

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, December 19, 2017

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on December 19, 2017 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:32 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard (telephonically).

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

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

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

5. Approval of Agenda

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

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes:

- a) November 21, 2017 - Regular Commission Meeting

Motion: Approve the minutes of the November 21, 2017 Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending November 30, 2017
- c. Approval of Memorandum of Agreement for Mutual Aid Fire and Rescue Response between the Village of Ruidoso and the County of Lincoln
- d. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims

- e. Community Development Block Grant (CDBG) Annual Requirements:
 - i. Approve Resolution 2017- 20 Purchasing Policy Repealing Resolution 2016-21
 - ii. Approve Resolution 2017-21 CDBG Policies and Certifications Repealing Resolution 2016-22

Motion: Approval of the Consent Agenda, Moved by Commissioner Stewart, Seconded by Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT A: Copies of the Consent Items including Resolution 2017-20 and Resolution 2017-21 are attached hereto in reference thereto made a part hereof.

8. Update on Pattern Development / Blattner Energy Work Tied to Production Tax Credits (PTC) Activities

Nita Taylor, County Manager reminded Pattern Energy was developing the Ancho Wind, LLC wind energy project primarily located in Lincoln County. Ms. Taylor stated Pattern had petitioned Lincoln County for permission to deliver material and components to specific site locations on or after December 1, 2017 with completion by January 31, 2018. Ms. Taylor stated during the November Regular Meeting the Board of County Commissioners agreed to enter into a road agreement with Ancho Wind, LLC to address any road damage incurred during this preconstruction phase.

Ms. Taylor noted these preconstruction activities were considered "Minor Construction Activities" as defined by Lincoln County's Wind Energy Ordinance which requires meeting with Lincoln County to define the scope of work and entering into a Road Repair Agreement. Ms. Taylor presented the fully executed Agreement for Repair of Lincoln County Road with Ancho Wind, LLC.

There was general discussion of past road issues on Bogle Road including Zia Natural Gas's agreement to lower the gas line at several points on Bogle Road and previous damage incurred during Pattern's site development in the area.

Representatives of Pattern agreed to stay in contact with Road Superintendent Jeff Honeycutt and Manager Taylor to resolve issues and potentially improve the road as construction on the wind farm moved forward.

9. Forest, Land and Natural Resources Matters:

a) Fort Stanton and Lincoln Historic Sites

Ms. Taylor informed Tim Roberts, Regional Manager was unable to attend today's meeting.

b) Smokey Bear Ranger District

Jodie Canfield, District Ranger informed the Ranger District conducted an Open House Public Meeting on December 12, 2017 with good attendance. Ranger Canfield stated topics included the travel inventory of roads in the Hale Lake Area with intent to develop travel management alternatives for the area. Ranger Canfield reported the Lincoln National Forest would post the Forest Plan Assessment online for public review and comment in the next few weeks. Ranger Canfield stated the Assessment was considered the "base" document for the Forest Plan Revision.

Ranger Canfield stated efforts to close abandon mines on the District were ongoing. Ranger Canfield stated contractors were working at the South Fork Campground on outhouses, low water crossings, and drainage improvements. Ranger Canfield stated belief the campground could open in 2018 and noted plans to increase user fees to support site maintenance.

Ranger Canfield informed Ski Apache opened on December 15, 2017 with minimal moisture. Ranger Canfield stated the District continued discussions with the El Capitan Mining operation and the company had expressed an intent to place a crusher at their site north of Capitan.

Ranger Canfield provided an update on grazing, negotiations with permittees, and some available funding for improvements by permit holders. Ranger Canfield stated the District also worked with the Rocky Mountain Elk Foundation to complete a water share project for livestock and wildlife.

Commissioner Stewart questioned Ranger Canfield about the City of Alamogordo's timeline for dredging Bonito Lake.

Ranger Canfield stated the City of Alamogordo had issued the contract for the dredging and had begun work on a road around the backside of the lake as a staging step. Ranger Canfield stated all activities "must sit during the owl nesting season" which runs from the beginning of March until August which would likely extend the project to a period of three years. Ranger Canfield stated the City of Alamogordo's plan was to stockpile dredged material at the entrance to Kraut Canyon and then transfer the material to a quarry on private land near the intersection of Highway 37 and Highway 48.

Ms. Taylor stated she had extended an invitation to the City of Alamogordo to provide an update and anticipated a presentation during the January meeting.

c) Community Forester

Rick Merrick, South Central Mountain Resource and Conservation District reported on the Non Forest Land (NFL) thinning projects and other cost share programs. Mr. Merrick provided a final report on the Ruidoso Wildland Urban Interface (WUI) Interagency Prescribed Fire Project which was funded through a Collaborative Forest Restoration (CFRP) grant in 2013.

Mr. Merrick reported the Village of Ruidoso had completed a burn project near Grindstone Lake utilizing the Air Curtain Incinerator. Mr. Merrick stated Otero County planned to utilize the incinerator for a project in La Luz next and noted both the Upper Hondo Soil and Water Conservation District and the Village of Ruidoso had additional projects planned utilizing the incinerator.

Mr. Merrick reported a subcommittee was planning a Second Wood Industry Summit for November of 2018 in Ruidoso.

Mr. Merrick stated the Fire Adapted Community program received a grant to develop a leadership program for community leaders developing Fire Wise Communities. Mr. Merrick stated currently USAA Insurance offered a discount to policy holders within Fire Wise Communities and there was an ongoing effort to expand this discount with other insurers.

d) Upper Hondo Soil and Water Conservation District

Laura Johnson, Program Director informed there were approximately seventy five stakeholders in attendance at the Upper Hondo's annual Legislative Dinner. Ms. Johnson stated presentations included valuable information on range management and the cohabitation of livestock and wildlife.

