

Calling for Capitan Volunteers

For Recycling Day -NM Centennial

by Doris Cherry

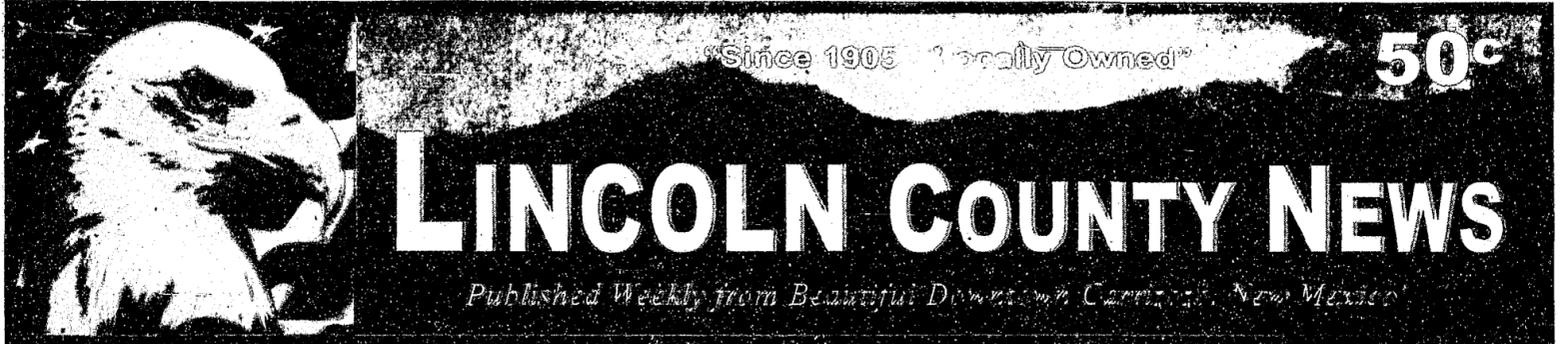
Volunteers are being sought in Capitan to organize and produce two upcoming events -- the November 15 Keep America/New Mexico Beautiful Recycling Day; and the January 5-7, 2012 New

Mexico Centennial Celebration. George Tippin Sr. went before the Capitan Village Trustees at their regular meeting Sept. 13, asking for volunteers to coordinate and carry off the two events. Tippin said the idea is for a local coordinate to host events on recycling, on the one day, a Tuesday. Tippin and his wife Helen are currently doing a recycling proj-

ect at the post office, providing a box for recyclable paper materials, which they keep emptied. "We are recycling about a ton a month," Tippin said. He said they would continue to do that project, but did not want to take on another event. In conclusion, Tippin said he was to approach the Solid Waste Authority about sponsoring a recycling event.

Tippin then asked for volunteers to coordinate an event for the state centennial. He said Carrizozo is planning a big event, because the first elected Gov. McDonald, came from the Carrizozo area. Tippin said Carrizozo plans to invite Gov. Susanna Martinez, with bus tours of historic Carrizozo

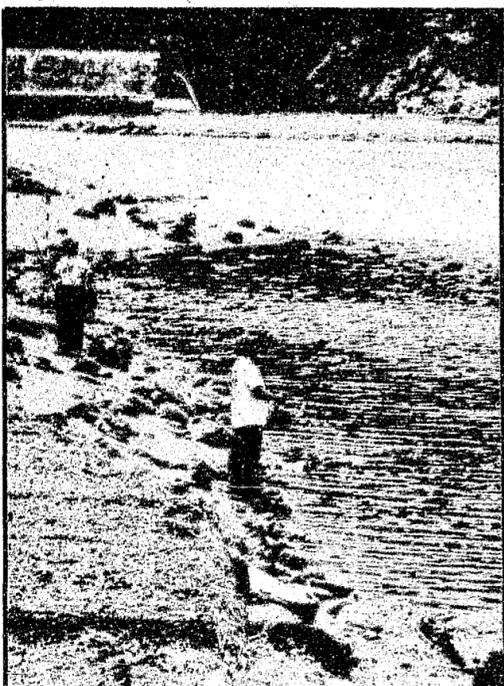
(Continued on Page 3)



VOLUME #107 -- NUMBER 38

THURSDAY, SEPT. 22, 2011

CARRIZOZO, NEW MEXICO 88301



FISHERMEN ENJOY the morning at Bonito Lake, also low from the lack of a real monsoon season. Rainfall in Bonito Canyon has carpeted the hills with green grass and yellow and purple flowers, balm for eyes accustomed to yellow dry. NM Game and Fish stocked the lake on Monday, Sept. 12. (Photo by Doris Cherry)

Ruidoso to Provide Building Inspection Within Capitan

Capitan Okays MOU w/Village of Ruidoso

by Doris Cherry

With the unanimous yes vote of the Capitan village trustees at their regular meeting Tuesday, September 13, the village of Ruidoso will begin inspections of all permitted residential and commercial building projects within the village of Capitan.

Shawn Fort, Ruidoso Building official, told trustees that the last legislative session passed a measure that allows municipalities to expand inspection services beyond their planning jurisdictions.

He said the measure is supported by the state construction services and builders' associations, including the Lincoln

County Builders' Association. Two members of the county association were present at the meeting to support the MOU.

"We're providing services to the bottom of Angus Hill now," Fort said. "It wouldn't be that much further to come to Capitan."

In response to a question from trustee Diane Riska about the cost, Fort said there will be no cost to the village, as permitting/inspection fees will be paid from the contractors/builders to the Ruidoso permitting office.

"This will be the best thing for Capitan," said Diamond Hart Plumbing & Electrical owner George Richardson.

Trustee Dennis Haskell inquired whether the county planning office had made a proposal to provide the permitting services.

Fort said Capitan was

"grossly misinformed" about the county's ability to provide permitting services, because the county does not have an inspection program.

"This board can disband the MOU anytime," Fort said. "If later the county has a permitting program, you can reconsider it."

In response to questions on what permitting services will be provided, Fort said for any building project.

"Now inspection is done by the state, and they are not doing it in a timely manner," Fort said. "99 percent of our inspections are made by the next day after a request. We follow the New Mexico Building Codes regulations."

Haskell, who supported giving the county a chance to provide the permitting services, then said that Fort was on record stating the MOU could be revis-

(Continued on Page 2)

Carrizozo's Cats Drawing Attention

by Patrice Brazie

Anybody who has spent much time in Carrizozo has almost certainly noticed a cat or two near the road, under a car or near a dumpster.

Cats regularly visit the grounds of the county courthouse complex and are frequently seen crossing State Highway 54 in the center of town.

There have been reports, unconfirmed by this reporter, of some Carrizozo residents trapping cats on private property.

Carrizozo Planning and Zoning committee member Judy Fitzpatrick, speaking to the town council on Monday evening, said that she and local animal welfare activist Barbara Culler would like permission to take a step in addressing the feral or at-large cat problem in Carrizozo.

