

COUNTY OF LINCOLN
New Mexico
Regular Meeting
Board of County Commissioners

Jackie Powell, Chairwoman

Mark Doth, Member

Dallas Draper, Member

Glenna N. Robbins, Treasurer

Rhonda B. Burrows, Clerk

Preston Stone, Vice Chair

Kathryn L. Minter, Member

Robert Shepperd, Sheriff

Paul Baca, Assessor

Stirling Spencer, Probate Judge

Nita Taylor, County Manager

AGENDA

Commission Chambers, Tuesday, February 18, 2014 @8:30 A.M.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes- January 14, 2014 Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending January 31, 2014
 - c. DWI Prevention Program
 - d. Amend Resolution 2013-26 Supporting the Full Funding of Payment in Lieu of Taxes (PILT) from the Federal Government by Resolution 2013 – 33 (corrects the amount of dollars the federal budget removes in royalty payments from the State of New Mexico)
8. Smokey Bear District Ranger Update – Larry Cordova
9. Greentree Solid Waste Authority
 - a. Rate Collection Activities
 - b. Consideration / Action on GSWA Request for Filing of Liens
 - c. Current Status of County / GSWA Litigation; Negotiation efforts

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 Detention Center Update – Warden Anderson
11. Board of Finance – Glenna Robbins, Treasurer
12. Presentation – Capitan FFA National Forestry Team
13. Consideration / Action on MOU with the Village of Ruidoso Permitting Process in the County
14. Consideration / Approval of 2014/2015 Local Government Road Fund Projects/CAP/COOP/School Bus Programs by Resolution 2013-31
15. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)
16. Consideration of Approval of Required CDBG Policies by Resolution 2013-34
17. **9:00 A.M.:** Consideration and Action on Lodger's Tax Applications with Backup Material:
 - a. Funding Request: \$17,400.00
Purpose: Smokey Bear Days
Date(s) of Event: May 2-4, 2014
Presenter: Bennie Long/Smokey Bear's Hometown Association
(TABLED BY LODGER'S TAX COMMITTEE)
 - b. Funding Request: \$18,901.37
Purpose: Old Lincoln Days
Date(s) of Even: August 1-3, 2014
Presenter: Kristi Morrow/Lincoln Pageant & Festival Corp. Lincoln Historic Site
18. Consideration and approval of a Proclamation
19. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
20. Consideration / Action on New Horizon Request
21. Consideration / Action of Indigent Health Care Claims
22. Consideration of Approval or Disapproval of a Cooperative Agreement and Lease-Corona Senior Citizens Center
23. Manager's Report

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

24. **1:00 P.M.** Public Hearings with the second hearing following immediately:
 - a. Public Hearing to Consider Ordinance 2014-01; Amending the Lincoln County Personnel Policies and Procedures Ordinance 2013-04.
 - b. Public Hearing to Consider 2014-02; Amending Ordinance 2011-05 Flood Damage Prevention
25. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance
 - a. Ordinance 2007-2 An Ordinance Prohibiting the Import for Release into the Wild of Certain Genera
26. Consideration of Appointments and Removals from Boards/Commissioners/Committees:
 - a. Planning Commission
 - b. Lincoln Historic Preservation Board
 - c. Senior Citizens Olympic Committee
27. 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).
28. Consideration / Action on Adopting Resolution 2013-32 Supporting Dona Ana County Efforts to Protect Their Organ Mountains, and H.R. 4334 *Organ Mountains National Monument Establishment Act*, being introduced by Representative Steve Pearce
29. Signing of Official Documents
30. Next meetings:
 - a. March 18, 2014 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.

Agenda Item No. 6

SUBJECT

Approval of Minutes:

1. January 14, 2014 Regularl Commission Meeting

1 **COUNTY OF LINCOLN**

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

5
6 **Jackie Powell**, Chair
7 **Preston Stone**, Vice Chair

Kathryn Minter, Member
Mark Doth, Member
Dallas Draper, Member

8
9
10 **Minutes**
11 **Tuesday January 14, 2014**

12
13 Minutes of the Special Meeting of the Lincoln County Commission held at 8:00 AM on January
14 14, 2014 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New
15 Mexico.

16
17 **1. Call to Order**

18
19 Chair Powell called the Regular Meeting of the Board of County Commissioners to order at
20 8:34:41 AM.

21
22 **2. Roll Call**

23
24 **Roll Call.**

25 **Present:** Chair Powell, Commissioner Minter, Commissioner Draper.

26 **Absent:** Commissioner Stone, Commissioner Doth.

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

30
31 **3. Invocation**

32
33 The invocation was presented by Commissioner Minter.

34
35 **4. Pledge of Allegiance**

- 36
37 A. Pledge – U.S.A. Flag – Chair Powell
38 B. Salute – N.M. Flag – Commissioner Draper
39

40 **5. Approval of Agenda**

41
42 **Motion:** Acceptance of the Agenda and authorized the Chair to move items as necessary,
43 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.
44 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).
45 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
46

47 **6. Approval of Minutes**

- 48
49
50
51
- A. December 17, 2013 - Regular Commission Meeting
 - B. January 2, 2014 - Special Commission Meeting

52 **Motion:** Approve the minutes of the December 17, 2013 Regular Commission Meeting and the
53 January 2, 2014 Special Commission Meeting, **Action:** Approve, **Moved by** Commissioner
54 Minter, **Seconded by** Commissioner Draper.

55
56 Commissioner Minter stated the minutes as presented were accurate but her reference to the
57 potential loss of PILT funding as being \$300 million was inaccurate and the actual potential loss
58 to the State of New Mexico was \$100 million. There was general consensus to amend the
59 Resolution language and place the item on the agenda for adoption at the next meeting.

60
61 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3)
62 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper

63
64 **7. Approval of Consent Agenda**

- 65
66
67
68
- A. Payroll/Accounts Payable/Budget/ Expenditures
 - B. Treasurer's Financial Report for the Month ending December 31, 2013

69 **Motion:** Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner
70 Draper, **Seconded by** Commissioner Minter

71 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3)
72 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper

73
74 **SEE EXHIBIT A:** Copies of Consent Items are attached hereto in reference thereto made a part
75 hereof.

76
77 **8. Smokey Bear District Ranger Update**

78
79 Todd Rawlinson, Wildlife Specialist and Larry Cordova, Wildlife Biologist presented the briefing
80 paper on behalf of Ranger Dave Warnack.

81
82 Mr. Rawlinson informed decisions to reauthorize two grazing permits in the Hale Lake
83 allotments were signed in September. Mr. Rawlinson stated both decisions were appealed in
84 December and anticipated a decision to either uphold the Ranger's decision or remand the
85 decision would be made by January 30, 2014.

86
87 Mr. Rawlinson stated the decision authorizing salvage logging on the Loma Grande area was
88 also signed in September, no appeal was filed, and the sale would be advertised in the near
89 future.

90
91 Mr. Rawlinson stated work continues on a Supplement to the Draft Environmental Impact
92 Statement (DEIS) related to the Village of Ruidoso wells located on USFS land in the North Fork
93 of Eagle Creek. Mr. Rawlinson commented on the impact of the Little Bear Fire which burned
94 98% of the watershed triggering a supplemental analysis accounting for changed conditions.
95 Mr. Rawlinson anticipated a final decision in December 2014.

96
97 Mr. Rawlinson informed the Ranger District was partnering with multiple agencies to plan a
98 Forest Health Expo in April at the Ruidoso Convention Center.

99

100 Mr. Rawlins stated the NM Game and Fish Habitat Stamp Program had funded a project on
101 Grindstone Mesa to reestablish water for wildlife for longer periods of time.
102

103 Commissioner Minter commented on recent efforts by the USFS to improve signage and
104 conditions on Forest Service trails. Mr. Rawlinson noted the Ranger District had been absent a
105 Wilderness Technician for many years but had recently hired Shawn Donaldson for the position.
106 Mr. Rawlinson stated Mr. Donaldson had begun to inventory signage and conditions on trails
107 within the District. Mr. Rawlinson discussed plans to work with various volunteer groups in the
108 summer to replace signage on trails.
109

110 **9. Greentree Solid Waste Authority (GSWA) Update**
111

112 Nita Taylor, County Manager provided copy of draft minutes from the December 19, 2013 from
113 GSWA. Ms. Taylor informed she and Chair Powell had attended the meeting and noted Ms.
114 Ingle had informed the GSWA Board that recent reports of drivers making \$100,000 per year
115 was incorrect "in her mind". Ms. Taylor also noted Ms. Ingle had voiced a desire for the Board
116 of County Commissioners to amend the minutes of a past Commission Meeting to reflect more
117 detail regarding a disclosure by the County Attorney related to a potential conflict of interest.
118 Ms. Taylor informed Ms. Ingle. County Commission meeting minutes were not verbatim and Ms.
119 Ingle acknowledged the GSWA Board minutes were also not verbatim.
120

121 Chair Powell directed attention to the GSWA minutes of December 19, 2013 and her specific
122 request for clarification from Ms. Ingle regarding the financial position of GSWA as of the end of
123 November. Chair Powell noted the minutes reflected Ms. Ingle's response confirming, for the
124 Year to Date as of November 2013, GSWA "was in the black".
125

126 **10. Lincoln County Detention Center Update**
127

128 Ms. Taylor reminded the Board of Commissioners was scheduled to review the Detention
129 Center Facility during lunch.
130

131 Warden Arthur Anderson informed on monthly bookings and releases at the Lincoln County
132 Detention Center and stated the total average daily population for the month of January 2014
133 was 129. Warden Anderson stated the current population was 128 including 11 BIA prisoners
134 and 0 US Marshal prisoners.
135

136 Commissioner Draper questioned if the County might request placement of the US Marshall
137 prisoners as a source of revenue. Warden Anderson acknowledged the placement was of
138 benefit but reminded the detention center was often filled at or above the total population
139 capacity of 144 with local prisoners.
140

141 Commissioner Draper asked about current staff vacancies. Warden Anderson stated the facility
142 was currently short four officers but pending background checks there were five officers and a
143 new Chief scheduled to start on January 20, 2014.
144

145 **11. Consideration and Approval of Limited Suspension of Section 501B.8. and**
146 **501B.9.C. of the Personnel Policy**
147

148 Ms. Taylor informed the County currently had two employees who due to major illness would
149 require time off exceeding their accumulated annual and sick leave. Ms. Taylor noted there

150 were several employees who wished to donate sick leave and requested approval of a six
151 month waiver to allow for the donation of leave by other employees and a similar waiver to
152 suspend the limitation of the donation of a maximum of 20 hours by any employee within a
153 twelve month period.

154
155 **Motion:** Approve a six month waiver of Sections 501B.8 and 501B.9.C of the Personnel Policy,

156 **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Powell.

157 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3).

158 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.

159
160 **12. Consideration and Approval for the Renewal of Contracts for Voting System**
161 **Technicians**

162
163 Rhonda Burrows, Clerk presented the contracts for approval and noted the contracts were with
164 the same individuals as the prior two year contracts. Ms. Burrows stated there were no
165 changes from the prior contract terms regarding rate of reimbursement or contract terms.

166
167 Ms. Burrows stated technicians assist with preparation and delivery of equipment prior to
168 elections and provide Election Day trouble shooting services. Ms. Burrows noted technicians
169 were required to complete training and certification with the Secretary of State's office.

170
171 **Motion:** Approval of the Voting System Contracts with Paul Baca, Rodney Zamora, and LeeRoy
172 Zamora Jr., **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner
173 Draper.

174 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

175 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.

176
177 **13. Consideration and Approval to Dispose of County Property by Auction –**
178 **Resolution 2013-28**

179
180 Michelle Caskey, Assets and Information informed the County had six vehicles and a piece of
181 dispatch computer equipment which were purchased for over \$5000. Ms. Caskey did not
182 anticipate the items would sell for more than \$5000 but noted the purchase price necessitated
183 approval prior to sale at auction.

184
185 Chair Powell questioned if there was any concern for information being retained on the digital
186 recorder. Sheriff Shepperd assured as a matter of policy all information was erased and the
187 hard drive removed from computer equipment prior to sale. Sheriff Shepperd stated due to the
188 age of this equipment and the fact information was recorded on cassette tapes there was no
189 concern about the sale.

190
191 **Motion:** Adopt Resolution 2013-28, **Action:** Approve, **Moved by** Chair Powell, **Seconded by**
192 Commissioner Draper.

193
194 Commissioner Draper questioned if an inspection of the vehicles was required. Ms. Caskey
195 confirmed DFA required a 30 day notice and an inspection by elected officials. Commissioner
196 Minter, Commissioner Draper and Paul Baca, Assessor volunteered to review the vehicles prior
197 to sale.

198
199 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

200 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.

201
202 **SEE EXHIBIT B:** Copy of Resolution 2013-28 is attached hereto in reference thereto made a
203 part hereof.
204

205 **14. Consideration and Approval to Authorize the Village of Ruidoso to Submit an**
206 **Application to the Department of Finance & Administration, Local Government to**
207 **Participate in the Local DWI Grant and Distribution Program by Resolution 2013-**
208 **27**
209

210 Ms. Taylor presented the request on behalf of the Village of Ruidoso to submit a grant
211 application to DFA to participate on behalf of the County in the Local DWI Grant and Distribution
212 Program.
213

214 Chair Powell questioned if there were any changes from the Resolutions adopted in prior years.
215 Ms. Taylor confirmed there were no changes.
216

217 **Motion:** Adopt Resolution 2013-27, **Action:** Approve, **Moved by** Commissioner Minter,
218 **Seconded by** Commissioner Draper.

219 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

220 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
221

222 **SEE EXHIBIT C:** Copy of Resolution 2013-27 is attached hereto in reference thereto made a
223 part hereof.
224

225 **15. Consideration and Approval to Submit an Application to NMFA for a Grant to Build**
226 **an Asset Management Plan**
227

228 Ms. Taylor requested approval for submission of an application for a grant funding an Asset
229 Management Plan. Ms. Taylor stated a comprehensive Asset Management Plan would assist
230 with the operation, maintenance, and management of assets in a cost effective, sustainable
231 fashion. Ms. Taylor stated the first step of a five core component plan would be identification of
232 assets, their location, current condition, remaining useful life, current value, and plan for
233 replacement. Ms. Taylor noted the County maintains a list of current assets as required by
234 State law but commented on the need to identify critical needs, current condition, and need for
235 redundancy. Ms. Taylor stated the plan would provide for a proactive management approach
236 versus a reactive approach.
237

238 Ms. Taylor stated the maximum grant award from NMFA was \$50,000 requiring a County
239 pledge of a 5% match or \$2500. Ms. Taylor informed she, the Finance Director and the Asset
240 Manager met with Engineers, Inc., a company experienced in working with NMFA and local
241 governments on Asset Management Plans. Ms. Taylor suggested the County solicit assistance
242 from Engineers, Inc. in completion of the grant application and the subsequent development of
243 an Asset Management Plan should the grant be awarded.
244

245 Chair Powell requested clarification as to the use of any grant funding whether it would be for
246 purchase of software or staff time. Ms. Taylor explained the grant would fund the actual
247 development of the plan itself including an onsite inventory identifying the age and potential life
248 of all assets. Ms. Taylor anticipated such a plan would help identify needs prior to the budget
249 process and also suggested such a plan would facilitate approval of CDBG grant applications.
250 Chair Powell questioned if depreciation of assets might also be addressed in the plan. Ms.

251 Taylor noted the audit finding had been corrected but depreciation might be considered within
252 the plan.

253
254 **Motion:** Approve a pledge of a 5% match for any grant award up to \$50,000, **Action:** Approve,
255 **Moved by** Commissioner Draper, **Seconded by** Chair Powell.
256

257 Commissioner Draper noted State agencies were also considering what planning tools were in
258 place when considering Capital outlay requests as well as grant applications. Commissioner
259 Draper questioned if the maximum grant of \$50,000 was sufficient for development of a
260 completed plan. Ms. Taylor stated uncertainty of the final cost estimate but suggested NMFA's
261 offer of the \$50,000 grant was probably based on their estimate of the total planning cost.
262

263 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3)
264 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
265

266 **17. Consideration and Approval of Bid Award 13-14-005 Lower Rio Bonito Sediment**
267 **and Debris Basin**

268
269 Ms. Taylor presented the bids received and opened on January 7, 2014 as follows:
270

271	1.	Renegade Construction, LLC	\$36,707.97
272	2.	Sierra Valley Contractors, LLC	\$48,384.59
273	3.	Southwest Paving & Grading d/b/a	
274		Ruidoso Sand and Gravel	\$36,939.42
275	4.	Jack Johnson Excavating, Inc.	\$37,911.51
276	5.	Mesa Verde Enterprises, Inc.	\$56,939.70
277			

278 **Motion:** Award Bid 13-14-005 to Renegade Construction for \$36,707.97, **Action:** Approve,
279 **Moved by** Commissioner Minter, **Seconded by** Commissioner Draper.

280 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).
281 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
282

283 **18. Consideration of Approval or Disapproval of Indigent Health Care Claims**
284

285 Ms. Taylor presented the claims for approval on behalf of Scott Annala, Indigent Health Care
286 Administrator. Ms. Taylor stated 38 Sole Community Provider claims were processed with 38
287 recommended for approval for a total authorization of \$61,579.68. Ms. Taylor stated 68 Indigent
288 Health Care claims were processed with 64 recommended for approval and 4 recommended for
289 disapproval for a total recommended payment this month of \$32,596.25.
290

291 Ms. Taylor informed the FY 2013 -2014 budget for Indigent claims was \$393,278 with a total
292 expenditure to date of \$114,324.16 and an average monthly payment of \$23,025.86. Ms.
293 Taylor stated the FY 2013 – 2014 Sole Community Provider claims total approval year to date
294 was \$698,931.22 with a monthly average of \$99,847.32.
295

296 **Motion:** Approval and denial of the claims as indicated for Sole Community Provider and
297 Indigent Health Care Program payments as recommended, **Action:** Approve, **Moved by**
298 Commissioner Draper, **Seconded by** Commissioner Minter.

299 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).
300 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
301

302 **SEE EXHIBIT D:** Copies of the Sole Community Provider and Indigent Health Care Payments
303 are attached hereto in reference thereto made a part hereof.
304

305 **Commissioner Doth joined the meeting telephonically at 9:16:00 AM.**
306

307 **19. Manager's Report**
308

- 309 **1. Lincoln County Medical Center:** The Manager stated Al Santos, LCMC
310 Administrator clarified LCMC'S total parking responsibilities for compliance with
311 Village of Ruidoso's requirements was based on the total number of parking
312 spaces for the entire complex; the Physician's Office Building on a stand-alone
313 basis does not have a specific quota.
314
- 315 **2. Legislative Initiatives:** The Manager detailed information related to the session:
316
317 a. The 2014 legislative session begins on Tuesday, January 21 and ends on
318 Thursday, February 20, 2014.
319 b. The Senate Finance Committee will meet on January 16, 2014 with an agenda
320 item to discuss the funding of SCO Hospitals, Uncompensated Care and
321 Hospital Rate Increases. The Manager and Scott Annala plan to attend.
322 c. Commissioner Draper scheduled time to spend at the Capitol during the
323 session; and will advocate for county initiatives.
324 d. The Manager planned to attend the NMAC County Lobbyist meeting on
325 January 16, 2014.
326 e. Lincoln County Day in Santa Fe, sponsored by the Ruidoso Valley Chamber of
327 Commerce, is scheduled for February 5, 2014.
328 f. The Manager informed Lincoln County had six subscriptions to the "NM
329 Legislative Reports," a daily-updated series of reports on proposed and passed
330 legislation, analysis, floor calendars, etc. The Manager will provide user name
331 / passwords upon request.
332
- 333 **3. NMAC Annual Legislative Conference:** The NMAC Legislative Conference was
334 set for January 21 – 23, 2014 with planned attendance by County employees. In
335 addition to the conference itself, many employees and elected officials will
336 participate in the NM EDGE classes and work with legislators on issues important
337 to the County.
338
- 339 **4. PILT UPDATE:** The Manager provided copy of a National Association of Counties
340 (NACo) letter to the House and Senate appropriators signed by more than 750
341 county officials and 15 state associations of counties urging them to fully support the
342 PILT. New Mexico was well represented with 18 counties participating in the NACo
343 effort as well as sending additional letters and Resolutions, strongly recommending
344 the continued funding of the PILT program.
345
- 346 **5. Ruidoso Downs:** The Manager informed Ruidoso Downs invited the County and
347 the NM Department of Transportation to participate in a Work Session of the
348 Governing Body of the City of Ruidoso Downs to discuss what action to take
349 regarding future operation of Lincoln County Transit. The Manager noted the County
350 previously declined funding requests for the operation of the system but planned to
351 attend the meeting on the County's behalf. The Manager informed the City of

352 Ruidoso Downs was also calendaring a time to discuss the lease for the building
353 which houses the Ruidoso Downs Senior Center.
354

355 **6. Building Updates:**
356

- 357 a. **Courthouse/Sheriff's Complex Expansion.** The Manager reported work on the
358 expansion was proceeding as planned and was basically on schedule and on
359 budget. The Manager noted Basic IDIQ working with JRP Master Builders was
360 doing a great job and utilizing local contractors almost exclusively.
- 361 b. **Ft. Stanton Fire Department.** The Manager reported the 3-bay metal structure
362 was about 50% complete and the project was on schedule and on budget.
- 363 c. **Carrizozo Sr. Center.** The Manager stated the CDBG Grant was in place; the
364 legislative Capital Outlay grant was being finalized; and the design was
365 complete. The Manager anticipated Wilson and Company would assist with
366 issuing the bid for construction in February.
367

368 **7. Departmental Updates:**
369

- 370 a. **Office of Emergency Services.** Joe Kenmore, OES Director informed the
371 County's Incident Management Team (IMT) was scheduled for training in Sandy,
372 Utah the first of February. Mr. Kenmore stated a Firefight Survival Class was
373 scheduled at the Copper Ridge OES site and anticipated attendance by local fire
374 departments. Mr. Kenmore further reminded the Sierra Blanca Wildland Fire
375 Academy was scheduled for the last week of January. Mr. Kenmore discussed
376 the current windy dry conditions and suggested restrictions might need to be
377 considered earlier this year. Mr. Kenmore thanked David Roper, Bill and Bryan
378 Hightower, and Billy Bob Shafer for their assistance in the removal of 96 head of
379 cattle during a cattle truck fire on Highway 54.
380

381 **16. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY**
382 **OFFICIALS**
383

384 Commissioner Draper reported attendance as the County representative to the Southeastern
385 New Mexico Economic Development District (SNMEDD) meeting. Commissioner Draper
386 provided information relating to the Governor's Executive Order 2013-006 requiring all entities
387 seeking State funding to have complete and up to date audits; the adoption by SNMEDD of a
388 Resolution opposing the intercept of the County 1/8th GRT for Health Care; and the need for a
389 Regional Water Plan if applying for Water Trust Fund grants. Chair Powell clarified a Regional
390 Water plan currently exists for our Region and the State Engineer's office had awarded
391 \$800,000 for updates.
392

393 Commissioner Minter commended efforts by property owners, volunteers, contractors and other
394 agencies on work to restore the land within the Little Bear Fire area.
395

396 Rick Rotert, President of the Nogal Water Association reminded the Association was working to
397 replace the entire 25 year old water system in Nogal. Mr. Rotert stated Phase I with
398 construction of the building housing the treatment facility and a new storage tank was nearly
399 complete and Phase II completing the project would begin once the Association received the
400 \$1.2 million dollars appropriated through the Colonia's grant program.
401

402 Mr. Rotert expressed concern about the unintended economic burden of audit requirements
403 under the Governor's Executive Order related to entities receiving State funding. Mr. Rotert
404 explained under their agreement receiving the Colonia's grant the Association could not use
405 grant funding to pay for the required audits and stated the cost of the audits was prohibitive for a
406 small entity. Chair Powell commented this problem was becoming a larger issue as other small
407 agencies such as Soil and Water Conservation Districts were being burdened with audits which
408 increased in complexity and cost depending on the amount of funding received. Chair Powell
409 stated Commissioners should work to educate legislators about the issue and encourage a
410 legislative fix.

411
412 Attorney Morel reported revisions of the proposed Memorandum of Understanding (MOU) for
413 inspection services in areas of the County were requested by the Village of Ruidoso. Attorney
414 Morel anticipated the MOU would be placed on the agenda for discussion and action next
415 month. Commissioner Doth informed the Secretary for the Department of Regulation had
416 resigned as of a January 1, 2014 and a new Director of the Constructions Industries Division
417 (CID) had been appointed. Commissioner Doth suggested in light of the new personnel the
418 County should continue to work to seek approval for the use of third party inspectors.

419
420 **19. Manager's Report (continued)**

421
422 **7. Departmental Updates: (continued)**

- 423
424 b. Planning: Curt Temple, Planning Director informed King Industries continued to
425 work on the FEMA Hazard Mitigation Grant application and the required
426 additional revisions. Mr. Temple stated the SIMS table was ordered with plans
427 to begin outreach and education as required by the HMG grant. Mr. Temple
428 commented on the need for clarification from the State as to whether CID is still
429 supportive of an MOU between entities for inspection and permitting in light of
430 the new personnel in that department.

431
432 Commissioner Minter questioned if there was an opportunity for reimbursement of cost of the
433 SIMS table through the FEMA grant. Mr. Temple anticipated the cost expenditure along with in
434 kind services would be utilized to meet the match for the FEMA grant.

435
436 **Commissioner Doth was excused from the Regular Meeting at 10:07:30 AM.**

437
438 Chair Powell recessed the Regular Meeting at 10:07:31 AM and reconvened at 10:20:30 AM.

439
440 **7. Departmental Updates: Continued**

- 441
442 c. Road Department: Carl Palmer, Road Superintendent anticipated the receipt of
443 FEMA funding to offset expenses for road repair after flooding in September.
444 Mr. Palmer stated while several of the affected roads had been repaired, there
445 were additional roads still in need of work.

446
447 **20. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources**
448 **Advisory Committee (LANRAC)**

- 449
450 1. Ms. Taylor reported two new water right notices were posted to the State Engineer's
451 website:

453 a. SEA GEM, LLC and the Village of Ruidoso filed No. 01300-1; 01300-2; 01300-3;
454 0826-2 into 0275 et al; and H 271 et al (T) to temporarily change the Surface and
455 Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use
456 in the Hondo Underground Water Basin.
457

458 Ms. Taylor provided additional documentation related to this notice indicating the application
459 was filed under the NM Leasing ACT of NMSA 72-6-1 through 72-6-7 with an Emergency
460 Authorization request under NMSA 72-5-25.
461

462 b. Lea County Application No. CP-295 POD# proposing a supplemental well locating
463 within the Capitan Water Underground Water Basin, approximately six miles northeast of
464 the City of Jal, NM.
465

466 Ms. Taylor stated while the Lea County application does not appear to impact Lincoln County,
467 she would request further clarification from the State Engineer's office.
468

469 Ms. Taylor also reported a legal notice of the Village of Ruidoso's application No. H-53-2 into
470 0275-A and H-272 et al (T) was published for the third time in the Lincoln County News. Ms.
471 Taylor reminded for this application the points of diversion and places of use were located at the
472 race track in Ruidoso Downs with proposed move to points of diversion and place of use to be
473 located within the Village of Ruidoso.
474

475 Chair Powell reminded postings on State Engineer's website were not necessarily relevant and
476 the County should continue to monitor legal publications in the local newspapers.
477

478 There was a general discussion regarding ongoing drought conditions, effects on the watershed
479 of the Little Bear Fire, a past water forum sponsored by Lincoln County in 2006, and possible
480 partner agencies to assist with another forum. Ms. Taylor stated she would research potential
481 partners and topics and begin tentative planning for a water forum in the near future.
482

483 2. Ms. Taylor informed efforts by the Western States Congressional Caucus had led to a
484 recent decision by Interior Secretary Jewell to dissolve the "Blueways Program" an initiative to
485 unilaterally designate entire river watersheds as "National Blueways". Ms. Taylor noted
486 similarity to current EPA and Army Corp of Engineer's efforts to include streams and ditches in
487 the definition of "navigable waters".
488

489 3. Ms. Taylor provided a copy of the final meeting notes for the Mexican Wolf EIS
490 Cooperating Agency IPT meeting and an update on the current status of the proposal. Ms.
491 Taylor commented that the decision by the County to becoming a participating agency was
492 beneficial. Ms. Taylor stated the US Fish and Wildlife Service decided to conduct a peer review
493 for the June 13, 2013 proposal to list the Mexican wolf as an endangered subspecies in the
494 southwest and delist gray wolves elsewhere. Ms. Taylor stated she would prepare an updated
495 "Wolf" Resolution for consideration at the next regular meeting.
496

497 **21. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
498 **Lincoln County Ordinance**
499

- 500 A. Ordinance No. 2011-05 Flood Damage Prevention
501 B. Ordinance No. 2013-04 Personnel Policy
502

503 Ms. Taylor informed Commissioner Stone requested a review of the Flood Damage Prevention
504 Ordinance and staff requested a review of the Personnel Policy.
505

506 **Motion:** Schedule a Public Hearing for Ordinance 2011-05 and Ordinance 2013-04, **Action:**
507 Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Powell.

508 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

509 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
510

511 **22. Consideration of Appointments and Removals from Boards/ Commissioners**
512 **/Committees:**
513

514 a. Coalition of Counties
515

516 **Motion:** Reappoint Chair Powell and appoint Commissioner Stone, **Action:** Approve, **Moved**
517 **by** Commissioner Minter, **Seconded by** Commissioner Draper.

518 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

519 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
520

521 b. Interstate Stream Commission
522

523 **Motion:** Reappoint Chair Powell, **Action:** Approve, **Moved by** Commissioner Minter,
524 **Seconded by** Commissioner Draper.

525 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

526 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
527

528 c. New Mexico County Insurance Authority - Worker's Compensation
529

530 **Motion:** Reappoint Commissioner Minter and reappoint Ms. Taylor to serve as Alternate,
531 **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Draper.

532 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

533 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
534

535 d. New Mexico Insurance Authority – Multi-Line Pool
536

537 **Motion:** Reappoint Commissioner Minter and appoint Commissioner Draper to serve as
538 Alternate, **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Minter.

539 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

540 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
541

542 e. Planning Commission
543

544 **Motion:** Appoint Mary Ann Russ as the District 3 member, **Action:** Approve, **Moved by** Chair
545 Powell, **Seconded by** Commissioner Draper.

546 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

547 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
548

549 **23. Consideration and Approval of Resolution 2013-29 Requesting the State of New**
550 **Mexico to Protect County Government Revenue Streams**
551

552 Ms. Taylor presented the Resolution and discussed the alternate proposal of the New Mexico
553 Association of Counties. Ms. Taylor stated the NMAC proposal would solicit a financial

554 commitment from each County in the amount equal to 1/16th of the County's GRT. Ms. Taylor
555 noted while the Commission might support the NMAC alternative, there was strong opposition to
556 legislation which would provide for an intercept of local taxes.
557

558 **Motion:** Adopt Resolution 2013-29, **Action:** Approve, **Moved by** Chair Powell, **Seconded by**
559 Commissioner Draper.

560 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

561 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
562

563 **SEE EXHIBIT E:** Copy of Resolution 2013-29 is attached hereto in reference thereto made a
564 part hereof.
565

566 **24. Amend Resolution 2013-15 Designations of Polling Places for Precincts by**
567 **Resolution 2013-30**
568

569 Rhonda Burrows, Clerk stated during an inspection of polling places an alternate site for Early
570 Voting in Ruidoso was identified. Ms. Burrows reminded the County had for many past years
571 utilized the Ruidoso Senior Center as an Early Vote site for Primary and General Elections.
572 Ms. Burrows stated a review of a site associated with Region IX Education Cooperative offices
573 in the Horton Complex identified several advantages over the current site including expanded
574 parking, a larger more secure space for voting activities, and greater security.
575

576 Ms. Burrows stated as per the Secretary of State's Office the adoption of an Amended Polling
577 Place Resolution would accomplish the change and requested approval of the Resolution as
578 presented.
579

580 **Motion:** Adopt Resolution 2013-30, **Action:** Approve, **Moved by** Commissioner Minter,
581 **Seconded by** Commissioner Draper.

582 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

583 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
584

585 **SEE EXHIBIT F:** Copy of Resolution 2013-30 is attached hereto in reference thereto made a
586 part hereof.
587

588 **25. Lease Agreement with Presbyterian Healthcare Services for the Lincoln County**
589 **Medical Center Complex**
590

591 Attorney Morel presented the renegotiated lease agreement between the County of Lincoln and
592 Presbyterian Healthcare Services (PHS) for the Lincoln County Medical Center Complex.
593 Attorney Morel informed principal points within the second amended agreement included:
594

595 1. The County shall pay to PHS the full amount of any mill levy proceeds collected less
596 any obligation for the Sole Community Provider Program or successor program. Attorney Morel
597 noted LCMC would have input into decisions about payment to other programs but the Board of
598 Commissioners would retain final decision making authority.

599 2. PHS shall pay the County \$1,100,000 per year for one year, in monthly installments
600 with the County retaining decision rights as to the expenditure of any lease payment received.

601 3. PHS and the County will meet ninety days prior to the end of each year, beginning
602 for the first time on October 1, 2015 to determine whether any adjustment to the base rate is
603 warranted.

604 4. If the parties fail to agree on any adjustment, PHS shall pay for the following year the
605 base rent then in effect plus \$50,000.
606

607 Chair Powell questioned if the date of first review of adjustment of the base rate should be
608 October 1 of 2014. Attorney Morel confirmed this was the case and stated corrections
609 throughout would be made.
610

611 Attorney Morel informed PHS, through a separate agreement, would provide Medical Director
612 Services for the Sheriff's Department and Fire Departments as they currently do for Emergency
613 Medical Services (EMS).
614

615 Commissioner Minter expressed concern about ongoing funding from mill levy proceeds for the
616 Hondo Clinic as it is not a PHS clinic. Commissioner Minter stated the contract seemed to
617 commit all mill levy funding for clinics to PHS. Attorney Morel expressed belief the wording
618 allowed for funding of the Hondo clinic but stated he would clarify the matter with LCMC.
619

620 Commissioner Minter also expressed a desire to commit a certain amount of mill levy proceeds
621 yearly to savings. Attorney Morel noted this would require a separate specific contractual
622 negotiation.
623

624 Commissioner Draper questioned whether LCMC and the Village of Ruidoso reached an
625 agreement regarding the total amount of parking spaces required for the new Professional
626 Office Building. Attorney Morel voiced understanding that LCMC requested the total number of
627 parking spaces within the entire complex be considered when verifying compliance with Village
628 requirements. Attorney Morel stated he would seek a letter from the Village verifying
629 compliance.
630

631 **Motion:** Approve the lease agreement with PHS with revision of the date for first review of the
632 contract to October 1, 2014 and with the contingency of agreement from PHS for the use of a
633 portion of mill levy funds for the Hondo Clinic. **Action:** Approve, **Moved by** Chair Powell,
634 **Seconded by** Commissioner Draper.

