

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, February 21, 2017

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on February 21, 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 8:28 AM.

2. Roll Call

Roll Call.

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

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. December 15, 2016 – Special Commission Meeting
- b. January 10, 2017 – Regular Commission Meeting

Motion: Amend the January 10, 2017 minutes to reflect remarks of Commissioner Stewart regarding the adoption of Resolution 2016-35, **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.

Motion: Approve the minutes of the December 15, 2016 Special Meeting and the January 10, 2017 Regular Meeting as amended;

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 December 31, 2016
- c. Treasurer's Financial Report for the Month ending January 31, 2017
- d. Resolution 2016-29 Authorizing the Village of Ruidoso to Submit an Application to Participate in DWI Grant and Distribution Program
- e. Volunteer Firefighters Annual Reporting Form
- f. Water Use Agreement – Alto Lakes Water and Sanitation District
- g. Resolution 2016-38 Approval of Disposition of Surplus Inventory
- h. Transfer of Replaced Exterior Lighting at Detention Center to Town of Carrizozo
- i. Land and Natural Resources Advisory Committee (LANRAC) Meeting Dates

Motion: Approval of the Consent Agenda, **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.

SEE EXHIBIT A: Copies of the Consent Items including Resolution 2016-29 and Resolution 2016-38 as approved are attached hereto in reference thereto made a part hereof.

Motion: Recess the Regular Meeting and convene the Board of Finance, **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.

8. Board of Finance

Beverly Calaway, Treasurer presented the Treasurer's Financial Report for the month ending January 31, 2017. Ms. Calaway discussed the potential effect of cuts to annual distributions from the State of New Mexico to various county government programs including Corrections, Fire Services, the Law Enforcement Protection Fund, DWI Programs, GRT Equalization and the Motor Vehicle Tax. Ms. Calaway stated any cuts approved by the Legislature to offset the State Budget deficit would impact Lincoln County.

Ms. Calaway informed the beginning cash balance in July 2016 was \$8,757,038.95. Ms. Calaway reported revenues of \$8,267,591.91 as of January 2017 and General Fund transfers of \$1,528,726.62 resulting in an ending balance of \$11,567,457.12.

Ms. Calaway discussed the budgeted transfers from the General Fund noting Lincoln County continued to take a conservative approach moving funds from the General Fund to various line items only as necessary.

Ms. Calaway informed the Treasurer's Office had collected 67% of the general fund revenues as of January 31, 2017. Ms. Calaway noted the Payment in Lieu of Taxes (PILT) distribution from the Federal Government was typically received in June of each year. Ms. Calaway stated in 2016 Lincoln County's PILT payment was \$1,738,123.00.

Ms. Calaway stated the Lincoln County Treasurer held \$3.1 million in investments in Certificates of Deposit, Debt Reserve requirements, Required Reserves, and a minimal amount invested in the Local Government Investment Pool. Ms. Calaway stated \$26,987,252.12 was invested with local banks and \$163,738.10 of Fire Department Funds were invested with the New Mexico Finance Authority. Ms. Calaway stated the Treasurer's Office held \$29,789,195.72 in total cash as of January 31, 2017. Ms. Calaway reminded all funds held by the Treasurer were fully vested and collateralized at 102%.

Ms. Calaway further reported the Treasurer's Office had collected 67% or \$20,057,375 of the current \$29,974,595 2016 taxes due. Ms. Calaway stated the Title Examiner from the NM Property Tax Division (PTD) was currently researching the delinquent property tax list for Lincoln County with eighty nine properties currently on the list. Ms. Calaway anticipated PTD would hold a delinquent tax sale in April or May of this fiscal year.

Commissioner Draper noted the Financial Report reflected approximately \$4.9 million in a Disaster Relief Fund. Commissioner Draper expressed concern about the retention of these funds and the associated timeline for expenditure.

Sherri Huddleston, Chief Deputy Treasurer informed Lincoln County had a certain time limit to begin a project but could also request an extension for completion. Ms. Huddleston clarified approximately \$4.2 million of the total were FEMA funds and the remainder was the required County match for funding. Ms. Huddleston stated the federal funding was retained in a noninterest bearing account and Lincoln County could de-obligate and return funds to FEMA.

Commissioner Stewart questioned the Treasurer regarding the recent movement of current interest rates.

Ms. Calaway stated there was a recent small increase in basis points for some investments. Ms. Calaway stated she was mindful of the rate changes and discussed her belief in investing locally when possible.

Motion: Adjourn the Board of Finance and reconvene the Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

9. Discussion of Verizon Wireless Tower Project at Office of Emergency Services

Ms. Taylor reminded of the prior discussion during the November Regular Meeting and the general consensus to proceed with a lease agreement for placement of a Verizon owned tower at the Office of Emergency Services located at Copper Ridge. Ms. Taylor reminded of the multiple benefits to Lincoln County including the co-location of Lincoln County communication equipment on the tower to provide increase communication among firefighters, law enforcement, and other first responders. Ms. Taylor also noted the benefit to the public of increased service in the Bonito Lake area where cell service was lacking. Ms. Taylor discussed Lincoln County's request to consider aesthetic improvements to the tower and stated relevant information was provided to residents of Copper Ridge for consideration.

Amy McKenzie, Senior Site Acquisition Specialist with Verizon discussed the increased coverage and service capacity resulting from placement of a tower at the Copper Ridge site. Ms. McKenzie stated, in addition to the revenue from the lease payment, Lincoln County would increase the placement height of communication equipment from the current sixty foot tower to a location of one hundred and twenty five feet on the Verizon tower enhancing the range of emergency communications.

Attorney Morel reported on several proposed lease revisions including defining the location and height of co-located County owned equipment, the proposed length of the agreement, and the final value. Attorney Morel noted a lease agreement exceeding five years in length or \$25,000 would require prior approval by the State Board of Finance.

Commissioner Willard questioned if Lincoln County or Verizon had received any community feedback on the proposed project.

Ms. Taylor reported she supplied a copy of the proposal to the local Home Owner's Association and subsequently received two calls with one in opposition.

Ms. McKenzie discussed the proposed lattice tower design and opined this type of tower provided a see through effect more appropriate for the surroundings versus a mono-pole with a more decorative appearance. Ms. McKenzie informed the use of a mono-pole would create a challenge for co-location of other equipment as each level would require an adjacent platform for maintenance.

Commissioner Stewart questioned if the tower would require lighting, reminding tower height was a concern for local military operations.

Ms. McKenzie stated the tower at one hundred ninety five feet was under the two hundred foot requirement for lighting. Ms. McKenzie stated the tower height was determined by the need for line of sight with other towers. Ms. McKenzie stated the Verizon tower would conform to Federal Aviation Administration requirements.

Motion: Authorize the Manager and County Attorney to develop a lease agreement with Verizon for tower placement at Copper Ridge, **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.

11. 9:30 AM: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Stewart reported on ongoing weekly meetings with the Joint Land Use Study group and current efforts to develop a website to incorporate information from all members. Commissioner Stewart stated on January 30, 2017 he was introduced as the Honorary Commander for the 429th Attack Squadron at Holloman Air Force Base.

Commissioner Stewart reported the National Association of Counties was providing counties with a process to request boxes for the collection and proper disposal of the American Flag. Commissioner Stewart stated the program required coordination with the Boy Scouts and local Veteran's Organization to conduct proper disposal of the flags.

Commissioner Allen reported the State Land Office would issue a Request for Proposal for a small thinning project on State owned land near Lincoln to reduce fire danger in the area.