Ms. Johnson stated the Upper Hondo had developed a Memorandum of Understanding with the City of Alamogordo to continue noxious weed eradication programs in the Bonito Lake area. Ms. Johnson discussed the importance of reducing noxious weeds in this area to inhibit travel down the watershed. Ms. Johnson reported additionally the Upper Hondo received a new grant from the State of New Mexico Forestry Division to conduct thistle control in the Ranches of Sonterra subdivision. Ms. Johnson stated the District would work with the Homeowners Association and land owners including absent owners on a cost share basis.

Ms. Johnson reported the Upper Hondo approved the submission of two new grant applications for funding to develop a Watershed Restoration Group. Ms. Johnson stated the goal was to form a watershed management group including municipalities and representatives from the unincorporated areas of Lincoln County.

Ms. Taylor inquired if the Upper Hondo had filed comments on the Use Attainability (UAA) Study.

Ms. Johnson stated the District did file comments without revision on the UAA Study. Ms. Johnson stated the District was not advised of the presentation on this topic at a Joint Land Use Meeting. Ms. Johnson stated the Upper Hondo had formally requested inclusion and notification of any meetings or actions related to the watershed.

e) Land and Natural Resources Advisory Committee (LANRAC)

Robert Barber, Chair stated LANRAC was on schedule with revisions of Lincoln County's Land Use Plan and anticipated providing those recommendations during January. Mr. Barber stated additionally LANRAC had a well-attended meeting which focused on discussions with Smokey Bear District Ranger Jodi Canfield and Sabrina Flores, Regional Planning Officer on the best process to develop public comments for the proposed Forest Plan Revision.

Ms. Taylor provided a copy of the presentation titled "Regional Wastewater Treatment Plant and Water Quality Standards" given on December 13, 2017 to the Village of Ruidoso and the City of Ruidoso Downs Regional Wastewater Treatment Plant Joint Use Board.

10. Zia Natural Gas Company- Presentation by Kajen Stockert

Kajen Stockert, Regulatory Compliance Officer for Zia Natural Gas Company presented the company's Integrated Resource Plan (IRP) and conducted a public advisory meeting. Mr. Stockert stated Zia was required by the Public Regulatory Committee to provide a public report every four years reflecting assessments of current natural resources and anticipated foreseeable resource needs.

Mr. Stockert reported Zia Natural Gas had approximately 38,000 customers in New Mexico. Mr. Stockert stated Zia had gas distribution operations in Lea, Eddy, Lincoln, Colfax, and Dona Ana Counties. Mr. Stockert stated additionally Zia operated gas transmission lines in Lincoln and Colfax Counties. Mr. Stockert stated Zia currently served approximately 13,367 customers in Lincoln County taking delivery of natural gas from El Paso Natural Gas through a transmission line north of Capitan. Mr. Stockert concluded the analysis of current resources, line capacity, and future demand revealed Zia had sufficient capacity for projected growth in Lincoln County.

Mr. Stocker discussed the availability of energy assessments and rebate programs offered to customers to increase energy efficiency. Mr. Stockert requested public comment, questions or concerns on the Zia Natural Gas Integrated Resource Plan.

Commissioner Allen commented the wind farm developments would require a "base load" to produce energy when there was no wind.

Rhonda Burrows, Clerk mentioned she and former Commissioner Jackie Powell had previously discussed the need for a natural gas line in the Hondo Valley with Zia. Ms. Burrows stated Zia had agreed to explore the feasibility of providing service to the area.

Chair Stone questioned factors contributing to the chart reflecting increases and decreases in total customers.

Mr. Stockert stated the Customer Count Chart reflected the acquisition of new customers but also disconnects or discontinuation of service. Mr. Stockert stated the five year average was affected by significant growth over the last two years.

11. Approval of Invitation to Bid 17-18-001 Hondo Fire Station

Ms. Taylor informed responses to the Request for Proposals (RFP) were submitted by Western Builders, LLC and Roper Construction, LLC. Ms. Taylor stated bids were evaluated on December 14, 2017.

Ms. Taylor noted this RFP provided for submission of a lump sum cost for the project as designed but also contained four "Deductive Alternatives" to accommodate possible budget overruns.

Ms. Taylor presented the bid responses as follows:

	Roper Construction	Western Builders
Lump Sum full buildout	\$1,096,000	\$1,170,000
Deductive Alternative 1	(12,000)	(13,000)
Deductive Alternative 2	(89,000)	(97,500)
Deductive Alternative 3	(18,000)	(6,000)
Deductive Alternative 4	(4,000)	(8,000)
Total with Deductive Alternatives	\$ 973,000	\$ 1,045,500

Ms. Taylor stated both the architect and the low bid contractor expressed belief they could utilize a value engineering process to lower total construction costs. Ms. Taylor requested authorization

There was a lengthy discussion about the various options for housing the clinic.

Attorney Morel reminded the current La Casa Clinic facility belonged to the Hondo Public Schools and as such any improvements would not be to County owned property.

Commissioner Allen reminded the Hondo School's had expressed a desire to have the building back for school operations.

Chair Stone questioned if the EMS building once moved would require additional remodel work to serve as a clinic.

Sandy Nunley, Director EMS for LCMC commented on some internal design changes but suggested there were no significant problems with the building being converted for use as a clinic.

Commissioner Willard supported movement of the EMS building in a timely manner.

There was a general consensus to relocate the EMS building to County owned property near the Hondo Senior Center.

Manager Taylor stated she would gather formal cost estimates for moving the building and present them for consideration during the January Regular Meeting.

Lincoln County Public Official Position Schedule Bond: Ms. Taylor reminded Public Officials were required by law to be bonded. Ms. Taylor provided copy of the Lincoln County Public Official Position Schedule Bond effective January 1, 2018 through January 1, 2021.

Calendar of Events: Ms. Taylor provided a list of relevant meetings and events.

