

COUNTY OF LINCOLN
New Mexico
REVISED Regular Meeting
Board of County Commissioners

Thomas F. Stewart, Chairman
Dr. Lynn Willard, Vice-Chairman
Elaine Allen, Member
Jon Crunk, Member
Todd Proctor, Member

Walter Hill, Assessor
Whitney Whittaker, Clerk
Rhonda Burrows, Probate Judge
Michael Wood, Sheriff
Beverly Calaway, Treasurer

Ira Pearson, County Manager

AGENDA

Tuesday, September 20, 2022 @ 8:30 A.M.

Commission Chambers Carrizozo, New Mexico and ZOOM (Link Below)

<https://us02web.zoom.us/j/81828229748?pwd=dVRkSHNqWlBiN2NpdXFzZ1I3RHdhdz09>

Meeting ID: 818 2822 9748

Passcode: 638921

One tap mobile
+12532158782

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
 - a. Pledge – U.S.A. Flag
 - b. Salute – N.M. Flag (“I salute the flag of the State of New Mexico, the Zia Symbol of perfect friendship among united cultures”)
5. Approval of Agenda
6. Approval of Minutes:
 - a. August 16, 2022, Regular Commission Meeting
7. Approval of Consent Agenda
 - a. Payroll/Accounts Payable/Budget/ Expenditures
 - b. Treasurer’s Financial Report for the Month ending August 31, 2021
 - c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
 - d. Approval of Sun Valley Water & Sanitation District Mill Levy
 - e. Approval of Guadalupe Soil and Water Conservation District Mill Levy
 - f. Approval of Proclamation, Recognizing September 11th as “Patriot Remembrance Day” in Lincoln County
 - g. Approval of Local Government Road Fund Agreement L200485 and Resolution 2023-14

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

- h. Approval of Local Government Road Fund Agreement L200499 and Resolution 2023-15
 - i. Approval of Local Government Road Fund Agreement L200507 and Resolution 2023-16
 - j. Approval of Transportation Project Fund Grant Agreement Between the New Mexico Department of Transportation and County of Lincoln - Control No. LP20030
 - k. Approval of Resolution 2023-17: A Resolution to Extend the Termination Date of the Local Government Road Fund County Arterial Program Agreement Contract No. D18935, Control Number L200535 from December 31, 2022, to December 31, 2023
 - l. Approval of Resolution 2023-18: A Resolution to Extend the Termination Date of the Local Government Road Fund County Cooperative Program Agreement Contract No. D1870, Control Number L200521 from December 31, 2022, to December 31, 2023
 - m. Approval of Resolution 2023-19: A Resolution to Extend the Termination Date of the Local Government Road Fund School Bus Route Agreement Contract No. D18934, Control Number L200543 from December 31, 2022, to December 31, 2023
8. Forest, Land & Natural Resources Matters:
- a. Smokey Bear Ranger District
 - b. Lincoln County / NMSU Extension Services
 - c. South Central Mountain RC & D
 - d. Upper Hondo Soil & Water Conservation District
 - e. LANRAC
9. Approval of Order Setting Property Tax Rates – 2022 Property Tax Year
10. Pattern Energy and Mesa Canyon Wind LLC
- a. Consideration of an Amendment to the June 24, 2020, Lease Agreement Between the County of Lincoln and Mesa Canyons Wind LLC
 - b. Consideration of an Amendment to the June 24, 2020, Sublease Agreement Between the County of Lincoln and Mesa Canyons Wind LLC
11. **9:30 A.M.:** PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)
12. 10:00 A.M.: PUBLIC HEARING
- a. **Ordinance No. 2023-01:** An Ordinance Authorizing the Issuance and Sale of Lincoln County, New Mexico Taxable Industrial Revenue Bonds (Mesa Canyons Wind LLC Project), Series 2022A, in an Aggregate Principal Amount not to Exceed \$3,600,000,000 (the “Bonds”); to Provide Funds to Finance the Acquisition, Construction, Equipping and Installation of Wind Energy Facilities

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to be Constructed in one or More Phases for the Purpose of Generating Electricity and Located Within the County but Outside the Boundaries of any Incorporated Municipality; Authorizing the Execution and Delivery of an Indenture, a Lease Agreement, a Bond Purchase Agreement, a Sublease Agreement, the Bonds, and Other Documents in Connection with the Issuance of the Bonds; Making Certain Determinations and Findings Relating to the Bonds; Ratifying Certain Actions Taken Previously; and Repealing all Actions Inconsistent with this Ordinance.