Chair Stone commented on the current fire danger and encouraged all residents to be mindful of conditions.

Commissioner Draper stated during his attendance at the last Southeastern New Mexico Economic Development District Meeting the members approved a contract with Hubert Quintana for part time consultant services. Commissioner Draper stated the meeting also included a review of a sample traffic report from a study conducted on Gavilan Canyon Road.

Commissioner Draper also reported on his attendance as a member of the New Mexico Association of Counties Economic Development and Infrastructure Committee. Commissioner Draper requested the Manager research and consider pursuing Local Economic Development Act Program and Job Training Incentive Program funding. Commissioner Draper also commented on efforts to develop classes and a curriculum related to economic development for New Mexico Edge.

Commissioner Willard informed he and Road Superintendent Jeff Honeycutt attended a quarterly meeting of the Southeast Regional Transportation Planning Organization (SERTPO). Commissioner Willard reported he would serve on the Policy Subcommittee and Mr. Honeycutt would serve on the Technical Subcommittee for the planning organization.

Rhonda Burrows, Lincoln County Clerk reported on a recent meeting of the New Mexico Association of Counties during which Board Members reviewed introduced legislation which would impact counties. Ms. Burrows reported House Bill 490 was introduced which would "request counties contribute funds equal to an additional 1/16th of gross receipts tax" to support Medicaid. Ms. Burrows discussed the current county contributions of a 1/16th for County Supported Medicaid and 1/12th for the Safety Net Care Pool in addition to funding health care in numerous other ways. Ms. Burrows stated NMAC would continue to oppose efforts to shift costs to counties to deal with the current State Budget deficit. Ms. Burrows suggested the current funding formula for Medicaid which relies on county gross receipts taxes was disproportionate as some counties generated more local gross receipts tax revenues than services provided in that particular county.

Walter Hill, Assessor recognized Cathy Gatrell who was retiring after fifteen years as an Appraiser. Mr. Hill discussed plans to fill two open appraiser positions and thanked his staff for stepping up to complete work while the office was short staffed.

Beverly Calaway, Treasurer acknowledged Chief Deputy Sherri Huddleston as the Treasurer's representative on the Lincoln County FEMA team. Ms. Calaway stated Ms. Huddleston tracks project revenues and submits quarterly reports related to FEMA projects and thanked her for taking on this responsibility.

Sheriff Shepperd reported the Sheriff's Association was tracking and opposing several bills which infringe on second amendment rights. Sheriff Shepperd noted Senate Bill 48 and House Bill 50 would require a background check for any transfer of guns even to family or friends. Sheriff Shepperd discussed enforcement issues should these bills pass. Sheriff Shepperd reported House Bill 560, a revision of the Forfeiture Act, if passed would restore "Federal Asset" sharing. Sheriff Shepperd also discussed law enforcement concerns about immigration bills affecting the enforcement of federal law and the potential loss of federal funding related to non-enforcement.

Tony Davis, resident of Ranches of Sonterra complimented the Bonito Fire Department on their recent response to a controlled burn which spread and threatened some homes. Mr. Davis

discussed a recent offer from State Land Commissioner Aubrey Dunn to trade twenty two miles of New Mexico State Land adjacent to the border of Mexico for more desirable Federal land in Chaves, Lincoln and Otero Counties. Mr. Davis requested Lincoln County research and identify what federal lands were under consideration.

Joyce Westerbur, resident of Alto expressed concerns about the potential "theft of federal lands" by groups who believe the states would be better caretakers of public lands. Ms. Westerbur pointed out the current financial condition of the State of New Mexico which might result in the sale or privatization of public land. Ms. Westerbur stated the Public Lands Alliance opposes any transfer of federal land and took notice of the State's Land Commissioner's proposal. Ms. Westerbur presented information on public land stewardship and requested the Commission petition the State Land Office for a description of the land under consideration for exchange in Lincoln County.

Fran Alteri, resident of Carrizozo requested the Board of County Commissioners address the recent decline in the number of local Emergency Responders and ambulance service in the Carrizozo area. Ms. Alteri commented on the aging population, the presence of a busy health center and the current assignment of only one ambulance to the community.

Benny Runnels, resident of Nogal and Bonito reminded he incurred a substantial uninsured loss during the Little Bear Fire. Mr. Runnels objected to the placement of a lien on his property for nonpayment of solid waste collection fees based on his lack of use of the service. Mr. Runnels stated he was on a fixed income and expressed belief he should receive an exemption from billing based on his lack of use of this service.

Nita Taylor, County Manager recognized Marsha Palmer, Program Manager for the Lincoln County Extension Office who was retiring after fifteen years of dedicated service in Lincoln County. Ms. Taylor thanked Ms. Palmer for her dedication to the youth and residents of the County.

Pete Gnatowski, retired Extension Agent commented on Ms. Palmer's congenial working relationship with other staff members and the community. Mr. Gnatowski thanked Ms. Palmer for her excellent work in Lincoln County.

Chair Stone discussed the important role of youth in the community and the positive influence of programs supported by the Extension Service. Chair Stone, speaking as a parent and grandparent, expressed his deep appreciation for Ms. Palmer's work over the years.

Marsha Palmer, retiring Extension Agent expressed appreciation for past support from Lincoln County Managers and County Commissioners including providing financial support to maintain positions in the Lincoln County Extension Office. Ms. Palmer stated her belief the youth of Lincoln County were "the best youth she had ever worked with" and referred to them as the "shining stars of Lincoln County".

10. Historic Sites, Forest, Land and Natural Resources Matters:

a. Lincoln and Fort Stanton Historic Sites

Tim Roberts, Regional Manager informed the Certified Local Government Grant sponsored by Lincoln County for development of a historical structures report was received and finalization of a Request for Proposals for architectural services was in progress.

Mr. Roberts anticipated a start date in June of this year for creation of a walking path in Lincoln. Mr. Roberts stated development of the walking path would take approximately forty five days and was financed through an \$850,000 investment by the State of New Mexico.

Mr. Roberts reported the Fort Stanton Live event was scheduled for July 8, 2017. Mr. Roberts reported a new art and music festival event was scheduled for June 24, 2017. Mr. Roberts reported on projects for restoration including an upcoming project to restore the roof of the Torreón.

Commissioner Draper commented on his attendance at a recent tour of the Tunstall Murder Site.

Mr. Roberts also reported he was gifted a complete copy of the "Angel Report" which was now on view in Lincoln. Mr. Roberts reminded Frank Warner Angel was a Special Investigator from the Department of Justice sent to Lincoln in the summer of 1878 to investigate the killing of John

Tunstall and related issues. Mr. Roberts noted after submission of the report the Governor and District Attorney were both quickly out of a job and this was a major turning point in the Lincoln County War.

b. Smokey Bear Ranger District

Jodi Canfield, Ranger informed the Smokey Bear Ranger District was working with Ted Allen and the Juvenile Justice Board to sponsor a program for at risk youth. Ranger Canfield also discussed plans to host events in conjunction with libraries to educate youth about sustainable agriculture. Ranger Canfield reported the District was also continuing the collaboration with Eco Servants on trail maintenance.

Ranger Canfield stated although there was currently a federal hiring freeze the District had received permission to hire fire and seasonal personnel. Ranger Canfield noted the newly hired Recreational and Range staff were now in place.

Ranger Canfield stated other actions included work with the Village of Ruidoso on the Special Use Well Permit to begin monitoring and inventory work outlined in the Record of Decision published in 2016. Ranger Canfield stated she was also working with the consulting firm representing El Capitan Mine on a plan of operations and environmental compliance associated with access to the site by a US Forest Service (USFS) road. Ranger Canfield stated the District was meeting with grazing permittees on annual operating plans for grazing on USFS land.

