

COUNTY OF LINCOLN

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



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

Ira Pearson, County Manager

AGENDA

Board of County Commissioners – Regular Meeting

May 16, 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. April 18, 2023, Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month Ending April 30, 2023
 - c. Upper Hondo Soil & Water Conservation District Mill Levy Rate
 - d. Guadalupe Soil & Water Conservation District Mill Levy Rate
 - e. Claunch-Pinto Soil & Water Conservation District Mill Levy Rate
 - f. Chaves Soil & Water Conservation District Mill Levy Rate
 - g. Appointment of Billy Roberts to the Lincoln Historic Preservation Board
 - h. Approval of Public Celebration Permit – Noisy Water Winery
 - i. Approval of Retaining RBC Capital Markets, LLC as the Municipal Advisor
 - j. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
 - k. Approval of Resolution 2023-54, Policy for the Acceptance of Debit/Credit Cards or Electronic Means for Payment of Utilities and Related Services

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

Tuesday, May 16, 2023

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- l. Approval of Resolution 2023-56, Resolution Setting a Deadline for the Timely Submission of Requests by Special Districts Located Within the County of Lincoln for Mill Levy Funding
 - m. Approval of Resolution 2023-57: Liquor License Fees
 - n. Approval of Memorial Day Proclamation – Monday, May 29, 2023
8. Board of Finance – Lincoln County Treasurer, Sherrie Huddleston
9. Approval of Budget Adjustment FY 22/23 by Resolution 2023-52
10. 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
11. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
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
 - b. Ordinance No. 2020-04 Page 4, Paragraphs D, E and F as it Relates to Revising the Current Established Fees
 - 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
 - d. Adoption of the Preliminary Budget by Resolution 2023-53 Fiscal Year 2023-2024
13. Lincoln County Detention Center Update – Warden, Ross Castleton
14. Lincoln County Medical Center Update – Todd Oberheu
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.
 - b. Consideration of a Variance/Exception from Resolution 2021-41, PER DIEM AND MILEAGE POLICY, Section 3. D.5.
16. Lincoln County Office of Emergency Services:
 - a. Updates on Structure and Wildfires in Lincoln County

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

- b. Outside Agency/County Cooperation and Command Structure During Fire Events
 - c. Approval of Resolution 2023-55, Declaration of Fire Danger Emergency
 - d. Consideration of the Sub-Grant Agreement Between the Department of Homeland Security and Emergency Management and the County of Lincoln
17. Canvass Capitan Schools Special Election, Lincoln County Clerk, Shannan Hemphill
18. Lincoln County Public Works:
- a. Approval to Issue Request for Proposal – Solid Waste Services
 - b. Approval to Adjust Invalid Solid Waste Charges with Manager Oversight
 - c. Alarm Permit Violation:
 - 1. Approval of the Release of Liens – Charles Welch
 - 2. Approval of Claim of Lien in the amount of \$2,000 – Charles Welch
 - d. Consideration and Approval of Gate Repair – Sonterra Compactor Site
19. Economic Development
- a. Local Economic Development Act (LEDA) Introduction
 - b. U.S. Economic Development Administration Funding Opportunities – Discussion and Direction
20. Award of Electrical On-Call Services for the County of Lincoln RFP #22-23-5
21. Manager's Report
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	h. Event: Summer Concert Series #12 Bruno Tribute Amount Request: \$2,000.00 Date(s) of Event(s): August 14 & 15, 2023 Presenter: Matt Ingram
b. Event: Smokey Bear Stampede Amount Requested: \$40,000.00 Date(s) of Event (s): July 1-4, 2023 Presenter: Renee Montes	i. Event: Summer Concert Series #13 Little Joe Amount Request: \$2,000.00 Date(s) of Event(s): August 18 & 19, 2023 Presenter: Matt Ingram
c. Event: White Oaks Miners' Day Amount Requested: \$5,465.00 Date(s) of Event(s): August 19, 2023 Presenter: Susan Gerke	j. Event: Summer Concert Series #14 Depeche Mode Amount Request: \$2,000.00 Date(s) of Event(s): August 25 & 26, 2023 Presenter: Matt Ingram
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	k. Event: Cowboy Festival Amount Request: \$10,000.00 Date(s) of Event(s): September 29 & 30, 2023 Presenter: Matt Ingram
e. Event: Summer Concert Series #9 Randall King Amount Request: \$2,000.00 Date(s) of Event(s): July 21 & 22, 2023	l. Event: Old Lincoln Days/Marketing Plan Amount Request: \$18,600.00 Date(s) of Event(s): August 4-6, 2023

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

Presenter: Matt Ingram	Presenter: Tim Roberts
f. Event: Summer Concert Series #10 WAR Amount Request: \$2,000.00 Date(s) of Event(s): July 28 & 29, 2023 Presenter: Matt Ingram	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
g. Event: Summer Concert Series #11 Anything Selena/Bobby Pulido Amount Request: \$2,000.00 Date(s) of Event(s): August 4 & 5, 2023 Presenter: Matt Ingram	

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
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)
25. Discussion and Direction Regarding Leasing the Small House Located on the Fairgrounds Property in Capitan, NM
26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances
27. Signing of Official Documents
28. Next meetings:
 - a. June 13, 2023, Special Meeting Canvass Village of Capitan Election
 - b. June 20, 2023, Regular Commission Meeting
29. Adjourn



County of Lincoln

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www.lincolncountynm.gov

AGENDA ITEM NO. 6

SUBJECT:

Approval of Minutes:

- a. April 18, 2023, Regular Commission Meeting

Tuesday, May 16, 2023

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 April 18, 2023

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 18, 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 Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

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

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

3. Invocation

The Invocation was presented by Commissioner 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 Crunk, **Seconded by** Commissioner Fischer.

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

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

50 **6. Approval of Minutes:**

- 51 a. March 1, 2023, Special Commission Meeting
52 b. March 21, 2023, Regular Commission Meeting
53

54 **Motion:** Approve the Minutes of March 1, 2023 Special Commission Meeting and the March 21,
55 2023 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Fischer,
56 **Seconded by** Commissioner Pfeffer.

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

58 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk,
59 Chair Proctor.
60

61 **7. Approval of Consent Agenda**

- 62 a. Payroll/Accounts Payable/Budget/ Expenditures
63 b. Treasurer's Financial Report for the Month Ending March 31, 2023
64 c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
65 d. Restricted Housing Report - Quarter Ending March 2023
66 e. Approval of Proclamation Declaring the Month of May as Motorcycle Awareness
67 Month
68 f. Approval of Resolution 2023-48 Disposition of Surplus Inventory
69 g. Approval of Resolution 2023-49 a Resolution for a Variance from the Ordinance
70 No. 2004-5, Allowing Temporary Vendors and Structures at Special Events in
71 Lincoln, New Mexico
72 h. Approval of Resolution No. 2023-51 A Resolution Confirming Lincoln County to
73 Participate in the New Mexico Department of Transportation Project Fund Call for
74 Projects
75

76 Treasurer Huddleston provided the 3rd quarter Treasurer's Financial Report.
77

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

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

81 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk,
82 Chair Proctor.
83

84 **SEE EXHIBIT A:** Copies of the Consent Agenda items including Resolution 2023-48,
85 Resolution 2023-49 and Resolution 2023-51 are attached hereto in reference thereto made a
86 part hereof.
87

88 **8. Approval of Budget Adjustment FY 22/23 by Resolution 2023-47**
89

90 Manager Pearson detailed the budget adjustments requested.
91

92 **Motion:** Approve Budget Adjustment FY 22/23 by Resolution 2023-47, **Action:** Adopt, **Moved by**
93 Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

95 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk,
96 Chair Proctor.
97

98 **SEE EXHIBIT B:** Copy of Resolution 2023-47 is attached hereto in reference thereto made a
99 part hereof.

100
101 **9. Forest, Land & Natural Resources Matters:**
102

103 a. Smokey Bear Ranger District
104

105 Jennifer Thomas, Smokey Bear Ranger District, introduced Eric Luna as the acting forest
106 supervisor until the position is filled. Ms. Thomas stated they were monitoring the fire indices and
107 considering a change from moderate to high.
108

109 David Baker, Ecologist for the Lincoln National Forest, provided an update on the forest revision
110 plan. Mr. Baker stated there were over 475 comments and the next step was the objection
111 process. Mr. Baker explained they made some revisions on the forest usage mostly in Otero
112 County; however, it would affect Lincoln County as well. Mr. Baker stated the Fish and Wildlife
113 Service would submit a biological assessment for opinion. Mr. Baker provided a timeline of events
114 to include the final impact statement in July, notice of availability in September, a 60-day objection
115 period from September to November and Resolution meetings through December. Mr. Baker
116 stated the decision would be signed in March 2024.
117

118 b. Lincoln County / NMSU Extension Services
119

120 Melanie Gutierrez, Lincoln County Extension Service, provided an update on the different projects
121 being worked on in the County. Ms. Gutierrez spoke on Egg to Chick which was a program in the
122 Fourth Grade Class in Capitan where they discussed the process and biology of the chickens.
123 Ms. Gutierrez stated unfortunately no chicks made it after 3 weeks, so the children were unable
124 to see the full process. Ms. Gutierrez explained YGA which was a weeklong camp 13 kids from
125 Lincoln County attended. Ms. Gutierrez stated she would be attending a weeklong leadership
126 conference in Arizona. Ms. Gutierrez stated they were also working on Ag Days in Carrizozo for
127 the Elementary and Junior High students.
128

129 c. South Central Mountain RC & D
130

131 Laura Doth, South Central Mountain RC&D, provided an update on the Rio Bonito WUI. Ms. Doth
132 explained the Emergency Watershed Protection Program and stated they would be working on 2
133 new dirt tanks, one for the Village of Ruidoso and the second on private property. Ms. Doth
134 explained they completed the excavation at Lower Homestead however, they are continuing the
135 excavation on Airplane Canyon. Ms. Doth stated they were waiting for the permits so they could
136 begin working on the river by the Racetrack. Ms. Doth detailed the placement of the waddles on
137 private property with the help of about 100 students from the High School through the Eco
138 Servants program. Ms. Doth stated they submitted an application to NM Game and Fish to get
139 funding for parking areas in new ohv designated areas.
140

141 d. Upper Hondo Soil & Water Conservation District
142

143 Robert Barber, Upper Hondo Soil & Water Conservation District, informed they continue to work
144 in Nogal Canyon on the WUI and EWP projects including mastication, reseeding and installing
145 waddles. Mr. Barber stated they were waiting for the NRCS to redesign gabion baskets which
146 would be placed in the river to protect a house and they were looking to shore up two bridges. Mr.
147 Barber provided the quarterly report.
148

149 e. Land and Natural Resources Advisory Committee-LANRAC
150

Robert Barber, LANRAC, stated they attended the forest revision plan meeting and they had submitted comments, so they had standing and were watching for the objection period. Mr. Barber informed they were working with the BLM on grazing rules, the Solar management energy plan coordinating agreement which hadn't been updated since 2012, and a proposed rule change for the conservation and landscape health of public lands which was published on April 3 with comments due June 20. Mr. Barber stated they were looking to revise their Land Use Resolution 2017-25.

10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Chair Proctor toured the new dispatch center and attended many meetings including the wilderness plan meeting in Roswell, the Solid Waste workshop, and the regional legislative update in Roswell where it was learned the County Detention facilities transportation had never been paid to the County. Chair Proctor stated he was hopeful that they could get some more information and hopefully some funding from detention facilities transportation.

Commissioner Crunk stated he was on the Eastern New Mexico Workforce Board and the State Workforce Board, and he explained the UFO (Unearthing Future Opportunities) project. Commissioner Crunk explained the UFO program showed students real life jobs which don't require University Diplomas. Commissioner Crunk stated he liked to see involvement in the community; however, the Commissioners get a lot of emails from people who had never attended a Commission meeting, telling them how to do their jobs. Commissioner Crunk stated each meeting is started with an invocation and the pledge to the flags and they recognize the people who attend the meeting and are involved in their community; however, at the last Republican meeting there was a cheering crowd in support of the Constitution, the Bill of Rights, the Ten Commandments and other documents being hung on the walls of the Commission Chambers. Commissioner Crunk stated if they had attended Commission Meetings, they would see the Declaration of Independence and other documents already on display. Commissioner Crunk informed at the same meeting there was a discussion about some books available in the Ruidoso School Library, one about trans-gender and another about sexual activities and how to do it, including illustrations; and at least one of the books was available for 10-year-olds. Commissioner Crunk stated it was unfortunate there were 35 people at the School Board Meeting opposing the removal of the books from the library and only 2 in support of their removal. Commissioner Crunk would like to see more actual involvement from the Community and less talk.

Commissioner Pfeffer commended Commissioner Crunk on the UFO project. Commissioner Pfeffer stated one of the problems with infrastructure projects wasn't lack of funding, it was lack of manpower. Commissioner Pfeffer explained in California they moved the teaching of trades to Community Colleges to help increase the manpower in those types of jobs. Commissioner Pfeffer stated he would also like to see more involvement. Commissioner Pfeffer stated broadband was a necessity for all of the people in today's day and age.

Commissioner Fischer commended Commissioner Crunk on his statements and stated people need to get involved, not just sit back and complain. Commissioner Fischer informed he had also attended the meeting in Roswell with Chair Proctor and Representative Spence-Ezzell spoke at that meeting and informed she would like to succeed from New Mexico and join Texas. Commissioner Fischer explained there was a meeting with numerous State Representatives from the area who informed their measure of effectiveness during the session was about stopping bad bills, however they were unable to stop many of them including the bill which required feminine hygiene products be placed in the boys' bathrooms in schools. Commissioner Fischer was worried

about the Forest Service's lack of concern for the local people. Commissioner Fischer informed there was a large amount of money allocated for Broadband use throughout the State and he would support getting the money for Lincoln County to hook up broadband services throughout the County. Commissioner Fischer spoke on the difference between equality and equity.

Commissioner Serna stated she appreciated the Capital Outlay recently allocated to all of Lincoln County entities and hoped it would better enhance services and the quality of life for those in the County. Commissioner Serna attended a meeting with Manager Pearson about an economic development opportunity which had grant dollars earmarked for the County.

Clerk Hemphill provided an update on the many projects in her office at the current time including the dates and deadlines of the Capitan Schools Special All-Mail election for a Mil Levy Tax Question to be held on May 9, 2023, the Village of Capitan Special All-Mail election for Local Option Liquor License Transfers to be held on June 6, 2023, and the City of Ruidoso Downs Special All-Mail election for Inter-Local Transfers of Liquor Licenses to be held on June 27, 2023. Clerk Hemphill also provided a brief overview of the timeline for the Regular Local Election to be held on November 7, 2023.

Treasurer Huddleston attended the Legislative Recap Session in Roswell and stated there were quite a few bills which she recommended reviewing as they affected the Parent's Rights. Treasurer Huddleston explained her office was collecting the second half taxes as well as working on the 3 Year delinquent notices which informed the homeowners they needed to be cleared by July to avoid being turned over to the State.

Assessor Hill reiterated what Treasurer Huddleston explained about the Parent's Rights being taken away and people needing to be more aware of what is being done to them.

Undersheriff Martinez provided statistics from the Sheriff's office.

Jeff Bleu, Resident in Ranches of Sonterra, stated he agreed with Commissioner Crunk, if people attended the meetings, they would see the Constitution already on display. Mr. Bleu added to what Commissioner Crunk talked about and stated we also say the Salute to the NM Flag which talks about embracing the multi-culturalism of the State. Mr. Bleu spoke on the lack of involvement in the meetings as well.

Maureen McGuire, Ruidoso resident, attended the meeting at the Ruidoso Schools on the book issue and clarified it is for High School students not for 10-year-olds. Ms. McGuire informed High Schools have gender non-conforming students and this is a guide to help them. Ms. McGuire stated the Constitution and Declaration of Independence are Government Documents on which our Democracy is based, however the Ten Commandments is religious iconography which should not be allowed.

Chair Proctor recessed the Regular Meeting at 10:10 AM and reconvened at 10:17 AM.

12. Lincoln County Medical Center Update-Todd Oberheu

Todd Oberheu, Hospital Chief Executive, thanked Commissioner Crunk for the UFO presentation and spoke on the MASH school. Mr. Oberheu explained they were working on the parking lot and also looking for a solution to the back bridge area which was not a comfortable ride for the patients. Mr. Oberheu detailed some of the Legislation for Healthcare Providers and explained the malpractice cap was set to go from \$750,000 up to \$5,000,000, however they were able to

get it lowered to \$1,000,000. Mr. Oberheu also explained the Nurse staffing bill which would not have impacted LCMC as much since they qualified for a rural exemption, however it would have impacted residents of Lincoln County being transferred to other larger hospitals as the larger hospitals would have had to reconsider their bed capacity relative to their staffing. Mr. Oberheu stated it would cost approximately \$900,000-\$1,000,000 to have two 24-hour stations in the County in addition to Ruidoso and he would be presenting a couple of different options at the upcoming budget meeting.

13. Opioid Settlement Proceeds:

a. Discussion and Direction Regarding Distribution of Settlement Funds

Attorney Morel explained there was a previous discussion about the possibility of a Joint Powers Agreement to consolidate the Opioid settlement funds, however after some discussions with the Courts, they would like to have the opportunity to keep the funds local. Manager Pearson stated the question on the agenda would be to keep the money local or join the JPA which had a deadline of May 1, 2023.

Judge Schneider would like to keep the funds local and would like to have local input and involvement with the twelfth Judicial District.

Judge Bryant spoke on the calls he received on a regular basis due to overdoses. Judge Bryant agreed there would be an incredible amount of work involved in keeping the funds local, however it was highly needed and recommended. Judge Bryant stated there were currently 4 drug courts in Lincoln County. Judge Bryant stated Otero County would be keeping their funds local as well and all 5 District Judges in Lincoln County voted unanimously to keep the funds local.

Commissioner Fischer questioned any specific recommendations for use of the funds. Judge Bryant informed the funds were designed for outpatient use not brick and mortar buildings and they could be used to provide tele-counseling services, as an option.

Commissioner Crunk questioned where the funds would come from after 10 years when these funds were expended. Judge Bryant stated he would like to somehow create a continuing flow of funds in the future.

Chair Proctor questioned the cross between Lincoln and Otero Counties. Judge Bryant stated they could join together and work simultaneously across both Counties if they chose or they could each keep their funds local and work directly with the people in their own Counties.

Stephen Ochoa, Managing Attorney in the Ruidoso Office, spoke on the law enforcement aspect of the LEAD program to reduce recidivism. Attorney Ochoa informed the LEAD program was started in a couple other Counties already and they stated it didn't resolve the problem however it postponed re-arrests. Attorney Ochoa advocated for locality instead of joining the JPA.

Sergio Castro, Chief Juvenile Probation Officer and Chair of the LCCHC, detailed many of the campaigns in the County to combat addictions including the CHANGE committee which started in 2016. Mr. Castro recommended keeping the funds locally to assist in the County.

Todd Oberheu, Hospital Chief Executive LCMC, suggested holding a collaborative meeting of stakeholders throughout the County to determine the best use of the funds.

The Commissioners agreed with the recommendation to keep the funds local.

- b. Consideration of Entering an Opioid Remediation Collaborative Joint Powers Agreement Between the County of Lincoln and Other “Counties” or “Participating Entities”

17. Discussion and Direction Regarding Carrizozo Courthouse Complex Renovations and Security Upgrades

Audrey Hukari, spoke on the future goals regarding the Courthouse facilities in Lincoln County. Ms. Hukari detailed the New Magistrate Court in Ruidoso and stated they would provide District Court services in Ruidoso on a limited basis; however, District Court would be staying in Carrizozo. Ms. Hukari explained the agreement to move the Magistrate Court into the District Court complex in Carrizozo and the County would not be required to fund the District Court proceedings in Ruidoso.

Manager Pearson spoke on the needs of the County pertaining to security issues related to the current County Courthouse.

Commissioner Crunk questioned if there were funds available. Attorney Morel stated it was agreed as a 50/50 split with the Courts. Manager Pearson explained the doors and windows would need to be upgraded prior to the security being taken care of.

Commissioner Fischer questioned the comprehensive plan for the security of the County and questioned if the buildings should keep getting upgraded or if they should be rebuilt instead.

11. Lincoln County Detention Center

- a. Update – Warden, Ross Castleton

Ross Castleton, Warden LCDC, stated they were averaging about 70 detainees per day. Warden Castleton explained the lapsed contract with BIA and explained they had lost about 25 detainees due to the lapse. Warden Castleton stated they had an interim contract and had taken about 10 BIA detainees back in. Warden Castleton stated they had brought religious services back into the detention center which they had lost during COVID.

- b. R.I.S.E. (Reach, Intervene, Support and Engage) Program Application

Manager Pearson explained the RISE program awarded \$360,000 in the prior year; however, the program had been opened up to many other entities so they were unsure of the amount being applied for this year.

14. Lincoln County Community Health Council Update and Presentation Given by Sergio Castro, LCCHC Chairman

Sergio Castro, LCCHC Chair, gave a presentation on the Community Health Council activities.

15. Peñasco Valley Telephone Company Fiber and Broadband Presentation – Mitch Hibbard

Mitch Hibbard, PVT, gave a presentation on fiber and updated on the Broadband capabilities in the County. Mr. Hibbard stated COVID showed the need for Broadband throughout the Country. Mr. Hibbard explained the assessed value of a home goes up 3-7% with broadband access in the home. Mr. Hibbard detailed a Joint Use Agreement with the electric companies to use the existing power poles to co-locate their wires and fiber. Mr. Hibbard requested a partnership for grants and funding possibilities as well as letters of support for PVT from the County of Lincoln to help cover projected shortfalls in the County as expansion continues.

Tabatha Davis, PVT Special Project Coordinator, stated she could assist the County in finding available resources.

22. Approval of Lodger's Tax Funding Requests:

- a. Event: Last Escape of Billy the Kid Pageant
Amount Requested: \$16,000.00
Date(s) of Event: 8/4/2023-8/6/2023
Presenter: Nancy De Veny

Jett Tucker stated they already presented to the Lodgers Tax Committee however he would answer any questions the Commissioners had, of which there were none.

Motion: Approve the requested \$16,000 for the Last Escape of Billy the Kid Pageant, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

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

- b. Event: Spencer Summer Season 2023
Amount Requested: \$10,000.00
Date(s) of Event: 7/1/2023-8/31/2023
Presenter: Charles Centilli

Motion: Approve the requested \$10,000 for the Spencer Summer Season 2023, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

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

21. Consolidated Dispatch Update – Village of Ruidoso Chief of Police, Lawrence Chavez

Lawrence Chavez, Village of Ruidoso Chief of Police, spoke on the consolidated dispatch and gave a presentation on the process so far. Chief Chavez explained they had the ability to place 13 antennae on the new tower at Horton so they shouldn't have any problem reaching the outlying areas of the County.

Chair Proctor recessed the Regular Meeting at 12:33 PM and reconvened at 1:06 PM.

16. Consideration of Award of Contract to RY Construction LLC for the Lincoln County Courthouse Drainage Improvements in the Amount of \$105,044.07

Manager Pearson explained the courthouse drainage improvement project was put on hold for two years waiting for the completion of the Highway. Manager Pearson stated RY Construction was the only responder to the RFP.

Motion: Approve the Contract to RY Construction LLC in the amount of \$105,044.07 with the anticipation the final cost will be lower, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

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

18. Office of Emergency Services

c. Hazard Mitigation Plan Presentation – Wendy Blackwell

Wendy Blackwell, SWCA Environmental Consulting, gave a presentation on the hazard mitigation plan and enhancements and updates from 2018 to 2023. Ms. Blackwell stated they should get the final approval from FEMA in November.

a. Resolution 2023-50: Declaration of Fire Danger Emergency

Manager Pearson explained the Resolution as presented was the same as the prior months Resolution and it could be elevated as necessary.

Motion: Adopt Resolution 2023-50, **Action:** Adopt, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

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

SEE EXHIBIT C: Copy of Resolution 2023-50 is attached hereto in reference thereto made a part hereof.

b. Approval of NM State Fire Protection Fund Applications

Manager Pearson explained the NM State Fire Protection Fund Application was a yearly electronic application and it would need the Chairman's name, electronic signature and email address on the submitted form.

Motion: Approve the NM State Fire Protection Fund Application using Chair Proctor's information, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

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

19. Assessor Annual Report -Walter Hill – Lincoln County Assessor

Assessor Hill provided the Statutorily required Assessor's report to the Commission and explained the report gave a breakdown of value changes during the assessment year 2022. Assessor Hill stated the total net valuation increase of both net new and contributory value was \$92,748,701, which was \$278,246,112 in full value.

SEE EXHIBIT D: Copy of 2023 Assessor's Report to the Lincoln County Commission is attached hereto in reference thereto made a part hereof.

20. 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

23. Public Works:

a. Approval to File Solid Waste Liens:

1. Marcus Salcido- **\$865.92**
 2. Marcus Salcido- **\$635.78**
 3. Robert H. Hawkins and Kathleen A. Hawkins- **\$900.02**
 4. Sandra Y. Overstreet and T. Overstreet- **\$900.02**
 5. Lewis R. Rumfield and Kelly A. Rumfield- **\$956.56**
 6. Brijida Chavez Herrera or Benjamin Herrera- **\$1,197.72**
 7. Dianna Wells- **\$841.18**
 8. Raven L. Stewart- **\$898.56**
 9. Richard Moore and Kelli Moore- **\$915.35**
 10. Sheila M. Zumwalt- **\$828.48**
 11. Timothy James Sanders- **\$940.97**
 12. James Warren Hanson and Katie A. Hanson- **\$900.02**
 13. Sonya Newton- **\$245.20**
 14. Abram L. Beier and Tonjah M. Beier- **\$738.48**
 15. Brad and Kasi Holland, Dwayne Kibbie and Karen Kibbie- **\$670.47**
 16. Jason Trujillo and Jessica Trujillo- **\$772.14**
 17. Jesus Rue- **\$838.48**
 18. Kevin D. Kennedy and Maria Barraza- **\$769.26**
 19. Guadalupe Gallegos- **\$1,197.88**
 20. Josephine E. Gutierrez- **\$715.40**
 21. Michael D. Smith and Viki L. Smith- **\$776.94**
 22. Ruben Chavez- **\$1,491.20**
 23. Daniel Gutierrez and Iva Gutierrez- **\$1,564.14**
- Total : \$20,560.17**

Motion: Approve the filing of the Solid Waste Liens less any which have been paid prior to filing,

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

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

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

b. Approval to issue for RFP - Solid Waste Services

Motion: Approve issuance of an RFP for Solid Waste Services for Lincoln County, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

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

- c. Consideration and Approval to Purchase Granicus Short-Term Rental Tracking Software in the Amount of \$27,929.55

Scott Annala, Lodger's Tax, explained the County had previously used Host Compliance tracking software which had since been purchased by Granicus.

Shelly Williams, Lodger's Tax, identified 4 different companies which could be used, however she felt Granicus was the best. Commissioner Serna questioned the timeframe needed for implementation. Mr. Annala stated it could be started right away however it would take about 4 months for full implementation.

Motion: Approve the purchase of Granicus software in the amount of \$27,929.55 to be paid out of Lodger's Tax, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

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

24. Discussion and Direction Regarding Budget and Achievable Goals of the County of Lincoln

There was a lengthy discussion on the process the County could use to determine future goals. It was determined that a workshop would be scheduled to discuss and plan for achievable goals for the future of the County.

25. 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 to discuss 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 Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Crunk, Chair Proctor.

Excused: Commissioner Serna, Commissioner Pfeffer.

Chair Proctor recessed the Regular Meeting and convened the Closed Session at 3:38 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 is scheduled to take place on May 1, 2023.

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. The County of Lincoln has yet to be served.

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. The Bench Trial scheduled to take place before Judge Mickie Vega on the 4th day of April, 2023 was continued until May 30, 2023.