635 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

636 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
637

638 **SEE EXHIBIT G:** Copy of the Lease Agreement with PHS for the Lincoln County Medical
639 Complex is attached hereto in reference thereto made a part hereof.
640

641 **26. Consideration and Approval of Road Review Request to vacate a 16' Alley Block**
642 **19 in the White Oaks Townsite by Ernest (Roy) and Marie Huffmeyer.**
643

644 Ms. Taylor presented the application and recommendation by the Road Review Committee for
645 approval of the request.
646

647 **Motion:** Approve the vacation of 16' Alley in Block 19 of the White Oaks Townsite contingent
648 upon provision of appropriate legal description, plat and fees as provided by Ordinance, **Action:**
649 Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Draper.

650 **Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

651 **Yes:** Chair Powell, Commissioner Minter, Commissioner Draper.
652

653 **Commissioner Doth rejoined the meeting telephonically at 11:16:28 AM.**
654

655 **27. Executive Session Pursuant to the Open Meetings Act: Discussion of all**
656 **Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and**
657 **Discussion of the purchase, acquisition or disposal of real property or water**
658 **rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**
659

660 **Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened
661 and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph
662 H.(7) and the purchase, acquisition or disposal of real property or water rights by the public
663 body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:
664

665 **New or Updated Matters since last report = ***
666

- 667 1. Lodger's Tax Issue B Casa del Cocinero B making regular payments
668 2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et*
669 *al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory
670 Judgment Ordering Production of Certain Records and Information. Hearing took place Dec.
671 13, 2013 with new filings of Suggestion of Death December 19, 2013.
672 3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341.
673 Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation
674 Protests Board.-Attorney has agreed to stay the case pending the decision from the Court of
675 Appeals.
676 *4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-
677 00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien. Order
678 granting motion for resetting 4/17/13. Motion for Substitution of Parties filed December 10,
679 2013.
680 #5. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et*
681 *al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien.
682 Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21,
683 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste
684 Authority. Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and
685 Appointment of Special Master, entered by the Court on 8-12-13. L.C.'s lien was not
686 extinguished and is still a valid lien against the subject property. Order approving sale and
687 Special Master's Report filed Oct. 23, 2013. Ownership has changed to Washington
688 Federal and Lincoln County has not received any payments as of January 7, 2014.
689 6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.*
690 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of
691 Damages Caused by the Deprivation of Civil Rights.
692 7. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit filed
693 January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.
694 *Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary
695 Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was
696 unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with Judge Singleton
697 Jan. 24, 2013
698 *8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor* D-1226-CV-2013-00005.
699 Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first motion to
700 dismiss or Summary Judgment filed August 29, 2013, with plaintiff's response filed Oct. 4,
701 2013. Defendant's Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013.
702 Hearing was Jan. 6, 2014, and produced an Order of Dismissal.
703 9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-1226-
704 CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure. July 29, 2013 Ltr to

- 705 Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013.
706 Lots 139, 169, 170 paid in full. Stipulated and Default Judgment ordering foreclosure filed
707 Nov. 22, 2013, with legal notices published in local newspapers.
- 708 10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County*
709 *of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013. First
710 Amended Complaint for Foreclosure filed by Morel on June 21, 2013.
- 711 11. *State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation filed
712 June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. Notice of
713 Sentencing Hearing scheduled for Dec. 4, 2013. Documentation was supplied showing Mr.
714 Gore in compliance. Dismissal filed Dec. 4, 2013.
- 715 12. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources*
716 *Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013.
717 Lincoln County Manager and Commissioners served July 9, 2013. Complaint for
718 Negligence, Injury and Damages. On August 2, 2013, NMAC advised Attorney Bryan Evans
719 has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie
720 Schneider filed by Commission Chair Jackie Powell. Judge Waylon Counts has been
721 assigned the case Oct. 25, 2013. Hearing requested Nov. 25, 2013 for state's motion to
722 dismiss.
- 723 13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department*
724 *and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for
725 Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO
726 and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October
727 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13.
728 Case has been moved to Federal Court August 30, 2013.

Tort Claims Notices Received or Threatened

2013

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

735 **Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14,
736 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise
737 complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in
738 Mr. Borrego's arrest on March 5, 2013 due to an outstanding warrant, during which Mr. Borrego
739 allegedly sustained injuries while in custody due to an existing broken back injury.

740 **Espinoza, Robert B** Tort Claim Notice received from Robert Espinoza on June 4, 2013,
741 alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior
742 Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

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

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

749 **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18,
750 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety
751 and welfare and violation of his U.S. Constitutional rights.

752 **Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6,
753 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District
754 Court to 38 years filed on July 3, 1990.

756 **2012**

757
758 **Cathy and Steve Altstatt** B Telephone conference with Cathy Altstatt on April 19, 2012,
759 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set
760 back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a
761 water well.

762 **Riordan, J.T. B** Correspondence received from Theresa Riordan on March 28, 2012,
763 concerning her son's treatment and detention conditions while being held in LCDC.

764 **Sheridan, Michael B** Tort Claim Notice received from Attorney, Jennifer Burrill on
765 February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a
766 sex offender when he did not meet the requirements.

767 **Biggs, M. Joiene B** Tort Claim Notice received from Attorney, Adam Rafkin on February
768 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the
769 parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

770

771 **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Draper.

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

773 **Yes:** Chair Powell, Commissioner Minter, Commissioner Doth, Commissioner Draper.

774

775 Chair Powell recessed the Regular Meeting and convened the Closed Session at 11:16:32 AM.

776

777 Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 2:58:35
778 PM.

779

780 Commissioner Draper attested that no action was taken during the closed session and items
781 discussed were limited to those as stated in the motion for closure.

782

783 **28. Consideration and action on Hiring Legal Counsel for County's Withdrawal from**
784 **GSWA**

785

786 **Motion:** Engage the law firm of Melendres, Melendres, and Harrigan to assist with the
787 resolution of specific issues with GSWA, **Action:** Approve, **Moved by** Chair Powell, **Seconded**
788 **by** Commissioner Doth.

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

790 **Yes:** Chair Powell, Commissioner Minter, Commissioner Doth, Commissioner Draper.

791

792 **29. Signing of Official Documents**

793

794 **30. Next meetings**

795

796 February 18, 2014 Regular Commission Meeting

797 **31. Adjourn**

798

799 There being no further business to come before the Board of County Commissioners, Chair
800 Powell adjourned the meeting at 3:02:02 PM.

801

802 Respectfully submitted by,

803

804 Rhonda B. Burrows

805 Lincoln County Clerk

Agenda Item No. 7

SUBJECT

Approval of Consent Agenda:

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending January 31, 2014
- c. DWI Prevention Program
- d. Amend Resolution 2013-26 Supporting the Full Funding of Payment in Lieu of Taxes(PILT) from the Federal Government by Resolution 2013-33 (corrects the amount of dollars the federal budget removes in royalty payments from the State of New Mexico)



www.lincolncountynm.net

County of Lincoln

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

ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from January 1 through January 31, 2014 in the amount of \$ 1,682,736.96.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 18th day of February, 2014.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Jackie M Powell, Chairwoman

Preston Stone, Vice-Chair

Kathryn Minter, Member

Dallas Draper, Member

Mark Doth, Member

ATTEST:

Rhonda B Burrows, County Clerk

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

MEMORANDUM OF AGREEMENT

This comprehensive Community DWI Prevention Program is between the City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso.

This agreement is effective on the May 1, 2014, but is not a valid and binding agreement until executed by all parties thereto. The parties agree as follow:

To file a joint application to the New Mexico State Highway and Transportation Department, Traffic Safety Bureau for funding of a comprehensive Community DWI Program that reflects an integrated approach to our mutual problem of driving while intoxicated.

The City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso agree to combine our funds and resources in achieving a common goal of removing the DWI from the streets and highways of Lincoln County thus reducing our highway traffic accidents that are alcohol related.

We will establish a joint Task Force as provided for and described in the CDWI Program Manual.

The Village of Ruidoso agrees to be the fiscal agent to apply for the grant funds and the City of Ruidoso Downs, The County of Lincoln and the Village of Ruidoso agree to this arrangement.

There is no requirement for matching funds for this program funding.

BY: _____

Date: _____

County Commission Chairperson
Lincoln County, New Mexico

Attest:

BY: _____

Date: _____

Rhonda Burrows, Lincoln County Clerk

BY: _____

Date: _____

Gus Raymond Alborn, Mayor
Villager of Ruidoso

Attest:

BY: _____

Date: _____

Irma Devine, Clerk
Village of Ruidoso

BY: _____

Date: _____

Gary Williams, Mayor
City of Ruidoso Downs

Attest:

BY: _____

Date: _____

Carol Virden, Clerk
City of Ruidoso Downs

**RESOLUTION NO. 2013-33
AMENDING RESOLUTION 2013-26
SUPPORTING THE FULL FUNDING OF PAYMENT IN LIEU OF TAXES (PILT)
FROM THE FEDERAL GOVERNMENT**

WHEREAS, the Board of County Commissioners met in a Special Commission Meeting at 8:00 a.m. on January 2, 2014, in the Lincoln County Commission Chambers, 300 Central Ave, Carrizozo, New Mexico; and

WHEREAS, The PILT program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of public land; and

WHEREAS, according to estimates from the National Association of Counties, current PILT funding provides a small fraction of what counties would receive in property taxes if the lands and facilities were privately owned; and

WHEREAS, Congress needs to ensure that PILT payments adequately reimburse local governments for lost tax revenue associated with federal ownership of public lands; and

WHEREAS, PILT has become a critical component of local government budgets; and

WHEREAS, this funding ensures that Counties remain able to provide necessary basic services ranging from fire suppression to law enforcement activities; and

WHEREAS, in 2013 Lincoln County received \$1,536,831 in PILT; and,

WHEREAS, among other things, this money aided in funding fire suppression, law enforcement, and road improvements in the County; and,

WHEREAS, the new federal budget removes \$100 million in royalty payments from federal lands from the state of New Mexico.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the county respectfully requests swift passage of legislation to extend mandatory PILT funding for FY 2014 to the previously authorized levels and beyond; and

PASSED, APPROVED AND ADOPTED by the Lincoln County Board of Commissioners at its' regular meeting of February 18, 2014.

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwoman

Preston Stone, Vice Chair

Kathryn Minter, Member

Mark Doth, Member

Dallas Draper, Member

ATTEST:

Rhonda Burrows, Clerk



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 8

February 10, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: Monthly Smokey Bear District Ranger Report

Purpose: To provide an opportunity for the Smokey Bear District Ranger Update

Discussion:

Smokey Bear Ranger Dave Warnack is on temporary duty in Flagstaff for the next couple of months. Larry Cordova, Acting District Ranger, may appear to provide a monthly report to update commissioners and the public on activities in the district. His critical updates may be at enclosure 1 for your review.

Recommendation: None – information only at this time.



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 9

February 10, 2014

MEMORANDUM

TO: County Commissioners
FROM: Nita Taylor, Lincoln County Manager *NT*
SUBJECT: Greentree Solid Waste Authority

Purpose: To provide an update of Greentree Solid Waste Authority Activities; Consideration / Action on GSWA Request for Filing of Liens

Discussion:

1. The County has received several recent complaints from County residents regarding receipt of bills or correspondence from GSWA assessing late payment charges; previous bills not received.
 - a. Resident reported receiving an invoice from GSWA dated January 29, 2014, in the amount of \$2,967.28, for services beginning on September 30, 2003. No property location was on the bill. Resident had never received a bill from GSWA, and had never been provided services from GSWA. Late fees, at an increasing rate, were assessed each quarter, with the late fee for JAN/FEB/MAR, 2014 being \$61.77. Also, in the January, 2014 invoice a \$6.00 Fuel Surcharge was added for the first time. Resident called GSWA to determine what he was being invoiced for. When questioned as to the specifics of the invoice, GSWA eventually responded the bill was in error, and advised resident to shred it. See Enclosure 1.
 - b. Resident reported receiving a form letter from GSWA on April 1, 2012, saying they show his bill is past due; no balance owed provided, no property description. Resident informed GSWA that if the bill were for services at property in Capitan, that property had been sold long ago. Resident received follow-up letter on September 11, 2012 from GSWA saying county records show him as the owner of the property, and to provide proof of sale. Indicated \$193.53 balance owed; no property description. Next invoice was sent on January 10, 2014 for \$643.01; no property description. Late fees assessed; fuel surcharge on January, 2014 See Enclosure 2
 - c. Resident forwarded to County a copy of a form letter received from GSWA, saying they show the account to be past due. The letter had no specific data as to amount owed, or property description for which services are being provided. See Enclosure 3.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

2. The County Clerk received Lien Documents from GSWA to be filed on twenty-three properties. The liens were claimed for unpaid quarterly billing statements and late charges from as far back as January, 2011 through October 1, 2013. The documentation showed that “a certified mail, return receipt requested, demand letter” was mailed to the property owner or reputed owner of record on a certain date: the vast majority of those letters were sent in February or April, 2012. It is unclear why GSWA would have sent the certified letters in 2012, yet not file the liens until 2014. Over half of these accounts have never been credited with a single payment; the remainder have been credited with only one payment. See Enclosure 4 for Lien Cover Sheet. Detail provided to Commissioners upon request.

Recommendation: Based on residents’ complaints cited above of no prior receipt of bill prior to demand for payment, I recommend the Commission direct GSWA to provide additional information regarding customer billing on these accounts prior to placing liens on property. I.e., were bills sent quarterly to the correct address; identify process GSWA utilized to ensure customer receipt of billing statements.

3. GSWA Draft Minutes for January 28, 2014 are at Enclosure 5.
4. At Enclosure 6 is GSWA quarterly report ending 12/31/13.
5. A general brief summary of activities tied to ongoing litigation and attempts to resolve conflict between the County and GSWA:
 - a. ALW&SD Terminates Services of GSWA; 11/2012
 - b. GSWA files for Declaratory Judgment (Lincoln County, ALW&SD, NMFA); 1/2013
 - c. Hearing on Declaratory Judgment – Judge Sarah Singleton – 1st Judicial Dist. Court 5/2013
Ruling from the bench that ALW&SD **did** have legal authority to provide its own Solid waste collection services to its residents and Lincoln County **did not** have Legal authority to prevent that;
 - d. Mediation between GSWA and County 11/2013
 - e. County Sends Notice of Intent to Withdraw from GSWA to Member Agencies; 12/6/2013
Invites member agencies to the table to discuss options
 - f. GSWA files a Motion for Reconsideration of Judge Singleton Ruling
 - g. Commission voted to hire law firm Melendres, Melendres & Harrigan 1/2/2014
To represent County in ongoing litigation with GSWA ; See Enclosure 5**
 - h. Hearing on Motion for Reconsideration – Judge Sarah Singleton - 1st Judicial Dist. 1/24/2014
Court - Ruling from bench confirming earlier ruling that ALW&SD **did** have legal Authority to provide its own Solid Waste collection services to its residents and Lincoln County **did not** have legal authority to prevent that;
 - i. GSWA Motion to Stay 2/3/2014
 - j. GSWA Letter to County re: County’s December 6th Letter (Intent to Withdraw) 2/10/2014

Recommendation: Lincoln County opted to hire an outside law firm to handle the anticipated negotiation for resolution of issues, or potential ongoing litigation, with GSWA in an attempt to remove any personal conflicts that may exist. This Commission sincerely recommends that, In order to possibly attain a resolution of our differences and keep the Authority itself intact and the County relationship with GSWA and its member agencies healthy, GSWA also seek the opinion, advice and counsel of another attorney; get a second opinion of your legal position.

G.S.W.A.
 PO BOX 2405
 RUIDOSO DOWNS, NM 88346
 Phone:(575) 378-4697 Fax:(575) 378-4896

INVOICE

ACCOUNT NO.

DATE
 01/29/2014

DATE	INVOICE NO.	DESCRIPTION	CHARGES	CREDITS	BALANCE
01/01/2014	000002564000181	TAX	3.39		2,934.50
01/01/2014	25672	LATE FEE COUNTY	32.78		2,967.28

ENCL 1

Current	92 Days	183 Days	274 Days	365 Days	AMOUNT DUE
175.10	102.87	93.61	92.67	2,503.03	2,967.28

G.S.W.A.
 PO BOX 2405
 RUIDOSO DOWNS, NM 88346
 Phone:(575) 378-4697 Fax:(575) 378-4896

INVOICE

ACCOUNT NO.
0193835

DATE
01/29/2014

DATE	INVOICE NO.	DESCRIPTION	CHARGES	CREDITS	BALANCE
12/31/2008	BALANCE FORWARD	Balance Forward	56.86		1,134.04
01/01/2009	0002814351	LATE FEE COUNTY	14.84		1,148.88
03/31/2009	BALANCE FORWARD	Balance Forward	56.60		1,205.48
04/01/2009	0003014882	LATE FEE COUNTY	15.69		1,221.17
06/30/2009	BALANCE FORWARD	Balance Forward	56.60		1,277.77
07/01/2009	0002615447	LATE FEE COUNTY	16.54		1,294.31
09/30/2009	BALANCE FORWARD	Balance Forward	56.54		1,350.85
10/01/2009	0002815989	LATE FEE COUNTY	17.39		1,368.24
12/31/2009	BALANCE FORWARD	Balance Forward	56.54		1,424.78
01/01/2010	0002916505	LATE FEE COUNTY	18.24		1,443.02
03/31/2010	BALANCE FORWARD	Balance Forward	56.54		1,499.56
04/01/2010	0002717140	LATE FEE COUNTY	19.09		1,518.65
06/30/2010	BALANCE FORWARD	Balance Forward	56.54		1,575.19
07/01/2010	0003017759	LATE FEE COUNTY	19.93		1,595.12
09/30/2010	BALANCE FORWARD	Balance Forward	56.54		1,651.66
10/01/2010	0002818285	LATE FEE COUNTY	20.78		1,672.44
12/31/2010	BALANCE FORWARD	Balance Forward	56.54		1,728.98
01/01/2011	0002818804	LATE FEE COUNTY	21.63		1,750.61
02/28/2011	BALANCE FORWARD	Balance Forward	56.54		1,807.15
04/01/2011	0002619374	LATE FEE COUNTY	22.48		1,829.63
06/30/2011	BALANCE FORWARD	Balance Forward	62.84		1,892.47
07/01/2011	0003120046	LATE FEE COUNTY	23.42		1,915.89
09/30/2011	BALANCE FORWARD	Balance Forward	112.84		2,028.73
10/01/2011	0002720648	LATE FEE COUNTY	25.11		2,053.84
12/31/2011	BALANCE FORWARD	Balance Forward	62.84		2,116.68
01/01/2012	21258	LATE FEE COUNTY	25.11		2,141.79
03/31/2012	BALANCE FORWARD	Balance Forward	62.84		2,204.63
04/01/2012	21872	LATE FEE COUNTY	26.06		2,230.69
06/30/2012	BALANCE FORWARD	Balance Forward	62.84		2,293.53
07/01/2012	22552	LATE FEE COUNTY	27.00		2,320.53
09/30/2012	BALANCE FORWARD	Balance Forward	62.84		2,383.37
10/01/2012	23073	LATE FEE COUNTY	27.94		2,411.31
12/31/2012	BALANCE FORWARD	Balance Forward	62.84		2,474.15
01/01/2013	23707	LATE FEE COUNTY	28.88		2,503.03
03/31/2013	BALANCE FORWARD	Balance Forward	62.84		2,565.87
04/01/2013	24128	LATE FEE COUNTY	29.83		2,595.70
06/30/2013	BALANCE FORWARD	Balance Forward	62.84		2,658.54
07/01/2013	24690	LATE FEE COUNTY	30.77		2,689.31
09/30/2013	BALANCE FORWARD	Balance Forward	71.16		2,760.47
10/01/2013	25170	LATE FEE COUNTY	31.71		2,792.18
12/31/2013	BALANCE FORWARD	Balance Forward	71.16		2,863.34
01/01/2014	000002563000181	JAN FEB MAR	61.77		2,925.11
01/01/2014	000002563500195	FUEL SURCHARGE	6.00		2,931.11

Current	92 Days	183 Days	274 Days	365 Days	AMOUNT DUE
175.10	102.87	93.61	92.67	2,503.03	2,967.28

G.S.W.A.
 PO BOX 2405
 RUIDOSO DOWNS, NM 88348
 Phone:(575) 378-4697 Fax:(575) 378-4896

INVOICE

ACCOUNT NO.
0193835

DATE
01/29/2014

DATE	INVOICE NO.	DESCRIPTION	CHARGES	CREDITS	BALANCE
DUE BY 02//20/2014 QUESTIONS CALL 575-378-4697					
09/30/2003	BALANCE FORWARD	Balance Forward	34.65		34.65
10/10/2003				1.40	33.25
11/03/2003				20.00	13.25
12/31/2003	BALANCE FORWARD	Balance Forward	34.65		47.90
01/01/2004	0004004162	LATE FEE COUNTY RESIDENTIAL	5.00		52.90
03/31/2004	BALANCE FORWARD	Balance Forward	34.65		87.55
04/01/2004	0004304519	LATE FEE COUNTY RESIDENTIAL	5.00		92.55
06/30/2004	BALANCE FORWARD	Balance Forward	34.65		127.20
08/01/2004	0006705005	LATE FEE COUNTY RESIDENTIAL	5.00		132.20
09/30/2004	BALANCE FORWARD	Balance Forward	37.80		170.00
10/01/2004	0003705358	LATE FEE COUNTY	5.00		175.00
12/31/2004	BALANCE FORWARD	Balance Forward	37.80		212.80
01/01/2005	0003305841	LATE FEE COUNTY	5.00		217.80
03/31/2005	BALANCE FORWARD	Balance Forward	37.80		255.60
04/01/2005	0003106218	LATE FEE COUNTY	5.00		260.60
06/30/2005	BALANCE FORWARD	Balance Forward	37.80		298.40
07/01/2005	0002906754	LATE FEE COUNTY	5.00		303.40
09/30/2005	BALANCE FORWARD	Balance Forward	37.80		341.20
10/01/2005	0002907200	LATE FEE COUNTY	5.00		346.20
12/31/2005	BALANCE FORWARD	Balance Forward	37.80		384.00
01/01/2006	0003107729	LATE FEE COUNTY	5.16		389.16
03/31/2006	BALANCE FORWARD	Balance Forward	49.93		439.09
04/01/2006	0002408244	LATE FEE COUNTY	5.91		445.00
06/30/2006	BALANCE FORWARD	Balance Forward	49.93		494.93
07/01/2006	0002908776	LATE FEE COUNTY	6.66		501.59
09/30/2006	BALANCE FORWARD	Balance Forward	49.93		551.52
10/01/2006	0002409319	LATE FEE COUNTY	7.41		558.93
11/30/2006	BALANCE FORWARD	Balance Forward	49.93		608.86
01/01/2007	0002809821	LATE FEE AF	8.16		617.02
03/31/2007	BALANCE FORWARD	Balance Forward	74.93		691.95
04/01/2007	0005110390	LATE FEE COUNTY	9.28		701.23
06/30/2007	BALANCE FORWARD	Balance Forward	49.93		751.16
09/30/2007	BALANCE FORWARD	Balance Forward	51.82		802.98
10/01/2007	0002711615	LATE FEE COUNTY	10.81		813.79
12/31/2007	BALANCE FORWARD	Balance Forward	51.82		865.61
01/01/2008	0002312195	LATE FEE COUNTY	11.58		877.19
03/31/2008	BALANCE FORWARD	Balance Forward	51.82		929.01
04/01/2008	0002812759	LATE FEE COUNTY	12.36		941.37
06/30/2008	BALANCE FORWARD	Balance Forward	51.82		993.19
07/01/2008	0002713322	LATE FEE COUNTY	13.14		1,006.33
09/30/2008	BALANCE FORWARD	Balance Forward	56.86		1,063.19
10/01/2008	0003213832	LATE FEE COUNTY	13.99		1,077.18

Current	92 Days	183 Days	274 Days	365 Days	AMOUNT DUE
175.10	102.87	93.61	92.67	2,503.03	2,967.28



Greentree Solid Waste Authority

PO Box 2405

Ruidoso Downs, NM 88346

*(575) 378-4697 *1-877-548-8772 Fax (575) 378-4896*

FRIENDLY REMINDER

Date

4-1-12

Account #

Dear Customer,

Perhaps this is an oversight, but we show your account past due. As a reminder, please know that your account is due on or before the 25th day of the first month of the quarter billing. Payments that are received after this date will generate a late fee.

Please make a payment by 4-23. If a check has been mailed, please disregard this notice.

Sincerely,

Accounts Receivable
Greentree Solid Waste Authority

ENCL 2



Greentree Solid Waste Authority
PO Box 2405
Ruidoso Downs, NM 88346
*(575) 378-4697 *1-877-548-8772 Fax (575) 378-4896*

September 11, 2012

Acct #

Dear

We have looked at all the county records and they are still showing you as the current owner of this property. I need you to check with the company that handled the sale and find out if the deed was filed and need a copy of it. The balance owed on the account is at \$193.52 if left un paid GSWA has the authority to file liens on the property. If you have any questions please call 575-378-4697 ex 12

Thank you,

Accounts receivable



Greentree Solid Waste Authority

PO Box 2405

Ruidoso Downs, NM 88346

*(575) 378-4697 *1-877-548-8772 Fax (575) 378-4896*

Date: 1/10/2014

Sent via certified mail

#

2

RE:

FINAL NOTICE of Delinquent Balance

Dear

On behalf of Greentree Solid Waste Authority (GSWA), I write in an effort to resolve the issue of your delinquent account. As of the date of this letter, our records indicate that you have an outstanding balance of \$634.01.

Please contact us to discuss this matter within ten (10) business days of your receipt of this letter. If we do not hear from you within this timeframe we will have no alternative but to forward your account to our legal counsel for collection. We urge you to help us avoid pursuing our legal remedies.

We appreciate your attention to this matter and thank you in advance for taking responsibility for your account.

Sincerely,

Accounts Receivable

G.S.W.A.
 PO BOX 2405
 RUIDOSO DOWNS, NM 88346
 Phone:(575) 378-4697 Fax:(575) 378-4896

INVOICE

ACCOUNT NO.

DATE
 01/10/2014

DATE	INVOICE NO.	DESCRIPTION	CHARGES	CREDITS	BALANCE
DUE BY 01/25/2013 QUESTIONS CALL 575-378-4697					
03/31/2012	BALANCE FORWARD	Balance Forward	62.84		62.84
06/30/2012	BALANCE FORWARD	Balance Forward	62.84		125.68
07/01/2012	22762	LATE FEE COUNTY	5.00		130.68
09/30/2012	BALANCE FORWARD	Balance Forward	62.84		193.52
10/01/2012	23302	LATE FEE COUNTY	5.00		198.52
12/31/2012	BALANCE FORWARD	Balance Forward	62.84		261.36
01/01/2013	23952	LATE FEE COUNTY	5.00		266.36
03/31/2013	BALANCE FORWARD	Balance Forward	62.84		329.20
04/01/2013	24376	LATE FEE COUNTY	5.00		334.20
06/30/2013	BALANCE FORWARD	Balance Forward	62.84		397.04
07/01/2013	24940	LATE FEE COUNTY	5.00		402.04
09/30/2013	BALANCE FORWARD	Balance Forward	71.16		473.20
10/01/2013	25432	LATE FEE COUNTY	5.66		478.86
12/31/2013	BALANCE FORWARD	Balance Forward	71.16		550.02
01/01/2014	000002563002585	JAN FEB MAR	61.77		611.79
01/01/2014	000002563502591	FUEL SURCHARGE	6.00		617.79
01/01/2014	000002564002584	TAX	3.39		621.18
01/01/2014	25941	LATE FEE COUNTY	6.72		627.90
01/10/2014	000002576900001	CT LR FEE	6.11		634.01

Current	92 Days	183 Days	274 Days	365 Days	AMOUNT DUE
155.15	76.82	67.84	67.84	266.36	634.01



Greentree Solid Waste Authority

PO Box 2405

Ruidoso Downs, NM 88346

*(575) 378-4697 *1-877-548-8772 Fax (575) 378-4896*

Date: 1/10/2014

Account #:

Dear Customer,

Perhaps this is an oversight, but we show your account past due. As a reminder, please know that your account is due on or before the 20th day of the month. Payments that are received after this date will generate a late fee.

Please make a payment by **01/25/2014**. If a check has been mailed, please disregard this notice.

Sincerely,

Accounts Receivable
Greentree Solid Waste Authority

ENCL 3

GREENTREE SOLID WASTE AUTHORITY

PO BOX 2405

RUIDOSO DOWNS 88346

(575)3784697 *FAX (575) 378-4896

January 30, 2014

Filing of Liens;

1. 0360715
2. 0311996
3. 0284475
4. 0261918
5. 0241650
6. 0245650
7. 0203851
8. 0297310
9. 1005343
10. 0315260
11. 1000988
12. 0315500
13. 0362792
14. 1001971
15. 0337906
16. 0330930
17. 0267850
18. 0203875
19. 1002545
20. 0303625
21. 0261325
22. 0333985
23. 0324783

Release of Liens;

For your information monies owed for these Liens are not due because of the Rate increase.

ENCL 4

Greentree Solid Waste Authority
SPECIAL MEETING
January 28, 2014

Vice-Chairman Bradford called the Special Meeting of the Greentree Solid Waste Authority (GSWA) to order at 10:03am at the office of Greentree Solid Waste Authority in Ruidoso Downs, NM.

ROLL CALL: Members recorded as present Sam Hammons (Capitan) by proxy Dennis Haskell, Sherrill Bradford (Corona), Gary Williams (Ruidoso Downs), Ray Dean (Carrizozo), Mark Doth (County of Lincoln) by proxy Jackie Powell, Rifle Salas (Ruidoso) Members recorded as absent: None

Staff in attendance: Debra L. Ingle, Operational Supervisor, (OS); Ginny Mansfield (AA).

Public present: Joe Lewandowski (Operation Consultant), Mark Doth (County Commissioner), Nita Taylor (County Manager), Jean Coulton (Capitan Citizen), J. Robert Beauvais (Attorney at Law)

APPROVAL OF AGENDA: Mark Doth by Proxy Jackie Powell requested moving Item # 15 to before item # 10. Motion by Member Dean to approve the agenda moving item 15 Discussion/Possible Action- County of Lincoln Withdrawal; to before item 10 Executive Session-Limited Personnel Matters, Threatened and/ or Pending Litigation D-0101-CV-2013-00104; seconded by Member Williams, motion carried with all ayes.

APPROVAL OF MINUTES REGULAR MEETING DECEMBER 19, 2013: Member Doth by Proxy Jackie Powell requested from Mark Doth that he wanted the statement "Chairman Hammons stated "Your board member has called us incompetent, idiots, corrupt and how should we take it any other way." removed from the minutes as he did not state it. OS Ingle pointed out that Chairman Hammons stated it not Mark Doth so he could not request it to be removed. Mark Doth by proxy Jackie Powell stated that she wanted it stated that Mark Doth said he did not say that. Motion by Member Williams to approve the Minutes Regular Meeting December 19, 2013, a copy of which is attached and made a part hereof, seconded by Member Dean, motion carried with all ayes.

APPROVAL OF FINANCIAL: OS Ingle presented the December 2013 Accounts Payable of \$142,578.91, copies of which are attached and made apart here of, The Month-End Financial Report for December 2013, copies of which are attached and made apart here of; reflects that the general operating bank accounts had a balance of \$13,974.69, Loan funds, EGRT, closure funds, \$249,702.75. Overall the Authority's budget shows that they should be at 50%, with actual numbers reflecting Revenues at 48%, Expenditures at 47%, Payroll should be at 54%, and the budget reflects 40% and the Transfer of funds at 63%. Current year-to-date figures reflect that Expenditures exceed Revenues by \$84,537. YTD Expenditures exceed Revenues by \$29,782. Member Doth by proxy Jackie Powell requested the documentation be provided way before the meeting so she could have time to review. Member Doth by proxy Jackie Powell questioned how much was spent in Attorney Fees Member Williams pointed them out on page 4 under Administration \$3,259 and YTD 17,059. Member Williams questioned how many positions had been filled at this point. OS stated that as she had reported 2 positions had been filled with part-time employees there was now only 1 position filled part time. Member Williams questioned how many employees GSWA had at this time. OS Ingle responded with 10-12. Motion by Member Dean to approve December 2013 Financial Report, seconded by Member Williams, motion carried with ayes from Members Dean, Williams, Hammons by Proxy, and Bradford upon a roll call vote with Member Doth by Proxy Jackie Powell Abstaining.

DISCUSSION/POSSIBLE ACTION ACCOUNTS RECEIVABLE DECEMBER 2013: OS Ingle provided the Board Approval and Non-Approval Determination of Accounts Receivable, copies of which are attached and made apart hereof; in the amounts of \$549.22 and \$803.54. OS Ingle stated that the amount would depend on the Boards decision on Account 0392678 Niebaum. OS Ingle presented information that the account had a balance of \$264.32 before the County marked the mobile home as storage. Mr. Niebaum requested the Board remove all fees a total of \$581.94 or \$327.62 leaving a remaining balance of \$264.32. Motion by Member Dean to approve the Accounts Receivables in the amount of \$549.22 for December 2013, seconded by Member Williams, motion carried with ayes from Members Dean, Williams, Hammons by Proxy, and Bradford upon a roll call vote with Member Doth by Proxy Jackie Powell Abstaining.

APPROVAL OF OPERATIONAL SUPERVISOR REPORT: OS Ingle provided to the Board the Recycling report for December 2013, a copy of which is attached and made apart hereof; 41.59 tons of Cardboard was paid for in December, 0 tons of Aluminum, & 18.03 tons of metal had been shipped and paid for in December. Yard Waste Collected 865 cubic yards- year to date 6,446.75 cubic yards. OS Ingle informed the Board at this time with the price of Aluminum being low GSWA was going to sit on it and send it when or if the prices go up again. OS Ingle informed the Board there were 6 complaints about the rate increase, copies of which are attached and made apart here of; OS Ingle stated that one of the complaints was from a customer that is not even paying the rate before the rate increase. OS Ingle presented a letter received from New Mexico Environment Department a copy of which is attached and made apart of, approving the request of the Operational Consultant requesting the Semi- Annual Post Closure Inspections at the Capitan

Landfill be reduced to Annual. OS Ingle Presented the Dirty Dozen, a copy of which is attached and made apart of, reporting that on Friday January 24, 2014 the grapple truck had picked up 20 yards of Illegal Dumping at Hwy 37, Indian Divide, across from the L.P. Tanks, Lucky's in Carrizozo, Arabella, and Tinnie. On Monday January 27, 2014 there was more illegal dumping in those areas. OS Ingle provided photos, copies of which are attached and made apart of. Member Doth by proxy Jackie Powell stated that the compactors in the Valley are always full. Member Williams questioned when those compactors are emptied. OS Ingle stated that the compactors are checked 3 times a week and are pulled when needed but are also scheduled to be pulled and emptied. OS Ingle stated that a lot of the times citizens will push the emergency stop button on the compactors and that would make the compactors seem full. OS Ingle also noted that if there is any illegal dumping people will pile more on it. Motion by Member Williams to approve Operational Supervisor Report as presented, seconded by Member Dean, motion carried with all ayes.

