

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, November 17, 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. October 20, 2015 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending October 31, 2015
8. Recognition and Memorialization of Johnson Stevenson Stearns, Lincoln County Pioneer
9. Forest, Land & Natural Resources Matters:
 - a. Smokey Bear Ranger District
 - b. Cibola National Forest
 - c. Community Forester
 - d. Upper Hondo Soil & Water Conservation District
 - e. Office of State Engineer-Water Issues

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

10. Lincoln County Medical Center
 - a. Update of Financing Options – Erik Harrigan, RBC Capital Markets
 - b. Architectural Contract with Dekker / Perich / Sabatini for Design of LCMC
 - c. Consulting Contract with Newpoint Healthcare Advisors

11. Lincoln Hills Subdivision request to cease use of a portion of Gene Littler Lane by Resolution 2015-18

12. Opposing U.S. Fish & Wildlife Service Wolf Recovery Program by Resolution 2015-22

13. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

14. Approval of Required 2016 Operational Resolutions:
 - a. Resolution 2015-15 - Establishing 2016 Regular Commission Meetings
 - b. Resolution 2015-16 - Establishing 2016 County Official Holiday Calendar
 - c. Resolution 2015-17 - Open Meetings Act
 - d. Other 2016 Committee Meetings – Planning Commission, Lincoln Historic Preservation Board and Lodger’s Tax Committee

15. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

16. Manager’s Report

17. Approval of the following Resolutions/Agreements: Road Fund Time Extension for Certain Projects/First Amendments to Cooperative Agreements
 - a. Resolution 2015-19
 - b. Resolution 2015-20
 - c. Resolution 2015-21

18. Approval to Extend Interim Road Superintendent Position

19. Authorization to Issue Invitation to Bid for County Cleaning Services

20. **1:00 P.M.:** Public Hearing to consider the following
 - a. Ordinance 2015-04; Amending the Lincoln County Personnel Policies and Procedures Ordinance 2014-08.
 - b. Ordinance 2015-05; Amending Ordinance 2009-03 An Ordinance that regulates refuse, solid waste, and Litter in Lincoln County

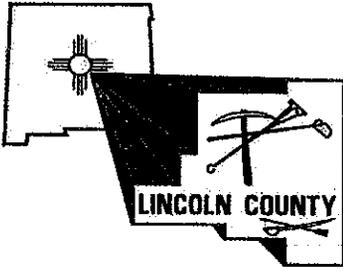
21. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - a. Setting Forth Wolf-Human Incident Emergency Protective Measures

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

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- a. Lincoln Historic Preservation Board
 - b. Planning Commission
 - c. Senior Citizens Olympic Committee
 - d. Road Task Force Steering Committee
23. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).
24. Potential Property Purchase
25. Potential Action – GSWA
26. Signing of Official Documents
27. Next meetings:
- a. December 15, 2015, Regular Commission Meeting
 - b. January 26, 2016, Regular Commission Meeting
28. Adjourn

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



County of Lincoln

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

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Agenda Item 6

SUBJECT

Approval of Minutes:

- a) October 20, 2015 Regular Commission Meeting

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, October 20, 2015**

11
12 Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October
13 20, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
14 Mexico:

15
16 **1. Call to Order**

17
18 Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:01
19 AM.

20
21 **2. Roll Call**

22
23 **Roll Call.**

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

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

29
30 **3. Invocation**

31
32 The invocation was presented by 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 Stewart, **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. July 27, 2015 Special Commission Meeting Amended
50 b. September 8, 2015 Special Commission Meeting
51 c. September 15, 2015 Regular Commission Meeting
52

53 **Motion:** Approve the minutes of the July 27, 2015 Special Commission Meeting as amended;
54 September 8, 2015 Special Commission Meeting; and the September 15, 2015 Regular
55 Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
56 Commissioner Allen.

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

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

59 **Absent for vote:** Commissioner Stewart
60

61 7. Approval of Consent Agenda

- 62
63 a. Payroll/Accounts Payable/Budget/ Expenditures
64 b. Treasurer's Financial Report for the Month ending September 30, 2015
65 c. Annual Renewal MOU between the Village of Ruidoso and County of Lincoln as
66 the Administrative Authority for Lincoln County Sheriff's Office for DWI
67 Enforcement Activities and Reimbursement Cost
68 d. Volunteer Firefighters Adjusted Qualifications-Hondo Fire Department
69 e. Lincoln County Cooperative Weed Management Area Agreement
70

71 **Motion:** Approval of Consent Items as presented, **Action:** Approve, **Moved by** Commissioner
72 Draper, **Seconded by** Commissioner Allen.

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

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

77 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
78 hereof.
79

80 8. Fort Stanton Veteran's Cemetery Update

81
82 Nita Taylor, County Manager reminded the U.S. Department of Veterans Affairs recently approved
83 funding for a new National Veterans Cemetery at four locations in the State of New Mexico
84 including Fort Stanton. Ms. Taylor stated the Governor had pledged New Mexico State matching
85 funds and a ground breaking ceremony at Fort Stanton was set for Veterans Day on November
86 11, 2015.
87

88 Larry Holt, speaking as the Volunteer Coordinator and key County contact with the NM
89 Department of Veterans Services for Fort Stanton Cemetery, stated he had served as a volunteer
90 and worked towards this goal for almost 17 years. Mr. Holt reminded the four locations of Fort
91 Stanton, Gallup, Carlsbad and Angel Fire were selected to provide an honorable resting place for
92 veterans and their dependents. Mr. Holt stated the initiative to bring a National Veteran's
93 Cemetery to Fort Stanton began in 2000. Mr. Holt expressed his appreciation for support received
94 from the County, municipalities, local businesses and many other local organizations.
95

96 Mr. Holt reminded the current cemetery was established 117 years ago as a U.S. Public Health
97 Service Hospital Cemetery and operated under federal jurisdiction until 1953 when the Public

98 Health Service transferred ownership of Fort Stanton and the cemetery to the State of New
99 Mexico. Mr. Holt stated currently burials in the cemetery averaged approximately 18 burials per
100 year. Mr. Holt anticipated the new expansion would increase annual burials to approximately
101 100 per year.

102
103 Mr. Holt stated necessary improvements included replacement of the water tank, creation of a
104 new road to the new area, and a new pipeline to connect the new water tank to the cemetery. Mr.
105 Holt stated funds were in place for these major improvements.

106
107 Mr. Holt remarked on the appropriateness of the groundbreaking ceremony being held on
108 Veterans Day^{and} on the eleventh day of the eleventh month on the eleventh hour, the anniversary of
109 the Armistice of 1918. Mr. Holt stated Governor Susanna Martinez would deliver the key note
110 address with various New Mexico Cabinet Secretaries, a representative from Veteran's Affairs in
111 Washington, and representation from the New Mexico National Guard in attendance.

112
113 Chair Stone accepted the invitation from Mr. Holt for a member of the County Commission to
114 introduce speakers for the event and designated Commissioner Stewart as the highest ranking
115 veteran on the Board of Commissioners to complete that honor. Chair Stone expressed belief
116 the designation of Fort Stanton as a National Cemetery was a great honor for Lincoln County.

117
118 **9. Recognition and Memorialization of Johnson Stevenson Stearns, Lincoln County**
119 **Pioneer**

120
121 Ms. Taylor informed lifetime Lincoln County resident, pioneer, businessman, historian, friend and
122 neighbor Johnson Stearns passed away on October 10, 2015 at the age of 98. Ms. Taylor stated
123 the County wished to memorialize Mr. Stearns but would defer recognition until family members
124 were present.

125
126 **10. Recognition from State Fire Marshal to Corona, Hondo and Nogal Volunteer Fire**
127 **Stations for Improved ISO Rating**

128
129 Ms. Taylor informed the State Fire Marshal had recognized the Corona, Hondo and Nogal Fire
130 Stations for improving their Insurance Service Survey (ISO) ratings. Ms. Taylor stated improved
131 ratings reflected successful advancement of firefighting capabilities resulting in increased service
132 to the communities served. Ms. Taylor stated the fire departments were assisted by the Lincoln
133 County Office of Emergency Services (OES).

134
135 Joe Kenmore, Director of OES and Spencer Baldwin, OES Emergency Coordinator and Fire
136 Marshal presented plaques recognizing the achievement of reduced ISO ratings for the three fire
137 departments.

138
139 Mr. Baldwin informed Hondo improved their ISO rating from a class 8 to a class 6 and reminded
140 the lower the rating number the better equipped the department was to handle structure fires. Mr.
141 Baldwin stated ISO rating reviews generally take place every three to five years but had not
142 occurred in Lincoln County since 1998. Mr. Baldwin reported the Corona Fire Department
143 improved their ISO rating from a class 7 to 5 and the Nogal Fire Department improved from a 9
144 to 6. Mr. Baldwin informed the ISO rating for the Lincoln Fire Department of 7 was unchanged
145 due to challenges with the water system in Fort Stanton but anticipated improvement once that
146 issue was resolved. Mr. Baldwin stated Arabella and Bonito Fire Departments also had ISO
147 reviews and those results were pending. Mr. Baldwin commended the departments for their hard
148 work to improve these ratings which in turn helped reduce insurance rates.

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11. Forest, Land & Natural Resources Matters:

a) Smokey Bear Ranger District

David Warnack, District Ranger discussed the Forest Plan Revision and informed two public meetings were scheduled for November in Ruidoso on November 3, 2015 and in Carrizozo on November 5, 2015. Ranger Warnack expressed belief the meeting in Carrizozo would offer comment opportunities to a broader group of land users such as grazing permittees, outfitters and guides, utility providers, recreational users and others who utilize Forest Service lands.

Ranger Warnack provided an update on the Grindstone Mesa Timber project explaining the area was identified as a high priority area for fire protection thinning and watershed protection for the Village of Ruidoso. Ranger Warnack stated the treatment area included 156 acres with 70 acres currently complete. Ranger Warnack discussed the harvesting and sale of certain timber by the private contractor.

Ranger Warnack informed this was his last report to the Lincoln County Commission due to a transfer to Oregon. Ranger Warnack thanked the Commissioners for their support and cooperation. Ranger Warnack expressed belief public lands were the legacy of the United States and commented on the importance of continued collaboration between Lincoln County, the State of New Mexico and the US Forest Service.

Chair Stone extended his deepest appreciation for the service of Ranger Warnack on the Smokey Bear Ranger District. Chair Stone commented on the County's cooperative work with Ranger Warnack during the Little Bear Fire which was one of the most catastrophic events in the County's history.

Commissioner Draper and Commissioner Stewart also extended their appreciation and best wishes.

Nita Taylor, County Manager reminded Ranger Warnack of his prior commitment to research available USFS funding to assist with the paving of Cora Dutton Road. Ranger Warnack stated he would either provide the information or assign someone to research the possibility.

b) Cibola National Forest

Ms. Taylor reported on attendance at the landscape meeting in Albuquerque for the Cibola National Forest's Plan Revision. Ms. Taylor noted 1,021 comments were submitted concerning the Forest Plan Revision on the website created for that purpose. Ms. Taylor reviewed the calendar of events for the process.

c) Community Forester

Rick Merrick, with South Central Mountain Resource Conservation and Development discussed the upcoming combined Eastern New Mexico University Speaker Series and Forest Plan Revision community meeting on November 3, 2015.

Mr. Merrick reported installation of the new electronic signage acquired through private donations at the Smokey Bear Ranger District office in Ruidoso was complete.

200 Mr. Merrick discussed the upcoming New Mexico Prescribe Burn Council Workshop scheduled
201 for October 29, 2015 at the Lincoln County Fairgrounds in Capitan. Mr. Merrick also reminded of
202 the Sacramento Mountain Wood Industry Summit set for March 30 – 31, 2016 at the Ruidoso
203 Convention Center.

204
205 Mr. Merrick reported the private contractor awarded the work on the White Oaks area
206 Collaborative Forest Restoration Program (CFRP) grant would commence year two of actions
207 including a 100 acre dozer push and 24 acres of mastication.

208
209 Mr. Merrick stated a new state wide CFRP modeled after the Ruidoso CFRP would bring in
210 volunteers and assisting agencies for prescribed burns in the Mountainair, Sacramento, Sandia,
211 and Carson Ranger Districts.

212
213 Commissioner Draper stated the President of the Mescalero Apache Tribe had discussed a
214 possible renovation and reopening of the Mescalero sawmill.

215
216 d) Office of State Engineer-Water Issues

217
218 Ms. Taylor reported one new posting on the Sate Engineer's website:

219
220 Cheryl Knobel H-505-PODS for Alpine Village Sanitation District: Permit to change point
221 of diversion by ceasing the use of well Number H-505-5-2 and to drill a new well for the
222 diversion of 11.7 acre feet per annum for domestic and sanitary purposes. Move from
223 and move to points of diversion and place of use are 2.5 miles northwest of the Village of
224 Ruidoso.

225
226 Ms. Taylor reminded Attorney Kelly Cassels was representing Lincoln County and several other
227 clients in complaints regarding transfer of water rights from the Hondo Valley to the Village of
228 Ruidoso. Ms. Taylor stated Mr. Cassels recently requested a meeting with the Office of the State
229 Engineer but no date was set as yet.

230
231 **12. Lincoln County Detention Center Update – Warden Anderson**

232
233 Ms. Taylor stated Warden Anderson was unavailable to attend the meeting. Ms. Taylor reported
234 she was working with Warden Anderson and Emerald Correctional on the First Amendment for
235 the Detention Center Management Agreement. Ms. Taylor also reported an architect reviewed
236 the current medical space at the Detention Center and would provide an estimate of costs for the
237 design and remodel of those facilities. Ms. Taylor reminded the County received State Capital
238 Outlay funding to assist with design and remodel costs.

239
240 Ms. Taylor stated Warden Anderson provided data regarding the detention center population
241 including totals of 1,212 year to date total bookings; 1,196 releases and an average daily
242 population of 120.

243
244 **13. Approval of the First Amendment to County Detention Center Operations and**
245 **Management Agreement by and between Emerald Correctional Management, LLC**
246 **and Lincoln County**

247
248 Ms. Taylor stated the County of Lincoln and Emerald Correctional Management LLC. entered into
249 a five year agreement in May of 2013. Ms. Taylor stated at that time the County had a separate
250 agreement with another provider for counseling and mental health services for detainees. Ms.

251 Taylor stated prior to termination of that counseling and mental health services agreement it was
252 determined the mental health services were better served via a contract between Emerald
253 Corrections and the mental health provider. Ms. Taylor stated the County would offset the costs
254 to Emerald through an amendment to the existing agreement.
255

256 Ms. Taylor stated the First Amendment presented today for approval would define minimal mental
257 health services to be provided and proposed reimbursement rates for mental health services to
258 Emerald. Ms. Taylor stated originally the amendment contained a monthly reimbursement cap of
259 \$18,200. Ms. Taylor stated after further discussion the language was refined to authorize monthly
260 reimbursement not to exceed \$18,200 without prior authorization from Lincoln County.
261

262 **Motion:** Authorize the Manager and County Attorney to complete negotiation of a contract
263 between the County of Lincoln and Emerald Correctional Management LLC., not to exceed
264 \$18,200 per month adequate to meet detainee needs, **Action:** Approve, **Moved by**
265 **Commissioner Stewart, Seconded by Commissioner Draper.**
266

267 Commissioner Draper questioned when the changes would become effective.
268

269 Ms. Taylor stated services had already commenced with the prior mental health services
270 agreement terminating June 30, 2015 and services commencing July 1, 2015. Ms. Taylor stated
271 the parties had been working on the revision of the long term contract.
272

273 Commissioner Stewart suggested reimbursement of the mental health services be dedicated from
274 the Indigent Health Care funds.
275

276 Ms. Taylor confirmed this was the planned source of revenue for these services.
277

278 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).
279

279 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
280 Commissioner Willard.
281

282 **17. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
283 **OFFICIALS**
284

285 Commissioner Draper stated he and Commissioner Allen attended a recent meeting of the
286 Southeastern New Mexico Economic Development District (SNMEDD). Commissioner Draper
287 reported the State was now providing some financial assistance to small entities to facilitate audit
288 requirements. Commissioner Draper reminded of the Nogal Water Associations' prior financial
289 burden resulting from the multiple requirements for audits associated with Capital Outlay funding.
290 Commissioner Draper further reported the County's SNMEDD dues would increase in the
291 upcoming fiscal year but expressed belief the dues were well worth the services provided.
292

293 Commissioner Stewart reported on his continued participation in the Joint Land Use Study (JLUS)
294 meetings and reminded the Department of Defense had allocated funding for implementation.
295

296 Beverly Calaway, Treasurer informed the Lincoln County Treasurer's office mailed 30,531
297 property tax bills for a total billing of \$29,326,552.46 to the residents and property owners in
298 Lincoln County on October 19, 2015. Ms. Calaway stated NM State Statute required the mailing
299 of tax bills no later than November 1st but commented the earlier mail out date provided tax payers
300 a fifty one day notification of taxes due. Ms. Calaway requested any complaints or questions
301 regarding the tax bills be directed to the County Treasurer's office. Ms. Calaway expressed

302 appreciation to the Manager and Commissioner's for their approval and support for recent security
303 improvements in the Treasurer's office. Ms. Calaway also expressed appreciation to the Office
304 of Emergency Services and the County Sheriff for providing an active shooter training for County
305 employees.

306
307 Jack Davis, resident of Vail Loop in Alto reminded of his previous presence at the July and August
308 Commission Meetings to discuss water damage to his property. Mr. Davis expressed
309 appreciation for recent work by the County Road Department to create an earth berm between
310 the County Road and his property to divert water. Mr. Davis expressed belief the berm was
311 sufficient to redirect slow moving water but doubted it would suffice during times of heavy flooding.
312 Mr. Davis expressed a desire to continue to work with the County on the problem.

313
314 Heidi Payne, resident of Fort Lone Tree Road north of Capitan requested County assistance with
315 the ongoing noise created by mining operations on a nearby property. Ms. Payne discussed
316 aftershocks from blasting, equipment noise, and water contamination which she attributed to the
317 mining operations. Ms. Payne expressed belief the current operations exceeded the current
318 activities permitted by the State of New Mexico and suggested it was the County's responsibility
319 to monitor the site.

320
321 **15. "The Preservation of Public Access to Lincoln County Historical Records"**
322 **Presentation by – Clerk Rhonda Burrows**

323
324 Rhonda Burrows, Clerk discussed efforts by the County Clerk's office over the years to preserve
325 historical newspapers and other historical documents belonging to the County of Lincoln. Ms.
326 Burrows reminded NM State Statute required County Clerks to preserve a copy of each edition of
327 any newspaper published within the County. Ms. Burrows explained as a result of this
328 requirement the Lincoln County Clerk's office preserved a collection of both recent and historical
329 newspapers dating back to the 1800's.

330
331 Ms. Burrows stated in May of 2014 the County Clerk's office completed a multi-year project to
332 convert copies of the newspapers from microfilm to digital images. Ms. Burrows stated these
333 newspapers were then organized and indexed in order to provide public access through the
334 Lincoln County website. Ms. Burrows noted since posting the newspapers to the County website
335 in May of 2014 approximately 6,500 users had visited the site a total of 8,304 times and viewed
336 55,650 pages. Ms. Burrows noted records illustrated users from almost every country in the
337 world had visited the site. Ms. Burrows stated in September of 2015 an additional 1400 pages
338 of Lincoln County's most important historical documents were added to the collection viewable
339 through the County's website.

340
341 Whitney Whittaker, Chief Deputy Clerk gave a demonstration on how to navigate the website to
342 view the various documents.

343
344 **14. Lincoln Hills Subdivision: Commission to Consider subdivision owner's amending**
345 **the Development Agreement deleting a portion of Gene Littler Lane from the north**
346 **side of Antler to Paso Monte Loop. Carl Bartley**

347
348 Alan Morel, Attorney stated the request to cease use of a portion of Gene Little Lane was
349 presented by adjacent lot owner Carl Barley and the developers of the Lincoln Hills Subdivision.
350 Mr. Morel stated the portion of Gene Littler Lane in question was created and used during the
351 initial development of the subdivision to avoid the use of existing County roads and was no longer

352 in use. Mr. Morel stated the road was not a dedicated subdivision road and was still owned by
353 the developer Lincoln Hills.

354
355 Attorney Morel stated as Gene Littler Lane was not a dedicated County Road, the principal issue
356 for County consideration was the identification of the road as an access route in the Development
357 Agreement and on the approved and recorded plats. Mr. Morel reminded all subdivisions were
358 required to have a minimum of two access and egress points but opined the deletion of this road
359 segment would not negate the availability of the required access routes.

360
361 Attorney Morel stated the property owner and developers were in agreement the deleted road
362 portion would not be utilized to create additional lots.

363
364 Mr. Bartley stated the property within the roadway would become part of his adjoining property as
365 per agreement with Lincoln Hills.

366
367 Attorney Morel stated as the road was a part of the County approved Disclosure Agreement and
368 related subdivision plats the deletion would require amendment to those records.

369
370 Commissioner Willard questioned if the road was currently used. Mr. Bartley stated the road was
371 sparsely used by construction workers.

372
373 Attorney Morel also suggested the County seek dedication of a small portion of the road previously
374 paved by the County as a right of way.

375
376 Commissioner Stewart stated as this was not a County road the primary interest to the County
377 was appropriate public notice, amendment of currently approved and recorded documents and
378 the maintenance of an evacuation route.

379
380 Attorney Morel concurred with the need for proper notification to adjacent property owners,
381 supported a request for Lincoln Hills to dedicate 60 feet of road way connecting a County road,
382 and proper notice of the change to the development agreement and subdivision plats. Attorney
383 Morel also recommended the land owner and developer bear any costs associated with
384 notification and changes.

385
386 **Motion:** Grant the Attorney authority to negotiate with Lincoln Hills, Carl Bartley and other
387 interested parties to provide proper public notice and begin the process to close the identified
388 section of Gene Littler Lane, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
389 Commissioner Draper.

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

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

393
394 Chair Stone recessed the Regular Meeting at 10:11:40 AM and reconvened at 10:24:00 AM.

395
396 **16. Road Department Update**

397
398 a) Status of Applicants for Road Superintendent Position

399
400 Ms. Taylor stated the vacant position of County Road Superintendent was published in various
401 newspapers during the week of October 4, 2015 and six applications were received by the closing

402 date of October 16, 2015. Ms. Taylor anticipated conducting interviews during the week of
403 October 26, 2015.

404
405 Ms. Taylor reminded Interim Consulting Road Superintendent Bill Cupit's contract was set to
406 terminate on November 17, 2015. Ms. Taylor stated the current timeline for hiring a new Road
407 Superintendent would not provide enough time for an ideal two week transition overlap from the
408 Interim Superintendent to the newly hired Road Superintendent. Ms. Taylor requested authority
409 to negotiate a continuance of Mr. Cupit's contract to facilitate the transition.

410
411 Bill Homer Cupit, Jr, informed he was serving as the Interim Road Superintendent for Lincoln
412 County for the second time. Mr. Cupit stated he was currently focused on the status of employees,
413 equipment, road prioritization, immediate liabilities, budget, multi-agency projects, inventory, and
414 the development of a five year road plan. Mr. Cupit stated development of a five year plan would
415 require a full assessment of all roads in the County and anticipated this would take two years to
416 accomplish.

417
418 Chair Stone commented on the increased winter weather activity anticipated this year and
419 expressed concern about the Road Department's ability to respond

420
421 Mr. Cupit agreed the Road Department was not currently prepared to deal with severe long term
422 weather events and suggested the situation might necessitate the utilization of private contractors.
423 Mr. Cupit stated the County should anticipate significant Road Department budget demands to
424 supplement staff and equipment. Mr. Cupit stated the large amount of accumulated vacation time
425 by Road Department employees was also a concern for the new superintendent.

426
427 Chair Stone questioned if there was a legal process to secure contract equipment and providers
428 in advance.

429
430 Attorney Morel reminded after prior emergencies the County entered into agreements with various
431 contractors to provide services at previously specified rates.

432
433 Justin King of King Industries, reminded the contractor rates defined in these agreements were
434 vetted through FEMA to review for "normal rates" acceptable to that organization. Mr. King stated
435 there were approximately five contractors who provided bids for services which were scrutinized
436 against the national average.

437
438 Chair Stone questioned the possible budget impact should private contractor services not be
439 reimbursable by FEMA.

440
441 Mr. King stated should the County exceed a certain amount of expenditures due to severe winter
442 weather, the Governor could declare an emergency allowing the County to apply for emergency
443 State funding.

444
445 Attorney Morel stated current contractor contracts would allow for immediate action but agreed
446 the associated financial costs would need to be considered in the budget.

447
448 There was general discussion about current conditions on various County roads including Bonito
449 Road, Gavilan Canyon Road, and the cul-de-sacs in Rancho Ruidoso Valley Estates.

450
451 b) FEMA Related Services Recommended Roads for FY 15-16
452

453 Commissioner Stewart questioned the advisability of dedicating \$1.6 million of Federal, State and
454 County funds for refurbishing Capitan Gap Road.

455
456 Ms. Taylor reminded the Board of Commissioners expressed an interest in participating in the
457 prioritization of FEMA funded road repairs. Ms. Taylor stated she and Mr. Cupit met with Justin
458 King, the County's contracted project manager for FEMA projects, to identify factors for
459 prioritization. Ms. Taylor stated primary factors considered included the timing of Federal and
460 State funds received; the goal of fully completing one project prior to beginning another; the
461 difficulty of repairs, and the location within the County of the various roads.

462
463 Justin King, Project Manager reminded total costs were estimated on independent contractor
464 pricing for restoration of roads to pre-disaster conditions. Mr. King stated by fully completing one
465 project the County could seek reimbursement before proceeding to the next project. Mr. King
466 stated all projects were funded by FEMA through the NM Department of Homeland Security and
467 once a project was complete the State would transfer funds for direct payment of contractors.
468 Mr. King stated he and County staff were working to identify various opportunities for the County
469 to provide in kind services to offset the County's required match. Mr. King stated approximately
470 \$750,000 of in-kind services were currently identified to offset the entire County match of \$1.2
471 million dollars.

472
473 Ms. Taylor stated she was not recommending approval of prioritization at this time but provided
474 the information for review.

475
476 Ms. Taylor supported the concept of allowing the Manager and the Road Superintendent to set
477 initial priorities. Ms. Taylor stated she would present the prioritized list to the Board of
478 Commissioners for final review and adoption.

479
480 Mr. Cupit suggested caution when considering projects and to consider whether work performed
481 was sustainable. Mr. Cupit stated plans to attend a meeting in Eddy County regarding similar
482 FEMA road repairs to help understand and determine the best course of action for Lincoln County.
483 Mr. Cupit expressed belief the Road Department was not currently capable of managing additional
484 projects and discussed the use of private contractors as beneficial to maintaining routine County
485 operations.

486
487 **Motion:** Authorize the Manager to extend the duration of Mr. Cupit's contract as Interim Road
488 Superintendent, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner
489 Willard.