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

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

760 resulting in damages to Claimant including, but not limited to, infliction of mental pain and
761 suffering, injuries to Claimant's reputation, and current and future loss of earnings.
762

763 **Downs, Barbara** – Tort Claim Notice received May 6, 2022 alleging improper road and/or
764 waterline maintenance resulting in a vehicle collision due to the icy road at the intersection of
765 Sudderth Drive and Paradise Canyon in Ruidoso, New Mexico. A 2nd Tort Claim Notice was
766 received on May 9, 2022 for a separate source with the same allegations as those set out in the
767 May 6, 2022 notice.
768

769 **McMinn, David** – Tort Claim Notice received on July 6, 2022, alleging multiple, serious
770 issues due to the use of excessive force by BIA law enforcement who may have been agents of
771 or acting on behalf of the Village of Ruidoso, Ruidoso Police Department, Lincoln County, N.M.
772 State Police and the State of New Mexico.
773

774 **New Mexico Boys and Girls Ranches, Inc. and its Employee, Bridgman, Ted** – Tort
775 Claim Notice received on August 9, 2022, alleging violation of civil rights and tort claims act,
776 including a demand to cease and desist and the return of promotional materials confiscated by
777 County representatives at the Lincoln County Fair.
778

779 **Estates of Wesley Clark and Linda Clark** – Tort Claim Notice received on October 11,
780 2022 alleging wrongful deaths as a result of the McBride Fire due in part to faulty siren warning
781 systems.
782

783 **Snodgrass, Joshua** – Tort Claim Notice received on November 2, 2022 concerning loss
784 of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.
785

786 **Grassie, Kurtis** - Loss of employment with the Lincoln County Sheriff's Office
787 commencing on June 23, 2022.
788

789 **2021**

790 **Cervantez, Adam** - Tort Claim Notice received on July 8, 2021 alleging the use of
791 excessive force and related constitutional claims during his arrest on April 22, 2021.
792

793 **Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van** – Tort claim Noticed
794 received on July 27, 2021. Claimants each allege damages to personal and real property as a
795 result of the extraordinary flooding experienced throughout Lincoln County.
796

797 **Myers, Sylvia** – Tort Claim Notice received August 30, 2021 alleging that Lincoln County
798 Medical Center's treatment fell below the standard of care.
799

800 **Siegel, Erik** – Tort Claim Notice received August 30, 2021 alleging deprivation of rights
801 involving tort, constitutional rights, and other claims.
802

803 **White, Lionel Glenn, Jr., and family members and tenants, Ralph Nosker and his**
804 **family members, Barbara Arthur and her family members, and Barlou, LLC** – Tort Claim
805 Notice received September 16, 2021 alleging inundation by water resulting in damages to existing
806 roadways and parking in the Gavilan Canyon Road area which are all located within the
807 municipality of the Village of Ruidoso.
808

809 **Smoley, Cinthia** – On November 8, 2021, Ms. Smoley submitted to the Lincoln County
810 Treasurer's Department a Statement dated 11/2/2021, for "Arbitration Award/monies due for
811 default".
812

813 **Vonderane, Glenn** – Tort Claim Notice received October 19, 2021 alleging personal injury
814 while using a staircase at the Village of Ruidoso public parking lot located at 151 Center Street.
815

816 Chair Proctor adjourned the Closed Session and reconvened the Regular Meeting at 4:38 PM.
817

818 Commissioner Fischer attested matters discussed in the closed meeting were limited to those
819 specified in the motion for closure or in the notice of separate closed meeting and no action was
820 taken.
821

822 **26. Consideration and Approval of:**

823 a. Signing of Replat for the Lincoln County Fairgrounds
824

825 b. Filing a Disclaimer of Interest in the matter of Dennis Rich and Yvonne Rich, v.
826 Walt Hill, et al, Cause No. D-1226-CV-2022-00230
827

828 **Motion:** Authorize the Chair to sign a mutual release and full and final settlement agreement and
829 indemnification agreement, authorization to sign the approved Replat of the Lincoln County
830 Fairgrounds, and a disclaimer of interest and a Rule 41 dismissal, **Action:** Approve, **Moved by**
831 Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

833 **Yes:** Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk,
834 Chair Proctor.
835

836 **27. Authorization to Schedule Public Hearing to Consider Other Outdated or New**
837 **Lincoln County Ordinances:**

838 a. Ordinance No. 2020-04 an Ordinance Providing for the Efficient and Sanitary
839 Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and
840 Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing
841 Ordinance 2017-07
842

843 b. Ordinance No. 2020-04 Page 4, Paragraphs D, E and F as it Relates to Revising
844 the Current Established Fees
845

846 c. Ordinance No. 2023-04 an Ordinance Providing for an Efficient and Fair Method
847 of Enforcing the Ordinances of Lincoln County; Establishing the Position of
848 Ordinance Enforcement Officer Under the Supervision of the Public Works
849 Department; Authorizing the Ordinance Enforcement Officer to Enforce the
850 Provisions of Lincoln County Ordinances; Designating Authority and Procedures
851 for Ordinance Enforcement Officers; Providing for the Severability of Parts Hereof;
852 Repealing Ordinance 2022-01 and Any Other Ordinances in Conflict Herewith; and
853 Providing an Effective Date
854

855 d. Review and Adoption of Preliminary Budget for the County of Lincoln for FY 23/24
856

857 **Motion:** Approval to schedule a Public Hearing to discuss Ordinance No 2020-04, Ordinance No
858 2020-04 Page 4, Paragraphs D, E and F, Ordinance No 2023-04 and Review and Adoption of the

Preliminary Budget for FY 23/24, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Crunk.

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

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

28. Signing of Official Documents

All five Commissioners gave authorization to use their stamp or electronic signatures.

29. Next meeting:

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

30. Adjourn

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

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

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

No: Chair Proctor.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 4:47 PM.

Respectfully submitted by,
Shannan Hemphill
Lincoln 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. 7

SUBJECT:

Approval of Consent Agenda

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

Tuesday, May 16, 2023



County of Lincoln

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

www.lincolncountynm.gov

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 April 1, 2023 through April 30, 2023 in the amount of \$ 2,129,932.92.

NOW, THEREFORE, the above bills are hereby approved.

ADOPTED, PASSED AND SIGNED the 16th of May, 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

STATE OF NEW MEXICO
UPPER HONDO SOIL & WATER CONSERVATION DISTRICT
RESOLUTION VII

RE: Mill Levy Rate Resolution 2023-2024

WHEREAS the Board of Supervisors was authorized by a referendum held February 28, 1985 to establish a mill levy not to exceed the rate of one dollar per thousand dollars of net taxable value of real property within the District; and

WHEREAS, the Attorney General of New Mexico in an opinion dated December 4, 2007 stated in 1988 the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] did not limit the effectiveness of an annual mil levy to a specific number of years for districts that had mil levy's prior to 1988; and

WHEREAS, the legislature did not apply the requirements imposed under the 1989 amendment of Section 73-20-46 to resolutions providing for annual levies under the previous law; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] previous to the 1989 amendment; and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

NOW THEREFORE BE IT RESOLVED, that the Governing Body of Upper Hondo SWCD, State of New Mexico being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of 0.75 cents per thousand dollars of net taxable value of real property within the District for the 2023-2024 tax year.

RESOLVED: in session this 11th day of April, 2023

David Cox
David Cox, Chairman
Upper Hondo Soil & Water Conservation District

4/11/2023
Date

This resolution passed upon motion by: Robert Barber and seconded by Lela Wright.
David Cox Yea; Jason Price Yea; Jackie Powell Absent; Richard Montoya Yea;
Lela Wright Yea; Robert Barber Yea.

STATE OF NEW MEXICO)
) ss.
County of Lincoln)

The foregoing instrument was acknowledged before me this 11th day of April, 2023 by David Cox, Chairman of the Upper Hondo Soil and Water Conservation District Board of Supervisors.

Mary J. Bock
Notary Public

My commission expires Aug 21st, 2023.

STATE OF NEW MEXICO
NOTARY PUBLIC
MARY J. BOCK
COMMISSION # 1089020
COMMISSION EXPIRES 08/21/2023

GUADALUPE SOIL & WATER CONSERVATION DISTRICT

586 South 9th Street
Santa Rosa, New Mexico 88435

Mil Levy Rate Resolution: 2023-4-19

WHEREAS, the Board of Supervisors was authorized by a referendum held May 10, 2010 to establish a mill levy for a period of 10 years, not to exceed the rate of one dollar per thousand dollars of the assessed value of real property within in the district; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978]; and

WHEREAS, the Soil and Water Conservation district Act in Section 73-20-46 provides that if the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico Finance Authority, at the time of the expiration of the original authorization, the supervisors may renew the indebtedness, and no referendum for the renewal is necessary; and

WHEREAS, at this time Guadalupe Soil and Water Conservation District is indebted to the New Mexico Finance Authority in the amount of \$14,397.00 and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

NOW, THEREFORE, on this 19th day of April 2023 the Board of Supervisors of the Guadalupe Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of one dollar per thousand dollars of the assessed value of real property with the District for the 2023 tax year.

This resolution passed on a motion by Frank Madrid and second by Jose R. Lucero

Votes as follows (enter yea or nay)

Vincent Cordova, Chairman	<u>yes</u>	<u>[Signature]</u>
Jose R. Lucero, Vice-Chairman	<u>yes</u>	<u>[Signature]</u>
Mark Padilla, Treasurer	<u> </u>	<u> </u>
Frank Madrid, Member	<u>yes</u>	<u>[Signature]</u>
Tito Romero, Member	<u> </u>	<u> </u>
Earl Sena, Member	<u> </u>	<u> </u>
Mary Baca, Member	<u>yes</u>	<u>[Signature]</u>

Attest:

Gloria Gage
Gloria Gage, District Clerk, Guadalupe Soil and Water Conservation on April 19, 2023



Mill Levy Rate Resolution # 09 - 2023

WHEREAS the Board of Supervisors was authorized by a referendum held 05/03/99 to establish a mill levy for a period of 10 years, not to exceed the rate of \$1.00 dollar per thousand dollars of the net taxable value of real property within the District; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978]; and

WHEREAS, the Soil and Water Conservation District Act in Section 73-20-46 provides that if the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary; and

WHEREAS, the Claunch-Pinto SWCD is currently in debt to NM Finance Authority for \$60,000 with a maturity date of 06/01/2027; \$120,000 with a maturity date of 06/01/2028; \$189,712.00 with a maturity date of 05/01/2028; and \$404,645.00 with a maturity date of 05/01/2033.

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission.

NOW THEREFORE, on this 10th day of March, 2023 the Board of Supervisors of the Claunch-Pinto Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of \$1.00 dollar per thousand dollars of the net taxable value of real property within the District for the 2023 tax year.

Felipe Lovato, Jr., Chairman, Board of Supervisors

This resolution passed on a motion by Jack D. Lockridge
and seconded by Larry Gomez

Vote as follows (enter yea or nay):

Felipe Lovato, Jr.	<u>YES</u>
Larry Gomez	<u>YES</u>
Dale Rose	<u>YES</u>

David Cain	<u>YES</u>
Robin Dunn	<u>YES</u>
Jack Lockridge	<u>YES</u>

Attest:
Dierdre L. Tarr, District Manager

03/04/2022



Chaves Soil and Water Conservation District

PO Box 2722

Roswell, NM 88202

575-755-7923

Lincoln County Commissioners
Lincoln County
P.O. Box 711
Carrizozo, New Mexico 88301

April 5, 2023

Dear Sirs:

During the regular meeting of the Chaves Soil & Water Conservation District, the Board of Supervisors passed the enclosed resolution to continue District funding for FY-2024. We are requesting that the levy assessment be set at 1 full mill.

On this 10th day of April 2023, the Board of Supervisors of the Chaves Soil & Water Conservation District, being in regular session and in accordance with the Open Meetings Act and a quorum being present, do hereby resolve that an assessment of 1 full mill per dollar of total taxable valuation of all real property within said district (except such property within the incorporated cities and towns) shall be levied by the county assessor of the counties of Chaves and Lincoln for FY-2024.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Pierce".

For: Joe Barraza., Chairman
Chaves Soil & Water Conservation District

cc: Dept. of Finance & Administration
Local Government Division

JB/jp

CHAVES SOIL & WATER CONSERVATION DISTRICT

Mill Levy Rate Resolution #1 2023-2024

WHEREAS the Board of Supervisors was authorized by a referendum held October 3, 1984 to establish a mill levy not to exceed the rate of one dollar per thousand dollars of net taxable value of real property within the District (except such property within the incorporated cities and towns); and

WHEREAS, the Attorney General of New Mexico in an opinion dated December 4, 2007 stated in 1988 the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] did not limit the effectiveness of an annual mil levy to a specific number of years for districts that had mil levy's prior to 1988; and

WHEREAS, the legislature did not apply the requirements imposed under the 1989 amendment of Section 73-20-46 to resolutions providing for annual levies under the previous law; and

WHEREAS, said referendum was conducted in accordance with provisions of the Soil and Water Conservation District Act [73-20-25 to 73-20-48 NMSA 1978] previous to the 1989 amendment; and

WHEREAS, this resolution shall not become effective until approved in writing by the New Mexico Soil & Water Conservation Commission;

NOW THEREFORE, on this 10th day of April, 2023 the Board of Supervisors of the Chaves Soil & Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish a mill levy at the rate of one dollar per thousand dollars of net taxable value of real property within the district for the 2023/2024 tax year.

Joe Barraza
Chairman, Board of Supervisors

This resolution passed on a motion by Carrie Hollifield and second by Doug Whitney.

Vote as follows (enter yea or nay):

Chairman: Joe Barraza yea

Vice-Chairman: John Sisk yea

Sec./Treas.: Carrie Hollifield yea

Member: Hoby Bonham yea

Member: Cody Munson yea

Member: Doug Whitney yea

Member: Jerry Vaz yea

Attest: Jennifer Pierce
Administrative Assistant

April 10, 2023
Date

Ira Pearson

From: Brianna Ventura
Sent: Thursday, April 27, 2023 8:16 AM
To: BILLY ROBERTS
Cc: Ira Pearson
Subject: RE: Lincoln Preservation Board

Thank you Billy. I will make sure to put this on the May 16th agenda for Commissioner consideration.

Regards,

Brianna Ventura
County of Lincoln
HR Director/Admin. Assistant
575-648-2385 ext. 100
575-937-0674
bventura@lincolncountynm.gov
hr@lincolncountynm.gov

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

From: BILLY ROBERTS <billyroberts@icloud.com>
Sent: Thursday, April 27, 2023 7:08 AM
To: Brianna Ventura <B Ventura@lincolncountynm.gov>
Subject: Lincoln Preservation Board

Hi Brianna

I'd like to be considered for a spot on the board to take Spiri's seat.

Thanks

Billy

RECEIVED
APR 25 2023

19 April 2023

To: Lincoln Historic Preservation Board, Jon Amastae
Chairman

From: Jim Spiri, Member

Subject: Letter of Resignation

Dear Chairman Amastae, Vice Chairman Allen, Secretary
Garner, and Member Faulk:

Be advised, I, Jim Spiri, a member in good standing on
the Lincoln Historic Preservation Board of Lincoln, New
Mexico, respectfully submit my letter of resignation
effective immediately after the close of the April 19,
2023 Lincoln Historic Preservation Board meeting held in
Lincoln, New Mexico.

Sincerely,

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

Jim Spiri

Lincoln, New Mexico



To: Gary Stout
From: Lynette Prelo, Director of Operations
Date 4/15/23
Re: Celebration Permit

Hello Gary

Per our email, here is the packet that needs to get local governing body approval. Enclosed is

- Map
- Servers List
- Celebration Permit
- \$25.00 To Lincoln County for Fee

Once signed, let me know and we will come pick it up. I will be out until May 1st, however Lexie Woodward, at lexie@noisywaterwinery.com can come and get it as well if you will email the both of us. Otherwise I will circle back around the 1st. Thanks

Lynette Prelo (Director of Operations)

ALCOHOLIC BEVERAGE CONTROL | PUBLIC CELEBRATION PERMIT APPLICATION

Fee Per Day: ☐ \$10.00 (do not submit cash) Date Application Filed: _____

A copy of all approved permits are sent to the Special Investigations Division of the Department of Public Safety, and DPS will request additional information, if needed.

LICENSE HOLDER INFORMATION: *Check boxes that apply*

Liquor License # 60021 Type of License: ☐ Craft Distiller ☐ Small Brewer ☒ Winegrower

Owner Name: Jasper Riddle

Business Name (DBA): Noisy Water Winery

Mailing Address: 2342 Sudderth Ruidoso NM 88345

Phone No: 575-257-9335 ext.: _____ Person to ask for: Lynette Prelo

Email Address: admin@noisywaterwinery.com

EVENT INFORMATION:

Type of Event: ☐ Indoor Event ☒ Outdoor Event ☐ Both ☒ All Ages Event -Wrist Bands ☐ Yes ☒ No

Type of Celebration: ☐ State Fair ☐ County Fair ☐ Community Fiesta ☒ Cultural / Artistic Performance ☐ Athletic

Name of Event: New Horizons - Micheal Hurd Art Gala

Physical Address of Event: 105 La Rinconda San Patricio NM 88348

Date of event (Day 1) June 2, 2023

Time Event Begins: 11 am Time Event Ends: 7 pm

Time of Alcohol Service: Begins at: 11 am Ends at: 6:30 pm

Total No. of Attendees Expected at Event: 200 Total No. of Attendees Expected to Consume Alcohol: 100

Date of event (Day 2) June 3, 2023

Time Event Begins: 11 am Time Event Ends: 7 pm

Time of Alcohol Service: Begins at: 11 am Ends at: 6:30 pm

Total No. of Attendees Expected at Event: 300 Total No. of Attendees Expected to Consume Alcohol: 150

Date of event (Day 3) _____

Time Event Begins: _____ Time Event Ends: _____

Time of Alcohol Service: Begins at: _____ Ends at: _____

Total No. of Attendees Expected at Event: _____ Total No. of Attendees Expected to Consume Alcohol: _____

Security: No. of Security: 2-3

Licensed Security Company First Alarm and Security / PVT Phone No. 575 258 4907

Describe Security At entrances and walking around fenced area throughout event

NOTE: LICENSEE'S EMPLOYEE(S) ASSIGNED TO WORK SECURITY, MUST WORK THIS EXCLUSIVELY AND MAY NOT SERVE AT THE EVENT.



SPONSOR INFORMATION:Sponsor of Event: Micheal Hurd - Hurd Art GalleryName of Contact: Joan Park Phone No.: 575 937 1280**APPROVAL OF PROPERTY OWNER:**Print Name: Micheal Hurd Phone No.: 575 937 1280Signature: [Signature] Date: 4-15-23Name of Your Business and Location of Property: Sentinel Ranch Winery / Hurd Gallery

LICENSE HOLDER & SERVER CERTIFICATION: I, Jasper Riddle (Licensee) hereby certify that this application is signed by Licensee or authorized person under this License. I further certify that all persons providing the service of alcoholic beverages at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits. I understand that all fees submitted are non-refundable.

Licensee Name: (print) Jasper RiddleSignature: [Signature] Date: 4-15-23☐ I have attached a highlighted floorplan marking the serving area☐ I have attached a alcohol server list with the servers first & last name, server permit # and expiration date**LOCAL GOVERNING BODY APPROVAL:**

Print Name: _____ Title: _____

Signature: _____ Date: _____

Phone No.: _____ Fax: _____

ABC USE ONLY:**Application Must Include:** Payment of Fees, per day (listed on top of page), Floor Plan – (w/photos) & Detailed Server List

Finance | Application Fee \$ _____ Received on: _____ Receipt No. _____

Clear of Citations/Holds: ☐ Yes ☐ No, _____ Liquor License No. _____☐ Approved ☐ Disapproved _____ Processed By: _____

Assigned Permit Number: _____ Approved Permit Sent on: _____



Homes

Sentinel Ranch Winery -

AS OF: A

Employees

202

LIST OF SERVERS	SERVSAFE #	EXPIRES	DOB
MICHAEL HURD	371595	5/4/2025	2/16/1946
JOAN E PARK	263570	3/28/2025	4/6/1954
DONALD C BENNETT	408042	5/31/2025	1/12/1954
BRADY K PARK	373024	5/4/2025	4/23/1952
			4/29/1955
			12/19/1953
JENNIFER D HOWARD	398529	8/27/2024	11/28/1995
GINA HOUSE	406520	4/29/2025	3/24/1957

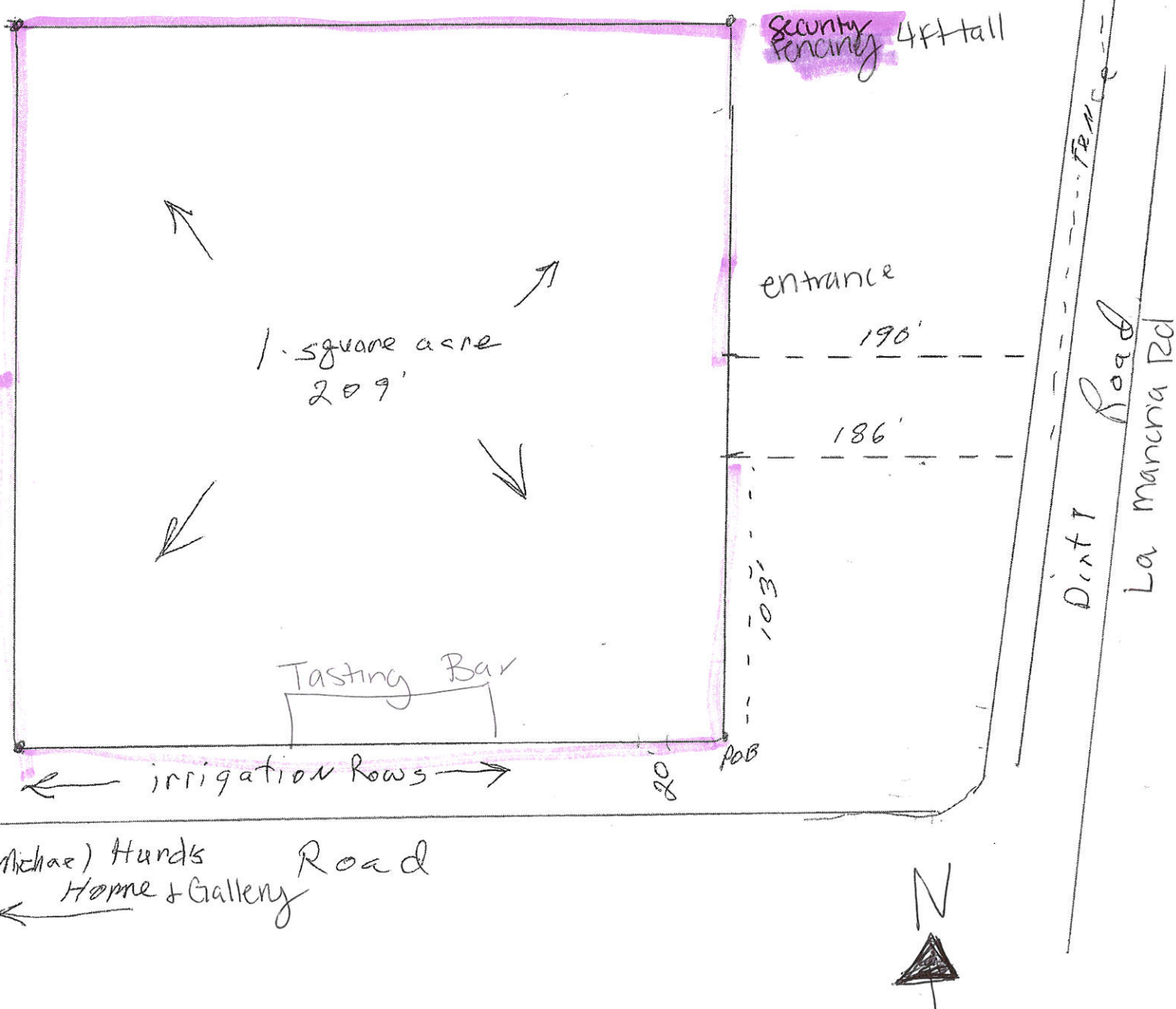
Highway 70

North
West

Dirt Road
La Rinconada Ln

N

June 2 + 3





**Capital
Markets**

RBC Capital Markets, LLC
6301 Uptown Blvd. NE, Suite 110
Albuquerque, New Mexico 87110
(505) 872-5999

April 4, 2023

Ira Pearson, County Manager
Lincoln County
PO Box 711
Carrizozo, NM 88301

Re: MSRB Rule G-42 Disclosures

Dear Mr. Pearson:

Municipal Securities Rulemaking Board (MSRB) Rules G-10 and G-42 require that RBC Capital Markets, LLC (“RBC CM”) provide you with the following disclosures concerning our agreement **April 4, 2023** (the “Agreement”) between RBC CM and Lincoln County (the “Client”) and to provide information regarding certain legal events and disciplinary history to you, as an authorized representative of our Client.

(a) Required Disclosures.

- i. **RBC CM is registered with the Securities and Exchange Commission and the MSRB.**
- ii. **The website for the MSRB can be located at: <http://www.MSRB.org>.**
- iii. **On the homepage of the MSRB website there is a link to an investor brochure that describes protections that may be provided by the MSRB Rules and how to file a complaint with an appropriate regulatory authority.**

(b) Conflicts of Interest.

i. **Compensation-Based Conflicts.**

Compensation under the Agreement can be based on the size of the transaction or hourly fees of RBCCM’s personnel.

The fees due under the Agreement that are based on the size of the transaction and the payment of such fees shall be contingent upon the closing of the transaction. While this form of compensation is customary in the municipal securities market, this may present a conflict because it could create an incentive for RBC CM to recommend unnecessary financings or financings that are disadvantageous to the Client or to advise the Client to increase the size of the transaction.

Some fees due under the Agreement could be based on hourly fees of RBCCM’s personnel. This form of compensation presents a potential conflict of interest as the fees could be increased either by evaluating too many alternatives or otherwise over evaluating the issue at hand.

- ii. **Ordinary Course of Business - Other Municipal Advisor Clients, Underwriting Activities and Secondary Market Activity and Affiliates.** RBC CM serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of the Client such as seeking to access the new issue market with advantageous timing and with

limited competition at the time of the offering. None of these other engagements or relationships would impair RBC CM's ability to fulfill its regulatory duties to the Client.

RBC CM is a broker-dealer that engages in a broad range of securities-related dealer activities to service its clients, in addition to serving as a municipal advisor. Such securities-related activities, which may include but are not limited to the buying and selling of new issue and outstanding securities and investment advice in connection with such securities. These other clients may, from time to time and depending on the specific circumstances, have interests in conflict with those of the Client, such as when their buying or selling of the Client's securities may have an adverse effect on the market for the Client's securities, and the interests of such other clients could create the incentive for RBC CM to make recommendations to the Client that could result in more advantageous pricing for the other clients.

RBC CM, in connection with its secondary market sales and trading activities, may take a principal position in securities, including securities of the Client, and therefore RBC CM could have interests in conflict with those of the Client with respect to the value of the Client's securities while held in inventory and the levels of mark-up or mark-down that may be available in connection with purchases and sales thereof. In particular, RBC CM or its affiliates may submit orders for and acquire the Client's securities. This activity may result in a conflict of interest with the Client in that it could create the incentive for RBC CM to make recommendations to the Client that could result in more advantageous pricing of the Client's bond in the marketplace.

If separately engaged by the Client, Global Asset Management, an affiliate of RBC CM (the "Affiliate"), may provide investment advice/services/products as a regulated investment advisor to municipal entities with respect to bond proceeds, which therefore are related to RBC CM's activities under the Agreement. The Affiliate may pursue business with the Client which could create an incentive for RBC CM to recommend to the Client a course of action designed to increase the level of the Client's business activities with the Affiliate or to recommend against a course of action that would reduce or eliminate the Client's business activities with the Affiliate. This conflict of interest is mitigated in part by the fact that the Client engaged the Affiliate without the recommendation of RBC CM, and therefore RBC CM did not influence this decision. Furthermore this potential conflict is also mitigated by the fact that the Affiliate is subject to its own comprehensive regulatory regime as an investment advisor under the applicable federal securities laws under which they operate.

- iii. **Bidding Agent Services.** RBC CM may provide bidding agent services to acquire open market securities or guaranteed investment contracts with respect to bond proceeds. Such services are not advisory in nature and would be subject to separate fees being charged by RBC CM (which fees are limited by Internal Revenue Service regulations) with disclosure of such fees to the Client.
- iv. **Charitable Contributions and Event Sponsorships.** RBC CM has made or may make voluntary contributions to a charitable organization or client sponsored event that may or may not relate to the activities of the Client and which may be at the request of personnel of the Client. Such a contribution or sponsorship could give the appearance of favoritism in the Client's selection of RBC CM as its municipal advisor. RBC CM limits the size of any such contribution to a reasonable level taking into consideration various matters such as the purpose of the charitable organization, other contributions by RBC to the organization, employee participation in the organization and RBC's role and physical presence in the community and the state.
- v. **New Mexico Finance Authority Underwriting Services.** RBC CM may provide underwriting services to New Mexico Finance Authority (NMFA) from time to time at the sole discretion of NMFA. NMFA uses RBC CM and other broker dealers to issue bonds in order to reimburse NMFA for loans made to municipal entities under various programs administered by NMFA. RBC CM would be separately compensated by NMFA for such underwriting services. In the ordinary

course, RBC CM may as your municipal advisor, recommend that a loan with NMFA provides advantages over publicly or privately placed obligations. Often, the loan programs administered by NMFA provide a lower cost of capital, flexible terms and lower borrowing costs than traditional bond issuances via the public securities markets.

- (c) **Disclosures of Information Regarding Legal Events and Disciplinary History.** MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to its client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

Accordingly, RBC CM sets out below required disclosures and related information in connection with such disclosures.

- i. **Material Legal or Disciplinary Event.** There are no legal or disciplinary events that RBC CM deems material to the Client's evaluation of RBC CM or the integrity of RBC CM's management or advisory personnel assigned to the Client
 - ii. **How to Access Form MA and Form MA-I.** The SEC requires RBC CM as a registered municipal advisor and its individual employees who are registered as municipal advisors to file certain items of information on the SEC's Form MA or MA-I. RBC CM's most recent Form MA and each most recent Form MA-I filed with the SEC are available on the SEC's EDGAR system at <http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0000050916&type=&dateb=&owner=include&count=40>. The SEC permits certain items of information required on Form MA or Form MA-I to be provided by reference to such required information already filed by RBC CM in its capacity as a broker-dealer on Form BD or Form U4 or as an investment adviser on Form ADV, as applicable. Information provided by RBC CM on Form BD or Form U4 is publicly accessible through reports generated by BrokerCheck at <http://brokercheck.finra.org>, and RBC CM's most recent Form ADV is publicly accessible at the Investment Adviser Public Disclosure website at <http://www.adviserinfo.sec.gov>. For purposes of accessing such BrokerCheck reports or Form ADV, RBC CM's CRD number is 31194.
 - iii. **Most Recent Change in Legal or Disciplinary Event Disclosure.** RBC CM has not made any material legal or disciplinary event disclosures on Form MA or any Form MA-I filed with the SEC
- (d) **Future Supplemental Disclosures.** As required by MSRB Rule G-42, these disclosures may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of RBC CM. RBC CM will provide the Client with any such supplement or amendment as it becomes available throughout the term of the Agreement.