"Barbara Culler and I have been talking about cat control. There's some dog control around, but not cat," Fitzpatrick began. "We would like to ask permission from the council to meet with at least two of the families that we know are letting this congregate, mate and cohabitate (continue)."

With help from Culler's Miracle's Paws for Pets organization, the families who are contributing to the cat problem by failing to have their cats spayed or neutered as well as letting the animals roam the streets to reproduce at will, can have the animals fixed for little or no cost, she said.

"We can get them to take them to Becky Washburn for relatively nothing to get them spayed or neutered. You keep the colony but they're not reproducing."

Fitzpatrick asked the town council for guidance on how to proceed in contacting the offending families. She said that two families have been contacted in the past but, although they sounded sincere in their desire to deal with their cats reproductive capabilities, they have yet to actually take any action.

Trustee Lee Gross commented that he has been approached by more than one resident about the feral cat community in Carrizozo that "grows as we speak."

The town council recommended that Fitzpatrick and Culler attempt to work again with the cat-owners to get the animals spayed and neutered.



DON WAGNER OF CARRIZOZO rode away with 1st place in the Best Dressed Trailer Rig category against competition from all over the country at the Aspen Motorcycle Rally in Ruidoso over the past weekend. Among other things bikes and trailers were judged on was overall appearance, originality and usability. The boat is actually a luggage carrier with a simple top cover that allows easy access to things in the boats seat and floorboard areas. The back end has a locked door compartment for storage inside of the main body of the boat. (Courtesy photo)



LADY GRIZZLY VARSITY volleyball team members pose with tournament championship trophy won over the weekend in Cloudcroft. Carrizozo defeated Mesilla Valley, Capitan and host Cloudcroft to earn the championship. Front row (l. to r.) -- Fantasia Dennis, Victoria Ventura, Sarah Ferguson, Erica Vega. Back row (l. to r.) -- Analicia Beltran, Lexi Zamora, Shayna Gallacher, Andrea Vigil, Andrea Beltran, Lisa Ventura, coach Porter Cutrell, Kirsten Barela, coach Pam Allen. (Courtesy photo)

C'zozo Works, Inc. Working for Carrizozo

by Patrice Brazie

Carrizozo Works, Incorporated (CWI), is a non-profit, community based organization run by volunteers dedicated to trying to bring more commerce to the Town of Carrizozo and, in general, improving the quality of life of the people that live there and around the region.

Lofty goals, one might suggest, for a small town with no real working capital in an economy that has private organizations as well as government agencies vying for reduced funding outlays, grants and awards. Compared to many other non-profits these days, CWI seems to be doing alright.

Linda Rodriguez, vice-president of CWI, provided the Carrizozo Town Council with an update on the organization's activities during the regular monthly meeting of the council on September 12th.

Rodriguez reported that a grant through Project Warm Winter, designed to help residents weatherize their homes or places of business to reduce energy consumption was scheduled to expire on

(Con't on P. 6)

Lincoln County Calendar of Events

MONDAYS and WEDNESDAYS

--Free GED classes 6 to 8 p.m. Carrizozo School Library

TUESDAYS

--Capitan Public Library preschool story hour 1:30 p.m.

WEDNESDAYS

--Preschool Story time 10:30am at the Village of Ruidoso Public Library.

--Carrizozo First Baptist Church takes orders for Angel Food Ministries 5:30 p.m. to 6:30 p.m.

THURSDAYS

--Gambler's Anonymous open meeting 7:15 p.m. at Mescalero Reformed Church, 336 Wardlaw Drive in Mescalero. Call Mike at 575-682-6200 for information.

FRIDAYS

--Trinity United Methodist Church in Carrizozo open 12 noon to 1:00 p.m. for come and go silent prayer, brown bag lunch optional.

EVERY THIRD THURSDAY

--Village of Corona Public Library 3 to 4 p.m. pre-school story hour, stories, activities, crafts, snacks. Call Betty Ann at 849-3277 for info.

FIRST TUESDAY OF EACH MONTH

--Representative from State Engineer's office is at Ruidoso Village Hall from 9 a.m. to 12 noon.

FIRST THURSDAY OF EACH MONTH

--Roadrunner Food Bank in Carrizozo at Assembly of God Church for general public 1-3 p.m. and 4-6 p.m.

SECOND TUESDAY OF EACH MONTH

--Food pantry for those age 55 and older at Assembly of God Church in Carrizozo 12 noon to 2:00 p.m.

THIRD SATURDAY OF EACH MONTH

--American Legion Post #11, Wells Fargo Bank in Carrizozo 9:00 a.m.

FOURTH TUESDAY OF EACH MONTH

--Food pantry for age 54 and younger at Assembly of God Church in Carrizozo 12 noon to 2:00 p.m. and 5:00 p.m. to 6:00 p.m.

TODAY, THURSDAY, SEPTEMBER 22

--Rick Price and the Blackwood Legacy in Free concert at Corona First Baptist Church 7:00 p.m. Southern gospel. The Corona First Baptist Church is located at 251 Dubois in Corona. For more information on this event call (575) 849-7975 or visit the group website at www.theblackwoodlegacy.com. You can also preview the group on Facebook.

SATURDAY, SEPTEMBER 24

--NMSU to host half day workshop on beneficial insects at Tucumcari 9:30 to 12:30. There is no charge but pre-registration is requested. Please contact Grasswitz at tgrasswi@nmsu.edu, or 505-865-7340 to register.

SATURDAY, SEPT. 24 and SUNDAY, SEPTEMBER 25

--Adobe Farms Alpacas participates in National Alpaca Farm Days. Public invited to free opportunity to learn more about alpacas, the luxury fiber they produce and more. 9a.m. to 5 p.m. Adobe Farms Alpacas is located at 420 Fenceline Rd., Ancho, approximately 25 miles North of Carrizozo. To find out more about National Alpaca Farm Days visit www.NationalAlpacaFarmDays.com. To learn more about Adobe Farms Alpacas, visit www.adobefarms.com, or call 866-930-1960

MONDAY, SEPTEMBER 26

--Speaking on Obamacare, Dr. Tom Lindsey, a surgeon on staff at Lincoln County Medical Center, will address the Federated Republican Women of Lincoln County meeting at 11:30a.m. at the Ruidoso Senior Center. Bring a sack lunch and please use the side entrance. For information: 430-7258.

TUESDAY, SEPTEMBER 27

--Lincoln County Lodgers' Tax Committee 10:00 a.m. at Capitan Village Hall.

