion:** Approval and denial of the claims as indicated for Safety Net Care Pool and Indigent
574 Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded**
575 **by** Commissioner Willard.

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

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

579
580 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments
581 are attached hereto in reference thereto made a part hereof.

582
583 **17. Resolution 2015-10 Designating Polling Places for the 2016 Election Cycle**
584

585 Rhonda Burrows, Clerk informed New Mexico State Statute required the Board of County
586 Commissioners approve by resolution the designated polling places for the upcoming 2016
587 Primary and General Elections. Ms. Burrows stated she and her staff contacted or visited all of
588 the proposed sites to assess statutory compliance for location and access. Ms. Burrows noted
589 these polling locations were the same as approved and utilized for the 2014 Elections. Ms.
590 Burrows also reminded of the change from precinct polling locations to vote center voting in 2012
591 and reported an overall positive response from voters after this change.

592
593 **Motion:** Adopt Resolution 2015-10, **Action:** Approve, **Moved by** Commissioner Draper,
594 **Seconded by** Commissioner Stewart.

595
596 Commissioner Draper clarified the utilization of vote centers allowed a voter to vote at any vote
597 center location on Election Day rather than at one particular precinct.

598
599 Ms. Burrows confirmed a voter could vote at any vote center on Election Day.

600
601 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).

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

604
605 **SEE EXHIBIT C:** Copy of Resolution 2015-10 is attached hereto in reference thereto made a
606 part hereof.

607
608 **18. Proclamation – Citizens’ Day and Constitution Week in Lincoln County**
609

610 Ms. Taylor stated Citizenship Day and Constitution Week were federally observed to recognize
611 the adoption of the United States Constitution and those who have become US Citizens. Ms.
612 Taylor stated these were normally observed on September 17th as the day in 1787 which
613 delegates to the Constitutional Convention in Philadelphia signed the Constitution.
614

615 Ms. Taylor stated federal observance began in 2004 with passage of an amendment to the
616 Omnibus spending bill. Ms. Taylor stated in addition to establishing “Constitution Day and
617 Citizenship Day” the act mandated all publicly funded educational institutions, and all federal
618 agencies provide educational information on the history of the American Constitution on this day.
619

620 Commissioner Willard read the proclamation which acknowledged the ratification of the United
621 States Constitution by delegates of the Constitutional Convention on September 17, 1787. The
622 proclamation further acknowledged the celebration of one of the longest existing written
623 constitutions in history and proclaimed the week of September 17, 2015 through September 23,
624 2015 as Constitution Week in Lincoln County.
625

626 **Motion:** Approve the Proclamation for Citizenship Day and Constitution Week in Lincoln County,
627

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

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

630 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
631 Commissioner Willard

632 Commissioner Draper requested the Proclamation be forwarded to the various School Districts
633 within Lincoln County.
634

635 **19. Approval of Request for Proposal (RFP) 15-16-001 - FEMA Related Services for**
636 **County of Lincoln**
637

638 Ms. Taylor reminded the County received a FEMA award for flooding events which occurred in
639 2014 to repair identified road damages. Ms. Taylor stated the total identified damages were
640 estimated at \$9,792,451.70 with cost share contributions of 75% from FEMA, 12.5% from the
641 State of New Mexico and 12.5% from Lincoln County. Ms. Taylor stated the County could control
642 annual costs by scheduling a limited number of road repairs each year. Ms. Taylor reminded the
643 County had budgeted and approved \$1,000,000 of these road repairs for this fiscal year.
644

645 Ms. Taylor stated the costs associated with this RFP for engaging a contractor to manage the
646 FEMA projects were an eligible expense of these FEMA funds. Ms. Taylor stated two proposals
647 were received and opened on September 8, 2015. Ms. Taylor stated a committee evaluated the
648 proposals based on three criteria including statements of qualifications and performance data;
649 approach to the project, and the ability to finish the required services.
650

651 Ms. Taylor stated two responses were received and scored as follows:

	Points	Cost
652 King Industries Corporation	93.7	\$20,040

655 Disasters, Strategies and Ideas Group. LLC 89.4 \$22.400
656

657 **Motion:** Award RFP 15-16-001 to King Industries for \$20,040, **Action:** Approve, **Moved by** Chair
658 Stone, **Seconded by** Commissioner Draper.

659
660 Commissioner Stewart questioned who would prioritize the road repair projects.

661
662 Ms. Taylor stated County staff would identify and prioritize projects and she would present the list
663 to the Board of Commissioners for review.

664
665 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
666 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
667 Commissioner Willard.

668
669 **21. Tabled- Annual Renewal MOU between the Village of Ruidoso & County of Lincoln**
670 **as the Administrative Authority for Lincoln County Sheriff's Office for DWI**
671 **Enforcement Activities and Reimbursement Cost**

672
673 **Motion:** Remove the item from the table, **Action:** Approve, **Moved by** Commissioner Draper,
674 **Seconded by** Commissioner Willard.

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

678
679 Ms. Taylor reminded approval of the Memorandum of Understanding was tabled last month
680 pending suggested revisions by the County Attorney including reciprocal hold harmless language
681 and clarification of the list for Notice of Recipients.

682
683 **Motion:** Approve the Memorandum of Understanding between the Village of Ruidoso and the
684 County of Lincoln, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
685 Commissioner Allen.

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

689
690 **22. Prior Year 2014-2015 Approval of LCJJB Invoices**

691
692 Ms. Taylor reported the Lincoln County Juvenile Justice Board submitted an invoice for the
693 second half of funding approved for Fiscal Year 2014-2015. Ms. Taylor stated the LCJJB
694 Coordinator was informed submission of the invoice after the end of the fiscal year was out of
695 compliance with the County process for payment. Ms. Taylor stated due to the financial status
696 of the LCJJB she was requesting approval of the payment.

697
698 **Motion:** Approve payment to LCJJB for prior fiscal year expense, **Action:** Approve, **Moved by**
699 Commissioner Draper, **Seconded by** Commissioner Stewart.

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

703
704 **23. Rancho Ruidoso Valley Estates – Request for Road Improvement**
705

706 Mary Stanfield, prior Board Member of the Rancho Ruidoso Valley Estates Homeowners
707 Association reminded she had provided a packet of background information for each
708 Commissioner in June. Ms. Stanfield stated this information illustrated requests presented by the
709 residents dating back as far back as 2003 requesting assistance from the County with road
710 conditions.

711
712 Ms. Stanfield stated the residents of Rancho Ruidoso Valley Estates were "sandwiched" between
713 Rainmakers, Alto Lakes, Deer Park and Ranches of Sonterra subdivisions and often felt
714 underserved as compared to those areas.

715
716 Ms. Stanfield stated recent heavy rains had caused additional damage and requested a significant
717 evaluation of the roads. Ms. Stanfield advised she reviewed Road Department records from 2013
718 to current noting most work in the area had occurred in Alpine Village and Ranches of Sonterra.
719 Ms. Stanfield expressed belief the records illustrated a disparity issue.

720
721 Yolanda Rubio, current Board Member of Rancho Ruidoso Valley Estates Homeowners
722 Association also requested a thorough evaluation of road conditions in the subdivision.

723
724 Ms. Taylor reminded the Commission had directed her and the Road Superintendent to develop
725 a priority list of road conditions within the County and they were working toward that goal.

726
727 **24. Discussion of Appointment of New Committee to Draft Revisions to the Appendix**
728 **of Lincoln Historic Preservation Board**

729
730 Ms. Taylor requested consideration of suggestions received to consider revision to Appendix B of
731 the Lincoln Historic District Ordinance. Ms. Taylor stated Appendix B consisted of criteria for
732 new construction, guidelines for design review and materials, and requirements for signs and
733 signage. Ms. Taylor anticipated a review and revision of Appendix B would result in easier
734 interpretation and enforcement of Ordinance requirements.

735
736 Ms. Taylor requested approval for establishment of a committee to conduct the review of
737 Appendix B and guidance as to potential membership.

738
739 Commissioner Allen suggested the current Chair of the Lincoln Preservation Board seek
740 committee members willing to serve

741
742 Attorney Morel stated the current Historic Preservation Board could form a sub-committee or the
743 Board of County Commissioners could independently appointment committee members.
744 Attorney Morel reminded any proposed revisions to Appendix B would require approval by the
745 Board of County Commissioners.

746
747 **Motion:** Support the formation of a subcommittee by the Lincoln Historic Preservation Board to
748 draft revisions to Appendix B, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by**
749 Commissioner Allen.

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

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

753
754 **25. Consideration of Appointments and Removals from Boards/ Commissioners/**
755 **Committees:**

756

- 757 a. Land and Natural Resources Advisory Committee
- 758 b. Lincoln Historic Preservation Board
- 759 c. Planning Commission
- 760 d. Road Review Advisory Committee
- 761 e. Road Task Force Steering Committee – Tabled
- 762 a. Senior Citizens Olympic Committee

763
 764 **Motion:** Appoint Reginald Richey to the Lincoln Historic Preservation Board; reappoint Mary
 765 Dokianos to the Planning Commission; and reappoint James Russ to the Road Review Advisory
 766 Committee; **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner
 767 Allen.

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

771
 772 **26. Discussion / Possible Action on Road Department Recommendations**
 773

774 Ms. Taylor reminded during the September 8, 2015 the Commission granted broad approval to
 775 retain a consultant to review Road Department operations. Ms. Taylor reported Carl Palmer the
 776 current Road Superintendent had submitted his resignation effective September 23, 2015.
 777

778 Ms. Taylor stated plans were being made to review the job description, advertise the open position
 779 and interview candidates as soon as possible. Ms. Taylor proposed in the interim the County
 780 consider contracting with a consultant as previously discussed to both oversee and review Road
 781 Department operations for a period of eight weeks. Ms. Taylor suggested an hourly rate of \$50
 782 per hour for a period of eight weeks at an estimated total cost of \$17,000.
 783

784 Commissioner Willard commented on prior commitments by the Board of County Commissioners
 785 and the Road Department to complete certain road repairs and expressed concern the
 786 development of a totally new plan might override these commitments.
 787

788 Attorney Morel requested basic terms of the contract be clearly identified to develop an
 789 independent contractor or consultant agreement.
 790

791 Punkin Schlarb, Finance Director reminded Mr. Palmer's resignation would necessitate a contract
 792 pay out which would require a mid-year budget adjustment.
 793

794 **Motion:** Authorize the Manager and Attorney to execute a contract with an independent
 795 consultant to oversee and review Road Department operations as soon as possible for a
 796 maximum rate of \$50 per hour for eight hours per day plus gross receipts tax for eight weeks,
 797 **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.

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

801
 802 **28. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened**
 803 **and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of**
 804 **the purchase, acquisition or disposal of real property or water rights by the public**
 805 **body, Section 10-15-1, Sub-Paragraph H.(8).**
 806

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

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

812

813 1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County,*
814 *et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
815 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18,
816 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper
817 filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.

818 2. *Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.* Suit filed May
819 1, 2014 Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served
820 May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending
821 Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest
822 and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new
823 counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended
824 Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction
825 Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue
826 its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.

827 3. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit
828 filed January 9, 2013. Petition for Declaratory Judgment, Preliminary and Permanent Injunction.
829 Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge
830 Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.
831 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief
832 was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The
833 case has been submitted to a panel of judges for decision and the County received Notice of
834 Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was
835 filed April 29, 2015.

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

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

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

850 7. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*
851 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015.

852 B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal
853 Employment Opportunity Commission July 21, 2015. Mediation scheduled for Oct. 29, 2015.

854

855

856

Tort Claims Notices Received or Threatened

857 **2015**

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

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

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

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

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

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

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

879 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**
880 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to
881 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-
882 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected
883 and noted no progress had been made.

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

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

892 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy
893 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and
894 wrongful conduct of the Lincoln County Sheriff's Department.

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

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

900 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris
901 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County
902 Detention Center.

903 **Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek
904 alleging exposure to unsanitary conditions at Lincoln County Detention Center.

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

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

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

912
913 **2014**

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

917 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney
918 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum
919 care for their infant son.

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

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

924 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew
925 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a
926 minor, emotional distress.

927 **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan
928 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln
929 County Detention Center that arise with Immigration and Customs Enforcement charges.

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

932 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones
933 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent
934 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge
935 regarding discharge from the Capitlan Police Department.

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

938 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W.
939 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own
940 equipment to alter a platted County right of way without the authorization or knowledge of the
941 County.

942 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,
943 2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers
944 destroyed items in a home.

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

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

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

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

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

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

959 **Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
960 Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.
961 **McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
962 Nedbalek alleging violations of U.S. Constitutional Amendment rights.
963 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
964 2014 alleging lack of adequate office space provided by the County of Lincoln.
965 **Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris
966 Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.
967

968 **2013**

969 **Harrisburg Documents-** Attempts to recover Lincoln County documents illegally taken
970 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in
971 recovery efforts.
972

973 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

977
978 Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:55:58 PM.

979
980 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:09:01 PM.

981
982 Commissioner Willard attested that matters discussed in the closed meeting were limited to those
983 specified in the motion for closure or in the notice of separate closed meeting.
984

985 **26. Discussion / Possible Action on Road Department Recommendations (continued)**
986

987 Ms. Taylor reminded of a prior discussion regarding the job description of the Road Department
988 Superintendent as to whether the position was best defined as a salaried or non-salaried position
989 and whether it was best to consider the position as "at will" or "not at will". Ms. Taylor stated the
990 position was currently a salaried "not at will" position.
991

992 **Motion:** Change the Road Department Superintendent position to a "non-classified, at will
993 employee" pending research by the County Attorney, **Action:** Approve, **Moved by** Commissioner
994 Willard, **Seconded by** Commissioner Allen.

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

996 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
997 Commissioner Willard.
998

999 **27. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
1000 **Lincoln County Ordinance**
1001

1002 No action was taken.
1003

1004 **29. Signing of Official Documents**
1005

1006 **30. Next meetings:**
1007

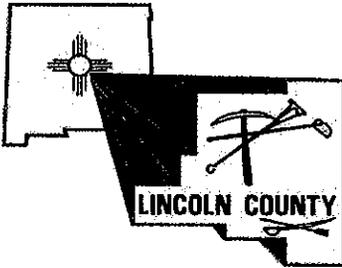
1008 October 20, 2015, Regular Commission Meeting
1009

1010 **31. Adjourn**

1011
1012 There being no further business to come before the Board of County Commissioners, Chair Stone
1013 adjourned the meeting at 4:12:16 PM.

1014
1015 Respectfully submitted by,
1016 Rhonda B. Burrows
1017 Lincoln County Clerk

DRAFT



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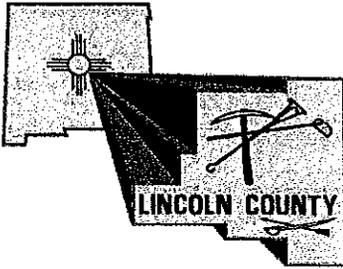
County of Lincoln

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Agenda Item 7

SUBJECT

1. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer's Financial Report for the Month ending September 30, 2015
 - c. 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
 - d. Volunteer Firefighters Adjusted Qualifications-Hondo Fire Department
 - e. Lincoln County Cooperative Weed Management Area Agreement



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ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from September 1 through September 30, 2015 in the amount of \$2,187,285.44.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 20th day of October 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

**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; 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. LCSO Deputies will be paid time and a half (1½) as reimbursement for services rendered 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.

By entering into this MOU, 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 MOU modifies or waives any provisions of the New Mexico Tort Claims Act, *supra*.

It is specifically agreed between the parties executing this MOU that it is not intended by any of the provisions or any part of this MOU to create in the public or any member

thereof a third party beneficiary or to authorize anyone not a party to this MOU 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 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: _____
Preston Stone, Chair
County of Lincoln Board of Commissioners

Date: _____

ATTEST:

By: _____
Rhonda Burrows, Clerk
County of Lincoln

Date: _____

BY: _____
Robert Shepperd, Sheriff
County of Lincoln

Date: _____



Volunteer Firefighters Adjusted Qualification Report

Instructions: Please print or type in black or blue. The original of this form must be returned to PERA for processing.

SECTION A - GENERAL INFORMATION

1. Member Name: Andrew F. Coleman
2. Social Security Number: 525-13-5142
3. Fire Department: Hondo Valley Vol. Fire Dept
4. PERA Number: 09-0686-001

SECTION B - CERTIFICATION

I, Andrew F. Coleman, affirm that the records submitted on the attached Adjusted Qualification Record for Individual Volunteer Firefighter are true and correct.

Andrew F. Coleman
 Member Signature

9-15-2015
 Date

 Municipal Mayor or Chairman of County Commission

 Date

State of New Mexico)
) SS:
 County of Lincoln)

Subscribed and sworn to before me by Andrew F. Coleman on this the 15th day of Sept 2015.

My Commission Expires 9-9-18 Notary Public Telephone No: 575-808-0849

Notary Signature Mary E. Prudencio

Return this Report with the Adjusted Qualification Record for Individual Volunteer Firefighter and completed Member Enrollment Form to the Public Employees Retirement Association.

Keep copies for your records.

**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 LCCWMA may also, at its discretion, target weeds not specified on the NM Noxious Weeds List that have the potential of being harmful to crops, livestock, wildlife, other useful plants and animals, waterways, agricultural interests, public health or have negative economic impact.** 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 Apublic 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

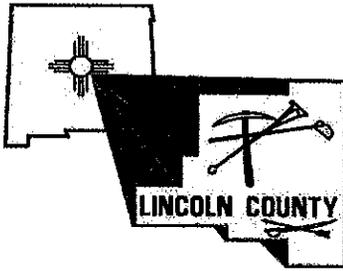
ATTEST:

Clerk
County of Lincoln

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

ATTEST:

By:
It's:



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County of Lincoln

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AGENDA ITEM 8

October 15, 2015

MEMORANDUM

TO: County Commissioners

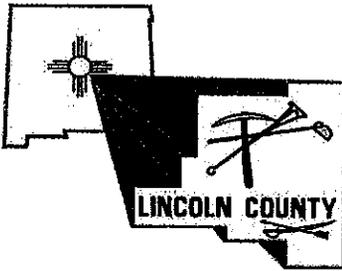
FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Ft. Stanton Veterans' Cemetery - Update

Discussion: Larry Holt, Lincoln County resident and key contact for the County with the New Mexico Department of Veteran's Services will be present to provide an update of the status of the planned Veterans' Cemetery at Ft. Stanton.

The U.S. Department of Veterans Affairs recently approved \$5.7 million for this new veterans' cemetery at Ft. Stanton, following the Governor's pledge last year of state matching funds. The State Legislature approved \$600,000 funds for the four identified cemeteries to be located in New Mexico: Ft. Stanton, Gallup, Carlsbad and Angel Fire, with the Ft. Stanton Cemetery breaking ground first. This groundbreaking ceremony is scheduled for Veterans Day, November 11th.

Recommendation: Information only; no action required.



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AGENDA ITEM 9

October 15, 2015

MEMORANDUM

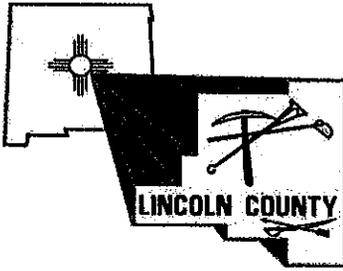
TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *mt*

SUBJECT: Recognition and Memorialization of Johnson Stevenson Stearns

Discussion: Lifetime Lincoln County resident, businessman, friend and neighbor Johnson Stearns died at his home on October 10, 2015 at the age of 98. The County of Lincoln wishes to recognize and memorialize Johnson Stearns, lifetime pioneer and historian of Carrizozo, Lincoln County, for his dedication and passion for the Town of Carrizozo, the County of Lincoln and all the residents whose lives he impacted.

Recommendation: Adopt Recognition and Memorialization of Johnson Stevenson Stearns



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AGENDA ITEM 10

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: State Fire Marshal's Recognition of Corona, Hondo and Nogal Volunteer Fire Stations for Improved ISO Ratings

Discussion: County Volunteer Fire Departments undergo the Insurance Service Office (ISO) Grading Survey, conducted by the State Marshal's Office, every three years. The survey results in the assignment of a Public Protection Classification rating. When an ISO Rating moves from one classification to a lower classification, it reflects a fire department's successful advancement of its firefighting capabilities resulting in an increased level of service to the community served. Congratulations to the Corona, Hondo and Nogal Volunteer Fire Stations for achieving the following ratings:

	<u>From</u>	<u>To</u>
Corona	6	5
Hondo	8	6
Nogal	9	6

The Office of Emergency Services provides support to the Volunteer Fire Departments in preparing for these ISO inspections, and are to be recognized as partners in these significant achievements. See **Enclosure 1** for a copy of the Nogal Fire Department Plaque; **Enclosure 2** for a description of the ISO Process from the Fire Department Inspector assigned to Lincoln County; and **Enclosure 3** for a checklist illustrating the thorough nature of the survey.

Recommendation: Recognize outstanding results achieved by the Corona, Hondo and Nogal Volunteer Fire Departments.

NEW MEXICO
STATE FIRE MARSHAL DIVISION

REFRIGERANT

REFRIGERANT

Refrigerant
Class

150 Class

150 Class

150 Class

150 Class

Nita Taylor

Subject: FW: ISO information
Attachments: ISO SURVEY CHECKLIST.pdf

From: Padilla, Rudy F., PRC [mailto:Rudy.Padilla@state.nm.us]
Sent: Thursday, October 15, 2015 9:54 AM
To: Nita Taylor <NTaylor@lincolncountynm.gov>
Subject: ISO information

Good Morning Nita, following is a short description of the ISO Process.

ISO is a private for profit company which collects data on fire protection in a given community. ISO collects this information on behalf of all insurance companies and then sells the insurance companies the information so that they may underwrite insurance policies. ISO surveys and grade a community's fire protection capability by looking at three major components, the Communications Center, the Fire Department, and the Local Water Authority (Or alternate water sources if no water company is available). Communities are graded on a 1 to 10 scale, with a Class-1 being the Highest level of Protection, and Class-10 being No recognized fire protection. For the fire department, the process involves reviewing the department's records, apparatus maintenance and testing, training of personnel, personnel response to structure fires within a calendar year, and placement and number of fire stations within the fire department's legally defined boundaries. ISO recently updated the "Fire Suppression Rating Schedule" which has allowed for many improvements in ISO Ratings for Fire Departments State wide. The Distribution of State Fire Protection funds are based on a Community's ISO rating, the lower the rating, the better the funding will be for a fire department.