Sincerely,



Erik Harrigan, Managing Director

Sincerely,



Regina Gaysina, Director



Capital
Markets

RBC Capital Markets, LLC
6301 Uptown Blvd. NE, Suite 110
Albuquerque, New Mexico 87110
(505) 872-5999

April 4, 2023

Ira Pearson, County Manager
Lincoln County
PO Box 711
Carrizozo, NM 88301

Re: Municipal Advisory Agreement

Dear Mr. Pearson:

1. **Retention of RBC Capital Markets, LLC.** RBC Capital Markets, LLC (“RBC CM”) appreciates the opportunity to serve as municipal advisor to **Lincoln County** (the “Client” or the “Issuer”) in association with the issuance of obligations evidencing indebtedness (the “Obligations”). Upon your acceptance, this engagement letter (the “Agreement”) will serve as our mutual agreement with respect to the terms and conditions of our engagement as your municipal advisor, effective on the date this Agreement is executed by the Client (the “Effective Date”).
2. **Scope of Services for Municipal Securities.** RBC CM is engaged by the Client as its municipal advisor to provide the services set forth below (the “Scope of Services”) regarding the Obligations:
 - (a) Analyze the financing and structuring alternatives available to the Client if and as requested by the Client, taking into account its borrowing capacity, future financing needs, policy considerations, and such other factors as we deem appropriate to consider.
 - (b) Recommend a plan for the issuance of the Obligations, consistent with the goals and needs of the Client, that may include: (1) the type of Obligations (e.g. current interest, capital appreciation, deferred income, etc.); (2) the date of issue; (3) principal amount; (4) interest structure (e.g., fixed rate, variable rate, etc.); (5) interest payment dates; (6) a schedule of maturities; (7) early redemption options; (8) security provisions; (9) method of sale (e.g., public sale, direct purchase by a bank or other investor, etc.); (10) as applicable, the investment of proceeds of the Obligations via state and local government obligations (SLGS), competitively bid open market securities or guaranteed investment contracts; and (10) other matters that we consider appropriate to best serve the Client’s interests.
 - (c) Advise you of current conditions in the relevant debt market, market supply and demand issues, and other general market information and economic data which might reasonably be expected to influence interest rates, sale or bidding conditions or timing of issuance.
 - (d) Organize and coordinate the financing team selected by you. If requested, we will recommend qualified paying agents, escrow agents and verification agents, as the particular transaction may require, each of whom will be retained and compensated by you. In a negotiated offering, we will assist in the preparation of soliciting underwriter proposals upon request and provide assistance to you for the hiring of the underwriter(s).

- (e) Work with counsel on the transaction, including bond counsel whom you retain, who will be recognized municipal bond attorneys, whose fees will be paid by you, and who will prepare the proceedings, provide legal advice concerning the steps necessary to be taken to issue the Obligations, and issue an unqualified opinion (in a form standard for the particular type of financing) approving the legality of the Obligations and (as applicable) tax exemption of the interest paid thereon. In addition, bond counsel, disclosure counsel or underwriter's counsel (as applicable) will issue an opinion to the effect that the disclosure document does not contain an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements contained therein, in light of the circumstances under which they were made, not misleading. Generally, working with counsel will mean coordinating with the attorneys and reviewing as municipal advisor such counsel's preparation of appropriate legal proceedings and documents, including documents concerning any required election.
- (f) As applicable, assist in the Client's preparation of the preliminary official statement and the official statement or equivalent document as the particular transaction may require (such as a private placement memorandum).
- (g) Make recommendations as to the need for credit rating(s) for the proposed Obligations and, should the Client seek a rating, coordinate the process of working with the rating agency or agencies and assist in the preparation of presentations as necessary.
- (h) Analyze the value and costs of obtaining municipal bond insurance, a liquidity facility or other credit enhancement for the Obligations and, should the Client seek any such credit enhancement, coordinate the process and assist in the preparation of presentations as necessary.
- (i) Propose various actions and strategies related to the pricing of a new issue of municipal securities, including analyzing the structure, timing, terms and other similar matters of a municipal securities transaction, while taking into account any unique features of the Obligations and any special instructions from the Client.
- (j) Attend meetings of governing bodies of the Client, its staff, representatives or committees as requested.
- (k) Coordinate with all parties to consummate the sale and delivery of the Obligations in a timely manner.
- (l) After closing, deliver to the Client and the paying agent(s) definitive debt records, including a schedule of annual debt service requirements on the Obligations.
- (m) The Client understands and acknowledges RBC CM may provide services not related to a specific Obligation. These services include but are not limited to, planning and analysis related to the Client's capital mill levy or other financing options available to the Client to meet its operating and capital responsibilities. As a part of these services, RBC CM may advise on referenda strategies, public outreach, and potential synthesis of the levy with the issuance of long-term bonds. Such services will be billed to the Client at the rates provided in Appendix A, Section 1, without the need for a subsequent written agreement.
- (n) You acknowledge that advice and recommendations involve professional judgment on our part and that the results cannot be, and are not, guaranteed. Further:

- i. Unless otherwise provided in the Scope of Services described herein, RBC CM is not responsible for the information included in any preliminary or final official statement, or for certifying as to the accuracy or completeness of any preliminary or final official statement, other than with respect to any information about RBC CM provided by RBC CM for inclusion in such documents.
- ii. The Scope of Services does not include tax, legal, accounting or engineering advice with respect to any Issue or in connection with any opinion or certificate rendered by counsel or any other person at closing, and does not include review or advice on any feasibility study.
- iii. The Scope of Services does not include providing advice or services with respect to investment advisory services, brokerage services or derivative products.
- iv. If the Client designates RBC CM as its independent registered municipal advisor (“IRMA”) pursuant to the Municipal Advisor Rule (the “MA Rule”) of the Securities and Exchange Commission (the “SEC”) with respect to the activities and aspects described in the Scope of Services, the Client agrees to disclose to RBC CM the existence of any such IRMA designations. Any reference to RBC CM, its personnel and its role as IRMA in the written representation of the Client contemplated under the MA Rule is subject to prior approval by RBC CM. RBC CM is not responsible for verifying that it is independent (within the meaning of the MA Rule as interpreted by the SEC) from any party.

3. Scope of Services for Loans with Bank or Governmental Agency/Authority.

- (a) As requested, analyze the risks and benefits of a loan with a bank or governmental agency/authority loan versus the issuance of municipal securities via the public debt markets.
- (b) Recommend a plan for the structure of the loan, including: (1) the debt repayment structure (e.g., current interest, capital appreciation, etc.). and maturity dates; (2) loan amount; (3) interest structure (e.g., fixed or variable rate, etc.); (4), payment dates and early redemption dates, if applicable; (5) security provisions; and (6) as applicable, the investment of loan proceeds via state and local government obligations (SLGs), competitively bid open market securities or guaranteed investment contracts; and (7) other matters that we consider appropriate to best serve the Client’s needs.
- (c) Recommend: (1) lenders who are or may be active in the market for tax exempt municipal loans; (2) participate in the drafting for your review and approval appropriate request for bids or qualification for lenders to submit bids to provide a loan; and (3) facilitate the distribution of requests for bids or qualifications.
- (d) Analyze and negotiate the term sheets obtained and advise you and recommend the terms that meet your financial objectives.

4. Amendment to Scope of Services.

The Scope of Services may be changed only by written amendment or supplement to the Scope of Services described herein. The parties agree to amend or supplement the Scope of Services described herein promptly to reflect any material changes or additions to the Scope of Services.

5. RBC CM's Regulatory Duties When Servicing the Client under MSRB Rule G-42.

RBC CM must make a reasonable inquiry as to the facts that are relevant to the Client's determination whether to proceed with a course of action, or that form the basis for any advice provided by RBC CM to the Client. Municipal Securities Rulemaking Board ("MSRB") Rule G-42 also requires that RBC CM undertake a reasonable investigation to determine that it is not basing any recommendation on materially inaccurate or incomplete information. RBC CM is also required to use reasonable diligence to know the essential facts concerning the Client and concerning the authority of each person acting on the Client's behalf. If the review of a recommendation of another party is requested by the Client and is within the Scope of Services of the Agreement, RBC CM must determine based on information obtained through reasonable diligence, whether the proposed securities transaction or financial product is or is not suitable for the Client. To the extent our services involve advising you with respect to a bank loan or a loan with a governmental agency or authority, certain rules and regulations of the Securities and Exchange Commission and MSRB may not apply to the activities of RBC CM.

The Client agrees to assist RBC CM in carrying out these regulatory duties, including providing to RBC CM accurate and complete information and reasonable access to relevant documents, other information and personnel needed to fulfill such duties. In addition, the Client agrees to notify RBC CM if the Client requests that RBC CM review any recommendation of a third party.

6. Term of this Engagement.

The term of this Agreement begins on the Effective Date and ends, unless earlier terminated as provided below, on May 1, 2027. This Agreement may be terminated with or without cause by either party upon the giving of at least thirty (30) days' prior written notice to the other party of its intention to terminate, specifying in such notice the effective date of such termination.

7. Compensation.

The fees due to RBC CM hereunder shall be as set forth in Appendix A hereto. In addition, RBC CM shall be entitled to reimbursement of expenses incurred in connection with any services provided hereunder as set forth in Appendix A.

8. Limitation of Liability.

(a) In the absence of willful misconduct, bad faith, gross negligence or reckless disregard of obligations or duties hereunder on the part of RBC CM or any of its associated persons, RBC CM and its associated persons shall have no liability to the Client for any act or omission in the course of, or connected with, rendering services hereunder, or for any error of judgment or mistake of law, or for any loss arising out of any issuance of any Obligations, or investments of bond proceeds, or for any financial or other damages resulting from the Client's election to act or not to act, as the case may be, contrary to any advice or recommendation provided by RBC CM to the Client. No recourse shall be had against RBC CM for loss, damage, liability, cost or expense (whether direct, indirect or consequential) of the Client arising out of or in defending, prosecuting, negotiating or responding to any inquiry, questionnaire, audit, suit, action, or other proceeding brought or received from the Internal Revenue Service in connection with any issue or otherwise

relating to the tax treatment of any issue, or in connection with any opinion or certificate rendered by counsel or any other party.

- (b) **Official Statement and Waiver of Sovereign Immunity.** Client acknowledges that it is responsible for the contents of the preliminary official statement, official statement or any other document related to the issuance of the Obligations as contemplated herein (“Offering Documents”). Client will take all reasonable steps to ensure that the governing body has reviewed and approved the contents of the Offering Documents. In addition, Client agrees and understands that this Agreement is a contract for services and to the extent permitted under the applicable state law, waives any claims or defenses you may have that you are immune from suit for any matter arising from or relating to this Agreement.

9. Required Disclosures.

MSRB Rule G-42 requires that RBC CM provide you with disclosures of potential and actual conflicts of interest and of information regarding certain legal events and disciplinary history. Such disclosures are provided in RBC CM’s Disclosure Statement delivered to the Client together with this Agreement.

10. Waiver of Jury Trial.

EACH PARTY AGREES TO WAIVE ANY RIGHT TO A TRIAL BY JURY WITH RESPECT TO ANY CLAIM, COUNTERCLAIM OR ACTION ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THE RELATIONSHIP BETWEEN THE PARTIES. PARTIES AGREE TO WAIVE CONSEQUENTIAL AND PUNATIVE DAMAGES.

11. Choice of Law.

This Agreement shall be construed and given effect in accordance with the laws of New Mexico.

12. Binding Effect; Assignment.

This Agreement shall be binding upon and inure to the benefit of the Client and RBC CM, their respective successors and permitted assigns; provided however, neither party may assign or transfer any of its rights or obligations hereunder without the prior written consent of the other party.

13. Entire Agreement.

This instrument, including all appendices hereto, contains the entire agreement between the parties relating to the rights herein granted and obligations herein assumed. This Agreement may not be amended, supplemented or modified except by means of a written instrument executed by both parties.

14. Severability.

If any provision of this Agreement is, or is held or deemed to be, invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions because it conflicts with any provisions of any constitution, statute, rule or public policy, or for any other reason, such circumstances shall not make the provision in question invalid, inoperative or unenforceable in any other case or circumstance, or make any other provision or provisions of this Agreement invalid, inoperative or unenforceable to any extent whatever.

15. No Third Party Beneficiary.

This Agreement is made solely for the benefit of the parties and their respective successors and permitted assigns. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties and their respective successors and permitted assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

16. Authority.

The undersigned represents and warrants that (s)he has full legal authority to execute this Agreement on behalf of the Client. The following individuals have the authority to direct RBC CM's performance of its activities under this Agreement:

Erik B. Harrigan, Managing Director
Regina Gaysina, Director

17. Counterparts.

This Agreement may be executed in counterparts, each of which shall be an original, but which taken together, shall constitute one and the same instrument.

Sincerely,



Erik Harrigan, Managing Director

Sincerely,



Regina Gaysina, Director

ACCEPTANCE

ACCEPTED this [] day of [], 2023

By _____

Name _____

Title _____

Attest (if required by client):

Name/Signature _____ Date: _____

Appendix A FEE SCHEDULE

In consideration for the services rendered by RBC Capital Markets, LLC, the Issuer agrees that our fee for each issue of Obligations will be as follows (subject to negotiation in the event of special circumstances such as delay in financing or completion of the transaction):

1. **Hourly Rates.** Hourly rates would be charged for advice and services performed that are *not related to the issuance of a specific obligation* based on the following schedule and only upon mutual agreement in writing between the Issuer and RBC Capital Markets before any work is started:

Managing Director	\$225.00/hour
Director	\$200.00/hour
Vice President	\$175.00/hour
Analyst/Associate	\$145.00/hour
Support	\$95.00/hour

2. **Financial Advisory Services.** As consideration for the services rendered by us and as a reimbursement for the expenses we are to incur, it is agreed that the Issuer will pay, and we are to accept, a fee based upon the following schedule, depending upon the higher amount generated par or proceeds (par plus premium) generated by the bond issue or loan agreement involved.

*If the amount of an Obligation entered into by the Issuer is:

Bond Proceed Amount	Financial Advisory Fee
Obligation Not More Than \$1,999,999	22,500
Obligation More than \$1,999,999 but less than \$4,999,999	\$22,500 + \$1.50 per \$1,000
Obligation More than \$4,999,999 but less than \$19,999,999	\$25,000 + \$1.15 per \$1,000
Obligation More Than \$19,999,999	\$27,500 + \$1.00 per \$1,000

A refunding issue combined with a new money issue will be billed as a separate issue.

It is also understood and agreed that, if RBC Capital Markets LLC prepares the POS/OS we will charge a document preparation fee to be negotiated on a case by case basis, not to exceed \$12,500.

3. **Reimbursable Expenses.** In addition to the Financial Advisory fees above, out-of-pocket travel expenses and mileage expenses will be reimbursed by the Issuer at cost plus gross receipts tax. A fee will be added for travel time for any meetings from the RBC Capital Markets, LLC Albuquerque, New Mexico Office. There will be no fee for travel within 70 miles, \$500 for travel more than 70 miles and less than 120 miles and \$750 for more than 120 miles. Due to corporate policy, reimbursable expenses cannot be paid by RBC Capital Markets. However, all expenses incurred during the issuance

of bonds will be reviewed by RBC Capital Markets for accuracy and forwarded to the Issuer for payment from bond proceeds when the bonds are issued.

4. **Fees for Refunding Obligations.** Fees for refunding Obligations not involving escrow agreements will be the fee schedule set out above plus 15 percent. Fees for refunding Obligation involving refunding escrow agreements shall include a structuring fee, which will be charged and negotiated on a case-by-case basis, but which fee shall not exceed an additional 25 percent of the fee set out in the schedule above. In instances when a defeasance occurs but no debt is issued the fee for such transaction would be billed at the fee schedule above.
5. **Billing for Obligations.** RBC CM will bill the Issuer at closing for each issue of Obligations a net amount which will include a fee calculated on the above schedule as well as any out-of-pocket expenses incurred on behalf of the Issuer plus gross receipts tax. In addition to our Financial Advisory fee, we will charge a fee to be negotiated on a case-by-case basis due to special circumstances such as litigation, delay in delivery in financing or extraordinary events. The additional fees will not exceed 25% of the fee set out in the schedule above.
6. **Other Services and Billing for Other Services.** If a financing is contemplated but not issued, RBC CM could charge out-of-pocket expenses and a fee to be negotiated on a case-by-case basis but not to exceed 25% of the fee if the financing was issued. If we are providing additional services such as debt policy or other consulting services, we would charge on an hourly basis at the rates listed in Section 1 upon mutual agreement in writing between the Issuer and RBC Capital Markets before any work is started.



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM 7j

May 10, 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 eight (8) claims. Seven (7) are recommended for approval and one (1) is recommended for disapproval. If approved, the total recommended authorization this month is **\$17,541.52**.

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 May.

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 **\$556.16**. At this pace we will spend **\$6,673.91** in the indigent claim line, for the year.

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 **\$39,873.33**.

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 \$22,331.81

ADJUSTMENTS

TOTAL ADJUSTMENTS: \$0.00 \$0.00

MAY # CLAIMS FOR APPROVAL	7
# CLAIMS FOR DENIAL	1
MAY # TOTAL CLAIMS	8

MAY TOTAL \$ AMOUNT APPROVED \$17,541.52

TOTAL # CLAIMS THIS FY APPROVED	71
TOTAL # CLAIMS THIS FY DENIED	7
TOTAL # CLAIMS FY 2022 - 2023	78

TOTAL APPROVED THIS FISCAL YEAR \$39,873.33

FACILITY: LINCOLN COUNTY MEDICAL CENTER 05/16/2023 THROUGH 05/16/2023

HC CLAIM #	DATE OF SERVICE	AMT DUE	PAID	
23180	04/18/2023	7848.00	6042.96	077%
23181	04/27/2023	273.00	210.21	077%
23182	02/24/2023	890.20	685.45	077%
23183	04/18/2023	1125.00	866.25	077%
23184	04/22/2023	90.00	69.30	077%
23185	04/27/2023	273.00	210.21	077%
23186	04/06/2023	12282.00	9457.14	077%
23187	04/22/2023	245.00		000%

DATE OF SERVICE NOT ELIGIBLE FOR PAYMENT

17541.52

APPROVED- 7 REJECTED- 1

INDIGENT HEALTH CARE CLAIMS

FISCAL YEAR 2022 - 2023

PREVIOUS AMOUNT APPROVED THIS FISCAL YEAR \$6,117.75

ADJUSTMENTS

TOTAL ADJUSTMENTS:

MAY # CLAIMS FOR APPROVAL	0
# CLAIMS FOR DENIAL	0
MAY # TOTAL CLAIMS	0

MAY 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

MAY 16, 2023

TOTAL APPLICATIONS	83	45,991.08
TOTAL APPROVED	75	
TOTAL DENIED	8	
ALAMOGORDO		
GERALD CHAMPION REGIONAL MED CTR		6,117.75
APPROVED-	4	
DENIED-	1	
RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		39,873.33
APPROVED-	71	
DENIED-	7	

INDIGENT FUND MEETING

MAY 16, 2023

TOTAL APPLICATIONS	8	17,541.52
TOTAL APPROVED	7	
TOTAL DENIED	1	

RUIDOSO		
LINCOLN COUNTY MEDICAL CENTER		
APPROVED-	7	17,541.52
DENIED-	1	

COUNTY OF LINCOLN

POLICY FOR THE ACCEPTANCE OF DEBIT/CREDIT CARDS OR ELECTRONIC TRANSFER FOR PAYMENTS OF UTILITIES AND RELATED SERVICES

Issue Date: May 16, 2023

Revision Date: _____

This policy applies to all departments that accept or may accept debit or credit cards for payment of taxes, services, permits and related services.

Section 6-10-1.2 NMSA provides that a local governing body may accept payment by credit card or electronic means and may charge a uniform convenience fee to cover the approximate costs imposed by a financial institution that are directly related to processing a debit/credit card or electronic transfer transaction.

Debit/Credit Card customer information is not subject to Public Records Disclosure.
Debit/Credit Card customer information will not be subject for use for commercial purposes.

The County of Lincoln Resolution 2023- allows the County of Lincoln to accept payments in an electronic format.

A. Authorization to Open all Credit and Debit Card Accounts

The County of Lincoln passed Resolution 2021-54 to accept payment of taxes, services, permits and related services by debit/credit card or electronic transfer transaction. County of Lincoln Finance Department must approve and open all debit card accounts and merchant credit card accounts.

B. Accepting Debit/Credit Card or Electronic Transfer Transaction Subject to Convenience Fee

The County of Lincoln Resolution 2023-54 to accept payment of taxes, services, permits and related services by debit/credit card or electronic transfer transaction with the provision that the County of Lincoln will not accept payment by debit/credit card or electronic transfer without charging a convenience fee to the customer to do so.

C. Definitions

1. **“Automated Clearing House” or “ACH”** means an association of depository institutions that process financial transactions electronically through the Federal Reserve Bank.

2. **“Convenience Fee”** means a fee that is charged to a customer for the convenience of making an electronic payment. A convenience fee charged to a customer typically covers all or a portion of a payment vendor’s transaction costs, as well as any other additional fees that are charged by an agency to recover direct costs associated with an electronic payment.
3. **“Credit Card”** means a card indicating that the holder named on the card has obtained a revolving line of credit from the financial institution issuing the card up to a certain dollar amount valid to a specified date shown on the card. A credit card may be used to pay for goods and services from merchants or organizations participating in the corresponding credit card program.
4. **“Debit Card”** means a card indicating that the holder named on the card has an open account in a financial institution shown on the card that the holder named on the card is authorized to pay for purchases of goods and services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services, or both, at the time of the transaction.
5. **“Customer”** means a person who is paying taxes, services, permits and related services from the County of Lincoln with an electronic payment, such as a credit card, debit card or electronic check.
6. **“Electronic Check”** or **“e-check”** means an ACH debit that is initiated by the customer or agency on the Internet against an open account in a financial institution that is authorized for use to pay for purchases of goods and services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services, or both, at the time of the transaction. This is also known as an internet check.
7. **“Electronic Payments”** means any financial transaction by which funds are transferred to RWW through any type of electronic payment option or method. The electronic payment options include, but are not limited to; Internet payment processing, point-of-sale payment processing, and interactive voice response (telephone payments). The methods of payment include but are not limited to: automated clearing house (ACH), credit cards, debit cards, ACH debit processing and wire transfers.
8. **“Electronic Payment Services”** means any service provided by a vendor who acts as an intermediary in processing an electronic payment, including, but not limited to: merchant banking services, credit card payment processing, ACH debit processing, and internet payment gateway services. Depending on how contracts with third party vendors are established, electronic payment services may be coordinated by a single vendor or multiple vendors.
9. **“Electronic Payment Processing Protocol”** means the standard processes used by the County of Lincoln when accepting electronic payments from customers, including, but not limited to, contracts with financial service providers and business procedures.

10. **“Interactive Voice Response System”** (IVR) means a system that allows users to pay for services over the telephone or other audio-signal carrier using a credit card.
11. **“Internet Payment Gateway Service”** means a service provided by a vendor that directs an internet payment transaction to the appropriate third-party payment processor who facilitates the transfer of funds from a specific financial institution.
12. **“Merchant Banking Service”** refers to the designated bank or banking service that processes an electronic payment.
13. **“Payment Vendor”** means a service provider who is involved with the electronic payment transaction, including, but not limited to; merchant bank, credit card issuer, credit card association, internet payment gateway, ACH or credit card payment processor.
14. **“Personal Financial Information”** means the information provided by the customer in the course of completing a payment transaction with the County of Lincoln through an electronic transfer of funds, including, but not limited to credit card number, debit card number and bank account number.
15. **“Point-of-Sale”** or POS is a payment option that performs a real-time payment authorization of a customer’s account when the customer presents their credit card (or other payment method) in-person at the time of sale.
16. **“Transaction Fee”** means the same as “transaction cost” and refers to the cost incurred by a payment vendor for executing an electronic payment. If an agency passes all or a portion of this transaction cost on to the customer, then the resulting fee to the customer is typically called a “convenience fee” (see definition above).

D. Policies

The County of Lincoln may accept electronic payments for taxes, services, permits and related services pursuant to the County of Lincoln Resolution 2021-64 and Section 6-10-1.2 NMSA 1978. The County of Lincoln must comply with the electronic payment processing protocol and procedural steps as set forth in these administrative policies and procedures.

1. Electronic Payment Processing Protocol and Privacy

The County of Lincoln, with technical assistance and equipment, if necessary, shall establish and maintain the protocol for electronic payment processing, including, but not limited to, contracts for electronic payments, convenience fees, and standard business processes and procedures.

The County of Lincoln shall not store a customer's personal financial information in a database accessible to the public. If the County of Lincoln has a legal and justifiable business need to store personal financial information obtained from customers during an electronic payment transaction, the County of Lincoln is required to provide written procedures and policies for the safekeeping of such personal financial info. Such written procedures and policies shall include the names of the County of Lincoln employees who will have access to such personal financial information. Such procedures and policies shall be forwarded to the County Manager for written approval before storing personal financial information in a database accessible to the County of Lincoln employees.

2. Contracts

- a. The County of Lincoln after consultation with the County Treasurer, shall establish and administer contracts with vendors for the acceptance and processing of electronic payments, including, but not necessarily limited to: merchant banking services, Internet payment gateway services, and third party electronic payment processors.

3. Convenience and Transaction Fees

- a. A convenience fee greater than the cost of a payment vendor's transaction fee may be charged to the customer for an electronic payment. Convenience fees may be calculated to recover all of a payment vendor's transaction costs, as well as any additional direct costs borne by the County of Lincoln.
- b. Use of a convenience fee and the methodology used in calculating it must be in accordance with the contracts the County of Lincoln has established with its payment vendors.

E. Procedures

1. The County of Lincoln employees may obtain information from the Finance Department on its electronic payment processing protocol, contracts for electronic payments, transaction fee structure and standard business processes and procedures.
2. The County of Lincoln Finance Department will provide to the County Treasurer, information pertaining to set up of accounts which may include, but is not limited to, the following:
 - a. Checking account for electronic payment deposits.
 - b. Merchant bank account and credit card issuer accounts for credit card payment processing.
 - c. Internet payment processing and third-party payment processor accounts.
3. The County of Lincoln Finance Department or its appointed designee, is responsible for tracking, researching and recording all credit/debit card transactions or electronic transfer for reconciliation purposes.

4. Acceptance of debit/credit cards or electronic transfer from the internet shall be done in a secure fashion and on a secure system.
5. Debit/Credit card payments will only be accepted in person by POS or through the Internet payment gateway. Debit/credit card payments will be accepted by telephone only if the customer is not able to utilize the Internet or IVR. Debit/credit card payments by mail or e-mail will not be accepted.

**COUNTY OF LINCOLN
RESOLUTION 2023-54**

**POLICY FOR THE ACCEPTANCE OF DEBIT/CREDIT CARDS OR ELECTRONIC MEANS FOR
PAYMENT OF UTILITIES AND RELATED SERVICES**

WHEREAS, Section 6-10-1.2 NMSA 1978 provides A state agency may accept payment by credit card or electronic means of any amount due the state under any law or program administered by the agency. The state board of finance shall adopt rules on the terms and conditions of accepting payments by credit card or electronic transfer. The local governing body shall adopt procedures, subject to the approval of the department, on the terms and conditions of accepting payments by credit card or electronic transfer. A state agency or local governing body may charge a uniform convenience fee to cover the approximate costs imposed by a financial institution that are directly related to processing a credit card or electronic transfer transaction. and

WHEREAS, The County of Lincoln Board of Commissioners has been presented with policies and procedures for the Acceptance of Debit/Credit Card Payments or Electronic Transfer Transactions for use by the County of Lincoln to utilize this service for their customers charging a convenience fee to cover transaction processing costs; and

WHEREAS, the County of Lincoln Board of Commissioners has reviewed the policy and procedures for the Acceptance of Debit/Credit Card Payments or Electronic Transfer Transactions for use by the County of Lincoln wishing to utilize this service for their customers; and

WHEREAS, the County of Lincoln Board of Commissioners having determined that it is in the best interest of the County of Lincoln to charge the customer a convenience fee to cover transaction processing costs for the use of Debit/Credit Card Payments or Electronic Transfer Transactions;

NOW, THEREFORE BE IT RESOLVED that the County of Lincoln Board of Commissioners do hereby approve the Policy for the Acceptance of Debit/Credit Card Payments or Electronic Transfer Transactions (Attachment A) as recommended by the County of Lincoln Manager.

PASSED, APPROVED AND ADOPTED this 16th day of May, 2023.

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

**TODD F. PROCTOR, CHAIRMAN
DISTRICT I**

**JON F. CRUNK, VICE-CHAIRMAN
DISTRICT III**

**MARK G. FISCHER, MEMBER
DISTRICT V**

**SAMANTHA J. SERNA, MEMBER
DISTRICT II**

**PIERRE S. PFEFFER, MEMBER
DISTRICT
IV**

ATTEST:

SHANNAN HEMPHILL, CLERK

COUNTY OF LINCOLN

RESOLUTION NO. 2023-56

**RESOLUTION SETTING A DEADLINE FOR THE TIMELY SUBMISSION OF
REQUESTS BY SPECIAL DISTRICTS LOCATED WITHIN THE COUNTY OF
LINCOLN FOR MILL LEVY FUNDING**

WHEREAS, Special Districts are tasked with budgeting for their annual operations and the imposition of a Mill Levy to fund their operations; and

WHEREAS, Lincoln County, as a part of its budget preparation, is required to include the Mill Levy to be imposed for each Special District located within the County of Lincoln; and

WHEREAS, in order for the County of Lincoln to timely prepare its budget it is necessary for each of the Special Districts to provide Lincoln County with the Special District's proposed Mill Levy in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Lincoln County Commissioners hereby direct each of the Special Districts located within Lincoln County to submit their proposed Mill Levy to be imposed for their district to the Lincoln County Manager's Office no later than July 1st of each year.