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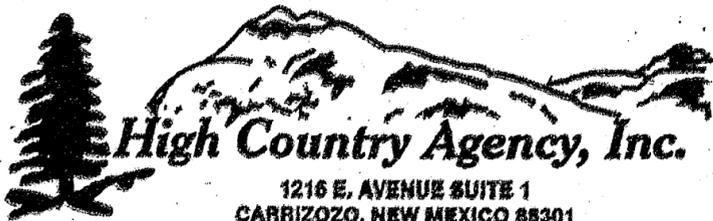
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Franklin Joins C'zozo P&Z

by Patrice Brazie

The recent resignations of Linda Rodriguez and J'Lane Zamora from the Carrizozo Planning and Zoning Committee (P&Z) prompted the appointment of a new member of that committee during the September 12th meeting of the Carrizozo Town Council.

In a monthly report on P&Z business, Judy Fitzpatrick said that the two former committee members resigned because of their involvement in other projects and committees and an already heavy workload.

Fitzpatrick said that Joey Thornton, the town foreman, is now a P&Z committee member along with Samuel Ellis. She said that she and Ray Dean will probably co-chair the committee.

The town council unanimously approved the appointment of Carrizozo resident Jennifer Franklin, who said that she

moved to Carrizozo with her husband Dan almost a year ago. "I'm excited to be here and this is where we're going to

(Continued on Page 8)



Blue asters color the countryside at Bonito Lake and surrounding high country. Flowers will be in full color until the first real frost, which can occur any time now. Viewing of fall flowers and turning trees is good around and above Bonito Lake at this time. (Photo by Doris Cherry)

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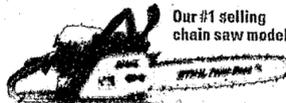
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Carrizozo Homecoming Kicks Off

Homecoming week started Monday, September 19, with the game against the Menual Panthers on Friday at 7 p.m.

Spirit Week kicked off with Pajama Day on Monday and continued with wearing the apparel of one's favorite pro sports team on Tuesday, Crazy Day on Wednesday and Spirit Day on Thursday. Also, on Thursday is a pep rally at 1 p.m. and the presentation of the Homecoming candidates. The parade begins at 3 p.m.

The crowning of the Homecoming King and Queen will be during half time of the game on Friday.

Students had a chance to help out in Homecoming on Monday; they were given time to decorate a portion of the high school hall to show their school spirit. Students put up posters they had made, streamers, and the seniors placed the Grizzly mascot in the center of the hall facing the entrance. Both the junior high and the high school showed true school spirit.

Mario Silva

(See 'Pajama Day' Photo Page 7)

LEGAL NOTICE

IN THE TWELFTH JUDICIAL DISTRICT COURT COUNTY OF LINCOLN STATE OF NEW MEXICO Case No. D-1226-CV-2011-110

WASHINGTON FEDERAL (FORMERLY KNOWN AS First Federal Bank), a federally chartered savings bank,

Plaintiff,

v.

CURTIS D. WALKER, Defendant.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that on October 20, 2011 at 9:30 a.m., the undersigned Special Master will, at the main entrance of the Lincoln County Courthouse, 300 Central, Carrizozo, New Mexico, 88301, sell all the right, title and interest of the above-named Defendant in and to the hereinafter described real estate to the highest bidder for cash. The property is more commonly known as Lot 4, Eagle Crest Subdivision, Ruidoso, New Mexico, in Lincoln County, New Mexico, more particularly described as follows:

Tract 4 of Eagle Crest Subdivision, Lincoln, County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, New Mexico, July 13, 2007, in Cabinet 1, Slide No. 756.

THE FOREGOING SALE will be made to satisfy a stipulated judgment rendered by the above Court in the above-entitled and numbered cause on September 12, 2011, being an action to foreclose a mortgage on the above-described property. The Stipulated Judgment, which includes interest and costs through September 21, 2011, is \$115,424.23 and the same bears interest at 8.875% per annum, or \$24.55 per diem, from September 22, 2011, to the date of sale, plus the costs of sale, including Special Master's fee, publication costs, Plaintiff's costs expended for taxes, insurance and keeping the property in good repair. The amount of such interest to the date of sale will be \$711.95. The Plaintiff and/or its assignees have the right to bid at such sale and submit its bid verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash. The sale may be postponed and rescheduled at the discretion of the Special Master.

NOTICE IS FURTHER GIVEN that the real property and improvements concerned with herein will be sold subject to any and all patent reservations, easements, all recorded and unrecorded liens not foreclosed herein, and all recorded and unrecorded special assessments and taxes that may be due. Plaintiff and its attorneys disclaim all responsibility for, and the purchase at the sale takes the property subject to, the valuation of the property by the County Assessor as real or personal property, affixture of any mobile or manufactured home to the land, deactivation of title to a mobile or manufactured home on the property, if any, environmental contamination on the property, if any, and zoning violations concerning the property, if any.

NOTICE IS FURTHER GIVEN that the purchase at such sale shall take title to the above-described real property subject to a one month right of redemption.

Dated: September 21, 2011

Original Signed by Special Master

PETER BACA
Special Master
Post Office Box 215
Carrizozo, NM 88301

Published in the Lincoln County News on September 22, 29; October 6 and 13, 2011.

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Calling for Volunteers...

(Continued from Page 1)

to Ruidoso, with stops in Capitan, Fort Stanton and Lincoln.

"And who knows, maybe the No Scum Allowed Bar in White Oaks too," Tippin joked.

Plans are for the three day event to conclude with a reception at Spencer Theater on Jan. 7.

Lucy Rickman is coordinating the event in Carrizozo, and Tippin said she is asking for a coordinator for Capitan.

"The same request is being made in Ruidoso and Ruidoso Downs to coordinate the entire area," Tippin added.

Mayor Sammy Hammons said he would include a call for volunteers in his next mayor's newsletter.

Also at the meeting, trustees accepted a letter of resignation from Steven Sanchez from the water department.

Hammons said the position will not be filled at this time.

Trustees approved contract change orders 2 and 3 on the Wastewater Systems Improvement Project. Cody Sikes, engineer, said the project was wrapping up and the contractor out of Albuquerque was making good time and should be done within two weeks.

The first change order was to pay for 200 square feet of additional liner repair, additional gravel on the bird

watching area and to eliminate 20 feet of PVC line, thus creating a savings.

Sikes said village maintenance supervisor David Cox saved the project about \$2,400 by having village crews do some of the work.

Overall the change order increased the base price by \$222.65 for a total of \$349,146.15, Sikes said. (The project is paid with state grants.)

Trustees also approved a change order for drilling of 150 foot monitoring wells at the wastewater project. Sikes said they found ground water at less than 10 feet deep, when they thought it would be 40 to 50 feet deep. He said they had budgeted \$6,000 for well drilling, but would need \$2,450 less than on the contract.

While the project work was under budget, the engineering services went over budget, and Sikes asked for a final amendment of a \$19,600 increase to the engineering services contract.

Sikes said the contract of \$113,000 for all engineering services did not include hourly charges for on-site supervision, which contracts are now required to list. In the past, contracts could do a lump sum for such services.

Trustees, after a very short closed session, accepted the annual evaluation of employee Danny Johnson.