Also attached the ISO check list for your reference, which will show what is looked at during the survey.

Respectfully,



**Rudy F. Padilla, Fire Department Inspector
New Mexico State Fire Marshal Division
Fire Service Support Bureau
1120 Paseo De Peralta 4th Floor, Rm# 413
Santa Fe, NM 87504
Mobile: (505) 470-1997
Email: Rudy.Padilla@state.nm.us**

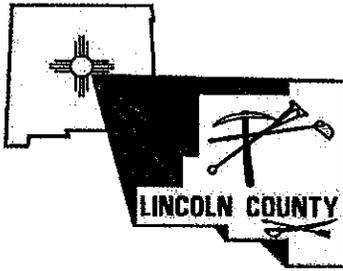
***"Serving; Taos, Mora, Guadalupe, Torrance,
Lincoln, Otero, Eddy, and De Baca Counties"***

***"Three Strikes, and you are NOT Out, There is always one more thing you can do!"
LTGen Hal Moore, U.S. Army (Ret.)***

ISO SURVEY CHECKLIST

Note: The Survey will follow this format; this is for informational purposes only.

1. Maps Hydrants Boundary
2. Key Personnel
3. Population Square Miles OPA/FSA Population OPA/FSA Square Miles
4. Fire Station Address Auto Aid Station Address Auto Aid Apparatus Sheets
5. Completed Apparatus Forms
6. Pump Test Records Hose Test Records Ladder Test Records Non Destructive Test Records
 Maintenance Records
7. Copy of Current Roster Existing Company Personnel
8. Last 12 months of Incident Reports Summary of On Call Personnel Response
9. Training Records Summarized 10a. Training Facilities Officers Certifications
10. Pre-Incident Plan Program Records
11. Three Story Buildings Stories of Tallest Building
12. Copy of Auto Aid Agreements
13. Communications Center Info
14. Water Department Information
15. Inspection of Hydrants 1 Year 2 Years 3 Years 4 Years 5 Years or More Records Complete
 Include Flushing Program Pressure Tested
16. **Date of Flow Test.** Fire Flow Test 5 Years 6 Years 7 Years 8 Years 10 Years or More
 Flow Test Records Complete Marking System Hydraulic Modeling
17. Outside Aid for IPFS Eng Co Distance from City Limits Pump Capacity
Lad Co Distance From City Limits Length
18. SOG'S & IMS/ Incident Command System
19. Outreach Document
20. Units Responding on First Alarm Flow Test/Batch (NFF)



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AGENDA Item No. 11

October 15, 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, will be in attendance to update the Commission on key activities. See **Enclosure 1** for summary of activities.

Cibola National Forest. Manager attended the Cibola National Forest landscape meeting in Albuquerque, along with several other individuals served by the Mountainair Ranger District, as well as those participating from the other Ranger Districts. The purpose of these landscape meetings is for Cooperating Agency representatives to have the opportunity, in a small committee setting, to work with members of the Forest Service in analyzing and categorizing public comments received. The Cibola NF has set up a "Reading Room" for the public to view comments. From September 9, 2014 through September 25, 2015, 1021 comments have been submitted. Comments range from organizations such as Farm & Livestock Bureaus (See **Enclosure 2**), to Bike Clubs (See **Enclosure 3**), to County Government (See **Enclosure 4**), to large utilities such as Public Service Co. of New Mexico, to environmental groups such as Center for Biological Diversity. The link to the website is: <https://cara.ecosystem-management.org/Public/ReadingRoom?List-size=50&project=46268&SearchResultsPerPage=50&List-page=2>.

The general calendar calls for Phase I, the Assessment Phase, to be complete, and Phase II to proceed as follows:

1. Winter 2015: Notice of Intent to Begin Plan Revision and to Prepare an Environmental Impact Statement (EIS);
2. Winter 2015 – 2016: Notice of Availability of Proposed Plan and Draft EIS;
3. Winter 2016 – 2017: Notice of Objection Period Prior to Approval of the Preferred Alternative and Final EIS;
4. Summer 2017 – Notice of Plan Approval and Final EIS

Forest Health - Community Forester. Rick Merrick with South Central Mountain RC&D may be in attendance to update the Commissioner on forest health activities. SCM- 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 29th**. See **Enclosure 5**.

Water Issues:

1. **Posting on State Engineer's Website:** Cheryl Knobel H-505-PODS, for Alpine Village Sanitation District. Permit requested to change point of diversion by ceasing the use of well No. H-505-S-2, which has been plugged; and drill a new well, which will be drilled approximately 500 feet in depth and 6 inches in diameter for the diversion of 11.7 acre-feet per annum for domestic and sanitary purposes. Both the move-from and move-to points of diversion and place of use are located 2.5 miles northwest of the Village of Ruidoso. See **Enclosure 6.**
2. **Status of Water in Rio Hondo Watershed:** Attorney Cassels, representing the County and several other clients in the complaints regarding transfer of water rights from the Hondo Valley to the Village of Ruidoso, provided an update that a meeting on behalf of his clients has been requested with the Office of the State Engineer, and is in the process of being scheduled.

Recommendation: None. For information and discussion.

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

Critical Updates

- Forest Plan Revision
 - The Forest Service will be hosting 2 Public Meetings in Lincoln County in November. The purpose of these meetings is to work with citizens to conduct a rapid evaluation of existing information concerning: relevant ecological, economic and social conditions, trends and sustainability, and their relationship to the land management plan within the context of the broader landscape. Meetings will be held:
 - November 3, 2015 – ENMU-R 6:00-8:00pm
 - November 5, 2015 – Carrizozo Schools Board Room 6:00-8:00pm

- Grindstone Mesa Timber
 - The Mesa stewardship project is part of the Perk-Grindstone Fuel Reduction Project which was designed to reduce hazardous fuels on National Forest System lands within a wildland-urban interface. This project is a high priority area for thinning and is regarded as vulnerable to fire. The Village of Ruidoso and its municipal water supply lie adjacent to the Mesa Stewardship Project area and in the direction of prevailing winds that would carry a wildfire from the project area into the community. Thus, the purpose of the project is to modify forest characteristics to minimize the chance of a large-scale crown fire in this area, in order to protect life, property, and natural resources.
 - The project is being complete by Jensen Contracting out of Ruidoso.
 - This project includes:
 - Removal of commercial-size trees (9” to 17.9” DBH) to accomplish thinning, group selection cutting, and dwarf mistletoe sanitation.
 - Thin from below to meet fuel reduction objectives which includes retaining larger trees and a smaller representation of the smaller trees, in an uneven and clumpy mosaic across the project area.
 - Yarding of the commercial timber, delimiting, decking, and removal of all saw logs 9” to 17.9”.
 - Mastication and burning of all slash created from the harvesting of trees 9” to 17.9” DBH.
 - Apply mitigation measures to minimize potential impacts to wildlife, water, soil, scenery, and other resources.
 - Treatment area is 156 acres.
 - Currently 70 acres of commercial harvest, thinning and mastication have been completed.



Log decks



Example of tree spacing and mixed age classes

- This is my last report to the Lincoln County Commission. Thank you for all of your support and cooperation in managing this piece of land for the people of this county, state, and country. As part of my transition plan, I have left detailed information about our working relationship for the next Smokey Bear District Ranger. Please welcome and challenge the next Ranger with the same gusto with which you treated me – he or she will be better for it in the end – I sure am.

End of Report

Date submitted (UTC): 9/25/2015 4:43:49 AM
First name: John
Last name: Hand
Organization: Catron County Farm and Livestock Bureau
Title: President
Official Representative/Member Indicator:
Address1: PO Box 546
Address2:
City: Datil
State: NM
Province/Region:
Zip/Postal Code: 87821
Country: United States
Email: catroncountyfb@hotmail.com
Phone:
Comments:
Cibola National Forest & National Grasslands

RE: Cibola National Forest

To Whom it May Concern:

Catron County Farm and Livestock Bureau is opposed to anymore Wilderness designations. Proposed wilderness and other restrictive land use designations by their very nature will limit or restrict land use for agricultural as well as recreational activities. The Wilderness Act of 1964 states "A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." By designating Wilderness areas you are removing man from public lands. The areas of wilderness characteristic defined by the Cibola Forest are in fact areas that do NOT fall under the Wilderness Act guidelines.

Catron County Farm and Livestock Bureau is concerned that the Cibola Forest Revision plan will set forth action to remove grazing from the forest as well as removing recreational activities. We cannot even begin to calculate the economic loss that will occur in our County. Hunting is second only to Agriculture in the economic spectrum of Catron County and the continued desire by special interest groups to designated more wilderness areas will only further the demise of economic viability in our community.

Phase 2 of the Cibola Forest Revision Plan indicates 89,443 acres of potential wilderness designation in the Datil Mountains. This will effect all aspects of the Cibola Forest that falls in Catron County. Forest permittees as well as recreational groups including rock climbers and seasonal hunters will be affected. These areas do not fall under the Wilderness Act guidelines as the lands have been trammled by man and these areas have been developed.

Catron County Farm and Livestock Bureau respectfully asks that the forest lands that are within Catron County be removed from any consideration of Wilderness designation.

Thank you for considering our comments.

John Hand

President, Catron County Farm and Livestock Bureau

ENKL 2

Date submitted (UTC): 9/25/2015 4:05:24 AM

First name: Nico

Last name: Seamons

Organization: NMT Bike Club

Title: President

Official Representative/Member Indicator:

Address1: 1226 NW Hilton

Address2:

City: Socorro

State: NM

Province/Region:

Zip/Postal Code: 87801

Country: United States

Email: nmtbikeclub@gmail.com

Phone: 575-418-9214

Comments:

Dear Madam or Sir,

I'm writing to you on behalf of the New Mexico Tech Bike Club and the dozens of our members that regularly enjoy riding trails in the Magdalena Mountains. I would like to express my concern regarding the possible reclassification of the Magdalena and Bear Mountains as wilderness area.

The Magdalena Mountains are a favorite among our members due to their proximity to Socorro, beautiful scenery, challenging trails, and cooler temperature. While we unanimously support the concept of designated wilderness area, the prohibition of mechanized travel in said areas is not compatible with our preferred hobby. To reclassify the Magdalena and Bear Mountains as wilderness would be to deprive us of what we enjoy most.

One reason why many local riders are so passionate about retaining the Magdalena Mountains as a riding destination, is because of our continued investment in the trails through regular maintenance. Last year alone, the NMT Bike Club coordinated six works days to improve trails in the Magdalena Mountains. Such efforts typically include removing fallen trees from the trails, creating features to combat erosion (water bars, etc.), draining or diverting runoff water, pruning bushes and saplings, and picking up trash. Socorro riders are fantastic stewards of the trails we ride, and our efforts are appreciated by bikers and hikers alike.

Please consider our interests, and our positive impact on local trails in your assessment of lands suitable for wilderness designation.

Sincerely,

Nico Seamons
President
NMT Bike Club

Date submitted (UTC): 9/25/2015 11:38:54 PM

First name: Adren

Last name: Nance

Organization: Catron & Socorro Counties

Title: County Attorney

Official Representative/Member Indicator:

Address1: P.O. Box 772

Address2:

City: Socorro

State: NM

Province/Region:

Zip/Postal Code: 87825

Country: United States

Email: adren@npslawfirm.com

Phone: 575.838.0911 ext 801

Comments:

Catron and Socorro Counties are political subdivisions of the State of New Mexico with those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants. See, NMSA 1978, ? Section 4-37-1 (1975). A large portion of the Cibola National Forest lies within the boundaries of Catron & Socorro Counties.

The Counties appreciate the Forest Service's difficult task of trying to balance the Wilderness Act, P.L. 898-577 with its other legislative mandates including but not limited to the Multiple Use - Sustained Yield Act of 1960, P.L. 86-517;; the National Forest Management Act, P.L. 94-588; the Cooperative Forestry Assistance Act, P.L. 95-313; and the Forest and Rangelands Renewable Resources Planning Act, P.L. 95-307.

In regard to Phase 2 the Counties believe that the wilderness designation goes too far in allowing the Wilderness Act mandate to overshadow the other mandates of the forest service by too greatly removing access to natural resources and recreational opportunity. Catron & Socorro Counties are opposed to the addition of lands designated in the Phase 2 inventory as wilderness.

The inclusion of the lands as wilderness will directly and negatively affect the economies and the quality of life for County inhabitants. Moreover, it will directly affect County budgets with a foreseeable reduction in taxes from grazing as well the irreversible future loss of timber revenue, recreational opportunities, etc.

Of particular concern regarding the Phase 2 designation is the exclusion of the most vulnerable persons in our communities from the use of the proposed wilderness areas. The elderly and persons with disabilities will not be able to enjoy or utilize the area without the use of motorized transportation. Persons with disabilities will be particularly affected as they will not be able to hunt in the wilderness areas without the use of motor vehicles as is allowed by New Mexico law. Due to a 1986 interpretation of the Wilderness Act, the Phase 2 designation will even prevent recreational mountain bikers from utilizing the designated areas. Another important consideration is that this designation will effectively eliminate any fuelwood cutting that is essential to the basic heating needs of the inhabitants of both counties and especially the inhabitants of the Alamo Navajo Reservation in Socorro County. The lack of motorized access prevents persons who depend on fuelwood from retrieving it from the wilderness areas. The loss of woodcutting eliminates an effective tool of the USFS for maintaining a healthy ecosystem with the removal of dangerous fuel.

Catron & Socorro County respectfully request that no more land be designated as wilderness or that the proposed areas be greatly downsized. Alternatively, if any areas are placed into wilderness, the Counties insists that grazing of livestock be permitted to continue as required by the Wilderness Act at Section (4)(d)(4)(2), and that other uses of the forest not be reduced.

South Central Mountain RC&D, Rural Community Forester Report

October 2015

- 1 ENMU Speaker Series: November 3, 2015: The scheduled topic is Update on Forest Plan Revision
- 2 Working with Lincoln County land owners on Forest health.
- 3 Update on NM Prescribe Burn Council Workshop: October 29,2015(agenda attached)
- 4 Sacramento Mountain Wood Industry Summit, Date set for March 30, 31 2016 at the Ruidoso Convention Center.
- 5 Spent one week in a Timber Harvest System Class put on by the USFS.

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 10th @ 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 29th, 2015
9:00 a.m. to 4:00 p.m.



AGENDA

Time	Topic	Presenter
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	- BREAK -	
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	ALL
12:30	<i>Lunch on site provided by the Upper Hondo Soil & Water Conservation District (UHSWCD) South Central Mountain Resource Conservation & Development (SCMRCD)</i>	
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
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.

County: Lincoln
Name: Alpine Village Sanitation District c/o Cheryl Knobel
File#: H-505-POD5

NOTE TO PUBLISHER: Immediately after last publication, publisher is requested to file affidavit of such publication with the State Engineer, 1900 West Second Street, Roswell, New Mexico 88201.

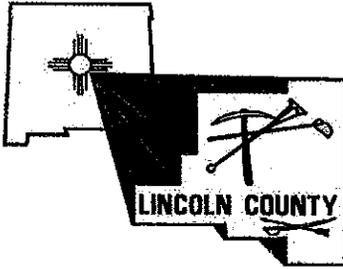
NOTICE is hereby given that on August 3, 2015, Alpine Village Sanitation District c/o Cheryl Knobel, P.O. Box 1217, Ruidoso, New Mexico 88355 filed application No. H-505-POD5 with the STATE ENGINEER for permit to change point of diversion by ceasing the use of well No. H-505-S-2 located at a point in the SW14SW1/4NW1/4 of Section 9, Township 11 South and Range 13 East; and drill a new well No. H-505-POD5 located at a point in the SE1/4SW1/4SE1/4NW1/4 of section 9, Township 11 South and Range 13 East. Well No. H-505-POD5 will be drilled approximately 500.0 feet in depth and 6.0 inches in diameter for the diversion of 11.7 acre-feet per annum for domestic and sanitary purposes at the following location,

<u>SUBDIVISION</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>ACRES</u>
NW1/4 (Alpine Village Sanitation District)	09	11 S.	13 E.	

The old well H-505-S-2 has been plugged.

The above described move-from and move -to points of diversion and place of use are located 2 ½ miles north west of the Village of Ruidoso, 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.



www.lincolncountynm.gov

County of Lincoln

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

Agenda Item No. 12

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

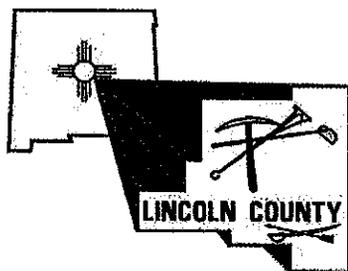
SUBJECT: Lincoln County Detention Center Update – Warden Anderson

Purpose: To provide an opportunity for the Warden Anderson, Lincoln County Detention Center, to provide an update.

Discussion:

Warden Anderson will appear to provide an update to the Commissioners and the public on the Lincoln County Detention Center.

Recommendation: None – information only at this time.



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County of Lincoln

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

Agenda Item No. 13

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Consideration / Approval of First Amendment to County Detention Center Operations and Management Agreement by and between Emerald Correctional Management, LLC & Lincoln County

In May, 2013 the County of Lincoln and Emerald Correctional Management LLC., entered into a 5 year contract for the Operations and Management of the County Detention Center. At that time the County was under a separate Agreement with another provider for counseling and mental health services for the detainees. Prior to the termination of the counseling and mental health agreement, County and Emerald determined the mental health agreement should be between Emerald and the mental health provider, and those costs would be passed on to the County through an amendment of the existing Agreement.

Manager and Attorney Morel have been working with Emerald (Operator) to develop this First Amendment to the Agreement. Operator originally proposed to provide the inmates at the Facility with at least the following mental health services:

1. At least 20 hours per week of tele-psychiatry services by and through video conferencing with qualified providers of mental health services, at a rate of \$145.00 per hour; and
2. At least 20 hours per week of on-site psychiatric services by and through a qualified mental health care provider to be selected and retained by Operator, at a rate of \$65.00 per hour. \$18,200 per month for the mental health services to be provided.

Amendments proposed by County include quarter-hour billing; a maximum of \$18,200 per month regardless of number of detainees treated; and detailed monthly invoices. See **Enclosure A** for red-lined mark-up of Emerald's proposed Agreement. See **Enclosure B** for clean copy of amended Agreement.

Recommendation: Grant Manager and Attorney authority to complete negotiation of Contract not to exceed \$18,200 per month for mental health services adequate to meet detainee needs.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

FIRST AMENDMENT

To

COUNTY DETENTION CENTER OPERATIONS AND MANAGEMENT AGREEMENT

by and between

Emerald Correctional Management, LLC

&

Lincoln County, New Mexico

THIS FIRST AMENDMENT to the County Detention Center Operations and Management Agreement ("First Amendment") by and between the County of Lincoln, New Mexico, an independent political subdivision of the State of New Mexico ("County") and Emerald Correctional Management, LLC, a Louisiana limited liability corporation ("Operator") is effective on the 1st day of July 2015, regardless of the date upon which it is executed by the Parties. The County and the Operator are collectively referred to as "Parties", and individually referred to as a "Party".

Deleted:) is

WHEREAS, the County and Operator entered into County Detention Center Operations and Management Agreement (Original Agreement) on May 4, 2013 wherein, among other things the Operator agreed to operate, manage and oversee the Lincoln County Detention Center ("Facility") in accordance with the terms of the Original Agreement and all local, state and federal applicable laws, rules, regulations and procedures; and

WHEREAS, the Parties agree that additional mental health services are to be provided at the Facility by Operator, and the Parties seek to amend the Original Agreement to add terms that relate to the delivery and compensation of such services.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Original Agreement is amended in the following manner:

Deleted: Now, therefore

I. Amendments to Original Agreement.

- A. Section 6.D of the Original Agreement is amended by adding the following NEW Section 6.D.(18) at the end of Section 6.D:

(19) *Mental Health Services*. Operator shall provide the inmates at the Facility with at least the following mental health services: (a) at least 20 hours per week of tele-psychiatry services by and through video conferencing with qualified providers of metal health services, at a rate of \$145.00 per hour, calculated and billed by quarter hour; and (b) at least 20 hours per week of on-site psychiatric services by and through a qualified mental health care provider to be selected and retained by Operator, (such as Daniel L. Daigle, LPC-LCDC, CT, CVA) at a rate of \$65.00 per hour, calculated and billed by quarter hour. Operator shall provide all mental health services in excess of 40 hours per week as need demands, and shall be paid the fixed sum of \$18,200 per month for the mental health services to be provided hereunder. Such compensation shall be in addition to all other compensation to be paid to Operator pursuant to this Agreement. Operator shall provide to County a detailed monthly invoice including: 1)

LCDC FIRST Amendment to Operations Agreement

names of inmates served, 2) whether service provided was tele-psychiatry services or on-site psychiatric services, and 3) duration of psychiatric visit.

B. Section 18 of the Original Agreement is amended by the ADDITION of the following addresses for all notices to be sent to Emerald:

OPERATOR

Emerald Correctional Management, LLC
Attn: Chief Executive Officer
315 South College, Suite 205
Lafayette, Louisiana 70503
(337) 264-9777

With a copy to:

Hull Youngblood
Ford Murray, pllc
10001 Reunion Place, Suite 640
San Antonio, Texas 78216
(210) 731-6400

Section 18 of the Original Agreement is further amended by the ADDITION of the following name and address, and CORRECTION of information for the existing address, for all notices to be sent to County:

COUNTY

Nita Taylor, Lincoln County Manager,
Post Office Box 711
Carrizozo, New Mexico, 88301
ntaylor@lincolncountynm.gov

Alan P. Morel, P.A.,
700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

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Deleted: Section 7.A of the Original Agreement is amended as follows: DELETION OF THE FOLLOWING LANGUAGE APPEARING IN SECTION 7.A(3) IN ITS ENTIRETY: (3) <i>Maintenance</i> ; OPERATOR shall be responsible for the maintenance and repair of the physical structure of the Facility, furniture and equipment contained therein. OPERATOR shall have no obligation to maintain or repair the Facility except as otherwise specifically stated in this Agreement.
Deleted: Replace the deleted language with the following NEW Section 7.A(3): County shall be solely responsible for the maintenance and repair of the physical structure of the Facility, and all furniture and equipment contained therein. Operator shall have no obligation to maintain or repair the Facility except as otherwise specifically stated in this Agreement.