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

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

493
494 **18. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**

495
496 Scott Annala stated the Legislative Finance Committee would receive the compiled report about
497 County Indigent Health Care funds on October 27, 2015. Mr. Annala estimated counties retained
498 approximately \$30 million in IHC funds last year with an increase of that total to approximately
499 \$31 million this year. Mr. Annala expected the State would look to counties for additional funding
500 of increasing health care costs based on this information.

501

502 Commissioner Stewart stated belief the County needed to continue to explore options to spend
503 the IHC funds down for County needs.

504
505 Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala
506 processed 15 claims with 15 recommended for approval and none recommended for disapproval
507 for a monthly authorization of \$10,575. Mr. Annala stated approval of the claims would result in
508 a total approval to date of SNCP claims for Fiscal Year 2015-2016 of \$76,758 or a monthly
509 average of \$19,189.

510
511 Mr. Annala presented the Indigent Health Care Payments request for the month and stated he
512 processed 9 claims with 6 claims recommended for approval and 3 for disapproval for a total
513 payment this month of \$5,818. Mr. Annala stated approval of the claims would result in a total
514 expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$20,530 or a monthly average of
515 \$5,133. Mr. Annala stated based on the current monthly average he anticipated an annual
516 expenditure of \$61,591 for this fiscal year.

517
518 **Motion:** Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care
519 as recommended. **Action:** Approve. **Moved by** Commissioner Stewart, **Seconded by**
520 Commissioner Willard.

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

524
525 **SEE EXHIBIT B:** Copies of the Sole Community Provider and Indigent Health Care Payments
526 are attached hereto in reference thereto made a part hereof.

527
528 **19. Approval of Memorandum of Understanding between the Village of Ruidoso and**
529 **the County of Lincoln for the Provision of Regulation Services of Residential**
530 **and Commercial Construction within certain specified areas of the County of**
531 **Lincoln**

532
533 Ms. Taylor reminded during the Special Meeting of September 8, 2015 the County approved a
534 Memorandum of Understanding (MOU) with the Village of Ruidoso for the continuation of building
535 inspections for construction within certain defined areas of the County. Ms. Taylor stated on
536 September 15, 2015 the Village of Ruidoso approved a different version of the MOU and this
537 version was presented for consideration today.

538
539 Curt Temple, Planning Director stated the MOU approved by the County contained the original
540 MOU language which required the Village of Ruidoso to provide data documenting costs and
541 revenues.

542
543 Ms. Taylor stated the Village Manager expressed a desire for the Commission to approve the
544 MOU with the deletion of the reporting language but offered to resubmit the agreement to the
545 Village Council if the Board of Commissioners were in disagreement.

546
547 Mr. Temple described the actions required by County personnel prior to a County resident
548 receiving a permit from the Village. Mr. Temple expressed belief the original intent of the language
549 in question was to provide opportunity for the County to recoup certain costs associated with the
550 permitting process such as the required flood plain certification. Mr. Temple stated at this time

551 the Village of Ruidoso was not tracking expenses associated with County permits separately from
552 those permits issued within the municipality.

553
554 Attorney Morel recommended approval of the revised MOU as the County was not currently able
555 to provide the services and the MOU was limited to a one year period.
556

557 **Motion:** Approve the Memorandum of Understanding as revised and approved by the Village of
558 Ruidoso, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner
559 Willard.

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

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

563
564 **20. Award of Request for Proposals:**

565
566 a) **15-16-002 Solid Waste Services for Lincoln County**

567
568 Ms. Taylor reported the bid opening for the RFP was October 7, 2015 with the sole proposal for
569 Solid Waste Services submitted by Sierra Contracting, Inc.

570
571 Ms. Taylor stated in conjunction with any action to award the bid, the County needed to consider
572 the purchase of new equipment to facilitate services. Ms. Taylor stated options included obtaining
573 a loan to finance the equipment purchase or utilization of existing County funds.

574
575 Commissioner Stewart questioned if the bid proposal included the "dumping" or disposal costs of
576 solid waste collected.

577
578 Ms. Taylor clarified the response did not include costs for disposal and the County would pay
579 those fees directly to the landfill.

580
581 There was a brief discussion of various costs for services and the associated rates. Ms. Taylor
582 reminded the proposal included the costs for services but the County would need to have a rate
583 hearing to determine final rates to customers.

584
585 **Motion:** Award RFP 15-16-002 to Sierra Contracting, Inc. subject to successful contract
586 negotiations, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner
587 Stewart.

588
589 Commissioner Stewart questioned when services provided by Greentree Solid Waste Services
590 would terminate.

591
592 Ms. Taylor stated Sierra Contracting, Inc. would begin services on January 1, 2016.

593
594 Commissioner Willard questioned if the bid proposal included slash pick up and disposal for
595 County residents.

596
597 Van Patton, owner of Sierra Contracting explained the contract did not include onsite pickup of
598 slash but provided for slash disposal of up to 10,000 cubic yards when delivered to the Sierra
599 Contracting processing site. Mr. Patton stated the proposal also included disposal of up to 1,000
600 cubic yards of bulky waste.

601

602 Commissioner Willard questioned the status of discussions with the Village of Ruidoso regarding
603 the use of the Village's transfer station by the County contractor.
604

605 Ms. Taylor stated discussions with the Village Council were pending but informed Sierra
606 Contracting had developed a temporary solution for transferring waste to the Otero County Landfill
607 in the interim.
608

609 There was lengthy discussion regarding services, costs, rates, and commercial account billing.
610

611 Chair Stone recessed the Regular Meeting at 12:19:59 PM and reconvened at 12:59:32 PM.
612

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

614 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
615 Commissioner Willard.
616

617 b) **15-16-003** Independent Contractor Services for Misdemeanor Compliance
618 Program
619

620 Ms. Taylor reported the bid opening for the RFP was October 7, 2015 with the sole proposal for
621 Independent Contractor Services for the Misdemeanor Compliance Program submitted by
622 Kenneth Vega.
623

624 **Motion:** Award RFP 15-16-003 to Kenneth Vega, **Action:** Approve, **Moved by** Commissioner
625 Stewart, **Seconded by** Commissioner Allen.
626

627 Sheriff Sheppard stated the contractor was responsible for monitoring individuals on probation for
628 misdemeanor offenses to assure compliance with court ordered conditions of probation.
629

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

631 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
632 Commissioner Willard.
633

634 **Motion:** Authorize the Manager to purchase necessary solid waste equipment for an amount not
635 to exceed \$616,000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by**
636 Commissioner Draper.

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

638 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
639 Commissioner Willard.
640

641 21. Manager's Report

642

643 1. **Building Renovation:** The Manager reported major construction efforts and costs tied to
644 renovation of County buildings were complete but reminded the Board of County
645 Commissioners approved \$500,000 in Cap-Out Construction funds to meet other County
646 needs as they arise:
647

648 a. During the September meeting the Board of County Commission concurred with the
649 Manager and Treasurer's plans to remodel the Treasurer's customer area to provide
650 safety and security to employees handling public funds. The Manager reported the
651 project was near completion in time for tax payment season.

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b. Annex Building – Upstairs: The area assigned to the Finance Department was also near completion with minimal renovation required. County employees have spent the past week or so applying a much-needed coat of paint.

2. **Building Maintenance:** The Manager reminded of prior budget approval of \$210,000 for Building Maintenance and advised the budget line item held a current balance of approximately \$156,000. The Manager stated the Lincoln County Fairgrounds main building was in dire need of roof repair with a low cost bid of approximately \$20,000. The Manager requested authorization for the critical building maintenance.

There was consensus to proceed with the Fairgrounds roof repair.

3. **2016 Capital Outlay Project Request Forms:** Capital Outlay request forms were due to SNMEDD by October 22, 2015. The Manager stated the forms reflected the direction provided during ICIP discussions as listed: 1) Ruidoso Health Center Heating / Cooling Unit; 2) Expand White Oaks Fire Station; 3) Expand Detention Center; 4) Lincoln County Medical Center Renovation; and 5) Three miles – County Road Repaving. The Manager stated hearings were scheduled for November 4, 5, 6, 9 and 10, 2015.

Commissioner Willard questioned who would represent the County at the ICIP meetings.

Manager Taylor stated in recent years she and Commissioner Draper attended on behalf of the County but stated anyone could attend. Manager Taylor stated should multiple Commissioners which to attend she would post proper notice.

4. **Auditor Exit Interview:** Accounting & Consulting Group scheduled an audit exit interview with County representatives on October 29, 2015. The Manager noted the exit interview was normally attended by the Manager's office, Finance Department, Treasurer's Office and one or two Commissioners. The Manager requested all others interested in attending notify the Finance Director.

The Manager reported the Office of the State Auditor released "*The Findings Report: A Summary of New Mexico's Governmental Financial Audits*" in September reporting audit findings for counties across the state. The Manager provided a copy of the report and pointed out Lincoln County was not in the top nor the bottom tiers but would continue to work on repeat issues and strive for improvement. The Manager commented on the challenge of the new billing process for Solid Waste Collections and anticipated the need to enhance process steps.

5. **New Mexico DOT Presentation:** The NM Department of Transportation (DOT) committed for the past several months to providing a presentation to the County Commission and the Town of Carrizozo residents to begin to socialize plans for changes to Highway 54 through Carrizozo. The Manager stated DOT was still working to finalize a contract between the DOT and a consultant, Molzen Corbin, to begin the study and were unable to provide a firm meeting date at this time. The Manager stated the Molzen Corbin project manager would schedule a Stakeholder Kickoff meeting once their contract was executed. The study to be conducted includes: an alignment study; an environmental investigation and a preliminary roadway design.

6. **Requests for Letters of Support to Federal Congressional Delegation:** The Manager provided a request from the National Association of Counties for letters of support to

703 congressional members for a number of issues including: PILT Funding and Technical
704 Fix; Forestry Reform; Sage Grouse Management Plans; and USFS sale of small isolated
705 parcels under 40 acres.
706

707 There was a general consensus to authorize the Manager to provide letters of support on behalf
708 of Lincoln County.
709

- 710 **7. El Capitan Mine:** On September 24, 2015 Commissioner Stone, Planning Director Curt
711 Temple and the Manager accompanied US Forest Service staff on a site visit to determine
712 whether the El Capitan Mine was operating on Forest Service land as reported by
713 neighboring land owners. Those present determined operations were occurring on El
714 Capitan Mine's private property. The Manager reported Chris Eustice with NM
715 Department of Mining and Minerals conducted a follow-up inspection of the mine and
716 reported no violations of the current permit.
717

718 Commissioner Draper requested the manager schedule a tour of the mine site for Commissioners.
719

720 **8. Additional calendar items:**

- 721 • October 19, 2015 – Meet with NMFA and RBC Capital Markets
- 722 • October 21– 23, 2015 – Multi-line / Worker's Compensation Pool Boards - Joint
723 Meeting
- 724 • October 29, 2015 – Audit Exit Interview
- 725 • November 11, 2015 – Groundbreaking Ceremony – Ft. Stanton Veteran's Cemetery
- 726 • November 12, 2015 – Leadership Lincoln in County Offices for Overview of County
727 Government
- 728 • November 17, 2015 – Regular Commission Meeting
729

730 **9. Departmental Updates:**

- 731 **a. Renee Montes, Senior Services Director** informed flu shots were available at various
732 senior centers in late October. Ms. Montes also stated assistance was available for
733 seniors during the Medicare open enrollment period.
734
735 **b. Curt Temple, Planning Director** informed he conducted two defensive driving courses
736 for County employees and two additional trainings were scheduled in the next month.
737 Mr. Temple stated work was temporarily halted on the new Nogal Fire Station due to
738 some required foundation changes. Mr. Temple anticipated the project would move
739 forward in the near future. Mr. Temple reported the recent Flood Plain Conference
740 was informative and well attended.
741
742 **c. Joe Kenmore, Office of Emergency Services Director (OES)** hosted an Emergency
743 Managers meeting which was attended by eight various county entity representatives.
744 Mr. Kenmore stated OES utilized the Mobile Command Unit during the recent
745 motorcycle rally and also during the Flood Plain Conference at the Spencer Theater.
746 Mr. Kenmore discussed anticipated rainfall in the near future and informed OES was
747 monitoring the area for flooding.
748
749 **d. Billie Joe Guevara, Administrative Assistant/Human Resources** provided
750 information to County employees regarding the insurance open enrollment period and
751 changes to various benefit programs.
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e. **Punkin Schlarb, Finance Director** reported the finance staff was working on the move to offices upstairs in the Annex building. Ms. Schlarb reported the Finance Department was close to completion of the current audit requirements.

Commissioner Willard questioned the Manager about a recent payment of \$11,000 to La Casa Clinic in Hondo. Commissioner Willard stated he was informed the facility had not been open to provide services.

Commissioner Allen reported the facility was not open due to staffing problems. Commissioner Allen stated the physician, Dr. Nelson, hired to staff La Casa in Hondo was unable to terminate his contract with Lovelace and the facility was left without medical staff for a time. Commissioner Allen stated La Casa hired an interim doctor to start next week and Dr. Nelson would begin providing medical care on January 1, 2016.

Commissioner Willard questioned if the County might receive a refund based on the lack of services.

Ms. Taylor stated she would request a report of number of days of service provided and analyze the financial data prior to the next meeting.

Commissioner Allen stated she had discussed the situation with Seferino Montano, CEO of La Casa and informed him of the Commission's concerns.

22. Approval of County Participation in the Village of Ruidoso Multi-Jurisdictional Hazard Mitigation Plan

Ms. Taylor stated Lincoln County had participated in discussion with the Village of Ruidoso to develop a Multi-Jurisdictional Hazard Mitigation Plan. Ms. Taylor stated other participating entities included the City of Ruidoso Downs, the Town of Carrizozo, the Village of Corona and the Village of Capitan. Ms. Taylor stated the total cost for preparation of the Hazard Mitigation Plan was \$82,948 with participants providing cash or in kind services. Ms. Taylor stated Lincoln County would provide an in kind match of \$6,800.

Motion: Approve Lincoln County's participation in the Multi-Jurisdictional Hazard Mitigation Plan,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Joe Kenmore, Office of Emergency Services Director stated the Lincoln County All Hazard Plan was due for renewal and expressed belief participation in the Multi Jurisdiction Plan would assist with that renewal process. Mr. Kenmore anticipated County staff participation would offset the \$6,800 obligation with in kind services.

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

23. Non-Metro Area Agency On Aging 2016 Request for Proposal – Resolution 2015-14

Ms. Taylor reminded every four years the Non Metro Area Agency on Aging issued a Request for Proposals (RFP) and required submission of a Four Year Area Plan for senior services provided in the County. Ms. Taylor explained the RFP included services such as congregate meals

804 provided in Senior Centers, home delivered meals, transportation and other services. Ms. Taylor
805 stated the proposed Resolution 2015-14 would authorize the Senior Services Director and County
806 Manager to submit Lincoln County's RFP response.
807

808 Commissioner Willard questioned what type of transportation services were covered by the RFP.
809

810 Renee Montes, Senior Services Director discussed the transportation options provided and
811 informed the Senior Services Transportation Program was designed to not duplicate services
812 provided by local transit or Medicab but to fill a gap. Ms. Montes stated transportation was
813 typically provided for medical appointments and services.
814

815 Commissioner Stewart commented on the community interest in transportation and discussed the
816 need to educate the public about the actual costs of these services versus reimbursement.
817

818 **Motion:** Adopt Resolution 2015-14, **Action:** Approve, **Moved by** Commissioner Stewart,
819 **Seconded by** Commissioner Willard.

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

821 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
822 Commissioner Willard.
823

824 **SEE EXHIBIT C** Copy of Resolution 2015-14 is attached hereto in reference thereto made a
825 part hereof.
826

827 **24. Approval of Reclassification of "Assets and Information Clerk" Position** 828

829 Ms. Taylor stated the recently vacated Assets and Information Clerk position was previously
830 defined as a Grade 26. Ms. Taylor stated upon review of the position duties and responsibilities
831 by the immediate supervisor, Finance Director Punkin Schlarb, a reclassification to Grade 22 was
832 recommended. Ms. Taylor stated subsequently the Compensation Advisory Board considered
833 and approved the request for change in grade level on October 6, 2015.
834

835 **Motion:** Approve the change to the Assets and Information Clerk position to a Grade 22, **Action:**
836 Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

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

838 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
839 Commissioner Willard.
840

841 **25. Approval of Prior Year 2014-15 Invoices** 842

843 Ms. Taylor informed three invoices were recently received for services provided in the prior fiscal
844 year. Ms. Taylor stated services provided were multiple radio spots promoting Lincoln County's
845 Education and Outreach phase of the FEMA Hazard Mitigation Project occurring between
846 September of 2014 and April of 2015. Ms. Taylor stated these ads were conducted in conjunction
847 with various organizations resulting in a late distribution of invoiced costs.
848

849 **Motion:** Authorize payment of the invoices, **Action:** Approve, **Moved by** Commissioner Willard,
850 **Seconded by** Commissioner Stewart.
851

852 Commissioner Draper questioned if the FEMA funding allocated for education and outreach would
853 cover the invoiced costs.

854
855 Punkin Schlarb, Finance Director confirmed the FEMA funds would cover the invoiced costs.
856

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

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

860

861 **26. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
862 **Lincoln County Ordinance:**

863

- 864 a) 2014-08 Personnel Policy
- 865 b) 2015-03 Solid Waste Ordinance
- 866 c) 2009-03 Litter Ordinance

867

868 Commissioner Allen requested consideration of a possible exemption for residences which have
869 adjoining "guest structures".

870

871 Paul Baca, Assessor stated the Assessor's property tax codes were based on the number of
872 independent structures on a property and the definition of "independent structures" varied with
873 construction type.

874

875 Commissioner Allen suggested there were a limited number of properties which were paying two
876 bills with only one full time inhabited residence.

877

878 Chair Stone cautioned about granting any exemption which would set a precedent.

879

880 Attorney Morel questioned if there was consensus or majority request for drafting of an additional
881 exemption. Attorney Morel suggested since other revisions to the Ordinance were anticipated to
882 reflect service and billing changes, the Board of Commissioners could consider any additional
883 billing exemptions at that time.

884

885 Linda Phillips, Solid Waste Billing Clerk expressed belief there were approximately five or six
886 accounts currently billed for multiple residences on one property. Ms. Phillips stated to her
887 knowledge other counties had not provided an exemption for this circumstance.

888

889 **Motion:** Schedule public hearings for the next Regular Meeting to consider the 2014-08
890 Personnel Policy Ordinance and the 2009-03 Litter Ordinance; postpone scheduling a public
891 hearing for the 2015-03 Solid Waste Ordinance

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

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

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

896

897 **27. Consideration of Appointments and Removals from Boards/ Commissioners/**
898 **Committees:**

899

- 900 a) Land and Natural Resources Advisory Committee-Douglas Fuqua
- 901 b) Lincoln Historic Preservation Board-Melissa Boute
- 902 c) Planning Commission -two vacant
- 903 d) Senior Citizens Olympic Committee - one vacant
- 904 e) Road Task Force - Private Citizen, Road Superintendent, Commissioner

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Motion: Reappoint Douglas Fuqua to the Land and Natural Resources Advisory and Reappoint Melissa Boute to Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

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

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

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

955 Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been
956 retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of
957 the County.

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

962 6. **Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains,*
963 *Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons
964 received June 15, 2015. Removed to Federal Court July 7, 2015. Order Granting Defendants'
965 Motion to Dismiss filed Oct. 7, 2015.

966 7. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-*
967 *00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Filed Amended
968 Complaint alleging Civil Rights Violation and Gender Based Discrimination on Oct. 13, 2015.

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

971 8. **Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect
972 Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015

Tort Claims Notices Received or Threatened

2015

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

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

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

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

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

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

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

997 **Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and**
998 **Litter in the County.** March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to
999 dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-
1000 10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected
1001 and noted no progress had been made.

1002 **Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy,**
1003 **Lincoln County Sheriff Robert Shepperd, and the County of Lincoln** – Tort Claim Notice
1004 received May 4, 2015 from Attorney Manuel Garcia/Hakanson Firm, alleging violation of
1005 defendants' 4th Amendment rights.

1006 **Culp, Susan v. LCMC/Lincoln County:** Tort Claim Notice received May 4, 2015 from
1007 Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent
1008 supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about
1009 March 3, 2015 during Ms. Culp's gall bladder removal surgery.

1010 **Reyes, Roberto** – Tort Claim Notice received May 15, 2015 from Attorney Timothy
1011 White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and
1012 wrongful conduct of the Lincoln County Sheriff's Department.

1013 **Torres, Leopoldo:** Tort Claim Notice received June 4, 2015 from inmate Torres alleging
1014 inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

1015 **Wallace, Stephen:** Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell
1016 alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention
1017 Center without proceeding with a timely extradition.

1018 **Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris
1019 Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County
1020 Detention Center.

1021 **Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek
1022 alleging exposure to unsanitary conditions at Lincoln County Detention Center.

1023 **Prudencio, Fabian and Corinne** – Tort Claim Notice received July 24, 2015 from
1024 Attorney Daniel P. Ulibarrri alleging negligence, personal injury, spoliation, indemnification and
1025 property damage against the County of Lincoln.

1026 **Yates, Barbara** – Verbal Threat against the County issued July 21, 2015 due to ongoing
1027 flooding at her private property.

1028 **Davis, Jack and Rema** – Verbal Threat against the County issued July 21, 2015 due to
1029 ongoing flooding at their private property.

1030 ***Capitan Iron Mine** – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair
1031 Dunn alleging County trespass on private property.

1032 ***Estate of Viola/Orlando Montes** – Tort Claim Notice received Sept. 28, 2015 from
1033 Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds
1034 without necessary safety equipment.

2014

1037 **Ramos, Aaron** – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his
1038 rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges
1039 damages by not being granted detainee to detainee correspondence.

1040 **Millerden, Kenneth and Anita** – Tort Claim Notice received May 9, 2014 from Attorney
1041 Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum
1042 care for their infant son.

1043 **Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while
1044 incarcerated at Lincoln County Detention Center on March 11, 2014.

1045 **Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in
1046 Lincoln County Detention Center without being advised of his charges.

1047 **Herbert, Crystal** – Tort Claim Notice received June 23, 2014 from Attorney Matthew
1048 Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a
1049 minor, emotional distress.

1050 **Class Action** – Tort Claim Notice received June 23, 2014 from Attorney Ryan
1051 Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln
1052 County Detention Center that arise with Immigration and Customs Enforcement charges.

1053 **Atwell, Stacey** – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of
1054 her two minor children during a request for a deputy to assist in keeping the peace.

1055 **McGarry, Sean** – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones
1056 Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent

1057 infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge
1058 regarding discharge from the Capitan Police Department.

1059 **Ramos, Aaron** – Tort Claim Notice received August 7, 2014 alleging lack of Due Process
1060 for inmates at Lincoln County Detention Center.

1061 **Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 from Attorney W.
1062 Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own
1063 equipment to alter a platted County right of way without the authorization or knowledge of the
1064 County.

1065 **Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20,
1066 2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers
1067 destroyed items in a home.

1068 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Oct. 24, 2014 by
1069 Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a
1070 violation of 8th Amendment Rights.

1071 **Ryen, Allen**- Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek
1072 alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

1073 **Inmate Group** – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek
1074 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center

1075 **McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by Attorney W. Chris
1076 Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

1077 **Caughron, Brittany and Anderson, Amie** – Tort Claim Notice received Nov. 14, 2014
1078 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln
1079 County Detention Center

1080 **Inmate Group** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek
1081 alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

1082 **Long, Cameron** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
1083 Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

1084 **McClarnon, Brian** – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris
1085 Nedbalek alleging violations of U.S. Constitutional Amendment rights.

1086 **Diana Martwick, 12th Judicial District Attorney** – Tort Claim Notice received Nov. 25,
1087 2014 alleging lack of adequate office space provided by the County of Lincoln.

1088 **Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris
1089 Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

1090
1091 **2013**

1092 **Harrisburg Documents**- Attempts to recover Lincoln County documents illegally taken
1093 from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in
1094 recovery efforts.

1095
1096 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

1097 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

1098 **Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper,
1099 Commissioner Willard.

1100
1101 Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:17:16 PM.

1102
1103 Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:16:44 PM.

1104
1105 Commissioner Stewart attested that matters discussed in the closed meeting were limited to those
1106 specified in the motion for closure or in the notice of separate closed meeting.

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29. Potential Action Re: GSWA Litigation

Attorney Morel informed no action was recommended at this time.

30. Renewal of County Manager Contract-Terminates November 7, 2015

Attorney Morel presented the contract with additional language providing prior approval for scheduled leave in December. Attorney Morel stated the only other consideration was any proposed increase in salary.

Motion: Renew the County Manager contract under existing parameters with inclusion of the additional scheduled leave language, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

31. Signing of Official Documents

32. Next meetings:

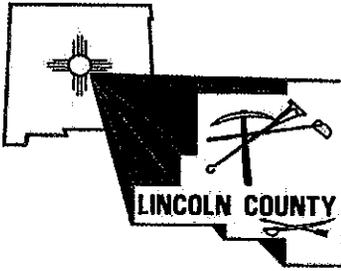
November 17, 2015 - Regular Commission Meeting

33. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:20:20 PM.

Respectfully submitted by
Rhonda B. Burrows
Lincoln County Clerk

DRAFT



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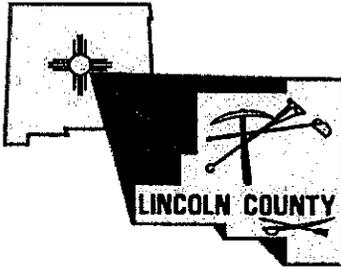
County of Lincoln

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

Agenda Item 7

SUBJECT

1. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer's Financial Report for the Month ending October 31, 2015



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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 October 1 through October 31, 2015 in the amount of \$1,557,102.96.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 17th day of November 2015.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Preston Stone, Chairman

Dallas Draper, Vice-Chairman

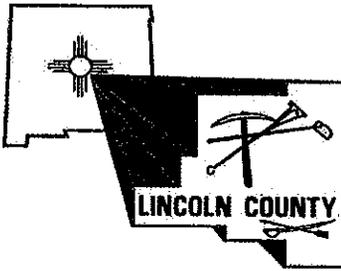
Elaine Allen, Member

Dr. Lynn Willard, Member

Thomas F Stewart, Member

ATTEST:

Rhonda B Burrows, County Clerk



County of Lincoln

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AGENDA NO. 8

November 9, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

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 Stevens Stearns.

