

COUNTY OF LINCOLN

Todd F Proctor, Chairman
Jon F Crunk, Vice-Chairman
Samantha J Serna, Member
Pierre S Pfeffer, Member
Mark G Fischer, Member



Ira Pearson, County Manager

Walter Hill, Assessor
Shannan Hemphill, Clerk
Rhonda Burrows, Probate Judge
Michael Wood, Sheriff
Sherrie Huddleston, Treasurer

REVISED AGENDA

Board of County Commissioners – Regular Meeting

June 20, 2023 @ 8:30am - Commission Chambers in Carrizozo, New Mexico and ZOOM

<https://us02web.zoom.us/j/86507290687?pwd=aXd5UTNQSIRLRWYwVjB3MXhrZGxEUt09>

Meeting ID: 865 0729 0687

Passcode: 539343

One tap mobile
+12532158782

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S. A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes:
 - a. May 2, 2023, Special Commission Meeting
 - b. May 16, 2023, Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending May 31, 2023
 - c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
 - d. Approval of Behavioral Health Services Division (BHSD) / Reach, Intervene, Support and Engage (RISE) Grant Agreement
 - e. Approval of Resolution 2023-60: Disposition of Surplus Inventory

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

Tuesday, June 20, 2023

- f. Approval of Resolution 2023-61: Annual Capital Assets Inventory Certification FY 2022-2023
 - g. Approval of Local Government Road Fund County Cooperative Agreement – Control No. L200591
 - h. Approval of Local Government Road Fund County Arterial Program Agreement – Control No. L200609
 - i. Approval of Local Government Road Fund School Bus Route Agreement – Control No. L200614
 - j. Consideration and Approval of Appointment to Lodgers’ Tax Committee – Dusty Cornelius
- 8. Approval of Budget Adjustment FY 22/23 by Resolution 2023-65
- 9. Forest, Land & Natural Resources Matters:
 - a. Smokey Bear Ranger District
 - b. Lincoln County / NMSU Extension Services
 - c. South Central Mountain RC & D
 - d. Upper Hondo Soil & Water Conservation District
 - e. Land and Natural Resources Advisory Committee - LANRAC
- 10. Approval of Renewal of Fire Restrictions and Imposition of Fireworks Restrictions by Resolution 2023-63
- 11. Lincoln County Medical Center
 - a. Update – Todd Oberheu
 - b. Discussion and Direction Regarding the Hospital Mill Levy Budget
- 12. Lincoln County Detention Center Update – Warden, Ross Castleton
- 13. Acknowledge Lincoln County Annual Lodgers’ Tax Audit (Agreed-Upon Procedures)
- 14. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
- 15. Manager’s Report
 - a. Update on the New Mexico Employee Health Benefits Fund and Life Insurance Fund Invoice in the amount of \$307,252.79
- 16. Approval to Issue a Request for Proposal - Independent Contractor Services for Misdemeanor Compliance Program
- 17. Discussion and Direction Regarding Leasing the Small House Located on the Fairgrounds Property in Capitan, NM

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

18. Consideration of the Contract Between the County of Lincoln and Desert West Enterprises LLC for the 2022 New Mexico Department of Transportation's Project Fund Micro-Surfacing Roadway Improvements
19. U.S. Economic Development Administration (EDA) Grants
 - a. Consideration of the Village of Ruidoso's request for a letter of Support
 - b. Discussion and Direction Regarding Project Submittals by the County of Lincoln
20. Assessor's Office Items
 - a. Consideration of Purchasing Short Term Rental Identification Software
 - b. Discussion and Direction Regarding SB 324, Increasing the Amount of Additional Compensation a County May Provide to Assessors and Certain Certified Employees in Appraisal Offices.
21. Approval of Lodgers' Tax Requests:
 - a. Event: New Mexico 4x4 Rally
Amount Requested: \$10,000
Date (s) of Event: 9/21-9/23, 2023
Presenter: Garrett LaMay
 - b. Event: Ruidoso Grindstone Trail Run
Amount Requested: \$5,000
Date (s) of Event: 8/25 – 8/26, 2023
Presenter: Shane Asbury
22. Lincoln County Solid Waste –
 - a. Approval to File Solid Waste Liens:
 1. Delores Herrera-\$900.02 (Land#1000170 Delores Herrera) (MH#1008096 Jesus J Rue)
 2. Robert H. Hawkins and Kathleen A. Hawkins-\$961.56
 3. Sandra Y. Overstreet and T. Overstreet-\$961.56
 4. Lewis R. Rumfield and Kelly A. Rumfield-\$1,018.10
 5. Dianna Wells-\$902.72
 6. Sheila M. Zumwalt-\$890.02
 7. Timothy James Sanders-\$1,005.66
 8. James Warren Hanson and Katie A. Hanson-\$961.56
 9. James Warren Hanson and Katie A. Hanson-\$407.70
 10. Guadalupe Gallegos-\$1,259.42 (Land#365552 Guadalupe Gallegos) (MH#1007188 Joe & Fran McDuff)
 11. Josephine E. Gutierrez-\$776.94
 12. Sandra Herrera-Rue-\$1,259.25 (Land#239000 Sandra Herrera-Rue) (MH#193026 Sandra & Mesha Rue)
 13. Beverly Hammond-\$715.40
 14. Ginger Trichell-\$715.40
 15. Hi Lonesome Ranch-\$715.40
 16. Hi Lonesome Ranch-\$402.93

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17. James Rupley & Claudia Francisca Rupley-\$709.74
18. Steven Raterman-\$715.40
19. Jonathan L. Blair & Evelyn R. Blair-\$700.09 (Jonathan L & Evelyn R Blair MH#12743) (land#0004625 Jonathan L & Evelyn R Blair)
20. Ruben R Chavez-\$1,491.20 (Land#1007300 Ruben Chaves) (MH#335575 Ruben Chavez)

b. Approval to Release and Refile Solid Waste Liens:

1. Cecilia Z. Apodaca - \$2435.69
2. Jayson Long (Land#310015) & Bank of New York Mellon, Trustee (MH# 1004841) - \$2352.78
3. Billy Joe Brady (Land# 237925) & Laura Brady (MH# 223796) - \$2495.08
4. Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch (Land# 1002366) & Carolyn Burch (MH# 1001519) - \$2335.56
5. Cassandra Chavez - \$2435.56
6. Kimberly Dianne Conner - \$2435.69
7. John Warren Courtney - \$1695.54
8. Harold Corn & Rhonda Weitner (Land#364060) & Harold Corn (MH# 364061) -\$2548.77
9. Cheryl Lynn Mangelsdorf-\$2,435.69

23. Discussion and Direction Regarding the Consolidated Solid Waste Ordinances

24. Approval of Code Enforcement Job Description and Hourly Rate of Pay

25. Review of the County of Lincoln's Infrastructure Capital Improvement Plan for FY 2025-2029

26. Reconsideration of Region IX's Funding Request

27. Consideration and Direction Regarding Resolution 2023-62 - Approval for the Prominent Display of the Ten Commandments, the Declaration of Independence, and the United States Constitution on the Wall Behind the Commissioner's Bench

28. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances

29. 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); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining

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Negotiations, Section 10-15-1, Subparagraph (H)(F)

30. Approval of Revisions to Sheriff's Deputies Omnibus Crime Bill Act/HB 68 Guidelines
31. Approval of Resolution 2023-64 a Resolution on BLM's Proposed Rule on Conservation and Landscape Health
32. Signing of Official Documents and Authorization to Utilize Electronic/Stamp Signature
33. Next meetings:
 - a. July 18, 2023- Regular Commission Meeting
34. Adjourn

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

Tuesday, June 20, 2023

Page 5



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 6

SUBJECT:

Approval of Minutes:

- a. May 2, 2023, Special Commission Meeting
- b. May 16, 2023, Regular Commission Meeting

Tuesday, June 20, 2023

COUNTY OF LINCOLN

New Mexico Special Meeting Board of County Commissioners

Todd Proctor, Chair
Jon Crunk, Vice Chair

Samantha Serna, Member
Mark Fischer, Member
Pierre Pfeffer, Member

Minutes Tuesday May 2, 2023

Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 AM on May 2, 2023, in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico. The meeting was also accessible via Zoom.

1. Call to Order

Chair Proctor called the Special Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Commissioner Fischer, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Absent: Commissioner Serna.

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Shannan Hemphill, County Clerk

3. Invocation

The Invocation was presented by Chair Proctor.

4. Pledge of Allegiance

- a. Pledge – USA Flag
- b. Salute – NM Flag

5. Approval of Agenda

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

Action: Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

50 **6. Approval to Issue RFP- Solid Waste Services**

51
52 Manager Pearson requested this item be moved to the next Commission Meeting.

53
54 **7. Award of Electrical On-Call Services for the County of Lincoln RFP #22-23-5**

55
56 Manager Pearson requested this item be moved to the next Commission Meeting.

57
58 **8. Preliminary Budget Meeting, Fiscal Year 2023-2024**

59
60 a. County Manager's Overview

61
62 Manager Pearson gave a brief overview of the Preliminary Budget and schedule. Manager
63 Pearson reminded there was a 3/12 general fund requirement and a 1/12 road requirement.

64
65 b. External Agency Requests

66 1. Boys & Girls Club of Lincoln and Chaves Counties- **8:40 AM**

67
68 Tim Coughlin, Boys & Girls Club of Lincoln and Chaves Counties, stated 99% of the Youth
69 served were from Lincoln County. Mr. Coughlin stated funding from Lincoln County would only
70 be spent in Lincoln County. Requested \$15,000

71
72 2. Capitan Library- **8:45 AM**

73
74 Paulette Arnone, Director of the Capitan Library, explained the Capitan Public library also pays
75 for the "Not too Shabby Shop" and has Wi-Fi available for the public. Ms. Arnone stated they
76 have a Friday Kids Library Club and Summer Reading Program. Requested \$6,000

77
78 3. EcoServants **8:55 AM**

79
80 Manager Pearson gave a brief explanation of some of the services provided by EcoServants
81 and how much they had helped the County. Laura Doth, South Central Mountain RC&D, gave
82 an additional overview of some services provided by EcoServants. Requested \$25,000

83
84 4. Lincoln County Cooperative Weed Management Area (LCCWMA) - **9:00 AM**

85
86
87 Judy Bott, Upper Hondo SWCD, spoke on the various weed control programs in the County.
88 Requested \$50,000

89
90 5. Lincoln County Humane Society- **9:05 AM**

91
92 Abel Guzman, Humane Society of Lincoln County, explained they had taken in 1,216 animals in
93 2021-2022. Mr. Guzman stated they were expecting a 64% increase in animals brought in from
94 the County. Mr. Guzman explained they had provided microchip scanners to the Sheriff's
95 Department to assist in locating owners before animals were brought into the Humane Society.
96 Requested \$37,000

97
98 6. Lincoln County Juvenile Justice Board (LCJJB) - **9:10 AM**

Phil Jones, Director of LCJJB, stated they were under the Region IX umbrella and their goal was to help keep kids out of the justice system. Sergio Castro, Chief Juvenile Probation Officer, stated they were working on treating the underlying reasons for the juvenile delinquency. Mr. Castro explained since they started the prevention and outreach programs, they had been able to keep the numbers and detention of the students down from where they were in 2002. Mr. Castro stated the recidivism was less than 5%. Requested \$12,500

7. Lincoln County Fair Board Association- **9:15 AM**

Renee Montes, LCFA Secretary/Treasurer, explained they were a non-profit organization which started in 1956 and promotes the youth in the County with agricultural outreach. Requested \$37,500

8. NM Rural Bookmobile- **9:20 AM**

No presentation available. Requested \$1,260

9. NMSU Cooperative Extension Services- **9:25 AM**

Melanie Gutierrez, Lincoln County Extension Service, explained there were some State Appropriations which had come through to help cover part of the FCS position, so they were able to request a smaller amount than last year. Tom Dean, NMSU, stated the State Appropriation funds were back on a permanent budget basis for Lincoln County. Requested \$85,723

10. Region IX- **9:30 AM**

Bryan Dooley, Executive Director of Region IX, explained they were looking for support in building their Early Childhood Center. Mr. Dooley detailed the plans for a 17,000-sf facility on 2 acres in Ruidoso, consisting of 14 classrooms with 50+ staff, serving 277 children pre-birth through age 5. Mr. Dooley stated it was an \$8,000,000 facility and they could build it, however they would not have enough funds left over to maintain their current level of services. Mr. Dooley stated Congresswoman Melanie Stansbury's Office had a \$4,000,000 Congressional Legislative Appropriation high on her list for them. Mr. Dooley detailed other funding opportunities they were working on as well. Requested \$1,000,000

11. Ruidoso Public Library - **9:35 AM**

Diane Denise Staab, Library Manager, provided a detailed description of the services provided in the Ruidoso Public Library. Requested \$20,000

12. Region IX School Based Health Center- **9:40 AM**

Ashlee McEwen, Director of Region IX School Based Health Center, presented on many of the services provided throughout the schools and informed the majority of services were behavioral healthcare services. Requested \$10,000

13. Southeastern New Mexico Economic Development District (SNMEDD)-
9:45 AM

Dora Batista, Director of SNMEDD COG, explained some of the services provided in their area which included Lea, Chaves, Eddy, Lincoln and Otero Counties. Ms. Staab explained they had hired a Grant writer for assistance with disaster recovery efforts after the fires, and it included EDA Grants as well. Requested \$7,000

14. South Central Mountain RC & D- **9:50 AM**

Laura Doth, South Central Mountain RC&D, explained they had been serving Lincoln County since 1967 and detailed some of the services provided within the County. Requested \$40,000

15. USDA Wildlife Services – **9:55 AM**

Robert Cummings, Master Specialist for Roswell District, explained the District included Eddy, Lea, Chaves, Lincoln, DeBaca and Curry Counties. Mr. Cummings spoke on livestock predations as well as feral swine in the area. Mr. Cummings detailed the Taylor Grazing fee in the amount of \$35,607.46 and the per head tax in the amount of \$26,538. Requested \$39,855

16. White Mountain Search & Rescue- **10:00 AM**

Shannah Coleman, White Mountain Search & Rescue, explained Alamogordo no longer had a Search and Rescue Team so they are now the only team in the area. Ms. Coleman detailed their request for funding for their equipment to include communications, repelling, medical and any additional operational outdated equipment which may need to be upgraded. Requested \$5,000

17. Community Foundation of Lincoln County – **10:05 AM**

Leroy Smith, Board of Directors of the Community Foundation of Lincoln County, informed the Commissioners the Foundation had been around for about 16-17 years. Mr. Smith explained they provided scholarships for High School seniors throughout the County. Mr. Smith stated the Legacy Fund was an endowment fund which they hoped would reach \$1,000,000 so they would be able to use the interest and not touch the principal. Mr. Smith explained some of their grants help the Humane Society of Lincoln County, the Boys and Girls Club and area libraries just to name a few. Mr. Smith detailed the Shelter Fund which was set up after the Little Bear Fire and used during the most recent fires, however since the funding was over \$500,000, they were now subject to an audit and would incur a \$10,000 audit fee. Requested \$10,000

Chair Proctor recessed the meeting at 10:16 AM and reconvened the Special Commission meeting at 10:24 AM.

c. Medical Related Budget: LCMC and Clinics

Todd Oberheu, Hospital Chief Executive, and Sandy Nunally, Manager of Lincoln County EMS, gave a presentation on the Hospital and stated Presbyterian took over management in 1972. Mr. Oberheu explained they were a critical care hospital which meant they could not have more than 25 beds in the facility. Mr. Oberheu stated they were awarded the top small hospital for the third time in 5 years and the top hospital in the State 3 years ago against all hospitals. Mr. Oberheu gave a presentation on some of the 2023 focus areas within the community. Mr. Oberheu presented 2 proposals for the LCMC Mill Levy options; Option A would be expanding EMS and creating 24-hour EMS Stations in Carrizozo and in Alto and Option B would be keeping things the same. After some discussion Mr. Oberheu clarified his recommendation would be Option A. Mr.

Oberheu also stated there was a possibility they could use the Clinic to house the 24 hour EMS services in Carrizozo, as the New Horizons building was no longer available, however they would have to look at it closer.

Manager Pearson questioned the implementation time to a fully functional 24-hour station. Ms. Nunnally stated if it was started in July, she would hope to be fully operational in September.

Mr. Oberheu detailed some of the capital requests they were looking at, including the UV Sterilization which was done at hospital being done on a smaller version in the Carrizozo and Capitan clinics, the HVAC in Carrizozo which would be split between medical and dental, the Carrizozo dental vacuum system needed upgrade or replacement, and they would like to purchase a new full ambulance.

d. Detailed Department Review

Manager Pearson gave a detailed breakdown of the general fund budget for the various departments. Commissioner Pfeffer questioned the possible increase in the budget due to a possible change in salaries for County employees after studies on comparables within the State.

Manager Pearson explained the Manager's Budget in detail. Commissioner Fischer questioned the Professional Services increase. Manager Pearson stated they were expecting an increase in Attorney's Services. Manager Pearson explained the increase in Equipment was to have the ability to upgrade servers and other computer equipment as it gets close to its end-of-life cycle.

Clerk Hemphill explained the Bureau of Elections budget and stated they received reimbursements from the Secretary of State's Office to cover election related expenses and the reimbursement went back to the General Fund.

Manager Pearson stated the Road Department would need to be adjusted regularly in the future as grants and agreements are presented and signed. Commissioner Pfeffer questioned the use of diesel vs red diesel and if that was something the road superintendent could review and get pricing for. Manager Pearson explained the road fuel and gas tax revenue would be earmarked and brought back monthly. Commissioner Fischer questioned the school bus routes and how much they fluctuated. Mr. Honeycutt explained they requested the routes from the schools and are waiting for a response.

Manager Pearson explained 418 and 405 were combined into 405.

Manager Pearson explained the Fire Departments carry the fund balances over from year to year in order to have enough to purchase their larger equipment.

Manager Pearson stated line 414 is the internal requests so they are easy to track, they currently had the 4 Sheriff's Vehicles which were allocated but had not been received.

Manager Pearson explained the 420 line was the legislative appropriations and there were expectations to receive \$50,000 for the detention center and \$800,000 for the Courthouse Complex.

Manager Pearson stated line 424 was for the Fire Services and consisted of the Fire Marshall funds.

Chair Proctor recessed the meeting at 12:00 PM and reconvened the Special Commission meeting at 12:20 PM.

e. Unfunded Optional County Departmental Requests

Joe Kenmore, OES, stated he was looking for funding for a generator, a large office printer as theirs was outdated and needed to be replaced, and a new vehicle.

Sheriff Wood explained they were waiting on the 4 vehicles they previously purchased however they would like 4 more vehicles with outfitting, a camera system for the office, a 2-bay metal building instead of the vacant lot they were currently using for impounded vehicles and equipment, and video redaction software. Sheriff Wood explained they were notified they would be receiving about \$120,000 from the law enforcement protection fund and 70% of it could be used for equipment and 30% was for training. Sheriff Wood stated he would purchase the shotguns out of the LEP funds. Sheriff Wood stated they would like to purchase the crime scene vehicle through the County and then use the LEP funds to up fit it and make it usable.

Jeff Honeycutt, Road Superintendent, explained they needed a new transport truck as they were down to one and it was not big enough to move the larger equipment. Mr. Honeycutt also requested 2 pickup trucks, one for salt spreader/snowplow and the second to replace an existing fleet truck, both would be 1 ton dodge diesels. Mr. Honeycutt explained the possibility of putting a new motor in the salt spreader/snowplow would be \$58,000 instead of \$320,000 for a new one. Mr. Honeycutt stated his last request was for a mini excavator, which was not something they had in their existing fleet so it would be a new purchase.

Manager Pearson explained the Detention Center would like to purchase a replacement van, they had 4 but are down to 3. Manager Pearson explained the release of prisoner fund, and stated they would like to start it at \$500 instead of \$5,000, which is used to assist prisoners before release to make sure they are able to get on their way to someplace else. Manager Pearson stated the Tularosa Schools had extra portable buildings which the detention center could use, it would cost about \$14,000 to transport it. Manager Pearson explained if they choose not to use the portable building they would need electricity in the warehouse, half of which was used for County assets and half was used for the Detention Center. Manager Pearson stated the Detention Center needed a camera system and security camera storage and server upgrade.

Billie Jo Guevara, Finance Director, requested a vehicle for finance, HR, purchasing and inventory which all fall under the Manager's Office and is needed for attending training.

f. Manager's Recommendations

Manager Pearson recommended waiting for non-emergency funding requests until later. Manager Pearson recommended funding the external requests in the budget and waiting for internal requests until August. Commissioner Fischer recommended no more than a 20% increase in the external budget requests.

The following were the County Commission recommendations:

Boys & Girls Club- \$10,000

Capitan Library- \$5,000

EcoServants- \$16,000

Lincoln County Cooperative Weed Management Area- \$48,000

Lincoln County Humane Society- \$30,000

Lincoln County Juvenile Justice Board- \$12,500
Lincoln County Fair Board Association- \$37,500 to be paid out of Lodgers Tax
NM Rural Bookmobile- \$1,260
NMSU Cooperative Extension Services- \$85,723
Region IX- needs to be researched prior to recommendation
Ruidoso Public Library- \$12,500
Region IX School Based Health Center- \$10,000 with a follow-up from Otero County as they assist in those schools as well
Southeastern New Mexico Economic Development District- \$7,000
South Central Mountain RC&D- \$40,000 from Forest Title 3 Fund with some out of 602 Fund
USDA Wildlife Services- \$39,855 out of fund 423
White Mountain Search and Rescue- \$5,000
Community Foundation of Lincoln County- up to \$10,000 for the cost of the audit
Coalition of Counties- \$28,600
NACO dues- \$450

Chair Proctor clarified after approving the external requests the budget came to .79% and the Region IX request could be brought back after research.

Motion: Approve the external budget requests as recommended by the Commissioners, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

g. Board of County Commissioner's Preliminary Budget Guidance

Manager Pearson explained some of the vehicles requested could be encumbered in the current year's budget and brought back next month as a budget adjustment.

Commissioner Pfeffer would like to be kept updated on the Pending RFP as that could cause some flux in the budget.

Commissioner Fischer would like some additional explanation at the next meeting so he can have a better understanding of the estimates which were presented in the personnel portion of the budget and how it affects the cushion.

9. Next meetings:

- a. Tuesday, May 16, 2023, Regular Commission Meeting & Public Hearing (Adoption of Preliminary Budget FY 23/24) and Canvass of Capitan Schools Special Election Results
- b. Tuesday, June 13, 2023, Canvass Village of Capitan Special Election Results
- c. Tuesday, June 20, 2023, Regular Commission Meeting

10. Adjourn

Motion: Adjourn, **Action:** Adjourn, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

353
354 There being no further business to come before the Board of County Commissioners, Chair
355 Proctor adjourned the meeting at 1:58 PM.
356
357 Respectfully submitted by,
358 Shannan Hemphill
359 Lincoln County Clerk

DRAFT

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Todd Proctor, Chair
Jon Crunk, Vice Chair

Samantha Serna, Member
Mark Fischer, Member
Pierre Pfeffer, Member

Minutes Tuesday May 16, 2023

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on May 16, 2023, in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico. The meeting was also accessible via Zoom.

1. Call to Order

Chair Proctor was unable to attend in person and requested Vice Chair Crunk be the Acting Chair for the Commission Meeting. Chair Crunk called the Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor via zoom.

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Shannan Hemphill, County Clerk

3. Invocation

The Invocation was presented by Chair Crunk.

4. Pledge of Allegiance

- a. Pledge – USA Flag
- b. Salute – NM Flag

5. Approval of Agenda

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

Action: Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

50 **6. Approval of Minutes:**

- 51 a. April 18, 2023, Regular Commission Meeting
- 52

53 **Motion:** Approve the Minutes of April 18, 2023, Regular Commission Meeting, **Action:** Approve,
54 **Moved by** Commissioner Serna, **Seconded by** Commissioner Proctor.

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

56 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk,
57 Commissioner Proctor.

58

59 **7. Approval of Consent Agenda**

- 60 a. Payroll/Accounts Payable/Budget/ Expenditures
- 61 b. Treasurer's Financial Report for the Month Ending April 30, 2023
- 62 c. Upper Hondo Soil & Water Conservation District Mill Levy Rate
- 63 d. Guadalupe Soil & Water Conservation District Mill Levy Rate
- 64 e. Claunch-Pinto Soil & Water Conservation District Mill Levy Rate
- 65 f. Chaves Soil & Water Conservation District Mill Levy Rate
- 66 g. Appointment of Billy Roberts to the Lincoln Historic Preservation Board
- 67 h. Approval of Public Celebration Permit – Noisy Water Winery
- 68 i. Approval of Retaining RBC Capital Markets, LLC as the Municipal Advisor
- 69 j. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- 70 k. Approval of Resolution 2023-54, Policy for the Acceptance of Debit/Credit Cards
71 or Electronic Means for Payment of Utilities and Related Services
- 72 l. Approval of Resolution 2023-56, Resolution Setting a Deadline for the Timely
73 Submission of Requests by Special Districts Located Within the County of
74 Lincoln for Mill Levy Funding
- 75 m. Approval of Resolution 2023-57: Liquor License Fees
- 76 n. Approval of Memorial Day Proclamation – Monday, May 29, 2023
- 77

78 **Motion:** Approve the Consent Agenda Items as presented, **Action:** Approve, **Moved by**
79 Commissioner Fischer, **Seconded by** Commissioner Proctor.

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

81 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk,
82 Commissioner Proctor.

83

84 **SEE EXHIBIT A:** Copies of the Consent Agenda items including Resolution 2023-54, Resolution
85 2023-56 and Resolution 2023-57 are attached hereto in reference thereto made a part hereof.

86

87 **8. Board of Finance – Lincoln County Treasurer, Sherrie Huddleston**

88

89 Treasurer Huddleston provided details about the delinquent property tax notices which were
90 mailed out. Treasurer Huddleston further explained the Treasurer's Financial Report for the month
91 ending April 30, 2023.

92

93 **9. Approval of Budget Adjustment FY 22/23 by Resolution 2023-52**

94

95 Manager Pearson explained the Budget Adjustment was to cover Sheriff's Vehicles and the
96 approved E911 generator.

97

98 **Motion:** Adopt Resolution 2023-52 Budget Adjustment for FY22/23, **Action:** Adopt, **Moved by**
99 Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

SEE EXHIBIT B: Copy of Resolution 2023-52 is attached hereto in reference thereto made a part hereof.

10. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Jennifer Thomas, District Ranger with the Smokey Bear Ranger District, stated the district went into high fire danger and was hoping for rain to help out.

b. Lincoln County / NMSU Extension Services

Melody Gaines, Family Consumer Science Agent, provided statistics from the office over the last month.

c. South Central Mountain RC & D

Robert Barber, RC&D, explained the NRCS was trying to get additional funding to assist the McBride EWP. Mr. Barber reminded the Commissioners there were no matching funds requirements for the McBride EWP projects.

d. Upper Hondo Soil & Water Conservation District

Robert Barber, Upper Hondo SWDC, explained the Nogal EWP was proceeding well and they hoped to be done in November. Mr. Barber stated they were looking for landowners along the Rio Ruidoso to help with treatment along the riverbank as they had \$40,000 which needed to be spent by June 2025. Mr. Barber explained there was a 25% cost to the landowner and they would cover the other 75% up to \$7,500.

e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, attended the solar rule plan meeting as well as a meeting with the BLM on a rule for conservation and landscape health. Mr. Barber stated Section 6100 prioritizes the health of the land leaving the current usage in place.

14. Lincoln County Medical Center Update-Todd Oberheu

Todd Oberheu, Hospital Chief Executive, stated they were close to closing the agreement with the Ruidoso Municipal Schools and Presbyterian on the land swap. Mr. Oberheu stated Dr. Otero was going back to clinic practice in Ruidoso and would no longer be the Chief Medical Officer. Dr. Keri Rath agreed to serve as interim CMO and Dr. Kyle McCombs would serve as the Medical Director of the Emergency Room and hospice service.

16. Lincoln County Office of Emergency Services:

a. Updates on Structure and Wildfires in Lincoln County

Joe Kenmore, Office of Emergency Services, explained there had been eight brush fires in the last month. Mr. Kenmore stated they were adding cutting, welding and grinding to the Fire Danger Emergency Resolution. Mr. Kenmore explained in the future during a fire, questions should be directed to Manager Pearson not directly to OES as they would be busy with the fires and wouldn't have time to be answering questions.

b. Outside Agency/County Cooperation and Command Structure During Fire Events

Mr. Kenmore explained if a fire was on State or Private property it falls back to the County to be in command however, the Forest Service took control when it was on their land.

c. Approval of Resolution 2023-55, Declaration of Fire Danger Emergency

Manager Pearson explained they increased the level of restriction and added many additions to include fireworks, smoking, chainsaws, cutting, welding, grinding and others to the Resolution. Jennifer Thomas, District Ranger, stated fireworks were prohibited on Forest Service lands year around.

Motion: Adopt Resolution 2023-55, Declaration of Fire Danger Emergency, **Action:** Adopt, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

SEE EXHIBIT C: Copy of Resolution 2023-55 is attached hereto in reference thereto made a part hereof.

d. Consideration of the Sub-Grant Agreement Between the Department of Homeland Security and Emergency Management and the County of Lincoln

Manager Pearson requested this item be brought back in June.

11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Commissioner Proctor detailed the many meetings he had attended including the solid waste meeting, the Tabulator certification for the Capitan School Special Election, the open house in Ruidoso, and was currently attending the WIR conference in Georgia. Commissioner Proctor stated at the Board of Directors meeting they were informed the fees would be going up for each County.

Commissioner Fischer stated he attended the Ruidoso Public School Board of Education meeting. Commissioner Fischer explained New Mexico is at the bottom in the Country for Education and we need to teach about the basics, not sexualize the students. Commissioner Fischer stated every School system in the County is faced with the same issues and Lincoln County Schools were below the median in the State.

Commissioner Serna recognized National Police Week and thanked all the police and deputies throughout the County.

Commissioner Pfeffer congratulated Brandi and Gary on landing the first Grant they wrote. Commissioner Pfeffer explained they wrote a grant to get a contract for a Grant Writer outside of the County. Commissioner Pfeffer stated they were working on an additional \$100,000 Grant for solid waste. Commissioner Pfeffer attended a working Group on Opioids to include the Judges and Otero County and thanked Stephen Ochoa who had been helpful in the process.

Chair Crunk met with the Office of the Superintendent of Insurance, however there was no good news to provide. Chair Crunk explained wildfire could no longer be underwritten for. Chair Crunk explained the mountainous regions within the desert cause problems in the insurance industry and many of the homes which were lost in the fires were Multigenerational homes which can no longer be replaced. Chair Crunk stated if they want something done they need to get the ISO ratings down.

Clerk Hemphill provided an update on the three Special Elections being held in the County. Clerk Hemphill thanked everyone who attended the tabulator certification and reiterated everything her office does is open to the public and they welcome participation. Clerk Hemphill explained there were statutory requirements they had to meet in all their processes and requested participation and questions directly related to the project at hand. Clerk Hemphill stated if someone was interested in other parts of the job, i.e.- getting a rundown of the tabulators, she would be happy to discuss it with them later when time could be scheduled for the discussion, not during the statutorily required processes. Clerk Hemphill reminded everyone about the Regular Local Election in November and stated Candidate sign-ups would be on August 29, 2023, from 9:00 AM -5:00 PM.

Assessor Hill stated his office mailed their Notice of Values to property owners in the County. Assessor Hill explained the deadline to protest was May 31, 2023, and the hearings would be in July.

Sheriff Wood explained it was National Police Week and he thanked those individuals standing behind the badge. Sheriff Wood provided statistics from his office during the last month.

Jim Spiri, Lincoln Resident, commended Mr. Stout for doing a good job. Mr. Spiri spoke about the land which was on Salazar Canyon and is Day use only however, it is not being enforced and they may need a bigger sign which says it is a day use only area. Mr. Spiri stated people were camping there and it was not being monitored.

Galen Farrington, Legacy Estates, spoke on the Ruidoso School Board meeting and stated it was about the School Boards policy to have the School Board work with the parents. Mr. Farrington spoke on the questions Mr. Roper missed on his application in June 2021.

Chair Crunk recessed the Regular Meeting and convened the Public Hearing at 10:00 AM.

12. 10:00 A.M: Public Hearings/Budget Hearing (immediately following Public Hearing):

- a. Amendments/Revisions to Ordinance No. 2020-04 an Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2017-07

Commissioner Fischer stated his recommendation would be to combine the two current solid waste ordinances into one cohesive ordinance. Commissioner Fischer stated his dislike for the term violator in paragraph E and recommended the term citee instead.

Attorney Morel agreed with the combination of the two ordinances into one and stated he felt it was premature to hold the public hearing, however since it was scheduled, they were required to take public input.

Manager Pearson explained they would revise and combine both ordinances and then schedule a Special Meeting to review it in detail.

b. Ordinance No. 2020-04 Page 4, Paragraphs D, E and F as it Relates to Revising the Current Established Fees

Francesca Herrera, Public Works Director, stated rates had not been raised in more than 8 years. Ms. Herrera explained a 20% rate increase, which would be \$80/quarter for polycarts and \$75/quarter for dumpsters/compactors, would bring them into the black however there would be no ability to purchase additional equipment.

Commissioner Serna requested information on raising the price by 25% instead of the 20% rate increase. Commissioner Fischer stated his preference was to only go up 20% at this time, however it could be raised again in the future to be able to cover the additional costs. Commissioner Pfeffer agreed and stated it was a moving target which the County will always be chasing so he preferred to only increase 20% at this time and see what happens in the future. Ms. Herrera explained after rerunning the numbers it would be a 25% increase if the GRT was added in.

Andrea Fernandez, Ruidoso Resident, recommended reducing the waste instead of reducing the cost.

Russ W., County Resident, recommended enforcement and collection of the Liens which were already on the properties.

Chair Crunk recessed the public hearing and reconvened the Regular meeting at 10:38 AM.

Motion: Table Agenda Item 12a and conduct another public hearing for amendments and revisions to Ordinance 2020-04 at the next Regular Commission Meeting in June, **Action:** Table, **Moved by** Commissioner Serna, **Seconded by** Commissioner Proctor.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Motion: Approve Resolution 2023-58 increasing the solid waste collection fees to \$80/quarter for Polycarts, \$75/quarter for dumpsters, and \$40/quarter for a second polycart, all prices include GRT, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

SEE EXHIBIT E: Final Approval of Resolution 2023-58 approved prior to Executive Session.

Chair Crunk recessed the Regular Meeting and reconvened the Public Hearing at 10:44 AM.

- c. Amendments/Revisions to Ordinance No. 2022-01 an Ordinance Providing for an Efficient and Fair Method of Enforcing the Ordinances of Lincoln County; Establishing the Position of Ordinance Enforcement Officer Under the Supervision of the Public Works Department; Authorizing the Ordinance Enforcement Officer to Enforce the Provisions of Lincoln County Ordinances; Designating Authority and Procedures for Ordinance Enforcement Officers; Providing for the Severability of Parts Hereof; Repealing Ordinance 2022-01 and Any Other Ordinances in Conflict Herewith; and Providing an Effective Date

Attorney Morel explained the ordinance which had been brought to the Commission numerous times before to determine who would be best to enforce the ordinance. Commissioner Serna felt it best left in the planning department and the Sheriff's office could be included at the end if it had to go to court. Commissioner Pfeffer agreed the initial steps should be handled in the planning department with the Sheriff's Office involvement if needed.

Commissioner Fischer would like to see the language changed to Citee instead of Violator. Commissioner Serna would like to have the notice of violation mailed in addition to having a posting requirement at the location in order to advise both the owner and the tenant.

Chair Crunk recessed the public hearing and reconvened the Regular meeting at 10:52 AM.

Motion: Approve Ordinance 2023-04 with amendments as stated, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Chair Crunk recessed the Regular Meeting and reconvened the Public Hearing at 10:54 AM.

- d. Adoption of the Preliminary Budget by Resolution 2023-53 Fiscal Year 2023-2024

Commissioner Fischer explained priority 1 was to find additional sources of revenue, priority 2 was to improve management of existing resources, and priority 3 was to maintain a balanced budget however, he would like to rearrange the priorities so priority 3 would become priority 1.

Commissioner Pfeffer questioned if the 2.6 mil for the Lincoln County Medical Center could go to 3 mil if needed. Manager Pearson explained they were looking at the preliminary budget and any changes would need to be made prior to the final budget in July so they would need to revisit it at the June meeting.

Chair Crunk adjourned the public hearing and reconvened the Regular meeting at 11:07 AM.

Motion: Adopt Resolution 2023-53 with the following changes- priority one- maintain a balanced budget without incurring increases in taxation rates and by minimizing fees for Lincoln County Citizens, priority two- improve management of existing resources, and priority three- find additional sources of revenue by encouraging economic development, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

SEE EXHIBIT D: Copy of Resolution 2023-53 is attached hereto in reference thereto made a part hereof.

Chair Crunk recessed the Regular Meeting at 11:10 AM and reconvened at 11:20 AM.

11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Jeff Bleu, Alto resident, appreciated the commissioners' statements about their opposition to the batch plant. Mr. Bleu continued reading Mr. Farrington's comments. Mr. Bleu expressed his concern about the apathetic nature of the Judicial System and others involved. Mr. Bleu stated the concrete batch plant would affect the assessment and the tax revenue of the houses in the Alto area.

Commissioner Fischer stated he was torn on the issue as he was for private property rights as well as the disturbance of the area with an industrial facility. Commissioner Fischer explained the issue brought up concerns about future planning in the County and how to secure the legacy of the different areas and neighborhoods in the County.

13. Lincoln County Detention Center Update – Warden, Ross Castleton

Ross Castleton, Warden LCDC, provided statistics from the detention center over the last month. Warden Castleton explained they had staffing issues and were down 8 staff, so they raised the base pay to \$20/hr. Warden Castleton stated they had a job fair and contacted NMWFC to try and find staff. Warden Castleton detailed some renovations including removing the paint on the windows, painting the walls within the facility, and installing ladders on the beds. Warden Castleton explained it was Correctional Professional Week last week, so the detention center provided fun activities for the staff as a thank you.

Commissioner Fischer questioned the screening of the employees entering the facility. Warden Castleton explained employees were wanded and must have clear bags, however the screening process would be too invasive.

Commissioner Pfeffer questioned counseling programs available at the facility. Warden Castleton explained the RISE program had a counseling piece and they had a private practice mental health provider as well.

15. Lincoln County Assessor, Walter Hill:

- a. Discussion and Direction Regarding SB 324, Increasing the Amount of Additional Compensation a County May Provide to Assessors and Certain Certified Employees in Appraisal Offices.

Assessor Hill recognized 4 members of his staff; Raymond Monrreal, Amanda Trujillo, Taylor Thornton, and Dena Badore who were now certified Appraisers. Assessor Hill spoke on SB 324 and stated he would like to have all his employees with training receive certification pay.

Chair Crunk stated he would like information on the commercial appraisals throughout the County. Assessor Hill explained all Commercial Properties in Ruidoso and Ruidoso Downs would be done

next year, Corona was done last year, and Carrizozo would be done this year. Assessor Hill stated his office was short staffed, so they were behind.

Attorney Morel explained Statute 4-39-4 and 4-39-5 and stated both were affected by SB 324. Attorney Morel explained effective July 1, 2023, all Assessor's employees could receive up to \$9,000 for all 4 certifications. Attorney Morel detailed the AG Opinion and interpretation from Grace Phillips, the Attorney for the New Mexico Counties, who stated Article 10 Section 1 of the NM Constitution provided the Legislature shall fix the salaries of all County Officers and no County Officer shall receive additional compensation other than the annual salary provided by law. Attorney Morel stated his opinion was, although it would take affect July 1, 2023, an elected official would not be entitled to the increase per the Constitutional provision during the current term of office. Attorney Morel explained the Assessor was already receiving an additional \$7,500 however, he felt he would not be able to receive the additional amount until the next term began.

Attorney Morel explained the pay adjustments were discretionary for all employees. Assessor Hill stated there were 4 levels of certification available. Chair Crunk questioned the different jobs in other Counties and how they were paid.

Commissioner Serna questioned the open positions in the office since the Assessor stated he was short staffed. Assessor Hill stated there were currently no open positions in the Assessor's Office. Commissioner Pfeffer commended the staff who had increased their training and received their certifications. Commissioner Pfeffer stated they were not short staffed, they were fully staffed, and there were not many departments in the County who could say that, so he applauded them for having the extra incentive to keep staff in the office.

Commissioner Proctor would like to consider the raises for the County staff however he was concerned about the Assessor pay increase as it was considered un-Constitutional and it was stated as may, not shall.

Commissioner Fischer spoke on the County employees' pay and stated it should be done globally, not specifically to each office. Commissioner Fischer would like a study of the compensation for all the offices, not just the Assessor's Office.

b. Consideration of a Variance/Exception from Resolution 2021-41, PER DIEM AND MILEAGE POLICY, Section 3. D.5.

Attorney Morel explained the Resolution stated a set amount which could be received per mileage and per diem however, the Commission could approve anything over that amount. Assessor Hill explained his interpretation was it could be approved by the department head, Elected Official or the Commission. Assessor Hill stated they were currently over by \$161.40 for a couple of employees.

Billie Jo Guevara, Finance Director, stated they were over by \$161.40/employee however, that didn't reflect the other 20% which they needed to submit for, and they wanted to attend the summer conference as well which was estimated at an additional \$500/employee.

Assessor Hill explained the two employees attended two full weeks of training with Tyler Tech. Chair Crunk questioned employees being trained in new software which hadn't been decided on or approved. Manager Pearson stated they were going to RFP or proposal of some kind for software for the County as a whole. Chair Crunk stated he didn't understand why they were attending training on a program which hadn't been approved.

Commissioner Fischer explained the Commission was looking for confidence the Assessor was doing his due diligence in being efficient. Commissioner Fischer stated the Assessor's 5-year plan which was just being implemented was really impacting the citizens of the County as the appraisals were increasing. Commissioner Fischer appreciated the 5-year plan however, he would have liked to see it implemented in the beginning of the Assessor's term of office, not the end. Commissioner Fischer felt it appropriate to increase the mileage and per diem as requested so the employees could further their knowledge of office duties.

Motion: Approve the overage above \$2,500 for each of the two employees, plus up to an additional \$500 for them to be able to attend the Summer Conference, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Chair Crunk.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Chair Crunk recessed the Regular Meeting at 12:26 PM and reconvened at 1:00 PM.

Chair Crunk recessed the Board of County Commissioners and convened as the Lincoln County Canvassing Board.

17. Canvass Capitan Schools Special Election, Lincoln County Clerk, Shannan Hemphill

Clerk Hemphill detailed the Capitan Schools Special All-Mail Election and presented the tabulator tapes, roster, and hand tally forms for approval. Clerk Hemphill stated there were 3,822 active voters and 445 inactive voters for a total of 4,267 total registered voters in the Capitan School District. Clerk Hemphill explained the ballots were mailed to all active voters in the Capitan School District on April 14, 2023, for the Election which was held on May 9, 2023. Of the 3,822 ballots which were mailed, 1,236 were returned with 1,180 accepted and 56 which were rejected for no ID, no Birth Year, no Signature, incorrect address, or the entire envelope was left blank. Clerk Hemphill stated the results were 575 votes For the Public School Capital Improvements Tax and 605 votes Against the Public School Capital Improvements Tax. Clerk Hemphill explained there were an additional 177 ballots which were returned undeliverable and 48 ballots which were received after the deadline.

Motion: Approve the results of the Capitan Schools Special Election as presented, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Chair Crunk adjourned the Lincoln County Canvassing Board and reconvened as the Board of County Commissioners.

18. Lincoln County Public Works:

- a. Approval to Issue Request for Proposal – Solid Waste Services

Manager Pearson explained the RFP for Solid Waste Services. Commissioner Serna questioned the sentence which said proposers were not required to propose on all activities. Manager

Pearson stated they would like to give them the ability to be flexible if they had better ideas than what was being requested. Commissioner Serna questioned the scoring as it would not be given the same consideration if they were not all the same.

Commissioner Fischer stated there were baseline must haves which were required and must be bid on; however, they could include optional services which would be scored differently with extra points.

Motion: Approve the issuance of the Solid Waste RFP, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

b. Approval to Adjust Invalid Solid Waste Charges with Manager Oversight

Manager Pearson explained many accounts were incorrectly charged years ago, some were never paid, and others were houses which were sold before a lien was placed on them so they would like the ability to clean up the books and remove some of the outstanding charges.

Motion: Approve the adjustment to the solid waste charges with the manager's oversight, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

c. Alarm Permit Violation:

1. Approval of the Release of Liens – Charles Welch

Attorney Morel stated the alarm permit fee had not been paid by Mr. Welch since 2008. Attorney Morel explained there were liens created over the years and some were filed however others were not. Attorney Morel recommended the Commission release the liens which had been filed and then re-institute a new claim of lien from November 2008-current.

2. Approval of Claim of Lien in the amount of \$2,000 – Charles Welch

Motion: Approval to release the liens which had already been filed and file a new claim of lien in the amount of \$2,000 on the property owned by Charles Welch, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

d. Consideration and Approval of Gate Repair – Sonterra Compactor Site

Francesca Herrera, Public Works Director, explained the problems with the broken fence and gate at the Sonterra Compactor Site. Ms. Herrera stated Sonterra agreed to fix the fence and asked the County to replace the gate.

Motion: Approve \$1,800 to repair the gate at the Sonterra Compactor Site as presented, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

19. Economic Development

a. Local Economic Development Act (LEDA) Introduction

Kevin Wilson, LEDA, explained the State's anti-donation clause and stated one of the exceptions was for economic development if the local entity had a Local Economic Development Act. Mr. Wilson explained LEDA would reimburse people for land, infrastructure or building expenses which would all stay in the area regardless of what happened to the business.

Manager Pearson explained the process involved and stated the individual business would have a contract with the State and the County would be the pass-through agency.

b. U.S. Economic Development Administration Funding Opportunities – Discussion and Direction

Manager Pearson stated on April 24 EDA announced there were some funding opportunities for regions impacted by natural disasters. Manager Pearson detailed a few options to include the fairgrounds and working with ENMU on the Rodeo Club, the Pavilion at the Racetrack, water, infrastructure, sewer, the Village of Ruidoso plan and design at the intersection of US Highway 70 and NM 48, and re-construction of the circle at the upper end of Sudderth by Upper Canyon. Commissioner Serna stated there would be a 20% match component which could not come out of federal dollars. Manager Pearson explained they were not looking at specific projects yet, they would just like the authority to pursue the funding opportunities.

Motion: Authorize the County Manager to pursue EDA Funding opportunities, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

20. Award of Electrical On-Call Services for the County of Lincoln RFP #22-23-5

Manager Pearson recommended no action be taken.

21. Manager's Report

1) Audit Timeframes Update

Lincoln County staff contacted Kubiak auditors regarding the 2022-2023 audit schedule. The past couple of years, staff has been working through Thanksgiving weekend finalizing the requests from the auditors.

This year's audit will begin much earlier (August 1, 2023). This should allow staff and the auditors to have final documentation completed by October 1, 2023. Burn permits can be found on the Lincoln County Website -

2) Burn Permit is Now Online

Burn permits can be found on the Lincoln County Website –

https://www.lincolncountynm.gov/services/fire_emergency_services/burn_permit.php

The permit requires Name / Mailing AND Burn Address/ Cell Phone Number and the Time and Dates of the burn.

3) Meeting With ALG&CC – 3/27/2023.

Commission Pfeffer, Sandy Nunnally and I met with the Alto Lakes Board to discuss the new Fire Station and Ambulance service in Lincoln County.

The Board appreciated us updating them on the topics and inviting us back as topics arise.

4) Construction Begins on Carrizozo Court Complex

1. The 12th Judicial District has started the transition of moving the Carrizozo Magistrate into the Complex.
2. White Sands Construction commenced building of one ADA restroom in the 1960's portion of the building. Construction is expected to last 90-120 days.

5) FEMA Training 101 – 3/30/2023

FEMA representative, Mike Ku, built an introductory course that covers the basics of dealing with disasters and navigating the FEMA system. This was a great workshop that helped everyone learn the FEMA process (and acronyms). Lincoln County, VOR, Capitan and the SE COG were all in attendance.

6) Lincoln County Recovery Coordination Meeting (DR-4652)

Every two weeks we join the NMDHSEM team to discuss the latest progress on our recovery efforts (McBride and Nogal Fires). FEMA NMDHS, County, VOR EDA and many more teams give the latest update and try to set achievable goals before the next meeting. Progress has been made with EDA (future funding opportunities). We still have NOT been reimbursed for CAT A & B (debris clean up).

7) Inspection of Public Records - IPRA

The County Manager's office has had 5 major IPRA requests during the last 30 days.

Requirements:

- Response required within 3 days of receiving the IPRA
- Provide Information to requester within 15 days of receiving IPRA
- Invoice requester (if charges apply)
- Wait to receive payment / Receive payment
- Mail the information to the requester

The Sheriffs office receives IPRA requests – almost daily.

8) Director's Reports

22. Approval of Lodger's Tax Funding Requests:

- a. Event: Christmas Jubilee
Amount Requested: \$3,000.00
Date(s) of Event(s): Nov. 10-12, 2023
Presenter: Pam Dutton

Judy Ellis, Ruidoso Valley Greeters, requested funds for the Christmas Jubilee in the amount of \$3,000 to help with advertising. Ms. Ellis explained all the merchants were from Lincoln County and they anticipated 4,000-5,000 attendees.

Motion: Approve \$3,000 as requested, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Excused: Commissioner Serna.

- b. Event: Smokey Bear Stampede
Amount Requested: \$40,000.00
Date(s) of Event (s): July 1-4, 2023
Presenter: Renee Montes

Robert Shepperd, Lincoln County Fair Board, detailed the Annual Rodeo and 4th of July Smokey Bear Stampede. Mr. Shepperd explained they had \$84,500 in expected costs, they were unable to do fireworks, and they were looking to add concerts. Mr. Shepperd stated they requested \$40,000 to help pay for the headliner, security, sanitation, trash, janitorial, advertising, the halftime show and the stock contractor. Mr. Shepperd explained there would be a \$15 entry fee, and attendance varied based on the day of the week the 4th fell on.

Renee Montes, Lincoln County Fair Board, explained there was \$85,000 brought in last year without a headliner so they were expecting a larger turnout with a headliner.

Motion: Approve \$40,000 as requested, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

- c. Event: White Oaks Miners' Day
Amount Requested: \$5,465.00
Date(s) of Event(s): August 19, 2023
Presenter: Susan Gerke

Susan Gerke, White Oaks Miners' Day, explained the requested amount would be used to cover expenses for White Oaks Miners' Day to include advertising, porta potties and insurance.

Attorney Morel stated the T-shirts which were written on the request were unable to be included unless they were given away not sold.

Motion: Approve \$4,165 for the White Oaks Miners' Day, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

- d. Event: Summer Concert Series #8 Pat Green
Amount Requested: \$2,000.00
Date(s) of Event(s): July 14 & 15, 2023
Presenter: Matt Ingram
- e. Event: Summer Concert Series #9 Randall King

707 Amount Request: \$2,000.00
708 Date(s) of Event(s): July 21 & 22, 2023
709 Presenter: Matt Ingram

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711 f. Event: Summer Concert Series #10 WAR
712 Amount Request: \$2,000.00
713 Date(s) of Event(s): July 28 & 29, 2023
714 Presenter: Matt Ingram

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716 g. Event: Summer Concert Series #11 Anything Selena/Bobby Pulido
717 Amount Request: \$2,000.00
718 Date(s) of Event(s): August 4 & 5, 2023
719 Presenter: Matt Ingram

720
721 h. Event: Summer Concert Series #12 Bruno Tribute
722 Amount Request: \$2,000.00
723 Date(s) of Event(s): August 14 & 15, 2023
724 Presenter: Matt Ingram

725
726 i. Event: Summer Concert Series #13 Little Joe
727 Amount Request: \$2,000.00
728 Date(s) of Event(s): August 18 & 19, 2023
729 Presenter: Matt Ingram

730
731 j. Event: Summer Concert Series #14 Depeche Mode
732 Amount Request: \$2,000.00
733 Date(s) of Event(s): August 25 & 26, 2023
734 Presenter: Matt Ingram

735
736 Matt Ingram, Ruidoso Downs Racetrack, explained the summer concert series and said Fridays
737 were free however, Saturdays average ticket price was about \$55.00. Mr. Ingram requested
738 \$2,000 for each series and stated it would be used for printing and social media advertising. Mr.
739 Ingram stated the maximum occupancy in the event tent was 4,000.

740
741 **Motion:** Approve all 7 Summer Concert Series requests at \$2,000 each as presented, **Action:**
742 Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

744 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk,
745 Commissioner Proctor.

746
747 k. Event: Cowboy Festival
748 Amount Request: \$10,000.00
749 Date(s) of Event(s): September 29 & 30, 2023
750 Presenter: Matt Ingram

751
752 Mr. Ingram detailed the Cowboy Festival and explained they would be adding a rough stock rodeo,
753 2 nights of live entertainment, and a PBR challenger series with bull riding. Mr. Ingram requested
754 \$10,000 to be used for social media advertising and printing.

755
756 **Motion:** Approve \$10,000 as requested, **Action:** Approve, **Moved by** Commissioner Serna,
757 **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

l. Event: Old Lincoln Days/Marketing Plan

Amount Request: \$18,600.00

Date(s) of Event(s): August 4-6, 2023

Presenter: Tim Roberts

m. Event: Old Lincoln Days/Marketing Plan

Amount Request: \$19,600.00

Date(s) of Event(s): July 15 & 16 and August 4-6, 2023

Presenter: Tim Roberts

Tim Roberts explained they had a two-part request. The first was \$6,000 for the traditional marketing of Old Lincoln Days to include radio ads, social media marketing and posters to name a few. The second part of the request was for a comprehensive marketing plan for Lincoln. Mr. Roberts stated the comprehensive marketing plan would include new branding and social media over the next 12 months and the development of a new website.

Attorney Morel stated he was unsure if a marketing plan qualified as advertising so it may not be acceptable under the Lodger's Tax funding request.

Commissioner Serna questioned the Lincoln After Dark event and the cost associated for advertising. Mr. Roberts stated the cost would be \$1,000 for advertising Lincoln After Dark.

Motion: Approve \$7,000 for advertising of Old Lincoln Days and Lincoln After Dark, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

23. Consideration and Approval to Enter into an Agreement with Desert West, LLC for Services Approved by Resolution No. 2023-21 – Participation in Transportation Project Fund Program Administered by the NM DOT

Jeff Honeycutt, Road Superintendent, stated the presented contract was cheaper than the sate pricing agreement. Mr. Honeycutt explained Desert West LLC had a contract with Roosevelt County which had a provision for other Counties to piggyback off the pricing and it was guaranteed through September 2023. Mr. Honeycutt clarified there was a resolution and approval in October 2022 to micro-surface FFA Road, Schlarb Road, Juniper Springs, Alpine Village and Musketball.

Mr. Honeycutt explained \$56,000 was the County match portion of the Transportation Project Fund Program. Mr. Honeycutt stated the 2 miles of chipseal on Fort Loan Tree would be the remaining part of the \$1.1 million.