Department Head Updates:

Renee Montes, Director of Senior Services informed the Senior Centers would serve a Christmas lunch at all sites during the week. Ms. Montes stated to date Senior Services had provided 12,901 congregate meals and 14,061 homebound meals to seniors. Ms. Montes stated 496 transportation units were utilized by seniors and discussed the decline in requests for this service as seniors qualified for other modes of transportation. Ms. Montes stated this year the Senior Services staff partnered with the Creative Ageing Group and Santa's Helpers to provide fifty boxes to local seniors. Ms. Montes stated currently the department had utilized approximately 43% of budgeted expenses.

Manager Taylor thanked Bobby Vallejos from the Carrizozo Senior Center for providing the cooked turkey for the annual Christmas Luncheon.

Punkin Schlarb, Finance Director informed Lincoln County's new website was now live and requested feedback on the design and recommendations for any changes or additions.

Joe Kenmore, Director Office of Emergency Services stated local fire departments were pleased to receive the State Fire Marshall Distribution and discussed the detrimental effects on planning due legislative changes in the funding process. Mr. Kenmore stated Eastern New Mexico University in Ruidoso continued to offer structure fire, wildland fire and emergency medical technician training for anyone interested in obtaining certifications. Mr. Kenmore reported the Fire Danger was increasing due to dry weather and discussed several recent small grass fires.

Samantha Mendez, Interim Planning Director reported she was continuing to work with LCMC on the design process for the new hospital. Ms. Mendez stated the department had received an 80% response to date for annual Alarm Permit renewals. Ms. Mendez stated she was monitoring cleanup work on the Romero property in the Hondo Valley. Ms. Mendez stated additionally she had reviewed several requests for parcel splits.

Billie Jo Guevara, Human Resources provided a report on open and filled County employee positions including hiring for positions at the Senior Centers in Corona and Ruidoso Downs. Ms. Guevara reported the Road Department had two Operator II positions open, Sheriff's Department had one Deputy Sheriff position open, and the Planning Director position was also still under review. Ms. Guevara reported the New Mexico Association of Counties was offering online training programs for county employees including management courses, human resource courses and safety courses.

Jeff Honeycutt, Road Superintendent stated he was working with Ms. Mendez on the grant application for road work in Alpine Village. Mr. Honeycutt reported his goal in his first year as Road Superintendent was to evaluate roads, equipment and personnel. Mr. Honeycutt stated his goal for this second year was to evaluate all paved roads for repair needs and stated he would present a list of recommendations to the Commissioners for review. Mr. Honeycutt stated additionally over the next years he planned to develop a maintenance and repair schedule for all County roads.

17. Approval of Replat within the Kokopelli Subdivision

Ms. Taylor presented the request for a replat of lot lines within the Kokopelli Subdivision. Ms. Taylor noted the request reflected no increase or decrease in the number of lots approved originally.

Eric Collins, of D.T. Collins and Associates representing the owner presented a Boundary Survey Replat of lot lines and stated the purpose was to move "density within" the subdivision. Mr. Collins stated the reconfiguration of three to four lots from one area to another was to enhance the marketability of the lots and resulted in no additional creation of lots.

Attorney Morel stated the proposed replat had no effect on road layouts or water and sewer connections.

Motion: Approve the request for Replat within the Kokopelli Subdivision, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

18. Discussion of a proposed Re-subdivision of part of Alto Mesa Estate Subdivision

Ms. Taylor informed the Alto Mesa Estate Subdivision was approved by the Lincoln County Planning Department in 2007 as a two hundred fifteen acre development with thirty eight lots. Ms. Taylor stated the current owner was requesting an exemption from the Subdivision Ordinance restrictions on the splitting of lots within an existing subdivision which results in an increase over the total number of lots approved originally. Ms. Taylor noted the owner had indicated plans to expand the current water system and to install fire hydrants.

Commissioner Stewart questioned if granting the request for the splits would violate the current ordinance.

Attorney Morel stated belief granting such a request would require amendment of the current Subdivision Ordinance to allow for "a re-subdivision within a current subdivision". Attorney Morel reminded Lincoln County had previously denied similar requests in the past and if this request was approved the Board of Commissioners would need to reconsider those requests.

Commissioner Stewart opined a possible revision would encompass lot splits which would not change the type of subdivision approved.

Attorney Morel stated additional considerations would include a potential change in circumstances which would affect the required State Agency reviews such as the State Engineer's assessment of available water.

Commissioner Stewart noted this particular request was associated with a potential agreement to purchase water from the Alto Lakes Water District.

Attorney Morel noted stated that agreement was not finalized and currently the subdivision was all on wells. Attorney Morel stated although the owner might purchase water the subdivision would still not have community sewer service and additional lots would require additional septic systems.

Eric Collins of D.T. Collins and Associates and representing the current owner commented on the Subdivision Ordinance requirement for the provision of water rights when increasing the number of lots or density of a subdivision. Mr. Collins stated the owner planned to acquire water from a community water system and thus eliminate individual well development. Mr. Collins suggested the acquisition of water through a community water system in conjunction with the provision of fire protection by installing fire hydrants would address the water use issues addressed by the current Ordinance. Mr. Collins stated belief a mechanism to allow for the development of existing

Commissioner Allen suggested dividing Lincoln County into regions to identify stakeholders who could work cooperatively to resolve issues and plan for the future management of water in the area. Commissioner Allen stated support for selecting regional representatives who were not elected officials to represent the stakeholders in their particular region with each representative having a vote on decisions.

Commissioner Stewart objected to the term "Authority" noting Lincoln County held no authority related to the appropriation and management of water. Commissioner Stewart reminded the State Engineer held the statutory authority for the management of water and additionally the Interstate Stream Commission had oversight of the overall water plan for the State of New Mexico. Commissioner Stewart stated a small group might develop a local basin management plan but reminded any such a group would have no authority to act. Commissioner Stewart acknowledged the initiative to coordinate efforts with the Village of Ruidoso but suggested a formal organization was not necessary to accomplish this goal.