**LINCOLN COUNTY COMMISSION
RECOGNITION AND MEMORIALIZATION OF
JOHNSON STEVENSON STEARNS
LIFETIME LINCOLN COUNTY PIONEER AND HISTORIAN**

WHEREAS, the Board of County Commissioners of Lincoln County wishes to recognize and memorialize Johnson Stevenson 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; and

WHEREAS, our friend, neighbor and respected colleague and businessman Johnson Stearns passed away at his home on Saturday, October 10, 2015 at the age of 98 after spending his lifetime touching people's lives in Lincoln County;

WHEREAS, during many of those years, Johnson Stearns was a "Santa Clause" of sorts to many people; providing advice and financial counsel; assisting his neighbors achieve their goals, with no expectation of being praised or recognized for the gifts he gave. He professionally served his community as "banker", retiring as President of United New Mexico Bank; and

WHEREAS, Johnson Stearns worked tirelessly as a public servant, taking on key community responsibilities as the City Clerk, Mayor and School Board member for the Town of Carrizozo. He generously contributed the ultimate gift of time by serving on the Lincoln County Hospital Board, as the Treasurer of Nogal Camp Meeting, as a founding member of the Nogal Presbyterian Church and as a leader in the Carrizozo Rotary, from which he will be sorely missed; and

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of Lincoln County wishes to recognize and memorialize Johnson Stevenson Stearns, for his many contributions to the citizens of the Town of Carrizozo, County of Lincoln, and for his incredible knowledge of our history and his willingness and ability to share that knowledge. May this unsung hero and guardian of our unique New Mexico heritage be long remembered by the citizens of Lincoln County.

PASSED, APPROVED AND ADOPTED this 17th day of November 2015.

Board of Commissioners, Lincoln County, State of New Mexico

Preston Stone, Chair

Dallas Draper, Vice Chair

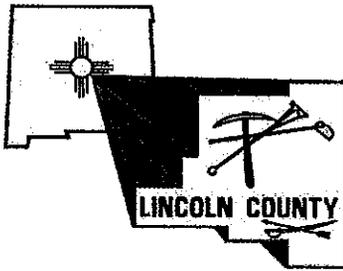
Elaine Allen, Member

Tom Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows



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County of Lincoln

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AGENDA Item No. 9

November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Forest, Land and Natural Resources Matters

Smokey Bear Ranger District: Former Ranger Dave Warnack of Smokey Bear District announced last month that he was relocating to Oregon and thanked the Commission for its support and cooperation over the years. The Acting District Ranger may be in attendance to update the Commission on key activities.

The Lincoln Nation Forest is starting its Forest Plan Revision. Initial meetings were held in the County in early November. See **Enclosure 1** for Plan Overview. The general calendar calls for Phase 1, the Assessment phase to proceed as follows:

1. Summer 2016: Outreach and Engagement Internally and Externally; Develop Assessment, Review and Release;
2. Summer 2016 - Fall 2017: Notice of Intern, Formal Scoping, Development of Alternatives;
3. Fall 2017 – Spring 2019: Public Review of Draft Plan/DEIS and Response to Comments and Adjustments to the Plan/DEIS;
4. Spring 2019 – Summer 2019: Notice of Objection; Final EIS and Record of Decision;
5. Summer 2019 and Beyond: Implementation and monitoring.

Cibola National Forest. Last month I reported attending the Cibola National Forest landscape meeting in Albuquerque, with additional meetings set up for November 30th through December 2nd. Cibola has received many comments regarding the second phase of the Potential Wilderness Inventory. At **Enclosure 2** are issues of concern submitted by the New Mexico Department of Agriculture; the remainder of the NMDA report, *Inventoried Polygon Analysis* can be provided upon request, or can viewed at the Cibola's on line "Reading Room: <https://cara.ecosystem-management.org/Public/ReadingRoom?Listsize=50&project=46268&SearchResultsPerPage=50&List-page=2> .

As a reminder, Cibola's 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

Participation in these two Forest Plan Revisions are key to the County and will require considerable time and resources. I recommend the Commission call on the expertise to its LANRAC Committee, along with Manager, to participate in these meetings on behalf of the County, report status and seek direction.

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

Upper Hondo Water & Soil Conservation District – Laura Johnson, Program Coordinator will be in attendance to update the Commission on various activities.

Water Issues:

1. ***The Posting on State Engineer's Website for:*** Cheryl Knobel H-505-PODS, for Alpine Village Sanitation District, was reposted on October 9, 2015. 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-feed 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 3.***

Recommendation: Consider requesting the County's Land and Natural Resources Advisory Committee to assist in the participation in the Cibola National Forest's and Lincoln National Forest's *Forest Plan Revisions.*

Lincoln National Forest

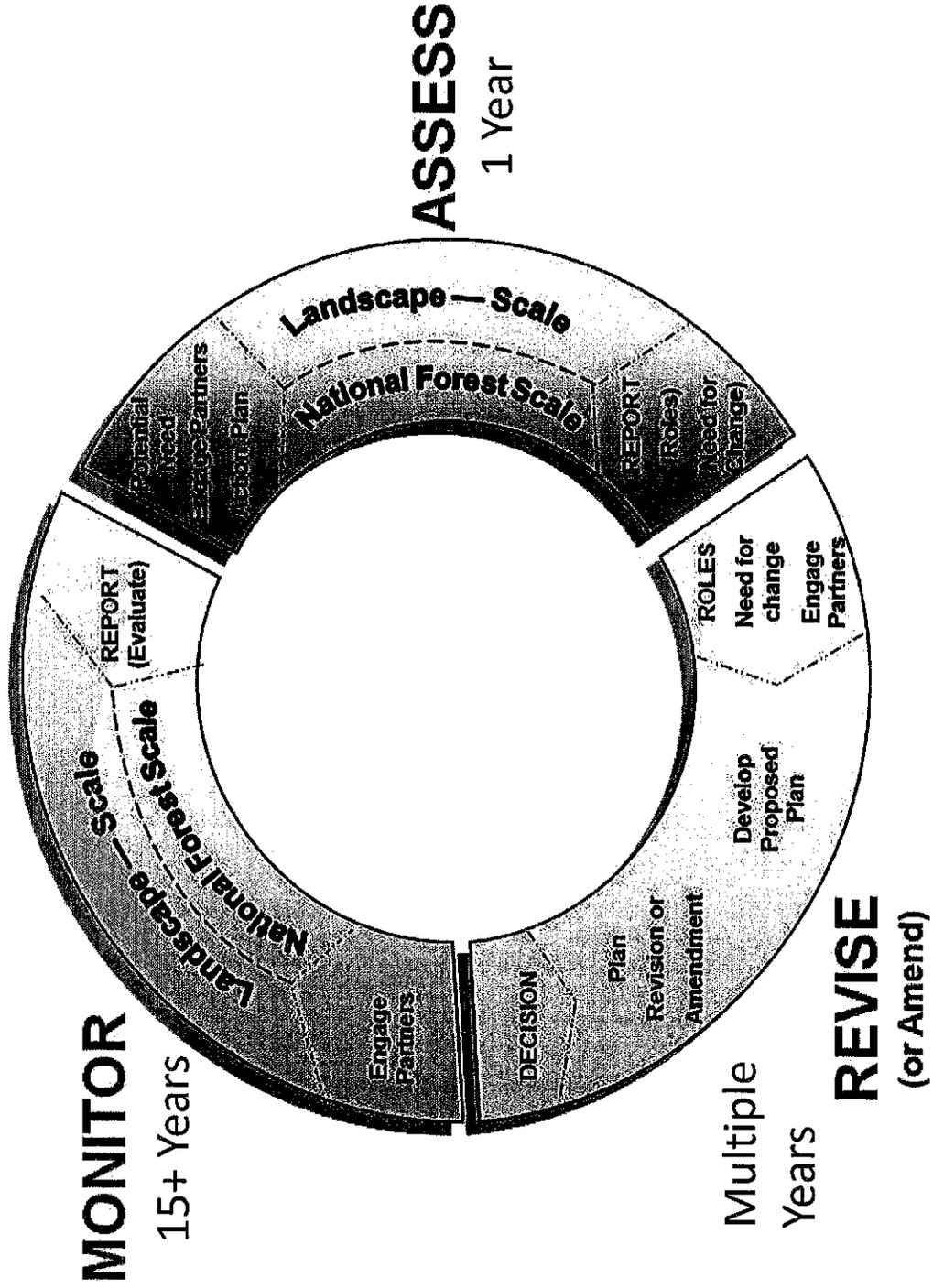
Forest Plan Revision

(FPR)

Phase 1: The Assessment



The 2012 Rule Planning Process



What is an assessment?

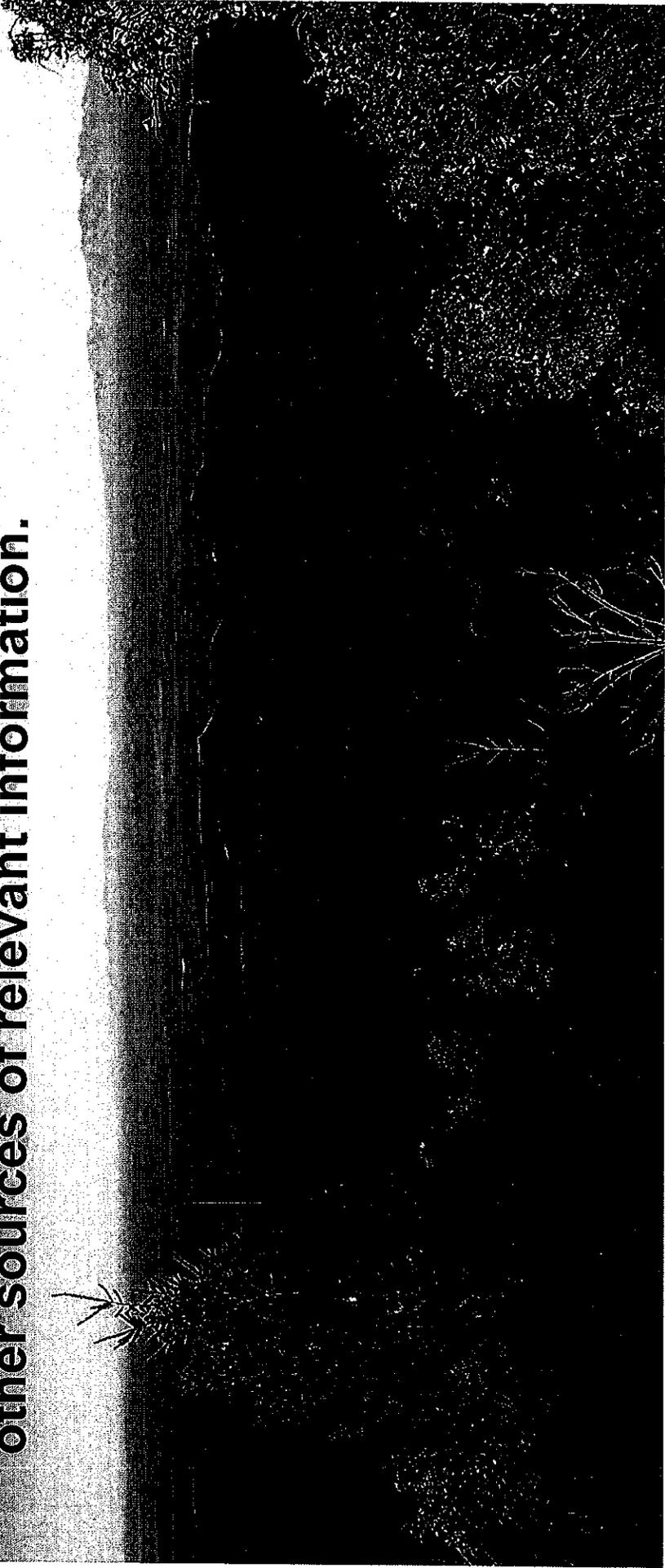
- Rapid evaluation of existing information concerning:**
- relevant ecological, economic and social conditions
 - trends and sustainability
 - and their relationship to the land management plan within the context of the broader landscape.

The Assessment Phase

- **15 important ecological, social, and economic resource topics**
 - What is out there?
 - What is the trend?
 - What is the potential for the future?
 - What is at risk?
- **Use of best available science, local information, national perspectives, and native knowledge**
- **Identify how the 1986 Plan needs to be revised (determine the “Need for Change”)**

Where will information in the assessment come from?

through identification and consideration of existing information in governmental or non-governmental assessments, plans, monitoring reports, studies, and other sources of relevant information.

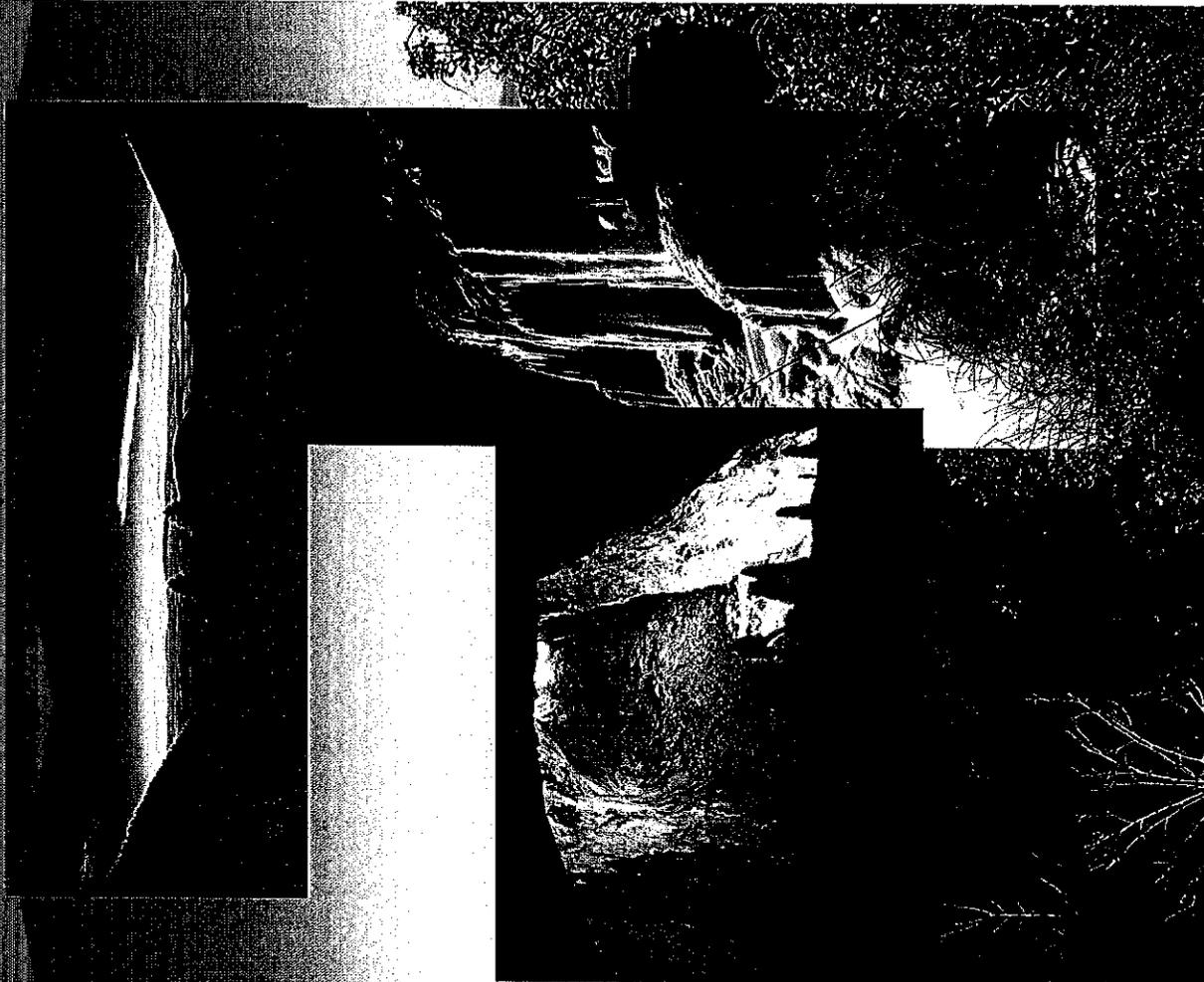


Where will information come from? Examples...

- New Mexico State Assessments and Plans
- County Plans and Assessments
- City Plans and Assessments
- Public Information, including relevant land management plans and local knowledge.
- University Reports and Studies
- New Mexico Statewide Comprehensive Outdoor Recreation Plan
- Community Wildfire Protection Plans
- Public Transportation Plans
- New Mexico Wildlife Data Action Plans
- Relevant Agency or Interagency Reports, Resource Plans, or Assessments (Ex. Lincoln National Forest Sustainable Recreation Strategy)

IMPORTANT ECOLOGICAL RESOURCES

1. Ecosystems
2. Air, soil, and water
3. Natural processes
4. Carbon Stocks
5. At-Risk Species



Ecological Response Unit (ERU)

- o Ecological Response Units are map unit groupings
- o ERUs include geographic reference, vegetation structure and composition, substrate and/or disturbance regime. Some examples on the Lincoln National Forest include Chihuahuan Desert scrub, Mixed Conifer – Frequent Fire, and Pinon/juniper Woodland

ECOLOGICAL RESPONSE UNIT (ERU) EXAMPLES



Natural processes – System drivers

These include:

- Dominant ecological processes,
- Disturbance regimes,
- Stressors, such as ...
 - Natural succession,
 - Wild fire,
 - Invasive species, and
 - Climate Change;
- Ability of terrestrial and aquatic ecosystems on the plan area to adapt to change

Carbon Stocks & At-Risk Species

Carbon stocks

- Carbon stored in the Forest. Mainly in the living things but to a lesser effect the litter and soil.

At-risk species

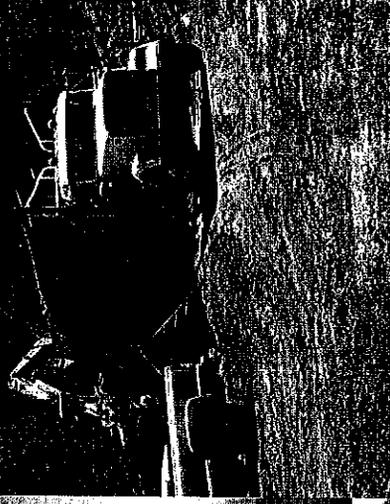
- Endangered, Threatened, and Sensitive Species
- Species of conservation concern



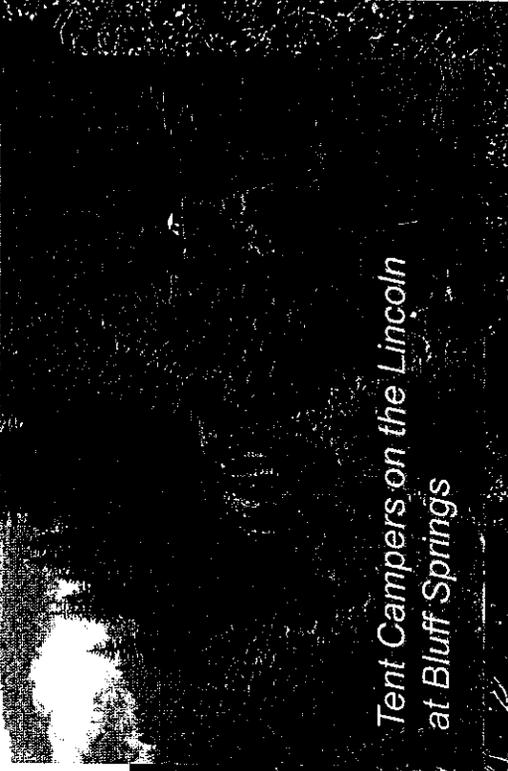
Important Social and Economic Influences

6. Social, cultural, and economic conditions
7. Benefits people obtain from ecosystem services
8. Multiple uses and their economic contributions
9. Recreation
10. Energy and Minerals

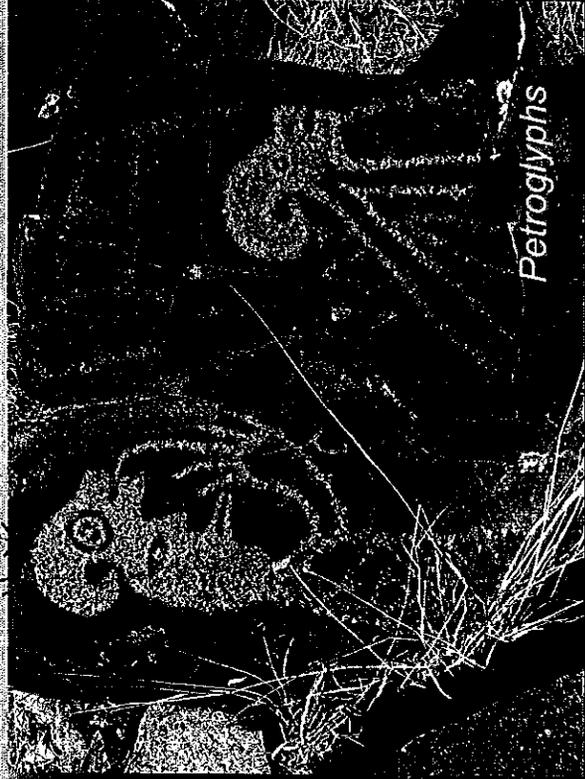
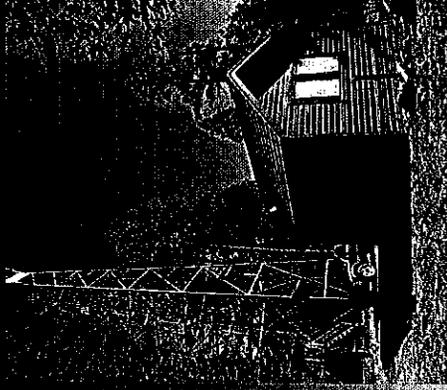
Logging Truck



*Tent Campers on the Lincoln
at Bluff Springs*



Important Social and Economic Influences



11. Infrastructure

12. Areas of Tribal Importance

13. Cultural and Historical

Resources

14. Land ownership and Use

15. Existing and Potential

Designated Areas

What are ecosystem services

- **Cultural Services**
 - Land use,
 - aesthetic values,
 - spiritual and religious values,
 - recreation and ecotourism
- **Provisioning Services**
 - Forage,
 - livestock,
 - forest products,
 - fresh water

What are ecosystem services

- **Supporting Services**

- Nutrient cycling,
- soil formation,
- primary production

- **Regulating Services**

- Carbon storage,
- air quality,
- climate regulation,
- water regulation,
- erosion regulation

LNF Forest Plan Revision Timeline

Phase 1 Assessment

Summer 2016
Outreach and
Engagement
Internally and
Externally
Develop
Assessment,
Review, and
Release

Summer 2016 -
Fall 2017
Notice of Intent
Formal Scoping
Development of
Alternatives

Fall 2017 -
Spring 2019
Public Review of
Draft Plan/DEIS
Response to
Comments and
Adjustments to the
Plan/DEIS

Spring 2019 -
Summer 2019
Notice of Objection
Final EIS
Record of Decision

Summer 2019 and
Beyond
Implementation and
Monitoring

Phase 2 – Environmental Impact Statement 2016-2019

For more information...

- **Forest Plan Revision Website**

<http://www.fs.usda.gov/goto/lincolinfoestplan>

- **Links to:**
 - 2012 Planning Rule
 - Final Directives
 - Region 3 Planning
 - Sign Up for Mailings
 - Associated Documents
 - Q&A

- **Email:**
Inf_fpr@fs.fed.us

The screenshot shows the Lincoln National Forest website. At the top, there is a navigation bar with the USDA logo and the text 'United States Department of Agriculture Forest Service'. Below this is a search bar and a 'Site Map' link. The main navigation menu includes: Home, Special Places, Recreation, Alerts & Notices, Passes & Permits, Maps & Publications, Land & Resources Management, Learning Center, Working Together, About the Forest, News & Events, and Contact Information. The main content area features a 'Plan Revision: HOME' section with a 'Home Page' link and a 'Page Last Updated: 2/10/2015' timestamp. Below this is a 'Plan Revision: TIME LINES' section with a 'Temporarily Closed' status. A 'Featured Events' section lists 'Sacramento Lecture Series: Promoting Communities and Restoring Ecosystems' on Dec 6, 2015. A 'Plan Revision: FREQUENTLY ASKED QUESTIONS' section is also visible, along with a 'Supervisor's Office' contact information for the Smoky Bear District.

At The Same...