Ranger Canfield discussed the status of various Collaborative Forest Restoration Program and Wildland Urban Interface projects. Ranger Canfield stated the District was not conducting any prescribed burns at this time due to conditions. Ranger Canfield commented the District's focus was currently on post Little Bear Fire restoration including clean up, trail maintenance, and coordinating road maintenance with Lincoln County.

Ranger Canfield stated she had not received any written proposal regarding the Mescalero Apache Tribes proposed transfer of lands. Ranger Canfield stated the District was more than willing to work with the Tribe on any restoration projects or to evaluate a proposed changes to the Special Use Permit for Ski Apache.

Ranger Canfield noted two vital members of the Forest Plan Revision team had left and due to the hiring freeze the positions were not currently filled. Ranger Canfield stated currently the District was working to clean up the Assessment of the Lincoln National Forest with plans to release the report for public comment in the next four to five months. Ranger Canfield noted the Assessment was not a decision making activity but was "the kick-off" for the environmental compliance process.

Chair Stone expressed concern about the lack of continuity of leadership due to personnel turnover for the Lincoln National Forest Plan Revision. Chair Stone expressed belief the lack of stable leadership by the USFS would affect the quality of the final plan revision.

Chair Stone questioned whether the Smokey Bear Ranger District had any pending plans for restoration or forest management projects at the ski area.

Ranger Canfield stated plans to review the terms of the Special Use Permit with the Mescalero Tribe. Ranger Canfield stated to her knowledge the Tribe had not submitted any requests for vegetation management at Ski Apache. Ranger Canfield expressed a desire to proactive in working with the Mescalero Apache Tribe to restore the area damaged in the Little Bear Fire.

c. Cibola National Forest

Ms. Taylor provided copy of a summary of the Shared Stewardship Collaborative – Coordinating Council Meeting held on January 25, 2017. Ms. Taylor also provided a copy of the Cibola Shared Stewardship Collaborative Coordinating Council Charter and Operating Protocols. Ms. Taylor stated she would provide a timeline of events for this process at the next meeting.

d. South Central Mountain Resource and Conservation District - Community Forester

Rick Merrick commented on the current dry windy conditions and stated he planned to continue to promote the Fire Wise Community Program in conjunction with other collaborators. Mr. Merrick noted the Ranches of Sonterra applied for a Fire Wise grant this year to dispose of slash.

Mr. Merrick stated he was contacted by State Forestry regarding a grant application submitted by Rainmakers subdivision last year for thinning. Mr. Merrick stated the grant was originally awarded to a different applicant but money was now available and he would assist Rainmakers with implementation of a thinning project.

Mr. Merrick reported no training was currently scheduled for use of the Air Curtain Incinerator purchased through a New Mexico Association of Counties grant. Mr. Merrick stated due to interest in the equipment the individual who conducts training was very busy. Mr. Merrick stated plans to attend a "smoke school" for training and qualification to facilitate the required certification of the air curtain incinerator every six months.

Mr. Merrick reported the Little Bear Forest Reform Coalition group had facilitated the acquisition of seven electronic bulletin boards to provide public information on fires and fire danger.

e. Upper Hondo Soil and Water Conservation District

Laura Johnson, Program Director discussed the early warm weather and the associated appearance of noxious weeds. Ms. Johnson stated poison hemlock was proliferative on the Rio Bonito and the District had begun treatment below the dam site. Ms. Johnson stated weed treatment was also ongoing with permission from the City of Alamogordo on over two hundred acres of their property in the Bonito area.

Ms. Johnson stated the District planned to reapply for a New Mexico Association of Counties Grant for Hazardous Fuels Reduction with plans to work with the Bureau of Land Management to reduce the presence of sacaton grass on the river behind Lincoln. Ms. Johnson stated the Upper Hondo was also working on a hazardous fuel reduction project specifically with the community of Lincoln. Ms. Johnson described this as "cut and pile" thinning which would allow the public to collect the cut wood at no cost.

Ms. Johnson stated the Upper Hondo District would again offer scholarships to graduating high school students studying conservation or agriculture. Ms. Johnson stated the Upper Hondo was conducting presentations in local schools on plant identification and reclamation after fires.

Ms. Johnson stated the Upper Hondo District had approved the storage of six thousand gallons of vinegar for distribution to individuals and other agencies for the control of noxious weeds.

Ms. Johnson stated the District was also administering two Water Trust Board Grants with one targeted to restoration of riparian areas by removing Russian Olive, Salt Cedar, and Siberian Elms. Ms. Johnson reported on the ongoing efforts for restoration of the Salado Dam and various other projects.

f. Carrizozo Soil and Water Conservation District

Ms. Taylor reported the District held its first Land Use Plan work session on January 10, 2017 which was attended by the Chair of the Lincoln County Land and Natural Resources Committee.

g. Office of the State Engineer – Water Issues

Ms. Taylor reported there were no new water applications posted on the State Engineer's website. Ms. Taylor informed Andy Morley, District Supervisor for the Office of the State Engineer in Roswell was present for the meeting.

13. Bogle Road Update: Discussion and Direction

Ms. Taylor reported on January 25, 2017 in addition to herself, Attorney Alan Morel, Road Superintendent Jeff Honeycutt, Planning Director Curt Temple, and Emergency Services Director Joe Kenmore met with Pipeline Safety Bureau Chief Jason Montoya and Pipeline Safety Bureau Damage Prevention Supervisor Sefie Anaya. Ms. Taylor stated Mr. Montoya and Ms. Anaya visited Bogle Road with Mr. Honeycutt to view the actions conducted by Zia Natural Gas to date.

Ms. Taylor noted Mr. Montoya and Ms. Anaya also met with representatives of Zia Natural Gas the next morning. Ms. Taylor provided a copy of a letter from Leslie Graham, Zia Natural Gas General Manager to the Pipeline Safety Bureau Chief summarizing activities to date from Zia's perspective.

Ms. Taylor also provide copy of a letter sent on February 10, 2017 to Bureau Chief Montoya requesting copy of or a reference for rules and regulations relevant to the issues related to Bogle Road. Ms. Taylor stated the letter also extended an invitation to the Bureau Chief to attend the February Regular Meeting.

Jason Montoya, Pipeline Safety Bureau Chief discussed the referenced correspondence and the actions taken to correct the problem by "owner-operator" Zia Natural Gas. Mr. Montoya reminded there were several meetings held beginning in April of 2016 to review the Bogle Road issue. Mr. Montoya stated belief Zia Natural Gas was responsive to questions and inquiries regarding the remediation of issues.

Mr. Montoya discussed the placement of several concrete caps over most of the identified locations. Mr. Montoya discussed the age of the rules and regulations related to pipeline placement and provided citation for the Federal Code. Mr. Montoya also discussed the New Mexico Excavation Law and which requires the owner of any pipeline to provide location marking within eighteen inches of the utility line upon request. Mr. Montoya stated additionally there was a "no mechanical tolerance" statute which prohibits mechanical excavation within eighteen inches on either side of the markings. Mr. Montoya discussed how this limitation impeded the use of the borrow ditch on Bogle Road due to the pipeline's location there.