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2011 Grizzly Varsity FOOTBALL SCHEDULE

DATE	OPPONENT	LOCATION	TIME
Fri., Aug. 20	Foothill (Albuquerque)	Carrizozo	6:00pm
Fri., Sept. 2	Springer	Springer	7:00pm
Sat., Sept. 10	Reserve	Reserve	1:00pm
Fri., Sept. 16	Logan (Also Jr. High)	Logan	4:00 - 7:00pm
Fri., Sept. 23	*Menaul	Carrizozo	7:00pm
Fri., Sept. 30	Animas	Animas	5:00pm
Fri., Oct. 7	Magdalena (11-man)	Magdalena	7:00pm

*Homecoming

Jr. High Schedule

Thurs., Sept. 8	Mescalero	Carrizozo	4:30pm
Fri., Sept. 16	Logan	Logan	4:00pm
Thurs., Sept. 22	Mescalero	Mescalero	4:30pm
Thurs., Oct. 6	Gateway	Carrizozo	4:30pm
Thurs., Oct. 20	Mountainair	Carrizozo	5:00pm

Volleyball Schedule

DATE	OPPONENT	LOCATION	TIME	TEAMS
Tues., Aug. 25	Corona	Corona	5:00pm	JH/JV
Fri., Aug. 26	Magdalena	Carrizozo	3:00pm	JH/JV/V
Thurs., Sept. 1	Magdalena	Magdalena	3:00pm	JH/JV/V
Tues., Sept. 6	Vaughn	Carrizozo	4:00pm	JH/V
Thurs., Sept. 8	Capitan	Carrizozo	4:00pm	JH/JV/V
Thurs., Sept. 15	Corona	Carrizozo	4:00pm	JH/JV
Sept. 16-17	Cloudcroft Tourney	Cloudcroft	TBA	V
Tues., Sept. 19	Capitan	Carrizozo	5:00pm	JH
Sept. 23-24	Capitan Tourney	Capitan	TBA	V
Thurs., Sept. 29	Capitan	Capitan	5:00pm	JH/JV/V
Tues., Oct. 4	Hondo	Hondo	4:00pm	JH/JV/V
Fri., Oct. 7	Animas	Animas	3:00pm	JV/V
Fri., Oct. 14	Quemado	Quemado	2:00pm	JH/V
Sat., Oct. 15	Reserve	Carrizozo	1:00pm	JH/V
Tues., Oct. 18	Hondo	Carrizozo	4:00pm	JH/JV/V
Fri., Oct. 21	Animas	Carrizozo	4:00pm	JH/JV/V
Fri., Oct. 28	Quemado	Quemado	2:00pm	V
Sat., Oct. 29	Reserve	Reserve	1:00pm	V
Oct. 31-Nov. 5	Dist. Tourney	TBA	TBA	V
Nov. 15-19	State Tourney	TBA	TBA	V

EDITORIALS and OTHER STUFF

THOUGHTS

From the Editor's Desk
by Ruth Hammond

Negative or True? Decide Which!

Last week this column dealt with how some negative things are touted as being gospel. It was not clarified that some negative things are true, as can be verified by state reports, such as those published by the state. If you determine that they are not true, take it up with the state. Just be certain you know what you are talking about and that it is not rumors heard from a guy on the street.

It is imperative that you ask questions and find out the truth before you swear that statements are true. According to some officials, anything that is said during a public meeting is true. Wrong! We heard that the local school is spending more than \$40,000 for a flooring job and apparently there is no documentation as to when and if quotes were obtained. Hopefully that information will be made available soon because state law requires that quotes be obtained before purchases are made.

Keeping it before the public is one of the most important things an elected board can do. If quotes were obtained, that should have been documented with dates of calls, person spoken to, quotes given, etc. And state law requires that quotes over a certain amount must be in writing and verbal quotes will not be accepted. There is a reason for state law requiring this information.

Evidently some people believe that a few select boards can do what they want whether the state approves or not. If that is true, then why are state laws in place? Is it a situation of some state laws must be obeyed while other state laws can be totally ignored? Could be interesting if so.

Letting people select which state laws are to be obeyed could help some people. There are hordes of people behind bars who might select a different set of rules to follow than you would. And can you imagine how many would be turned free immediately if they chose which laws to obey?

Yes, the entire thing is preposterous, but it is time the people, meaning YOU, demand that officials follow the rules, not just some rules. And not just a few they can spout at a meeting. It is time officials own up to their responsibilities and do what they were elected to do, or appointed to do, or being paid to do. Their good name and the duties they should be performing are in jeopardy if rules are not followed. It is up to you to determine whether what you hear is rumor or if it is true.

LETTERS TO THE EDITOR POLICY

The Lincoln County News welcomes letters to the editor and acknowledges that any letters printed herein represent the personal opinion of the writer, and do not necessarily reflect the editorial opinion of the Lincoln County News.

To be considered for publication, all letters must be original. No copies or form letters will be used. While preference is given to letters received in digital format, typed or hand-written letters, if legible, are also considered. Letters sent by email as an attached Microsoft Word document are most preferred.

Letters must be signed by the writer with the author's full name, address and telephone number. Only the writer's name and city of residence will be published (exception sometimes apply).

"Thank You Letters" are considered as advertising and will not be accepted as Letter to the Editor.

Consideration will be given to letters of any length, but those of 300 words or less are preferred. All letters are subject to editing for length, grammar, spelling and reader interest.

Electronic submission should be sent to news@tularosa.net. Letters can be hand-delivered in our office in Carrizozo or mailed to:

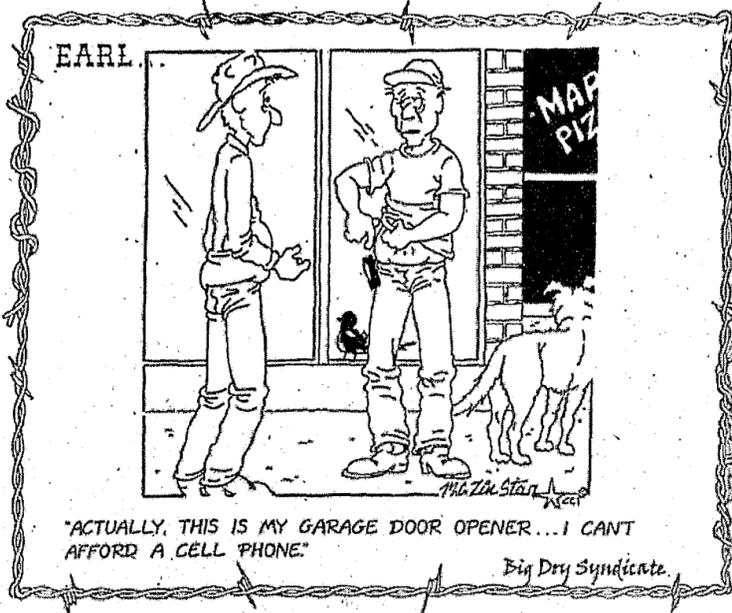
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* Inside the Capitol

by Jay Miller, Syndicated Columnist

SANTA FE - This is a great time to consider changes throughout government. We all know that many changes in our government are necessary.