DISCUSSION/APPROVAL- 13-1460 STB; OS Ingle presented a letter from NMED Construction Program Bureau Awarding GSWA the Capital Outlay Grant to purchase a Pneumatic Tire Forklift. Motion by Member Dean to approve and accept grant 13-1460-STB, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION/APPROVAL- RESOLUTION 2014-01-01 GRANTEE REPRESENTATIVE & SIGNATORY; OS Ingle presented Resolution 2014-01-01 Grantee Representative & Signatory. Motion by Member Dean to approve Resolution 2014-01-01 Grantee Representative & Signatory, seconded by Member Williams, motion carried with all ayes upon a roll call vote.

DISCUSSION APPROVAL- 13-1460-STB ADVERTISE AND PURCHASE FORKLIFT; Motion by Member Williams to approve GSWA to advertise and purchase a pneumatic tire forklift, seconded by Member Dean, motion carried with all ayes upon a roll call vote.

DISCUSSION/POSSIBLE ACTION- COUNTY OF LINCOLN WITHDRAWAL; This item was moved from # 15 to before executive session, Member Doth by proxy Jackie Powell stated to the Board that "after the motion for reconsideration was filed by Greentree, the second hearing was held on January 24, that Judge Singleton reaffirmed her earlier decision, from the onset Greentree from the voice of it's Chair Sam Hammons stated that the desire was to simply to determine what the law allowed and required it would not pursue the matter further, the court has now ruled twice that Alto Water and Sanitation District did have the authority to withdraw from Greentree and Lincoln County could not have prevented that. Member Doth by proxy stated that she was bringing this up because of the discussion depending on what is decided on in Executive Session. Member Doth by proxy Jackie Powell stated "It is time to move on; the litigation of this matter is costing the County Residents not only public funds that could be better used elsewhere but, also anger and confusion caused by a lack of understanding of the issues. These residents are interested in solid waste collection that meets their needs at an affordable rate, and what they know is what they read in the paper, not only has this matter been before the courts twice, but has also undergone formal mediation. It is time to move on. I just want to also reiterate that it is not only I and Commissioner Doth; the mediation was attended by Commissioner Stone and Commissioner Draper. I just wanted to make sure that that statement was said in the public before we move on. The friendly litigation per say has happened and were good against Greentree. At the very least you should get a second opinion." Member Dean thanked Member Doth by proxy Jackie Powell. Vice-Chair Bradford asked Member Doth by proxy Jackie Powell to repeat the very last sentence again. Member Doth by proxy Jackie Powell stated "the very least you should get a second opinion." Member Williams questioned when the discussion was going to deal with the County of Lincoln's withdrawal and if there was going to be a presentation. Member Doth by proxy Jackie Powell stated "No, That's basically before we went into Executive Session, depending on what came up in that, because I was at the hearing and it sounded like, because it came up twice, it sounded like, Mr. Beauvais had the direction from the board already, because he brought up the appellant court on two different occasions." Member Williams again asked when they were going to discuss the County of Lincoln withdrawal or what are they going to take action on. Member Doth stated "I don't know, the manager put this on Executive Session, so I am just making sure before executive, if an appeal was going to come up in executive session, I am just making it very clear." Member Williams stated "that if that was so then agenda item should not have been moved, if you are talking about executive session, determining how that was all going to play out." Member Doth by proxy Jackie Powell stated "this is public information and it does not belong in executive session and that was why I asked for it to be moved up just to make sure." Member Williams questioned that if they went into executive session and the discussion was about whatever this action is we would not be able to go accordingly to this one before they go into executive session." OS Ingle stated that she believed that Member Doth by proxy Jackie Powell just wanted to discuss what was there and that as long as they did not take action on that Item that when they came out the should be able to go back to that line item. Mr. Beauvais agreed. OS Ingle stated that the reason she had put this item on the Agenda is because Greentree has not received any official notice of the County's intent to withdraw. OC Lewandowski concurred and stated the discussion was to be about requesting an official notice from the County. This had nothing to do with appeal or mediation. Member Williams asked if they would be taking no action. OS Ingle suggested that they leave it open until after Executive Session and revisit it then if needed. Member Williams stated that this Agenda Item needed to stay where it was and not moved. OC Lewandowski pointed out that the Item should have been put before the Executive Session because then if the County was going to officially state that they were going to withdraw the they could decide if having the County Member in executive session as they had before would jeopardize the pending litigation. Member Williams stated that since GSWA had not at this time received any notification from the County then this item would have no bearing on any decisions that are made today. Member Doth by proxy Jackie Powell stated "that is was just to be discussed before they went in"

Vice Chair Bradford moved back to Item #10 as approved in the Agenda

EXECUTIVE SESSION- LIMITED PERSONNELMATTERS, THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Dean at 10:48 am to go to Executive Session Limited Personnel Matters, Contractual Negotiations, Threatened and/or Pending Litigation D-0101-CV-2013-00104 inviting Mr. Beauvais and OC Lewandowski and Commissioner Doth, seconded by Member Williams, motion carried with all ayes upon a roll call vote. Motion by Member Williams to return from Executive Session at 11:38am, seconded by Member Dean, motion carried with all ayes upon roll call vote. Member Dean attested the only discussion was on Limited Personnel Matters, and/or Threatened and/or Pending Litigation D-0101-CV-2013-00104.

DISCUSSION/POSSIBLE ACTION - EXECUTIVE SESSION- LIMITED PERSONNEL-MATTERS, THREATENED AND/ OR PENDING LITIGATION D-0101-CV-2013-00104; Motion by Member Williams to direct Attorney to draft a letter from GSWA to request a formal notice of withdrawal, Seconded by Member Dean, motion carried with all ayes.

UPDATE-OTERO/GREENTREE REGIONAL LANDFILL-JPA AMENDMENT-REBATE OF EXCESS FUNDS; OS Ingle stated that everybody on the Otero side had already voted and signed the amendment. Member Salas stated that the Village of Ruidoso did not take any action on this because as he stated at the Joint Meeting they would want to use the rebate to lower the fees at the landfill. OS Ingle stated that the City of Ruidoso Downs and the County of Lincoln had not yet voted on the amendment. No Action needed.

OS Ingle stated that she wanted to remind the Members that there would be an increase as approved at the last Joint Landfill Meeting, and that the new budget would show that increase.

DISCUSSION/ ACTION – UPDATE DELINQUENT ACCOUNTS FOR APPROVED INCREASE; OS Ingle requested direction on the customer accounts that have reached over a \$10.00 balance if the late fees could be applied. Motion by Member Dean to send letters to reflect that the customer pays their account current up to the old rate. Motion was seconded by Member Williams discussion OC Lewandowski asked when GSWA would be able to go before the County Commission to discuss rates and seek the County's approval. Member Doth by proxy Jackie Powell stated "Unfortunately the confusion was caused by this is descending out" Vice-Chair asked Member Doth by proxy to stop because all OC Lewandowski was asking was when could GSWA go before the Commission to discuss the rates. Motion carried with ayes from Members Dean, Williams, Hammons by Proxy, and Bradford upon a roll call vote with Member Doth by Proxy Jackie Powell voting nay.

DISCUSSION/ APPROVAL- NMFA LOAN STATUS; OS Ingle stated she had yet to get a response from the New Mexico Finance Authority, in regards to the NMFA's opinion on the County of Lincoln's intent to withdraw. Member Bradford requested a copy of the letter or notice as soon as it is received. OS Ingle responded that she would do so.

COMMENTS FROM THE PUBLIC; None

NEW/OLD BUSINESS; None

NEXT MEETING; the next regular meeting is scheduled for Thursday February 27, 2014 at 10:00 am.

ADJOURN; Motion by Member Dean to adjourn the meeting at 11:56, seconded by Member Salas, motion carried with all ayes.

Passed and approved this 27th day of February 2014.

Sam Hammons
Chairman, GSWA

Gary L. Williams
Secretary/Treasurer, GSWA

Transcribed by:

M.Ginny Mansfield
GSWA Administrative Assistant

A.

DEPARTMENT OF FINANCE & ADMINISTRATION
LOCAL GOVERNMENT DIVISION
SPECIAL DISTRICT CASH REPORT

SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY
MONTH ENDED: 12/31/13
PREPARED BY: BEVERLY FOOTE

FUND (1)	FUND NO. (2)	CASH BALANCE		RECEIPTS TO DATE (4)	TRANSFERS TO & FROM (5)	DISBURSE- MENTS TO DATE (6)	CASH BALANCE END OF PERIOD (7)
		PER BOOKS JULY 1,2013 (3)					
OPERATING	01	247,079		1,212,362	82,053	1,389,448	152,046
SW GRANT	02	0		0		0	0
NMST BOND	03	0		0		0	0
RECYCLE GRANTS	05	0		120,552		79,432	41,120
EGRT	06	46,381		106,184	(82,053)	0	70,512
SUB TOTAL		293,459		1,439,098	0	1,468,880	263,677
INVESTMENTS							
GRAND TOTAL		293,459		1,439,098	0	1,468,880	263,677

PROFIT/ (LOSS)

(29,782)

ENC 6

DEPARTMENT OF FINANCE & ADMINISTRATION
LOCAL GOVERNMENT DIVISION
SPECIAL DISTRICT CASH REPORT

SPECIAL DISTRICT: GREENTREE SOLID WASTE AUTHORITY
MONTH ENDED 12/31/13
PREPARED BY: BEVERLY FOOTE

BANK RECONCILIATION

FUND (1)	CASH BALANCE END OF PERIOD (8)	ADD: OUTSTANDING CHECKS (9)	LESS: DEPOSITS IN TRANSIT (10)	ADJUSTMENTS PLUS/(MINUS) (11)	TOTAL (12)	BALANCE PER BANK STATEMENT (13)	DIFFERENCE (14)
OPERATING/GRANT-CBNM	6,806.45	96,506.60	25,730.89		77,582.16	77,582.16	0.00
RESERVE ACCT-CBNM	5,554.48				5,554.48	5,554.48	0.00
RECYCLE PETTY CASH-CBNM	7,153.22	276.75			7,429.97	7,429.97	0.00
TS/RC CLOSURE-CBNM	18,634.84				18,634.84	18,634.84	0.00
NMFA	13,641.36				13,641.36	13,641.36	0.00
DIRECT DEPOSIT-CBNM	15.02				15.02	15.02	0.00
RESERVE ACCT-BOA	201,778.56				201,778.56	201,778.56	0.00
EGRT-CBNM	10,093.51	9,549.88	12,112.84		7,530.55	7,530.55	(0.00)
SUB TOTAL	263,677.44	106,333.23	37,843.73	0.00	332,166.94	332,166.94	0.00
INVESTMENTS							
GRAND TOTAL	263,677.44	106,333.23	37,843.73	0.00	332,166.94	332,166.94	0.00

NOTE:(ANY ITEMS IN COLUMN 11)

GREENTREE SOLID WASTE AUTHORITY
FISCAL YEAR BUDGET 2013-2014

GENERAL OPERATING FUND FUND 01 REVENUES:	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
COLLECTION FEES:				
ROLLOFF RENTALS	17,701	32,881	122,602	(89,721)
ROLLOFF DUMPING	16,571	45,145	65,522	(20,377)
YARD WASTE DISPOSAL FEES	15,160	20,918	16,974	3,944
RUIDOSO DOWNS	32,724	82,365	200,673	(118,308)
COUNTY	251,083	475,768	1,095,698	(619,930)
CAPITAN	43,764	86,522	180,904	(94,382)
CARRIZOZO	53,619	72,948	125,045	(52,097)
CORONA	2,816	4,055	7,437	(3,382)
COMMERCIAL	139,793	289,684	580,006	(290,322)
SPECIAL SERVICES	99	288	2,500	(2,212)
CAPITAN L/F CLOSURE	3,459	3,459	15,000	(11,541)
FACILITY REIMBURSE	0	0	0	(0)
TOTAL COLLECTION FEES:	576,788	1,114,034	2,412,361	(1,298,327)
RECYCLING REVENUES:				
COMM CARDBOARD	7,070	14,003	29,872	(15,869)
ALUMINUM SALES	4,574	7,057	36,214	(29,157)
COPPER/BRASS SALES	2,832	2,832	9,376	(6,544)
METAL SALES	12,161	30,220	62,100	(31,880)
CARDBOARD SALES	13,347	21,826	47,912	(26,086)
NEWSPAPER SALES	271	586	2,678	(2,092)
RECYCLE OIL	30	60	250	(190)
PAPER SALES	260	506	2,622	(2,116)
PLASTIC SALES	609	1,058	2,622	(1,565)
TIRES	138	283	4,395	(4,112)
BATTERIES	35	41	150	(109)
E-WASTE	35	204	500	(296)
CARPET PAD	0	0	0	(0)
TOTAL SALES:	41,361	78,676	198,691	(120,015)
MISCELLANEOUS:				
PROPERTY PAYMENT	7,500	15,000	15,000	0
COLLECTION FEES REIMBURSE	532	1,573	5,525	(3,952)
INTEREST	14	23	130	(107)
INTEREST-NMFA	0	0	20	(20)
INTEREST-BOA-RESERVE	178	343	630	(287)
MISCELLANEOUS	1,929	1,929	2,500	(571)
GSWA SERVICE FEE	0	0	0	(0)
SALE OF SURPLUS EQUIPMENT	234	783	7,000	(6,217)
TOTAL MISC:	10,387	19,652	30,805	(11,153)
TOTAL REVENUES:	628,536	1,212,362	2,641,857	(1,429,495)
TRANSFERS:				
FROM EGRT FUND	82,053	142,471	225,000	(82,529)
TOTAL TRANSFERS:	82,053	142,471	225,000	(82,529)
NET REVENUES:	710,589	1,354,833	2,866,857	(1,512,024)

COLLECTION					
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 01	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)	
PERSONNEL SERVICES:					
SALARIES	151,026	294,878	642,397	(347,519)	
OVERTIME	7,616	12,162	65,736	(53,574)	
FICA	9,922	19,151	44,202	(25,051)	
MEDICARE	2,320	4,479	10,338	(5,859)	
STATE UNEMPLOYMENT	504	1,226	2,415	(1,189)	
PERA	8,716	16,493	42,932	(26,439)	
HEALTH	35,077	59,853	140,490	(80,637)	
WORKERS COMP	37	78	69,621	(69,543)	
INCENTIVE PAY	3,700	3,700	4,800	(1,100)	
CAR ALLOWANCE	1,950	3,900	7,800	(3,900)	
TOTAL PERSONNEL:	220,869	415,920	1,030,731	(614,811)	
OPERATING:					
ELECTRICITY	2,850	9,310	12,843	(3,533)	
HEATING	0	425	400	25	
WATER/SEWER	0	2,301	2,228	73	
TELEPHONE	2,448	6,371	12,813	(6,442)	
OFFICE SUPPLIES	4,355	7,566	10,000	(2,434)	
JANITORIAL	87	114	150	(36)	
PHYSICALS/SCREENS	25	280	500	(220)	
ACCIDENTS & DEDUCTIBLE	730	1,771	5,000	(3,229)	
ADS & PUBLICATIONS	357	357	1,000	(643)	
SECURITY	40	1,135	4,000	(2,865)	
INSURANCE	10,874	10,874	82,000	(71,126)	
LICENSES/PERMITS	70	70	300	(230)	
SUBSCRIPTION	324	982	2,500	(1,518)	
PROFESSIONAL SERVICES	8,784	26,433	45,807	(19,374)	
GROSS RECEIPTS TAX	26,902	49,269	105,546	(56,277)	
YARD WASTE DISPOSAL	21,501	31,200	46,000	(14,800)	
LANDFILL CHARGES	45,493	83,807	123,602	(39,795)	
CONTRACT HAULING/LABOR	97	97	1,000	(903)	
FUEL/OIL	65,721	155,543	240,000	(84,457)	
SHOP TOOLS	0	0	300	(300)	
SHOP SUPPLIES	2,187	3,735	5,000	(1,265)	
SAFETY SUPPLIES	805	3,086	14,090	(11,004)	
EQUIPMENT RENTAL	5,042	6,916	4,000	2,916	
UNIFORMS	3,122	6,087	13,692	(7,605)	
BUILDING/PROPERTY R & M	821	4,388	10,000	(5,612)	
COMPACTOR R/M	661	707	3,000	(2,293)	
CONTAINER R & M	2,114	2,660	5,000	(2,340)	
EQUIPMENT R & M	3,250	4,233	13,221	(8,988)	
POLYCART R/M	0	0	1,000	(1,000)	
VEHICLE R & M	44,207	94,329	100,000	(5,671)	
TRAVEL & SCHOOLS	678	678	2,500	(1,822)	
COST FOR CAPITAN L/F CLOSURE	8,320	8,370	20,000	(11,630)	
TOTAL OPERATING:	261,867	523,095	887,492	(364,397)	
CAPITAL OUTLAY:					
EQUIPMENT	0	0	0	(0)	
WAGNER-BACKHOE II L/P	9,001	21,002	36,003	(15,001)	
CBNM PROPERTY L/P II	14,325	28,650	57,299	(28,649)	
GREENTREE CONSTRUCTION	0	0	5,231	(5,231)	
NMFA-NOTE PAYABLE	0	0	125,743	(125,743)	
NMFA-INTEREST EXPENSE	35,679	35,679	71,357	(35,678)	
NMFA-ADMIN FEE	2,353	2,353	4,705	(2,352)	
DCTF-ALF RESIDENTIAL TRUCK L/P	0	17,449	19,451	(2,002)	
BOW-CMPCTR/RO/DMPSTR L/P	5,353	13,963	20,663	(6,700)	
DCTF-TRAILER/TRUCK/GRAPPLER L/P	22,813	49,452	79,917	(30,465)	
RIP L/P	49,961	49,961	54,125	(4,164)	
TOTAL CAPITAL OUTLAY:	139,484	218,507	474,494	(255,987)	
TOTAL EXPENDITURES:	622,221	1,157,522	2,392,717	(1,235,195)	

GREENTREE SOLID WASTE AUTHORITY
 FISCAL YEAR BUDGET 2013-2014

COMMITTEE MEMBERS				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 10	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
PERSONNEL SERVICES:				
MEETING EXPENSE-SALARIES	0	725	1,625	(900)
FICA	0	45	101	(56)
MEDICARE	0	11	24	(13)
STATE UNEMPLOYMENT	4	4	10	(6)
WORKERS COMP	0	0	56	(56)
TOTAL PERSONNEL:	4	785	1,816	(1,031)
OPERATING:				
OFFICE SUPPLIES	0	0	500	(500)
INSURANCE	5,727	5,727	5,800	(73)
DUES/MEMBERSHIPS	0	0	100	(100)
MEETING EXPENSE	0	0	0	(0)
TRAVEL & SCHOOLS	0	1,751	1,600	151
TOTAL OPERATING:	5,727	7,478	8,000	(522)
TOTAL EXPENDITURES:	5,732	8,263	9,816	(1,553)

GREENTREE SOLID WASTE AUTHORITY
FISCAL YEAR BUDGET 2013-2014

ADMINISTRATION				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 11	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
PERSONNEL SERVICES:				
SALARIES	53,262	102,168	213,545	(111,377)
OVERTIME	0	0	1,793	(1,793)
FICA	3,348	6,339	13,435	(7,096)
MEDICARE	783	1,482	3,142	(1,660)
STATE UNEMPLOYMENT	74	186	829	(643)
PERA	3,418	7,004	14,948	(7,944)
HEALTH	8,232	14,036	46,168	(32,132)
WORKERS COMP	9	16	2,235	(2,219)
INCENTIVE PAY	925	925	1,550	(625)
TOTAL PERSONNEL:	70,052	132,156	297,645	(165,489)
OPERATING:				
ELECTRICITY	1,500	4,000	4,580	(580)
HEATING	0	550	400	150
WATER/SEWER	0	0	0	(0)
TELEPHONE	1,028	2,445	4,200	(1,755)
OFFICE SUPPLIES	1,314	4,080	15,000	(10,920)
POSTAGE	32	43	1,000	(957)
JANITORIAL	556	573	600	(27)
PHYSICALS/SCREENS	25	25	200	(175)
ACCIDENT & DEDUCTIBLE	0	0	100	(100)
ADS & PUBLICATIONS	133	495	100	395
SECURITY	0	587	1,000	(413)
INSURANCE	2,496	2,496	2,800	(304)
DUES/MEMBERSHIPS	0	0	225	(225)
LICENSES & PERMITS	70	70	200	(130)
STATE/FEDERAL PENALTIES	0	0	50	(50)
FINANCE CHARGES	0	0	50	(50)
SUBSCRIPTIONS	403	767	1,500	(733)
PROFESSIONAL SERVICES	0	0	12,000	(12,000)
BILLING EXPENSES	2,214	4,214	7,000	(2,786)
LEGAL FEES	12,769	17,059	20,000	(2,941)
COLLECTION-LEGAL FEES	0	0	10,000	(10,000)
COLLECTIONS COST	100	375	2,000	(1,625)
SAFETY SUPPLIES	0	0	100	(100)
EQUIPMENT RENTAL	2,216	7,633	10,834	(3,201)
BUILDING/PROPERTY R & M	519	599	1,000	(401)
COMPUTER R & M	0	0	1,000	(1,000)
EQUIPMENT R & M	0	0	1,000	(1,000)
TRAVEL & SCHOOLS	21	21	2,500	(2,479)
BILLING REFUNDS	993	4,293	3,000	1,293
TOTAL OPERATING:	26,389	50,324	102,439	(52,115)
CAPITAL OUTLAY:				
EQUIPMENT	0	0	0	(0)
COMPUTER PROGRAMS	0	1,930	5,000	(3,070)
COMPUTER HARDWARE	0	0	5,000	(5,000)
OFFICE FURNITURE	0	0	0	(0)
TOTAL CAPITAL OUTLAY:	0	1,930	10,000	(8,070)
TOTAL EXPENDITURES:	96,441	184,410	410,084	(225,674)

RECYCLING				
GENERAL OPERATING FUND EXPENDITURES: DEPARTMENT 50	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
PERSONNEL SERVICES:				
SALARIES	5,358	9,755	31,203	(21,448)
OVERTIME	0	0	0	(0)
FICA	335	608	1,947	(1,339)
MEDICARE	78	142	455	(313)
STATE UNEMPLOYMENT	26	63	207	(144)
PERA	0	0	2,184	(2,184)
HEALTH	0	(1,899)	14,867	(16,766)
WORKERS COMP	2	5	6,646	(6,641)
INCENTIVE PAY	25	25	200	(175)
TOTAL PERSONNEL:	5,825	8,698	57,709	(49,011)
OPERATING:				
ELECTRICITY	2,150	3,225	3,977	(752)
HEATING	0	0	150	(150)
TELEPHONE	103	204	462	(258)
OFFICE SUPPLIES	0	0	150	(150)
PHYSICALS/SCREENS	0	0	50	(50)
ACCIDENT/DEDUCTIBLE	0	0	100	(100)
ADS & PUBLICATIONS	480	608	200	408
INSURANCE	8,995	8,995	8,136	859
DUES/MEMBERSHIPS	0	0	1,000	(1,000)
GROSS RECEIPTS TAX	1,813	3,849	9,461	(5,612)
FUEL/OIL	342	491	700	(209)
SHOP SUPPLIES	0	0	50	(50)
SAFETY SUPPLIES	107	107	500	(393)
RECYCLING SUPPLIES	1,258	1,953	5,000	(3,047)
UNIFORMS	0	113	857	(744)
BUILDING/PROPERTY R & M	0	0	500	(500)
EQUIPMENT R & M	2,025	2,025	1,000	1,025
TRAVEL & SCHOOLS	0	0	100	(100)
ALUMINUM PURCHASES	1,299	3,684	9,078	(5,394)
COPPER/BRASS/RAD	550	1,535	5,500	(3,965)
NEWSPAPER PURCHASES	91	178	400	(222)
PLASTIC PURCHASES	127	203	960	(757)
BULB RECYCLING	0	0	1,300	(1,300)
METAL PURCHASES	1,657	3,386	6,000	(2,614)
TOTAL OPERATING:	20,997	30,555	55,631	(25,076)
CAPITAL OUTLAY:				
EQUIPMENT	0	0	0	(0)
	0	0		
TOTAL CAPITAL OUTLAY:	0	0	0	(0)
TOTAL EXPENDITURES:	26,822	39,253	113,340	(74,087)

SOLID WASTE GRANT FUND 02	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
REVENUES:				
SWB-PROJECT ##NT-##	0	0	0	(0)
	0			
TOTAL REVENUE:	0	0	0	(0)

SOLID WASTE GRANT FUND 02	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
EXPENDITURES:				
SWB-PROJECT ##NT-##	0	0	0	(0)
	0			
TOTAL EXPENDITURES:	0	0	0	(0)

GREENTREE SOLID WASTE AUTHORITY
 FISCAL YEAR BUDGET 2013-2014

NM SEVERANCE TAX BOND FUND 03	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
REVENUES:				
PROJECT 12-1350-STB	35,552	35,552	85,000	(49,448)
PROJECT 12-1351-STB	32,064	85,000	85,000	0
	0			
TOTAL REVENUE:	67,616	120,552	170,000	(49,448)

NM SEVERANCE TAX BOND FUND 03	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
EXPENDITURES:				
PROJECT 12-1350-STB	0	0	85,000	(85,000)
PROJECT 12-1351-STB	26,496	79,432	85,000	(5,568)
	0			
TOTAL EXPENDITURES:	26,496	79,432	170,000	(90,568)

RECYCLING GRANTS FUND 05	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
REVENUES:				
SWB-PROJECT	0	0	0	(0)
	0			
TOTAL REVENUE:	0	0	0	(0)

RECYCLING GRANTS FUND 05	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
EXPENDITURES:				
SWB-PROJECT	0	0	0	(0)
	0			
TOTAL EXPENDITURES:	0	0	0	(0)

ENVIRONMENTAL G.R.T. FUND 6	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
E.G.R.T. COLLECTIONS:				
RUIDOSO DOWNS	10,615	22,782	52,000	(29,218)
COUNTY	37,112	71,618	141,380	(69,762)
CAPITAN	4,145	6,657	11,023	(4,366)
CARRIZOZO	2,469	3,664	7,000	(3,336)
CORONA	805	1,415	3,042	(1,627)
TOTAL E.G.R.T.:	55,145	106,136	214,445	(108,309)
MISCELLANEOUS:				
INTEREST EARNED	34	48	150	(102)
	0			0
TOTAL MISC:	34	48	150	(102)
TOTAL REVENUES:	55,179	106,184	214,595	(108,411)

ENVIRONMENTAL G.R.T. FUND 6	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
EXPENDITURES:				
	0	0	0	(0)
TOTAL EXPENDITURES:	0	0	0	(0)
TRANSFERS:				
TO GENERAL OPERATING	82,053	142,471	225,000	(82,529)
TOTAL TRANSFERS:	82,053	142,471	225,000	(82,529)
NET EXPENDITURES:	82,053	142,471	225,000	(82,529)

FISCAL YEAR BUDGET 2013-2014

TOTAL OF ALL FUNDS	QUARTER 10/13-12/13	2013-2014 YEAR TO DATE	APPROVED 2013-2014 BUDGET	OVER/ (UNDER)
TOTAL REVENUES	751,332	1,439,098	3,026,452	(1,587,354)
TOTAL EXPENDITURES	777,711	1,468,880	3,095,957	(1,627,078)
DIFFERENCE	(26,379)	(29,782)	(69,505)	
PAYROLL	296,750	557,558	1,387,901	(830,343)
TRANSFER TO GEN OP	82,053	142,471	225,000	(82,529)
TRANSFER FROM EGRT	82,053	142,471	225,000	(82,529)
DIFFERENCE	0	0	0	0



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 10

February 10, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County Detention Center Update – Warden Anderson

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

Discussion:

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

Recommendation: None – information only at this time.



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 11

February 10, 2013

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Board of Finance

Purpose: To recess the Board of County Commissioners and convene as the Board of Finance.

Discussion:

With regard to investment decision-making, the county treasurer determines how to deposit and invest county funds. That decision must then be approved by the board of county commissioners, sitting as the county board of finance. The board of finance has no power to modify the county treasurer's decision without the treasurer's concurrence. On the other hand, the county treasurer cannot impose a unilateral decision upon the board of finance.

State statute 6-10-8 reads as follows: "The board of county commissioners in each count in the state shall, ex officio and without additional compensation, constitute a county board of finance and as such shall, subject to the limitations of this act, have supervision over the determination of the qualifications and selection of bands, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive the public money of their respective counties and of independent rural school districts, rural school districts and municipal school districts of municipalities having less than twenty-five thousand population according to the next preceding United States census and of any special or other districts in their respective counties for which the respective county treasurers of such counties as a ex-officio tax collectors. The county clerk in each county shall, ex officio and without additional compensation, act as clerk of such county board of finance. Every county board of finance shall hold meetings whenever necessary for the discharge of its duties, and the chairman shall convene such board whenever necessity therefore exists or when requested so to do by two of its members or at any time when the county treasurer shall advise the chairman that he has in his custody public money in excess

of the aggregated amount which depositories qualified by law are entitled to hold. A majority of the board shall constitute a quorum for the transaction of business.

The county treasurer of each county in the state shall have supervision of the deposit and safekeeping of the public money of his county and all the money which may at anytime come into or be in his possession as county treasurer and ex-officio tax collector for the use and benefit of the state or of any county, municipality or district or of any subdivision of any county or of any state or public institution and by and with the advice and consent of the respective boards of finance having jurisdiction over the respective funds shall designate banks, savings and loan associations and credit unions, whose deposits are insured by an agency of the United States, to receive on deposit all moneys entrusted in his care.”

Recommendation: Receive the treasurer’s report and discussion.



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 12

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager

SUBJECT: Capitan FFA National Forestry Team

PURPOSE: Memories, Experience and Accomplishments Relayed by Capitan FFA Forestry Team Regarding National Competition

Discussion: Capitan FFA members competed in April 2013 at the New Mexico FFA State Career Development Events. Four Capitan FFA Members competed in the Forestry Contest. Those members not only placed as the top 3 individuals, but also the top team in the entire state, which earned them a spot to compete at the National Level representing New Mexico.

Fundraising began almost immediately, with this group working hard to raise more than \$9,000. Many Lincoln County residents and entities generously supported this effort. After funds were raised and members regrouped, there were 4 competitors (Kylie Hutchison, Layne Southard, Walker Bymoen and Iain McWilliams) plus two backup team members (Wade Stearns and Maggie Rich). This 6-member team traveled to Louisville, Kentucky the last week of October with their coach Lynn Lovelace, District Forester in Capitan, and two Chaperones, Michelle Stearns and Chet Southard.

Members met the two days prior to their competition with a local Kentucky forester to begin to familiarize themselves with the differences of the type of forest they were now in. Day one of competition was their written exam and day two was their hands-on, in-the-forest portion. Unfortunately, the contest was cut short due to weather.

The members from Capitan competed against 40 other teams from around the nation and placed 21st, earning them the silver honor. Individually, three members earned silver and one member, Layne Southard, earned Gold. These members encompass all that FFA is trying to teach and instill in members today, premier leadership, personal growth and career success. This is all being taught and instilled by their amazing Agriculture Education Teacher, Mr. Todd Proctor.

Recommendation: Recognize and honor **this Capitan FFA National Forestry Team** for proudly representing Capitan, Lincoln County and the State of New Mexico with a **HATS OFF!**

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 13

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lincoln County / Village of Ruidoso Building Permitting Process in the County

PURPOSE: Inform Commission of Current Status Between the County and the Village of Ruidoso Regarding Building Permits in the County

Discussion: By way of background, the County has been working to identify the best solutions to provide building permits to its residents since early last year. After extensive meetings with the Construction Industries Division, the Commission considered the three options available to it:

6. The County could develop its own Permitting and Inspection Department.
7. The County could enter into an MOU with CID, who would then be responsible for the inspections.
8. The County could enter into an MOU with the Village of Ruidoso ("VOR") or another local government entity for the purposes of issuing permits and inspections.

The Commission opted to commence work on entering into an MOU with the Village of Ruidoso to provide these services. County Attorney, Planning Director and Manager have been working with VOR representatives to finalize the details of a proposed MOU to present to the Commission.

As of our latest meeting, held on February 14, the parties agreed on the basic terms that will enable changes to be incorporated, presented to the Village of Ruidoso Council, and scheduled for this Commission's consideration at its March, 2014 meeting.

Recommendation: No Action required at this time.

AGENDA Item No. 12

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 14

February 8, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Resolution Approving FY 2014/2015 CAP/COOP/School Bus programs

Purpose: To obtain commission approval of the FY2014/2015 State Highway Cooperative funding projects and the associated Resolution 2013-31.

Discussion: Attached at Enclosure 1 is this year's Local Government Road Fund (LGRF) letter with a deadline of March 15, 2014 to the District Engineer; followed by County documentation. The Road Superintendent and County Manager propose next year's CAP/COOP/School Bus Route programs to include the following:

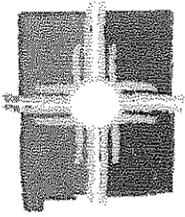
- School Bus: State \$60,871.77 - County Match \$20,290.59 on County Road-Laughing Horse Trail. Laughing Horse Trail-South of Capitan on Hwy 48 MM 18 turn East onto Laughing Trail project begins and goes .85 miles; Total \$81,162.36.
- COOP: State \$54,660.29 - County Match \$18,220.09 on County Road-Laughing Horse Trail. Laughing Horse Trail-South of Capitan on Hwy 48 MM 18 turn East onto Laughing Trail go .85 miles project begins and goes .45 miles; Total \$72,880.39.
- CAP: State \$147,264.11 - County Match \$49,088.04 County Subdivision-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; Total \$196,352.15.

Recommendation: Consider our Road Superintendent's and Manager's recommendation and approve Resolution 2013-31 (Encl 2) for the initial CAP, COOP and School bus projects with the State, and potentially further treatments as budgets allow.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

RECEIVED

JAN 08 2014

ADMINISTRATION
LINCOLN COUNTY NM

January 03, 2014

Lincoln County
Chairperson Jackie Powell
P.O. Box 711
Carrizozo, NM 88301-

RE: FY 2014/2015 Local Government Road Fund Application

Dear Chairperson Powell,

It is time once again to submit project proposals for the FY 2015 program year. Please submit proposals that are in line with the previous year awards.

As outlined in the 2001 Local Government Road Fund Handbook, the Entity shall submit a letter of request to the District Engineer (Mr. Ralph Meeks, District Engineer, attn: Celeste Rogers) no later than March 15, 2014. This application shall contain the following:

- Letter of Intent from governing body or agency head.
- Formal resolution passed by the Entity's governing body or agency head adopting the project.
- The location of the proposed project including route designation and termini (include map).
- The scope of work to be performed.
- Project estimated cost including gross receipt tax and the amount of state participation requested.
- The justification for project construction.
- Certification that the proposed work is on a public highway and is necessary for the public good and convenience and will serve the public of the municipality, county and/or school district.

All incomplete applications will be returned to the public entity for submission the following year. There are no exceptions to meeting this March 15, 2014 deadline.