Immediately Following Item a:

- b. **Ordinance 2023-02:** An Ordinance Defining Engaging in Business and Related Terms; Providing for the Collection of Fees; Prohibiting Operating an Unregistered Business; and Providing for a Fine for Violation

Immediately Following Item b:

- c. **Ordinance No. 2023-03:** An Ordinance Amending and Restating Ordinance 2012-03, an Ordinance Regulating Wireless Communications Facilities, Including Antennas, Towers and Other Facilities, Prescribing Regulations for Location, Placement, Construction, Appearance, Design, and Modification; Repealing Ordinances in Conflict; Providing for the Severability of Parts Hereof; and Providing an Effective Date.

13. Approval of Budget Adjustment for FY 22/23 by Resolution 2023-11

14. Lincoln County Detention Center Update - Warden Scott Colvin

15. Lincoln County Medical Center Update - Todd Oberheu

16. Manager's Report

17. Approval of Lodger's Tax Funding Requests:

- a. White Mountain Christmas at the Flying J Ranch
Request: \$7,500.00
Date(s) of Event: November 25-December 31, 2022
Presenter: James Hobbs

18. Approval of FY 2024-2028 Infrastructure Capital Improvement Plan to be Submitted to Department of Finance – Local Government Division

- a. Resolution 2023-12 County of Lincoln
- b. Resolution 2023-13 Senior Citizen's Centers

19. Solid Waste Update:

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- a. Approval of Liens:
 - i. Richard M Bradley \$1,018.10
 - ii. Gary Lee Gibson \$1,000.66
 - \$2,018.76
 - b. Solid Waste Presentation – Public Works Director, Francesca Herrera
20. Approval of Prior Year Invoices:
- a. Triadic Enterprises, Inc.
 - b. Ruidoso Laser Wash
21. Approval of Agreement Between the Board of County Commissioners of Lincoln County and the City of Ruidoso Downs to House Inmates at the Lincoln County Detention Center
22. Claim of Exemption Boundary Survey Plats:
- a. Appeal of Denial of Claim of Exemption Boundary Survey Plat – Tract 3, Longview Subdivision, Lincoln County, New Mexico – Owners: Candy R. and Bonnie Jean Trujillo; Surveyor: Dennis Rich
 - b. Appeal of Denial of Claim of Exemption Boundary Survey Plat – Lot 52A, Block 6, High Mesa Subdivision, Lincoln County, New Mexico; Unit 3 Lot 2A-1, Unit 1, Lincoln Hills Subdivision, Lincoln County, New Mexico – Owners: Kenneth and Suann Tumlinson; Lot 74, Deer Park Valley, Unit 2, Lincoln County, New Mexico – Owners: Don and Mary Whitlow; Surveyor: Dennis Rich
 - c. Consideration of a Replat of Lot A12-1, Kokopelli Mesa Subdivision, Lincoln County, New Mexico – Owner: Janice Melton Hillger; Surveyor: Dennis Rich
23. Consideration of Purchasing a Police Canine from the City of Ruidoso Downs – Sheriff, Michael Wood
24. Discussion and Direction Regarding Eastern New Mexico University (ENMU) Spring Internships
25. McBride and Nogal Fires Litigation Presentation – Robles/ Rael / Anaya – Luis Robles
26. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances
27. Lincoln County Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); and Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); and Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2)
28. Signing of Official Documents

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29. Next meeting:
October 18, 2022 – Regular Commission Meeting

30. Adjourn

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September 20, 2022

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