Here are some of my ideas.

First, let's talk about what seems to be on the news full time these days. It's the battle between security and privacy. Or in more familiar language, porno scans and gropings by airport security.

I'm not sure how much good they do. Every time we have a new terrorist scare, we have a new set of security checks at airports. The problem is that the new measures stop the old threats so new threats are invented.

But each set of new measures seems to make the majority of Americans feel safer. So why fight it? I consider them a mild annoyance but quickly forgettable. If you want to fret about something, worry about getting to the airport safely in your car or about equipment failure on your plane. They are infinitely more likely than a terrorist getting on your plane.

Airport security staff seem like a friendly bunch, hoping to make our bad experience as quick as possible. Who I worry about is the security staff I can't see -- the people in the back room rifling through my unlocked luggage.

I have lost a computer. My wife has lost high-powered painkillers. An outside pocket was ripped off a brand new suitcase. A bag of snacks my wife needs for taking with her medicine, ended up in my suitcase.

Why do we get hit so often? Because of my bad eyesight, we try to make our bags stand out so I can see them on the baggage carousel. Maybe they stand out for random checks too.

Or here's another theory. We get to the airport about three hours early, so our luggage sits around longer. We do it in case security takes forever or a traffic tie-up between Santa Fe and Albuquerque stops traffic for hours.

Before retirement, Jeanette and I had

jobs with a fair amount of stress. So we vowed to keep ourselves out of stressful situations in retirement as much as possible. It takes more time but it usually enables a leisurely meal.

My recommendation to the Transportation Security Administration is to watch the baggage screeners more carefully.

My recommendation to the New Mexico State Police is to figure out how to keep traffic moving on Interstates. The cops you use to pick off motorists crossing the median to get on a frontage road around a collision would be bet-

ter used to help detour traffic.

Are there really that many wrecks caused by people crossing the median at a seemingly safe place? I've never seen the statistics on it. Police cars do it all the time. From watching your commercials, it would seem it is first-time DWIs that are the most dangerous thing on the road.

From looking at the makeup of the transition committees on energy and environment, we appear headed for relaxed regulation on many industries. Some of that probably is good, especially if it truly does allow our economy to grow.

GOOD LUCK ON YOUR HOMECOMING GRIZZLIES!!

When You Have the Means

Carrizozo school board meeting came and went without any public disturbance Tuesday night -- I mention that because of the police officer that was asked to be there by the school. Meeting was well attended and lots of comments and concerns were made by the audience.

Meeting started out by someone in attendance saying that she thought the problems at our school was that the communication between the superintendent and the school board could be improved. Could be that they talk in such a low voice at meetings that they cannot hear each other when they try to communicate!!! Thing is there are more than a few problems facing our school.

The "public input" part of the meeting was kicked off by the board president when he announced that the audience would again be limited to a certain amount of time and that the board would listen to concerns and/or requests, but, would not respond. That is where the real problem begins! Four of the present board members either are not capable to answer concerns and/or questions or just don't give a crap. Maybe those four individual board members have the same attitude of one of their own, who just gives the very people who voted her to her position, the 'bird' sign. Speaking of, some people who did not bother to come in and see the photo have mentioned to me that "that's hard to believe". So, being that we still have said photo, we may be publishing it next week, and everyone will have a chance to make up their own mind.

Big topic at the meeting was the lunch room program, and many made comments that the extra \$1.50 students are charged for seconds, is much more than some families can afford. Some members of the board posed questions to superintendent about this last night. My question is why weren't these questions asked before they signed off on the program. The program is not even run by the school, but by an independent contractor. Contractors are not in business to break even, they do this to make money, and could care less about the children who go hungry during the days their families can't afford the extra \$1.50 for seconds.

I mentioned a few weeks back that the tile job on the elementary and jr. high building was not done when the new school year started. Guess what, the job is still not completed; yet checks for \$19,500 for tile, and \$16,000 for labor have been approved by the board, and according to superintendent there is still a balance of \$24,000 due for labor. This is what these four elected officials have been signing off on and will keep doing unless they are exposed completely and made to resign their positions. Running out of space, so next week we will discuss the situation with the position of 'Dean of Students' at our school.

peter aguilar

WEATHER REPORT

by Jeff Hammond

It appears the monsoon season is still active across most of Lincoln County. There will be continued daily chances for showers and thunderstorms for the upcoming forecast week.

There is a cold front moving into New Mexico from the northeast that brings with it colder than normal temperatures of 7 to 15 degrees cooler.

Daytime temperatures will be from the high 70s to the mid 80s at the lower elevations, and mid 60s to the mid 70s at the higher elevations. Nighttime temperatures will be from the high 40s to the mid-50's all across Lincoln County.

Forecast for Carrizozo, the high plains and high desert areas of Lincoln County:

Today, Thursday, September 22

A slight chance of showers, with thunderstorms also possible after noon, partly sunny, with a high near 78, east wind between 5 and 10 mph. night: A slight chance of showers before midnight, partly cloudy, with a low around 52, north wind around 5 mph becoming calm.

Friday, Sept. 23

A slight chance of showers and thunderstorms, mostly sunny, with a high near 81, night: A slight chance of showers and thunderstorms, partly cloudy, with a low around 53.

Saturday, Sept. 24

Mostly sunny, with a high near 80, night: A slight chance of showers and thunderstorms, partly cloudy, with a low around 54.

Sunday, September 25

A slight chance of showers and thunderstorms, mostly sunny, with a high near 80, night: A slight chance of showers and thunderstorms,

(Con't. on P. 6)

LEGAL**LEGAL****LEGAL****VILLAGE OF CAPITAN
ORDINANCE 2011-07****FLOOD DAMAGE PREVENTION ORDINANCE****ARTICLE I****STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS****SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of New Mexico has in Statutes Amended (NMSA) 1978 Section 3-18-7 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Mayor and Council of the Village of Capitan, New Mexico does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of the Village of Capitan are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2**DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A is usually refined into Zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equalled or exceeded in any given year. **BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufac-

tured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see Flood Elevation Study

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see Regulatory Floodway

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see Area of Special Flood Hazard

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully-compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3**GENERAL PROVISIONS****SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Village of Capitan.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

NOTE: COMMUNITY MUST CHOOSE ONE OF THE FOLLOWING OPTIONS TO ADOPT DEPENDING ON LEGAL AUTHORITY

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Lincoln County, New Mexico, and Incorporated areas, FIS number 35027CV001A," dated November 16, 2011, with the most effective Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated 11-16-2011.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4**ADMINISTRATION****SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Village of Capitan locally appointed Floodplain Manager is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of spe-

cial flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the New Mexico Department of Homeland Security and Emergency Management (DHSEM), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AI-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section B(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Village of Capitan Council shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Village of Capitan Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Village of Capitan Council may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Village of Capitan Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that

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the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(1) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (3), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than 1 foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FIRM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, or (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) All new construction and substantial improvements of non-residential structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AE or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION F. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Village of Capitán from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION G. EFFECTIVE DATE AND REPEAL OF ORDINANCE NO. 2008-06

This Ordinance shall take effect thirty (30) days after Council approval, at which time the Village of Capitán Ordinance No. 2008-06 shall be repealed.