Mr. Montoya stated during a site visit to Bogle Road in January he reviewed the placement of concrete caps over the pipeline in the borrow ditch and opined this action would address the concerns identified by Federal Regulation. Mr. Montoya acknowledged the placement of these caps would inhibit the use of the borrow ditch for maintenance. Mr. Montoya noted there were areas where the pipeline crossed the road and expressed support for the proposed remedy of adding additional fill. Mr. Montoya stated it was his recollection during the April 2016 meeting there was agreement between Lincoln County and Zia Natural Gas on a plan to provide additional fill and to share the cost.

Chair Stone questioned if Zia Natural Gas submitted a design or plan for placement of the caps to the Pipeline Safety Bureau prior to conducting that action.

Mr. Montoya stated there were no requirements to submit design plans for approval and therefore Zia had not done so.

Chair Stone questioned if Mr. Montoya and his staff, after reviewing the placement of the caps, were satisfied the measures were adequate to address safety issues.

Mr. Montoya stated understanding the Road Superintendent and representatives from Zia had met and discussed the option of making the caps look "better or deeper". Mr. Montoya stated belief the caps had eliminated the potential risk associated with grading on top of a shallow pipeline as the grader could no longer encroach on the pipeline in the borrow ditch. Mr. Montoya stated the additional issue was the depth of the pipeline over the remainder of the road. Mr. Montoya stated Zia Natural Gas had agreed to perform an annual depth analysis and determine if additional fill was required to maintain a "minimal depth" for the line. Mr. Montoya reminded the reference to a "concrete cap" in New Mexico State Statute did not include a specific definition or description of the cap itself. Mr. Montoya restated his opinion the placement of caps did address the safety issue associated with those particular points.

Chair Stone reiterated the restriction of any mechanical excavation within eighteen inches of a marked line and also discussed the lack of access to the borrow ditch where the concrete caps were placed. Chair Stone additionally noted the placement of these caps would promote erosion within the restricted mechanical use area and therefore Road Personnel would have no immediate options for maintenance.

Mr. Montoya concurred with Chair Stone and commented on his proposal to revise the associated rules in the future to accommodate road maintenance. Mr. Montoya stated he also brought the potential erosion issue to the County's attention.

Chair Stone questioned if it would not have been more practical for Zia Natural Gas to lower the pipeline at the identified points to an appropriate depth.

Mr. Montoya pointed out the rules and regulations were limited to specifications for safety but the means and methods for compliance were left to the owner operator. Mr. Montoya reminded the current regulation for depth of coverage was non-retroactive for pipelines constructed prior to 1971 and therefore not enforceable in this situation. Mr. Montoya again stated belief the concrete caps addressed the safety issue in accordance with current guidelines.

Chair Stone expressed belief the remedy was not sufficient to rectify the situation. Chair Stone suggested the Board of County Commissioners request a formal investigation into the problem by the Public Regulation Commission.

Commissioner Allen supported the recommendation and suggested an investigation would "clarify" the situation.

Commissioner Draper stated belief there were other possible solutions to this safety and economic issue.

Mr. Montoya reminded while the Pipeline Safety Bureau could conduct an investigation they could not retroactively investigate or determine whether it was grading, erosion or other conditions which created the depth problem. Mr. Montoya stated belief Zia Natural Gas and Lincoln County had agreed to the placement of caps to remediate the issue. Mr. Montoya noted other solutions such as lowering the pipeline or relocating the road were discussed but were rejected due to cost or other factors.

Chair Stone expressed belief the Board of County Commissioners had not approved the placement of the concrete caps.

Jeff Honeycutt, Road Superintendent informed he and Joe Kenmore, Director of the Office of Emergency Services reviewed the seven locations which were capped by a concrete flow fill of two to three inches in depth. Mr. Honeycutt stated belief during initial discussions with Zia Natural Gas the proposal was for a "concrete blanket" of approximately six to eight inches in depth. Mr. Honeycutt noted Ms. Graham had expressed in a prior letter the desire to retain six inches of dirt cover in the capped area. Mr. Honeycutt stated ideally there would exist six inches of dirt over six inches of concrete but this was not possible in all locations. Mr. Honeycutt noted as the project progressed the concrete caps became higher and higher and therefore affected the drainage in the borrow ditches. Mr. Honeycutt stated plans to meet with Zia representatives to consider a solution to the drainage problem.

Commissioner Willard questioned Mr. Honeycutt's opinion of the proposal to add additional fill to increase depth on the road itself.

Mr. Honeycutt stated he requested depth analysis information from Zia Natural Gas for points where the pipeline was either in the road or crossed the road. Mr. Honeycutt stated he received verbal confirmation the pipeline was approximately thirty inches in those locations where the pipeline was in or crossed the roads. Mr. Honeycutt expressed belief additional material added to the roadway would address those locations.

Commissioner Allen questioned why the problem of erosion associated with the placement of the caps in the borrow ditch was not considered.

Mr. Honeycutt stated the final placement of the caps was not consistent with earlier discussions. Mr. Honeycutt expressed belief Zia Natural Gas also realized the final placement of caps was problematic and was working with Lincoln County to lower two or three of the caps which were actually above the roadway itself.

Commissioner Allen expressed belief Lincoln County should seek a better long term solution which did not create problems in the future.

Mr. Honeycutt acknowledged there were problems with the placement of the caps and with the evolution of the proposed concrete blanket to concrete caps.

Chair Stone stated the placement of the concrete caps precluded the use of the borrow ditch to maintain the road and the current placement of fence lines and phone lines also inhibited road maintenance options.

Motion: Direct the County Attorney to file a formal complaint with the Public Regulation Commission, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

15. Lincoln County Medical Center Update and Approvals

a. Timeline for construction of Emergency Medical Services (EMS) Facility

Ms. Taylor provided a timeline for the construction of the new EMS Facility stating construction should commence near the end of March with anticipated completion near the end of July. Ms. Taylor stated the targeted move date for EMS was mid-August of 2017.

Attorney Morel additionally informed the Environmental Study and necessary approvals were complete for the acquisition of property at 129 El Paso and anticipated closing on the purchase in the next week.

Ms. Taylor reminded the property at 129 El Paso was the location identified for the new EMS facility.

b. Approval to utilize CES process to hire Jaynes Corporation to construct EMS Facility

Ms. Taylor reminded of the Jaynes Corporation's successful collaboration with Lincoln County, Presbyterian, and architect's Dekker/Perich/Sabatini Approximately for the construction of the new Professional Office Building. Ms. Taylor stated the overall estimated bond amount for the project was \$2.5 million with the construction portion of cost estimated as \$2.0 million. Ms. Taylor noted the cost estimates were within the parameters for utilization of the CES process.

Motion: Authorize the utilization of the CES process to hire Jaynes Corporation for construction of the new EMS facility, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

c. Approval of AIA Document B101-2007 Standard Form of Agreement between Owner and Architect Dekker/Perich/Sabatini for Replacement Hospital Proposal; with attached AIA Document A201-2007 General Conditions of the Contract for Construction.

Ms. Taylor presented the AIA Documents which were reviewed by and approved as to form by Attorney Morel. Ms. Taylor introduced Bobby George and Mike Gibson representing the architectural firm of Dekker/Perich/Sabatini.

Motion: Approve AIA Document B101-2007 Standard Form of Agreement between Owner and Architect, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

Commissioner Draper noted the architectural fee would amount to approximately 7.5% of the total project costs and suggested this was a reasonable fee.

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

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

d. Approval to Issue RFP for General Contractor to Construct Replacement Hospital

Ms. Taylor recommended the issuance of a Request for Proposal (RFP) for a General Contractor based on the substantial overall cost of the construction of the new hospital.

Motion: Approve issuance of a Request for Proposal for General Contractor to construct the replacement hospital, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Draper requested clarification of the RFP process and the options provided by the process for final selection.