Funding amounts will likely be comparable to those for the 2014 program. Remember also about the match waiver funds that are available for those entities that think they will qualify. Prioritization of specific projects, ensuring that the projects submitted most effectively serves the needs of the public and that they are in compliance with appropriate design standards is the responsibility of each entity. The Department will not conduct a formal review of the proposals submitted.

There have been no changes made to the Local Government Road Fund Handbook or forms that are required for the various submittals. This Handbook and associated forms are available from the NMDOT if you don't have them.

Should you have any questions regarding the process for submittal, please contact me at (575)637-7259, or by email at Celeste.Rogers@state.nm.us.

Sincerely,

Celeste Rogers
NMDOT -District Two
LGRF Coordinator

XC: LGRF Files

Susana Martinez
Governor

Ralph Meeks
District 2 Engineer

District Two Office
P.O. Box 1457
Roswell, NM 88202-1457
575-637-7200

ENCL 1

RESOLUTION NUMBER 2013-31
NEW MEXICO DEPARTMENT OF TRANSPORTATION
COOPERATIVE ROAD PROGRAMS

WHEREAS, improvement of roads in Lincoln County is essential to the well-being of our citizens; and

WHEREAS, the Board of Commissioners studied, prioritized, and approved FY 2014-2015 cooperative program applications; and

WHEREAS, the New Mexico State Transportation Department has requested our FY 2014-2015 Local Government Road Fund Applications for the projects indicated:

1. **SCHOOL BUS ROUTE PROJECT:** 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. Triple Pen Chip Seal with Prime Coat.
Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.
State \$60,871.77 County \$20,290.59 Total Cost \$81,162.36.

2. **COOPERATIVE AGREEMENT:** 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. Triple Pen Chip Seal with Prime Coat, Drainage Culverts, Haul and Lay 200 tons of BC.
Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.
State \$54,660.29 County \$18,220.10 Total Cost \$72,880.39.

3. **COUNTY ARTERIAL PROJECT:** 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. Triple Pen Chip Seal with Prime Coat.
Design, Construction, Reconstruction, Pavement Rehabilitation/Improvements, Blading and Shaping, Drainage Improvements, Misc. on various county roads.
State \$147,264.11 County \$49,088.04 Total Cost \$196,352.15

NOW, THEREFORE, the Lincoln County Board of Commissioners commits to the completion of the above projects as indicated.

PASSED, APPROVED AND ADOPTED this 18th day of February 2014

ENCL 2

Board of Commissioners
Lincoln County, State of New Mexico

Jackie Powell, Chairwomen

Preston Stone, Vice-Chairman

Dallas Draper, Member

Kathryn L. Minter, Member

Mark Doth, Member

ATTEST:

Rhonda B. Burrows, County Clerk

LETTER OF INTENT

On February 18, 2014, the Board of Commissioners of Lincoln County approved the attached cooperative School Bus Route program.

The improvements of these Lincoln County roads are essential to the well being of our citizens; and are roads used by the school districts. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative School Bus Route program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$81,162.36 with 75% being \$60,871.77 and 25% being \$20,290.59.

Sincerely,

Nita Taylor
Lincoln County Manager

SCHOOL BUS ROUTE PROJECT: 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.
Pavement Rehabilitation/Improvements, New Triple Pen Chip Seal with Prime Coat on .85 miles of county road.

Total Cost \$81,162.36

NEW MEXICO
STATE HIGHWAY DEPARTMENT

FACTORS

FORM C-129
REV. 9-66

SHEET 1 OF 1 SHEET

ESTIMATE 81,162.36 PROJECT NO. School Bus Project 2014-2015 COUNTY OF Lincoln
COMPUTED _____ CHECKED _____

WORK DESCRIPTIONS:

1. **County Road-Laughing Horse Trail**

Contract Triple Chip Seal, with Prime Coat

.85 Miles

Contract Chip Seal

Total Cost

\$81,162.36

Justification for work: The above listed road is on our Five Year Plan for the improvement of this road with a Triple Chip Seal, and Prime Coat on .85 Miles of road. This is a Lincoln County Maintained School Bus Route Road.

GRAND TOTAL

\$81,162.36

75% State Participation

25% Lincoln County Participation

!

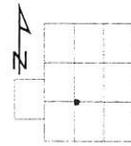
NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT
 2014'-2015' SCHOOL BUS ROUTE PROJECT DETAIL ESTIMATE

PROJECT NO: _____ DATE: FEB 2014

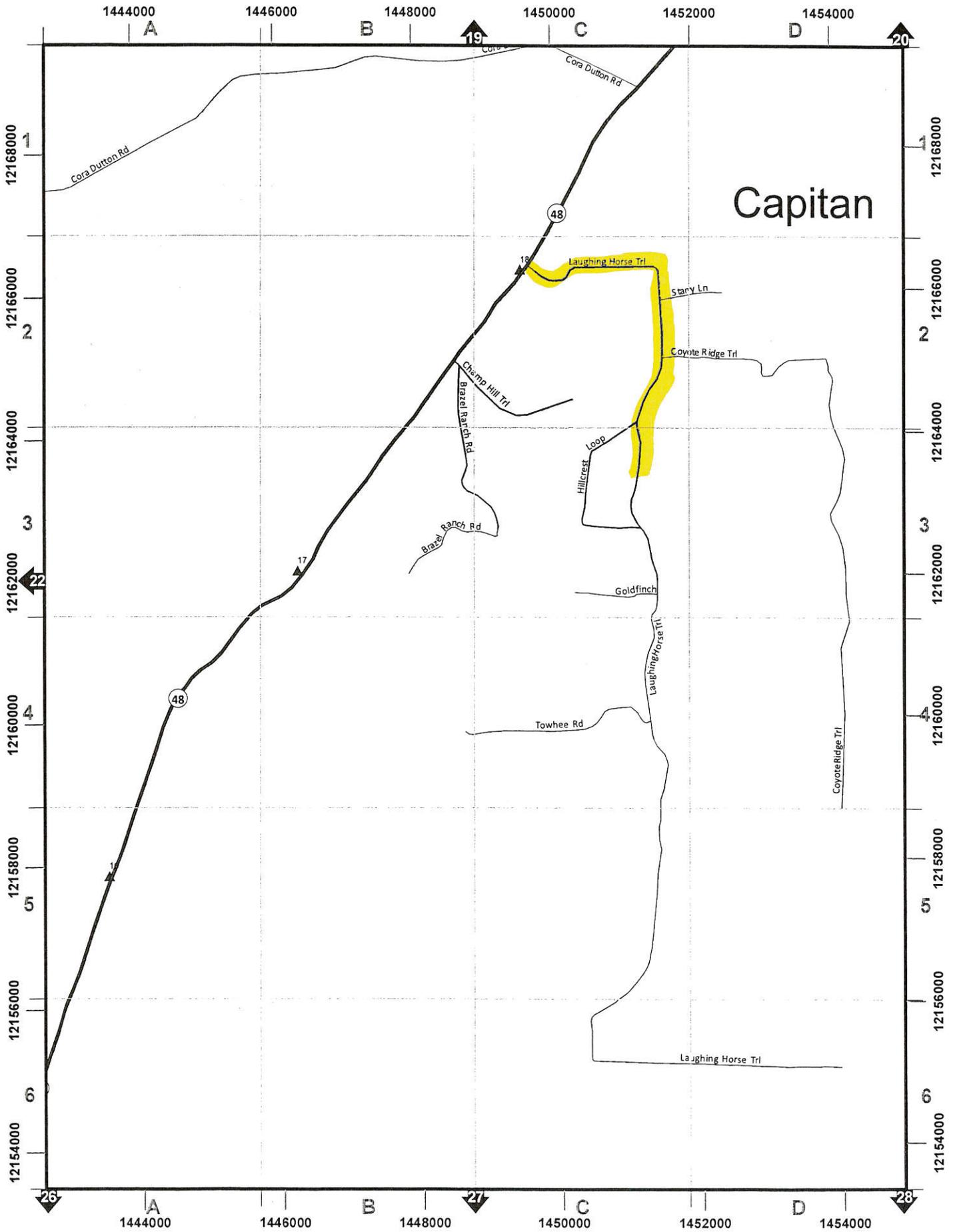
Name of Road Laughing Horse Trail Length 4,488 Ft. .85 Miles
 County of Lincoln Length of R/W _____ Miles
 Type School Bus Route Project Gravel 22' Ft Wide
 Prepared by Carl Palmer Title Road Superintendent

ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY

Item No.	Item	Unit	Quantity	Price	Amount
	County Road				
	Laughing Horse Trail	.85 miles			
	Total	.85 Miles			
	Origin: Capitan, Laughing Horse Trail-South of Capitan on Hwy 48 MM 18 turn East onto Laughing Horse Trail project begins and goes .85 miles. Project is .85 miles of 22' road way on Laughing Horse Trail				
	DESCRIPTION				
	Triple Pen Chipseal And Prime Coat 22' Wide .85 Miles of Road				
	MATERIALS				\$76,794.67
	Contract out: Triple Pen Chipseal And Prime Coat				
	Tax 5.6875%				\$ 4,367.69
	Total				\$81,162.36



MAP 23



LETTER OF INTENT

On February 18, 2014, the Board of Commissioners of Lincoln County approved the attached cooperative CO-OP program.

The improvements of these Lincoln County roads are essential to the well being of our citizens. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative CO-OP program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$72,880.39 with 75% being \$54,660.29 and 25% being \$18,220.09.

Sincerely,

Nita Taylor
Lincoln County Manager

COOPERATIVE AGREEMENT: 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
Pavement Rehabilitation/Improvements, New Triple Pen Chip Seal with Prime Coat,
Drainage Culverts, 200 tons of BC .45 miles of county road.

Total Cost \$72,880.39

NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT

2014'-2015' COOP PROJECT DETAIL ESTIMATE

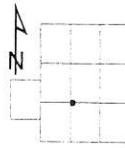
PROJECT NO: _____ DATE: FEB 2014

Name of Road Laughing Horse Trail
 County of Lincoln
 Type COOP Project
 Prepared by Carl Palmer

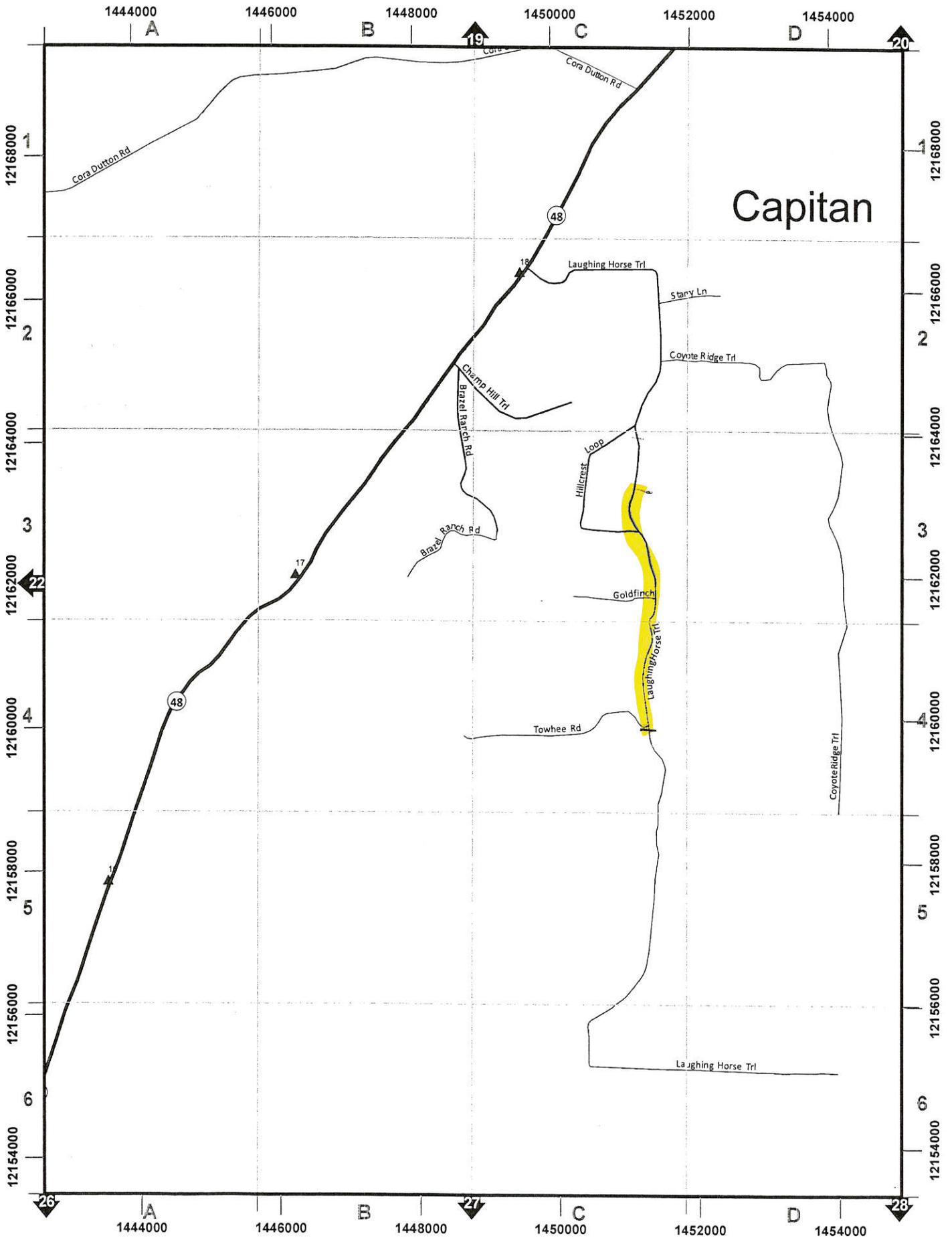
Length 2,376 Ft. .45 Miles
 Length of R/W _____ Miles
 Pavement 22' Ft Wide
 Title Road Superintendent

ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY

Item No.	Item	Unit	Quantity	Price	Amount
	County Road				
	Laughing Horse Trail	.45			
	Total	.45 Miles			
	Origin: Capitan, 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. Project is .45 miles of 22' road way on Laughing Horse Trail				
	DESCRIPTION				
	Triple Pen Chipseal And Prime Coat Install Drainage Culverts, Haul, Compact and lay 200 tons of spec base course in needed areas 22' Wide .45 Miles of Road				
	MATERIALS				
	Contract out: Triple Pen Chipseal And Prime Coat plus tax 5.6875%				
					\$42,968.31
	Culverts plus tax 7%	Foot	96'	8.27	\$ 849.49
	Spec Base Course plus tax 5.6875%	Ton	200 ton	11.50	\$ 2,430.81
	Water plus tax 5.6875%	1000 gal	160 gal	25.00	\$ 4,227.50
	Labor				\$ 4,972.28
	Equipment				\$17,432.00
	Total				\$72,880.39



MAP 23



LETTER OF INTENT

On February 18, 2014, the Board of Commissioners of Lincoln County approved the attached cooperative County Arterial Project program.

The improvements of these Lincoln County roads are essential to the well being of our citizens; and are roads heavily used in the Capitan and Ruidoso Downs areas. These roads are on our Five-Year Plan for improvements of Lincoln County Roads.

Lincoln County is committed to doing and completing the attached cooperative County Arterial Project program.

We are requesting that the State of New Mexico approve 75% participation of the total project cost and Lincoln County is committed to 25% participation.

The total project cost is \$196,352.15 with 75% being \$147,264.11 and 25% being \$49,088.04.

Sincerely,

Nita Taylor
Lincoln County Manager

COUNTY ARTERIAL PROJECT: County Subdivision- Mesa Verde Subdivision- Bancroft Road. Lincoln County Roads-Biscuit Hill Road and Apple Blossom Road. **Bancroft Road**-Capitan West on Hwy 380 to MM 83 turn South onto Bancroft Road project begins and goes 1.77miles. **Biscuit Hill Road**- Ruidoso go to MM 166.5 on Hwy 70 turn South onto Biscuit Hill Road project begins and goes .21 miles. **Apple Blossom Road**-from .21 MM on Biscuit Hill Road turn NE onto Apple Blossom and project continues and goes .14 miles. Pavement Rehabilitation/Improvements, New Triple Pen Chip Seal with Prime Coat on 2.12 miles of county roads.

Total Cost \$196,352.15

NEW MEXICO
STATE HIGHWAY DEPARTMENT

FACTORS

FORM C-129
REV. 9-66

SHEET 1 OF 1 SHEET

ESTIMATE 196,352.15 PROJECT NO. CAP Project 2014-2015 COUNTY OF Lincoln
COMPUTED _____ CHECKED _____

WORK DESCRIPTIONS:

1. County Subdivision-Mesa Verde-Bancroft Road

Triple Pen Chip Seal with Prime Coat
1.77 Miles
Contract Triple Chip Seal

Total Cost \$169,008.68

2. County Roads-Biscuit Hill Road and Apple Blossom Road

Triple Pen Chip Seal with Prime Coat
.35 Miles
Contract Triple Chip Seal

Total Cost \$27,343.47

Justification for work: The above listed roads are on our Five Year Plan for the improvement of these roads with a Triple Pen Chip Seal with Prime Coat. These are Lincoln County Maintained Roads.

GRAND TOTAL

\$196,352.15

75% State Participation
25% Lincoln County Participation

NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT
2014'-2015' CAP PROJECT DETAIL ESTIMATE
 PROJECT NO: _____ DATE: FEB 2014

Name of Road Mesa Verde Subdivision
 County of Lincoln
 Type CAP Project
 Prepared by Carl Palmer

Length 9345.60 Ft. 1.77 Miles
 Length of R/W _____ Miles
 Gravel 22' Ft Wide
 Title Road Superintendent

ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY

Item No.	Item	Unit	Quantity	Price	Amount
	County Subdivision				
	Mesa Verde Subdivision				
	Bancroft Road	1.77			
	Total	1.77 Miles			
	Origin: Mesa Verde Subdivision – Bancroft Road-Capitan West on Hwy 380 to MM 83 turn South onto Bancroft Road project begins goes 1.77 miles.				
	DESCRIPTION				
	Triple Pen Chipseal And Prime Coat 22' Wide 1.77 Miles of Road				
	MATERIALS				
	Contract out: Triple Pen Chipseal And Prime Coat				\$159,913.60
	Tax 5.6875%				\$ 9,095.08
	TOTAL				\$169,008.68

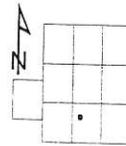
NEW MEXICO STATE HIGHWAY & TRANSPORTATION DEPARTMENT
 2014'-2015' CAP PROJECT DETAIL ESTIMATE
 PROJECT NO: _____ DATE: FEB 2014

Name of Road Biscuit Hill & Apple Blossom
 County of Lincoln
 Type CAP Project
 Prepared by Carl Palmer

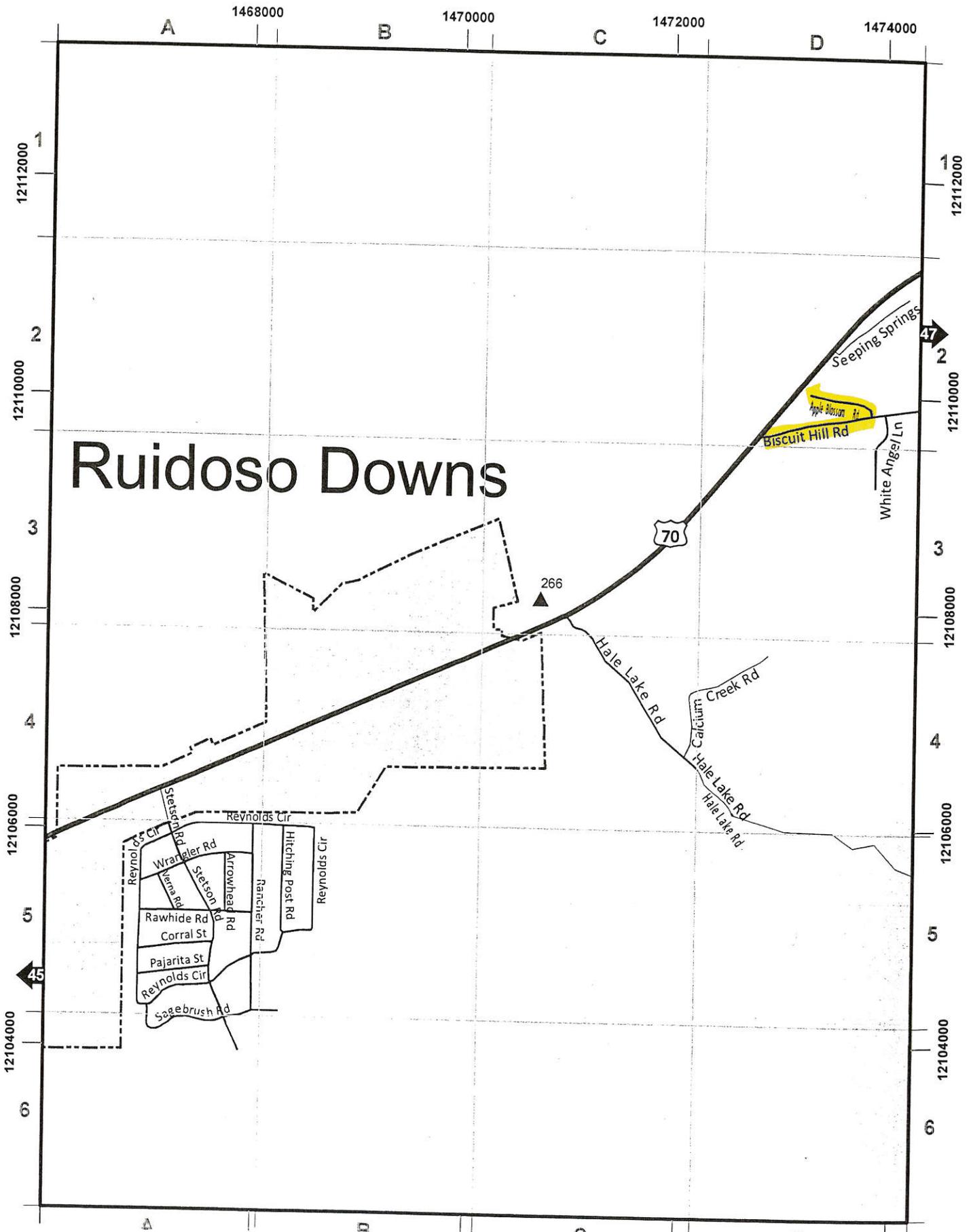
Length 1848 Ft. .35 Miles
 Length of R/W _____ Miles
 Gravel 18' Ft Wide
 Title Road Superintendent

ALL ESTIMATES LISTED BELOW COULD BE SUBJECT TO BE BID OUT TO PRIVATE CONTRACTORS WHICHEVER IS MOST COST EFFECTIVE TO LINCOLN COUNTY

Item No.	Item	Unit	Quantity	Price	Amount
	County Roads				
	Biscuit Hill Road	.21			
	Apple Blossom Road	.14			
	Total	.35 Miles			
	Origin: Glencoe-Biscuit Hill Road- Ruidoso go to MM 166.5 Hwy 70 turn South onto Biscuit Hill Road project begins and goes .21 then turn NE onto Apple Blossom Road project continues for .14 miles. Project is 18' Wide and .35 miles long				
	DESCRIPTION				
	Triple Pen Chipseal And Prime Coat 18' Wide .35 Miles of Road				
	MATERIALS				
	Contract out: Triple Pen Chipseal And Prime Coat				\$25,872.00
	Tax 5.6875%				\$ 1,471.47
	TOTAL				\$27,343.47



MAP 46





www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 15

February 14, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Water Issues/Forest Health/Wildlife Programs

PURPOSE: To provide information on water issues, forest health, Game & Fish matters

1. **Water Rights Notice.** There are six new water rights notices on the State Engineer's website (*See Enclosure 1*); one is duplicate to that filed last month by SEA GEM and the Village of Ruidoso.:
 - a. **Refile of original Notice given on July 15, 2013.** SEA GEM LLC and the Village of Ruidoso refiled No. 01300-1; 01300-2; 01300-3; 0826-2 into 0275 et a; & H 271 et al (T). This permit is to temporarily change the Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico to the Village of Ruidoso for municipal purposes. The presently authorized points of diversion are located in Hondo, in Lincoln County, New Mexico. **See Enclosure 1.1.** This application has been filed under the NM Leasing Act NMSA1978 72-6-1 through 72-6-7; the request for Emergency Authorization has been removed.
 - b. **Refile of original Notice given on July 15, 2013.** The Village of Ruidoso and SEA GEM refiled Application No. H-50-1 into 0275-1 and H-272 et al (T) for permit to temporarily change point of diversion, place and purpose of use of 26.88 acre-feet per annum of groundwater, and change point of diversion from groundwater to surface water and groundwater, by ceasing the diversion of waters from well H-50, and severing waters from the commercial use of 8.40 acres of land. The diversion is for municipal purposes located in the Village of Ruidoso. **See Enclosure 2.** This application has been filed under the NM Leasing Act NMSA1978 72-6-1 through 72-6-7.
 - c. On January 29, 2014, Monroy Montes & Jonny Montes, Jr. filed application No. 0866-2 & H-249 for permit to change location of shallow well by abandoning the use of well No. H-249, and drilling well No. H-249-POD2. The purpose is to continue rights for the diversion of 11.52 acre-fee per annum of shallow ground water for the irrigation of 3.6 acres of land. The move-from well is to be plugged; the move-to well & irrigated acreage are located approximately 2.0 miles west of Glencoe on US Highway 70 in Lincoln County, NM. **See Enclosure 3.**

County Manager's Fax
(575) 648-4182

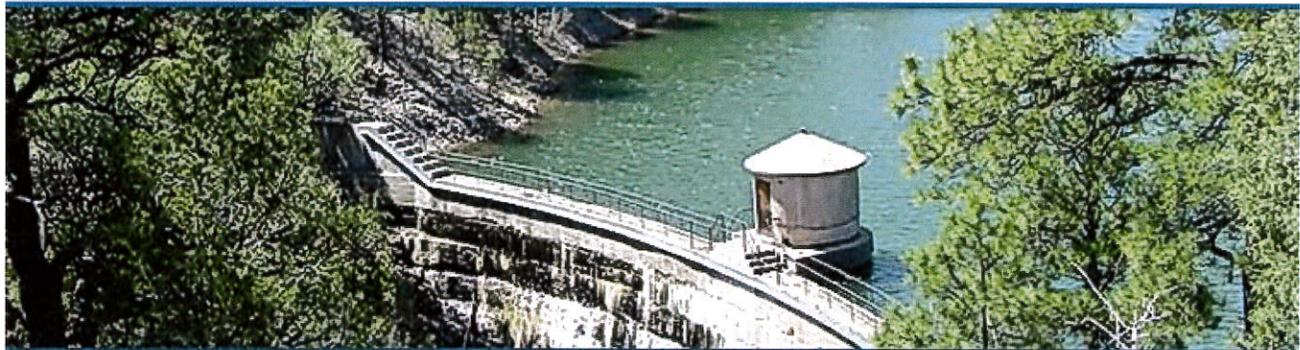
Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816



New Mexico Office of the State Engineer

[Search](#) | [Contact Us](#) | [Site Map](#) | [What's New](#)



[HOME](#) [STATE ENGINEER](#) [INTERSTATE STREAM COMMISSION](#) [FREQUENTLY ASKED QUESTIONS](#) [PUBLICATIONS](#) [NEWS RELEASES](#)

[Water Information](#) > [Water Rights](#) > [Notice for Publication](#) > [Lincoln County](#)

LINCOLN COUNTY

Notice For Publication

WATER INFORMATION
▪ Active Water Resource Management
▪ Water Rights
▪ Glossary of Water Terms
▪ Subdivision Review
▪ Acequias
▪ Dam Safety
▪ Hydrology
▪ Maps and Geospatial Data
WATER RIGHTS LOOKUP
WATER USE & CONSERVATION
LEGAL
PROGRAM SUPPORT
SPECIAL PROJECTS
RELATED LINKS
ON-LINE SERVICES

File No:	Name	Date Posted
SD 01300-1; 01300-2; 01300-3; 0826-2 into 0275-1 et al & H-272 et al (T)	Village of Ruidoso and Sea Gem	11-Feb-14
H-50-1 into 0275-1 and H-272 et al (T)	Village of Ruidoso and Sea Gem	11-Feb-14
0866-2 & H-249	Monroy Montes & Johnny Montes, Jr	11-Feb-14
H-53-1 into 0275-1 and H-272 et al (T)	Village of Ruidoso and Ruidoso Properties Irrevocable Management Trust	11-Feb-14
T-6002	FNF Construction, Inc.	24-Jan-14
T-6001	FNF Construction, Inc.	24-Jan-14
01300-1 et al	SEA GEM LLC	2-Jan-14

Copyright © 2005 New Mexico Office of the State Engineer. All rights reserved | [Site Credits](#) | [Disclaimer](#) | [Webmaster](#)

Name: Village of Ruidoso and Sea Gem

County: Lincoln County

File #: SD 01300-1; 01300-2; 01300-3; 0826-2 into 0275-1 et al & H-272 et al (T)

NOTICE is hereby given that on July 15, 2013, Sea Gem, 9203 East 825 South, Upland, IN 46989, and Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, NM 88345 filed application No. 01300-1; 01300-2; 01300-3; 0826-2 into 0275-1 et al & H-272 et al (T) with the STATE ENGINEER for permit to Temporarily Change the Surface and Supplemental Groundwater Points of Diversion and Change Place and Purpose of Use in the Hondo Underground Water Basin in the State of New Mexico.

The applicant proposes to discontinue the diversion of 343.04 acre-feet per annum (154.368 acre feet consumptive irrigation requirement) of the surface waters and supplemental groundwater from the Rio Ruidoso, a tributary of the Rio Hondo, via the Pablo Chavez, which diverts from the Ambrocio Chavez Ditch in the NW $\frac{1}{4}$ /4SW $\frac{1}{4}$ /4SW $\frac{1}{4}$ of Section 3, Township 11 South, Range 17 East, said Ambrocio Chavez Ditch diverts from the Rio Ruidoso at a point in the SE $\frac{1}{4}$ /SE $\frac{1}{4}$ /NE $\frac{1}{4}$ of Section 5, Township 11 South, Range 17 East, N.M.P.M.. Supplemental well No. H-49-POD2 is located in the SE $\frac{1}{4}$ /SW $\frac{1}{4}$ /SW $\frac{1}{4}$ of Section 3, Township 11 South, Range 17 East, and supplemental well No. H-50 is located in the NE $\frac{1}{4}$ /NE $\frac{1}{4}$ /NW $\frac{1}{4}$ of Section 10, Township 11 South, Range 17 East, N.M.P.M. The application proposes to sever said water right from the irrigation of 107.2 acres of land described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. E1/2E1/2NW1/4	10	11 S.	17 E.	6.1
Pt. E1/2SE1/4NW1/4	10	11 S.	17 E.	1.8
Pt. S1/2S1/2SW1/4	3	11 S.	17 E.	11.1
Pt. N1/2NW1/4	10	11 S.	17 E.	37.5
Pt. W3/4	10	11 S.	17 E.	50.7

The applicant proposes to temporarily commence the diversion of 308.736 acre-feet per annum (154.368 acre feet consumptive irrigation requirement) of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from the following described points of diversion:

	SUBDIVISION	SECTION	TOWNSHIP	RANGE
SURFACE:				
Rio Ruidoso				
0275-1A-POD1	NW $\frac{1}{4}$ /SW $\frac{1}{4}$ /SW $\frac{1}{4}$	19	11 S.	13 E.
0275-1A-POD2	SW $\frac{1}{4}$ /NE $\frac{1}{4}$ /SW $\frac{1}{4}$	19	11 S.	13 E.
0275-1A-POD3	SE $\frac{1}{4}$ /NW $\frac{1}{4}$ /SW $\frac{1}{4}$	26	11 S.	13 E.
WELLS:				
H-272	NW $\frac{1}{4}$ /NE $\frac{1}{4}$ /SW $\frac{1}{4}$	36	11 S.	13 E.
H-272-S	SE $\frac{1}{4}$ /SW $\frac{1}{4}$ /NE $\frac{1}{4}$	25	11 S.	13 E.
H-272-S-2	SW $\frac{1}{4}$ /SW $\frac{1}{4}$ /NE $\frac{1}{4}$	2	11 S.	13 E.
H-272-S-3	NE $\frac{1}{4}$ /SW $\frac{1}{4}$ /SE $\frac{1}{4}$	2	11 S.	13 E.

ENC 1.1

H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S.	13 E.
H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S.	13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S.	13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S.	13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S.	13 E.

for municipal purposes within the Village of Ruidoso.

The move to place of use is as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE
Village of Ruidoso			
Municipal Limits	All	10-11S	13-14E

This application is filed under the NM Water-Use Leasing Act, NMSA 1978 72-6-1 through 72-6-7. The temporary lease and permit period will begin as of the filing date of the application and extend through October 31, 2021. The temporary permit may be reverted to the move from points of diversion and place and purpose of use by written request of the applicants anytime during the lease period.

The presently authorized points of diversion, Ambrocio Chavez Ditch, Pablo Chavez Ditch, well H-49, well H-50, and place of use are located in Hondo, in 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 the 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 the provisions of Chapter 72 NMSA 1978.

Name: Village of Ruidoso and Sea Gem
 County: Lincoln County
 File #: H-50-1 into 0275-1 and H-272 et al (T)

NOTICE is hereby given that on July 15, 2013, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, New Mexico 88345 and Sea Gem, 9203 East 825 South, Upland, IN 46989; filed Application No. H-50-1 into 0275-1 and H-272 et al (T) with the STATE ENGINEER for permit to temporarily change point of diversion, place and purpose of use 26.88 acre-feet per annum of groundwater, and change point of diversion from groundwater to surface water and groundwater, by ceasing the diversion of said waters from the following described wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-50	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	11 S.	17 E.

and severing said waters from the commercial use of 8.40 acres of land, described as being part of the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, Township 11 South, Range 17 East, N.M.P.M.

The applicant proposes to commence the diversion of 12.096 acre feet per annum consumptive use of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater from the following described points of diversion:

RIO RUIDOSO

SURFACE WATER	SUBDIVISION	SECTION	TOWNSHIP	RANGE
0275-A POD1	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD2	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD3	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	11 S.	13 E.

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-272	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	11 S.	13 E.
H-272-S	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	11 S.	13 E.
H-272-S-2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	02	11 S.	13 E.
H-272-S-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	02	11 S.	13 E.
H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S.	13 E.
H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S.	13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S.	13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S.	13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S.	13 E.

for municipal purposes located within the Village of Ruidoso.

The application is made to divert 24.192 acre feet per annum at the move to points of diversion for municipal use with 50% return flow credit.

This application is filed under the NM Water –Use Leasing Act, NMSA 1978 72-6-1 through 72-6-7.

The temporary lease and permit period will begin as of the filing date of the application and extend for a nine-year period, with all rights to revert back to the move-from points of diversion, place and purpose of use on October 31, 2021; subject to an earlier reversion by written request of the applicant.

The move-from points of diversion and places of use are located in Hondo NM, Lincoln County, New Mexico. The proposed move-to points of diversion and place of use are located within 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 Scott A. Verhines, 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.