Motion: Approve obligating the Transportation fund grant of \$1,125,000 for micro surfacing of the 8.2 miles as presented and the chipseal and grading of the 2 miles on Fort Loan Tree, contingent on documentation from Desert West agreeing to those terms, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

12. 10:00 A.M: Public Hearings/Budget Hearing (immediately following Public Hearing):

b. Attorney Morel presented the adjusted Resolution 2023-58 setting the fees for solid waste services to reflect polycart residential service at \$26.67/ month inclusive of Gross Receipts, Lincoln County extra polycart service at \$13.33/ month inclusive of Gross Receipts, and Lincoln County residential dumpster service at \$25.00/month inclusive of Gross Receipts. Attorney Morel stated the Resolution would be effective on June 30, 2023, one day prior to the next billing cycle. The resolution was approved during the public hearing however, Attorney Morel requested a vote on the Resolution as presented with the changes.

Motion: Adopt Resolution 2023-58 as presented, **Action:** Adopt, **Moved by** Commissioner Serna, **Seconded by** Commissioner Proctor.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

SEE EXHIBIT E: Copy of Resolution 2023-58 is attached hereto in reference thereto made a part hereof.

c. Attorney Morel presented the adjusted Code Enforcement Ordinance 2023-04 and stated the citations would be posted at the property and the word violator was changed to citee. The Ordinance was approved during the public hearing however, Attorney Morel requested a vote on the Ordinance as presented with the changes.

Motion: Approve Ordinance 2023-04 as presented, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

24. 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); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining Negotiations, Section 10-15-1, Subparagraph (H)(F)

Motion: To close the meeting for the purposes of an Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining Negotiations, Section 10-15-1, Subparagraph (H)(F), **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk, Commissioner Proctor.

Chair Crunk recessed the Regular Meeting and convened the Closed Session at 3:11 PM.

New or Updated Matters since last report *

1. **Board of County Commissioners of Lincoln County v. Roger Romero D-1226-CV-2018-00055** Complaint for Foreclosure. Complaint was filed February 20, 2018. Defendant Roger Romero filed an Answer to the Complaint asserting a Counterclaim to be filed in the U.S. District Court on April 2, 2018. A Judicial Inquiry Hearing took place September 4, 2018. The case is still pending.

2. **Roger Romero v. State of New Mexico – D-1226-CV-2018-00113 (Underlying Cases are: Board of County Commissioners of Lincoln County v. Roger Romero, D-1226-CV-2018-00055, and State of N.M. v. Roger Romero M-30-MR-2016-00142)** A Petition for Writ of Habeas Corpus was filed requesting that the Judgment & Sentence entered by Judge Vega in Cause No. M-30-MR-2016-00142 be vacated and set aside. George Romero's Answer to Complaint and Counterclaim was filed April 30, 2018 in Cause No. D-1226-CV-2018-00055. On February 26, 2019, an Order Setting Aside Conviction was entered by Judge Counts.

On March 25, 2019, a Notice of Appeal was filed with the N.M. Supreme Court, Case No. S-1-SC-37602 On January 8, 2021, the Supreme Court entered its Dispositional Order of Transfer transferring the case to the Court of Appeals for consideration and review.

On January 28, 2021, a Dispositional Order was entered transferring the case to the NM Court of Appeals for consideration and review. Case No. A-1-CA-39446 On December 8, 2022, the case was submitted to a 3 Judge Panel for a decision.

3. **Romero, et al. v. Stone, et al, Cause No. D-1226-CV-2019-00271** Request for Appointment of Guardian Ad Litem for Plaintiffs and Complaint for Violation of Civil and Constitutional Rights, Negligence, Prima Facie Tort and Wrongful Taking was filed on October 9, 2019 along with a Jury Demand. Lisa B. Riley is the presiding Judge. The case is still pending.

4. **Brd. of County Commissioners of Lincoln County v. Amerisourcebergen Drug Corp., et. al – U.S. Dist. Court Case No. 2:19-cv-00462** – Complaint for Public Nuisance, Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)... filed on May 20, 2019 by Attorneys Robles, Rail & Anaya, P.C., et. al. After receiving no oppositions to the transfer of the case, on June 17, 2019, the case was transferred to the Northern District of Ohio noting that as of December 5, 2017, 1,534 cases have been transferred to Ohio for further proceedings. Settlement has been reached with some of the Defendants and, Lincoln County has begun to receive payments from some of the settling Defendants. The case is still pending.

5. **Greentree Solid Waste Authority v. Lincoln County, Cause No. D-1226-CV-2014-00095** – Compromise and Settlement Agreement and Release executed on December 17, 2015.

6. **Debra Wilcox v. Board of County Commissioners, Deputy Samuel C. Hanna, Caroline McCoy and Former Sheriff Robert Shepperd, Cause No. D-1215-CV-2021-00574** Complaint for Damages was filed on the 2nd day of September, 2021 by Steven Sanders alleging personal injury resulting from an improper and grossly negligent investigation and for "malicious abuse of process". County Defendants were served on November 2, 2021. The case is still pending.

7. **Eby Revocable Trust AND William R. Moser v. Lincoln County Assessor, et al, Cause No. D-1226-CV-2021-0260** A Notice of Appeal of Decision of Tax Protest Board was filed on the 14th day of December, 2021 by Attorney Zach Cook. On January 27, 2022, New Mexico Counties assigned Attorney Daniel Macke to represent Lincoln County. The case is still pending.

8. **Crystal Buster v. Board of County Commissioners for Lincoln County, Correctional Solutions Group, LLC, et al, Cause No. 2:21-cv-01208** A Complaint for Recovery of Damages Caused by the Deprivation of Civil Rights with a Jury Demand was filed on the 12th day of December, 2021, by Coyte Law P.C., and the Law Offices of Matthew Vance, P.C. The case is still pending.

9. **Lionel Burns v. Lincoln County Sheriff's Department; Deputy Daniel Brawley; in their individual and official capacities, and Rhonda Burns, Cause No. D-1226-CV-2022-00032** A Complaint for Damages was filed on the 4th day of March, 2022, by Clayton E. Crowley, Esq. and Joseph J. Gribble, Esq.

On April 22, 2022 the case was removed to the U.S. District Court for the District of New Mexico, Cause No. 1:22-cv-000304. The case is still pending.

10. **Potential Recovery of County of Lincoln Losses from the McBride / Nogal Fires**

11. **Butch's Properties, LLC v. Vera Cruz Ranches, et al, Cause No. D-1226-CV-2022-00166** A Complaint to Quiet Title was filed on the 18th day of August, 2022 by Attorney William Griffin. Lincoln County was served on the 26th day of August, 2022, and filed its Answer to the Complaint on the 26th day of September, 2022. The case is still pending.

12. ***Rosarita Brady, et al v. The Board of County Commissioners of the County of Lincoln, et al, Cause No. D-1226-CV-2022-00199** A Verified Complaint was filed by Attorneys Alexandra Bobbit and McKenzie St. Denis on the 27th day of September, 2022. Lincoln County was served on the 22nd day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6th day of January, 2023. A hearing on Defendants' Motion to Dismiss took place on May 1, 2023. A ruling on the Motion to Dismiss has yet to be entered.

13. ***Dennis Rich and Yvonne Rich, v. Walt Hill, et al, Cause No. D-1226-CV-2022-00230** A Complaint to Quiet Title was filed on the 22nd day of November, 2022 by Attorney H. John Underwood. On May 4, 2023, Lincoln County filed its Disclaimer of Interest in the case which concluded Lincoln County's involvement in this cause of action.

14. ***State of New Mexico v. Richard Jeremy Moisa, Cause No. M-30-MR-2022-00087A** A Complaint for Violation of Lincoln County's Animal Control Ordinance was filed by LCSO Sgt. Jesse Finley on the 29th day of August, 2022. On April 11, 2023, LCSO Sgt. Jesse Finley filed a Notice of Dismissal with Prejudice based upon lack of jurisdiction. This matter is now concluded.

15. **BB Lane, LLC / 137 Bluebelle Lane** Violation of Lincoln County's Lodgers' Tax Ordinance.

16. ***KVL Realty, LLC / 228 Eagle Ridge Rd.** Violation of Lincoln County's Lodgers' Tax Ordinance. On May 2, 2023, Lodgers' Tax payments were received by Lincoln County. This account is now in good standing and, this matter is concluded.

17. ***Kendallco, LLC / 29276 Hwy. 70** Violation of Lincoln County's Lodgers' Tax Ordinance.

18. ***Copper Ridge Homeowners Association, LLC v. Len Stokes, et al, Cause No. D-1226-CV-2022-00133.** A Complaint for Declaratory Judgment was filed by Plaintiff on July 1, 2022 and an Amended Complaint was filed on August 4, 2022. On January 11, 2022, Judge Daniel A. Bryant entered an Order allowing Plaintiff to further amend its complaint to join the County of Lincoln as a Defendant based upon the County's ownership of Lot 4A in the Copper Ridge Subdivision. The County has yet to be served with the Second Amended Complaint.

Tort Claims Notices Received or Threatened

2023

Ornelas, Mark – Tort Claim Notice received on January 4, 2023, alleging injuries sustained on October 11, 2022, as a result of an automobile accident / rollover of the Detention Center Transport Van owned by Lincoln County while being transported from Eddy County Detention Center to Lincoln County Detention Center.

Booth, Marcus – Tort Claim Notice received January 26, 2023, alleging injuries sustained by Claimants head due to the actions by staff of the Lincoln County Detention Center and staff's refusal to take Claimant for medical treatment.

Ramos, Heber – Tort Claim Notice received on February 17, 2023, alleging Civil Rights Violations and injuries sustained while Mr. Ramos was incarcerated at the Lincoln County Detention Center.

Smoley, Cinthia – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, she was subjected to a conspiracy of constitutional deprivations when she was unlawfully removed from her home at 105 Bluebird Lane, Ruidoso, NM. Her claims include that: she sustained injuries while being detained, she was abused during her incarceration at the Lincoln County Detention Center, she was assigned a Public Defender without her consent, and that all of her pets were immediately euthanized by the Lincoln County Humane Society the day of her arrest. Claimant has named the following agencies in her claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Smoley, Robert – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, he was subjected to a conspiracy of constitutional deprivations when he was unlawfully removed from his sister's home at 105 Bluebird Lane, Ruidoso, NM where is resided. His claims include that he was abused during his incarceration at the Lincoln County Detention Center, he was assigned a Public Defender without his consent, and that all of his pets were immediately euthanized by the Lincoln County Humane Society the day of his arrest. Claimant has named the following agencies in his claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Provine, Allison – Tort Claim Notice received March 14, 2023, referencing the Lincoln County Sheriff's Office stating: "faulty tail light"

Mendoza, George – Tort Claim Notice received March 20, 2023, alleging that on or about December 10, 2022, Lincoln County Medical Center and/or its agents fell below the standard of care resulting in injuries and damages to Claimant.

Cummins, Sara – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Dorgan, K.C. – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Soden, Sue – Tort Claim Notice received March 31, 2023, alleging that on or about March 1, 2022 and continuing thereafter to on or about April 12 and May 5, 2022, Lincoln County Medical Center and/ or its agents fell below the standard of care resulting injuries and damages to Claimant.

2022

Schwartz, Neil – Tort Claim Notice received on February 10, 2022 alleging malicious and/or tortious actions and/or omissions by the State of New Mexico, the Lincoln County Sheriff's Department, the New Mexico State Police, and the Twelfth Judicial District Attorney's Office resulting in damages to Claimant including, but not limited to, infliction of mental pain and suffering, injuries to Claimant's reputation, and current and future loss of earnings.

Downs, Barbara – Tort Claim Notice received May 6, 2022 alleging improper road and/or waterline maintenance resulting in a vehicle collision due to the icy road at the intersection of Sudderth Drive and Paradise Canyon in Ruidoso, New Mexico. A 2nd Tort Claim Notice was received on May 9, 2022 for a separate source with the same allegations as those set out in the May 6, 2022 notice.

McMinn, David – Tort Claim Notice received on July 6, 2022, alleging multiple, serious issues due to the use of excessive force by BIA law enforcement who may have been agents of or acting on behalf of the Village of Ruidoso, Ruidoso Police Department, Lincoln County, N.M. State Police and the State of New Mexico.

New Mexico Boys and Girls Ranches, Inc. and its Employee, Bridgman, Ted – Tort Claim Notice received on August 9, 2022, alleging violation of civil rights and tort claims act, including a demand to cease and desist and the return of promotional materials confiscated by County representatives at the Lincoln County Fair.

Estates of Wesley Clark and Linda Clark – Tort Claim Notice received on October 11, 2022 alleging wrongful deaths as a result of the McBride Fire due in part to faulty siren warning systems.

Snodgrass, Joshua – Tort Claim Notice received on November 2, 2022 concerning loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

Grassie, Kurtis - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

2021

Cervantez, Adam - Tort Claim Notice received on July 8, 2021 alleging the use of excessive force and related constitutional claims during his arrest on April 22, 2021.

Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van – Tort claim Noticed received on July 27, 2021. Claimants each allege damages to personal and real property as a result of the extraordinary flooding experienced throughout Lincoln County.

Myers, Sylvia – Tort Claim Notice received August 30, 2021 alleging that Lincoln County Medical Center's treatment fell below the standard of care.

Siegel, Erik – Tort Claim Notice received August 30, 2021 alleging deprivation of rights involving tort, constitutional rights, and other claims.

White, Lionel Glenn, Jr., and family members and tenants, Ralph Nosker and his family members, Barbara Arthur and her family members, and Barlou, LLC – Tort Claim Notice received September 16, 2021 alleging inundation by water resulting in damages to existing roadways and parking in the Gavilan Canyon Road area which are all located within the municipality of the Village of Ruidoso.

Smokey, Cinthia – On November 8, 2021, Ms. Smokey submitted to the Lincoln County Treasurer's Department a Statement dated 11/2/2021, for "Arbitration Award/monies due for default".

Vonderane, Glenn – Tort Claim Notice received October 19, 2021 alleging personal injury while using a staircase at the Village of Ruidoso public parking lot located at 151 Center Street.

Chair Crunk adjourned the Closed Session and reconvened the Regular Meeting at 4:39 PM.

Commissioner Serna attested matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting and no action was taken.

25. Discussion and Direction Regarding Leasing the Small House Located on the Fairgrounds Property in Capitan, NM

Jeff Honeycutt, Road Superintendent, provided an update on the small house renovations at the fairground's property in Capitan, and stated the next step was the inspection. Chair Crunk would like a walk through to see the progress. Mr. Honeycutt detailed the hours the County employees spent working on the project and explained the finances thus far in the project. Chair Crunk expressed his concern about the liability issues.

Commissioner Pfeffer expressed his concern about the security or who would be living at that location. Manager Pearson stated the original intent was for the house to be for the caretaker or watcher over the fairground's property and the maintenance yard once it was completed.

Attorney Morel explained it was originally planned as a place for the road superintendent to live however, the terms of the contract would need to be included in the lease. Chair Crunk expressed his concern about the optics of favoritism from other County employees.

Manager Pearson stated they would do a market analysis to get a general idea of the market value of the house and include the required duties in the lease.

1113
1114 **26. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
1115 **Lincoln County Ordinances**
1116

1117 There were no public hearings to schedule at this time.
1118

1119 **27. Signing of Official Documents**
1120

1121 **28. Next meeting:**

- 1122 a. June 13, 2023, Special Meeting Canvass Village of Capitan Election
1123 b. June 20, 2023, Regular Commission Meeting
1124

1125 **29. Adjourn**
1126

1127 **Motion:** Adjourn, **Action:** Adjourn, **Moved by** Commissioner Serna, **Seconded by**
1128 Commissioner Pfeffer.

1129 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

1130 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Chair Crunk,
1131 Commissioner Proctor.
1132

1133 There being no further business to come before the Board of County Commissioners, Chair Crunk
1134 adjourned the meeting at 5:01 PM.
1135

1136 Respectfully submitted by,
1137 Shannan Hemphill
1138 Lincoln County Clerk



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

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AGENDA ITEM NO. 7

SUBJECT:

Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending May 31, 2023
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Approval of Behavioral Health Services Division (BHSD) / Reach, Intervene, Support and Engage (RISE) Grant Agreement
- e. Approval of Resolution 2023-60: Disposition of Surplus Inventory
- f. Approval of Resolution 2023-61: Annual Capital Assets Inventory Certification FY 2022-2023
- g. Approval of Local Government Road Fund County Cooperative Agreement – Control No. L200591
- h. Approval of Local Government Road Fund County Arterial Program Agreement – Control No. L200609
- i. Approval of Local Government Road Fund School Bus Route Agreement – Control No. L200614
- j. Consideration and Approval of Appointment to Lodgers' Tax Committee – Dusty Cornelius

Tuesday, June 20, 2023



County of Lincoln

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ACCOUNTS PAYABLE and PAYROLL

The following claims or bills on file with the office of the Lincoln County Manager were examined and approved as paid with checks hereof drawn upon the various County funds according to the check register covering the period from May 1, 2023 through May 31, 2023 in the amount of \$ 3,224,314.00.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 20th of June, 2023.

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

Todd F. Proctor, Chairman Dist. 1

Jon F. Crunk, Vice Chairman, Dist. 3

Mark G. Fischer, Member Dist. 5

Pierre S. Pfeffer, Member Dist. 4

Samantha J. Serna, Member Dist. 2

ATTEST:

Shannan Hemphill, County Clerk



County of Lincoln

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AGENDA ITEM 7c

June 6, 2023

MEMORANDUM

TO: County Commissioners

FROM: Ira Pearson, Lincoln County Manager

SUBJECT: Safety Net Care Pool & Indigent Health Care Claims

Purpose: To obtain the approval from the IHC Board of Safety Net Care Pool Authorizations, and the Indigent Health Care (IHC) Payments.

Discussion:

Safety Net Care Pool Authorizations: This month our coordinator processed eleven (11) claims, all of which are recommended for approval. If approved, the total recommended authorization this month is **\$3,069.73**.

Indigent Health Care Claims: This month our coordinator did not receive any claims to process. Enclosed is a year-to-date summary of total claims approved and denied. Also enclosed is a summary of total claims approved and denied, for the month of June.

Manager's Analysis – For the last two years, the average Indigent Health Care monthly payments were **\$3,775 and \$2,288** respectively. The FY 21-22 year-end total was **\$27,461.64**. To date, the total expenditure is **\$6,117.75** or a monthly average of **\$509.81**. This concludes fiscal year 23 and the final total for the indigent claim line item.

Similarly, for the last two fiscal years, the total Commission-approved Safety Net Care Pool Claims were **\$92,949 and \$49,213.39** respectively. The FY 21-22 monthly average was **\$4,101**. To date, the total authorization is **\$42,943.06**.

Special Note – 100% of these claims are from the current 22-23 fiscal year.

Recommendation: Approve the claims as indicated for the Safety Net Care Pool report and the Indigent Health Care Program report.

Approved: _____
Todd Proctor

SCP / SAFETY NET CARE POOL CLAIMS FISCAL YEAR 2022 - 2023

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR	\$39,873.33
---	-------------

ADJUSTMENTS

TOTAL ADJUSTMENTS:	\$0.00	\$0.00
--------------------	--------	--------

JUNE # CLAIMS FOR APPROVAL	11
# CLAIMS FOR DENIAL	0
JUNE # TOTAL CLAIMS	11

JUNE TOTAL \$ AMOUNT APPROVED	\$3,069.73
-------------------------------	------------

TOTAL # CLAIMS THIS FY APPROVED	82
TOTAL # CLAIMS THIS FY DENIED	7
TOTAL # CLAIMS FY 2022 - 2023	89

TOTAL APPROVED THIS FISCAL YEAR	\$42,943.06
---------------------------------	-------------

FACILITY: LINCOLN COUNTY MEDICAL CENTER 06/20/2023 THROUGH 06/20/2023

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
23188	12/23/2022	90.00	69.30	077%
23189	05/18/2023	1051.00	809.27	077%
23190	05/09/2023	273.00	210.21	077%
23197	05/04/2023	77.60	59.75	077%
23191	04/21/2023	90.00	69.30	077%
23192	05/09/2023	356.00	274.12	077%
23198	05/18/2023	759.00	584.43	077%
23193	04/05/2023	294.00	226.38	077%
23194	03/27/2023	306.06	235.67	077%
23195	04/05/2023	273.00	210.21	077%
23196	05/18/2023	417.00	321.09	077%

3069.73

APPROVED- 11 REJECTED-

INDIGENT HEALTH CARE CLAIMS

FISCAL YEAR 2022 - 2023

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR

\$6,117.75

ADJUSTMENTS

TOTAL ADJUSTMENTS:

JUNE # CLAIMS FOR APPROVAL	0
# CLAIMS FOR DENIAL	0
JUNE # TOTAL CLAIMS	0

JUNE TOTAL \$ AMOUNT APPROVED	\$0.00
-------------------------------	--------

TOTAL # CLAIMS THIS FY APPROVED	4
TOTAL # CLAIMS THIS FY DENIED	1
TOTAL # CLAIMS FY 2022 - 2023	5

CURRENT TOTAL APPROVED THIS FISCAL YEAR

\$6,117.75

*Assuming the above is approved

YTD

INDIGENT FUND MEETING

JUNE 20, 2023

TOTAL APPLICATIONS	94	49,060.81
TOTAL APPROVED	86	
TOTAL DENIED	8	

ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		6,117.75
APPROVED-	4	
DENIED-	1	

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		42,943.06
APPROVED-	82	
DENIED-	7	

INDIGENT FUND MEETING

JUNE 20,2023

TOTAL APPLICATIONS	11	3,069.73
TOTAL APPROVED	11	
TOTAL DENIED		

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		3,069.73
APPROVED-	11	
DENIED-		



County of Lincoln

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AGENDA NO. 7e

June 5, 2023

MEMORANDUM

TO: County Commissioners
FROM: Ira Pearson, Lincoln County Manager
SUBJECT: Resolution 2023-60: Disposition of County Inventory and Capital Assets

PURPOSE: To obtain approval to dispose of surplus or obsolete assets by whichever means are applicable, including sale on public auction; transfer; destruction; or e-cycle by Resolution 2023-60.

DISCUSSION: Approval is sought to dispose of surplus, obsolete or damaged County assets by whichever means are applicable, including sale on public auction; transfer; destruction; or e-cycle. Please see the attachments:

Exhibit 1 - Capital Assets that meet reporting criteria to DFA;

Exhibit 2 – Detail of Non-Capital Assets, County inventory, pursuant to §12-6-10 NMSA 1978;

Recommendation: Approve the listed property for disposition and reporting to the State Auditor and request approval from Department of Finance and Administration (DFA) to dispose of property by Resolution 2023-60.

**REQUEST FOR DISPOSITION
COUNTY OF LINCOLN - CAPITAL ASSETS
RESOLUTION 2023-60**

6/5/2023

RESOLUTION 2023-60									
LC INV #	DESCRIPTION/ MAKE	MODEL	SERIAL #	DEPT.	ORIGINATING GL	IN SERVICE DATE	PURCHASE PRICE	REASON FOR DISPOSAL	Mileage
8702215	1999 Crime Scene Unit	Chevrolet GM4	1GBJK34J9XF034033	Law Enforcement	500-70-2522	6/29/1999	\$101,592.80	Has mechanical issues and unable to start.	105,575
8707079	2016 Ford	Expedition XL 4x4	1FMJU1GT2GEF24564	Law Enforcement	414-91-2913	1/14/2016	\$30,360.00	Needs a lot of repairs and no longer feasible to maintain	175,000
8707126	2016 Ford	Expedition XL 4x4	1FMJU1GT7GEF43627	Law Enforcement	414-91-2913	4/1/2016	\$30,360.00	Needs a lot of repairs and no longer feasible to maintain	167,050
8707426	2017 Ford	Expedition XL 4x4	1FMJU1GTXHEA24296	Law Enforcement	414-91-2913	11/9/2016	\$38,172.08	Needs a lot of repairs and no longer feasible to maintain	153,044
8707822	2017 Dodge	Ram 1500 Crew Cab 4x4	1C6RR7XT1HS821296	Law Enforcement	414-91-2913	9/12/2017	\$28,640.00	Been wrecked, Needs new transmission not feasible to repair.	93,000
8708696	AO Smith Commercial Water Heater	BTR197118	190211	Corrections	450-62-2131	3/21/2019	\$8,062.63	Leaking was disposed of 10/2022	
8702663	2001 Volvo Water Truck	Volvo	4V5SC8JH11N315963	Road Dept.	402-40-2921	11/9/2000	\$73,628.00	Frame is Cracked. Has had a lot repairs done to it and not feasible to repair anymore.	63,898
8704454	2008 Ford	Expedition	1FMFU16598LA63644	County Clerk Dept.	414-91-2912	4/24/2008	\$23,232.00	Need Smaller Vehicle - 15 years old and starting to have trouble starting.	56,911

REQUEST FOR DISPOSITION
COUNTY OF LINCOLN INVENTORY-PERSONAL PROPERTY
RESOLUTION 2023-60

6/5/2023

LC INV #	DESCRIPTION/ MAKE	MODEL	SERIAL #	DEPT.	GL #	IN SERVICE DATE	REASON FOR DISPOSAL
8601704	Dining Room Counter	Fox-Worth	N/A	Senior Ctr - RD	999-99-9999	1/19/1996	Discarded when remodel
8707100	Grill Guard	Ranch Hand	N/A	Law Enforcement	401-22-2921	2/24/2016	Attached to Vehicle Inv. #8707079
8707232	Grill Guard	Ranch Hand	N/A	Law Enforcement	520-75-2138	6/10/2016	Attached to Vehicle Inv. #8707126
8703063	Metered Water Softener	High Desert	11002	Senior Ctr - RD	530-76-2940	1/14/2002	discarded when remodel
8301366	Lateral Filing Cabinet	N/A	N/A	Senior Ctr - RD	999-99-9999	7/18/1994	Broken
8708343	Raypak Main Boiler	Raypak	903294458	Corrections	999-99-9999	9/6/2019	Boiler not feasible to repair
8601746	HP Designjet Printer	650	N/A	LCOES	406-63-2962	4/30/1998	Has not been inventoried since 2011
8703241	Executive Chair	Hon	N/A	LCOES	999-99-9999	12/3/2002	Broken
8703404	Bubblejet Printer	BJC-85	XADP89252	LCOES	999-99-9999	3/11/2003	Broken not feasible to repair
5300069	Executive Chair	N/A	N/A	Corrections	999-99-9999	4/2/1965	Broken has been disposed
5300070	Executive Chair	N/A	N/A	Corrections	999-99-9999	4/2/1965	Broken has been disposed
5300072	Executive Chair	N/A	N/A	Corrections	999-99-9999	4/2/1965	Broken has been disposed
8702775	Wet/Dry Shop Vac	2.9 amp	2074070	Corrections	401-02-2560	4/20/2001	Has been disposed
8706690	Microwave	Emerson	404000182MM	Corrections	450-62-2108	10/24/2014	Broken
8706563	Vacuum Cleaner	Dirt Devil	3015318	Corrections	450-62-2108	9/24/2014	Broken
8706957	Vacuum Cleaner	Shark	3071488	Corrections	450-62-2108	8/13/2015	Brokem
8704428	Motorola Mobile	CDM1250 UHF	103THY3669	Homeland Security	462-92-2921	3/28/2008	Obsolete
8704432	Motorola Mobile	CDM1250 UHF	103TJAB196	Homeland Security	462-92-2921	3/28/2008	Obsolete
8704427	Motorola Mobile	CDM1250 UHF	103TJAA054	Homeland Security	462-92-2921	3/28/2008	Obsolete
8704867	Motorola Mobile	CDM1250 VHF	103TFEP544	Homeland Security	462-92-2921	3/28/2008	Obsolete
8301445	Generator	TCII	5642-4153	Road Dept.	999-99-9999	8/26/1994	No longer works
8704347	Flatbed	Bradford	BB84102	Road Dept.	414-91-2916	11/7/2007	Rusted no longer needed and does not fit other trucks

RESOLUTION NO. 2023-60

APPROVAL OF DISPOSITION OF SURPLUS INVENTORY

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on June 20, 2023, has reviewed the listed surplus inventory that is recommended for disposal by whichever means are applicable to the item(s) including as sale; transfer; destruction; or e-cycle; and items to be removed from inventory due to loss; damage or theft.

WHEREAS, none of the items listed are expected to be valued at or sell for over \$5,000; with the exception of inventory #8707079 – 2016 Ford Expedition, #8707126 – 2016 Ford Expedition, Inventory #8707426 – 2017 Ford Expedition and #8707822- 2017 Dodge Ram 1500.

WHEREAS, the computer hard drives will be cleaned and/or removed and destroyed prior to sale, radios will be destroyed and

WHEREAS, all identifying graphics will be removed from all vehicles prior to sale.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Lincoln, approves the listed obsolete inventory be disposed of by proper means of disposal, pursuant to §12-6-10 and §13-6-1, NMSA 1978.

EXHIBITS:

Exhibit 1 - Capital Assets that meet reporting criteria to DFA;

Exhibit 2 – Detail of County Personal Property inventory, pursuant to §12-6-10 NMSA 1978;

PASSED, APPROVED AND ADOPTED this 20th day of June, 2023.

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

Todd F. Proctor, Chairman

Samantha J. Serna, Member

Jon F. Crunk, Vice Chairman

Mark G. Fischer, Member

Pierre S. Pfeffer, Member

Attest:

Shannon Hemphill, County Clerk



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 7f

June 7, 2023

MEMORANDUM

TO: County Commissioners

FROM: Ira Pearson, County Manager

SUBJECT: Annual Capital Assets Inventory Certification Fiscal Year 2022 - 2023

Purpose: To certify the Annual Inventory Certification

Discussion:

As directed by the Lincoln County Board of Commissioners, for the Fiscal Year 2022 – 2023 annual inventory of chattels and equipment valued at \$5,000 or above. In accordance with generally accepted auditing procedures, and in order to meet the annual requirements for certification as specified in state statute 12-6-10, we hereby certify the listing of property for over \$5,000 for Lincoln County, New Mexico.

Recommendation: Approve and sign the attached Inventory Certification.



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

June 20, 2023

Kubiak, Melton & Associates, LLC
Mr. Jose J. Ortiz Audit Manager
Mr. Daniel Trujillo, Director of Audit
Mr. Shi (Richard) Lu, Staff Accountant
6747 Academy Road NE, Suite A
Albuquerque, NM 870109

Re: Inventory Certification for Fiscal Year 2022-2023

Dear Gentlemen,

Pursuant to **NMSA § 12-6-10.A Annual Inventory**, I hereby certify that a physical inventory of the capital assets owned by the County of Lincoln has been conducted and our listing of all capital assets is true and correct at June 30, 2023.

Todd Proctor, Chairman
Lincoln County Board of Commissioners

Ira Pearson
County Manager

**LINCOLN COUNTY
RESOLUTION NO. 2023-61**

**A RESOLUTION OF INVENTORY CERTIFICATION OF THE LINCOLN COUNTY FISCAL
YEAR 2022-2023
CAPITAL ASSET INVENTORY**

WHEREAS, according to State Audit Rule 2.2.2.10 (W) NMAC Inventory certification: (2) Section 12-6-10 (A) NMSA 1978 requires each agency to conduct an annual physical inventory of movable chattels and equipment costing more than \$5,000.00 on the Capital Inventory list at the end of each fiscal year; and

WHEREAS, NMSA 1978, Section 15-3B-2 (2016) Property Control Act directs the General Services Department to promulgate regulations to user agencies for the accounting and control of Capital Outlay projects, including Capital Assets, held by government agencies; and,

WHEREAS, the term “agency” is intended to include New Mexico counties when used in the Audit Act, *See*, NMSA 1978, Section 12-6-2 (2011); and,

WHEREAS, The Board of County Commissioners met in a regularly scheduled meeting on June 20, 2023 at 300 Central Avenue, Carrizozo, New Mexico 88301.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the physical asset inventory, attached and incorporated hereto as Exhibit “A”, is hereby certified to be correct.

APPROVED, RESOLVED AND CERTIFIED this 20th day of June, 2023, by:

THE BOARD OF COUNTY COMMISSIONERS

Todd Proctor, Chairman

John Crunk, Vice Chairman

Samantha Serna, Member

ATTEST:

Mark Fischer, Member

Shannon Hemphill, County Clerk

Pierre Pfeffer, Member

Contract No. _____
Vendor No. 0000054389
Control No. L200591

LOCAL GOVERNMENT ROAD FUND COUNTY COOPERATIVE AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and Lincoln County (Public Entity), collectively referred as the “parties.” This Agreement is effective as of the date of the last party to sign it on the signature page below. Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2, and State Transportation Commission Policy No. 44, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Design, Pavement Rehabilitation, Reconstruction, Drainage Improvements, Miscellaneous Construction, and Construction Management as described in Control No. **L200591** and the Public Entity’s resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

a. For purpose stated above, the estimated total cost for the Project is **One Hundred Fifty Thousand and no cents (\$150,000)** to be funded in proportional share by the parties as follows:

1. Department’s share shall be 75%: **\$112,500**

Design, Pavement Rehabilitation, Reconstruction, Drainage Improvements, Miscellaneous Construction, and Construction Management

2. Public Entity’s required proportional matching share shall be 25%: **\$37,500**

3. Total Project Cost: **\$150,000**

b. The Public Entity shall pay all Project costs, which exceed the total amount of **One Hundred Fifty Thousand and no cents (\$150,000)**.

c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

- a. Receipt of a cover letter requesting funds;
- b. Receipt of a Notice of Award and Notice to Proceed;
- c. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section 2, Paragraph a2; and
- d. All required documents must include Department Project and Control Number.

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) calendar days of execution of this Agreement, or as otherwise agreed to in writing by the parties.
- c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
- d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.
- e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
- h. Obtain all required written agreements or permits, when applicable, from all public and private entities.
- i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
- j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.
- k. Within thirty (30) calendar days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **Project Certification of Design, Construction, and Cost form**, which is attached as Exhibit A.
- l. Within thirty (30) calendar days of completion, furnish the Department an **AS BUILT**

Summary of Costs and Quantities form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **Project Certification of Design, Construction, and Cost** form.

- m. Failure to provide the **Project Certification of Design, Construction, and Cost** form and an **AS BUILT Summary of Costs and Quantities** report within thirty (30) calendar days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

5. Both Parties Agree:

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this Project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) calendar days of project completion or expiration of this Agreement, whichever occurs first.
- c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision can not be used by the Public Entity to meet a required match under any other program.
- e. The provisions of the Tribal/Local Public Agency State Funding Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on December 31, 2024. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.
- b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.

- d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

8. Third Party Beneficiary.

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

9. Liability.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, and any other applicable law.

10. Contractors Insurance Requirements.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance and endorsements listing the Department as an additional insured must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.

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

12. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

14. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age, disability, or other protected class, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Public Entity is found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies, subject to Section 7 above.

15. Appropriations and Authorizations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.

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

17. Severability.

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

18. Applicable Law.

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

19. Amendment.

This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated opposite that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

Lincoln County

By: _____

Date: _____

Title: _____

Attest: _____
Name and Title

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

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

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Tribal/Local Public Agency State Funding Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

_____ and completed on _____, 20____; and

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

Name

Date

Print Name

Title

EXHIBIT B
AS BUILT SUMMARY
OF COSTS AND QUANTITIES
CONTRACT

ENTITY: _____ No.: _____ CN: _____

PROJECT No.: _____

TERMINI: _____

SCOPE OF
WORK:

[illegible]

Contract No.	
Vendor No.	0000054389
Control No.	L200609

LOCAL GOVERNMENT ROAD FUND COUNTY ARTERIAL PROGRAM AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and **Lincoln County** (Public Entity), collectively referred as the “parties.” This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2, and State Transportation Commission Policy No. 44, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Design, Pavement Rehab, Reconstruct, Drainage Improvements, Misc. Construction, Construction Management, Chip Seal, and Micro surfacing Eagle Creek Road**, as described in Control No. **L200609** and the Public Entity’s resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

a. For purpose stated above, the estimated total cost for the Project is Two Hundred Fifty-Five Thousand Three Hundred Seventy-Nine (255,379) to be funded in proportional share by the parties as follows:

1. Department’s share shall be 75%: **\$191,534**

Design, Pavement Rehab, Reconstruct, Drainage Improvements, Misc. Construction, Construction Management, Chip Seal, and Micro surfacing Eagle Creek Road

2. Public Entity’s required proportional matching share shall be 25%: **\$63,845**

3. Total Project Cost: **\$255,379**

b. The Public Entity shall pay all Project costs, which exceed the total amount of Two Hundred Fifty-Five Thousand Three Hundred Seventy-Nine (255,379)

c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

- a. Receipt of a cover letter requesting funds;
- b. Receipt of a Notice of Award and Notice to Proceed;
- c. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section 2, Paragraph a2; and
- d. All required documents must include Department Project and Control Number.

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) calendar days of execution of this Agreement, or as otherwise agreed to in writing by the parties.
- c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
- d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.
- e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
- h. Obtain all required written agreements or permits, when applicable, from all public and private entities.
- i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
- j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.
- k. Within thirty (30) calendar days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity

established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **Project Certification of Design, Construction, and Cost form**, which is attached as Exhibit A.

- l. Within thirty (30) calendar days of completion, furnish the Department an **AS BUILT Summary of Costs and Quantities** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **Project Certification of Design, Construction, and Cost form**.
- m. Failure to provide the **Project Certification of Design, Construction, and Cost form** and an **AS BUILT Summary of Costs and Quantities** report within thirty (30) calendar days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

5. Both Parties Agree:

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this Project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) calendar days of project completion or expiration of this Agreement, whichever occurs first.
- c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision can not be used by the Public Entity to meet a required match under any other program.
- e. The provisions of the Tribal/Local Public Agency State Funding Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on December 31, 2024. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.
- b. The Department may terminate this Agreement if the funds identified in Section 2 have not

- been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
 - d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

8. Third Party Beneficiary.

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

9. Liability.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, and any other applicable law.

10. Contractors Insurance Requirements.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance and endorsements listing the Department as an additional insured must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.

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

12. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

14. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age, disability, or other protected class, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Public Entity is found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies, subject to Section 7 above.

15. Appropriations and Authorizations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.

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

17. Severability.

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

18. Applicable Law.

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

19. Amendment.

This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated opposite that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

Lincoln County

By: _____

Date: _____

Title: _____

Attest: _____
Name and Title

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

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

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Tribal/Local Public Agency State Funding Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

_____ and completed on _____, 20____; and

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

Name

Date

Print Name

Title

EXHIBIT B
AS BUILT SUMMARY
OF COSTS AND QUANTITIES
CONTRACT

ENTITY: _____ No.: _____ CN: _____

PROJECT No.: _____

TERMINI: _____

SCOPE OF
WORK:

[illegible]

Contract No.	
Vendor No.	0000054389
Control No.	L200614

LOCAL GOVERNMENT ROAD FUND SCHOOL BUS ROUTE AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and **Lincoln County** (Public Entity), collectively referred as the “parties.” This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2, and State Transportation Commission Policy No. 44, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Design, Pavement Rehab, Reconstruct, Drainage Improvements, Misc. Construction, Construction Management, Chip Seal, and Micro surfacing Eagle Creek Road**, as described in Control No. **L200614**, and the Public Entity’s resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

a. For purpose stated above, the estimated total cost for the Project is One Hundred Fifty Thousand and No Cents (150,000) to be funded in proportional share by the parties as follows:

1. Department’s share shall be 75%: **\$112,500**

Design, Pavement Rehab, Reconstruct, Drainage Improvements, Misc. Construction, Construction Management, Chip Seal, and Micro surfacing Eagle Creek Road

2. Public Entity’s required proportional matching share shall be 25%: **\$37,500**

3. Total Project Cost: **\$150,000**

b. The Public Entity shall pay all Project costs, which exceed the One Hundred Fifty Thousand and No Cents (150,000).

c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

- a. Receipt of a cover letter requesting funds;
- b. Receipt of a Notice of Award and Notice to Proceed;
- c. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section 2, Paragraph a2; and
- d. All required documents must include Department Project and Control Number.

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) calendar days of execution of this Agreement, or as otherwise agreed to in writing by the parties.
- c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
- d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.
- e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
- h. Obtain all required written agreements or permits, when applicable, from all public and private entities.
- i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
- j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.
- k. Within thirty (30) calendar days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **Project Certification of Design, Construction,**

and Cost form, which is attached as Exhibit A.

- l. Within thirty (30) calendar days of completion, furnish the Department an **AS BUILT Summary of Costs and Quantities** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **Project Certification of Design, Construction, and Cost** form.
- m. Failure to provide the **Project Certification of Design, Construction, and Cost** form and an **AS BUILT Summary of Costs and Quantities** report within thirty (30) calendar days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

5. Both Parties Agree:

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this Project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) calendar days of project completion or expiration of this Agreement, whichever occurs first.
- c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision can not be used by the Public Entity to meet a required match under any other program.
- e. The provisions of the Tribal/Local Public Agency State Funding Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on December 31, 2024. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.
- b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this

Agreement may terminate immediately upon written notice of the Department to the Public Entity.

- d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

8. Third Party Beneficiary.

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

9. Liability.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, and any other applicable law.

10. Contractors Insurance Requirements.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance and endorsements listing the Department as an additional insured must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.

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

12. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

14. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age, disability, or other protected class, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Public Entity is found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies, subject to Section 7 above.

15. Appropriations and Authorizations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.

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

17. Severability.

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

18. Applicable Law.

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

19. Amendment.

This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated opposite that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

Lincoln County

By: _____

Date: _____

Title: _____

Attest: _____
Name and Title

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

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

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Tribal/Local Public Agency State Funding Handbook (Current Edition);

2. Construction of the project was performed in accordance with standards and specifications set forth in:

_____ and completed on _____, 20____; and

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

Name

Date

Print Name

Title

EXHIBIT B
AS BUILT SUMMARY
OF COSTS AND QUANTITIES
CONTRACT

ENTITY: _____ No.: _____ CN: _____

PROJECT No.: _____

TERMINI: _____

SCOPE OF
WORK:

[illegible]

**Dusty Cornelius
High Country Lodge
Alto, NM 88312**

My name is Dusty Cornelius, I am a native Texan born and raised in a small community just southeast of Dallas. My husband Daniel was born in Tularosa, New Mexico and we have been married for 40 years. We share three grown sons, two wonderful daughter-in-laws and four amazing grandchildren.

I hold a Bachelor's Degree in Nursing and I have practiced as an RN in the field of Internal Medicine, with the majority of my career as a Nursing Program Director in the field of psychiatry.

I have owned High Country Lodge in Alto, NM since September of 2018 and it has been both a pleasure and an educational experience.

I am looking forward to learning more about this committee and how you all serve the great people of Lincoln County.

Sincerely

Dusty



www.lincolncountynm.gov

County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

AGENDA ITEM NO. 8

SUBJECT:

Approval of Budget Adjustment for FY 22/23 by Resolution

Tuesday, June 20, 2023



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 9

SUBJECT:

Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District
- b. Lincoln County / NMSU Extension Services
- c. South Central Mountain RC & D
- d. Upper Hondo Soil & Water Conservation District
- e. Land and Natural Resources Advisory Committee-LANRAC

Tuesday, June 20, 2023



Lincoln National Forest, Smokey Bear Ranger District

DECISION MEMO

BLUE LAKE FENCE CONSTRUCTION

PROJECT #63762

BACKGROUND

The wooden post and pole fence that deterred vehicle traffic from entering a wetland area known as Blue Lake on Gavilan Ridge was burned down during the McBride Fire in the spring of 2022. The Forest Service plans to reconstruct the wooden fence and expand its length to provide more protection to the wetland that the Forest Service enhanced in 2013.

PROJECT LOCATION

The project area is located on the north end of Gavilan Ridge approximately 1 mile northeast of Ruidoso, New Mexico along Forest Road 120A.

Lincoln County, New Mexico

New Mexico Principal Meridian

Section 1 of T. 10 S., R. 13 E.

PROPOSED ACTION

The Lincoln National Forest, Smokey Bear Ranger District proposes to construct a post and pole fence around the perimeter of the wetland known as Blue Lake on Gavilan Ridge. Approximately 2,000 feet of fence would be constructed. A 20-foot-wide corridor along the length of fence would be needed to construct the fence as well as an access route to the fence location from Forest Road 120A. The 20-foot-wide corridor would cover approximately 1.1 acres of National Forest System land. In the section of fence closest to Forest Road 120A, the Forest Service would incorporate walk-in entrances for public access. Several metal structures with interpretive signs were also burned in the fire; the interpretive signs would also be replaced that educates the public on the importance wetland areas. If previous interpretive sign structures are not utilized, these structures would be removed from the area. A skid steer with an auger attachment would be needed to dig post holes. Other equipment needed would be shovels, post hole digger, gas powered auger, ATV/OHV, power drill, impact drivers, truck, and trailer. Construction is planned to begin in the summer or fall of 2023. After installation, disturbed areas needing revegetation will be seeded with a native seed mix to help establish vegetation.

Project Design Features and Mitigations

The following mitigations shall be in place during project implementation:

- **General Mitigations**
 - Vegetation treatments are planned for the area surrounding Blue Lake; the project lead will coordinate with the Lincoln National Forest timber program to ensure the timing of fence construction and vegetation treatments do not interfere with each other.
 - The area of the project was aerial seeded in the summer of 2022. The project lead will coordinate with the Burned Area Emergency Response (BAER) team lead to ensure the timing of fence construction does not interfere with seeding or revegetation efforts.
- **Wildlife and Plant Mitigations**
 - Prior to implementation, a general wildlife and plant survey must be conducted in the project area. If Forest Service sensitive species are discovered, the project lead must coordinate with the district wildlife biologist and implement appropriate spatial or temporal avoidance measures.
- **Soil Mitigations**
 - Establish designated areas for equipment staging and parking to minimize the area of ground disturbance.
 - Apply soil protective cover on disturbed areas where natural revegetation is inadequate to prevent accelerated erosion before the next growing season.
 - Maintain the natural drainage pattern of the area wherever practicable.
 - Avoid ground equipment operations on unstable, wet or easily compacted soils and on steep slopes unless operation can be conducted without causing excessive rutting, soil puddling, or runoff of sediment directly into waterbodies.
- **Non-Native Invasive Plant Mitigations**
 - Make every effort to prevent the accidental spread of invasive species carried by contaminated vehicles, equipment, personnel, or materials (including plants, wood, plant/wood products, water, soil, rock, sand, gravel, mulch, seeds, grain, hay, straw, or other materials).

DECISION

I have decided to authorize the Blue Lake Fence Construction project as described in the Proposed Action section above. Any project design features and mitigations also described will be in place to minimize effects to the environment.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment. The applicable category of actions is identified in agency regulations and procedures as 36 CFR 220.6(e)(6), *“Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.”*

This category of action is applicable, because the project would protect wildlife habitat from potential damage from unauthorized off-road travel and would not require road construction.

I find that there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the natural or human environment that would warrant further analysis and documentation in an environmental assessment or environmental impact statement. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing, proposed critical habitat, or Forest Service sensitive species –**

Federally listed wildlife or plant species, designated or proposed critical habitat, species proposed for federal listing under the Endangered Species Act, and Forest Service sensitive species are not known to be present within the proposed project area.

- **Floodplains, wetlands, or municipal watersheds –**

The proposed project is not located within a mapped floodplain or municipal watershed. The proposed project would occur near a mapped wetland, but activities would not occur within the wetland and the project is expected to protect the wetland from off-road vehicle travel. Construction activities may trample vegetation, but vegetation is expected to rebound soon after construction ends. Post hole excavation and vehicle use during fence construction is not expected to create significant erosion issues for the wetland.

- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas –**

The proposed project is not located within designated wilderness, wilderness study areas, or national recreation areas.

- **Inventoried roadless areas or potential wilderness areas –**

The proposed project is not located within inventoried roadless areas or potential wilderness areas.

- **Research natural areas –**

The proposed project is not located within designated or proposed research natural areas.

- **American Indians and Alaska Native religious or cultural sites –**

Cultural site surveys have been completed within the project area and reviewed by a Forest Archaeologist, and American Indian religious and/or cultural sites were not discovered within the proposed project area. Tribal notification letters dated April 7, 2023, were mailed to potentially affected tribes, and no responses were received regarding the proposed project.

- **Archaeological sites, or historic properties or areas –**

Cultural site surveys have been completed within the project area and reviewed by a Forest Archaeologist, and American Indian religious and/or cultural sites were not discovered within the proposed project area.

PUBLIC INVOLVEMENT

This action was listed as a proposal on the Lincoln National Forest Schedule of Proposed Actions for the 2nd quarter of 2023 and updated during the analysis. A public scoping letter was published to the Lincoln National Forest Projects page on March 20th, 2023 and were mailed to interested parties and organizations that have requested formal notification of proposed projects on the Smokey Bear Ranger District. No comments were received by the Smokey Bear Ranger District during public scoping.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Environmental Policy Act (NEPA) - NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. This document and the project record provide documentation for this decision which supports compliance with the NEPA.

National Forest Management Act (NFMA) - This decision is consistent with standards and guidelines from the Lincoln National Forest Land and Resource Management Plan (U.S. Forest Service 1986). This project is in Management Area 1J – Lower Ruidoso, where a large amount of fuelwood would be produced, and all resources are managed at moderately low levels, with emphasis on preserving soil productivity. The project was designed in conformance with land management plan direction and standards, and guidelines for this management area.

Endangered Species Act - The Smokey Bear Ranger District wildlife biologist and the Lincoln National Forest botanist have determined that the proposed action will have *No Effect* on Federally-listed threatened or endangered species or designated critical habitat, and would not cause concern for species viability or a trending towards federal listing for any Forest Service Region 3 sensitive species.

Environmental Justice (Executive Order 12898) - Project activities will occur in remote areas. All demographic groups have potential to be impacted equally. Therefore, minority and low income populations would not be disproportionately affected.

National Historic Preservation Act (Section 106) – Historic properties were not located within the project area; therefore, the Forest Archeologist determined there would be *No Effect* on historic properties or cultural resources. The project record provides documentation for this decision, which supports National Historic Preservation Act compliance.

IMPLEMENTATION DATE

Implementation of this project is expected take place during the summer and fall of 2023, provided that any mitigations and design features listed herein are in place as required.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not appealable. This decision is not subject to the pre-decisional administrative review process per 36 CFR 218.23 – “Proposed projects and activities not subject to legal notice and opportunity to comment. The legal notice and opportunity to comment procedures of this subpart do not apply to: (a) Any project or activity categorically excluded from documentation in an environmental assessment or environmental impact statement.”

CONTACT

For additional information concerning this decision, contact Jennifer Thomas, District Ranger, at the Smokey Bear Ranger District during normal business hours (weekdays, 8:00 a.m. to 4:00 p.m.) at 901 Mechem Drive, Ruidoso, New Mexico 88345; by phone: 575-257-4095; by fax: 575-257-6174; or by mail; 901 Mechem Drive, Ruidoso, New Mexico 88345.

JENNIFER THOMAS

Date

Smokey Bear District Ranger

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, marital status, family status, status as a parent (in education and training programs and activities), because all or part of an individual's income is derived from any public assistance program, or retaliation. (Not all prohibited bases apply to all programs or activities.)

If you require this information in alternative format (Braille, large print, audiotape, etc.), contact the USDA's TARGET Center at (202) 720-2600 (Voice or TDD). If you require information about this program, activity, or facility in a language other than English, contact the agency office responsible for the program or activity, or any USDA office. To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call toll free, (866) 632-9992 (Voice).

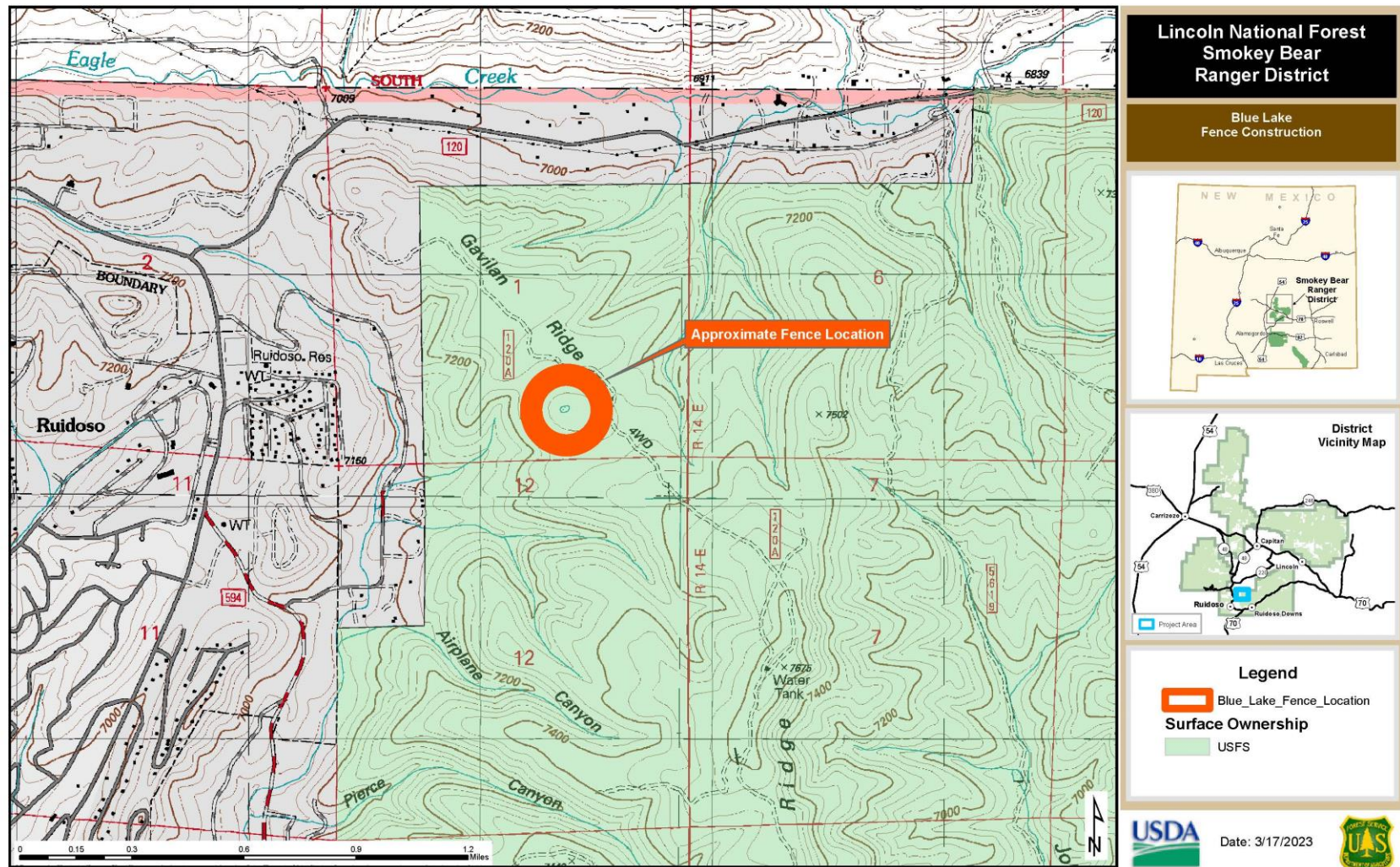
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You may use USDA Program Discrimination Complaint Forms AD-3027 or AD-3027s (Spanish) which can be found at: http://www.ascr.usda.gov/complaint_filing_cust.html and http://www.ascr.usda.gov/es_us/sp_complaint_filing_cust.html or upon request from a local USDA office.