PASSED, APPROVED AND ADOPTED, this 16th day of May, 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

ATTEST:

Samantha J. Serna, Member
District II

Shannan Hemphill, County Clerk

RESOLUTION NO. 2023-57

NOTICE is hereby given by the Board of Commissioners of Lincoln County, State of New Mexico, to all persons proposing to sell or dispense alcoholic liquors outside of the corporate boundaries of the various municipalities situated in the County of Lincoln and who have qualified under the provisions of the Liquor Control Act, Section 60-3A-1, et seq. N.M.S.A. (1978 REPL. PAMP.), and all acts amendatory thereof and supplementary thereto; and have as a condition precedent hereto secured proper license from the Regulation and Licensing Department, of the State of New Mexico, that pursuant to Section 7-24-2, N.M.S.A. (1990 REPL. PAMP), they may apply to the Board of Commissioners through the office of the County Clerk in Carrizozo, New Mexico, for a license to sell or dispense alcoholic liquors in the following designations:

**DISPENSER'S LICENSE
CLUB LICENSE
RETAILER'S LICENSE
CANOPY LICENSE
RESTAURANT LICENSE
SPECIAL PERMITS**

The Board of Commissioners within and for the County of Lincoln, New Mexico, has designated and prescribed license fees to be paid to the County of Lincoln, as follows:

DISPENSER'S LICENSE.....	\$250.00
CLUB LICENSE.....	\$ 25.00
RETAILER'S LICENSE.....	\$250.00
CANOPY LICENSE.....	\$250.00
RESTAURANT LICENSE.....	\$250.00
SPECIAL PERMITS (per day).....	\$ 25.00

The License Tax period shall begin July 1, 2023 and end June 30, 2024. The full amount of said License Tax fee is due and payable on the date of issuance of the License for the License year. **In the case of a new business, the license fee will be prorated from the date that the State of New Mexico issued its license to the nearest whole month. The concerned business is to provide proof of said date of state issuance. (For Example-If the New Mexico license is issued on or before the 15th of the month, the whole month's proration will apply, if issued after the 15th of the month the county license fee will be charged commencing the following full month.)**

Provided further, that any operator who has not paid or tendered the applicable County

License tax shall be subject to closure by the County Sheriff upon the written order of the Board of County Commissioners, in accordance with Section 7-24-3 N.M.S.A. (1990 REPL. PAMP.).

PASSED, APPROVED AND ADOPTED this 16th day of May 2023.

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

TODD F. PROCTOR, CHAIRMAN

JON F. CRUNK, VICE CHAIR

SAMANTHA J. SERNA, MEMBER

PIERRE S. PFEFFER, MEMBER

MARK G. FISCHER, MEMBER

ATTEST:

SHANNAN HEMPHILL, COUNTY CLERK

Memorial Day Proclamation

Every Memorial Day, Americans remember the debt of gratitude we owe to our veterans who lost their lives for our country. On this important day, communities across our Nation stop to remember and honor the great sacrifices made by our men and women in uniform.

Since its beginnings, our country has faced many threats that have tested its courage. From battlefields and jungle skirmishes to conflicts at sea and air attacks, generations of brave men and women have fought and died to defeat tyranny and protect our democracy. Their sacrifices have made this Nation strong and our world a better place.

The tradition of Memorial Day reinforces our Nation's resolve to never forget those who gave measure for America. We continue to rely on our brave and steadfast men and women in uniform to defend our freedom. United as a people, we pray throughout the world. We also pray for the safety of our troops. This new generation follows an unbroken line of good, courageous, and unfaltering heroes who have never let our country down.

As we commemorate this noble American holiday, we honor those who fell in defense of freedom. We honor them in our memory through solemn observances, with the love of a grateful Nation.

NOW, THEREFORE, WE DO HEREBY PROCLAIM Monday, May 29, 2023, as

MEMORIAL DAY

and urge our citizens to observe Memorial Day as a day of prayer for permanent peace, and as a time to unite in prayer.

PROCLAIMED this 16th day of May, 2023, in Carrizozo, New Mexico.

BOARD OF COMMISSIONERS LINCOLN COUNTY, NEW MEXICO

Todd F. Proctor, Chairman

Jon F. Crunk, Vice-Chair

Samantha J. Serna, Member

Pierre S. Pfeffer, Member

Mark G. Fischer, Member

Attest:

Shannan 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. 8

SUBJECT:

Board of Finance – Lincoln County Treasurer, Sherrie Huddleston

Tuesday, May 16, 2023



www.lincolncountynm.gov

County of Lincoln

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

AGENDA ITEM NO. 9

SUBJECT:

Approval of Budget Adjustment for FY 22/23 by Resolution 2023-52

Tuesday, May 16, 2023

**LINCOLN COUNTY COMMISSION
RESOLUTION NO. 2023-52
BUDGET ADJUSTMENT FY 2022-2023**

WHEREAS, the Lincoln County Board of Commissioners, meeting in a regular session on May 16, 2023 did review requests for adjustments to the 2022-23 Budget; and

WHEREAS, it was determined that the proposed budget adjustments would be beneficial for the citizens of Lincoln County;

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Department of Finance and Administration is respectfully requested to approve this resolution with the following adjustments;

Fund	DFA Line #	Description	Revenues	Expenses	Transfer In	Transfer Out
General Fund		General Fund				
401-00-1951	11000-0001-61200	Transfer Out to Capital Imp (Sheriff's Vehicles)	\$ -			\$ 264,000.00
401-00-1951	11000-0001-61200	Transfer Out to E911 Equipment Fund		\$ -		\$ 60,000.00
		Subtotal	\$ -	\$ -	\$ -	\$ 324,000.00
Enhanced 911		Enhanced 911				
601-00-1950	20700-0001-61100	Transfer from General Fund			\$ 60,000.00	
601-85-2559	20700-3005-58020	Equipment		\$ 60,000.00		
		Subtotal	\$ -	\$ 60,000.00	\$ 60,000.00	\$ -
Capital Imp Fund		Capital Improvement Fund				
414-91-2913	69900-2015-58080	Sheriff's Vehicles		\$ 264,000.00		
414-00-1950	69900-0001-61100	Transfer In from General Fund		.	\$ 264,000.00	
		Subtotal	\$ -	\$ 264,000.00	\$ 264,000.00	\$ -
		TOTAL	\$ -	\$ 324,000.00	\$ 324,000.00	\$ 324,000.00

PASSED, APPROVED AND ADOPTED this 16th of May 2023.

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF LINCOLN,
STATE OF NEW MEXICO**

Todd F. Proctor, Chairman
District I

Mark G. Fischer, Member
District V

Pierre S. Pfeffer, Member
District IV

Jon F. Crunk, Vice Chairman
District III

Samantha J. Serna, Member
District II

ATTEST:

Shannan 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. 10

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, May 16, 2023



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM NO. 11

SUBJECT:

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

Tuesday, May 16, 2023



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM NO. 12

SUBJECT:

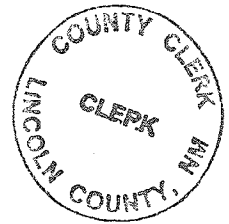
10:00 AM: PUBLIC HEARINGS/BUDGET HEARING (immediately following Public Hearings):

- a. 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
- b. Ordinance No. 2020-04 Page 4, Paragraphs D, E and F as it Relates to Revising the Current Established Fees
- c. 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
- d. Review of Preliminary Budget for the County of Lincoln for FY 23/24

Tuesday, May 16, 2023



LINCOLN COUNTY, NM
WHITNEY WHITTAKER, CLERK
20210122
Book 2021 Page 1223
1 of 10
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LINCOLN COUNTY, NM
WHITNEY WHITTAKER, CLERK
202103025
Book 2021 Page 3025
1 of 16
04/23/2021 11:45:39 AM

LINCOLN COUNTY 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.**

WHEREAS, the Board of County Commissioners of Lincoln County finds the following Ordinance necessary to provide the efficient and sanitary collection, transportation and disposal of solid waste in Lincoln County; and,

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to provide a fair and equitable procedure to allocate the cost of solid waste collection among the residents and businesses outside the municipalities who use such services; and

WHEREAS, the Board of County Commissioners of Lincoln County is delegated the authority pursuant to §4-56-1, *et seq.* NMSA 1978 to "...establish and maintain, manage and supervise a system of storage, collection and disposal of all refuse"; and

WHEREAS, the Board of County Commissioners of Lincoln County established a County-wide program for the collection of solid waste in unincorporated areas of Lincoln County; and

WHEREAS, a mandatory system of solid waste collection is necessary in order to protect the environs of Lincoln County from illegal dumping by lack of a County-wide system of refuse collection containers; and

WHEREAS, it is necessary that a mandatory solid waste collection program continue, in order to protect the health, welfare and safety of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to provide a system for establishing, amending, changing, and/or altering a system of fees by Resolution and providing for appropriate public input to such system of fees; and

WHEREAS, the Board of County Commissioners of Lincoln County 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, to provide for the establishment of fees for delinquent payments or failure to make payments, and to provide a means of collecting associated court costs and attorney's fees in the lawful pursuit of collections of delinquent payments.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY AS FOLLOWS:

Section 1. **Short Title.**

This Ordinance shall be referred to as the Solid Waste Collection and Disposal Ordinance of the County of Lincoln, New Mexico.

Section 2. **Definitions.**

As used in this Ordinance:

- A. "Debris" is defined as all waste building material, bricks, concrete blocks, shingles, roofing material, lumber, metal or plastic piping, commercial construction wastes and any other matter that is commonly known as debris.
- B. "Garbage" is defined as all waste foods, swill, carrion, slops and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and carcasses of animals.
- C. "Habitable" is defined as suitable or fit in which to live.
- D. "Occasional Use" is defined as less than thirty (30) days occupancy per year.
- E. "Owner" is defined as the owner, whether residing in said premises or not, of any property located outside the corporate boundaries of the municipalities of Capitan, Carrizozo, Corona, Ruidoso and Ruidoso Downs, and any lawfully created Water and Sanitation District providing solid waste services within the County of Lincoln.
- F. "Premises" is defined as an improved or unimproved structure, whether designed for private or commercial use, located on any property outside the corporate limits of the municipalities of Capitan, Carrizozo, Corona, Ruidoso and Ruidoso Downs and any lawfully created Water and Sanitation District providing solid waste services in the County of Lincoln, and is the unit upon which mandatory fees are assessed and collected.
- G. "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.
- H. "Residence" is defined as any habitable dwelling or each single unit of multi-unit habitable dwellings.
- I. "Responsible Party" is defined as the owner of any premises, whether vacant, improved or unimproved, used primarily for either a private or business purpose, who is responsible for payment of the mandatory fee for collection.

- J. "Solid Waste" is defined as garbage, refuse and/or debris of any kind generated by an individual, household or commercial establishment.
- K. "Uninhabitable" is defined as unsuitable or unfit in which to live.
- L. "Waiver" is defined as a document in which a relinquishment of required certain Solid Waste fees is requested.

Section 3. Mandatory Collection and Disposal of Garbage, Refuse, Rubbish and Debris.

- A. The accumulation or disposal of garbage, refuse, rubbish and/or debris, except as provided by this Ordinance is a violation of the Lincoln County Ordinance regarding refuse, solid waste, and litter and this Ordinance.
- B. All garbage, refuse, rubbish, and debris generated by an owner or tenant on the premises of the responsible party shall only be deposited in a solid waste container authorized by the County except as provided in Section 7 herein.

Section 4. Powers of the County.

In connection with the operation of a mandatory solid waste collection system, the Lincoln County Board of Commissioners 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, transportation and disposal of solid waste generated in the unincorporated areas of Lincoln County;
- B. Regulate the collection, transportation, and disposal of refuse by any entity performing collection services on behalf of Lincoln County in the unincorporated areas of Lincoln County;
- C. 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;
- D. Coordinate the collection, transportation, and disposal of solid waste, in consultation with the New Mexico Environment Department.

Section 5. Mandatory Fee.

- A. Participation in the solid waste collection system is mandatory on each responsible party in the unincorporated areas of Lincoln County, except as provided in Section 7 herein.

- B. Payment of the solid waste collection fee shall be the obligation of the responsible party for each residence and business located in the unincorporated areas of Lincoln County, except as provided in Section 7 herein.
- C. If there are multiple residences or businesses on a property, the solid waste collection fee shall be assessed on each such residence or business, except as provided in Section 7 herein.
- D. The Lincoln County Board of Commissioners shall set fees for solid waste collection based on the actual cost to collect, transport and dispose of such solid waste; however, the County of Lincoln's Contractor shall have the power to set fees for Commercial rates and rates for special services, including but not limited to grapple and roll off-services.
- E. The Board of County Commissioners of Lincoln County shall establish a system of fees, pursuant to resolution of the Board, which is duly introduced before the Board of County Commissioners of Lincoln County after the Board of County Commissioners has provided notice of the meeting at which final action on the resolution to establish a system of fees is to be taken.
- F. Such notice of public hearing shall be published once in a newspaper of general circulation within the boundaries of Lincoln County at least twenty (20) days prior to said public hearing.
- G. In the event that any responsible party, pursuant to this Section, fails to make payment of fees within thirty (30) days of the due dates set forth pursuant to the billing, said party shall be subject to a late fee as established by the Lincoln County Board of Commissioners. 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 6. Liens.

- A. All fees arising under this Ordinance shall be payable by the responsible party of the tract or parcel of land being served at the time the rate or charge accrues and becomes due, and the County of Lincoln 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.
- B. The lien provided for in this Section shall be enforced in the matter prescribed in §§3-36-1 through 3-36-7 NMSA 1978. For purposes of this Section, such action shall be taken by the Lincoln County Chair of the Board of County Commissioners 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 provided in § 3-36-1 NMSA 1978, and the effect of such filing shall be governed by §3-36-2 NMSA 1978.

- C. The charges and fees imposed herein are the responsibility of the responsible party of the premises, 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 of Lincoln.

Section 7. Exception Procedures.

- A. An owner may request a Waiver of the Solid Waste Collection Fee if the landowner has at least three-hundred (300) contiguous acres of land with adequate disposal sites per household 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 the Lincoln County Solid Waste Ordinance regulating refuse, solid waste, and litter, as amended and supplemented, regarding the unauthorized accumulation and disposal of solid waste. Waiver of 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 residential property shall have the opportunity to request a Waiver of the Solid Waste Collection Fee Due to Uninhabitability if the property is uninhabitable. The Waiver request shall be in writing with sufficient details provided to prove uninhabitability. The Waiver of the Solid Waste Collection Fee Due to uninhabitability is attached to this Ordinance as *Exhibit 2* 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 of Lincoln and the Governmental Entity shall be waived from the County of Lincoln Solid Waste Collection Fee.
- D. An Owner of a Habitable Premise with multiple Habitable Premises other than the main residence shall have an opportunity to request a Waiver if the following Premises are not generating routine waste:
1. the Habitable Premise is not being lived in or in which business is not being conducted;
 2. the Habitable Premise is used as an occasional guest home;
 3. the Habitable Premise is not used to generate income as rental property.

The Waiver of the Solid Waste Fee for Multiple Habitable Premises Other Than Main Residence is attached to this Ordinance as *Exhibit 3*, and must be both submitted to and approved by the County.

Section 8. Not Applicable to Certain Areas.

This Ordinance does not apply to property inside the boundaries of incorporated municipalities or lawfully created Water and Sanitation Districts which operate in-house or by contract collection, transportation and disposal of solid waste.

Section 9. Penalties.

- A. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed Three Hundred and No/100 Dollars (\$300.00) and/or Ninety (90) days in jail for each separate offense, except as set forth in Paragraphs B and C below.
- B. Persons violating this Ordinance by discarding or disposing of refuse, litter or garbage 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) pursuant to §4-37-3 (A)(1) NMSA 1978.
- C. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00) pursuant to §4-37-3(A)(2) NMSA 1978.
- D. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

Section 10. Severability.

In the event any Section, part or sub-part of this Ordinance shall be determined to be in violation of the Constitution or Statutes of the State of New Mexico by a Court of competent jurisdiction, that Section shall be stricken and be thereafter unenforceable. Such determination shall not invalidate the application or enforcement of the remaining Sections.

Section 11. Conflict Clause.

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

Section 12. Effective Date.

This Ordinance shall take effect thirty (30) days after recording in the Public Records of Lincoln County.


Section 13. Repeal.

Lincoln County Ordinance 2017-07 is repealed upon the effective date of this Ordinance.


PASSED, APPROVED, and ADOPTED this 19th day of January, 2021.

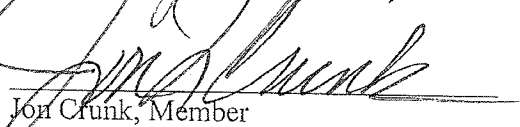
BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NEW MEXICO


Thomas F. Stewart, Chair

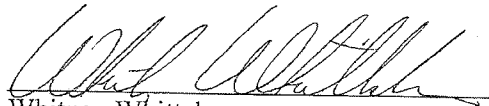

Elaine Allen, Member

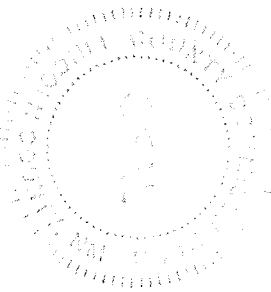

Todd Proctor, Member


Dr. Lynn Willard, Vice Chair


Jon Crunk, Member

ATTEST:


Whitney Whittaker,
Lincoln County Clerk



**Exhibit 1: APPLICATION FOR WAIVER OF THE SOLID WASTE COLLECTION FEE
LANDOWNERS WITH 300 CONTIGUOUS ACRES OF LAND**

Section 7 A of the Lincoln County Solid Waste Disposal/Fees Ordinance allows a landholder with 300 contiguous acres of land with adequate disposal sites per household, to request a waiver of the solid waste collection fee. Landowner must agree to comply with all provisions of New Mexico regulations as to disposal, and attest that the solid waste that is generated on that property does not harm the environment or endanger the public, welfare or safety.

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. The undersigned has provided required documentation for On-Site disposal of domestic solid waste with this application.
4. The undersigned has provided a photo of the pit site where solid waste disposal takes place on above described land, and have provided a description of the location of the pit.
5. The undersigned disposes of ALL solid waste generated on the subject property. If the undersigned is found to be in violation of disposing of any solid waste generated on the subject property described above by other means, the undersigned 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.

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
202103025
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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, P.O. Box 68/300 Central Ave., Carrizozo, NM 88301

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
202103025
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FOR OFFICE USE ONLY

DETERMINATION BY LINCOLN COUNTY SOLID WASTE

Approved _____ Denied _____ Date: _____ Comments: _____

(Signature: Lincoln County Manager)

**Exhibit 2: APPLICATION FOR WAIVER OF THE SOLID WASTE FEE
FOR UNINHABITABLE PROPERTIES**

Section 7 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: _____

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
202103025
Book 2021 Page 3025
11 of 16
04/23/2021 11:45:39 AM

(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, P.O. Box 68/300 Central Ave., Carrizozo, NM 88301

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
202103025
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FOR OFFICE USE ONLY

DETERMINATION BY LINCOLN COUNTY SOLID WASTE

Approved _____ Denied _____ Date: _____

Comments: _____

(Signature: Lincoln County Manager or County Manager's Designee)

**Exhibit 3: APPLICATION FOR WAIVER OF THE SOLID WASTE FEE
FOR MULTIPLE HABITABLE PREMISES OTHER THAN MAIN RESIDENCE**

Section 7 D of the Lincoln County Solid Waste Disposal/Fees Ordinance provides that a landowner with a routinely unused premise other than the main residence may request a waiver of the solid waste collection fee for *each* multiple habitable premise.

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 corporate 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:
Printed name(s)

1. I / we am/are the legal owner(s) of the land described above.
2. All information on this Application is correct.
3. The status of the above referenced premise being routinely unused has been verified by the County of Lincoln Manager or County Manager's designee through his/her signature below.
4. The undersigned request(s) to be billed for solid waste collection and services at a rate which is equivalent to one habitable premise as set forth in the Solid Waste Disposal and Fees Ordinance. Should the undersigned rent or occupy the stated currently unused premise, it is understood that the partial exemption status will be revoked and County billing adjustments will be made.
5. If the undersigned is found to be in violation of the Lincoln County Solid Waste Disposal and Fees Ordinance Multiple Habitable Premise Waiver provision on the property described above, the undersigned 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 Disposal and Fees 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

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
202103025
Book 2021 Page 3025
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Submit this form by mail or in person to:

Lincoln County Solid Waste, 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)

RESOLUTION 2016-17

A RESOLUTION SETTING FEES TO BE CHARGED BY LINCOLN COUNTY IN THE PROVISION OF SOLID WASTE COLLECTION SERVICES, PURSUANT TO LINCOLN COUNTY SOLID WASTE ORDINANCE 2016-01.

WHEREAS, the Board of County Commissioners of the County of Lincoln finds it necessary to provide the efficient and sanitary collection, transportation and disposal of solid waste in Lincoln County; and,

WHEREAS, the Board of County Commissioners of the County of Lincoln finds it necessary to provide a fair and equitable procedure to allocate the cost of solid waste connection among the residents and commercial entities outside the municipalities who use such services; and,

WHEREAS, the County of Lincoln has passed, approved, adopted and established Solid Waste Ordinance 2016-01 providing for the efficient and sanitary collection of solid waste in Lincoln County, providing for mandatory disposal and assessment of fees; and,

WHEREAS, Solid Waste Ordinance 2016-01 provides for the Board of County Commissioners of the County of Lincoln to establish, amend, change and/or alter a system of fees by Resolution and provide for appropriate public input to such system of fees; and,

WHEREAS, in the lawful pursuit of collections of delinquent payments for solid waste collection services, Solid Waste Ordinance 2016-01 entitles the Board of County Commissioners of the County of Lincoln the right of filing a lien upon the tract or parcel of land being served pursuant to the authority granted under §§3-36-1 NMSA 1978, *et seq.*, and §4-37-1 NMSA 1978, *et seq.*; and,

WHEREAS, the Board of County Commissioners of the County of Lincoln desires to set the maximum rates which may be charged for Solid Waste Collection services provided under the Lincoln County Solid Waste Ordinance; and,

WHEREAS, the Board of County Commissioners of the County of Lincoln enacts the fees as follows:

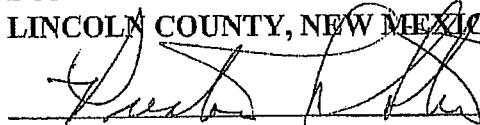
Lincoln County Polycart Residential Service	\$18.95 per month
Lincoln County Extra Residential Polycart Service	\$8.10 per month
Lincoln County Residential Service	\$17.95 per month
Lincoln County Private 3 Cubic Yd. Dumpster	\$63.30 per month
Administrative Fee for Filing Lien	\$100.00
Administrative Fee for Filing Release of Lien	\$100.00


***NOTE: Private Dumpster Service is not available County-wide.**


NOW THEREFORE, BE IT RESOLVED that the maximum rates charged to customers of the Lincoln County Solid Waste Collection service pursuant to the Lincoln County Solid Waste Ordinance are as set forth above.


PASSED, APPROVED, and ADOPTED this 15th day of Nov, 2016.

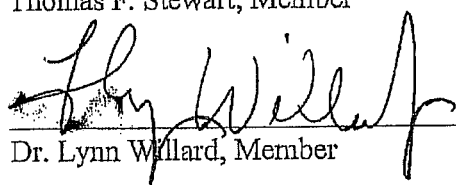
BOARD OF COUNTY COMMISSIONERS
LINCOLN COUNTY, NEW MEXICO


Preston Stone, Chair

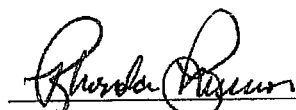

Dallas Draper, Vice-Chair


Elaine Allen, Member


Thomas F. Stewart, Member


Dr. Lynn Willard, Member

ATTEST:


Rhonda Burrows,
Clerk, County of Lincoln





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 SHERIFF'S 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 ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to NMSA §4-37-1, et seq., the County of Lincoln is granted the power to enact Ordinances not inconsistent with the laws of the State of New Mexico which will serve to promote the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners finds that the enforcement of ordinances of the County of Lincoln is an important public service and is vital to the protection of the public's health, safety and quality of life; and

WHEREAS, it is the intent of the Board of County Commissioners to enforce all ordinances enacted in the County of Lincoln; and

WHEREAS, the Board of County Commissioners finds that there is a need for an alternate method of ordinance enforcement due to the large number of ordinances in effect in the County of Lincoln; and

WHEREAS, the Board of County Commissioners desires to establish an enforcement mechanism for all violations of County ordinances; and

WHEREAS, the Board of County Commissioners finds that this Ordinance is necessary to provide for the safety, health and welfare of the citizens of the County of Lincoln.

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

Section 1. Short Title and Intent.

A. This Ordinance shall be known and may be cited as the "Lincoln County Ordinance Enforcement Officer Ordinance."

B. The intent of this Ordinance is to protect the citizens of Lincoln County through enforcement of adopted laws and regulations.

Section 2. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

A. ***Administrative Citation*** is an official notification, on a form meeting the criteria of this ordinance, of violation of any provision of any Lincoln County ordinance. Administrative Citations require correction of the violations they identify and impose penalties on the Responsible Person(s).

B. ***Ordinance Enforcement Officer*** means any Deputy or Ordinance Enforcement Officer supervised by the Sheriff's Department whose duty it is to implement the provisions of this ordinance.

C. ***Responsible Person*** means any person who an Enforcement Officer determines is responsible for causing, maintaining, committing, or allowing a violation of the ordinances of Lincoln County. A Responsible Person includes without limitation any person who exercises legal or physical control over a property or business premises in the County of Lincoln, such that the Responsible Person is capable of preventing or correcting violations of Lincoln County ordinances.

D. ***County Ordinance*** means any ordinance adopted by Lincoln County, including but not limited to one dealing with planning, nuisance abatement, health, refuse, litter, solid waste, animal control, fire control and prevention, alarms, rural addressing, historic preservation, road cuts, right-of-ways, wireless telecommunications, billboards, manufactured homes, or subdivisions.

E. ***Violator*** means a person who has been accused of a violation of a Lincoln County ordinance or a person who has admitted or been adjudicated to have violated a Lincoln County ordinance.

Section 3. Establishment of Ordinance Enforcement Officer Position.

The staff position of Ordinance Enforcement Officer is hereby established to correct or abate violations of Lincoln County ordinances. The duties of the Ordinance Enforcement Officer shall be performed under the direction of the Sheriff of Lincoln County.

Section 4. Authority of Ordinance Enforcement Officer.

It shall be the duty of an Ordinance Enforcement Officer 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 any Lincoln County ordinance. Said officer may enter upon the land without a complaint having been received only if the Enforcement Officer personally views a violation. If the owner or occupant of any land objects to the Ordinance Enforcement Officer or the Sheriff entering upon their property, as above stated, a warrant will be obtained from a court of competent jurisdiction prior to inspection.

LINCOLN COUNTY-NM
WHITNEY WHITTAKER, CLERK
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Book 2022 of 4
Page 462
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Section 5. Authorized Enforcement Officers

The following persons are authorized to issue citations pursuant to this ordinance:

1. The Lincoln County Sheriff and all deputies in the Sheriff's Department;
2. The Lincoln County Ordinance Enforcement Officer;

Section 6. Enforcement Procedures

A. ***Complaints.*** When a violation of any County Ordinance occurs, or is alleged to have occurred, any person may file a verbal or written complaint. The complaint, fully stating the causes or basis thereof, shall be filed with the Sheriff's Department of the County of Lincoln. The Sheriff, or his designee, shall properly record the complaint, investigate in a timely manner, and take action as provided in this section.

B. ***Notice of violation.*** If the Ordinance Enforcement Officer shall find that a provision of any County ordinance is being violated, he shall, in writing, notify the Responsible Person, whether owner or occupant of the property, indicating the nature of the violation and ordering the action necessary to correct it. Said notice shall indicate the ordinance and provision thereof which is being violated.

C. ***Administrative Citation.*** The Ordinance Enforcement Officer shall issue an Administration Citation to a Responsible Person when the Ordinance Enforcement Officer determines a violation of an Ordinance has occurred, giving the Violator thirty (30) days within which to remedy the alleged violation.

In the event the Violator fails to remedy the alleged violation within thirty (30) days of the date of the citation, a criminal complaint may be filed in a court of competent jurisdiction, and served on the individual by the Lincoln County Sheriff or a Deputy Sheriff, or Ordinance Enforcement Officer.

Section 7. Severability Clause.

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 8. Conflict.


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

Section 9. Effective Date and Repeal.

This Ordinance shall take effect thirty days after being recorded in the Public Records of Lincoln County, New Mexico.


PASSED, APPROVED, and ADOPTED this 18th day of January, 2022.


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


Thomas F Stewart, Chairman ☒ For ☐ Against

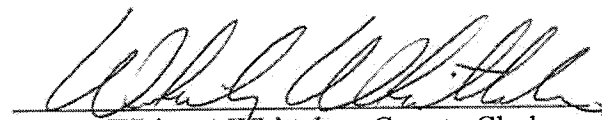

Elaine Allen, Member ☒ For ☐ Against

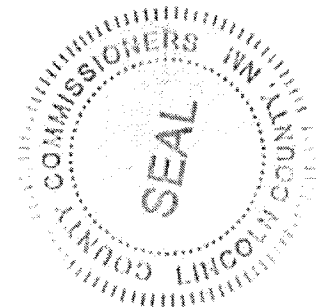

Todd Proctor, Member ☒ For ☐ Against


Dr. Lynn Willard, Vice Chair ☒ For ☐ Against


Jon Crunk, Member ☒ For ☐ Against

Attest:


Whitney Whittaker, County Clerk



ORDINANCE NO. 2023-04

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.