Commissioner Allen concurred the term "Authority" was not the appropriate title but commented on the State Engineer's request to Mayor Battin to develop an organization to encourage local cooperation and deter lawsuits. Commissioner Allen suggested once an organizational structure was identified, the resulting organizational entity would not include formal representation from the County of Lincoln.

Alan Morel, Attorney discussed the need to identify the type of any proposed organization such as an Advisory Committee. Attorney Morel stated the group could then develop some type of mechanism such as a Memorandum of Understanding to identify membership.

Commissioner Allen commented on a group including the Village of Ruidoso and Alto Lakes Water and Sanitation District which was successful in resolving water issues between those entities in the past.

Commissioner Stewart supported informal agreements as a possible way to facilitate discussions.

Attorney Morel commented on a current group developed by Memorandum of Understanding noting that particular agreement included a confidentiality clause.

Commissioner Draper commended Commissioner Allen's efforts to promote transparency and suggested inclusion of the Mescalero Apache Tribe and the City of Alamogordo as participants.

Chair Stone informed the Nacho Tributary on the north side of the Capitan Mountains contributes forty two percent of the water to the Pecos watershed. Chair Stone reminded there were many tributary's contributing to the watershed within Lincoln County other than the Rio Ruidoso and the Rio Bonito.

Commissioner Willard stated he spoke with the hydrologist for the Village of Ruidoso who suggested the Lower Pecos Valley Regional Water Plan was so diverse it did not address local issues. Commissioner Willard supported the idea of doing additional research on the question.

Motion: Table the item for further discussion, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Commissioner Allen requested the Commission take action at this time to provide a forum for local opinions.

Commissioner Stewart supported an informal processes and cautioned about the potential of litigation related to water.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Draper, Commissioner Willard.

No: Commissioner Allen.

15. Lincoln County Medical Center – EMS Update

a) Jaynes Corporation Construction Summary

Ms. Taylor reported the initial purchase order for construction of the Emergency Medical Services facility was issued to Jaynes Corporation on June 27, 2017 and the Certificate of Occupancy was issued by the Construction Industries Division on December 14, 2017.

Brad Treseder, Project Manager for Jaynes Corporation discussed the budgetary issues which resulted in an overage for the project budget and also the value engineering efforts to manage the overage. Mr. Treseder stated the project was completed for \$2.3 million with approximately \$15,000 in change orders. Mr. Treseder stated change orders amounted to less than 1% of the total budget. Mr. Treseder stated the Project Engineer and Supervisor Architect were on site to address any outstanding issues and train maintenance staff on building operations.

Todd Oberheau, Lincoln County Medical Center expressed appreciation for the good working relationship with Jaynes Corporation, Manager Taylor, and Interim Planning Director Samantha Mendez. Mr. Oberheau stated due to the busy work load for EMS personnel during the holiday the actual move in would occur after the first of the year.

Chair Stone recessed the Regular Meeting at 10:38 AM and reconvened at 10:47 AM.

16. Manager's Report

Update on County Grant Applications:

SERPTO Roadway Project: As reported last month, Samantha Mendez and Jeff Honeycutt submitted a Project Feasibility Form to SERPTO for the Roadway Project to resurface seven-tenths of a mile on Alpine Village Road, starting where existing pavement ends on Sequoia Drive and ending on Horizon View trail. Total cost of the job was \$239,396 and required a 14.56% local match in the amount of \$34,856.12. Mary Ann Burr of SERPTO and members of the NM Department of Transportation will conduct a feasibility review of our proposal with us on December 19, 2017. The Roswell office of NM DOT (District 2) will make the final decision on allocation of these funds.

Brownfields Assessment and Cleanup Cooperative Agreement: The County received confirmation its Fiscal Year 2018 Environmental Protection Agency (EPA) Brownfields Grant proposal was received. The total amount of grant funds available for award is \$200,000 with the total cost of abatement for asbestos materials in existing hospital buildings was estimated as \$352,421.88. The selection process includes having panels, consisting of EPA Headquarters and Regional staff and staff from other federal agencies to evaluate and assess how well the eligible proposals meet the criteria guidelines. Grantee selections are scheduled for Spring of 2018.

Audit Exit Interview: On November 28, 2017 Commissioner Allen and Commissioner Stone joined the Manager, Finance Director, Treasurer and Deputy Treasurer to hear and discuss the audit results with the lead auditor. The auditors were most complimentary of their review in Lincoln County including the ability and willingness of our employees to respond to inquiries and provide information. The audit results were exceptionally good with only one repeat finding for which the County had already developed a solution. The specific results will become public after Lincoln County receives the formal audit report approved by the State Auditor.

Fire Protection Fund Distribution: At the beginning of this fiscal year the distribution of State Fire Protection Funds changed from an annual allocation at the beginning of each fiscal year to a periodic allotment. These funds are calculated on the ISO ratings of each of the fire stations and distributed by the Insurance Services Office in New Jersey to the State of New Mexico. The total Lincoln County allocation for the year was \$927,160 of which \$123,983 was intercepted by the New Mexico Finance Authority for outstanding loans. The Manager provided a list of allocations by local fire department.

Potential of Utilizing Existing EMS Building for Hondo Valley Health Clinic: Todd Oberheau, Lincoln County Medical Center Administrator determined feasibility and estimated costs to move the current Emergency Medical Services building to a location in the Hondo Valley for replacement of the current La Casa facility. Ms. Taylor detailed the costs as follows:

Moving expense (removal from current foundation and infrastructure)	\$20,000
New footing	\$ 5,000
Utilities	\$5,000 - \$ 7,000
Repair (damage during move)	\$5,000 - \$10,000
Total Estimated Cost	\$42,000

Todd Oberheau, Lincoln County Medical Center Administrator discussed the quotes for moving the current EMS building to Hondo. Mr. Oberheau also discussed the option of completing improvements to the current La Casa Facility estimated at \$27,000 and the mentioned the prior discussion of utilizing the current Hondo Senior Center as the clinic facility should Lincoln County receive funding to build a new Hondo Senior Center.

to enter to work with the Emergency Services Team and enter into a value engineering discussion with Roper Construction and with the State Fire Marshall and Construction Industries Division to seek waivers on certain expensive code requirements.