County: Lincoln County
Name: Monroy Montes & Johnny Montes, Jr
File No: 0866-2 & H-249

NOTICE is hereby given that on January 29, 2014, Monroy Montes & Johnny Montes, Jr., PO Box 52, Glencoe, NM 88324 filed application No. 0866-2 & H-249 with the STATE ENGINEER for permit to change location of shallow well by abandoning the use of well No. H-249 located at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 10S, Range 15E, N.M.P.M., and drill well No. H-249-POD2 located at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 10S, Range 15E, N.M.P.M; 8 inches in diameter and approximately 110.0 ft in depth, for the purpose of continuing rights for the diversion of 11.52 acre-feet per annum of shallow ground water for the irrigation of 3.6 acres of land described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt NW $\frac{1}{4}$ NW $\frac{1}{4}$	34	10S	15E)	3.6
Pt SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	34	10S	15E)	

The move-from well is to be plugged.

The move-to well & irrigated acreage are located approximately 2.0 miles west of Glencoe on US Highway 70 in Lincoln County, NM.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number 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 how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1900 West Second, Roswell, NM 88201, within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the 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 the provisions of Chapter 72 NMSA 1978.

Name: Village of Ruidoso and Ruidoso Properties Irrevocable Management Trust
 County: Lincoln County
 File # H-53-1 into 0275-1 and H-272 et al (T)

NOTICE is hereby given that on September 23, 2013, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, New Mexico 88345 and Ruidoso Properties Irrevocable Management Trust, 201 Third Street NW, Suite 1750, Albuquerque, New Mexico 87102; filed Application No. H-53-1 into 0275-1 and H-272 et al (T) with the STATE ENGINEER for permit to temporarily change point of diversion, place and purpose of use of 123.0 acre-feet per annum of groundwater and change point of diversion from groundwater to surface water and groundwater, by ceasing the diversion of said waters from the following described wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-53	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	11 S.	14 E.
H-53-S	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-54	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	11 S.	14 E.
H-55	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-56	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.

and severing said waters from commercial racetrack purposes within the Ruidoso Downs Racetrack facilities.

The applicant proposes to commence the diversion of 246.00 acre-feet per annum of groundwater and the surface waters of the Rio Ruidoso, and supplemental groundwater from the following described points of diversion:

RIO RUIDOSO

SURFACE WATER	SUBDIVISION	SECTION	TOWNSHIP	RANGE
0275-A POD1	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD2	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S.	13 E.
0275-A POD3	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	11 S.	13 E.

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-272	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	11 S.	13 E.
H-272-S	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	11 S.	13 E.
H-272-S-2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	02	11 S.	13 E.
H-272-S-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	02	11 S.	13 E.
H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S.	13 E.
H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S.	13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S.	13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S.	13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S.	13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S.	13 E.

for municipal purposes located within the Village of Ruidoso.

Application is made to cease the use of 123.0 acre-feet per annum commercial consumptive use at the race track and begin the diversion of 246.0 acre feet per annum from the municipal points of diversion for municipal use in the Village of Ruidoso with 50% return flow recognized in the municipal system.

This application is filed under the NM Water – Use Leasing Act, NMSA 1978 72-6-1 through 72-6-7.

This is a temporary application, for an eleven-year period extending from November 1, 2014 to October 31, 2025, with all rights to revert to the move-from points of diversion, place and purpose of use on October 31, 2025; subject to an earlier reversion by written request of the applicant.

The move-from points of diversion and places of use are located at the race track in Ruidoso Downs, Lincoln County, New Mexico. The proposed move-to points of diversion and place of use are located within 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 Scott A. Verhines, 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.

Counties: Lincoln and Socorro
Name: FNF Construction, Inc.
File No(s): T-6001

NOTICE is hereby given that on December 12, 2013, FNF Construction, Inc., 115 S. 48th Street, Tempe, AZ 85281, filed application T-6002 with the STATE ENGINEER for Permit to TEMPORARILY Appropriate Underground Water within the Tularosa Underground Water Basin in Lincoln County. The applicant proposes using existing well T-1212 located within the NE $\frac{1}{4}$ of Section 27, Township 5 South, Range 10 East, NMPM otherwise described as East 417770 (m) and 3746291 (m), UTM Zone 13, NAD 83 located on land owned by Larry Bond/L&M Family Trust for a temporary appropriation of groundwater in an amount not to exceed 90 acre-feet per annum to be diverted for road construction purposes for NMDOT project no. 2100250 on Highway 54 between mileposts 130 and 146, north of Carrizozo, NM for a period of time not to exceed two years.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number 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 how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005-6598 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, (575) 524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Counties: Lincoln and Socorro
Name: FNF Construction, Inc.
File No(s): T-6002

NOTICE is hereby given that on December 12, 2013, FNF Construction, Inc., 115 S. 48th Street, Tempe, AZ 85281, filed application T-6002 with the STATE ENGINEER for Permit to TEMPORARILY Appropriate Underground Water within the Tularosa Underground Water Basin in Lincoln County. The applicant proposes using existing well T-3897 located within the NE ¼ of Section 36, Township 6 South, Range 11 East, NMPM otherwise described as East 430,405 (m) and 3733699 (m), UTM Zone 13, NAD 83 located on land owned by the Old Abe Company for a temporary appropriation of groundwater in an amount not to exceed 90 acre-feet per annum to be diverted for road construction purposes for NMDOT project no. 2100250 on Highway 54 between mileposts 130 and 146, north of Carrizozo, NM for a period of time not to exceed two years.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number 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 how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005-6598 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, (575) 524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.



LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200800091
Book 4 Page 79
1 of 3
01/04/2008 03:17:05 PM
BY LOREE1

ORDINANCE NO. 2007-2

AN ORDINANCE PROHIBITING THE IMPORT FOR RELEASE INTO THE WILD OF CERTAIN *GENERA*; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to enact an ordinance which would prohibit the import for release of certain *genera* and specifically predators of the *Canis*, *Ursus* and *Felis genera*, within the boundaries of the County of Lincoln, as such an ordinance will serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Lincoln; and

WHEREAS, the livestock industry is vital to the Lincoln County economy; and

WHEREAS, the release of predators within Lincoln County will have a negative impact on the livestock industry and the economy due to the loss of livestock; and

WHEREAS, an ordinance requiring control of the import for release of certain *genera* into the wild, repealing Lincoln County Ordinance 1994-1, and amending and re-enacting the Lincoln County *Genera* Ordinance will serve to promote the health, prosperity, order, comfort, and convenience of the County of Lincoln or its inhabitants, would serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Lincoln.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Short Title.

This Ordinance may be cited as the "County of Lincoln *Genera* Ordinance."

Section 1. Definitions.

As used herein, the term "release" shall mean the act of setting free to roam at large without the custody or control of any owner, custodian or other person.

As used herein, the phrase "predatory animals of *genera Canis, Ursus and Felis*" shall specifically include the following:

Canis lupus baileyi, commonly referred to as the "Mexican Gray Wolf."

As used herein, the phrase "predatory animals of *genera Canis, Ursus and Felis*" shall exclude the following:

Domestic feral cats that have been spayed and returned to the wild.

Section 2. Unlawful to import for release into the wild within the boundaries of the County of Lincoln, predatory animals of the *genera Canis, Ursus and Felis*.

It shall be unlawful for any person, firm or entity to import for release into the wild within the boundaries of the County of Lincoln predatory animals of the *genera Canis, Ursus and Felis*.

Section 3. Penalties.

Any person, firm or entity convicted of a violation of the provisions of Section 1. of this Ordinance shall be deemed guilty of a Petty Misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars (\$300) and/or imprisonment of no more than ninety (90) days, or both for each offense.

Section 4. 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 5. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date and Repeal of Ordinance.

This Ordinance shall take effect immediately after recording in the Public Records of Lincoln County at which date and time Ordinance No. 2006-9 shall be repealed.

PASSED, APPROVED, and ADOPTED this 18th day of December, 2007.

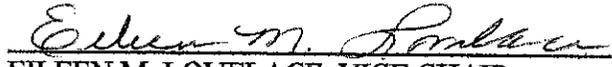
**BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO**

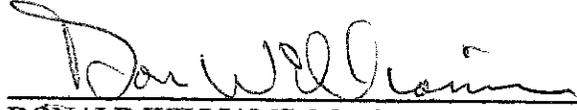
Page 2 of 3

County of Lincoln
Genera Ordinance 12/18/2007

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200800091
Book 4 Page 80
2 of 3
01/04/2008 03:17:05 PM
BY LOREE1


TOM BATTIN, CHAIR

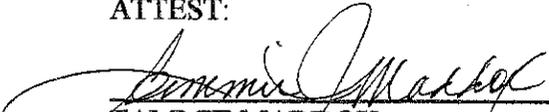

EILEEN M. LOVELACE, VICE CHAIR

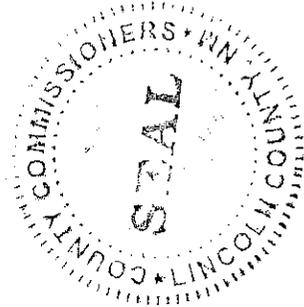

DONALD WILLIAMS, Member


DAVE PARKS, Member


JACKIE POWELL, Member

ATTEST:


TAMMIE MADDOX
Lincoln County Clerk



Page 3 of 3

County of Lincoln
General Ordinance 12/18/2007

LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
200800091
Book 4 Page 81
3 of 3
01/04/2008 03:17:05 PM
BY LOREE1

LUNA COUNTY ORDINANCE NO. 70

AN ORDINANCE SETTING FORTH WOLF-HUMAN
PROTECTIVE MEASURES

WHEREAS, the U.S. Fish and Wildlife Service ("FWS") final rule implementing the introduction of the experimental wolf population allows Mexican Gray Wolves ("wolf") to be "taken" in certain instances. See 63 F.R. 1752, 1759; and

WHEREAS, the FWS, joined by the New Mexico Game and Fish Commission, Arizona Game and Fish Department, APHIS, the U.S. Forest Service, and others, in a document called *Mexican Wolf Encounter Safety Tips*, states that "if in imminent danger, do what is necessary to protect yourself, your family, or the lives of others;" and

WHEREAS, NMSA 1978, § 4-37-1 provides the power to the county to make and publish ordinances to provide for the health and safety of its inhabitants, and

WHEREAS, NMSA 1978, § 4-37-2 provides that county ordinances are effective within the boundaries of the county, including privately owned land or land owned by the United States; and

WHEREAS, the Luna County Commission finds and determines that the existence of the wolf within the boundaries of Luna County, New Mexico, resulting from its reintroduction elsewhere in New Mexico, is injurious, detrimental and damaging to the County and its inhabitants; and, human interactions with problem wolves have increased within the last twelve months; and, this increase may result in "imminent danger to individuals, families and the lives of others" within the County.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF LUNA COUNTY, NEW MEXICO:

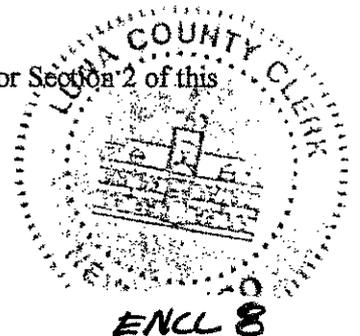
SECTION 1. Procedures are hereby established for the "take" of problem wolves which present imminent danger to humans, including children or other defenseless persons, domestic animals and/or livestock; and

SECTION 2. Procedures are also established for demanding removal of problem wolves that are habitually causing physical or psychological effects on humans.

SECTION 3. The Luna County Commission, and/or the Luna County Wolf Interaction Investigator (hereinafter referred to as "CWII") shall petition the FWS for an incidental take statement or to be an authorized person or for a special management plan, to authorize the "take" of wolves.

SECTION 4. Acting either pursuant to FWS authorization, Section 1 or Section 2 of this ordinance, the CWII shall assume the following actions:

LUNA COUNTY - NM
KAREN SMYER, CLERK
200800054
1 of 6
10:52:22 AM



4.1 Upon finding of imminent danger, if action is taken that result in harassment, injury or death of a wolf caused by human action, notify FWS within 24 hours of the incident or if action is taken against a wolf that does not cause death or injury to the animal, notify the FWS within seven days.

4.2 Upon notice of allegation of imminent danger, confirm presence of wolf.

4.3 Identify and document wolf.

4.4 Make an initial observation for obvious physical and/or psychological effects and/or imminent danger on humans, livestock, and/or domestic animals.

SECTION 5. If evidence of physical effects on a human is visible, the CWII shall:

5.1 Identify physical effects to determine if there are injuries or harm.

5.2 Provide comfort and apply first aid.

5.3 Contact EMS and County Sheriff to treat and investigate as necessary.

5.4 Inspect and document physical effects.

5.5 Photograph all scenes where physical effects occurred.

5.6 Measure canine spread in millimeters.

5.7 Take DNA samples.

5.8 Retain clothing for DNA testing and further investigation.

5.9 Document physical effects and harm, after conferring with EMS and/or medical doctor.

5.10 Prepare incident report including all non-confidential information described above and transmit to the Luna County Commission, FWS, and U.S. Wildlife Services within seven days.

SECTION 6. If evidence of psychological effects on human is present, the CWII shall:

6.1 Provide comfort and aid.

6.2 Utilize *Luna County Wolf-Human Interactions Complaint Form* to document the incident.

6.3 Submit Complaint Form document to mental health professionals for evaluation.

6.4 If the mental health professional confirms and documents that there are psychological effects, CWII shall prepare incident report including all non-confidential information and transmit to the Luna County Commission, the FWS and U.S. Wildlife Services within seven days.

SECTION 7. If evidence of physical and/or psychological effects are present on a human as documented by medical and/or mental health professionals but, there is no imminent danger to human health or safety, after notification by the CWII and a vote of approval by the Luna County Commission, the Commission shall issue a Dispatch Order and demand the immediate removal of the identified wolf from the Mexican Gray Wolf Recovery Program. The Dispatch Order shall be sent to the US Wildlife Service, FWS, New Mexico Department of Game and Fish, and the Mexican Wolf Adaptive Management Oversight Committee ("AMOC") via phone or email, to be followed up by registered US Postal Service mail with return receipt requested.

SECTION 8. If evidence of physical effects on humans is not visible, the CWII shall:

8.1 Upon completion of the investigation, notify the Luna County Commission of the wolf-human incident.

8.2 Upon CWII notification and a vote of approval by Luna County Commission, the Commission shall issue a Dispatch Order and demand the immediate removal of the wolf identified as habituated from the Mexican Gray Wolf Recovery Program. The Dispatch Order shall be sent to US Wildlife Service, FWS, New Mexico Department of Game and Fish, and AMOC via phone or email, to be followed up by registered US Postal Service mail with return receipt requested.

SECTION 9. Definitions

Avoidance Response: A form of escape behavior in which the subject evades an aversive event. An avoidance response can be due to anxiety or a frightening situation and is the commonly expected response to negative or aversive events. Related to flight zone, the area surrounding an animal which, when encroached upon, will cause alarm and escape behavior. Wild animals generally have very large flight zones.

Child: As used in the Children's Code (NMSA 1978 § 32A-1-1) "child" means a person who is less than eighteen years old.

Dispatch Order: Direction issued by the Luna County Commission requesting an incidental take permit or other authorization to "take" a wolf within the borders of Luna County. The Dispatch Order is the means to request that wolves that cause habitual imminent danger to individuals, domestic animals or livestock are removed and that the threat and/or harm is eliminated.

Domestic Animal (non-livestock) Attack: Engagement of a wolf in the pursuit of and/or and grasping, biting, attacking, wounding, or feeding upon human-controlled animals which are alive.

Domestic animals are human-controlled, that is, normally within proximity of humans or human-use areas because they are fed, watered and otherwise cared for and their movement is controlled by humans; these include but are not limited to household pets (dogs, cats, etc.), hunting dogs, barnyard poultry, horses and other equines, large birds such as emus and ostriches, 4-H project animals, etc.

Fearless Wolf: A bold-acting wolf which displays no fear of human or human use areas. A wolf that will approach within a close distance of humans. See **Habituated Wolf**.

Food Conditioned Wolf: A wolf which associates people with the presence of food. See **Food Conditioning**.

Food Conditioning: A food-related experience in which a wolf associates humans with a source of food. This initially occurs when a wolf discovers a food source with human scent, sight or sound of humans. A single experience may be all that is necessary for the wolf to become conditioned to associate humans with food. Once wolves have been successful in obtaining human associated foods, absent any negative experience, they may develop new behavior patterns and may continue to seek food at human use sites.

Food conditioning can contribute to habituation or habituation can lead to food conditioning, but either may exist in the absence of the other.

Habituated Wolf: A wolf which repeatedly approaches people and/or repeatedly visits human use areas in the presence of people without displaying an avoidance response. Habituated wolves stand, look at people in a fearless manner, and cannot be scared off by yelling, clapping hands, waving arms, throwing objects and/or discharging a firearm.

Habituation is a decreasing response to a repeated, non-consequential stimulus; the loss of a fear response to people which arises from frequent non-consequential encounters.

Human Exposure Evaluation: A component of risk assessment which describes the nature and size of a population exposed to a substance or circumstance, and the magnitude and duration of their exposure. The evaluation may include past exposures, current exposures or anticipated future exposures.

Human Health Risk: The likelihood (or probability) that a given exposure or series of exposures may already have caused or will cause damage to the health of individuals experiencing the exposures.

Human-Wolf Interaction: See **Wolf-Human Interaction**.

Investigative Approaches: A rapid approach, stop and retreat without threat display made by a wolf; occurs when wolf realizes subject of investigative approach is not prey.

Livestock Attack: Engagement of a wolf in the pursuit of and/or grasping, biting, attacking, wounding, or feeding upon livestock that are alive.

Non-habituated Wolf: A wolf which is wild. Such wolves approach people, then quickly retreat once the humans have been identified.

Problem Wolf: A wolf that:

- Has depredated lawfully present domestic livestock.
- Is a member of a group or pack (including adults, yearlings, and young-of-the-year) that were directly involved in livestock depredations.
- Was fed by or are dependent up adults involved with livestock depredations (because young animals will likely acquire the pack's livestock depredation habits).
- Has depredated domestic animals other than livestock on private or tribal lands, two times in an area within one year, or
- Is habituated to humans, human residences, or other facilities.

50 C.F.R. § 17.84 (k)(15).

Psychological harm or damage: Mental stress, wound, injury, or trauma which may or may not be accompanied by physical damage.

Predation: Orientation towards the prey followed by: stalking, chasing, catching, biting, shaking the prey, carrying or dragging off. May be no prior threat display or vocalization. May continue attack on targeted prey, even with interference. Children are particularly susceptible to wolf predation on humans.

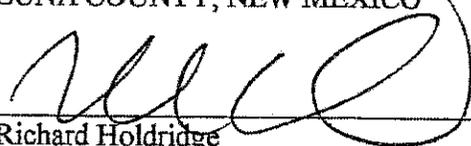
Threat: Any wolf-related circumstance or event with the potential for adverse physical or psychological impact upon a human. A wolf is considered to be a threat to a human any time the wolf demonstrates menacing or fearless behavior while in close proximity to a human. A wolf is considered to be a threat to a human without demonstrating menacing or fearless behavior when that wolf is in close proximity to a child or any human who could not reasonably be expected to be able to protect him/herself.

Wild Wolf: A wolf with wild characteristics; not tame or domesticated. A wild wolf is free ranging exclusively in the wild and has an avoidance response to humans and human use areas.

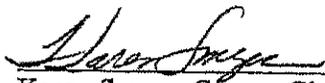
Wolf-Human Interaction: Any incident in which the behavior of a wolf has a direct physical or mental effect upon a human.

Passed, approved and adopted this 13th day December, 2007.

BOARD OF COUNTY COMMISSIONERS,
LUNA COUNTY, NEW MEXICO


Richard Holdridge
Chairman

Attest:

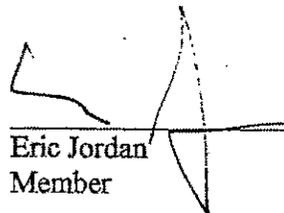

Karen Smyer, County Clerk



Approved Telephonically
Becky Allen
Member

APPROVED AS TO LEGAL
SUFFICIENCY:


Kent Cooper, County Attorney


Eric Jordan
Member

AMENDED CATRON COUNTY ORDINANCE NO. 001-2007

**AN ORDINANCE SETTING FORTH WOLF-HUMAN
INCIDENT EMERGENCY PROTECTIVE MEASURES**

WHEREAS, on February 15, 2006, the Catron County Commission passed *Resolution No. 33-2006, Declaration of Catron County State of Economic and Agricultural Emergency*, and

WHEREAS, on January 24, 2007, the Catron County Commission passed *Resolution 036-2007, Emergency Wolf-human Incident Protective Measures*, and

WHEREAS, the purpose of the following is to amend Catron County Ordinance No. 001-2007; and

WHEREAS, the U.S. Fish and Wildlife Service ("FWS") final rule implementing the introduction of the experimental wolf population allows Mexican Gray Wolves ("wolf") to be "taken" in certain instances. See 63 F.R. 1752, 1759; and

WHEREAS, the FWS, joined by the New Mexico Game and Fish Commission, Arizona Game and Fish Department, APHIS, the U.S. Forest Service, and others, in a document called *Mexican Wolf Encounter Safety Tips*, states that "if in imminent danger, do what is necessary to protect yourself, your family, or the lives of others;" and

WHEREAS, NMSA 1978, § 4-37-1 provides the power to the county to make and publish ordinances to provide for the health and safety of its inhabitants, and

WHEREAS, NMSA 1978, § 4-37-2 provides that county ordinances are effective within the boundaries of the county, including privately owned land or land owned by the United States; and

WHEREAS, the Catron County Commission finds and determines that the re-introduction and existence of the wolf within the boundaries of Catron County, New Mexico, is injurious, detrimental and damaging to the County and its inhabitants; and, human interactions with problem wolves have increased within the last twelve months; and, this increase may result in "imminent danger to individuals, families and the lives of others" within the County.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF CATRON COUNTY, NEW MEXICO:

ENCL 9

SECTION 1. Procedures are hereby established for the “take” of problem wolves which present imminent danger to humans, including children or other defenseless persons, domestic animals and/or livestock; and

SECTION 2. Procedures are also established for demanding removal of problem wolves that are habitually causing physical or psychological effects on humans.

SECTION 3. The Catron County Commission, and/or the Catron County Wolf Interaction Investigator (hereinafter referred to as “CWII”) shall petition the FWS for an incidental take statement or to be an authorized person or for a special management plan, to authorize the “take” of wolves.

SECTION 4. Acting either pursuant to FWS authorization, Section 1 or Section 2 of this ordinance, the CWII shall assume the following actions:

4.1 Upon finding of imminent danger, if action is taken that result in harassment, injury or death of a wolf caused by human action, notify FWS within 24 hours of the incident or if action is taken against a wolf that does not cause death or injury to the animal, notify the FWS within seven days.

4.2 Upon notice of allegation of imminent danger, confirm presence of wolf.

4.3 Identify and document wolf.

4.4 Make an initial observation for obvious physical and/or psychological effects and/or imminent danger on humans, livestock, and/or domestic animals.

SECTION 5. If evidence of physical effects on a human is visible, the CWII shall:

5.1 Identify physical effects to determine if there are injuries or harm.

5.2 Provide comfort and apply first aid.

5.3 Contact EMS and County Sheriff to treat and investigate as necessary.

5.4 Inspect and document physical effects.

5.5 Photograph all scenes where physical effects occurred.

5.6 Measure canine spread in millimeters.

5.7 Take DNA samples.

5.8 Retain clothing for DNA testing and further investigation.

5.9 Document physical effects and harm, after conferring with EMS and/or medical doctor.

5.10 Prepare incident report including all non-confidential information described above and transmit to the Catron County Commission, FWS, and U.S. Wildlife Services within seven days.

SECTION 6. If evidence of psychological effects on human is present, the CWII shall:

6.1 Provide comfort and aid.

6.2 Utilize *Catron County Wolf-Human Interactions Complaint Form* to document the incident.

6.3 Submit Complaint Form document to mental health professionals for evaluation.

6.4 If the mental health professional confirms and documents that there are psychological effects, CWII shall prepare incident report including all non-confidential information and transmit to the Catron County Commission, the FWS and U.S. Wildlife Services within seven days.

SECTION 7. If evidence of physical and/or psychological effects are present on a human as documented by medical and/or mental health professionals but, there is no imminent danger to human health or safety, after notification by the CWII and a vote of approval by the Catron County Commission, the Commission shall issue a Dispatch Order and demand the immediate removal of the identified wolf from the Mexican Gray Wolf Recovery Program. The Dispatch Order shall be sent to the US Wildlife Service, FWS, New Mexico Department of Game and Fish, and the Mexican Wolf Adaptive Management Oversight Committee ("AMOC") via phone or email, to be followed up by registered US Postal Service mail with return receipt requested.

SECTION 8. If evidence of physical effects on humans is not visible, the CWII shall:

8.1 Upon completion of the investigation, notify the Catron County Commission of the wolf-human incident.

8.2 Upon CWII notification and a vote of approval by Catron County Commission, the Commission shall issue a Dispatch Order and demand the immediate removal of the wolf identified as habituated from the Mexican Gray Wolf Recovery Program. The Dispatch Order shall be sent to US Wildlife Service, FWS, New Mexico Department of Game and Fish, and AMOC via phone or email, to be followed up by registered US Postal Service mail with return receipt requested.

SECTION 9. Definitions

Avoidance Response: A form of escape behavior in which the subject evades an aversive event. An avoidance response can be due to anxiety or a frightening situation and is the commonly expected response to negative or aversive events. Related to flight zone, the area surrounding an animal which, when encroached upon, will cause alarm and escape behavior. Wild animals generally have very large flight zones.

Child: As used in the Children's Code (NMSA 1978 § 32A-1-1) "child" means a person who is less than eighteen years old.

Dispatch Order: Direction issued by the Catron County Commission requesting an incidental take permit or other authorization to "take" a wolf within the borders of Catron County. The Dispatch Order is the means to request that wolves that cause habitual imminent danger to individuals, domestic animals or livestock are removed and that the threat and/or harm is eliminated.

Domestic Animal (non-livestock) Attack: Engagement of a wolf in the pursuit of and/or and grasping, biting, attacking, wounding, or feeding upon human-controlled animals which are alive.

Domestic animals are human-controlled, that is, normally within proximity of humans or human-use areas because they are fed, watered and otherwise cared for and their movement is controlled by humans; these include but are not limited to household pets (dogs, cats, etc.), hunting dogs, barnyard poultry, horses and other equines, large birds such as emus and ostriches, 4-H project animals, etc.

Fearless Wolf: A bold-acting wolf which displays no fear of human or human use areas. A wolf that will approach within a close distance of humans. See Habituated Wolf.

Food Conditioned Wolf: A wolf which associates people with the presence of food. See Food Conditioning.

Food Conditioning: A food-related experience in which a wolf associates humans with a source of food. This initially occurs when a wolf discovers a food source with human scent, sight or sound of humans. A single experience may be all that is necessary for the wolf to become conditioned to associate humans with food. Once wolves have been successful in obtaining human associated foods, absent any negative experience, they may develop new behavior patterns and may continue to seek food at human use sites.

Food conditioning can contribute to habituation or habituation can lead to food conditioning, but either may exist in the absence of the other.

Habituated Wolf: A wolf which repeatedly approaches people and/or repeatedly visits human use areas in the presence of people without displaying an avoidance response. Habituated wolves stand, look at people in a fearless manner, and cannot be scared off by yelling, clapping hands, waving arms, throwing objects and/or discharging a firearm.

Habituation is a decreasing response to a repeated, non-consequential stimulus; the loss of a fear response to people which arises from frequent non-consequential encounters.

Human Exposure Evaluation: A component of risk assessment which describes the nature and size of a population exposed to a substance or circumstance, and the magnitude and duration of their exposure. The evaluation may include past exposures, current exposures or anticipated future exposures.

Human Health Risk: The likelihood (or probability) that a given exposure or series of exposures may already have caused or will cause damage to the health of individuals experiencing the exposures.

Human-Wolf Interaction: See Wolf-Human Interaction.

Investigative Approaches: A rapid approach, stop and retreat without threat display made by a wolf; occurs when wolf realizes subject of investigative approach is not prey.

Livestock Attack: Engagement of a wolf in the pursuit of and/or grasping, biting, attacking, wounding, or feeding upon livestock that are alive.

Non-habituated Wolf: A wolf which is wild. Such wolves approach people, then quickly retreat once the humans have been identified.

Problem Wolf: A wolf that:

- Has depredated lawfully present domestic livestock.
- Is a member of a group or pack (including adults, yearlings, and young-of-the-year) that were directly involved in livestock depredations.
- Was fed by or are dependent up adults involved with livestock depredations (because young animals will likely acquire the pack's livestock depredation habits).
- Has depredated domestic animals other than livestock on private or tribal lands, two times in an area within one year, or
- Is habituated to humans, human residences, or other facilities.

50 C.F.R. § 17.84 (k)(15).

Psychological harm or damage: Mental stress, wound, injury, or trauma which may or may not be accompanied by physical damage.

Predation: Orientation towards the prey followed by: stalking, chasing, catching, biting, shaking the prey, carrying or dragging off. May be no prior threat display or vocalization. May continue attack on targeted prey, even with interference. Children are particularly susceptible to wolf predation on humans.

Threat: Any wolf-related circumstance or event with the potential for adverse physical or psychological impact upon a human. A wolf is considered to be a threat to a human any time the wolf demonstrates menacing or fearless behavior while in close proximity to a human. A wolf is considered to be a threat to a human without demonstrating menacing or fearless behavior when that wolf is in close proximity to a child or any human who could not reasonably be expected to be able to protect him/herself.

Wild Wolf: A wolf with wild characteristics; not tame or domesticated. A wild wolf is free ranging exclusively in the wild and has an avoidance response to humans and human use areas.

Wolf-Human Interaction: Any incident in which the behavior of a wolf has a direct physical or mental effect upon a human.

Passed, approved and adopted this 18th day April, 2007.

BOARD OF COUNTY COMMISSIONERS

CATRON COUNTY, NEW MEXICO

/s/ Ed Wehrheim, Chairman

/s/ Hugh B. McKeen, Member

/s/ Allen Lambert, Member

ATTEST:

/s/ Sharon Armijo, Catron County Clerk



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 16

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *nt*

SUBJECT: CDBG Brant for Carrizozo Senior Center

PURPOSE: Consider / Take Action on Adopting Resolution 2013-34; Required CDBG Policies and Certifications

Discussion: The County of Lincoln has been awarded a Community Block Development Grant in the amount of \$500,000 to assist in the construction of its Senior Center in Carrizozo. Tied to accepting this grant is the requirement to adopt certain mandated federal and state policies:

1. Citizen participation Plan (Enclosure 1)
2. Fair Housing Resolution (Enclosure 2)
3. Residential Anti-Displacement & Resolution Assistance Plan (Enclosure 3)
4. Section 3 Plan (Enclosure 4)
5. State Procurement Code

Recommendation: Adopt Resolution 2013-34 required to obtain CDBG Grant funding.

Lincoln County

RESOLUTION 2013-34

**ADOPTION OF REQUIRED
COMMUNITY DEVELOPMENT BLOCK GRANT POLICIES
& CERTIFICATIONS**

WHEREAS, municipalities or other entities that accept Community Development Block Grant Funds must adopt certain mandated federal policies; and

WHEREAS, Lincoln County, hereinafter referred to as the **County** wishes to ensure compliance with federal guidelines by adopting the following required policies or certifications:

- | | |
|---|--|
| Citizen Participation Plan - | encourages citizen participation with particular emphasis on low and moderate income persons; outlines the objectives and plan to implement those objectives |
| Fair Housing Resolution or Proclamation | certifies commitment to further the efforts of Fair Housing which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status or national origin |
| Residential Anti-Displacement & Relocation Assistance Plan - | certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as a low/moderate income housing as a direct result of activities assisted with Housing and Community Development Funds |
| Section 3 Plan - | encourages the use of small local businesses and the hiring of low income residents of the community |
| Procurement Code | certifies that the <u>County</u> will comply with the New Mexico State Procurement Code |

NOW, THEREFORE, BE IT RESOLVED, that the **County** adopts the above CDBG policies and affirmations which will have to be re-adopted annually.

PASSED, APPROVED, SIGNED AND ADOPTED at a duly called and convened regular meeting of the governing body of the **Lincoln County** this 18th day of February, 2014.

SIGNED: _____
Jackie Powell, Commission Chair

ATTEST: _____
Rhonda Burrows, County Clerk

Lincoln County

CITIZEN PARTICIPATION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, **Lincoln County** has prepared and adopted this Citizen Participation Plan.

Objective A

The **Lincoln County** will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income.

Action items:

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of **Lincoln County** upcoming meetings, actions and functions.*
2. *Develop press releases on **Lincoln County** meetings, actions and hearings and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

Lincoln County will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

Action items:

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

ENCL 1

Objective C

Lincoln County will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by Lincoln County.*

Action items:

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from **Lincoln County** upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

Lincoln County will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

Action items:

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

Lincoln County will provide timely written answers to written complaints and grievances within 15 working days where practical.

Action items:

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

Lincoln County will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

Action items:

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

That **Lincoln County** herewith certifies to follow the Citizen Participation Plan described above and adopt the plan by resolution annually.

Plan Adoption Date: February 18, 2014

Adoption Instrument: Resolution 2013-34

Certified By:

Jackie Powell
Commission Chair

Date

Lincoln County

Fair Housing Resolution

The resolution of the Commission Chair and Commission or board of supervisors of Lincoln County adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS, the Housing and Community Development Act of 1974 as amended requires that all Applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status of national origin; and

WHEREAS, fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT the Commission Chair and Commission or board of supervisors of Lincoln County hereby wish all persons living, working, doing business in or traveling through this town to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of Lincoln County to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources of the Lincoln County will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the Lincoln County shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the Lincoln County shall undertake the following actions to affirmatively further fair housing;

List all such actions, including: mailing copies of this resolution to the real estate community, banks, developers, community organizations and local media; posting copies of this resolution at identified locations; distributing flyers; etc.

PASSED AND ADOPTED BY THE Mayor and Council or board of supervisors of
Lincoln County on this 18th day of February, 2014.

ATTEST:

APPROVED AS TO FORM:

Rhonda Burrows
County Clerk

Jackie Powell
Commission Chair

COMMUNITY OF: **Lincoln County**

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

Yes No

2. If yes, give a brief description of the nature of any complaints and resolutions.

Yes No

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

Yes No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Very Serious	Serious	Moderate	Not a Problem
Color	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Familial Status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handicap	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Origin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Does your community contain any subsidized housing units?