Bobby George, of Dekker/Perich/Sabatini termed the Request for Proposals as a process to hire a "construction manager at risk". Mr. George stated this process created a RFP based on qualifications to construct a large commercial facility as well as the comparison of fees and general conditions.

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

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

Chair Stone recessed the Regular Meeting at 12:01 PM and reconvened at 1:00 PM.

16. Approval of Resolutions 2016-31 Approving the Amended and Restated Lease Agreement between the County of Lincoln, New Mexico and Presbyterian Healthcare Services, a New Mexico Non-Profit Corporation.

Ms. Taylor presented the negotiated Amended and Restated Lease Agreement for consideration. Ms. Taylor reminded the agreement related to the lease of real property, improvements and equipment of Lincoln County Medical Center. Ms. Taylor reminded Lincoln County had worked closely with the State Board of Finance to incorporate recommended modifications. Ms. Taylor stated on January 18, 2017 the State Board of Finance unanimously approved the revised lease agreement.

Motion: Adopt Resolution 2016-31 and approve the Amended and Restated Lease Agreement between the County of Lincoln and Presbyterian Healthcare Services, **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.

SEE EXHIBIT B: Resolution 2016-31 as approved are attached hereto in reference thereto made a part hereof

19. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 41 claims with 38 recommended for approval and 3 recommended for disapproval for a monthly authorization of \$27,971. Mr. Annala stated approval of the claims would result in a total approval of Safety Net Care Pool claims for Fiscal Year 2016-2017 to date of \$136,845 or a monthly average of \$17,106.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 8 claims with 7 claims recommended for approval and 1 claims are recommended for disapproval for a total payment this month of \$3,761.16. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2016-2017 to date of \$37,092 or a monthly average of \$4,636.42. Mr. Annala stated based on the current average he estimated expenditure of approximately \$55,637 of the \$100,000 budget.

Motion: Approval and denial of the claims as indicated for Indigent Health Care as recommended, **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.

SEE EXHIBIT C: Copies of the Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

18. Presentation by Lincoln County "Community Healing Additions through Networking, Guidance, and Education" (CHANGE) – Sergio Castro and Department of Health Officials

Sergio Castro, Juvenile Officer Supervisor for Children, Youth, and Families stated he was also a member of the CHANGE subcommittee of the Lincoln County Health Council. Also present were CHANGE members: April Stirman, of Region IX Education Cooperative; Jimmy Masters, Health Promotion Program with the Department of Public Health; Martha Ordorica, Nurse Manager for Ruidoso Public Health Office, and Dominic Zerlo, Hepatitis and Harm Reduction Program Manager for the NM Department of Health Public Health Division.

Mr. Castro explained the subcommittee was formed last year after the untimely death of two young people in the community. Mr. Castro stated there were community meetings from which a task force was formed. Mr. Castro stated the task force vision was to "live in a community where children, youth, and families can live healthy lives free from drugs and addictions; and where those who were affected by drugs and addiction could find understanding, acceptance and healing through a network of treatment resources". Mr. Castro stated it was the mission of CHANGE to "bring awareness and prevention through education; to lobby local, state, and national leaders to make laws conducive to treatment, healing, education, enforcement and prosecution of drug laws; to provide referral resources for treatment to children, youth, and families affected by drugs and addiction; and to provide training an resources to the community to help CHANGE achieve the vision of a healthy community free from drugs and addiction".

Mr. Castro discussed the national opioid crisis and quoted the US Attorney General in New Mexico stating New Mexico had the second highest overdose death rate in the United States as of 2014. Mr. Castro noted New Mexico had 140 overdose deaths in 2014. Mr. Castro requested Lincoln County exhibit leadership for this crisis by participating as a member of CHANGE. Mr. Castro also requested support for training of all first responders at the County level including deputies, first responders, and fire personnel on the administration of Naloxone as the antidote to opioid overdoses. Mr. Castro also requested funding for the purchase of Naloxone. Mr. Castro discussed other initiatives including treatment and reintegrating addicts released from jail or prison.

Dominic Zerlo, NM Department of Health Hepatitis and Harm Reduction Program Manager provided a comparison of overdose deaths in New Mexico to national statistics. Mr. Zerlo discussed recently adopted legislation which permits the broad distribution and administration of the antidote. Mr. Zerlo reported the NM Department of Health had issued approximately 5100 doses of Naloxone in 2015 and approximately 6800 doses in 2016. Mr. Zerlo noted DOH had not distributed as many doses of the antidote as needed in Lincoln County partly due to a lack of other community partners. Mr. Zerlo stated the DOH would provide training on the proper administration of the antidote but the Department did not have funding to purchase enough doses for distribution to all first responders. Mr. Zerlo requested Lincoln County consider purchasing the antidote for County law enforcement and first responders.

There was a lengthy discussion of costs related to the purchase of Naloxone; the associated training for administration of the antidote; the timing for effective administration; and the personnel who would benefit from the training.

Commissioner Stewart suggested the County begin training appropriate personnel as soon as possible.

Manager Taylor suggested appointing Scott Annala, Indigent Health Care Administrator to assist with program development.

There was a general consensus to appoint Dallas Draper to serve as the Lincoln County Board of Commissioners member on the CHANGE Committee.

12. Solar Energy Solution for Lincoln County Detention Center: Discussion and Direction

Ms. Taylor reminded of a presentation during the Regular Meeting of June 2016 detailing the results of an analysis of the Lincoln County Detention Center's energy use and the potential cost savings resulting from installation of a solar solution. Ms. Taylor stated the presentation was provided by Affordable Solar but reminded during the discussion Otero County Electric offered to partner with Lincoln County on any potential solar projects. Ms. Taylor provided examples of similar projects within the County and noted there were a number of local residents who were well informed on the implementation of solar projects. Ms. Taylor reported Orlando Samora, Purchasing Agent was obtaining samples of Request for Proposals from other counties and municipalities for review.

Chair Stone suggested the County work with Otero County Electric to research actual power usage at the Lincoln County Detention Center and seek their recommendation as to the value of adding a solar solution.

There was general consensus to seek information regarding electrical usage at the Lincoln County Detention Center from Otero County Electric for consideration of issuance of a Request for Proposals for a solar project.

14. 2017-2018 Local Government Road Fund Projects/CAP/Coop/School Bus Program

Ms. Taylor presented the Road Superintendent's proposed projects for the Fiscal Year 2017-2018 State Highway Local Government Road Fund program. Ms. Taylor reminded of the statutory dedication of State funding to assist local public agencies with project development, construction, reconstruction, improvement, maintenance or repair of public highways and streets.

Jeff Honeycutt, Road Superintendent discussed the specifics of two options for future projects including maintenance work on 4.43 miles of Gavilan Canyon Road or the application of 1.3 miles of chip seal on Alpine Village Road.

Commissioner Stewart expressed concern about increasing the mileage of paved road in the County due to the limitations of County maintenance for paved roads.

Commissioner Draper requested support for future project work on Alpine Village Road due to current conditions and high maintenance requirements but acknowledged the priority of need for repair of Gavilan Canyon Road due to the volume of traffic.

Motion: Approve the Project Proposals for Gavilan Canyon Road, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Chair Stone commented on the poor condition of roads north of the Capitan Mountains.

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

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

No: Chair Stone.