Motion: Award Bid 17-18-001 to Roper Construction and authorize the Manager enter into discussions, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

12. 9:30 AM: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Stewart attended the Joint Land Use Study meeting in Las Cruces on December 13, 2017. Commissioner Stewart introduced Renee Romo, Field Representative for Senator Tom Udall who regularly attends the JLUS meetings. Commissioner Stewart stated during the recent meeting he learned Senator Tom Udall was prepared to introduce a bill to convert White Sands Monument to a National Park. Commissioner Stewart stated the bill was developed in consultation with White Sands Missile Range but Senator Udall would not introduce the legislation until local government entities including counties had time to comment on the proposal. Commissioner Stewart expressed belief the change was a positive one and would increase tourism to the area.

Commissioner Stewart stated additionally he had learned the Sun Zia Transmission Line was seeking an increase in tower height from 138 feet to 180 feet. Commissioner Stewart stated plans were to begin building the line in March beginning work from both Tucson and Corona building to the middle. Commissioner Stewart stated the project required eight six property agreements with forty complete and forty six in process. Commissioner Stewart noted rancher Oliver S. Lee was a serious holdout in Otero County. Commissioner Stewart also informed the State of New Mexico had allocated five million dollars to conduct a study regarding the interference of towers on radar. Commissioner Stewart stated White Sands Missile Range had informed Pattern Energy was contemplating increasing their tower height from 400 feet to 600 feet.

Commissioner Draper stated plans to meet with stakeholders including Joe Kenmore to consider designating the Ruidoso Convention Center as a Red Cross Emergency Facility. Commissioner Draper informed the Village of Ruidoso planned to issue a Request for Proposal for a Tourism Director. Commissioner Draper stated he would participate in the process to represent Lincoln County and encourage a presentation to the Lincoln County's Lodgers Tax Committee.

Commissioner Draper requested Ms. Taylor invite the Ruidoso High School Football team to the January meeting to recognize for winning the 2017 State 4A Football Championship.

13. Industrial Revenue Bonds Overview and Discussion – Presentation by Erik Harrigan, RBC Capital Markets

Erick Harrigan, of RBC Capital Markets serving as Lincoln County's financial advisor provided an overview of the Industrial Revenue Bond (IRB) process. Mr. Harrigan explained IRB's were not a mechanism to finance project development but rather act as a conduit for the abatement of property taxes and certain gross receipts taxes for certain types of items. Mr. Harrigan stated through the IRB process a company will negotiate a Payment in Lieu of Taxes (PILOT or PILT) rather than placing equipment on the tax assessment roles. Mr. Harrigan informed renewable energy projects were required to include the school district or districts where the project was located in any IRB negotiations. Mr. Harrigan stated although school districts were included, State Law did not define a specific percentage of PILT for a school district. Mr. Harrigan noted for example the Clean Line Energy project in Lincoln County was within the Corona School District.

Commissioner Draper requested an example and timeline of events associated with the IRB process.

Mr. Harrigan stated initially an Inducement Resolution was presented to the Board of County Commissioners as an official announcement the County was considering adoption of an IRB. Mr. Harrigan stated some specifics were included in the Inducement Resolution but these may or may not include an estimate of the PILT payments but otherwise may simply identify the negotiating representatives. Mr. Harrigan stated IRBs were typically agreements for twenty to thirty year periods with thirty years as the maximum and twenty year agreements most typical.

Commissioner Stewart questioned if IRB's were considered a tax free municipal bond.

Mr. Harrigan stated IRB's were considered a tax free municipal bond and noted companies may self-finance an IRB or place the bond for sale.

There was general discussion of Lincoln County's potential financial obligation and the process to calculate the PILT payment.

Mr. Harrigan stated the actual terms of an IRB varied significantly from county to county and could include factors such as number of permanent jobs created, the projected assessment of taxes without an IRB, or the actual power produced.

Commissioner Stewart questioned how the State of New Mexico would benefit in the IRB process.

Edward Duffy, of Sutin, Thayer and Brown informed the State of New Mexico had no significant say or play in an IRB transaction. Mr. Duffy noted IRB's are structured so as title to the project and project assets were in the county's name rather than the company's name for tax purposes only. Mr. Duffy noted these assets would not appear as property of the county on the county's asset list but this process allows for a PILT payment rather than property tax payments and also exempts the purchase of certain assets from the gross receipts tax.

There was additional discussion of the timing for the Inducement Resolution and the adoption of an Ordinance to finalize the Payment in Lieu of Taxes.

Mr. Duffy stated the process typically takes approximately three to four months from adoption of the Inducement Resolution until adoption of an Ordinance.

Commissioner Allen questioned how an estimate of the property tax was calculated once towers were erected.

Mr. Duffy stated typically equipment was considered a lease hold improvement resulting in an increased tax assessment but he commented the IRB process replaced the property tax assessment process.

Commissioner Allen questioned how the County might determine the value of improvements for negotiating the terms of the IRB.

Mr. Duffy stated there were several methods to negotiate PILT terms including determining the property tax of the infrastructure over the life of the project or considering the value of the energy produced.

Mr. Harrigan stated RBC would prepare an analysis of the projected tax revenues from property tax assessments and a comparison of the PILT payment proposed by the company. Mr. Harrigan stated IRB terms vary significantly within the State of New Mexico. Mr. Harrigan also discussed a change in Government Accounting Standards which will require counties to include a footnote on the County's financial statements reflecting the value of equipment defined in the IRB.