- **Evaluating Wilderness On The Lincoln**

Inventory, Evaluation, Analysis, & Recommendation:

- The 2012 Planning Rule requires us to **Inventory** all suitable lands on the Forest that could be eligible for wilderness designation
- Areas identified in the inventory stage will be **Evaluated** on their wilderness characteristics
- Areas that have the necessary wilderness characteristics **MAY** be further **Analyzed** in the Environmental Impact Statement
- After analysis, areas **MAY** be **Recommended** to **CONGRESS** for inclusion in the National Wilderness Preservation System
- Congress decides if and/or when an area is designated Wilderness



Lincoln Forest Plan Revision Coalition

Governmental Entities	Chairman/President	Official Mailing Address	Contact	Phone	Email
Chaves County	James Duffey, Chairman	#1 St. Mary's Place, Roswell, NM 88203	Stanton L Riggs, Esq.	575-624-6602	sriggs@co.chaves.nm.us
Eddy County	Susan Crockett, Chairman	101 W Greene St. Suite 110, Carlsbad, NM 88220	Rick Rudometkin	575-887-9511	ray@co.eddy.nm.us
Lincoln County	Preston Stone, Chairman	300 Central Ave, Carrizozo, NM 88301	Nita Taylor	575-648-2385	ntaylor@lincolncountynm.gov
Otero County	Ronnie Rardin, Chairman	1101 New York Avenue, Alamogordo, NM 88310	Pamela Heltner	575-437-7427	pzeltner@co.otero.nm.us
Carlsbad SWCD	Nathan Jurva, Chairman	3219 S. Canal, Carlsbad, NM 88220	Judy Bock	575-628-1532	swcd@carlsbadsoilandwater.org
Carrizozo SWCD	Melvin Johnson, Chairman	PO Box 457, Carrizozo, NM 88301	Karyn Hazen	575-648-2941	zozoswcd@tularosa.net
Chaves SWCD	John Sisk, Chairman	300 N Pennsylvania, Roswell, NM 88203	Joy Wagner	575-622-8746	soilcons@dfn.com
Otero SWCD	Bill Mershon, Chairman	3501 Mesa Village Dr., Alamogordo, NM 88310	Vicky Milne	575-437-3100	Victoria.Milne@nm.nacdn.net
Penasco SWCD	Steven W. Barley, Chairman	3105 W. Main, Artesia, NM 88210	Tammy Klein	575-746-4121	cvswwcd@pvtrn.net
Upper Hondo SWCD	Jim Cooper	516 Smokey Bear Blvd., Capitan, NM 88316	Laura Johnson	575-354-2220	upperhondo@windstream.net
Associations					
New Mexico Cattle Grower's Assn.	Rex Wilson, President	P.O. Box 7517, Albuquerque, NM 87194	Caren Cowan; Ex. Dir.	505-247-0584	nmcga@nmagriculture.org
New Mexico Wool Growers, Inc.	Marc Kincaid, President	P.O. Box 7515, Albuquerque, NM 87194	Michelle Frost	505-274-0584	zach@nmagriculture.org
AZ/NM Coalition of Counties	Howard Hutchinson, Exec. Dir.	P.O. Box 92252, Albuquerque, NM 87199	Howard Hutchinson	505-379-9243	aznmc@earthlink.net
NM Farm & Livestock Bureau	Chad Smith; Exec VP	2220 N. Telshor Blvd., Las Cruces, NM	Dalene Hodnett	575-649-0917	dalene.hodnett@gmail.com
Otero Farm & Livestock Bureau	Jim Ellet, President	Weed, NM	John Conner	575-687-2144	jc@pvtrnworks.net
Otero County Cattlemens Association	Gary Stone		Gary Stone	575-687-3742	wineglass@delcity.com
New Mexico Federal Lands Council	Bebo Lee, Chairman	P.O. Box 149, Alamogordo, NM 88311	Bebo Lee	575-963-2505	thehat@delcity.com
NM Coalition of Conservation Dist.	David King, Chairman	P.O. Box 129, Mountainair, NM 87036	Dee Tarr	505-847-2941	deetarr@yahoo.com
Southwest Grazing Association	Joe Bill Nunn, President	11770 Steeple A Rd. NE, Deming, NM 88030	Joe Bill Nunn	575-546-3156	jbhunn@yahoo.com
Western Heritage Alliance	Jerry Schickedanz, Chairman	5851 Leesburg, Las Cruces, NM 88007	Jerry Schickedanz	575-644-2996	jshicke@comcast.net
Council of Border Conservation Dist.	Walt Anderson; Vice-Chair	263 Anderson Rd. Redrock, NM 88055	Walt Anderson	575-542-9752	waltanderson@reagan.com
American Land Access Association	Shirley Leeson, President	P.O. Box 23, Tendoy, ID, 83468	Shirley Leeson	619-460-6128	shirleyleeson@cox.net
Concerned Groups					
NM Off-Highway Vehicle Alliance	Mark Werkmeister, Board	1700 Willow Rd. NE, Rio Rancho, NM 87144	Joanne Spivack	505-321-3155	ravens-nest@comcast.net
Desert Mint. Four Wheel Drive Club	Jason Woods, Comm. Chair	P.O. Box 744, Alamogordo, NM 88311	Jason Woods	575-430-5805	Gomach10@live.com
Las Cruces 4 Wheel Drive Club	David Smith, President	P.O. Box 1344, Las Cruces, NM 88004	David Smith	575-649-3527	dsmith@nmsu.edu
Rocky Mountain Supply	Larry B. Brown, President	2515 N. White Sands Blvd., Alamogordo, NM 88310	Larry Brown	575-437-8276	sales@rockymountainupply.com
Alamo Cycle Center	Chuck Maddox, Owner	21070 US Hwy 70, Alamogordo, NM 88310	Chuck Maddox	575-437-8189	acc@zianet.com
Huff's HYTECH Auto & 4 X 4	Jim Huff, Owner	3561 S. Main, Mesilla Park, NM 88047	Jim Huff	575-524-0880	hvtech4x4@comcast.net



**DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO**

MSC 3189, Box 30005
Las Cruces, New Mexico 88003-8005
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SUSANA MARTINEZ
Governor

JEFF M. WITTE
Secretary

September 22, 2015

Ms. Elaine B. Kohrman, Forest Supervisor
Cibola National Forest
United States Forest Service
2113 Osuna Road, NE
Albuquerque, NM 87113

RE: Cibola Forest Plan Revision: Phase 2 of the Potential Wilderness Inventory

Dear Ms. Kohrman:

New Mexico Department of Agriculture (NMDA) submits the following comments regarding the second phase of the Potential Wilderness Inventory (Inventory) for the United States Forest Service (USFS) Cibola National Forest's (Cibola) Forest Plan Revision.

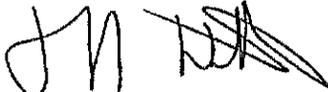
One part of NMDA's role is to provide proactive advocacy and promotion of New Mexico's agricultural industries. NMDA supports management of National Forest System lands under the principles of multiple use and sustained yield as congressionally mandated by the Multiple-Use and Sustained-Yield Act of 1960 (16 U.S.C. 528-531) and further codified by the National Forest Management Act of 1976 (16 U.S.C. 1601-1614).

Lands identified as potentially suitable for wilderness under this process would be managed under the nonimpairment policy (36 CFR 219.10 (b) (iv)) and would result in greatly reduced access for resource management and multiple use. This nonimpairment policy extends the protection of congressionally designated wilderness areas to recommended wilderness areas identified in this process. It is beyond the authority of the USFS to manage an area as wilderness unless and until Congress actually designates such areas pursuant to the Wilderness Act. NMDA is opposed to recommending any areas to include in the National Wilderness Preservation System because of the land management restrictions that accompany such a recommendation.

NMDA's comments are organized into an "Issues of Concern" section and an "Inventoried Polygon Analysis" section as outlined below in a Table of Contents.

Thank you for the opportunity to submit comments regarding the Inventory for the USFS Cibola National Forest's Forest Plan Revision. Please contact Ms. Lacy Levine at (575) 646-8024 or llevine@nmda.nmsu.edu with any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "JM Witte", with a stylized flourish at the end.

Jeff M. Witte
JMW/ll/ya

Table of Contents

Issues of Concern.....	4
Information Sources.....	4
Request for Further Information.....	4
Inventory Process.....	4
Grazing.....	5
Roads and Trails.....	5
Constructed Features.....	6
Watershed Health.....	7
Wildland Urban Interface.....	8
Fire History.....	9
Private Land Inholdings.....	9
Small Land Exclusions.....	9
Management of Surrounding Lands.....	10
Threatened and Endangered Species.....	10
Invasive Species.....	10
Inventoried Polygon Analysis.....	12
Overview.....	12
Polygon Analysis.....	13
Mt. Taylor Ranger District.....	13
Phase 2 Stand-Alone Areas (Phase 1: 12 Areas; Phase 2: 5 Areas).....	13
Phase 2 Adjacent Areas (Phase 1: 0 Areas; Phase 2: 2 Areas).....	18
Magdalena Ranger District.....	20
Phase 2 Stand-Alone Areas (Phase 1: 20 Areas; Phase 2: 15 Areas).....	20
Phase 2 Adjacent Areas (Phase 1: 8 Areas; Phase 2: 23 Areas).....	33
Mountainair Ranger District.....	48
Phase 2 Stand-Alone Areas (Phase 1: 2 Areas; Phase 2: 1 Area).....	48
Phase 2 Adjacent Areas (Phase 1: 8 Areas; Phase 2: 8 Areas).....	49
Sandia Ranger District.....	55
Phase 2 Adjacent Areas (Phase 1: 10 Areas; Phase 2: 10 Areas).....	55
Appendix.....	61

Issues of Concern

Information Sources

NMDA utilized several Geographic Information System (GIS) sources of information to analyze polygons in the Inventory and to write our comments. We have listed these sources below as reference for readers.

- Phase 2 Inventory Maps (herein, “Map PDFs”)¹
- ArcGIS Story Map (herein, “Story Map”)²
- ArcGIS Phase 2 Inventory Map Files available by Freedom of Information Act (herein, “Polygon GIS Files”)
- ArcGIS Files for the Cibola (herein, “Cibola GIS Files”)³

The “Inventoried Polygon Analysis” section utilizes the Evaluation Criteria Definition Matrix and Comment Form available in Appendix C of the “Process Report for Inventory and Evaluation of Lands That May Be Suitable for Wilderness” (herein, “Process Report”).⁴

Request for Further Information

Upon becoming a cooperating agency in the Forest Plan Revision process, NMDA requested the GIS shapefiles and supporting data during a meeting regarding the release of the second phase of this Inventory. We were told to submit a Freedom of Information Act request upon the publication of the second phase of the Potential Wilderness Inventory maps; which we did on July 20, 2015, and received soon after.

As an agency, we have received several questions regarding our recommendation on how best to comment on the Inventory. Because the PDF and online maps that have been provided do not offer the level of detail needed for analysis, we have had to use and have had to recommend the tedious approach of utilizing Google Earth and the online maps simultaneously to compare all features in an area. We believe the Cibola should have provided more detailed maps or should have been more responsive to public requests for the GIS files to make comment writing less tedious. It is unfair to people who actively use the forest for their business operations to have to spend so much time and resources to compare documents in order to provide substantive comments on this Inventory.

Inventory Process

The Process Report’s “Appendix A: Substantially Noticeable Definition Matrix,” provides the criteria the Cibola developed for the definition of the term “substantially noticeable.” The term

¹ United States Forest Service, Cibola National Forest and National Grasslands, “Forest Plan Revision,” Phase 2 Inventory Maps available to download as PDF documents at:

http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627

² United States Forest Service, Cibola National Forest and National Grasslands, “Inventory and Evaluation Process of Lands That May Be Suitable for Wilderness,” ArcGIS Story Map available at:

<http://r3fpr.maps.arcgis.com/apps/MapSeries/index.html?appid=905deda6030748139b892907a555857d>

³ United States Forest Service, “Cibola National Forest GIS Data,” available for download at:

<http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelpdb5212078>

⁴ United States Forest Service, Cibola National Forest and National Grasslands, “Forest Plan Revision,” Process Report for Inventory and Evaluation of Lands That May Be Suitable for Wilderness,” available to download as a PDF document at: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627

“substantially noticeable” is used in the Forest Service Handbook 1909.12, Chapter 70 but is not defined in any USFS documents. The criteria outlined in Appendix A is subjective and was not formally provided to the public for comment. Given this subjectivity, NMDA requests that any changes made to the Inventory based on the application of the criteria be provided to the public during an additional comment period. The long term implications of recommending areas to be included in the National Wilderness Preservation System are of direct interest to forest users. The public should be given ample and transparent opportunities to provide feedback on the Inventory and changes made to it.

Additionally, the Process Report’s “Appendix B: Detailed Phase 2 Results,” provides detailed explanations on why each polygon was removed, modified, or added to the Inventory. The explanations also include where field verification is needed where applicable. These field verifications – as point of process – should have been conducted prior to the release of the Map PDFs because if features are field verified to be Substantially Noticeable, they will change the boundaries of many polygons. Such changes should be made available for public review and comment. Breaking up the Inventory process into so many steps complicates public involvement; having a cohesive and complete polygon analysis would have been helpful during this phase of the Inventory. Further to this point, NMDA requests that when field verifications are conducted, that photographs and field notes for each site visit be provided to the public. Since field verification is one of the last steps of the Inventory, it is imperative the reasoning of why particular areas are removed or kept in the inventory be given.

Grazing

The USFS recognizes that, “complex congressional guidelines provide for existing levels of grazing and necessary range improvements.”⁵ The Cibola manages approximately 90 grazing allotments across the Cibola’s Ranger Districts. The continued availability of grazing allotments is important in terms of public priorities, economic vitality of rural economies, range health, and the customs and culture of many people in New Mexico. It is paramount that your staff consult and coordinate with all affected grazing permit holders in the Cibola throughout this process to ensure that agricultural producers retain their existing grazing Animal Unit Months and unrestricted access needed to maintain range improvements and manage livestock grazing on their allotments. Further, NMDA asserts that managing grazing units as wilderness does not allow for access for monitoring and rangeland restoration activities. Therefore, NMDA requests that all inventoried polygons with existing or needed range improvements (including fences, pipelines, stock tanks, etc.) be removed from further consideration to be managed or recommended as wilderness.

NMDA lists the specific grazing GIS features (range management units) in the “Inventoried Polygon Analysis.” Polygons with grazing allotments should be removed from further consideration in the Inventory and not be managed as wilderness.

Roads and Trails

NMDA objects to the practice of “cherry-stemming” roads from the boundary of potential wilderness areas under the argument that it does not impact wilderness when, in fact, it does. If a road provides access into or bisects an area, that area is not roadless and thus not suitable for

⁵ United States Forest Service, “Wilderness.” <http://www.fs.fed.us/managing-land/wilderness>.

potential wilderness. The practice of artificially reducing road densities by cherry-stemming roads from an area is indefensible.

Further, most remaining inventoried polygons still include roads and trails. Though these roads and trails may not be used often by the general public, forest users such as grazing permit holders likely use them for range access for day-to-day operations. It is paramount that road and trail access and maintenance persist in polygons and not be inhibited due to the polygon's management as wilderness.

NMDA lists the GIS features for roads and trails for each applicable polygon in the "Inventoried Polygon Analysis" below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness.

Constructed Features

Several types of constructed features are within or near many polygons according to the Cibola's online GIS database. Constructed features include "fences, bridges, culverts, buildings, communication systems, gates, helipads, parking lots, shooting ranges, etc.... and nonconstructed features may include natural barriers and other features that need to be maintained spatially." According to the Wilderness Evaluation chapter of the Land Management Planning Handbook, "other improvements," which includes many of the constructed features listed above, should be included in the Inventory. If these features require maintenance access, some of these features may disqualify polygons from being recommended for wilderness designation.

Many of the constructed and nonconstructed features are related to water development and water provision for livestock and wildlife use. Under New Mexico's prior appropriation system, maintaining water rights requires a permit holder to apply water rights to the intended beneficial use. In the context of livestock watering rights, federal agencies are unable to comply with this requirement due to the fact that grazing permit holders, not the federal agency, are owners of the livestock on federal grazing allotments and are the only party capable of applying livestock watering rights to beneficial use. Therefore, NMDA requests that polygons with constructed and nonconstructed features related to livestock watering be removed from further consideration for wilderness designation. Neither wilderness recommendation nor designation should be used to allow the USFS the ability to prohibit access to water or to allow the agencies to gain control of water that is necessary for the public good.

Additionally, Appendix A in the Process Report, as described above, provides criteria for range improvements that are considered to be "substantially noticeable." One of the criteria is, "water pipelines located above ground which are greater than 6 inches in diameter..."⁶ NMDA asserts that pipelines over 6 inches are uncommon constructed features. Pipelines that are under 6 inches should be included in the definition of "substantially noticeable," and thus removed from the

⁶ United States Forest Service, Cibola National Forest and National Grasslands, "Forest Plan Revision," Process Report for Inventory and Evaluation of Lands That May Be Suitable for Wilderness," Page 14, available to download as a PDF document at:
http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627

Inventory in order to ensure that access and maintenance can continue for these important range improvements.

NMDA lists the GIS features for constructed features for each applicable polygon in the “Inventoried Polygon Analysis” below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness.

Watershed Health

The Cibola’s Assessment Report included the “Combined Table of Ecological Risk to Water Resource Features” in Table 38 (below).⁷ As demonstrated in the table below, most watershed features in the Cibola are rated as having at least moderate risk. The Assessment Report offers many methods to mitigate these watershed feature risks.⁸ However, these activities cannot be achieved to their full capacity if managed as wilderness. Thus NMDA requests the removal of all polygons with a risk rating of at least “moderate” from further consideration in the Inventory.

Feature	Mt. Taylor	Zuni Mtns.	Bear Mtns.	Datil Mtns.	Magdalena Mtns.	San Mateo Mtns.	Gallinas Mtns.	Manzano Mtns.	Sandia Mtns.
Perennial Streams	Moderate (Mod.)	Mod.	Mod.	None	None	Mod.	None	High	Mod.
Springs	High	High	High	Mod.	Mod.	Mod.	High	High	Mod.
Riparian	Mod.	Mod.	High	Mod.	High	Low	None	High	Mod.
Ground-water	Mod.	Mod.	Low	Mod.	Low	Low	Mod.	Mod.	High
Watershed	Mod.	Mod.	Mod.	Low	Low	Low	Mod.	Mod.	High

Further to this point, “the U.S. Forest Service’s watershed condition classification, priority watershed designation and Watershed Restoration Action Plans are the first three steps in the agency’s Watershed Condition Framework.”⁹ The Watershed Condition Classification Maps are the culmination of the first step and demonstrate the health of watersheds in the Cibola.¹⁰ The Watershed Condition Classification scheme rates watersheds as “Functioning Properly,” “Functioning at Risk,” and “Impaired Function.”

NMDA has reviewed the 212 watersheds in the Cibola (downloaded from the USFS Watershed Condition Framework website) and has compiled the following table that summarizes the Overall Watershed Condition, Rangeland Condition, and Fire Regime Condition. Although over 75 percent of watersheds have an Overall Watershed Condition rating of “Functioning Properly,” over 78 percent of the watersheds have a Rangeland Condition rating of “Functioning at Risk.”

⁷ United States Forest Service, Cibola National Forest, “Assessment Report of Ecological / Social / Economic Conditions, Trends, and Risks to Sustainability, Cibola National Forest Mountain Ranger Districts, Volume 1, Ecological Assessment,” Table 38, Page 138, February 2015, available at: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627.

⁸ United States Forest Service, Cibola National Forest, “Assessment Report of Ecological / Social / Economic Conditions, Trends, and Risks to Sustainability, Cibola National Forest Mountain Ranger Districts, Volume 1, Ecological Assessment,” Page 139, February 2015, available at: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627.

⁹ United States Forest Service. “Watershed Condition Framework.” <http://www.fs.fed.us/publications/watershed/>.

¹⁰ United States Forest Service. “Watershed Condition Framework - Watershed Condition Classification Maps.” Available at: <http://www.fs.fed.us/publications/watershed/>.

Similarly, nearly 85 percent of the watersheds have a Fire Regime Condition rating as either “Functioning at Risk” or “Impaired Function.”

If the ratings for either the Rangeland Condition or the Fire Regime Condition are less than “Functioning Properly,” restoration work is needed in those watersheds. NMDA insists that polygons that are in watersheds with a rating of less than “Functioning Properly” be removed from the list of recommendations for wilderness designation in order to ensure that restoration projects can occur without restrictions. The importance of properly functioning watersheds should be of paramount concern for not only natural resource conditions but also for water production in the upper watershed areas within the forest.

Cibola National Forest Watershed Condition Class Summary						
Condition Classification	Overall Watershed Condition		Rangeland Condition		Fire Regime Condition	
	Number	Percent	Number	Percent	Number	Percent
1=Functioning Properly	161	75.94%	45	21.23%	32	15.09%
2=Functioning At Risk	50	23.58%	167	78.77%	82	38.68%
3=Impaired Function	1	0.47%	0	0.00%	98	46.23%
Total Watersheds = 212						

NMDA lists the GIS features for watershed health for each applicable polygon in the “Inventoried Polygon Analysis” below. Watershed health is a dynamic and complicated issue to address; but the specific GIS features that NMDA analyzed includes constructed features such as water tanks, pipelines, water drinkers, troughs, as well as water bodies such as lakes and pit tanks. These features are listed for each applicable polygon, and NMDA requests that all polygons with these features be removed from further consideration in the Inventory to ensure that access and maintenance can be performed without the restrictions that are involved with managing areas as wilderness.

Wildland Urban Interface

NMDA strongly opposes recommending Wildland Urban Interfaces (WUIs) for wilderness designation because doing so will negatively impact forest thinning, restoration, and other fire management strategies due to the higher access and maintenance restrictions imposed with managing areas as wilderness. New Mexico has been experiencing record drought and subsequent fires in the past several years. Inhibiting timber management and restoration work in WUIs is directly in opposition to USFS’s three-part strategy to manage wild fires, which includes ecosystem restoration, community preparedness, and wildfire response. Therefore, it is critical for USFS to take into account all resource conditions during this process as well as the reality of past management, current conditions, and elements of future potential conditions such as persistent drought.

NMDA lists the GIS features for WUIs for each applicable polygon in the “Inventoried Polygon Analysis” below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness.

Fire History

Numerous fires have burned in the Cibola in the last 50 years. Watershed damage may still be affecting the many areas. To allow restoration work to occur in the area without the restrictions imposed by managing the area as wilderness, NMDA requests that polygons where fires have occurred be removed from further consideration in the Inventory. NMDA lists the GIS features for historical (and many recent) fires for each applicable polygon in the "Inventoried Polygon Analysis" below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness.

Private Land Inholdings

NMDA requests that polygons with private land inholdings be removed from further consideration in the Inventory to ensure that private land owners are able to continue their land uses without restrictions due to surrounding land being recommended for wilderness designation. NMDA also requests that road maintenance be upheld in these areas. It is the USFS' stated policy to "grant reasonable and appropriate access across National Forest System land to private inholdings and to mining claims (36 CFR 212 and 36 CFR 251, Subpart D)" consistent with the policy found in the Road and Trails Rights-Of-Way Grants in the Region 3 Forest Service Manual. In addition, wilderness designations should not be used to limit access of private landowners to their land and livelihood, particularly given concern for rural economic health in New Mexico.

Small Land Exclusions

Several very small areas that appear to be the easements of roads, trails, or constructed features were removed during the first Inventory phase in several polygons. Some of these small exclusions were made by excluding "substantially noticeable" improvements as defined in Appendix A of the Process Report and in the Forest Service Handbook 1909.12, Chapter 70. NMDA is concerned that managing small areas such as these one way and managing the larger landscape in which they occupy another way is problematic. NMDA requests that the entirety of an area with substantially noticeable improvement be removed and not just the actual improvement.

Further, Appendix B of the Process Report identifies polygons that still need field verification of potentially substantially noticeable improvements. Where particular improvements are determined to be substantially noticeable, and thus removed from the Inventory, NMDA asserts that the entire area where the improvement is located be removed and not just the small linear area as was done during the first Phase of the Inventory. Again, NMDA is concerned that managing small areas such as these one way and managing the larger landscape in which they occupy another way is problematic.

NMDA lists the GIS features for these small land exclusions in the "Inventoried Polygon Analysis" below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness in order to secure management that is both attainable and predictable for forest users.

Management of Surrounding Lands

Many polygons included in the Inventory are bordered by non-USFS land including lands owned by other federal agencies (National Park Service, Bureau of Land Management (BLM), etc.), state agencies (New Mexico State Land Office, etc.), and local governments. Further, several polygons are on the border of the Cibola. The management of surrounding lands that vary in ownership will likely have an adverse impact on the USFS' ability to manage inventoried areas as wilderness if bordering land owners' land use goals are different from those of the USFS.

NMDA lists the areas that may be impacted by management of surrounding lands in the "Inventoried Polygon Analysis" below. Polygons with these features should be removed from further consideration in the Inventory and not be managed as wilderness in order to secure management that is both attainable and predictable for forest users.

Threatened and Endangered Species

"There are four federally endangered, three threatened, and two proposed species relevant to the plan area and to the planning process."¹¹ Additionally, there are 17 potential Species of Conservation Concern in the planning area.¹² The habitat health of these 26 species is paramount to their recovery and recommending areas for wilderness designation will inhibit restoration activities of landscapes that are vital to species health. NMDA requests that polygons where these species occur be removed from further consideration in the Inventory in order to preserve the Cibola's and the Cibola's partner agencies' ability to complete restoration work in the planning area. Further, NMDA requests that polygons where critical habitats have been designated¹³ be removed from further consideration in the Inventory in order to preserve the Cibola's and the Cibola's partner agencies' ability to complete restoration work in the planning area (areas where critical habitat overlaps polygons are listed in the "Inventoried Polygon Analysis below).

Invasive Species

"Invasive species have been cited as the second largest threat to endangered native species. Most noxious species in New Mexico are found on rangelands and wild lands."¹⁴ Further, "Whenever the [NMDA] director becomes aware of the presence of noxious weeds on public land, he shall inform the governmental entity of the species found on land under the entity's jurisdiction. When possible and practicable, the director shall consult with the governmental entity in developing a management plan for the control of the noxious weeds."¹⁵ NMDA requests to remain involved in the process of noxious weed control and eradication. To that point, noxious weeds are located

¹¹ United States Forest Service, Cibola National Forest, "Assessment Report of Ecological / Social / Economic Conditions, Trends, and Risks to Sustainability, Cibola National Forest Mountain Ranger Districts, Volume 1, Ecological Assessment," Page 184, February 2015, available at: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627.

¹² United States Forest Service, Cibola National Forest, "Assessment Report of Ecological / Social / Economic Conditions, Trends, and Risks to Sustainability, Cibola National Forest Mountain Ranger Districts, Volume 1, Ecological Assessment," Page 208, February 2015, available at: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=fsbdev3_065627.

¹³ United States Fish and Wildlife Service, "Critical Habitat Portal," <http://ecos.fws.gov/crithab/>

¹⁴ New Mexico Department of Agriculture. "Noxious Weed Information." <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

¹⁵ Noxious Weed Management Act – Article: 7D, 76-7D-6. Landowners; rights; agreements. Available at: <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

within or near the polygons identified in the “Inventoried Polygon Analysis” section below according to the Cibola’s online GIS database.¹⁶ Noxious weed control measures should not be inhibited due to the recommendation for wilderness designation.

The Noxious Weeds Management Act (76-7D-1-6) directs NMDA to develop a noxious weed list for the state, identify methods of control for designated species, and educate the public about noxious weeds. NMDA coordinates weed management among local, state, and federal land managers as well as private land owners. New Mexico State University maintains a list entitled “Troublesome Weeds of New Mexico,” which is available at <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>. The Appendix is a table of troublesome weeds in counties that overlap and surround the Cibola (NMDA is able to provide more detailed tables upon request). The table contains the list of inventoried invasive plants on the Cibola (as described in Table 12, “Inventoried invasive plants on the Cibola National Forest,” of the Assessment) and additional weeds in the area. NMDA classifies noxious weeds into “Watch List Species,” “Class A Species,” “Class B Species,” and “Class C Species,” which are described below. NMDA requests that special management consideration be given to all the species contained in Table 1 in order to limit, and hopefully eradicate, any noxious weeds in New Mexico.

NMDA Watch List Species: Watch List species are of concern in New Mexico and have the potential to become problematic. More data are needed to determine if these species should be listed. When these species are encountered, please document their location and contact appropriate authorities.

NMDA Class A Species: Class A species are either currently not present in New Mexico or have limited distribution. However, preventing new infestations of these species and eradicating existing infestations are the highest priorities for NMDA.

NMDA Class B Species: Class B species are limited to portions of the state. In areas with severe infestations, management should be designed to contain the infestation and stop any further spread.

NMDA Class C Species: Class C species are widespread in the state. Management decisions for these species should be determined at the local level, based on feasibility of control and level of infestation.

NMDA lists the GIS features for invasive plants for each applicable polygon in the “Inventoried Polygon Analysis” below. Polygons with these GIS features should be removed from further consideration in the Inventory and not be managed as wilderness.

¹⁶ United States Forest Service, Cibola National Forest. “Cibola National Forest GIS Data.” Available at: <http://www.fs.usda.gov/detail/r3/landmanagement/gis/?cid=stelprdb5212078>.

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.