REFERENCES

U.S. Forest Service. 1986. Lincoln National Forest Land and Resource Management Plan. [Alamogordo, NM]: U.S. Department of Agriculture, Forest Service, Lincoln National Forest. Available: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev7_014272.pdf. [amended over time].

Figure 1. Project Area Map





County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 10

SUBJECT:

Approval of Renewal of Fire Restriction and Imposition of Fireworks Restrictions by Resolution

Tuesday, June 20, 2023

**RESOLUTION 2023-63
DECLARATION OF FIRE DANGER EMERGENCY**

(In accordance with Lincoln County Ordinance No. 2017-03)

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico, has determined that the present fire danger within the County of Lincoln, due to the extreme drought conditions currently existing, is exceedingly high; and

WHEREAS, the Board of County Commissioners of Lincoln County has further determined that, in order to protect the health, safety, and welfare of the citizens of Lincoln County, the Board must take emergency action in its meeting of June 20, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Lincoln County, New Mexico, hereby proclaims a ban on all burning of open flames, fires, campfires (except in designated areas), trash, rubbish, shrubbery or other material of any kind, except by permit, and hereby bans the sale or use of display fireworks and the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected unincorporated drought areas. In addition, all fireworks not listed in this paragraph shall be limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public. Fireplaces, and in particular the unquenched ashes from same, may present a significant hazard and use should be discouraged during this period of drought. In addition, smoking, (except within an enclosed vehicle, camp trailer, building, developed recreation site or while stopped in an area at least ten (10) feet in diameter that is barren or cleared to mineral soil), and the discharging or use of tracer ammunition or other incendiary device, or the use of a chainsaw without a spark arrestor (anyone using a chainsaw must stay on scene for thirty (30) minutes after use of saw) and the cutting, welding or grinding of metal in areas of dry vegetation are all prohibited activities during a Fire Danger Emergency. This Resolution is to remain in effect for thirty (30) days or until rescinded or extended by the Board of County Commissioners.

PASSED, APPROVED AND ADOPTED this 20th day of June, 2023.

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

TODD F. PROCTOR, CHAIRMAN

JON F. CRUNK, VICE-CHAIRMAN

SAMANTHA J. SERNA, MEMBER

PIERRE S. PFEFFER, MEMBER

MARK G. FISCHER, MEMBER

ATTEST:

SHANNAN HEMPHILL, CLERK



County of Lincoln

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AGENDA ITEM NO. 11

SUBJECT:

Lincoln County Medical Center

- a. Update – Todd Oberheu
- b. Discussion and Direction Regarding the Hospital Mill Levy Budget

Tuesday, June 20, 2023

Funding for Ambulance 24 HR Alto and Carrizozo

2023/24 Estimated Revenues	\$	3,790,500.00
2023/24 Expenses	\$	(3,407,203.00)
Balance	\$	383,297.00
2023 Increase on Taxable Values	\$	234,688.30
	\$	617,985.30
Ambulance Full Time Alto/Zozo	\$	(842,000.00)
	\$	(224,014.70)
Carry Over Clinics	\$	229,842.73
Balance Needed to Fund Ambulances.	\$	5,828.03
Estimated LCMC Carryover	\$	2,600,000.00
Balance Left for LCMC 502 Fund	\$	2,605,828.03

Worksheet:

Cost: \$595,156.36 : Alto 24 and Carrizozo 13.20 hour shifts x 7 days a week

Cost: \$691,252.36 : Alto 24 and Carrizozo 13.20 hour shifts x 7 days a week with call after the shift

These costs do not include possible overtime, being held over, or Call back they will receive if they go on a call after shift hours. The call back time is premium pay.



County of Lincoln

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AGENDA ITEM NO. 12

SUBJECT:

Lincoln County Detention Center

Update – Warden, Ross Castleton

Tuesday, June 20, 2023



County of Lincoln

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AGENDA ITEM NO. 13

SUBJECT:

Acknowledge Lincoln County Annual Lodgers' Tax Audit (Agreed-Upon Procedures)

Tuesday, June 20, 2023



County of Lincoln

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AGENDA ITEM NO. 14

SUBJECT:

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

Tuesday, June 20, 2023



County of Lincoln

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AGENDA ITEM NO. 15

1) ADA Restroom Construction

White Sands Construction have been working on the new ADA restroom since the middle of May. The main drainage tie-in was located across the hall (women's restroom).

This project is funded by a NM State Capital appropriation and Lincoln County general fund.

2) GreenTree Meeting 5/18/2023 and 6/8/2023

Commissioner Proctor and I are attending the regular and special meetings of the GreenTree Solid Waste Authority. The County of Lincoln has a voting role on all matters regarding the Alamogordo landfill. At the 6/8/2023 special meeting, operational consultant, Joe Lewandowski, gave a status report on the Regional Landfill operations. The financial report was presented by Evelyn Huff (City of Alamogordo Finance Director).

3) LCDC / RISE Funding Discussions – 5/23/2023

CSG staff and I met with Tamara Espinoza (NM HSD department) regarding the 2023-2024 RISE funding utilization in Lincoln County. The program at LCDC is recognized as a leading example of the intent of the funding and will be awarded \$345,550 for the upcoming fiscal year.

4) Hazard Mitigation Planning Meeting – 5/25/2023

Wendy Blackwell (SWCA Environmental Consultants) continues to drive the meetings to create a comprehensive Hazard Mitigation Planning document. May's meeting focused on the mitigation strategy section of the Lincoln County Multi-jurisdictional Hazard Mitigation Plan. Wendy reminds us, "please keep in mind that in order to be considered an active participant, adopt the plan, and be eligible to apply for FEMA funding, each community must participate in the Planning Team Meetings and respond to the requests for feedback and information".

Joe Kenmore has been the Lincoln County representative attending and participating in every meeting.

5) Lincoln County Deputy Sheriffs' Association Contract Negotiations

The Deputy Sheriffs have requested negotiations within the required timeframe stated in the contract:

"The parties agree that collective bargaining shall occur between the dates of March 1st and April 30th (of each year). If the choice is to open negotiations the Association and the County will be limited to negotiating on wages and three (3) non-economic issues each. If the choice is to accept

the general increase granted to non-bargaining unit employees (“Evergreen Clause”) the collective bargaining agreement expiration date shall be extended for an additional twelve (12) months”.

Once the terms of the contract have been negotiated, final approval will be brought before the BOCC.

6) PRC / Ambulance

Alan Morel, Sandie Nunnally and I have submitted the New Mexico Public Regulation Commission Ambulance Certificate Reissuance Application. This application is due sixty (60) days prior to the expiration of the current certificate (Current certificate expires - November 2023). This certificate is issued for three years and allows Lincoln County to Sublease the certificate to PHS.

7) New Mexico Broadband Summit – May 24, 2023

Commissioner Pfeffer, Alan Morel and I attended the NM Broadband summit, titled “Internet for All”. The summit was well attended and provided examples of creative collaborations to provide internet in remote areas. Local provider, Peñasco Valley Telephone (PVT), attended the event looking for ideas on how to move forward on projects that have seen significant increases in construction costs.

8) Fairgrounds Visit and Update

Commissioner Crunk, Alan Morel and I visited the fairgrounds on May 25. Parking lot construction was progressing and following the projected schedule.
House remodel is progressing.



9) Director’s Reports

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

From: David Vandenberg [<mailto:davidv72959@msn.com>]

Sent: Wednesday, May 17, 2023 9:02 AM

To: Jeffrey Honeycutt <jhoneycutt@lincolncountynm.gov>

Subject: Nick Herrera

Jeff, if I had your phone number I'd call to thank you and give praise to Nick Herrera who is out grading our county road today. Wow!!! It's been a while since this Lemay Road, Ruth road have looked this good. Nick is seriously doing it right today!

I stopped and shook his hand and told him thank you too. Wow what a difference a knowledgeable Road Grader makes.

He deserves recognition and public praise for this kind of quality work.

Granted he hasn't started on Eagle Crest Trail yet but I'm confident he'll do the same level of work then too.

Just know he's the man as far as I'm concerned. This is the standard he was trained to and it's his name on the work and obviously takes it seriously. He's a professional and I'd want him on any team I was on. Right now, I truly can't say enough on his behalf but believe me I could if given the chance.

Please let him know he's being recognized by the citizens that live up this way and thank him for the quality job he's doing.

Thanks Jeff.

Regards,
David Vandenberg
317-658-5987

Good morning, Sherrie,

I worked with a Lewis and Kathy Hill yesterday regarding a STR. They gave a very high compliment to Troy regarding his helpfulness and manners.

Even though we know he is awesome, I just wanted to pass the compliment on to you.

Have a great weekend!!

Michelle Williams

Lodging Vendor's Tax Administrator

mwilliams@lincolncountynm.gov

575-258-1232, ext. 24



County of Lincoln

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Director's Report

Date: June 2, 2023

Name: Billie-Jo Guevara

Department: Finance

Vacancies in Department: None

Activities:

- Received reimbursement #10 on May 19, 2023 in the amount of \$19,488.49 for Appropriation #20-2602 Lincoln County Fairgrounds.
- Requested FINAL reimbursement #11 on May 23, 2023 for Appropriation #20-2602 Lincoln County Fairgrounds in the amount \$30,793.80. Closing out Capital Appropriation of \$245,250.00.
- Submitted the Adoption of the Preliminary Budget on May 24, 2023 to DFA before the deadline of June 1, 2023.
-
-
-
-
-

Future Projects / Plans:



County of Lincoln

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Director's Report

Date: 6/5/2023

Name: Brianna Ventura

Department: HR/AA

Vacancies in Department: 0

Activities:

- Current openings: Temporary Laborer (Road); Operator II (Road); Dispatcher (Law); Legal Process Server/Animal Control Officer (Law);
Uncertified Deputy (Law); Certified Deputy (Law)
- PERA and VOYA virtual presentations were well received. Scheduled an in-person seminar for August 18 (subject to change)
- Reviewed potential job descriptions and pay range for Code Enforcement Officer.
- Continue reviewing pay scales and creating new compensation plan for all employees.
- Attended Summer Conference in San Juan County. Subjects covered included: IPRA Training, Records Information Management
Training, and General Pronouns in the Workplace training.
- Currently have 8 employees signed up for First Aid/CPR training. Class will be held in the next few weeks.
- *Fun fact: 71.6% of current employees have been here 6 years or less; 18.1% have been here 7-15 years; 10.3% have been here
for 16+ years.

Future Projects / Plans:

Continue working on new compensation plan proposal.

In-depth review of the current Personnel Policy.



County of Lincoln

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Director's Report

Date: 6/6/23

Name: Renee Montes

Department: Senior Center

Vacancies in Department: One employee out due to injury.

Activities:

- Submitted budget, narrative and supporting documents to NMAAA for FY 23-24.

- Wrapping up end of year projects.

- Staff trainings with Food Handlers/ Food Safety for recertification.

- Re-certified small water operator license. Water sample due June 27th.

- Covering short staff at Hondo site.

- Food pantry at Ruidoso Downs June 27th.

- _____

Future Projects / Plans:



County of Lincoln

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Director's Report

Date: 06.05.2023

Name: Francesca Herrera

Department: Public Works

Vacancies in Department: 0

Activities:

- The current Solid Waste Disposal contract with Sierra Contracting is scheduled to expire 11/23/2023. Work in progress.
Reached out for additional quote for analysis of Lincoln County Solid Waste. We will have multiple quotes to review and select the best one.
- Mailed out postcards and placed on Lincoln County website the notice of rate increase beginning July 1, 2023.
Collection and payoff of liens from 1/1/2023 thru 5/26/2023 = 13 accts in the amount of 19,532.02. For Q2, 96% collections rate, 257,496.97 billed with 246,179.27 collected.
- Began working on clearing erroneous charges in solid waste. Fence is complete at the Eagle Creek Compactor and the cameras will be set in place soon. Concrete pad will be poured and finished on Wednesday, June 7, at the Hondo Compactor site, then the final stage of electrical service will be installed.
- Q2 billing has now been billed for late fees. We have collected \$224,321.38 of \$257,496.97 for an 87% collection rate so far for the quarter.
Request to revisit customer request to waive lien for Purcella.
- Twenty-one (21) liens to be filed for delinquent Solid waste bills. One (1) release of lien – to be refiled with updated information. Eight (8) release and refile liens for continued delinquent accounts.
Filing release of lien and new lien on Ruben Chavez due to incorrect information of the property and residence.
- Ordinance - Released and filed new lien on Charles Welch for Alarm Permitting. Located and addressed unacceptable waste at 3 locations. Have had positive response after reaching out to the property owners first try. Vehicles left in the right of way for over a year towed at owner's expense. (2 locations) Working on job description and pay for Ordinance Enforcement Officer.
- Planning - Notification for Liquor Licenses renewal mailed out May 16. Five (5) have responded to date. 17 floodplain reviews in month of May. 4 Claim of exemptions reviewed and approved.
I have submitted to take the Floodplain exam and am waiting to hear back as to date and times.

Future Projects / Plans:



County of Lincoln

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Director's Report

Date: 6/7/2023

Name: Joe P. Kenmore

Department: OES

Vacancies in Department: 0

Activities:

- Calls for Service: 0 Structure, 5 campfire control burns not reported(over 100 campfires checked by FS) on Memorial Day Weekend, 4 alarm calls, 2 vehicle accidents, 2 Wildland fires
- Meeting with the FEMA groups and getting required information for contractors.
- We have issued 31 Burn Permits in Lincoln County
- Safety meeting to remind all departments of Fire Extinguishers check and use.
- Departments have been encouraged to take the ICS training from the FEMA website. The Directors and lead personnel in some departments should have ICS 300 & 400 when the basics are finished.
- OES had mobile command out for LC Dispatch to have UPS switched and connections checked when being reinstalled. 6/6/23
- This office created 25+ P.O.'s in this last month for all departments.

Future Projects / Plans:

SHSGP Grant for possible tower on Gallinas, getting quotes and site visit with Central NM Electric Co-OP Have SHSGP in to NMDHSEM
Robert Barber is working hard to get CERT team foundation running.
4th of July Burger and Hotdogs after parade in Capitan by contiguous departments.
State Fire Marshal Grants open up after July 1st.

July 4th weekend several FD's and OES will have a burger and hotdog cookout for Fire Prevention



Lincoln County Fire & Emergency Services

Fire Administration



111 Copper Ridge Road Capitan, N.M. 88316 * Office 575-336-8600 * Fax 575-336-8638

OES 6/7/2023

5/23/23 Cattle Truck/Pickup accident at mile marker 300 on US 70 East of Riverside involved a fully loaded cattle truck and a pickup with 2 adults and 1 child. 1 fatality and two were taken to Roswell. The OES staff of Arron at scene to be IC and coordinate the Hondo and Glencoe Fire Departments to help Lincoln County EMS to remove patients for to transport. I setup the LZ for one patient to be flown and once patients were taken care of then we helped with the family members and then with the cleanup of accident site.

5/27/23 The Westal Fire was reported at about 8:30 pm on Saturday night. Arron called me and we started towards Arabela. Brian and Lincoln County Deputy Bailey started that way and Deputy Bailey picked up the CanAm at Copper Ridge and brought to us. Arron had Arabela FD paged and we had 2 with the Polaris and Truck, Hondo had a truck and BLM had a truck and chase on scene. It took a while to locate and make our way to fire and by 02:30 on Sunday we had forward progress stopped. Total acreage was 160. Lightning caused.

May 18, 2023

Dear Secretary Doucette,

Please accept this letter on behalf of New Mexico Counties (NMC), and our members, to express our concerns regarding the notice you sent on May 5, 2023, advising participants in the Employee Health Benefits Fund and Life Insurance Fund that they would be receiving an invoice for amounts needed to assist in fund solvency.

We have reviewed the Group Benefits Act and State of New Mexico Local Public Body Benefit Plan Participation Requirements and have searched the New Mexico Annotated Code and have been unable to identify any authority for assessing participants for fund deficiencies. As an appropriation bill, House Bill 2 does not provide the necessary lawful authority for retroactive assessments even if the language referenced in your notice was sufficiently clear to indicate that intent.

As a practical matter, the timing of the notice is extremely problematic. Participants were not informed prior to the April deadline for terminating their participation and most counties have already developed and approved their annual budgets that do not account for these substantial and unanticipated costs.

In anticipation of our meeting with the Governor's office scheduled for Monday, please provide the following:

- Meeting minutes at which the Advisory Board discussed and took official action in support of the assessments cited in the May 5th letter
- Documents illustrating how county participants were provided with notice of when and where consideration of these assessments would be discussed
- The contractual language that authorizes assessments for past fund deficiencies
- Applicable Letter of Administration or Regulations described in NMSA 1978 §10-7B-6.

While counties understand they must contribute to the fund, and that premiums may be raised over time, such drastic assessments to cover past deficiencies without sufficient notice does not allow them to budget to cover costs. Our hope is we can work with the department and the State to address our concerns while ensuring the fund remains solvent.

444 Galisteo Street
Santa Fe, NM 87501

877-983-2101
505-983-2101
Fax: 505-983-4396



Please contact Executive Director Joy Esparsen at (505) 660-9629 or via email at jesparsen@nmcountries.org for scheduling or questions.

Sincerely,

Jhonathan Aragon
President

Joy Esparsen
Executive Director

444 Galisteo Street
Santa Fe, NM 87501

877-983-2101
505-983-2101
Fax: 505-983-4396

NMCOUNTIES.ORG

Good Afternoon Board Members, County Managers, Attorneys, and Finance & Purchasing Affiliate,

As a follow up to our letter to Secretary Doucette last week (see attached), New Mexico Counties (NMC) met with the Governor's Office, General Services Department (GSD), Department of Finance & Administration, New Mexico Municipal League, and legislative leaders regarding the GSD memo requiring a special assessment to local public bodies (LPB) enrolled in the state health program. We voiced our concerns about the ambiguous language in House Bill 2, and the failure to communicate with LPB participants prior to the April 1 deadline for withdrawal from the fund and sufficiently in advance of budget development deadlines. Based on our research and fact finding to date, NMC does not believe that there is legally sufficient authority for GSD to assess payments to cover retroactive fund deficiencies as asserted in the Secretary's May 5, 2023 memo to LPB participants.

The fund's insolvency was caused in part by years of failing to raise premiums in the face of rising health care costs. As members of the fund, we have a vested interest in ensuring the sustainability of the fund, but counties did not have voice in creating this problem. State agencies also received unanticipated requests for the special assessment that were not included in their budgets approved by the legislature. This has created a problem for all stakeholders involved and the state is currently struggling to find a solution.

We are currently working on a three-pronged approach. First, continuing to advocate our position in hopes of convincing decisionmakers to agree to other solutions to the fund insolvency that does not put the burden on counties and other LPB participants. Second, researching the available claims that we could bring on your behalf arguing that the proposed assessment is unlawful, unconstitutional and void, if litigation is necessary. Third, working on a plan for future solvency (which will require increases to the premiums).

It is our understanding that no counties have received an invoice yet. Please let us know if you do receive an invoice. We would like to have a unified position and believe our advocacy position is stronger if no participants have paid. Counties should continue to work closely with their attorneys to evaluate this matter and continue to talk to their local legislators about the need for an alternate solution to the insolvency. We recognize that premiums will need to be increased moving forward to ensure solvency but have advocated for doing so in a thoughtful manner that involves all stakeholders and will allow you enough time to properly prepare for the increase. NMC will certainly keep our members apprised of the situation as it evolves.

Sincerely,

Joy Esparsen
Executive Director
(505) 820-8111 | Cell: (505) 660-9629

Hello,

Attached is a signed memo from the Cabinet Secretary of the General Services Department concerning the assessment that was established by the Laws of 2023, Chapter 210, Section 6, Items 15, 16 and 17 also attached. The amount due from your entity are detailed below. This amount represents the other state funds amount due in each section of the legislation. You will receive your invoices via email from GSD.billing@GSD.nm.gov.

		FUND 752 Section 6, Item (15) [OSF- 22,106 of \$65M]		FUND 752 Section 6, Item (16)		FUND 561 (Section 6, Item (17))	
		22,106,000 .00		10,200,000 .00		299,100. 00	
		75200		75200		56100	
SS Code	Row Labels	2023 GAA premium payment (\$65M)		2024 GAA premium payment (\$30M)		Life Insurance	Total LPB Amount to be Invoiced
C0016	County of Lincoln	208,099 .36		96,01 9.79		3,133. 63	307,252. 79



MICHELLE LUJAN GRISHAM
GOVERNOR

ROBERT E. DOUCETTE, JR.
CABINET SECRETARY

State of New Mexico
General Services Department

ADMINISTRATIVE SERVICES DIVISION
(505) 827-2000

FACILITIES MANAGEMENT DIVISION
(505) 827-2141

PURCHASING DIVISION
(505) 827-0472

RISK MANAGEMENT DIVISION
(505) 827-2036

STATE PRINTING & GRAPHIC SERVICES BUREAU
(505) 476-1950

TRANSPORTATION SERVICES DIVISION
(505) 827-1957

May 5, 2023

Dear Valued Customers,

The COVID pandemic along with soaring medical inflation has caused huge deficits in the Employee Health Benefits Fund. The Laws of 2023, Chapter 210, Section 6, Items 15, 16, and 17 include amounts for the Employee Health Benefits Fund and Life Insurance Fund that will need to be paid by the pool participants to assist in fund solvency. The language includes amounts from both general and non-general fund sources to be paid by our state agencies, local public bodies (LPBs), and higher education institutions (HEIs). The allocated amounts were calculated using the compensation model for state agencies and enrollment by LPB/HEI in the medical, dental, vision and life plans. The amounts required to be paid by each plan participant to the Employee Health Benefits Fund and Life Insurance Fund are attached to this email. Invoices for LPBs/HEIs will be sent out via our internal billing system in May from the following email address: GSD.billing@GSD.nm.gov. The invoice will be emailed to the email inbox of the billing contact that we have for your entity. If you have any questions concerning this assessment feel free to contact us at (505) 827-0221.

Sincerely,

Robert E. Doucette, Jr.

GSD Cabinet Secretary

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
(14) DEPARTMENT OF FINANCE AND ADMINISTRATION	300.0				300.0
For shortfalls in the fiscal agent contract special appropriation.					
(15) GENERAL SERVICES DEPARTMENT	23,650.0	41,456.0			65,106.0
For prior-year shortfalls in the employee group health benefits fund, contingent on implementing a plan for a one-time, employer-only assessment, with matching funds from local governments and higher education institutions of twenty-two million one hundred six thousand dollars (\$22,106,000), and further contingent on the general services department increasing health benefit premiums in fiscal year 2024, and further contingent on the department contracting with an independent third-party consultant to conduct a claims payment integrity review for claims filed in fiscal year 2022 and fiscal year 2023 by all health systems and hospitals. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2022 or General Appropriation Act of 2023, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the special assessment provided for in this item. The general fund appropriation includes twenty-three million dollars (\$23,000,000) from amounts transferred to the appropriation contingency fund of the general fund in Section 1 of Chapter 4 of Laws 2021 (2nd S.S.).					
(16) GENERAL SERVICES DEPARTMENT	10,890.0	19,110.0			30,000.0
For a projected shortfall in the employee group health benefits fund, contingent on implementing a plan for a one-time, employer-only assessment with matching funds from local governments and higher education institutions of ten million two hundred thousand dollars (\$10,200,000), and further contingent on the general services department increasing health benefit premiums in fiscal year 2024. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2022 or General Appropriation Act of 2023, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount					

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1 required for the special assessment provided for in this item.					
2 (17) GENERAL SERVICES DEPARTMENT	319.3	560.4			879.7
3 For shortfalls in the contractual services category for life insurance premiums in the risk management					
4 division, contingent on implementing a plan for a one-time, employer-only assessment with matching funds					
5 from local governments and higher education institutions of two hundred ninety-nine thousand one hundred					
6 dollars (\$299,100), and further contingent on the general services department increasing life insurance					
7 premiums in fiscal year 2024. For those state employees whose salaries are referenced in or received as					
8 a result of nongeneral fund appropriations in the General Appropriation Act of 2022 or General					
9 Appropriation Act of 2023, the department of finance and administration shall transfer from the					
10 appropriate fund to the appropriate agency the amount required for the special assessment provided for					
11 in this item.					
12 (18) SECRETARY OF STATE	160.0				160.0
13 To upgrade end-user hardware.					
14 (19) OFFICE OF THE SUPERINTENDENT					
15 OF INSURANCE		2,300.0			2,300.0
16 For the small business health insurance premium relief initiative. The other state funds appropriation					
17 is from the health care affordability fund.					
18 (20) NEW MEXICO STATE FAIR	1,250.0				1,250.0
19 For a projected shortfall due to the coronavirus disease 2019.					
20 (21) STATE RACING COMMISSION	250.0				250.0
21 For litigation expenses.					
22 (22) PUBLIC EDUCATION DEPARTMENT		7,500.0			7,500.0
23 For school bus replacement. The other state funds appropriation is from the public school capital outlay					
24 fund.					
25 (23) HIGHER EDUCATION DEPARTMENT	45,000.0				45,000.0



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 16

SUBJECT:

Approval to Issue a Request for Proposal - Independent Contractor Services for
Misdemeanor Compliance Program

Tuesday, June 20, 2023

AGREEMENT FOR PROFESSIONAL SERVICES
Between
THE COUNTY OF LINCOLN
And
KENNETH R. VEGA

THIS AGREEMENT made and entered into by and between the **County of Lincoln**, hereinafter referred to as “County,” and **Kenneth R. Vega**, hereinafter referred to as “Contractor” on the date set forth next to the signature of each party but is effective as of October 15, 2019.

IN CONSIDERATION of the mutual benefits to be derived by the parties hereto, the County and the Contractor agree as follows:

1. **Scope of Services**. Contractor shall provide intensive probation supervision for Lincoln County Magistrate Courts. Services provided shall be performed under the Lincoln County Misdemeanor Probation Program guidelines.

2. **Relationship of the Parties**. This Agreement calls for the performance of services by Contractor as an independent contractor. The Contractor is not an agent or employee of County and will not be considered an employee of County for any purpose. Neither Contractor nor any employee of Contractor shall be entitled to any benefits or compensation from County. Contractor shall have no authority to bind County to any agreement, contract, duty or obligation. Contractor shall make no representations that are intended to, or create the appearance of, binding the County to any agreement, contract, duty or obligation. It is agreed that Contractor shall have full power to continue any outside employment or business, to employ or discharge his employees or associates as he deems appropriate without interference from County; provided, however, that Contractor shall at all time during the term of this Agreement perform the obligations under this Agreement in a professional, timely and reliable manner.

3. **Standard of Performance.** Contractor agrees and represents that he possesses the personnel, experience, and knowledge necessary to qualify for the particular duties to be performed under this Agreement.

4. **Employees and Subcontractors.** Contractor shall be solely responsible for payment of any wages, salaries, or benefits due any employees or sub-contractors retained by Contractor in the performance of this Agreement. Contractor agrees to indemnify and hold harmless County for any and all claims that may arise from the Contractor's relationship to his employees or subcontractors.

5. **Compensation.** No compensation shall be due Contractor from County. All fees due Contractor for services provided under this Agreement will be paid from probation costs assessed to individuals by the Lincoln County Magistrate Courts in accordance with State statutes. If there are no funds in the probationary account, none shall be due Contractor from the County of Lincoln.

6. **Taxes.** Contractor shall be responsible for payment of the State of New Mexico Gross Receipts Taxes levied on any amounts received for the provision of services under this Agreement.

7. **Insurance.**

A. **General Liability Insurance.** Contractor agrees to obtain and maintain a policy of general liability insurance for the term of this Agreement in an amount at least equal to that specified in the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-27, as that statute may be amended from time-to-time. The County shall be named as an additional insured on the certificate of insurance which will be furnished to the County prior to commencement of providing services. County shall be notified no less than thirty (30) days prior to any cancellation of such policy.

B. **Professional Liability Insurance.** Contractor shall obtain and maintain professional liability insurance for himself and his employees in an amount not less than One Million Dollars (\$1,000,000.00) throughout the term of this Agreement. Such insurance shall provide that County is notified no less than thirty (30) days in advance in the event of cancellation of such policy. County requires a copy of the certificate of insurance or other evidence of Contractor obtaining and maintaining such insurance as is required hereunder as a condition prior to performing the tasks

under this Agreement.

C. Workers' Compensation Insurance. Contractor shall secure, maintain, and provide verification of all necessary Workers= Compensation insurance as may be required by law to provide coverage for Contractor and Contractor=s employees hereunder. If Contractor fails to comply with the Workers= Compensation Act and applicable rules when required to do so, County may terminate this Agreement.

8. **Licenses.** Contractor agrees that at all times under this Agreement all legally required or necessary professional and business licenses will be obtained and maintained by Contractor and all of its agents, sub-contractors, or representatives.

9. **Prohibited Interests.** Contractor agrees that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of his services hereunder. Contractor further agrees that in the performance of this Agreement no person having such interest shall be employed. No County Commission member or other elected official of the County, or manager or employee of the County, shall solicit, demand, accept or agree to accept a gratuity or offer any other scope of employment.

10. **Records.** Contractor shall maintain throughout the term of this Agreement and any extension hereof for a period of six (6) years thereafter records that indicate the date, time, and nature of the services rendered. Contractor shall make available for inspection by County all records, books of account, memoranda, and other documents pertaining to the Lincoln County Misdemeanor Compliance Program upon reasonable request. Records and any other documentation referenced herein for inspection shall be supplied with or without a valid court order.

11. **Applicable Laws.** Contractor agrees to abide by all applicable federal, state, and local laws and regulations during the initial term of this Agreement and any extension hereof. It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the

State of New Mexico. If, as a result of breach of this Agreement by either party, the other party employs an attorney or attorneys to enforce its rights under this Agreement, then the breaching party agrees to pay the other party the reasonable attorney's fees and costs incurred to enforce the Agreement.

12. **Non-discrimination**. During the initial term of this Agreement or any extension hereof, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of the obligations of Contractor under this Agreement because of race, color, religion, ancestry, national origin, age, sex, marital status, or physical or mental handicap.

13. **Indemnification**. Contractor agrees to hold harmless, indemnify, and defend County and its "public employees" as defined in the New Mexico Tort Claims Act, 1978 NMSA, Sections 41-4-1 through 41-4-29, against and from any and all claims, losses, demands, judgments, damages, liabilities, lawsuits, expenses, fees of attorneys, costs or actions of any kind or nature whether from death, bodily injury or damage to property arising from or out of, connected with, resulting from or related to Contractor's activities in connection herewith, including, but not limited to, any negligence or intentional acts or omissions of Contractor, his officers, employees, servants, agents, representatives, sub-contractors, successors, or assigns. This agreement to hold harmless, indemnify, and defend County shall not be affected or terminated by cancellation, expiration of the term or renewal period or any other termination of this Agreement.

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

14. **Term of Agreement.** The County and Contractor agree that the initial term of this Agreement is from October 15, 2019, through October 14, 2020, with the option for extension on an annual basis not to exceed three (3) additional one-year terms.

15. **Termination.** Either party shall have the right to terminate this Agreement after having provided thirty (30) days written notice to the other party. Upon such termination, Contractor shall be paid the reasonable value, as determined jointly by County and Contractor, of any portion of any completed work contemplated by this Agreement that has been satisfactorily performed, and the compensation for which has not already been paid hereunder. The reasonable value of any completed work will be based on how useful the completed material is to any other Contractor who may be retained to complete the projects, if the County elected to continue the project. The Contractor shall render a final report of all work performed up to the date of termination and shall turn over to County original copies of all work product, research, or papers prepared under this Agreement.

16. **Notices.** Any notice required to be given pursuant to the terms of this Agreement shall be in writing and shall be sent by certified mail, postage prepaid, as follows to:

Contractor:
Kenneth R. Vega
Post Office Box 864
Carrizozo, New Mexico 88301

County:
The County of Lincoln
Attention: County Manager
Post Office Box 711
Carrizozo, New Mexico 88301

17. **Modification of Agreement.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if placed in writing and signed by each party or an authorized representative of each party.

18. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this

Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

19. **Effect of Partial Invalidity.** The invalidity of any portion of this Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

IN WITNESS WHEREOF, the County and Contractor have executed this Agreement on the date written under their signatures.

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

By: Ira Pearson
IRA PEARSON
Lincoln County Manager

INDEPENDENT CONTRACTOR

By: Kenneth R. Vega
KENNETH R. VEGA
OWNER

Date: 11/18/2021

Date: 11-19-21



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 17

MEMORANDUM

TO: County Commissioners

FROM: Ira Pearson, County Manager

SUBJECT: Discussion and Direction Regarding Leasing the Small House Located on the Fairgrounds Property in Capitan, NM

Discussion:

BOCC will need to discuss and direct management on the following matters:

- Monthly rental amount
- Value of a person living on the fairground's property
- Who will be paying gas and electric charges?
- Any stipulations in the rental agreement?
 - Restrictions
 - Requirements
 - Expectations

Recommendation:

Once discussed, direct management and the county attorney on how to proceed.

	BEDS	BATH	SQ FT	RENT / MONTH	RENT/SQ FT
Capitan	4	2	1844	\$ 2,000.00	\$ 1.08
Carrizozo	2	1	542	\$ 800.00	\$ 1.48
Carrizozo	2	2	900	\$ 1,375.00	\$ 1.53
Ruidoso	2	2	1470	\$ 2,100.00	\$ 1.43

AVERAGE	2.5	1.75	1189	\$ 1,568.75	\$ 1.38
---------	-----	------	------	-------------	---------



Save Share Hide More

\$2,000/mo 4 bd | 2 ba | 1,844 sqft

145 Hillcrest Loop, Capitan, NM 88316

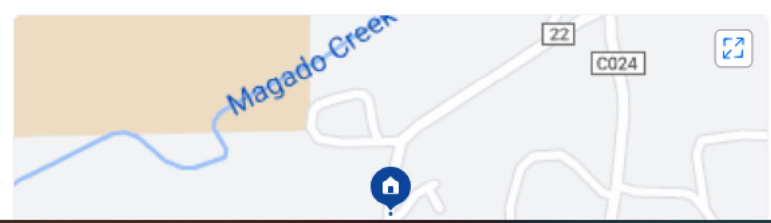
● House for rent

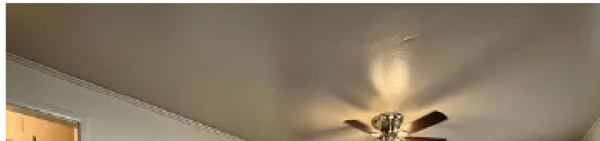
Request a tour

Request to apply

Overview Facts and features Price History Nearby schools >

Date available	Available Now	Pets	Cats, Dogs
Type	Single Family Residence	Parking	Contact manager
Cooling	Contact manager	Laundry	Contact manager
Heating	Contact manager	Deposit & fees	\$2,000





\$800/mo 2 bd | 1 ba | 542 sqft

606 D Ave, # 606, Carrizozo, NM 88301

● Apartment for rent

[Request a tour](#)

[Apply now](#)

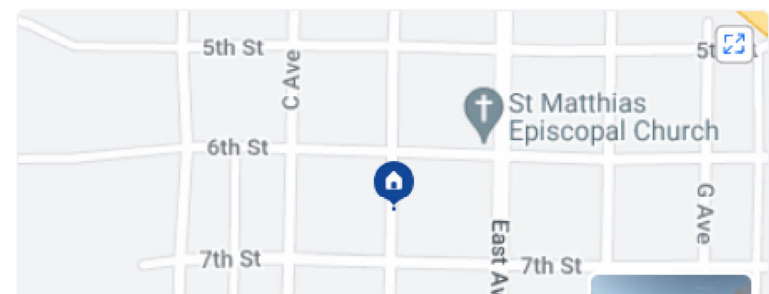
[Overview](#) [Facts and features](#) [Price History](#) [Nearby schools](#) >



Fast & easy Zillow application.

This property accepts Zillow applications. Click 'Apply now' to fill out the online form once and apply to as many participating properties as you want. Just \$35 for 30 days.

Date available	Available Now	Pets	No Pets
Type	Apartment	Parking	Contact manager
Cooling	Contact manager	Laundry	Shared, Hookups
Heating	Contact manager	Deposit & fees	\$800





\$1,375/mo 2 bd | 2 ba | 900 sqft

1005 B Ave, Carrizozo, NM 88301

House for rent

Request a tour

Apply now

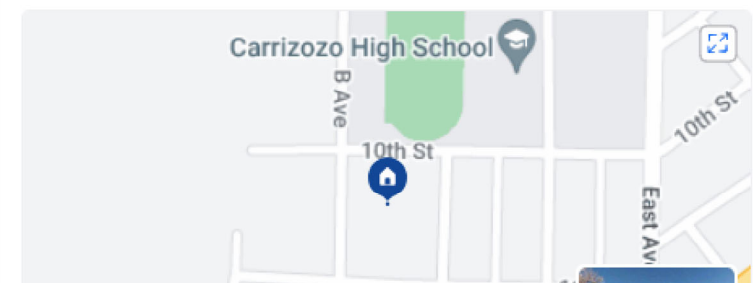
Overview Facts and features Price History Nearby schools >

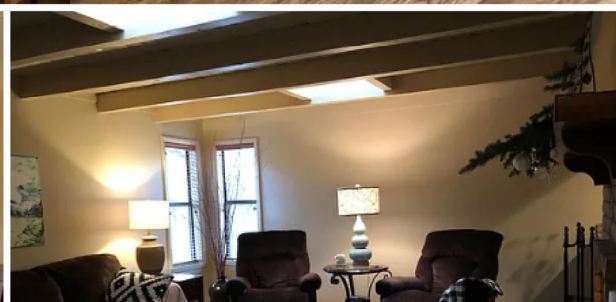


Fast & easy Zillow application.

This property accepts Zillow applications. Click 'Apply now' to fill out the online form once and apply to as many participating properties as you want. Just \$35 for 30 days.

Date available	Thu Jun 15 2023	Pets	Cats, Dogs
Type	Single Family Residence	Parking	Open Parking
Cooling	Other	Laundry	Shared
Heating	Contact manager	Deposit & fees	\$1,375





Save Share Hide More

\$2,100/mo 2 bd | 2 ba | 1,470 sqft

(Undisclosed Address), Ruidoso, NM 88345

● House for rent

Request a tour

Apply now

[Overview](#) [Facts and features](#) [Price History](#) [Nearby schools](#) >



Fast & easy Zillow application.

This property accepts Zillow applications. Click 'Apply now' to fill out the online form once and apply to as many participating properties as you want. Just \$35 for 30 days.

Date available

Sat Jul 1 2023

Pets

No Pets

Type

Single Family Residence

Parking

Contact manager

Cooling

Other

Laundry

In Unit

Heating

Contact manager

Deposit & fees \$2,100



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 18

SUBJECT:

Consideration of the Contract Between the County of Lincoln and Desert West Enterprises LLC for the 2022 New Mexico Department of Transportation's Project Fund Micro-Surfacing Roadway Improvements

Tuesday, June 20, 2023



Desert West Enterprises, LLC
P.O. Box 3000, Roswell, NM 88202
575-623-3990 Office
575-623-3981 Fax
larry@desertwestllc.com

Mr. Jeff Honeycutt,

The following quote is for Lincoln County Micro-surfacing projects. It follows the Roosevelt County contract pricing agreement. This pricing is good through September of 2023.

Type II Micro-surfacing 0-15,000 SY with mobility	<u>\$3.40</u>
Type II Micro-surfacing 15,000-50,000 SY with mobility	<u>\$3.35</u>
Type II Micro-surfacing 50,000+ SY with mobility	<u>\$3.30</u>

The total square yards for the combined projects is 119,680. Roads included in the quote are Musketball, Alpine Village, Juniper Springs, Schlarb, and FFA road.

119,680 SY @ 3.30 =	\$394,944.00
NM GRT	\$21,721.92
Total	\$416,665.92

8.5 miles (44,880') Length of project x 24' width of road divided by 9 = 119,680 square yards @ \$3.30 per square yard gives the total cost of the project less the NM GRT.

The 24' width of roadway is the standard, some roads are a little wider some a little narrower. Lincoln County only pays for the actual amount of material placed on the ground.

Thank you,
Jeff Honeycutt
Lincoln County Road Superintendent

Hannah Buckelew

Office Manager



Desert West
Enterprises, LLC
P.O. Box 3000
Roswell, NM 88202

Estimate

Date	Estimate #
5/18/2023	2134

Project Number:	
-----------------	--

Asphalt Specialty Products and Services

Seal Coat, Chip Seal, Distributor Trucks, Parking Lot Striping, Asphalt products- Cold Mix, Seal Coat Materials, Transport Tankers available

Name / Address
Lincoln County Lincoln County Office
Job Location
Lincoln County Jeff Honeycutt Capitan, NM

Item	Description	Qty	U/M	Rate	Total
Micro Surfacing	Roosevelt County contract pricing Micro Surfacing Type II 50,000+ SY with Mobility Roads included: Musketball, Alpine Village, Juniper Springs, Schlarb, and FFA road.	119,680		3.30	394,944.00T

Sealing and Crack fill Notes (May not apply to all estimates):

All cleaning sweeping and debris removal is included unless noted above. Sand and latex added for durability. Crackfill is a estimate only, all cracks will be measured after completion.

Acceptance of Proposal The above price, specifications and conditions are satisfactory and hereby accepted. Desert West Enterprises LLC are authorized to do the work as specified.	Signature _____
	Date Accepted _____

Sales Tax (5.5%)	\$21,721.92
Total	\$416,665.92

AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT

THIS AGREEMENT is by and between County of Lincoln, New Mexico ("Owner") and Desert West Enterprises LLC ("Contractor"). Owner and Contractor hereby agree as follows:

ARTICLE 1 –PROJECT NAME & WORK

- 1.01 Project Name: Lincoln County 2022 NMDOT Transportation Project Fund (TPF) Micro-Surfacing Roadway Improvements.
- 1.02 Work: Contractor shall complete the Work as indicated in this Agreement Between Owner and Contractor for Construction Contract, and in accordance with the Controlling Specifications. The Work is generally described as follows:
Type II Micro-surfacing which shall be a mixture of mineral aggregate, cationic polymer modified asphalt emulsion, mineral filler, water, and other additives mixed and placed on the paved surface in accordance with the project specifications. Micro-surfacing shall produce a cured mixture with a homogeneous appearance, a firm surface adhesion, and a skid resistance texture. All Micro-surfacing will be paid under Roosevelt County contact pricing @ \$3.30/ SY. Work is inclusive of mobilization, demobilization, and traffic control for the following County owned roadways:
Alpine Village Road (Approximately 1.17 Miles)
FFA Road (Approximately .23 Miles)
Fort Lone Tree Toad (Approximately 2.00 Miles)
Juniper Springs Road (Approximately 1.37 Miles)
Musket Ball Road (Approximately .82 Miles)
Shalarb Road (Approximately 2.63 Miles)
Approximate Total Miles: 8.22 Miles

ARTICLE 2 – CONTROLLING SPECIFICATION

- 2.01 All improvements shall be constructed in accordance with the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2019 Edition. General conditions shall follow NMDOT Standard Specifications 'Division 100'.

ARTICLE 3 – PROCUREMENT

- 3.01 The Agreement for Provision of Emulsion Materials to Roosevelt County, NM, dated 09/05/2022 and expiring on 09/04/2023. See attachment no. 3 which is incorporated as if fully set forth herein.

ARTICLE 4 – CONTRACT TIMES

Construction Contract

4.01 Contract Times: Days

- A. The Work will be substantially completed within X Working Days and ready for final payment within X Working days after the date of the notice to proceed.

ARTICLE 5: PROJECT FUNDING & STATE WAGE RATES

5.01 This is a public works project and is funded in part by New Mexico Department of Transportation Project Fund TPF,

5.02 Contractor shall comply with the New Mexico Department of Workforce Solutions Public Works Project Requirements.

5.03 State Wage Type "A" Decision No.

ARTICLE 6 – CONTRACT PRICE & EFFECTIVE DATE

6.01 Owner shall pay Contractor for completion of the Work in accordance with the Owner and Contractor Agreement, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid Estimate attached hereto as an Exhibit "A" of \$394,944.00 excluding NMGRT.

New Mexico Gross Receipts Tax (NMGRT) will be applied on the monthly pay applications.

WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on the date signed by the owner: _____.

Construction Contract

Owner:

County of Lincoln, NM
(typed or printed name of organization)

By: _____
(individual's signature)

Date: _____
(date signed)

Name: Ira Pearson
(typed or printed)

Title: County Manager
(typed or printed)

Attest: _____
(individual's signature)

Title: _____
(typed or printed)

Address for giving notices:

Designated Representative:

Name: Jeff Honeycutt
(typed or printed)

Title: Road Superintendent
(typed or printed)

Address:

300 Central Avenue

Carrizozo, NM 88301

Phone: 575-354-2922

Email: jhoneycutt@lincolncountynm.gov

Contractor:

Desert West Enterprises, LLC
(typed or printed name of organization)

By: Hannah Buckelew
(individual's signature)

Date: 6/7/2023
(date signed)

Name: Hannah Buckelew
(typed or printed)

Title: Office Manager
(typed or printed)

Attest: Susan L. Garcia
(individual's signature)

Title: Office Clerk
(typed or printed)

Address for giving notices:

P.O. Box 3000

Roswell, NM 88202

Designated Representative:

Name: Hannah Buckelew
(typed or printed)

Title: Office Manager
(typed or printed)

Address:

P.O. Box 3000

Roswell, NM 88202

Phone: 575-623-3990

Email: hannah@desertwestllc.com

License No.: 374378

State: New Mexico

Construction Contract

Attachments:

1. Desert West Enterprises, LLC Cost Estimate for Type II Micro-surfacing dated 5/18/2023
2. Project Location Maps
3. Agreement for Provision of Emulsion Materials to Roosevelt County, New Mexico.

**AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT**

THIS AGREEMENT is by and between County of Lincoln, New Mexico ("Owner") and Desert West Enterprises LLC ("Contractor"). Owner and Contractor hereby agree as follows:

ARTICLE 1 –PROJECT NAME & WORK

1.01 Project Name: Lincoln County 2022 NMDOT Transportation Project Fund (TPF) Micro-Surfacing Roadway Improvements.

1.02 Work: Contractor shall complete the Work as indicated in this Agreement Between Owner and Contractor for Construction Contract, and in accordance with the Controlling Specifications. The Work is generally described as follows:

Type II Micro-surfacing which shall be a mixture of mineral aggregate, cationic polymer modified asphalt emulsion, mineral filler, water, and other additives mixed and placed on the paved surface in accordance with the project specifications. Micro-surfacing shall produce a cured mixture with a homogeneous appearance, a firm surface adhesion, and a skid resistance texture. All Micro-surfacing will be paid under Roosevelt County contact pricing @ \$3.30/ SY. Work is inclusive of mobilization, demobilization, and traffic control for the following County owned roadways:

Alpine Village Road (Approximately 1.17 Miles)
FFA Road (Approximately .23 Miles)
Fort Lone Tree Toad (Approximately 2.00 Miles)
Juniper Springs Road (Approximately 1.37 Miles)
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Shalarb Road (Approximately 2.63 Miles)
Approximate Total Miles: 8.22 Miles

ARTICLE 2 – CONTROLLING SPECIFICATION

2.01 All improvements shall be constructed in accordance with the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction, 2019 Edition. General conditions shall follow NMDOT Standard Specifications 'Division 100'.

ARTICLE 3 – PROCUREMENT

3.01 The Agreement for Provision of Emulsion Materials to Roosevelt County, NM, dated 09/05/2022 and expiring on 09/04/2023. See attachment no. 3 **which is incorporated as if fully set forth herein.**

ARTICLE 4 – CONTRACT TIMES

4.01 Contract Times: **Days**

Construction Contract

- A. The Work will be substantially completed within X Working Days and ready for final payment within X Working days after the date of the notice to proceed.

ARTICLE 5: PROJECT FUNDING & STATE WAGE RATES

- 5.01 This is a public works project and is funded in part by New Mexico Department of Transportation Project Fund TPF,
- 5.02 Contractor shall comply with the New Mexico Department of Workforce Solutions Public Works Project Requirements.
- 5.03 State Wage Type "A" Decision No.

ARTICLE 6 – CONTRACT PRICE & EFFECTIVE DATE

- 6.01 Owner shall pay Contractor for completion of the Work in accordance with the Owner and Contractor Agreement, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid Estimate attached hereto as ~~an~~ Exhibit "A" of \$394,944.00 excluding NMGRT.

New Mexico Gross Receipts Tax (NMGRT) will be applied on the monthly pay applications.

WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on the date signed by the owner: _____.

Construction Contract

Owner:

County of Lincoln, NM
(typed or printed name of organization)

By: _____
(individual's signature)

Date: _____
(date signed)

Name: Ira Pearson
(typed or printed)

Title: County Manager
(typed or printed)

Attest: _____
(individual's signature)

Title: _____
(typed or printed)

Address for giving notices:

Designated Representative:

Name: Jeff Honeycutt
(typed or printed)

Title: Road Superintendent
(typed or printed)

Address:
300 Central Avenue
Carrizozo, NM 88301

Phone: 575-354-2922

Email: jhoneycutt@lincolncountynm.gov

Contractor:

(typed or printed name of organization)

By: _____
(individual's signature)

Date: _____
(date signed)

Name: _____
(typed or printed)

Title: _____
(typed or printed)

Attest: _____
(individual's signature)

Title: _____
(typed or printed)

Address for giving notices:

Designated Representative:

Name: _____
(typed or printed)

Title: _____
(typed or printed)

Address:

Phone: _____

Email: _____

License No.: _____

State: _____

Construction Contract

Attachments:

1. Desert West Enterprises, LLC Cost Estimate for Type II Micro-surfacing dated 5/18/2023
2. Project Location Maps
3. Agreement for Provision of Emulsion Materials to Roosevelt County, New Mexico.



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 19

SUBJECT:

U.S. Economic Development Administration (EDA) Grants

- a. Consideration of the Village of Ruidoso's request for a letter of Support
- b. Discussion and Direction Regarding Project Submittals by the County of Lincoln

Tuesday, June 20, 2023



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

June 6, 2023

EDA- Austin Regional Office
903 San Jacinto, Suite 206
Austin, TX 78701

To Whom It May Concern:

The Lincoln County Board of Commissioners writes in support of the application submitted by the Village of Ruidoso to the Economic Development Administration's Disaster Relief Fund for the development of an Emergency Evacuation Center/ Events Center. The County of Lincoln understands that the Ruidoso Downs Racetrack and Casino is the economic engine for the region.

The Commission strongly supports the Village of Ruidoso. We are leveraging our support to create a collaborative powerhouse to bring together industry experts to design, plan, and construct a facility that would become the backbone of Lincoln County. This project, once constructed, would accelerate economic recovery from the COVID-19 pandemic and past natural disasters while increasing opportunities for economic growth and sustainability.

The strategic focus on creating a more resilient community during an emergency and creating jobs in under-resourced rural areas makes this application particularly compelling. This grant proposal aligns well with a number of EDA's priorities, particularly facilitating an equitable recovery in rural underserved areas of the country.

We appreciate your interest in improving the economic resiliency of our region. Thank you in advance for your thoughtful consideration. Please include this letter in the official record of the application.

Respectfully yours,

BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO

Todd F. Proctor, Chairman

Samantha J. Serna, Member

Jon F. Crunk, Vice-Chairman

Mark G. Fischer, Member

Pierre S. Pfeffer, Member

Attest:

Shannan Hemphill, County Clerk

Project Name	Amount	SOW	Jobs Added	Services Added	Justification
High-T Redesign	\$2,210,000.00	The project involves restructuring the intersection to a High-T, reconstruction & drainage improvements of the US HWY 70 / NM 48 Intersection and NM 48 Corridor, from US HWY 70 to Mescalero Trail, and property acquisition. This project will provide for continuous movement on these major streets. Complete plan set and studies to go out for construction bid to develop the plans.	100+	Enhanced Access to blighted areas in the Metropolitan Redevelopment Area	Transportation investments lower the costs of moving people and goods. This increases economic productivity, which roughly can be measured as the output of goods and services per dollar of private and public investment.
Upper Sudderth Street Development	\$700,000	Complete plan set and studies to go out for construction bid to develop the plans. Lighting along the roadway and inside the roundabout, survey work, drainage study, and traffic study for the plans. The goal is to stimulate revitalization in this area. Proper grading on the pavement will be needed to correct water runoff issues. Curb and gutters, driveway aprons, sidewalks, drop inlets, etc., must be included. The design needs to include bump-outs for large gateway signage.	50+	New Jobs through revitalization in our Metropolitan Redevelopment Area. Regional job growth and productivity.	Currently 3 vacant buildings Potential for developing 2 vacant lots
Event Center	\$17,000,000	Year-Round Tourism Destination/ Emergency Center Building: 100,000 Square Feet Area Floor: 6,000 Square Feet Seating: 6,000 The impact that this project will have on tourism and regional growth is unparalleled for this region. This joint public-private partnership will allow our local communities to grow and enhance New Mexico tourism.	400+	ENMU: Vet Tech program Hospitality Tourism	Regional Asset and Job Creation. Strategic training partnership with the local community college to build resilience in sustaining local workforce.



County of Lincoln

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AGENDA ITEM NO. 20

SUBJECT:

Assessor's Office Items

- a. Consideration of Purchasing Short Term Rental Identification Software
- b. Discussion and Direction Regarding SB 324, Increasing the Amount of Additional Compensation a County May Provide to Assessors and Certain Certified Employees in Appraisal Offices.

Tuesday, June 20, 2023

From: Mike Bozich <mike.bozich@granicus.com>
Sent: Tuesday, May 30, 2023 2:57 PM
To: Michelle Williams <MWilliams@lincolncountynm.gov>
Subject: Additional AI cost breakdown

Hi Shelly,

Per our discussion, \$9,883.05 would be the additional cost to add the incorporated areas of the County to our Address Identification efforts.

This cost came from the 2,000 STRs in the entire County, including a 30% discount (discount you received for having 4+ modules), and subtracting that number from what the County is already spending on Address Identification for Unincorporated areas.

Mike Bozich
Territory Manager – govService Host Compliance
C: (303) 529-5014 | E: mike.bozich@granicus.com





County of Lincoln

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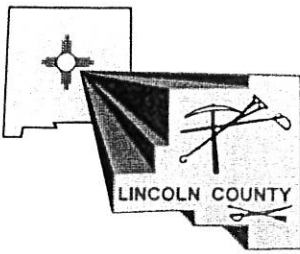
www.lincolncountynm.gov

Agenda Item No. 21

SUBJECT:

Funding Requests:

- a. Event: New Mexico 4x4 Rally
Amount Requested: \$10,000
Date (s) of Event: 9/21-9/23, 2023
Presenter: Garrett LaMay
- b. Event: Ruidoso Grindstone Trail Run
Amount Requested: \$5,000
Date (s) of Event: 8/25 – 8/26, 2023
Presenter: Shane Asbury



County of Lincoln

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LODGER'S TAX REQUEST FORM

Name of Event: NM 4x4 Rally Date(s) of Event: 9-21/24-23

Name of Organization(s) applying for Funding: NM 4x4 Rally

Amount Requested: 10,000 Total estimated cost of the Event listed above? 30,000

Describe Event: The 4x4 Rally is a 3 day event for everyone to enjoy Lincoln County's beautiful mountains and scenery. We will have a poker run 2 days, a vendor and car show. We want everyone to get out and ride and enjoy Lincoln county

Have Lincoln County Lodger's Tax funds been requested for this event before? YES ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year: _____	Amount requested: _____	Amount funded: _____
Year: _____	Amount requested: _____	Amount funded: _____
Year: _____	Amount requested: _____	Amount funded: _____
Year: _____	Amount requested: _____	Amount funded: _____

How will the Event track the utilization of County lodging as a result of the Event? Surveys with information from attendees where they're from and where they're staying.