WHEREAS, pursuant to NMSA §4-37-1, et seq., the County of Lincoln is granted the power to enact Ordinances not inconsistent with the laws of the State of New Mexico which will serve to promote the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners finds that the enforcement of ordinances of the County of Lincoln is an important public service and is vital to the protection of the public's health, safety and quality of life; and

WHEREAS, it is the intent of the Board of County Commissioners to enforce all ordinances enacted in the County of Lincoln; and

WHEREAS, the Board of County Commissioners finds that there is a need for an alternate method of ordinance enforcement due to the large number of ordinances in effect in the County of Lincoln; and

WHEREAS, the Board of County Commissioners desires to establish an enforcement mechanism for all violations of County ordinances; and

WHEREAS, the Board of County Commissioners finds that this Ordinance is necessary to provide for the safety, health and welfare of the citizens of the County of Lincoln.

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

Section 1. Short Title and Intent.

A. This Ordinance shall be known and may be cited as the "Lincoln County Ordinance Enforcement Officer Ordinance."

B. The intent of this Ordinance is to protect the citizens of Lincoln County through enforcement of adopted laws and regulations.

Section 2. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

A. ***Administrative Citation*** is an official notification, on a form meeting the criteria of this ordinance, of violation of any provision of any Lincoln County ordinance. Administrative Citations require correction of the violations they identify and impose penalties on the Responsible Person(s).

B. ***Ordinance Enforcement Officer*** means any Ordinance Enforcement Officer supervised by the Public Works Department whose duty it is to implement the provisions of this Ordinance. This Ordinance does not preclude enforcement of Lincoln County ordinances by the Lincoln County Sheriff's Department.

C. ***Responsible Person*** means any person who an Enforcement Officer determines is responsible for causing, maintaining, committing, or allowing a violation of the ordinances of Lincoln County. A Responsible Person includes without limitation any person who exercises legal or physical control over a property or business premises in the County of Lincoln, such that the Responsible Person is capable of preventing or correcting violations of Lincoln County ordinances.

D. ***County Ordinance*** means any ordinance adopted by Lincoln County, including but not limited to one dealing with planning, nuisance abatement, health, refuse, litter, solid waste, animal control, fire control and prevention, alarms, rural addressing, historic preservation, road cuts, right-of-ways, wireless telecommunications, billboards, manufactured homes, or subdivisions.

E. ***Violator*** means a person who has been accused of a violation of a Lincoln County ordinance or a person who has admitted or been adjudicated to have violated a Lincoln County ordinance.

Section 3. Establishment of Ordinance Enforcement Officer Position.

The staff position of Ordinance Enforcement Officer is hereby established to correct or abate violations of Lincoln County ordinances. The duties of the Ordinance Enforcement Officer shall be performed under the direction of the Public Works Department of Lincoln County.

Section 4. Authority of Ordinance Enforcement Officer.

It shall be the duty of an Ordinance Enforcement Officer 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 any Lincoln County ordinance. Said Enforcement Officer may enter upon the land without a complaint having been received only if the Enforcement Officer 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.

Section 5. Authorized Enforcement Officers

The following persons are authorized to issue citations pursuant to this ordinance:

1. The Lincoln County Sheriff and all deputies in the Sheriff's Department;
2. The Lincoln County Ordinance Enforcement Officer

Section 6. Enforcement Procedures

A. ***Complaints.*** When a violation of any County Ordinance occurs, or is alleged to have occurred, any person may file a verbal or written complaint. The complaint, fully stating the causes or basis thereof, shall be filed with the Public Works Department of the County of Lincoln. The Ordinance Enforcement Officer shall properly record the complaint, investigate in a timely manner, and take action as provided in this section.

B. ***Notice of Violation.*** If the Ordinance Enforcement Officer shall find that a provision of any County ordinance is being violated, said Ordinance Enforcement Officer shall, in writing, notify the Responsible Person, whether owner or occupant of the property, indicating the nature of the violation and ordering the action necessary to correct it. Said notice shall indicate the ordinance and provision thereof which is being violated.

C. ***Administrative Citation.*** The Ordinance Enforcement Officer shall issue an Administration Citation to a Responsible Person when the Ordinance Enforcement Officer determines a violation of an Ordinance has occurred, giving the Violator thirty (30) days within which to remedy the alleged violation.

D. ***Criminal Complaint.*** In the event the Violator fails to remedy the alleged violation within thirty (30) days of the date of the citation, a criminal complaint may be filed in a court of competent jurisdiction, and served on the individual by the Lincoln County Sheriff or a Deputy Sheriff, or Ordinance Enforcement Officer.

Section 7. Severability Clause.

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 8. Conflict.

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

Section 9. Effective Date.

This Ordinance shall take effect thirty days after being recorded in the Public Records of Lincoln County, New Mexico.

Section 10. Repeal.

Lincoln County Ordinance 2022-01 is repealed upon the effective date of this Ordinance.

PASSED, APPROVED, and ADOPTED this 15th day of November, 2022.

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

Thomas F Stewart, Chairman For / Against Dr. Lynn Willard, Vice Chair For / Against

Elaine Allen, Member For / Against Jon Crunk, Member For / Against

Todd Proctor, Member For / Against

Attest:

Whitney Whittaker, County Clerk

RESOLUTION NO. 2023-53
A RESOLUTION ADOPTING THE PRELIMINARY
2023-2024 BUDGET FOR LINCOLN COUNTY

WHEREAS, the Board of County Commissioners of Lincoln County, New Mexico, meeting in a special session on May 16, 2023, did review the preliminary 2023-2024 budget and it was determined that the proposed budget would be beneficial for the citizens of Lincoln County; and

BE IT FURTHER RESOLVED that the budget priorities for 2023-2024 for Lincoln County are:

- Priority One – Find additional sources of revenue
- Priority Two – Improve Management of Existing Resources
- Priority Three – Maintain a balanced budget

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners hereby continues the existing special mill levy of 2.75 mills, apportioned this year as follows: GENERAL COUNTY GOVERNMENT 2.75 MILLS; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners hereby continues the exiting Hospital Mil Levy at existing rates apportioned this year as follows: LINCOLN COUNTY MEDICAL CENTER, EMS AND RURAL HEALTH CLINICS at 2.6 MILLS; and

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners hereby respectfully requests preliminary approval from the Local Government Division of the Department of Finance and Administration.

ATTACHMENTS: County Annual Budget Form
Budget Supporting Schedule
Balance Sheet & Department Budgets FY 2023-2024

PASSED, APPROVED AND ADOPTED this 16th day of May 2023.

BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO

Todd Proctor, Chairman
District I

Mark G. Fischer, Member
District V

Pierre Pfeffer, Member
DISTRICT IV

Jon Crunk, Vice-Chairman
District III

Samantha Serna, Member
District II

ATTEST:

Shannan 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. 13

SUBJECT:

Lincoln County Detention Center

Update – Warden, Ross Castleton

Tuesday, May 16, 2023



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM NO. 14

SUBJECT:

Lincoln County Medical Center

Update – Todd Oberheu

Tuesday, May 16, 2023



County of Lincoln

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

www.lincolncountynm.gov

AGENDA ITEM NO. 15

SUBJECT:

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

Tuesday, May 16, 2023

Good Morning,

I just want to confirm that I am on the agenda for the May 16th County Commission meeting. The agenda item is to increase the certification pay to the new statutory level signed into law by the Governor. I am also requesting that the Cartographer, and the Deeds Clerk receive this certification pay. This increase will come out of the 1% re-appraisal fund that we discussed during budget, and will not affect the general fund. I requested on April 12th, in an email to Ira, to be placed on the agenda. Please confirm.

Have a great day!

Walter Hill
Lincoln County Assessor
575-648-2306 X125



1 AN ACT
2 RELATING TO COUNTY OFFICIALS; INCREASING THE AMOUNT OF
3 ADDITIONAL COMPENSATION A COUNTY MAY PROVIDE TO ASSESSORS AND
4 CERTAIN CERTIFIED EMPLOYEES IN APPRAISER OFFICES.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. Section 4-39-4 NMSA 1978 (being Laws 1969,
8 Chapter 269, Section 3, as amended) is amended to read:

9 "4-39-4. ADDITIONAL COMPENSATION TO ASSESSORS.--In
10 addition to the salaries provided for county assessors in
11 Sections 4-44-4 through 4-44-5 NMSA 1978, county assessors
12 may receive additional cumulative increments up to:

13 A. an additional seven hundred fifty dollars
14 (\$750) a year for holding an "Appraiser 1" certificate;

15 B. an additional one thousand seven hundred fifty
16 dollars (\$1,750) a year for holding an "Appraiser 2"
17 certificate;

18 C. an additional three thousand dollars (\$3,000) a
19 year for holding an "Appraiser 3" certificate; and

20 D. an additional three thousand five hundred
21 dollars (\$3,500) a year for holding an "Appraiser 4"
22 certificate."

23 SECTION 2. Section 4-39-5 NMSA 1978 (being Laws 1977,
24 Chapter 138, Section 2, as amended) is amended to read:

25 "4-39-5. ADDITIONAL COMPENSATION TO CERTAIN CERTIFIED

1 EMPLOYEES IN APPRAISER OFFICES.--A board of county
2 commissioners may provide additional cumulative increments to
3 the salary of employees in the office of the assessor as an
4 incentive for obtaining greater qualification levels up to
5 the following amounts:

6 A. an additional seven hundred fifty dollars
7 (\$750) a year for holding an "Appraiser 1" certificate;

8 B. an additional one thousand seven hundred fifty
9 dollars (\$1,750) a year for holding an "Appraiser 2"
10 certificate;

11 C. an additional three thousand dollars (\$3,000) a
12 year for holding an "Appraiser 3" certificate; and

13 D. an additional three thousand five hundred
14 dollars (\$3,500) a year for holding an "Appraiser 4"
15 certificate."

16 SECTION 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2023. _____

SB 324
Page 2

Change In Certification Pay (HB-124)

Certification	Old Statute Rate	New Statute Rate	Difference
Appraiser 1	\$500	\$750	\$250
Appraiser 2	\$1,500	\$1,750	\$250
Appraiser 3	\$2,500	\$3,000	\$500
Appraiser 4	\$3,000	\$3,500	\$500
Totals	\$7,500	\$9,000	\$1,500

Name	Old Statute	New Statute	Difference
John Serna - 4 Certs	\$7,500	\$9,000	\$1,500
Gilbert Gonzalez - 3 Certs	\$3,500	\$5,500	\$2,000
George Vega - 4 Certs	\$7,500	\$9,000	\$1,500
Bonaficio Zamora - 4 Certs	\$7,500	\$9,000	\$1,500
Phil Hill - 4 Certs	\$7,500	\$9,000	\$1,500
Jesse Samora - 4 Certs	\$7,500	\$9,000	\$1,500
Dena Badore - 3 Certs	\$3,500	\$5,500	\$2,000
Tayloy Thornton - 4 Certs	\$7,500	\$9,000	\$1,500
LeeRoy Zamora - 4 Certs	\$7,500	\$9,000	\$1,500
Walter Hill - 4 Certs	\$7,500	\$9,000	\$1,500
Raymond Monrreal	\$7,500	\$9,000	\$1,500
Amanda Trujillo		\$9,000	\$9,000
Tendayi Thorson		\$5,500	\$5,500

Totals	\$74,500	\$106,500	\$32,000
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Blue - Old Rate

Yellow - New Rate

Green - Difference

RESOLUTION NO. 2021-42
PER DIEM AND MILEAGE POLICY
(Rescinds Resolution No. 2018-33)

**BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY,
STATE OF NEW MEXICO:**

Section 1: Authority:

Section 6-5-8 NMSA 1978 provides that all public vouchers shall contain the information required by the Secretary of Finance and Administration. Section 6-5-8 also provides that all vouchers must be certified as true and correct by the officer or employee designated to approve payments of claims against state agencies and local public bodies.

The Per Diem and Mileage Act, Sections 10-8-1 to 10-8-8 NMSA 1978 governs the reimbursement for travel by all officers and employees of state agencies and local public bodies. The Per Diem and Mileage Act provides that the Secretary of Finance and Administration may promulgate rules and regulations defining what constitutes out-of-state travel, prorating per diem, authorizing advance payments for travel expenses, authorizing use of credit cards, and authorizing reimbursements of actual costs in lieu of per diem.

Section 2. Definitions: *(as used in this policy)*

- A. “Board or committee meeting” means those board or committee meetings to which the notice provisions of Section 10-15-1(c) NMSA 1978 of the Open Meetings Act are applicable; and which formally convene and call roll and take minutes even if no further business can take place because of the lack of a quorum;
- B. “County” means Lincoln County, New Mexico;
- C. “Designated post of duty” means the county seat of Lincoln County - Carrizozo, New Mexico;
- D. “Employee” means any person who is in the employ of Lincoln County whose salary is paid either completely or in part from public money;
- E. “Governmental entity” means a state agency or local public body within the State of New Mexico;
- F. “Home” means 1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pam.); 2) for mileage purposes, the place of legal residence as defined in Section 1-1-7 NMSA 1978 (1995 Repl. Pam.);

- G. “Local public body” means every political subdivision of the state created under either general or special acts, which receives or expends public money from whatever source derived, including, but not limited to counties or other districts;
- H. “Non-salaried public officer” means a public officer serving in a non-salaried office or as a member of a board, advisory board or commission appointed by the governing authority of a local public body who is not entitled to compensation but is entitled to payment of per diem rates and mileage. This definition does not include non-salaried public officers who are also public officers or employees of other state agencies, or local public bodies;
- I. “Normal work day” means work hours as scheduled, both salaried and non-salaried, by department head or elected official;
- J. “Occasionally and irregularly travel” means not on a regular basis and infrequently as determined by the agency;
- K. “Out-of-state” means beyond the exterior boundaries of the State of New Mexico;
- L. “Public officer” means every elected or appointed officer of the county, including:
 - (1) All board and commission members;
 - (2) Non-salaried board of commission members who are also state officers or employees of other state agencies or local public bodies;
- M. “Secretary” means the Secretary of the Department of Finance and Administration;
- N. “State agency” means the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions;
- O. “Travel” for per diem purposes (*but not mileage purposes*) means away from home and at least 35 miles away from the designated post of duty of the public officer or employee; provided, however, that non-salaried public officers will be eligible for per diem for attending meetings in accordance with Section 5(d) hereof;
- P. “Travel time” means the amount of time away from home and designated post of duty. Travel time shall not include the amount of travel time which would have been required to travel by commercial airline to the out-of-state destination, unless:
 - (1) the out-of-state destination is a contiguous state of this state; or
 - (2) the vehicle is necessary for the official purpose of the traveler.

- Q. “Travel voucher” means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

Section 3. Travel Vouchers - Form:

- A. Every claim for reimbursement or advance of per diem or mileage, and other reimbursable travel expenses shall be on a travel voucher form created by the Finance Department and approved by the County Manager.
- B. Travel vouchers for the reimbursement of public officers and employees **must** have receipts attached for all money claimed, except:
- (1) claims for reimbursement of mileage for travel by private conveyance pursuant to this policy;
 - (1) claims for reimbursement of per diem pursuant to this policy (*reimbursement claims for actual lodging or food costs must have receipts attached*);
 - (2) claims for reimbursement for taxi fares or other transportation fares at the destination of a traveler; and
 - (3) claims for travel advances.
- C. Every travel voucher shall set forth:
- (1) the place or places to which traveled, the purpose served by the travel, and the date and hour of departure and return; or
 - (2) in the case of travel advances, full proposed itinerary, purpose served by the travel, and proposed charges.
- D. No per diem, mileage or expenses shall be reimbursed to any public officer or employee unless:
- (1) the voucher has been certified as true and correct by the person requesting per diem, mileage or expenses;
 - (2) the voucher has been approved for payment and certified as true and correct by an officer or employee designated to approve payment for the state agency or local public body;
 - (3) supporting documentation is attached to the voucher (*where applicable*); and

- (4) a copy of the travel voucher has been furnished to the appropriate authorities as required by law.
 - (5) the public officer or employee has obtained prior authorization from their department head, elected official or Board of County Commissioners for per diem and mileage expenses once they have been reimbursed an aggregate of more than two thousand five hundred dollars (\$2,500.00) during any one fiscal year.
 - (6) Any person who is not an employee, appointee or elected official of a county or municipality and who is reimbursed under the provisions of the Per Diem and Mileage Act in an amount that singly or in the aggregate exceeds one thousand five hundred dollars (\$1,500) in any one year shall not be entitled to further reimbursement under the provisions of that act until the person furnishes in writing to the person's department head or, in the case of a department head or board or commission an itemized statement on each separate instance of travel covered within the reimbursement, the place to which traveled and the executive, judicial or legislative purpose served by the travel.
- E. Claims for reimbursement **must be submitted within thirty (30) days** from the date of travel in order to be paid. All requests submitted later than thirty (30) days after the date of travel will be denied.

Section 4. Per Diem - Rates - Proration:

- A. Applicability. Per diem shall be paid to public officers and employees only in accordance with the provisions of this Section. Per Diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the governing body or another entity, the public officer or employee is entitled to reimbursement **only** for actual expenses under Section 4.
- B. Per Diem Rate Computation. Except as provided in Subsection C through D of this Section, per diem for travel by public officers and employees shall be computed as follows:
- (1) Partial Day Per Diem Rate. For occasional and irregular travel, which does not require overnight lodging, but extends beyond a normal work day:
 - (a) for less than 2 hours of travel beyond the normal work day, none;
 - (b) for 2 hours, but less than 6 hours beyond the normal work day, \$18.00;
 - (c) for 6 hours, but less than 12 hours beyond the normal work day, \$40.00;
 - (d) for 12 hours or more beyond the normal work day, \$55.00.

“Occasionally and irregularly travel” means not on a regular basis and infrequently as determined by the agency. For example, an employee is not entitled to per diem rates under this subparagraph if the employee either travels once a week or travels every fourth Thursday of the month. However, the employee is entitled to per diem rates under this subparagraph if the employee either travels once a month with irregular destinations and at irregular times or travels four times in one month and then does not travel again in the next two months, so long as this is not a regular pattern.

- (2) Overnight travel. Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

(a)	in-state	\$ 151.00
(b)	in-state special areas	\$ 194.00
(c)	out-of-state	\$ 151.00
(d)	out-of-state special areas	\$ 151.00

or actual lodging and meal expenses under Section 4.

- (3) Return from Overnight Travel. On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made.

- (a) for less than 2 hours, none;
- (b) for 2 hours, but less than 6 hours, \$18.00;
- (c) for 6 hours or more, but less than 12 hours, \$40.00;
- (d) for 12 hours or more, \$55.00.

- (4) For all public officers and employees, the in-state special area shall be Santa Fe. The out-of-state special areas shall be the metropolitan areas of New York City, Washington, D.C., Chicago, Los Angeles, San Francisco, Palm Springs, San Diego, Atlanta, Boston, Las Vegas, Atlantic City, Philadelphia, Dallas/Fort Worth, designated as metropolitan by the most recent edition of the Rand-McNally road atlas and areas outside the continental United States, including Alaska and Hawaii.

- C. Non-salaried public officers may receive per diem for attending each board or committee meeting at a rate as determined by the governing body for local public body officers not to exceed the statutory maximum allowable.

- D. Reimbursement of Actual Expenses in Lieu of Per Diem Rates:

- (1) Applicability. Upon written request of a public officer or an employee, written approval may be granted to reimburse actual expenses in lieu of the per diem rate where overnight travel is required. Written request **must** be submitted to Finance Department with the voucher **prior** to travel.

- (2) Overnight Travel. For required overnight travel a public officer or an employee may be reimbursed as follows:
- (a) Actual Reimbursement for Lodging. A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (*including tax*) in lieu of the per diem rate set forth in this section. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of \$200.00 per night must obtain the signature of the department head or chairperson of the governing board on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.
 - (b) Actual Reimbursement for Meals. Actual expenses for meals are limited to a maximum of \$55.00 for a 24-hour period.
 - (c) Receipts Required. The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the public officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the department head or governing board.
- (3) Return from Overnight Travel. On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made.
- (a) for less than 2 hours, none;
 - (b) for 2 hours, but less than 6 hours, \$18.00;
 - (c) for 6 hours or more, but less than 12 hours, \$40.00;
 - (d) for 12 hours or more, \$55.00;
 - (e) No reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

Section 5. Travel Advances - Lincoln County:

- A. Department heads or elected officials, or an authorized designee, upon written request accompanied by a travel voucher, may authorize a public officer or employee to be advanced up to 80% of estimated travel expenses requested. Requests for travel advances should be submitted two (2) weeks prior to travel. If requests are not received by the Finance Department at least two (2) weeks prior to travel, advances may not be available.
- B. Where a travel advance is made, the public officer or employee shall remit, within five (5) days of return from the trip, a refund of any excess advance payment to the agency.

- C. Travel advances will be based upon allowable per diem rates, as per Section 4.B.(2) and mileage costs.
- D. Each department head or elected official shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail and available to the Finance Department:

Employee _____ Vendor No. _____

Department _____ Fiscal Year _____

Date(s) of Travel	Date of Advance	Destination	Amount of Advance	Per Diem Earned	Additional Per Diem (<i>Refund Due</i>)

Section 6. Mileage - Private Conveyance:

- A. Rate. Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private vehicle or aircraft in the discharge of official duties as follows:
- (1) privately owned vehicles, (58.5 cents per mile).
 - (2) privately owned airplane, 88 cents per nautical mile.
 - (3) mileage (*privately owned automobiles*) accrued shall be reimbursed at the rate set as follows:
 - (a) pursuant to the mileage chart of the most recent edition of the Rand-McNally road atlas; or
 - (b) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; **and**
 - (1) the destination is not included on the Rand McNally road atlas, or,
 - (2) at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.

- (4) mileage (*privately owned aircraft*) accrued shall be reimbursed at a rate not to exceed the current lowest coach class commercial air fare, after County verifies the current rates of at least two commercial airlines **prior** to reimbursement, for routes traveled by commercial airlines. Otherwise, a rate of 88 cents per mile shall be reimbursed.
- B. The per diem and mileage or per diem and cost of tickets for common carriers paid to salaried public officers or employees is in lieu of actual expenses for transportation, lodging and subsistence.
- C. Reimbursement Limit for Out of State Travel. Total mileage reimbursement for out of state travel by privately owned vehicle shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier.
- D. Additional Mileage Provision. Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances, up to ten (10) miles per day.
- E. Actual Reimbursement for Mileage. Reimbursement for mileage will be from the designated post of duty except when travel is commenced or terminated to place of residence after a normal workday or on the weekend when place of residence may be used for computation purposes.

Section 7. Reimbursement for Other Expenses:

Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

- A. Receipts Not Required. Public officers and employees may be reimbursed without receipts for the following expenses:
 - (1) taxi or other transportation fares at the destination of the traveler;
 - (2) gratuities as allowed by the agency head or designee; and
 - (3) parking fees.

In an amount of \$6.00 per day not to exceed a total of \$30.00 per trip. If more than \$6.00 per day or \$30.00 per trip is claimed, receipts **must** accompany the entire amount of the reimbursement claim.

- B. Receipts Required. Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:

- (1) actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
- (2) rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;
- (3) registration fees for educational programs or conferences, provided, if the fees includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the public officer or employee and not included in the fee shall be reimbursed within the limits of Section 4; and
- (4) professional fees or dues that are beneficial to the agency's operations or mission.

Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the public officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the department head or governing board.

Section 8. Effective Date:

This Per Diem and Mileage Policy shall be effective the 18th day of January, 2022

Thomas F. Stewart, Chairman

Dr. Lynn Willard, Vice-Chairman

Elaine Allen, Member

Jon Crunk, Member

Todd Proctor, Member

ATTEST:

Whitney Whittaker
County Clerk

GENERAL LEDGER HISTORY PRINTOUT

Selection is by : Date From-7/1/2022 Thru-6/30/2023, & G/L Wildcard 2140

Date	G/L Number	Sub-Type	Bank	Ofc	Number	Debits	Credits	Name	Description
04/20/2023	499682140	C/D	01	01	118305	394.4	0	ZAMORA, JR. MARIO L.	TYLER TRAINING
04/11/2023	499682140	C/D	01	01	118146	64	0	ZAMORA, JR. MARIO L.	20% REIMBURSEMENT TRIP
03/21/2023	499682140	C/D	01	01	117939	256	0	ZAMORA, JR. MARIO L.	80% PER DIEM
01/23/2023	499682140	C/D	01	01	117299	98.6	0	ZAMORA, JR. MARIO L.	20% PER DIEM
01/23/2023	499682140	C/D	01	01	117299	85.6	0	ZAMORA, JR. MARIO L.	20% PER DIEM
01/03/2023	499682140	C/D	01	01	117125	342.4	0	ZAMORA, JR. MARIO L.	80% PER DIEM
01/03/2023	499682140	C/D	01	01	117126	394.4	0	ZAMORA, JR. MARIO L.	80% PER DIEM
11/23/2022	499682140	C/D	01	01	116771	68.4	0	ZAMORA, JR. MARIO L.	20% PER DIEM
11/08/2022	499682140	C/D	01	01	116586	273.6	0	ZAMORA, JR. MARIO L.	805 PER DIEM
10/26/2022	499682140	C/D	01	01	116451	68.4	0	ZAMORA, JR. MARIO L.	20% REIMBURSEMENT TRIP
10/17/2022	499682140	C/D	01	01	116364	273.6	0	ZAMORA, JR. MARIO L.	80% PER DIEM
10/17/2022	499682140	VOID	01	01	116360	0	-342	ZAMORA, JR. MARIO L.	80% PER DIEM
10/17/2022	499682140	C/D	01	01	116360	342	0	ZAMORA, JR. MARIO L.	80% PER DIEM
					Total	2661.4			
01/20/2023	499682140	C/D	01	01	117289	85.6	0	ZAMORA, BONIFACIO	20% PER DIEM
01/03/2023	499682140	C/D	01	01	117124	342.4	0	ZAMORA, BONIFACIO	80% PER DIEM
					Total	428			
08/04/2022	401162140	C/D	01	01	115587	320	0	WHITTAKER, WHITNEY	100% PER DIEM
					Total	320			
01/25/2023	401032140	C/D	01	01	117349	81.2	0	VENTURA, BRIANNA	20% PER DIEM
01/13/2023	401032140	C/D	01	01	117254	324.8	0	VENTURA, BRIANNA	80% MILEAGE & PER DIEM
					Total	406			
04/20/2023	499682140	C/D	01	01	118302	394.4	0	VEGA, GEORGE	TRYLER TRAINING
04/11/2023	499682140	C/D	01	01	118142	64	0	VEGA, GEORGE	20% REIMBURSEMENT TRIP
03/21/2023	499682140	C/D	01	01	117940	256	0	VEGA, GEORGE	80% PER DIEM
01/23/2023	499682140	C/D	01	01	117298	98.6	0	VEGA, GEORGE	20% PER DIEM
01/20/2023	499682140	C/D	01	01	117287	85.6	0	VEGA, GEORGE	20% PER DIEM
01/03/2023	499682140	C/D	01	01	117118	394.4	0	VEGA, GEORGE	80% PER DIEM
01/03/2023	499682140	C/D	01	01	117119	342.4	0	VEGA, GEORGE	80% PER DIEM
11/23/2022	499682140	C/D	01	01	116766	68.4	0	VEGA, GEORGE	20% PER DIEM
11/08/2022	499682140	C/D	01	01	116580	273.6	0	VEGA, GEORGE	80% PER DIEM
10/26/2022	499682140	C/D	01	01	116449	68.4	0	VEGA, GEORGE	20% REIMBURSEMENT PER
10/17/2022	499682140	C/D	01	01	116363	273.6	0	VEGA, GEORGE	80% PER DIEM
10/17/2022	499682140	C/D	01	01	116357	342	0	VEGA, GEORGE	80% PER DIEM
10/17/2022	499682140	VOID	01	01	116357	0	-342	VEGA, GEORGE	80% PER DIEM



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:

Lincoln County Office of Emergency Services:

- a. Updates on Structure and Wildfires in Lincoln County
- b. Outside Agency/County Cooperation and Command Structure During Fire Events
- c. Approval of Resolution 2023-55, Declaration of Fire Danger Emergency
- d. Consideration of the Sub-Grant Agreement Between the Department of Homeland Security and Emergency Management and the County of Lincoln

Tuesday, May 16, 2023

**RESOLUTION 2023-55
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 May 16, 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 16th day of May, 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

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

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AGENDA ITEM NO. 17

SUBJECT:

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

Tuesday, May 16, 2023



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:

Lincoln County Public Works:

- a. Approval to Issue Request for Proposal – Solid Waste Services
- b. Approval to Adjust Invalid Solid Waste Charges with Manager Oversight
- c. Alarm Permit Violation:
 1. Approval of the Release of Liens – Charles Welch
 2. Approval of Claim of Lien in the amount of \$2,000
- d. Consideration of Gate Repair – Sonterra Compactor Site

Tuesday, May 16, 2023

Section II. GENERAL INFORMATION

- A. All proposals shall be submitted no later than 0:00 p.m. on Tuesday, June 00, 2023, to the County of Lincoln Manager's office, located at 300 Central Ave, Carrizozo, New Mexico 88301.
- B. Six (6) copies of the proposal package are to be submitted in a **sealed** package, clearly marked "Solid Waste, Transportation and Disposal Proposal." The proposals will be opened at the County of Lincoln office in the Board Meeting Room at 0:00 p.m. on Tuesday, June 00, 2023.
- C. Questions and clarification inquiries about the Request contained herein must be directed, in writing, prior to the Pre-Proposal Conference scheduled at 0:00 am Tuesday May 00, 2023, in the Commission Chambers, 300 Central Ave, Carrizozo, New Mexico. Questions will be answered in writing on May 00, 2023. Questions shall be sent to:

Procurement Officer
County of Lincoln
P.O. Box 711
Carrizozo, New Mexico 88301
Purchasing@lincolncountynm.gov

- D. Each of the respondents to the Request may inspect the existing Compactors and dumping sites by requesting an on-site tour through the Public Works Director. **Past collection data is provided as an attachment, this information is indicative of the types and quantities of waste collected throughout the county; but quantities are not guaranteed.**
- E. The proposals shall address in detail Solid Waste Transportation and Disposal, minimum requirements listed below:

Classes of acceptable waste

1. Household Waste
2. Recycling
 - i. Contractor shall provide covered recycling containers for each type of recyclable listed below:
Mixed Paper
Cardboard
Plastics
Aluminum

3. Green Waste consisting of Yard Waste and Forest Waste
 - i. Operator shall provide two (2) slash pickup events per year to be determined at time of contract.
4. Miscellaneous Items
 - i. Contractor shall provide ability to accept for disposal of waste which cannot be accommodated in compactors including appliances and scrap metal.
5. Illegal Dumping

F. SCOPE OF PROCUREMENT

The scope of this procurement consists of evaluating the existing collection system as it is currently operating and providing a baseline Proposal for these existing operations. In addition, the County is interested in receiving alternative Proposals that reflect improvements to the existing operations based on the experience of the Offeror with similar collection systems.