17. Manager Report

HAT'S OFF:

- Commissioner Draper complimented Hale Lake Road on being the best it's ever been! Thank you Jonathan Campbell of the Road Department;
- Quote from a resident of Valley Heights Subdivision: "We really appreciate all the effort you and your guys put in as a team in fixing our road. You have done an awesome job contributing your talents and skills to the project. It's such a pleasure driving the road feeling safe. Thanks for taking the time to listen to my concerns. No doubt you're the best! Our appreciation from all of us in Valley Subdivision." Thank you to Road Superintendent Jeff Honeycutt and the Road Department!
- A County resident informed the Manager of her appreciation for assistance received from Billie Jo Guevara. "Every time she needs something or asks for help, Billie Jo always goes above and beyond to help. Please let her know that she is so appreciated." Thank you Billie Jo Guevara.

Building Projects

- The Manager reported the Carrizozo Senior Center CDBG Grant was successfully closed out with resolution of outstanding issues. As a result of this action Punkin Schlarb, Finance Director submitted the final reimbursement request in the amount of \$50,000. The Manager reported the entire \$500,000 CDBG Grant award was utilized.
- The Manager reported Lincoln County could now apply for a new CDBG Grant and reported the mandatory CDBG Application Workshop was scheduled on March 15, 2016 in Albuquerque.
- District Attorney John Sugg's security doors for second floor of the Annex building were under construction and the Manager anticipated completion of the project in the next week. The Manager informed District Attorney Sugg decided not to proceed with his request for a first floor remodel to enlarge office space by removing one wall between two offices.
- The Manager reported new windows in the Clerk, Treasurer and Assessor offices were installed. The Manager stated plans were to tint the windows in the Assessor and Treasurer Offices and order blinds for the Clerk's office.

Lincoln Pines Youth Camp

- The Manager, Warden Anderson and Chief Bock toured the Lincoln Pines Youth Camp facility to consider whether the facility could accommodate housing County female inmates. The facility has two twenty four bed dormitories enabling a capacity for forty eight detainees. The Manager reported both the Warden and the Chief thought the facility was adequate from a size and layout perspective. The Manager stated all equipment was removed necessitating the replacement of cameras, intercoms, and video technology. The Manager submitted an inquiry to Emerald's Administration to assess their interest.

New Mexico Association of Counties (NMAC)

- NMAC is sponsoring post-Legislative meetings in all districts with Lincoln County hosting our district meeting on April 27, 2017. The Manager contacted the Ruidoso Convention Center but the facility was unavailable due to the timing of the Annual Emergency Medical Services (EMS) Conference. The Manager reported Eastern New Mexico University agreed to furnish space for the meeting with approximately forty attendees expected.
- New Mexico Edge, which works in-sync with NMAC, recently published the 2016 edition of the Commissioners' Handbook.
- NMAC provided information regarding the New Mexico Delegation to the National Association of Counties (NACo) Legislative Conference scheduled in early March. The Manager noted a review of New Mexico representation on various NACo committees shows Lincoln County was not a participant and reminded NMAC was always interested in recruiting new NACo participants.

Art In Public Places (AIPP)

- The Manager met with AIPP contact via teleconference regarding the County's ability to spend the funds set aside through capital outlay appropriation;
- The recent AIPP funds for the Carrizozo Senior Center were clawed back by the State as that particular project was funded by severance tax bonds. The AIPP funds for the Hondo Senior Center (2008) are still available because the funding for that project was from general obligation bonds.
- The Manager stated the process to expend funds was for any artist interested in providing work for consideration to apply and submit a design for a "juried" review.

Department Head Updates

- a. **Billie Jo Guevara, Administrative Assistant and Human Resources** reported she received notice of a 1% increase in medical, dental, and vision insurance premiums. Ms. Guevara also reported two positions in the Road Department remained open.
- b. **Punkin Schlarb, Finance Director** reported she was working on a response to a request from the State Fire Marshall to submit information regarding the distribution of State Fire Funds in prior years to assist in the determination of the allotment release for the next fiscal year. Ms. Schlarb reported the budget process had begun and plans were to develop separate line items for the tracking of grants and funds received from other entities.

- c. **Renee Montes, Senior Services Director** reported staff had completed the move from the old Carrizozo Senior Center to the new facility. Ms. Montes stated funds for several capital outlay projects which were frozen due to the State Budget deficit were recently released as they were funded from General Obligation Bonds. Ms. Montes stated she was in the process of soliciting bids from contractors to move forward on the Hondo Senior Center project. Ms. Montes stated she was researching the cost for replacement of the department's "Hot Shot Vehicle" for the delivery of hot meals. Ms. Montes reminded she had received a Capital Outlay Appropriation for \$42,000 but the lowest price quoted under the State Pricing Agreement was \$43,146 for a 2017 Dodge Ram 1500 four wheel drive equipped for hot and cold food delivery. Ms. Montes requested the County provide the additional funds for purchase of the vehicle.

There was a general consensus to find additional funding to assist with the purchase of the meal delivery vehicle. The Manager stated she would include the request in the upcoming budget process.

Beverly Calaway, Treasurer informed there was currently a line item titled "Special Donations" in the Senior Center Budget containing \$6,149 and questioned if the department could utilize these funds for a vehicle.

Ms. Montes stated the money was donated for the provision of meals but could be used towards the vehicle purchase.

- d. **Curt Temple, Planning Director** reported revision of the Hazard Mitigation Plan was proceeding and once a draft was finalized plans were to post it on the Lincoln County website for public comment. Mr. Temple reported he was gathering quotes for construction of a new building for the White Oaks Fire Station and placement of a retaining wall at the site for the Bonito Fire Station. Mr. Temple stated Samantha Mendez was assisting with two grants including one for the Lincoln Historic District and one for Historic Records Preservation in the Clerk's Office. Mr. Temple anticipated completion of the Environmental Assessment associated with the FEMA thinning project in the near future. Mr. Temple presented a sample of the final design for signage welcoming people to Historic Lincoln County and requested final approval prior to submitting an application to the Department of Transportation for placement.
- e. **Joe Kenmore, Office of Emergency Service Director** reported the department was holding quarterly meetings with the Volunteer Fire Department Chiefs in preparation for the upcoming fire season. Mr. Kenmore informed he completed installation of an additional two radios in Road Department blades. Mr. Kenmore discussed current fire conditions and suggested he may consider increasing the number of "no burn days" accordingly.

Chair Stone recessed the Regular Meeting at 2:58 PM and reconvened at 3:06 PM.

20. Approval of Resolutions

- | | |
|-----------------------|---|
| a. Resolution 2016-30 | Annual Certified County Maintained Mileage |
| b. Resolution 2016-36 | Line Adjustment (Road Department) FY 2016-2017 |
| c. Resolution 2016-37 | Budget Adjustment (Road Department) FY 2016-2017
Plus Reversion of Funds |
| d. Resolution 2016-39 | Internal Control for Line Item Adjustments |
| e. Resolution 2016-40 | NMAC Health Care Policy Committee |

Ms. Taylor presented the Resolutions for consideration.

Punkin Schlarb, Finance Director discussed the Statutory direction to submit line item adjustments for expenditures to the Board of County Commissioners. Ms. Schlarb noted budget changes approved by Resolution were subsequently submitted to the Department of Finance and Administration for final approval.

Ms. Schlarb detailed the adjustments presented in Resolution 2016-36 and 2016-37 including a reversion of funds to the New Mexico Department of Transportation in the amount of \$41,576.73 associated with unspent funds received in Fiscal Year 2015-2016.

Commissioner Allen questioned why the funding was not utilized.

Ms. Taylor explained the funds were received in advance of proposed work on Cora Dutton Road. Ms. Taylor stated the County was able to expend a portion of the funding but did not expend the full amount received necessitating the return of the remaining funds.