Chair Stone questioned if all Special Districts in the project area were included in the negotiation of the IRB.

Mr. Harrigan stated belief NM State Statute only required the inclusion of the School District where the project was located but stated there was a possibility the County could consider inclusion of other Special Districts.

There was additional discussion of the potential terms of an IRB and the timeline of events.

14. Discussion of Creation of Regional Water Authority – Commissioner Allen

Ms. Taylor informed Commissioner Allen requested consideration of the potential creation of a Regional Water Authority. Ms. Taylor provided copies of the Lower Pecos Valley Regional Water Plan and the Tularosa-Sacramento-Salt Basins Regional Water Plan each of which currently covers a portion of Lincoln County as an example of processes to develop regional water plans.

Commissioner Allen stated Village of Ruidoso Mayor Tom Battin had spoken about a regional water plan for the area for some time. Commissioner Allen expressed belief the Board of County Commissioners could initiate a process and noted there were many examples of such plans.

subdivision lots utilizing community water systems was beneficial to Lincoln County. Mr. Collins supported amendment of the current Ordinance to support this type of action.

Attorney Morel reminded it would take approximately four to six months to amend the subdivision ordinance including State Agency review. Attorney Morel stated belief the question was whether Lincoln County wanted to amend the current ordinance to provide for the re-splitting of lots within previously approved subdivisions.

Motion: Deny the request for re-subdivision of Alto Mesa Estate Subdivision, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

Commissioner Stewart clarified Chair Stone did not support amendment of the current Subdivision Ordinance.

Chair Stone stated belief any attempt to revise the current Subdivision Ordinance could lead to litigation.

Vote: Motion passed by roll call vote (summary: Yes = 3, No = 2).

Yes: Chair Stone, Commissioner Allen, Commissioner Willard.

No: Commissioner Stewart, Commissioner Draper.

Chair Stone recessed the Regular Meeting for the Christmas Luncheon at 11:39 AM and reconvened at 1:01 PM.

19. Consideration of Appointments and Removals from Boards/ Commissioner's Committees:

- a) Labor Management Relations Board
- b) LANRAC

Motion: Appoint Rex Wilson to the Labor Management Relations Board and Kendall Wilson to the Land and Natural Resources Advisory Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

20. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

- a) Vacation of Copper Mountain Subdivision

Attorney Morel informed Lincoln County received a request from the owner of the Copper Mountain Subdivision to vacate the entire subdivision. Attorney Morel stated belief the owner would likely seek a claim of exemption for four or five lots but noted the current subdivision included approximately one hundred and fifty lots.

Attorney Morel stated pursuant to the request Lincoln County had notified the surrounding property owners and would adequately publish notice of a public hearing to consider the topic for the January Regular Meeting.

Motion: Schedule a Public Hearing to consider request to vacate Copper Mountain Subdivision for the January Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

21. County Attorney Annual Contract Renewal

Ms. Taylor reminded the current contract with County Attorney Alan Morel was set to expire at the end of the year. Ms. Taylor stated the 2017 calendar year contract reflected a flat fee monthly payment of \$17,006.59 plus gross receipts tax of \$1,434.93. Ms. Taylor noted the contract covered all fees and costs except the litigation of individual cases of ordinance violations in magistrate or district courts. Ms. Taylor stated Attorney Morel requested no increase in fee for services for the next calendar year.

Motion: Renew the contract with Attorney Alan Morel, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

22. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7).

Motion: To close the meeting for the purposes of an Executive Session to discuss all Threatened and/or Pending Litigation Section 10-15-1 H (7);

New or Updated Matters since last report *

1. **Sean McGarry v. Board of County Commissioners, Lincoln County Sheriff's Department, Deputy Mike Wood, Deputy Jason Green, Deputy David Hightower in their individual capacities and as employees of the Lincoln County Sheriff's Department in the United States District Court for the District of New Mexico 2:16-cv-00483 GBW GJF** Complaint for damages resulting from the excessive use of force, false arrest, assault and battery, malicious prosecution and false imprisonment of Plaintiff by Defendants. Complaint filed May 26, 2016. Defendants Board of County Commissioners for Lincoln County and Lincoln County Sheriff's Department's Answer to Complaint for Civil Rights Violations filed August 11, 2016. Stipulated Order Extending Pre-Trial Deadlines and Briefing Schedule filed February 22, 2017 setting Motions Hearing for December 7, 2017, Pre Trial Conference January 5, 2018 and Jury Selection / Trial January 16, 2018.
2. ***County of Lincoln v. Zia Natural Gas Company: NMPRC No. 17-00041-UT Formal Complaint re: Bogle Road Gas Line: Requesting that Zia be ordered to take whatever action is necessary to lower or move its pipeline to a depth or location that will allow the County to maintain its road and bar ditches.** Notice of Formal Complaint and Order Requesting Answer was filed by the New Mexico Public Regulation Commission March 24, 2017. Zia Natural Gas filed their answer with the New Mexico Public Regulation Commission April 13, 2017. County's Response to Bench Request Order was filed June 6, 2017. Zia Natural Gas' Offer to Satisfy Formal Complaint was filed October 5, 2017 at the New Mexico Public Regulation Commission. Joint Report Filed by Zia Natural Gas Company, County of Lincoln and Pipeline Safety Bureau Regarding Settlement and Stipulated Settlement Agreement Resolving Formal Complaint were filed December 5, 2017.
3. **Chad and Stacia Coleman v. The County of Lincoln, Sheriff Robert Shepperd, Brett (sic) Rains, Randal Wikoff, and John Does I-III: 2:17-cv-663** Complaint for Civil Rights Violation and Ancillary State Claim. Complaint was filed in US District Court June 21, 2017. County was made aware of Complaint on June 22, 2017. Complaint claims constitutional violation and statutory tort in connection with the Coleman's alleged false arrest and detention; warrantless search and seizure and malicious prosecution.
4. **Rancho Ruidoso Valley Estate Homeowners' Association v. Roy Padilla, et. al – D-1226-CV-2017-00195** Complaint filed by RRVEHA for foreclosure of the Homeowners' Association Assessment Lien. The County is a named Defendant due to the filing of a GSWA lien on March 22, 2006, and a L.C. Solid Waste Lien filed on December 16, 2016 for non-payment of solid waste services and potential ad valorem taxes due and owing. The County's Answer to Complaint for Foreclosure was filed September 1, 2017.
5. **Rancho Ruidoso Valley Estates Homeowner's Association v. Diane K. Medcalf, Pioneer Bank, FSB, and the County of Lincoln, NM D-1226-CV-201700242** Complaint filed by RRVEHA September 12, 2017 for Foreclosure of the Homeowner's Association Assessment Lien. The County's Answer to Plaintiff's Complaint for Foreclosure was filed October 12, 2017.
6. ***Valle del Sol Development, Inc. v. Thornton, et. al. D-1226 CV-2017-00252** Complaint filed by Valle del Sol September 18, 2017 to enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property. The County's Answer to the Complaint for Foreclosure was filed October 19, 2017. Plaintiff's Stipulated Motion and Order of Dismissal was received December 6, 2017.
7. **Valle del Sol Development, Inc. v. Matthews et. al. D-1226-CV-2017-0253** Complaint filed by Valle del Sol September 20, 2017 to enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property. The County's Answer to the Complaint for Foreclosure was filed October 19, 2017.
8. **Seidel v. Manfredi, et. al. D-1226-CV-2017-00184** Civil Complaint for Damages Direct and Punitive was improperly filed with the 12th Judicial Court by Mr. Seidel July 18, 2017 utilizing the Court's receipt number to identify the filing. The County has not been properly served.
9. **Matthew Coulter v. Lincoln County / Robert Shepperd: Charge of Discrimination: EEOC Charge No. 39B-2017-02285** filed October 11, 2017. County received notification dated