LCDC FIRST Amendment to Operations Agreement

Article 2: Severability: In case any one or more of the provisions contained in this First Amendment shall, for any reason, be held to be invalid, illegal, or unenforceable, and such is not a material provision, such validity, illegality, or unenforceability shall not affect any other provision hereof, and this First Amendment shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. If the invalid, illegal, or unenforceable provision is material to the clear intent of the parties hereto, the County and Operator shall, within thirty (30) calendar days of such determination, negotiate and execute a contract amendment sufficient to correct such invalidity or, failing such amendment, terminate this First Amendment.

Article 3: Counterparts: This First Amendment may be executed in several counterparts, each of which shall constitute an original and all of which shall constitute an original and all of which shall constitute but one and the same instrument.

Article 4: Compliance with Amendment Requirements: This First Amendment shall, upon execution by Emerald and County, be deemed to be in full compliance with all the requirements of Section 19.G Amendment of the Original Agreement. Upon execution by Emerald and County, this First Amendment shall be deemed to be merged into the Original Agreement and part of the entire agreement of the Parties described in Section 19.F of the Original Agreement.

Article 5: Applicable Provisions of Law: This First Amendment shall be governed by and construed in accordance with the laws of the State of New Mexico, without regard to conflict of laws principles.

Deleted: State of Texas

Article 6: Execution Authority: By his or her signature below, each signatory individually certifies that he or she is the properly authorized agent or officer of the applicable Party hereto and has the necessary authority to execute this Agreement on behalf of such Party, and each Party hereby certifies to the other that any resolutions necessary to create such authority have been duly passed and are now in full force and effect.

Article 7: Captions: The captions and headings in this First Amendment are for convenience or reference only and shall not be construed to define, limit, or describe the scope or intent of any provisions or sections of this First Amendment.

Article 8: Effective Date: The effective date of this First Amendment shall be July 1, 2015, without regard to the date that it is executed by the Parties.

Article 9: Effect of First Amendment. All provisions, sections, terms and conditions of the Original Agreement that are not specifically amended by this First Amendment, remain unchanged and in full force an effect. All references to the Original Agreement in the First Amendment or the Original Agreement, shall include the changes and amendments to the Original Agreement set forth in this First Amendment.

Deleted: Article 10: Emerald Estoppel: Emerald represents to County that as of July 1, 2015: (i) the County is not in breach of any term or condition of the Original Agreement, and that (ii) Emerald has no knowledge of any conduct or inaction of County, or other condition, that with the mere passage of time would constitute a breach of the Original Agreement by County.

Deleted: Article 11: County Estoppel: County represents to Emerald that as of July 1, 2015: (i) Emerald is not in breach of any term or condition of the Original Agreement, and that (ii) County has no knowledge of any conduct or inaction of Emerald, or other condition, that with the mere passage of time would constitute a breach of the Original Agreement by Emerald.

(Signature page to follow)

Initials: LC _____ ECM _____

LCDC FIRST Amendment to Operations Agreement

In witness whereof, the Parties hereto have executed the Amendment to the Agreement as of the day and year first written above

"County"

County of Lincoln

By: _____
Nita Taylor, County Manager
Date _____

"Operator"

Emerald Correctional Management, LLC

By: _____
Robert Hughes, COO
Date _____

Attest:

By: _____
Rhonda Burrows, County Clerk
Date _____

Approved as to form:

By: _____
Alan Morel, County Attorney
Date _____

Initials: LC _____ ECM _____

FIRST AMENDMENT
To
COUNTY DETENTION CENTER OPERATIONS AND MANAGEMENT AGREEMENT

by and between
Emerald Correctional Management, LLC
&
Lincoln County, New Mexico

THIS FIRST AMENDMENT to the County Detention Center Operations and Management Agreement ("First Amendment") by and between the County of Lincoln, New Mexico, an independent political subdivision of the State of New Mexico ("County") and Emerald Correctional Management, LLC, a Louisiana limited liability corporation ("Operator") is effective on the 1st day of July 2015, regardless of the date upon which it is executed by the Parties. The County and the Operator are collectively referred to as "Parties", and individually referred to as a "Party".

WHEREAS, the County and Operator entered into County Detention Center Operations and Management Agreement (Original Agreement) on May 4, 2013 wherein, among other things the Operator agreed to operate, manage and oversee the Lincoln County Detention Center ("Facility") in accordance with the terms of the Original Agreement and all local, state and federal applicable laws, rules, regulations and procedures; and

WHEREAS, the Parties agree that additional mental health services are to be provided at the Facility by Operator, and the Parties seek to amend the Original Agreement to add terms that relate to the delivery and compensation of such services.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, it is agreed that the Original Agreement is amended in the following manner:

I. Amendments to Original Agreement.

A. Section 6.D of the Original Agreement is amended by adding the following NEW Section 6.D.(18) at the end of Section 6.D:

(19) *Mental Health Services.* Operator shall provide the inmates at the Facility with at least the following mental health services: (a) at least 20 hours per week of tele-psychiatry services by and through video conferencing with qualified providers of metal health services, at a rate of \$145.00 per hour, calculated and billed by quarter hour; and (b) at least 20 hours per week of on-site psychiatric services by and through a qualified mental health care provider to be selected and retained by Operator, (such as Daniel L. Daigle, LPC-LCDC, CT, CVA) at a rate of \$65.00 per hour, calculated and billed by quarter hour. Operator shall provide all mental health services in excess of 40 hours per week as need demands, and shall be paid the fixed sum of \$18,200 per month for the mental health services to be provided hereunder. Such compensation shall be in addition to all other compensation to be paid to Operator pursuant to this Agreement. Operator shall provide to County a detailed monthly invoice including: 1)

names of inmates served, 2) whether service provided was tele-psychiatry services or on-site psychiatric services, and 3) duration of psychiatric visit.

- B. Section 18 of the Original Agreement is amended by the ADDITION of the following addresses for all notices to be sent to Emerald:

OPERATOR

Emerald Correctional Management, LLC
Attn: Chief Executive Officer
315 South College, Suite 205
Lafayette, Louisiana 70503
(337) 264-9777

With a copy to:

Hull Youngblood
Ford Murray, pllc
10001 Reunion Place, Suite 640
San Antonio, Texas 78216
(210) 731-6400

Section 18 of the Original Agreement is further amended by the ADDITION of the following name and address, and CORRECTION of information for the existing address, for all notices to be sent to County:

COUNTY

Nita Taylor, Lincoln County Manager
Post Office Box 711
Carrizozo, New Mexico, 88301
ntaylor@lincolncountynm.gov

Alan P. Morel, P.A.
700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Article 2: Severability: In case any one or more of the provisions contained in this First Amendment shall, for any reason, be held to be invalid, illegal, or unenforceable, and such is not a material provision, such validity, illegality, or unenforceability shall not affect any other provision hereof, and this First Amendment shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. If the invalid, illegal, or unenforceable provision is material to the clear intent of the parties hereto, the County and Operator shall, within thirty (30) calendar days of such determination, negotiate and execute a contract amendment sufficient to correct such invalidity or, failing such amendment, terminate this First Amendment.

Article 3: Counterparts: This First Amendment may be executed in several counterparts, each of which shall constitute an original and all of which shall constitute an original and all of which shall constitute but one and the same instrument.

Article 4: Compliance with Amendment Requirements: This First Amendment shall, upon execution by Emerald and County, be deemed to be in full compliance with all the requirements of Section 19.G Amendment of the Original Agreement. Upon execution by Emerald and County, this First Amendment shall be deemed to be merged into the Original Agreement and part of the entire agreement of the Parties described in Section 19.F of the Original Agreement.

Article 5: Applicable Provisions of Law: This First Amendment shall be governed by and construed in accordance with the laws of the State of New Mexico, without regard to conflict of laws principles.

Article 6: Execution Authority: By his or her signature below, each signatory individually certifies that he or she is the properly authorized agent or officer of the applicable Party hereto and has the necessary authority to execute this Agreement on behalf of such Party, and each Party hereby certifies to the other that any resolutions necessary to create such authority have been duly passed and are now in full force and effect.

Article 7: Captions: The captions and headings in this First Amendment are for convenience or reference only and shall not be construed to define, limit, or describe the scope or intent of any provisions or sections of this First Amendment.

Article 8: Effective Date: The effective date of this First Amendment shall be July 1, 2015, without regard to the date that it is executed by the Parties.

Article 9: Effect of First Amendment. All provisions, sections, terms and conditions of the Original Agreement that are not specifically amended by this First Amendment, remain unchanged and in full force an effect. All references to the Original Agreement in the First Amendment or the Original Agreement, shall include the changes and amendments to the Original Agreement set forth in this First Amendment.

(Signature page to follow)

Initials: LC _____ ECM _____

In witness whereof, the Parties hereto have executed the Amendment to the Agreement as of the day and year first written above

“County”

“Operator”

County of Lincoln

Emerald Correctional Management, LLC

By: _____
Nita Taylor, County Manager

By: _____
Robert Hughes, COO

Date _____

Date _____

Attest:

By: _____
Rhonda Burrows, County Clerk

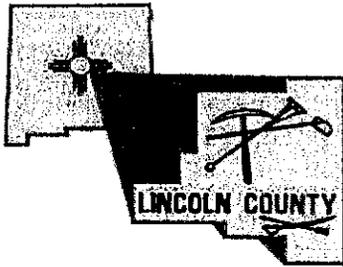
Date _____

Approved as to form:

By: _____
Alan Morel, County Attorney

Date _____

Initials: LC _____ ECM _____



www.lincolncountynm.gov

County of Lincoln

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

Agenda Item No. 14

October 14, 2015

MEMORANDUM

TO: County Commissioners
FROM: Alan Morel, Attorney, County of Lincoln
SUBJECT: Lincoln Hills Subdivision request to cease use of a portion of Gene Littler Lane
Purpose: To discuss and provide direction to County Manager and Attorney

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

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

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

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

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

ISSUES:

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

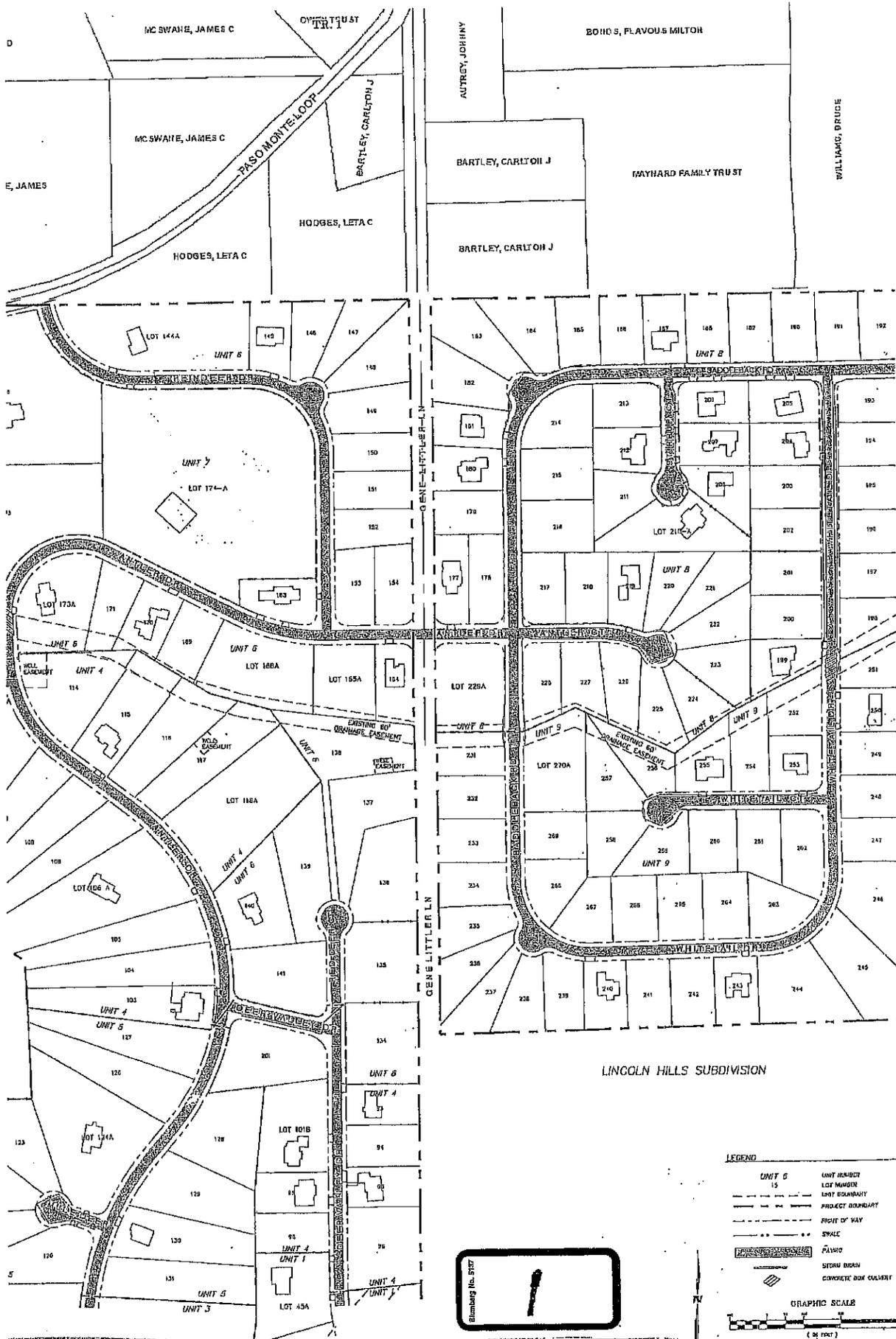
B. We cannot increase the number of tracts as a part of this process or it will be considered a "subdivision." Should the Commission grant the request, the properties in question would likely need to be re-surveyed and re-platted so as not to increase the number of tracts.

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

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

Recommendation

Request instructions from the Commission regarding how to proceed.



LEGEND

- UNIT 1 IS
- LOT NUMBER
- UNIT BOUNDARY
- PROJECT BOUNDARY
- RIGHT OF WAY
- SWALE
- FLARED
- STORM DRAIN
- CONCRETE BOX CULVERT

GRAPHIC SCALE

(1/4 INCH)
1 Inch = 100 Feet

NO.	DATE	DESCRIPTION	PROJECT NAME	SCALE	COORDINATES
			DEER PARK VALLEY SPECIAL ASSESSMENT DISTRICT		

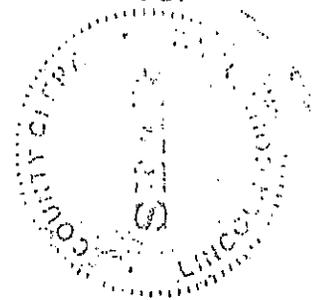
Wilson & Company

2000 ALBUQUERQUE BLVD. STE. 210
 300 RANCHO, DEER PARK VALLEY
 P.O. BOX 4071
 ALBUQUERQUE, NM 87106-4071
 TEL: (505) 838-4501
 FAX: (505) 838-4501
 www.wilson.com

4820

DEVELOPMENT AGREEMENT

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



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

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

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

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



4. Bonds or CD's for Units One - Four will be based on a cost estimate prepared by and signed by a New Mexico Professional Engineer or by bids obtained from a licensed New Mexico Contractor. The bond amount shall be subject to review and approval by a County representative. Paragraph 3, above, sets parameters for the bond or CD.
5. The **Developer** will be allowed to replat Units One - Four in accordance with "Lincoln County Subdivision Regulations."
6. The **Developer** will be allowed to develop Units in a non-consecutive order.
7. **Lincoln County** and the **Developer** agree that the lands platted as "Golf Course" are a part of the Lincoln Hills, Unit One - Four Subdivision.
8. **Lincoln County** acknowledges that roads in the subdivision are private and will be built to County Private Road Standards and will be paved. Construction and inspection will be as outlined in Article 12 - Road Design Standards, Subdivision Ordinance 2001-06. The \$5,000 paving design and inspection fee will not be charged.
9. The **Developer** agrees to designate a construction and main entrance to the Lincoln Hills property through the deeded property described as a 60 feet wide, 1,200 feet long access connecting with Paso Monte Loop. The "Construction Entrance/Main Entrance" shall be from Paso Monte Loop, formerly known as Old Fort Stanton Road and County Road D003, and shall be clearly marked "Construction Entrance/Main Entrance." All construction-related vehicles belonging to any Company with which Hunter's Draw, L.L.C. and/or its development representative(s) has entered into a binding agreement shall utilize said "Construction Entrance/Main Entrance" for ingress and egress to the Lincoln Hills property. Any construction vehicles that violate the requirement for use of this designated entry/exit to the Lincoln Hills property shall be fined for each occurrence.

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200600218
Book 2006 Page 218
2 of 3
01/10/2006 09:58:26 AM
BY LOREE1

AGREED upon this 15 day of NOVEMBER, 2005.

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

Rick Simpson
Rick Simpson, Chairman ^{Vice}
Lincoln County Commission

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

Hugh Anderson
Hugh Anderson
Managing Member



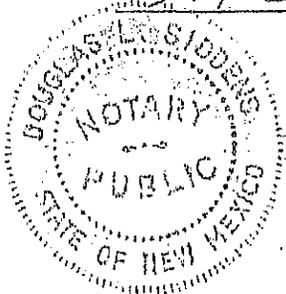
ACKNOWLEDGMENT:

STATE OF) ss
COUNTY OF) ss

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

My commission expires:
3-14-2007

Douglas L. Siddens
Notary Public



LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200600218
Book 2006 Page 218
3 of 3
01/10/2006 09:58:26 AM
BY LOREE1

Hunter's Draw LLC

October 7, 2005

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

Dear Mr. Stewart,

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

Construction Vehicle Access:

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

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

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

Sincerely,



Mark Adams



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

2013 JUL 17 PM 2:05

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

Section 12.3 Street Layout

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

Section 12.4 Half Streets Prohibited

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

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

Section 12.5 Adjacent Highway

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

Section 12.6 Private Roads

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



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

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

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

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



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

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

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

ARTICLE IX COVENANTS FOR ASSESSMENTS

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

October 6, 2015

To:
Lincoln County Commissioners
Alan Morel, Lincoln County Attorney

RE: Gene Littler Road (north end)

Please be advised that I am in full support of permanently closing Gene Littler Road between Antler Drive in Alto and Paso Monte Loop.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny Autrey". The signature is written in a cursive, flowing style.

Johnny Autrey
178 Paso Monte
Alto, NM

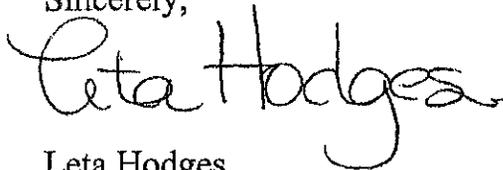
October 6, 2015

To:
Lincoln County Commissioners
Alan Morel, Lincoln County Attorney

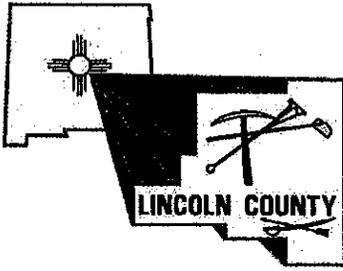
RE: Gene Littler Road (north end)

Please be advised that I am in full support of permanently closing Gene Littler Road between Antler Drive in Alto and Paso Monte Loop.

Sincerely,

A handwritten signature in black ink that reads "Leta Hodges". The signature is written in a cursive style with a large, looping initial "L".

Leta Hodges
162 Paso Monte
Alto, NM



www.lincolncountynm.gov

County of Lincoln

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

Agenda Item No. 15

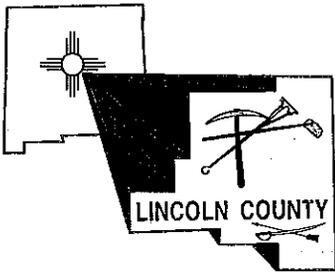
October 6, 2015

MEMORANDUM

TO: County Commissioners

FROM: Rhonda Burrows, County Clerk

SUBJECT: The Preservation of Public Access to Lincoln County Historical Records -
Presentation by Clerk Burrows



LINCOLN COUNTY CLERK

Rhonda B. Burrows, County Clerk Whitney E. Whittaker, Chief Deputy Clerk

300 Central Ave. • P.O. Box 338 • Carrizozo, New Mexico 88301-0970
(575) 648-2394 ext. 6 • Fax (575) 648-2576 • (800) 687-2705 ext. 6
www.lincolncountynm.gov

Memo

To: Board of County Commissioners
From: Rhonda Burrows, County Clerk 
Date: 10/6/2015
Re: Online Access to Historical Documents

The County Clerk's office will provide a brief discussion and demonstration of online public access to Lincoln County's historical newspapers and other important historical documents.

In May of 2014 the Clerk's office completed a multi-year project to convert newspapers from microfilm to digital images and organize them in a format to provide public access through Lincoln County's website. Utilizing Google Analytics we are able to track the number of site visitors, pages viewed, and also the geographical location of site visitors. Beginning May 1, 2014 through October 1, 2015 there were 6,519 users who visited this site a total of 8,304 times and viewed 55,650 pages. The geographic report illustrates the world wide interest in Lincoln County.

In September of this year, the Clerk's office posted an additional 1400 pages of Lincoln County's most important historical documents to add to the collection viewable through the County's website.

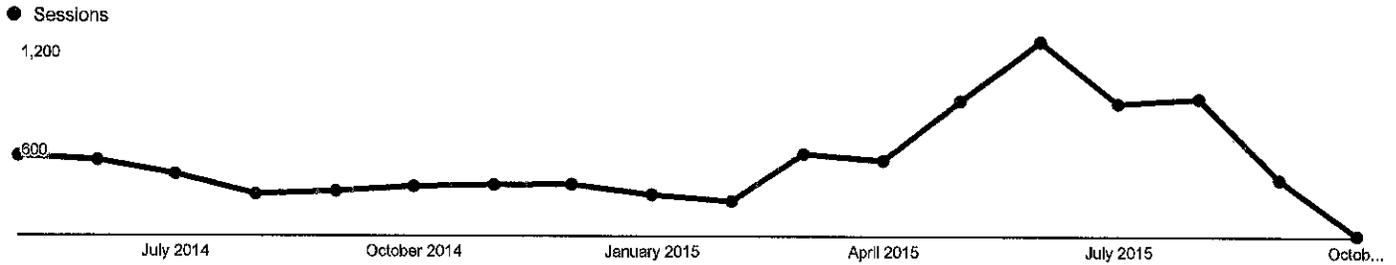
Copies of the Google Analytic reports are provided for review.