Curt Temple, Planning Director informed the estimated cost for the project exceeded the actual costs resulting in a remainder of funds. Mr. Temple stated Lincoln County utilized a portion of the remaining funds for the additional drainage work on Cora Dutton Road but due to the expiration of time to complete projects any unspent funds would revert to the Department of Transportation.

Ms. Schlarb explained the intent of Resolution 2016-39 was to obtain approval to enhance internal controls and allow the Finance Department to adjust line items to accommodate unexpected expenses. Ms. Schlarb stated adjustments would address negative balances within a Department Fund without requiring a formal Resolution each time.

Commissioner Stewart stated understanding of the intent to expedite minor adjustments but requested notification of any adjustments prior to printing of monthly budget reports for planning purposes.

Chair Stone noted language in the Resolution requiring notification by the County Manager to the Board of County Commissioners on a monthly basis.

There was a general discussion of the process and timing of notification to the Commission.

Ms. Taylor stated the purpose of Resolution 2016-30 was the annual required certification of Lincoln County maintained roads. Ms. Taylor stated total mileage as determined by the Rural Addressing Department was 809.2746 including 707.9824 miles of regular county roads and 101.2921 of roads in the national forest. Ms. Taylor stated Rural Addressing would provide the required maps to accompany the certification.

Ms. Taylor recommended adoption of Resolution 2016-40 in support of the New Mexico Association of Counties Healthcare Policy Committee position to oppose proposed legislation requesting counties provided and additional 1/16th Gross Receipts Tax distribution to the County Supported Medicaid Fund.

Motion: Adopt Resolution 2016-30; Resolution 2016-36; Resolution 2016-37; Resolution 2016-39 and Resolution 2016-40; **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.

Motion: To reconsider the Adoption of Resolution 2016-30; 2016-36; 2016-37; 2016-39 and 2016-40; **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.

Motion: Adopt Resolution 2016-36; Resolution 2016-37; Resolution 2016-39, and Resolution 2016-40; **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

Motion: Adopt Resolution 2016-30, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone objected to the total mileage as reported for certification due to the County's inability to maintain Bogle Road.

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

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.
No: Chair Stone.

SEE EXHIBIT D: Copies of Resolution 2016-30, Resolution 2016-36, Resolution 2016-37, Resolution 2016-39, and Resolution 2016-40 as approved are attached hereto in reference thereto made a part hereof

21. Discussion – Regulating Nightly Rentals

Ms. Taylor reminded of prior direction to pursue creation of a Short Term Nightly Rental Ordinance.

Motion: Table consideration of regulating nightly rentals, **Action:** Approve, Moved by Commissioner Willard, **Seconded** by Commissioner Draper.

Commissioner Draper informed there were two bills pending in the legislature related to the topic. Commissioner Draper provided a list of nightly rentals as provided by the Hospitality Association noting Lincoln County listed over 1,000 nightly rentals which was second only to Taos County.

Attorney Morel stated he was prepared to provide an update on the topic.

Commissioner Stewart opined the topic was more specifically a municipal issue.

Vote: Motion failed (summary: Yes = 2, No = 3, Abstain = 0).

Yes: Commissioner Draper, Commissioner Willard.

No: Chair Stone, Commissioner Stewart, Commissioner Allen.

Attorney Morel provided background and information relative to determining the number of short term rentals located within the County. Attorney Morel stated he verified Lincoln County currently taxes short term residential properties as commercial entities. Attorney Morel stated as such there was potential for a loss of revenue from Gross Receipts Taxes, Lodgers' Tax, and Ad Valorem Property Taxes on nightly rental properties. Attorney Morel provided a current draft of the Village of Ruidoso's Municipal Ordinance. Attorney Morel noted the Village of Ruidoso planned for a formal adoption of their ordinance in March of this year. Attorney Morel suggested Lincoln County could model an ordinance similar to the Village of Ruidoso's to promote consistency in understanding and enforcement. Attorney Morel stated once the County decides to proceed with developing an Ordinance he would hold stakeholder meetings and gather public input.

Chair Stone questioned if enforcement associated with adoption of a Nightly Rental Ordinance would necessitate additional staff for the Sheriff's Department.

Sheriff Shepperd stated adoption of any Ordinance created an additional burden on law enforcement but noted it was difficult to ascertain the impact without knowing the number of nightly rentals in the County.

Commissioner Draper noted the Assessor had provided a list of ninety one properties currently identified as nightly rentals on the County tax rolls.

Sheriff Shepperd stated to date the department has received limited complaints from the public. Sheriff Shepperd stated adoption and publication of such an Ordinance would likely increase the number of complaints which would increase personnel costs and associated prosecution costs.

Commissioner Draper stated his primary interest was not necessarily an adoption of an Ordinance but to somehow address the tax parity issue so all entities were paying a fair share. Commissioner Draper suggested pending legislation could provide a process to clarify the collection of tax.

Attorney Morel commented on the need to clearly identify the use or purpose of a property and to treat all owners equally for Ad Valorem Tax purposes. Attorney Morel raised questions related to the definition of "sleeping units" versus "dwelling units". Attorney Morel discussed potential administration issues and the extent of regulation which an ordinance could address.

Commissioner Stewart questioned if the list provided by the Assessor was a list of current properties taxed as nightly rentals.

Walter Hill, Assessor confirmed the list of ninety one nightly rentals currently identified within the County noting these were likely identified through some process of reassessment or possibly issuance of a building permit. Mr. Hill noted there were seven hundred and twenty four nightly rentals identified within the Village of Ruidoso.

Mr. Hill expressed belief there was a tax equability issue as nightly rentals within Ruidoso were assessed and taxed as commercial property. Mr. Hill also noted if a property classification was changed from residential to commercial the three percent cap on assessment was no longer applicable. Mr. Hill stated the Village of Ruidoso permitting process triggered the reclassification from residential to commercial.

Commissioner Stewart questioned if implementing a voluntary reporting process to the County Assessor would suffice.

Attorney Morel stated belief Lincoln County should send notice to all management companies requiring the reporting of lodger's tax and gross receipts taxes based on the actual location of the rental property to the County when appropriate.

There was a general consensus to take no action at this time.

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

a. Board of Registration – County Clerk

Motion: Appoint Ann Eby, Cynthia Black, and Nina Gruneth as Members and appoint Cristina Arnold and Steve Duffy as Alternates for the Board of Registration, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

b. Coalition of Counties

Motion: Appoint Chair Stone as Member and Ms. Taylor as Alternate for the Coalition of Counties, **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.

c. Chaves County Community Action Program

Motion: Reappoint Chair Stone to the Chaves County Community Action Program, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

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

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

d. Interstate Stream Commission (Sub-Committee on the Pecos)

Motion: Reappoint Chair Stone to the Interstate Stream Commission Sub-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.

e. Land and Natural Resources Advisory Committee

Motion: Reappoint Robert Barber and Pete Gnatkowski to the Land and Natural Resources Advisory Committee, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Stewart.

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

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

f. Lincoln Historic Preservation Board

Motion: Reappoint Lee Abbot to the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

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

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

g. Lodger's Tax Committee

Motion: Reappoint James Hobbs to the Lodger's Tax Committee, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

h. New Mexico County Insurance Authority – Worker's Compensation

Motion: Reappoint Commissioner Stewart as Member and Ms. Taylor as Alternate to the New Mexico County Insurance Authority Workers' Compensation Pool Board, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

i. New Mexico County Insurance Authority – Multi Line Pool

Motion: Reappoint Commissioner Draper as Member and Commissioner Stewart as Alternate to the New Mexico County Insurance Authority Multi Line Pool, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

j. Planning Commission

Motion: Reappoint Karyl Williams and Annella Hatter to the Planning Commission, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

k. Road Review Advisory Committee

Motion: Reappoint J. Bryan White to the Road Review Advisory Committee, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

l. Senior Citizens Olympic Committee

Motion: Reappoint Lucy Servies to the Senior Citizens Olympic Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Chair Stone.