#9C

South Central Mountain RC&D, Rural Community Forester Report

November 2015

- 1 ENMU Speaker Series: November 3, 2015: The topic was, Update on Forest Plan Revision: there was a great turn out for this event.
- 2 Update on NM Prescribe Burn Council Workshop: October 29,2015, We had over 70 people show up at this workshop. Thanks for all the support from Lincoln county for making this event a success. There was a lot of information presented and some great group discussion. The next workshop will be in the southwest corner of the state. We will be using information and concerns we learned from the Capitan workshop. We will also join forces with the Arizona Rx Fire council putting on this workshop.
- 3 Sacramento Mountain Wood Industry Summit, Date set for March 30, 31 2016 at the Ruidoso Convention Center. The steering committee has been working hard on organizing this event. We are looking for vendors, speakers and topics for this event.(postcard attached)
- 4 I was on the New Mexico in the Morning radio show to talk about the ENMU Speaker Series and about Forest Restoration programs going on.

'stalk

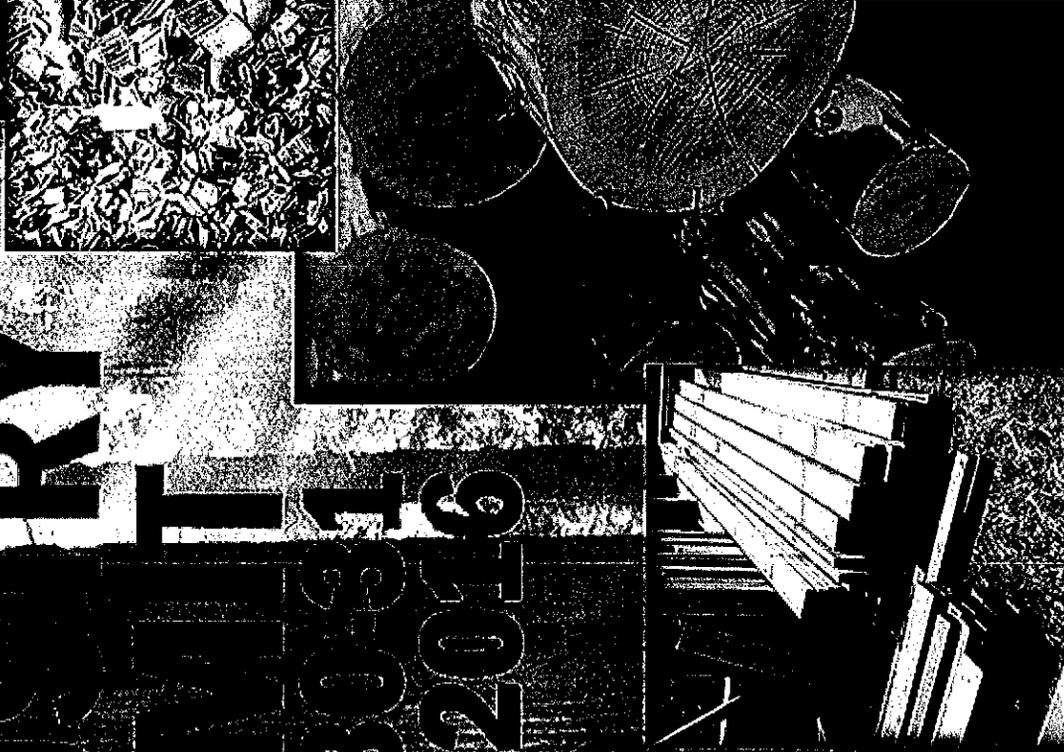
AAW Sacramento Mountain WOOD INDUSTRY

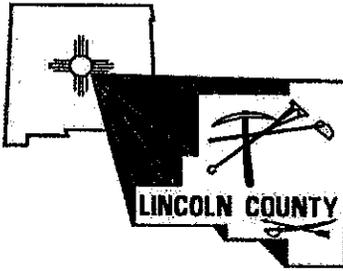
**Main Focus:
Enhancing the
Forest Industry
Information on
Networking for
Contractors;
Biomass Usage;
New Products;
Emerging Markets;
Equipment
Demonstrations
... and much more**

SUMMIT March 30-31 2016

**Exhibitors
& Vendors
Invited**

**See reverse
for details.**





www.lincolncountynm.gov

County of Lincoln

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

AGENDA Item No. 10.a

November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: 10.a Update of Financing Options – Eric Harrigan, RBC Capital Markets

DISCUSSION:

During the April 14, 2015 Special Commission Meeting, Lincoln County Medical Center and Dekker/Perich/Sabatini presented an assessment of the physical facility and discussed the options to ensure the continued ability of LCMC to meet the medical needs of the County. Four options were presented: 1. to do nothing; 2. to conduct a short term fix (\$24 million); 3. to expand and renovate (\$33 million) or 4. to replace the facility (\$60 million).

During its April 21, 2015 meeting the Commission approved the option to renovate and remodel at a cost to be financed in the amount of \$25 - \$30 million.

During its May 15, 2015 meeting Erik Harrigan of RBC Capital Market presented financial information to the Commission, including a Municipal Bond Overview and a Lincoln County Overview, including Debt Capacity. See **Enclosure 1** for material provided at that meeting;

During its September 15, 2015 meeting, the Commission considered a presentation by Lincoln County Medical Center regarding the renovation of the hospital followed by a lengthy discussion of potential funding sources. Commissioners expressed interest in potential funding from the New Mexico Finance Authority, the USDA, and other federal or state agencies with funding potential. As a result, Manager and Erik Harrigan of RBC Capital Market, LLC met with both the NMFA and USDA to understand funding opportunities and application processes.

Mr. Erik Harrigan, Director – RBC Capital Market, LLC, will be in attendance to present updated funding options to the Commission. See **Enclosure 2**.

Recommendation: Consider information provided by Mr. Harrigan and direct Manager to move forward with option(s) of choice.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Lincoln County, NM

Municipal Bonds – Overview

Lincoln County – Overview and Debt Capacity

May 19, 2015



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Table of Contents

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

Municipal Bonds - Overview

Section I



RBC Capital Markets

Municipal Bond 101 overview – What is a Municipal Bond?

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

Municipal Bond 101 overview – Tax Exemption

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

Municipal Bond 101 overview – General Obligation Bonds

Typically least borrowing cost, highest rated debt

Debt can only be incurred for general government purposes.

Debt must be approved by a majority of voters voting.

Total outstanding debt cannot exceed 3% of assessed valuation.

Final maturity cannot exceed 20 years

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

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

Municipal Bond 101 overview – Revenue Bonds

General Obligation Bonds

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

Gross Receipts Tax Bonds

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

Municipal Bond 101 overview – Revenue Bonds

Enterprise / Net Revenue Bonds

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

Lease Revenue Bonds

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

Municipal Bond 101 overview – Municipal Bond Sale Alternatives

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

Overview of Lincoln County
Debt and Capacity Analysis

Section II



RBC Capital Markets

Gross Receipts Tax
Revenue Bonds

Section III



RBC Capital Markets

Gross Receipts Tax Bonds

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

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

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

Gross Receipts Tax Bonds – Imposed vs. Authorized

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

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

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

2) Unincorporated taxable gross receipts.

3) Can be imposed without election.

4) Requires election prior to imposition.

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

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

Source: New Mexico Taxation & Revenue Department

Gross Receipts Tax Bonds – Capacity

- The County has three potential sources of gross receipts tax revenue that does not require a referendum to impose.
 - 3rd 1/8th County Gross Receipts Tax
 - Estimated annual unencumbered revenues of \$586,827
 - 1/16th County Gross Receipts Tax
 - Estimated annual revenues of \$293,413
 - 3 increments of 1/8th County Hold Harmless Gross Receipts Tax
 - Estimated annual revenues of \$1,760,481

- The County has two potential sources of gross receipts tax revenue that would require a referendum to impose.
 - 1/8th County Infrastructure Gross Receipts Tax (Unincorporated County Only)
 - Estimated annual unencumbered revenues of \$149,776
 - Can only be imposed after all County Gross Receipts tax has been imposed
 - 1/4th County Capital Outlay Gross Receipts Tax (Countywide)
 - Estimated annual revenues of \$1,173,645
 - Can only be imposed after the County Infrastructure GRT has been imposed
 - 1/8th County Local Hospital Gross Receipts Tax (Countywide)
 - Estimated annual revenues of \$586,827

Gross Receipts Tax Bonds – FY2015 & FY2014 Collections

FY 2015

	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL	Annualized
County Share GRT	90,326	107,253	111,409	115,048	96,334	107,603	81,627	110,765	90,193	81,638	94,118	94,118	1,086,316	1,185,072
County Share GRT(Food)	7,875	8,111	9,515	9,591	7,103	2,503	2,313	2,480	7,396	6,301	7,190	7,190	70,378	76,776
County Share GRT(Medical)	993	1,252	1,080	1,042	945	828	851	695	844	666	826	826	10,020	10,931
Total County Share GRT	99,194	116,616	122,004	125,681	104,382	110,934	84,791	113,939	98,433	88,605	102,135	102,135	1,166,714	1,272,779
County Business Retention	260	467	186,137	432	285	304	474	275	480	526	275	275	189,915	207,180
County Business Retention(Food)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
County Business Retention(Medical)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total County Business Retention	260	467	186,137	432	285	304	474	275	480	526	275	275	189,915	207,180
County Environmental	12,923	16,895	14,634	13,930	14,861	17,620	10,285	15,198	12,543	9,856	12,766	12,766	151,512	165,285
County Environmental(Food)	40	43	57	42	39	44	33	35	42	37	38	38	451	492
County Environmental(Medical)	12,963	16,939	14,692	13,972	14,900	17,664	10,318	15,233	12,585	9,893	12,804	12,804	151,962	165,777
Total	112,418	134,021	322,833	140,086	119,566	128,902	95,583	129,447	117,498	99,025	115,213	112,863	1,621,475	1,768,882

FY 2014

	July	August	September	October	November	December	January	February	March	April	May	June	TOTAL	Annualized
County Share GRT	91,234	112,732	106,128	118,625	102,192	90,886	84,035	103,343	87,137	84,114	103,232	89,995	1,173,655	1,273,655
County Share GRT(Food)	7,693	8,064	8,908	9,215	7,026	7,053	6,878	8,020	6,783	6,333	7,256	6,756	89,986	89,986
County Share GRT(Medical)	897	971	1,156	1,320	1,072	1,101	1,000	1,568	974	1,028	1,097	1,254	13,439	13,439
Total County Share GRT	99,824	121,767	116,192	129,160	110,291	99,041	91,913	112,931	94,894	91,475	111,585	98,005	1,277,079	1,277,079
County Business Retention	373	833	139,612	491	428	238	313	218	461	264	426	1,155	144,812	144,812
County Business Retention(Food)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
County Business Retention(Medical)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total County Business Retention	373	833	139,612	491	428	238	313	218	461	264	426	1,155	144,812	144,812
County Environmental	9,410	14,288	10,680	11,820	13,102	12,074	12,149	14,627	10,934	12,129	14,431	13,679	149,323	149,323
County Environmental(Food)	37	40	51	39	38	39	34	26	37	31	35	45	453	453
County Environmental(Medical)	9,446	14,328	10,731	11,859	13,140	12,113	12,183	14,653	10,971	12,161	14,466	13,724	149,776	149,776
Total	109,645	136,928	266,535	141,510	123,859	111,392	104,410	127,803	106,326	103,900	126,477	112,863	1,571,667	1,571,667

Gross Receipts Tax Bonds – Existing Debt and Coverage

Gross Receipts Tax Refunding Loan Series 2012 Bonds

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

Gross Receipts Tax Bonds – GRT Pledged Coverage

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

Example

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

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

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

Medical Center Lease
Revenue Bonds

Section IV



RBC Capital Markets

Medical Center Improvement Bonds - Overview

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

Medical Center Improvement Bonds – 30 Year Amortization

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

Lincoln County, New Mexico
Lease Revenue Bonds
Series 2015 Bonds

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

General Obligation Bonds

Section V



RBC Capital Markets

General Obligation Bonds

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

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

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

Tax Year	Assessed Value	% Change
2010	1,038,712,174	1.89%
2011	1,058,628,937	1.92%
2012	1,108,047,567	4.67%
2013	1,134,575,464	2.39%

Source: Lincoln County Assessor's Office.

2014 Assessed Valuation	\$1,168,342,311
Debt Limitation	3%
Outstanding General Obligation Debt	
G/O Bonding Capacity	\$35,050,269

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

Within 20 Mill Limit for General Purposes

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

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

	2014-15	2013-14	2012-13	2011-12	2010-11
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.362	\$1.530
Lincoln County	2.750	2.750	2.750	2.750	2.760
Carrizozo, Town of	0.000	0.000	0.000	0.000	0.000
Carrizozo Schools	7.333	7.399	7.359	7.596	7.887
Ruidoso, Village of	1.500	0.000	0.000	0.000	0.000
Ruidoso Schools	7.951	7.756	7.818	7.830	7.801
Total	\$20.894	\$19.265	\$19.287	\$19.538	\$19.968

Total Levy

	2014-15	2013-14	2012-13	2011-12	2010-11
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.362	\$1.530
Lincoln County	7.919	7.914	7.610	7.665	7.553
Carrizozo, Town of	6.317	6.385	6.462	4.506	4.405
Carrizozo Schools	7.645	7.717	7.672	7.915	8.199
Ruidoso, Village of	6.665	5.142	4.842	4.885	4.818
Ruidoso Schools	8.262	8.066	8.113	8.127	8.093
Lincoln County Medical Center & Rural Clinics	2.600	2.600	2.535	2.553	2.515
ENMU - Ruidoso Branch	1.808	1.803	1.715	1.726	1.700
Total Residential in Town of Carrizozo	\$25.841	\$25.976	\$25.639	\$24.001	\$24.202
Total Non-Residential in Town of Carrizozo	\$26.534	\$26.160	\$27.641	\$25.868	\$26.078
Total Residential in Village of Ruidoso	\$28.615	\$26.885	\$26.175	\$26.318	\$26.209
Total Non-Residential in Village of Ruidoso	\$30.246	\$28.977	\$31.064	\$30.837	\$30.010

Source: New Mexico Department of Finance & Administration

General Obligation Bonds – Potential Tax Rates

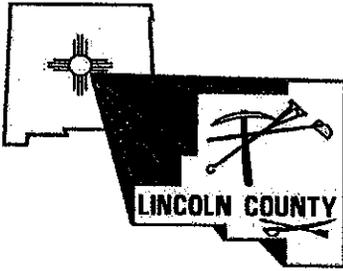
Lincoln County, New Mexico
 General Obligation Bonds
 Series 2015 Bonds

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

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

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

* Actual Results may vary



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County of Lincoln

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AGENDA Item No. 10.b

November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: **10.b** Architectural Contract with Dekker/Perich/Sabatini for Design of LCMC Renovation / Reconstruction – Bobby George, Principal / Architect, will be present to describe the process and respond to questions.

DISCUSSION:

During the April 14, 2015 Special Commission Meeting, Dekker/Perich/Sabatini presented a facility assessment of the Lincoln County Medical Center and a separate schematic design project to arrive at a facility design. Both projects were completed directly for the Hospital and paid for by the LCMC Auxiliary.

Per Dekker/Perich/Sabatini, the purpose of these plans was to enable the team to get a more accurate picture of what a facility renovation would likely cost so both LCMC and the County could make more informed decision based on real construction costs rather than ballpark estimates. The studies looked at multiple options and DPS developed what they thought was the best and most economical solution. This solution was developed to a level to allow for accurate construction pricing as well as to have information and graphics to support fund raising opportunities for the project. Estimated construction costs are approximately \$27 million.

The timeline for the architect to complete the drawing for the project is five to six months, and the cost of the design work, based on CES rates** is \$2,099,445. The \$140,400 previously paid by the LCMC Auxiliary brings the remaining cost to complete the project to \$1,959,045. Sufficient funds exist in the hospital lease account, which is increased by \$91,677 monthly.

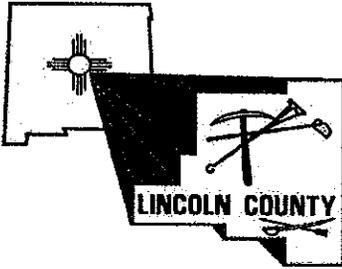
It is important to start the completion of the design work now in order to give the County as much flexibility in selecting a funding source as possible. For example, USDA requires full design plans to be included in the initial application.

**CES (Cooperative Educational Services) funding, already approved by the State, is allowed by State Procurement in lieu of the formal bid process. DPS estimates using this CES negotiated rate represents a savings of 2.2% of their typical fee percentage for projects of this scale and complexity.

Recommendation: Approve entering into contract with DPS for the design of the LCMC renovation.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381



County of Lincoln

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November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: 10.c Consulting Contract with Newpoint Healthcare Advisors.

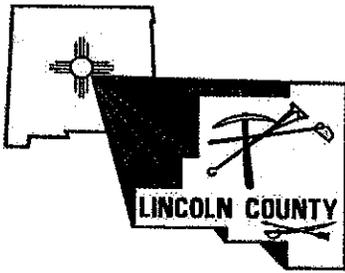
DISCUSSION:

During the November 6, 2015 Special Commission Meeting, Joseph Lupica, Chairman of Newpoint Healthcare Advisors, provided the Commission with his firm's background in assisting Counties and governmental agencies arrive at solutions with their healthcare partners. He said the County is fortunate to have such a strong partner like Presbyterian serving the community, and therefore, opening this lease for a mid-term negotiation should not be taken lightly.

Mr. Lupica and his team have the expertise and are able to assist the County in a number of areas, including, enabling the Commission to examine each option to improve the partnership we have and eliminate misunderstandings.

The Commission directed Attorney and Manager to research options to determine whether a financial agreement can be developed between the County and Newpoint Healthcare Advisors to work together on the above tasks. Attorney and Manager are finalizing options that will be presented at Commission meeting.

Recommendation: Consider recommendations of Attorney and Manager and take action accordingly.



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AGENDA Item No. 11

November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Lincoln Hills Subdivision Request to Cease Use of a Portion of Gene Littler Lane by Resolution 2015 – 18.

DISCUSSION: At its October 20th, 2015 meeting, the Commission considered inquiries by Mr. Brad Pittenger with Lincoln Hills Subdivision and Mr. Carl Bartley, owner of three lots near the Lincoln Hills Subdivision, regarding County agreement to cease use of a portion of Gene Littler Lane which had been identified as a legal access into the Lincoln Hills Subdivision.

Attorney Morel recommended that the proper notification to adjacent property owners be given and that Lincoln Hills dedicate 60 feet of roadway connecting a County road, in addition to providing proper notice of the change to the development agreement and subdivision plats.

The Commission granted Attorney Morel the authority to negotiate with Lincoln Hills, Carl Bartley and other interested parties to provide proper notice and begin the process to close the identified section of Gene Littler Lane.

Property owners were advised, and the single response in support of closing this portion of the road is found at **Enclosure 1**.

Recommendation: Approve Resolution 2015 – 18.

FRANKS & ASSOCIATES, LLC

4 Star Ranch
15273 N. 2280 Road
Roosevelt, OK 73564
Phone 580-639-2526 Fax 580-639-2111
www.tommyfranks.com

County of Lincoln

Planning Department

115 Kansas City Road

Ruidoso, New Mexico, 88345

November 6, 2015

Thank you for the information regarding the intent to close a portion of Gene Littler Lane in Alto. Our property at 182 Saddleback Road abuts this road.

We strongly support closing this portion of the road.

Thank you,



Tommy R. Franks



Cathryn C. Franks

RESOLUTION 2015-18
A RESOLUTION CLOSING A PORTION OF GENE LITTLER LANE

WHEREAS, the Board of County Commissioners of Lincoln County New Mexico, meeting in regular session on October 20, 2015, did review a request made by Lincoln Hills Subdivision developer Brad Pittenger to close a portion of Gene Littler Lane between Antler Drive and Paso Monte Loop in an unincorporated area of the County of Lincoln more particularly shown on the attached plat; and,

WHEREAS, the Board of County Commissioners reviewed the request, along with reviewing the documents regarding the specific portion of Gene Littler Lane requested for closure; and,

WHEREAS, Public Notices regarding instructions for rendering public comment were mailed via United States Postal Service to all property owners whose properties abut the referenced portion of Gene Littler Lane on November 2, 2015; and,

WHEREAS, after receiving public comment at the regularly scheduled meeting of the Board of County Commissioners November 17, 2015, the Board of County Commissioners finds that the requested closure of the referenced portion of Gene Littler Lane as shown on the attached plat should be approved; and,

WHEREAS, the Lincoln Hills Unit One – Four Development Agreement filed in the Clerk’s Office of the County of Lincoln, New Mexico on January 10, 2006 in Book 2006, Page 218 is hereby amended to reflect a partial closure of the construction and main entrance to the Lincoln Hills property of Gene Littler Lane as shown in the attached plat; and,

WHEREAS, the Board of County Commissioners has the power to lay out, alter or discontinue any road running through one or more of its precincts or townships in such county according to 4-38-24, NMSA 1978.

THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners hereby amends the Lincoln Hills Unit One – Four Development Agreement and grants closure to a portion of Gene Littler Lane between Antler Drive and Paso Monte Loop as shown on the attached plat.

PASSED, APPROVED AND ADOPTED this 17th day of November, 2015.

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

Preston Stone, Chair

Dallas Draper, Vice Chair

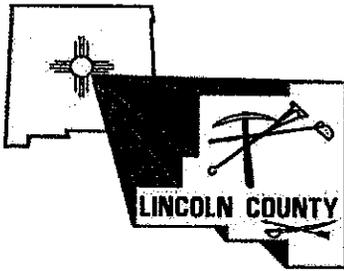
Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows, Clerk
County of Lincoln, New Mexico



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County of Lincoln

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AGENDA Item No. 12

November 12, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Resolution 2015-22 Opposing U.S. Fish & Wildlife Service Wolf Recovery Program

DISCUSSION: In January, 2015, the Federal Fish and Wildlife Service finalized changes to the Mexican Wolf Experimental Population Rule in Arizona and New Mexico, enlarging the recovery area from Interstate 10 to the Mexican Border, increasing a tenfold the area in which Mexican wolves can initially be released from captivity.

On September 29, 2015, New Mexico Game and Fish Department Director denied the Fish and Wildlife's request to release additional wolves in New Mexico based on the fact that the department did not know how many, or where, the wolves would be released. The NM Game Commission unanimously upheld that denial.

On October 1, Federal Fish and Wildlife Services proposed numerous potential wolf release sights in Socorro County. Socorro County has adopted a resolution opposing this release, and the County of Lincoln joins in that opposition.

Recommendation: Approve Resolution 2015-22.

RESOLUTION 2015-22

OPPOSING U.S. FISH & WILDLIFE SERVICE WOLF RECOVERY PROGRAM

WHEREAS, the Board of County Commissioners of Lincoln County met in a regularly scheduled meeting on November 17, 2015, at the Commission Chambers, 300 Central Ave, Carrizozo, New Mexico; and,

WHEREAS, NMSA 1978, Section 4-37-I (1995) provides that Counties have the power 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"; and,

WHEREAS in January 2015, the Fish and Wildlife Service finalized changes to the Mexican Wolf Experimental Population Rule in Arizona and New Mexico, enlarging the recovery area from Interstate 10 to the Mexican Border, resulting in a tenfold increase in the area where Mexican wolves can initially be released from captivity; and

WHEREAS, the areas of the County which are within the expanded reintroduction and release area offer abundant open space for cover, water, and a smorgasbord of commercial animals for a food source, and the County is concerned that the wolves would remain in the vicinity of the ready supply of food and water unless actions were taken to prevent or control the dispersion; and,

WHEREAS, 40 C.F.R. 1508.5 provides that state agencies, local governments, tribal governments and other federal agencies may serve as cooperating agencies during the EIS process if they have either jurisdiction by law or special expertise; and,

WHEREAS, Fish & Wildlife Service has not sufficiently considered our customs, culture, and the economy of our county; and,

WHEREAS, despite the Fish & Wildlife Service's belief that it has developed a program that will compensate counties for losses that counties incur from the Mexican Wolf, it is outrageous to think that compensation is even quantifiable when it has taken years for the ungulate population to develop as a result of the dedicated efforts of sportsmen, ranchers, county agencies, and the State Game and Fish; and,

WHEREAS, on September 29, 2015 the New Mexico Game Commission voted unanimously to uphold Game and Fish Department Director Alexandra Sandoval's denial of Fish and Wildlife's release request to release additional wolves in New Mexico. This denial was based on the fact the Department did not know how many wolves would be released or where they would be set loose; and,

WHEREAS, on October 1, 2015, in spite of this denial, the Fish and Wildlife services proposed numerous potential wolf release sights in Socorro County; and the County of Lincoln believes it will be next for such sight proposals.,

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Lincoln stands in stark opposition of the newly released Record of Decision and Final Rule in regard to the Wolf Recovery Program, and maintains that this decision is a blatant violation of NEPA requirements.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of the County of Lincoln that it determines the action taken by the Fish & Wildlife Service to be unconstitutional and their decision undermines our ability to protect the health, safety and welfare of our citizens.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of the County of Lincoln that it calls upon our representatives in the U.S. House of Representatives and the U.S. Senate to call for an investigation into the Fish & Wildlife Service's disregard of the positions of the local and state government, and to de-fund the wolf recovery program.

APPROVED, ADOPTED, AND PASSED on this 17th day of November 2015.

**Board of Commissioners
Lincoln County, State of New Mexico**

Preston Stone, Chairman

Dallas Draper, Vice-Chairman

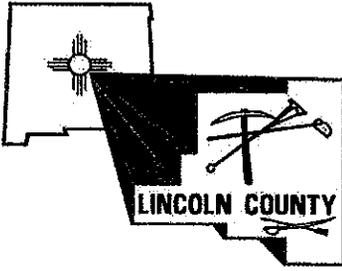
Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk



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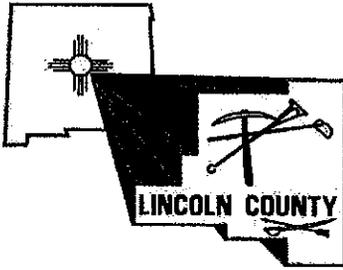
County of Lincoln

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Agenda Item No. 13

SUBJECT

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



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County of Lincoln

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AGENDA NO. 14

November 9, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Operational Resolutions and Schedules of Meetings

Purpose: To obtain approval of three operational resolutions and three additional board/committee/commission monthly meeting dates.