Audience Overview

May 1, 2014 - Oct 1, 2015

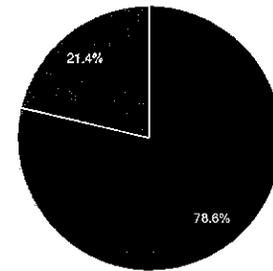
All Sessions
100.00%

Overview



Sessions 8,304	Users 6,519	Pageviews 55,650
Pages / Session 6.70	Avg. Session Duration 00:05:47	Bounce Rate 35.08%
% New Sessions 78.50%		

■ New Visitor ■ Returning Visitor



Country	Sessions	% Sessions
1. United States	6,087	73.30%
2. (not set)	732	8.82%
3. China	167	2.01%
4. Japan	156	1.88%
5. Russia	134	1.61%
6. India	124	1.49%
7. United Kingdom	81	0.98%
8. Germany	80	0.96%
9. Canada	74	0.89%
10. Netherlands	57	0.69%

Location

May 1, 2014 - Oct 1, 2015

 All Sessions
100.00%

Map Overlay

Summary



Country	Acquisition			Behavior			Conversions		
	Sessions	% New Sessions	New Users	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
	8,304 % of Total: 100.00% (8,304)	78.59% Avg for View: 78.50% (0.11%)	6,526 % of Total: 100.11% (6,519)	35.08% Avg for View: 35.08% (0.00%)	6.70 Avg for View: 6.70 (0.00%)	00:05:47 Avg for View: 00:05:47 (0.00%)	0.00% Avg for View: 0.00% (0.00%)	0 % of Total: 0.00% (0)	\$0.00 % of Total: 0.00% (\$0.00)
1. United States	6,087 (73.30%)	72.45%	4,410 (67.58%)	19.25%	8.53	00:07:45	0.00%	0 (0.00%)	\$0.00 (0.00%)
2. (not set)	732 (8.82%)	100.00%	732 (11.22%)	89.89%	1.10	00:00:20	0.00%	0 (0.00%)	\$0.00 (0.00%)
3. China	167 (2.01%)	99.40%	166 (2.54%)	92.22%	1.02	00:00:19	0.00%	0 (0.00%)	\$0.00 (0.00%)
4. Japan	156 (1.88%)	100.00%	156 (2.39%)	83.33%	0.99	00:00:17	0.00%	0 (0.00%)	\$0.00 (0.00%)
5. Russia	134 (1.61%)	52.89%	71 (1.09%)	61.19%	1.43	00:00:17	0.00%	0 (0.00%)	\$0.00 (0.00%)
6. India	124 (1.48%)	88.71%	110 (1.69%)	12.90%	2.32	00:00:45	0.00%	0 (0.00%)	\$0.00 (0.00%)
7. United Kingdom	81 (0.98%)	97.53%	79 (1.21%)	72.84%	2.67	00:00:30	0.00%	0 (0.00%)	\$0.00 (0.00%)
8. Germany	80 (0.96%)	100.00%	80 (1.23%)	75.00%	1.20	00:00:09	0.00%	0 (0.00%)	\$0.00 (0.00%)
9. Canada	74 (0.89%)	87.84%	65 (1.00%)	56.76%	8.00	00:01:47	0.00%	0 (0.00%)	\$0.00 (0.00%)
10. Netherlands	57 (0.69%)	100.00%	57 (0.87%)	96.49%	1.00	<00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
11. Brazil	49 (0.59%)	100.00%	49 (0.75%)	71.43%	1.24	00:00:03	0.00%	0 (0.00%)	\$0.00 (0.00%)
12. South Korea	46 (0.55%)	100.00%	46 (0.70%)	80.43%	0.98	00:00:09	0.00%	0 (0.00%)	\$0.00 (0.00%)
13. France	39 (0.47%)	100.00%	39 (0.60%)	89.74%	1.10	00:00:20	0.00%	0 (0.00%)	\$0.00 (0.00%)

14.	Australia	38 (0.46%)	97.37%	37 (0.57%)	81.58%	3.00	00:00:52	0.00%	0 (0.00%)	\$0.00 (0.00%)
15.	Italy	34 (0.41%)	100.00%	34 (0.52%)	91.18%	1.09	00:00:17	0.00%	0 (0.00%)	\$0.00 (0.00%)
16.	Mexico	30 (0.36%)	90.00%	27 (0.41%)	46.67%	3.67	00:00:51	0.00%	0 (0.00%)	\$0.00 (0.00%)
17.	Taiwan	26 (0.31%)	100.00%	26 (0.40%)	88.46%	1.04	00:00:42	0.00%	0 (0.00%)	\$0.00 (0.00%)
18.	Spain	22 (0.26%)	100.00%	22 (0.34%)	81.82%	1.18	00:00:40	0.00%	0 (0.00%)	\$0.00 (0.00%)
19.	Belgium	19 (0.23%)	94.74%	18 (0.28%)	84.21%	1.05	00:00:16	0.00%	0 (0.00%)	\$0.00 (0.00%)
20.	Argentina	17 (0.20%)	100.00%	17 (0.26%)	82.35%	1.06	00:00:07	0.00%	0 (0.00%)	\$0.00 (0.00%)
21.	Switzerland	16 (0.19%)	100.00%	16 (0.25%)	81.25%	1.19	00:00:41	0.00%	0 (0.00%)	\$0.00 (0.00%)
22.	Sweden	15 (0.18%)	100.00%	15 (0.23%)	86.67%	1.13	00:00:34	0.00%	0 (0.00%)	\$0.00 (0.00%)
23.	Ukraine	14 (0.17%)	100.00%	14 (0.21%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
24.	South Africa	13 (0.16%)	100.00%	13 (0.20%)	76.92%	1.23	00:00:17	0.00%	0 (0.00%)	\$0.00 (0.00%)
25.	Egypt	12 (0.14%)	100.00%	12 (0.18%)	75.00%	1.17	00:00:06	0.00%	0 (0.00%)	\$0.00 (0.00%)
26.	Norway	11 (0.13%)	100.00%	11 (0.17%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
27.	Turkey	11 (0.13%)	90.91%	10 (0.15%)	54.55%	1.82	00:00:07	0.00%	0 (0.00%)	\$0.00 (0.00%)
28.	Vietnam	11 (0.13%)	81.82%	9 (0.14%)	63.64%	2.27	00:00:14	0.00%	0 (0.00%)	\$0.00 (0.00%)
29.	Indonesia	10 (0.12%)	100.00%	10 (0.15%)	80.00%	1.00	<00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
30.	Poland	10 (0.12%)	100.00%	10 (0.15%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
31.	Colombia	9 (0.11%)	100.00%	9 (0.14%)	77.78%	1.00	00:00:07	0.00%	0 (0.00%)	\$0.00 (0.00%)
32.	Austria	8 (0.10%)	100.00%	8 (0.12%)	75.00%	1.75	00:00:03	0.00%	0 (0.00%)	\$0.00 (0.00%)
33.	Czech Republic	8 (0.10%)	100.00%	8 (0.12%)	87.50%	1.12	<00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
34.	Finland	8 (0.10%)	75.00%	6 (0.09%)	62.50%	1.38	00:00:02	0.00%	0 (0.00%)	\$0.00 (0.00%)
35.	Kazakhstan	7 (0.08%)	100.00%	7 (0.11%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
36.	Romania	7 (0.08%)	100.00%	7 (0.11%)	85.71%	1.14	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
37.	Algeria	6 (0.07%)	100.00%	6 (0.09%)	16.67%	44.67	00:14:49	0.00%	0 (0.00%)	\$0.00 (0.00%)
38.	Hong Kong	6 (0.07%)	100.00%	6 (0.09%)	83.33%	0.83	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
39.	Hungary	6 (0.07%)	100.00%	6 (0.09%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
40.	Iran	6 (0.07%)	100.00%	6 (0.09%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
41.	Chile	5 (0.06%)	100.00%	5 (0.08%)	80.00%	1.20	00:00:23	0.00%	0 (0.00%)	\$0.00 (0.00%)
42.	Morocco	5 (0.06%)	100.00%	5 (0.08%)	80.00%	4.40	00:00:18	0.00%	0 (0.00%)	\$0.00 (0.00%)
43.	Philippines	5 (0.06%)	60.00%	3 (0.05%)	0.00%	4.40	00:01:06	0.00%	0 (0.00%)	\$0.00 (0.00%)
44.	Tunisia	5 (0.06%)	100.00%	5 (0.08%)	60.00%	0.60	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
45.	Venezuela	5 (0.06%)	100.00%	5 (0.08%)	80.00%	1.20	<00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
46.	Israel	4 (0.05%)	100.00%	4 (0.06%)	50.00%	7.00	00:00:37	0.00%	0 (0.00%)	\$0.00 (0.00%)
47.	Thailand	4 (0.05%)	100.00%	4 (0.06%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
48.	Bulgaria	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
49.	Costa Rica	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
50.	Denmark	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
51.	Ireland	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)

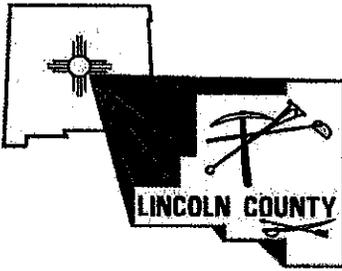
52.	Malaysia	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
53.	New Zealand	3 (0.04%)	100.00%	3 (0.05%)	66.67%	0.67	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
54.	Peru	3 (0.04%)	100.00%	3 (0.05%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
55.	Saudi Arabia	3 (0.04%)	100.00%	3 (0.05%)	66.67%	1.33	00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
56.	United Arab Emirates	2 (0.02%)	100.00%	2 (0.03%)	0.00%	10.00	00:10:17	0.00%	0 (0.00%)	\$0.00 (0.00%)
57.	Azerbaijan	2 (0.02%)	100.00%	2 (0.03%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
58.	Guatemala	2 (0.02%)	100.00%	2 (0.03%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
59.	Kenya	2 (0.02%)	100.00%	2 (0.03%)	50.00%	0.50	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
60.	Pakistan	2 (0.02%)	100.00%	2 (0.03%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
61.	Slovenia	2 (0.02%)	100.00%	2 (0.03%)	50.00%	1.50	00:00:01	0.00%	0 (0.00%)	\$0.00 (0.00%)
62.	Armenia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
63.	Bolivia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
64.	Belize	1 (0.01%)	100.00%	1 (0.02%)	0.00%	6.00	00:04:23	0.00%	0 (0.00%)	\$0.00 (0.00%)
65.	Estonia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
66.	Fiji	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
67.	Honduras	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
68.	Iceland	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
69.	Cambodia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
70.	Kuwait	1 (0.01%)	100.00%	1 (0.02%)	0.00%	2.00	00:05:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
71.	Lebanon	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
72.	Lithuania	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
73.	Luxembourg	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
74.	Latvia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
75.	Moldova	1 (0.01%)	100.00%	1 (0.02%)	0.00%	2.00	00:02:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
76.	Macedonia (FYROM)	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
77.	Northern Mariana Islands	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
78.	Malta	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
79.	Nigeria	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
80.	Nepal	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
81.	Oman	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
82.	Puerto Rico	1 (0.01%)	100.00%	1 (0.02%)	0.00%	2.00	00:00:02	0.00%	0 (0.00%)	\$0.00 (0.00%)
83.	Palestine	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
84.	Portugal	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
85.	Qatar	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
86.	Sudan	1 (0.01%)	100.00%	1 (0.02%)	0.00%	2.00	00:01:20	0.00%	0 (0.00%)	\$0.00 (0.00%)
87.	Singapore	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
88.	Slovakia	1 (0.01%)	100.00%	1 (0.02%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
89.	Tanzania	1 (0.01%)	100.00%	1 (0.02%)	0.00%	2.00	00:10:00	0.00%	0 (0.00%)	\$0.00 (0.00%)

LINCOLN COUNTY

NEWSPAPER ARCHIVES

- 1) Go to the Lincoln County website at: www.lincolncountynm.gov
- 2) On the home page banner to the far right click on: **Archives**
- 3) This link connects you to a list of papers published back to the 1800's. Click on the paper you are interested in and you will find a secondary list of dates to explore.

The County Clerk is charged with preserving every copy of each newspaper and arranging to have them properly bound and available for inspection by the public (NMSA 4-40-8).



www.lincolncountynm.gov

County of Lincoln

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

Agenda Item No. 16

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, County Manager *NT*

SUBJECT: Road Department Update

Discussion:

1. County Road Superintendent. The County posted the un-classified, at-will position of Road Superintendent during the week of October 4, 2015 in the Lincoln County News, the Ruidoso News, the Roswell Daily Record and the Albuquerque Journal. See **Enclosure 1**. The job closed on Friday, October 16, 2015 at 5:00 pm. An interview committee will be finalized and interviews scheduled for the week of October 26th. Interim Consulting Road Superintendent, Bill Cupit signed a two-month contract commencing on Wednesday, September 23rd, that will terminate on November 17th, based on Commission authority provided to date. The most ideal circumstance is to have two-week overlap with Mr. Cupit and the new Road Superintendent. In considering time required for the entire hiring process: interviewing, selecting a candidate, anticipating a minimum of two-week notice to existing employer, it is likely that the new road superintendent will not be in place until November 16th, at the earliest. I request additional authority to negotiate with Mr. Cupit the continuance of his current position at the same compensation through November 26th. The cost to the County would be \$3,200 plus GRT.

2. Prioritization of Rain-damaged Roads Identified for FEMA and State Mitigation Funding. During the September, 2015 meeting, the Commission expressed an interest in participating in the prioritization of the sequence of the road repair. See **Enclosure 2** for a listing of all roads identified. Mr. Cupit and Manager met with King Industries, Project Manager for this program in Lincoln County, as well as several other counties. Through its experience in other counties, they suggest factors to consider for prioritization include:

- County will receive ½ of Federal and State dollars up front;
- County funds spent will be reimbursed *only after* completion of entire Project Worksheet (PW); so finish one PW in total prior to starting the next;
- Start with PW least difficult to complete and one that includes roads from all Commission districts, if possible; Mr. Cupit has been inspecting these roads to determine level of difficulty.

Recommendation: 1) Authorize Manager to extend duration of Contract for Road Superintendent; and 2) provide general direction for road prioritization consideration; specific recommended prioritization after further study will be brought back to the Commission.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

County of Lincoln
Post Office Box 711
Carrizozo, New Mexico 88301-0711
575/648-2385

October 1, 2015

CLASSIFIED AD

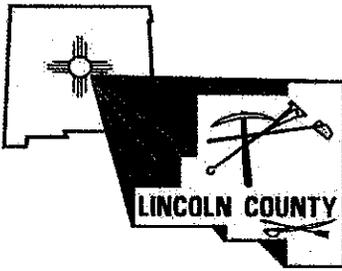
EMPLOYMENT NOTICE

Lincoln County is now accepting applications for a Full-time, Unclassified/At-Will **ROAD SUPERINTENDENT**. The applicant serves as a working leader and plans, directs and coordinates the team operation, maintenance and construction activities of roads; reviews and analyzes reports, records, directives; works as a team member with department heads and employees to obtain data required for strategic planning; consults with Manager and consulting Engineer as necessary to ensure adherence to State of New Mexico Specifications on construction projects. The applicant assigns and delegates responsibilities for specified or functional activities and disseminates policy for employees. Gives work direction, resolves problems, prepares schedules, and sets deadlines to ensure timely completion of work. Monitors, analyzes costs and prepares departmental budget. The applicant must possess a valid New Mexico Class A CDL with endorsements N or X. Position has excellent health and retirement benefits. Starting salary is \$50,000 per year. Obtain application and job description from Billie-Jo Guevara at 575/648-2385 ext. 100. Closing date for applications is 5:00 P.M., Friday, October 16, 2015. Lincoln County, Equal Opportunity Employer.

PUBLISH: Lincoln County News on October 8, 2015
Roswell Daily Record on October 4, 2015
Albuquerque Journal on October 4, 2015
Ruidoso News on October 7, 2015

**FEMA DISASTER 4197 4199
COUNTY ROAD DAMAGE**

	Loca	PW	Road		CY Rd	Cost / PW	Cost / HMP	Total PW+HMP	Durati	r Number
1	S	8	Brazel Ranch Rd		555	\$66,652.80	\$106,760.00	\$173,412.80	6	4197
2	NW	8	Jose Vega Lp		929	\$111,480.00	\$84,000.00	\$195,480.00	7	4199
3	NW	8	Basin St		946	\$113,520.00	\$86,000.00	\$199,520.00	7	4199
4	S	8	Linda Vista Lane		1172	\$140,659.20	\$116,160.00	\$256,819.20	9	4197
5	NW	8	White Oaks Rd		1448	\$173,760.00	\$131,660.00	\$305,420.00	11	4199
6	NW	8	O Bar O Rd		2200	\$264,000.00	\$200,000.00	\$464,000.00	16	4199
7	N	8	CR-A044		2556	\$306,720.00	\$232,400.00	\$539,120.00	19	4199
8	S	8	Bonito Lake Rd		3525	\$423,006.00	\$325,248.00	\$748,254.00	26	4197
9	N	8	Potos Rd		5871	\$704,520.00	\$533,660.00	\$1,238,180.00	44	4199
10	N	8	Capitan Gap Rd		8389	\$1,006,680.00	\$838,926.00	\$1,845,606.00	65	4199
						\$3,310,998.00	\$2,654,814.00	\$5,965,812.00	210	
11	S	11	Jack Pine		54	\$5,427.00	\$0.00	\$5,427.00	0	4197
12	S	11	Tara Trail		59	\$5,920.00	\$0.00	\$5,920.00	0	4197
13	S	11	Squaw Valley		74	\$7,400.00	\$0.00	\$7,400.00	0	4197
14	S	11	Tobogan Rd		104	\$10,360.00	\$0.00	\$10,360.00	0	4197
15	S	11	Alpine		122	\$12,222.00	\$0.00	\$12,222.00	0	4197
16	S	11	Alpine Meadows		252	\$25,160.00	\$0.00	\$25,160.00	1	4197
17	S	11	Angus		1	\$32,357.33	\$0.00	\$32,357.33	1	4197
18	SE	11	Los Saltos		366	\$36,630.00	\$0.00	\$36,630.00	1	4197
19	S	11	Telluride		403	\$40,330.00	\$0.00	\$40,330.00	1	4197
20	SE	11	Alamo Canyon		469	\$46,947.00	\$32,970.00	\$79,917.00	3	4199
21	N	11	Bogle Rd		566	\$56,568.86	\$0.00	\$56,568.86	2	4199
22	SE	11	Picacho		756	\$75,556.00	\$0.00	\$75,556.00	3	4199
23	NW	11	Jose Vega Loop		697	\$83,688.00	\$63,400.00	\$147,088.00	5	4199
24	N	11	Transwestern		16036	\$1,924,313.60	\$1,450,400.00	\$3,374,713.60	119	4199
						\$2,362,879.79	\$1,546,770.00	\$3,909,649.79	138	
25	NW	13	Vail Loop		1	\$5,280.00	\$0.00	\$5,280.00	0	4197
26	NW	13	Angus Rd		1	\$7,315.00	\$0.00	\$7,315.00	0	4197
						\$12,595.00	\$0.00	\$12,595.00		
27	NW	14	Jose Vega Loop Culverts		6	\$8,700.11	\$0.00	\$8,700.11	0	4197
					Total	47559	\$5,695,172.90	\$4,201,584.00	\$9,896,756.90	
							Fed	\$4,271,379.67	\$3,151,188.00	\$7,422,567.67
							State	\$711,896.61	\$525,198.00	\$1,237,094.61
							Coun	\$711,896.61	\$525,198.00	\$1,237,094.61



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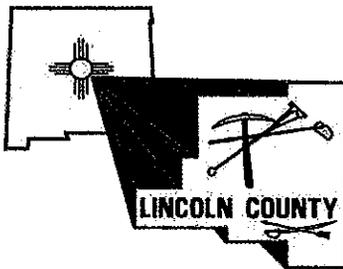
County of Lincoln

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Agenda Item No. 17

SUBJECT

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



County of Lincoln

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AGENDA ITEM 18

October 13, 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 fifteen (15) claims, all of which are recommended approval. If approved, the total recommended authorization this month is **\$10,574.82**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed nine (9) claims. Six (6) are recommended for approval and three (3) are recommended for disapproval. If approved, total recommended payment this month is **\$5,817.61**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for October.

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 \$20,530.44 or an average of \$5,132.61 a month. At this pace, we will spend \$61,591.32 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 \$76,757.77 or an average of \$19,189.44 a month.