- All Proposals will require the development of an implementation plan that will be utilized by the selected Offeror to implement the operation of a comprehensive solid waste collection program for residents of the unincorporated portions of the County (excluding the Alto Lakes Water and Sanitation District).
- The base Proposal should consider the neighborhood poly-cart collection services, rural container collections, recycling, and slash management capabilities, as well as operating and improving the twelve County owned Collection Stations. The cost will be measured in either tonnage or cubic yards but should be consistent overall in collection and billing.
- An alternate Proposal may be provided that includes or deletes any combination of the base services, while still providing access to solid waste disposal services to all the residences identified. Offeror shall identify each service they can provide, to include cost, frequency and any information pertaining to the services offered.
- The duration of the contract resulting from this Request for Proposals (RFP) shall be one (1) to two (2) years from the date of award with an option to extend in one (1) year increments as needed. Under no circumstances shall the term of this contract exceed 6 years.

G. Summary Scope of Work

Activities potentially include the following:

1. Assume full responsibility for operating, maintaining, and improving the twelve County Collection Stations.

2. Provide regularly scheduled container collection services (i.e., 3-cubic yards (cy) containers) at numerous locations within the County (approximately 200 3cy containers are currently in service)
3. Provide regularly scheduled (i.e., weekly) curb-side waste collection (96 gallon (gal) Poly-Carts) for select residential customers (within the Palo Verde and Rancho Ruidoso Valley Estates, representing approximately 380 Customers).
4. Implement a plan to increase the number of dumpsters and compactors throughout the County that address the volume of waste by no less than 10% per year until disposal of volume of waste is satisfied on a daily basis. (approximately 350 dumpsters or 24 compactors throughout the county).
5. Provide “On-Call” residential “slash” collection (up to 12-cy per customer) for County residents in forested areas (approximately 2500 Customers)
6. Provide bi-annual Slash pickup for county residents at pre-determined dates
7. Provide recycling collections, (e.g., 3-cy containers for plastics, cardboard, & metals) at the twelve County Collection Stations.
8. Provide twelve (12 to 16) community clean-up events annually.
9. Provide illegal dumping (i.e., overflow) clean-up associated with Collection Stations and 3-cy container locations.
10. Assume and implement the entire billing process of solid waste to the customers of Lincoln County as well as collection efforts for any delinquencies throughout the fiscal year.
11. Provide community outreach and education to residents in the unincorporated areas of Lincoln County regarding the solid waste collection services that are provided.

NOTE: **Proposers are not required to propose on all activities.** Alternative proposals that provide comparable (or better) collection services with enhanced efficiencies and reduced costs will be considered for each of the services identified.

F. SCORING

1. Experience (100 Points)

- Offeror should describe, in narrative or tabular form, their experience in providing the services in this RFP: compactor management, maintenance and transportation; container collection; residential poly-cart collection; recycling container collection; and slash collection services to large numbers of private residences that span a broad geographic area such as is found in Lincoln County. Offerors should also detail the duration and location where they have been providing such services; and indicate how successful they have been.

2. Collection Station Compactor Management (100 Points)

- Offeror should describe, in narrative form, how they will provide routine management, maintenance and transportation of collection station compactors from the twelve existing Collection Stations situated in the unincorporated areas of Lincoln County. The response should be tailored **to the needs of Lincoln County** and should not consist solely of generic marketing materials. Illustrative materials may be included if desired. **A map identifying the location of the Collection Stations is provided in Appendix G. A list identifying the anticipated Compactor Equipment that will be available is also provided.**

3. Container Collection Services (80 Points)

- Offeror should describe, in narrative form, how they will provide regularly scheduled container collection services for residential areas provided with these services for citizens, living in the unincorporated areas of Lincoln County. The response should be **tailored to meet the needs of Lincoln County including adjusting for seasonal and influx for change of volume for waste pickup** and should not consist solely of generic marketing materials. Illustrative materials may be included if desired. A map identifying the approximate location of the Collection Containers is provided in **Appendix G. A list identifying the anticipated Collection Container Equipment that will be available is also provided.**

4. Residential Curb-Side Collection Services (50 Points)

- Offeror should describe, in narrative form, how they will provide regularly scheduled residential curb-side collection services for residents provided with this service for citizens, living in the unincorporated areas of Lincoln County. The response should be **tailored to meet the needs of Lincoln County including adjusting for seasonal and influx of volume for waste pickup** and should not consist solely of generic marketing materials. Illustrative materials may be included if desired. A map identifying the approximate location of the Curb-Side Collection Service Customers

is provided in **Appendix G**. A list identifying the anticipated Equipment that will be available is also provided. **There are approximately 380 polycarts in Rancho Ruidoso and Palo Verde. Provide a description of how they will provide collection in lieu of polycarts should there be an alternative.**

5. Slash Collection Services (20 Points)

- Offeror should describe, in narrative form, how they will provide slash collection services for residents (approx. 2500) living within forested regions in the unincorporated areas of Lincoln County. The response should be tailored to meet the needs of Lincoln County **(minimum of bi-annual pickup and as needed pickup)** and should not consist solely of generic marketing materials. **Include proposal of credit to Lincoln County for any recycling of slash where applicable.** Illustrative materials may be included if desired.
- Offeror should describe the process for slash pickup for individuals at a determined cost per pickup outside the scheduled services provided.
- Offeror shall respond to notice of illegal dumping, to include slash, within 48 hours for a fee not to exceed \$\$\$. Awarded Offeror will provide documentation on monthly basis of all waste pickup.

6. Recycling Collection Services (20 Points)

- Offeror should describe, in narrative form, how they will provide recycling collection services at the collection stations for all residents living in the unincorporated areas of Lincoln County. The response should be tailored to meet the needs of Lincoln County and should not consist solely of generic marketing materials. **Include proposal of credit to Lincoln County for any recyclables where applicable.** Illustrative materials may be included if desired.

7. Support for Community Clean-Up Events (15 Points)

- Offeror should describe, in narrative form, how they will support **twelve to sixteen (12 to 16)** community clean-up events annually within the County. These events will be designed to manage bulk item disposal for residents living in the unincorporated areas of Lincoln County. The response should be tailored to meet the needs of Lincoln County and should not consist solely of generic marketing materials. Illustrative materials may be included if desired.

8. Citizen Outreach and Education (15 Points)

- Offeror should describe, in narrative form, how **they will implement a program** of citizen outreach and education designed to educate citizens on the proper management and disposal of residential waste, recycling protocols for reducing waste

generation and increasing diversion, as well programs to reduce the incidence of illegal waste dumping.

9. Equipment Currently Available (80 Points)

- Offeror should provide, in narrative form, an evaluation of the equipment currently available from the County to perform the contract. Offerors should describe what additional equipment will be required to properly service Lincoln County and how they plan to acquire it.
- To include lidded rolloff or dumpsters for recyclables, upgrade of services from polycarts, dumpsters to compactors, and similar requirements to serve Lincoln County timely and efficiently.
- Offeror shall outline the ability for disposal of waste to other solid waste accepting facilities, i.e., Waste Stations, landfills, etc.

10. Economic Development within Lincoln County (10 Points)

- Offeror should describe, in narrative form, how their Proposal will contribute to economic development in Lincoln County. At a minimum, Offerors should address job creation and infrastructure development and improvement. Additional points will be awarded with productive responses that provide specifics as opposed to vague statements and generalities. Additional points will be awarded to Offerors that have, or will commit to, establishing a presence in Lincoln County.

11. Project Plan (100 Points)

- Offeror should provide a detailed project plan that describes how they will prepare for and carry out the requirements of the contract. The project plan should include a schedule of events, dependencies, and assumptions. The Plan should also describe the resources needed/expected from the County and when these are needed to make the effort successful.

12. Billing (100 Points)

- Offeror should describe, in narrative form, how their Proposal will assume and implement the entire billing process of solid waste to the customers of Lincoln County as well as collection efforts for any delinquencies throughout the fiscal year.



County of Lincoln

109 Kansas City Road, Ruidoso, New Mexico 88345 * (575) 258-5934

www.lincolncountynm.gov

March 28, 2023

TO: Ira Pearson, County Manager

RE: Illegitimate Charges in Solid Waste

The Solid Waste Department has audited past due accounts and have found that there are a list of accounts that were not charged correctly or were not supposed to be charged at all. The second list involves past due accounts that have had attempts at collections including attempts at phone contact, mail and email, but were unsuccessful. We have no recourse with these as per ordinance, the property has been sold and Solid Waste cannot place a lien on the property. These accounts have had past due balances for up to the past 7 years. In an effort to clean up the database, Solid Waste will be adjusting these accounts to zero. The number of accounts and dollar amount is as follows:

Skip list	513	in the amount of	120,892.67
N/C uncollectibles	51	in the amount of	10,696.86
N/C sold properties	186	in the amount of	62,103.53
N/C credits	56	in the amount of	<u>- 1,117.41</u>
			193,693.06

Please let me know if you have any questions or concerns.

Respectfully,

Francesca T Herrera

County of Lincoln

Public Works Director

575-258-5934

575-937-6531

publicworks@lincolncountynm.gov

fherrera@lincolncountynm.gov

RELEASE OF LIENS

THE COUNTY OF LINCOLN, Claimant under those certain Claims of Lien recorded on the following dates: (i.) November 3, 2008, in Book 2008, Page 8998, (ii.) December 1, 2011, in Book 2011, Page 7615, (iii.) June 26, 2012, in Book 2012, Page 3968, (iv.) June 14, 2013, in Book 2013, Page 3974, (v.) June 20, 2014, in Book 2014, Page 3442, (vi.) May 11, 2015, in Book 2015, Page 2438, (vii.) July 13, 2016, in Book 2016, Page 3638, and (viii.) July 18, 2017, in Book 2017, Page 3924 of the records of Lincoln County, New Mexico, does hereby discharge the real estate described in said Claims of Lien purportedly owned by **Charles W. Welch** from the liens and operations thereof, as to the following property, to-wit:

Lot 175 of DEER PARK WOODS SUBDIVISION, UNIT 6, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, December 1, 1980, in Tube No. 720; being the same lot or parcel of ground which by deed dated January 25, 1993, and recorded among the Land Records of Lincoln County in Deed Book 1993-1, Page 1078 was granted and conveyed to Charles M. Welch, a single man.

Together with improvements thereon being commonly known as 912 Deer Park Drive, Alto, New Mexico 88345.

WITNESS my hand and seal this _____ day of May, 2023.

THE COUNTY OF LINCOLN

By: Todd F. Proctor
Its: Chairman of the Board of County Commissioners

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

On this the ____ day of May, 2023, before me personally appeared TODD F. PROCTOR, Chairman of the Board of Lincoln County Commissioners, to me known to be the person described in and who executed the foregoing Release of Liens and acknowledged that he executed the same for and on behalf of said County.

Notary Public

CLAIM OF LIEN

TO: **Charles W. Welch**, Owner or reputed owner of the premises hereinafter described, and to all who may be concerned:

You are hereby notified that **THE COUNTY OF LINCOLN**, whose address is 300 Central, Carrizozo, New Mexico, 88301, hereinafter called Claimant, hereby claims a lien 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 Nos. 2008-2, 2011-04, and 2017-06 entitled “Lincoln County Alarm System Ordinance” in the sum of Two Thousand and 00/100 Dollars (\$2,000.00) upon the property hereinafter described for failure to comply with Lincoln County Ordinance Nos. 2008-2, 2011-04 and 2017-06 by failing to obtain or renew an annual alarm user permit for the years 2008 through 2023 [\$25.00 yearly permit fee plus \$100.00 yearly fine = \$2,000.00] to **Charles W. Welch**, and in support of said claim, Claimant states:

1. That a lien is claimed upon the following property:

Lot 175 of DEER PARK WOODS SUBDIVISION, UNIT 6, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, December 1, 1980, in Tube No. 720; being the same lot or parcel of ground which by deed dated January 25, 1993, and recorded among the Land Records of Lincoln County in Deed Book 1993-1, Page 1078 was granted and conveyed to Charles M. Welch, a single man.

Together with improvements thereon being commonly known as 912 Deer Park Drive, Alto, New Mexico 88345.

2. That the name of the Owner or reputed owner of the above-described property is **Charles W. Welch.**

3. That this lien is claimed on account of failure to obtain or renew a permit(s) and imposition of fines in accordance with Lincoln County Alarm Ordinance Nos. 2008-2, 2011-04 and 2017-06 regarding the above-described property at the request of and pursuant to a Lincoln County Ordinance Enforcement request.

4. That the terms of Claimant's Ordinance state that:

Every person who owns, leases, possesses or operates an activated alarm system within the unincorporated areas of the County of Lincoln, excluding alarm systems or devices that, will not be seen or heard by the general public and will not communicate or transmit, directly or indirectly, to the Sheriff's Department, shall obtain an annual permit issued by the County. It shall be a violation of this ordinance for any person to operate or permit the operation of a security alarm system without a valid alarm user permit.

(1) Prior to the activation of a security alarm system after the effective date of this ordinance, and each calendar year thereafter, the person in control of the property on which the security alarm system is installed shall obtain an annual alarm user permit by filing an application therefore.

(2) There shall be a separate registration required for each alarm site.

(3) Upon receipt of a completed registration form and a non-refundable permit fee, the County shall issue an alarm permit to the applicant unless the applicant has:

- a. failed to pay any fees assessed under any section hereof; and/or
- b. had a security alarm permit revoked for the alarm site, and the violation(s) causing the revocation has not been corrected.

(4) A permit shall expire on December 31 of each calendar year, regardless of the date of issuance, and shall be renewed for a new one-year period by the submission of an updated application to the County between December 1 and December 31 of each year thereafter for the succeeding calendar year.

(5) The Ordinance Administrator shall notify each alarm user of the need to renew their registration within forty-five (45) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application for renewal prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and penalties shall be assessed without waiver.

(6) A County representative shall issue a decal specifying the permit number with each permit issued. The permit holder shall post the initial decal and subsequent renewal decals prominently on or near the front entrance to the premises, such that information provided on the decal is visible from outside the structure.

(7) An alarm registration permit cannot be transferred to another person or alarm site.

(8) Any false statement of a material matter made by the applicant for the purpose of obtaining an alarm permit shall be sufficient for refusal to issue a permit or revocation thereof.

5. That after deducting all just credits and offsets, there is now due and owing to Claimant the sum of Two Thousand and 00/100 Dollars (\$2,000.00), representing the permit fees and a fines as follows: [(i.) 2008 - \$25.00 permit fee plus \$100.00 fine, (ii.) 2009 - \$25.00 permit fee plus \$100.00 fine, (iii.) 2010 - \$25.00 permit fee plus \$100.00 fine, (iv.) 2011 - \$25.00 permit fee plus \$100.00 fine, (v.) 2012 - \$25.00 permit fee plus \$100.00 fine, (vi.) 2013 - \$25.00 permit fee plus \$100.00 fine, (vii.) 2014 - \$25.00 permit fee plus \$100.00 fine, (viii.) 2015 - \$25.00 permit fee plus \$100.00 fine, (ix.) 2016 - \$25.00 permit fee plus \$100.00 fine, (x.) 2017 - \$25.00 permit fee plus \$100.00 fine, (xi.) 2018 - \$25.00 permit fee plus \$100.00 fine, (xii.) 2019 - \$25.00 permit fee


THE COUNTY OF LINCOLN

Notary Public

**COUNTY OF LINCOLN
TELEPHONE -MULTIPLE QUOTES**

To be attached to requisitions \$2,501.-\$20,000 requiring three quotes unless purchased under SPD or GSA along with quotes per County Purchasing Policy 2.9.B & C. IF SPD, GSA or CO-OP IS USED REFERENCE CONTRACT THREE QUOTES ARE NOT REQUIRED

DATE: 03/28/2023 DEPARTMENT: Public Works

QUOTES OBTAINED BY: Kyla Helton Approved by: 

DESCRIPTION OF ITEM(S): Material and Labor to repair the fencing around the
Sonterra compactor.

VENDOR #1: All Terrain Fence LLC QUOTE \$: 1,800.00 OR PRICE PER
ITEM: _____

Contact/Salesperson/Source (e-mail/web): Manufacturer/Make/Model Meets Specs: ☒
Luis Marquez (575)973-1600 Not Equivalent: ☐
No Response: ☐
Unable to: ☐

VENDOR #2: Pecos Construction & Fencing QUOTE \$: _____ OR PRICE PER
ITEM: _____

Contact/Salesperson/Source (e-mail/web): Manufacturer/Make/Model Meets Specs: ☐
Not Equivalent: ☐
No Response: ☒
Unable to: ☐

VENDOR #3: Thomas Chaves QUOTE \$: _____ OR PRICE PER
ITEM: _____

Contact/Salesperson/Source (e-mail/web): Manufacturer/Make/Model Meets Specs: ☐
Not Equivalent: ☐
No Response: ☒
Unable to: ☐

Justification to not use best obtainable quote: _____

PURCHASING DEPARTMENT USE ONLY

PURCHASE ORDER NO. _____ DATE ISSUED: _____ BY: _____

PROPOSAL

All Terrain Fence LLC

Ruidoso New Mexico



Proposal Submitted To:

Name: Lincoln County NM

Address: NM St HWY 220 and Sonterra Drive

Phone: 575-258-3265

Estimate for gate repair.		
Item	Qty	Price
2inx2inx 24ft square tubing	2	\$125 ea
Hinges	2	\$170 pair
welding rods	1-5lbs box	\$60
latch and anchor	1	\$150
Labor		\$1,170
Total - \$1,800		
Keep in mind this estimate may change if more labor, hardware, or material is needed.		
* Front Gate *		

ALL WORK IS WEATHER DEPENDANT

Date:

PROPOSAL

All Terrain Fence LLC

Ruidoso New Mexico



Proposal Submitted To:

Name: Lincoln County NM

Address: NM St HWY 220 and Sonterra Drive

Phone: 575-258-3265

Estimate For blown down section behind compartor.

Item	Qty	Price
6inx6inx24ft Metal Post	1	\$450.00
1inx6inx10ft Cedar Pickets	14	\$15.00 ea
Cedar 2inx4inx10ft	16	\$17.00 ea
80lbs concrete mix	6	\$6.50 ea
3in & 4in wood screw	2 box's	\$30 ea
2½ self tapping metal screws	1 box	\$35
matching stain & brushes/rags	1 gal.	\$85
Labor		\$1,199
Total - \$ 2,350.00		
* Back of Fence *		

ALL WORK IS WEATHER DEPENDANT

Date:



County of Lincoln

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AGENDA ITEM NO. 19

SUBJECT:

Economic Development:

- a. Local Economic Development Act (LEDA) Introduction
- b. U.S. Economic Development Administration Funding Opportunities – Discussion and Direction

Tuesday, May 16, 2023

LEDA Overview

Under the Local Economic Development Act (LEDA) (5-10-1 to 5-10-13 NMSA 1978) the New Mexico Economic Development Department (NMEDD) is granted authority to administer grants to Local Governments (Municipality and/or County); to assist expanding or relocating businesses that are Qualified Entities that will stimulate economic development and produce public benefits pursuant to LEDA. All grants are funded on a strictly reimbursement basis.

EDD targets economic development projects that comply with all legal facets of LEDA. Additional consideration is given to project that demonstrate:

- Significant Community Impact and Support;
- Rural and Underserved Areas of New Mexico;
- Increased Wages and Job Creation;
- Significant New Capital Investment; and
- Environmentally Sustainable Outcomes.

Implementation:

The Department has designed and implemented a systematic, transparent approach to prioritizing projects that meet the over-arching goals of NMEDD for financial evaluation and structuring. These goals provide guidance for funding on project impact qualifications, application review criteria, and concentration factors.

Qualifying Entity:

Means a corporation, Limited Liability Company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

- An industry for the manufacturing, processing or assembling of agricultural or manufactured products;
- A commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or having been manufactured; or.
- An “Economic Base Employer”, which is defined as an employer who is deemed eligible for in-plant training assistance by the Economic Development Department’s Job Training incentive Program (Section 21-19-7 NMSA 1978).

Non-Qualifying Entities:

- Any enterprise for the sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
- A business in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but **not including businesses primarily engaged in the sale of goods or commodities at retail.**

Program Application Requirements:

Access to the on-line application portal is extended to a Qualified Entity after an initial review of program eligibility and includes:

- Demonstration of Financial Soundness and Readiness to Proceed;
- A signed Release/Authorization Form, including certification that the Qualified Entity is current with all New Mexico and Federal obligations;
- Project Scope of Work, including use of requested funds;
- 3 years Financial Statements and/or Pro Forma, along with appropriate documentation (purchase agreements of land, loan approval, term sheets, infrastructure order, etc.);
- Funding Sources and uses;
- Job creation and salary/benefit information;
- Project Capital Investment; and
- Completed Economic Impact data sheet.

Department's Role:

- Determine eligibility prior to invitation to apply;
- Determine appropriate LEDA project amount;
- Conduct due diligence, including commercial credit check;
- Review the application and approve when complete;
- Determine project feasibility, including financial analysis; and
- Develop Project Terms Sheet which identifies: Security Interest that is equal to the approved amount (i.e., letter of credit, mortgage, UCC filing, etc.); Performance and "claw back" provisions; Expected Project Leverage (Private investment versus public funds requested); job creation timeline; and Project Starting Head Count.

Community's Role:

- Will provide a letter requesting the funds and indicating support for the project and that the project complies with community local LEDA Ordinance;

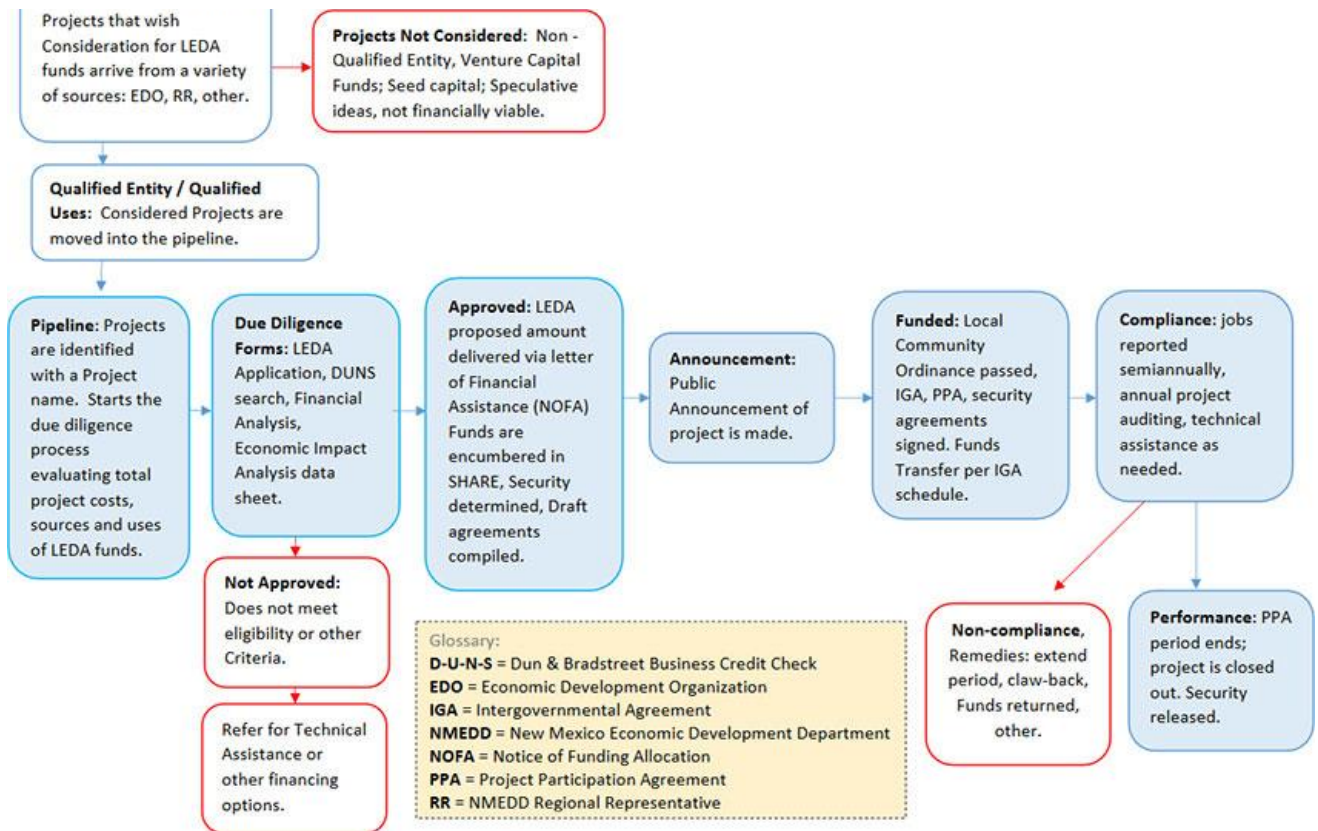
- Act as the Fiscal agent for receipt of initial funds and subsequent disbursements/reimbursement of funds based on Department's approval;
- Track any outstanding LEDA balance remaining; and
- Provide to NMEDD job reports and ES903 obtained from the Qualifying Entity.

Program Funding Uses:

- The purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure;
- Public works improvements essential to the location or expansion of a qualifying entity, and
- Loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from the municipal infrastructure gross receipts tax or the county infrastructure gross receipts tax;

LEDA projects are effectuated by a Project Ordinance passed by the local community and may include: a signed Project Participation Agreement (PPA) outlining the agreed upon scope of work between the Fiscal Agent and the Qualifying Entity; a signed Intergovernmental Agreement (IGA) between the Fiscal Agent and the State; and a Final Security Document. All funding decisions are made by the Secretary and Governor based on staff recommendations and are final.

LEDA Project Life Cycle



[View As PDF](#)

Timeline is determined by the company decision process, the local government public meeting requirements and complexity of negotiations. Projects have been announced within 3 months of being placed in the Pipeline and have extended out 18-24 months.



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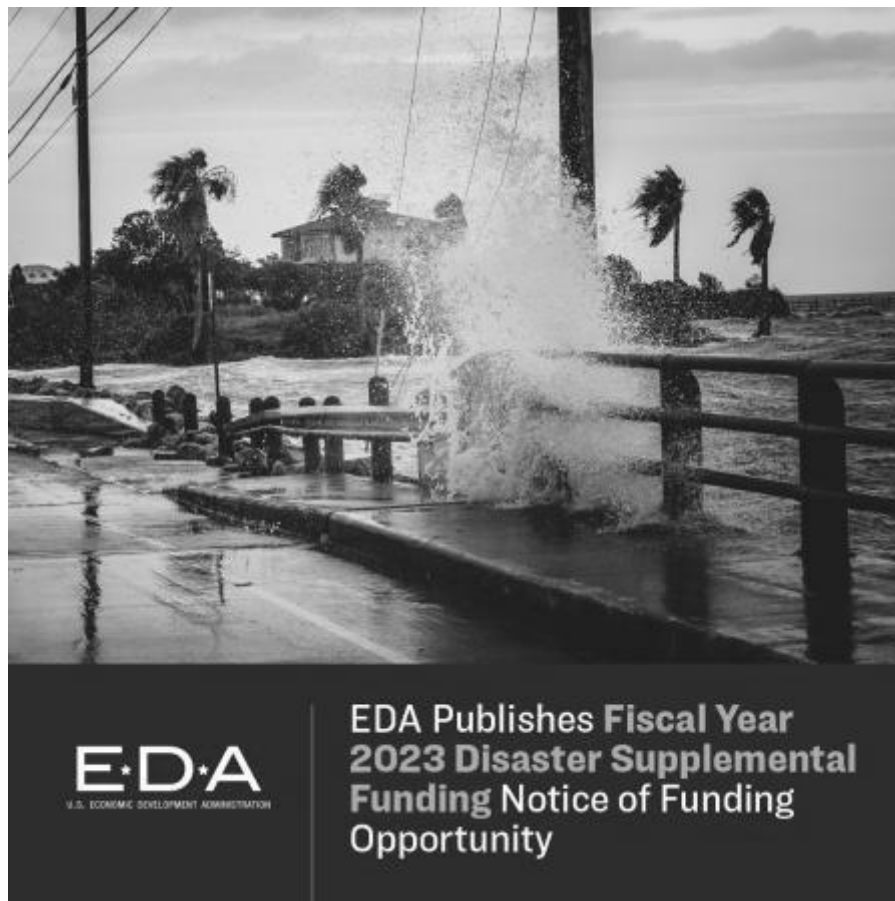
BLOG

April 24, 2023

EDA Announces Notice of Funding Opportunity for Regions Impacted by Natural Disasters

Share

The Economic Development Administration (EDA) is providing support to those communities impacted by natural disasters in 2021 and 2022. On April 24, 2023, the FY23 EDA Disaster Supplemental Notice of Funding Opportunity was published at grants.gov and on eda.gov <<https://sfgrants.eda.gov/s/funding-program/a2j3d000000twkaa/fy-2023-disaster-supplemental>>. Applicants can apply here. <<https://sfgrants.eda.gov/s/>> Through this program, EDA is accepting applications from those regions impacted by Hurricanes Ian and Fiona, wildfires, flooding, and all other natural disasters (2021-2022).