Are there any in-kind or matching funds anticipated for the event? X YES ☐ NO
Describe: VOR - \$5,000

Have you requested funding from other sources? X YES ☐ NO Amount Requested? \$5,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u>\$500</u>	Radio: <u>\$500</u>	Social Media: <u>\$1,000</u>
Internet: <u>\$1,000</u>	Printing: <u>\$2,000</u>	Other: _____

Total amount of Out-of-County advertising: \$2,000

Are you a current vendor of the County of Lincoln? ☐ YES ☒ NO

If I am not a vendor: I will contact Lincoln County Purchasing prior to the next Board of County Commissioners meeting (purchasing@lincolncountynm.gov / 575-648-2385) X YES ☐ NO

STATEMENTS OF UNDERSTANDING

I understand that I am requesting public funds and they are to be administered according to State Law and Lincoln County Ordinances.

☒ YES ☐ NO

I agree to submit a follow-up report with a financial statement within ninety (90) days following the Event or I may forfeit the reimbursable funds.

☒ YES ☐ NO

I understand that funding recommended by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Board of Commissioners. I also understand that approved funding amounts may differ from the amount requested on this application.

☒ YES ☐ NO

I understand that a written agreement must be signed by the County of Lincoln and myself BEFORE any expenditures can be made.

☒ YES ☐ NO

Name of Applicant: Garrett LaMay Date: 4/19/23
Address: 200 Pike St. City: Ruidoso State: NM Zip: 88345
Phone: 575 973 0144 Email: GarrettLaMay23@yahoo.com

Signature: _____

Email this form to: mwilliams@lincolncountynm.gov.



County of Lincoln

MAY 25 2023

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

LODGER'S TAX REQUEST FORM

Name of Event: RUIDOSO GRINDSTONE TRAIL RUN Date(s) of Event: AUGUST 25th 26, 2023

Name of Organization(s) applying for Funding: WAGERLUST RUNNING LLC

Amount Requested: \$5000 Total estimated cost of the Event listed above? \$13,665

Describe Event: TRAIL RUNNING EVENT THAT HAS 3 DISTANCES
4 MILE / 8.5 MILE / 13.8 MILE THAT STARTS AND FINISHES AT
WINGFIELD PARK DOWNTOWN RUIDOSO. PACKET PICKUP HELD AT
MCM ELEGANT GOLF. PROCEEDS BENEFIT ADAPTIVE ATHLETES SKI APACHE

Have Lincoln County Lodger's Tax funds been requested for this event before? X YES NO
X PREVIOUS YEARS RALF DINGLTON FREDEMC MORAS
List past year years' requested funding amount(s):

Year: <u>2018</u>	Amount requested: <u>\$5000</u>	Amount funded: <u>\$4000</u>
Year: <u>2020</u>	Amount requested: <u>\$5000</u>	Amount funded: <u>\$4200</u>
Year: <u>2021</u>	Amount requested: <u>\$5000</u>	Amount funded: <u>\$4500</u>
Year: <u>2022</u>	Amount requested: <u>\$5000</u>	Amount funded: <u>\$4700</u>

How will the Event track the utilization of County lodging as a result of the Event? 3RD Party Administration
Form (RUN SIGN UP) ALSO TRACKING HOTEL NIGHTS BOOKED
BY A SPECIAL LODGE / POST RACE SURVEY

Are there any in-kind or matching funds anticipated for the event? X YES NO
Describe: VILLAGE OF RUIDOSO (\$5000)

Have you requested funding from other sources? X YES NO Amount Requested? \$5000

Please list the anticipated amounts to be used for advertising:

Newspaper: \$200 \$400 Radio: _____ Social Media: \$300 INSTAGRAM / FB
Internet: \$300 Printing: \$500 - \$1000 Other: TANUVA ADJ

Total amount of Out-of-County advertising: \$1500 OUT OF TOWN RACE EXPOS AND EVENTS
HANDLING OUT FLYERS AND INFO ABOUT LINCOLN COUNTY IN RUIDOSO
Are you a current vendor of the County of Lincoln? _____ YES X NO

If I am not a vendor: I will contact Lincoln County Purchasing prior to the next Board of County Commissioners meeting (purchasing@lincolncountynm.gov / 575-648-2385) X YES NO

STATEMENTS OF UNDERSTANDING

MAY 25 2023

I understand that I am requesting public funds and they are to be administered according to State Law and Lincoln County Ordinances. X YES NO

I agree to submit a follow-up report with a financial statement within ninety (90) days following the Event or I may forfeit the reimbursable funds. X YES NO


I understand that funding recommended by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Board of Commissioners. I also understand that approved funding amounts may differ from the amount requested on this application. X YES NO

I understand that a written agreement must be signed by the County of Lincoln and myself BEFORE any expenditures can be made. X YES NO

Name of Applicant: SHANE A. ASBURY Date: 05/25/2023

Address: 20522 N. 94TH WAY City: SCOTTSDALE State: AZ Zip: 85255

Phone: 512-400-8485 Email: SHANE@WANDERLUSTRUNNINGUNLIMITED.COM

Signature: 

Email this form to: mwilliams@lincolncountynm.gov

Ruidoso Grindstone Trail Runs 2023

3 events 4 miles / 8.5 / 13.8 miles

Event Description: Enjoy the Ruidoso Grindstone Trail system with three different trail running distances: Half Marathon+ (13.8M), 8.5 Miler, and 4 Miler. Start and finish at Wingfield Park, downtown Ruidoso (altitude 6900 feet). Great scenery, fantastic volunteer support, and legendary Ruidoso's carved-bear awards for top finishers.

A great family event starting and finishing at Wingfield Park in Midtown Ruidoso (altitude 6900 feet) ALL events start at 7:00 am. A fundraiser for the Ski Apache Adaptive Sports nonprofit organization.

PACKET PICK-UP/ LATE REGISTRATION

- Friday, August 25th, 2023

2 pm to 7pm: Packet pick-up & in person registration at MCM Elegante Lodge and Resort, 107 Sierra Blanca Drive.

A few rooms are available at a discounted price "Grindstone Trail Runs". 575-258-5500

Ruidoso Grindstone Trail Runs Budget 2023

Facebook / Instagram \$300

Posters / Printed Flyers / LOGO \$500

Tee Shirts / Drawstring Bags \$3500

Custom Medals / Bear Awards \$2500

Raceadventuresunlimited Website \$250

Website / IT / Mailchimp \$500

Chipped Bibs \$225

Timing \$900

Room and Mileage for timing company travel from El Paso, TX \$500

Insurance \$175

RRCA Membership / USATF Membership \$200



RUIDOSO GRINDSTONE TRAIL RUNS

4 MILER - 8.5 MILER - 13.8 MILER

SAT AUGUST 26, 2023

Ruidoso Grindstone runs (4M; 8.5M & 13.8M) promote the multiple use trail system available at Grindstone Lake, Ruidoso, New Mexico in the Sacramento Mountains (6900 feet). Proceeds benefit Ski Apache Adaptive Sports.



County of Lincoln

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AGENDA ITEM NO. 22

SUBJECT:

Lincoln County Solid Waste

a. Approval to File Solid Waste Liens:

1. Delores Herrera-**\$900.02** (Land#1000170 Delores Herrera)
(MH#1008096 Jesus J Rue)
2. Robert H. Hawkins and Kathleen A. Hawkins-**\$961.56**
3. Sandra Y. Overstreet and T. Overstreet-**\$961.56**
4. Lewis R. Rumfield and Kelly A. Rumfield-**\$1,018.10**
5. Dianna Wells-**\$902.72**
6. Sheila M. Zumwalt-**\$890.02**
7. Timothy James Sanders-**\$1,005.66**
8. James Warren Hanson and Katie A. Hanson-**\$961.56**
9. James Warren Hanson and Katie A. Hanson-**\$407.70**
10. Guadalupe Gallegos-**\$1,259.42** (Land#365552 Guadalupe Gallegos)
(MH#1007188 Joe & Fran McDuff)
11. Josephine E. Gutierrez-**\$776.94**
12. Sandra Herrera-Rue-**\$1,259.25** (Land#239000 Sandra Herrera-Rue)
(MH#193026 Sandra & Mesha Rue)
13. Beverly Hammond-**\$715.40**
14. Ginger Trichell-**\$715.40**
15. Hi Lonesome Ranch-**\$715.40**
16. Hi Lonesome Ranch-**\$402.93**
17. James Rupley & Claudia Francisca Rupley-**\$709.74**
18. Steven Raterman-**\$715.40**
19. Jonathan L. Blair & Evelyn R. Blair-**\$700.09** (Jonathan L & Evelyn R Blair MH#12743) (land#0004625 Jonathan L & Evelyn R Blair)
20. Ruben R Chavez-**\$1,491.20** (Land#1007300 Ruben Chaves)
(MH#335575 Ruben Chavez)

Tuesday, June 20, 2023

b. Approval to Release and Refile Solid Waste Liens:

1. Cecilia Z. Apodaca - **\$2435.69**
2. Jayson Long (Land#310015) & Bank of New York Mellon, Trustee (MH# 1004841) - **\$2352.78**
3. Billy Joe Brady (Land# 237925) & Laura Brady (MH# 223796) - **\$2495.08**
4. Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch (Land# 1002366) & Carolyn Burch (MH# 1001519) - **\$2335.56**
5. Cassandra Chavez - **\$2435.56**
6. Kimberly Dianne Conner - **\$2435.69**
7. John Warren Courtney - **\$1695.54**
8. Harold Corn & Rhonda Weitner (Land#364060) & Harold Corn (MH# 364061) - **\$2548.77**
9. Cheryl Lynn Mangelsdorf - **\$2,435.69**

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Delores Herrera** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Delores Herrera**

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached **Delores Herrera (Land) 1000170 Jesus J. Rue (MH) 1008096**

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 900.02 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Delores Herrera

[illegible]

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Robert H. Hawkins and Kathleen A. Hawkins** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Robert H. Hawkins and Kathleen A. Hawkins**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 961.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 01, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Robert H. Hawkins and Kathleen A. Hawkins

[illegible]

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Sandra Y. Overstreet and T. Overstreet owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Sandra Y. Overstreet and T. Overstreet

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 961.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 01, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

Sandra Y. Overstreet and T. Overstreet

Page 2 of 2

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Lewis R. Rumfield and Kelly A. Rumfield owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Lewis R. Rumfield and Kelly A. Rumfield

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 1,018.10 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from October 1, 2018 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Lewis R. Rumfield and Kelly A. Rumfield

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Dianna Wells owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Dianna Wells

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 902.72 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Dianna Wells

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Sheila M. Zumwalt owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Sheila M. Zumwalt

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 890.02 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00). (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2020 to February 13, 2023, the later statement being for service through March 31, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Sheila M. Zumwalt

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Timothy James Sanders owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Timothy James Sanders

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 1,005.66 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Timothy James Sanders

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 961.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust

[illegible]

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 407.70 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from February 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

James Warren Hanson and Kathie A. Hanson, Co-Trustees of The Warren and Kathie Hanson Trust

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Guadalupe Gallegos owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Guadalupe Gallegos

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached Guadalupe Gallegos (Land) 365552 Joe McDuff and Fran McDuff (MH) 1007188

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 1,259.42 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2019 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Guadalupe Gallegos

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Josephine E. Gutierrez** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Josephine E. Gutierrez**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 776.94 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from October 1, 2020 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Josephine E. Gutierrez

[illegible]

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Sandra Herrera-Rue owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Sandra Herrera-Rue

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached Sandra Herrera-Rue (Land) #239000 Sandra Herrera-Rue (MH) #193026

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 1,259.25 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from October 1, 2018 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

Sandra Herrera-Rue

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires: _____

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Beverly Hammond** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Beverly Hammond**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 715.40 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2021 to May 8, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

Beverly Hammond

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Ginger Trichell owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Ginger Trichell

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 715.40 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2021 to May 8, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Ginger Trichell

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **The Hi Lonesome Ranch Trust; John A. Cox, Trustee** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **The Hi Lonesome Ranch Trust; John A. Cox, Trustee**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 402.93 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from July 1, 2021 to May 8, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

The Hi Lonesome Ranch Trust; John A. Cox, Trustee

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **The Hi Lonesome Ranch Trust; John A. Cox, Trustee** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **The Hi Lonesome Ranch Trust; John A. Cox, Trustee**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 715.40 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2021 to May 8, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

The Hi Lonesome Ranch Trust; John A. Cox, Trustee

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **James Rupley and Claudia Francisca Rupley** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **James Rupley and Claudia Francisca Rupley**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 709.74 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2021 to May 8, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

James Rupley and Claudia Francisca Rupley

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Steven Raterman owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Steven Raterman

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 715.40 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00). (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2021 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Steven Raterman

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Jonathan L. Blair and Evelyn R. Blair** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Jonathan L. Blair and Evelyn R. Blair**

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached **Jonathan L. Blair and Evelyn R. Blair (Land)#0004625**
Jonathan L. Blair and Evelyn R. Blair (MH)#0012743

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 700.09 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2021 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Jonathan L. Blair and Evelyn R. Blair

[illegible]

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **Ruben R. Chavez** owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: **Ruben R. Chavez**

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached **Ruben Chavez (Land) 1007300 Ruben Chavez (MH) 335575**

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 1491.20 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from July 1, 2017 to February 13, 2023, the later statement being for service through March 31, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.


***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Ruben R. Chavez

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)


Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: 
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the 18th day of April, 2023, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:
3-15-2025


Notary Public



RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 15th day of December in Book 2016 at Page 7066 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Cecilia Z. Apodaca

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Cecilia Z. Apodaca owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Cecilia Z. Apodaca

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2435.69 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

Cecilia Z. Apodaca

Page 2 of 2

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 19th day of April in Book 2018 at Page 2261 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Jayson Long

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Jayson Long owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Jayson Long

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached Jayson Long (Land# 310015) Bank of New York Mellon, Trustee (MH# 1004841)

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2352.78 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Jayson Long

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 26th day of June in Book 2017 at Page 3472 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Billy Joe Brady & Laura Brady

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Billy Joe Brady owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Billy Joe Brady

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

Billy Joe Brady (Land# 237925) Laura G Brady (MH# 223796)

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2495.08 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Billy Joe Brady

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 16th day of December in Book 2016 at Page 7151 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch

4. Property Legal Description: The Lien is claimed upon the following property:

See Exhibit A attached

Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch (Land# 1002366)

Carolyn Burch (MH# 1001519)

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2335.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Carolyn Jo Burch, Jordan Lee Ann Burch, & Shaley Faith Amber Burch

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 16th day of December in Book 2016 at Page 7148 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Cassandra Chavez & Oscar J. Sanchez

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Cassandra Chavez owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Cassandra Chavez

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2435.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Cassandra Chavez

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 15th day of December in Book 2016 at Page 7037 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Kimberly Dianne Conner

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Kimberly Dianne Conner owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Kimberly Dianne Conner

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2435.69 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Kimberly Dianne Conner

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 16th day of December in Book 2016 at Page 7108 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

John Warren Courtney & Laurel Ruth Courtney

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: John Warren Courtney owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: John Warren Courtney

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2435.56 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

John Warren Courtney

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 20th day of July in Book 2018 at Page 3964 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Harold Corn & Rhonda Weitner

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Harold Corn & Rhonda Weitner owner and/or reputable owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Harold Corn & Rhonda Weitner

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

Harold Corn & Rhonda Weitner (Land owner# 364060) Harold Corn (MH#364061)

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2548.77 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from April 1, 2015 to June 20, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

***SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)***

Harold Corn & Rhonda Weitner

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

RELEASE OF LIEN
LINCOLN COUNTY

The County of Lincoln, Claimant under that certain Claim of Lien recorded on the 15th day of December, 2016 in Book 2016 at Page 7062 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claim of Lien from the lien and operation thereof, as to the following described property, to wit:

Cheryl Lynn Mangelsdorf

See Exhibit "A"

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the foregoing Release of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
 Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the ____ day of _____, 2023__, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

Notary Public

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: Cheryl Lynn Mangelsdorf owner and/or reputed owner of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant", pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2017-07, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to the County of Lincoln Ordinance No. 2017-07 titled "An Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2016-01".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for collection, transportation and disposal of solid waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by: Cheryl Lynn Mangelsdorf

4. Property Legal Description: The Lien is claimed upon the following property:
See Exhibit A attached

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$ 2,435.69 representing the balance due and the administrative fee for preparation and filing of this Lien of \$100.00. (Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional Administrative Fee in the sum of \$100.00 for preparation and filing of a Release releasing this Lien.)

6. Lien Assessment Period: The Lien amount above, is claimed for unpaid quarterly billing statements and late charges for the period from January 1, 2015 to May 10, 2023, the later statement being for service through June 30, 2023. Charges for solid waste collection, transportation and disposal will continue to accrue.

SIGNATURE/NOTARY PAGE TO CLAIM OF LIEN
(Non-Payment of Solid Waste Collection Services Fees)

Cheryl Lynn Mangelsdorf

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Todd F. Proctor, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
 Todd F. Proctor
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of _____, 20____, by Todd F. Proctor, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 23

SUBJECT:

Discussion and Direction Regarding the Consolidated Solid Waste Ordinances

Tuesday, June 20, 2023

ORDINANCE NO. 2023-

SOLID WASTE COLLECTION, DISPOSAL AND FEES ORDINANCE OF THE COUNTY OF LINCOLN, NEW MEXICO

AN ORDINANCE REPEALING LINCOLN COUNTY ORDINANCES ~~2016-02 AND 2020-04~~ AND ENACTING AN ORDINANCE WHICH REGULATES ACCEPTABLE AND UNACCEPTABLE WASTE IN LINCOLN COUNTY, AND PROVIDING FOR EFFICIENT AND SANITARY COLLECTION OF WASTE, PROVIDING FOR MANDATORY DISPOSAL AND ASSESSMENT OF FEES, PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to repeal Ordinances ~~2016-02 and 2020-04~~, and enact a new Ordinance in order to protect the health, safety, and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of Lincoln County Commissioners, pursuant to the provisions of §4-56-1 *et seq.* NMSA 1978, is delegated the authority to "...establish and maintain, manage and supervise a system of storage, collection and disposal of all refuse; and

WHEREAS, the Board of Lincoln County Commissioners finds this Ordinance is applicable in all unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts; and

WHEREAS, the Board of Lincoln County Commissioners finds that this Ordinance is necessary and proper in order to provide for a safe, sanitary, coordinated County-wide program of collection, control, and disposal of Acceptable and Unacceptable Waste in unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts, in cooperation with Federal and State agencies; and

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

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

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to provide a fair and equitable procedure to allocate the cost of solid waste collection among the residents in unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water

and sanitation districts,, and to provide a system for establishing, amending, changing, and/or altering a system of fees by Resolution and also providing for appropriate public input to such system of fees; and

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to establish fees assessed for delinquent payments and/or failure to make payments, and to provide a means of collecting associated court costs and attorneys' fees in the lawful pursuit of collection of delinquent payments; and

WHEREAS, the Board of Lincoln County Commissioners also finds it necessary to provide a system for the citizens of Lincoln County to apply for waivers of certain solid waste fees when determined as necessary.

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

Section 1. Title.

This Ordinance shall be referred to as the Solid Waste Collection, Disposal and Fees Ordinance of the County of Lincoln, New Mexico.

Section 2. Definitions.

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

“Acceptable Waste” is defined as household garbage or trash originating or generated from inhabitable entities within the boundaries of the County, including but not limited to: waste food, swill, carrion, slops, or waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products.

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

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

“Board” is defined as the Board of County Commissioners of the County of Lincoln, New Mexico.

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

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

“Debris” is defined as waste materials resulting from construction, remodeling, repair of buildings or roads or other structures, and from demolition of buildings, roads and other structures, including, but not limited to, bricks, concrete blocks, sheetrock, shingles, roofing material, lumber, metal or plastic piping, but does not include any Unacceptable Waste, hazardous, contaminated or regulated waste.

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

“Hauler” is defined as any person who collects Acceptable or Unacceptable Waste from any property not owned by that person.

“Inhabitable” is defined as a unit suitable or fit in which to live or occupy, and/or each single unit of multi-unit inhabitable dwellings.

“Landfill” is defined as a facility designed for the disposal of refuse and solid waste materials permitted in accordance with EID Regulations.

“Occasional Use” is defined as less than thirty (30) days occupancy per year.

“Owner” is defined as an owner, whether residing in said premises or not, of any property located within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

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

“Premises” is defined as an improved or unimproved structure, whether designed for private or commercial use, located within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

“Refuse” is defined as all junked parts or bodies of automobiles, tires, waste paper, paper cartons, cardboard, trees, tree branches, yard trimmings or clippings, leaves, pine needles, wood, glass, plastic, discarded furniture or appliances, tin cans, bottles, dirt, ashes, liquid petroleum waste, such as motor oil and such similar items, and all other unwholesome material of every kind, not including garbage or debris.

“Residence” is defined as any inhabitable dwelling or each single unit of multi-unit inhabitable dwellings.

“Responsible Party” is defined as the owner, tenant, lessee, manager, trustee, occupant, or successor-in-interest of any premises, whether occupied or vacant, improved or unimproved, who is responsible for payment of the mandatory fee for solid waste collection.

“Solid Waste” is defined as garbage, refuse and/or debris of any kind generated by an individual, household or commercial establishment.

“Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste” is defined as explosive, toxic, radiologic, biologic or pathological substances, waste defined or classified as hazardous waste at any time under federal, state or local law, oil sludge, cesspool or other human waste, human remains, the carcasses of dead animals, liquid waste and slurries, drilling fluids and produced waters and other non-domestic wastes associated with mining and/or extraction, production of any crude oil, ores, minerals, natural or any other gasses, chemicals from commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs, waste contaminated by infectious diseases, radioactive waste, live pests, toxic, highly flammable or explosive materials and all other unwholesome materials, the processing of which could pose a threat to health or safety of Waste Plant workers or damage to the Waste Plant. Unacceptable Waste includes hazardous waste as set forth in the New Mexico Hazardous Waste Act, §74-4-1 et seq. NMSA 1978. Unacceptable Waste shall be disposed of in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

“Unacceptable Waste” means any waste containing, ashes, rocks, sand, dirt, concrete, tree stumps, yard waste, including pine needles, grass and tree clippings, leaves, and cut weeds, trees, tree branches, or other vegetative matter that normally results from land clearing, construction debris, street sweepings, large paper cartons and cardboard, large items of furniture, appliances, metal objects, machinery and equipment such as automobile and vehicular parts, inoperable or partially dismantled motor vehicles, tires, trailers, agricultural equipment, marine vessels, or similar items, farm and other large machinery, wire and cable from industrial sources. Unacceptable Waste additionally includes all items identified in the definition of Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste set out above.

“Uninhabitable” is a unit suitable or fit in which to live or occupy, and/or each single unit of multi-unit inhabitable dwellings.

Section 3. Powers of the County of Lincoln

In connection with the operation of a mandatory solid waste collection system, the Board may:

A. Execute agreements on behalf of the County, with any municipality, county or other local unit of government, or any private entity for the collection, regulation, transportation and disposal of solid waste generated in the unincorporated areas of the County;

B. Establish, assess, and collect fees directly, or through its authorized agent, from Responsible Parties using the solid waste collection system in amounts sufficient to pay the necessary costs of the collection, transportation and disposal system; and

C. Coordinate the collection, regulation, transportation and disposal of solid waste in consultation with the New Mexico Environment Department.

Section 4. Mandatory Collection and Disposal of Acceptable and Unacceptable Waste.

A. Any disposal of Acceptable and/or Unacceptable waste, except as provided by this Ordinance, is hereby declared to be unlawful and a violation of this Ordinance.

B. Any accumulation of Acceptable and/or Unacceptable Waste is hereby declared to be a nuisance, unlawful and a violation of this Ordinance.

Section 5. Accumulation of Waste and Litter; Removal; Violation.

A. No person shall cause or permit to remain upon any property, private or public, any Acceptable or Unacceptable Waste, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

B. No person shall dispose of Acceptable Waste except in waste disposal facilities, and County containers including, poly-carts, dumpsters or compactors.

C. No person shall dispose of Unacceptable Waste or Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste as defined in Section 2 of this Ordinance in any County container use for the regular collection of Acceptable Waste but shall dispose of such Waste, in a landfill if not considered toxic, hazardous, ignitable, flammable, or explosive waste, and if considered toxic, hazardous, ignitable, flammable, or explosive waste in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

D. No person shall set fire or cause or procure a fire to be set to any Acceptable or Unacceptable Waste, including but not limited to, cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic, or any other substance which would create offensive, obnoxious or dangerous fumes or odors unless in an incinerator which has been approved by the fire chief or health authority of the County.

E. No person shall throw, sweep, dump, deposit, or dispose of any Acceptable or Unacceptable Waste or elements thereof, upon on any road, street, gutter, sidewalk, alley, sewer, parkway, or on the ground beside any waste receptacle or other public place within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

F. No person shall dispose of any Construction Debris in any County container used for the regular collection of Acceptable Waste but shall dispose of such Waste, in a landfill if not considered toxic, hazardous, ignitable, flammable, or explosive waste, and if considered toxic, hazardous, ignitable, flammable, or explosive waste in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

G. It shall be the duty of either an Ordinance Enforcement Officer, the Sheriff or his/her designee, to enter upon any non-posted private or public real property after having received a complaint for the purpose of inspecting, to ascertain if there exists on the land thereon a condition that is contrary to or in violation of this Ordinance. Said Ordinance Enforcement

Officer, Sheriff or his/her designee, may enter upon the land without a complaint having been received only if the Ordinance Enforcement Officer, Sheriff or his/her designee, personally views a violation. If the owner or occupant of any land objects to the Ordinance Enforcement Officer or the Sheriff or his/her designee, entering upon their property, as above stated, a warrant will be obtained from a court of competent jurisdiction prior to inspection.

1. If, upon the basis of such inspections, the Ordinance Enforcement Officer, or the Sheriff or his /her designee finds that any of Subsections A-E in this Section 5 have not been complied with or that a violation exists, the Ordinance Enforcement Officer shall notify the Responsible Party of the existence and location of the unlawful Acceptable or Unacceptable Waste accumulations, and provide a designated period of time from ten (10) days up to thirty (30) days to correct such condition.
2. Upon the failure, neglect, or refusal of any Responsible Party to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return as undeliverable of such prescribed notice if the notice is served by mail), the Board may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the Responsible Party.
3. The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law.

H. Where either the Ordinance Enforcement Officer, the Sheriff or his/her designee finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of Acceptable or Unacceptable Waste and immediate measures are required to alleviate this clear and present danger, the ten (10) day notification period may be waived.

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

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

K. Violation of this Section, in addition to any other cost assessed for the cleanup of illegally stored or deposited Acceptable or Unacceptable Waste, shall be enforced under the provisions of Section 12 titled: Penalties; Liens of this Ordinance.

Section 6. Pre-collection Practices of Acceptable and Unacceptable Waste.

A. Acceptable Waste shall be placed and maintained in County containers, or other waste disposal facility(ies) licensed and permitted in conformance with applicable State law, State regulations and this Ordinance.

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

C. Disposal of Ashes. Ashes as defined in Section 2 above are considered Unacceptable Waste and shall not be placed in any County container. Additionally, it is unlawful to dispose of hot Ashes in any manner. To dispose of cool Ashes, the following guideline is provided:

1. Cool in place for a minimum of forty-eight (48) hours and inspect to determine that no live embers capable of spontaneous combustion are present; or
2. Extinguish with water or sand and stir to the point where inspection reveals that no embers capable of spontaneous combustion are present.
3. Cold Ashes shall be placed in a bag or other enclosed container before being properly disposed of.

D. Disposal of Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste. Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste as defined in Section 2 above are considered Unacceptable Waste and shall not be placed in any County container. The disposal of any of these items shall be in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

Section 7. Waste Containers; Damage to Waste Containers.

A. Commercial Haulers are expressly prohibited from the use of County containers for the disposal of their waste collected on a fee basis. Violations are subject to the penalties provided for in Section 12 titled: "Penalties/ Liens" of this Ordinance.

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

C. All Acceptable Waste shall be placed in a container provided by either the County or lawfully created water and sanitation district and shall be reduced in waste size to no more than four (4) feet in length. No items in excess of these dimensions or weighing more than fifty (50) pounds shall be placed in the containers provided by the County.

D. In the event that a waste container provided by either the County or lawfully created water and sanitation district is full, neither Acceptable nor Unacceptable Waste shall be placed on

the ground or in proximity to the container so as to constitute a health hazard or the possibility that the Acceptable and/or Unacceptable Waste may become blown and scattered.

E. It is unlawful to impede access to a County container other than necessary for the time to remove and deposit Acceptable Waste in the receptacle.

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

G. It is unlawful to intentionally damage any waste container owned or leased by the County.

H. Any person who damages any such container provided for County residents shall be liable to the County for the cost, repair, or replacement of such container, in addition to the penalties provided for in Section 12 titled: "Penalties/Liens" of this Ordinance.

Section 8. Construction Sites; Transportation of Materials.

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

B. No person generating Acceptable, Unacceptable Waste or Construction Debris shall allow Acceptable, Unacceptable Waste or Construction Debris of any kind to be blown or carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition shall remove the Acceptable, Unacceptable Waste or Construction Debris including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. Acceptable, Unacceptable Waste or Construction Debris shall be removed and disposed of within five (5) days of completion to an approved waste transfer station or landfill.

Section 9. Scavenging Prohibited.

It is unlawful for any person not authorized by the County to remove, collect, or disturb Acceptable or Unacceptable Waste stored in a designated landfill or container. No person shall remove any Acceptable or Unacceptable Waste from a container and scatter the same upon any public or private property.

Section 10. Regulations Adopted.

The laws of the State of New Mexico dealing with solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Health and Environmental Department or and division thereof, including, but not limited to, the

Environmental Improvement Division (or any successor department, agency or division), along with any subsequent revision or amendments to such laws or regulations, are hereby adopted and incorporated herein by this reference and made a part of this Ordinance; provided, however, that the penalty provisions provided herein shall apply to violations prosecuted under this Ordinance.

Section 11. Mandatory Fees.

A. Participation in the solid waste collection system is mandatory on each Responsible Party in the unincorporated areas and outside of municipalities and lawfully created water and sanitation districts of the County, except as provided in Section 13 titled: “Exceptions; Procedures for Requesting Exceptions; Waivers; Areas of Applicability” of this Ordinance.

B. Payment of the solid waste collection fee shall be the obligation of the Responsible Party for each inhabitable unit located in unincorporated areas of the County outside of municipalities and lawfully created water and sanitation districts.

C. If there are multiple inhabitable units on a property, the solid waste collection fee shall be assessed on each unit in accordance with the County’s Resolution Setting Fees as may be amended from time to time.

D. The Board shall establish a system of fees for solid waste collection pursuant to Resolution of the Board based upon the actual cost to collect, transport and dispose of such solid waste; which is duly introduced before the Board after the Board has provided notice of the meeting at which final action on the Resolution is to be taken to establish the system of fees.

E. Such notice of Public Hearing shall be published once in a newspaper of general circulation within the boundaries of the County at least fourteen (14) days prior to said Public Hearing.

F. The County’s Contractor shall have the power to set rates for special services, including, but not limited to, grapple and roll-off services.

G. In the event that any Responsible Party, pursuant to this Section, fails to make payment of assessed fees within thirty (30) days of the due dates set forth pursuant to the billing, said Responsible Party shall be subject to a late fee as established by the Board. In the event the Responsible Party fails to pay the fees set forth herein for more than one (1) billing cycle, the penalty shall be assessed for each billing cycle for which payment remains outstanding.

Section 12. Penalties; Liens.

A. Penalties.

1. Persons convicted of violating this Ordinance shall be subject to a fine of Three Hundred and No/100 Dollars (\$300.00) or imprisonment for ninety (90) days or both the fine and imprisonment, except as set forth in paragraphs 2, 3 and 4 below.

2. Persons violating this Ordinance by discarding or disposing of Acceptable or Unacceptable Waste on public or private property in any manner other than disposing it in an authorized landfill, shall, upon conviction, be subject to a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00).

3. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00).

4. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

B. Liens.

1. All fees arising under this Ordinance shall be payable by the Responsible Party of the unit or parcel of property being served at the time the solid waste rate accrues and becomes due, and if not paid, the County shall be entitled to a lien upon the tract or parcel of land being served pursuant to the authority granted under §3-36-1 *et seq.* NMSA 1978, and §4-37-1 *et seq.* NMSA 1978, which lien shall be a first and prior lien on the property, coequal with Municipal liens pursuant to §3-26-2, NMSA 1978, but subject only to the lien of general State and County taxes.

2. The lien provided for in this Section shall be enforced in the manner prescribed in §§3-36-1 through 3-36-7 NMSA 1978. For purposes of this Section, such action shall be taken by the Chair of the Board upon a majority vote of Commissioners. In any proceedings where pleadings are required, it shall be sufficient to declare generally for the service supplied for the collection, transportation and disposal of solid waste. Notice of the lien shall be filed in the manner provide for in §3-36-1 NMSA 1978, and the effect of such filing shall be governed by §3-36-2 NMSA 1978.

3. The charges and fees imposed herein are the responsibility of the Responsible Party of the Inhabitable unit(s), regardless of whether occupied by an Owner, tenants or others, and the County may file a lien against the property for such charges, penalties and attorney's fees incurred in the cost of filing the lien. The Responsible Party shall be accountable for any legal fees and attorney's fees which result from the filing of any lien or from the prosecution of any legal action to collect past due fees owed to the County.

Section 13. Exceptions; Procedures for Requesting Exceptions; Waivers; Areas of Applicability.

A. An Owner may request a waiver of the solid waste collection fee, upon providing proof of ownership [e.g. – a current recorded property deed and Assessor's tax bill] of at least

three hundred (300) contiguous acres of land with adequate disposal sites per unit and if the solid waste is generated on that property does not harm the environment or endanger the public health, welfare or safety. ~~if the landowner has at least three hundred (300) contiguous acres of land with adequate disposal sites per unit and if the solid waste that is generated on that property does not harm the environment or endanger the public health, welfare or safety.~~ The Owner must comply with all aspects of this Ordinance regulating Acceptable and Unacceptable Waste and unauthorized accumulation and disposal of solid waste. ~~The Waiver of the solid waste collection fee is attached to this Ordinance as Exhibit 1 and must be both submitted to and approved by the County.~~

B. An Owner of an Uninhabitable unit as defined in Section 2 of this Ordinance shall have an opportunity to request a Waiver of the solid waste collection fee due to uninhabitability. The Waiver request shall be in writing with sufficient details provided to prove uninhabitability. The Waiver due to uninhabitability is attached to this Ordinance as Exhibit 1 and must be both submitted to and approved by the County.

~~C. An Owner of an Occupied Premise with multiple Inhabitable Premises other than the main Residence shall have the opportunity to request a Waiver of the Solid Waste Collection Fee if:~~

- ~~a. The Premise is not being lived in or conducted business in, so is not generating waste;~~
- ~~b. the Premise is used as an occasional guest home, so is not generating routine waste;~~
- ~~c. the Premise is not used to generate income, as rental property would generate waste.~~

~~The Waiver due to multiple Inhabitable Premises is attached to this Ordinance as Exhibit 3 and must be both submitted to and approved by the County.~~

C. An Owner of property whose solid waste services are being provided by another governmental entity pursuant to a properly executed Memorandum of Understanding entered into between the County and the governmental entity shall be waived from the County's solid waste collection fee.

Section 14. Appeal of Denial of Waiver Request.

An applicant who is dissatisfied with the decision of the Solid Waste Department may appeal the decision to the County Manager. The appeal must be in writing to the Solid Waste Department within ten (10) days of the date of the decision of the Solid Waste Department setting forth the reasons for the appeal. The County Manager shall review the facts and circumstances and determine whether the applicant has shown good cause why the exemption should be granted. The County Manager shall submit the decision in writing within ten (10) days of receipt of applicant's notice of appeal of the decision of the Solid Waste Department.

An applicant who is dissatisfied with the decision of the County Manager may appeal the decision to the County Commission by written notice to the County Manager of such appeal to be made within ten (10) days of the date of the decision of the County Manager. The matter shall be

referred to the County Commission for a hearing at a regular or special meeting in the usual course of business. The decision of the County Commission made thereof shall be expressed in writing and be communicated in the same manner as the decision of the county Manager is transmitted. The action of the County Commission shall be final.

Section 15. 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 16. Conflict Clause.

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

Section 17. Recording.

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

Section 18. Repeal of Ordinance Nos. 2016-02 and 2020-04.

Upon the effective date of this Ordinance, Ordinance Nos. 2016-02 and 2020-04 shall be considered repealed.

Section 19. Effective Date.

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

PASSED, APPROVED AND ADOPTED this the ____ day of _____, 2023.

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

Todd F. Proctor, Chairman
District 1

Jon F. Crunk, Vice-Chairman
District III

Mark G. Fischer, Member
District V

Pierre S. Pfeffer, Member
District IV

Samantha J. Serna, Member
District II

ATTEST:

Shannan Hemphill
Lincoln County Clerk

**Exhibit 1: APPLICATION FOR WAIVER OF THE SOLID WASTE FEE
FOR UNINHABITABLE PROPERTIES**

Section **13 B** of the Lincoln County Solid Waste Disposal/Fees Ordinance provides that a landowner with an uninhabitable property may request a waiver of the solid waste collection fee.

Please sign in exactly the same manner as your ownership of your property is reflected in your deed or title policy. All owners of your property must sign. If the property is in the name of both husband and wife, both must sign. If signing as attorney, executor, administrator, trustee or guardian, please give full title as such. If a corporation, please sign in full cooperate name by an authorized officer. If a partnership, please sign in partnership name by an authorized person. Use additional signature pages, if necessary. Have your signature(s) acknowledged before a notary public below.

LCSW Account # _____

LANDOWNER (individual, husband and wife, corporation, LLC, partnership, trust):

Mailing address:

Phone: _____

Legal Description (or map) of routinely unused habitable premise:

Brief Physical Description of Land Location:

I/we, _____, hereby certify and attest to the following:

(Print name)

1. I/ we am/are the legal owner(s) of the land described above.
2. All information on this Application is correct.
3. Attached to this Application are photos which prove uninhabitability.
4. The status of uninhabitability has been verified by the County of Lincoln Manager or County Manager's designee as being uninhabitable by his/her signature below.
5. If the undersigned is found to be in violation of disposing of any solid waste generated on the property described above, I may be cited and subject to a fine of up to three hundred dollars (\$300) and/or ninety (90) days in jail for each separate offense per the Lincoln County Solid Waste Ordinance.
6. The undersigned agrees to fully comply with all remaining requirements of the Lincoln County Solid Waste Ordinance.

(Signature of Landowner)

Date: _____

(Signature of Landowner)

Date: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____)
_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20_____, by _____.

My Commission Expires:

Notary Public

STATE OF _____)
_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20_____, by _____.

My Commission Expires:

Notary Public

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
_____)
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20_____, by
_____, of _____ corporation/limited
liability company/partnership, on behalf of said corporation/limited liability company/partnership.

My Commission Expires:

Notary Public

Submit this form by mail or in person to:

**Lincoln County Solid Waste, 109 Kansas City Rd., Ruidoso, NM 88345 ~~P.O. Box 68/300 Central Ave.,~~
~~Carrizozo, NM 88301~~**

FOR OFFICE USE ONLY

DETERMINATION BY LINCOLN COUNTY SOLID WASTE

Approved _____ Denied _____ Date: _____

Comments: _____

(Signature: Lincoln County Manager or County Manager's Designee)



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 24

SUBJECT:

Approval of Code Enforcement Job Description and Hourly Rate
of Pay

Tuesday, June 20, 2023

COUNTY OF LINCOLN
Job Description Form

Division/Department: Public Works

Job Title: Ordinance Enforcement Officer

Reports to: Public Works Director

Level/Grade: 23 1P \$17.3636/hrly
(Probationary)
23A \$18.2319/hrly (After
Probation)

Type of position:
☒ Full-time
☐ Part-time
☐ Temporary/Seasonal
☐ Emergency Hire
☐ Grant/Contract

Hours 40/Week
☒ Classified
☐ Unclassified

General Description:

Responsible for the enforcement of County Ordinances, as deemed necessary by the Public Works Director. Duties also include but are not limited to: Collection of illegal dumping in the unincorporated areas of the county; Investigation and documentation of complaints; issuance of citations for violations; preparing documentation for legal proceedings; prosecution of cases and testifying in court, as required; performs inter-departmental liaison work and may coordinate a solution to problems involving several departments; informs key personnel of code enforcement issues; develop and maintain reports, as required, to document complaints and complaint progress/resolution; inspects various areas of the County for compliance/clean-up projects; meet with landowners, members of the public, private contractors, and various civic organizations concerning compliance issues; must be able to apply sound reasoning and judgement in performance of job duties; administrative remedies and compliance involving follow-up investigations; maintains confidentiality of all privileged information; must be able to communicate verbally with co-workers and general public; must be able to develop and utilize spreadsheets, word processing documents, and other computer programs required in performance of duties; contributes to a team effort and accomplishes related results and performs other duties as assigned.

Education/Work Experience/Certification/Training Requirements/Abilities/Skills:

- High school diploma or GED certification.
- Two years' experience in code or ordinance enforcement, property management or assessment, or other related experience.
- Valid New Mexico State Driver's License. Must have a good driving record to be insurable for liability purposes.
- Must interact with the public and staff in a pleasant manner.
- Required to obtain approximately 20 hours of advanced training each year.

Work Conditions/Description of Tools, Equipment, Work Aids Used and Materials and/or Products Handled:

- Both indoors and outdoors. Normally works 8:00 AM – 5:00 PM, Tuesday - Saturday.
- May be required to work irregular hours, attend job related meetings, and out of town training and seminars.

Comments on Physical Requirements:

- Must pass a conditional post-offer of employment Physical Examination, Drug Analysis Test and Driver's License Background Check.

Approved by: Francesca Herrera

Date Posted:

Date Hired:

Employee Declaration:

I have read the above job description. I understand the demands and expectations of the position described and to the best of my knowledge, believe I can perform these duties.

Name:

Date:



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 25

SUBJECT:

Review of the County of Lincoln's Infrastructure Capital
Improvement Plan for FY 2025-2029

Tuesday, June 20, 2023

Please submit your ICIP via the Google Form ([click here for link](#))

FY 2025-202 Infrastructure Capital Improvement Plan Local Government ICIP Guidelines



**Department of Finance & Administration
Local Government Division (DFA/LGD)
407 Galisteo, Bataan Memorial Bldg. Rm 202
Santa Fe, NM 87501**

The Local Government ICIP website is available at
<https://www.nmdfa.state.nm.us/local-government/icip/>

Table of Contents

A. Creating the FY 2024-2028 Infrastructure Capital Improvement Plan	3
B. General Information.....	4
C. ICIP Benefits.....	7
D. Developing the ICIP	8
1. Sources of Assistance in Developing the ICIP	15
2. Technical Assistance Providers	18
3. Capital Financing Table	22
E. Potential Project Funding Sources	23
1. ICIP Funding Sources Table	24
Appendix I: ICIP Completion Certification Form Example	25
Appendix II: Resolution Template Example	26
Appendix III: Permission for Access Form Example	27
Appendix IV: Local Government ICIP Worksheets	28
Appendix V: FY2024-2028 ICIP Submission Check List.....	39

A. Creating the FY 2024-2028 Infrastructure Capital Improvement Plan

Introduction

The local Infrastructure Capital Improvement Plan (ICIP) is a plan that establishes planning priorities for anticipated capital projects. The state coordinated local ICIP process encourages entities to plan for the development of capital improvements so that they do not find themselves in emergency situations, but can plan for, fund, and develop infrastructure at a pace that sustains their activities.

The Department of Finance and Administration (DFA), through its authority in NMSA 1978, Sections 5-8-6A, 6-6-2J, 6-6-4, 9-6-5.1, 11-6-2, 11-6-3, 11-6-4.1, 11-6-5, and 11-6-5.1, **strongly encourages** each jurisdiction to prepare a five-year infrastructure capital improvement plan (ICIP).

New Mexico counties, municipalities, tribal governments, and special districts evaluate their infrastructure priorities and participate in the ICIP process each year. Senior Citizen Facilities must also submit their own ICIP, separate from their governing body. This will assist in assessing the critical needs of each facility. The ICIP Guidelines and ICIP Data Entry Instructions will work in tandem to guide entities on how to participate in the Local ICIP process, and how to input project information into the ICIP database.

The initial step in the ICIP process is the creation of the individual entity plan. The plan covers a five-year period and is developed and submitted annually. It includes policy direction, funding time frames, estimated costs, justifications, and the details of each specific infrastructure capital improvement project proposed, by year, over the five-year period. The plan includes repair or replacement of existing infrastructure and the development of new infrastructure. Each proposed project includes Legislative Language, Description/Scope of Work, Priority Rank of all projects, Proposed and Secured Funding Budget, Project Budget, Phasing information and Phasing Budget (if applicable), and Operating/Maintenance Budget.

Each participating entity must update their project information in the ICIP database and submit copies of the written approval of ICIP by the governing body. Tribal Governments that are not able to obtain a Resolution may provide a Letter of Approval from a Governor, President, or Chapter President. Senior Citizen facilities must provide a copy of fiscal agent's resolution and a letter from director certifying their ICIP.

The final ICIP report is available to view on the DFA/LGD website at <https://www.nmdfa.state.nm.us/local-government/icip/> for the public, NM State Governor, Tribal governments, legislators, local elected officials, local entities, and funding agencies to view.

B. General Information

Coordinator – The Department of Finance and Administration/Local Government Division (DFA/LGD) coordinates the Local Government Infrastructure Capital Improvement Plan (ICIP) process. If you would like to participate in the process or need assistance in developing a plan, please contact Annette Apodaca at Annette.Apodaca@dfa.nm.gov or (505) 396-0341 and Lynda.Martinez@dfa.nm.gov or (505) 699-3971 at DFA/LGD, or your local Council of Governments (COG) (page 16).

FY2024-2028 ICIP Submission Deadlines:

- **Special Districts – Friday, July 14, 2023**
- **Tribal Governments – Friday, August 18, 2023**
- **Counties and Municipalities – August 18, 2023**
- **Senior Citizen Facilities – Friday, September 8, 2023**

1. **ICIP Database Input** - Enter planning information into the ICIP database at <https://www.state.nm.us/capitalprojects/>.

2. **ICIP Planning Information – Update and submit annually.**

Entity Information

- ☐ Government Agency/Entity Code (auto populated at log in)
- ☐ COG District
- ☐ ICIP Officer, Procurement Officer, Financial Officer: name, telephone, email
- ☐ Address Information
- ☐ Entity type
- ☐ Compliant with Executive Order 2013-006
- ☐ Planning Information

Capital Project Detail

- ☐ Priority
- ☐ Year/Rank
- ☐ Project Title
- ☐ Project Contact Information
- ☐ Total Project Cost
- ☐ Class
- ☐ Type/Subtype
- ☐ Project Location (include Latitude/Longitude)
- ☐ Legislative Language
- ☐ Scope of Work
- ☐ Secured/Potential Funding Budget
- ☐ Project Budget
- ☐ Phasing Budget
- ☐ Operating Budget
- ☐ Who will Own, Operate, Fiscal Agent, Own Land, Own Asset, and Maintain?
- ☐ #19 Answer all questions as related to each specific project.

3. ICIP Submission Specifications - Do not mail or fax ICIP submission.

To submit your ICIP [CLICK HERE](#)

1. ICIP SUBMISSION SPECIFICATIONS - Submit one (1) ICIP per entity. Do not mail or fax ICIP submission. Please utilize the ICIP Submission Google form.
2. Attach submission documents when all entity information and project description information has been entered into ICIP database. Do not attach or email the ICIP project reports as they will be reviewed from the ICIP database by the ICIP program manager.
3. Submission documents are available on the ICIP webpage at <https://www.nmdfa.state.nm.us/local-government/icip/>. Direct link to database <https://www.state.nm.us/capitalprojects/>.

Please include the three submission forms as three separate attachments below:

- a. **Required Documents for ICIP Submission:** (Submission documents available on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>) A **Check List** is provided in Appendix E. (pg. 28), to assist you in gathering the information needed for your FY2024-2028 ICIP annual submission. Please do not submit the check list with your ICIP submission.
- b. **Completion Certification form** – Appendix I. (Certifies that all information was provided Entity Profile and Project information (sample on pg. 25))
- c. **Written approval of ICIP by governing body.** Provide a **Resolution of Approval**- Appendix II. (Sample on pg. 26), from entity governing body. Tribal Governments that are not able to obtain a Resolution may provide a **Letter of Approval** from a Governor, President, or Chapter President. If an adopted **Resolution** or **Letter of Approval** is not included, the ICIP will not be accepted. Senior Citizen facilities must provide a copy of their fiscal agent's resolution and a letter from director endorsing their ICIP.
- d. **Permission for Access Form** - Appendix III. (Sample on pg. 27) Complete form to include information on the individual who will input the ICIP information into the database on behalf of the entity. This person may be contacted by the coordinator if additional information is required.

Questions: Please send email to: lgd.icip@state.nm.us or contact Annette Apodaca, ICIP Program Manager at Annette.Apodaca@dfa.nm.gov or Lynda Martinez ICIP Program Manager at Lynda.Martinez@dfa.nm.gov .

4. Unacceptable ICIP Submission

1. ICIP submissions received after the deadline will not be accepted.
2. ICIP submissions missing any of the documents listed and information above as REQUIRED will be deemed non-compliant.

5. ICIP Submission Extensions

ICIP submission extensions will only be accepted after the deadline if an extension request has been approved by DFA/LGD. Extension requests will be reviewed and granted on a case-by-case basis. To be considered for an extension, requests must be submitted in writing via email to Annette Apodaca at Annette.Apodaca@dfa.nm.gov or Lynda.Martinez@dfa.nm.gov. As the FY2025-2029 ICIP submission dates have been extended, extension approvals will be limited.

6. **ICIP Database** - Plans are updated annually by completing the information on the ICIP database at <https://www.state.nm.us/capitalprojects/>. Entities that participated in the ICIP process last year will use their previously assigned codes and passwords. Entities that have lost or forgotten their passwords should contact Annette Apodaca via email at lgd.icip@state.nm.us.
7. **New ICIP Access** – Entities requesting access to the ICIP database must submit their request via email to lgd.icip@state.nm.us. Entities will submit a New ICIP Entity Access form and Permission for Access form which requests the following information: Contact Name, Entity Name, County, Contact phone number, and email address. Each entity must be incorporated or a recognized political subdivision of the State of New Mexico.

8. **ICIP Worksheets** are available in Word format. The worksheets contain the questions asked on the web forms at the ICIP website, with a slightly different format. DO NOT submit the worksheets with your ICIP submission. Worksheets are available on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>.
9. **Current State Fiscal Year 2025-2029 plan** - This means that the 5-year cycle of the current plan should be from July 1, 2024, through June 30, 2029.
10. **Financial compliance** – The financial compliance section of the ICIP is intended as a reminder of the requirements an entity must meet when seeking state funds to complete projects that may be included in their plan. Pursuant to the State of New Mexico Executive Order 2013-006 <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>), the Department of Finance and Administration is responsible for establishing uniform funding criteria, grant management, and oversight requirements for grants of State Capital Outlay Appropriations by State Agencies to other entities. If an entity is not in compliance with the financial reporting requirements at the time of submission, they may still submit an ICIP to LGD.
11. **Projects listed must include an amount not yet funded to include partial or total funding** - Projects that are fully funded should not be part of this plan. Do not list placeholder projects. All projects must include a project title specific to the actual project on the ICIP.
12. **Regional projects** - If you have a regional project on your ICIP, first decide which entity will be the lead/fiscal agent and responsible for the overall project. Next, identify all entities that will directly benefit from the project. All entities identified as beneficiaries must include the regional project on their individual ICIP. It is preferred, and **strongly encouraged** that all entities list the regional project as the same rank on their ICIP. When reporting a regional project, you must ensure the Title, Description, and Budget is identical on all participating entities' ICIP's. Identify your entity's role in the description.
13. **Special districts that are political subdivisions should report separately** - A special district, being a separate subdivision of the state, should report separately and not through its county. The special districts category includes mutual domestic water consumer associations, acequias, land grants, and smaller incorporated municipalities. A political subdivision is a separate legal entity of a State which usually has specific governmental functions. The term ordinarily includes a county, city, town, village, or school district, sanitation, utility, reclamation, drainage, flood control, or similar district. A political subdivision's legal status is governmental.
14. **Senior Citizen Facilities is a separate Entity Type in the ICIP and should report separately** - The State is attempting to gain a full assessment of the infrastructure needs for each senior citizen facility; therefore, all Senior Citizen facilities are encouraged to submit an ICIP separately from their respective fiscal agent. Each facility will be assigned an entity code and password to access the ICIP database.
15. **Fire districts and departments should not report separately but should report their prioritized needs to their authorities** - Fire districts and departments cannot file their own ICIP and should report their needs to their authorities (counties or municipalities) for inclusion in the authorities' ICIPs.
16. **Five Year Plan with Priorities** - Project rankings within any given year must be consecutive. For example, please do not skip a project rank by listing a 2024-01 project and a 2024-03 project without also including a 2023-02 project. **Only list one project per priority ranking per year. Do not duplicate ranking.**
17. **Project Phases** - A phase is a standalone functional or operable stage during the development and/or life of a project. Phases can be grouped into three main categories: Planning, Design, and Construction. Do not enter phases individually as separate projects in the ICIP database. When entering information into the database, the description must reflect the entire project as a whole with the phases necessary to complete it.

- 18. Project Specificity** - When identifying projects, be as specific as possible. Do not include general or “place holder projects”. **Do not generalize.** For example, “street improvements” should be identified as **“Street Name” Improvements.**
- 19. Deactivate Project** - To deactivate a project, click on the “Deactivate This Project” button located at the bottom of the project edit page. If your project has been cancelled or deactivated, choose from drop down menu: Change of Priority, Data Entry/System Error, Lack of Funding, Project Complete, or Other. **Projects cannot be deleted; you must use the deactivate option. If you wish to reactivate or delete any of your projects, please contact Annette Apodaca at Annette.Apodaca@dfa.nm.gov or Lynda.Martinez@dfa.nm.gov**
- 20. The request to delete projects must include Project I.D. number and Project Title. Please note, if a project is deleted, it will be permanently removed from the ICIP database with no option to recover.**
- 21. Review Process** - DFA/LGD staff will provide technical assistance for all entities by reviewing each submission. You will be contacted after your submission to seek clarification on specific projects and request corrections/changes, of which the entity will be given **2-3 days** to make said corrections in the ICIP database.
- 22. ICIP Publication & ICIP Dashboard** - **The complete ICIP Publication and ICIP Dashboard will be available before the 2024 Legislative Session.** The ICIP Publication will include the entity information report, project summary, and FY 2025 top 5 projects of all participating entities. The final report will be available on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>. A notice stating the ICIP publication is available, is sent to the Governor of New Mexico, all Legislators, Legislative Finance Council, Legislative Council Service, and all participating State Agencies and local governments.
- 23. Amendment Process**
After the final ICIP is published on the DFA website, changes and/or additions are not allowed on your ICIP unless approved by DFA/LGD. All amendment requests must be submitted to DFA/LGD via email and include details on why the change and/or addition to the ICIP is needed. Once approved, the LGD staff will provide technical assistance to assure that all required information is included. This will allow DFA/LGD to send the entity the amended reports with approval to include with your funding applications as the addition and/or change will not be included in the final ICIP Publication if it has already been published on the LGD/ICIP website.