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

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

m. Southeastern New Mexico Economic Development District (SNMEDD)

Motion: Reappoint Commissioner Draper as Member and Commissioner Willard as Alternate for SNMEDD, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

n. Southeast Regional Transportation Planning Organization (SERPO)

Motion: Appoint Road Superintendent Jeff Honeycutt to the Technical Committee of SERPO, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Chair Stone.

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

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

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

a. Open Burning Ordinance 2011-02

Joe Kenmore, Director of the Office of Emergency Services informed the current Open Burning County Ordinance was adopted in 2011. Mr. Kenmore identified several scenarios including the non-reporting of intent to burn, leaving burn sites unattended, burning after dark, interference of fire personnel by the public, and the lack of sufficient enforcement penalties in the current Ordinance.

Sheriff Shepperd stated New Mexico State Statute currently provided authority for the Sheriff's Department to arrest any person interfering with law enforcement. Sheriff Shepperd informed the "improper handling of fire" was only considered an infraction if the fire moved to someone other than the owner's property and stated there was not a legal precedent for directing law enforcement to issue a "mandatory" citation.

b. Personnel Policy

Motion: Schedule a Public Hearing to consider revisions to the Open Burning Ordinance and the Personnel Policy Ordinance, **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.

24. Executive Session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters, Section 10-15-1, Subparagraph H.(2) Evaluation County Manager, Nita Taylor; 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)

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation Section 10-15-1, Subparagraph H. (7); Discussion of Limited Personnel Matters, Section 10-15-1 Subparagraph H. (2) Evaluation County Manager, Nita Taylor; and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H. (8),

New or Updated Matters since last report *

1. **Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.** Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

2. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et. Seq. D-1226-CV-2015-00112** Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Amended Complaint Appealing the Adverse Administrative Decision filed May 9, 2016 by Mr. Beauvais. Defendant's Notice of Filing Petition for Removal to Federal Court was filed May 19, 2016.

***B. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et Seq in the United States District Court For The District of New Mexico 2:15-cv-01029.** Defendants County of Lincoln and Sheriff Robert Shepperd's Motion to Dismiss entered November 19, 2015. Order Dismissing Without Prejudice entered by Judge Stephan Vidmar April 19, 2016. Amended Complaint Civil Rights Violation filed May 6, 2016 by Mr. Beauvais. Defendant's Motion for Summary Judgment and Qualified Immunity filed November 17, 2016. Plaintiff's Response to Defendant's Motion for Summary Judgment and Qualified Immunity was filed December 12, 2016. Defendant's Reply in Support of their Motion for Summary Judgment and Qualified Immunity was filed January 6, 2017.

3. ***Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeler, County of Lincoln, Lincoln County Fair Association, John Does; D-1226-CV-2016-00006 United States District Court for the District of New Mexico 2:16-cv-126.** Complaint for Wrongful Death, Statutory Tort,

Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016. County of Lincoln's Answer to Complaint filed February 29, 2016. County's Response to Plaintiff's Motion for Partial Summary Judgment filed July 28, 2016. Estate of Montes and Orlando Montes' Response to County of Lincoln's Motion to Stay Discovery filed August 8, 2016. Settlement Conference took place September 6, 2016. The case did not settle. Motion to Dismiss was denied November 22, 2016. Memorandum and Opinion was filed February 3, 2017 in which Judge Herrera granted the Motion to Dismiss in part, while declining to rule on State issues.

4. ***Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036** Civil Complaint filed March 9, 2016 alleging personal and property damage. County of Lincoln's Answer to Civil Complaint filed March 29, 2016. Motion for Continuance of Trial granted by Judge Buddy Hall on August 1, 2016. Motion for Dismissal was filed November 30, 2016. Dismissal Without Prejudice was filed January 25, 2017 for lack of jurisdiction.

5. ***Brian Ray Seidel, Brenda Le Seidel, Walter Ray Seidel, Jr. v. Anthony Manfredi, Lincoln County Sheriff's Department, 5 John and Jane Does D-1226-CV-2017-00025** Civil Complaint for Damages filed January 30, 2017.

6. ***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. Settlement Conference is scheduled for June 22, 2017.

7. ***USA v. Dickerson, David, Lincoln County, et. al. 1:16-cv-00206-BL** Complaint to Reduce to Judgment the Outstanding Joint Federal Income Tax Liabilities filed Nov. 23, 2016 and was received Dec. 1, 2016 at the Lincoln County Treasurer's office. The County Commission approved a Stipulation and Request for Order Regarding Lien Priority of Lincoln County at their regularly scheduled meeting January 10, 2017. United States' Unopposed Motion to Amend its Complaint was filed January 26, 2017.

8. ***Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al. D-1329-CV-2007-01364** Suit filed October 15, 2007-Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Plaintiff filed Motion for Reconsideration and Rehearing July 8, 2016. Order Denying Motion for Reconsideration and Hearing was filed July 20, 2016. Plaintiff's Motion to Enforce Judgment on Awards filed Nov. 2, 2016. Motion Hearing is scheduled for February 2, 2017. Plaintiff filed Addendum to Motion to Enforce Judgment on Awards December 7, 2016. Defendant's Motion to Vacate Hearing and Dismiss Plaintiff's Addendum to Motion to Enforce Judgment on Award filed December 23, 2016. At the Hearing February 2, 2017, the Court denied the Motion to Enforce Judgment. Plaintiff has filed an Amended Request for Hearing, Correcting the Record and Presentment of Final Judgment February 13, 2017, and Defendant's attorney has emailed the Court a Proposed Order on the Motion to Enforce Judgment on February 13, 2017. Plaintiff Cooper filed an Amended Request for Hearing, Correcting the Record and Presentation of Final Judgment on February 13, 2017 due to her statement of lack of notice of Hearing which took place on February 2, 2017.

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

9. **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 final Pre-Trial Hearing is scheduled for May 9, 2017, 9 a.m. and a Jury Trial is scheduled for May 24, 2017, 8:30 a.m.

10. ***State of NM v. Romero, Roger M-30-MR-2017-00007** 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 January 12, 2017. The Defendant appeared before Judge Mickie Vega January 24, 2017 and entered a plea of "Not Guilty." A Pre-Trial Hearing is scheduled for February 28, 2017 at 9 a.m. on a Trailing Docket.

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.

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 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

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

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

Captain Iron Mine – Tort Claim Notice received Sept. 24, 2015 via email from A. Blair Dunn, alleging County trespass on private property.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

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 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.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 4:45 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 6:23 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.

25. Signing of Official Documents

26. Next meetings:

- a. February 23, 2017 – Special Commission Meeting
- b. March 21, 2017 – Regular Commission Meeting

27. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 6:24 PM.

County of Lincoln
Board of County Commissioners


Preston Stone, Chair

Dallas Draper, Vice Chair

4067

Elaine Allen

Elaine Allen, Member

Thomas F. Stewart

Thomas F Stewart, Member

F. Lynn Willard

F Lynn Willard, Member

ATTEST:

Rhonda Burrows

Rhonda Burrows, County Clerk

March 21, 2017
Date Approved