Yes No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

Yes No

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

Yes No

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

Yes No

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

Yes No

10. Is there public transportation available in your community?

Yes No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

Yes No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

Yes No

13. Has your community participated in the CDBG program prior to 1993?

Yes No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

Yes No

Signature of Authorized County Official

Date

Lincoln County

Residential Anti-displacement and Relocation Assistance Plan

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, **Lincoln County** must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps **Lincoln County** will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) governs displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. The **Lincoln County** Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supercede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within **Lincoln County** to the extent feasible, the units shall be located within the same neighborhood as the units replaced

- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless **Lincoln County** has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between **Lincoln County** and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending three years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before **Lincoln County** enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, **Lincoln County** must make the following information public and submit in writing to LGD:
- 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to LGD, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;

- 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within **Lincoln County**. In making such a determination, LGD will consider such factors as vacancy rates, numbers of lower-income units in **Lincoln County** and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred

qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements

D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:

1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, **Lincoln County** must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.
2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the "Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within **Lincoln County**.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to **Lincoln County** for CDBG assistance that is later approved for the requested activity; or

- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if **Lincoln County** or LGD determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 - 1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.
 - 2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
 - 3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and **Lincoln County** determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or

- C. **Lincoln County** determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications. All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property. Applicants who apply for CDBG funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. Cost of Relocation Assistance. The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.

- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by **Lincoln County** covering the rehabilitation or demolition.

IX. Grievances

Lincoln County will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.
- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.
- D.

X. Certification

Lincoln County herewith certifies to follow the Residential Anti-displacement and Relocation Assistance plan described above and adopt the plan by resolution annually.

Plan Adoption Date: February 18, 2014

Adoption Instrument: Resolution 2013-34

Certified By:

Jackie Powell
Commission Chair

Date

Lincoln County

SECTION 3 PLAN

Lincoln County is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

Lincoln County has appointed Nita Taylor, County Manager as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of **Lincoln County**. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, **Lincoln County** shall:

1. Hiring
 - a. Advertise for all **Lincoln County** positions in local newspapers
 - b. List all **Lincoln County** job opportunities with the State Employment Service
 - c. Give preference in hiring to lower income persons residing in **Lincoln County**. This means that if two equally qualified persons apply and one is a resident of **Lincoln County** and one is not, the resident will be hired
 - d. Maintain records of **Lincoln County** hiring as specified on this form

ANTICIPATED <i>None</i>			HIRING 20	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income County Residents	# of Positions Filled	Positions Filled by Lower Income County Residents

- Chart for Section 3 Plan **MUST** be filled out in its entirety.

2. Contracting

- a. **Lincoln County** will compile a list of businesses, suppliers and contractors located in the county.
- b. These vendors will be contacted for bid or quotes whenever **Lincoln County** requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within **Lincoln County** and one from outside of **Lincoln County**, the contract will be awarded to the business located within the community.

3. Training

Lincoln County shall maintain a list of all training programs operated by **Lincoln County** and its agencies and will direct them to give preference to **Lincoln County** residents. **Lincoln County** will also direct all CDBG sponsored training to provide preference to **Lincoln County** residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

Lincoln County shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

Lincoln County will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in **Lincoln County** and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for **Lincoln County**. Information contained in our Section 3 Plan reflects the status of **Lincoln County** employees regarding lower income considerations based on their salary paid by **Lincoln County**.

Lincoln County herewith certifies to follow the Section 3 plan described above and adopt the plan by resolution annually.

Plan Adoption Date: February 18, 2014

Adoption Instrument: Resolution 2013-34

Certified By: _____
Jackie Powell
Commission Chair

_____ Date



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

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: Lodger's Tax Applications

PURPOSE: Consider / Take Action on Adopting Lodger's Tax Committee Recommendation

Discussion: The Lodger's Tax Committee considered two applications this month:

1. Smokey Bear Days - \$17,400.00 (Committee tabled)
2. Old Lincoln days - \$18,901.37 (Committee recommends funding in entirety)

Recommendation: Consider and Take Action on Lodger's Tax Committee recommendation.

Lincoln County
Lodgers Tax Committee
Regular Meeting

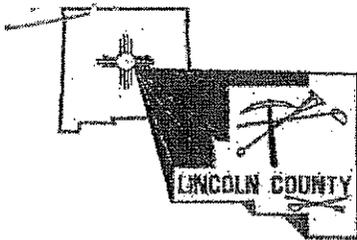
James Hobbs, Tourist Related
Sue Hutchison, General Public
David Vigil, Lodging Industry

Alice Seely, Tourist Related
Victor Garrison, Lodging Industry

AGENDA

Village of Capitan (Council Chambers) Capitan, New Mexico
Tuesday, January 28, 2014 @ 10 A.M.

1. Call to Order
2. Roll Call
3. Approval of Minutes: November 7, 2013 Special Meeting
4. Funding Request: \$17,400.00
Purpose: Smokey Bear Days
Date(s) of Event: May 2-4, 2014
Presenter: Bennie Long/Smokey Bear's Hometown Association
- 4.A Funding Request: \$18,901.37
Purpose: Old Lincoln Days
Date(s) of Even: August 1-3, 2014
Presenter: Kristi Morrow/Lincoln Pageant & Festival Corp. Lincoln Historic Site
5. Discussion
6. Acceptance -
 - A. Lodgers Tax Report - October, November, and December 2013
7. Acceptance -
 - A. Budget Report Ending December 2013
8. Other Items (for discussion only - no action will be taken)
 - A. Outstanding Purchase Orders as of December 2013
 - B. Awarded Funds Summary - October, November & December 2013
9. Next meeting:
 - A. February 25, 2014
10. Adjourn



County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Smoky Bear Days DATE(S) OF EVENT: May 2, 3, 4, 2014

NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Smoky Bear's Hometown Association

AMOUNT REQUESTED: \$ 17,400.00

DESCRIBE EVENT BACKGROUND & RATIONALE: Smoky Bear Days is an annual event. In 2014, we will be celebrating Smokey's 70th Birthday. This year we are planning a bigger celebration reaching thousands of visitors.

HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Program guides, radio ads, websites, newspapers, posters, banners, & sale, the date, post cards.

HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? admission sales through Smoky Bear Historical Park, vehicle count.

HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? _____

WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? 65 %

WILL YOU HAVE A WEBSITE FOR YOUR EVENT? YES NO

myinterestry.com, smokybeardays.com, Facebook.com, smokybearhistoriapark, facebook.com/sherapbearhometownassociation,

FUNDS WILL BE USED FOR:

NEWSPAPER ADVERTISING:	\$ _____
RADIO:	\$ <u>1,500.00</u>
MAGAZINE:	\$ <u>3,839.00</u>
INTERNET:	\$ _____
PRINTING:	\$ <u>6,000.00</u>
OTHER:	\$ <u>6,071.00</u>
TOTAL:	\$ <u>17,400.00</u>

OTHER FUNDING SOURCE & AMOUNT _____

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

NAME (PRINT) OF APPLICANT MAKING REQUEST:	<u>Bennie Long</u>
SIGNATURE OF APPLICANT:	<u>Bennie Long</u>
ADDRESS/CITY/ZIP:	<u>PO Box 591 Carrizozo, NM 88316</u>
PHONE: <u>575-354-2748</u>	EMAIL ADDRESS: <u>bennie.long@state.nm.us</u>
DATE SUBMITTED:	PRESENTED AT MEETING ON:

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

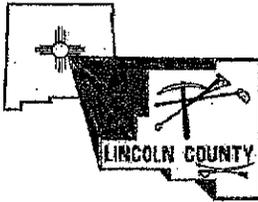
Smokey Bear Historical Park
Lodgers Tax Request 2014
Smokey Bear Day's Smokey's 70th Birthday

• Ruidoso Visitor Guide Full page ad	\$3,829.00
• 10,000 Save the Date Cards @.26 each	
Graphics , printing and shipping	\$2,600.00
• Radio ads	\$1,500.00
• 250 Posters @ \$5.00	\$1,250.00
• Brochures	
Pre-press printing	\$1,200.00
Printing	\$3,866.00
Shipping	\$495.00
Gross Receipts Tax (approximate)	\$439.00 = \$6,000
Brochures to be distributed throughout West Texas, New Mexico and parts of Oklahoma	
• Banner's	<u>\$2,221.00</u>
Total	\$17,400.00

RECEIVED

JAN 16 2014

ADMINISTRATION
LINCOLN COUNTY NM



County of Lincoln

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

www.lincolncountynm.net

NAME OF EVENT: Old Lincoln Days DATE(S) OF EVENT: August 1, 2, 3 2014
 NAME OF ORGANIZATION(S) APPLYING FOR FUNDING: Lincoln Legend + Festival Corp
 AMOUNT REQUESTED: \$ 18,901.37 Lincoln Historic Site
 DESCRIBE EVENT BACKGROUND & RATIONALE: 74th year. Performance of Billy the Kids last escape.
 HOW WILL YOU ADVERTISE AND MARKET THE EVENT? Radio, Newspapers, magazines, Posters etc.
 HOW WILL ATTENDANCE AND ORIGIN BE MEASURED? Ticket sales
 HAVE YOU DISCUSSED SPECIAL ROOM PACKAGES DURING YOUR EVENT WITH A LINCOLN COUNTY LODGER? YES NO HOW WILL OCCUPANCY RATES BE REPORTED/TRACKED? _____
 WHAT PERCENTAGE OF YOUR MEDIA BUDGET WILL BE USED OUTSIDE OF LINCOLN COUNTY? _____ %
 WILL YOU HAVE A WEBSITE FOR YOUR EVENT? YES NO
www.billythekid.org

FUNDS WILL BE USED FOR:
 NEWSPAPER ADVERTISING: \$ 1003.25
 RADIO: \$ 1567.67
 MAGAZINE: \$ 1000.00
 INTERNET: \$ 100.00
 PRINTING: \$ 7451.76
 OTHER: \$ 2800.00
 TOTAL: \$ 15142.68

OTHER FUNDING SOURCE & AMOUNT: Don't Dummies, Trash \$3758.69

Please feel free to add additional pages, samples of ads or brochure artwork, etc.

RULES AND REGULATIONS

I understand that these are public funds and they are to be administered according to State Law and County Ordinances, and I agree to submit a follow up report with a financial statement within (90) days following the event or I could forfeit the funds. Funding recommended for approval by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Commission (Governing Body). I also understand that approved funding amounts may differ from the amount requested on the application.

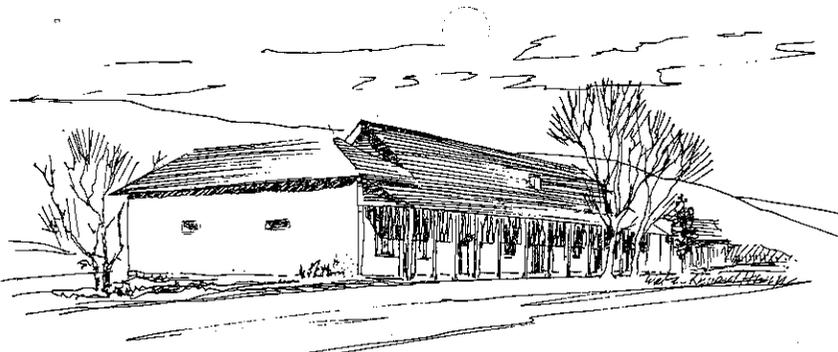
NAME (PRINT) OF APPLICANT MAKING REQUEST: <u>Lincoln Legend Festival Corp</u>	
SIGNATURE OF APPLICANT: <u>Kristi Morrow</u>	
ADDRESS/CITY/ZIP: <u>PO Box 92 LINCOLN, NM 87338</u>	
PHONE: <u>575 940-0012</u>	EMAIL ADDRESS: <u>Kristi.morrow@earthlink.net</u>
DATE SUBMITTED: _____	PRESENTED AT MEETING ON: _____

Attach any previous year's budget and proposed budget for event. Mail or deliver to Billie-Jo Guevara, Lincoln County, PO Box 711, Carrizozo, NM 88301 or Fax to (575)648-4182.

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816



LINCOLN PAGEANT AND FESTIVAL CORPORATION • BOX 92, LINCOLN, NEW MEXICO, 88338

ADVERTISING

Program Design & Printing (5000 copies. Sample included)	\$6727.09
Posters	\$ 517.58
Banner on horse drawn trolley at wine festival	\$ 300.00
Portales Tribune	\$ 700.78
Ruidoso Free Press	\$ 522.47
Artesia Radio	\$1074.38
MTD Radio	\$ 293.29
Ruidoso Radio	\$ 200.00
Advertising cards (sample included)	\$ 207.09
Website (Lincoln Pageant & Festival Corp)	\$ 600.00
NM Magazine	\$1000.00
Advertising in West Texas & Northern NM	\$3000.00

OTHER

Porta Potties	\$3382.00
Trash	\$ 376.6

TOTAL \$18,901.37

Lincoln County
Lodger's Tax Committee
Regular Meeting

James Hobbs, Tourist Related
Sue Hutchison, General Public
David Vigil, Lodging Industry

Alice Seely, Tourist Related
Victor Garrison, Lodging Industry

Minutes: January 28, 2014
10:00 a.m.

Capitan Council Chambers

1. Call to Order
2. Roll Call:

Present: James Hobbs, David Vigil, Sue Hutchison

Absent: Alice Seely, Victor Garrison

3. *Presentation of Funding Request by Smokey Bear Days. Request: \$17,400.00*

Presenting for the event was Linda Wallace, who was substituting for Bennie Long. Event is scheduled for May 2-4, 2014 and will celebrate Smokey's 70th Birthday. Event planners have added Sunday events for this year, with a new website and possibly a Facebook page to publicize.

Discussion took place regarding fees listed in the budget presented for the event. Because this year's request is more than twice what was requested last year (Wallace reported \$7,500 requested in 2013), committee members asked for clarification regarding the increased request. Wallace reviewed the budget presented and discussion followed with suggestions for re-allocating certain fees to better cover outlying areas with the intention of bringing visitors to the event who would utilize Lincoln County's facilities.

Action: Sue Hutchison made the motion to table the Smokey Bear Days funding request until the regular Lodger's Tax Committee meeting scheduled February 25, 2014 and at such time as funding requests could be further refined and presented by Bennie Long. Motion was seconded by James Hobbs. The motion passed unanimously.

4. *Presentation of Funding Request by Old Lincoln Days. Request: \$18,901.37*

Presenting for the event was Kristi Morrow, Kristi Wilson, and Ira Rabke. Event is scheduled for August 1-3, 2014 and will celebrate the 75th year of the event. Planned this year are special events to commemorate the significance of their 75th year. Budget was presented which included publicity in outlying areas: Portales, NM Magazine, Artesia radio and utilized websites and programs/booklets.

Discussion ensued regarding how the largest portion of their proposed budget was in the expense of printing program booklets. Recommended was a reworking of their budget for 2015

to try and utilize more of those dollars to bring more outlying visitors to the event. Presenters agreed to explore other options and make appropriate changes for next year. Presenters verified planned contracts with local vendors for the event.

Last year's request was \$17,780 according to Morrow.

Action: After discussion to try and improve the advertising extension, Sue Hutchison made the motion to recommend funding the total request. David Vigil offered a second and the motion passed unanimously.

5. Lodger's Tax Report from October, November and December, 2013 accepted unanimously.
6. Budget Report ending December 2013 accepted unanimously.
7. Outstanding purchase orders and Awarded Funds Summary for October, November and December, 2013 were viewed and discussed.
8. Meeting was adjourned.

Respectfully submitted,

Sue Hutchison

RECEIVED

FEB 05 2014

Date: 01/28/14

ADMINISTRATION
LINCOLN COUNTY NM

Nº 1708

LINCOLN COUNTY LODGER'S TAX APPLICATION FOR FUNDING

Section 1
Name of Organization Lincoln Pageant & Festivals / Lincoln Historic Site

Organization is: Profit Non Profit Government Related

PO Box 92 Lincoln NM 88338
Address City State Zip

Kristi Morrow 505-280-8331
Contact Person (s) Telephone # (s)

Amount Requested: \$ 18901.37 Money is to be used for: Advertising, Ronda Potatoes, Trash

BY SIGNING BELOW, I ATTEST THAT I WILL PROVIDE LINCOLN COUNTY WITH THE APPLICABLE DOCUMENTATION NECESSARY TO VALIDATE THAT THE FUNDS RECEIVED WILL BE SPENT IN ACCORDANCE WITH THE LINCOLN COUNTY LODGERS TAX ORDINANCE.

Kristi Morrow
Signature

1/28/14
Date

NOTE: Credit/Tag Line must appear or be given as follows: Paid For By LINCOLN COUNTY LODGERS TAX.

Section 2

Meeting Date: 01/28/14 LODGER'S TAX COMMITTEE

Amount Approved: \$ 18,901.37 Request Denied: _____

Comments: _____
David L. Tigie
Authorized Signature

Section 3

LINCOLN COUNTY COMMISSION

Meeting Date: _____

Approval: _____ Denial: _____

Comments: _____

County Manager Signature

FUNDS WILL NOT BE RELEASED BY LINCOLN COUNTY UNTIL THE AWARDED FUNDS REIMBURSEMENT FORM IS SIGNED AND TURNED IN TO LINCOLN COUNTY.

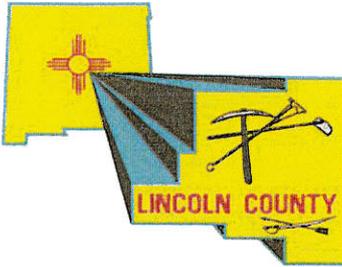
DISTRIBUTION:

- 1) COUNTY MANAGER 2) COUNTY FINANCE 3) LODGER'S TAX COMM 4) REQUESTING ORGZN.

Agenda Item No. 19

SUBJECT

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



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 20

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager *NT*

SUBJECT: New Horizons Developmental Center's Request for Back-up Equipment and Building Improvements

PURPOSE: Consider / Take Action on Funding Request from New Horizons Development Center's Acting Director

Discussion: The County currently provides New Horizon the use of the county-owned building at 804 E Avenue in Carrizozo. This Center is licensed as an intermediate care facility for adults who are developmentally disabled. See Enclosure 1. The Center is requesting funding for two back-up generators, reflooring and storage shed. See Attachment 2. Board member Patsy Sanchez will be present to respond to questions.

Recommendation: Postpone consideration of funding for back-up generators, flooring and storage shed until normal budget cycle.

New Horizons Developmental Center

[Home](#) [Services](#) [Admissions](#) [Contact Us](#)

New Horizons Developmental Center



New Horizons Developmental Center is licensed as an intermediate care facility for adults who are developmentally disabled. We provide 24-hour residential services for a maximum of 19 individuals in the small scenic town of Carrizozo, New Mexico. Our residents range in age from the mid twenties to over eighty. Several of our older residents are enjoying the benefits of retirement. Younger residents have been successful in finding employment.

New Horizons encompasses two spacious, one-story buildings with lovely green spaces in a section of town predominantly residential that is within walking distance of healthcare, government offices, grocery store, shops and restaurants.

Scenery for every taste can be enjoyed from the streams of the quiet valleys to the high pastures of Fort Stanton and the 12,000-foot Sierra Blanca Mountain. Recreational facilities in Carrizozo include a public golf course, a community swimming pool, fishing and several parks. Nearby is Valley of Fires National Park.

Create a [free website](#) with

ENCL 1

LINCOLN COUNTY BOARD OF COMMISSIONERS

Agenda Request Form

Action Requested of

Commission: 1) TWO BACKUP GENERATORS
2) FLOORING
3) STORAGE BUILDING

Information Background and

Rationale: 1) PRESENTLY, THERE IS NO BACKUP SYSTEM. OUR RESIDENTS HAVE VERY SPECIAL NEEDS AND CANNOT BE SIMPLY MOVED TO A HOTEL OR OTHER BUILDING. ONE GENERATOR FOR SLEEPING AREA AND ONE FOR KITCHEN WITH TWO REFRIGERATORS AND THREE FREEZERS FULL OF PERISHABLE FOOD.

2) CARPETING IS WORN FROM WHEELCHAIRS AND DAILY TRAFFIC OF 30 PEOPLE. ONE RESIDENT CRAWLS AND PICKS UP ANYTHING FROM THE UNSANITARY CARPET AND PUTS IN HER MOUTH.

3) STORAGE BUILDING WILL ALLEVIATE STUFFED STORAGE ELSEWHERE, NEED ROOM FOR EATING AREA THAT ONLY HOLDS THREE TABLES MAKING FEEDING IN SHIFTS THREE TIME A DAY!

What is the Fiscal Impact of this

Request?: 1) GENERATORS
2) FLOORING 11 250
3) STORAGE SHED 6635
#

Name of Individual Making Request: ANNE MITCHELL - ACTING DIRECTOR

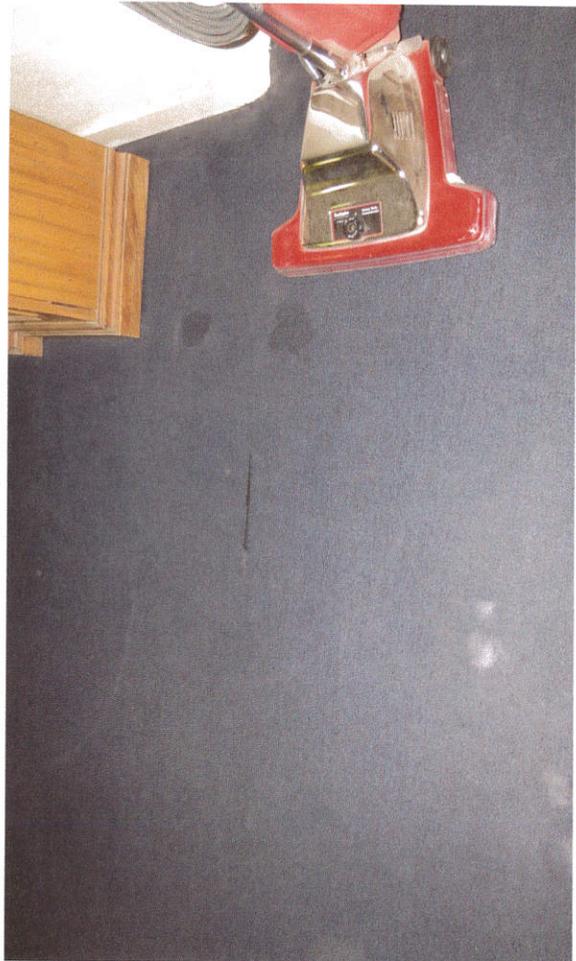
Address and Telephone

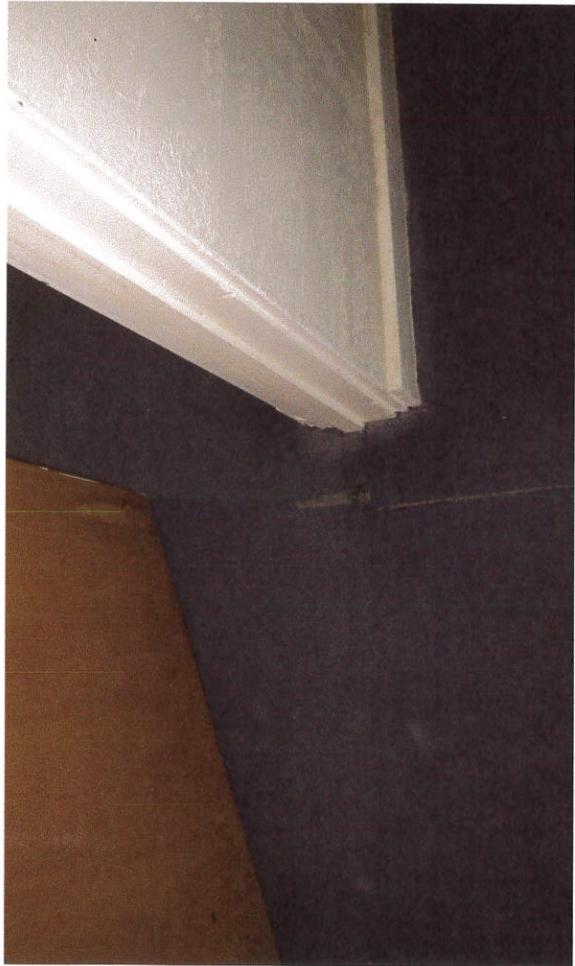
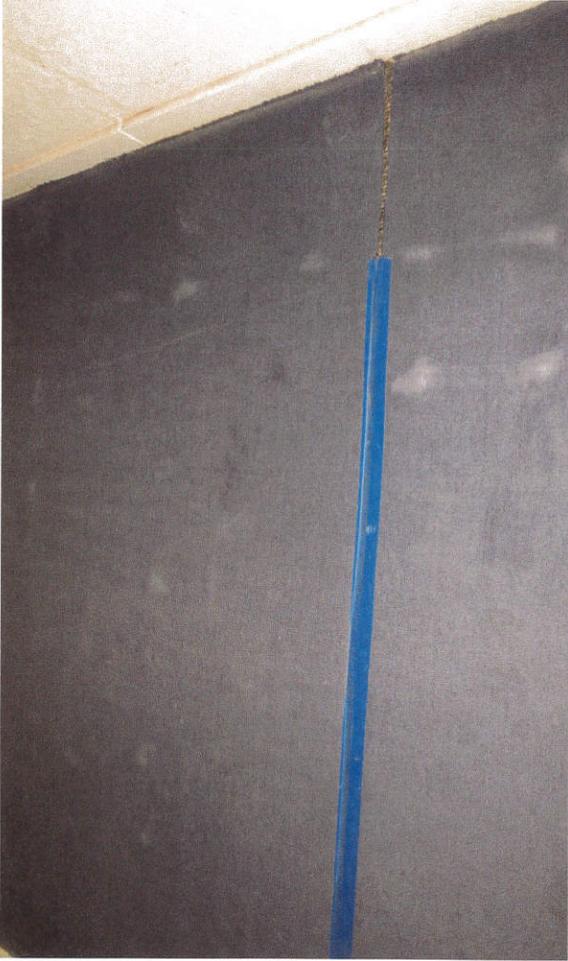
Number: PO BOX 187
CARRIZOZO NM 88301
648-2379

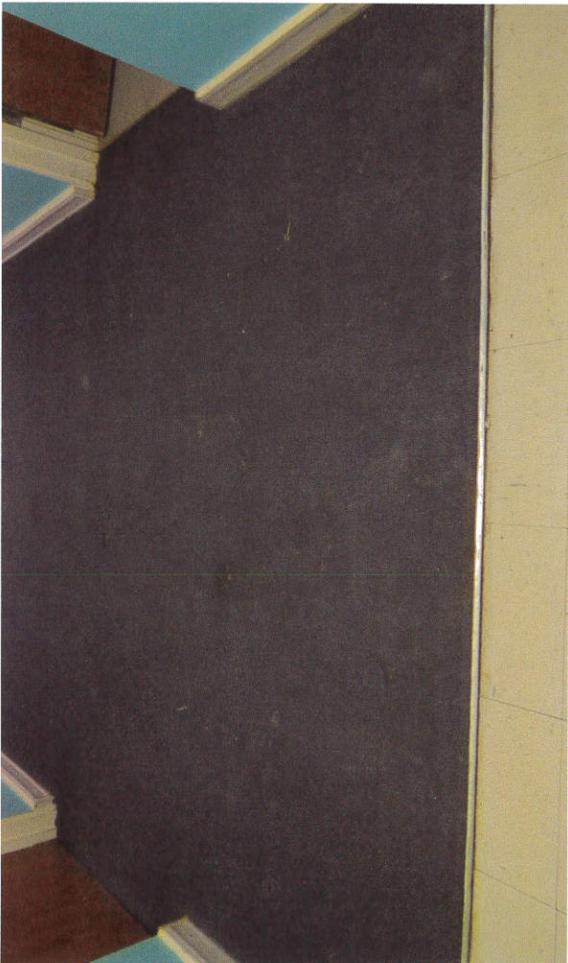
E-mail Address: mitchell.NHDC@gmail.com

Presentation at Meeting on: 2-18-14

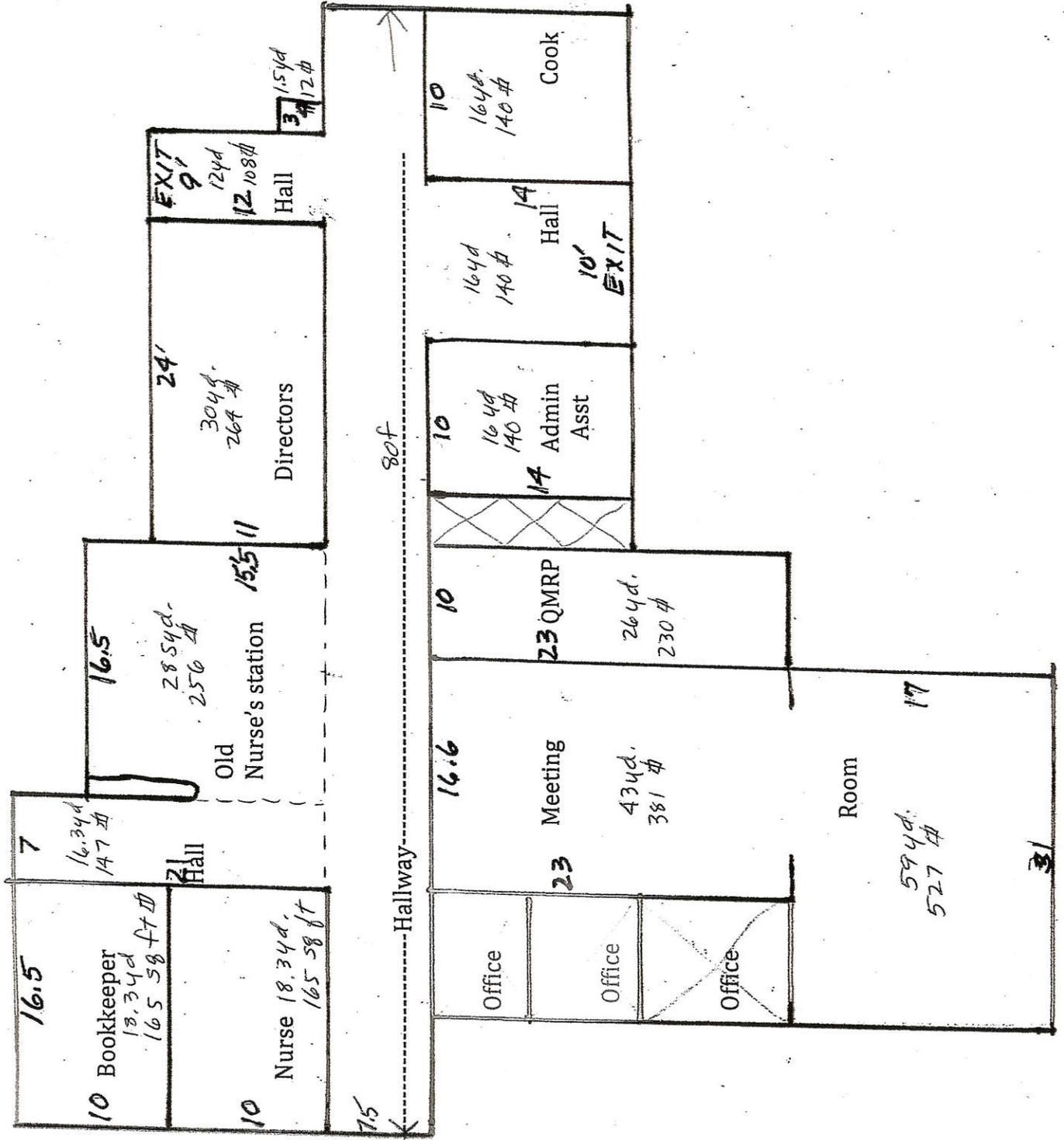
Date Submitted: 2-10-14











Laminate @\$5/ft

Similar to what you put in at the hospital

2250 sq. ft @ \$5/ft
\$11,250

Carpet \$15 sq. yd.

250 sq. yd @ \$25/yd
\$ 3,750

(phone estimates Barnett Carpets)

Laminate can be laid over Old carpeting / add Insulation

Carpet laid over old to Avoid asbestos problem

MAYOR
 Mike Petty
TRUSTEES
 Lee Gross
 Wes Lindsey
 Dennis Vega
 Dusty Voss
TOWN CLERK-TREASURER
 Leann Weibrecht, CMC



PLANNING & ZONING APPLICATION Rev 4

INSTRUCTIONS: The Carrizozo Planning & Zoning Commission meets at 6 p.m. the third Tuesday of each month in the Town Hall Conference Room. To be on the agenda and appear before the Commission, the following documents must be submitted to the Town Hall clerk's office *by noon seven days prior to the Council's scheduled meeting*:

- a completed application, including the \$25 filing fee,
- a copy of your Warranty Deed of Record, and
- a detailed, scaled site plan that shows current lot dimensions, structures, driveway positions and setbacks.

If you have any questions, please contact Village Hall at (575)648-2371.

APPLICANT INFORMATION:

Owner of Record: COUNTY OF LINCOLN Telephone Number 648-2385
 Mailing Address: P.O. BOX 711 Cell Phone _____
CARRIZOZO NM 88301 Email _____
 Physical address of property: 810 E AVENUE
TO BE APPROVED AT 2/18/19 a.m
 Designated Agent COMMISSION MEETING Telephone Number 648-2385

is hereby authorized to represent me in this matter, and I agree to be bound by any and all decisions or agreements made by my agent (if no agent is authorized, indicate so with NA).

I hereby certify that all information submitted with this application is true and correct to the best of my knowledge and beliefs.

_____, Signature of Owner of Record

Subscribed and sworn to before me this _____ day of _____,

By _____ My commission expires _____
 Notary Public

①

6

Legal description of property: Subdivision/Addition: MCDONALD ADDITION

Lot(s): _____ Tract(s): _____

Block: ALL OF BLOCK 6 Is this a corner lot? yes no

Current zoning (Circle One): A1 A2 R1 R2 C1 C2 M1 PD1 S1 S2 S3 S4

Number of dwelling units: Existing 2 Proposed 0

Present use of this property: CARE FACILITY FOR MENTALLY RETARDED

Lot(s) Size: 1.47 ACRES Building or Manufactured Home Size: _____

APPLICATION FOR:

___ Conditional Use for _____

___ Variance for _____

___ Verification of compliance to Carrizozo zoning regulations for State Building Permit _____

___ Verification of compliance to Carrizozo zoning regulations for _____

X Other (be specific) ADD PORTABLE STORAGE UNIT.

TOWN COUNCIL ACTION: ___ Approved ___ Denied _____ Date

* If applicable, this approval is good for _____ months as of the date the Town Council approves this application, after which time you must request an extension for additional time to continue this exception.

(2)



PURCHASE OR RENT TO OWN NO CREDIT CHECK!