Submissions missing ANY of the required documents will be considered Non-Compliant, and will risk your ICIP not be included in the final ICIP publication which is published annually on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>.

C. ICIP Benefits

1. Benefits of completing the ICIP include:

- Encourages a more **efficient** government operation.
- Functions as a tool for **community/citizen involvement**.
- Fosters agreement and gives direction to a community’s **future**.
- Provides a way for departments and the public to **cooperate and coordinate ideas**.
- **Reduces pressure** to fund projects that aren’t ready to proceed.
- **Promotes repair or replacement** of existing facilities before they fail.
- Provides a **reminder** to schedule capital improvements.
- Establishes and provides a method for **tracking inventory**.
- Provides a **framework** for decisions about community growth and development.
- Assists in **preserving** existing property values.
- Focuses community/agency **attention on priority goals, needs, and capabilities**.
- Avoids crisis-driven **rate and tax increases**.
- Can provide a **guide** to the “public facilities and infrastructure” element of a comprehensive plan.

- Provides a **starting point** for attracting private investment. Private dollars tend to follow **good public investment** in roads, utilities, and other important capital improvements.
- Provides a means of **marketing proposed projects** for funding by both the private and public marketplace. A well-prepared capital improvement plan is viewed positively by bond rating agencies and credit markets. As funding sources, in general, favor entities that plan, the ICIP is a perfect tool for preparing your funding applications and grant proposals. Participation in the ICIP process, including the state produced ICIP publication, is encouraged by private and public funders.
- Provides a **requirement** regarding **impact fee assessment**. For counties or municipalities to assess impact fees on developers, one of the requirements is to have in place a capital improvements plan, which is developed according to the state guidelines. This ICIP guide provides those guidelines. (Developmental Fees Act, NMSA 1978, Sections 5-8-6)
- Provides a plan that is **flexible**. The ICIP should be a flexible statement of intent. Priorities can always change. Projects can be revised to reflect changes in policies, availability of funds, cost increases, and/or judgments about cost effectiveness.

2. Benefits of submitting the local plan to the state include:

- **New Mexico Capital Outlay** - Each entity can earmark which of its prioritized projects it would like to have considered for state capital outlay appropriations during the legislative session. The ICIP, therefore, will play an integral part in priority setting and decision making at the state level and upcoming legislature.
- Pertinent planning data entered in to the ICIP database from your entity is included in the final ICIP reports which are published on the DFA/LGD website and is available for public view.
- A letter is distributed to each state representative and senator prior to each legislative session notifying them the final publication is available at the DFA/LGD website.
- At the agency level, during the Community Development Block Grant (CDBG) ranking process, applicants receive points for including their project in the ICIP and listing CDBG as one of the possible funding sources. Many other funding sources look to the ICIP when considering funding to verify if entities applying have completed an ICIP. Funding sources also request ICIP information when awarding entities include, Water Trust Board (WTB), Tribal Infrastructure Fund (TIF), Colonia's Infrastructure Project Fund, and NM Aging and Long-Term Services Department (ALTSD) Capital Outlay Senior Citizen infrastructure projects.

D. Developing the ICIP

The infrastructure capital improvement planning process suggested by these guidelines proposes steps and basic elements of a local capital improvement plan that can be addressed by each local government or tribe. The basic elements are common in planning. While the process for developing a local plan is not mandated, the following are suggested points for charting the development of the local plan and participating in the ICIP process.

Developing the Local Infrastructure Capital Improvement Plan



1. Determine the Process/Involve the Public

- Determine your community's definition of infrastructure and the basic issues that will be discussed.
- Establish a relationship with your assistance providers (i.e., COG, etc.), who can guide you through the process and help you with the entry of the data.
- Determine who will lead this process. A committee of citizens, or a staff member, or both could be selected to guide this process and be the central focal point for the plan's coordination. Decide how long the process will take and when the committee will be disbanded.
- Determine who will be involved. Determine role of committee(s), elected officials, staff, particular citizen groups and others.
- Determine ground rules and discuss the importance of each participant in the committee. Determine how their group decisions will be determined; consider voting/consensus options. Once data is entered into the database, the planning information can be printed in a report for local use. The ICIP database must be used, and you must submit to DFA/LGD as stated in Appendix V.
- Make sure adequate resources are in place to complete your plan.
- Create a timetable for completing your plan.
- Determine when this plan will be revisited and when the next planning process will begin. This will assure that citizens who have missed giving their input for the current plan will know when they will be given the opportunity to give their input in the future.

Some general characteristics of infrastructure capital improvement projects include:

- Long life cycle (at least 10 years).
- Not part of the annual budget.
- New systems/buildings, or major renovations/repairs.
- For purposes of this plan, under the control (ownership or long-term lease) of the entity doing the planning.

Local governments have direct responsibility for capital programs, specifically and to varying degrees. The ICIP should include, but is not limited to, the construction and/or improvements of the following types of local projects:

- Administrative Facilities
- Airports

- Arts (other than museum)
- Broadband
- Clean Energy
- Community Service Facilities (e.g., senior centers, adult care facilities, child daycare facilities, domestic violence facilities, health facilities, youth activity centers, wellness center)
- Convention Facilities
- Cultural Facilities (including museums)
- Design
- Economic Development Projects
- Equipment
- Fair Facilities
- Housing
- Land and Site Acquisition
- Landfills
- Libraries
- Lighting
- Medians
- Museums
- Public Parks and Trails (local)
- Planning
- Public Housing
- Public Safety and Emergency (e.g. fire stations, law enforcement, and ambulance equipment and facilities)
- Public Utilities
- Regional Projects
- Renovation
- Rest Areas
- Sanitary Wastewater (Sewer) Collection and Treatment
- Solid Waste Transfer, Disposal and Collection
- Special District Projects (e.g., water/sanitation, flood control, hospitals, fire, acequias)
- Storm and Surface Water Control
- Streets, Roads, Sidewalks, Curbs, Gutters, Bridges, Overpasses, and Bicycle Facilities
- Transit
- Utilities (publicly owned)
- Water Quality, Supply, Treatment and Distribution, and Water Rights & Protection

Public input is an important part of the planning process. The more public support for a plan, the easier it will be to develop and fund the projects. Public input is best solicited throughout the planning process. It is suggested that entities receive input of suggested projects at the beginning of the planning process and that the public be given an opportunity to comment on the final draft of the ICIP. Communities often feel that public hearings are not well attended. Some of the alternatives below may provide useful methods for improving/encouraging citizen participation. (Note: Communities are advised to follow their attorney's advice about the requirements of the Open Meetings Act while using these methods. The Open Meetings Act can be found in New Mexico statutes at NMSA 1978, Sections 10-15-1 to 10-15-4; information on the Open Meetings Act is available at the New Mexico Attorney General's website at: <https://www.nmag.gov/oma-and-ipra-nm-sunshine-laws.aspx>.

- **Public Hearing(s).** Note that a community can have meetings that are devoted to the infrastructure plan or may incorporate such hearings into the agenda of regular meetings, such as council, commission, or board meetings. Some entities have found it easy to include a discussion of infrastructure projects in the required Community Development Block Grant hearings or other such community hearings. Some communities have had good attendance where the mayor or chair has sent written invitations to community organizations to take part in these hearings.

- Surveys. For example, communities have included public opinion surveys regarding infrastructure needs and priorities in their water bills.
- Committees. It is customary to solicit input from several groups when developing the ICIP. Your community may have committees that review community priorities for senior citizens, youth, health organizations or other issues. If not, such committees might be established. Consideration of the opinions of these groups is an important component of any planning process, especially because the end users of infrastructure improvements are the citizens of your community.
- Consultation with interested organizations and individuals.
- Consultation with elected officials, including state and federal representatives. Remember, your officials – federal, state, and local – are a very important part of your public. Encourage their support and input by inviting them to meetings, including them in project plan review, and site visits.
- Forums. Your community may want to have a gathering that will bring people together to discuss infrastructure without finalizing any priorities.

You may find it useful to make public meetings serve several purposes. Required CDBG meetings in advance of submitting a proposal for funding can be broadened to a discussion of all infrastructure needs – both those projects that can, and those that cannot, be funded by CDBG. Regularly scheduled meetings of councils, boards, and commission can have an agenda item for public discussion of infrastructure needs and priorities.

State infrastructure is generally not listed in a local ICIP. At times, however, the local government will enter into a partnership with a state agency to make an improvement to an infrastructure owned and managed by the state. To the extent that the local government contributes funds to that project, the project would be considered a local project and should be listed in the ICIP.

Examples of areas of state capital obligation, which are generally not included in the local government ICIP, include the following:

- State Government Buildings, Facilities, Equipment
- Highways
- Higher Education Building and Facilities
- State Parks
- Wildlife
- State Water Rights/Water Supply

Note: These items have been identified as key areas of state (in contrast to local) capital obligation are programs, facilities, and activities that have traditionally been regarded as being primarily the responsibility of the State. These should not be in a local ICIP plan.

In addition to these direct state programs, the state has historically aided local governments in the following capital programs that follow a planning process separate from the ICIP. To the extent that these are state programs, they would not be included in a local ICIP plan:

- Public School Construction

2. Formulate current mission, goals, objectives, policies, and strategies.

A mission is a short statement of direction. Goals are primary statements describing the direction that an entity wants to go. Objectives are statements describing how these goals should be reached. Policies are statements of action and specific directions or approaches that should be taken to achieve the objectives. Strategies are statements of specific actions that should be taken, identifying the responsible party or parties, the timeframe within which the action should occur, and other details considered necessary to prepare for implementation to occur.

3. Review Existing Plans, Regulations, Budget, etc.

Review existing plans, regulations, and mandates for all existing infrastructure and planned new infrastructure. Assure that your entity is in compliance with all financial, procurement code guidelines, and reporting responsibilities.

May 2013, an Executive Order was issued to all state agencies that grant State capital outlay appropriations to another entity. Executive Order 2013-06 directs DFA to establish uniform funding criteria and grant management and oversight requirements for a grantee to be eligible for a grant of State capital outlay appropriation. You may view the Executive Order in the DFA/Capital Outlay Bureau website at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>.

Budget reports due to DFA/LGD can be accessed at the DFA/LGD Budget and Finance Bureau website at <https://www.nmdfa.state.nm.us/local-government/budget-finance-bureau/budget-forms/>

Procurements Codes: All purchases made by a New Mexico State agency, commission, institution, political subdivision, or local public body allowed by law shall be governed by the Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978. The Procurement Code imposes civil and misdemeanor criminal penalties for its violation. A copy of the Procurement Code can be found at: <https://www.generalservices.state.nm.us/>

4. Analyze factors that will affect your community's future.

Because capital needs are often immediate, project priorities are often based only on current needs. Unless trends are considered, there is a risk of building inadequate facilities that do not meet future demand requirements, whether increasing or decreasing, and which may not be able to be supported by the population. Assess the adequacy of current plans and facilities considering these trends and modify as appropriate. Trends to be considered include but are not limited to:

- Interest rates
- Population trends
- Land use
- Unemployment statistics
- Changes in laws (changes in environmental and ADA laws, for example, can be determining factors in assessing project priorities)

5. Inventory existing facilities. Utilize current inventory to consider future projects and/or note needed repairs.

The ICIP includes major renovations/restorations of current inventory, not just new projects. An inventory is a list of infrastructure with the repair/replace schedules. Entities that do not have an inventory are encouraged to establish one. Determine the condition and status of the inventory items. Include the location, ownership, year acquired, latest improvement, condition (whether the physical condition of the facility is meeting entity needs), utilization (whether the facility is meeting the space needs, i.e., office space, meeting rooms, parking, etc.), code deficiencies, and future improvements by year. Some inventory items will need major repairs; some will need to be demolished, etc. Major changes to inventory qualify as infrastructure projects and should be included in your ICIP.

6. Identify Specific Projects.

Usually, each department or division of the entity prepares its own planning information and a project needs list. In developing the community's comprehensive list, consideration should be given to the goals and trends of the entire entity, public input, and the efficiency and technical options and the capability of each project. Collaboration with entity officials occurs throughout this step. Development and maintenance/operating estimates must be included.

When identifying projects, be as specific as possible. Do not include general or “place holder projects”. **Do not generalize.** For example, “street improvements” should be identified as **“Street Name” Improvements.**

7. Obtain accurate costs and technical options.

Costs can be determined by consulting with appropriate planning, engineering, design, and construction firms, or by conferring with other communities. Design and technical professionals can offer technical options such as phasing information.

Operating and Maintenance Expenses. Remember the initial capital cost is only part of the cost of the infrastructure. For an entity to be able to use the proposed facility for its expected life, the entity will need to be able to cover operation and maintenance costs. Operating and maintenance costs must be considered when preparing the ICIP and must be included in the Operating Annual Budget section of the ICIP.

8. The local governing officials set priorities based on factors affecting the entity, entity needs, and capacity. These priorities are priorities for the entire entity, not just a local department or division.

All local governmental department priorities are brought together so that the entity can determine which projects are the highest ranked projects for the entity. Often, the departmental rankings are prioritized in an entity-wide official meeting and reviewed by the local ICIP coordinating staff/committee. At this point the public could comment on the entity-wide priority project rankings.

Each entity uses different factors in prioritizing projects. Consider the value of each project and create a prioritized list based on the relative value of each project. You may find an evaluation sheet useful in developing relative scores for each project. A sample evaluation sheet is available on page 38 in the ICIP Guidelines.

Considerations may include:

- Is the project necessary for compliance with court orders, consent decrees, health and safety codes, or other laws and regulations?
- Is the project an implementation objective of an approved plan?
- Will the project eliminate sizable future costs for major construction, repair, fuel, or those associated with serious injury, illness, or death?
- Does the project satisfy an approved replacement schedule?
- Is the project urgent enough that postponement will cause the local entity to lose an immediate opportunity or will it substantially increase development costs?
- Has the project been fully developed as to the amount and timing of costs for design and construction, site preparation, equipment, furnishing, operations, and maintenance?
- Will the project foster the local entity’s goals, such as creating, preserving, or enhancing its infrastructure, reducing the cost of operation, reducing the cost of energy consumption, fostering economic vitality, or supporting development efforts in areas with a majority of low- and moderate-income households?
- Will the long-run benefits outweigh the costs of implementation of operations and maintenance?
- Are funds sufficient to complete the entire project or a fully functional phase?
- Can funds from other sources (such as impact fees), including the private sector, be leveraged?
- Does the project place excessive burdens on the local government’s operating budget?
- Have other alternatives for meeting the need been thoroughly explored?

9. Analyze capacity.

When entities or departments are considering their capital priorities, a financial assessment should be made of the entity’s fiscal capacity by a finance officer or equivalent. This will determine the amount of capital investment the entity can maintain while still retaining its credit. A draft list of tasks to completion should be listed with timeframes and the person or position that should carry out the task. Tasks can be, for example: 1.) Secure funding; 2.) Complete planning, design, and architectural plans; 3.) Initiate and manage bid process; 4.) Manage

construction; 5.) Internal capacity to administer project during implementation; 6.) Operate and maintain facility upon completion.

10. Identify funding needs and possible funding sources. Establish a Preliminary Implementation Plan (a timetable) for each project.

After the projects have been evaluated, prioritized, and linked to a potential funding source, each project should be planned from funding to completion. Include funding sources, timelines, and project phases. For suggested funding sources and financing mechanisms, see page 23-24 of the ICIP Guidelines.

11. Develop a draft ICIP.

Staff prepares a preliminary five-year project priority list and draft plan, including a summary of how the entity developed the plan (the process), goals, trends, inventory, and projects. The ICIP database provides a format for creating a plan and, when planning data has been entered and reports are printed, the database provides a narrative report for the entity.

12. Seek feedback on the draft from all interested parties.

The entity's Chief Administrative Officer (CAO), Manager, or Chief Executive Officer (CEO) will review the preliminary ICIP. Final consultation is held with those in the community who volunteered to review the plan. Public hearings may be held again to show the community the final draft and to receive last-minute additions or corrections.

13. Re-evaluate prioritization of needs, if necessary. Finalize the ICIP.

The local coordinator accommodates suggested revisions to ICIP from top management, department heads, technical experts, and the public. A finalized timetable for completion of each project is established, including each task needed to complete the project, the person responsible for completing the task, and the timeframe in which the task should be completed.

14. Submit ICIP to Governing Body and adopt plan.

Formally adopt ICIP by resolution (Resolution Template Sample - Appendix II is available on pg. 30 and can be downloaded on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/> .

15. Enter Final ICIP into the ICIP Database.

ICIP worksheets are provided in Word format in Appendix IV (pg. 28-37) and available on the ICIP Website at <https://www.nmdfa.state.nm.us/local-government/icip/> to assist in organizing your projects. The next step is to input project information into the ICIP database at <http://https://https://www.state.nm.us/capitalprojects/>.

16. Submit the plan to Local Government Division.

All ICIP required documents must be received by the DFA/LGD as determined on the FY 2024-2028 ICIP Submission Checklist (pg. 39) for each entity.

1. Sources of Assistance in Developing the ICIP

General Assistance--Local Government Division

Carmen Morin, Bureau Chief
Community Development Bureau
Department of Finance & Administration/State of NM
407 Galisteo, Bataan Memorial Bldg. Rm 202, Santa Fe, NM 87501
(505) 470-8979; CarmenB.Morin@dfa.nm.gov

Annette Apodaca, Program Manager
Community Development Bureau
Department of Finance & Administration/State of NM
407 Galisteo, Bataan Memorial Bldg. Rm 202, Santa Fe, NM 87501
(505) 369-0341; Annette.Apodaca@dfa.nm.gov

Lynda Martinez, Program Manager
Community Development Bureau
Department of Finance & Administration/State of NM
407 Galisteo, Bataan Memorial Bldg. Rm 202, Santa Fe, NM 87501
(505) 6993971; Lynda.Martinez@dfa.nm.gov

Tribal Governments/Nations/Chapters

Indian Affairs Department, State of New Mexico/Santa Fe
Lawrence John, TIF/Capital Outlay Administrator, lawrence.john@state.nm.us, (505) 690-2997

Navajo Nation (Chapters)/Shiprock
Denise Copeland, drecopeland@nndcd.org, (505) 368-1059 (provides assistance for Chapters)
Kyle Rockbridge, Division of Aging & Long-Term Care Support (DALTCS), kylerockbridge@navajo-nsn.gov,
(928) 871-6248 (provides assistance for Chapter Senior Citizen Centers)

Acequias

NM Acequia Commission
Ralph Vigil, Chair, molinodelaisla@gmail.com, (505) 603-2879

NM Acequia Association/Santa Fe
Serafina Lombardi, serafina@lasacequias.org, (505) 995-9644

Land Grant

Land Grant Council

Juan Sanchez, Chair, chililinmlgc@gmail.com, (505) 249-6759

Other Sources of Assistance

Engineering Firms; Architectural Firms; and/or Construction Management Companies

NM Council of Governments

The NM Council of Governments (COG) are organized as NewMARC: the New Mexico Association of Regional Councils. NewMARC's mission is to promote and support the prosperity of New Mexico's communities through regional planning and collaboration, coordination of federal and state programs and resources, and locally tailored planning and technical assistance services. The COG in your region has expressed a commitment to help ICIP qualified entities complete the ICIP process. Please consult these entities for help in understanding the process and in completing the database.

These organizations were created by state and federal legislation (Article 58, Planning Districts and NMSA 1978, Section 4-58-1 through 4-58-6, "Planning District Act"). There are seven (7) regional planning districts in New Mexico with the basic mission of assisting local governments. Each of the seven planning districts is unique, however, not in services provided. By virtue of the direction given them by their respective boards, commissions or councils, each has special areas of concentration, such as programs related to seniors, housing, transportation, Colonia's, business development, community development, economic development and planning.

Planning districts assist in the development and review of local government applications for capital projects and financial assistance from state and federal governments. They provide review and comment on state plans for highways, public works projects and planning within their region to promote coordination with governmental agencies and activities. Counties, municipalities, other political subdivisions, and quasi-governmental agencies may receive assistance from the planning districts.

Councils of Government by County

District 1: Northwest NM Council of Governments (*San Juan, McKinley, Cibola Counties*)

Evan Williams, Executive Director; Phone: (505) 722-4327; Email: ewilliams@nwnmcog.org

District 2: North Central NM Economic Development District (*Rio Arriba, Santa Fe, Taos, Los Alamos, Colfax, Mora, San Miguel Counties*)

Monica Abeita, Executive Director; Phone: (505) 395-2668; Email: monicaa@ncnmedd.com

District 3: Mid-Region Council of Governments (*Sandoval, Bernalillo, Valencia, Torrance Counties*)

Dewey Cave, Executive Director; Phone: (505) 247-1750; Email: DCave@mrcog-nm-gov

District 4: Eastern Plains Council of Governments (*Union, Harding, Quay, Curry, Roosevelt, Guadalupe, De Baca Counties*)

Sandy Chancey, Executive Director; Phone: (575) 762-7714 ; Email: schancey@epcog.org

District 5: Southwest NM Council of Governments (*Catron, Hidalgo, Luna, Grant Counties*)

Priscilla Lucero, Executive Director; Phone: (575) 388-1509; Email: priscillalucero@swnmcog.org

District 6: Southeastern NM Economic Development District(*Lincoln, Otero, Chaves, Eddy, Lea Counties*)

Dora Batista, Executive Director; Phone: (575) 624-6131; Email: dbatisa@snmedd.com

District 7: South Central Council of Governments (*Socorro, Sierra, Dona Ana Counties*)

Jay Armijo, Executive Director; Phone: (575) 744-4857; Email: jarmijo@sccog-nm.com

2. Technical Assistance Providers

Name	Director/Address	Phone / Email	Fax
New Mexico State University Water Utilities Technical Assistance Program Robert Gott, Consultant (no website)	PO Box 4192 Santa Fe, NM 87502	(505) 466-8813 gottconsulting@qwestoffice.net	(505) 466-8813
American Council of Engineering Companies (ACEC) NM & Professional Technical Advisory Board www.ptabnm.org	PO Box 3773 Albuquerque, NM 87190-3773	(505) 888-6161 ptab@acecnm.org	n/a
Bureau of Business and Economic Research Jeff Mitchell, Director http://bber.unm.edu/	1920 Lomas Blvd NE University of New Mexico Albuquerque NM 87131-6021	(505) 277-2216 or (505) 277-3038 dbinfo@unm.edu jeffm@unm.edu	(505) 277-7066
New Mexico Rural Water Association www.nmrwa.org	3413 Carlisle NE Albuquerque, NM 87411	(505) 884-1031 (800) 819-9893	(505) 884-1032
National Environmental Services Center www.nesc.wvu.edu	West Virginia University PO Box 6064 Morgantown, WV 26506-6064	(800) 624-8301 info@mail.nesc.wvu.edu	(304) 293-3161
Rural Community Assistance Corporation www.rcac.org	811 St. Michaels Dr./Ste 202 Santa Fe, NM 87505	(505) 983-5074 bsurgeon@rcac.org	n/a
Environmental Finance Center Dr. Clinton P. Richardson, P.E., BCEE Department Chair and Professor https://www.nmt.edu/academics/ceeng/	New Mexico Tech Department of Civil & Environmental Engineering 801 Leroy Place Socorro, NM 87801	Office: Jones Hall Annex 111 · Phone: (575) 835 - 5467 clinton.richardson@nmt.edu	n/a

Project Funding Opportunities	Community Development	Colonia' s	Economic Development	Emergency	Housing	Loan/Grant Guarantee	Planning	Solid Waste	Transportation	Water/Wastewater
Economic Development Administration, U.S. Department of Commerce (EDA) http://www.eda.gov/		X	X							
Federal Emergency Management Administration (FEMA) http://www.fema.gov				X		X	X			
Federal Highway Administration, U.S. Department of Transportation (FHWA) http://www.fhwa.dot.gov/index.html							X		X	
Indian Health Service, U.S. Department of Health and Human Services (IHS) http://www.ihs.gov/index.asp	X		X		X		X	X		X
Rural Development, U.S. Department of Agriculture (RD) http://www.rurdev.usda.gov	X		X		X	X	X	X		X
U.S. Small Business Administration (SBA) http://www.sba.gov			X			X				
STATE AGENCIES										
Construction Programs Bureau, New Mexico Environment Department (NMED-CPB) https://www.env.nm.gov/construction-programs/		X				X	X	X		X
NM Department of Transportations (NMDOT) http://dot.state.nm.us/							X		X	
NM Economic Development Department (NMEDD) http://www.edd.state.nm.us	X	X	X			X	X	X		X

Agency Technical Assistance Funding Contacts continued...	Community Development	Colonia' s	Economic Development	Emergency	Housing	Loan/Grant Guarantee	Planning	Solid Waste	Transportation	Water/ Wastewater
NM Finance Authority (NMFA): http://www.nmfa.net/	X	X		X		X	X	X	X	X
NM Indian Affairs Department (IAD) http:// www.iad.state.nm.us	Agency facilitates funding from NM Legislature, acts as liaison for Nations, promotes economic, environmental, health and safety programs.									
Local Government Division, NM Department of Finance & Administration (DFA-DFA/LGD) https://www.nmdfa.state.nm.us/	X			X		X	X	X		X
NM Mortgage Finance Authority (MFA) http://www.housingnm.org/	X				X					

INTERNATIONAL ORGANIZATIONS										
Border Environment Cooperation Commission (BECC) http://www.becc.org/		X		X		X	X	X	X	X
North American Development Bank (NAD Bank) http://www.nadb.org		X				X		X	X	X
FEDERAL AGENCIES										
U.S. Army Corps of Engineers (ACOE) http://www.usace.army.mil/				X						X
Bureau of Indian Affairs, U.S Department of the Interior (BIA) http://www.bia.gov	Agency facilitates funding from other agencies; addresses all issues for environment, health, economy, safety, government liaison, and advocate for all Nations.									
Bureau of Reclamation, U.S. Department of the Interior (BOR) http://www.usbr.gov										X
Community Planning and Development, U.S. Department Housing and Urban Development (CPD) http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning	X		X		X	X	X	X	X	X
U.S. Department of Transportation (USDOT) http://www.dot.gov			X						X	
U.S. Environmental Protection Agency (EPA) http://www.epa.gov			X			X		X		X

3. Capital Financing Table

TYPE OF CAPITAL PROGRAM	REVENUE SOURCES	FINANCING MECHANISM
Municipal & County Roads, Bridges	Gas taxes, tolls, vehicle registration fees, Federal Aid (FAU) grants, property tax	Revenue bonds General Obligation bonds
Sanitary Wastewater Collection & Treatment	User charges, system development charges, connection charges, grants, property tax	Revenue bonds, Revolving Loan Funds, Federal Loan /Grants, General Obligation bonds
Storm & Surface Water Control	User charges, system development charges, connection charges, grants, property tax	Revenue bonds, Block grants, Federal Loan/Grants, General Obligation bonds, General Obligation mill levy
Water Supply, Treatment, Distr.	User charges, system development charges, connection charges, grants, property tax	Revenue bonds, Block Grants, Federal Loan/Grants, Revolving Loan Funds, General Obligation bonds
Local Improvements	Assessments, impact fees	Assessment bonds, Public Improvement Districts
General Municipal/County Facilities & Equipment	General fund revenues, property taxes, gross receipt taxes, special revenue funds	Federal Loans, Revolving Loan Funds, General Obligation bonds, Revenue bonds
Transit	Sales taxes, fare box revenue, payroll taxes, property taxes, vehicle registration fees, UMTA grants	Revenue bonds, General Obligation bonds
Solid Waste	System development charges, tipping fees, user charges, privatization, property tax	Block grants, Federal Loan/Grants, Revolving Loan Funds, Revenue bonds, General Obligation bonds
Airports	Airport revenues, property taxes, passenger surcharges, FAA grants	Revenue bonds, General Obligation bonds
Cultural Facilities	Sin taxes, operational revenues, lodgers tax	Revenue bonds
Parks & Recreation	Property taxes, system development fees	General Obligation bonds, Revenue bonds
Public Assembly/Convention Facilities	Lodgers tax, sin taxes, property taxes, operational revenues, private sponsorships	Revenue bonds, Certificates of Participation, General Obligation bonds
Housing	Rental, mortgage payments	Revenue bonds, Revolving Loan Funds, Federal NOFAs
Economic Development	Tax increment, developer loan repayments, assessments	Urban renewal & redevelopment bonds, assessment bonds, Block grants

E. Potential Project Funding Sources

Often, projects that appear on the ICIP will require the leveraging of multiple funding sources. There are several funding agencies and technical assistance providers that can assist in matching their funding programs with your capital priorities. Certain activities are linked technically, by policy, or traditionally, with financing mechanisms and revenue sources. The Capital Financing Table (pg. 22) provides a common linkage of facilities or capital activities with financing mechanisms and with revenue sources; however, there is not a definite funding formula for any type of project. Often, projects that appear on the ICIP will require the leveraging of multiple funding sources. There are several funding agencies and technical assistance providers that can assist in matching their funding programs with your capital priorities. The FUNDIT program, available through the NM Economic Development Department can be a great resource when searching for funding sources for projects. More information is available on their website at <https://edd.newmexico.gov/business-development/edd-programs-for-business/finance-development/fundit/> .

The methods to obtain funding are as diverse as the number of programs. In order to match needs and goals with available resources, the DFA/Capital Outlay Bureau compiled the *Catalog of Local Assistance Programs* that puts into one format the dozens of diverse programs offered by the State of New Mexico. This catalog is the first step in providing local governments with a guide to working with state programs to meet local needs. Although primarily designed for use by municipalities, counties, and special districts, the catalog includes a number of programs available to Indian tribes, pueblos, and nations, as well as non-profit organizations and school districts. This catalog may be accessed at <https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>.

There are also many programs administered by federal or private agencies. The *Catalog of Federal Domestic Assistance*, which provides a comprehensive list of all federal funding availabilities, may be found in many local and university libraries. The catalog is also at the State Library, which acts as the main depository for information on federal programs, legislation, and information.

Entities interested in learning more about public infrastructure in New Mexico may wish to attend the **New Mexico Infrastructure Finance Conference (NMIFC)**. Held annually, this conference brings together approximately fourteen financing agencies, which sponsor the conference, with attendees from local governments throughout New Mexico. The 26th Annual New Mexico Infrastructure Finance Conference will be held in Albuquerque at the Embassy Suites on October 18,19 and 20 2023. Visit the NMIFC website at <http://www.nmifc.com/> for more information.

For information on private and public sources of funding, contact Janet Dombrowski, Foundation Center, State Library of New Mexico at 505-476-9702; 1209 Camino Carlos Rey (off Cerrillos), Santa Fe. Please make an appointment to assure that the center's librarian will have time to guide you through the information.

1. ICIP Funding Sources Table

FUND	DESCRIPTION
Community Development Block Grants	Community Development Block Grants (CDBG). Small Cities (administered by Local Government Division) https://www.nmdfa.state.nm.us/local-government/community-development-bureau/cdbg-information/
Federal Grants	Federal grants such as those from USDA-Rural Utilities Service (RUS), Economic Development Assistance Program (EDA), Environmental Protection Agency (EPA), or U.S. Department of Housing and Urban Development (HUD), GRANTS.GOV http://www.grants.gov/ , etc.
Federal Loans	Federal loans such as Transportation Infrastructure Finance and Innovation Act (TIFIA); U.S. Department Housing and Urban Development (HUD); RUS, EDA
Local Funds	Local general funds including taxes, user fees and miscellaneous other funds.
Local Bonds	Local bonds such as revenue or general obligation.
NMED Grant	NM Environmental Department (NMED) http://www.nmenv.state.nm.us/
DFA Grant	Department of Finance Administration (DFA) https://www.nmdfa.state.nm.us/
NMFA Grant	NM Finance Authority (NMFA) http://www.nmfa.net/
DOT Grant	State Highway Department (NMSHTD) http://dot.state.nm.us/en.html
ALTSD	NM Aging & Long-Term Services (ALTSD) http://www.nmaging.state.nm.us/
IAD	Indian Affairs Department (IAD) http://www.iad.state.nm.us/
NMEDD Grant	NM Economic Development (NMEDD) http://www.gonm.biz/
State Grants	State grants including NM Mortgage Finance Authority (MFA), and Tribal Infrastructure Fund (TIF).
NMED Loan	NM Economic Development (NMED) https://www.env.nm.gov/
NMFA Loan	NM Finance Authority (NMFA) http://www.nmfa.net/
NMEDD Loan	NM Economic Development (NMEDD) http://www.gonm.biz/
Capital Outlay	Capital outlay funds are used to build, improve or equip physical property that will be used by the public. Roads, computers, museums, playgrounds, schools, irrigation ditches, hospitals, lands, and furniture can all be capital outlay projects. In New Mexico, state capital outlay is authorized by the Legislature and generally is nonrecurring – one-time – money. Because of provisions in the New Mexico Constitution, capital outlay can only be used for government-owned facilities.
General Obligation Bonds	Legislative appropriations either state general funds, state general obligation bonds for severance tax bonds.

Appendix I: ICIP Completion Certification Form Example

FY 2025-2029 ICIP Completion Certification Form

Official Entity Name

ICIP Entity Code

The certifies that the official has completed and entered the information required for the FY 2025-2029 Infrastructure Capital Improvement Plan (ICIP), to include the following for each project (please check mark each item completed):

1. Entity Information.

- ☐ ICIP Officer, Procurement Officer, Financial Officer: name, telephone, email
- ☐ COG District number
- ☐ Address Information
- ☐ Entity type
- ☐ Compliant with Executive Order 2013-006
- ☐ Comprehensive plan and other p

2. Capital Project Detail.

- ☐ Priority
- ☐ Year/Rank
- ☐ Project Title
- ☐ Project Contact Information
- ☐ Total Project Cost
- ☐ Class
- ☐ Type/Subtype
- ☐ Project Location (include Latitude/Longitude)
- ☐ Legislative Language
- ☐ Scope of Work
- ☐ Secured/Potential Funding Budget
- ☐ Project Budget
- ☐ Phasing Budget
- ☐ Operating Budget
- ☐ Who will Own, Operate, Fiscal Agent, Own Land, Own Asset, and Maintain?
- ☐ #19 Answer all questions related to each specific project.

Authorized Signature

Date (xx/xx/xxxx)

Printed Name

Appendix II: Resolution Template Example

County, Municipality/Tribal Government/Special District of

COUNTY OF

Resolution No.

A RESOLUTION
ADOPTING THE FY 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP)

- WHEREAS, the of recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and
- WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and
- WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and
- WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE that:

- The county/municipality/tribal government/special district has adopted the attached FY 2025-2029 Infrastructure Capital Improvement Plan, and
- It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
- This Resolution supersedes Resolution No. .

PASSED, APPROVED and ADOPTED by the governing body at its meeting of, 2023

Mayor/County Commission Chair/Board Chair

ATTEST:

Municipal/County Clerk/Other Testator

Appendix III: Permission for Access Form Example

FY 2025-2029 ICIP Permission for Access Form

(Must be a political subdivision of the state - municipality, county, special district, tribe, or senior center facility.)

_____(Entity Name) agrees to provide the following agency or individual with the authority to enter the Infrastructure Capital Improvement Plan (ICIP) website and manipulate the FY 2025-2029 Infrastructure Capital Improvement Plan database for this entity.

Person with signatory authority for this local government entity to give such permission:

Name:_____ Title: _____
Entity/Agency Name: _____
Address: _____
City:_____ State:_____ Zip:_____ County: _____
Phone:_____ Email: _____
Signature:_____ Date: _____

Agency or individual who has been given authority to enter the ICIP data on behalf of said entity:

Name:_____ Title: _____
Entity/Agency Name: _____
Address: _____
City:_____ State:_____ Zip:_____ County: _____
Phone:_____ Email: _____
Signature:_____ Date: _____

Appendix IV: Local Government ICIP Worksheets

FY 2025-2029 Infrastructure Capital Improvement Plan

To: Local Government ICIP Coordinators

From: DFA/LGD

The following worksheets include the questions in the ICIP database and will help you get started with the ICIP process. It may be helpful to distribute the worksheets to departments, board members, staff, and other interested parties. The worksheets will provide you with information you need to coordinate your plan. All the questions may not be relevant to all interested parties. It might be necessary to provide each department with only the forms that are relevant to them. Ultimately, all information received must be entered into the ICIP database to be included in the final document. **DO NOT submit the ICIP worksheets.**

The database can be accessed at <http://https://www.state.nm.us/capitalprojects/>. The entity's code and password are assigned for each entity. If you are new participants to the ICIP, email Annette Apodaca at Annette.Apodaca@dfa.nm.gov to request an entity code and password. Please provide your contact name, entity name, address, telephone, email address, and county your entity is located in, and if you have a preferred password name. Your entity code will be provided by DFA/LGD. Entities that wish to change their passwords should contact Annette Apodaca via email at Annette.Apodaca@dfa.nm.gov. If you do not have internet access, you can call your local COG or assisting agency; they will be able to assist you enter data from the worksheets to the database.

A list of Councils of Government, the New Mexico Acequia Association, the Navajo Nation Capital Improvement Technical Assistance Provider, other assistance providers, and agency funders can be found on page 16-21 of the ICIP Guidelines.

To be included in the ICIP publication printed by the DFA/LGD, your project information must be entered into the ICIP database, and the required hard copy documents in Appendix V (pg. 39-40), must be submitted no later than 5:00 p.m. on your specific entities deadline as determined by DFA/LGD. For extension and/or amendment information, please go to page 40.

FY2024-2028 ICIP Submission Deadlines:

- **Special Districts – Friday, July 14, 2023**
- **Tribal Governments – Friday, August 18, 2023**
- **Counties and Municipalities – August 18, 2023**
- **Senior Citizen Facilities – Friday, September 8, 2023**

Do not mail or fax ICIP submission to DFA/LGD. Follow instructions for submission as stated on Appendix V on page 39 of ICIP Guidelines.

FY 2025-2029 Infrastructure Capital Improvement Plan

ICIP Worksheets

Entity Profile. All fields are MANDATORY. (Provide the following basic information about your entity. It is not necessary to re-enter this information each year, but please update and make changes as necessary. Some fields will automatically populate when you log in to database.) **DO NOT SUBMIT FORMS WITH ICIP SUBMISSION.**

Government Entity:

Address:

City, State, Zip:

County:

Email:

Phone:

ICIP Officer Name:

Procurement Officer Name:

Email: _____

Phone: (____) _____

Financial Officer Name:

Email: _____

Phone: (____) _____

Entity Type:

☐ County

☐ Municipality

☐ Tribal Government

☐ Senior Citizen Facility

☐ Special District (drop down)

☐ Acequias/Ditches

☐ Flood Control District

☐ Land Grants

☐ Mutual Domestic Water Consumer Assoc.

☐ Soil & Water District

☐ Solid Waste Authority

☐ Water & Sanitation

☐ Water Association

☐ Other Special District _____

☐ State Agency

Executive Order 2013-006 Compliance.

(<https://www.nmdfa.state.nm.us/budget-division/capital-outlay-bureau/>)

Is your entity compliant with Executive Order 2013-006? Yes ☐ No ☐

- **State Audit Act (Audit/Tier Certification)**
- **Single Audit Act (as applicable)**
- **NMSA 6-6-3 Budget Approved by LGD/Budget & Finance Bureau**

Does your entity have a comprehensive plan/master plan? Yes ☐ No ☐ N/A ☐

Provide the last date comprehensive plan/master plan was updated. _____ (Month/Year)

Do all projects in your ICIP include or follow your comprehensive plan/master plan? Yes ☐ No ☐

Other Planning: Has your entity adopted any of the planning tools. (check all that apply below)

- ☐ **Asset Management Plan**
- ☐ **LEDA (Local Economic Development Act)**
- ☐ **Drought Contingency Plan**
- ☐ **Water Conservation Ordinance**
- ☐ **Financial Plan**
- ☐ **Annual Action Plan**
- ☐ **NM Affordable Housing Act Compliance**
- ☐ **Other _____**
- ☐ **N/A State Agency Only**

Project Profile For purposes of the ICIP, a project is any partially funded or unfunded capital improvement for which the entity plans to have funding in place during state fiscal years FY 2024-2028 (July 1, 2023, to June 30, 2028). **DO NOT INCLUDE ANY FULLY FUNDED PROJECTS or PLACEHOLDER PROJECTS.** This worksheet provides pages for only one FY 2024-2028 project. If you would like more blank worksheets for additional projects, please copy this form before you fill in the blanks. Information must be entered into the website. Do not submit these worksheets with the ICIP submission.

1. **Priority**-Please select High, Medium, or Low. (drop down list)
2. **Rank:** (Enter the appropriate project year (**FY 2024-2028**), then rank your projects **1-10**): 202____ - ____ (The database will not allow you to list the same rank for multiple projects. The first 2024 top 5 projects listed may begin with preference if your entity is seeking State Capital Outlay funds or other state funding.)
3. **Title:** Provide a short succinct title. Example: Gold Street Improvements or WWTP Upgrades. Use sentence title structure - Senior Center Renovations. (50 maximum characters allowed)

4. **Contact Information:** (Please provide contact information of individual who can provide detailed information on the project) Project Contact Name: _____ Phone _____ Email _____
5. **Total project cost:** _____ (Will auto populate when Project Budget is saved.)
6. **Proposed project start date:** _____ Example, July 2023 (FY2024 begins July 2023 and ends June 30, 2024.)
7. **Class:** (If your project is a new project you will choose the category – “New”. If you are upgrading or renovating an existing building, choose “Renovate/Repair; if you are relining lagoons or replacing waterline, choose Replacing Existing.) New ☐; Replacing Existing ☐; or Renovate/Repair ☐
8. **Type:** (Choose one of the following categories. Note that several categories may fit your project; however, choose the BEST, most descriptive category. Each category includes buildings, vehicles, equipment, land acquisition, and other infrastructure. All categories apply to both state and local infrastructure unless otherwise indicated.)

☐ **Facilities**

☐ **Transportation**

☐ **Water**

☐ **Vehicles**

☐ **Equipment**

☐ **Economic Development**

Subtype: Please select subtype that best fits project.

Facilities

- ☐ Administrative Facilities
- ☐ Arts (other than museums)
- ☐ Convention Facilities
- ☐ Cultural Facilities
- ☐ Daycare Facilities
- ☐ Domestic Violence Facilities
- ☐ Fire Facilities

- ☐ Health-Related Cap Infrastructure
- ☐ Housing-Related Cap Infrastructure
- ☐ Libraries
- ☐ Museums
- ☐ Senior Facilities
- ☐ Other

Transportation

- ☐ Airports
- ☐ Bike/Pedestrian/Equestrian
- ☐ Highways/Roads/Bridges
- ☐ Lighting
- ☐ Medians
- ☐ Rest Areas
- ☐ Transit
- ☐ Other

Water

- ☐ Storm/Surface Water Control
- ☐ Wastewater
- ☐ Water Rights
- ☐ Water Supply
- ☐ Other

Vehicles

- ☐ Public Safety Vehicle
- ☐ Senior Facility Vehicle
- ☐ Other

Equipment

- ☐ Public Safety Equipment
- ☐ Senior Center Equipment
- ☐ Other

Other

- ☐ Landfills
- ☐ Solid Waste
- ☐ Utilities (publicly owned)
- ☐ Other

9. Project Location: MANDATORY.

(50 characters maximum) (Physical address or mid-point address if city/county wide project)

Address: _____

City: _____ State: _____ Zip: _____

10. Latitude: _____ Longitude: _____ MANDATORY

(20 maximum characters allowed each) (Utilizing address listed in Project Location, go to <https://itouchmap.com/> or <http://www.gps-coordinates.net/> for Latitude and Longitude.) List in decimal degrees. Example: Latitude 35.683263; Longitude -105-942546.

11. Legislative Language: (500 maximum characters allowed) Provide recommended Legislative language. Use descriptors, such as: "to acquire" or "to plan and design" or "to design and construct" or "to equip and furnish" as well as what the project is, such as "a multipurpose center". Provide a broad statement of the work to be completed in this section. Include only specifics on the projected use of the requested funding. It is important to complete this section, as it is tied to how funding may be used. Type Response in Box. [NMAC #: 2.61.6 Bond Project Disbursement Guidelines](#)

Example: to plan, design, construct, furnish and equip a new fire station in Bernalillo, Sandoval county Or to purchase and equip a new fire truck for the pueblo of Santa Clara, Rio Arriba county

12. Scope of Work: (2000 maximum characters allowed) *Provide a brief description of work to be completed. Must match budget categories. (i.e., complete environmental studies, plan, design, and construct). Provide detail on project to include what will be done with funding requested for each fiscal year, If street/roads/highway project, include street and/or road name(s).*

Example – New Fire Station : Plan, design, and construct a new Fire Station. The building will be 10,000 sq. ft. pre-engineered metal building with a cultured stone/EIFS finish on exposed exterior areas, with two "40' X 80' apparatus bays. The project will be completed in three phases. Phase I will include the easements, cultural resource inventory, environmental assessment, planning, design and the first half of the construction. The phase will take 12 months with some of the studies being completed concurrently. Phase II consists of the second half of the construction and will be completed in 12 months. Phase III will include the purchase of furnishings and equipment to include tables, chairs, office desks and commercial kitchen appliances, cots, storage lockers and fire safety equipment.

13. Secured & Potential Funding Budget

[State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e., Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc. Amount Secured must match Funded to Date column in the Project Budget.]

Please complete table below with all secured and potential funding sources. (No decimals or dollar symbols \$) Instructions are available on the ICIP Data Entry manual, pages 17-18 which can be found on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>.

Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amount Expended to Date	Date(s) Received	Comment
Totals	\$0.00		\$0.00	\$0.00		

14. **Project Budget.** Complete the Budget below. Include only unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amount secured listed in the Funding Budget. (No decimals or \$ signs.). All projects must include a amount not yet funded and cannot be Place Holder projects. Instructions available in the ICIP Data Entry manual, pages 19-22, which can be found on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>

PROJECT BUDGET

Project Budget – Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts received above.

Category	Completed (Yes, No, N/A)	Funded to Date	2024	2025	2026	2027	2028	Total Project Cost
Water Rights								
Easements & ROW								
Acquisition								
Archeological Studies								
Environmental Studies								
Planning								
Design (Engineer/Architect)								
Construction								
Furnish/Equip/Vehicles								
TOTALS								
Amount Not Yet Funded								

15. PHASING BUDGET

Can this project be phased? Y ☐ N ☐ (If yes, please complete table below if project is Multi-Phased)

Phasing- Please select Stand Alone or Multi Phase

☐ **Stand Alone**

- A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

☐ **Multi-Phased**

- A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.
- If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases.
- In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase Number	Amount	Plan	Design	Construct	Furnish/Equip	Other (Water Rights, ROW, Easements, Acquisition)	# Months to Complete
Phase 1							
Phase 2							
Phase 3							
Phase 4							
Phase 5							
Totals							

16. Has your local government/agency budgeted for operating expenses for the project when it is completed?

- Y ☐ If Yes – please complete operating budget below.
N ☐ If No – please explain. (150 maximum characters)

Type response in box.

ANNUAL OPERATING BUDGET

	Year 1	Year 2	Year 3	Year 4	Year 5
Annual Operating Expenses plus Debt Service	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Annual Operating Revenues	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

17. Does the project lower operating costs? Y ☐ N ☐

If yes, explain and provide estimates of operating savings. (Include amount of savings.)

18. Identify who will assume the following responsibilities related to this project

(50 maximum characters for each.)

Fiscal Agent: _____

Own: _____

If private entity or non-profit, is a lease or operating agreement in place with the local government? Y ☐ N ☐

Operate: _____

If private entity or non-profit, is a lease or operating agreement in place with the local government? Y ☐ N ☐

Own Land: _____

If private entity or non-profit, is a lease or operating agreement in place with the local government? Y ☐ N ☐

Own Asset: _____

If private entity or non-profit, is a lease or operating agreement in place with the local government? Y ☐ N ☐

Maintain: _____

If private entity or non-profit, is a lease or operating agreement in place with the local government? Y ☐ N ☐

19. Additional questions specifically on project.

(1.) Life Span – How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement?

Please select

☐ 1-9 years

☐ 10-15 years

☐ 16 years or more.

(2.) Has the project had public input and buy-in? Y ☐ N ☐

(3.) Is the project necessary to address population or client growth, and if so, will it provide services to that population or clientele? Y ☐ N ☐

(4.) Regionalism - Does the project directly benefit an entity other than itself? Y ☐ N ☐
If yes, please list the other entity.

(5.) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Y ☐ N ☐

(6.) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? Y ☐ N ☐

(7.) Does the project benefit all citizens within a recognized region, district or political subdivision? Y ☐ N ☐
Provide the number of people the project will benefit. _____

(8) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Y ☐ N ☐
(Emergencies must be documented by a Subject Matter Expert. (If mandatory, provide summary page of the Federal State or Judiciary Agency who issued the mandate, such as Declaration of Emergency, Administrative Order, Notice of Violation, or other.)

Sample Evaluation Sheet--Criteria--Ranking of Projects

Project Title _____

CRITERIA	NUMERICAL SCORING VALUE				SCORE
	3	2	1	0	
1. Public Health and Safety	Project is needed to alleviate existing health or safety hazard (multiply shaded cell x 2).	Project is needed to alleviate potential health or safety hazard.	Project would promote or maintain health and safety.	No health or safety impact associated with project.	
2. External Factors	Project is required by law, regulation or court mandate (multiply shaded cell x 2).	Project is required by agreement with another agency or governmental unit.	Project will be conducted in conjunction with another agency or governmental unit.	Project is internally required.	
3. Protection of Capital Investments	Project is critical to save structural integrity of existing facility(ies) or to repair significant structural deterioration.	Project is needed to repair various systems important to facility operations.	Project will improve facility appearance or minimize the need for future expenditures.	No existing facility is involved.	
4. Operating Budget Impact	Project will result in decreased costs in the operating budget.	Project will have minimal or no additional operating and maintenance costs.	Project will have some additional operating costs, possibly including additional personnel.	Project will likely require significant additional personnel or other operating costs.	
5. Scheduling	Project is to be started within 1 year.	Project is to be started within 2 to 3 years.	Project is to be started within 4 to 5 years.	Project timing is uncertain.	
6. Financing	Project own-source revenue will be sufficient to support most project expenses.	A project financing plan has been identified and a proposal has been developed.	A potential project financing plan has been identified.	No project financing plan has been developed.	
7. Goals	Project has been fully developed. (Timing, costs of design, site preparation, equipment, furnishing, maintenance, and operation.)	A project development plan and proposal has been developed.	A potential plan and process has been identified.	No project goals have been developed.	

Total Score: _____

Appendix V: FY2024-2028 ICIP Submission Check List

*NOTE: Do not submit the ICIP Submission Checklist with the ICIP submission documents. The sole purpose of the checklist to assist entities with proper ICIP submission requirements.

ICIP Planning Information - Completion of planning information in ICIP database to include the following:

Entity Information

- ☐ Government Agency/Entity Code (auto-populated at log in)
- ☐ COG District
- ☐ ICIP Officer, Procurement Officer, Financial Officer: name, telephone, email
- ☐ Address Information
- ☐ Entity type
- ☐ Compliant with Executive Order 2013-006
- ☐ Planning Information

Capital Project Detail

- ☐ Priority
- ☐ Year/Rank
- ☐ Project Title
- ☐ Project Contact Information
- ☐ Total Project Cost
- ☐ Class
- ☐ Type/Subtype
- ☐ Project Location (include Latitude/Longitude)
- ☐ Legislative Language
- ☐ Scope of Work
- ☐ Secured/Potential Funding Budget
- ☐ Project Budget
- ☐ Phasing Budget
- ☐ Operating Budget
- ☐ Who will Own, Operate, Fiscal Agent, Own Land, Own Asset, and Maintain?
- ☐ #19 Answer all questions as related to each specific project

ICIP SUBMISSION SPECIFICATIONS - Submit one (1) ICIP per entity. Do not mail or fax ICIP submission. Utilize the ICIP Submission Google Form

Attach submission documents when all entity information and project description information has been entered into ICIP database. Do not attach or email the ICIP project reports as they will be reviewed from the ICIP database by the ICIP program manager.

Submission documents are available on the ICIP webpage at <https://www.nmdfa.state.nm.us/local-government/icip/>. Direct link to database <https://www.state.nm.us/capitalprojects/>.

Please include the three submission forms as three separate attachments below.

1. Completion Certification Form – Appendix I. Checklist assuring that all questions have been addressed and answered in your ICIP.

2. Written approval of ICIP by governing body. Provide a Resolution of Approval from entity governing body. (Tribal Governments that are not able to obtain a Resolution may provide Letter of Approval from a Governor/President/Chapter President.) If an adopted Resolution or Letter of Approval is not included, your submission will not be accepted. Senior Citizen facilities must provide a copy of fiscal agent's resolution and a letter from director endorsing their ICIP. A resolution template is available in Appendix II if needed.

3. Permission for Access Form Appendix III. Complete form to include information on the individual who will input the ICIP information into the database on behalf of the entity. This person may be contacted by the coordinator if additional information is required.

Questions: Please send email to: lgd.icip@state.nm.us or contact Annette Apodaca, ICIP Program Manager at Annette.apodaca@state.com

UNACCEPTABLE ICIP SUBMISSION

1. ICIP submissions received after the deadline will not be accepted.
2. ICIP submissions missing any of the documents listed above as REQUIRED will be deemed non-compliant.

ICIP SUBMISSION EXTENSIONS

ICIP submission extensions will only be accepted after the deadline if an extension request has been approved by DFA/LGD. Extension requests will be reviewed and granted on a case by case basis. In order to be considered for an extension, requests must be submitted in writing via email to Annette Apodaca at Annette.apodaca@dfa.nm.gov. Extension requests must be received by DFA/LGD as listed below. A maximum of two-week extension will be allowed if approved.

AMENDMENT PROCESS

After the final ICIP is published on the DFA website, changes and/or additions are not allowed on your ICIP unless approved by DFA/LGD. All amendment requests must be submitted to DFA/LGD via email and include detail on why the change and/or addition to the ICIP is needed. Once approved, the LGD ICIP Coordinator will provide technical assistance to assure that all required information is included. This will allow DFA/LGD to provide the entity the approved documentation for the funding agency as the addition and/or change will not be included in the final ICIP Publication if it has been published on the LGD/ICIP website.

Submissions missing ANY of the required documents will be considered non-compliant and will risk your ICIP not be included in the final ICIP publication which is published annually on the ICIP website at <https://www.nmdfa.state.nm.us/local-government/icip/>.

Infrastructure Capital Improvement Plan FY 2025-2029

Lincoln County
Project Summary

ID	Year	Rank	Project Title	Category	Funded	2025	2026	2027	2028	2029	Total	Amount	Phases?
					to date						Project	Not Yet	
36828	2024	001	County Fairgrounds and Arena Improvements	Facilities - Cultural Facilities	500,000	750,000	0	0	0	0	1,250,000	750,000	No
37777	2024	002	Lincoln County Detention Center Facility Upgrades	Facilities - Administrative Facilities	0	250,000	0	0	0	0	250,000	250,000	No
37770	2024	003	Lincoln County Courthouse Improvements/Renovations	Facilities - Administrative Facilities	190,000	750,000	0	0	0	0	940,000	750,000	No
37903	2024	004	Lincoln County Road Department Dump Trucks	Transportation - Other	0	375,000	0	0	0	0	375,000	375,000	No
37898	2024	005	Bridge Repair	Transportation - Highways/Roads/Bridges	0	900,000	0	0	0	0	900,000	900,000	No
37771	2024	006	Lincoln County Drainage Improvements	Water - Storm/Surface Water Control	0	500,000	0	0	0	0	500,000	500,000	No
37772	2024	007	Solid Waste Compactor Sites	Other - Solid Waste	0	125,000	125,000	0	0	0	250,000	250,000	No
Number of projects:			7										
			Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:			
Grand Totals			690,000	3,650,000	125,000	0	0	0	4,465,000	3,775,000			

Infrastructure Capital Improvement Plan FY2025-2029

ICIP Capital Project Description

Year/Rank 2024 001 **Priority:** High **ID:**36828

Project Title: County Fairgrounds and Arena Improvements **Class:** Renovate/Repair **Type/Subtype:** Facilities - Cultural Facilities

Contact Name: Ira Pearson **Contact Phone:** 575-648-2385 **Contact E-mail:** ipearson@lincolncountynm.gov

Total project cost: 1,250,000 **Proposed project start date:** July 2022

Project Location: 101 5th Street Capitan NM 88316 **Latitude:** 33 32 28.541 N **Longitude:** 105 34 21.952 W

Legislative Language: to plan, design, construct, purchase, and install improvements to fairgrounds and arena, located in Capitan in Lincoln county

Scope of Work: to plan, design, construct, purchase, and install improvements to fairgrounds and arena to include new central livestock washing facility, covered crossing to show barn and new sheep pens.
Purchase and construct covered bleachers. Install ADA Upgrades. Lincoln County will follow policies and procedures and comply with the NM Procurement Code.

Secured and Potential Funding Budget:						
State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.						
Please complete table below with all secured and potential funding sources.						
Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amt Expended to Date	Date(s) Received	Comment
CAP	750,000	No	500,000	50,000		
CDBG	750,000	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
TOTALS	1,500,000		500,000	50,000		

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.							
	Completed	Funded to Date	Estimated Costs Not Yet Funded				
			2025	2026	2027	2028	2029
Total Project Cost							
Water Rights	N/A	0	0	0	0	0	0

Infrastructure Capital Improvement Plan FY2025-2029

Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	No	250,000	10,000	0	0	0	0	260,000
Design (Engr./Arch.)	No	0	20,000	0	0	0	0	20,000
Construction	No	250,000	470,000	0	0	0	0	720,000
Furnish/Equip/Vehicles	No	0	250,000	0	0	0	0	250,000
TOTALS		500,000	750,000	0	0	0	0	1,250,000
Amount Not Yet Funded		750,000						

PHASING BUDGET

Can this project be phased? No

Phasing: Stand Alone: Yes Multi-Phased: No

A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.

If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases. In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase	Amount	Plan	Design	Construct	Furnish/Equip/Vehicles	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Infrastructure Capital Improvement Plan FY2025-2029

Has your local government/agency budgeted for operating expenses for the project when it is completed?						Yes
If no, please explain why:						
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	37,000	37,000	37,000	37,000	37,000	185,000
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower operating costs? No

If yes, please explain and provide estimates of operating savings

Entities who will assume the following responsibilities for this project:

	Fiscal Agent:	Own:	Operate:	Own Land:	Own Asset:	Maintain:
	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County
Lease/operating agreement in place?	No	No		No	No	No

More detailed information on project.

(a) How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement? 16 years or more

(b) Has the project had public input and buy-in? Yes

(c) Is the project necessary to address population or client growth and if so, will it provide services to that population or clientele? Yes

(d) Regionalism - Does the project directly benefit an entity other than itself? Yes

If yes, please list the other entity. The fairgrounds serve municipalities throughout the County, Village of Capitan, Village of Ruidoso, and draws visitors and contestants from neighboring counties and states.

(e) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

Please explain. County Manager and Project Manager would ensure timely construction and completion of the project on budget.

(f) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? Yes

If yes, please explain. The Fair grounds hosts the Annual Rodeo, the Smokey Bear Stampede, County Fair draws thousands of visitors to the county, increasing funds spent on lodging, meals and entertainment.

(g) Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

Infrastructure Capital Improvement Plan FY2025-2029

If yes, please explain and provide the number of people that will benefit from the project.

All county-wide residents and visitors to special events total 30,000 individuals benefiting from the project.

(h) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Emergencies must be documented by a Subject Matter Expert.

Yes

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

The bleachers and other facilities are not adequate to serve the population attending these events; ADA improvements are mandatory

Infrastructure Capital Improvement Plan FY2025-2029

ICIP Capital Project Description

Year/Rank 2024 002 **Priority:** High **ID:**37777

Project Title: Lincoln County Detention Center Facility Upgrades **Class:** Renovate/Repair **Type/Subtype:** Facilities - Administrative Facilities

Contact Name: Ira Pearson **Contact Phone:** 575-648-2385 **Contact E-mail:** ipearson@lincolncountynm.gov

Total project cost: 250,000 **Proposed project start date:** July 2022

Project Location: 511 Hangar Lane Carrizozo NM 88301 **Latitude:** 33 38 49.48 N **Longitude:** 105 53 22.31 W

Legislative Language: to plan, design, equip, construct, upgrade, purchase and install security surveillance and furnish Lincoln county detention center in Carrizozo in Lincoln county

Scope of Work: To plan, design, construct, equip and furnish Detention Center to upgrade needed central control panels and cameras to facilitate video surveillance. These upgrades are critical to ensure the health and safety of inmates and employees. Lincoln County will follow policies and procedures and comply with the NM procurement code.

Secured and Potential Funding Budget:						
State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.						
Please complete table below with all secured and potential funding sources.						
Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amt Expended to Date	Date(s) Received	Comment
CAP	250,000	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
TOTALS	250,000		0	0		

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.							
	Completed	Funded to Date	Estimated Costs Not Yet Funded				
			2025	2026	2027	2028	2029
Total Project Cost							
Water Rights	N/A	0	0	0	0	0	0

Infrastructure Capital Improvement Plan FY2025-2029

Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	No	0	5,000	0	0	0	0	5,000
Design (Engr./Arch.)	No	0	10,000	0	0	0	0	10,000
Construction	No	0	50,000	0	0	0	0	50,000
Furnish/Equip/Vehicles	No	0	185,000	0	0	0	0	185,000
TOTALS		0	250,000	0	0	0	0	250,000
Amount Not Yet Funded		250,000						

PHASING BUDGET

Can this project be phased? No

Phasing: Stand Alone: Yes Multi-Phased: No

A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.

If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases. In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase	Amount	Plan	Design	Construct	Furnish/Equip/Vehicles	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Infrastructure Capital Improvement Plan FY2025-2029

Has your local government/agency budgeted for operating expenses for the project when it is completed?						Yes
If no, please explain why:						
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	4,900,000	5,000,000	5,100,000	5,200,000	5,400,000	25,600,000
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower operating costs?

No

If yes, please explain and provide estimates of operating savings

Entities who will assume the following responsibilities for this project:

	Fiscal Agent:	Own:	Operate:	Own Land:	Own Asset:	Maintain:
	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County
Lease/operating agreement in place?	No	No		No	No	No

More detailed information on project.

(a) How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement? 16 years or more

(b) Has the project had public input and buy-in? Yes

(c) Is the project necessary to address population or client growth and if so, will it provide services to that population or clientele? No

(d) Regionalism - Does the project directly benefit an entity other than itself? Yes

If yes, please list the other entity. This Project will benefit all citizens of Lincoln County.

(e) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

Please explain. Construction Inspection and contractor oversight will be a priority to make sure the project stays on track for completion and within budget.

(f) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

(g) Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and provide the number of people that will benefit from the project.

These upgrades are critical to ensure the health and safety of inmates and employees which will benefit all citizens of Lincoln County.

Infrastructure Capital Improvement Plan FY2025-2029

(h) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Emergencies must be documented by a Subject Matter Expert. Yes

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

Camera and video storage upgrades are needed to comply with jail / detention video retention requirements

Infrastructure Capital Improvement Plan FY2025-2029

ICIP Capital Project Description

Year/Rank 2024 003 **Priority:** High **ID:**37770

Project Title: Lincoln County Courthouse Improvements/Renovations **Class:** Renovate/Repair **Type/Subtype:** Facilities - Administrative Facilities

Contact Name: Ira Pearson **Contact Phone:** 575-648-2385 **Contact E-mail:** ipearson@lincolncountynm.gov

Total project cost: 940,000 **Proposed project start date:** July 2022

Project Location: 300 Central Ave Carrizozo NM 88301 **Latitude:** 33-38-38.6 **Longitude:** 105-52-30.6

Legislative Language: to plan, design, construct, upgrade ada doors, ramps and access, furnish and equip county courthouse in Carrizozo in Lincoln county

Scope of Work: To plan, design, construct, furnish and equip The Lincoln County Courthouse The courthouse needs to be renovated and remodeled to accommodate for the addition of new ADA restrooms to address the growing needs of the county offices and District and Magistrate Courts within the building. The County will contract with an Architect to provide building plans and specifications which will be used for the renovation and construction. Prepare plans and design, prepare bid and construction specifications, issue request for proposal, receive bids and make bid award. Lincoln County will follow policies and procedures and comply with the NM procurement code.

Secured and Potential Funding Budget:

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with all secured and potential funding sources.

Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amt Expended to Date	Date(s) Received	Comment
CAP	750,000	No	190,000	30,000		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
TOTALS	750,000		190,000	30,000		

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

		Estimated Costs Not Yet Funded					Total Project Cost
Completed	Funded to Date	2025	2026	2027	2028	2029	

Infrastructure Capital Improvement Plan FY2025-2029

Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	No	50,000	50,000	0	0	0	0	100,000
Design (Engr./Arch.)	No	0	120,000	0	0	0	0	120,000
Construction	No	140,000	500,000	0	0	0	0	640,000
Furnish/Equip/Vehicles	No	0	80,000	0	0	0	0	80,000
TOTALS		190,000	750,000	0	0	0	0	940,000
Amount Not Yet Funded		750,000						

PHASING BUDGET

Can this project be phased? No

Phasing: Stand Alone: Yes Multi-Phased: No

A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.

If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases. In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase	Amount	Plan	Design	Construct	Furnish/Equip/Vehicles	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Infrastructure Capital Improvement Plan FY2025-2029

Has your local government/agency budgeted for operating expenses for the project when it is completed?						Yes
If no, please explain why:						
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	8,000,000	0	0	0	0	8,000,000
Annual Operating Revenues	13,000,000	0	0	0	0	13,000,000

Does the project lower operating costs?

No

If yes, please explain and provide estimates of operating savings

Entities who will assume the following responsibilities for this project:

	Fiscal Agent:	Own:	Operate:	Own Land:	Own Asset:	Maintain:
	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County
Lease/operating agreement in place?	No	No		No	No	No

More detailed information on project.

(a) How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement? 10-15 years

(b) Has the project had public input and buy-in? Yes

(c) Is the project necessary to address population or client growth and if so, will it provide services to that population or clientele? Yes

(d) Regionalism - Does the project directly benefit an entity other than itself? Yes

If yes, please list the other entity. All municipalities and unincorporated areas in Lincoln County

(e) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

Please explain. Construction Inspection and contractor oversight will be a priority to make sure the project stays on track for completion and within budget.

(f) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

(g) Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and provide the number of people that will benefit from the project.

The improvements and upgrades will benefit all citizens in Lincoln County. 20,000 people

Infrastructure Capital Improvement Plan FY2025-2029

(h) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Emergencies must be documented by a Subject Matter Expert.

No

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

Infrastructure Capital Improvement Plan FY2025-2029

ICIP Capital Project Description

Year/Rank 2024 004 **Priority:** High **ID:**37903

Project Title: Lincoln County Road Department Dump Trucks **Class:** New **Type/Subtype:** Transportation - Other

Contact Name: Jeff Honeycutt **Contact Phone:** 5753542922 **Contact E-mail:** jhoneycutt@lincolncountynm.gov

Total project cost: 375,000 **Proposed project start date:** October 2022

Project Location: County Road Department Capitan NM 88316 **Latitude:** 33 38 49.48N **Longitude:** 105 53 22.31W

Legislative Language: to plan, to furnish, purchase, equip new dump trucks for the Lincoln road department in Capitan in Lincoln county

Scope of Work: To plan, to furnish, purchase, equip new dump trucks for the Lincoln County Road Department in Capitan New Mexico, in Lincoln County. Lincoln County Road Department is required to maintain over 800 miles of county roads.. Lincoln County will follow policies and procedures and comply with the NM procurement code.

Secured and Potential Funding Budget:						
State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.						
Please complete table below with all secured and potential funding sources.						
Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amt Expended to Date	Date(s) Received	Comment
CAP	375,000	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
TOTALS	375,000		0	0		

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.							
	Completed	Funded to Date	Estimated Costs Not Yet Funded				
			2025	2026	2027	2028	2029
Total Project Cost							
Water Rights	N/A	0	0	0	0	0	0

Infrastructure Capital Improvement Plan FY2025-2029

Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	0	0	0	0	0	0
Construction	N/A	0	0	0	0	0	0	0
Furnish/Equip/Vehicles	No	0	375,000	0	0	0	0	375,000
TOTALS		0	375,000	0	0	0	0	375,000
Amount Not Yet Funded		375,000						

PHASING BUDGET

Can this project be phased? No

Phasing: Stand Alone: Yes Multi-Phased: No

A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.

If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases. In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase	Amount	Plan	Design	Construct	Furnish/Equip/Vehicles	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Infrastructure Capital Improvement Plan FY2025-2029

Has your local government/agency budgeted for operating expenses for the project when it is completed?						Yes
If no, please explain why:						
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	4,000,000	4,000,000	4,000,000	4,000,000	0	16,000,000
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower operating costs?

No

If yes, please explain and provide estimates of operating savings

Entities who will assume the following responsibilities for this project:

	Fiscal Agent:	Own:	Operate:	Own Land:	Own Asset:	Maintain:
	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County
Lease/operating agreement in place?	No	No		No	No	No

More detailed information on project.

(a) How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement? 10-15 years

(b) Has the project had public input and buy-in? Yes

(c) Is the project necessary to address population or client growth and if so, will it provide services to that population or clientele? No

(d) Regionalism - Does the project directly benefit an entity other than itself? Yes

If yes, please list the other entity. All residents and visitors traveling on Lincoln County Road.

(e) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

Please explain. Construction Inspection and contractor oversight will be a priority to make sure the project stays on track for completion and within budget.

(f) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

(g) Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and provide the number of people that will benefit from the project.

All residents and visitors traveling on Lincoln County Road benefit from maintained roads. Having new dump trucks will help to keep up with maintenance.

Infrastructure Capital Improvement Plan FY2025-2029

(h) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Emergencies must be documented by a Subject Matter Expert.

Yes

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

County maintained roads results in safer travel throughout Lincoln County

Infrastructure Capital Improvement Plan FY2025-2029

ICIP Capital Project Description

Year/Rank 2024 005 **Priority:** High **ID:**37898

Project Title: Bridge Repair **Class:** Renovate/Repair **Type/Subtype:** Transportation - Highways/Roads/Bridges

Contact Name: Jeff Honeycutt **Contact Phone:** 575-354-2922 **Contact E-mail:** jhoneycutt@lincolncountynm.gov

Total project cost: 900,000 **Proposed project start date:** October 2022

Project Location: County Road Department Capitan NM 88316 **Latitude:** 33.423671 **Longitude:** 105.586659

Legislative Language: to plan, inspect, design, repair, construct and furnish bridges in Lincoln county

Scope of Work: To plan, inspect, design, construct and furnish repairs of bridges throughout Lincoln County. Lincoln County is fiscal agent for this project. Implementation of project includes issuing RFP for project per the state and county procurement policies.

Secured and Potential Funding Budget:						
State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.						
Please complete table below with all secured and potential funding sources.						
Funding Source(s)	Funding Amount	Applied For? Yes or No	Amount Secured	Amt Expended to Date	Date(s) Received	Comment
CAP	750,000	No	0	0		
DOT	150,000	No	0	0		
FGRANT	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
	0	No	0	0		
TOTALS	900,000		0	0		

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.							
	Completed	Funded to Date	Estimated Costs Not Yet Funded				
			2025	2026	2027	2028	2029
Total Project Cost							
Water Rights	N/A	0	0	0	0	0	0

Infrastructure Capital Improvement Plan FY2025-2029

Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	No	0	10,000	0	0	0	0	10,000
Design (Engr./Arch.)	No	0	140,000	0	0	0	0	140,000
Construction	No	0	750,000	0	0	0	0	750,000
Furnish/Equip/Vehicles	No	0	0	0	0	0	0	0
TOTALS		0	900,000	0	0	0	0	900,000
Amount Not Yet Funded		900,000						

PHASING BUDGET

Can this project be phased? No

Phasing: Stand Alone: Yes Multi-Phased: No

A project single phase approach is used for projects that can be completed with one process because it is manageable, affordable, and will not require any foreseeable additional resources or activities to be fully operational when complete.

A project multi-phased approach is used for breaking down very large projects into manageable standalone parts that are independently functional and easier to fund.

If the multi-phase approach is being used it is required to provide accurate dates, costs, and funding sources for prior phases, and be able to provide reasonable projections of dates, costs, and funding sources for future phases. In addition, each multi-phase has three main levels: Planning, Design, and Construction. Each level can be funded individually, however strong emphasis is put on completing all three levels.

Phase	Amount	Plan	Design	Construct	Furnish/Equip/Vehicles	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Infrastructure Capital Improvement Plan FY2025-2029

Has your local government/agency budgeted for operating expenses for the project when it is completed?						Yes
If no, please explain why:						
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	4,000,000	4,000,000	4,000,000	0	0	12,000,000
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower operating costs? No

If yes, please explain and provide estimates of operating savings

Entities who will assume the following responsibilities for this project:

	Fiscal Agent:	Own:	Operate:	Own Land:	Own Asset:	Maintain:
	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County	Lincoln County
Lease/operating agreement in place?	No	No		No	No	No

More detailed information on project.

(a) How many years is the requested project expected to be in use before needing Renovate/Repair or Replacement? 1-9 years

(b) Has the project had public input and buy-in? Yes

(c) Is the project necessary to address population or client growth and if so, will it provide services to that population or clientele? Yes

(d) Regionalism - Does the project directly benefit an entity other than itself? Yes

If yes, please list the other entity. All citizens in Lincoln County, municipalities and visitors traversing the County will benefit from bridge repairs along county maintain roads.

(e) Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

Please explain. Construction Inspection and contractor oversight will be a priority to make sure the project stays on track for completion and within budget.

(f) Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

(g) Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and provide the number of people that will benefit from the project.

All citizens in Lincoln County, municipalities and visitors traversing the County will benefit from bridge repairs along county maintain roads.

Infrastructure Capital Improvement Plan FY2025-2029

(h) Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? Emergencies must be documented by a Subject Matter Expert.

Yes

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

Repair of County bridges result is safer travel throughout Lincoln County



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 26

SUBJECT:

Reconsideration of Region IX's Funding Request

Tuesday, June 20, 2023



Strategic Plan 2023—2026



Table of Contents

Letter from the Director	3
Lincoln County Overview	4
History & Overview	8
Strategic Planning Process	9
Vision Statement	10
Mission Statement	10
Coalition Structure, Governance, and Decision-Making Processes	11
Equity Goals	12
PIECE Strategic Plan Goals	13
PIECE Goals, Objectives & Evaluation Plans	14
Goal 1 – Increase Registered Home Childcare	14
Goal 2 – Increase membership and build a well-functioning PIECE Coalition...	18
Goal 3 – Develop a relationship with local school districts	22
Goal 4 – Increase family and community engagement opportunities.....	26
Acknowledgment & Final Thoughts	30

Letter from the Coalition Coordinator

I am proud to introduce Lincoln County Partners in Early Childhood Education (PIECE) Coalition's Strategic Plan. This plan was thoughtfully developed by the Coalition based on the information derived from our 2022 Community Needs Assessment which included all five rural communities in Lincoln County. This process involved numerous meetings, strategy sessions, surveys, and collaborative document writing.

We refreshed our mission statement and in so doing renewed our purpose and commitment to the children of Lincoln County. We aligned our vision intentionally with the broader early childhood vision of the New Mexico Early Childhood Education and Care Department. We adopted four goals which now guide the decisions and actions of our Coalition, staff, local partnerships, and providers. This Strategic Plan offers our collective commitments to Lincoln County's children, their families, and communities. We know that our work is critically important to the future of our children. We will be successful when all children reach their highest potential!

Sincerely,

Jan Holleman

PIECE Coalition Coordinator

Lincoln County Overview

Welcome to Lincoln County, the 19th largest county in the State of New Mexico. This beautiful area has amazing strengths reflected in the landscape and within the 20,436 people who live within the 4831 square miles in southeast New Mexico.

There are six villages, Capitan, Carrizozo, Corona, Lincoln, Hondo, and Ruidoso.

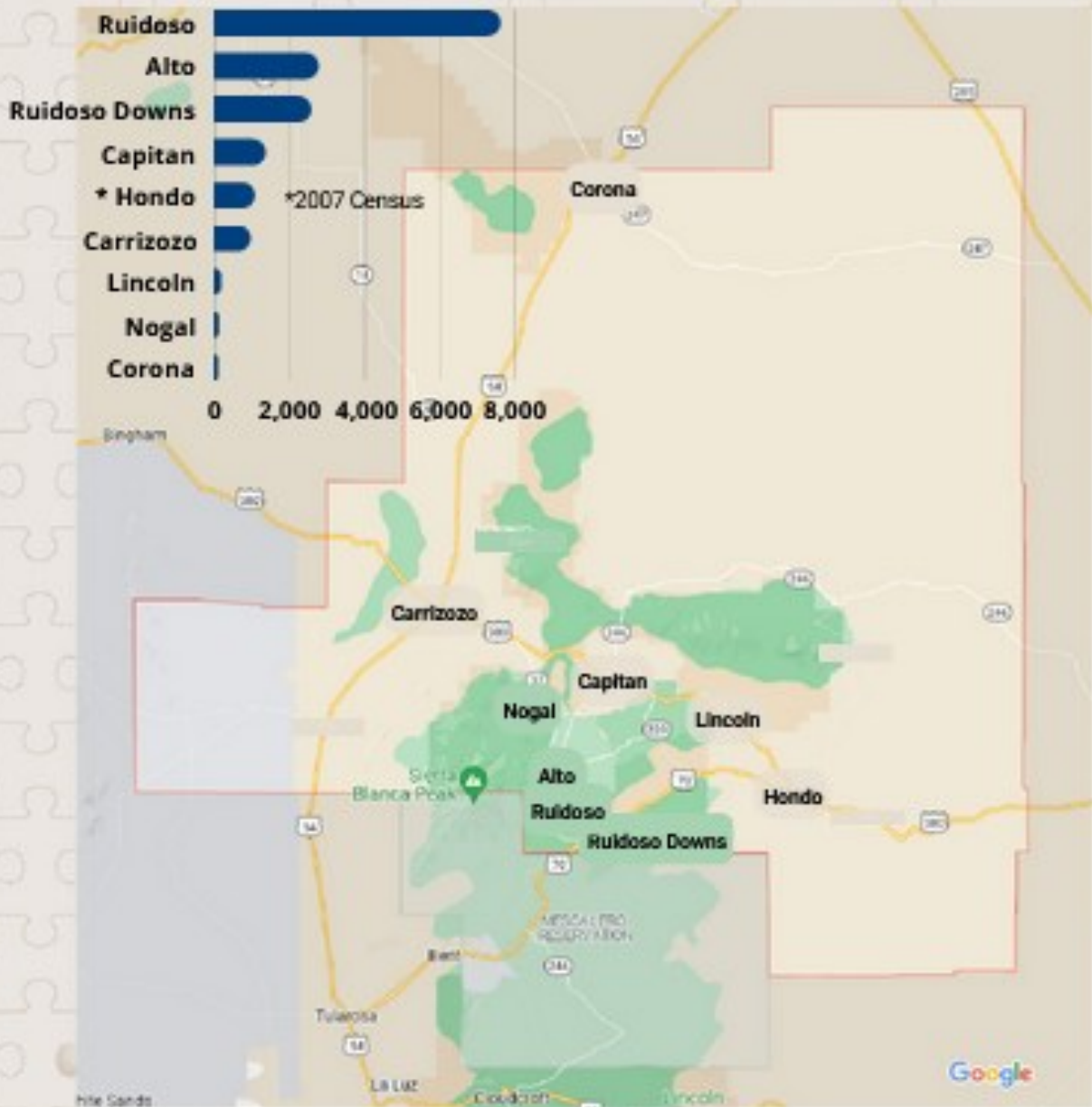
Ranch land and US Forest also make up the area. Each village has its unique culture which is celebrated through its history, language, traditions, faith, generations of families, and newcomers. There are many visitors, especially to the town of Ruidoso whose population can swell three times its normal size during summer months and when there is a good ski season. Tourists flock to Ruidoso and surrounding areas attracted by its beauty, fresh air, and the arts, entertainment, recreation, and restaurants.

These strengths and attractions also bring challenges. The combined industries related to tourism are typically lower-paying jobs outside of the traditional 8-5:00 work hours. These jobs are usually filled by people with young families, thus childcare becomes a front-and-center issue in the health and well-being of children. As noted from an interview with a former CPS worker, who on many occasions states that child abuse has occurred after a child is left in the care of an unrelated partner who is not equipped to care for a young child. Not only is it heart-wrenching, but it's also preventable and needs to be addressed with sustainable solutions. In addition, the local economy is impacted when workers cannot find childcare and housing. A

Lincoln County, New Mexico

Population by Community
2022 World Population Review

Square Miles
4,837 sq. mi.



local business owner shared a story of losing an excellent employee who had to move to Alamogordo so her mother could care for her child. These stories are multiplied as more and more businesses face hiring crises exacerbated by contributing factors of the lack of childcare and housing.

Specifically, the CNA data shows that the poverty rate is 16.9% for the county and 12.6% for children under the age of 4. As of December 2022, the unemployment rate was 3.4%. A total of 825 children under the age of 5 live in the county, and 67% of families have both parents working outside the home. There are 210 full-year licensed childcare slots in the county and in September 2022, 89% of these slots were filled, while the remaining 11% remained vacant, unable to be used due to the lack of childcare employees. There are 221 school year slots available through Pre-K and Head Start, but neither includes after-school care, weekends, holidays, or nontraditional hours. There are 44 Early Head Start occupied slots in Ruidoso providing 11 months of care. Hondo and Capitan have school year slots through Head Start and/or Pre-K. Carrizozo has Pre-K and childcare, and Corona has limited school-year services.

In addition to providing the county with ample childcare, which meets varying work schedules, young families would also benefit from engaging in the existing available services. The CNA brought to light that the county does have other resources in the area that serve young children, but the percentage of enrollment in some services is low. Many of the figures reflect the pandemic years; although, access and knowledge may be a barrier to involvement and engagement in these services; thus, innovative forms of communication and access are needed. Data shows that 20.8 %

of the population speak a language other than English, and Spanish is the majority of second languages. From family surveys, 10% of families reported that both English and Spanish are spoken at home. The CNA also shows that 77% of the population has internet access and 62% have a minimum of one vehicle per household. Although this is the majority, it does leave a little over a quarter of residences without connection to services. Unfortunately, the data does not give us detailed information on what sector of the population is impacted by this the most. Of families surveyed, the top five ways to receive information are through Social Media, email or text, friends, and relatives, printed flyers and brochures, and community events and fairs.

?Addresses access to services, such as prenatal care, ongoing sources of medical and dental care, early intervention, home visiting, and early education through Head Start and Pre-K is vital for healthy development and outcomes. Recently, the National Forum on Early Childhood Policy and Programs found that high-quality early childhood programs can yield a \$4-\$9 return per \$1 investment (impact.upenn.edu). As these issues are tackled in the community, one thing remains certain, and that is change does take a community effort. The PIECE Coalition is one entity that has within its membership the knowledge and passion to be partners and change agents. Yet, as a new and emerging coalition, additional membership is needed from specific groups. These include parents, law enforcement, the medical community, and key positions from our school districts. School districts play an integral role in our children's and community's future; thus, their involvement in the discussion, planning, and engagement is vital in developing solutions to ensure a thriving and amazing future for our youngest population. As the PIECE Coalition grows and becomes an action-oriented group of people sustained and involved, membership is vital to creating a strong community with equal access, knowledge, and opportunity to all information and services throughout the county.

History & Overview

The history and story of Partners in Early Childhood Education (PIECE) started in 1999 when a group of Early Childhood educators from Head Start, Childcare, and public school were asked to attend a state-wide conference with the assignment of returning to their communities and developing an early childhood partnership. The goal was to strengthen communication, services, and collaboration within the early childhood communities. An enthusiastic group returned and Lincoln County Partners in Early Childhood Education, more commonly known as PIECE, was born.

Fast forward to 2022, Region 9 Education Cooperative was awarded a Local Early Childhood Systems Building Grant to create a new and emerging Coalition. This grant has added new life to PIECE and has created a new and emerging PIECE Coalition. With the grant came the ability to hire a Coalition Coordinator to focus on increasing membership and ensuring the deliverables are met from the grant. Membership and participation have grown and include local childcare centers, Lincoln County Head Start/Early Head Start, Childcare, Early Intervention, Home Visiting, Early Childhood instructors, Health Department, local University, Mental Health Providers, Child Abuse Prevention programs, Domestic Violence services, nutrition program, Health Council members and various other state, county, local and private programs.



Strategic Planning Process

To understand how the PIECE Coalition developed the Strategic Plan, it is important to understand the backstory, which includes the development and knowledge gained from the Community Needs Assessment (CNA) **progress**. The CNA was developed during the spring of 2022 and finalized and submitted in September 2022. The CNA provided baseline data which highlighted specific strengths and needs of Lincoln County through an overall statistical viewpoint of the individual needs gathered from parents through surveys and stories. The data gathered represents the diverse needs of our rural villages as well as the largest community of Ruidoso. As data and stories came together, it was apparent that there were developing mutual concerns that impacted families and overflowed with business owners' concerns. The CNA informed the development of the Strategic Plan, including goals and objectives to strengthen partnerships, increase awareness, leverage resources, ensure equity, and grow the Coalition.



Vision Statement

As Coalition members gathered around a meeting table and reflected on what they would want their community to look like one to three years into the future, visions of cohesive partnerships, increased services, and total community engagement emerged. Some recalled the successful partnership of the past that slipped over the years and a need not to return, but to learn and grow a vital Coalition that leads, supports, and grows the early childhood community. The PIECE Coalition Vision: *All Lincoln County families and young children have what they need to thrive and prepare for their amazing future.*

Mission Statement

The PIECE Coalition's mission is to *"Strengthen partnerships at the local and state level to effectively use all available resources to support Early Childhood services in Lincoln County."* The County-wide Coalition efforts will enhance opportunity and access to Early Childhood services, and increase parent, caregiver, and provider awareness of Early Childhood services, at both local and state levels. The Coalition will work toward growth and sustainability for the future while keeping our mission and vision at the forefront of our focus.



Coalition Structure, Governance, & Decision Making

The PIECE Coalition is made up of individuals throughout Lincoln County who have a personal or professional interest in improving services to children and families. The Coalition is led by a paid Coalition Coordinator and supported by an assistant and administrative guidance to organize and plan for meetings, recruit members, and meet deliverables. The PIECE Coalition does not hold elections or have nominated positions. The Coalition is in the process of preparing decision-making guidance to ensure equitable representation. Region 9 Education Cooperative manages the Local Early Childhood Systems Building Grant; thus, oversight is provided by the Region 9 Coordinating Council.



Equity Goals

All who interact, come in contact with, or engage with the membership of the PIECE Coalition will experience an inclusive and respectful atmosphere with practices and policies that support equal opportunity, resources, and accountability. Embracing the unique needs of the diverse families, children, and the individuals who serve them, both locally and throughout the state is central to the Coalition's foundation.

Lincoln County has a diverse population rich in history and tradition and distinct cultures in the six communities and surrounding ranches. Approximately 80% of the population speaks English and Spanish is the main second language. Transportation is available to 67% and 77% have internet access. This information helps us understand how to reach individuals to ensure all individuals have equal opportunity, access, and knowledge of services in their community as well as the county as a whole.



PIECE Strategic Plan Goals



Goal 1

Increase membership and build a well-functioning PIECE Coalition.

Grow and develop strategies to increase membership and build a well-functioning, action-oriented PIECE Coalition.



Goal 2

Increase Registered Home Childcare (RHC)

There will be six Registered Home Childcare (RHC) providers in Lincoln County by December 2026, with a minimum of two providing untraditional hours.



Goal 3

Develop relationships with local school districts.

By Fall 2023, the PIECE Coalition will have an established relationship with Lincoln County School Districts to strengthen the collaboration between district personnel and parents to find solutions to meet childcare needs in the communities.



Goal 4

Increase family and community engagement opportunities.

Create predictable and consistent family and community engagement opportunities to increase knowledge and participation and early childhood services.



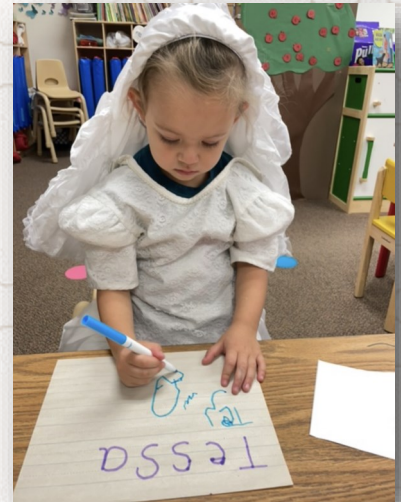
DEVELOP STRATEGIES TO INCREASE MEMBERSHIP & BUILD A WELL-FUNCTIONING, ACTION-ORIENTED PIECE COALITION

Goal Overview

Grow and develop strategies to increase membership and build a well-functioning, action-oriented and diverse PIECE Coalition.

Foundational Reason

Results of the PIECE Coalition Self-Assessment and Planning Tool conducted by membership in December 2022, identified in areas of growth to improve systems and communication.



Alignment with ECECD Strategic Plan (Floreecer)

This goal aligns with Floreecer Goal Number 2, which states “ECECD commits to effective, transparent, and trust-based engagement with New Mexico’s diverse families and communities to increase family leadership and voices in decision-making and program and service design.” Objective 2.4 “Each New Mexico community is served by an early childhood coalition that ensures stronger state-local coordination and decision-making. Growing and developing a well-functioning PIECE Coalition will support Lincoln Counties' diverse families and communities and increase family leadership and decision-making and service design to best meet the needs of their families and community.

Commitment to Local Early Childhood Systems Building Grant

- Strengthening partnership at the state and local levels to effectively use all available resources across the mixed-delivery system
- Approach increasing parents’ and caregivers’ awareness of Early Childhood services

Objective 1.1

Increase membership, participation, retention, and knowledge of the PIECE Coalition.

Activities

- In a Coalition meeting, identify who is missing from the Coalition, such as parents, medical & law enforcement, CYFD, public school, and discuss strategies to increase diversity.
- Assign a Coordinator or membership to reach out and invite individuals to the meetings.
- Identify what makes the meeting valuable to attending, "What do we keep?", "What do we need to improve?"
- The Coordinator and membership will attend county events, such as health fairs and other community events to inform the public of the Coalition and its projects.
- Attend parent groups such as Head Start Policy Council, Parent Advisory Committees, or Optimist Club and invite members to the Coalition meeting.
- Conduct bi-annual pulse checks to identify if the venue, time, and dates are conducive to membership schedules.
- Current members receive incentives for attendance and bringing in new members.
- Keep the membership informed with a Welcome/ Meeting binder and updates on the website.
- Arrange for translation services at meetings and of material as needed.
- Develop a website that will house the CNA, Strategic Plan, data, resources, and links to resources.

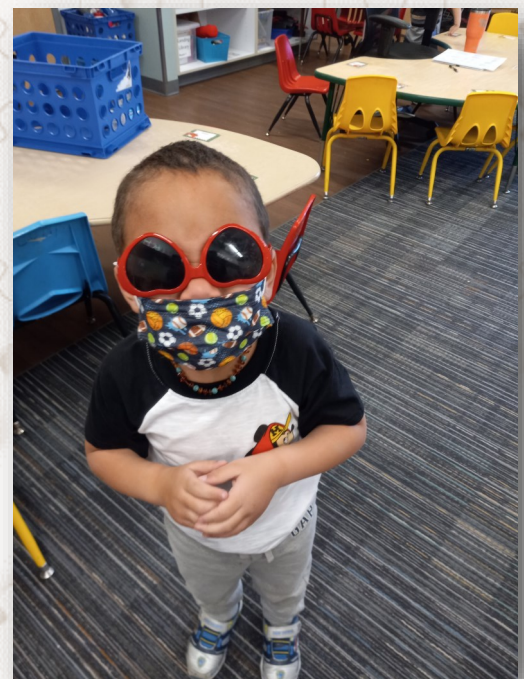
Evaluation Plan

What does it look like in 1 year, or 3 years?

Membership will increase by 10% each year. Participation and retention will improve by 10% annually. Previously under representative categories will attend. Diversity within the membership will increase and previously under represented categories will attend on a consistent basis or 75% of meetings.

How do we measure success?

Compare membership roster and sign-in sheets to identify growth. Notes individuals from under representative area attendance. Document attendance numbers. Receive feedback on the effectiveness of the meetings. Document the need for translation services.





GOAL 1: Objective 1.2

Objective 1.2

Improve membership's commitment, sense of belonging, and communication by providing printed and electronic versions of pertinent PIECE Coalition membership rosters, meetings, minutes, policies, documents, distributed material, translation services, and other information as needed.

Activities

- Ensure that all membership practices are inclusive to all individuals with a passion to support early childhood services in Lincoln County.
- Provided translated agenda, material, and services at meetings as needed.
- Create a membership form that includes contact information, the name of the company, and a description of services (if applicable).
- Create a membership roster with contact information so members can easily contact individuals after or in between meetings.
- Provide a membership binder to all members with Mission, Vision, Goals, Community Needs Assessment, and Strategic Plan. The tabbed section in the binder will provide space for the agenda, minutes, membership rosters, and material distributed at meetings.
- Provide everything in the binder electronically on the Region 9-PIECE Coalition Website.

Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One –PIECE Coalition members will be provided with a Welcome & Meeting Binder with specific informational items as well as have access to an electronic vision on the PIECE Coalition website. The material will be provided in Spanish as needed.

Year Two-Three – The Welcome and Meeting binder will be reviewed on an annual basis and improved as needed as well as updates to the website.

How do we measure success?

Review the items in the *Welcome/Meeting Binder*. Review agenda for feedback from members as to the effectiveness of the Welcome/Meeting binder and Website information.

Review the Website that houses meeting information, links, deliverables, and other informational items. The material will be provided in Spanish as needed.

Record and document feedback from members and update the Welcome/Meeting binder and website to support the membership needs.

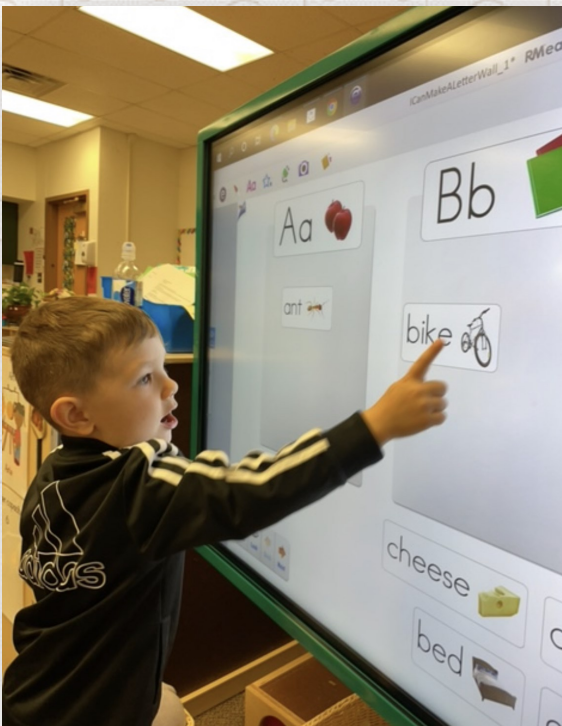


Objective 1.3

Develop equitable policies and practices that address Decision-Making and Conflict-Resolution practices to ensure communication and collaboration.

Activities

- Identify the purpose of having equitable policies and practices.
- Draft policies with direction and input from the PIECE Coalition membership.
- Ensure that policies do not limit creative and forward thinking.
- Ensure consensus before policies are adopted.
- Include policies in binders and websites.



Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One – Have written policies and procedures in place that support equitable practices.

Year Two-Three – Review policies and procedures on an annual basis to ensure relevance and effectiveness.

How do we measure success?

Review written policies and procedures. Document feedback from the membership on relevance and effectiveness and revise as needed.





INCREASE REGISTERED HOME CHILDCARE (RHC)

Goal Overview

There will be six Registered Home Childcare (RHC) providers in Lincoln County by December 2026, with a minimum of two providing untraditional hours.

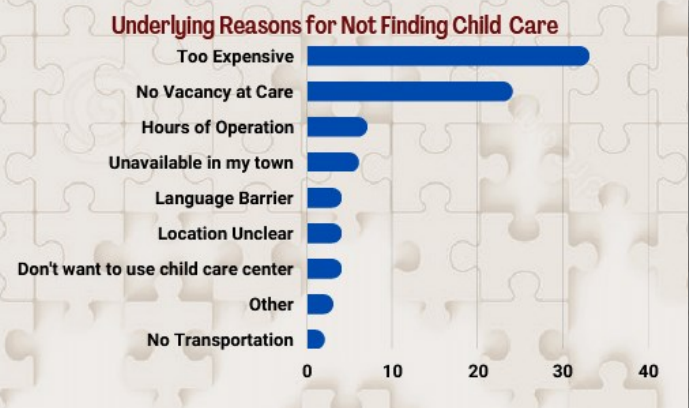
Foundational Reason

The CNA states that there are only 4 year-round childcare centers, no registered RHC, and no center offering untraditional hours in Lincoln County. There are 825 children under the age of 5 and 68% have employed parents.

Story Highlight *"I have a three-year-old son and both my partner and I work as servers. I've hired babysitters to stay with him at home and they have stolen my rent money, not shown up when they were supposed to, or didn't take care of my child. When we have to work the same shift, we have had to take him to work with us, and he plays in the corner of the restaurant. I can't get into child care, and besides, it won't cover the hours we work."*

Alignment with ECECD Strategic Plan (Floreecer)

This goal aligns with Floreecer goal Number 1 which states: "ECECD will create and implement equitable, culturally responsive policies, programs, and services that will ensure all children have the skills and knowledge needed to enter kindergarten ready to succeed." Objective 1.5 "Quality, universal, accessible, and affordable early care and education is available for all families and children." When children need care outside of their homes, good quality care is provided by trained, responsive nurturing adults, supports children's development, and school readiness, and offers safe environments. Childcare facilities are limited; thus, adding RHC as a childcare option will support this goal and provide opportunities for more families to have access to this service.



Commitment to Local Early Childhood Systems Building Grant

Strengthening partnerships at the state and local levels to effectively use all available resources across the mixed-delivery system.



Objective 2.1

Create an ongoing system of recruitment, training, and support for RHC.

Activities

- Identify and secure presenters, frequency, and duration for RHC training.
- Determine if RHC training can be offered in Spanish.
- Conduct a public campaign to recruit individuals in both English and Spanish.
- Host an evening open house in Ruidoso and outlying communities for individuals interested in starting an RHC. Ensure the information provided is offered in English and Spanish.
- Advertise training in both English and Spanish for online or in-person venues.
- Offer an in-person venue option for training with childcare, meal, translation services, and individual support in Ruidoso and outlying communities.
- Offer increasing incentives to attend, complete, and open a Family Childcare program.
- Create a network of supportive training for RHC providers.
- Partner with ECECD Licensing to support the implementation of RHC.
- Work with the ECECD department to use Home Visitors and their curriculum to support RHC Providers.

Evaluation Plan

What does it look like in 1 year, or 3 years?

In **Year One** - - Lincoln County will have an established recruitment method and training schedule for RHC that will reach people in English and Spanish. Training will be provided in two options online or in person. Interested individuals will know how to access training and be supported to complete training and open successful RHC.

Year Three- there will be a total of six RHCs, with two of them offering untraditional hours and in previously underserved communities such as Hondo, Capitan, and Corona.

How do we measure success?

- Documented training sessions offered for RHC with the number of participants identified through sign-in sheets.
- Document recruitment methods, such as PSAs, social media, websites, flyers, and word of mouth are a consistent part of membership practice to recruit RHC trainees. [Information is provided in English and Spanish and decimated in a variety of ways so interested parties have access to information.](#) This will show the amount of effort in getting the word out to individuals in Lincoln County.
- Quick Response (QR) code surveys to measure the effectiveness of training
- Year 1 – Two new RHCs have been opened. [One in a previously underserved community.](#)
- Year 2 – An additional 2 RHCs have been opened with one offering untraditional hours. [One in a previously](#)



GOAL 2: Objective 2.2

Objective 2.2

Work in collaboration with ECECD to ensure all RHCs are receiving incentives and/or support for those who offer nontraditional hours.

Activities

- Contact the ECECD licensing program to understand levels of childcare assistance for RHC and/or offering untraditional hours.
- Ensure that providers and parents receive the maximum childcare assistance for care.
- Work with the state childcare assistance program to ensure families are getting the support needed.

Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One – Ensure RHC are aware of the maximum incentives and/or support for untraditional hours. Ensure this subject is addressed during training and with the state to understand the childcare assistance program.

Year Two-Three - Registered Home Childcare will understand and receive Childcare assistance benefits and maximize incentives available for untraditional hours.

How do we measure success?

- The PIECE Coalition will ensure that incentives and Childcare Assistance are topics of discussion during training as supported by agenda items.
- The PIECE Coalition will advocate with the state to provide incentives for providers who offer nontraditional hours.
- During PIECE Coalition meetings attended by RHC information on childcare assistance and incentives will be shared as noted on the agenda.



Objective 2.3

Ensure families are aware of Registered Home Childcare in their community.

- Promotional material will be in English/Spanish and various forms of distribution will be documented.

Activities

- Registered Home Childcare providers will be included in all publications that list Childcare services, including brochures, z-cards, flyers, and website information.
- All printed material in English and Spanish.
- Registered Home Childcare providers will be members of the PIECE Coalition.

Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One-Three – All RHC will be included in all promotional material, resource guides, and directories as any other childcare service. The PIECE Coalition will have meeting topics that are pertinent to RHC. The material will be decimated in various forms to ensure all individuals have access to information.

How do we measure success?

- Maintain promotional material that includes RHC.
- PIECE Coalition meeting agendas will include RHC pertinent topics.





DEVELOP RELATIONSHIPS WITH LOCAL SCHOOL DISTRICTS

Goal Overview

By Fall 2023, the PIECE Coalition will have an established relationship with Lincoln County School Districts to strengthen the collaboration between district personnel and parents to find solutions to meet childcare needs in the communities.

Foundational Reason

The PIECE Coalition Community Needs Assessment identified a lack of childcare within the county. A proposed solution was to involve the NM Public Education Department in the after-school childcare solution. Schools have safe, age-appropriate facilities for children; thus, may provide options for after-school or extended day and weekend programs.

Alignment with ECECD Strategic Plan (Florencer)

This goal aligns with Florencer Goal Number 1: "ECECD will create and implement equitable, culturally responsive policies, programs, and services that will ensure all children have the skills and knowledge needed to enter kindergarten ready to succeed." Objective 1.5 "Quality, universal, accessible, and affordable early care and education is available for all families and children." In rural New Mexico, the public school is many times the only facility conducive to safe and age-appropriate after-school childcare. This collaboration would help to decrease the gap in services to families.

Commitment to Local Early Childhood Systems Building Grant

Strengthening partnership at the state and local levels to effectively use all available resources across the mixed-delivery system maximizing and Leveraging all Possible Funding





Objective 3.1

Ensure that the PIECE Coalition mission, vision, goals, and data from the Community Needs Assessment, are presented to Lincoln County School District administration, boards, and parents.

Activities

- The PIECE Coalition Coordinator will address the Region 9 Coordinating Council and ask for representations for each of the 5 districts.
- The PIECE Coordinator will seek to be placed on the School Board agendas to ensure they are aware of the PIECE Coalition's purpose and seek representation.
- The PIECE Coalition Coordinator will present at Parent Advisory Councils.
- Offer personal invitations to district representatives and parents to attend the PIECE Coalition meetings.
- Ensure that parents within school districts receive informational material through brochures, social media, flyers, and so forth to gain knowledge on the PIECE Coalition.
- The coalition will work toward developing strong working relationships with the school districts and parents. The PIECE Coalition Coordinator will address the Region 9 Coordinating Council and ask for representations for each of the 5 districts.
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Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One- School Board, Coordinating Council, and Parent Advisory Council presentations will be conducted and district personnel and parents represented on the PIECE Coalition. Facilitate discussion between school districts and parents to address childcare needs

Year Two-Three – Maintain a collaborative partnership to develop strategies and service delivery models to address and offer after-school care.

Retain copies of the School Board, Coordinating Council, and Parent Advisory Council agendas with PIECE Coalition presentation noted.

How do we measure success?

- The PIECE Coalition Roster will reflect both parents and school district personnel.
- Attendance and participation from school district parents and personnel will be noted.
- Established and ongoing relationships with school district parents and personnel will be identified.
- Assess partnerships to address issues, such as after-school care.



GOAL 3: Objective 3.2

Objective 3.2

Collect data from each county school district regarding parent and staff needs, and the impact on attendance and productivity as a basis to identify and address the need for after-school care.

Activities

- Create a survey for the school district to identify how many children need after-school care. What are the rates teachers and staff are absent due to childcare needs? How does the need for childcare impact attendance and productivity?
- Use the data along with data from the PIECE Coalition CNA to identify the need.
- Use data to apply for alternative funding sources to secure after-school programs.



Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One- Create and distribute surveys throughout Lincoln County school districts. Collect and aggregate data to identify the needs.

Year Two-Three – Use Data to support the school districts in applying for alternate funding sources to support after-school care document surveys and data collected.

How do we measure success?

- Document needs to be identified.
- Document alternative funding sources and support to districts.
- Identity through post surveys if the needs have been met.



Goal 3





INCREASE FAMILY AND COMMUNITY ENGAGEMENT OPPORTUNITIES.

Goal Overview:

Create predictable and consistent family and community engagement opportunities to increase knowledge and participation in early childhood services.

Foundational Reason

The PIECE Coalition CNA lists a variety of different resources, yet the level of participation in some valued services were lacking. The Household Demographics of our Community Needs Assessment revealed data indicating that only .02% of Lincoln County families are recipients of TANF, 11% of household receive SNAP, and 23% of families have no access to the Internet. Additionally, only 62% of families have a household vehicle. This, and many other factors affect participation in valued services.

Alignment with ECECD Strategic Plan (Floreecer)

This goal aligns with Floreecer Goal Number 2: “ECECD commits to effective, transparent, and trust-based engagement with New Mexico’s diverse families and communities to increase family leadership and voice in decision making and program and service design. Objective 2.2 “Collaboration occurs with families, community-based organizations, providers, Head Start, and schools that support families to engage and foster children’s learning and development.” Collaborative efforts among early childhood professionals will offer a cohesive approach to engagement and sharing resources.

Commitment to Local Early Childhood Systems Building Grant

Strengthening partnership at the state and local levels to effectively use all available resources across the mixed-delivery system approach increasing parent and caregiver’s awareness of Early Childhood services.

GOAL 4: Objective 4.1

Objective 4.1

Partner with local entities to host informational events for families.

Activities

- Connect with community partners to collaborate on outreach and engagement activities, such as Head Start, to make connections and share information about the PIECE Coalition.
- Offer incentives at engagement activities, such as food, childcare, and early learning kits.
- Increase presences at local events, such as Farmer's Markets, Community Gardens, Aspenfest, Health Fairs, and Christmas Jubilee to ensure the community is aware of the PIECE Coalition Mission, Vision, Goals, and initiatives.
- Ensure these activities are regular with the flexibility of adjusting to connect with families in familiar settings, with a minimum of one event per quarter.
- Ensure that all individuals have equal access to the material and information presented.



Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One –A network of collaborative partnerships will be formed to facilitate and host informational events for families to support equal access to information and opportunity.

Year Two-Three – Community Engagement activities will be regular and expected by the community, such as “Week of the Young Child” events.

How do we measure success?

- Document attendance and participation at community events.
- A schedule of family and community events will reflect regular participation
- Families will report that they are knowledgeable and/or know how to find out information related to Early Childhood services.





GOAL 4: Objective 4.2

Objective 4.2

Purchase and operate a Resource Van that will visit outlying areas monthly.

Activities

- Determine what type of vehicle would meet the need to house a meeting and resource area.
- Determine the cost of a vehicle to meet the needs.
- Determine funding source.
- Following Region 9 procurement procedures.
- Enlist community partners who need to visit outlying communities such as WIC, DOH, Home Visiting, food banks, and so forth.
- Determine the type of material and equipment needed, such as desk, hotspot, seating area, etc...
- Meet with community leaders to determine the optimal location and time for services.
- Determine driver, schedule, parking, or service restrictions and opportunities.
- Determine the location of the Resource Van.

Evaluation Plan

What does it look like in 1 year, or 3 years?

Year One – Identify the type of vehicle needed and secure funding.

Year Two-Three – Ensure the Resources Van is equipped to meet the needs of the communities served. The Resources Van will have a schedule and location set to provide services in outlying communities.

How do we measure success?

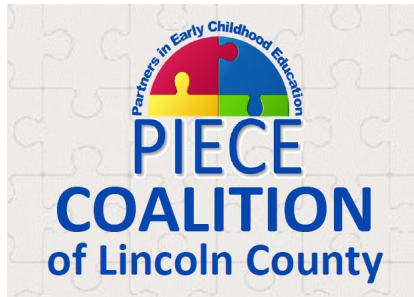
- A vehicle suitable for service delivery will be purchased.
- The Resource Van will be equipped with appropriate resources for outlying communities.
- The Resource Van will be on a visit schedule for all outlying communities every month.
- Families will have the opportunity to have equal access to services.
- Outreach to communities will be increased.



Acknowledgments & Final Thoughts

A special “Thank You” goes to the dedicated individuals who spent time reviewing the PIECE Coalition Community Needs Assessment, Early Childhood Education and Care Department (ECECD) Floreecer Strategic Plan, participating in goal development the Strategic Plan process, and reviewing and providing input to the Strategic Plan draft. Without your careful thoughts and action, this plan could not have come to fruition. Thank you to the UNM Family Development Team who provided critical feedback through an equity lens to strengthen the overall plan. Finally, thank you to ECECD who funded the Local Early Childhood Systems Building Grant. Without this financial support and guidance, this project would not exist. We look forward to the continuation of funding to support the strategic plan and all the efforts of the membership thus far and in years to come.





Partners in Early Childhood Education (PIECE)

Three-Year Strategic Plan Executive Summary: May 2023

Mission Strengthen partnerships at the local and state level to effectively use all available resources to support Early Childhood services in Lincoln County.

Vision All Lincoln County families and young children have what they need to thrive and prepare for their amazing future.

Coalition Structure, Governance, and Decision-Making Process

The PIECE Coalition is made up of individuals throughout Lincoln County who have a personal or professional interest in improving services to children and families. Led by a paid Coalition Coordinator and supported by an assistant, the coalition receives guidance from the program administrator. Together, this team organizes and plans meetings, recruits members, and meets funding deliverables. The PIECE Coalition does not have nominated positions nor does it hold elections. The Coalition is in the process of preparing decision-making guidance to ensure equitable representation. Region 9 Education Cooperative manages the Local Early Childhood Systems Building Grant; thus, oversight is provided by the Region 9 Coordinating Council.

Equity Goals

All who interact, come in contact with, or engage with the membership of the PIECE Coalition will experience an inclusive and respectful atmosphere with practices and policies that support equal opportunity, resources, and account-ability. Embracing the unique needs of the diverse families, children, and the individuals who serve them, both locally and throughout the state is central to the Coalition's foundation.

Lincoln County has a diverse population rich in history and tradition and distinct cultures in the six communities and surrounding ranches. Approximately 80% of the population speaks English. Spanish is the main second language. Transportation is available to 67% and 77% have internet access. This information helps us understand how not only to reach individuals but also to ensure that each has equal opportunity, access, and knowledge of services in their community and the county as a whole.

Key Goals, Objectives, Alignment with ECECD Florecer, and Evaluation Plan

Goal 1 – Increase membership and build a well-functioning PIECE Coalition

ECECD Strategic Plan: This goal aligns with Florecer Goal 2 which states "ECECD commits to effective, transparent, and trust-based engagement with New Mexico's diverse families and communities to increase family leader-ship and voices in decision-making and program and service design." This goal also aligns with Objective 2.4 "Each New Mexico community is served by an early childhood coalition that ensures stronger state-local coordination and decision-

making.” Growing and developing a well-functioning PIECE Coalition will support Lincoln County’s diverse families and communities. The coalition will increase family leadership and decision-making by designing services which best meet the needs of their families and communities.

Objective 1.1: Increase membership, participation, retention, and knowledge of the PIECE Coalition

Evaluation Plan

- Membership will increase by 10% each year.
- Participation and retention will improve by 10% annually.
- Diversity within the membership will increase and previously under represented categories will attend on a consistent basis or 75% of meetings.

Objective 1.2: Improve membership’s commitment, sense of belonging, and communication by providing printed and electronic versions of pertinent PIECE Coalition membership rosters, meetings, minutes, policies, documents, distributed material, translation services, and other information as needed.

Evaluation Plan

- PIECE Coalition members provided a Welcome & Meeting Binder with access to an electronic version on the PIECE Coalition website.
- Materials provided in Spanish as needed.
- Welcome & Meeting Binder reviewed annually and improved as needed with updates to the website made.

Objective 1.3: Develop equitable policies and practices that address decision-making and conflict-resolution practices to ensure communication and collaboration.

Evaluation Plan

- Year 1: Written policies and procedures in place that support equitable practices.
- Years 2-3: Review policies and procedures annually for relevance and effectiveness.

Goal 2 – Increase Registered Home Childcare (RHC)

ECECD Strategic Plan: This goal aligns with Floreecer Goal 1 which states: “ECECD will create and implement equitable, culturally responsive policies, programs, and services that will ensure all children have the skills and knowledge needed to enter kindergarten ready to succeed.” This goal also aligns with Objective 1.5 “Quality, universal, accessible, and affordable early care and education is available for all families and children.” When children need care outside of their homes, good quality care is provided by trained, responsive nurturing adults who support children’s development and school readiness, and who offer safe environments. Childcare facilities are limited, so adding RHC as a childcare option will support this goal and provide opportunities for more families to have access.

Objective 2.1 Create an ongoing system of recruitment, training, and support for RHC.

Evaluation Plan

- Year 1: Lincoln County has established RHC recruitment method and training schedule to reach people in English and Spanish.

- Training provided in two options: online, or in person.
- Interested individuals know how to access training with support to complete training and open a successful RHC.
- Years 2-3: Total of 6 new RHCs, with 2 offering untraditional hours and in previously underserved communities such as Hondo, Capitan, and Corona.

Objective 2.2 Work in collaboration with ECECD to ensure all RHCs are receiving incentives and/or support for those who offer nontraditional hours.

Evaluation Plan

- PIECE Coalition ensures that incentives and Childcare Assistance are topics of discussion during training as supported by agenda items.
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- During PIECE Coalition meetings attended by RHCs, information on childcare assistance and incentives is shared as noted on agenda.

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- Years 1-3: All RHCs included in promotional material, resource guides, directories and any other childcare service.
- PIECE Coalition includes meeting topics that are pertinent to RHCs.
- RHC materials disseminated in various forms to ensure all individuals have access to information.

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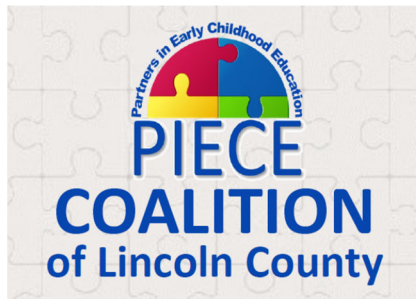
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COALITION OF LINCOLN COUNTY

2022 COMMUNITY NEEDS ASSESSMENT



PRESENTED TO

**State of New Mexico
Early Childhood Education and Care Department
Local Early Childhood Systems Building Grant**

PREPARED BY

PIECE Coalition of Lincoln County



TABLE OF CONTENTS

The 2022 PIECE Coalition Community Needs Assessment is presented by the PIECE Coalition of Lincoln County, a New Mexico coalition of individuals and organizations dedicated to adequately addressing each "piece" or element of a child's care. This needs assessment indicates the demographic and situational context within which Lincoln County children and their parents find themselves.

Executive Summary	1
About PIECE Coalition	1
Lincoln County Community Needs Assessment	2
Findings	4
Supporting Research, Survey Data, & Stories	8
Lincoln County	9
Communities of Lincoln County	11
Households & Families	13
Health, Pregnancies & Births	15
Health & Well-being of Young Children	17
Early Childhood Programs	18
Searching for Child Care	19
Assistance Challenges	20
Best Ways to Find Service Providers	21
Concluding Insights	22
Data Sources Cited	23
Acknowledgements	26



EXECUTIVE SUMMARY

PIECE Coalition of Lincoln County

History of Organization

The story and history of PIECE started in 1999 when a group of early childhood educators from Head Start, child care, and public school were asked to attend a state-wide conference with the assignment of returning to their county and developing an early childhood partnership. The goal was to strengthen communication, services, and collaboration within the early childhood communities. An enthusiastic group returned and developed Partners in Early Childhood Education, commonly known as PIECE. Over the last 22 years, the group has taken on a variety of projects such as “Week of the Young Child” events, health fairs, and Early Childhood Hero awards. As administrators' workloads changed, members took on additional duties, activities and events decreased and meetings completely ceased for three years. In 2017, PIECE made a comeback as more and more early childhood professionals expressed the need to reconnect. In 2022, Region 9 Education Cooperative applied for and received the Local Early Childhood Systems Building Grant and the PIECE committee was reinvented as the PIECE Coalition of Lincoln County as a new and emerging coalition.

Membership

Membership includes and is open to all program representatives from agencies, individuals, and parents who have an interest and commitment to quality early childhood experiences and opportunities in Lincoln County. Representatives include individuals and agencies for child care, Montessori, parents, Early Head Start, domestic violence services, Head Start, Developmental Services (Early Intervention), Home Visiting, Income Support Division, Local Mental Health Services, Region 9 Child Find, Ruidoso Health Department, Families First, Eastern New Mexico University (ENMU), former educators and the Lincoln County Health Council. Since PIECE Coalition is new and emerging, we continue to grow our membership and invite the business community, law enforcement, the medical community, public schools, and any and all who support families with young children.

Executive Summary (cont) . . .

Mission and Goals

The PIECE Coalition's mission is to strengthen partnerships at the local and state level to effectively use all available resources to support early childhood services in Lincoln County. The goals are to support Lincoln County-wide efforts to enhance opportunities and access to early childhood services, and to increase parent, caregiver, and services providers' awareness of early childhood services, at both local and state levels. The coalition will work toward growth and sustainability of child service for the future.

Resources

The early childhood community in Lincoln County is tightly knit and deeply rooted in supporting services to families and their young children. Our greatest resource is each other and although funding for projects is not developed currently beyond the grant cycle, the innovative spirit of membership will leverage knowledge, skills, and opportunity to continue the coalition's work into the future. Grant funding allows the membership and momentum of the coalition to improve.

Community Needs Assessment of Lincoln County

Purpose of Community Needs Assessment

The Community Needs Assessment (CNA) provides the PIECE Coalition and the State of New Mexico with baseline data of specific strengths and needs of Lincoln County through overall statistical viewpoints and individual needs gathered from parents through surveys and stories. The data gathered represents the diverse needs of our rural villages as well as the largest Lincoln County community of Ruidoso. To strengthen our communities and identify all resources, we must begin by understanding the unique needs of families and listening to their stories. As data and stories came together for this report, we uncovered mutual concerns related to parents' barriers to accessing quality child care and child care assistance, as well as the impact felt by families and business owners due to the lack of services.

Next Steps

The information from the CNA will be used to develop the PIECE Coalition's Strategic Plan as well as baseline data for this particular post-COVID time. It will be submitted to the State of New Mexico's Early Childhood Education and Care department to support the 5-Year Strategic plan and be used as a reference document to support the PIECE Coalition's work in the future.

Executive Summary (cont) . . .

The CNA offers suggestions and solutions to these issues that create sustainable early childhood opportunities for families and the business community.

Methodology

Data was retrieved from multiple reliable websites, surveys, and parent group interviews. Surveys were distributed and a total of 149 responses were collected through Child Find events in all Lincoln County communities, Head Start registrations, the Mental Health Resources fair, and Ruidoso Public Library events. In addition, surveys were obtained from professionals serving families and local business owners. The core team of data gatherers included the PIECE Coalition Coordinator, the Coordinator Assistant, and the Developmental Services/Home Visitor Director. Coalition members completed and/or distributed professional and business surveys and provided feedback on the data gathered. In addition to surveying data and comments, a parent group interview session yielded insights into the families' experiences, decisions, and their plight regarding access to quality early childhood services in the county.

Gaps in Data

Throughout the data gathering process, many websites were viewed and researched to gather information. Rural unincorporated towns such as Hondo and Lincoln do not have recent data, with the latest being in 2007. Based on local knowledge, the numbers appear to be unchanged. It was also difficult to locate the infant mortality rate for the county. Data indicates that there have not been any infant deaths since 2012. Again, based on local knowledge, we know that this is incorrect.

Stories

Throughout the process of collecting data and listening to stories from parents, it is apparent that the lack of child care impacts the whole community. We heard from a mom of a 3-year-old little boy, that both she and her partner are servers and on more than one occasion they had to take their son to the restaurant to play in the corner while they worked due to lack of child care. Another wanted to take college classes but was finding it difficult to find child care. Of the 149 families surveyed, only 12 had received child care assistance, yet other data shows that 42% of child care slots have child care assistance. During parent interviews, one parent's experience of applying has taken over 3 months to complete the process without an answer or a place to go when it is approved. A business owner lost a great employee because she could not find child care in the area and moved to Alamogordo so a family member could watch her child.

Executive Summary (cont)

Needs Assessment Findings

Key Findings

Throughout the process, we learned about the make-up of our communities, including age, race and ethnicity, language spoken, how many people were employed, and new topics, such as the number of families with Internet access. We learned about our families, mamas and babies and prenatal care, who take care of their children during the day, and the barriers they face. We learned about their experiences with early childhood programs and the medical community. We also learned about the challenges of substance use and treatment, domestic violence, and mental health issues. In addition, we learned about the impact of the low income housing shortage that increasing affects the community in general. We have listened to stories, read comments on the survey, and talked to individuals in the field to get an overall understanding of the barriers they face and how we can work toward sustainable changes.

The central findings from the CNA were an overall lack of child care in Lincoln County with three specific areas of need and impact.

- There are not enough licensed child care centers or family child care homes to meet the needs of families.
- There is a lack of child care during nontraditional hours, a major factor impacting businesses in locating and maintaining employees.
- Families were not aware of, didn't know how to access, or experienced lengthy delays in accessing child care assistance.

The most current data shows that 825 children under the age of 5 live in Lincoln County. There are 210 full-year licensed child care slots in the county and in September 2022, 89% of these slots were filled, while the remaining 11% remained vacant, unable to be used due to the lack of child care employees. There are 221 school year slots available through Pre-K and Head Start, but neither include after school care, weekends, holidays, or nontraditional hours. There are 44 Early Head Start occupied slots in Ruidoso providing 11 months of care. Hondo and Capitan have school year slots through Head Start and/or Pre-K. Corona has limited school year services.

The lack of quality early child care impacts not only early learning and care for future growth and development, but also economic stability of families and businesses, and stress and strain on families. The return on investment in quality early childhood programs has been recognized and researched since the Perry Preschool project in the 1960s. Recently, the National Forum on Early Childhood Policy and Programs found that high-quality early childhood programs can yield a \$4-\$9 return per \$1 investment (impact.upenn.edu). With this in mind, we, as a coalition must work hand-in-hand with our local communities and the state to identify and support new and existing child care programs through training and license compliance. Our goal is to support new and existing early childhood projects, and other resources modeled after strengths of the well-respected Family, Friends, and Neighbor program, which unfortunately is not available in Lincoln County.

Executive Summary (cont)

Primary Finding Lack of Child Care Options

Problem

- There are only 4 year-round licensed child care centers, no registered family child care homes, and no Family, Friends, and Neighbors program network in Lincoln County.
- Head Start and Pre-K provide services aligned with the school year days/hours, though no after-school care so critically needed by these communities.
- Licensed Head Start/EHS programs in Ruidoso need a permanent center to prevent disruption of services to families.
- Over 30 licensed child care slots have been lost in the last five years, 12 of which were due to Covid.

Story Highlights

"I have a 3-year-old son and both my partner and I work as servers. I've hired babysitters to stay with him at home and they have stolen my rent money, not shown up when they were supposed to or didn't take care of my child. When we have to work the same shift, we have had to take him to work with us and he plays in the corner of the restaurant. I can't get into child care and besides it won't cover the hours we work."

Relevant Data

- 825 - total number of children under the age of 5 in Lincoln County
- 69% are not in school (age appropriate programs)
- 68% have all parents employed
- 210 year-round child care slots, 11% unavailable due to staffing
- 221 school year slots (Head Start and Pre-K)
- No registered child care homes in the county, although two unregistered homes exist.
- No licensed year-round child care centers in the communities of Capitan, Hondo, Corona, or Lincoln.

Proposed Solutions

- **Start a campaign to increase licensed and registered family child care homes.**
 - a) Create PSAs to inform the public about family home child care options.
 - b) Provide ongoing in-person and virtual training on how to start family child care homes.
 - c) Provide state mentoring to support family child care homes.
 - d) Allow Home Visiting program to support caregivers in family homes as part of funded caseload.
 - e) Provide easy-to-complete state grants to modify or remodel homes to meet licensing standards.
- **Provide matching state funds to the existing Region 9 Education Cooperative's Early Childhood Center project for Head Start, Early Head Start, Home Visiting, and Developmental Services.** This 20,000 sq foot facility project will provide extended day services for children in the program and school-aged children as well.
- **Involve the NM Public Education Department in the after-school child care solution.** Schools have safe, age-appropriate facilities for children, thus, may provide options for after-school or extended day and weekend programs.

Executive Summary (cont)

Secondary Finding Economic Impact of Child Care Deficit

Problem

- A primary reason local businesses cannot find or keep employees is due to a lack of child care available to employees, or a lack of care available within non-traditional hours. There are no child care centers open past 5:30 pm. or on weekends.
- The largest local child care center cannot open 23 slots, because they cannot find employees who will work for the hourly wage offered.

Story Highlights

"I lost a great employee because she could not get child care in Ruidoso and had to move to Alamogordo where she had family to watch her child."

Relevant Data

- Art, entertainment, recreation, accommodation, and food services have one of the largest combined industries in Lincoln County at approximately 25% of the workforce. Typically, these are not 8:00-5:00 weekday jobs.
- The second highest workforce categories are education, health care, and social assistance. Likewise, health care and first responders traditionally do not work set schedules within typical business hours.
- The top two industries in Ruidoso are hospitality at 19.5% and health care at 13.6%

Proposed Solutions

- Increase Child Care Assistance for child care centers who offer nontraditional days and hours.
- Provide a financial incentive to child care programs providing nontraditional hours.
- Increase registered child care homes in general and provide nontraditional hours.
- Start a Family, Friends, and Neighbor program in Lincoln County to support additional child care options.
- Work with ENMU and dual credit high school students to take classes toward early childhood credentialing.
- Continue ECECD scholarships and incentives for child care staff and keep the campaign active.

Executive Summary (cont)

Tertiary Finding Unawareness of Child Care Assistance

Problem

- Families are unaware of Child Care Assistance and/or how to access it.
- When the Child Care Assistance threshold was raised, there was an influx of applications and limited personnel to handle the workload, thus impacting the processing time.
- Families who receive assistance are grateful, but many worry about how long the higher threshold will last and then what.

Story Highlights

"When the guidelines changed for Child Care Assistance I applied right away, but it has taken over 3 months to get an answer and none of the child care centers have space."

Relevant Data

- 89 children have child care assistance which is 42% of licensed slots.
- Of the families surveyed, 11% received assistance, 85% did not, and 4% did not answer.

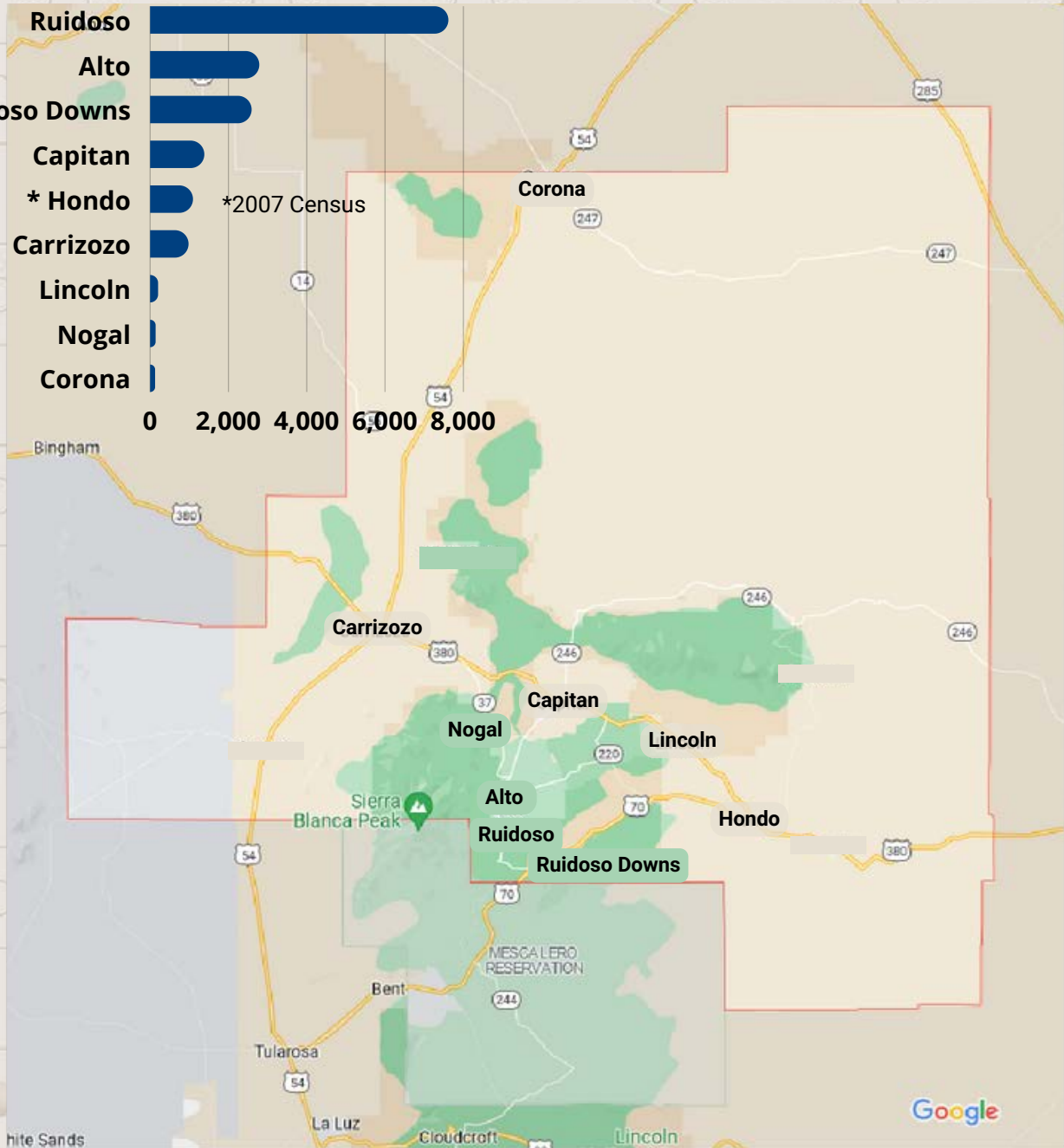
Proposed Solutions

- Ensure state commitment to sustainable child care assistance at current income thresholds.
- Simplify the assistance application process.
- Create PSAs and/or marketing campaigns to increase awareness of assistance.
- Increase child care options, such as family child care homes and Family Friends & Neighbors Networks.
- Identify a local liaison to navigate and assist those who have applied for assistance.

Lincoln County, New Mexico

Population by Community
2022 World Population Review

Square Miles
4,837 sq. mi.



Lincoln County Demographics & Social Indicators

Lincoln County is the 19th largest county in the State of New Mexico with a population of 20,436. The largest village is Ruidoso, which is a tourist community with art, entertainment, recreation, accommodation, and food services comprising one of the largest industry blocks, which typically offer lower-paying jobs. The poverty rate is 12.6% and unemployment is equal to the state at 4.4%. The villages are rural, which poses barriers to transportation and child care.

Average Income

2016-2020 US Census

Per Capita Income: \$27,892

Median Income: \$44,939

Education

2016-2020 US Census

HS graduates age 25 or older = 90.3%

BS graduates or higher 25.1%

Industry

Demographic Statistical Atlas

19.5% hospitality

13.6% health care

Languages Spoken in the Home

20.8% speak other than English

Mental Health

2020 HSD Data Sheet

Behavioral Health

FY 21 = 2058 served

Unemployment

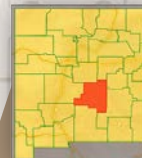
August 2022 Workforce Solutions

4.4% for Lincoln County

4.4% for New Mexico

Lincoln
County
Population

20,436



Poverty Level

2016-2020 US Census

16.9% for full county

12.6% for children 0-4

Crime Rate

BestPlace.Net

24.2% Violent crimes

22.6% US average

34.6% Property crimes

35.4% US average

Domestic Violence

2018 UNM School of Medicine

244 incidents

85 arrests (Sheriff Office info not included)

49 convictions

Race/Ethnicity

2020 US Census Quickfacts

White 59.7%

Hispanic 34.8%

Native 4.6%

Other 2.9%

Black 1.1%

COVID

2022 New York Times

6163 cases

70 deaths

Crisis Related Deaths

2020 NM IBIS

Overdose Related Deaths 40.5%

Alcohol Related Deaths 72.2%

Deaths by Suicide 25.6%

Substance Use Disorder (SUD)

2018 NM Community Collaborative

2140

Surveys from within the County

Families surveyed were asked to rate their experiences with health-related services, early childhood programs, food, housing, and transportation. Families selected health-related services in the 98%-100% range for "Average, Good, and Very Good." Results were similar for the Early Childhood Education program with a range of 93%-100% in the favorable area. Families were pleased with food resources with a 99% rating. Housing and transportation services were the lowest with a 61-63% satisfaction rating.

“

I direct a child care/pre-school program. We are approved for 61 slots but have only filled 23 of them because I don't have trained staff to work with more children. Qualified people apply but then are not interested when they learn that I can't match the \$15-\$20 hourly wage that businesses are offering.

”

“

Our child care program has to close early on Early Release days for the Public School since our employees' children have no place to go and they aren't eligible for our services. This makes it very difficult for our parents and their employers and reduces my staff's hours.

”

“

As a former child protective service worker, I recognize the importance of child care services as a protective factor for children. The risk of child abuse significantly increases when a mother leaves her children with an unrelated boyfriend in her absence. In my experience, child abuse occurs in these situations at higher rate than abuse by biologically related parents.

”



Community & Survey Demographics

Low-Income housing is located in the communities of Ruidoso and Carrizozo, with limited units. The housing vacancy rate is high, due to a large number of vacation homes and short-term rentals in the area. The renter's overburdened rate is over 40%, which means these renters are spending over 30% of their income on rent. The Village of Ruidoso is responding to the housing need with the construction of 67 affordable units. As the tourist town of Ruidoso swells significantly during the summer, the need for housing, service staff, and child care increases exponentially.

Professionals Locate Resources

- internet
- network of professionals
- health and wellness guide
- brochures
- social media

Lincoln
County
Population
20,436



Professional Barriers

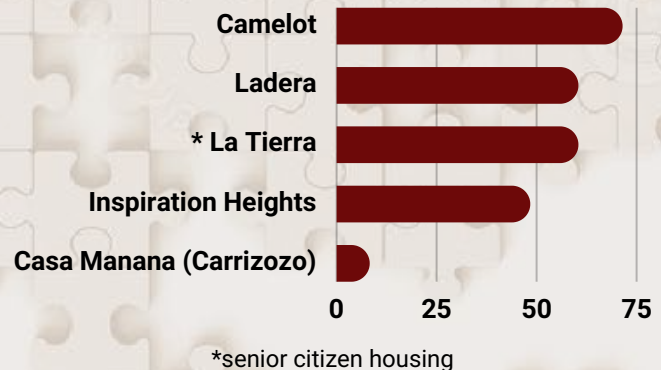
Area professionals cite the top five barriers to adequate services as lack of child care, housing, mental health care, and language.

Renters Overburdened
2022 Affordable Housing Online
40.61%

Housing Vacancy Rate
2020 Census Reporter
54% homes vacant

Short Term Rentals
2020 Airbnb; 2022 Verbo
approximately 2,000

Low income Housing Units
2022 Affordable Housing Online



Communities Speak through Surveys

Local businesses echo national concerns that housing and child care are the two main barriers to finding employees. Some attributed the shortage of employees to COVID assistance. When good employees are found, the absentee rate is impacted by a sick child and no child care.

Best Practices for Employee Retention

While some employers claim that nothing has worked and attributed Covid assistance to their shortage of employees, a number cited good pay and flexibility as key to their own success. Some employers successfully used INDEED to recruit new employees and believed their own willingness to assist employees with paperwork for Montessori or assistance applications as critically helpful.

“

After-hour child care doesn't exist in our area. My restaurant stays open until 8:00 p.m. This means that I'm not able to hire servers with small children with no child care. In order to keep the wait staff that I do have, I've been forced to close 2 days a week, and close early 2 days a week. Doing this hurts all of us as well as the community.

”

“

“I lost one of the best employees I've ever had because she could not find anyone or a center to care for her child. She brought her to work, she worked from home and she shed a lot of tears of frustration. She finally moved to the town where her parents live for child care help and got a great job!”

”

Barriers to Recruiting, Hiring, & Maintaining Employees

Two to one, the primary obstacle to hiring and maintaining full staff was the lack of affordable housing. Housing costs are extremely high, though the next greatest obstacles were the lack of child care for their employees. Because of these two reasons, there are fewer and fewer applicants for the many jobs available in the community.

What Can the Early Childhood Community Do to Help Support Your Employees?

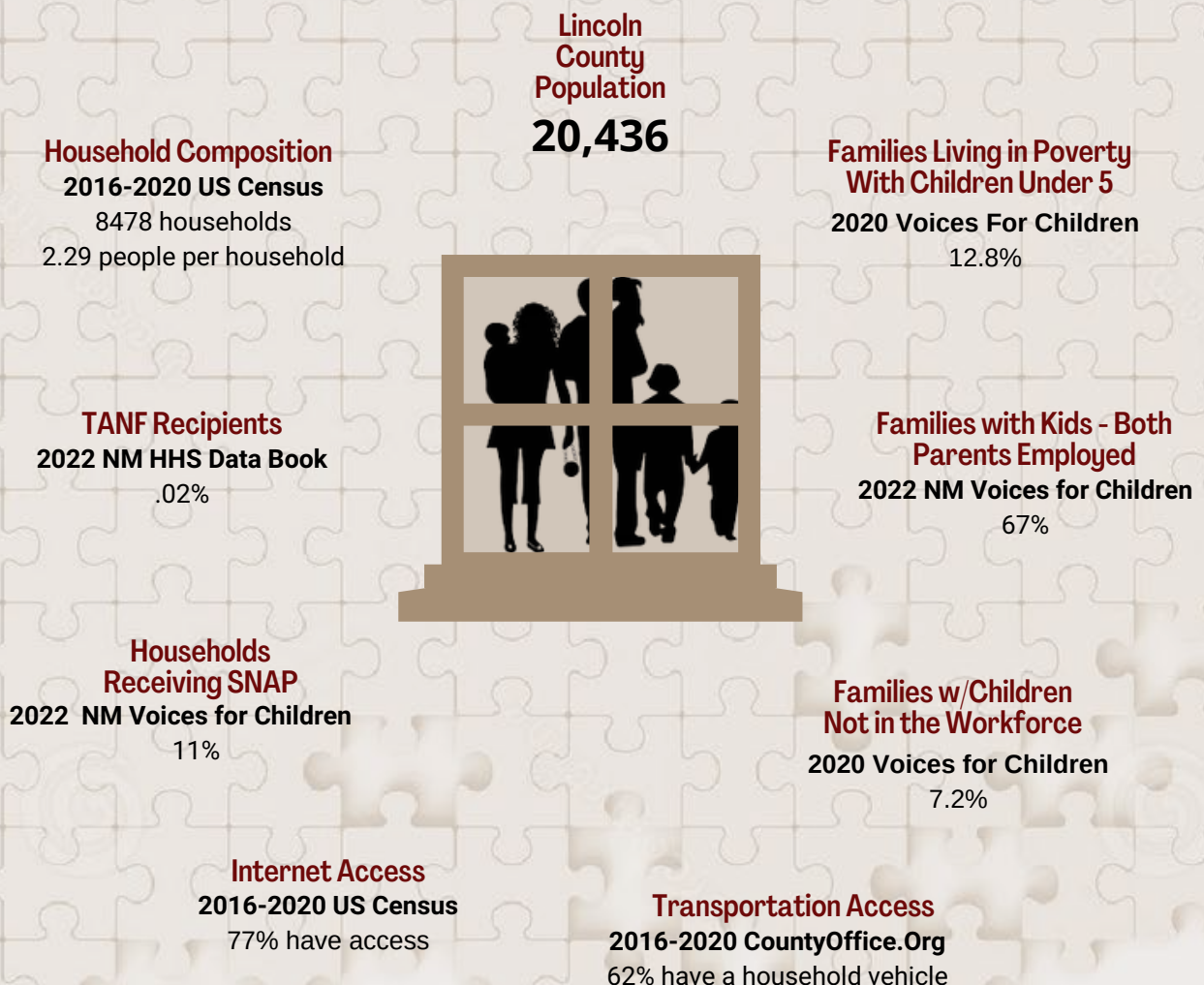
Employers routinely cited finding solutions to the child care shortage as the best way that the childhood community could aid the business sector. They particularly advocated for affordable child care that might support hours beyond regular nine-to-five positions for late night wait staff. They asked for child care that might be available through summer school breaks or early hour closing times.

Reasons for Employee Absence

Survey respondents from the business community notes that the primary reasons for employee absences related to their children, whether the child was sick or without child care. To a far lesser extent, the reason was their own illness.

Household Demographics

The data tells us that the majority of families are working, very little receive cash assistance, and a little over 10% receive SNAP. Children under five live in poverty at a rate of 12.8% compared to all individuals at 16.9%. The majority of households have internet and transportation; although, rates indicate that this remains a need for 23%-38% of the population. This information tells us that families are much more willing to work than receive government assistance and internet and transportation may be barriers to access services.



Home life as Told through Surveys

Throughout households in Lincoln County, the most common second language is Spanish and the majority of families work outside the home. Most have 4 members per family with the largest age group of children, being of pre-school age. About a quarter of respondents were willing to report that their family had been affected by substance use. This information supports the need for resources and early childhood programming.

“

My boyfriend and I moved to Ruidoso because we saw what fantastic salaries all the businesses were willing to pay. Of course, they didn't mention the child care situation. So, we moved to Ruidoso and struggled to find an apartment we could afford. Then we applied for jobs and had several offers.

But I was shocked when I started looking for someplace to leave our child. There was none so I'm having to stay home until I can find something. It's a good thing he is making pretty good money.”

”

Working Outside the Home

Survey participants were asked if they worked outside the home and 64.2% responded that they did, while 37.6% responded that they did not. When asked if their partner worked outside the home, 66.2% of partners worked outside the home, 16.6% did not, and 17.2% did not respond.

Household Language

English is the primary language of most of households in Lincoln County, though about 10% of those surveyed speak Spanish in the home, with about a third of respondents speaking a mix of Spanish and English.

Household Description

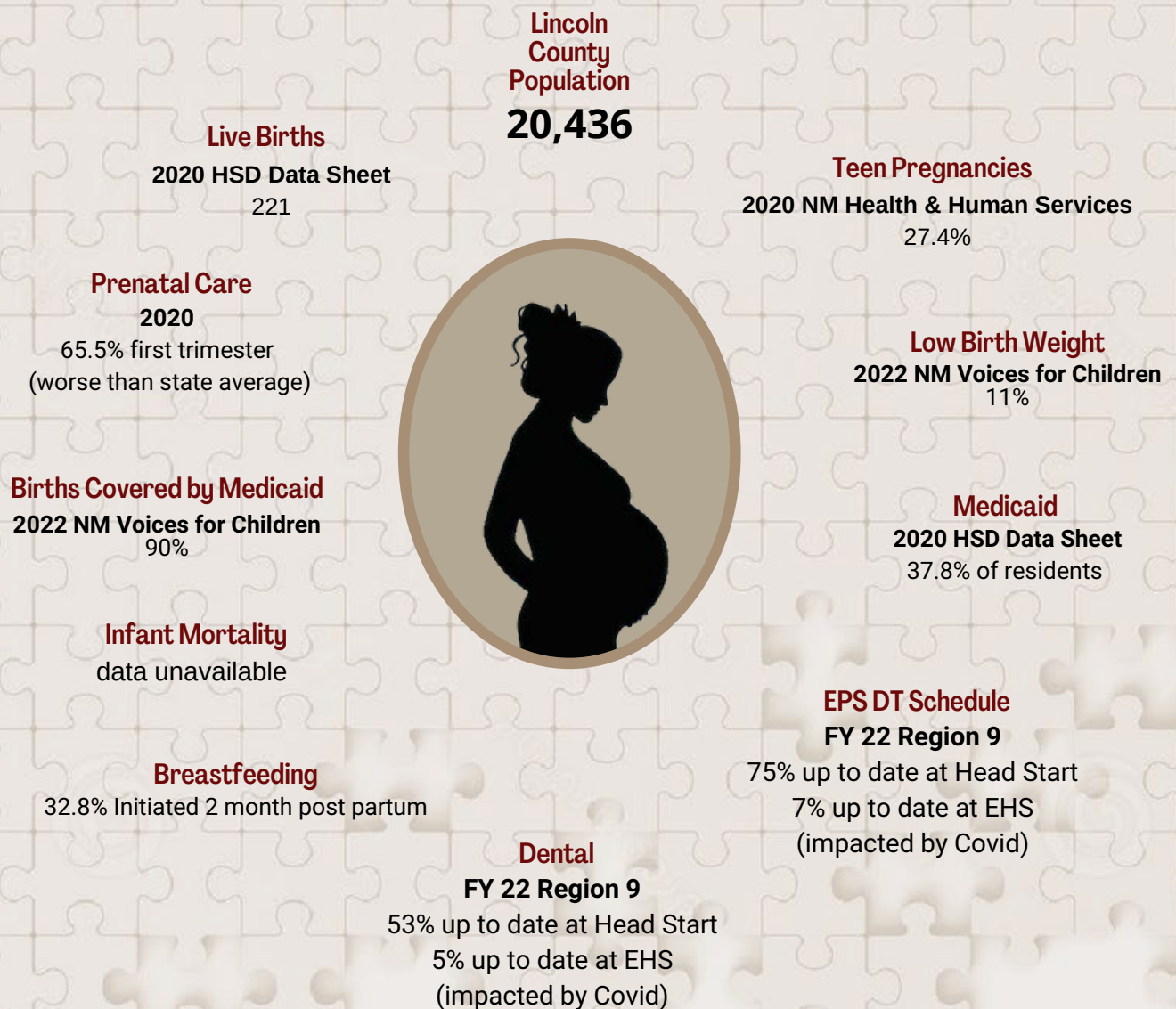
Of the survey respondents, 64% noted that they were a two parent household, while 26.9% responded that they were a single parent home. 8.4% were grandparent households, and a smaller 13% were either guardians or relatives.

Experiences with Substance Abuse

When asked if their family had been affected by substance abuse, 20% replied that they had. Only 17% of those noted attendance at a treatment program, with a mixed response as to the helpfulness of their treatment program.

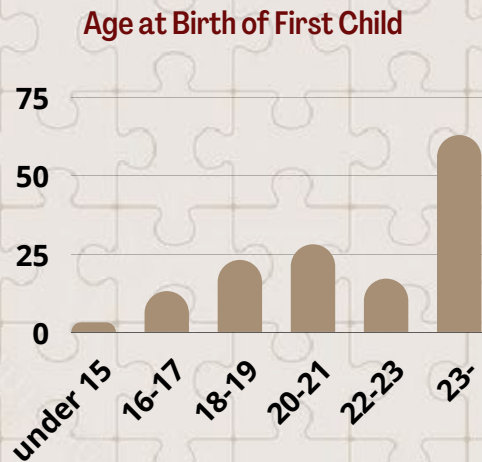
Health, Pregnancies, & Births

During the first year of the pandemic, 221 babies were born and a little over half received prenatal care during the first trimester. Over a quarter of the babies were born to teens. During the first two months of post-partum, over a quarter of moms initiated breastfeeding. These figures support the need for prenatal and infant toddler programs.



Concerns in Early Parenting

Stories from families consistently noted that finding child care adds a major stressor to their lives, and they often have been placed in situations of taking their child to work or quitting their job. Another parent expressed the need for access to more pediatricians in the area. This tells us that more child care and pediatricians are needed in the area.



“

My partner and I work as servers in the same restaurant. We try to work different hours in order to care for our little boy. But last week we both had to work at night. So that we could do this, our boss agreed to my bringing our son with some toys and put him in a corner.

”



“

I had a great job and my 1-year-old stayed with a friend. I'm going to have another baby and my baby sitter says she can't care for two children. I had to quit my job because I have not been able to find any child care for two children. This cuts out my income and that of my babysitter.

”



“

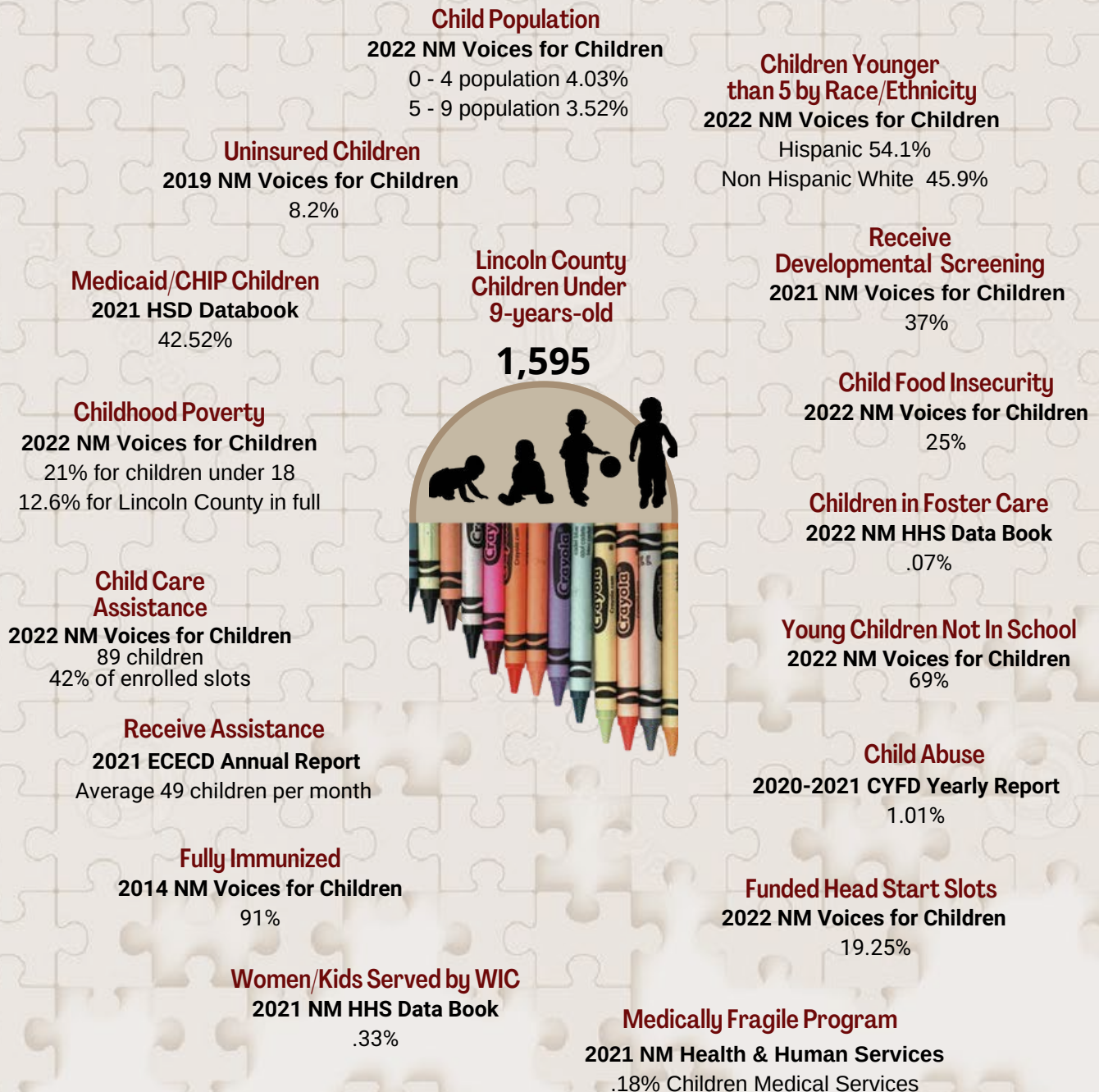
I have three children and can't find a pediatrician in Ruidoso! No one is taking new patients. I have to go to Roswell to the BCA which means driving every month because my one child needed to be seen every month. The gas cost is killing me. I'm so very frustrated.

”



Health & Well-being of Young Children

While there are many resources in the area that serve young children, the percentage of enrollment in some services is low. Many of the figures reflect the pandemic years; although, access and knowledge may be a barrier to involvement in these services, thus innovative forms of communication are needed. The long term effects of the pandemic are predicted to increase the need for services to children in the coming years.



Early Childhood Programs

Lincoln County offers a variety of programs available to families. The number of child care slots is concentrated in the Ruidoso area, with the largest center unable to open 23 slots due to staffing issues. There are no Family Home Child Care options or Family, Friend, and Neighbor programs. Although multiple programs exist, few child care slots are available to serve the need. Interviews with former child care providers indicate that over 30 child care slots have been lost in the last four years.

Lincoln County Children Under 9

1,595

Child Population

2022 NM Voices for Children

0 - 4 population 4.03%

5 - 9 population 3.52%

Developmental Services

Family Infant Toddler (FIT) Program

2022 Region 9 Educational Cooperative

7.42%

Pre-K

2022 Public Education Department

16 slots at Rocking Horse Pre-K

75 slots at Ruidoso School District

15 slots at Capitan School District



Funded Head Start Slots

2022 Region 9 Educational Cooperative

115 Head Start

44 Early Head Start

Home Visiting

2022 Region 9 Educational Cooperative

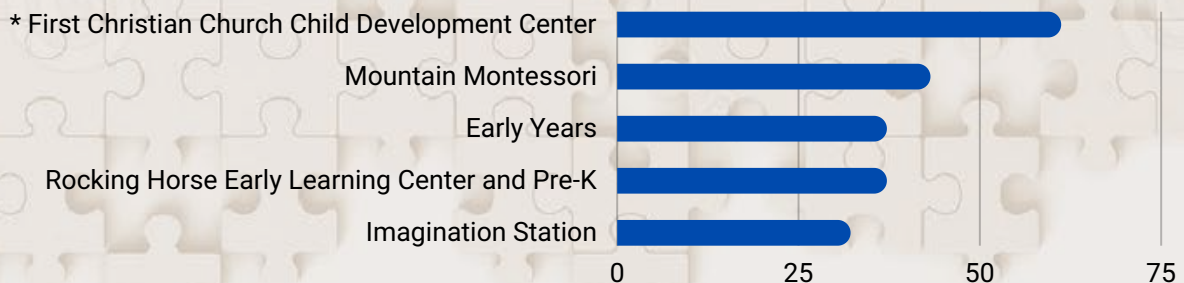
77 funded families

Families First

2021 Early Childhood Education & Care

19 families served

Child Care Facility Spaces



- 23 vacant slots due to staff vacancies

Searching for Child Care

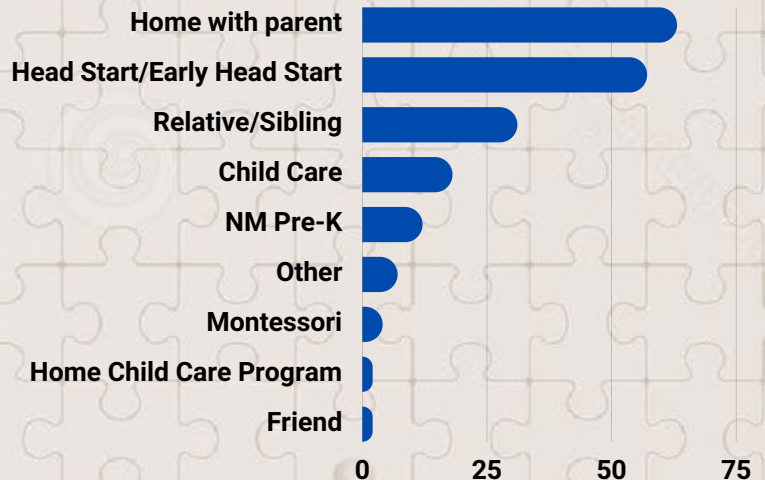
Over half of the families surveyed had issues with finding child care with the top 3 reasons being expense, vacancy/availability, or hours of operation. Some of the surveys were collected before the announcement of increasing the income threshold for Child Care Assistance. Many families used care from a parent at home, Head Start programs, or a relative or sibling. This tells us that more child care options are needed.

Difficulties Finding Daycare for Children

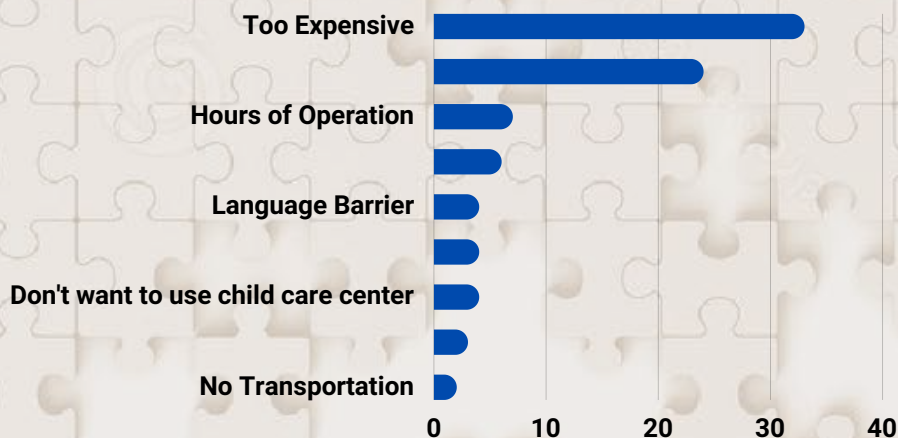
Of the survey responses, only 43.9% replied that they had no difficulties finding child care. Of those, the responses clearly showed that they had parents or other relatives helping them, or their child was in a Head Start program.



Daycare Used for Children



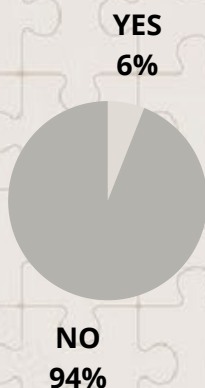
Underlying Reasons for Not Finding child Care



Assistance Challenges Told through Surveys

The majority of families surveyed did not receive Child Care Assistance, with just over 10% receiving the assistance and 6% seeking the services and being denied. Families are glad that the threshold has been raised, yet since there has been an influx in applications the wait time has increased for approval and the child care facilities are full. Additional options, such as centers, family child care homes, and/or Family, Friends, and Neighbors Program would support these families.

**Assistance Sought
& Denied**



**Assistance Sought;
Not Currently Receiving**

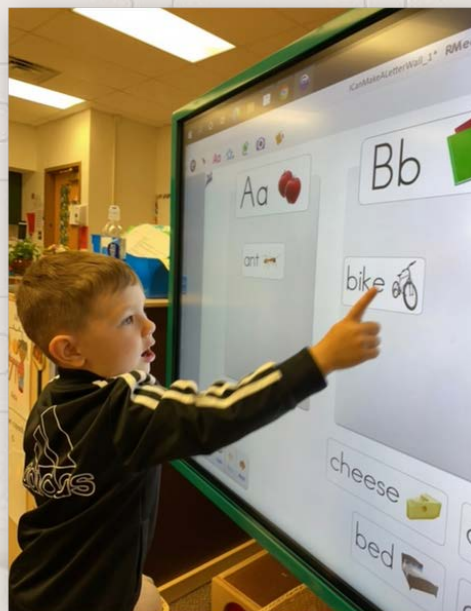


**Currently Receiving
Child Care Assistance**



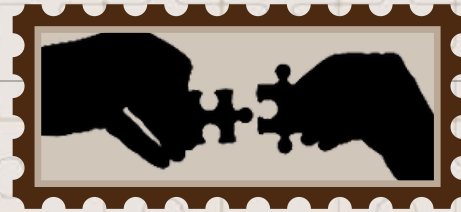
“ I want to finish my college associate's degree so I can get a job with the schools. I need child care for my son to do this and I can't find it. I'm on some waiting lists but I'm #64 with one center and #23 with another. I'm so disappointed. ”

“ I just learned that New Mexico is helping with child care right now. That's all good but then I have to get to Alamogordo for an appointment, wait for my papers to be approved and then... What good does that do me if I can't find anyplace for my two children to go? I don't know what to do. ”



Best Ways to Find Service Providers

Our families most easily find out information through social media, email and text, friends and relatives, and flyers/brochures as the top four choices. Newspapers, community agencies, outreach, and QR codes are the least. This tells us that communication through social media is the best way to reach families without ignoring other important avenues.



“

I finally reached the top of the waiting list and got called to come talk to the daycare. Then I found out that they had gone up on their charges and I couldn't pay it. That lady at the daycare helped me so much. She had the papers to fill out for the monthly charges. Then she called and got me an appointment. She also told me how to get transportation to the right office. I finally was approved and got my little girl in the daycare and now I have a job!

”



CONCLUDING INSIGHTS

The amazing strengths of Lincoln County reflect in its landscape and among people who live within the 4831 square miles. Yet, as New Mexico's 19th largest county by population, the working young families who live here need housing and child care to support their nontraditional work hours. These concerns, mirrored by businesses who are in post-pandemic recovery mode, note the difficulty in finding and keeping employees for the same reasons. These communities also show tremendous resilience in the face of wildfires and floods which increasingly challenge the area. Through the process of collecting data, surveying parents, professionals, and business owners, and listening to parents' stories, it's apparent that the lack of child care is a key factor in child-well being and economic growth. Parents should not have to take their child to work or forgo attending college for the lack of child care. We have heard from a former CPS worker that on many occasions child abuse has occurred after a child is left in the care of an unrelated partner who is not equipped to care for a young child. Not only is it heart-wrenching, but it's also preventable and needs to be addressed with sustainable solutions.

We have also learned that there are many local, state, and federally funded programs in the area, yet enrollment is lower than expected. This tells us that services are unknown, inaccessible, or other barriers exist between families and services. We learned how to reach families, and of the importance of strong marketing campaigns which critically link families with services. We know that one of the best ways to provide families in rural areas with quality care is through family child care homes, yet none exist in the county. Other options, such as the Family, Friend, and Neighbor program do not exist in the area as well. We also learned that 23 licensed slots are vacant due to a lack of staff; thus, child care centers are not immune to staffing issues, due to low pay.

The state has addressed some of these needs and increased the threshold for Child Care Assistance and provided scholarships and incentives for Child Care program staff and funds for centers to increase enrollment. This commendable response must become sustainable in order to take hold in our communities. Lincoln County needs these supports, as well as bricks and mortar, to improve existing buildings and match projects that lack the funds to make lasting facilities a reality.

As the PIECE Coalition moves forward from the information gained in this Community Needs Assessment, the membership looks to a better future for families of young children through our own commitment and through the support of the state. We look forward to strong partnerships to make these needs a concern of the past and a vibrant network of services commonplace in the future.





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ACKNOWLEDGEMENTS

Thank you to representatives from the following agencies, programs, and/or individuals who have been a part of the new and emerging PIECE Coalition. You have participated in various ways to support, collect, analyze, format, and review data to create and finalize the Community Needs Assessment. Your participation and feedback have been invaluable.

Early Childhood Educators: Eileen Histen, Nisha Hoffman, & Cindy Cary

Eastern New Mexico University, Ruidoso Branch

Families First

First Christian Church Child Development Center

Hope Harbor

ICAN-New Mexico State University, Extension Office

Income Support Division, Ruidoso Office

Lincoln County Community Health Council

Mountain Montessori

Parents: JoAnn Lumbrera & Brenda Martinez

PIECE Coalition Core CNA Team: Jan Holleman, Melina Romero, Susan Travis, & Linda Whitley

Region 9 Child Find

Region 9 Developmental Services

Region 9 Head Start & Early Head Start

Region 9 Home Visiting

Sierra Blanca Counseling Center

Southwest Regional Education Cooperative

The Counseling Center -Community Based Prevention, Intervention, and Reunification

The Policy Equity Group, LLC

UNM/Family Development Program

Women Infant & Children Program

A special thank you
to all the parents, businesses, and professionals
who work with families for completing surveys and sharing your stories.



R9 Community Early Intervention



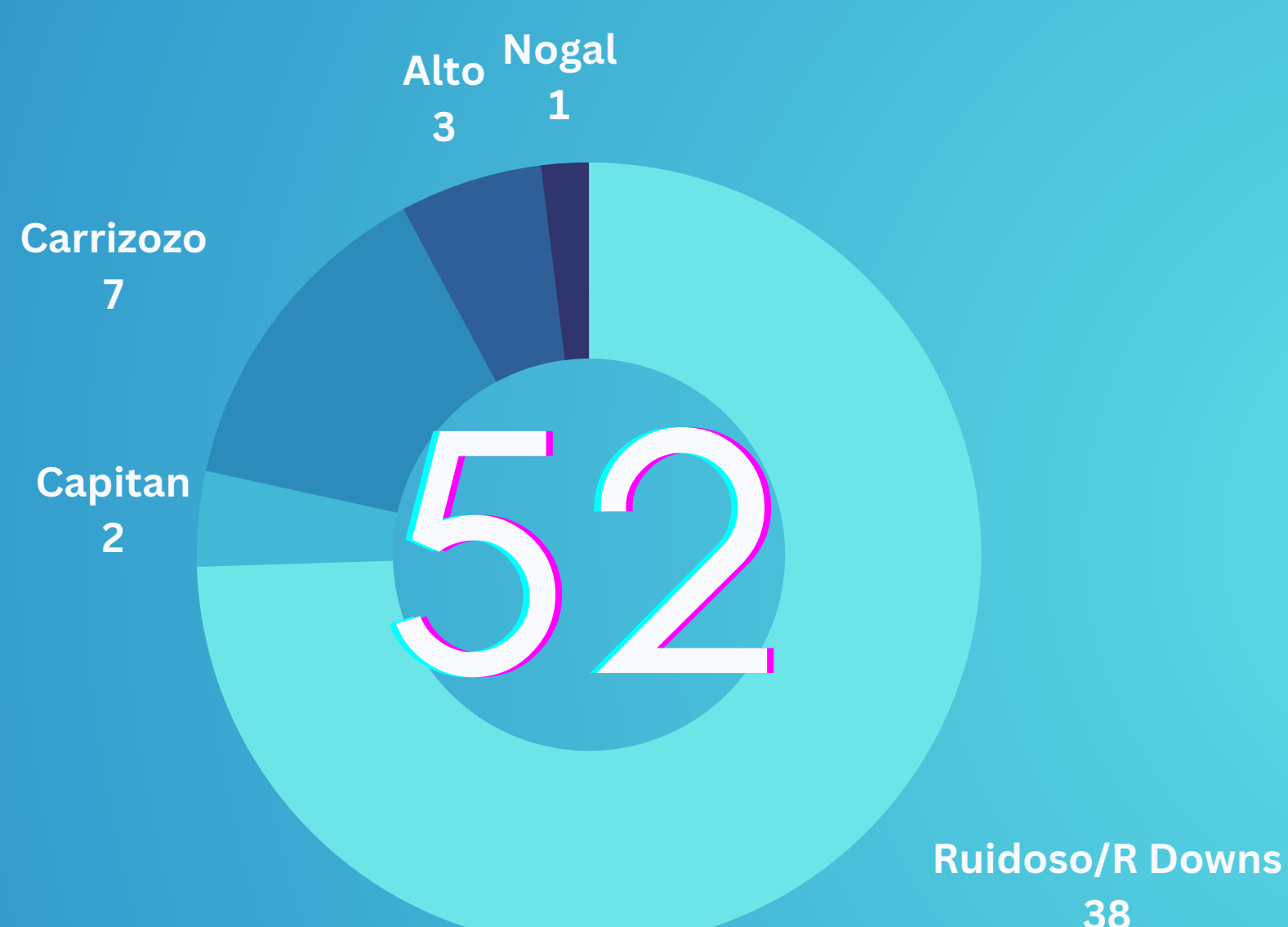
We are your innovative Regional Education Cooperative providing exceptional services to children, families, and communities across New Mexico.

R9 Developmental Services

Region 9 Developmental Services Program provides comprehensive developmental/early intervention activities that benefit families and children from birth through age three who have or may be at risk for developmental delays. All services are designed to educate, support, and strengthen the child's primary caregiver in the decision-making process regarding the developmental intervention services.

Birth - 3 Program

BIRTH -3 Program. No cap for enrollment. Take all referrals. Infants and Toddlers currently served:

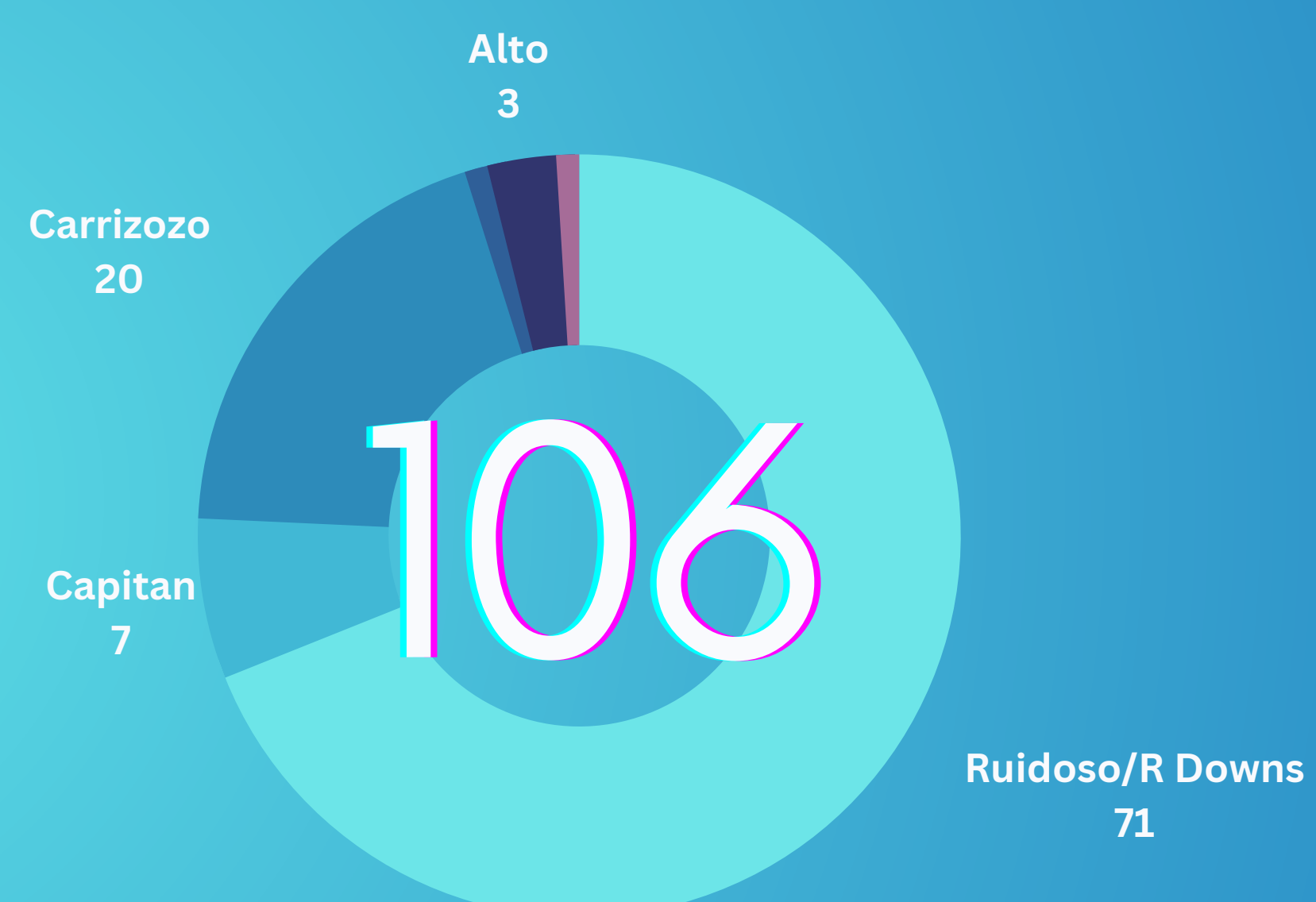


Infants/Toddlers Served



Home Visiting

Home Visiting – Prenatal – Age 5
Current Enrollment Families 75, Funded for 77 Families Serving 106 Infant and Toddlers



75 Families Served



PIECE Coalition

The PIECE Coalition is made up of individuals throughout Lincoln County who have a personal or professional interest in improving services to children and families. Led by a paid Coalition Coordinator and supported by an assistant, the coalition receives guidance from the program administrator. Together, this team organizes and plans meetings, recruits members, and meets funding deliverables. The PIECE Coalition does not have nominated positions nor does it hold elections. The Coalition is in the process of preparing decision-making guidance to ensure equitable representation. Region 9 Education Cooperative manages the Local Early Childhood Systems Building Grant; thus, oversight is provided by the Region 9 Coordinating Council.

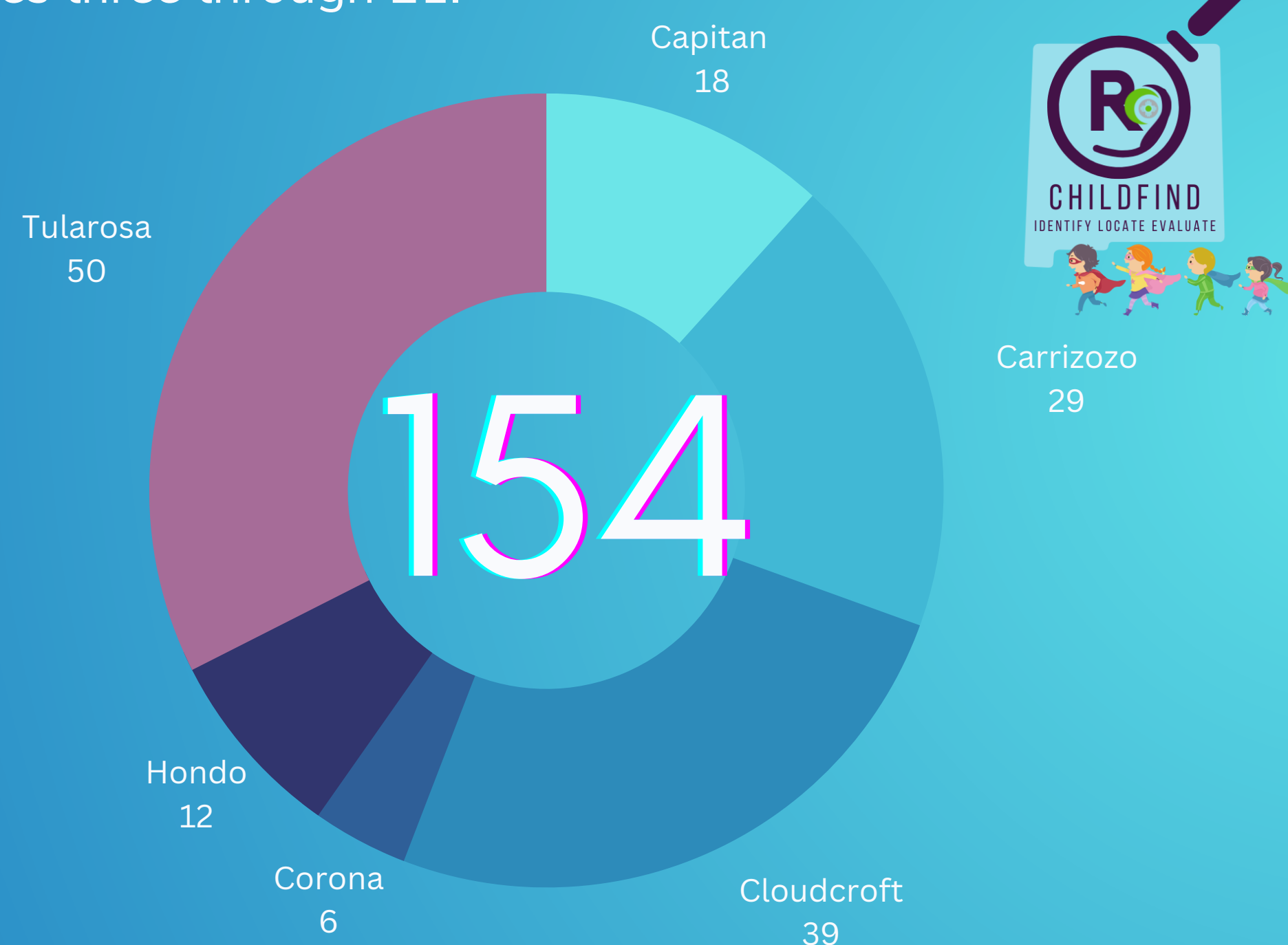


R9 Community Services Data:



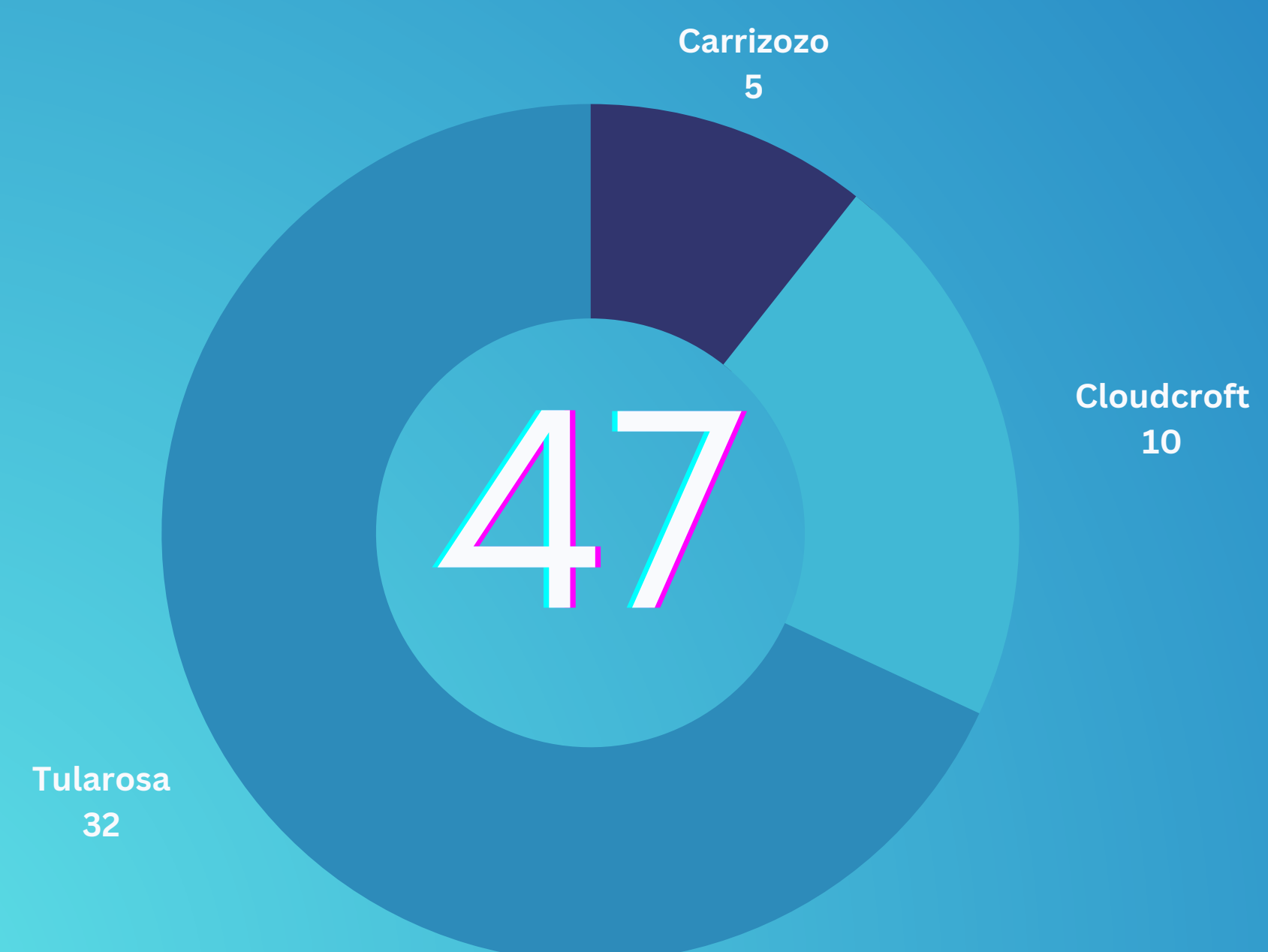
R9 Child Find Program: Number of Students / Families Screened

Child Find screenings help districts identify students who might need early intervention services. Comprehensive screenings provide valuable information to schools and families regarding the developmental needs of children. Free developmental screenings are provided in collaboration with communities and member school districts through Region 9 to help locate, identify, and evaluate children with developmental delays or disabilities ages three through 21.



R9 Educational Services

EARLY CHILDHOOD INTERVENTION REFERRALS DATA INCLUDES **31** REFERRALS FROM BIRTH - 3 PROGRAM AND **16** IDENTIFIED FROM R9 CHILD FIND PROGRAM



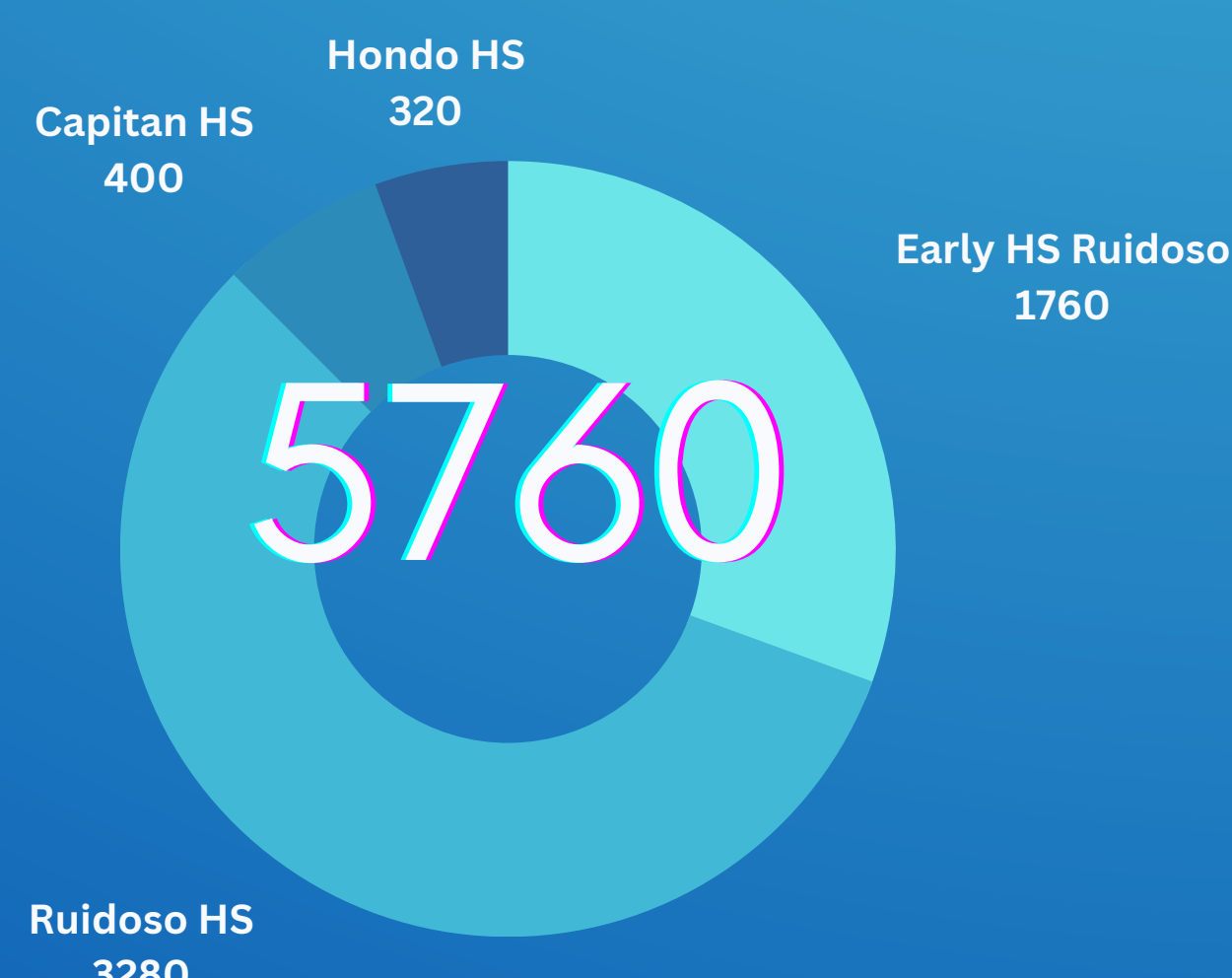
R9 Early Head Start and Head Start

Head Start/Early Head Start is a federal program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social, and other services to enrolled low-income children and families. In addition, services are also provided to meet the special needs of children with disabilities.

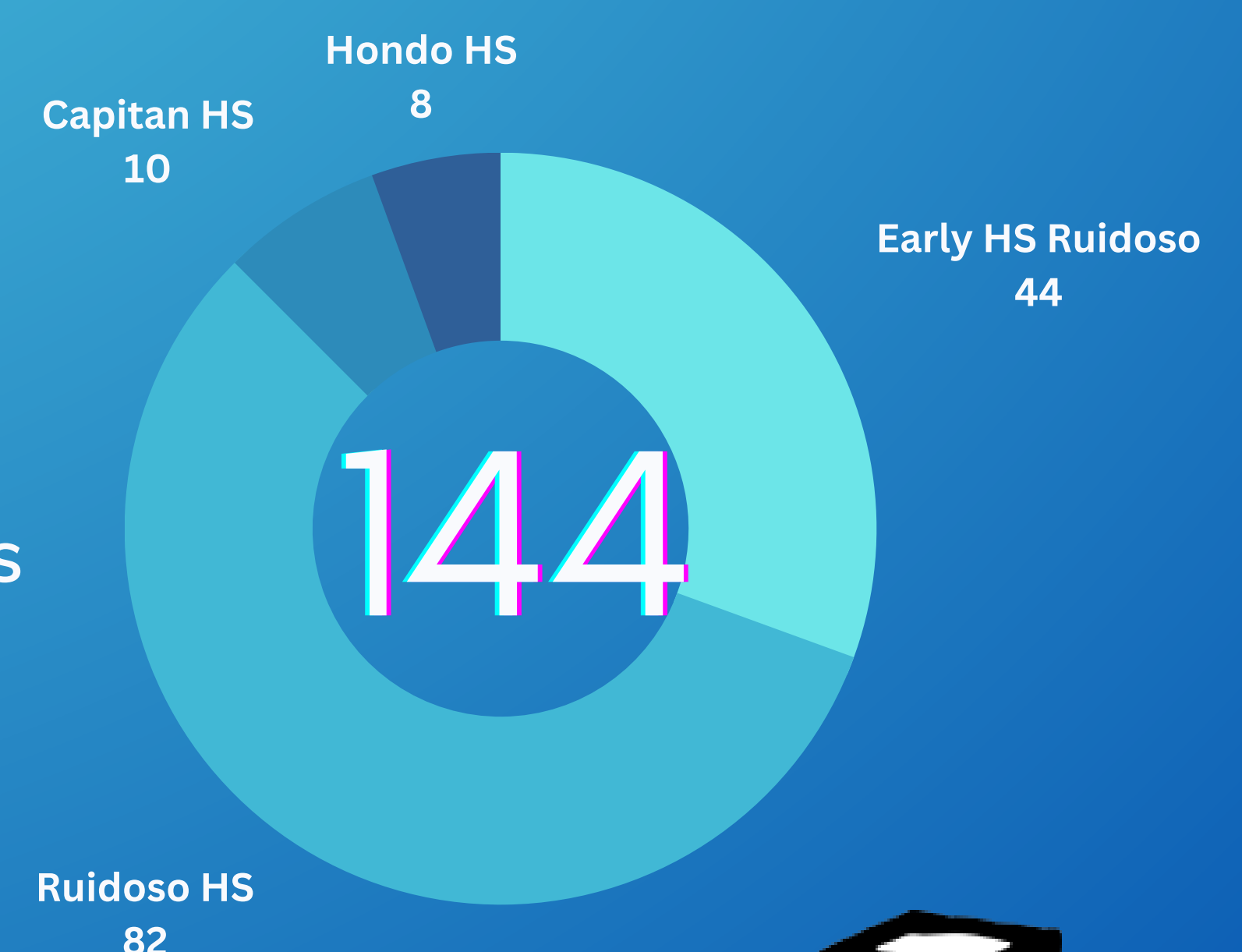
Family Contact for Early Childhood Engagement by: Early Head Start & Head Start

- Family and Community Engagement
- 3 Family Advocates
- Disability Manager
- Enrollment Coordinator
- Parent, Family, and Community Engagement
- Nutrition/Transportation Coordinator

Families receive a minimum of 5 contacts each from 8 staff to engage in activities related to early childhood each year. All activities are high quality and designed to create family involvement in each community. The result is annually 5,760 contacts.



Current Enrollment Children ages 6 weeks to 4 years.





County of Lincoln

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AGENDA ITEM NO. 27

SUBJECT:

Consideration and Direction Regarding Resolution 2023-62 - Approval for the Prominent Display of the Ten Commandments, the Declaration of Independence, and the United States Constitution on the Wall Behind the Commissioner's Bench

Tuesday, June 20, 2023

RESOLUTION NO. 2023-62

**Approval for the Prominent Display of the Ten Commandments, the Declaration of Independence,
and the United States Constitution on the Wall Behind the Commissioner's bench**

WHEREAS, the Lincoln County Board of Commissioners meeting in regular session on June 20, 2023, recognizes that the United States of America and its Civil Society are founded upon the values and principles reflected in the Mosaic Decalogue, the Declaration of Independence, and the United States Constitution, and that they are foundational to the Country's formation and to the governance of our great nation.

WHEREAS, these United States, the State of New Mexico, and the Citizens of Lincoln County suffer the effects of senseless violence, pernicious crime, rampant drug addiction and alcoholism, epidemic child and domestic abuse, destruction of the nuclear family, and all manner of degradations to the civil society.

WHEREAS, the citizens of Lincoln County deserve positive affirmation and reassurance that their County Commission respects, represents, and follows the principles that provide the underpinning of our nation's founding in all its deliberations and decisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Lincoln, approves, at no cost to the county, the Prominent Display of the Ten Commandments, the Declaration of Independence, and the United States Constitution on the Wall Behind the Commissioner's bench.

PASSED, APPROVED AND ADOPTED this 20th day of June 2023.

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

Todd F. Proctor, Chairman Dist. 1

Jon F. Crunk, Vice Chairman, Dist. 3

Mark G. Fischer, Member Dist. 5

Pierre S. Pfeffer, Member Dist. 4

Samantha J. Serna, Member Dist. 2

ATTEST:

Shannan Hemphill, County Clerk



County of Lincoln

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AGENDA ITEM NO. 28

SUBJECT:

Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances

Tuesday, June 20, 2023



County of Lincoln

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AGENDA ITEM NO. 29

SUBJECT:

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); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining Negotiations, Section 10-15-1, Subparagraph (H)(F)

Tuesday, June 20, 2023

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

June 20, 2023

**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. **Board of County Commissioners of Lincoln County v. Roger Romero D-1226-CV-2018-00055**
Complaint for Foreclosure. Complaint was filed February 20, 2018. Defendant Roger Romero filed an Answer to the Complaint asserting a Counterclaim to be filed in the U.S. District Court on April 2, 2018. A Judicial Inquiry Hearing took place September 4, 2018. The case is still pending.

2. **Roger Romero v. State of New Mexico – D-1226-CV-2018-00113 (Underlying Cases are: Board of County Commissioners of Lincoln County v. Roger Romero, D-1226-CV-2018-00055, and State of N.M. v. Roger Romero M-30-MR-2016-00142)** A Petition for Writ of Habeas Corpus was filed requesting that the Judgment & Sentence entered by Judge Vega in Cause No. M-30-MR-2016-00142 be vacated and set aside. George Romero's Answer to Complaint and Counterclaim was filed April 30, 2018 in Cause No. D-1226-CV-2018-00055. On February 26, 2019, an Order Setting Aside Conviction was entered by Judge Counts.

On March 25, 2019, a Notice of Appeal was filed with the N.M. Supreme Court, Case No. S-1-SC-37602 On January 8, 2021, the Supreme Court entered its Dispositional Order of Transfer transferring the case to the Court of Appeals for consideration and review.

On January 28, 2021, a Dispositional Order was entered transferring the case to the NM Court of Appeals for consideration and review. Case No. A-1-CA-39446 On December 8, 2022, the case was submitted to a 3 Judge Panel for a decision and, the case is still pending.

3. **Romero, et al. v. Stone, et al, Cause No. D-1226-CV-2019-00271** Request for Appointment of Guardian Ad Litem for Plaintiffs and Complaint for Violation of Civil and Constitutional Rights, Negligence, Prima Facie Tort and Wrongful Taking was filed on October 9, 2019 along with a Jury Demand. Lisa B. Riley is the presiding Judge. The case is still pending.

4. **Brd. of County Commissioners of Lincoln County v. Amerisourcebergen Drug Corp., et. al – U.S. Dist. Court Case No. 2:19-cv-00462** – Complaint for Public Nuisance, Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)... filed on May 20, 2019 by Attorneys Robles, Rail & Anaya, P.C., et. al. After receiving no oppositions to the transfer of the case, on June 17, 2019, the case was transferred to the Northern District of Ohio noting that as of December 5, 2017, 1,534 cases have been transferred to Ohio for further proceedings. Settlement has been reached with some of the Defendants and, Lincoln County has begun to receive payments from some of the settling Defendants. The case is still pending.

5. **Greentree Solid Waste Authority v. Lincoln County, Cause No. D-1226-CV-2014-00095** – Compromise and Settlement Agreement and Release executed on December 17, 2015.

6. **Debra Wilcox v. Board of County Commissioners, Deputy Samuel C. Hanna, Caroline McCoy and Former Sheriff Robert Shepperd, Cause No. D-1215-CV-2021-00574** Complaint for Damages was filed on the 2nd day of September, 2021 by Steven Sanders alleging personal injury resulting from an improper and grossly negligent investigation and for “malicious abuse of process”. County Defendants were served on November 2, 2021. The case is still pending.

7. **Eby Revocable Trust AND William R. Moser v. Lincoln County Assessor, et al, Cause No. D-1226-CV-2021-0260** A Notice of Appeal of Decision of Tax Protest Board was filed on the 14th day of December, 2021 by Attorney Zach Cook. On January 27, 2022, New Mexico Counties assigned Attorney Daniel Macke to represent Lincoln County. The case is still pending.

8. **Crystal Buster v. Board of County Commissioners for Lincoln County, Correctional Solutions Group, LLC, et al, Cause No. 2:21-cv-01208** A Complaint for Recovery of Damages Caused by the Deprivation of Civil Rights with a Jury Demand was filed on the 12th day of December, 2021, by Coyte Law P.C., and the Law Offices of Matthew Vance, P.C. The case is still pending.

9. **Lionel Burns v. Lincoln County Sheriff’s Department; Deputy Daniel Brawley; in their individual and official capacities, and Rhonda Burns, Cause No. D-1226-CV-2022-00032** A Complaint for Damages was filed on the 4th day of March, 2022, by Clayton E. Crowley, Esq. and Joseph J. Gribble, Esq.

On April 22, 2022 the case was removed to the U.S. District Court for the District of New Mexico, Cause No. 1:22-cv-000304. The case is still pending.

10. **Potential Recovery of County of Lincoln Losses from the McBride / Nogal Fires**

11. **Butch’s Properties, LLC v. Vera Cruz Ranches, et al, Cause No. D-1226-CV-2022-00166** A Complaint to Quiet Title was filed on the 18th day of August, 2022 by Attorney William Griffin. Lincoln County was served on the 26th day of August, 2022, and filed its Answer to the Complaint on the 26th day of September, 2022. The case is still pending.

12. **Rosarita Brady, et al v. The Board of County Commissioners of the County of Lincoln, et al, Cause No. D-1226-CV-2022-00199** A Verified Complaint was filed by Attorneys Alexandra Bobbit and McKenzie St. Denis on the 27th day of September, 2022. Lincoln County was served on the 22nd day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6th day of January, 2023. A hearing on Defendants’ Motion to Dismiss took place on May 1, 2023. A ruling on the Motion to Dismiss has yet to be entered.

13. **BB Lane, LLC / 137 Bluebelle Lane** Violation of Lincoln County’s Lodgers’ Tax Ordinance.

14. **Kendallco, LLC / 29276 Hwy. 70** Violation of Lincoln County’s Lodgers’ Tax Ordinance.

15. **Copper Ridge Homeowners Association, LLC v. Len Stokes, et al, Cause No. D-1226-CV-2022-00133**. A Complaint for Declaratory Judgment was filed by Plaintiff on July 1, 2022 and an Amended Complaint was filed on August 4, 2022. On January 11, 2022, Judge Daniel A. Bryant entered an Order allowing Plaintiff to further amend its complaint to join the County of Lincoln as a Defendant based upon the County’s ownership of Lot 4A in the Copper Ridge Subdivision. The County has yet to be served with the Second Amended Complaint.

Tort Claims Notices Received or Threatened

2023

Ornelas, Mark – Tort Claim Notice received on January 4, 2023, alleging injuries sustained on October 11, 2022, as a result of an automobile accident / rollover of the Detention Center Transport Van owned by Lincoln County while being transported from Eddy County Detention Center to Lincoln County Detention Center.

Booth, Marcus – Tort Claim Notice received January 26, 2023, alleging injuries sustained by Claimants head due to the actions by staff of the Lincoln County Detention Center and staff's refusal to take Claimant for medical treatment.

Ramos, Heber – Tort Claim Notice received on February 17, 2023, alleging Civil Rights Violations and injuries sustained while Mr. Ramos was incarcerated at the Lincoln County Detention Center.

Smoley, Cinthia – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, she was subjected to a conspiracy of constitutional deprivations when she was unlawfully removed from her home at 105 Bluebird Lane, Ruidoso, NM. Her claims include that: she sustained injuries while being detained, she was abused during her incarceration at the Lincoln County Detention Center, she was assigned a Public Defender without her consent, and that all of her pets were immediately euthanized by the Lincoln County Humane Society the day of her arrest. Claimant has named the following agencies in her claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Smoley, Robert – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, he was subjected to a conspiracy of constitutional deprivations when he was unlawfully removed from his sister's home at 105 Bluebird Lane, Ruidoso, NM where is resided. His claims include that he was abused during his incarceration at the Lincoln County Detention Center, he was assigned a Public Defender without his consent, and that all of his pets were immediately euthanized by the Lincoln County Humane Society the day of his arrest. Claimant has named the following agencies in his claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Provine, Allison – Tort Claim Notice received March 14, 2023, referencing the Lincoln County Sheriff's Office stating: "faulty tail light"

Mendoza, George – Tort Claim Notice received March 20, 2023, alleging that on or about December 10, 2022, Lincoln County Medical Center and/or its agents fell below the standard of care resulting in injuries and damages to Claimant.

Cummins, Sara – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Dorgan, K.C. – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Soden, Sue – Tort Claim Notice received March 31, 2023, alleging that on or about March 1, 2022 and continuing thereafter to on or about April 12 and May 5, 2022, Lincoln County Medical Center and/ or its agents fell below the standard of care resulting injuries and damages to Claimant.

***Vargas, Luis A.** – Tort Claim Notice received June 7, 2023, alleging personal injuries sustained during a motor vehicle collision as a result of a large pothole. Claimant alleges that the Village of Ruidoso, Lincoln County and/or the State of New Mexico may have an exposure for liability in connection with this loss.

2022

Schwartz, Neil – Tort Claim Notice received on February 10, 2022 alleging malicious and/or tortious actions and/or omissions by the State of New Mexico, the Lincoln County Sheriff's Department, the New Mexico State Police, and the Twelfth Judicial District Attorney's Office resulting in damages to Claimant including, but not limited to, infliction of mental pain and suffering, injuries to Claimant's reputation, and current and future loss of earnings.

Downs, Barbara – Tort Claim Notice received May 6, 2022 alleging improper road and/or waterline maintenance resulting in a vehicle collision due to the icy road at the intersection of Sudderth Drive and Paradise Canyon in Ruidoso, New Mexico. A 2nd Tort Claim Notice was received on May 9, 2022 for a separate source with the same allegations as those set out in the May 6, 2022 notice.

McMinn, David – Tort Claim Notice received on July 6, 2022, alleging multiple, serious issues due to the use of excessive force by BIA law enforcement who may have been agents of or acting on behalf of the Village of Ruidoso, Ruidoso Police Department, Lincoln County, N.M. State Police and the State of New Mexico.

New Mexico Boys and Girls Ranches, Inc. and its Employee, Bridgman, Ted – Tort Claim Notice received on August 9, 2022, alleging violation of civil rights and tort claims act, including a demand to cease and desist and the return of promotional materials confiscated by County representatives at the Lincoln County Fair.

Estates of Wesley Clark and Linda Clark – Tort Claim Notice received on October 11, 2022 alleging wrongful deaths as a result of the McBride Fire due in part to faulty siren warning systems.

Snodgrass, Joshua – Tort Claim Notice received on November 2, 2022 concerning loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

Grassie, Kurtis - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

2021

Cervantez, Adam - Tort Claim Notice received on July 8, 2021 alleging the use of excessive force and related constitutional claims during his arrest on April 22, 2021.

Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van – Tort claim Noticed received on July 27, 2021. Claimants each allege damages to personal and real property as a result of the extraordinary flooding experienced throughout Lincoln County.

Myers, Sylvia – Tort Claim Notice received August 30, 2021 alleging that Lincoln County Medical Center's treatment fell below the standard of care.

Siegel, Erik – Tort Claim Notice received August 30, 2021 alleging deprivation of rights involving tort, constitutional rights, and other claims.

White, Lionel Glenn, Jr., and family members and tenants, Ralph Nosker and his family members, Barbara Arthur and her family members, and Barlou, LLC – Tort Claim Notice received September 16, 2021 alleging inundation by water resulting in damages to existing roadways and parking in the Gavilan Canyon Road area which are all located within the municipality of the Village of Ruidoso.

Smoley, Cinthia – On November 8, 2021, Ms. Smoley submitted to the Lincoln County Treasurer's Department a Statement dated 11/2/2021, for "Arbitration Award/monies due for default".

Vonderane, Glenn – Tort Claim Notice received October 19, 2021 alleging personal injury while using a staircase at the Village of Ruidoso public parking lot located at 151 Center Street.



County of Lincoln

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AGENDA ITEM NO. 30

SUBJECT:

Approval of Revisions to Sheriff's Deputies Omnibus Crime Bill Act/HB 68 Guidelines

Tuesday, June 20, 2023

**Lincoln County Sheriff's Office
Omnibus Crime Bill Act/HB68
Spending Guidelines**

I. PURPOSE

To provide an outline on the distribution of funds received from the Department of Finance (DFA) under the Omnibus Crime Bill Act/HB68, that will increase the investigative capacity of the Lincoln County Sheriff's Office, by providing recruitment and retention stipends to its Sheriff's Deputies.

II. ALLOCATION DISBURSEMENT AMOUNT

Two Hundred Eighty-One Thousand Two Hundred Fifty Dollars and Zero Cents (\$281,250.00) over three years to be utilized in accordance with the provisions of HB68, funded by DFA, to be distributed as follows:

- a. 1st distribution will be a 100% disbursement up to \$112,500.00 for the 1st year to be expended by June 30, 2023.
- b. 2nd distribution will be a 50% disbursement up to \$112,500.00 for the 2nd year with payment to be made in July 2023, to be expended by June 30, 2024.
- c. The last distribution will be a 25% disbursement up to \$56,250.00 for the 3rd year with payment to be made in July 2024, to be expended by June 30, 2025.

III. DEFINITIONS

- a. Law Enforcement Officer (Sheriff's Deputy), means any commissioned employee of a Law Enforcement Agency that is part of or administered by the State or any political subdivision of the State, and includes any employee of a missile range civilian police department who is a graduate of a recognized certified regional Law Enforcement training facility and who is currently certifiable by the academy, which employee is responsible for the prevention and detection of crime or the enforcement of the penal, or traffic or highway laws of this State.
- b. Commissioned means an employee of a Law Enforcement Agency who is authorized by a Sheriff or Chief of Police to apprehend, arrest, and bring before the court all violators within the Law Enforcement Agency's jurisdiction.
- c. Stipend is a fixed sum of money paid periodically for services or to defray expenses, termed a "fee" or "stipend" rather than a salary or wage, that is subject to employment taxes, with payments made according to the policies of the governing entity, County of Lincoln.

- d. Eligibility date is the date of the first year's distribution of March 21, 2023, the date of which these guidelines were reviewed and approved by the Board of County Commissioners in Lincoln County, with the date of eligibility for the following two years starting on July 1st of that particular year running through June 30th of the following year.
- e. Quarterly payments are payments made to commissioned certified Sheriff's Deputies that will be distributed at the end of March, at the end of June, at the end of September, and at the end of December of each year; every three months.
- f. Payment amount is the amount that will be paid to each commission certified Sheriff's Deputy that will be calculated on a yearly basis determined by the number of eligible Certified Deputies employed and by the amount allotted by DFA.

IV. PROCEDURES

To establish appropriate guidelines on the use of funds, including recruitment and retention stipends during the first year of eligibility on or after the eligibility date in the amount of \$6,250.00 per certified commissioned Sheriff's Deputy for the 1st year and with retention stipends to be administered on a quarterly basis for the second and third years of disbursement, to all certified commissioned Sheriff's Deputies or when a newly hired Sheriff Deputy becomes certified through the State of New Mexico, with stipend amounts being determined by what is allocated by DFA for the 2nd and 3rd years, on those who met the following:

- a. A person who is not certified as a Law Enforcement Officer pursuant to the New Mexico Law Enforcement Training Act upon employment with the Lincoln County Sheriff's Office, provided that the recipient successfully obtains such certification, and who is:
 - 1. Newly hired, uncertified, and has been employed with the Sheriff's Office for three months, has successfully graduated from the New Mexico Law Enforcement Academy, and plans to remain with the Sheriff's Office for an additional year.
 - 2. Newly hired, certified individual by another Law Enforcement training program that is comparable to or exceeds the standards of the programs of the New Mexico Law Enforcement Academy, as outlined in the New Mexico Law Enforcement Training Act, has been employed with the Sheriff's Office for three months, who has completed the Certification by Waiver of Previous Training, and plans to remain with the Sheriff's Office for an additional year.
- b. A person who is certified as a New Mexico Law Enforcement Officer pursuant to the Law Enforcement Training Act upon employment and commissioned with the Lincoln County Sheriff's Office, and is a
 - 1. Newly hired New Mexico certified Law Enforcement Officer who has been employed with the Sheriff Office for three months and who plans to remain with the Sheriff's Office for an additional year.

- c. A person who is certified as a Law Enforcement Officer pursuant to the Law Enforcement Training Act currently employed and commissioned by the Lincoln County Sheriff's Office, and is an
 - 1. Employed New Mexico certified Sheriff's Deputy who plans to remain employed with the Lincoln County Sheriff's Office for an additional year.
- d. A Deputy who volunteers to receive a stipend agrees to remain employed with the Lincoln County Sheriff's Office for an additional year, with that year to be determined by the issue date of that stipend at that time. If a Deputy chooses to leave the Lincoln County Sheriff's Office before the end of a particular stipend period, they may be subject to reimbursing the County of Lincoln for money received.



County of Lincoln

PO Box 711 * 300 Central Ave. * Carrizozo, New Mexico 88301-0711 * (575) 648-2385

www.lincolncountynm.gov

AGENDA ITEM NO. 31

SUBJECT:

Approval of Resolution 2023-64 a Resolution on BLM's Proposed Rule on Conservation and Landscape Health

Tuesday, June 20, 2023

RESOLUTION 2023-64

RESOLUTION ON BLM's PROPOSED RULE ON CONSERVATION AND LANDSCAPE HEALTH

WHEREAS, Lincoln County promotes the productive use, conservation and restoration of all lands and natural resources in Lincoln County; and

WHEREAS, Lincoln County is focused on protecting private property rights, protecting County customs and cultures, and the economy and tax base necessary for both the well-being of the people and the landscape; and

WHEREAS, Lincoln County's economic past, present and future is dependent on responsible public usage, with the top two industries, recreation and agriculture, being tied to Bureau of Land Management ["BLM"] lands; and

WHEREAS, BLM maintains approximately 17% (~528,659 acres) of the 34% (~1,057,318 acres) controlled by the Federal Government in Lincoln County (~3,109,760 acres); and

WHEREAS, the good condition of much of BLM's land in the County gives credit to the multigenerational ranchers, hunters, recreationists, and others who use these lands responsibly and sustainably, often working to leave the landscape in better condition for future users; and

WHEREAS, many users have invested significant sums to reclaim and restore lands that enhance ecosystem health, functionality, and biodiversity; and

WHEREAS, the healthy populations of wildlife are a direct result of the water and forage improvements ranchers have made on BLM lands; and

WHEREAS, by elevating "conservation" as a "use" under the Federal Land Policy Management Act of 1976 ["FLPMA"], BLM has created a route to remove all other uses from the landscape through the use of conservation leases; and

WHEREAS, with the Proposed Rule's significant impact on the environment and far-reaching implications; a National Environmental Policy Act ["NEPA"] analysis should be accomplished. BLM's rationale for using a categorical exclusion does not adequately explain its position; and

WHEREAS, if Areas of Critical Environmental Concern ["ACECs"] nominations are received outside of the land use planning process, "Interim Management" may be evaluated, considered, and implemented to protect relevant and important values until the BLM completes a planning process to determine whether to designate the area as an ACEC, allowing the BLM to start managing potential ACECs in their inventories as ACECs without going through the planning process and potentially without any input from states, local government, or the affected communities. This "Interim Management" would be a clear violation of FLPMA; and

WHEREAS, the County anticipates the Proposed Rule will have significant negative, far-reaching detrimental impact on land management in the County; and

WHEREAS, the County is concerned that activities such as vegetation management, livestock grazing, hunting, dispersed camping, road improvements, or many other activities could be considered inconsistent with conservation leases and the new “Intact Landscapes” management concept; thus, threatening many of the productive activities currently occurring on BLM Lands; and

WHEREAS, while there may be some value in a program for states or local governments to hold conservation leases, the question of how much land taken out of the public use is enough; the Proposed Rule does not allow for any effective state or local government involvement in conservation leasing; and

WHEREAS, while BLM’s FAQ’s document addresses some of these concerns, none of the responses are codified in the rule and therefor are not mandated nor enforceable under this rule; and

WHEREAS, the County’s and its citizen’s future is dependent on the continuation of multiple-use and sustained productive yield on BLM lands.

NOW THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners opposes implementation of this Proposed Rule as drafted; and

FURTHER, BE IT RESOLVED, that BLM’s rationale for using a categorical exclusion does not adequately explain its position and, as such, the County recommends BLM conduct an environment impact study IAW NEPA; and

FURTHER, BE IT RESOLVED, the County of Lincoln Board of County Commissioners requests the Proposed Rule be set aside in favor of a new, collaborative process with New Mexico and New Mexico Counties coming to the table.

PASSED, APPROVED AND ADOPTED this 20th day of June, 2023.

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

Todd F. Proctor, Chairman
District I

Jon F. Crunk, Vice-Chairman
District III

Mark G. Fischer, Member
District V

Pierre S. Pfeffer, Member
District IV

Samantha J. Serna, Member
District II

ATTEST:

Shannan Hemphill, County Clerk

RESOLUTION 2023-64

RESOLUTION ON BLM's PROPOSED RULE ON CONSERVATION AND LANDSCAPE HEALTH

WHEREAS, Lincoln County promotes the productive use, conservation and preservation of all lands and natural resources in Lincoln County; and

WHEREAS, Lincoln County is focused on protecting private property rights, protecting County customs and cultures, and the economy and tax base necessary for both the well-being of the people and the landscape; and

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WHEREAS, many users have invested significant sums to reclaim and restore lands that enhance ecosystem health, functionality, and biodiversity; and

WHEREAS, the healthy populations of wildlife are a direct result of the water and forage improvements ranchers have made on BLM lands; and

WHEREAS, by elevating "conservation" as a "use" under the Federal Land Policy Management Act of 1976 ["FLPMA"], BLM has created a route to remove all other uses from the landscape through the use of conservation leases, and

WHEREAS, with the Proposed Rule's significant impact on the environment and far-reaching implications; a National Environmental Policy Act ["NEPA"] analysis should be accomplished. BLM's rationale for using a categorical exclusion does not adequately explain its position; and

WHEREAS, if Areas of Critical Environmental Concern ["ACECs"] nominations are received outside of the land use planning process, "Interim Management" may be evaluated, considered, and implemented to protect relevant and important values until the BLM completes a planning process to determine whether to designate the area as an ACEC, allowing the BLM to start managing potential ACECs in their inventories as ACECs without going through the planning process and potentially without any input from states, local government, or the affected communities. This "Interim Management" would be a clear violation of FLPMA; and

WHEREAS, the County anticipates the Proposed Rule will have significant negative, far-reaching detrimental impact on land management in the County; and

WHEREAS, the County is concerned that activities such as vegetation management, livestock grazing, hunting, dispersed camping, road improvements, or many other activities could be considered inconsistent with conservation leases and the new “Intact Landscapes” management concept; thus, threatening many of the productive activities currently occurring on BLM Lands; and

WHEREAS, while there may be some value in a program for states or local governments to hold conservation leases, the question of how much land taken out of the public use is enough; the Proposed Rule does not allow for any effective state or local government involvement in conservation leasing; and

WHEREAS, while BLM’s FAQ’s document addresses some of these concerns, none of the responses are codified in the rule and therefor are not mandated nor enforceable under this rule; and

WHEREAS, the County’s and it citizen’s future is dependent on the continuation of multiple-use and sustained productive yield on BLM lands.

NOW THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners opposes implementation of this Proposed Rule as drafted; and

FURTHER, BE IT RESOLVED, that BLM’s rationale for using a categorical exclusion does not adequately explain its position and, as such, the County recommends BLM conduct an environment impact study IAW NEPA; and

FURTHER, BE IT RESOLVED, the County of Lincoln Board of County Commissioners requests the Proposed Rule be set aside in favor of a new, collaborative process with New Mexico and New Mexico Counties coming to the table.

PASSED, APPROVED AND ADOPTED this 20th day of June, 2023.

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

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District I

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Mark G. Fischer, Member
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Pierre S. Pfeffer, Member
District IV

Samantha J. Serna, Member
District II

ATTEST:

Shannan Hemphill, County Clerk

As currently written, the LANRAC recommends the Lincoln County Commissioners oppose the Proposed Rule for the following reasons. The LANRAC wants to go on record for supporting conservation of all lands, public and private, and the natural resources in Lincoln County and the rest of the United States. We fear this proposed rule would significantly, fundamentally alter the future management of BLM lands to the detriment of recreation, livestock grazing, mineral extractions, renewable energy production, and other common uses on BLM's lands within Lincoln County.

1. This proposed rule proposes to define "conservation" as a "use" within FLPMA's multi use framework. This reframing of FLPMA's "multiple use" definition would contravene FLPMA and violate Federal case law in *Public Land Council v. Babbitt*.
 - a. The proposed rule could push BLM lands into a protection-oriented management regime more akin to the National Park Service than an agency statutorily obligated to promote multiple use and sustained yield.
 - b. By elevating conservation as a "use" under FLPMA, BLM has created a route to remove all uses from the landscape through the use of conservation leases. While no other use has the ability to remove another use from the landscape, conservation leases "would not override valid existing rights or preclude others, conservation leases "...would not override valid existing rights or preclude other, subsequent authorizations so long as those subsequent authorizations are compatible with the conservation use." The rule makes it clear that valid and existing rights, other multiple uses, will be held hostage to conservation leases; a clear violation of the multiple use mandate.
2. The proposed rule is not needed.
 - a. Conservation and restoration are not a use but a land management process and goal. As such, land conservation and restoration activities should be included in any land use plans required under FLPMA.
 - b. BLM has the means to engage the public in public lands conservation, currently fails to fully utilize these tools. Instead, BLM is promoting a new rule that provides no new meaningful tools while opening the door for administrative and legal challenges to bedrock federal lands law, i.e., FLPMA, Taylor Grazing Act, etc.
3. The BLM is in the process of revising several interdependent BLM land use plans/programs: Conservation and Landscape Health (43 CFR 1600 and 6100), 2012 Western State Solar Plan, and BLM's Grazing Regulations (43 CFR Part 4100). Because these efforts are interdependent, it is recommended all three efforts be synchronized so that the public can understand enormity of these efforts and how overall management of these lands will change.
 - a. These efforts have fully embraced the NEPA process. With the Proposed Rules significant impact on the environment and far-reaching implications; an NEPA analysis should be accomplished. BLM's rationale for using a categorical exclusion does not adequately explain its position.

- b. Conducting an environmental impact study would allow counties to identify conflicts between the County's land and resource plans.
4. The Proposed Rule states that if ACEC nominations are received outside of the land use planning process, "interim management may be evaluated, considered, and implemented to protect relevant and important values until the BLM completes a planning process to determine whether to designate the area as an ACEC. Potentially allowing the BLM to start managing potential ACECs in their inventories as ACECs without going through the planning process and potentially without any input for states, local government, or the public. This "interim management" would be a clear violation of FLPMA if it resulted in a "change of the management or use of public lands" prior to formal designation.
5. BLM outlines a new land management concept of protecting "Intact Landscapes". Intact Landscapes are defined as "...an unfragmented ecosystem that is free of local conditions that could permanently or significantly disrupt, impair, or degrade the landscape's structure or ecosystem resilience, and that is large enough to maintain native biological diversity, including viable populations of wide-ranging species. Intact landscapes have high conservation value, provide critical ecosystem functions, and support ecosystem resilience." While the specific activities that would harm these intact landscapes are not identified in the Proposed Rule, the County is concerned the different forms of multiple use such as pinyon-juniper removal projects, livestock grazing, renewable energy development, mining, oil and gas exploration, road improvements, dispersed camping, prescribed burning to reduce wildfire fuel, and many other activities could be deemed to "disrupt, impair, or degrade". Thus, threatening many of the activities currently occurring on BLM lands.

In conclusion, while BLM's FAGs document address many of these concerns, none of the responses are codified and are not mandated under this rule. The continuation of current multiple-use and sustained yield management approach is essential for Lincoln County's social-economic future.

As currently written, the LANRAC recommends the Lincoln County Commissioners oppose the Proposed Rule for the following reasons.