Discussion: Each year Commissioners are required to approve the three enclosed Operational Resolutions as follows:

1. Regular Commission Meeting Dates -- Resolution 2015-15 (Enclosure 1)
2. The Holiday Schedule -- Resolution 2015-16 (Enclosure 2)
3. The Open Meetings Act -- Resolution 2015-17 (Enclosure 3)

In addition, the county publishes the following commission/committee meeting schedules in the papers of local circulation:

1. LANRAC will be scheduled when needed by the Commission.
2. Lincoln County Planning Commission – 1:00 PM – First Wednesday of each month
3. The Lincoln Historic Preservation Board – 7:00 PM – Third Thursday of each month
4. The Lodger's Tax Committee – 10:00 AM – Las Tuesday of each month (Except in December when there will be no meeting)

Recommendation: Approve Resolution 2015-15, 2015-16, 2015-17 and the schedules for the other board/committees/commission meetings.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

RESOLUTION NO. 2015-15

WHEREAS, the Governing Body in and for the County of Lincoln, State of New Mexico, meeting in a regular session on the 17th day of November 2015, has set the meeting dates for the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners shall meet at 8:30 A.M. in the Commission Chambers at the Lincoln County Courthouse, in Carrizozo, New Mexico, unless otherwise specified.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners hereby adopts the following regular meeting dates unless otherwise specified:

Tuesday, January 26, 2016
Tuesday, February 16, 2016
Tuesday, March 15, 2016
Tuesday, April 19, 2016
Tuesday, May 17, 2016
Friday, June 10, 2016
(Canvass Primary Election Votes)
Tuesday, June 21, 2016
Tuesday, July 19, 2016

Tuesday, August 16, 2016
Wednesday, September 7, 2016
(Special Meeting Impose Property Tax Rates)
Tuesday, September 20, 2016
Tuesday, October 18, 2016
Thursday, November 10, 2016
(Canvass General Election Votes)
Tuesday, November 15, 2016
Tuesday, December 20, 2016

RESOLVED IN BOARD ACTION this 17th day of November 2015.

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

Preston Stone, Chairman

Dallas Draper, Vice-Chair

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk

RESOLUTION NO. 2015-16

WHEREAS, the Governing Body in and for the County of Lincoln, State of New Mexico, meeting in a regular session on the 17th day of November 2015, has approved and adopted the Official Holiday Calendar for Lincoln County.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners hereby adopts the following as the Official Holiday Calendar for Lincoln County.

New Year's Day	will be observed on Friday, January 1, 2016
Martin Luther King, Jr. Birthday	will be observed on Monday, January 18, 2016
Presidents' Day	will be observed on Monday, February 15, 2016
Good Friday	will be observed on Friday, March 25, 2016
Memorial Day	will be observed on Monday, May 30, 2016
Independence Day	will be observed on Monday, July 4, 2016
Labor Day	will be observed on Monday, September 5, 2016
Columbus Day	will be observed on Monday, October 10, 2016
Veterans Day	will be observed on Friday, November 11, 2016
Thanksgiving Day	will be observed on Thursday, November 24, 2016 and Friday, November 25, 2016
Christmas Day	will be observed on Friday, December 23, 2016 and Monday, December 26, 2016

RESOLVED IN BOARD ACTION this 17th day of November 2015.

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

Preston Stone, Chairman

Dallas Draper, Vice-Chair

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk

RESOLUTION NO. 2015-17

OPEN MEETINGS ACT

WHEREAS, the Lincoln County Board of Commissioners met in regular session at Carrizozo, New Mexico, on the 17th day of November, 2015, at 8:30 a.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Lincoln County Board of Commissioners to determine annually what constitutes reasonable notice of its public meetings.

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

1. Regular meetings of the Lincoln County Board of Commissioners shall ordinarily be held each month at a time and place designated in the notice. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Lincoln County Manager's Office located in the Lincoln County Courthouse, Carrizozo, New Mexico
2. Special meetings of the Lincoln County Board of Commissioners may be called by the Chairman or a majority of the members upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.
3. Emergency meetings of the Lincoln County Board of Commissioners will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Lincoln County Board of Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon three (3) hours notice, unless threat of personal injury or property damage requires less notice. The

notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements will be complied with by the Lincoln County Clerk's Office permanently posting on the bulletin board at the Lincoln County Courthouse a copy of this resolution, as well as a notice setting forth the days and times of the regular meetings which have been set by resolution. Changes effecting the date of a regular scheduled meeting will be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
5. For the purposes of special meetings and emergency meetings described in paragraphs 2 and 3 of this resolution, notice requirements shall be met by posting notices in the offices of the Lincoln County Clerk and the Lincoln County Manager. The Lincoln County Manager's Office shall provide telephonic notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

Every effort shall be made to follow the latest version of Robert's Rules of Order. Robert's Rules of Order shall be specifically modified to allow the Chairman to vote in all instances.

7. Individuals with disabilities who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in hearings or meetings may contact the County Manager's Office at 575-648-2385 at a suggested minimum of one (1) week prior to the hearing or meeting, or as soon as is possible. Individuals with disabilities who are in need of a summary or any other type of accessible format may contact the County Manager's Office.
8. The Lincoln County Board of Commissioners may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
 - (1) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Lincoln County Board of Commissioners taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

- (2) If a closed meeting is conducted when the Lincoln County Board of Commissioners is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public.
 - (3) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - (4) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Lincoln County Board of Commissioners in an open public meeting.
9. Pursuant to 10-15-1 NMSA 1978, paragraph C, a member or members of the Lincoln County Board of Commissioners may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member or members to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

PASSED, ADOPTED AND APPROVED this 17th day of November 2015.

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

Preston Stone, Chairman

Dallas Draper, Vice-Chair

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda Burrows, County Clerk

County of Lincoln

300 Central Avenue
P. O. Box 711
Carrizozo, New Mexico 88301

PHONE (575)648-2385
FAX (575) 648-4182

December 28, 2015

NOTICE OF PUBLIC MEETING

NOTICE is hereby given that the **Lincoln County Lodger's Tax Committee** will hold its regularly scheduled meetings at the Council Chambers, Village of Capitan, New Mexico, at 10:00 a.m., to the following dates:

Tuesday, January 26, 2016	Tuesday, July 26, 2016
Tuesday, February 23, 2016	Tuesday, August 30, 2016
Tuesday, March 29, 2016	Tuesday, September 27, 2016
Tuesday, April 26, 2016	Tuesday, October 25, 2016
Tuesday, May 31, 2016	Tuesday, November 29, 2016
Tuesday, June 28, 2016	December 27, 2016 No Meeting

A proposed Agenda will be available at least seventy-two (72) hours before the meeting from the County Manager's Office, Lincoln County Administration Building, Carrizozo, New Mexico and on the Official Lincoln County website.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln County Lodger's Tax Committee may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 31, 2015

County of Lincoln

300 Central Avenue
P. O. Box 711
Carrizozo, New Mexico 88301

(575) 648-2385
FAX (575) 648-4182

December 28, 2015

NOTICE OF PUBLIC MEETINGS

NOTICE is hereby given that the **Lincoln County Planning Commission** will hold its regularly scheduled meetings at the Lincoln County Courthouse (Commission Chambers) in Carrizozo, New Mexico, at 1:00 p.m., on the following dates:

Wednesday, January 6, 2016	Wednesday, July 6, 2016
Wednesday, February 3, 2016	Wednesday, August 3, 2016
Wednesday, March 2, 2016	Wednesday, September 7, 2016
Wednesday, April 6, 2016	Wednesday, October 5, 2016
Wednesday, May 4, 2016	Wednesday, November 2, 2016
Wednesday, June 1, 2016	Wednesday, December 7, 2016

A proposed Agenda will be available at least seventy-two (72) hours before the meeting from the Lincoln County Planning Office, 115 Kansas City Road, Ruidoso, New Mexico or from the County Manager=s Office, Lincoln County Administration Building, Carrizozo, New Mexico and on the Official Lincoln County website.

Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln County Planning Commission may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 31, 2015

COUNTY OF LINCOLN

**300 Central Avenue
Post Office Box 711
Carrizozo, New Mexico 88301**

**Phone: 575/648-2385
Fax: 575/648-4182**

December 28, 2015

NOTICE OF PUBLIC MEETINGS

NOTICE is hereby given that the **Lincoln Historic Preservation Board** will hold its regularly scheduled meetings at the Community Church in Lincoln, New Mexico, at 7:00 p.m. on the following dates:

Thursday, January 21, 2016	Thursday, July 21, 2016
Thursday, February 18, 2016	Thursday, August 18, 2016
Thursday, March 17, 2016	Thursday, September 15, 2016
Thursday, April 21, 2016	Thursday, October 20, 2016
Thursday, May 19, 2016	Thursday, November 17, 2016
Thursday, June 16, 2016	Thursday, December 15, 2016

A proposed Agenda will be available at least seventy-two (72) hours before the meeting from the Lincoln County Planning Office, 115 Kansas City Road, Ruidoso, New Mexico or from the County Manager=s Office, Lincoln County Administration Building, Carrizozo, New Mexico and on the Official Lincoln County website.

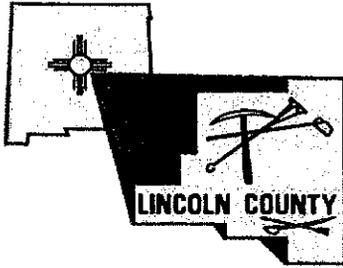
Changes affecting the date and/or location of a regular scheduled meeting will be mailed to newspapers of general circulation in Lincoln County and notices will be posted on the official bulletin board in the Lincoln County Administration Building, 300 Central Avenue, Carrizozo.

Special meetings of the Lincoln Historic Preservation Board may be called by the Chairman or a majority of the members upon three (3) days notice. For the purpose of special meetings, notice requirements will be met by posting notices on the official bulletin board in the Lincoln County Administration Building and notifying the news media.

If you are an individual with a disability who is in need of an auxiliary aid or service, please contact 575/648-2385 at least 48 hours in advance of the meeting.

BILLIE-JO GUEVARA
ADMINISTRATIVE ASSISTANT/
HUMAN RESOURCES DIRECTOR

PUBLISH: Lincoln County News on December 31, 2015



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County of Lincoln

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AGENDA ITEM 15

November 12, 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 ten (10) claims. Seven (7) claims are recommended approval and three (3) claims are recommended for disapproval. If approved, the total recommended authorization this month is \$3,866.17. See **Enclosure 1**.

Indigent Health Care Claims: This month our coordinator processed three (3) claims. One (1) is recommended for approval and two (2) are recommended for disapproval. If approved, total recommended payment this month is \$10,000. 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 \$30,530.44 or an average of \$6106.09 a month. At this pace, we will spend \$73,273.06 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 \$80,623.94 or an average of \$16,124.79 a month.

Recommendation: Approve and disapprove 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 \$76,757.77

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

NOVEMBER # CLAIMS FOR APPROVAL	7
# CLAIMS FOR DENIAL	3
NOVEMBER # TOTAL CLAIMS	10

NOVEMBER TOTAL \$ AMOUNT APPROVED \$3,866.17

TOTAL # CLAIMS THIS FY APPROVED	75
TOTAL # CLAIMS THIS FY DENIED	7
TOTAL # CLAIMS FY 2015 - 2016	82

TOTAL APPROVED THIS FISCAL YEAR \$80,623.94

FACILITY: LINCOLN COUNTY MEDICAL CENTER 11/17/2015 THROUGH 11/17/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
21126	06/26/2014	369.60		000%
PAST FILING DEADLINE				
21127	05/29/2014	369.60		000%
PAST FILING DEADLINE				
21128	05/19/2015	1300.00	1001.00	077%
21129	09/11/2015	149.60	115.19	077%
21130	09/30/2015	1120.00	862.40	077%
21131	10/07/2015	60.60	46.66	077%
21132	08/10/2015	1260.00	970.20	077%
21138	10/28/2015	608.00	468.16	077%
21133	06/09/2015	522.80	402.56	077%
21136	09/08/2015	306.99		000%
INSURANCE PAYMENT EXCEEDS COUNTY LIMIT				

3866.17

APPROVED- 7 REJECTED- 3

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2015 - 2016

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$20,530.44

ADJUSTMENTS

TOTAL ADJUSTMENTS:

NOVEMBER # CLAIMS FOR APPROVAL	1
# CLAIMS FOR DENIAL	2
NOVEMBER # TOTAL CLAIMS	3

NOVEMBER TOTAL \$ AMOUNT APPROVED \$10,000.00

TOTAL # CLAIMS THIS FY APPROVED	20
TOTAL # CLAIMS THIS FY DENIED	7
TOTAL # CLAIMS FY 2015 - 2016	27

CURRENT TOTAL APPROVED THIS FISCAL YEAR \$30,530.44
*Assuming the above is approved

FACILITY: MICHAEL P CLEMENTS, M.D. 11/17/2015 THROUGH 11/17/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21135	09/10/2015	27.81	000%

PATIENT'S BILL IS BELOW \$50

APPROVED- REJECTED- 1

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 11/17/2015 THROUGH 11/17/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21134	08/05/2015	1129.71	000%

CLAIM WAS PREVIOUSLY APPROVED

APPROVED- REJECTED- 1

FACILITY: PRESBYTERIAN HOSPITAL 11/17/2015 THROUGH 11/17/2015

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
21137	09/30/2015	59612.60	10000.00 017%
			10000.00

APPROVED- 1 REJECTED-

INDIGENT FUND MEETING

NOVEMBER 17, 2015

TOTAL APPLICATIONS	13	
TOTAL APPROVED	8	13,866.17
TOTAL DENIED	5	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	7	3,866.17
DENIED-	3	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	1	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-		
DENIED-	1	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		
APPROVED-	1	10,000.00
DENIED-		

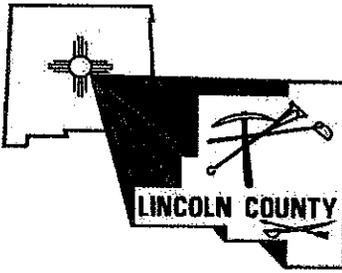
YTD

INDIGENT FUND MEETING

NOVEMBER 17, 2015

TOTAL APPLICATIONS	109	111,154.38
TOTAL APPROVED	95	
TOTAL DENIED	14	
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-	75	80,623.94
DENIED-	7	
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	2	987.91
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-		
DENIED-	3	
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	4	985.38
DENIED-	2	
ALBUQUERQUE		
PRESBYTERIAN HOSPITAL		
APPROVED-	2	17,297.70
DENIED-		
RUIDOSO		
RUIDOSO HOME CARE & HOSPICE		
APPROVED-	2	1,000.00
DENIED-		

ENCL 3



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County of Lincoln

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

Agenda Item 16

November 13, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Manager's Report

- 2016 Capital Outlay Project Request Forms.** Capital Outlay request forms were provided to Hubert Quintana October 22nd. The Hearing before the County's legislative delegation was held on Tuesday, November 10. See **Enclosure 1** for the information handed out to this delegation by Lincoln County. Commissioner Allen co-presented this information with me and Commissioner Willard was also in attendance. Although our ICIP and narrative explanation show the first year of construction for the Lincoln County Medical Center totals \$17 million and \$16 million for the second year, we explained to this delegation that the County was not requesting these amounts from the state; the County was requesting an annual amount (perhaps \$500,000) to leverage against the debt. They were very interested in the Hospital project, and understood the importance of this initiative to the citizens of Lincoln County. Present were Senator Bill Burt, Senator Ted Barela, Representative Zach Cook and Representative Nora Espinoza.
- Auditor Exit Interview.** Accounting & Consulting Group conducted its exit interview on October 29th. Ray Roberts, Managing Partner of the firm conducted this interview in person with Manager, Finance Staff, and Treasurer's Staff. Joining us at this exist interview were Commissioners Stone and Willard. Mr. Roberts summarized the findings, complimented staff on their consistent great job in working with the auditors, answering questions, providing data, etc., working with each other, taking the steps necessary to fix problems identified, and learning from the process. He estimates the formal audit will be approved and available to be made public by the December meeting. We are looking forward to sharing with the Commission the positive steps taken again this year. Lincoln County is fortunate to have this gifted, seasoned staff overseeing our processes to ensure we comply with guidelines.
- New Mexico DOT Presentation.** I spoke with the NM DOT representative yesterday, who was pleased to notify that the Purchase Order they'd been awaiting to enable them to hire consultant Molzen Corbin was to be approved on that day. Once approved, they intend to deliver a presentation to the County Commission and to meet with the Town of Carrizozo

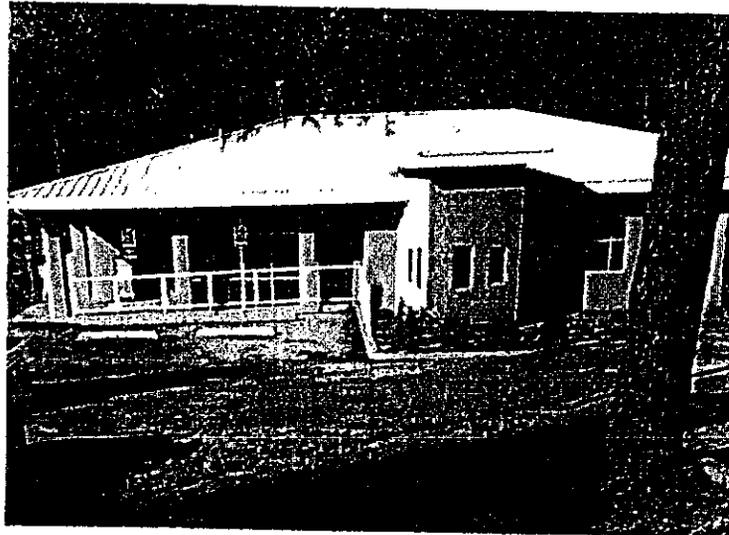
residents to begin to socialize the plans for Hwy 54 through Carrizozo (between mileposts 123 and 123.7). Their plan is to attend the December 15th Commission meeting. The Molzen Corbin project manager plans to schedule the 1st Stakeholder Kickoff in Carrizozo on that same date. They are very aware of concerns regarding drainage problems, lack of curbs and gutters, etc., and are prepared to address our concerns.

4. **El Capitan Mine.** At the November 6th Special Commission Meeting, a number of individuals were in mistakenly in attendance because they were under the impression that the Commission would be addressing El Capitan Mine. Although it was not a topic of discussion, these individuals did want the Commission to know of their interest and their attendance. At **Enclosure 2** is a list of the eight individuals in attendance. Their concerns were related to the high amount of activity occurring at the mine, and the noise level during late hours of the day. At an earlier meeting this year, El Capitan Mine officials offered a tour of their operations, and per Commissioner Willard's request at the last Commission meeting, I have requested that tour. To date, I have not heard back.
5. **Village of Ruidoso After Hours.** Village of Ruidoso Manager Debi Lee has invited the County to participate in an "After Hours" celebration to be held at the Convention Center next Thursday, November 19th from 5 – 7 p.m. The theme of this celebration will be local governments working together to achieve goals. The County and the Village are working together on several initiatives, including the Village conducting building inspections for the County, the two entities working together on the Multi-jurisdictional Hazard Mitigation Plan, and the partnership with the Village of Ruidoso and Socorro County on the SET Application (Economic Development).
6. **La Casa.** I participated in teleconference with the Director of Operations for La Casa Family Health Center. She acknowledged that the Hondo Clinic had been temporarily closed from August 8, 2015 through October 30th. Their locum tenen (temporary health care professional) abruptly left to accept a permanent position elsewhere. Hondo Clinic patients were offered continued care with providers at La Casa's health center in Roswell. Beginning November 2nd La Casa anticipated a full-time Certified Nurse Practitioner working through December 11, 2015; and they are working toward hiring a Family Practice Physician to begin working in Hondo permanently beginning January 2016. I am verifying status. La Casa is aware that no additional payments will be made to them until services provided catch up to payments rendered.
7. **Detention Center Update.** The County has received the fully executed First Amendment to the Agreement from Emerald Correctional Management LLC that solidifies the provisioning of Tele-psychiatry and other face-to-face mental health services to detainees. The County is one of the first in the state to utilize such tele-psychiatry technology.
8. **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

LINCOLN COUNTY 2016 CAPITAL OUTLAY REQUESTS

- 1. Ruidoso Health Center Heating / Cooling Unit - \$60,000.** The Lincoln County Health Building is located at 117 Kansas City Road in Ruidoso. It was constructed in 2006 in accordance with the Universal Building Code, using a combination of local and CDBG funds. The HVAC system has deteriorated to the point that the tenants cannot effectively control the temperature, causing discomfort to employees and patients; and the utility costs far exceed those of comparably sized buildings. Based on engineer analysis, this complex and high-end system could adequately serve the needs of the occupants with partial renovation; or could be replaced by ductless split cassette units in each room, with individual controls, and roof-top condensers. Page 1.
- 2. Expand White Oaks Fire Station \$255,000.** This request is to expand the existing White Oaks Fire Station. This is necessary to house existing apparatus and meet the needs of the residents and property owners. The expansion will be of metal construction, sized to approximately 40' x 60' and will have three bays. Pgs. 2-3.
- 3. Expand Lincoln County Detention Center - \$537,000.** The current Detention Center, built and opened in 2001, is sized for 144 detainees. Prior to March, 2013, the County had adequate space to house US Marshall (totaling \$50 – \$70k income to the County per month) and BIA detainees (\$15 - \$40k per month), bringing revenues into the county of approximately \$800,000 - \$1,300,000 per year. Since June, 2013, the county has had inadequate space to house minimal detainees other than those residing in the county. This request is to expand the existing facility by constructing an additional POD for women, freeing up existing space for male inmates. This additional space will adequately house Lincoln County inmates, as well as federal inmates traditionally housed in the County; it will properly resize existing medical facilities. Expansion is critical to ensure county inmates are housed locally without causing over-crowded conditions, risking health, safety and welfare of inmates and employees. Pg. 4.
- 4. Lincoln County Medical Center Renovation – \$17,000,000.** The existing Lincoln County Medical Center, originally named the Ruidoso-Hondo Valley General Hospital, was constructed in 1948, and has undergone additions in 1958, 1964, 1971, 1973, 1988, 1998 and 2003. The results of a 2014 assessment of the structural, mechanical, plumbing, fire protection and electrical systems show that renovations to the building must be made in order to maintain accreditations and properly serve the citizens and visitors of Lincoln County. The County is planning a two-year phase-in for this project, with the second year cost estimated at \$16,000,000. Commissioners are considering various funding options. Pages 5 – 7.
- 5. County Road Repaving – 3 Miles - \$500,000.** Lincoln County has just over 800 miles of road to maintain, with approximately 100 of those being paved. With annual repavement projects, paved roads will be maintained in a manner that would ensure the health, safety and welfare of County residents and visitors. Pgs. 8-9.

Ruidoso Public Health Center HVAC System



**117 Kansas City Rd
Ruidoso, NM 88345**

Current HVAC System:

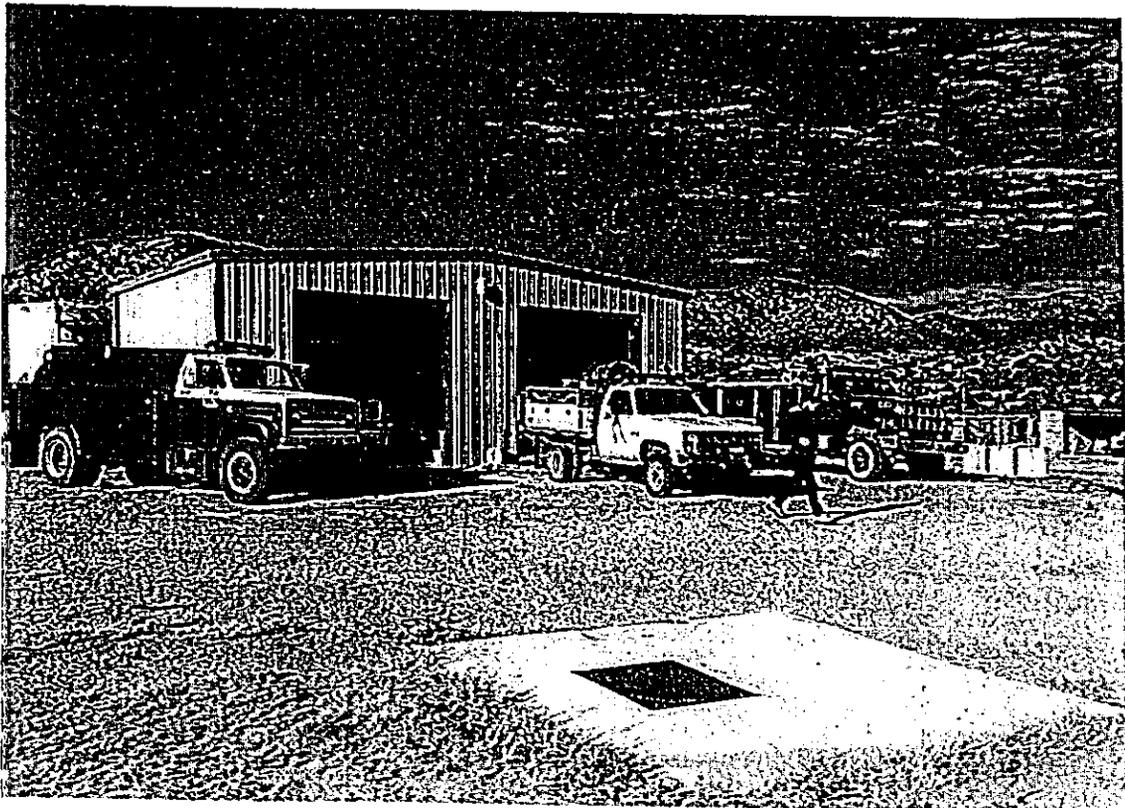
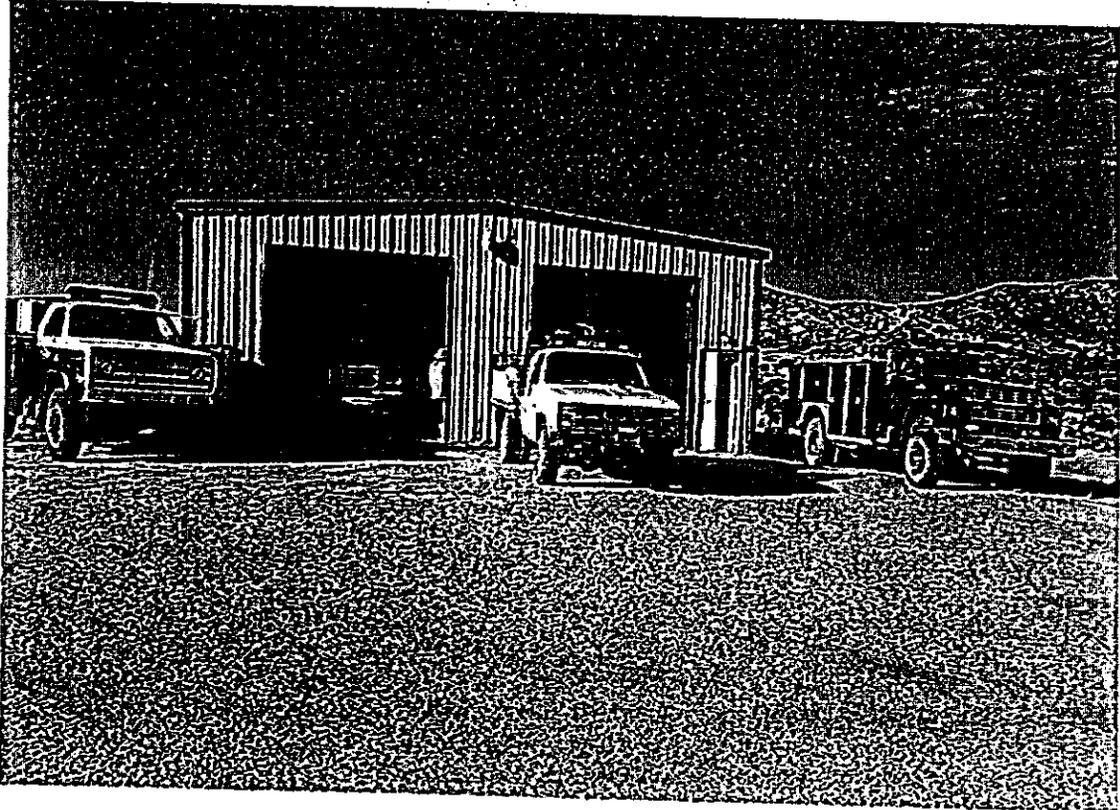
The Ruidoso Health Center Building has a central air-handling unit (AHU-1) with hydronic boiler heating and direct expansion cooling. The AHU-1 provides constant volume of air to maintain the temperature in the building. There are 9 zones in the building, each zone serving multiple rooms. Each zone in the building is controlled by a variable air volume unit (VAV); with an individual thermostat controlling the VAV.