Weather King®

FIND OUT MORE AT WWW.WEATHERKING.BIZ



BARN

Size	Price	36 Mo.
8x12	\$1,985	\$100.25
10x10	\$2,105	\$106.31
10x12	\$2,425	\$122.47
10x16	\$2,800	\$141.41
12x16	\$3,475	\$175.51



LOFTED BARN

EXTRA HEIGHT 8' WALLS

Size	Price	36 Mo.
8x12	\$2,435	\$122.98
10x10	\$2,765	\$139.65
10x12	\$3,075	\$155.30
10x16	\$3,495	\$176.52
10x20	\$4,335	\$218.94
12x16	\$4,365	\$220.45
12x20	\$5,520	\$278.79
12x24	\$6,505	\$328.54
12x30	\$6,995	\$353.28
12x32	\$7,460	\$376.77



SIDE LOFTED BARN

EXTRA HEIGHT 8' WALLS

Size	Price	36 Mo.
8x12	\$2,585	\$130.56
10x10	\$2,915	\$147.22
10x12	\$3,225	\$162.88
10x16	\$3,645	\$184.09
10x20	\$4,485	\$226.52
12x16	\$4,515	\$228.03
12x20	\$5,670	\$286.36
12x24	\$6,655	\$336.11
12x30	\$7,145	\$360.86
12x32	\$7,610	\$384.34



LOFTED BARN CABIN

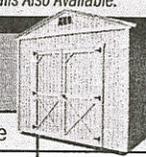
Size	Price	36 Mo.
10x18	\$4,590	\$231.82
10x20	\$5,190	\$262.13
12x20	\$6,190	\$312.63
12x24	\$7,115	\$359.35
12x30	\$8,075	\$407.83
12x32	\$8,620	\$435.36



CABIN

Size	Price	36 Mo.
8x12	\$2,650	\$133.84
8x16	\$3,120	\$157.58
10x18	\$4,265	\$215.40
10x20	\$4,850	\$244.95
12x24	\$5,930	\$299.49
12x30	\$6,755	\$341.16
12x32	\$7,220	\$364.65

*Standard Height Walls Also Available.

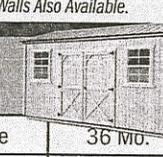


UTILITY

EXTRA HEIGHT 8' WALLS

Size	Price	36 Mo.
8x12	\$2,125	\$107.32
10x12	\$2,705	\$136.62
10x16	\$3,095	\$156.31
10x20	\$3,840	\$193.94
12x16	\$3,840	\$193.94
12x20	\$4,495	\$227.02
12x24	\$5,140	\$259.60
12x30	\$6,090	\$307.58
12x32	\$6,485	\$327.53

*Standard Height Walls Also Available.



SIDE UTILITY

EXTRA HEIGHT 8' WALLS

Size	Price	36 Mo.
8x12	\$2,275	\$114.90
10x12	\$2,855	\$144.19
10x16	\$3,245	\$163.89
10x20	\$3,990	\$201.52
12x16	\$3,990	\$201.52
12x24	\$4,645	\$234.60
12x24	\$5,290	\$267.17
12x30	\$6,240	\$315.15
12x32	\$6,635	\$335.10



SIDE LOFTED BARN CABIN

Size	Price	36 Mo.
10x18	\$5,275	\$266.42
10x20	\$5,775	\$291.67
12x20	\$6,595	\$333.08
12x24	\$7,570	\$382.33
12x30	\$8,760	\$442.43
12x32	\$9,305	\$469.95



SIDE CABIN

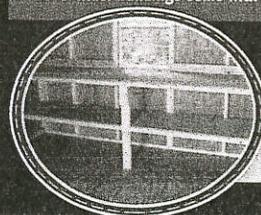
Size	Price	36 Mo.
12x24	\$6,405	\$323.48
12x30	\$7,230	\$365.15
12x32	\$7,695	\$388.64

Deposits: 8' Wide: \$100 · 10' Wide: \$150 · 12' Wide: \$250

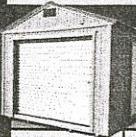
AVAILABLE OPTIONS

36" Solid Door	\$250	2'x3' Window	\$75
9 Lite 36" Door	\$300	3'x3' Window	\$100
6' Roll-up Garage Door	\$525	2'x3' Double Pane Window ...	\$150
9' Roll-up Garage Door	\$550	3'x3' Double Pane Window ...	\$200

10' & wider buildings come with 72" double doors · 8' wide buildings come with 46" single door.



< Ask Your Dealer!
Work Benches and Built-In Shelves Also Available!



PORTABLE GARAGE

Size	Price	36 Mo.
12x24	\$5,915	\$298.74
12x30	\$6,520	\$329.29
12x32	\$7,005	\$353.79



LOFTED BARN GARAGE

Size	Price	36 Mo.
12x24	\$6,465	\$326.52
12x30	\$7,070	\$357.07
12x32	\$7,555	\$381.57



DELUXE CABIN

Size	Price	36 Mo.
12x24	\$6,705	\$338.64
12x30	\$7,530	\$380.30
12x32	\$7,995	\$403.79



DELUXE LOFTED BARN CABIN

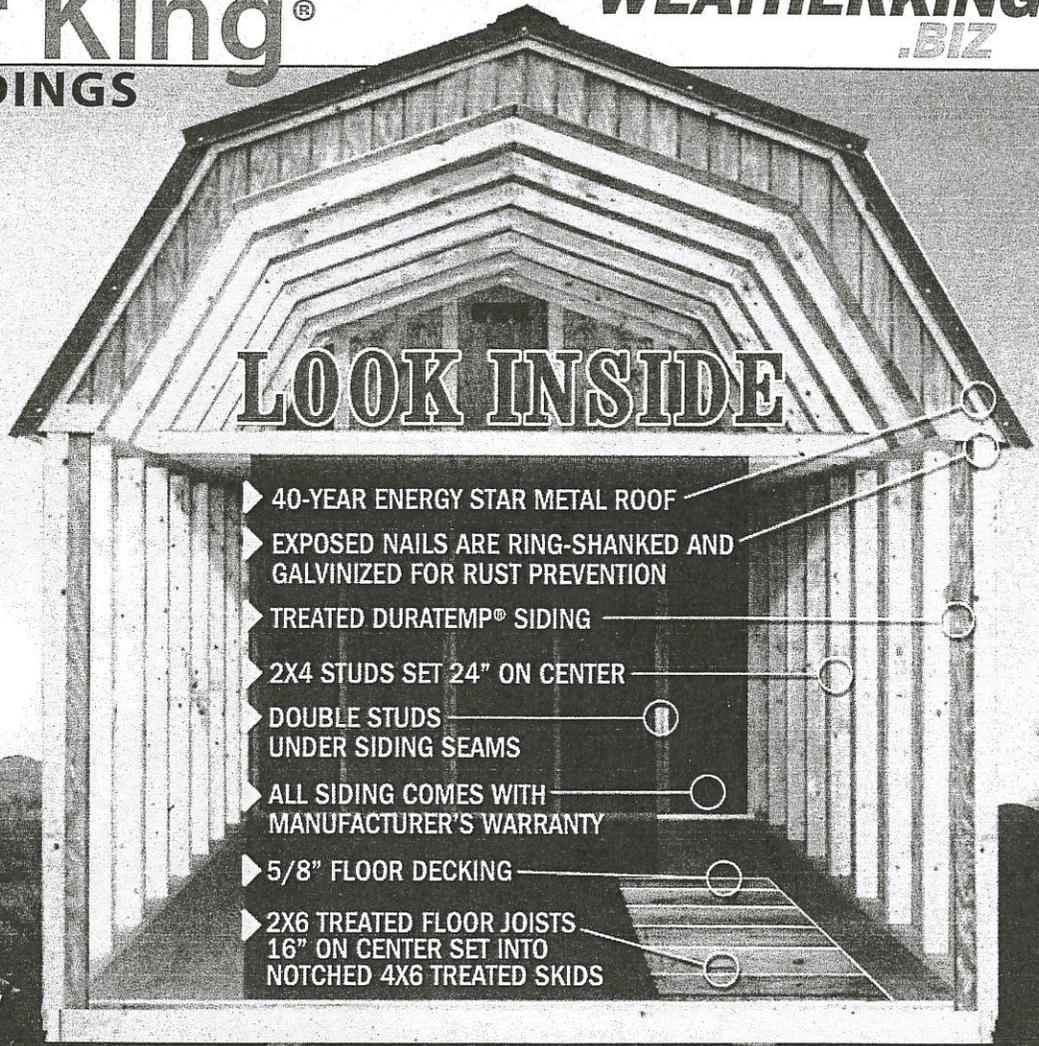
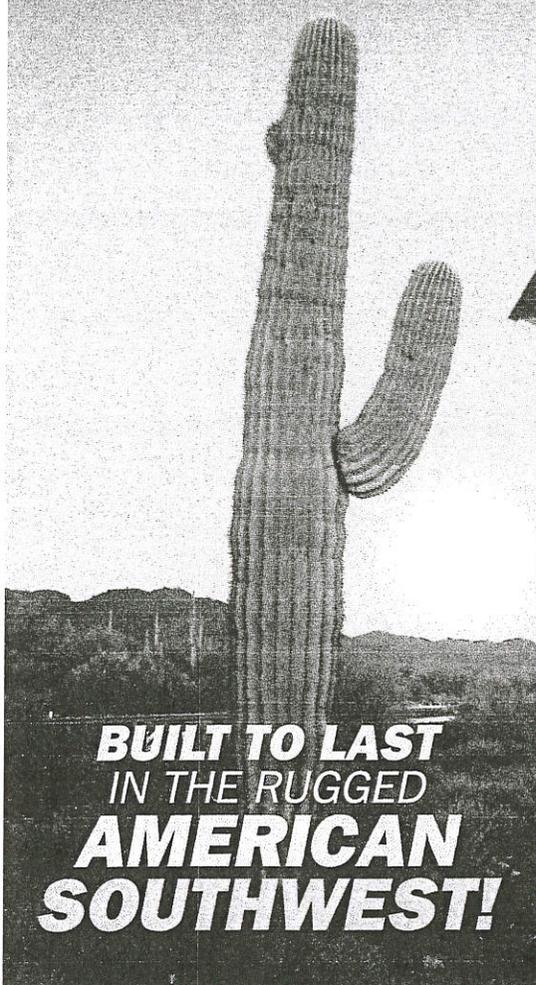
Size	Price	36 Mo.
12x24	\$7,870	\$397.48
12x30	\$8,860	\$447.48
12x32	\$9,495	\$479.55

All Prices Subject to Change.
 Taxes Not Included. Pay off any time with no penalty.
 All Buildings Priced With 8' Exterior Walls, Excluding the Barn.
 *8' Tall Buildings are Measured from Exterior.

Weather King[®]

PORTABLE BUILDINGS

WWW.
WEATHERKING
.BIZ

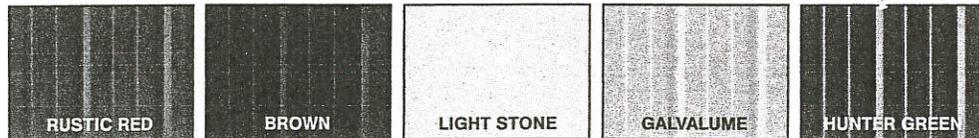


LOOK INSIDE

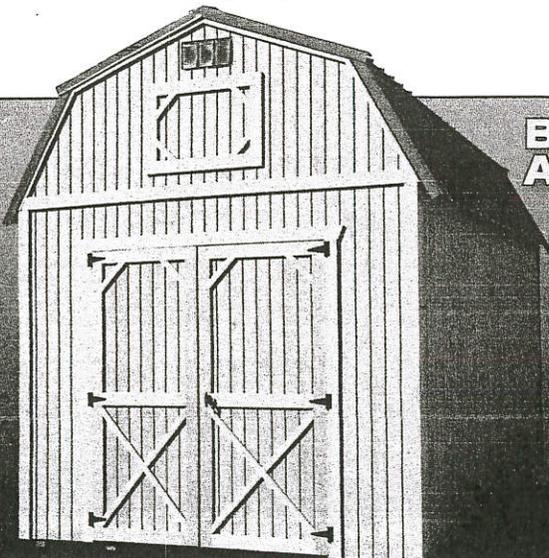
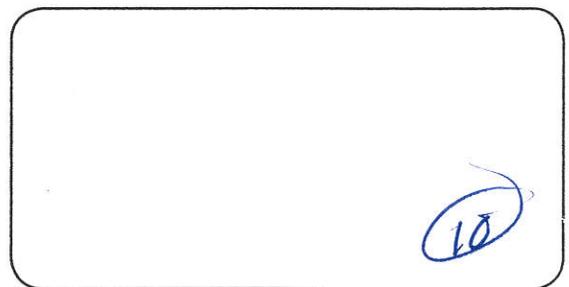
- ▶ 40-YEAR ENERGY STAR METAL ROOF
- ▶ EXPOSED NAILS ARE RING-SHANKED AND GALVINIZED FOR RUST PREVENTION
- ▶ TREATED DURATEMP[®] SIDING
- ▶ 2X4 STUDS SET 24" ON CENTER
- ▶ DOUBLE STUDS UNDER SIDING SEAMS
- ▶ ALL SIDING COMES WITH MANUFACTURER'S WARRANTY
- ▶ 5/8" FLOOR DECKING
- ▶ 2X6 TREATED FLOOR JOISTS 16" ON CENTER SET INTO NOTCHED 4X6 TREATED SKIDS

**BUILT TO LAST
IN THE RUGGED
AMERICAN
SOUTHWEST!**

STANDARD METAL ROOFING COLORS*



*Actual Colors May Vary. For Conceptual Planning Only. See Dealer for Details.

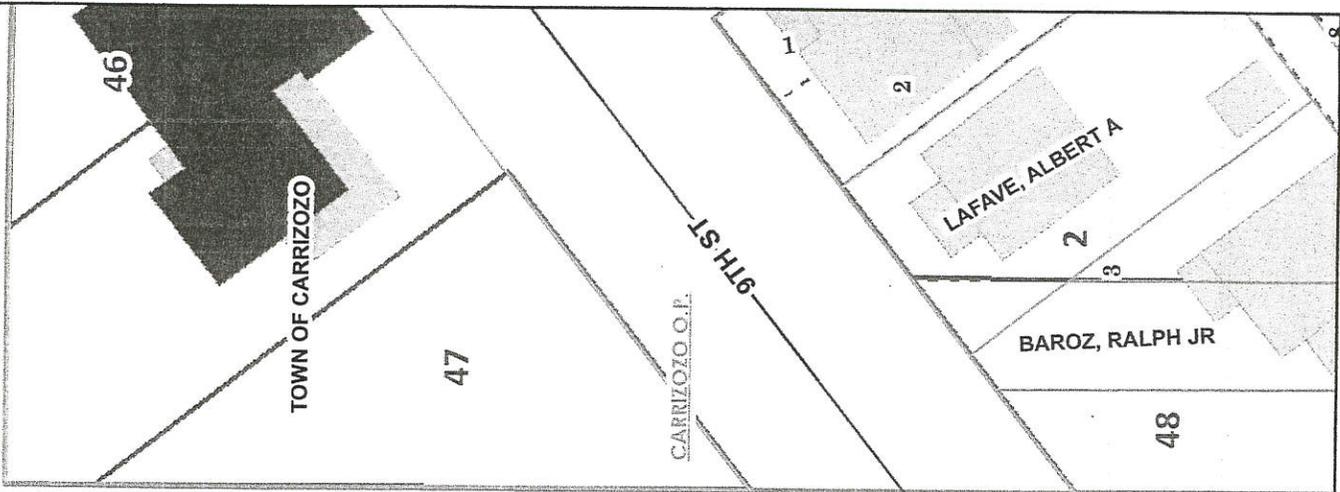


**BUILT WITH OUTSTANDING WORKMANSHIP
AND QUALITY BY MENNONITE CRAFTSMEN**

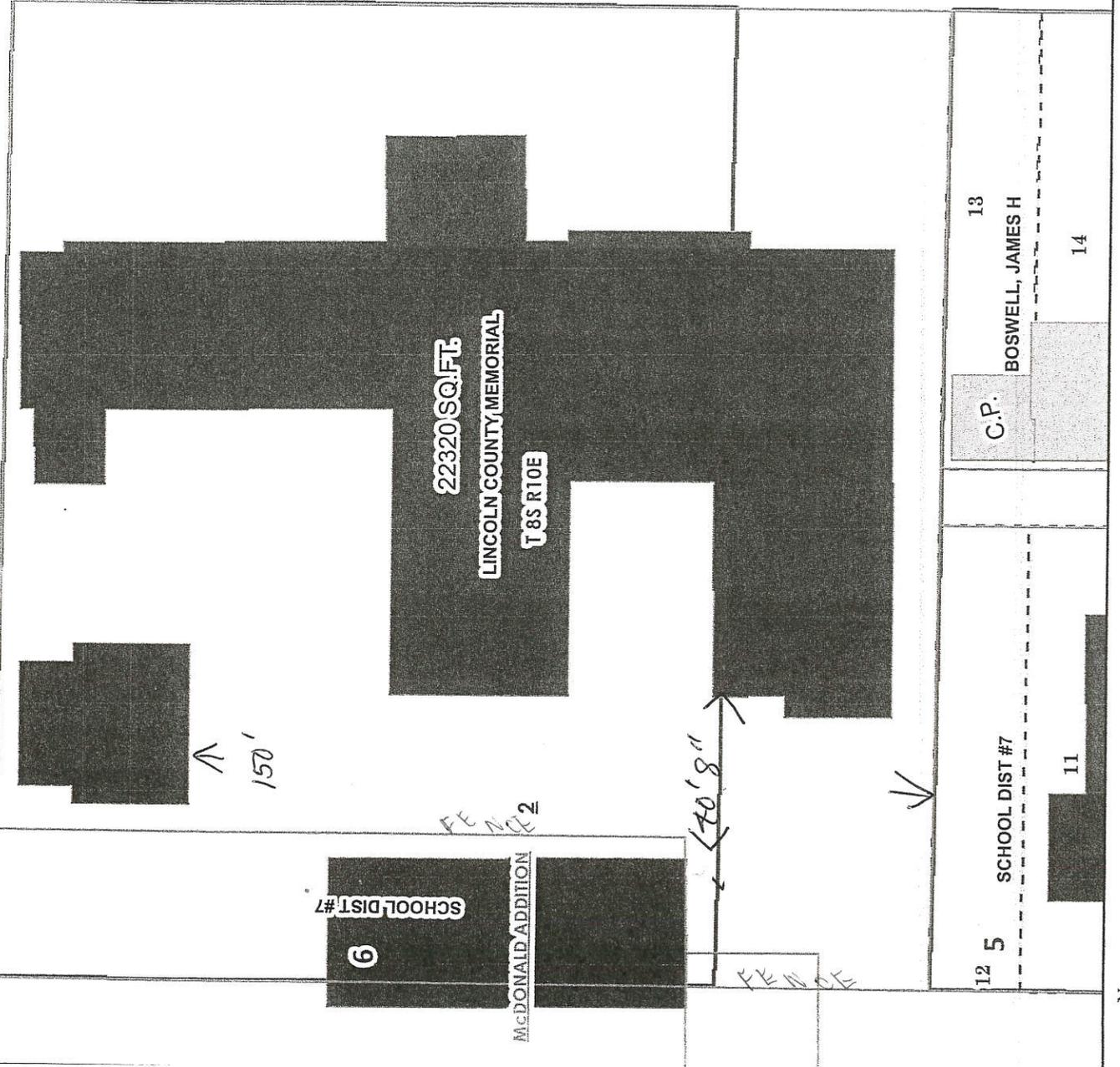


**PURCHASE OR
RENT TO OWN!
No Credit Check!**

All prices subject to change.



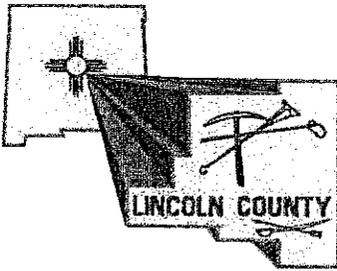
E AVE



Date: 1/30/2014

NOTES: The Lincoln County Assessor makes no warranty or statement regarding the accuracy or content of these maps. This map is for assessment purposes only and should not be used for legal conveyance.

11



www.lincolncountynm.net

County of Lincoln

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

AGENDA ITEM NO. 21

February 14, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Sole Community Provider & Indigent Health Care Claims

Purpose: To obtain the approval from the IHC Board of Sole Community Provider Payments, and the Indigent Health Care (IHC) Payments.

Discussion:

Sole Community Provider Payments: This month our coordinator processed sixty-eight (68) claims, sixty-six (66) of which are recommended for approval, and two (2) for disapproval for the reasons indicated at Enclosure 1. If approved, the total recommended payment this month is **\$118,158.73**. See Enclosure. 1.

Indigent Health Care Claims: This month our coordinator processed sixty (60) claims. Fifty-four (54) are recommended for approval, and six (6) for disapproval for the reason indicated at Enclosure 2. If approved, total recommended for payment this month is **\$9602.82**. At Enclosure 2 is a summary of total applications approved and denied. At Enclosure 3 is the summary of the Indigent Fund Meeting for February and the Year-To-Date summary that each lists the applications by provider.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$21,651** and **\$24,262** respectively. The FY 12-13 year-end total was **\$291,140.11**. Our budget for FY13 - 14 is **\$393,278**. To date, the total expenditure is **\$170,783.81** or an average of **\$21,347.98** monthly.

Similarly, for the last two fiscal years, the total Commission-approved Sole Community Provider Claims were **\$1,201,132** and **\$1,371,890** respectively. The FY 12-13 monthly average was **\$114,324.16**. To date, the total expenditure is **\$817,089.95**, with a monthly average of **\$102,136.24**.

Recommendation: Approve and disapprove the claims as indicated for the Sole Community Provider report at Enclosure 1 and the Indigent Health Care Program report as indicated at Enclosure 2.

Approved: _____
Jackie Powell

County Manager's Fax
(575) 648-4182

Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

SOLE COMMUNITY PROVIDER CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$698,931.22

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

FEBRUARY # CLAIMS FOR APPROVAL 68
CLAIMS FOR DENIAL 2
FEBRUARY # TOTAL CLAIMS 70

FEBRUARY TOTAL \$ AMOUNT APPROVED \$118,158.73

TOTAL # CLAIMS THIS FY APPROVED 474
TOTAL # CLAIMS THIS FY DENIED 21
TOTAL # CLAIMS FY 2013 - 2014 495

TOTAL APPROVED THIS FISCAL YEAR \$817,089.95

ENCL 1

FACILITY: LINCOLN COUNTY MEDICAL CENTER 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20244	12/17/2013	106.00	81.62	077%
20245	12/25/2013	3317.84	2554.74	077%
20269	12/23/2013	1184.00	911.68	077%
20232	04/30/2013	325.00	250.25	077%
20233	04/30/2013	403.00	310.31	077%
20247	12/19/2013	2330.00	1794.10	077%
20341	01/24/2014	589.00	453.53	077%
20248	12/26/2013	3109.00	2393.93	077%
20250	01/02/2013	6136.40		000%
PATIENT FAILED TO PROVIDE INFORMATION				
20251	02/06/2013	6649.80		000%
PATIENT FAILED TO PROVIDE INFORMATION				
20253	09/27/2013	1414.00	1088.78	077%
20234	05/24/2013	12882.40	9919.45	077%
20255	10/24/2013	200.00	154.00	077%
20342	07/31/2013	634.00	488.18	077%
20256	12/12/2013	13268.30	10216.59	077%
20257	12/19/2013	5133.00	3952.41	077%
20259	12/31/2013	467.00	359.59	077%
20260	12/23/2013	979.00	753.83	077%
20261	12/17/2013	2283.00	1757.91	077%
20265	12/20/2013	303.00	233.31	077%
20350	12/05/2013	968.00	745.36	077%
20263	12/10/2013	492.00	378.84	077%
20280	06/08/2013	62.60	48.20	077%
20264	12/12/2013	1184.00	911.68	077%
20274	12/09/2013	303.00	233.31	077%
20235	04/30/2013	325.00	250.25	077%

FACILITY: LINCOLN COUNTY MEDICAL CENTER

02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20288	11/02/2013	3723.80	2867.33	077%
20286	01/09/2014	393.00	302.61	077%
20333	01/28/2014	2283.00	1757.91	077%
20334	12/30/2013	1350.20	1039.65	077%
20266	12/13/2013	2998.00	2308.46	077%
20236	04/02/2013	93.00	71.61	077%
20289	12/20/2013	3863.00	2974.51	077%
20291	12/05/2013	865.00	666.05	077%
20349	12/30/2013	16553.20	7921.15	048%
20292	12/27/2013	1083.00	833.91	077%
20237	04/01/2013	1314.00	1011.78	077%
20238	04/16/2013	78.00	60.06	077%
20239	04/23/2013	313.00	241.01	077%
20293	12/10/2013	504.00	388.08	077%
20294	12/18/2013	15561.70	11982.51	077%
20296	12/20/2013	506.00	389.62	077%
20267	12/09/2013	1571.00	1209.67	077%
20268	12/13/2013	2537.00	1953.49	077%
20297	12/24/2013	4638.00	3571.26	077%
20355	07/25/2013	1053.00	810.81	077%
20353	12/05/2013	7273.00	5600.21	077%
20337	12/20/2013	1089.00	838.53	077%
20301	08/14/2013	3869.40	2979.44	077%
20303	09/09/2013	3720.00	2864.40	077%
20304	12/18/2013	757.00	582.89	077%
20307	12/27/2013	1048.00	806.96	077%
20310	08/28/2013	442.75	340.92	077%
20240	04/30/2013	259.00	199.43	077%
20338	12/20/2013	875.00	673.75	077%
20316	12/05/2013	2537.00	1953.49	077%
20330	01/08/2014	1540.00	1185.80	077%
20241	04/02/2013	53.00	40.81	077%
20317	12/03/2013	60.60	46.66	077%
20346	10/17/2012	2191.40	1687.38	077%
20339	12/20/2013	282.00	217.14	077%
20242	11/19/2013	1091.00	840.07	077%
20243	04/30/2013	201.00	154.77	077%
20322	09/30/2013	222.48	171.31	077%
20335	12/30/2013	1512.00	1164.24	077%
20323	12/21/2013	10796.00	4301.15	040%
20324	10/29/2013	100.00	77.00	077%
20347	12/30/2013	1355.00	1043.35	077%
20325	10/04/2013	223.40	172.02	077%
20327	12/12/2013	9887.90	7613.68	077%

118158.73

APPROVED- 68 REJECTED- 2

INDIGENT HEALTH CARE CLAIMS FISCAL YEAR 2013 - 2014

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR		\$161,180.99
ADJUSTMENTS		
Refund from claim # 19820 paid in October 2013	<\$2198.60>	
TOTAL ADJUSTMENTS:	2198.6	
FEBRUARY # CLAIMS FOR APPROVAL	54	
# CLAIMS FOR DENIAL	6	
FEBRUARY # TOTAL CLAIMS	60	
FEBRUARY TOTAL \$ AMOUNT APPROVED		\$9,602.82
TOTAL # CLAIMS THIS FY APPROVED	488	
TOTAL # CLAIMS THIS FY DENIED	57	
TOTAL # CLAIMS FY 2013 - 2014	545	
CURRENT TOTAL APPROVED THIS FISCAL YEAR		\$170,783.81
*Assuming the above is approved		

ENC 2

FACILITY: ANESTHESIA ASSOCIATES OF NM 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20271	11/12/2013	1190.00	196.50 017%
20295	12/17/2013	2142.00	353.70 017%
20319	09/26/2013	1428.00	196.50 014%
			746.70

APPROVED- 3 REJECTED-

FACILITY: GERALD CHAMPION REGIONAL MED CTR 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20305	09/24/2013	2469.00	1901.13 077%
			1901.13

APPROVED- 1 REJECTED-

FACILITY: LC AMBULANCE-PRES HEALTH SVCS 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20246	12/17/2013	108.58	108.58 100%
20249	01/02/2013	504.40	000%
PATIENT FAILED TO PROVIDE INFORMATION			
20298	12/24/2013	417.00	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
20299	12/24/2013	1201.20	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
20302	09/09/2013	417.00	417.00 100%
20321	09/30/2013	85.69	85.69 100%
20351	12/26/2013	200.00	100.00 050%
			711.27

APPROVED- 4 REJECTED- 3

FACILITY: LINCO MEDICAL & SUPPLY, INC 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20340	01/31/2014	208.21	208.21 100%
20358	07/06/2013	82.82	82.82 100%
20359	09/06/2013	82.82	82.82 100%
20360	11/06/2013	82.82	82.82 100%
20361	01/06/2014	159.24	159.24 100%
			615.91

APPROVED- 5 REJECTED-

FACILITY: LINCOLN COUNTY FAMILY MEDICAL

02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20252	09/27/2013	309.86	136.80	044%
20254	09/30/2013	199.78	81.91	041%
20332	11/04/2013	339.95	105.47	031%
20357	12/18/2013	199.78	81.91	041%
20270	10/10/2013	199.78	81.91	041%
20272	10/07/2013	309.86	136.80	044%
20273	10/15/2013	199.78	81.91	041%
20275	10/07/2013	199.78	81.91	041%
20276	11/07/2013	199.78	81.91	041%
20277	12/10/2013	199.78	81.91	041%
20344	01/09/2014	434.78	99.43	023%
20287	11/15/2013	199.78	81.91	041%
20281	10/22/2013	199.78	81.91	041%
20282	10/18/2013	249.78	95.73	038%
20283	11/11/2013	199.78	81.91	041%
20284	11/18/2013	199.78	81.91	041%
20285	12/16/2013	199.78	81.91	041%
20290	11/15/2013	270.78	105.47	039%
20306	12/26/2013	199.78	81.91	041%
20308	12/30/2013	199.78	81.91	041%
20313	10/02/2013	134.55	52.08	039%
20314	10/02/2013	134.55	52.08	039%
20315	10/22/2013	199.78	81.91	041%
20328	10/11/2013	199.78	81.91	041%
20329	11/11/2013	199.78	81.91	041%
20320	10/07/2013	199.78	81.91	041%
20326	10/11/2013	199.78	81.91	041%

2340.15

APPROVED- 27 REJECTED-

FACILITY: LINCOLN COUNTY RADIOLOGY

02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
20258	11/05/2013	75.00	16.22	022%
20343	12/23/2013	459.00	114.58	025%
20345	11/07/2012	871.00		000%
PAST FILING DEADLINE				
20300	10/02/2013	347.00	100.34	029%
20354	12/05/2013	398.00	74.76	019%
20318	09/03/2013	156.00	62.40	040%

368.30

APPROVED- 5 REJECTED- 1

FACILITY: MICHAEL P CLEMENTS, M.D. 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20356	01/14/2014	135.00	119.87 089%
			119.87

APPROVED- 1 REJECTED-

FACILITY: NEW MEXICO ONCOLOGY HEMATOLOY 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20336	01/15/2014	166.23	52.08 031%
			52.08

APPROVED- 1 REJECTED-

FACILITY: PATHOLOGY CONSULTANTS OF NM 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20309	12/30/2013	122.54	25.70 021%
			25.70

APPROVED- 1 REJECTED-

FACILITY: PHI AIR MEDICAL 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20348	04/26/2013	51321.00	500.00 001%
			500.00

APPROVED- 1 REJECTED-

FACILITY: PRESBYTERIAN HOSPITAL 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20331	09/20/2013	991.00	763.07 077%
20278	12/05/2013	174477.48	1016.28 001%
			1779.35

APPROVED- 2 REJECTED-

FACILITY: RUIDOSO PHYSICAL THERAPY, INC. 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20311	10/21/2013	225.00	225.00 100%
20312	11/02/2013	165.00	165.00 100%
			390.00

APPROVED- 2 REJECTED-

FACILITY: UNM HEALTH SCIENCES CTR 02/18/2014 THROUGH 02/18/2014

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID
20262	12/19/2013	68.00	52.36 077%
20279	10/30/2013	601.00	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			
20352	12/23/2013	3074.00	000%
PATIENT HAS MET OR EXCEEDED POLICY LIMIT			

52.36

APPROVED- 1 REJECTED- 2

INDIGENT FUND MEETING

FEBRUARY 18, 2014

TOTAL APPLICATIONS	130	127,761.55
TOTAL APPROVED	122	
TOTAL DENIED	8	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		
APPROVED-	3	746.70
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	1	1,901.13
DENIED-		
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		
APPROVED-	4	711.27
DENIED-	3	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		
APPROVED-	5	615.91
DENIED-		
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		
APPROVED-	27	2,340.15
DENIED-		
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	68	118,158.73
DENIED-	2	
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	5	368.30
DENIED-	1	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-	1	119.87
DENIED-		
ALBUQUERQUE		
NEW MEXICO ONCOLOGY HEMATOLOY		
APPROVED-	1	52.08
DENIED-		
ROSWELL		
PATHOLOGY CONSULTANTS OF NM		
APPROVED-	1	25.70
DENIED-		

ENCL 3

LOS ANGELES PHI AIR MEDICAL		
APPROVED-	1	500.00
DENIED-		
ALBUQUERQUE PRESBYTERIAN HOSPITAL		
APPROVED-	2	1,779.35
DENIED-		
RUIDOSO RUIDOSO PHYSICAL THERAPY, INC.		
APPROVED-	2	390.00
DENIED-		
ALBUQUERQUE UNM HEALTH SCIENCES CTR		
APPROVED-	1	52.36
DENIED-	2	

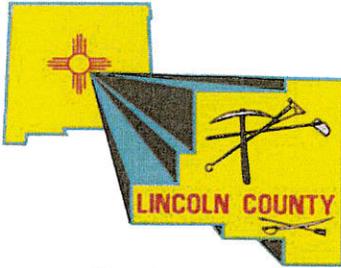
YTD

INDIGENT FUND MEETING

FEBRUARY 18, 2014

TOTAL APPLICATIONS	1040	987,873.76
TOTAL APPROVED	962	
TOTAL DENIED	78	
ALBUQUERQUE		
ANESTHESIA ASSOCIATES OF NM		
APPROVED-	23	3,891.75
DENIED-	2	
ROSWELL		
EASTERN NM MEXICO MEDICAL CNTR		
APPROVED-	2	10,000.00
DENIED-		
RUIDOSO		
FRONTIER MEDICAL		
APPROVED-	2	225.57
DENIED-		
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		
APPROVED-	34	33,947.66
DENIED-	2	
RUIDOSO		
LC AMBULANCE-PRES HEALTH SVCS		
APPROVED-	41	15,671.74
DENIED-	12	
RUIDOSO		
LINCO MEDICAL & SUPPLY, INC		
APPROVED-	66	11,757.87
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY FAMILY MEDICAL		
APPROVED-	169	12,434.04
DENIED-	3	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	474	817,089.95
DENIED-	21	
ALTO		
LINCOLN COUNTY RADIOLOGY		
APPROVED-	42	2,556.42
DENIED-	5	
RUIDOSO		
MICHAEL P CLEMENTS, M.D.		
APPROVED-	14	1,359.12
DENIED-	6	

PHOENIX NATIVE AM. AIR AMBULANCE, INC APPROVED- DENIED-	1	490.00
ALBUQUERQUE NEW MEXICO ONCOLOGY HEMATOLOY APPROVED- DENIED-	21 8	8,269.65
ROSWELL PATHOLOGY CONSULTANTS OF NM APPROVED- DENIED-	4	101.89
LOS ANGELES PHI AIR MEDICAL APPROVED- DENIED-	3 1	1,485.00
ALBUQUERQUE PRESBYTERIAN HOSPITAL APPROVED- DENIED-	10 4	25,393.95
BRENTWOOD ROSWELL CLINIC CORP APPROVED- DENIED-	2	104.16
RUIDOSO RUIDOSO HOME CARE & HOSPICE APPROVED- DENIED-	9	5,617.18
RUIDOSO RUIDOSO PHYSICAL THERAPY, INC. APPROVED- DENIED-	11	2,660.00
RUIDOSO SUBSTANCE ABUSE SERVICES OF LC APPROVED- DENIED-	6	1,884.00
RUIDOSO TALL PINES MEDICAL, INC APPROVED- DENIED-	3 2	298.01
ALBUQUERQUE UNM HEALTH SCIENCES CTR APPROVED- DENIED-	25 9	32,635.80



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 22

February 13, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Lease of Corona Senior Citizens Center Building from Village of Corona

PURPOSE: Consideration / Action of Entering into Cooperative Agreement and Lease of Corona Senior Citizens Center Building from Village of Corona

Discussion: The County operates the Senior Center in Corona, and has for years rented the building from the Village of Corona. In this ten-year Agreement, the County shall pay rent in the amount of \$1.00 per year for the term of the lease. Other standard lease terms are included in the Agreement. See Enclosure 1.

Recommendation: Approve Cooperative Agreement and Lease for Corona Senior Citizens Center building

COOPERATIVE AGREEMENT AND LEASE CORONA SENIOR CITIZENS CENTER

THIS AGREEMENT, entered into this 18th day of February, 2014, by and between the **VILLAGE OF CORONA**, a New Mexico municipal corporation, whose address is P. O. Box 37, Corona, New Mexico, 88318, hereinafter referred to as "Corona," and **THE COUNTY OF LINCOLN**, whose address is P. O. Box 711, Carrizozo, New Mexico, 88301, hereinafter referred to as "County."

1. Corona does hereby lease and the County does hereby take as Lessee the property commonly known as "THE CORONA SENIOR CITIZENS' CENTER," more particularly described as follows:

Lots Five (5) and Six (6), Block Three (3), of O.P. Addition to the Town of Corona, Lincoln County, New Mexico.

2. The premises shall be used by the County for the purpose of conducting all those activities usual and necessary for the operation of a senior citizen's center. The County shall have complete management of the leased property, providing that it shall also continue to be made available to the general public for civic-type meetings. All public civic-type meetings shall be scheduled and approved by County and the use of said facilities shall be at a reasonable charge to the user and/or to the general public for cleaning.

Corona shall be responsible for insuring that the subject property is in compliance with the Americans with Disabilities Act, and shall bear all costs in connection with bringing said property into compliance with all requirements of the Americans With Disabilities Act.

The County shall comply with all Federal, State, Municipal and other laws, ordinances, rules and regulations applicable to the premises and business conducted therein by the County.

3. The term of this Lease shall be for a period of ten (10) years beginning on February 18, 2014, and ending on February 17, 2024, both dates inclusive, unless sooner terminated as provided herein. The County shall have immediate occupancy of the premises. The County shall have the option of renewing this Cooperative Agreement and Lease under the same terms and conditions as herein set forth in the original basic term, provided that

the County fully and faithfully performed all the County's duties and obligations during the original basic term.

4. As consideration for the Lease, the County agrees to pay Corona rental in the sum of One and No/100 Dollars (\$1.00) per year for the lease term, and other good and valuable consideration, the receipt of which is hereby acknowledged.
5. All notices required or permitted to be given hereunder shall be considered properly given upon delivering the notice in writing to the party to be notified, or mailing the notice by registered or certified mail, return receipt requested, to the party to be notified at such party's address set forth above, or such other address as the party to be notified may have designated by previous written notice to the other.

The person authorized to act for Corona for the purpose of receiving notices and demands shall be the Village Clerk at the referenced address. The person authorized to act for the County shall be the County Manager at the referenced address.

6. Corona shall be responsible for paying for water and garbage provided to the premises. The County shall be responsible for any other utility service used in, rendered or supplied to the premises throughout the term of this Lease.
7. The County, upon payment of the rent herein reserved and upon the performance of all the terms of this Lease, shall at all times during this Lease term and during any extension or renewal term peaceably and quietly enjoy the leased property without any disturbance from Corona or from any other person claiming through Corona.
8. Corona and its representatives may enter the leased property, at any reasonable time, for the purpose of inspecting the leased property, performing any work which Corona elects to undertake made necessary by reason of the County's default under the terms of this Lease, showing the leased property for sale, lease, or mortgage financing or posting notices of non-responsibility under any mechanic's lien law.
9. Upon termination or expiration of this Lease, the County shall immediately deliver possession of the premises to Corona. The County shall also deliver all keys to the premises to Corona. The County agrees, in the event of termination of this Lease, that all furniture, fixtures, and other property on the premises that were present at the time of signing this Lease or were purchased with State funds under Agreement #94-134 shall become the property of Corona.
10. The County shall not assign this Lease, nor sublet the premises, or any part thereof, nor use the same, or any part thereof, nor permit the same, or any part thereof, to be used for any other purposes than as above stipulated, without the prior written consent of Corona. Any such assignment or subletting without such consent shall be void, and shall, at the option of Corona, terminate this Lease.

11. The County shall be responsible for all improvements and repairs to the subject premises, and shall keep and maintain in good order, condition, and repair the premises and every part thereof, reasonable wear and tear excepted.

If the County refuses or neglects to commence or complete repairs promptly and adequately, Corona may, but shall not be required to do so, make or complete said repairs and the County shall pay the reasonable cost thereof to Corona upon demand.

12. During the term of this Lease, Corona shall carry fire and extended coverage insurance, insuring the improvements constructed by Corona, including the improvements upon the leased premises provided by the County, in such amount as Corona deems necessary to protect Corona's interest.

13. The County shall not engage in any activity which would cause Corona's fire or extended coverage insurance to be canceled or the rate therefor to be increased. If at any time during the Lease term the premises are damaged by fire or other casualty, the County shall give immediate notice to Corona or its agent.

If the entire premises are rendered untenable by reason of fire or other cause, this Lease shall terminate.

In the event of any partial or total destruction of the premises by fire or other cause, the County may, at its option, suspend the County's service to the citizens of the Village of Corona as a senior citizen's center until such time as repairs are completed.

Corona shall not be liable, under any expressed or implied covenant of this Lease, for any damages to the County beyond the loss of rent reserved by this Lease, accruing after any act or breach of covenant for which damages may be sought to be recovered against Corona, except of those caused by sole negligence on the part of Corona, its agents or employees.

14. The County shall carry insurance against fire and such other risks as are from time to time included in standard extended coverage insurance for the full insurable value of all improvements provided by the County.

15. The County shall procure and maintain throughout the term of this Lease a policy or policies of insurance, at its sole cost and expense, insuring the County against any and all claims, demands, or actions arising out of or in connection with the premises, any condition thereof, and any employee or other person entering the premises, regardless of the reason, for injury to the person or damage to the property on or about the premises. The County shall supply insurance in at least the amount of \$250,000.00 for property damage, \$500,000.00 for each person, and \$500,000.00 per incident in respect to injury of persons (including death). Copies of such policies, together with receipt evidencing

payment of premiums therefor, shall be delivered to Corona prior to the commencement date of this Lease. Not less than fifteen (15) days prior to the expiration date of any policy(s), copies of the renewals thereof (bearing evidence of payment of renewal premiums) shall be delivered to Corona. In the event the County fails to comply with the foregoing insurance requirements, Corona, at Corona's option, may terminate this Lease.

16. If the County should remain in possession of the premises after the expiration of the term of this Lease without the execution by Corona and the County of a new lease, then the County shall be deemed to be occupying the premises as a tenant-at-sufferance, subject to all covenants and obligations of this Lease.
17. The County shall operate the Corona Senior Citizen's Center, and shall not hold themselves out as agent, employee, or servant of Corona.
18. It is understood and agreed between the parties hereto that time is of the essence of this agreement and this applies to all terms and conditions herein.
19. The right of Corona under the foregoing shall be cumulative, and the failure on the part of Corona to exercise promptly any rights given hereunder shall not operate to forfeit any of said rights.
20. This Lease contains the entire agreement between the parties, governs over and supersedes all bid letters, correspondence, discussions, and communications between the parties and may be amended only by express written agreement signed by both parties. This Lease shall be governed by the laws of the State of New Mexico.

EXECUTED AND DELIVERED by the parties as of the first date written above.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first written above.

VILLAGE OF CORONA

By: _____
Mayor

Attest:

Terri Racher
Clerk

THE COUNTY OF LINCOLN

By: _____
Jackie Powell, Chairwoman
Board of County Commissioners

Attest:

Rhonda Burrows
Lincoln County Clerk

Agenda Item No. 24

SUBJECT

1:00 P.M. Public Hearings with the second hearing following immediately:

- a. Public Hearing to Consider Ordinance 2014-01; Amending the Lincoln County Personnel Policies and Procedures Ordinance 2013-04.
- b. Public Hearing to Consider 2014-02; Amending Ordinance 2011-05 Flood Damage Prevention



www.lincolncountynm.net

County of Lincoln

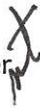
P.O Box 711 • 300 Central Ave. • Carrizozo, New Mexico 88301-0711 • (575) 648-2385

AGENDA Item No. 24.a

February 14, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Personnel Policy

PURPOSE: Consideration / Action on Personnel Policy Modification, Ordinance 2014-01

Discussion: The County Personnel Policy as stated in ordinance No. 2013-04 requires modification to clarify allowable carryover vacation time accrued. Currently, the County practice requires that any excess leave over 160 hours be taken by at the end of the last payroll period of the calendar year, or the leave would be forfeited. The formal personnel policy allowed that any vacation not taken by the end of the *calendar year* would be forfeited.

The clarification has been made by adding the definition for “payroll-end calendar year”, and changing the requirement for that carryover over vacation over 160 hours must be used by “payroll-end calendar year.”

Recommendation: Approve Ordinance No. 2014-01

ORDINANCE NO. 2014-01

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. 2013-04.

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico adopted Ordinance No. 2013-04, 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 2013-04; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that ~~any unclear references to employee insurance benefits, and definitions of near relative and nepotism,~~ clarification is needed regarding any unclear references to employee annual leave and the amount of hours which may be carried forward from one payroll-end calendar year to the next and also policies of forfeiture of any excess annual leave, as well as clarifying other portions thereof; 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:

GRIEVANCE - A formal written complaint of an employee concerning actions taken by management which result in suspension, demotion, dismissal, or an actual loss in pay.

IMMEDIATE FAMILY - The employee's spouse, children, parents, mother-in-law, father-in-law, siblings, grandchildren, grandparents, grandmother-in-law, and grand-father-in-law.

LAYOFF - See reduction in force (RIF).

LEAVE WITH PAY - Type of leave which is authorized by a proper authority enabling an employee to be away from work, during regularly scheduled work hours, with pay.

LEAVE WITHOUT PAY - Type of leave which is authorized by a proper authority enabling an employee to be away from work, during regularly scheduled work hours, without pay.

NEAR RELATIVE - A spouse or ex-spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews, first cousins, and like relations of the Elected Official's or employee's spouse. This definition includes any person related to the employee by birth, adoption, or marriage, up to and including those within the third degree of consanguinity or affinity. This includes any person who would fall under the above definition, if the persons who are cohabiting were in fact married.

NEPOTISM - The practice of giving preferential treatment in areas of employment including, but not limited to: selection, benefits, pay, promotion, and discipline to employees who are spouses, ex-spouses, children, parents, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews, or to unrelated persons who are cohabiting.

NON-EXEMPT EMPLOYEE - Employee who is not exempt under the Fair Labor Standards Act (FLSA). A nonexempt employee is entitled to receive overtime pay and/or compensatory time for actual hours worked as defined by the FLSA.

OVERTIME - Time for which an employee is paid the rate which is one and one-half (1½) the employee's regularly rate of pay for hours actually worked.

PART-TIME EMPLOYEE - An employee whose normal work schedule is established at no more than thirty-two (32) hours per week. Part-time employees cannot grieve disciplinary actions.

PAY PERIOD - The two week period of time designated by the County Commission for which an employee shall be paid for accumulated work.

PAYROLL-END CALENDAR YEAR -- The last Friday in a calendar year that has a corresponding payroll distribution in the same calendar year.

PER DIEM - A flat rate payment for personal travel expense.

<u>Annual Service</u>	<u>Hourly Accrual Rate/Bi-weekly</u>	<u>Leave Days Per Year</u>
0 up to 24 months	3.077	two (2) weeks
24 months + 1 day up to 120 months	4.615	three (3) weeks
120 months + 1 day and over	6.154	four (4) weeks

1. An employee does not accrue additional annual leave for time worked in excess of forty (40) hours per week.
2. Upon termination from County employment, an employee shall be paid for unused accrued annual leave.
3. An employee may take annual leave just prior to resignation.
4. No more than twenty (20) working days, or one hundred-sixty (160) hours of annual leave, may be carried forward from one payroll-end calendar year to the next. All excess annual leave shall be forfeited, if not used, unless extenuating circumstances warrant approval of an extension by the Board of County Commissioners of Lincoln County. Following is a lists of payroll-end calendar year dates for the years 2014-2018:

December 19, 2014
December 18, 2015
December 16, 2016
December 15, 2017
December 14, 2018

5. Annual leave may be taken only with prior approval of the immediate supervisor. Approval of vacation requests is contingent upon departmental needs.
6. Annual leave shall not be charged in less than one-half (½) hour increments.

501.B. Sick Leave

1. Accumulated sick leave with pay may be taken for:
 - a. personal illness, injuries or legal quarantine;
 - b. illness in the employee's immediate family, provided that the use of sick leave is approved by the immediate supervisor.
 - c. for visits to a medical practitioner's office or to a clinic for examination, tests, review or examination where the intent is preventive in nature as contrasted with treatment.



www.lincolncountynm.net

County of Lincoln

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

AGENDA Item No. 24.b

February 14, 2014

MEMORANDUM

TO: County Commissioners

FROM: Nita Taylor, Lincoln County Manager 

SUBJECT: Lincoln County Ordinance 2014-02

PURPOSE: To Determine If Changes Should or Can be Made to the Lincoln County Flood Damage Prevention Ordinance No. 2011 - 05

Discussion: The Lincoln County Flood Damage Ordinance (See Enclosure 1) was created for the purpose of adopting the flood zones designated by the flood insurance rate maps and the flood boundary and floodway maps, and regulating flood hazard area land use. Key definitions include the following:

1. **Area of Future Condition Flood Hazard:** means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.
2. **Base Flood** – means the flood having a 1% chance of being equaled or exceeded in any given year.
3. **Critical Feature** – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
4. **New Construction** – For floodplain management purposes, “new construction means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
5. **Substantial Damage** – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
6. **Substantial Improvement** – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before “start of construction” of the improvement.
7. **Variance** – means a grant of relief by a community from the terms of a floodplain management regulation.
8. **Violation** – means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

County Manager’s Fax
(575) 648-4182

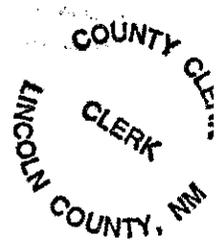
Finance/Purchasing Fax
(575) 648-2381

Rural Addressing Fax
(575) 648-2816

Landowners in the County have sought help from County Commissioners in understanding how to get to their land, their cattle, their homes in the event their water crossing washes out, impacting their ability to get in or out of their property.

Commissioner Stone requested this matter be placed on the Agenda for a discussion and possible modification of the current Ordinance. Available to present information is Bill Borthwick, Floodplain Coordinator for the NM Department of Homeland Security & Emergency Management and Curt Temple, Lincoln County Floodplain Coordinator & Ordinance Administrator.

Recommendation: Understand the options and take action, if appropriate.



**LINCOLN COUNTY, NEW MEXICO
FLOOD DAMAGE PREVENTION ORDINANCE NO. 2011-05**

AN ORDINANCE OF LINCOLN COUNTY CREATED FOR THE PURPOSE OF ADOPTING THE FLOOD ZONES DESIGNATED BY THE FLOOD INSURANCE RATE MAPS AND THE FLOOD BOUNDARY AND FLOODWAY MAPS; REGULATING FLOOD HAZARD AREA LAND USE AND PRESCRIBING CENTRAL MEASURES, DEFINING CERTAIN TERMS, PROVIDING FOR ADMINISTRATIVE DUTIES AND APPEAL PROCEDURES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the flood hazard areas of Lincoln County, New Mexico are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF LINCOLN COUNTY COMMISSIONERS, LINCOLN COUNTY, NEW MEXICO AS FOLLOWS:

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of New Mexico has in Statutes Amended (NMSA) 1978 Section 3-18-7 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, Lincoln County, New Mexico does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Lincoln County, New Mexico are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, dry wash, brook, etc.

SPECIAL FLOOD HAZARD AREA - see *Area of Special Flood Hazard*

START OF CONSTRUCTION - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the

alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Lincoln County, New Mexico.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Lincoln County, New Mexico, and Incorporated areas. FIS number 35027CV001A," dated November 16, 2011 with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated 11-16-2011.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County of Lincoln, any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The County locally appointed Floodplain Manager is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the New Mexico Department of Homeland Security and Emergency Management (DHSEM), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

LINCOLN COUNTY-NM
HONORABLE CLERK
201105026
Book 4 Page 556
14 of 23
08/17/2011 08:00:38 AM

(1) The Lincoln County Commissioners shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Lincoln County Commissioners shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Lincoln County Commissioners may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Lincoln County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10] Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect

shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) **Manufactured Homes** -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing

manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION F. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION G. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Three Hundred Dollars (\$300.00) or imprisonment in the County Detention Center for not more than Ninety (90) days, or both, in accordance with Section 4-37-3, NMSA 1978 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Lincoln County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION H. EFFECTIVE DATE AND REPEAL OF ORDINANCE NO. 2004-02.

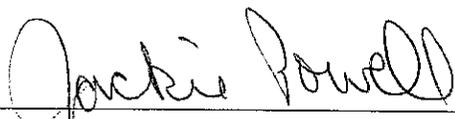
This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County, at which time Lincoln County Ordinance No. 2004-02 shall be repealed.

PASSED, APPROVED, and ADOPTED this 16th day of August 2011.

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



Eileen Sedillo, Chairwoman



Jackie Powell, Vice Chair

LINCOLN COUNTY-NM
HONDA B EUROS, CLERK
201105026
Book 4 Page 564
22 of 23
08/17/2011 08:00:38 AM

Absent

Tom Battin, Member

Mark Doth

Mark Doth, Member

Kathryn L. Minter

Kathryn Minter, Member

Attest:

Rhonda Burrows

Rhonda Burrows, County Clerk



LINCOLN COUNTY-NM
RHONDA BURROWS, CLERK
201105026
Book 4 Page 565
23 of 23
08/17/2011 08:00:38 AM

Agenda Items No. 25

SUBJECT

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances.

- a. Ordinance 2007-2 An Ordinance Prohibiting the Import for Release into the Wild of Certain Genera

Agenda Item No. 26

SUBJECT

Consideration of Appointments and Removals from Boards/
Commissions/Committees:

- A. Planning Commission
- B. Lincoln Historic Preservation Board
- C. Senior Citizens Olympic Committee

LODGERS TAX COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2004-04)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
336-4330	TOURIST RELATE- JAMES HOBBS	BOX 2505 RUIDOSO 88355	4	02/19/13	02/15
973-8244	GENERAL PUBLIC - SUE HUTCHISON Suehutch1958@gmail.com	1149 SHOESHONE TRAIL ALTO	4	08/20/13	08/15
653-4609	LODGING INDUSTRY - DAVID VIGIL	BOX 15, LINCOLN 88338	5	06/12/12	06/14
937-2121	TOURIST RELATED- ALICE SEELY; ALICESEELY@PVTN.NET	BOX 166 HONDO, NM 88336	5	04/17/12	04/14
653-4300	LODGING INDUSTRY - VICTOR GARRISON	BOX 236, LINCOLN, 88338	5	07/26/12	7/14

NEW MEXICO COUNTY INSURANCE AUTHORITY - WORKERS' COMPENSATION

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	01/14/2014	1/2015
	ALTERNATE - NITA TAYLOR	BOX 93, LINCOLN, NEW MEXICO	1	01/14/2014	1/2015

NEW MEXICO COUNTY INSURANCE AUTHORITY - MULTI-LINE POOL

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	KATHRYN MINTER	104 SONTERRA DR, ALTO	4	01/14/2015	01/15
	ALTERNATE - DALLAS DRAPER	113 ALPINE VILLAGE RUIDOSO	3	01/14/2014	01/15

PLANNING COMMISSION - 2 YEAR TERM (ORDINANCE NO. 2008-5)

DISTRICT NO.	MEMBER	ADDRESS	RECOMMENDED BY	DATE APPOINTED	TERM EXPIRATION
DIST 1	DENNIS RICH; DENANDYVONNE@NETSCAPE.NET	PO BOX 575, CAPITAN, NM 937-5996	COMM.POWELL	04/17/12	04/14
DIST 2					
DIST 3	MARY ANN RUSS siegbieg1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720	COMM. POWELL	01/14/14	01/16
DIST 4	MARY DOKIANOS	103 WINTER HAWK HEIGHTS, ALTO	COMM. MINTER	09/17/13	09/15
DIST 5	TOM MANN	BOX 77, LINCOLN NM (653-4272)	COMM. POWELL	07/26/12	07/14
	MEMBER-AT-LARGE - ELAINE ALLEN	PO BOX 74, LINCOLN		01/22/13	01/15
	MEMBER-AT-LARGE - KARYL WILLIAMS KARYL.WILLIAMS@MTG-TECH.COM	PO BOX 1707 CAPITAN (354-5300) 575-808-9776		01/22/13	01/15

*

INTERSTATE STREAM COMMISSION (SUB-COMMITTEE ON THE PECOS)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	JACKIE POWELL	BOX 91, GLENCOE 653-4072		01/14/2014	01/15

LABOR MANAGEMENT RELATIONS BOARD – 1 YEAR TERM (ORDINANCE NO. 2005-7)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

JOHN MARTINEZ, MANAGEMENT ASSOCIATES (505/821-0933)

LAND AND NATURAL RESOURCES ADVISORY COMMITTEE – 2 YEAR TERM (ORDINANCE NO. 2008-4)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	Pete Gnatkowski Vice Chairman lincoln@nmsu.edu	HC 31, Box 48, Carrizozo, NM		02/19/13	02/15
DIST 2	Mary Ann Siegel-Russ siegiegr1@hotmail.com	104 Plumas Place, Ruidoso 575-937-0720		10/16/12	10/2014
DIST 3	Bob Johnson bobj@valornet.com	Box 464, Alto, NM 88312 (575)336.4002		01/22/13	01/2015
DIST 4	Douglas Fuqua dfuqua1@hotmail.com	Box 1042 Alto, NM 88312 (575)336.1832		9/17/13	09/2015
DIST 5	Joel Bonnell jbonnell@live.com	Box 1, Glencoe, 88324 (575)653.4310		01/22/13	01/2015
AT LARGE	Duane Frost dsfrost@plateautel.net	Box 81, Claunch, NM 87011 (849.4950)		01/22/13	01/2015
AT LARGE	Rick Simpson, Chairman justicuz@swwmail.net	HC66, Box 70, Glencoe, NM 88324 (575)653.4249		02/19/13	02/2015

NO REQUIREMENT FOR AN APPOINTEE TO BE DOMICILED IN ANY PARTICULAR VOTING DISTRICT OF THE COUNTY. PUBLICATION IS REQUIRED. TWO AT-LARGE MEMBERS WILL BE SELECTED AND APPOINTED BY A MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS.

LINCOLN HISTORIC PRESERVATION BOARD – 2 YEAR TERM (ORDINANCE NO. 2004-5 (BOX 65, LINCOLN 88338))

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	BILL STRAUSSER	BOX 197, LINCOLN (653-4670)	5	12/17/13	12/15
DIST 2	ELAINE ALLEN	BOX 74, LINCOLN (653-4251)	5	01/22/13	01/15
DIST 3	L.M. SMITH	#5 MERCEDES CT, ROSWELL, NM	5	04/16/13	04/15
DIST 4	MELISSA BOUTE	BOX 162, LINCOLN, NM 88338	5	09/17/13	09/15
DIST 5	LINDA FOX-CHAIR	BOX 174, LINCOLN (653-4619)	5	03/28/12	03/14

* MEMBERS MUST BE PROPERTY OWNERS IN THE HISTORIC DISTRICT. PUBLICATION IS REQUIRED.

LOCAL WORKFORCE INVESTMENT ACT ADVISORY BOARD – 03/03/00

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	CHET SOUTHARD	BOX 609, ALTO 88312	4		
	GARY COZZENS	709 MECHEM DRIVE, RUIDOSO 88345	4		

NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.

Billie-Jo Guevara

From: LS Fox <foxes246@gmail.com>
Sent: Monday, January 27, 2014 10:16 AM
To: Billie-Jo Guevara; Kathryn Minter; Nita Taylor
Cc: Elaine Allen
Subject: Resignation from Lincoln Historic Preservation Board

Greetings,

On November 23, 2013 I sent out a letter of resignation but apparently it did not get to the necessary people...t I did not realize several email addresses had changed. Below please find that original message. Hopefully it will reach you and the person interested in replacing me can be put forward.

I wold appreciate knowing you have received this.

Thank-you.

Linda S. Fox

(November 23, 2013)

Greetings,

As of today, I am resigning from the Lincoln Historic Preservation Board. I regret that I cannot remain on the Board until a replacement is found but I am sure the remaining four members can handle all applications until someone is found. I must step down due to health considerations.

It has been a pleasure to serve the residents of Lincoln and to work with the Board members. I wish them nothing but good luck in carrying on the efforts and progress we have made together.

Thank-you,

Linda S. Fox

Billie-Jo Guevara

From: GEMoore <gemoore105@yahoo.com>
Sent: Monday, January 27, 2014 10:32 AM
To: Billie-Jo Guevara
Cc: Elaine Allen
Subject: Lincoln Historic Preservation Board

January 27, 2014

Dear Ms. Guevara:

I would like to be considered for the open position on the Lincoln Historic Preservation Board. My husband and I have lived within the historic district for almost three years. I am a retired business person and have experience serving on various boards.

My address is: 9510 US Highway 380 (PO Box 57) Lincoln, NM. 88338. Phone: (575) 653-4073.

If you need any other information from me, please let me know.

Yours truly,
Ginger E. Moore

P.S. Would you please acknowledge your receipt of my email? Thank you.
Email: gemoore105@yahoo.com

Sent from my iPad

PREDATORY ANIMAL CONTROL BOARD, LINCOLN COUNTY - 5 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	MARK HENDRICKS	BOX 307, CARRIZOZO 88301	1	07/20/10	07/15
	JIM COOPER	HC73 BOX 25, TINNIE 88351	5	07/20/10	07/15
	RON MERRITT	HC66 BOX 30, YESO 88136	1	07/20/10	07/15
	MIKE SKEEN	BOX 67, PICACHO 88343	5	07/20/10	07/15
	LEE SULTEMEIER	Box 147, CORONA 88318		07/20/10	07/15
	BILLY BOB SHAFER	BOX 82, CARRIZOZO 88301	1	07/20/10	07/15

ACB HOLDS ELECTION - PUBLICATION IS REQUIRED

PROPERTY TAX PROTEST BOARD - 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	LORI WETZEL	BOX 698, CARRIZOZO, 88301		05/15/12	05/14
	DONDA RICHARDSON	BOX 9, CAPITAN, NM 88316		05/15/12	05/14
	ALTERNATE - DEREK MOORHEAD	1201 MECHEM DR, RUIDOSO 88345		05/15/12	05/14

REGIONAL WASTE WATER JOINT USE BOARD - 2 YEAR TERM

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION

ROAD REVIEW ADVISORY COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 2003-5)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
DIST 1	LANCE HALE 575-430-9060	BOX 745 RUIDOSO DOWNS, 88346	1	08/20/13	08/15
DIST 2	ROBERT BARBER	BOX 126, CAPITAN, NM	1	10/16/12	10/14
DIST 3	JAMES RUSS	PO BOX 2362 RUIDOSO NM	3	08/20/13	08/15
DIST 4	J.BRYAN WHITE (336-2619 OR 208-610-5464; COCHICH@BAIABB.COM)	PO BOX 237, ALTO, NM 88312		01/22/13	01/15
DIST 5	BILLY SEELBACH (258-1704)	406 GAVILAN CANYON, DOSO 88345	2	06/12/12	06/14

PUBLICATION IS REQUIRED

SENIOR CITIZENS OLYMPIC COMMITTEE, LINCOLN COUNTY - 2 YEAR TERM (ORDINANCE NO. 1994-5)

DISTRICT NO.	MEMBER	ADDRESS	RESIDES IN DISTRICT NO.	DATE APPOINTED	TERM EXPIRATION
	BART YOUNG (257-3193)	BOX 2930, RUIDOSO 88355		03/28/12	03/14
	LUCY SERVIES	107 JACK LITTLE DR. B3, RUIDOSO		01/22/13	01/15
	JIM CLEMENTS	101 POW WOW TR, RUIDOSO 88345		12/17/13	12/15
	JERRY LONGBOTHAM	HC 71, BOX 1085, CAPITAN 88316			
	GENE NITZ	218 JACK LITTLE DR, RUIDOSO		12/17/13	12/15

*

RECEIVED

FEB 04 2014



County of Lincoln ADMINISTRATION
LINCOLN COUNTY NM

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

www.lincolncountynm.net

January 22, 2014

Jerry Longbotham
HC 71, PO Box 1085
Capitan, NM 88316

Dear Mr. Longbotham:

Your term for the Senior Citizens Olympic Committee has expired. If you would like to serve an additional two year term and be re-appointed at the next commission meeting, February 18, 2014, please indicate below and return for further processing.

Thank you for serving on this Board, and hopefully you will continue to serve. If I can be of any assistance to you, please contact this office.

Sincerely,

Billie-Jo Guevara
Administrative Assistant/
Human Resources

Yes I would like to be re-appointed to the Senior Citizens Olympic Committee.

No I would not like to be re-appointed at this time.

Jerry Longbotham

Agenda Item No. 27

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

February 18, 2014

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

New or Updated Matters since last report = *

1. Lodger's Tax Issue – Casa del Cocinero – making regular payments
2. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 13, 2013 with new filings of Suggestion of Death December 19, 2013.
3. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV-2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board. Attorney has agreed to stay the case pending the decision from the Court of Appeals.
4. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien. Order granting motion for resetting 4/17/13. Motion for Substitution of Parties filed December 10, 2013.
5. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al.* D-1226-CV-2011-00044. Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority. Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. The County's lien was not extinguished and is still a valid lien against the subject property. Order approving sale and Special Master's Report filed Oct. 23, 2013. Ownership has changed to Washington Federal and Lincoln County has not received any payments as of January 7, 2014.

6. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al.* 2:12-CV-01086-CG-LAM. Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.

*7. *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. Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was unsuccessful. Plaintiff's Motion to Reconsider with Judge Singleton was denied in Hearing Jan. 24, 2013. Melendres, Melendres and Harrigan hired by the county to manage county's withdrawal from GSWA. Motion to Stay Judge Singleton's decision filed by Mr. Beauvais Feb. 10, 2014.

*8. *Rio Grande-Alameda, Ltd. v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid. Defendant's first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff's response filed Oct. 4, 2013. Defendant's Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013. Hearing was Jan. 6, 2014, and produced an Order of Dismissal. Notice of Hearing scheduled March 10, 2014.

9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. July 29, 2013 Letter to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013. Lots 139, 169, 170 paid in full. Stipulated and Default Judgment ordering foreclosure filed Nov. 22, 2013, with legal notices published in local newspapers.

10. *Wells Fargo Bank, NA, et al v. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al. D-1226-CV-2013-00129.* Suit filed May 6, 2013. First Amended Complaint for Foreclosure filed by Morel on June 21, 2013, with Motion to Dismiss filed Dec. 27, 2013, with Order of Dismissal filed Jan. 6, 2014.

*11. *Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department, County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge Waylon Counts has been assigned the case Oct. 25, 2013. Hearing requested Nov. 25, 2013 for state's Motion to Dismiss, and Plaintiff's Response to Lincoln County's and State's Motion to Dismiss filed Jan. 3, 2014. Hearing scheduled for March 24, 2014 at 1:30 p.m. at the Otero County Courthouse.

*12. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013. Plaintiff's First Set of Interrogatory Questions filed Jan. 27, 2014.

*13. *State of NM/Lincoln County v. Gonzales Gonzales M-30-MR-2014-00004* Filed Jan. 7, 2014. Alleged bringing contraband into LCDC – Entry of Appearance, Exhibit List and Witness List filed with court.

*14. *State of NM/Lincoln County v. Alberto Ruiz – M-30-MR-2014-00012* Filed Jan. 5, 2014. Alleged bringing contraband into LCDC – Entry of Appearance, Exhibit List, and Witness List filed with court.

*15. *State of NM/Lincoln County v. Avalon-Construction, Ruidoso, NM D-1226-CV 2014-00006* Filed Jan. 6, 2014 Open complaint for Refund of Taxes paid. Case assigned to Basham & Basham/Dwyer. Peter Dwyer is lead attorney.

*16. *US Bank National Association v. John C. Allen, et. al. D-1226-CV 2013-00304* Filed Dec. 24, 2013 Foreclosure. Entry of Appearance filed Jan. 17, 2014 and Disclaimer of Interest filed January 20, 2014.

*17. *State of NM/Lincoln County v. Nathan Little – M-30-MR-2014-00015* Filed Jan. 21, 2014. Alleged bring contraband into LCDC – Entry of Appearance, Exhibit List and Witness List filed with court.

*18. *State of NM / Lincoln County v. Shann M. Marler M-30-MR-2014-00026* Alleged bringing contraband into LCDC. Arraignment was Feb. 6, 2014 with Entry of Appearance pending.

Tort Claims Notices Received or Threatened

2013

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

Borrego, Albert - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in

Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury. Claim has been denied by NMAC.

Espinoza, Robert – Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

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

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

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

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

2012

Cathy and Steve Altstatt – Telephone conference with Cathy Altstatt on April 19, 2012, concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

Riordan, J.T. – Correspondence received from Theresa Riordan on March 28, 2012, concerning her son's treatment and detention conditions while being held in LCDC.

Sheridan, Michael – Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a sex offender when he did not meet the requirements.

Biggs, M. Jolene – Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

LITIGATION INVOLVING THE COUNTY OF
and
LINCOLN COUNTY DETENTION CENTER

State of NM/Lincoln County v. Gonzales Gonzales M-30-MR-2014-00004 Filed Jan. 7, 2014. Alleged bringing contraband into LCDC – Entry of Appearance, Exhibit List and Witness List filed with court.

State of NM/Lincoln County v. Alberto Ruiz – M-30-MR-2014-00012 Filed Jan. 5, 2014. Alleged bringing contraband into LCDC – Entry of Appearance, Exhibit List, and Witness List filed with court.

State of NM/Lincoln County v. Nathan Little – M-30-MR-2014-00015 Filed Jan. 21, 2014. Alleged bring contraband into LCDC – Entry of Appearance, Exhibit List and Witness List filed with court.

State of NM/Lincoln County v. Shann M. Marler - M-30-MR-2014-00026 Alleged bringing contraband into LCDC. Arraignment was Feb. 6, 2014 with Mr. Morel's Entry of Appearance pending.