SECTION H. CERTIFICATION OF ADOPTION

APPROVED: Sammy Hammons, Mayor

PASSED: Date: September 13, 2011

ORDINANCE BECOMES EFFECTIVE: Date: October 13, 2011

I, the undersigned, Kay Strickland, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Mayor and Council, at a regular meeting duly convened on September 13, 2011.

Kay Strickland, Village Clerk

Published in the Lincoln County News on Thursday, September 22, 2011.

Weather Report

(Continued from P. 4)

mostly cloudy, with a low around 53.

Monday, September 26

A slight chance of showers and thunderstorms, mostly sunny, with a high near 82, night: A slight chance of showers and thunderstorms, mostly cloudy, with a low around 52.

Tuesday, September 27

A slight chance of showers and thunderstorms, mostly sunny, with a high near 80, night: A slight chance of showers and thunderstorms, mostly cloudy, with a low around 51.

Forecast for Ruidoso, Capitán, the northwest face of the Sacramento mountain range, Corona and most of the Hondo Valley:

Today, Thursday, September 22

A slight chance of showers, with thunderstorms also possible after noon, partly sunny, with a high near 68, calm wind becoming east around 5 mph,

night: A fair chance of showers before midnight, mostly cloudy, with a low around 51, north wind around 5 mph.

Friday, September 23

A fair chance of showers and thunderstorms, partly sunny, with a high near 69, night: A fair chance of showers and thunderstorms, partly cloudy, with a low around 48.

Saturday, September 24

A slight chance of showers and thunderstorms, partly sunny, with a high near 72, night: A fair chance of showers and thunderstorms, mostly cloudy, with a low around 49.

Sunday, September 25

A slight chance of showers and thunderstorms, partly sunny, with a high near 72, night: A fair chance of showers and thunderstorms, mostly cloudy, with a low around 49.

Monday, September 26

A slight chance of showers and thunderstorms, partly sunny, with a high

(Continued on Page 8)

Carrizozo Works, Inc. . . .

(Continued from Page 1)

July 31, but has been extended because of unspent funds. She estimated that about \$28,000 of the \$46,000 grant had been spent so far.

"Ken Hughes, who is the project manager, came down and met with me a week or so ago, and he agreed that we could go ahead and keep the money, and try to spend the money here in town," Rodriguez said.

Because the project had yet to include any commercial properties, Rodriguez said, CWI approached the motel owners in Carrizozo about participating and three of them signed on.

"If anybody knows if there are any other businesses in town, or any other homes, we still have some money from that grant," she said.

Rodriguez said that the program carries no qualifying criteria, and encouraged the town's trustees to seek out homes and businesses that could benefit from the program.

Carrizozo resident Barbara Culler, with the Carrizozo Animal Shelter in mind, asked if government buildings would qualify for the weatherization program, but Rodriguez said no.

Project Warm Winter provides residents with the materials and labor necessary to stop cold air infiltration and heat loss through simple means like covering windows with plastic, caulking, wrapping water heaters and replacing light bulbs and shower heads with more energy-efficient models.

Funding for Project Warm Winter stems from the American Recovery and Reinvestment Act (ARRA), through an

Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy. It is administered by the New Mexico Energy, Minerals and Natural Resources Department (EMNRD). Partners in the project include the Southeastern New Mexico Economic Development District, the Town of Carrizozo and the Lincoln County Renewable Energy Initiative.

Records of utility bills in participating structures must be maintained, compared to utility bills from the year prior to the weatherization treatment and the data must be reported to the federal government, tasks that keep Rodriguez busy but have earned the organization \$5,000 for monitoring services.

CWI was also granted \$4,000 to initiate the weatherization program, line up participants and contractors and establish the basic design of the projects, and another \$4,090 to administer the projects locally, Rodriguez said.

CWI has qualified for other similar funding, some of which will come after January 1, 2012. She said that some towns in New Mexico that are receiving monies through the same programs as CWI are using those funds to hire paid staff. Rodriguez said that CWI pays the workers hired to complete the projects, but she and CWI president Ray Dean don't take any pay for their own work.

She suggested that, since money isn't being used for salaries, some of the organization's funds could be applied to a Carrizozo beautification campaign in which the organization, in concert with the town, residents, clubs,

organizations and business owners begin to plant some flowers and trees, clean gutters, paint some buildings and give the town a cleaner, more inviting look.

"Things that aren't going to take big money but could make a huge impact," Rodriguez said. "This town's full of artists and full of talented people; let's use them. We're all in this together."

Carrizozo Trustee Dusty Voss reminded Rodriguez that the town is waiting to receive confirmation of the release of funding for a Main Street grant that could be paid in three \$300,000 increments for a three-phase project.

City clerk Leann Weibrecht said that the Town of Carrizozo received the highest score of all entities that applied for the main street funding, they just don't know when any funds will be issued.

As a side-note, Rodriguez commended Carrizozo resident Elaine Brennen for almost single-handedly producing the Carrizozo Music in the Parks free concert series, a rapidly growing attraction that brings a variety of live musical performances to Carrizozo's municipal parks throughout the summer.

Carrizozo Works, Inc. meets on the third Thursday of each month at the Otero Electric Cooperative meeting room on 12th Street at 5:30 p.m. The public is invited to attend all CWI meetings. Tonight's meeting may include a discussion of forest issues.

Questions regarding participation in Project Warm Winter should be directed to Carrizozo Works, Inc., 1216 E. Avenue, Suite 2, (575) 648-8500.

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Grizzly Bulletin Board

HOME COMING ACTIVITIES

Thursday, September 22
Spirit Day

1:00 PM -- Homecoming Court/Pep Assembly in Old Gym.

2:15 PM -- Early Dismissal and Buses run at 2:15 PM.

3:00 PM -- Parade Route will run Central to 12th Street. Students must have a signed permission slip if they want to participate in the parade.

Friday, September 23

7:00 PM -- Homecoming Football game vs. Menaul Panthers.

Varsity Volleyball will be playing Pool Play at the Capitan Classic Volleyball Tournament TBA.

5:00 to 7:00 PM -- 7th Grade BBQ Dinner. \$6.00 per plate in the school cafeteria. (BBQ sandwich, potato salad, beans, dessert, and drink).