October 11, 2017 from the State Department of Workforce Solutions, Labor Relations Division, Human Rights Bureau of a Charge of Discrimination filed by Matthew Coulter against Lincoln County and Sheriff Shepperd.

10. **Floyd Kenneth Ryen v. Board of County Commissioners of the County of Lincoln D-1226-CV-2017-00281** Civil Complaint filed October 16, 2017 alleging violation of Article II, Section 10 of the New Mexico Constitution: Plaintiff was allegedly held in custody at LCDC for 15 days, November 10-25, 2015, also alleging paperwork to hold Plaintiff did not contain a cause number.

11. ***Valle del Sol Development, Inc. v. Hodge, et. al. D-1226-CV-2017-00289** Complaint filed October 24, 2017 to Enforce and Collect upon Promissory Note and Foreclose Mortgage Upon Real Property. The County's Answer to Complaint for Foreclosure was filed November 27, 2017.

12. ***Benny Ray Runnels v. Lincoln County D 1226-CV-2017-00328** Civil Complaint filed December 6, 2017. Plaintiff is pro se, claiming from County the amount of \$308,000.00. Summons was hand delivered by Plaintiff to County December 6, 2017. A Request for Hearing was also filed by Plaintiff December 6, 2017.

13. **Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095.** Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Settlement Agreement signed by County of Lincoln December 15, 2015 and GSWA December 17, 2015. Stipulated Order of Dismissal Part With Prejudice and Part Without Prejudice was entered January 19, 2016 by Judge Ritter.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th Judicial District Attorney's Office
Special Prosecutor

14. ***State of NM v. Romero, Roger M-30-MR-2016-00142** Violation of County Ordinance 2016-02 Accumulation of waste and litter on private property. A non-traffic citation was issued by Sheriff's Deputy Evans on December 9, 2016. The Defendant appeared before Judge Vega December 23, 2016 and entered a plea of "Not Guilty." Case was not resolved at a Pre-Trial Hearing on January 24, 2017. A Non-Jury Trial took place Tuesday, August 1, 2017 at 2 p.m. before Judge Vega, where a Judgment and Sentence was issued for a total of \$373 in fines and court costs, 30 days jail-confinement, 60 days supervised probation and ordering that the Defendant clean his property and stay in compliance with Ordinance 2016-02. The deadline for the Defendant to clean his property was October 23, 2017 at which time, the matter was turned over to the County to contract for the clean-up of said property pursuant to Ordinance 2016-02, Section 2, subparagraphs (G) and (I). Clean up was initiated December 8, 2017 by County-Contracted providers.

15. ***State of NM v. James Keck M-30-MR-2017-00097** Violation of County Flood Damage Prevention Ordinance 2014-05. A non-traffic citation was issued by Lincoln County Sheriff's Office Deputy Charlie Evans June 11, 2017 for violation of Section 6- Establishment of Development Permit, and Section 12, Application for a Floodplain Use Permit. The Defendant appeared before Judge Vega at an Arraignment Hearing on August 16, 2017 at which time the Defendant entered a plea of "Not Guilty." A Pre-Trial Hearing took place Tuesday, October 10, 2017 at 1:30 p.m. on a Trailing Docket before Judge Vega and was continued until Tuesday, December 12, 2017 in order to allow the Defendant time to comply with the Flood Plain Ordinance. A Motion and Order for Continuance of the December 12, 2017 Pre-Trial Hearing was approved by Judge Vega on November 27, 2017. Pre-Trial Hearing is now scheduled for January 23, 2018 before Judge Vega.

16. ***State of NM v. Randall E. Elkanger M-30-MR-2017-00153** Violation of County Ordinance 2008-08 Animal Control Ordinance. A non-traffic Citation was issued October 19, 2017 by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violation of Section 11 (Dogs Running at Large). A First Appearance/ Arraignment Hearing is scheduled before Judge Vega for November 22, 2017 at which time the Defendant entered a plea of "No Contest." He was found "Guilty" and received a deferred sentence to include 90 days unsupervised probation and fees in the amount of \$73.00.

17. ***State of NM v. Kerry P. Carver M-30-MR-2017-00158** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was prepared by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violations of 2 counts of Section 11 (Dogs Running at Large) and 2 counts of Section 4 (Rabies Vaccination violations). A First Appearance / Arraignment Hearing is scheduled for December 1, 2017 before Judge Vega at 8:30 a.m.

Tort Claims Notices Received or Threatened

2017

Powell, Majel F. – Tort Claim Notice received January 6, 2017 alleging adverse road management by a Lincoln County Road Department employee.

Emerald Correctional Management, LLC – Notice of Default filed April 7, 2017 due to Emerald Correctional Management, LLC's Default of Agreement between Emerald and the County of Lincoln for Emerald's operation of Lincoln County Detention Center.

McKenzie, Brian – Tort Claim Notice received May 1, 2017 from Attorney W. Chris Nedbalek alleging deprivation of Claimant's constitutional rights "and possibly other substantive and procedural rights under the US Constitution and the New Mexico Constitution..." while incarcerated at Lincoln County Detention Center.

Lacy, Jim and Judy – Tort Claim Notice received May 8, 2017 from Attorney W. Chris Nedbalek alleging "...property damage and an "...unconstitutional seizure under the 4th amendment of the US Constitution and an unconstitutional 'taking' under the 5th amendment to the US Constitution and a violation of other federal and state constitutional provisions, and statutes, regulations, rules, and common practices" during a fugitive search conducted by the New Mexico State Police.

Coulter, Matt and Ashleigh – Tort Claim Notice received June 22, 2017 from Attorney Timothy White naming Sheriff Robert Shepperd.

Solarczyk, Frank – Tort Claim Notice received August 21, 2017 alleging unlawful arrest, unlawful detention, negligence, false imprisonment, abuse of process, battery, cruel and unusual punishment, negligent and intentional infliction of emotional distress, violation of civil rights, violation of due process rights under the U.S. and New Mexico Constitutions, and other related torts and actions during Claimant's incarceration at Dona Ana and Lincoln County Detention Centers.

Montoya, Joseph – Tort Claim Notice received August 25, 2017 alleging great bodily harm during Claimant's incarceration at Lincoln County Detention Center.

Martin, Stephen Wayne – Tort Claim Notice received August 25, 2017 naming Clerk Rhonda Burrows. Additional document received September 15, 2017 from Mr. Martin referencing same cause.

Ryen, Kenneth Lloyd – Tort Claim Notice received October 18, 2017 alleging violation of Article II, Section 10 of the New Mexico Constitution: Plaintiff was allegedly held in custody at LCDC for 15 days, November 10-25, 2015, and alleging paperwork to hold Plaintiff did not contain a cause number.

2016

Rains, Bonnie – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

William Gayford – Roger Linfoot – Tort Claim Notice received February 17, 2016 from Attorney W. Chris Nedbalek alleging 4th and 14th Amendments violations and "possibly other constitutional, statutory, regulatory, legal or equitable rights not specifically named."

Hill, Walter – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

Sonora Corporation (John Russell-CEO) – Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

Jaramillo, Monica – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

Wagoner, John – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagoner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

Steward, Tynell – Tort Claim Notice received April 18, 2016 alleging abuse while incarcerated in Lincoln County Detention Center.

Coleman, Chad – Tort Claim Notice received April 25, 2016 alleging warrantless search and seizure and malicious prosecution.

Parsons-Williams, Karen – Tort Claim Notice received June 2, 2016 alleging negligent or malicious medical procedure performed at Lincoln County Medical Center on March 9, 2016.

Ceja, Dana – Tort Claim Notice received September 22, 2016 alleging violations of the US and New Mexico Constitution and various charges while Mr. Joey Ceja was incarcerated at Lincoln County Detention Center.

Vigil, Elisa – Tort Claim Notice received October 3, 2016 alleging automobile damage due to Lincoln County road conditions.

Rue, Barney – Tort Claim Notice received October 4, 2016 via telephone to County Ordinance Administrator's office alleging Lincoln County's non-enforcement of its Solid Waste Ordinance regarding the alleged allowance of accumulation of waste.

Town of Carrizozo – Tort Claim Notice received November 14, 2016 from Attorney William N. Griffin alleging County of Lincoln's violation of the Town of Carrizozo's Ordinance 8-3-1, et. seq. regarding the County of Lincoln's effort to collect its own solid waste within municipal limits.

New Mexico Department of Transportation - Tort Claim Notice received December 9, 2016 involving property damage sustained to NMDOT property during a Lincoln County employee's transport of County equipment.

Estate of Hector Acosta-Jimenez – Tort Claim Notice received December 27, 2016 alleging negligence and/or failure to provide immediate necessary medical care, and/or allowing the death of Mr. Acosta-Jimenez while incarcerated at the Central New Mexico Correctional Facility and/or Lincoln County Detention Center.

2015

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

Brown, Shelly – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Action: Approve, Moved by Commissioner Draper, Seconded by Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:07 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:11 PM.

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

23. Signing of Official Documents

24. Next meetings:

January 9, 2018 - Regular Commission Meeting

25. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 2:12 PM.

County of Lincoln
Board of County Commissioners

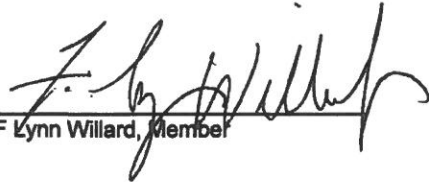

Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member

4295


F Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

January 9, 2018
Date Approved