Recommendation: Approve the claims as indicated for the Safety Net Care Pool report at Enclosure 1 and approve and disapprove the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: _____
Preston Stone

SCP / SAFETY NET CARE POOL CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$66,182.95

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

OCTOBER # CLAIMS FOR APPROVAL 15
CLAIMS FOR DENIAL 0
OCTOBER # TOTAL CLAIMS 15

OCTOBER TOTAL \$ AMOUNT APPROVED \$10,574.82

TOTAL # CLAIMS THIS FY APPROVED 68
TOTAL # CLAIMS THIS FY DENIED 4
TOTAL # CLAIMS FY 2015 - 2016 72

TOTAL APPROVED THIS FISCAL YEAR \$76,757.77

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21105	04/24/2015	952.00	733.04	077%
21107	02/09/2015	6455.00	4970.35	077%
21108	07/20/2015	507.40	390.70	077%
21110	08/28/2015	80.00	61.60	077%
21111	09/13/2015	378.00	291.06	077%
21112	09/14/2015	316.40	243.63	077%
21103	07/29/2015	672.00	517.44	077%
21104	08/26/2015	616.00	474.32	077%
21113	08/18/2015	265.20	204.20	077%
21115	07/16/2015	479.00	368.83	077%
21116	07/23/2015	308.63	237.65	077%
21118	08/19/2015	538.51	414.65	077%
21119	09/17/2015	968.00	745.36	077%
21122	08/31/2015	183.20	141.06	077%
21123	08/31/2015	1014.20	780.93	077%

10574.82

APPROVED- 15 REJECTED-

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$14,712.83

ADJUSTMENTS

TOTAL ADJUSTMENTS:

OCTOBER # CLAIMS FOR APPROVAL	6
# CLAIMS FOR DENIAL	3
OCTOBER # TOTAL CLAIMS	9

OCTOBER TOTAL \$ AMOUNT APPROVED \$5,817.61

TOTAL # CLAIMS THIS FY APPROVED	19
TOTAL # CLAIMS THIS FY DENIED	5
TOTAL # CLAIMS FY 2015 - 2016	24

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$20,530.44

*Assuming the above is approved

ENCL 2

FACILITY: FRONTIER MEDICAL 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21120	09/16/2015	880.00	880.00 100%
			880.00

APPROVED- 1 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21109	03/24/2015	50.00	38.50 077%
21114	09/06/2015	9294.47	3041.32 033%
21125	09/27/2014	3107.17	000%

DATE OF SERVICE NOT ELIGIBLE FOR PAYMENT

3079.82

APPROVED- 2 REJECTED- 1

FACILITY: MICHAEL P CLEMENTS, M.D. 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21121	06/30/2015	25.00	000%

PATIENT'S BILL IS BELOW \$50

APPROVED- REJECTED- 1

FACILITY: LINCOLN COUNTY RADIOLOGY 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21124	07/17/2015	1023.00	787.71 077%
21102	06/25/2015	260.00	200.20 077%
21106	06/14/2014	87.00	000%

PAST FILING DEADLINE

987.91

APPROVED- 2 REJECTED- 1

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 10/20/2015 THROUGH 10/20/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21117	08/05/2015	1129.71	869.88 077%

869.88

APPROVED- 1 REJECTED-

INDIGENT FUND MEETING

OCTOBER 20, 2015

TOTAL APPLICATIONS	24	16,392.43
TOTAL APPROVED	21	
TOTAL DENIED	3	
RUIDOSO		
FRONTIER MEDICAL		880.00
APPROVED-	1	
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		3,079.82
APPROVED-	2	
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		10,574.82
APPROVED-	15	
DENIED-		
ALTO		
LINCOLN COUNTY RADIOLOGY		987.91
APPROVED-	2	
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	1	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		869.88
APPROVED-	1	
DENIED-		

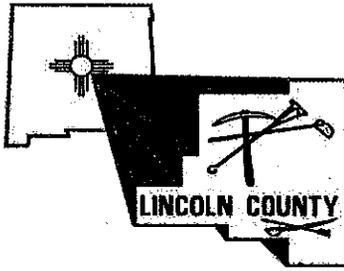
YTD

INDIGENT FUND MEETING

OCTOBER 20, 2015

TOTAL APPLICATIONS	96	97,288.21
TOTAL APPROVED	87	
TOTAL DENIED	9	
RUIDOSO		
DONA ANA MEDICAL SUPPLY DBA LINC		
APPROVED-	3	279.68
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		
APPROVED-	1	880.00
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	6	9,099.77
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	68	76,757.77
DENIED-	4	
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	2	987.91
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	2	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	4	985.38
DENIED-	1	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		
APPROVED-	1	7,297.70
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		
APPROVED-	2	1,000.00
DENIED-		

ENCL 3



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County of Lincoln

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Agenda Item No. 19

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Memorandum of Understanding between Village of Ruidoso and County of Lincoln for Provision of Regulation Services of Residential and Commercial Construction within Certain Specified Areas of Lincoln County

Purpose: To consider differences between the MOU approved by the County at its September 8th Special Meeting, and the MOU approved by the Village of Ruidoso at its September 15th Meeting, and determine language for approval / reapproval.

Discussion: For several years, the County and the Village of Ruidoso have been parties to a Memorandum of Understanding that allows the Village of Ruidoso to provide regulation services (building inspections) of residential and commercial construction within certain areas of the County. At its September 8th meeting, the Commission approved the MOU. On September 15th the Village of Ruidoso approved the MOU with modified language in Paragraph 15. See **Enclosure 1** for County language for Paragraph 15, and **Enclosure 2** for Village of Ruidoso language for same paragraph. Specifically, the following language was omitted by the Village of Ruidoso:

“Once the data identified herein has been collected for a period of not less than six months, the parties will utilize the data to determine whether or not a portion of the fees collected by the Village of Ruidoso should be paid over to the County of Lincoln.”

Proposed revised language by Attorney Morel is as follows:

“The parties will utilize the data to determine whether or not a portion of the fees collected by the VOR should be paid over to the county of Lincoln on an annual basis.”

Should the language change from that approved by the Village of Ruidoso, the MOU will have to be reconsidered by the Ruidoso Village Council.

Recommendation: Approve modified language in Paragraph 15 recommended by Mr. Morel.

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

omitted
by VOR

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

Approved this _____ day of _____, 2015

MAYOR, VILLAGE OF RUIDOSO

Tom Battin

Seal

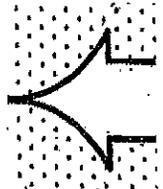
ATTEST:

Irma Devine, Clerk

Approved this 8th day of September 2015

CHAIR, BOARD OF COUNTY
COMMISSIONERS OF LINCOLN COUNTY


Preston Stone

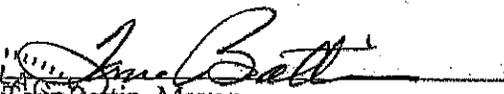


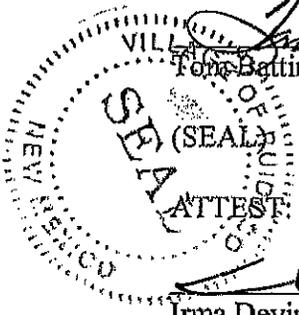
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15. **ANALYSIS AND REPORTING OF FEES COLLECTED.** The parties agree that the Village of Ruidoso shall provide a report to the County of Lincoln at a minimum of a quarterly basis which will identify the building permits issued, the fees charged, a cost comparison of fees charged with the cost of providing said services, and the location of the services rendered: i.e. within the municipal limits of the Village of Ruidoso or in the County.

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

Approved this 15th day of September, 2015.

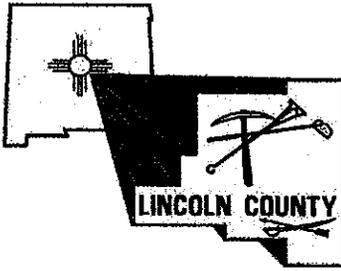
VILLAGE OF RUIDOSO


Fern Battin, Mayor


ATTEST:


Irma Devine, Village Clerk

APPROVED AS TO FORM
Zachary J. Cook



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County of Lincoln

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AENDA ITEM NO. 20

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Award of Requests for Proposals

Purpose: To award RFP 15-16-002 for Solid Waste Collection Services for Lincoln County
To Award RFP 15-16-002 for Independent Contractor Services for Misdemeanor
Compliance Program

Discussion:

RFP 15-16-002 – Solid Waste Collection Services

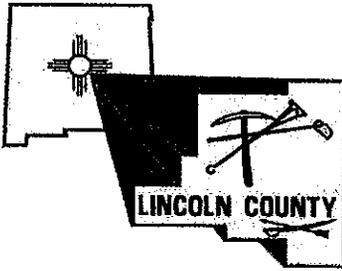
Submitted sealed proposal was opened on October 7th, 2015 with Sierra Contracting, Inc. submitting the sole proposal.

Recommendation: Approval to award to Sierra Contracting, Inc., subject to successful contract negotiations.

RFP 15-16-003 – Independent Contractor Services for Misdemeanor Compliance Program

Submitted sealed proposal was opened on October 7th, 2015 with Kenneth Vega submitting the sole proposal.

Recommendation: Approval to award to Kenneth Vega.



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Agenda Item 21

October 15, 2015

MEMORANDUM

TO: County Commissioners
FROM: Nita Taylor, Lincoln County Manager
SUBJECT: Manager's Report *NT*

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:

- a. At its September meeting, the Commission concurred with Manager and Treasurer's plans to remodel the Treasurer's customer area to provide safety and security to employees handling public funds. This project is very near completion; just in time for tax payment season.
- b. Annex Building – Upstairs. This area that will house the Finance Department is also very near completion with the minimal renovation required. County employees have spent the past week or so applying a much-needed coat of paint.

2. Building Maintenance. During the budget process, the Commission approved approximately \$210,000 in Building Maintenance; with a current balance of approximately \$156,000. The fairgrounds main building is in dire need of roof repair; quotes received place the low bid at approximately \$20,000. I request Commission concurrence for that critical building maintenance.

2. 2016 Capital Outlay Project Request Forms. Capital Outlay request forms are due to SNMEDD by October 22nd. Our forms reflect the direction provided by the Commission during ICIP discussions: 1) Ruidoso Health Center Heating / Cooling Unit; 2) Expand White Oaks Fire Station; 3) Expand Detention Center; 4) Lincoln County Medical Center Renovation; 5) Three miles – County Road Repaving. Hearings will be held on November 4, 5, 6, 9 and 10.

3. Auditor Exit Interview. Accounting & Consulting Group has scheduled its Exit Interview with the County on October 29th at 4:00 p.m. These are normally attended by the Manager's office, Finance Department, Treasurer's Office and one or two Commissioners. Please let Finance Director know if you are interested in attending that. Regarding last year's audit, in September, the Office of the State Auditor released "The Findings Report: A Summary of New Mexico's

Governmental Financial Audits". I've provided an excerpt of that report at **Enclosure 1**, which relates to findings of counties across the state. We were not in the top, nor the bottom tiers, and we continue to work on repeated issues, and improve each year. This year we've had the challenge of the new process of Solid Waste Collections Billing, and anticipate some process steps will need to be enhanced.

4. **New Mexico DOT Presentation.** The NM DOT has committed for several months to make a presentation to the County Commission and to meet with the Town of Carrizozo residents to begin to socialize the plans for Hwy 54 through Carrizozo (between mileposts 123 and 123.7). As they are still working towards finalizing the contract between the DOT and its Consultant Molzen Corbin to *begin* the Study on US54 through Carrizozo, they cannot schedule a firm date to meet with us. The Molzen Corbin project manager will schedule the 1st Stakeholder Kickoff meeting as soon as their contract has been executed. The study to be conducted includes 1) an Alignment Study; 2) and environmental investigation and 3) preliminary roadway design. Per the Roswell District Office, the hold-up is in the State Office, which Manager will prompt next week.
5. **Requests for Letters of Support to Federal Congressional Delegation.** Found at **Enclosure 2** is a NACo e.mail string provided by Clerk Burrows regarding requests for letters of support for a number of issues: 1) PILT Funding and Technical Fix; 2) Forestry Reform; 3) Sage Grouse Management Plans; and 4) USFS sale of small isolated parcels under 40 acres. Direction please.
6. **El Capitan Mine.** On September 24th, Commissioner Stone, Planning Director Curt Temple and Manager accompanied USFS to determine whether the El Capitan Mine was operating on Forest Service land, as neighboring land owners had reported. We determined they were operating on their own private property. Chris Eustice with NM Department of Mining and Minerals conducted a follow-up inspection of the mine; he will provide a summary of that inspection.

Additional calendar items:

- October 19th – Meet with NMFA and RBC Capital Markets
- October 21st – 23rd – Multi-line / Worker's Comp. Pool Boards - Joint Meeting
- October 29th – Audit Exit Interview
- November 11th – Groundbreaking Ceremony – Ft. Stanton Veteran's Cemetery
- November 12th – Leadership Lincoln in County Offices for Overview of County Government
- November 17th – Regular Commission Meeting

7. Departmental Updates:

- a. Finance – Punkin Schlarb
- b. Roads – Bill Cupit
- c. Planning – Curt Temple
- d. EOC – Joe Kenmore
- e. Human Resources – Billie Joe Guevara
- f. Senior Centers – Renee Montes

OFFICE OF THE STATE AUDITOR



Government Accountability Office

The Findings Report: A Summary of New Mexico's Governmental Financial Audits

September 2015

33

COUNTIES

Cibola County had the most findings with

21

findings, followed by:

- Cibola County (20),
- Eddy County (16),
- San Miguel County (16),
- Bernalillo County (15), and
- Taos County (15)

Catron County had the most repeat findings with

16

findings, followed by:

- Cibola County (10),
- Eddy County (9),
- Bernalillo County (8), and
- Taos County (8)

Highlights

Of the 33 counties, 91 percent had unmodified opinions compared with 94 percent for all entities. Eddy County had a qualified opinion, Cibola County had multiple opinions, and Catron County had an adverse opinion. Only 12 percent of counties had no audit findings, whereas 26 percent of entities overall had no findings. While counties represented 7 percent of audited entities, they were overrepresented with 11 percent of the more serious findings (material weaknesses, material non-compliance or significant deficiencies).

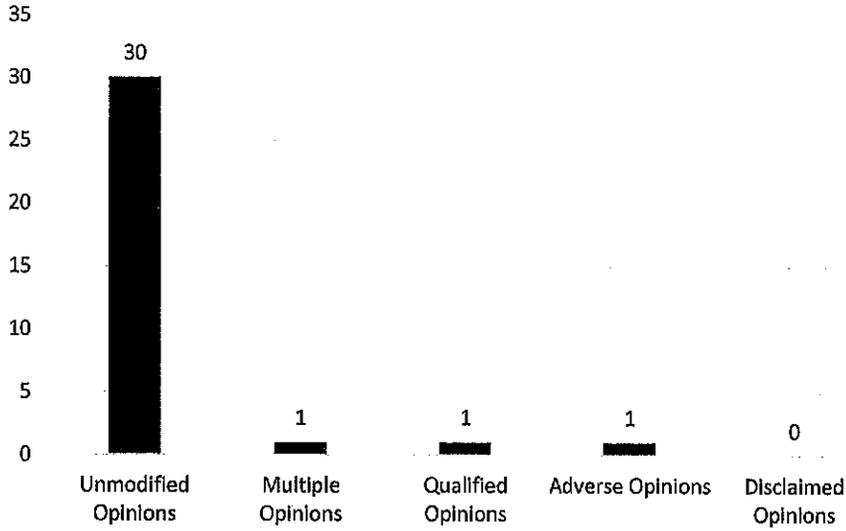
The New Mexico County Insurance Authority Workers' Compensation Pool received an unmodified opinion for FY14, with two findings. The Eddy-Lea Energy Alliance received an unmodified opinion for FY14 with no findings.



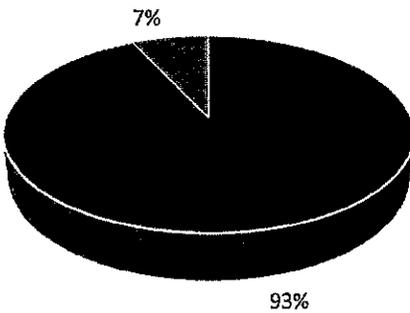
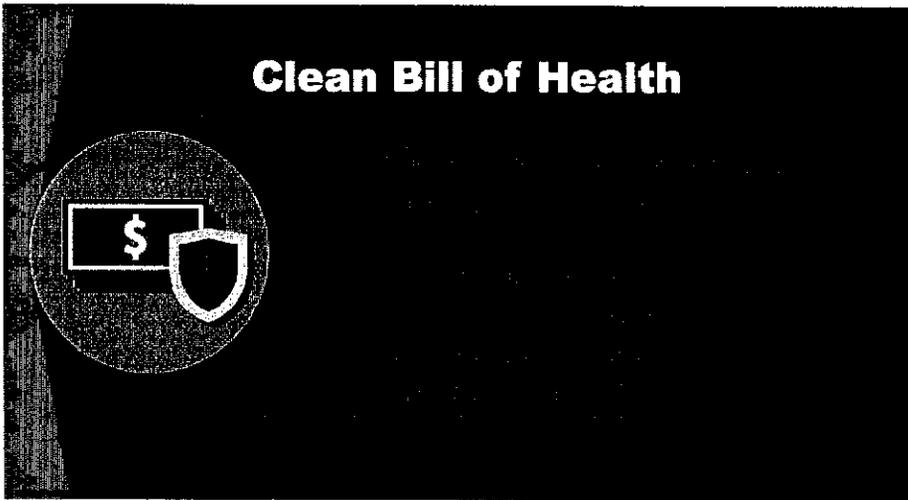
Payroll and Related Liabilities was the most common finding among counties, followed by:

- Grant Compliance,
- Cash and Investments,
- State Law Compliance,
- Budgetary Compliance,
- Capital Assets,
- Expenses and Expenditures,
- Financial Reporting,
- Late Audit, and
- Lack of Policies, Procedures and Internal Controls.

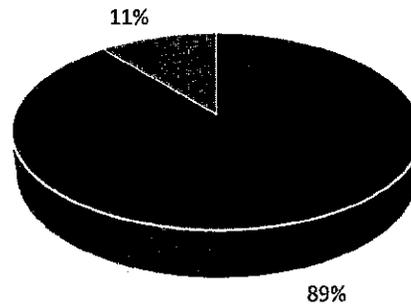
County Opinions



Counties



Counties constituted 7 percent of all audited entities.



Counties had 11 percent of all material non-compliance, material weakness and significant deficiency findings.

INDEX OF ENTITIES

Entity Name	Entity Type	Opinion	# of Findings
Eastern Plains Council of Governments	Council of Government	Unmodified	6
Mid-Region Council of Governments	Council of Government	Unmodified	1
South Central NM Council of Governments	Council of Government	Unmodified	2
Southwest NM Council of Governments	Council of Government	Unmodified	0
Bernalillo County	County	Unmodified	15
Catron County	County	Adverse	20
Chaves County	County	Unmodified	0
Cibola County	County	Multiple	21
Colfax County	County	Unmodified	5
Curry County	County	Unmodified	8
De Baca County	County	Unmodified	6
Dona Ana County	County	Unmodified	0
Eddy County	County	Qualified	16
Grant County	County	Unmodified	6
Guadalupe County	County	Unmodified	1
Harding County	County	Unmodified	4
Hidalgo County	County	Unmodified	2
Lea County	County	Unmodified	1
Lincoln County	County	Unmodified	7
Los Alamos County	County	Unmodified	0
Luna County	County	Unmodified	15
McKinley County	County	Unmodified	2
Mora County	County	Unmodified	2
Otero County	County	Unmodified	5
Quay County	County	Unmodified	0
Rio Arriba County	County	Unmodified	2
Roosevelt County	County	Unmodified	1
San Juan County	County	Unmodified	2
San Miguel County	County	Unmodified	16
Sandoval County	County	Unmodified	6
Santa Fe County	County	Unmodified	4
Sierra County	County	Unmodified	3
Socorro County	County	Unmodified	7
Taos County	County	Unmodified	10
Torrance County	County	Unmodified	3
Union County	County	Unmodified	3
Valencia County	County	Unmodified	4

Nita Taylor

From: Rhonda Burrows
Sent: Monday, September 28, 2015 11:21 AM
To: Nita Taylor
Subject: FW: CR Contains PILT Technical Fix, [ACTION ITEMS] Write Congress on PILT and Forestry Reform, Sage Grouse Update, Forest Service Small Tracts

Nita: Would you like to add this to next month's Managers Report? They are asking for letters of support., Rhonda

-----Original Message-----

From: sflores@co.otero.nm.us [mailto:sflores@co.otero.nm.us]
Sent: Monday, September 28, 2015 8:11 AM
To: board-of-directors@nmcounties.org
Subject: Fwd: CR Contains PILT Technical Fix, [ACTION ITEMS] Write Congress on PILT and Forestry Reform, Sage Grouse Update, Forest Service Small Tracts

Good morning Board Members,

Please share the information below with your board of commissioners so that your county may respond to the request for letters.

This is a very important issue for our counties that receive PILT and we need to pull together to get it resolved.

Thank you,

Susan Flores
WIR Board Member

----- Forwarded Message -----

From: Chris Marklund <CMarklund@naco.org>
To: Chris Marklund <CMarklund@naco.org>
Subject: CR Contains PILT Technical Fix, [ACTION ITEMS] Write Congress on PILT and Forestry Reform, Sage Grouse Update, Forest Service Small Tracts
Date: Sun, 27 Sep 2015 21:06:50 +0000

To: Public Lands Steering Committee and Western
Interstate Region Board of Directors Members From: Chris
Marklund, Associate Legislative Director Date: June 22,
2015 Re: CR Contains PILT Technical Fix, [ACTION
ITEMS] Write Congress on PILT and Forestry Reform, Sage Grouse Update, Forest Service Small Tracts

Good afternoon Public Lands Steering Committee and Western Interstate Region Board of Directors Members: As Congress continues its discussion on a path forward for funding the government into Fiscal Year 2016, which begins on October 1, 2015, I wanted to take the opportunity to update you on a few issues of interest to PLSC and WIR.

Included in this memo, please find:

- * Continuing Resolution includes PILT Technical Fix
- * [ACTION ITEM] Write Congress and Urge Full Funding of PILT
- * [ACTION ITEM] Write your Senator and Urge Quick Action on Forestry Reform and Wildfire Suppression Funding Reform
- * Endangered Species Act Protection Not Extended to Sage Grouse
- * Information regarding H.R. 1214, the National Forest Small Tracts Act Amendments Act of 2015

As always, should you have any questions, please don't hesitate to contact me at cmarklund@gmail.com<<mailto:cmarklund@gmail.com>>.

Best regards,

Chris

Continuing Resolution includes PILT Technical Fix

On September 24, 2015 Senate Majority Leader Mitch McConnell (Ky.) introduced a "clean" continuing resolution (CR) to fund the federal government for the beginning of Fiscal Year 2016 (FY16) and avert a government shutdown. The CR would provide funding at Fiscal Year 2015 levels for the first 10 weeks of FY16, through December 11, 2015. The "clean" CR does not include controversial provisions related to Planned Parenthood that were a part of a previous CR, which failed a procedural vote in the Senate earlier this week.

The "clean" CR includes a provision (Sec. 138), sought by NACo, which will ensure the Department of the Interior will be able to distribute as soon as possible the final \$37 million in PILT funds authorized in last year's National Defense Authorization Act (NDAA). Full text of the "clean"

CR is available here<<http://www.gpo.gov/fdsys/pkg/CREC-2015-09-24/pdf/CREC-2015-09-24-pt1-PgS6942-3.pdf#page=6>>.

The legislation also includes an additional \$700 million to support wildland fire suppression costs and back fill federal accounts that had been diverted to cover suppression costs - a practice commonly referred to as "fire borrowing".

Although the "clean" CR is more likely than previous versions to garner bipartisan support because it does not include the controversial Planned Parenthood provisions, the bill will still have to pass both the House and Senate and be signed into law by the President before October 1, 2015 in order to avoid a government shutdown.

[ACTION ITEM] Write Congress and Urge Full Funding of PILT

As the beginning of Fiscal Year 2016 approaches, Congress has yet to enact legislation that provides full funding of the Payments in Lieu of Taxes program for FY16. The Department of the Interior estimates that \$452 million will be necessary to fully fund PILT in FY16.

NACo continues to urge county officials to contact their Senators and members of Congress and urge them to fully fund PILT in FY16. A sample letter to Congress in support of PILT that can be customized for your county is available here<<http://www.naco.org/sites/default/files/PILT-Letter-to-Congress.docx>>.

Additionally, to assist county officials in their advocacy efforts in support of PILT, NACo has prepared an advocacy toolkit that includes sample letter to the editor, Op-Ed and sample tweets. The toolkit is available here<<http://www.naco.org/resources/2015-pilt-toolkit>>.

[ACTION ITEM] Write your Senator and Urge Quick Action on Forestry Reform and Wildfire Suppression Funding Reform

NACo continues to urge Congress to act to improve the health of our federal forests through forest management reform and to address the wildland fire funding crisis. NACo supports H.R. 2647, the Resilient Federal Forests Act of 2015, which promotes collaboration and streamlining regulation of forest health projects, protects communities through wildfire risk reduction and provides equitable sharing of stewardship contracting revenues with counties and flexibility within Title III of Secure Rural Schools. H.R. 2647 passed the House on July 9, 2015 and was referred to the Senate Agriculture Committee for further consideration.

On September 18, 2015 NACo sent a letter to the Senate Ag Committee urging quick action on forest management reform and wildland fire funding. The text of that letter is available here<<http://www.naco.org/resources/naco-letter-senate-ag-committee-supporting-forest-management-reform>>.

NACo urges county officials to contact their senators and urge quick action on forest management reform and wildland fire suppression funding. A sample letter to assist you in contacting your senator is available here<<http://www.naco.org/resources/write-your-senator-sample-letter-support-forest-management-reform>>.

Endangered Species Act Protection Not Extended to Sage Grouse

On September 22, 2015 U.S. Department of Interior (DOI) Secretary Sally Jewell released a statement announcing that the greater sage grouse will not be extended Endangered Species Act (ESA) protections, due to successful landscape-scale conservation efforts across the United States. The potential listing of the sage grouse, a ground-dwelling bird whose habitat spans 11 western states, has sparked major controversy over the years because a listing would result in restricted land-use and energy development in the bird's habitat.

Earlier this year, DOI released its ten-state conservation plan that was designed to protect sage grouse habitat and economic development across the western United States. The plan was implemented to conserve critical habitat by limiting energy development in core habitat areas, and by working with the U.S. Bureau of Land Management (BLM) and the energy industry on mitigation efforts to improve existing habitat and reduce the risk of wildfire. The conservation plan received criticism from some lawmakers and stakeholders who believed that the plan would unnecessarily restrict land use and place an undue burden on western energy development. Western officials criticized DOI for not adhering closely enough to state conservation plans and argued that existing state plans have proven to be successful without further federal intervention.

In a September 22 announcement, DOI Secretary Jewell stated that due to the collaborative efforts by the BLM and U.S. Forest Service, state agencies, private landowners and other partners, the threats to the greater sage-grouse have been significantly reduced across 90 percent of the species'

breeding habitat, thus leading the U.S. Fish and Wildlife Service (FWS) to conclude that the sage grouse no longer calls for protection under the ESA.

FWS reached the decision that the greater sage grouse no longer warrants protection under the ESA after evaluating the bird's population status, along with an analysis of current scientific information and ongoing efforts by federal and state conservation plans, projected benefits.

While the sage grouse decision represents a positive outcome for conservation efforts on both federal and state levels, DOI has received criticism for failing to collaborate with and recognize individual state needs concerning protection of sage grouse populations and habitat. In reacting to Secretary Jewell's statement, Sens. Risch and Crapo (R-Idaho) criticized DOI for its lack of attention to local recommendations, stating "the two main threats to the greater sage grouse in Idaho are fire and invasive species.

The Secretary adopts a plan that relies heavily on regulation of the mining, oil, and gas industries when it should focus more heavily on fire control."

NACo has consistently opposed the listing of the greater sage grouse under the ESA and supports the decision that the greater sage grouse does not warrant Endangered Species Act protections. NACo believes that federal agencies should give great deference to state and local sage grouse management plans when adopting any federal land use plan amendments.

Information regarding National Forest Small Tracts Act Amendments Act of 2015

On September 16, 2015, the House of Representatives passed H.R. 1214 the National Forest Small Tracts Act Amendments Act of 2015, by a vote of 403 to 0. H.R. 1214, introduced by Rep. Mark Amodei (R-Nev.), would amend the Small Tracts Act (P.L. 97-465) to allow for the sale of small isolated parcels of federal land as well as parcels encumbered with certain special uses, such as cemeteries. Proceeds from the sale of National Forest System lands would be deposited into a Sisk Act account and may be used for acquisition of lands for administrative sites or recreation, to address deferred maintenance for Forest Service administrative sites or recreational access or to reimburse the agency for administrative costs for preparing the sales.

According to the bill's sponsors, the proposed authority would allow the Forest Service to resolve land ownership challenges by: selling parcels under 40 acres that are isolated, inaccessible, and are difficult to administer, conveying small parcels currently authorized under long-term special use permits like cemeteries, landfills, and sewage treatment facilities, reducing the need for individual legislative proposals needed to address similar land management challenges and resolving encroachments of permanent, habitable structures which cannot readily be resolved under existing authorities.

The Forest Service would also be able to retain sale proceeds for such uses as acquiring lands for recreational access or administrative sites, application to deferred maintenance for recreation and administrative sites, reimbursement to the agency for administrative costs of preparing competitive sales.

The bill's sponsors also note that counties could benefit as new taxable land is created through the sales of Forest Service tracts to private owners.

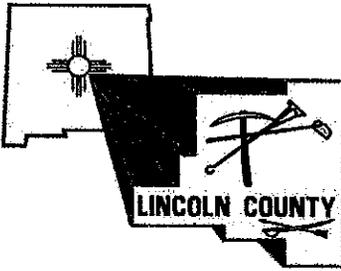
More information on the legislation can be found here<<http://naturalresources.house.gov/calendar/eventsingle>.

aspx?EventID=398439>. A statement by Rep. Amodei on the bill's passage is available here<<https://amodei.house.gov/news-releases/amodeis-forest-service-small-tracts-bill-passes-house-403-0/>>.

--
Chris Marklund
NACo Associate Legislative Director
Public Lands and Western Interstate Region cmarklund@naco.org<<mailto:cmarklund@naco.org>>
202.942.4207

Susan Flores, CCC, CPO
Vice Chair, Otero County Board of Commissioners Chair, NMAC Commissioners Affiliate Member, NACo Public Lands Steering Committee Member, NACo Western Interstate Lands Board

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www.lincolncountynm.gov

County of Lincoln

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

AENDA ITEM NO. 22

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: County Participation in the Village of Ruidoso's Multi-Jurisdictional Hazard Mitigation Plan

Discussion: As discussed in the July Commission meeting, the County has been in discussions with the Village of Ruidoso's efforts to develop a Multi-Jurisdictional Hazard Mitigation Plan. Also included is the City of Ruidoso Downs, the Town of Carrizozo, the Village of Corona and the Village of Capitan. The total cost of preparing the Hazard Mitigation Plan is \$82,948, with all participants sharing in the cash or in-kind match. The County's in-kind match is \$6,803.

See **Enclosure 1** for the revised proposal that includes all local entities.

Recommendation: Approve County participation in the development of the Multi-Jurisdictional Hazard Mitigation Plan, with the County's obligation of \$6,803 in-kind match.



Village of Ruidoso

October 1, 2015

Wendy Blackwell, CFM
State Hazard Mitigation Officer
NMDHSEM, Preparedness Bureau
P.O. Box 27111
Santa Fe, NM 87502

RE: Extension Modification Letter for the All-Hazard Mitigation Grant

Dear Ms. Blackwell:

This letter is to serve as the Request and Concurrence Letter of "Extension Modification Letter" for the Unified Hazard Mitigation Assistance Program. The Village of Ruidoso Multi-Jurisdictional Hazard Mitigation Plan has added the County of Lincoln, New Mexico to this grant extension for the Unified Hazard Mitigation Plan. This revision proposal now includes the County of Lincoln and the current jurisdictions of Village of Ruidoso, City of Ruidoso Downs, Town of Carrizozo, Village of Corona, and the Village of Capitan.

The Village of Ruidoso agrees to the portion of the 25% match of \$6,803.00 to be in the form of in-kind services (personnel, cash, media, advertisement, and printing). Each of the other jurisdictions, as previously agreed upon, will bring \$2,000.00, including the County of Lincoln, which totals the 25% match of \$6,803.00 in the form of in-kind services. The total project cost is \$82,948.00.

Harlan Vincent, Village of Ruidoso Emergency Manager will be the primary contact for the Village of Ruidoso in preparing the Hazard Mitigation Plan. He can be reached by phone at 575-257-3473 or email HarlanVincent@ruidoso-nm.gov.

Sincerely,

Debi Lee
Village Manager



STATE OF NEW MEXICO
Department of Homeland Security and Emergency Management

REQUEST FOR BUDGET/PROJECT REVISION

The information provided will be used by the grantor agency to monitor grantee performance and project implementation to ensure proper use of Federal funds. No further monies or other benefits may be paid out under this program unless this report is completed and filed on time as required. The Narrative Progress Report must support the expenditures in the Financial Progress Report.

1. GRANTEE NAME AND ADDRESS Village of Ruidoso, 313 Cree Meadows, Ruidoso NM 88345		2. STATE GRANT NUMBER FEMA-4047-DR-NM-VOR	3. REQUEST NUMBER 54454
4. SHORT TITLE OF PROJECT: Use one form per program. Check appropriate box above. Village of Ruidoso Mitigation Sub-grant agreement		5. FULL AWARD/SUB-GRANT AMOUNT \$82,948.00	
6. NAME AND TITLE OF PROJECT MANAGER Joe S. Mendez/Emergency Management Coordinator		7. SIGNATURE OF PROJECT MANAGER	

8. EXTENSION JUSTIFICATION HERE

1. Explain in detail the jurisdiction's need with regard to the requested revision:

Now that we are several months into the project that is being supported by the above referenced Mitigation Sub-grant, it is becoming apparent that the project as approved by the NMDHSEM needs some slight adjustments in order to meet some of the emerging modifications in our work. Enclosed is the formal request for the extension letter, budget revisions, and to increase the budget as it explains our rationale for requesting the adjustments.

As the proposal stated, it has been necessary to engage the services of a "Contractor" to produce some of the plan development assistance for this project. However, we have now found that our work to develop the proposed contract with a contractor/vendor that was originally envisioned, showed several unforeseen time constraints that have emerged and were not anticipated when the grant application proposal; was submitted. First was the delay to meet the time frame to complete the contract as approved by the State; therefore, the time internal Village contract will not make it possible to complete the project in less than the 300 days remaining in the sub-grant agreement closure.

As you will see from our formal extension request, we are asking that an increase in the grant budget for \$82,948.00 for the project total of which \$61,340.75 Federal share and \$21,607.59 total for a local share that includes the original local partners, City of Ruidoso Downs, Town of Carrizozo, Village of Corona, Village of Capitan and the County of Lincoln.

All of these adjustments are listed on the enclosed request for budget revision.

2. Explain the category that the requested budget would apply toward. Breakdown the anticipated cost per project:

Task 1: Coordinate and facilitate an open public involvement process to include (3) public meetings. In order to foster a more comprehensive approach to lessening the effects of hazards, the public involvement process shall include: (throughout the planning process):

Sub grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	120	Hour	-	\$3,000.

Task 2: Provide an update draft of the Types of All-Hazards that can affect each participating jurisdiction.

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	160	Hour		\$4,000.00
Contractor	\$50.00	400	Hour	\$20,000.00	

Task 3: Public Involvement (throughout the planning process)

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	100	Hour	-	\$2,500.00
Contractor	\$50.00	100	Hour	\$5,000.00	

Task 4: Provide an All Hazard Mitigation Strategy that specifies each jurisdictions blueprint for reducing the potential losses identified in the risk assessment based on existing authority's policies, programs, and resources to include: 1) Hazard Identification, 2) Risk Assessment, 3) Vulnerability Assessment, 4) Capability Assessment, and 5) Mitigation Actions. All to be incorporate within the Lincoln County Mitigation Plan and include a Plan Maintenance process.

Task 3: Provide an All Hazard Mitigation Strategy that specifies each jurisdictions blueprint for reducing the potential losses identified in the risk assessment based on existing authority's policies, programs, and resources to include: 1) Hazard Identification, 2) Risk Assessment, 3) Vulnerability Assessment, 4) Capability Assessment, and 5) Mitigation Actions. All to be incorporate within the Lincoln County Mitigation Plan and include a Plan Maintenance process.

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	200	Hour	-	\$5,000.00
Contractor	\$50.00	400	Hour	\$20,000.00	

Task 5: Plan Revision and Final Adoption of the All-Hazard Mitigation Plan Addendum ready for submission to the NMDHSEM (State) for review and approval that fulfills the requirement for local hazard mitigation plans as required by FEMA's Local Mitigation Plan Review Guide (October 2011).

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	80	Hour	-	\$2,000.00
Contractor	\$50.00	400	Hour	\$10,000.00	

Task 6: Project Oversight: Coordination with all-planning team member's committee/contractor, facilitation of the planning team meetings management of the contract etc...

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Personnel	\$25.00	40	Hour	-	\$1,000.00

Travel Cost (per trip, \$294.04 = contractor mileage 95.72 x 55, hotel \$80, meals \$40)

Sub-grant Budget Class	Unit Cost	Unit Quarterly	Unit Measure	Federal	Local
Contractor	\$294.00	5	Ea. Trip	\$1,470.20	-

Direct Expenses

Printing, Questionnaire, Advertisement, Supplies	Federal	Local
	-	\$4,107.25

Gross Receipts Tax on Services (8.625%)	\$4,870.55	-
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Total Share:	\$61,340.75	\$21,607.25
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Project Total	\$82,948.34	
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3. Explain in detail how the jurisdiction will ensure that the project is completed within the time frame allowed for project completion:

Plan for Completion: Our current Hazard Mitigation sub grant award ends on January 9, 2016. We would like to request a 12 month extension so that we will have ample time to complete the mitigation plan objectives. The plan calls for the following revisions:

- Add the County of Lincoln to the grant revisions.
- Modify the Contractor RFP and revision purchasing contract for review and approval from NMDHSEM and Village council.

Project Completion Date: Completion dates for the project is January 9, 2017.

- Commence work Plan development by January 9, 2016

Change to the scope of Work:

- Adding the County of Lincoln to the current list of participant communities.
- Submitting a Letter of Committeeman by the Lincoln County local government.

Approved/Denied

Grant Unit Manager Signature:

Title:

Date:

Approved/Denied

Local Program Coordinator:

Title:

Date:

Non-Federal Funds

*Source Agency	*Name of Fund	*Funding Type (In-kind, cash, etc.)	*Amount (\$)
Village of Ruidoso	General Fund	In-Kind and/or cash	\$ 6,803.00
County of Lincoln		In-Kind and/or cash	\$6,803.00
City of Ruidoso Downs		In-Kind and/or cash	\$2,000.00
Town of Carrizozo	General Fund	In-Kind and/or cash	\$2,000.00
Village of Corona		In-Kind and/or cash	\$2,000.00
Village of Capitán	General Fund	In-Kind and/or cash	\$2,000.00
	Grand Total		\$21,607.00

Each jurisdiction is bringing a portion of the 25% match to the table. The total match is \$14,500.00.

**APPLICATION FOR
FEDERAL ASSISTANCE**

1. TYPE OF SUBMISSION <i>Application</i> <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		<i>Pre-application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED 7/7/2015	Applicant Identifier
			3. DATE RECEIVED BY STATE	State Application Identifier
			4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION				
Legal Name: Village of Ruidoso		Organizational Unit: Department: Ruidoso Fire Department		
Organizational DUNS: 014122873		Division: Office of Emergency Management		
Address: Street: 313 Cree Meadows Drive		Name and telephone number of the person to be contacted on matters involving this application (give area code): Prefix: First Name: Harlan		
City: Ruidoso		Middle Name:		
County: Lincoln		Last Name: Vincent		
State: New Mexico		Suffix:		
Country: USA		Email: HarlanVincent@ruidoso-nm.gov		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 8 5 - 6 0 0 0 6 5 0		Phone Number (give area code): 575-257-3473		Fax Number (give area code): 575-257-4550
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See instructions for description of letters.) <input type="checkbox"/> <input type="checkbox"/> Other (specify)		7. TYPE OF APPLICANT: (See instructions for Application Types) C Other (specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 9 7 • 0 3 9 TITLE (Name of Program): Hazard Mitigation Grant Program		9. NAME OF FEDERAL AGENCY: FEMA/DHS		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, State, etc.): Village of Ruidoso, City of Ruidoso Downs, Village of Corona, Village of Capitan, Town of Carrizozo and County of Lincoln		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Multi-jurisdictional sub-grant an All Hazard Mitigation Plan.		
13. PROPOSED PROJECT Start Date: Ending Date:		14. CONGRESSIONAL DISTRICTS OF: a. Applicant NM-2 b. Project NM-2		
15. ESTIMATED FUNDING: a. Federal \$61,340.76 b. Applicant \$21,607.25 c. State d. Local e. Other f. Program Income g. TOTAL \$82,948.01		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input type="checkbox"/> THIS PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes", attach an explanation. <input checked="" type="checkbox"/> No		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE GOVERNING BODY OF THE APPLICANT HAS DULY AUTHORIZED THE DOCUMENT, AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.				
a. Authorized Representative				
Prefix: First Name: Debi		Middle Name:		
Last Name: Lee		Suffix:		
b. Title: Village Manager		c. Telephone Number (give area code): 575-258-4343		
d. Signature of Authorized Representative		e. Date Signed:		

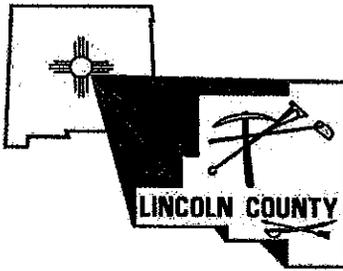
INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:																																				
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.																																				
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).																																				
3.	State use only (if applicable)	13.	Enter the proposed start date and end date of the project.																																				
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project.																																				
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.																																				
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.																																				
7.	Select the appropriate letter in the space provided. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;">I.</td> <td style="width: 25%;">State Controlled Institution of Higher Learning</td> </tr> <tr> <td>A.</td> <td>State</td> <td>J.</td> <td>Private Industry</td> </tr> <tr> <td>B.</td> <td>County</td> <td>K.</td> <td>Indian Tribe</td> </tr> <tr> <td>C.</td> <td>Municipal</td> <td>L.</td> <td>Individual</td> </tr> <tr> <td>D.</td> <td>Township</td> <td>M.</td> <td>Profit Organization</td> </tr> <tr> <td>E.</td> <td>Interstate</td> <td>N.</td> <td>Other (Specify)</td> </tr> <tr> <td>F.</td> <td>Intermunicipal</td> <td>O.</td> <td>Not for Profit Organization</td> </tr> <tr> <td>G.</td> <td>Special District</td> <td></td> <td></td> </tr> <tr> <td>H.</td> <td>Independent School District</td> <td></td> <td></td> </tr> </table>			I.	State Controlled Institution of Higher Learning	A.	State	J.	Private Industry	B.	County	K.	Indian Tribe	C.	Municipal	L.	Individual	D.	Township	M.	Profit Organization	E.	Interstate	N.	Other (Specify)	F.	Intermunicipal	O.	Not for Profit Organization	G.	Special District			H.	Independent School District			17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans, and taxes
		I.	State Controlled Institution of Higher Learning																																				
A.	State	J.	Private Industry																																				
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G.	Special District																																						
H.	Independent School District																																						
8.	Select the type from the following list: "New" means a new assistance award. "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">A.</td> <td style="width: 25%;">Increase Award</td> <td style="width: 25%;">B.</td> <td style="width: 25%;">Decrease Award</td> </tr> <tr> <td>C.</td> <td>Increase Duration</td> <td>D.</td> <td>Decrease Duration</td> </tr> </table>	A.	Increase Award	B.	Decrease Award	C.	Increase Duration	D.	Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)																												
A.	Increase Award	B.	Decrease Award																																				
C.	Increase Duration	D.	Decrease Duration																																				
9.	Name of Federal agency from which assistance is being requested with this application.																																						
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.																																						



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County of Lincoln

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

AENDA ITEM NO. 23

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Resolution 2015-14 Authorizing Submission of the Four-Year Plan for Services Provided to Senior Citizens.

Purpose: To adopt Resolution 2015-14 Authorizing Submission of the Four-Year Area Plan for Services Provided to Senior Citizens, including the submission of response to Non-Metro Area Agency on Aging RFP for Services to Senior Citizens

Discussion: Every four years, the Non-Metro Area Agency on Aging issues its Request for Proposal and Four-year Area Plan. See **Enclosure 1**. This RFP would apply to services provided in Fiscal Year 16-17. This RFP covers the provisioning of services to the elderly, to include, but not limited to:

1. Congregate meals (meals served in the Senior Centers);
2. Home delivered meals;
3. Transportation;
4. Adult day care;
5. Respite care;
6. Homemaker services

Lincoln County senior centers have historically provided only items 1 through 3 above. Traditionally, the position of the Zia Center Senior Centers Director, currently Renee Montes, develops the response to the RFP on behalf of the County. Using information from Section E of the RFP, Payment Provision, Ms. Montes can assess the levels of funding anticipated from State and Federal Grants, and, after reviewing the levels of activities, participation and needs of each of the five Senior Centers in the County, will evaluate the resulting impact on the required County contribution toward the total costs. Should the impact to the County be higher than current trends, Ms. Montes will identify cost-cutting measures, which will be directed at maintaining current levels of services. I

Recommendation: Grant Sr. Center Director and County Manager authority to submit Lincoln County's response to Non-Metro Area Agency on Aging Request for Proposal.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

RESOLUTION NUMBER 2015-14

WHEREAS, the County of Lincoln Board of Commissioners has determined that there is a need to provide services for senior citizens; and

WHEREAS, Lincoln County senior citizens were afforded an opportunity to submit suggestions and recommendations at advertised public hearings; and

NOW THEREFORE, BE IT RESOLVED by the County of Lincoln Board of Commissioners that Renee Montes, Zia Senior Centers Program Director and Nita Taylor, Lincoln County Manager are authorized to sign and enter a contract for the approval Four-Year Plan, 2017-2021.

PASSED, APPROVED AND ADOPTED this 20th day of October 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

REQUEST FOR PROPOSAL (RFP)

NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON – METRO AREA AGENCY ON AGING

July 1, 2016 thru June 30, 2020
RFP #2016-001

I. INTRODUCTION

A. PURPOSE

The North Central New Mexico Economic Development District (NCNMEDD), Non – Metro Area Agency on Aging (Non –Metro AAA) is accepting proposals for the provision of services to the elderly, to include, but not limited to, congregate meals, home delivered meals, transportation, adult day care, respite care, homemaker services, etc. NCNMEDD Non - Metro AAA will make funding available from the Older Americans Act (OAA) of 1965 and State Appropriations through annual contract agreements. Special emphasis placed on older individuals who have the greatest economic or social need, particularly older individuals with low incomes, including minority older individuals with low incomes, older individuals with limited English proficiency, and older individuals residing in rural areas, and to inform these elders of the availability of supportive and nutrition services. Specifically provide information regarding the number of American Indian elders within the proposed service area and how the applicant will work to increase access of services to these individuals.

B. SCOPE OF WORK

A complete list of service definitions and unit measurements are attached. See service definition and unit measurement. (**Attachment A**)

The Non – Metro AAA policies are available at www.ncnmedd.com.

C. ELIGIBLE ENTITIES

Applicants may be private/public nonprofit corporation 501(c)(3); a government agency including public schools, tribal units and institutions of higher education; non-for-profit community-based organizations, or a for-profit-corporation. Collaborative entities and coalitions may also be considered for funding and are encouraged. Proposals will be accepted from current providers/vendors and new applicants doing business in the service counties or areas specified. A letter of intent will be requested using the template at www.ncnmedd.com prior to the pre-applicants conference.

D. FUNDING AVAILABILITY

NCNMEDD Non – Metro AAA reserves the right to alter any proposed allocation by program area based on review of all the competitive proposal applications and any legislative mandates included in the appropriations. **Population Distribution Download** lists the target population by county.

E. PAYMENT PROVISION

Payment will be provided through a maximum/capped unit rate contract in accordance with the approved service. Final contract rate will be based on final negotiations with the Non-Metro AAA based on historical data, funding availability and other reasonable factors.

- Congregate Meal Service - \$4 per meal
- Home Delivered Meal Service - \$6 per meal
- Transportation Service - \$10 per one-way-trip
- Assisted Transportation Service - \$15 per one-way-trip
- Case Management Service - \$16 per hour
- Homemaker Service - \$15 per hour
- Chore Service – Seasonal \$16 per hour Year Round - \$15 per hour
- Adult Day Care Service - \$12 per hour
- Caregiver Respite Care Service - \$15 per hour
- Grandparent Raising Grandchildren Respite Care Service - \$15 per hour
- Caregiver Access Assistance - \$ per contact (negotiable)
- Caregiver Counseling Service - \$ per session (negotiable)
- Caregiver Information Service - \$ per activity (negotiable)
- Caregiver Supplemental Service - \$ per distribution event (negotiable)
- Evidence Based MyCD Service - \$4 participant hour
- Evidence Based EnhanceFitness Service - \$6 participant hour

Maximum/capped unit rate: An agreement under which a specific, set rate is paid for a specific unit of service. The rate is fixed for the term of the contract, regardless of the applicant's cost unless otherwise specified in the terms of the agreement with Non – Metro AAA. When a rate is negotiated and agreed upon, the payment of funds each month is dependent on the number of units provided by the applicant up to the amount awarded.

F. PROCUREMENT MANAGER

The Non-Metro AAA has designated a Procurement Manager who is responsible for the conduct of this procurement whose name and e-mail is listed below. It is the intent of Non – Metro AAA that the RFP response process is open and fair and that the funds are allocated in a manner that provides the greatest possible benefit to New Mexico residents. The name, address, and telephone number of the individual responsible for the conduct of this procurement is:

Name: Matthew P. Lopez
E-mail: rfp@ncnmedd.com

Applicants may contact **ONLY** the Procurement Manager regarding the procurement. Other NCNMEDD Non – Metro AAA employees do not have authority to respond on behalf of Non – Metro AAA.

II. CONDITIONS GOVERNING THE PROCUREMENT

A. PRE-APPLICANTS CONFERENCE

The Pre-Applicants conference will be held:

Location: Courtyard Santa Fe- Marriott
3347 Cerrillos Rd
Santa Fe, NM 87507

Date: Thursday, October 15, 2015

Time: 8:30 AM MST

B. SEQUENCE OF EVENTS

The following schedule lists the major procurement activities and the NCNMEDD Non – Metro AAA will make every effort to adhere to the schedule.

Action	Responsibility	Date
Issuance of RFP	Non-Metro AAA Staff	September 18, 2015
Letter of Intent	Applicants	September 30, 2015
Pre-Applicants Conference In Ruidoso	Non-Metro AAA Staff	September 28, 2015
Pre-Applicants Conference In Santa Fe	Non-Metro AAA Staff	October 15, 2015
Questions Accepted Through Answers Posted on Website	Applicant Non-Metro AAA Staff	October 20, 2015 September 17, 2015 – October 30, 2015
Proposal Due Date	Applicants	October 30, 2015 @ 4:00 PM MST
Proposal Evaluation	Non-Metro AAA Staff/TBD	Beginning November 2, 2015
Funding Recommendations and Notification to Applicants	Non-Metro AAA Staff/NCNMEDD Executive Director	January 4, 2016
Appeal Process	Applicants	15 Days After Notification by Non – Metro AAA
Contracts Issued	Non-Metro AAA Staff	May 2016

ASSURANCES

Listing of Service Plan Assurances and Required Activities Older Americans Act, As Amended in 2006

GENERAL ASSURANCES

The contractor will comply with the Older Americans Act of 1965, as amended, and its implementing regulations. The contractor, and its contractors, will comply with the US Department of Health and Human Services Grants Administration Regulations.

The contractor in accordance with Title VI of the Civil Rights Act of 1965, will not discriminate against individuals because of age, race, color, creed, ethnic origin, gender or sexual preference in administering programs or providing services.

The contractor will in compliance with Section 504 of the rehabilitation Act of 1973, as amended, ensure that facilities and services are made accessible to individuals with disabilities.

The contractor will comply with all applicable state and local laws, rules and regulations. The contractor will comply with the State Policy Manual and all policy issuances by the NM Aging & Long-Term Services Department and the Governor of New Mexico.

The contractor will assure that the personal information of individuals served will be maintained in a confidential manner, its access restricted to authorized individuals only. The contractor may not require any provider of legal assistance to reveal information that is protected by attorney-client privilege. The contractor will maintain current affirmative action plans. In implementing personnel hiring procedures, older individuals will be given preference and elders will be actively recruited for all available positions.

The contractor will assure that voluntary contributions from individuals served will be accepted and that procedures for documenting and safeguarding the collection and handling of such contributions have been established and are maintained. Contributions are not a requirement for participation in programs or receipt of services.

The contractor will assure that amounts received under each part of the Older Americans Act will be expended in accordance with such part. The contractor will assure that funds received under Title-III will be used only to pay costs incurred by the contractor to implement Title-III.

The contractor will assure that it will list its telephone number in each telephone directory that is published locally for residents in any geographic area where services will be provided.

The contractor providing nutrition services will offer meals, on the same basis as meals provided to elders, to individuals providing volunteer services during meal hours and to individuals with disabilities who reside with and accompany older individuals who are eligible for meals.

The contractor providing nutrition services, will reasonably accommodate special dietary needs, where feasible and appropriate, including those arising from health requirements, religious requirements, or ethnic backgrounds of eligible individuals.

The contractor will promote the following rights of each older individual who receives such services:

- the right to be fully informed about each service provided and about any change in service that may affect his/her well-being;
- the right to participate in planning or providing input regarding services provided;
- the right to voice a grievance with respect to any service that is, or fails to be, provided,

- without discrimination or reprisal as a result of voicing such grievance;
- the right to confidentiality of records relating to services provided.

ORGANIZATION

The contractor will, through a comprehensive and coordinated system, provide for supportive services, nutrition services and the establishment, construction and maintenance of senior centers.

The contractor will assure that planning efforts and service delivery will address the needs of older individuals with greatest economic need and with greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, older individuals residing in rural areas, Native American Indian elders and individuals at risk of institutional placement.

The contractor will serve as an advocate and focal point for older individuals within their communities, in cooperation with other agencies, organizations and individuals, by monitoring, evaluating and commenting upon policies, programs and actions which affect older individuals.

The contractor will facilitate area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, consistent with self-directed care, by:

- Collaborating, coordinating and consulting with local public and private agencies and organizations responsible for administering programs, benefits and services related to providing long-term care.
- Conducting analyses and making recommendations regarding strategies for modifying the local system(s) of care to be responsive to local needs and preferences, facilitating service provision and targeting services to older individuals at risk of institutional placement to enable them to remain in their own homes and communities.
- Implementing evidence-based programs to assist older individuals and family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease and/or disability.
- Providing for the availability and distribution of information about the need to plan for long-term care, resources available (both public and private), and options for long-term care.

The contractor will make use of trained volunteers in providing direct services to older individuals and individuals with disabilities and will work in coordination with organizations that have experience in providing training, placement and stipends for volunteers/participants (such as organizations sanctioned by the Corporation for National and Community Service).

The contractor will establish effective and efficient procedures for coordination with other Older Americans Act-funded entities conducting programs within the service area(s), with entities conducting other federal programs for older individuals and with the state-designated mental health authority.

The contractor will work in coordination with the NM Behavioral Health Collaborative to increase awareness of mental health disorders, remove barriers to mental health diagnosis and treatment and coordinate mental health services provided in the community.

The contractor will coordinate activities and develop long-range emergency preparedness plans in collaboration with local and state governments and other entities that have responsibility for disaster relief service delivery.

The contractor will establish an advisory body consisting of older individuals (including minority individuals and individuals residing in rural areas) who are participants, or eligible to participate in, contractor programs; family caregivers of such individuals; other service providers; members of the business community; local elected officials; providers of veterans' health care (if applicable); and the general public. The advisory body will provide advice to the contractor on all matters related to the development of the service plan, administration of the plan and programs and operations conducted.

The contractor will make recommendations to government officials in the planning and service area(s) administered, and collaborate with such officials to build capacity in order to meet the following needs of older individuals, including, but not limited to:

- health & human services;
- transportation;
- housing;
- land use;
- workforce & economic development;
- civic engagement;
- education;
- recreation;
- public safety;
- emergency preparedness.

The contractor will demonstrate the ability to develop a service plan and to administer programs and services within the plan.

The contractor will assure that no officer, employee, or other representative of the contractor is subject to a conflict of interest prohibited under the Older Americans Act; and that mechanisms are in place to identify and remove conflicts of interest should they so occur.

SERVICE PLANS

The contractor will assure that it will develop and submit to the Non-Metro Area Agency on Aging for approval, in accordance with a uniform format developed by the Non-Metro Area Agency on Aging, a service plan meeting the requirements of the Older Americans Act.

The contractor agency will assure that it will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, including specific objectives for providing services to low-income minority individuals, individuals with limited English proficiency, older individuals residing in rural areas, and individuals at risk of institutional placement; and will include proposed methods of achieving these objectives in the service plan.

The contractor agency will assure that it will coordinate planning, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities and individuals at risk of institutional placement, with organizations that develop or provide services for individuals with disabilities.

The contractor agency will assure that it will maintain the integrity and public purpose of services provided in all contractual and commercial relationships.

The contractor agency will:

- specify how it intends to satisfy the service needs of low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas, in the area served by the contractor;
- to the maximum extent feasible, provide services to low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas in accordance with their need for such services; and
- meet specific objectives established by the contractor, for providing services to low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas within the service area(s).

The contractor will:

- identify the number of low-income minority older individuals and older individuals residing in rural areas in the planning and service area(s);
- describe the methods used to satisfy the service needs of such older individuals; and
- provide information on the extent to which the contractor met the objectives it established for providing services to low-income minority individuals and older individuals residing in rural areas within the planning and service area(s).

The contractor agency will assure that it will use outreach efforts to identify individuals eligible for assistance under this Act, with special emphasis on:

- older individuals residing in rural areas;
- older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- older individuals with severe disabilities;
- older individuals with limited English proficiency;
- older individuals with Alzheimer's disease, related disorders, and/or neurological/organic brain dysfunction (and the caregivers of such individuals); and
- older individuals at risk for institutional placement;

and inform the older individuals referred to in the preceding bullets, and the caregivers of such individuals, of the availability of such assistance.

The contractor will assure that it will provide information concerning services to Native American Indian elders, including:

- Where there is a significant population of Native American Indian elders in the service area, assure that the contractor will pursue activities, including outreach, to increase access for those Native American Indian elders to programs and benefits provided under Title-III.
- Assure that the contractor will, to the maximum extent practicable, coordinate the services the agency provides under Title-III with services provided under Title-VI.
- Assure that the contractor will make services available to Native American Indian elders to the same extent as such services are available to other older individuals within the service area(s).

The contractor will assure that it will, at the request of the Non-Metro Area Agency on Aging, for the purpose of monitoring compliance (including conducting an audit), disclose all sources and expenditures of funds the contractor receives or expends to provide service to older individuals.

The contractor will assure that if case management services are offered, the contractor will comply with all requirements specified in the Older Americans Act.

The contractor will assure that, if a substantial number of the older individuals residing in its service area(s) are of limited English proficiency, then the contractor will:

- Utilize in the delivery of outreach services, workers who are fluent in the language(s) spoken by the individuals who are of limited English proficiency.
- Designate an individual employed by the contractor, or available to the contractor, whose responsibilities include:
 - taking such action as may be appropriate to assure that counseling assistance is made available to older individuals with limited English proficiency in order to assist them in participating in programs and receiving assistance; and
 - providing guidance to individuals engaged in the delivery of supportive services to enable such individuals to be aware of and sensitive to linguistic and cultural diversity.

ADDITIONAL REQUIREMENTS

The contractor will assure that it will hold public hearings, and use other means, to obtain the views of service recipients and other older individuals, service providers, caregivers, and other interested persons and entities in regard to policy development and the delivery of services and programs.

The contractor will assure that it will:

- afford an opportunity for a public hearing upon request or in accordance with published procedures;
- establish grievance procedures required by the Older Americans Act for individuals who are dissatisfied with or denied services; and,
- afford an opportunity for a hearing, upon request, by a recipient of services regarding any waiver request or grievance.

The contractor will assure that it will prepare and submit reports, in such form, and containing such information, as the Non-Metro Area Agency on Aging may require, and comply with such requirements as the Non-Metro Area Agency on Aging may impose to insure the correctness of such reports.

Signature and Title of Authorized Official

Date

**Certification Regarding Debarment, Suspension,
and Other Responsibility Matters**

Certification for Contracts, Grants, Loans,
And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Organization State

Authorized Signature Title Date

Printed Name of Authorized Signatory

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that:

- 1) No Federal appropriated funds have been aid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

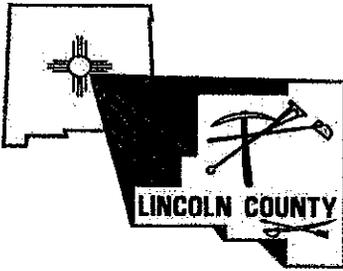
Organization

State

Authorized Signature

Title

Date



www.lincolncountynm.gov

County of Lincoln

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

AENDA ITEM NO. 24

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Reclassification of "Assets and Information Clerk" Position

Purpose: To approve reclassification of "Assets and Information Clerk" Position

Discussion: The "Assets and Information Clerk" position currently holds a Level / Grade of 26. See Job Description at **Enclosure 1**. This position recently vacated when the employee accepted a job in another County. Immediate supervisor, Finance Director Punkin Schlarb analyzed the requirements of the job, compared the level of responsibility with other titles in the County, and determined it holds similar levels of responsibility to the Job Titles of Ordinance Administrator and Solid Waste Billing Clerk. Both jobs hold the Level / Grade of 22. Finance Director Schlarb recommends, and Manager concurs, that the appropriate Level / Grade for "Assets and Information Clerk" is 22.

Per the requirements of the Lincoln County Classification and Compensation Plan, when a change in job classification is recommended, the County Manager shall convene the Compensation Advisory Board, who shall evaluate the request for reclassification. On October 6th, the Compensation Advisory Board considered and approved this request for change in Grade / Level of the "Assets and Information Clerk" to 22.

Recommendation: Approve the Compensation Advisory Board's concurrence that the Grade / Level of the "Assets and Information Clerk" be changed to 22.

**COUNTY OF LINCOLN
Job Description Form**

Division/Department: Manager

Job Title: Assets and Information Clerk

Reports to: Finance Director

Level/Grade: 22

Type of position:

- Full-time
- Part-time
- Temporary/Seasonal
- Emergency Hire

Hour 40/Week

- Classified
- Unclassified

General Description:

Enters and/or electronically scans a bar code system and updates fixed assets including capital, stewardship and critical assets into a data base or spreadsheet record for the purpose of internal and external reporting; conducts the annual physical inventory of County assets; determines the life of equipment for depreciation purposes and prepares the annual depreciation report. Conducts capital asset audits in compliance with state, federal and GASB standards; monitors and assists finance and purchasing staff with internal controls, internal auditing and assures accurate posting of asset date. Initiates and tracks disposal of surplus and obsolete equipment in accordance with state directives. Creates and maintains a Fleet Management Plan to aid the County Manager and Finance Director in budgeting capital outlay expenditures. Coordinate with maintenance staff to maintain the County warehouse in an orderly fashion.

Maintains the county website to ensure accuracy in additions, changes and deletions. . Delivers information to the county and to the public using a variety of communications channels and mediums. In addition, the employee may be assigned by the County Manager any number of special projects including communicating information to the county and to the public, particularly during incidents and events. The employee must interact with public, officials and employees in a pleasant and helpful manner at all times and maintain a good working rapport with all agencies and representatives involved with County government in any way.

Education/Work Experience/Certification/Training Requirements/Abilities/Skills:

- Prior experience in the fields of accounting, bookkeeping, or a related field and may have an Associate's degree in the field of accounting or similar field.
- Proficient communication verbally and in writing; ability to work courteously and pleasantly with the public and co-workers..
- Knowledge of County Government functions and personnel, State Statutes, and County Policies and Procedures.
- Valid New Mexico State Driver's License. Must have a good driving record to be insurable for liability purposes.
- Ability to operate various office machines, and must be proficient in use of computer and understand basic programs.

Work Conditions/Description of Tools, Equipment, Work Aids Used and Materials and/or Products Handled:

- Office environment. Normally works 8-5 Monday-Friday. May be required to attend out of town training and seminars.
- Telephone, calculator, AS/400 and personal computer terminal/keyboard and printer, photocopy machine, telefax machine, typewriter, and other related office machines.

Comments on Physical Requirements:

Maintain physical condition appropriate to the performance of assigned duties and responsibilities which may include the following: sitting and standing for prolonged periods of time; light to moderate lifting (up to 50 pounds); reaching, stooping, crawling, pulling, pushing, and manual dexterity; and operating assigned office equipment.

Approved by: Nita Taylor

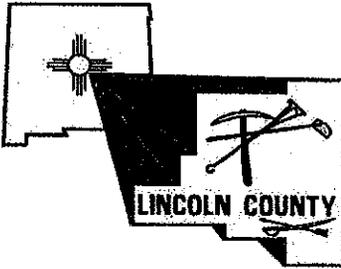
Date Posted: Date Hired: _____

Employee Declaration:

I have read the above job description. I understand the demands and expectations of the position described and to the best of my knowledge, believe I can perform these duties.

Name: _____

Date: _____



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County of Lincoln

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

AENDA ITEM NO. 25

October 15, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Approval of Prior Year 2014 – 15 Invoices

Discussion: The County of Lincoln has received three invoices for prior year, FY14-15, for multiple 30- second radio spots promoting the County's Education and Outreach phase of the FEMA Hazard Mitigation Project. **See Enclosure 1.** These spot radio ads occurred between September, 2014 and April, 2015. The County partnered with various organizations to conduct this education and outreach phase, and did not put the proper processes in place to ensure the invoices were distributed correctly.

Recommendation: As these services were provided during the prior fiscal year, I recommend you authorize payment.



MTD RADIO INC.
1086 MECHEM
RUIDOSO NM 88345
575-258-9922 / FAX 575-258-2363

MTD RADIO Statement of Account

Account ID: 0657
Statement Date: 9/10/2015
Account Rep: Will Rooney

RECEIVED

Please Pay This Amount **\$271.56**

Amount Paid: _____

SEP 14 2015

PURCHASING OFFICE, COUNTY OF LINCOLN
PO BOX 711
CARRIZOZO, NM 88301-0711

ADMINISTRATION
LINCOLN COUNTY NM
KMMW 105.1 W105
KRUI 1490 NEWSTALKTOURISM
KIDX 101.5 THE KID
KNMB 96.7 THE MIX
KTUM 107.1 THE NERVE

Sponsor: Lincoln County NM - Hazard Mitigation Project

Page 1

Reference	Date	Type	Description	Amount	Balance
BalForward	8/10/2014	Bal	Balance Forward as of 8/9/2014	0.00	0.00
14090341	9/30/2014	INV	Invoice: KRUI 0657-001 Hazard Mitigation Project 462-92-2954	0.00	0.00
14090342	9/30/2014	INV	Invoice: KNMB 0657-001 Hazard Mitigation Project 462-92-2954	0.00	0.00
14090343	9/30/2014	INV	Invoice: KIDX 0657-001 Hazard Mitigation Project 462-92-2954	543.13	543.13
14100074	10/15/2014	PMT	Payment Check 0085047 on Inv 14090343 Lincoln County New Me	-543.13	0.00
15010079	1/12/2015	INV	Invoice: KRUI 0657-002 Lincoln County NM - Hazard Mitigation Pro	90.52	90.52
15010080	1/12/2015	INV	Invoice: KNMB 0657-002 Lincoln County NM - Hazard Mitigation Pr	90.52	181.04
15010081	1/12/2015	INV	Invoice: KIDX 0657-002 Lincoln County NM - Hazard Mitigation Pro	90.52	271.56
15020017	2/2/2015	PMT	Payment Check 0086304 on Inv 15010079 Lincoln County NM - Ha	-90.52	181.04
15020017	2/2/2015	PMT	Payment Check 0086304 on Inv 15010080 Lincoln County NM - Ha	-90.52	90.52
15020017	2/2/2015	PMT	Payment Check 0086304 on Inv 15010081 Lincoln County NM - Ha	-90.52	0.00
15020121	2/15/2015	INV	Invoice: KRUI 0657-003 Lincoln County NM - Hazard Mitigation Pro	90.52	90.52
15020122	2/15/2015	INV	Invoice: KNMB 0657-003 Lincoln County NM - Hazard Mitigation Pr	90.52	181.04
15020123	2/15/2015	INV	Invoice: KIDX 0657-003 Lincoln County NM - Hazard Mitigation Pro	90.52	271.56
15020115.0	2/19/2015	PRE	PrePayment: Check 0086481 reserved for Order: 0657-003	-90.52	181.04
15020116.0	2/19/2015	PRE	PrePayment: Check 0086481 reserved for Order: 0657-003	-90.52	90.52
15020117.0	2/19/2015	PRE	PrePayment: Check 0086481 reserved for Order: 0657-003	-90.52	0.00
15030084	3/16/2015	DR	Check was not meant for MTD Radio; inv15020121	90.52	90.52
15030085	3/16/2015	DR	Check was not meant for MTD Radio; inv15020123	90.52	181.04
15030086	3/16/2015	DR	Check was not meant for MTD Radio; inv15020122	90.52	271.56
15030153	3/29/2015	INV	Invoice: KRUI 0657-004 Lincoln County NM - Hazard Mitigation Pro	90.52	362.08
15030154	3/29/2015	INV	Invoice: KNMB 0657-004 Lincoln County NM - Hazard Mitigation Pr	90.52	452.60
15030155	3/29/2015	INV	Invoice: KIDX 0657-004 Lincoln County NM - Hazard Mitigation Pro	90.52	543.12
15040007	4/3/2015	PMT	Payment Check 0087035 on Inv 15020121 Lincoln County NM - Ha	-90.52	452.60

Continued

YOUR ACCOUNT IS PAST DUE! PLEASE CONTACT OUR OFFICE IMMEDIATELY.

Current	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
				271.56	271.56

ENCL 1

MTD RADIO Statement of Account

Account ID: 0657
Statement Date: 9/10/2015

Sponsor: Lincoln County NM - Hazard Mitigation Project

Page 2

Reference	Date	Type	Description	Amount	Balance
15040007	4/3/2015	PMT	Payment Check 0087035 on Inv 15020122 Lincoln County NM - Ha	-90.52	362.08
15040007	4/3/2015	PMT	Payment Check 0087035 on Inv 15020123 Lincoln County NM - Ha	-90.52	271.56
15040085	4/12/2015	INV	Invoice: KRUI 0657-005 Lincoln County NM - Hazard Mitigation Pro	90.52	362.08
15040086	4/12/2015	INV	Invoice: KNMB 0657-005 Lincoln County NM - Hazard Mitigation Pr	90.52	452.60
15040087	4/12/2015	INV	Invoice: KIDX 0657-005 Lincoln County NM - Hazard Mitigation Pro	90.52	543.12
15040052	4/14/2015	PMT	Payment Check 0087180 on Inv 15030153 Lincoln County NM - Ha	-90.52	452.60
15040052	4/14/2015	PMT	Payment Check 0087180 on Inv 15030154 Lincoln County NM - Ha	-90.52	362.08
15040052	4/14/2015	PMT	Payment Check 0087180 on Inv 15030155 Lincoln County NM - Ha	-90.52	271.56

Statement Total: 271.56

86481 2/11/15

Please Pay This Amount 271.56

YOUR ACCOUNT IS PAST DUE! PLEASE CONTACT OUR OFFICE IMMEDIATELY.

Current	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
				271.56	271.56

MTD Radio

Making The Difference



575.258.9922

1086 Mechem Drive Ruidoso, NM 88345

575.258.2363 fax

Greetings,

Please review the enclosed statement which shows an outstanding balance on your account. If you have already sent payment in full, we thank you and ask that you call or email (david@mtdradio.com), or your MTD Sales Rep to inform us. Otherwise, please submit payment or contact us for options on settling your account.

Thank you for your prompt attention in this matter.

Sincerely,

David L. Glass
Radio Traffic Director, MTD Radio
www.mtdradio.com

David@mtdradio.com
575.258.9922 Phone
575-258.2363 Fax





MTD INC - KIDX 105.1 FM
 1086 Mechem Drive
 Ruidoso, 88345
 575-258-9922 /FAX 575-258-2363

KIDX Invoice

Invoice ID: 15040087
 Invoice Date: 4/12/2015
 Account ID: 0657
 Order ID: 0657-005
 Account Rep: Will Rooney

Amount Due: \$90.52

Amount Paid: _____

PURCHASING OFFICE, COUNTY OF LINCOLN
 PO BOX 711
 CARRIZOZO, NM 88301-0711

Sponsor: Lincoln County NM - Hazard Mitigation Project for P.O./Estimate # 900405
 Lincoln County NM - Hazard Mitigation Project

Dates	Qty	Description	Rate	Cost
4/8/2015 - 4/12/2015	24	:30 Spot	[Package]	[Package]
4/12/2015 - 4/12/2015	1	Package	83.33	83.33
24 Total Items			Total Cost:	83.33
			+ 8.625% State Sales Tax:	7.19
			Net Total:	90.52

Amount Due: 90.52



MTD INC - MIX 96.7 FM
1086 Mechem Drive
Ruidoso, 88345
575-258-9922 /FAX 575-258-2363

KNMB Invoice

Invoice ID: 16040086
Invoice Date: 4/12/2015
Account ID: 0657
Order ID: 0657-005
Account Rep: Will Rooney

Amount Due: \$90.52

Amount Paid: _____

PURCHASING OFFICE, COUNTY OF LINCOLN
PO BOX 711
CARRIZOZO, NM 88301-0711

Sponsor: Lincoln County NM - Hazard Mitigation Project for P.O./Estimate # 900405
Lincoln County NM - Hazard Mitigation Project

Page 1

Dates	Qty	Description	Rate	Cost
4/8/2015 - 4/12/2015	24	:30 Spot	[Package]	[Package]
4/12/2015 - 4/12/2015	1	Package	83.33	83.33
24 Total Items			Total Cost:	83.33
			+ 8.625% State Sales Tax:	7.19
			Net Total:	90.52

Amount Due: **90.52**



MTD INC - KRUI AM 1490
 1086 Mechem Drive
 Ruidoso, NM 88345
 575-258-9922 /FAX 575-258-2363

KRUI Invoice

Invoice ID: 15040085
 Invoice Date: 4/12/2015
 Account ID: 0657
 Order ID: 0657-005
 Account Rep: Will Rooney

Amount Due: \$90.52

Amount Paid: _____

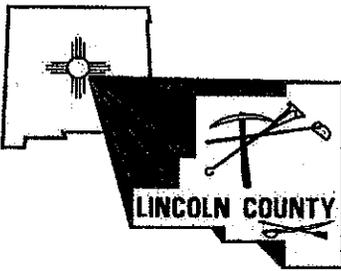
PURCHASING OFFICE, COUNTY OF LINCOLN
 PO BOX 711
 CARRIZOZO, NM 88301-0711

DUE UPON RECEIPT
 PLEASE INCLUDE INVOICE NUMBER AND STATION ON
 PAYMENT
 THANK YOU FOR YOUR BUSINESS!

Sponsor: Lincoln County NM - Hazard Mitigation Project for P.O./Estimate # 900405
 Lincoln County NM - Hazard Mitigation Project

Dates	Qty	Description	Rate	Cost
4/8/2015 - 4/12/2015	24	:30 Spot	[Package]	[Package]
4/12/2015 - 4/12/2015	1	Package	83.33	83.33
		24 Total Items	Total Cost:	83.33
			+ 8.625% State Sales Tax:	7.19
			Net Total:	90.52

Amount Due: **90.52**



County of Lincoln

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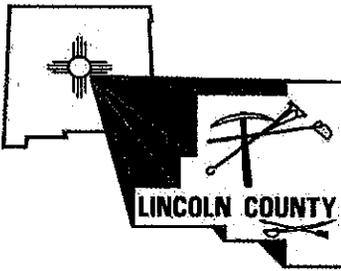
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Agenda Items 26

SUBJECT

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances.

- a. 2014-08 Personnel Policy
- b. 2015-03 Solid Waste Ordinance
- c. 2009-03 Litter Ordinance



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Agenda Item 27

October 14, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Appointments and Removals from Boards/Commissioners Committee

Purpose: To consider appointments to the following committees

Discussion:

Consider and appoint/reappoint the following members to the committees:

- a. Land and Natural Resources Advisory Committee- Douglas Fuqua
- b. Lincoln Historic Preservation Board –Melissa Boute

The Land and Natural Resources Advisory Committee has one vacant position that was tabled. Lincoln Historic Preservation Board has a vacant position. 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 Land and natural Resources Advisory Committee and Lincoln Historic Preservation Board 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 lincnl@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/17/15	02/2017
DIST 2	Mary Ann Siegel-Russ siegrieg1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/12/14	10/2016
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/13/15	01/2017
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		-9/17/13	-09/2015
DIST 5	TABLED				
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Clauch, NM 87011 (849.4950)		01/13/15	01/2017
AT LARGE	Robert Barber twobl601@hotmail.com	Box 126, 270 Cora Dutton Rd, Capitan 575-354-7018/575-808-9814		02/17/15	02/2017

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SLECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

LINCOLN HISTORIC PRESERVATION BOARD - 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338))

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	REGINALD RICHEY RWRNM@PVTN.NET	PO BOX 237, LINCOLN 653-4015	5	09/15/15	09/17
DIST 2	LEE ABBOTT (CELL 614-507-3210)	BOX 177, LINCOLN, (653-4153)	5	01/13/15	01/17
DIST 3	L.M. SMITH lms2bls@pvtnetworks.net	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) gemoore105@yahoo.com	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 Suehutch1958@gmail.com	1149 SHOESHONE TRAIL ALTO	4	08/20/13 8/18/15	08/15 8/17
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/10/14	06/16
505-3506127	TOURIST RELATED- ALICE SEELY; alice@aliceseely.com	BOX 166 HONDO, NM 88336	5	04/25/14	04/16

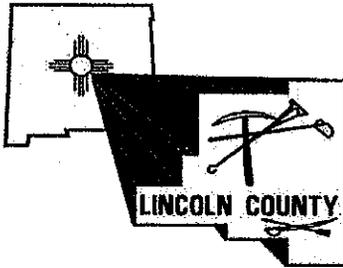
*
*

Billie-Jo Guevara

From: Douglas Fuqua <dfuqua1@hotmail.com>
Sent: Thursday, September 24, 2015 9:11 AM
To: Billie-Jo Guevara
Subject: Reappointment to LANRACB

I hereby request reappointment to LANRAC for another term. It has been my pleasure to serve and I look forward to whatever assistance I can offer the people of Lincoln County.

Douglas Fuqua - dfuqua1@hotmail.com



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County of Lincoln

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RECEIVED

SEP 17 2015

ADMINISTRATION
LINCOLN COUNTY NM

August 20, 2015

Melissa Boute
PO Box 162
Lincoln, NM 88338

Dear Ms. Boute:

Your term for the Lincoln Historic Preservation Board is scheduled to expire September 2015. If you would like to serve an additional two year term, and be re-appointed at the next commission meeting, September 15, 2015, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources Director

Yes I would like to remain on the Lincoln Historic Board.

No I would not like to remain on the Lincoln Historic Board.

Melissa Boute

RECEIVED
JUL 27 2015
ADMINISTRATION
LINCOLN COUNTY NM

July 24, 2015

Mrs. Nita Taylor
County Manager
PO Box 711
Carrizozo, New Mexico 88301

Dear County Manager and County Commissioners:

Please accept this letter as my formal resignation from the Lincoln Historic Preservation Board. My resignation is effective immediately.

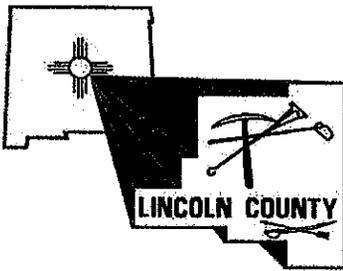
I am honored to have served the County of Lincoln and appreciate the opportunity to do so. However, my efforts to uphold the Lincoln Historic Preservation Ordinance have been futile; and my offer to help review how the Ordinance is administered has been met with silence.

A hard copy of this letter will be mailed to Mrs. Taylor's office.

Sincerely,



Ginger E. Moore



County of Lincoln

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Agenda Item 28

SUBJECT

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

October 20, 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. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015.
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. Court of Appeals filed their Opinion October 1, 2015 upholding

the District Court's granting of Summary Judgment in favor of the County and Alto Lakes Water and Sanitation District.

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. Order Granting Defendants' Motion to Dismiss filed Oct. 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. Filed Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination on Oct. 13, 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.

8. **Valle del Sol v. Naron, et. al.* D-1226-CV-2015-00166 Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 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' 4th Amendment rights.

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

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

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

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

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.

***Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

***Estate of Viola/Orlando Montes** – Tort Claim Notice received Sept. 28, 2015 from Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds without necessary safety equipment.

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 Capitlan Police Department.

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

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

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

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

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

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

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

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

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

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

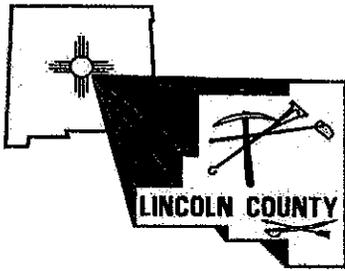
McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

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

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

2013

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.



County of Lincoln

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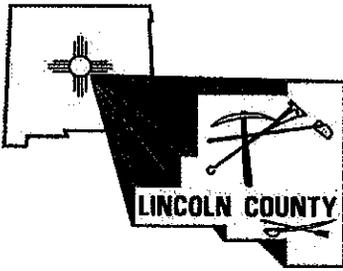
Agenda Item 29

SUBJECT

Potential Action Re: GSWA Litigation

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381



County of Lincoln

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AGENDA NO. 30

October 14, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Manager's Contract Renewal

Purpose: To Consider Renewal of the Manager's Contract.

Discussion:

The attached contract at Enclosure 1 expires November 7, 2015. In accordance with Section 5, the Board of the County Commissioners may negotiate a new contract or elect to terminate the agreement.

The Manager is willing to negotiate a continuation of the contract and enter a fifth year in the position.

Recommendation: Renew Manager's contract.

**EMPLOYMENT CONTRACT
BETWEEN
THE BOARD OF COUNTY COMMISSIONERS
OF
LINCOLN COUNTY, NEW MEXICO
AND
NITA TAYLOR**

This agreement is entered into effective the 7th of November, 2014, by and between the **BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO**, (hereinafter referred to as "Employer") and **NITA TAYLOR** (hereinafter referred to as "Employee").

The purpose of this agreement is to specify the terms and conditions of employment for Employee in her capacity as Lincoln County Manager, and other relations, interactions, and activities of the Employer and Commissioners, individually, as they relate to Employee. Any reference to "Board" or "Commission" in this agreement means the Board of County Commissioners of Lincoln County, New Mexico.

SECTION 1 -- TERM OF EMPLOYMENT

The term of employment provided for in this contract is from the date of this agreement through November 9, 2015.

SECTION 2 -- EMPLOYEE'S GENERAL RESPONSIBILITY

Employee is expected to provide generalized supervision of the affairs of the County of Lincoln in accordance with the directions of Employer *via* votes of the Commission, resolutions, approved budgets, and ordinances. Employee is expected to utilize those resources provided to the maximum benefit of the citizens of the County of Lincoln. Employee shall do that which is within her power to assure that all County functions are performed in a manner consistent with the laws of the United States, the laws of the State of New Mexico, and resolutions and ordinances of the County of Lincoln.

Employee shall do all things directed of her by action of the Board of County Commissioners which Employee has no reason to believe are not consistent with any law of the United States or the State of New Mexico. Employee shall not take direction or do anything at the direction of one or more Commissioners, if such direction was not acted upon at a properly convened meeting of the Board.

Employee will be a Fair Labor Standards Act-exempt employee, not subject to overtime compensation or accrual of compensatory time. Employee is expected to keep customary office

hours and to complete a demanding work schedule consistent with the position held. Flexibility relating to Employee's hours, in terms of number of hours worked in any week or the schedule of hours worked, is granted and required, relevant to the demands of the position.

Employee is expected to keep Employer informed of Employee's activities and of issues of concern to Employer *via* agreed-upon methods. Employee will strive to establish positive relations with the community, elected leadership, and with representatives of the media.

Employee is expected to treat Employer and individual Commissioners with proper respect and dignity.

SECTION 3 -- EMPLOYER'S GENERAL RESPONSIBILITY

Employer shall establish clear and reasonable goals to which Employee may strive. Employer will provide Employee with necessary resources with which to achieve these goals, and shall give Employee necessary latitude in determining required resources.

Employer shall allow Employee to exercise those management responsibilities assigned in a professional manner. Employer shall allow Employee the opportunity to provide input into matters being debated before the Board which impact Employee's ability to manage the affairs of the County, or matters in which Employee, in her capacity as County Manager, is expected to be or should be knowledgeable.

Employer shall allow and encourage Employee to participate in appropriate professional associations, boards, or committees associated with the responsibilities assigned to Employee. Employer shall allow and encourage Employee to attend available training seminars or educational courses relative to Employee's responsibilities, within the confines of approved budgetary allowances, and subject to the advice and consent of the Board of County Commissioners. Employer reserves the right to restrict attendance of Employee at the above-referenced educational/training opportunities, if Employer determines that Employee's performance as County Manager is being adversely affected by such activity.

SECTION 4 -- TERMINATION OF EMPLOYMENT

Employer may terminate Employee at-will, and without cause, upon a majority vote of the Board of County Commissioners.

Employer may terminate Employee, with cause, as set forth in the Lincoln County Personnel Policies and Procedures ordinance as adopted, and as it may be amended from time-to-time, upon the majority vote of the Board of County Commissioners.

Employee may terminate employment only after giving two (2) months notice to Employer, and Employer, by vote of the Commission, may elect to reduce the notice requirement if it so deems.

SECTION 5 -- RENEWAL OF AGREEMENT/RENEGOTIATION

No less than two (2) months before the scheduled termination of this contract, Employer, by a vote of the Commission, may make a decision to negotiate a new contract with Employee or to allow this contract to terminate.

If, within two (2) months of the scheduled termination of this contract, a decision to allow termination of the contract has not been made, or a new contract has not be agreed upon by both parties to this agreement, then, all aspects of this agreement shall remain in force and be binding upon both parties until:

- a) a new agreement is adopted by the parties;
- b) two (2) months from the date the Employer decides by majority vote of the Commission, to not negotiate for or offer a new contract to Employee; or;
- c) a date specified by Employee on which she agrees to terminate said contract, providing Employee gives at least two (2) months notice in writing.

SECTION 6 -- COMPENSATION

The annual salary for Employee shall be 97,500.00 per year. Salary increases will be determined by the Board and based on the work load assigned to the Employee, annual reviews, and other factors the Board may wish to consider. Employee shall not receive cost of living increases or other percentage increases approved for other County employees. Due to the "on-call" nature of the position, employee shall also receive a county paid "smart phone" and take home vehicle for official use.

Employee's compensation shall not be reduced during the term of this contract or during any extensions provided under this agreement.

In the event of an at-will termination, as provided in this agreement, Employee shall receive two (2) months compensation/severance pay based on the salary of Employee at the time of termination.

In the event of a termination with cause, as provided for in this agreement, or as the result of a criminal conviction associated with Employee's activities as County Manager, Employee shall receive no compensation/severance pay.

Nothing in this agreement shall preclude Employer from increasing the compensation amounts in this section if Employer so desires.

SECTION 7 -- BENEFITS

All benefits afforded regular employees of the County of Lincoln, established by policy or custom, save and except those exceptions noted in this agreement, shall be granted to Employee.

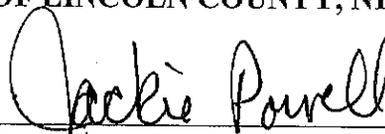
Employee shall be entitled to take paid vacation, up to a maximum of three (3) weeks annually, as the work schedule permits. Employee will coordinate vacation time or other extended absences with the Chairman of the Board, and shall provide Employer with two (2) weeks advance notice of any vacation which is for one (1) week or longer. Employee is required to assure that in her absence matters are properly addressed as if she were present, to the best of her ability. During vacation, Employee is required to keep in regular contact with the County staff and Board Chairman and shall continue to provide direction and be available for consultation.

Employee shall be entitled to five (5) days of paid personal leave annually.

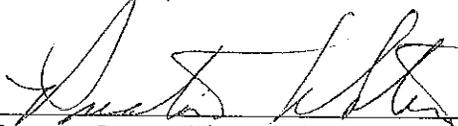
Any vacation or sick leave benefits for each one year period from November 9, 2013 to November 8, 2014 that are not used by Employee during that one year period may be banked for use during the following year; however, any time in excess of 5 days personal leave and 15 days vacation leave shall not be banked but be forfeited by Employee.

EMPLOYER:

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



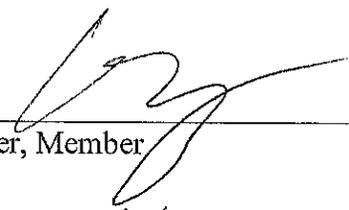
Jackie Powell, Chair



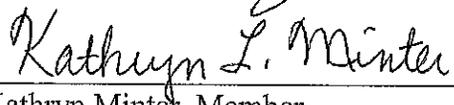
Preston Stone, Vice Chair



Mark Doth, Member

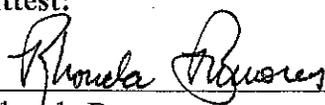


Dallas Draper, Member



Kathryn Minter, Member

Attest:



Rhonda Burrows
Lincoln County Clerk



EMPLOYEE:



Nita Taylor