Saturday, September 24

--Cross Country Meet in Cloudcroft.
--Varsity Volleyball at the Capitan Classic Volleyball Tournament TBA.



C'ZOZO GRIZZLY LADY JR. HIGH volleyball team defeated Capitan in a two set match Monday evening and improved their record to 4-2 on the season. Team members are (Back row l to r) Janae Willingham, Kristi Gallacher, Gracie Hooten, Hannah Ventura, Lindsay Chavez, Deline Arteché and Haley Autrey. Bottom row -- (l. to r.) Andrea Apodaca and Emily Comstock. (Courtesy photo)

Good Luck Grizzlies!





Located beside Roy's Ice Cream Parlour in Carrizozo

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THIS COUPON GOOD for \$5 off PEDICURE

Offer good thru Sept. 30th
(VALUABLE COUPON)

GRIZZLY JR. HIGH RUNNING BACK Christian Najar rips off another long gainer against the Mescalero Warriors Thursday last, as a host of blockers (including #13 Caleb Ventura and #24 Garrison Ventura) leading the way. The host Grizzlies showed lots of promise in their 64 to 14 win. (Courtesy photo)

Grizzly Varsity stays undefeated, Edges Logan 24-20. Hosts Menaul Friday / Homecoming Game 7:00 p.m.



Looking for experienced therapists with the highest qualifications?

At Lincoln County Medical Center we have the only therapists in the county who hold Doctorates in Physical Therapy. Our highly qualified team provides a wide range of therapies, including services you can't find anywhere else in Lincoln County:

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John Kvale, DPT
Doctorate in Physical Therapy
Brandi Darnold, MPT
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Dennis Rich, PTA
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Kathleen Miller, Certified
Occupational Therapist Assistant
Carma Patterson
Occupational Therapist

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Lincoln County Medical Center Therapy Center
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Ruidoso, NM 88345

www.phs.org/ruidoso



Mrs. Patterson's kindergarten class on 'Pajama Day'

Ruidoso to Provide Building . . .

(Continued from Page 1)

ited any time with a 30 day notice. While Riska said she spoke with county commissioner Kathryn Minter who indicated the commission was to reconsider the permitting program again, village clerk Kay Strickland in response to a question from mayor Sammy Hammons said there had been no contact from the county.

Riska asked how Ruidoso will keep Capitan informed about its permitting services. Fort said his office provides monthly reports that are public information.

Richardson said the permitting service by Ruidoso will keep people from doing projects illegally. Village finance officer Shirley Pavlovic asked how Ruidoso will handle violations. Fort said his staff deals with violations through the citation procedure. They have found that most violations are corrected promptly and rarely go to court. If a citation does go to court, it will be filed in the Capitan Municipal Court.

THE NEWS asked if the permitting services would extend beyond the municipal boundaries of Capitan. Fort said the MOU reads the Village of Capitan and its "planning and platting areas."

Riska made the motion to approve the MOU, Haskell seconded commenting that "you convinced me," and all trustees voted in favor of the MOU.

Strickland told THE NEWS the MOU takes effect immediately.

For more information on the permitting process contact the Ruidoso Building Dept. 257-4343, or toll free at 877-700-4343.

Franklin Joins P&Z . . .

(Continued from Page 2)

eventually retire," Franklin said. "There's some great people in Carrizozo that we've gotten to know, and we're excited about the potential that this little village has. It's a gold mine and I think that people who have lived here for a really long time don't realize how wonderful it is. We're glad to be here, and I'm excited about the possibilities of being involved," she said.

Carrizozo Mayor Dennis Vega restated some ground rules regarding how city employees are to handle requests from the public about the municipal planning and zoning regulations.

"Individuals that come in will pick up applications. They will not be told what the rules are, what the guidelines are, by the staff here in the city hall, or the police department or the maintenance department until they talk to you," Vega told Fitzpatrick. "That will cut a lot of he-said-she-said. When they come, if they want a restaurant, if they want animals, if they want Grandma's cook stove, whatever the case is going to be that has to go planning and zoning, will go through the planning and zoning administrator. No one else will be saying

you can do this or you can't do that."

Vega said the reason for the stated policy was to avoid any opportunity for miscommunication. He also promised to cut the size of some forms associated with applications to the P&Z.

Town trustee Lee Gross touched on the limitations of the responsibilities and authority of the planning and zoning committee.

"I also think it's important for the P&Z not to take decisions upon themselves in dealing with citizens on any particular issue," Gross said. "What has to be followed are the procedures that we currently have in place, which is a resident comes to the P&Z, asks for approval. They get it approved or not approved. You make a recommendation to the trustees and we would act on that. I want to discourage there being yeas or nays from the P&Z to the citizenry, because it doesn't act in the spirit of what we're trying to create," he said.

Fitzpatrick said that the P&Z process is, when the committee hears about or sees something that could present a code issue, the committee invites the property owner to a meeting in which the issue and possible solutions can be discussed.

"It may be something that they need to file an application for, but it may not," Fitzpatrick said. "If they don't need to file an application they just come to our meeting. If they need to file an application, then we sit there and work through the issues. Then we send it on to you all. That works smoothly," she said.

Fitzpatrick added that problems arise when a property owner fails to respond to letters from the P&Z. She said that the committee is preparing a recommendation for the trustees to consider in October that could tighten-up and clarify the processes implemented by the committee and the responsibilities of citizens.

LEGALS

LEGAL NOTICE

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT
Cause No. D-1226-CV-2011-00047

CITY BANK NEW MEXICO,

Plaintiff,

v.

GLENN A. BROWN, and JOANN BROWN, husband and wife, GLENSTAR, LLC, a New Mexico limited liability company, PNCEF, LLC, f/k/a NATIONAL CITY COMMERCIAL CAPITAL COMPANY, LLC, successor by merger to NATIONAL CITY COMMERCIAL CAPITAL CORPORATION, STATE OF NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS, and ARIZONA TILE, LLC,

Defendants.

NOTICE OF FORECLOSURE SALE

Notice is hereby given that on October 6, 2011, commencing at 10:00 a.m., at the front entrance of the Village of Ruidoso Municipal Complex, 313 Cree Meadows Dr., Ruidoso, NM 88345, pursuant to a Stipulated and Summary Judgment and Decree of Foreclosure entered in the above-captioned case on August 30, 2011 (the "Judgment"), the Special Master or her designee will offer for sale and will sell to the highest bidder at the following real property located in Lincoln County:

Tract 7 C, of HISTORIC CREE RANCH HOMESITES, Lincoln County, New Mexico, as shown by the Replat of Tract 7 A. Amended Utility Easement in Tract 7A, 7B and 8B, there of filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico, on March 28, 2002, in Cabinet H, Slide No. 325,

(the "Property").

Pursuant to the Judgment, the Court foreclosed a mortgage lien on the Property, and awarded a judgment to the plaintiff City Bank New Mexico ("City Bank"), in the total amount of \$298,954.78, which includes interest accrued through April 28, 2011 of \$15,194.98, late fees of \$1,419.71, and costs of preserving, protecting the Property of \$629.46, attorneys fees in the amount of \$11,306.95; plus interest after April 28, 2011 of 8.25% per year, plus additional costs of preserving and protecting the property and attorneys' fees until completion of the foreclosure sale (the "Judgment Amount"). Also pursuant to the Judgment, the Court found that the following parties have liens against the Property in the following amounts and priority (a) PNCEF, LLC, second lien, in the amount of \$53,602.21, plus interest on and after August 10, 2011, at the rate of \$20.18 per day; (b) New Mexico Department of Workforce Solutions, third lien, in the amount of \$67.24, plus interest on and after August 23, 2011, at the rate of 1% per month; and (c) Arizona Tile, LLC, fourth lien, in the amount of \$18,876.06, plus interest on and after August 17, 2011, at the rate of \$4.11 per day.

The sale of the Property will be for cash or cash equivalent, payable immediately. City Bank may be a purchaser at the sale and may credit bid, in its sole discretion, the Judgment Amount or any portion thereof, the same as cash. The other junior lien holders may also be the purchaser at the sale and may credit bid of amount of their respective lien, or any portion thereof, after paying in cash all senior and prior liens in full.

City Bank may submit to the Special Master a written credit bid prior to the sale. The Special Master is authorized to postpone the sale from time to time without further notice or publication, in her discretion.

Notice is further given that the purchaser at the foreclosure sale shall take title to the Property subject to (i) Glen Brown and Joann Brown's one-month right of redemption, (ii) any existing and prior patents, reservations, restrictions, easements, rights-of-way, and other such matters of record, if any, (iii) any liens or encumbrances not foreclosed in this proceeding, and (iv) accrued and unpaid ad valorem taxes, if any, owed on the Property. The sale described in this Notice is subject to the terms of the Judgment.

Sarah Prothro
1044 Mechem Drive
Ruidoso, NM 88345
Special Master

Submitted by and Inquiries should be directed to:

GARLAND & ASSOCIATES, LLC

By: /s/

Edward A. Mazel
201 Third St. NW, Ste. 505
Albuquerque, NM 87102
Telephone: (505) 338-4057
Facsimile: (505) 338-4061
Attorneys for City Bank New Mexico

Published in the Lincoln County News on September 8, 15, 22 and 29, 2011.

LEGALS

LEGAL NOTICE

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT COURT

No. PB-2011-27
Div. III

IN THE MATTER OF THE ESTATE OF ELIZABETH ESTELLE DUNCAN, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that Charlotte Craig has been appointed personal representative of this estate. All persons having claims against this estate are required to present their claims within two (2) months after the date of the first publication of any published notice to creditors or the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the law offices of Gibson & Leonard, P.C., at the address listed below, or filed with the District Court of Lincoln County, New Mexico, located at the following address: P.O. Box 725, Carrizozo, New Mexico 88301

Dated: September 2, 2011

Respectfully Submitted by:
GIBSON & LEONARD, P.C.

JulieAnne Leonard
505 Mechem Dr.
Ruidoso, New Mexico 88345
575.257.1010

Published in the Lincoln County News on September 15 and 22, 2011.

LEGAL NOTICE

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT COURT

No. PB-2011-24
Div. III

IN THE MATTER OF THE ESTATE OF TOMMY L. FREEMAN AND SUZANNE McMAKIN FREEMAN, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that Robin L. Nowotny has been appointed personal representative of these estates. All persons having claims against these estates are required to present their claims within two (2) months after the date of the first publication of any published notice to creditors or the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the law offices of Gibson & Leonard, P.C., at the address listed below, or filed with the District Court of Lincoln County, New Mexico, located at the following address: P.O. box 725, Carrizozo, New Mexico 88301.

Dated September 7, 2011

Respectfully Submitted by:
GIBSON & LEONARD, P.C..

Lori L. Gibson
505 Mechem Dr.
Ruidoso, New Mexico 88345
575.257.1010

Published in the Lincoln County News on September 15 and 22, 2011.

More Weather . . . (Con't. from page 6)

near 73, night: A slight chance of showers and thunderstorms, mostly cloudy, with a low around 48.

Tuesday, September 27

A slight chance of showers and thunderstorms, mostly sunny, with a high near 72, night: A slight chance of showers and thunderstorms, mostly cloudy, with a low around 48.

The above information was taken from the National Weather Service Website. For up to date

LINCOLN COUNTY NEWS Classified Ads
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Look for our New Specials and Discounts for this coming winter. We will have Discount Prices on Take-outs often. Remember that we are buying the best quality foods that are available and we serve good size portions. For breakfast we use the best bacon, ham and sausage money can buy, and use EXTRA LARGE County Fresh Eggs.

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Greentree

Solid Waste Authority

is accepting applications for Tempo-rary/Full-time Sani-tation Worker 1/Re-cycling Laborer with knowledge of Back-hoe and Forklift, Valid New Mexico Driver's License re-quired. Positions will be filled as needed. You may pick up applications and job descriptions at 26590 US Hwy 70, Ruidoso Downs, NM or call (575)378-4697. Applications deadline will be Friday, September 23, 2011, at 10:00 a.m.

2tc/9/15-22

FOR SALE STUCCO HOUSE OWNER FINANCING

1006 5th St. Carrizozo

Large Master Suite, 1-Bth, water-sewer. Large Lot. All redone.

Linda
1-575-354-4235
4tp/9/8-29



EMPLOYMENT NOTICE

TEMPORARY/SEASONAL CLERK -- Lincoln County Treasurer's Office. The applicant must have skills in computers, ten key calculators, basic accounting, filing, and good communications skills, both orally and in writing. Obtain application and job description from Billie-Jo Guevara at 575/648-2385 ext. 100. Applications accepted until 5:00 p.m., October 10, 2011. Equal Opportunity Employer.

2tc/9/22-29

EMPLOYMENT NOTICE

BLADEMAN/OPERATOR III -- Lincoln County Road Department. The applicant must have three years of road machinery experience; a clean driving record; no felony convictions; and preferable possess a valid New Mexico Class A CDL with endorsements N or X. Primary work location will be the Capitan area. Obtain application and job description from Billie-Jo Guevara at 575/648-2385 ext. 100. Applications accepted until 5:00 P.M., October 3, 2011. Equal Opportunity Employer.

1tc/9/22

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FREE TOW AWAY

(575) 805-9525

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weather reports, go to www.srh.noaa.gov/abq/ on the internet. This website is up-dated every four hours.

The New Mexico Highways Department has developed a new toll free number for up to the hour road constructions/ conditions information. Just dial 511, listen to the options and follow the directions.

You can also get up to the minute, in-depth, construction updates by logging in to www.nmroads.com for any area of the state.