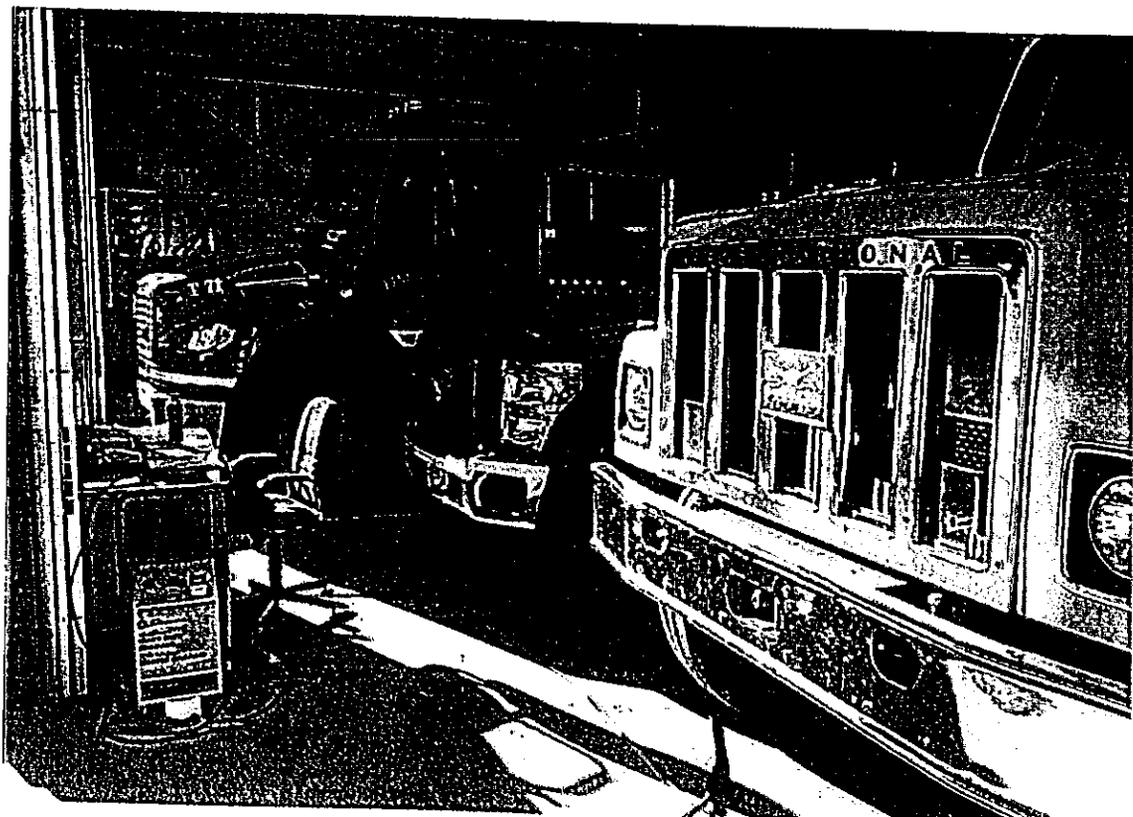
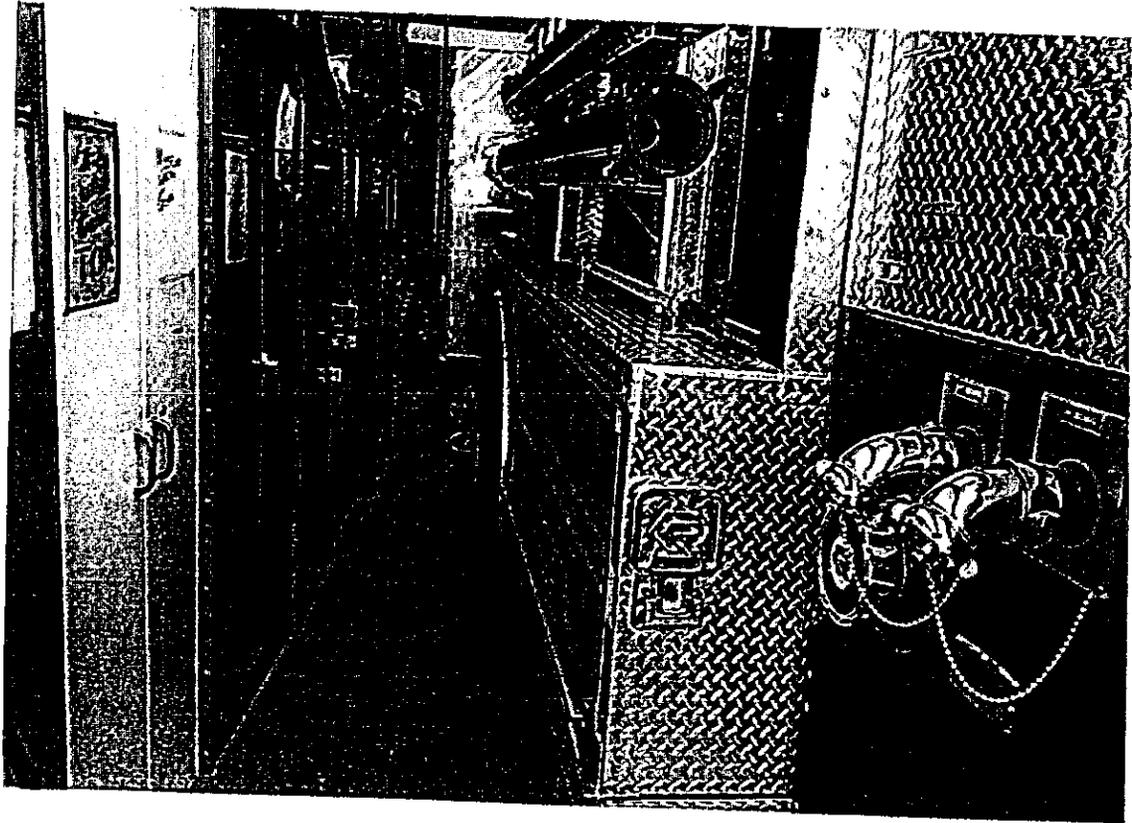
How VAV systems work:

VAV systems work by supplying a constant volume of air to a system with an air handler. Depending on the system load the fan in the air handler is generally put on a VFD (variable frequency drive) to slow down or speed up the fan. Once the air leaves the air handler it has gone through a cooling coil where the temperature is decreased to an optimal 55 degrees F. This cooling can be accomplished by several ways, but the most common are chilled water and direct expansion. This now "refrigerated air" moves through a main duct system to each zone in the building. In a building with a diverse arrangement such as a Health Clinic some rooms need to be cooler while others need to maintain warmer temperatures. This is done by the introduction of a VAV or a variable air volume unit. This unit is in the supply side of the duct system and is tied to a thermostat in the zone. Depending on the load for that zone the VAV will control the volume of air entering the room to maintain the proper temperature. If the air needs to be warmer most VAV's are equipped with a source of secondary heating to warm the air before it enters into the room. Either an electric coil or a hydronic coil can accomplish this type of secondary heating.

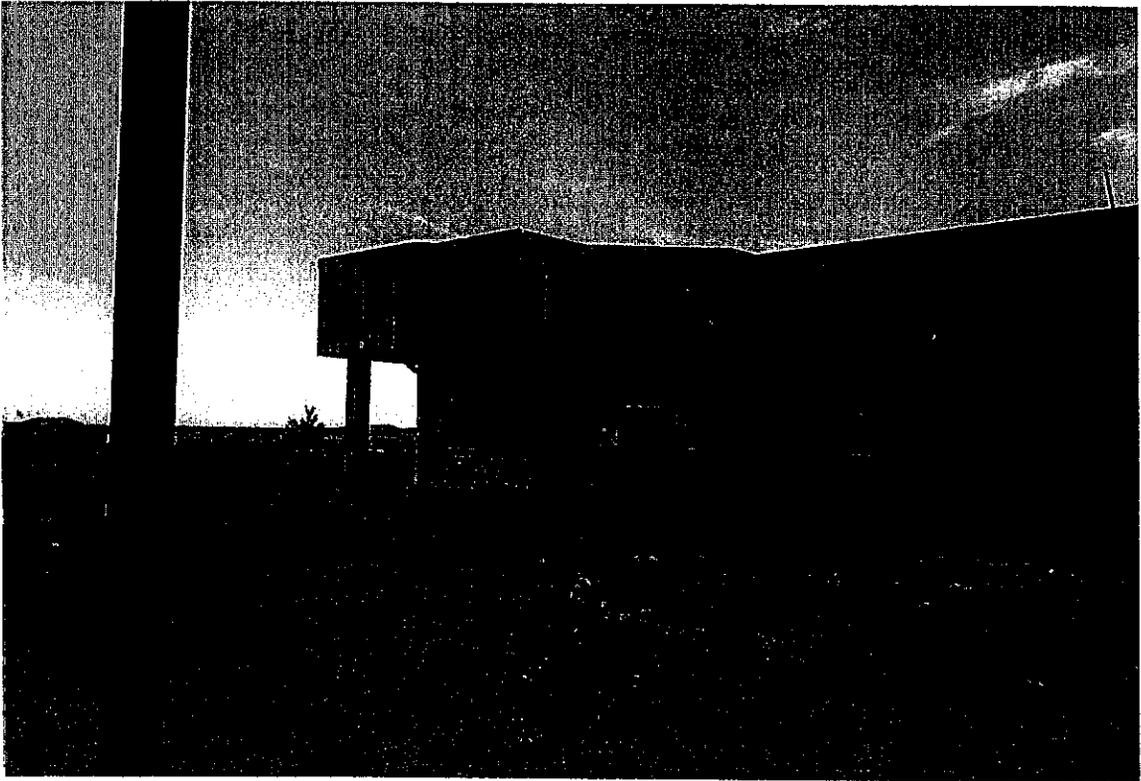
VAV systems are very efficient easily operated systems when they are balanced and controlled effectively.

White Oaks Fire Station

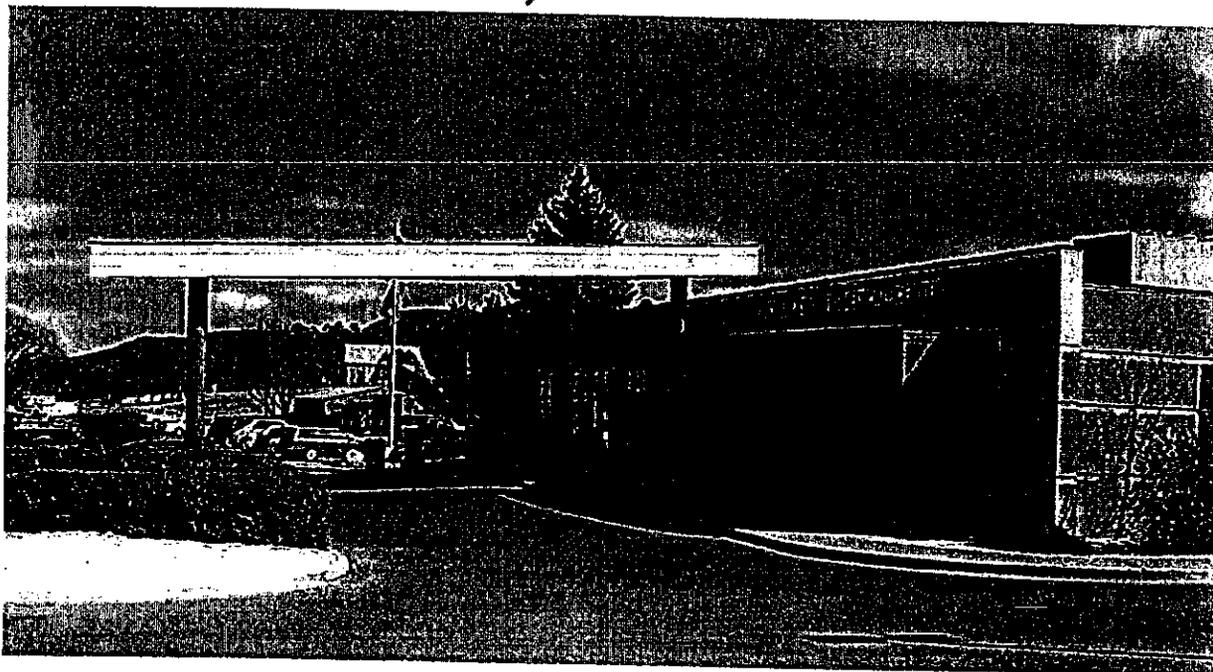




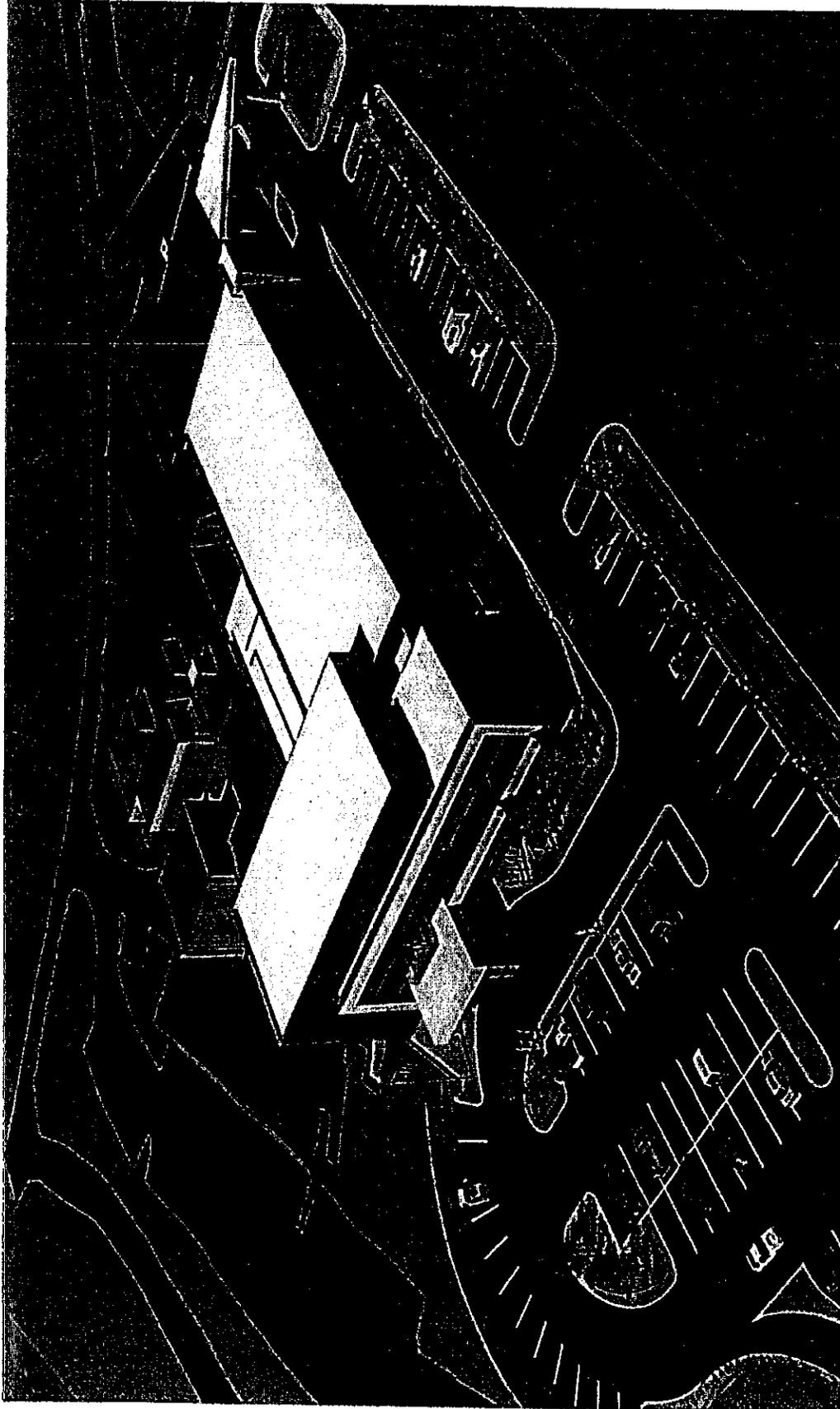
Lincoln County Detention Center



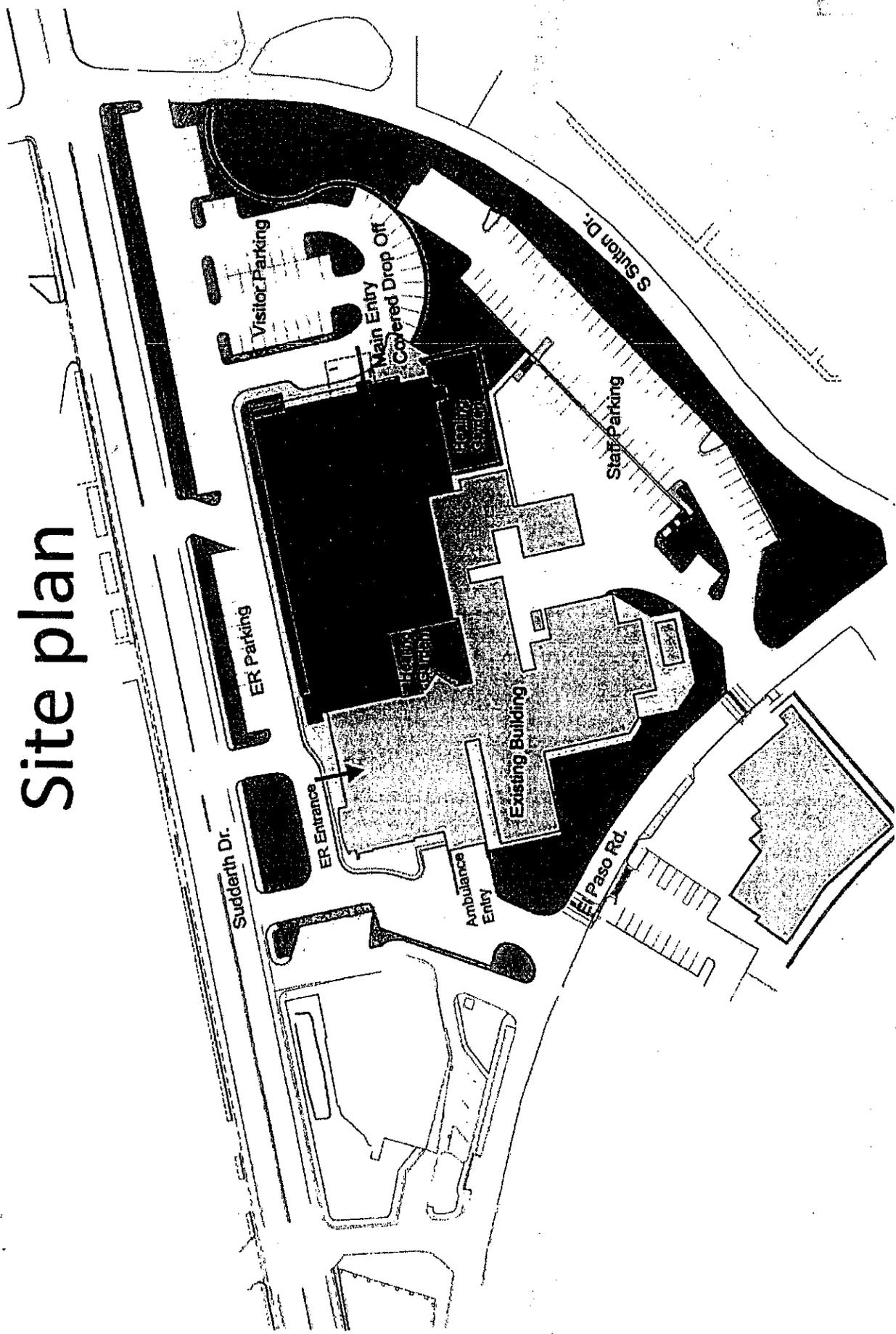
Lincoln County Medical Center



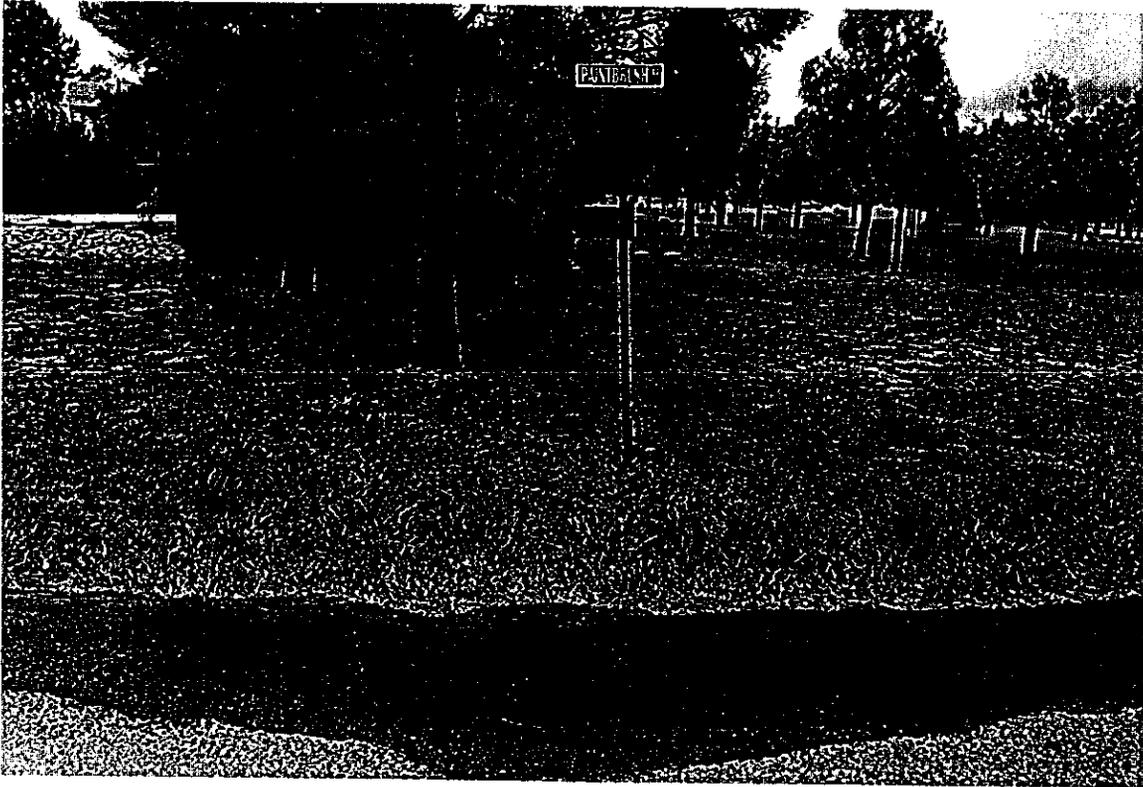
Aerial View

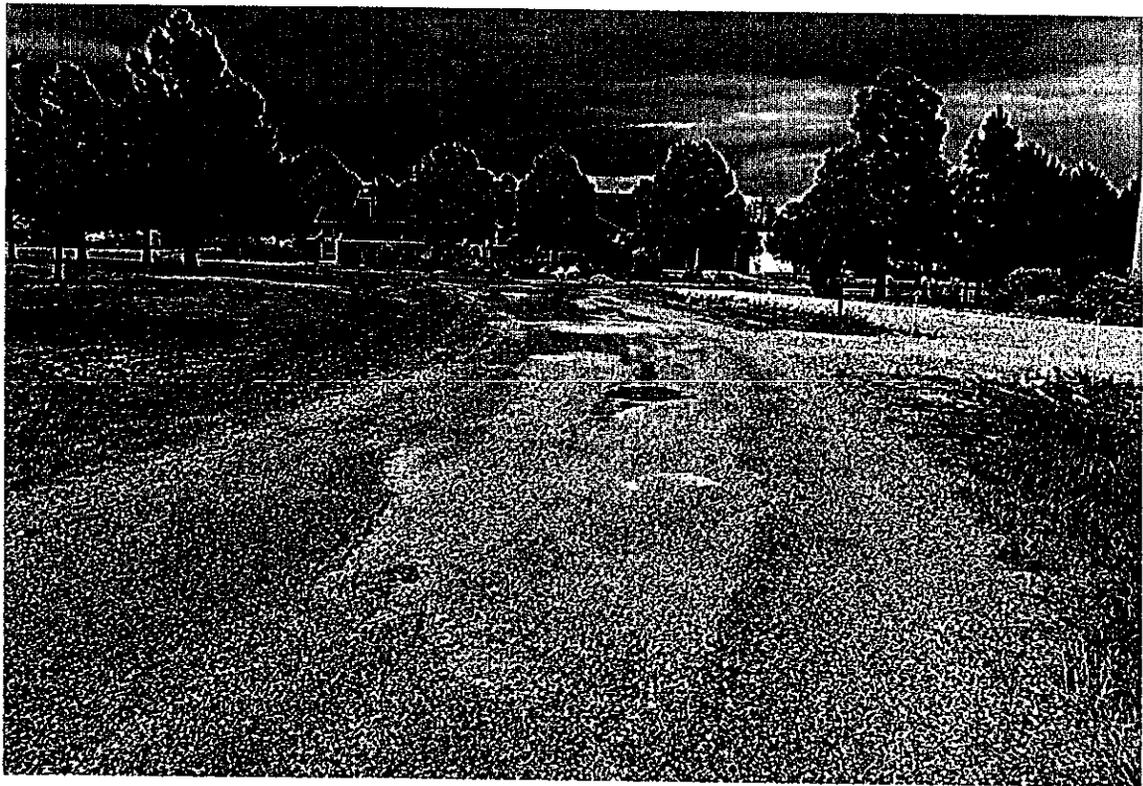


Site plan



Paving Maintenance



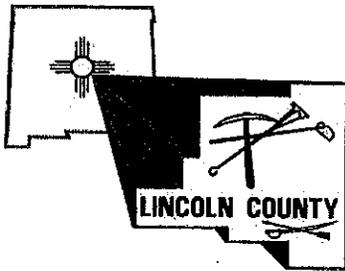


6 Nov 2015

Attended w/ concerns with
concerns re: El Capitan Mine
dealings

- 1) Paulette Amore
- 2) Alice Burnett
- 3) Elizabeth Hearn
- 4) Heidi Durant-Payne
- 5) ~~Lauren~~
- 6) Harold Burnett
- 7) Richard Gunn
- 8) Elfrida Gross

County Offices
Map Office



www.lincolncountynm.net

County of Lincoln

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

Agenda Item No. 17

November 10, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *mt*

SUBJECT: One year extension for NM-DOT 2014 Cooperative Agreements

Purpose: To receive one year extension on the following 2014 Cooperative Agreements:

Project No. SB-7727(937)15, Control No. L200253
Project No. SP-2-15(956), Control No. L200215;
Project No. CAP-2-15(456), Control No. L200245

The Road Department is requesting approval to seek a one-year extension to the County's 2014 Cooperative Agreements ending December 31, 2015, to allow completion of the projects. The Department is requesting the 2014 funding be extended by the NMDOT for an additional one year, to December 31, 2016.

The Road Department's plan is to spend all the money available in the Cooperative Agreement Program. Timely bids were submitted on all agreement programs and the bids came in lower than anticipated, freeing up funds for other projects. Other projects were identified and the resolution was amended and approved to include new projects, enabling the Department to fully spend the funding awarded. These changes and the approval process took time, causing the Department to run into weather delays preventing the completion of the projects.

Recommendation: Approve the one year extension on the above referenced projects by Resolution 2015-19, 2015-20 and 2015-21.

**RESOLUTION NUMBER 2015-19
A RESOLUTION REGARDING ROAD FUND TIME
EXTENSION OF ONE YEAR FOR THE PROJECT LISTED BELOW**

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

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

WHEREAS, the total cost of the School Bus Project will be \$78,613.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$58,960.00 for the School Bus Route Project
- b. Lincoln County's proportional matching share shall be 25% or \$19,653.00 for the School Bus Route Project

Lincoln County shall pay all cost, which exceed the total amount of \$78,613.00 for the School Bus Route Project.

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

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

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

NOW THEREFORE , be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number SB-7727(937)15, Control No. L200253 School Bus Route Project with the New Mexico Department of Transportation for LGRF Projects for year 2014-2015 to Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. County Road-Laughing Horse Trail

Laughing Horse Trail-South of Capitan on Hwy 48 MM 18 turn East onto Laughing Horse Trail project begins and goes .85 miles. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 onto Gavilan Canyon Road project begins and goes 4.46 miles within the control of Lincoln County in Lincoln County, New Mexico.

PASSED, APPROVED AND ADOPTED this 17th day of November 2015.

Board of Commissioners
Lincoln County, State of New Mexico

Preston Stone, Chairman

Dallas Draper, Vice-Chairman

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda B. Burrows, County Clerk

Contract No.	<u>D14462/1</u>
Vendor No.	<u>54389</u>
Project No.	<u>SB-7727(937)15</u>
Control No.	<u>L200253</u>

**FIRST AMENDMENT TO
COOPERATIVE AGREEMENT**

This **FIRST AMENDMENT** to Cooperative Agreement is entered into this _____ day of _____, 2015 between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION** (“Department”) and the **COUNTY OF LINCOLN** (“Public Entity”).

RECITALS

Whereas, the Department and the Public Entity entered into a Cooperative Agreement, Contract No. D14462, on **August 4, 2014**, and,

Whereas, Section Twenty-Two, “Amendment” allows the parties to alter the Cooperative Agreement by written consent of the parties; and

Whereas, the Department and the Public Entity want to extend the expiration date of the Agreement to **December 31, 2016**, to allow completion of the project; and,

Whereas, no additional funding is required to be paid to the Public Entity for this extension of time.

Now, therefore, the Department and the Public Entity agree as follows:

1. **Section Seventeen, “Term,”** is deleted and replaced with the following:

This Agreement is effective on **August 4, 2014** and shall terminate on **December 31, 2016**, unless terminated pursuant to Section Eighteen of the Agreement.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

In witness whereof, the parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

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

By: _____
Assistant General Counsel

Date: _____

LINCOLN COUNTY

By: _____

Date: _____

Name: _____

Title: _____

ATTEST:

By: _____

Date: _____

COUNTY CLERK

RESOLUTION NUMBER 2015-20
A RESOLUTION REGARDING ROAD FUND TIME
EXTENSION OF ONE YEAR FOR THE PROJECT LISTED BELOW

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

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

WHEREAS, the total cost of the Cooperative Agreement will be \$102,232.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$76,674.00 for the Cooperative Agreement
- b. Lincoln County's proportional matching share shall be 25% or \$25,558.00 for the Cooperative Agreement

Lincoln County shall pay all cost, which exceed the total amount of \$102,232.00 for the Cooperative Agreement.

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

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

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

NOW THEREFORE, be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number SP-2-15(956), Control No. L200215 Cooperative Agreement with the New Mexico Department of Transportation for LGRF Projects for year 2014-2015 to Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. County Road-Laughing Horse Trail-**Laughing Horse Trail**-South of Capitan on Hwy 48 MM 18 turn East onto Laughing Horse Trail go .85 miles project begins and goes .45 miles. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 onto Gavilan Canyon Road project begins and goes 4.46 miles within the control of Lincoln County in Lincoln County, New Mexico.

PASSED, APPROVED AND ADOPTED this 17th day of November 2015.

Board of Commissioners
Lincoln County, State of New Mexico

Preston Stone, Chairman

Dallas Draper, Vice-Chairman

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda B. Burrows, County Clerk

Contract No.	<u>D14452/1</u>
	<u>54389</u>
Project No.	<u>SP-2-15(956)</u>
Control No.	<u>L200215</u>

**FIRST AMENDMENT TO
COOPERATIVE AGREEMENT**

This **FIRST AMENDMENT** to Cooperative Agreement is entered into this _____ day of _____, 2015 between the NEW MEXICO DEPARTMENT OF TRANSPORTATION (“Department”) and **LINCOLN COUNTY** (“Public Entity”).

RECITALS

Whereas, the Department and the Public Entity entered into a Cooperative Agreement, Contract No. D14452, on **August 4, 2014**, and,

Whereas, Section Twenty-Two, “Amendment” allows the parties to alter the Cooperative Agreement by written consent of the parties; and

Whereas, the Department and the Public Entity want to extend the expiration date of the Agreement to **December 31, 2016**, to allow completion of the project; and,

Whereas, no additional funding is required to be paid to the Public Entity for this extension of time.

Now, therefore, the Department and the Public Entity agree as follows:

1. **Section Seventeen**, “**Term**,” is deleted and replaced with the following:

This Agreement is effective on **August 4, 2014** and shall terminate on **December 31, 2016**, unless terminated pursuant to Section Eighteen of the Agreement.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

In witness whereof, the parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

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

By: _____
Assistant General Counsel

Date: _____

LINCOLN COUNTY

By: _____
Name: _____
Title: _____

Date: _____

ATTEST:

By: _____
COUNTY CLERK

Date: _____

RESOLUTION NUMBER 2015-21
A RESOLUTION REGARDING ROAD FUND TIME
EXTENSION OF ONE YEAR FOR THE PROJECT LISTED BELOW

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

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

WHEREAS, the total cost of the Cooperative Agreement will be \$241,428.00 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or \$181,071.00 for the County Arterial Project.
- b. Lincoln County's proportional matching share shall be 25% or \$60,357.00 for the County Arterial Project.

Lincoln County shall pay all cost, which exceed the total amount of \$241,428.00 for the County Arterial Project.

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

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

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

NOW THEREFORE , be it resolved by the Lincoln County to enter into Cooperative Agreement Project Number CAP-2-15(456), Control No. L200245 County Arterial Project with the New Mexico Department of Transportation for LGRF Projects for year 2014-2015 to Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads. County Subdivisions- Mesa Verde Subdivision-Bancroft- County Roads-Biscuit Hill, Apple Blossom. **Bancroft Road**-Capitan West on Hwy 380 to MM 83 turn South onto Bancroft Road projects begins goes 1.77 miles. **Biscuit Hill Road**-Ruidoso go to MM 166.5 on Hwy 70 turn South onto Biscuit Hill Road project begins and goes .21 then turn NE onto **Apple Blossom Road** project continues and goes .14 miles. **Gavilan Canyon Road**- Turn East off Hwy 48 MM 8.3 onto Gavilan Canyon Road project begins and goes 4.46 miles within the control of Lincoln County in Lincoln County, New Mexico.

PASSED, APPROVED AND ADOPTED this 17th day of November 2015.

Board of Commissioners
Lincoln County, State of New Mexico

Preston Stone, Chairman

Dallas Draper, Vice-Chairman

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

ATTEST:

Rhonda B. Burrows, County Clerk

Contract No.	<u>D14463/1</u>
Vendor No.	<u>54389</u>
Project No.	<u>CAP-2-15(456)</u>
Control No.	<u>L200245</u>

**FIRST AMENDMENT TO
COOPERATIVE AGREEMENT**

This **FIRST AMENDMENT** to Cooperative Agreement is entered into this _____ day of _____, 2015 between the NEW MEXICO DEPARTMENT OF TRANSPORTATION (“Department”) and the **COUNTY OF LINCOLN** (“Public Entity”).

RECITALS

Whereas, the Department and the Public Entity entered into a Cooperative Agreement, Contract No. D14462, on **August 4, 2014**, and,

Whereas, Section Twenty-Two, “Amendment” allows the parties to alter the Cooperative Agreement by written consent of the parties; and

Whereas, the Department and the Public Entity want to extend the expiration date of the Agreement to **December 31, 2016**, to allow completion of the project; and,

Whereas, no additional funding is required to be paid to the Public Entity for this extension of time.

Now, therefore, the Department and the Public Entity agree as follows:

1. **Section Seventeen**, “**Term**,” is deleted and replaced with the following:

This Agreement is effective on **August 4, 2014** and shall terminate on **December 31, 2016**, unless terminated pursuant to Section Eighteen of the Agreement.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

In witness whereof, the parties have set their hands and seals this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

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

By: _____
Assistant General Counsel

Date: _____

LINCOLN COUNTY

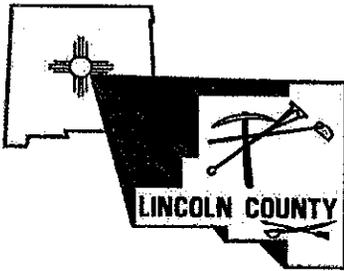
By: _____
Name: _____
Title: _____

Date: _____

ATTEST:

By: _____
COUNTY CLERK

Date: _____



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County of Lincoln

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Agenda Item No. 18

November 13, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

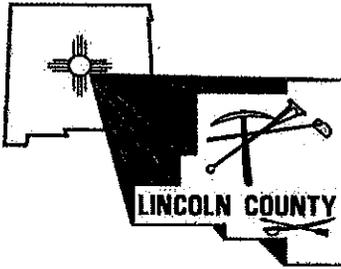
SUBJECT: Extend Timeline for Interim Road Superintendent Position

DISCUSSION:

During its October 15th Commission Meeting, Manager provided status of filling the Road Superintendent position. The job ad closed on October 16th, three of the six applicants were selected for interview, and interviews were held on October 30th. None of the three applicants have been selected for the position. Members of the selection panel unanimously agree that the County should continue its search. We will re-advertise the position in a broader geographic area, and contact individuals in the industry who may be able to help identify additional candidates.

Based on an estimated timeline to fill the position and allow for an overlap with the current Interim Road Superintendent, the Commission approved funding for the Interim Road Superintendent position through November 26th. Because we have not completed our search for a permanent Road Superintendent, I am requesting additional authority to negotiate with the Interim Road Superintendent an extension of his contract for additional duration, not to exceed December 31, 2015.

Recommendation: Grant additional authority not to exceed \$10,000 to fund the Interim Road Superintendent position through December 31, 2015.



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Agenda Item No. 19

November 13, 2015

MEMORANDUM

TO: County Commissioners

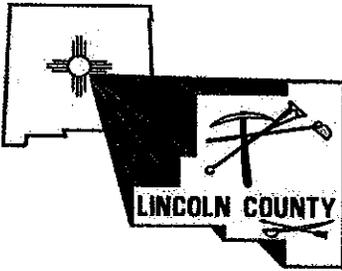
FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Invitation to Bid for County Janitorial Services

DISCUSSION:

During its November, 2014 meeting, the Commission awarded the contract for Janitorial Services for the Lincoln County Courthouse Complex to R&B Cleaning Service, which submitted the lowest bid. That bid did not include the Annex which was in the process of remediation and repair at that time. With the addition of the Annex, approximately 7400 square feet, the contract must be rebid.

Recommendation: Authorize Chief Procurement Officer to publish an Invitation to Bid for County Janitorial Services for the Lincoln County Courthouse Complex, including the Annex Building.



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County of Lincoln

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Agenda Item 20

SUBJECT : Public Hearing

- A. Ordinance 2015-04; Amending the Lincoln County Personnel Policies and Procedures Ordinance 2014-08.
- B. Ordinance 2015-05; Amending Ordinance 2009-03 An Ordinance that regulates refuse, solid waste, and Litter in Lincoln County

ORDINANCE NO.2015-04

AN ORDINANCE AMENDING LINCOLN COUNTY PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE AND THE REPEAL OF ORDINANCE NO. 2014-08

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico adopted Ordinance No. 2015-04, which established personnel policies and procedures for the County; and

WHEREAS, it is good public policy to periodically review the personnel policies and procedures to ensure their efficacy and fairness; and

WHEREAS, after reviewing the personnel policies and procedures, the Board of County Commissioners of Lincoln County, New Mexico, desires to amend certain portions of Ordinance 2014-08; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that a modification to the description of Unclassified Employees is needed to include the position of Road Superintendent; and

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico, finds that this amendment is necessary to provide for the safety, preserve the health and welfare, promote the prosperity, order, comfort, and convenience of the County of Lincoln, its personnel, or its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lincoln County, New Mexico, that the Lincoln County Personnel Policies and Procedures shall be amended to read as follows:

201. FULL-TIME CLASSIFIED EMPLOYEE

A full-time classified employee is one who has successfully completed the probationary period, and who normally works a minimum of forty (40) hours per week. This employee is entitled to all rights and benefits of the Lincoln County Personnel Policies and Procedures manual.

202. UNCLASSIFIED EMPLOYEES

202.A. The County Manager, the chief deputy of each Elected Official, the executive secretary to the Sheriff, the Under-sheriff, Road Superintendent, probationary employees, temporary employees, seasonal employees, part-time employees, and grant-funded employees are unclassified and serve at the discretion of the Department Head or Elected Officials under whom they serve.

202.B. Unclassified employees are terminable-at-will, and are exempt from the merit provisions of this Ordinance. Unclassified employees cannot grieve disciplinary actions. Unclassified employees, with the exception of temporary or grant-funded employees, are subject to all other provisions contained herein, unless specifically excluded.

202.C. Unclassified employees are required to join the Public Employees Retirement Association (PERA). However, Elected Officials may choose to join PERA or not.

203. PROBATIONARY EMPLOYEE

203.A. A probationary employee is a newly hired full-time or part-time employee who is hired to fill a classified position and who has not completed the probationary period of employment during which the employee is evaluated to determine the employee's ability, potential and suitability for the position.

203.B. At any time during this period, the employee may be terminated for any reason or no reason and has no grievance rights.

203.C. Probationary employees accrue leave and benefits. Probationary employees cannot take accrued sick or annual leave until the probationary period is completed, unless written approval is obtained from the County Manager.

203.D. A former Lincoln County classified employee rehired more than sixty (60) days after termination, or rehired into a new position at any time shall serve the required probation period.

203.E. An employee who is temporarily assigned to a vacant classified position and is subsequently hired to fill that position shall serve the required probationary period. The beginning date of the probationary period is the day when the employee is officially changed from temporary to classified status.

203.F. If an employee does not satisfactorily complete the probationary period, the employee will be dismissed. Proposed dismissal of a probationary employee must be discussed with the County Manager prior to dismissal.

203.G. As an alternative to dismissal, an Elected Official/Department Head or County Manager may extend an employee's probationary status for a period not to exceed three (3) months.

610.B. Actual Hours Worked

In computing the number of hours worked during the week for overtime purposes, time absent from work, such as holidays, sick leave, annual leave, or compensatory time, shall not be computed as hours worked, except as provided for in Section 409.C, above.

610.C. Exempt Employees

Elected Officials, appointed employees, and Road Superintendent ~~Department Heads~~ are exempt employees under the Fair Labor Standards Act and, as such, are not entitled to overtime compensation.

610.D. Overtime shall be kept to a minimum and authorized only under special circumstances by the Elected Official/Department Head or the County Manager.

611. COMPENSATORY TIME (COMP-TIME) FOR NONEXEMPT EMPLOYEES

611.A. A nonexempt employee may, at the discretion of the County Manager, accrue compensatory time in lieu of overtime pay at the rate of one and one-half (1½) hours time for each hour of overtime worked. Overtime hours worked and compensatory hours accrued and taken off shall be recorded for each employee and submitted to the Finance Department each pay period. An employee shall not accrue over sixty (60) hours of compensatory time, which is a maximum of forty (40) hours of overtime.

611.B. Employees must agree in writing to accept comp-time in lieu of overtime pay in advance of working the overtime assignment.

611.C. Employees shall be compensated at the rate of one and one-half (1½) times the employee's hourly rate for each hour beyond the maximum compensatory time allowable.

611.D. In the case of a termination of employment, an employee shall be paid for unused compensatory time at the employee's hourly rate of pay.

612. GRATUITIES

612.A. The pay rate established for a position shall be the total compensation received by the employee for services rendered.

612.B. No County employee shall accept a reward, gift, or other form of compensation from any vendor, contractor, individual or organization doing business with the County or those who reasonably anticipate doing business with the County in the future. Acceptance of any reward, gift, or other remuneration will be considered just cause for disciplinary action, including termination.

612.C. This rule does not include awards given to employees under a County-sponsored employee's suggestion system or other special incentive programs established by the Board of County Commissioners or civic inspired awards.

Section 3. Effective Date and Repeal of Ordinance 2014-08

This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County, at which time Ordinance No. 2014-08 is hereby repealed.

PASSED, APPROVED, and ADOPTED this 17th day of November, 2015.

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

Preston Stone, Chair

Dallas Draper, Vice Chair

Elaine Allen, Member

Thomas F. Stewart, Member

Dr. Lynn Willard, Member

Attest:

**Rhonda Burrows
Lincoln County Clerk**

Additions are noted by **bold and underline**.
Deletions are noted by **bold and strike-through**.

ORDINANCE NO. ~~2009-03~~2015-05

**AN ORDINANCE REPEALING LINCOLN COUNTY
ORDINANCE ~~2003-02~~ 2009-03 AND ENACTING AN
ORDINANCE WHICH REGULATES ~~REFUSE~~, SOLID
WASTE AND LITTER IN LINCOLN COUNTY,
REPEALING ORDINANCES IN CONFLICT; PROVIDING
FOR THE SEVERABILITY OF PARTS HEREOF; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to repeal Ordinance ~~2003-02~~ 2009-03, and enact a new Ordinance to protect the health, safety, and welfare of the citizens of Lincoln County; and

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

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

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

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

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

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

Section 1. Definitions.

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

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

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

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

“County” is the County of Lincoln, New Mexico.

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

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

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

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

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

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

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

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

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

~~“Greentree Solid Waste Authority” means the Greentree Solid Waste Authority or its successor.~~

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

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

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

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

~~“Refuse” includes garbage and rubbish.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. ~~Refuse or~~ Solid waste, if not properly stored on the premises where it is generated, shall be placed and maintained in ~~Greentree Solid Waste Authority County~~ containers, ~~the Otero/Greentree Solid Waste Authority~~ Landfill, or other ~~refuse and~~ solid waste disposal facility(ies) licensed and permitted in conformance with applicable State law, State regulations and this Ordinance.

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

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

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

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

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

Section 4. Refuse Solid Waste Containers.

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

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

~~C. Condominium/Multi-family Residential Units: Every condominium or multi-family residential development consisting of ten (10) or more units shall provide for the collection of not less than .75 cubic yards of refuse or solid waste weekly per residential unit. If the Greentree Solid Waste Authority County Manager determines that additional refuse~~

~~containers are necessary, he/she may order such additional containers as may be required to prevent excessive solid waste, refuse or litter or any hazard to the public or other residents of the residential development.~~

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

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

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

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

Section 5. Damage to Refuse Solid Waste Containers.

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

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

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

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

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

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

Section 7. Construction Sites and Transportation of Materials.

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

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

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

Section 8. Scavenging Prohibited.

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

Section 9. Regulations Adopted.

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

~~B. No person shall establish or operate a refuse or solid waste disposal facility without first obtaining a permit from the Board of County Commissioners of Lincoln County. The application for and granting of a refuse or solid waste disposal facility permit by the County Commissioners shall be governed by the regulations regarding the application and granting of refuse and/or solid waste permits, from time to time published~~

~~by the Environmental Improvement Division, together with the additional requirements established by this Ordinance.~~

Section 10. Refuse and Solid Waste Landfill Regulations.

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

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

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

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

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

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

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

1. a person who is a homeowner, residential lessee or tenant or agricultural enterprise who disposes of solid waste on the property he owns, rents or leases if the solid waste was generated on that property;
2. a person occupying property who disposes of solid waste generated on the property if the property is located in a place that makes it not feasible to

dispose of the solid waste in a permitted solid waste facility and the disposal of the solid waste does not harm the environment or endanger the public health or safety and does not violate any provision of the Solid Waste Act or any regulation adopted under that act; or

3. a person in possession of property who disposes on that property construction and demolition debris or yard waste generated on the property if the disposition of the solid waste does not violate any provision of the Solid Waste Act or any regulation adopted under that act.
- A. It is mandatory that any operating landfill pit be dug crossways to the prevailing winds.
 - B. An eight foot (8') chain link fence is required around each landfill pit.

Section 11. Penalties.

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

~~**Section 12. Permit Procedures.**~~

- ~~A. The Board of County Commissioners of Lincoln County, after following all procedures prescribed by this Ordinance, may by two thirds (2/3) majority vote at a public meeting, grant a Solid Waste or Refuse Disposal Permit.~~
- ~~B. The purpose of the permit procedure is to ensure that the regulatory requirements set forth in this Ordinance are met, in addition to those imposed by the State of New Mexico and the Environmental Improvement Division (EID).~~
- ~~C. The permit procedure commences with the filing of a Solid Waste Disposal Permit application with the County Manager, accompanied by an approved permit~~

~~from the appropriate agency of the State of New Mexico. The information requested in that Application regarding disclosure and verification is referred to hereby and incorporated herein by reference as if more fully set forth.~~

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

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

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

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

Section 1312. Severability.

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

Section 1413. Recording.

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

Section 1514. Repeal of Ordinance No. 2003-02 2009-03.

Upon the effective date of this Ordinance, Ordinance No. ~~2003-02~~ 2009-03 shall be considered repealed.

Section 1615. Effective Date.

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

15. PASSED, APPROVED AND ADOPTED this the _____ day of _____, 2009

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

~~Tom Battin~~ Preston Stone, Chair

~~Eileen Sedillo~~ Dallas Draper, Member Vice Chair

~~Dave Parks~~ Elaine Allen, Member

~~Don Williams~~ Thomas F. Stewart, Member

~~Jackie Powell Dr.~~ Lynn Willard, Member

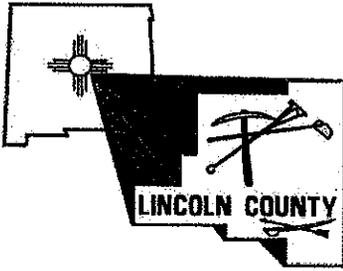
ATTEST:

~~Tammie J. Maddox~~ Rhonda Burrows

Lincoln

County

Clerk



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County of Lincoln

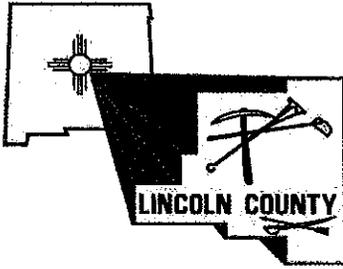
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

Agenda Item 21

SUBJECT

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances.

- a. Setting Forth Wolf-Human Incident Emergency Protective Measures



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Agenda Item 22

November 9, 2015

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

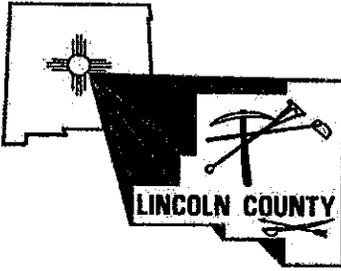
SUBJECT: Appointments and Removals from Boards/Commissioners Committee Update

Discussion:

To update the Commission on the Boards/Commissioners Committee that still needs members appointed:

- Land and Natural Resources Advisory Committee - one position
- Lincoln Historic Preservation Board – one position
- Planning Commission - two positions
- Senior Citizens Olympic Committee – one position
- Road Task force needs one Commissioner and one additional private citizens appointed to this committee.

Recommendation: Continue to look for members for LANRAC, Lincoln Historic Preservation Board, Planning Commission, Senior Citizens Olympic Committee and the Road Task Force Committee.



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Agenda Item 23

SUBJECT

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

See attached list.

Alan P. Morel, P.A.

Attorney at Law

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

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

November 17, 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. GSWA filed its Petition for Writ of Certiorari Oct. 27, 2015 With New Mexico Supreme Court.

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 was 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.

9. *Cody McMurray v. Board of County Commissioners, et al – D 1226 CV 2015-00170 Div. III-* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights.

10. *Bill Turner v. Board of County Commissioners, et al – Cause No. 2:15-CV-00827-LAM-SMV –* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights.

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.

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.

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.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

2014

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

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

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

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

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

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

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

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

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

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

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

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 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.

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.

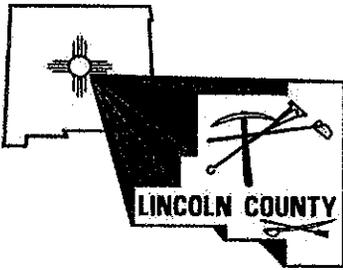
McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

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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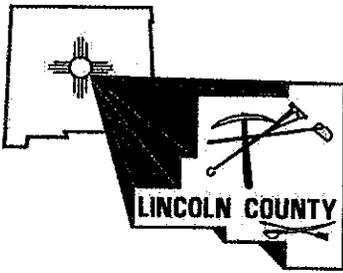
Agenda Item 24

SUBJECT

Potential Property Purchase

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381



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Agenda Item 25

SUBJECT

Potential Action - GSWA

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381