The awards made under this NOFO are designed to address economic challenges in those areas where a Presidential declaration of a major disaster has been issued. Funding will help communities devise and implement long-term economic recovery strategies through a variety of construction and non-construction projects.

EDA is soliciting applications under the authority of its Economic Adjustment Assistance (EAA) <<http://eda.gov/arpa/economic-adjustment-assistance>> program, which is designed to provide flexible and responsive economic development support to meet a region's particular needs. Eligible applicants include Tribal nations, non-profit organizations, colleges and universities, district organizations of an Economic Development District (EDD) <<http://eda.gov/about/economic-development-glossary/edd>>, and state, county or city subdivisions engaged in economic or infrastructure activities. Individuals and for-profit entities are not eligible for funding under this NOFO.

EDA anticipates strong demand for this program and encourages applicants to work with their Economic Development Representatives to prepare and submit a competitive proposal in a timely manner.

There is no deadline under this announcement. Applications will be accepted on a rolling basis. EDA anticipates it will begin make awards in August 2023.

EDA has a long history of supporting locally led recovery and resiliency efforts through the Disaster Supplemental Funding <http://eda.gov/strategic-initiatives/disaster-recovery/supplemental> program. Since the early 1990s, EDA has received a total of \$3 billion in supplemental appropriations from Congress to support long-term economic recovery and resiliency in the aftermath of disasters.

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County of Lincoln

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AGENDA ITEM NO. 20

MEMORANDUM

TO: County Commissioners

FROM: Ira Pearson, County Manager

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

Discussion:

The County of Lincoln receive two (2) responses to the Request for Proposal #22-23-5:

LaMay LLC and Rideout Electrical

The Evaluation team scored both companies very high with LaMay getting 590 points and Rideout receiving 635 points.

Recommendation:

Based on the lack of information provided from both companies and the evaluation of level of services needed, recommendation is not to proceed with award to either company.

Tuesday, May 16, 2023

EVALUATION SCORE AVERAGES
RFP # 22-23-5 Electrical Services

OFFEROR'S NAME	EVAL. #1	EVAL. #2	EVAL.# 3	OFFEROR TOTAL SCORE	OFFEROR AVERAGE SCORE	NOTES	RATES	MARK UP
LaMay LLC	205	195	190	590	295.00	DID provide attachment E with statement & narrative, licenses and insurance as per RFP; Provided reference list, but no reference letter as per RFP; Did not provide Campaign Disclosure per RFP. Did not return acknowledgement of receipt Appendix A. Did not return acknowledgement of receipt Appendix A by deadline , but it was in the response package.	Master \$85; Journey \$80; Apprentice \$40	25%
Rideout Electrical	215	205	215	635	317.50	Did NOT provided attachment "E" statement or narative, just filled in the blanks on the example; no personnel information, licenses or insurance; no reference list or reference letter as per RFP. Did not have a cover of anything identifying it was a response to the RFP as per the RFP instructions	Master \$125; Journey \$90; Apprentice \$35.	20%
EVALUATION TOTAL	420	400	405					
AVERAGE	210.00	200.00	202.5					



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AGENDA ITEM NO. 21

1) LCJJB Board Meeting – April 19

The Lincoln County Juvenile Justice Board continues to meet and stay dedicated to reforming behavior in young adults. Services have continued without the CYFD funding.

2) LCDC Kitchen Plumbing – April 21

Warden Castleton and I met regarding the deteriorating pipes below the kitchen floor. We are asking Ventura plumbing to develop a plan to start converting cast-iron piping to schedule 80 PVC. This topic will be presented to the BOCC next month.

3) Carrizozo Complex Security Walk through – April 24

Sandia Security Company (Albuquerque) walked the entire complex with our staff to inspect the needs of the facility. We are anticipating some pricing for security hardware and software in the near future.

4) NMC Online Training – April 25

New Mexico Counties continues to provide excellent training. This month was Avoiding Liability Through Proper Recruiting & Interviewing Techniques Description: Although employers understand that they must avoid making discriminatory employment decisions, not all employers are aware of the significant liability risk the recruiting and interviewing process presents. This class provides managers/supervisors, and HR professionals involved in the hiring process with training to spot and avoid potentially discriminatory practices including:

- Describing the protected classes under state and federal anti-discrimination laws applicable to applicants and the difference between disparate treatment and disparate impact.
- Identifying where discrimination can occur in the recruiting and selection process.
- Highlighting issues to be aware of and best practices to implement during the recruiting process.
- Listing interview questions to avoid
- Providing practical steps to avoid the appearance of discrimination and bolster defenses to a discrimination claim.
- Providing an understanding of the recently amended Criminal Offender Employment Act.

5) Capital Outlay Questionnaires Due April 28 – April 25

The NM DFA requires questionnaires to be filled out before processing the Capital Outlay awards from the 2023 Legislature. We completed the online forms and submitted them before the 4/28 deadline. \$800,000 for Carrizozo renovations. \$50,000 for security upgrades at LCDC.

6) GreenTree Landfill Meeting – April 27 – Was cancelled

7) Grand Opening of Ruidoso Magistrate Court – April 27

The grand opening was well attended, and Lincoln County showed their support:
Commissioners / Sheriff Office / Treasurer Office / Manager Office
Thank you to everyone in attendance.

8) SNMEDD – New Grant Writer – Vicky Thomas

Dora Batista introduced Lincoln County and Village of Ruidoso staff to Vickie Thomas. Ms. Thomas works for ENMU Roswell and will be helping the VOR and LC in writing disaster recovery grants.

9) Director's Reports



County of Lincoln

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Director's Report

Date: 5/10/2023

Name: Joe P. Kenmore

Department: OES

Vacancies in Department: 0

Activities:

- Calls for Service: 0 Structure, 1campfire control burns not reported, 3 med. assist, 2 smoke alarm calls, 5 motor vehicle accidents, 6 Wildland fires and 2 Hazmat scenes
- Meeting with the FEMA groups and getting required information for our contractors.
- Bonito has transitioned to the new Sun Valley Station
- Fuel truck off South East end of parking lot at Chisoms at Alto
- Cattle truck rollover at Mile Marker 300 on US 70 west bound. Trailer had 150 head of dairy calves. 25 head down or put down. Hondo and Glencoe FD got live calves out of trailer in less than 1hr. and 50 min. Ranch had gate close and held calves overnight.
- Went to the Partners in Preparedness with NM Dept. of Health to Discuss Covid and next steps. Then to an Ag ALIRT(Animal Livestock Incident Response Team. Got the refresher and then Live action
- This office created 40+ 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
Robert Barber is working hard to get CERT team foundation running.



Lincoln County Fire & Emergency Services

Fire Administration



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

OES 5/10/2023

We have had 8 brush fires in the last month. In ranging in size from 2 ac. to 1200 ac. A couple of these are from welding on fence and this is why we need to put the cutting, welding, and grinding in our burn ban.

The 4 fires that were major in Lincoln County over the last two weeks.

The Flat Fire at 22.8 acres North on 246 just about 2 miles from US 380 with Capitan, Lincoln, USFS, St. Forestry, and OES. Welding

The Creek fire was off 246 at Transwestern Road North about 8 miles out in a pasture. Capitan, USFS, and OES. 88 ac. Lightning.

The Park fire was off Alamo Canyon at Circle Bar road and back on the Rio Hondo Land and Cattle Ranch about 10 miles south. 1200 ac. Arron was the Type 4 IC and had Hondo, Glencoe, St. Forestry, and OES for the first night. Lightning

The Vasco fire was East of Corona on 247 to mile marker 28 and north on Vasco rd. about 2 miles. 6 ac. Corona FD and St. Forestry. Welding

We had a couple of small roadside starts as well. Less than a tenth of an acre.



County of Lincoln

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Director's Report

Date: 05/20/2023

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. We continue to create the new RFP with pertinent information ascertained through special meetings this last month.
- Brandi and Kyla have completed the work on the comparison list supplied by the Assessor's office with approximately 200 new customers added to the Solid Waste billing database.
- The 300+ Acre letter requesting updated information has been mailed out. The majority of response has been very positive and we are working with owners to appropriately obtain information per request. Per discussion on 4/11/23, Solid Waste will hold the applications for 300+ until the Ordinance has been revised, submitted and approved with the changes discussed in the next month or so.
- 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. Due to the inability to allow ebilling without subscribing to Trashflow's billing fees, we have decided to decline use of the program. We are within the 90 day refund period and have opted to utilize the option and will not be proceeding with Trashflow. Refund is in the process and we continue to research the best way to bill our customers.
- For lodger's tax, we have 11 new pending applications for use of Lodger's Tax funds. We are in the process of implementing the new Lodger's Tax platform, Granicus and can work within that platform while installing the entire program. We will be able to use Granicus once we implement the program fully and be able to take on receipting the taxes. We will be working with the Treasurer's to that end.
- We are still working on mail/email regarding owners checking on their Airbnb Portal to make sure taxes are not being remitted by VOR. We are working on different grant writing aspects for the county in regards to Solid Waste and communications. More information to come after meetings that we have scheduled are completed.

Future Projects / Plans:

Working on Exemptions for 300+, Multi-residence and Uninhabitable. Pending decision by Commissioners.

Work towards getting Solid Waste set up successfully.

Working towards getting funding opportunities through grants for Solid Waste.



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Director's Report

Date: 5-11-23

Name: Jeff Honeycutt

Department: Road

Vacancies in Department: 2 (Operator II)

Activities:

- SERTPO meeting May 8th submitted first round of maintenance money request (TPF) Now goes to NMDOT District II and to the Secretary Of Transportation. (Jeff)
 - Built 2nd parking area at the fairgrounds across Magado Creek in front of the Barns. 90% of material used was re-purposed from the Fairgrounds parking lot, saved \$20,000 in base course. Spent \$5,000.00 in Basecourse and Water. (Nick,Jeff,Gerald).
 - Renegade finished paving the portion of the Fairgrounds parking lot that was prepped. 540 tons of asphalt. 33% still needs to be paved, sub surface storm drain has been installed for phase 1A. As of 5-11-23. (Jeff Project Management)
 - Re-shaped Janet drive off Gavilan and capped with Millings (McBride Fire Damage) also have Prospect and Edwards to repair. Hauled over 200 loads of Caliche to Alamo Canyon placed at 6" for 1.5 miles. Material, Labor, Equipment cost a little over \$90,000.00.
 - Placed Basecourse at 3 Compactor locations Cedar Creek, Lower Eagle Creek, Glencoe Fire Station (Nick) trucking crew. Met with Pattern/Blattner on repairing Elda road (Walter) with additional locations from the District Bladehand, work is ongoing.
 - Remodel of small house at Fairgrounds is going well, have passed all State CID inspections Electrical, Plumbing, Framing,Insulation, Septic tank to be installed next week, currently sheet-rocking inside. (John, Gilbert, Raymond)
 - Complete Asphalt Restoration completed repairs on Lower Eagle Creek and Paso Monte. (Jeff and Contractor)
- New Rural Addresses (4) Address Verifications (22) Street signs made (3) Address sign (1) Drive way Permits (2) (Janett & Gerald)

Future Projects / Plans:

Met with Complete Asphalt Restoration on list of potholes and repairs on Lakeshore, Flute Player. (Jeff)

Bi-Weekly meeting with Renegade on Fairgrounds progress (Jeff, Eric Hamilton).

Discuss details of the installation of Box Culverts at Perry Springs, plans being finalized (jeff, Eric) Mesa Verde Contractor.

Micro Surfacing to start on Schlarb, FFA, Alpine Village, Musketball and Juniper Springs first week in June 2023. (Desert West)

Chip Seal getting scheduled for Fort Lone Tree 2 miles (Mesa Verde Contractor) Jeff and Eric.

Met on Project on Lower Eagle Creek, will schedule between July 4th and Fair in September. Contractor Renegade (Jeff, Eric).



County of Lincoln

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Director's Report

Date: 5/11/23

Name: Renee Montes

Department: Senior Center

Vacancies in Department: None at this time

Activities:

- Preparing for program assessment from ALTSD/ Non-Metro AAA
- Completing Capital Outlay Request
- Working on current Capital Outlay projects at Corona and Hondo.
- Staff training on program requirements.
-
-
-

Future Projects / Plans:



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Director's Report

Date: 05/11/2023

Name: Brianna Ventura

Department: HR/AA

Vacancies in Department: 0

Activities:

- OES Director Joe Kenmore put on a defensive driving course on May 11, 2023. We had 25 individuals in attendance.
- After months of issues with the HVAC system at the Public Health Office in Ruidoso, YearOut was able to get the system rebooted and serviced so that it would return to working status.
- Current county position openings: Legal Process Server/Animal Control Officer, Sheriff's Deputy - Certified, Sheriff's Deputy - Uncertified, Dispatcher, and Operator II (ROAD)
- PERA and VOYA presentations are scheduled for Thursday, May 24, 2023 beginning at 9:30 AM. These are to review all that entails retirement and deferred compensation. This will be via Zoom but streamed in the Commission Chambers.
- Met on Tuesday, May 9th with Commission Pfeffer, Manager Pearson, Scott Annala and Francesca Herrera to review Solid Waste RFP.
- Conducted Sheriff's deputy interviews on April 27, 2023
- Began collecting salary studies from other counties to compare where Lincoln County stands with employee wages.
- Had a meeting with ArchiveSocial to review services they offer regarding the retention of all social media platforms that represent Lincoln County. They also offer services for IPRA requests which will be a meeting at a later date.

Future Projects / Plans:

Working with OES Director, Joe Kenmore to schedule a First Aid/CPR class for employees.

Plan on attending Summer Conference in San Juan County.



When: Thursday, May 24th, 2023 at 9:30 am

Where: Lincoln County (via Zoom)

Join Zoom Meeting

<https://us02web.zoom.us/j/83605689343?pwd=bHlFdTc0a0ZBZ-2RvNVNJZEtkejR3dz09>

Meeting ID: 836 0568 9343

Passcode: 546274

Representatives from PERA and the PERA SmartSave Deferred Compensation Plan are coming to Lincoln County for a virtual presentation.

PERA staff will discuss TIER status, earning and purchasing service credit, vesting, retirement eligibility, and other retirement topics of interest.

A PERA SmartSave Plan Representative will discuss a member's option to save additional money for retirement, how to lower your taxes while employed, and why using your PERA SmartSave account to purchase service with PERA is the smartest option for purchasing service credit.

This presentation is a wonderful opportunity to learn more about retirement whether you were hired yesterday or you can retire tomorrow. We look forward to seeing you soon!



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@NMPERA



@NM PERA



@NMPERA



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AGENDA ITEM NO. 22

a. Event: Christmas Jubilee Amount Requested: \$3,000.00 Date(s) of Event(s): Nov. 10-12, 2023 Presenter: Pam Dutton	h. Event: Summer Concert Series #12 Bruno Tribute Amount Request: \$2,000.00 Date(s) of Event(s): August 14 & 15, 2023 Presenter: Matt Ingram
b. Event: Smokey Bear Stampede Amount Requested: \$40,000.00 Date(s) of Event (s): July 1-4, 2023 Presenter: Renee Montes	i. Event: Summer Concert Series #13 Little Joe Amount Request: \$2,000.00 Date(s) of Event(s): August 18 & 19, 2023 Presenter: Matt Ingram
c. Event: White Oaks Miners' Day Amount Requested: \$5,465.00 Date(s) of Event(s): August 19, 2023 Presenter: Susan Gerke	j. Event: Summer Concert Series #14 Depeche Mode Amount Request: \$2,000.00 Date(s) of Event(s): August 25 & 26, 2023 Presenter: Matt Ingram
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	k. Event: Cowboy Festival Amount Request: \$10,000.00 Date(s) of Event(s): September 29 & 30, 2023 Presenter: Matt Ingram
e. Event: Summer Concert Series #9 Randall King Amount Request: \$2,000.00 Date(s) of Event(s): July 21 & 22, 2023 Presenter: Matt Ingram	l. Event: Old Lincoln Days/Marketing Plan Amount Request: \$18,600.00 Date(s) of Event(s): August 4-6, 2023 Presenter: Tim Roberts
f. Event: Summer Concert Series #10 WAR Amount Request: \$2,000.00 Date(s) of Event(s): July 28 & 29, 2023 Presenter: Matt Ingram	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
g. Event: Summer Concert Series #11 Anything Selena/Bobby Pulido Amount Request: \$2,000.00 Date(s) of Event(s): August 4 & 5, 2023 Presenter: Matt Ingram	

Tuesday, May 16, 2023



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LODGER'S TAX REQUEST FORM

Name of Event: Christmas Jubilee 36th year Date(s) of Event: Nov 10, 11, 12

Name of Organization(s) applying for Funding: Ruidoso Valley Greeters

Amount Requested: \$3000 Total estimated cost of the Event listed above? \$15,000

Describe Event: It is a shopping extravaganza held at the Ruidoso Convention Center that draws visitors from many regions of New Mexico and neighboring states. The Jubilee hosts over 75 Lincoln County artists and merchants who offer an outstanding array of arts crafts, food, jewelry, local entertainment and more. It also offers family activities and Santa!

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year: <u>2022</u>	Amount requested: <u>\$3000</u>	Amount funded: <u>\$3000</u>
Year: <u>2019</u>	Amount requested: <u>\$3000</u>	Amount funded: <u>\$1500</u>
Year: <u>2018</u>	Amount requested: <u>\$2000</u>	Amount funded: <u>\$2000</u>
Year: <u>2017</u>	Amount requested: <u>\$2000</u>	Amount funded: <u>\$2000</u>

How will the Event track the utilization of County lodging as a result of the Event? Surveys in the form of an Event Tracker will be provided to all attendees and incentives are offered to encourage participation in the survey to get a most accurate account of "Where they came from", How they heard about us", Where they stayed", etc

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO
Describe: amounts unknown at this time

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested?

Please list the anticipated amounts to be used for advertising:

Newspaper: <u>\$1000</u>	Radio: <u>\$1000</u>	Social Media: <u>\$500</u>
Internet: <u>\$500</u>	Printing: <u>\$3000</u>	Other: <u> </u>

Total amount of Out-of-County advertising: 25%

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) ☒ 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: Laurie Viselli

Date: 3/27/2023

Address: 121 Willie Horton

City: Ruidoso

State: NM

Zip: 88345

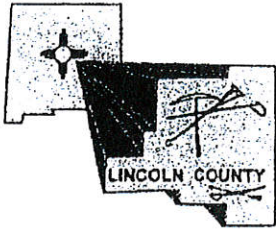
Phone: 575-808-8768

Email: laviselli@aol.com

Signature: _____



Email this form to: mwilliams@lincolncountynm.gov.



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RECEIVED

MAR 30 2023

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MAR 30 2023

RECEIVED

RECEIVED

MAR 30 2023

LODGER'S TAX REQUEST FORM

Name of Event: Smoky Bear Stampede Rodeo and Concert Date(s) of Event: July 1-4, 2023
Name of Organization(s) applying for Funding: Lincoln County Fair Association
Amount Requested: \$ 40,000.00 Total estimated cost of the Event listed above: \$ 84,525.00

Describe Event: Smoky Bear Stampede is the nation's largest open rodeo. This will be the 67th annual event, featuring nighty rodeo, ranch rodeo, youth ranch rodeo and entertainment. Concert with live music performance including headliner band.

Have Lincoln County Lodger's Tax funds been requested for this event before? ☐ 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? Provide survey cards to all participants, visitors and locals to gather data to project future events. And provide info on this event.

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: Lincoln County Fair Association and Village of Capitan

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested: \$ 6,000.00

Please list the anticipated amounts to be used for advertising:

Newspaper: <u>1,200.00</u>	Radio: <u>2,000.00</u>	Social Media: <u>1,000</u>
Internet: _____	Printing: <u>4,500.00</u>	Other: _____

Total amount of Out-of-County advertising: _____

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) ☒ 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: Lincoln County Fair Association Date: 3/30/23
Renee Montes/Secretary Treasurer
Address: PO Box 1004 City: Capitan State: NM Zip: 88316
Phone: 575 973 1524 Email: renee.lincoln.county@gmail.com

Signature: Renee Montes

Email this form to: mwilliams@lincolncountynm.gov

Lincoln County Fair Association

Smokey Bear Stampede

July 1-4, 2023

Estimated cost for event:

\$ 25,000 Headliner for Concert

\$ 8,500 Security

\$ 2,500 Sanitation/ Trash, janitorial

\$ 6,000 Sanitation/ Porta-potties

\$ 7,500 Advertisements/ Radio, Newspaper, social media, Printing, Posters

\$ 3,025 Supplies

\$ 4,500 Specialty Entertainment Acts

\$ 25,000 Stock Contractor

\$ 2,500 Stock Feed and Care

Total Estimated Cost:

\$ 84,525

LODGER'S TAX REQUEST FORM

ADDENDUM

Name of Event: White Oaks Miners' Day

Date of Event: August 19, 2023

Name of Organization Applying for Funding:

House Of Memories Echoes (H.O.M.E.) a 501(c) (3) non-profit organization

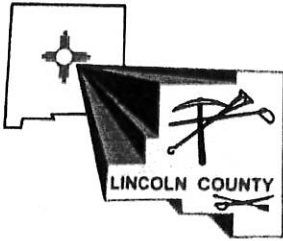
NEW Amount Requested: \$5,465.00

Total estimated cost of the event listed: \$5,465.00

Reason for Addition to Request: The Committee for the event wishes to sell t-shirts commemorating the event with our logo plus the words "White Oaks Miners' Day". The additional \$1300. will cover this expense.

Susan Gerke

May 10, 2023



County of Lincoln

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LODGER'S TAX REQUEST FORM

Name of Event: White Oaks Miners' Day Date(s) of Event: August 19, 2023

Name of Organization(s) applying for Funding: House Of Memories Echoes (H.O.M.E.) a 501(c)(3) non-profit

Amount Requested: \$4,165. Total estimated cost of the Event listed above? \$4,400.

Describe Event: A celebration of an old gold mining town in Lincoln County, its activities, people and history. Fun for the whole family with a parade, kids' games, gold panning, an Old West re-enactment, a play, food vendors and exhibits.

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) _____ YES _____ NO

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES _____ NO

List past year years' requested funding amount(s):

Year: <u>2000</u>	Amount requested: <u>\$1,000.</u>	Amount funded: <u>unknown</u>
Year: <u>2001</u>	Amount requested: <u>\$2,800.</u>	Amount funded: <u>\$1,560.</u>
Year: <u>2002</u>	Amount requested: <u>\$2,045.</u>	Amount funded: <u>\$2,000.</u>
Year: <u>2003</u>	Amount requested: <u>\$2,610.</u>	Amount funded: <u>\$2,000.</u>

How will the Event track the utilization of County lodging as a result of the Event? Participation by the public and vendors. Also, visitors arriving will stop first at an information booth to get the schedule of activities. A volunteer will ask where visitors are from and direct them to lodging if necessary. The volunteer will also get a rough count of the number of visitors.

Are there any in-kind or matching funds anticipated for the event? ☒ YES _____ NO

Describe: Proceeds from last year's event: \$220.

Have you requested funding from other sources? _____ YES ☒ NO Amount Requested? _____

Please list the anticipated amounts to be used for advertising:

Newspaper: <u>\$350.</u>	Radio: <u>\$570.</u>	Social Media: <u>\$100.</u>
Internet: <u>0</u>	Printing: <u>\$275.</u>	Other: <u>\$600. For 6 banners</u>

Total amount of Out-of-County advertising: \$250. (potential ad in Las Cruces Weekly Bulletin)

Funds (non-advertising) that are also requested: Rental of Porta-Potties: \$380.
Day Liability Insurance: \$700.
Re-enactment Players Fee: \$800.
Commemorative T-shirts: \$190.
Game Prizes: \$200.

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: Susan Gerke

Date: April 12, 2023

Address: 880 White Oaks Hwy.

City: White Oaks

State: NM Zip: 88301

Phone: 575-648-2995

Email: susangel1@hotmail.com

Signature: *Susan Gerke*

Email this form to: mwilliams@lincolncountynm.gov.

April 12, 2023

Dear Lincoln County Commissioners,

With a break of a few years, the annual White Oaks Miners' Day has been renewed. The event our committee is planning for the current year will be held on Saturday, August 19, 2023 in White Oaks. Our event last year was met with steady rain, but that did not deter the crowd of visitors from having a grand time. We expect to greet even more visitors this year as there was much enthusiasm for a repeat.

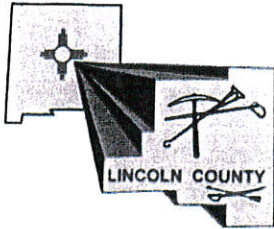
This little town has rich history, mining and otherwise. Citizens of Lincoln County and those from afar come throughout the year to visit White Oaks and learn of its history and that of Lincoln County. I give tours at the old schoolhouse and usually ask where people are staying: motels, hotels, cabins in Lincoln County is often the answer I hear.

Our committee is working hard to make this a memorable event. We are carefully choosing the items to purchase to support the activities and to advertise the specialness of the day. We are requesting funds from the Lodger's Tax to help with these costs.

If I can answer any questions about the event we are planning, please call or email me and I will get back to you with the answers.

Sincerely,

Susan Gerke
President, House Of Memories Echoes (H.O.M.E.)
575-648-2995
susangel1@hotmail.com



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County of Lincoln

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APR 17 2023

4122

LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #9 (Latin Tribute/Randall King) Date(s) of Event: July 21-22, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	Amount requested:	Amount funded:
<u>2022</u>	<u>2,500.00</u>	<u>2,500.00</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

How will the Event track the utilization of County lodging as a result of the Event? RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u></u>	Radio: <u>\$500.00</u>	Social Media: <u>\$2,500</u>
Internet: <u>\$1,000</u>	Printing: <u>\$3,000</u>	Other: <u>\$2,000</u>

Total amount of Out-of-County advertising: 100%

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) ☐ 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

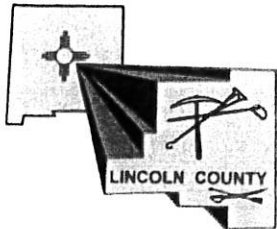
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



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APR 17 2023

4/29

County of Lincoln

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LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #10 (Bonfire/ACDC Tribute/WAR) Date(s) of Event: July 28-29, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	Amount requested:	Amount funded:
<u>2022</u>	<u>2,500.00</u>	<u>2,500.00</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

How will the Event track the utilization of County lodging as a result of the Event? RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u></u>	Radio: <u>\$500.00</u>	Social Media: <u>\$2,500</u>
Internet: <u>\$1,000</u>	Printing: <u>\$3,000</u>	Other: <u>\$2,000</u>

Total amount of Out-of-County advertising: 100%

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) ☐ 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

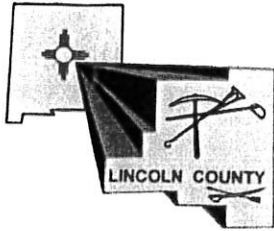
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



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APR 17 2023

5/6

LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #11 (Anything Selena/Bobby Pulido) Date(s) of Event: Aug 4-5, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	2022	Amount requested:	2,500.00	Amount funded:	2,500.00
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? RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper:		Radio:	\$500.00	Social Media:	\$2,500
Internet:	\$1,000	Printing:	\$3,000	Other:	\$2,000

Total amount of Out-of-County advertising: 100%

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) ☐ 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

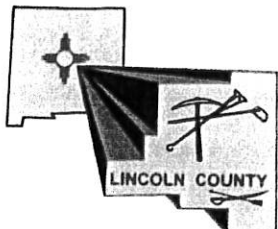
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



www.lincolncountynm.gov

County of Lincoln

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

APR 17 2023

5/13

LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #12 (Bruno Tribute/Intocable)

Date(s) of Event: Aug 11-12, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	Amount requested:	Amount funded:
<u>2022</u>	<u>2,500.00</u>	<u>2,500.00</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

How will the Event track the utilization of County lodging as a result of the Event?

RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u> </u>	Radio: <u>\$500.00</u>	Social Media: <u>\$2,500</u>
Internet: <u>\$1,000</u>	Printing: <u>\$3,000</u>	Other: <u>\$2,000</u>

Total amount of Out-of-County advertising: 100%

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) ☐ 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

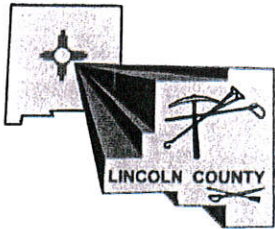
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



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APR 17 2023

5/20

County of Lincoln

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

LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #13 (Sonora Skando/Little Joe) Date(s) of Event: Aug 18-19, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	Amount requested:	Amount funded:
<u>2022</u>	<u>2,500.00</u>	<u>2,500.00</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

How will the Event track the utilization of County lodging as a result of the Event? RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u></u>	Radio: <u>\$500.00</u>	Social Media: <u>\$2,500</u>
Internet: <u>\$1,000</u>	Printing: <u>\$3,000</u>	Other: <u>\$2,000</u>

Total amount of Out-of-County advertising: 100%

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) ☐ 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

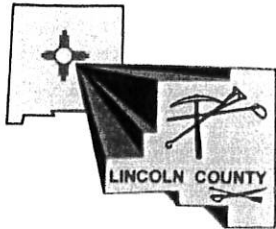
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



www.lincolncountynm.gov

County of Lincoln

APR 17 2023

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

LODGER'S TAX REQUEST FORM

Name of Event: Summer Concert Series #14 (Depech Mode/Laberinto)

Date(s) of Event: Aug 25-26, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$2,000.00 Total estimated cost of the Event listed above? \$20k-\$50K

Describe Event: Ruidoso Downs Summer Concert Series will showcase music bands and entertainment from around the county. The summer concert series will highlight a variety of genres of music that caters to our dynamic demographics of guests to Ruidoso Downs. The event will help draw guests to Ruidoso Downs through creative marketing strategies, and new entertainment opportunities for the community. Friday Nights are our FREE concert series, and Saturday Nights admission fee will vary

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ YES ☐ NO

List past year years' requested funding amount(s):

Year:	Amount requested:	Amount funded:
<u>2022</u>	<u>2,500.00</u>	<u>2,500.00</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

How will the Event track the utilization of County lodging as a result of the Event?

RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO

Describe: RDRT Special Event Marketing Department Spend and independent music promoters marketing spend

Have you requested funding from other sources? ☒ YES ☐ NO Amount Requested? \$3,000

Please list the anticipated amounts to be used for advertising:

Newspaper: <u>\$1,000</u>	Radio: <u>\$500.00</u>	Social Media: <u>\$2,500</u>
Internet: <u> </u>	Printing: <u>\$3,000</u>	Other: <u>\$2,000</u>

Total amount of Out-of-County advertising: 100%

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) ☐ 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

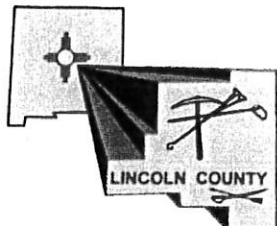
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: Mattkingram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



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County of Lincoln

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

7/1
APR 17 2023

LODGER'S TAX REQUEST FORM

Name of Event: Cowboy Festival Date(s) of Event: Sept 29-30, 2023

Name of Organization(s) applying for Funding: RUIDOSO DOWNS RACE TRACK & CASINO

Amount Requested: \$10,000 Total estimated cost of the Event listed above? \$150-\$200K

Describe Event: Ruidoso Downs Summer Cowboy Fest will showcase two-day Rodeo and Music Festival. The event will highlight renowned music and entertainments, as well as a rough stock rodeo and PBR sanctioned event. The year-after-year event caters to our dynamic demographics of guests and will draw tourist and locals to Ruidoso Downs community.

Have Lincoln County Lodger's Tax funds been requested for this event before? X YES NO

List past year years' requested funding amount(s):

Year:	2022	Amount requested:	Text ?	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? RDRT will track and report on all marketing spends for the special event. Lodgers Tax Funding effectiveness will tracked and calculated through social media analytics, and day of event attendance (ticket sales).

Are there any in-kind or matching funds anticipated for the event? X YES NO
Describe: RDRT Special Event Marketing Department Spend.

Have you requested funding from other sources? X YES NO Amount Requested? 3,000

Please list the anticipated amounts to be used for advertising:

Newspaper:		Radio:	\$2,000	Social Media:	\$5,000
Internet:	\$4,000	Printing:	\$5,000	Other:	\$5,000

Total amount of Out-of-County advertising: 90%

Are you a current vendor of the County of Lincoln? X 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) 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

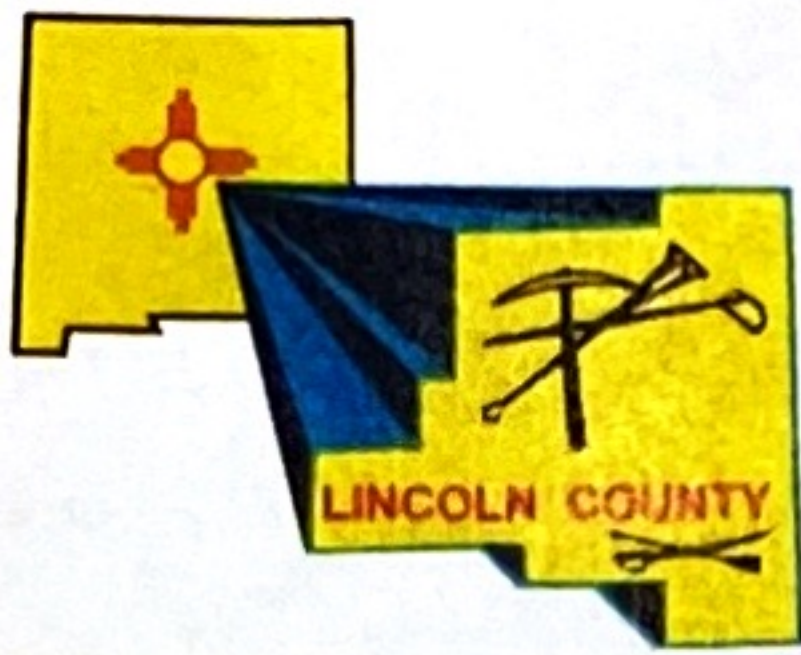
Name of Applicant: Matt K. Ingram Date: 4.17.23

Address: 26225 US-70, City: Ruidoso Downs State: NM Zip: 88346

Phone: 575-937-2582 Email: MattKIngram@gmail.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



County of Lincoln

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

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LODGER'S TAX REQUEST FORM

Name of Event: Old Lincoln Days and Marketing Plan Date(s) of Event: August 4-6, 2023

Name of Organization(s) applying for Funding: Friends of Historic Lincoln

Amount Requested: \$18,600 Total estimated cost of the Event listed above? \$40,000

Describe Event: The request is for funding for a comprehensive marketing plan for the town of Lincoln as well as specific funding for Old Lincoln Days

Have Lincoln County Lodger's Tax funds been requested for this event before? YES NO

List past year years' requested funding amount(s):

Year: <u> </u>	Amount requested: <u> </u>	Amount funded: <u> </u>
Year: <u> </u>	Amount requested: <u> </u>	Amount funded: <u> </u>
Year: <u> </u>	Amount requested: <u> </u>	Amount funded: <u> </u>
Year: <u> </u>	Amount requested: <u> </u>	Amount funded: <u> </u>

How will the Event track the utilization of County lodging as a result of the Event? The Friends of Historic Lincoln track attendance numbers to Old Lincoln Days through visual counts as well as surveys requested from attendees.

Are there any in-kind or matching funds anticipated for the event? X YES NO

Describe: Radio and magazine spots are matched by stations based on non-profit status

Have you requested funding from other sources? YES X NO Amount Requested?

Please list the anticipated amounts to be used for advertising:

Newspaper: <u> </u>	Radio: <u>\$2,000</u>	Social Media: <u>500</u>
Internet: <u> </u>	Printing: <u>\$2000</u>	Other: <u>Magazine0 \$1,500</u>

Total amount of Out-of-County advertising: \$6,000

Are you a current vendor of the County of Lincoln? X 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) 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

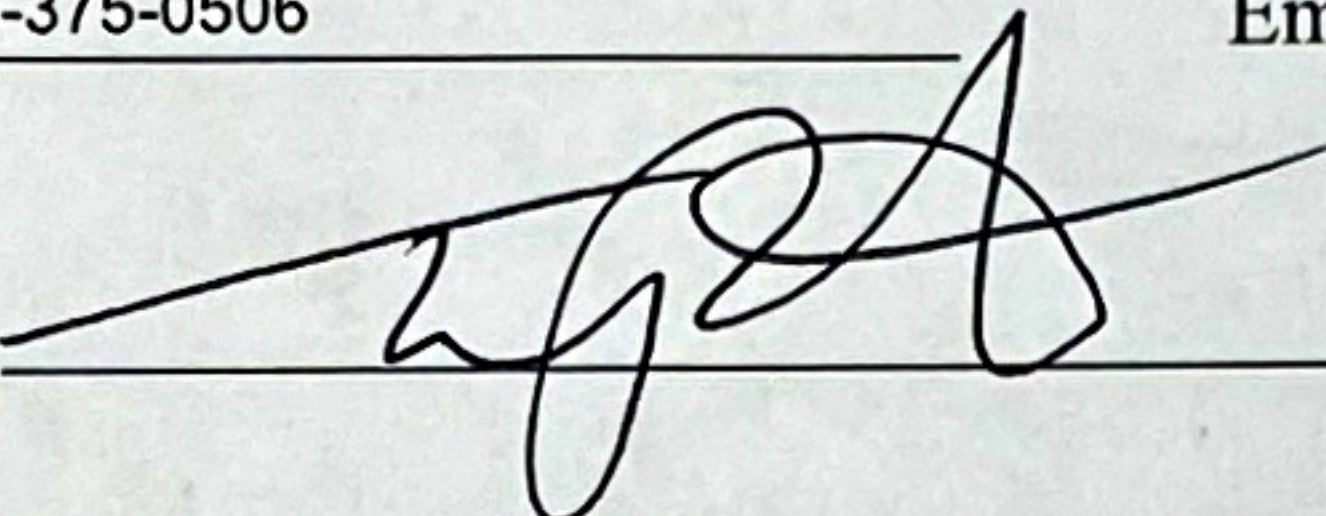
I understand that funding recommended by the Lincoln County Lodger's Tax Committee must be approved by the Lincoln County Board of Commissioners. I also understand that approved funding amounts may differ from the amount requested on this application. ☒ YES ☐ NO

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: Timothy Roberts Date: 4/21/2023

Address: PO Box 83 City: Lincoln State: NM Zip: 88338

Phone: 850-375-0506 Email: tim@badhossventures.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



Historic Lincoln Comprehensive Marketing Plan

Spring 2023

Friends of Historic Lincoln
Lincoln County Lodger's Tax Request

Overview

Since the mid-1930s, Lincoln, New Mexico, has been an international destination for travelers seeking to immerse themselves in the history and culture of the American West. Widely recognized as one of the best-preserved historic towns in the United States, Lincoln offers an unparalleled level of authenticity due to the town's state of preservation. The town is a unique blend of a state-run historic site, private businesses, lodging, and homes. Although discussed many times over the past decades, a truly comprehensive marketing plan for the town has never been developed or implemented. With proper and professional planning and execution of a marketing plan, Lincoln could easily become an anchor point for a broader heritage tourism industry in Lincoln County and significantly contribute to attracting visitors to the region and positively impacting the economy of the county.

Goals

1. Develop a comprehensive marketing plan for Lincoln, New Mexico, that focuses on the town's unique character, history, and attractiveness to heritage tourists.
2. Act of the marketing plan by promoting a series of keystone events in town—Lincoln After Dark and Old Lincoln Days.

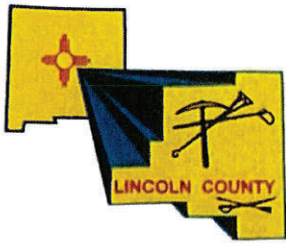
Plan

To work directly with a professional marketing firm to develop a comprehensive marketing plan and implement the plan over the course of the next fiscal year.

- **BRANDING – NEW LOGO & CORPORATE IDENTITY SYSTEM- \$2,500**
 - Complete brand identity questionnaire
 - Develop 3-4 creative logo comps
 - Develop corporate identity guidelines
- **STRATEGIC MARKETING PLAN- \$4,000**
 - Conduct branding exercise and S.W.O.T. analysis
 - Review results
 - Create 3-year comprehensive marketing plan
- **EVENT PROMOTION (Old Lincoln Days)- \$6,000**
 - Social media advertising

- 
- Press release distribution (QTY = 1-2)
 - Branding of event (logo creation; file types)
 - Collateral creation (poster, social images, graphic needs)
 - Printing of custom event map and itinerary
 - Radio Spots with MTD and Walton Stations
-
- **SOCIAL MEDIA MANAGEMENT- \$3,600 (\$300 per month * 12 months)**
 - Create and manage FB, Instagram, Twitter accounts
 - Develop editorial calendar for all channels
 - Post and manage comments/messages
-
- **WEBSITE DEVELOPMENT- \$2,500**
 - Site map development
 - Design of website
 - Website build

Total Requested Funding- \$18,600



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County of Lincoln

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LODGER'S TAX REQUEST FORM

Name of Event: Old Lincoln Days/Lincoln After Dark Date(s) of Event: July 15-16 and August 4-6, 2023

Name of Organization(s) applying for Funding: Friends of Historic Lincoln

Amount Requested: \$19,600.00 Total estimated cost of the Event listed above? \$45,000

Describe Event: The request is for funding for a comprehensive marketing plan for the town of Lincoln as well as specific support for two keystone events; Old Lincoln Days and Lincoln After Dark

Have Lincoln County Lodger's Tax funds been requested for this event before? ☒ 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? The Friends of Historic Lincoln track attendance numbers to Old Lincoln Days through visual counts as well as surveys requested from attendees. Attendance to the Lincoln After Dark event will be ticketed, so numbers will be collected via ticket sales.

Are there any in-kind or matching funds anticipated for the event? ☒ YES ☐ NO
Describe: _____

Have you requested funding from other sources? ☐ YES ☒ NO Amount Requested? _____

Please list the anticipated amounts to be used for advertising:

Newspaper: _____	Radio: <u>3,500</u>	Social Media: <u>500</u>
Internet: _____	Printing: <u>3,000</u>	Other: _____

Total amount of Out-of-County advertising: 7000

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) ☐ 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: Timothy Roberts

Date: 4/17/2023

Address: PO Box 83

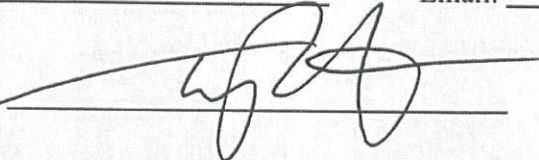
City: Lincoln

State: NM

Zip: 88338

Phone: 850-375-0506

Email: tim@badhossventures.com

Signature: 

Email this form to: mwilliams@lincolncountynm.gov.



County of Lincoln

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

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AGENDA ITEM NO. 23

SUBJECT:

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

Tuesday, May 16, 2023



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

August 26, 2022

Ira Pearson, County Manager
Lincoln County
P.O. Box 666
Captian, New Mexico 88316

Dear Ira Pearson:

We are pleased to inform you that your application for the Transportation Project Fund (TPF) for the project: **'Construction maintenance of six (6) County owned roadways to include chip seal and micro-surfacing, roadway blading and reshaping, and other miscellaneous construction as needed. The scope also includes professional services for bidding and construction m'** was approved by the State Transportation Commission on August 18, 2022 and will be included in the New Mexico Department of Transportation's FY23 TPF Program.

The total estimated cost for your project is \$1,125,000.00 the Department has allocated \$1,068,750.00 in TPF funds, with a local match requirement of \$56,250.00.

The Project Oversight Division will develop a project agreement and forward to you for signature.

If your application indicated that you would be interested in applying for Match Waiver funds, please submit a cover letter and resolution to my office no later than 5:00 pm on September 30, 2022.

If you have any questions or comments, please contact me at (505) 699-9946 or Clarissa.Martinez@state.nm.us.

Sincerely,

Clarissa Martinez
Project Oversight Division, State Grants Manager

C: Libby Coslin, District Coordinator
Francisco Sanchez, P.E., District Engineer

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

Contract No. _____
Vendor No. 0000054389
Control No. HW2LP20030

TRANSPORTATION PROJECT FUND GRANT AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and **Lincoln County** (Public Entity). 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 67-3-78 and 18.27.6 NMAC, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Transportation Project Funds (TPF) to the Public Entity for the following project scope **Lincoln County Roadway Maintenance-Construction maintenance of six (6) County owned roadways to include chip seal and micro-surfacing, roadway blading and reshaping, and other miscellaneous construction as needed. The scope also includes professional services for bidding and construction management** (Project or CN LP20030). This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

- a. The estimated total cost for the Project is One Million One Hundred Twenty Five Thousand Dollars and No Cents (**\$1,125,000.00**) to be funded in proportional share by the parties as follows:

1. Department's share shall be 95% **\$1,068,750.00**
Lincoln County Roadway Maintenance-Construction maintenance of six (6)
County owned roadways to include chip seal and micro-surfacing, roadway
blading and reshaping, and other miscellaneous construction as needed. The scope
also includes professional services for bidding and construction management

2. The Public Entity's required proportional matching
Share shall be 5% **\$56,250.00**
For purpose stated above

3. Total Project Cost **\$1,125,000.00**

- b. The Public Entity is responsible for all costs that exceed Project funding.
c. All allocated funds must be spent by **June 30, 2025**.
d. The Public Entity represents that no federal funds will be used to finance the Project.
e. The Public Entity must repay Project funding to the Department if:
1. The Project is cancelled or partially performed.

**STATE OF NEW MEXICO
COUNTY OF LINCOLN
RESOLUTION NO. 2023-21**

**PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION**

WHEREAS, (COUNTY OF LINCOLN) and the New Mexico Department of Transportation have entered into a grant agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be (\$1,125,000) to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or (\$1,068,750.00)
- and
- b. (COUNTY OF LINCOLN'S) proportional matching share shall be 5% or (\$56,250.00)
- TOTAL PROJECT COST IS (\$1,125,000.00)

(COUNTY OF LINCOLN) shall pay all costs, which exceed the total amount of
(\$1,125,000.00.)

NOW THEREFORE, BE IT RESOLVED in official session that (COUNTY OF LINCOLN) determines, resolves, and orders as follows:

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

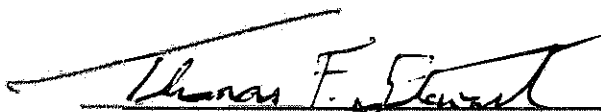
The agreement terminates on **June 30, 2025**, and the (COUNTY OF LINCOLN) incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW THEREFORE, BE IT RESOLVED by the (COUNTY OF LINCOLN) to enter into Cooperative Agreement for Project Control Number (LP20030) with the New Mexico Department of Transportation for the TPF Program for year 2023 for Lincoln County Roadway Maintenance-Construction maintenance of six (6) County owned roadways to include chip seal and micro-surfacing, roadway blading and reshaping, and other miscellaneous construction as

needed. The scope also includes professional services for bidding and construction management-
within the control of the Lincoln County in New Mexico.

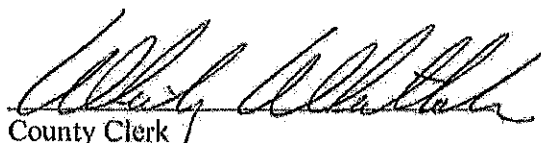
PASSED AND ADOPTED this 18th day of October 2022, by the Lincoln County Board
of Commissioners in an open meeting in Carrizozo, Lincoln County, New Mexico.

LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, NEW MEXICO

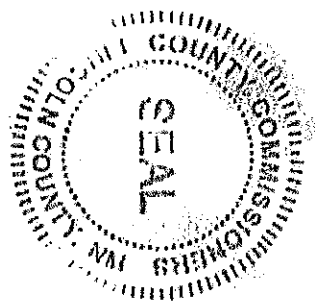

Commission Chairman

Oct 18, 2022
Date

ATTEST:


County Clerk

10/18/22
Date





State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

Department of Transportation

P O Box 1149
Santa Fe NM 87504-1149
United States

Approved

Purchase Order 80500-0000370884	Date 11-30-2022	Revision
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer Amanda L Padilla	Phone	Currency USD

Dispatch Via Print

Supplier: 0000054389
COUNTY OF LINCOLN
TREASURERS OFFICE
P O BOX 970
CARRIZOZO NM 88301-0000
United States

Ship To: 02 DISTRICT 2
United States

Bill To: P O Box 1149
Santa Fe NM 87504-1149
United States

Origin:	CON	ExclExcl#:						
Line-Sch	Item/Description		Quantity	UOM	PO Price	Extended Amt	Due Date	

1 - 1 FY23, TPF, HW2LP20030, ST-OTHER 1.00 EA \$1,068,750.00 \$1,068,750.00 11/30/2022

80500-21170-9076000000-547400-57400- -HW2LP20030- -123-G0000

Schedule Total \$1,068,750.00

Contract ID: D19647

Contract Line: 0 Release: 1 Category Line: 0

Item Total \$1,068,750.00

Total PO Amount \$1,068,750.00

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

Authorized Signature

STATE OF NEW MEXICO
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (04/19)

1. GENERAL: When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. VARIATION IN QUANTITY: No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. ASSIGNMENT:
 - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
 - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. STATE FURNISHED PROPERTY: State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. DISCOUNTS: Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. INSPECTION: Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. INSPECTION OF PLANT: The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. COMMERCIAL WARRANTY: The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. TAXES: The unit price shall exclude all State taxes.
10. PACKING, SHIPPING AND INVOICING:
 - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
 - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
 - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. DEFAULT: The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. NON-COLLUSION: In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. NON-DISCRIMINATION: Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. THE PROCUREMENT CODE: Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. PAYMENT FOR PURCHASES: Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. WORKERS COMPENSATION: The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. GENERAL SERVICES STATEWIDE PRICE AGREEMENT: Any purchase order entered into pursuant to a Statewide Price Agreement incorporates by this language all the terms and conditions of that Statewide Price Agreement and by accepting payment under this purchase order the Contractor agrees to and accepts all the terms and conditions of the Statewide Price Agreement.



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:

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, May 16, 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

May 16 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); LIMITED PERSONNEL MATTERS, SECTION 10-15-1, SUBPARAGRAPH (H)(2); AND COLLECTIVE BARGAINING NEGOTIATIONS, SECTION 10-15-1, SUBPARAGRAPH (H)(F)

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, 20022 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

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

www.lincolncountynm.gov

AGENDA ITEM NO. 25

SUBJECT:

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

Tuesday, May 16, 2023

RESIDENTIAL LEASE AGREEMENT

THIS AGREEMENT, is made this _____ day of _____, 2023, by and between the **COUNTY OF LINCOLN**, a political subdivision of the State of New Mexico whose address is P.O. Box 711, Carrizozo, New Mexico 88301 [hereinafter referred to as "Owner" and _____, whose address is _____ [hereinafter referred to as "Tenant"] as follows:

1. **PREMISES:** For and in consideration of the covenants, conditions, and agreements herein contained, the Owner agrees to rent to the Tenant the Premises located on the Lincoln County Fairgrounds' Property in Capitan, Lincoln County, New Mexico as shown on **Exhibit "A"** attached to this Agreement [hereinafter referred to as The "Premises"].

2. **TERM:** The term of this Agreement shall be for a period of _____ commencing on the _____ day of _____, 2023, and ending on the _____ day of _____, 20____. Upon the ending date, this Agreement shall automatically be renewed on a _____ [month-to-month, yearly, etc.] with thirty (30) days written notice required by either party for termination.

3. **RENT:** Tenant agrees to pay for the term, each month, in advance, and without demand, in equal monthly payments of _____ & _____/100 Dollars (\$ _____) due on or before the _____ day of each month at P.O. Box 711, Carrizozo, New Mexico 88301, or via hand-delivery to the Manager's Officer at 300 Central Avenue, Carrizozo, New Mexico 88301, with the first payment due and payable on the _____ day of _____, 2023. **NEED TO ADD LANGUAGE OFFSETTING RENT IN EXCHANGE FOR FAIRGROUNDS' ON-SITE SECURITY SERVICES PROVIDED BY TENANT**

4. **LATE CHARGES:** Tenant shall pay a late charge in the amount of _____ Dollars (\$ _____) for any payment of the rent not made within ten (10) days after the due date. This charge is in addition to any other rights or remedies of the Owner.

5. **DAMAGE DEPOSIT:** Tenant agrees to pay, a deposit in the amount of _____ Dollars (\$ _____ .00) to be applied by the Owner to recover losses, if any, suffered by reason of the Tenant's noncompliance with this Lease Agreement, including the payment of rent, damage to the Premises, and other such costs suffered by the Owner. Upon termination of the residency, the Owner shall deliver or mail to the Tenant, at the location designated by the Tenant, and within thirty (30) days of termination, the deposit together with a written itemization of deductions, if any, from the deposit, and reasons, therefor.

6. **UTILITIES:** Tenant hereby agrees and covenants with Owner to place the following utilities and other related services in the name of Tenant no later than the _____ day of _____, 20____, and to promptly pay these utility and other charges of whatsoever kind and nature which may be incurred in connection with Tenant's use of the said Premises and to save and hold harmless Owner therefrom: _____ electrical, gas/propane, garbage, and telephone.

The property is on a septic system and, as such, there are no sewage charges for the Premises.

The Owner will provide water to the Premises at no charge to Tenant.

7. **PETS:** Tenant shall be allowed to keep _____ of pets on the Premises. Tenant shall pay a pet deposit in the amount of _____ & 00/100 Dollars (\$____.00) which is non-refundable.

8. **USE OF PREMISES:** The Tenant agrees to use the Premises principally as a private residence only and will conduct no business on the property without the prior written consent of the Owner.

9. **OCCUPANTS:** The total number of occupants which shall be allowed to reside On the Premises consist of Tenant and _____. No other adults or children shall be allowed to reside on the Premises without the express written consent of Owner.

10. **OBLIGATIONS OF OWNER:** The Owner shall, at the Owner's sole cost and expense, maintain the Premises and area consistent with standard practices of like properties, and in accordance with all applicable housing codes to include maintaining in good and safe working order the electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances normally furnished by the Owners, and supply and maintain running hot and cold water.

11. **OBLIGATIONS OF TENANT:** The Tenant shall comply with the requirements imposed upon Tenant which materially affect health and safety and agrees to keep the Premises in a clean and safe condition including, but not limited to, fixtures, furniture, equipment, and facilities. Tenant will use in a reasonable manner, and in the manner in which they were intended, all electrical, mechanical, plumbing, sanitation, heating, ventilating, air conditioning, appliances, and other facilities in, around or upon the Premises and any common area and facilities thereto. The Tenant further agrees to dispose of all ashes, rubbish, and refuse in a clean and safe manner and in the proper receptacles, and to keep no vehicle in or about the Premises which is not in operative condition. The Tenant will conduct **himself/themselves** in a responsible manner, and will be responsible for the conduct of guests and invitees so as not to disturb or disrupt any other neighborhood residents. The Tenant will give prompt written notice to the Owner of any required repairs or services which are the responsibility of the Owner and allow the Owner to enter the Premises at reasonable times to make such repairs. The Tenant will allow the Owner reasonable access to exhibit the Premises to any purchaser, mortgagee, workman, contractor or prospective resident.

12. **BREACHES OF AGREEMENT:** If the Tenant fails to pay the rent when due, the Owner may give the Tenant three (3) days written notice which notice shall be mailed to the Tenant's address provided above of Owner's intention to terminate this Agreement. Such address may be changed from time to time provided that Tenant provides Owner notice of such change of address in writing. If the rent remains delinquent at the end of three (3) days after

delivery of the notice, the Owner may terminate the Agreement and the Tenant agrees to immediately deliver possession of the Premises. For material noncompliance of this Rental Agreement, the Owner or the Tenant shall notify the other in writing of the breach. If the breach is not corrected, or if reasonable efforts are not made to correct it within seven (7) days of the written notice, this Agreement may be terminated and the Tenant will return the Premises to the Owners immediately.

13. **ABANDONMENT:** If the Tenant is absent from the Premises without notice for a period of more than fourteen (14) days during which rent is delinquent, the Premises may be considered abandoned and the Owner will be entitled to take immediate possession of the Premises. The Tenant will notify the Owner, in writing, of any anticipated absence of more than seven (7) days, no later than the first day of the absence. All of the Tenant's property on the Premises is subject to a statutory landlord's lien. The Owner may impose reasonable charges for storing abandoned property, or property levied upon, and may sell same in accordance with the legal process.

14. **LIABILITY:** The Owner will not be liable for any damages or losses to person or property caused by other residents or other persons. The Owner also will not be liable for personal injury, damage, or loss of the Tenant's personal property (furniture, jewelry, clothing, etc.) from theft, vandalism, fire, water, rain, hail, smoke, explosions, sonic booms, acts of God, or other causes whatsoever, unless the same is due to negligence by the Owner or the Owner's representative. The Owner recommends that the Tenant secure insurance to protect **himself/themselves** against such occurrences.

15. **SUBLETTING:** The Tenant shall not rent or sublet the whole or any part of the Premises without the prior written consent of the Owner, or house or board any person or persons other than those listed in Paragraph 9 above.

16. **ENTIRE AGREEMENT:** This Agreement constitutes the entire Agreement between Owner and Tenant and will supersede and replace any and all prior and contemporaneous written and oral agreements, promises, representations, or conditions with respect hereto.

17. **APPLICABLE LAW:** This Agreement shall be construed and enforced in accordance with the laws of the State of New Mexico.

18. **BINDING EFFECT:** This Agreement shall be binding upon and shall inure to The benefit of the parties hereto and their heirs, successors, assigns, and personal representatives.

19. **MODIFICATION:** This Agreement may be modified only by a writing duly executed by the parties.

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

21. **CONSTRUCTION:** Each party has cooperated in the drafting and preparation of this Agreement. In any construction to be made of this Agreement, the same shall not be construed against any party on the basis of that party being the "drafter." All pronouns and relative words used in this Agreement shall, where appropriate, be read as if written in the plural, and shall be construed to refer to either the masculine or feminine or neuter gender as the context may require.

22. **ATTORNEY'S FEES:** The Tenant shall pay all reasonable attorney's fees, costs, and expenses that shall be made or incurred by the Owner in enforcing this Lease Agreement.

23. **EXECUTION OF AGREEMENT:** Agreement: This Agreement may be Executed in any number of counterparts, each of which will be deemed an original.

24. **SIGNATURES:** The Tenant and the Owner by their signatures hereto acknowledge that they have read this Agreement and have received a copy of the same.

OWNER:

TENANT:

COUNTY OF LINCOLN

By:
Its:

