

## 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, July 18, 2017

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on July 18, 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 8:30AM.

#### 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 Whitney Whittaker, Chief Deputy 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) June 20, 2017 - Special Commission Meeting
- b) June 27, 2017 - Regular Commission Meeting
- c) June 30, 2017 - Special Commission Meeting

**Motion:** Approve the minutes of the June 20, 2017 Special Commission Meeting; the June 27, 2017 Regular Commission Meeting; and the June 30, 2017 Special Commission 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. End of the Year Budget Adjustments FY 2016-2017 by Resolution 2017-1

Nita Taylor, Manager informed per statute, counties may request adjustments within budgets to accommodate changes in its financial operations during the fiscal year. Ms. Taylor stated commission approved adjustments must be submitted to the Department of Finance and

Administration for approval. Ms. Taylor stated Resolution 2017-1 approves adjustments to the Financial Year 2016-2017 budget. Ms. Taylor pointed out the increases in both revenue and expense funds were primarily tied to the construction of the new Emergency Medical Services facility and the new hospital construction.

**Motion:** Approve Resolution 2017-1, **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.

**SEE EXHIBIT A:** Copy of Resolution 2017-1 are attached hereto in reference thereto made a part hereof.

#### 8. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending June 30, 2017
- c. Treasurer's 4<sup>th</sup> Quarter Reporting Ending June 30, 2017
- d. SE New Mexico Economic Development District (SNMEDD) Agreement and Resolution 2017-4.
- e. The Alpine Village Sanitation District Mil Levy Tax Rates

Commissioner Willard questioned the disbursement to Smokey Bear Hometown Association by Check Number 95943 and inquired if the check was mailed out.

Punkin Schlarb, Finance Director stated Check No. 95943 was mailed out in error.

**Motion:** Approval of the Consent Agenda with removal of the Treasurer's 4<sup>th</sup> Quarter Reporting ending June 30, 2017 and deleting Check No. 95943 from Payroll/Accounts Payable/Budget/ Expenditures;

**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.

**SEE EXHIBIT B:** Copies of the Consent Items as amended in the motion and Resolution 2017-4 are attached hereto in reference thereto made a part hereof.

#### 15. Lodger's Tax Applications:

- a. Prior Approval from BOCC of March 21, 2017 to Smokey Hometown Association for Wildland Fallen Firefighter Memorial.

Bennie Long, Manager of Smokey Bear Historical Park representing the Smokey Bear Hometown Association for the Wildfire Fallen Firefighter Memorial was present to answer any questions about the Memorial and the previously awarded \$5,000.

Commissioner Stewart questioned if the Hometown Association had received the \$5,000 check.

Ms. Long stated the Hometown Association received the check but had not deposited it at the request of Lincoln County.

Commissioner Stewart stated the request for reimbursement for work on an incomplete project had raised some concerns about the disbursement.

Alan Morel, County Attorney stated although the project was something Lincoln County supported, the lack of a guarantee to repay the Lodgers Tax funds if the project was never completed was a potential liability and could result in an audit finding.

**Motion:** Set aside the \$5,000 in Lodger's Tax funding as a commitment to the Smokey Bear Hometown Association for the Wildland Fallen Firefighter Memorial but request the return of Check 95943. **Action:** Approve, **Moved by Commissioner Willard, Seconded by Commissioner Allen.**

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

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

**9. Forest, Land and Natural Resources Matters:**

**a. Lincoln and Fort Stanton Historic Sites**

Nita Taylor, Manager informed Mr. Roberts was unable to attend but provided an update on Fort Stanton Live held on July 8, 2017. Ms. Taylor informed approximately two thousand visitors attended of which more than sixty percent were from outside Lincoln County.

**b. Smokey Bear Ranger District**

Ranger Canfield provided an update on the District activities and informed she was working closely with the Mescalero Tribe at Ski Apache to develop a long term plan for management of vegetation as well as the removal of fire damaged trees in the area. Ranger Canfield discussed the possibility of connecting various trails with Ski Apache as a future project.

Ranger Canfield reported spending a day with the Bureau of Mines and Minerals Division looking at the old Capitan Mine. Ranger Canfield stated no current action was taken due to the Division's current focus on projects in Arizona. Ranger Canfield informed the US Forest Service and State Forestry received a \$15,000 bond to complete cleanup at a mill site. Ranger Canfield stated a building was removed from the site but cement was still in place and they will utilize the bond money to modify and remove the remaining cement.

Ranger Canfield reported on the twenty acre White Horse Fire detected July, 7, 2017 approximately fourteen miles northwest of Ruidoso. Ranger Canfield stated the District was still monitoring the area but the recent increase in moisture helped. Ranger Canfield stated due to the amount of moisture received this month the District will resume pile burning. Ranger Canfield discussed the District's efforts for weed management in the Bonito Lake area.

Ranger Canfield reported on a work accident involving Mescalero BIA crew members and the Smokey Bear District Wildlife Team. Ranger Canfield stated the team was involved in a rollover accident on Highway 48 and the District was conducting an after action review.

Ranger Canfield reported on next year's planned program of work. Ranger Canfield stated the District will conduct public meetings and conduct a travel analysis on the Hale Lake Road for possible environmental changes.

**c. Community Forester**

Rick Merrick, Community Forester with South Central Mountain Resource and Conservation District provided an update on the Air Curtain Incinerator which was currently located in the Village of Capitan for slash disposal. Mr. Merrick stated the machine worked properly but a bigger unit would have been beneficial considering the size of the slash piles.

Mr. Merrick provided an update on the Rainmaker Non-Federal Lands project and stated it was 99% finished. Mr. Merrick stated the North Gavilan Blood Ranch Non-Federal Lands project received \$150,000 in funding which was half of the request. Mr. Merrick stated South Central RC and D in conjunction with the Upper Hondo and NM State Forestry would develop and submit grants for 2018-2019 Cost Share proposals for Otero and Lincoln County.

**d. Office of State Engineer-Water Issues**

Ms. Taylor stated one application was posted on the Office of the State Engineer's website for Lincoln County which appeared to be in error as it referenced a request to change point of use for land located in Roosevelt County.

Ms. Taylor reported on the Rio Hondo Watershed Base Level Engineering (BLE) Project. Ms. Taylor stated the team was hosting two meetings as part of a collaborative process to produce quality data to increase public awareness and promote flood risk reduction.

Chuck Schmidt, Roswell Field Manager for the Bureau of Land Management introduced his staff: Bo Truitt, National Conservationist for the Fort Stanton area; Jose Saenz, Valley of Fires Park Manager; and Ruben Sanchez, Assistant Field Manager to Mr. Schmidt.

Chair Stone questioned the BLM's future plans regarding grazing in the Fort Stanton area.

Mr. Schmidt stated the BLM was considering vegetation management but those plans did not include grazing for ranching and meat production. Mr. Schmidt committed on the substantial increase in recreational visitors to the area.

Chair Stone stated he was concerned about vegetation build up and suggested grazing was beneficial.

Commissioner Allen questioned the prospect of a fishery in Lincoln.

Mr. Schmidt informed the BLM conducted a town hall style meeting a couple months ago in Lincoln to discuss the concept of placing a fishery by the Philip's Bridge. Mr. Schmidt stated the BLM was working with the Department of Game and Fish to develop a plan to install fisheries which would benefit the public.

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

Commissioner Stewart reported he continued to work with the Joint Land Use Study group and had recently obtained a website password for coordinating information and activities for the five New Mexico County members and El Paso County, Texas with the neighboring military installations.

Commission Allen reported she and Chair Stone met with residents from Lincoln about traffic concerns in the community. Commissioner Allen stated the State Department of Transportation was in the midst of a project to construct sidewalks and commented on the recent fatality which occurred alongside the roadway. Commissioner Allen stated State Police representatives Chris Mydock and Sam Houston, staff from the Department of Transportation, Sheriff Robert Shepperd, Manager Nita Taylor, and Senator Liz Stefanics attend the town hall meeting.

Commissioner Allen reported she continued to attend Greentree Solid Waste Authority board meetings.

Commissioner Draper stated during the last Southeastern New Mexico Economic Development District Meeting he learned of a Comprehensive Economic Development plan which he planned to share with the County Manager. Commissioner Draper also reported he recently learned about several New Mexico Finance Authority grants which Lincoln County might consider.

Commissioner Willard reported he attended Fort Stanton Live and thanked the group for putting on the event.

Rick Rotert, President of the Nogal Water Association reported on the improved quality of water in Nogal. Mr. Rotert stated the Association received \$100,000 in Capital Outlay funding to upgrade the water system and the project was now complete. Mr. Rotert stated improvements included a new metal storage tank; new water meters; and a new treatment plant with solar panels and high efficiency pumps. Mr. Rotert stated as a result of the project Nogal increased the number of fire hydrants from three to fifteen and the town's ISO Rating went from 9 to 6.

Stirling Spencer, resident and rancher of Lincoln County discussed the importance of water conservation within the County. Mr. Spencer stated a spring located on his property which had produced around 100 gallons per minute in past years had declined to 20 gallons per minute. Mr. Spencer requested the Board of County Commissioners the importance of water especially as future developments arise within the County.

Robin Dunn, Lincoln County ranch owner expressed concerns about the SunZia Project. Ms. Dunn stated the windfarm developments would impact not only the land, the roads, and water consumption but will also create a negative visual impact. Ms. Dunn requested Lincoln County consider all the issues prior to any endorsement of the SunZia Transmission Line.

Beverly Calaway, Treasurer reported on changes to the monthly Treasurer's Financial Report format. Ms. Calaway stated future reports would include additional information about General Obligation Bonds; annual payments for debt services; a copy of the Tax Certificate Rates associated with the School Districts; and a schedule of the Gross Receipt Tax rates within Lincoln County.

Ms. Calaway stated the Treasurer's office was in the process of closing out the fiscal year. Ms. Calaway additionally reported that twenty three properties were sold in the delinquent property tax sale held June 8, 2017 and Lincoln County received over \$19,000 in property taxes as a result of the sale.

# 10. SunZia/Pattern Development Presentation-Tom Wray, Project Manager from SunZia

Ms. Taylor presented a timeline of events beginning in November 2011 through November 2016 displaying the progress and summary of the SunZia Transmission Pipeline Project.

Tom Wray, Project Manager for SunZia Southwest Transmission presented a summary of the SunZia Transmission Line Project. Mr. Wray stated the 518 mile transmission project consisted of two 500 volt AC lines routed through 319 miles within New Mexico. Mr. Wray stated the purpose of the line was to tap into the high capacity wind energy available in the area around Corona.

Commissioner Stewart questioned where Pattern Energy stood in the process. Commissioner Stewart explained Lincoln County had recently received an application from Clean Line Energy for Wind Farm Development.

Mr. Wray stated SunZia selected Pattern Energy as the anchor tenant for the project. Mr. Wray discussed the high demand for energy especially outside the state of New Mexico.

There was a general discussion on the supply and demand of energy outside of New Mexico.

## No Action Taken

# 11. Resolution 2017-3 Lincoln County Supports the Construction & Operation of SunZia Southwest Transmission Project

Commissioner Stewart expressed concerns about the Resolution and suggested the Board of County Commissioners not take any action at this time. Commissioner Stewart supplied three supporting documents which raised concerns about the SunZia Transmission Line. Commissioner Stewart stated he supported renewable energy but was particularly concerned about the impact to local military airspace.

Chair Stone expressed concern about the adoption of Resolution 2017-3 stating the project was extremely controversial. Chair Stone stated support for the residents of Lincoln County but stated he was not in support of the Public Regulation Commission influence drafted in the Resolution.

Commissioner Draper stated as Lincoln County was still considering changes to current related ordinances he suggested no action be taken.

Commissioner Willard discussed the importance of the transmission line to support wind development for local landowners.

## No Action Taken

# 19. Manager's Report

## HAT'S OFF TO:

- **Curt Temple, Planning Director** for his hard work, dedication, supervisory skills, willingness and ability to perform a diversity of tasks within a team setting in a manner that resulted in positive benefit for Lincoln County. After working for Lincoln County for twelve and a half years, since December 2004, Curt seriously considered an opportunity to advance his career by applying for a Project Manager position with the City of Santa Fe. As top candidate, he was offered the job and accepted it! Their gain is Lincoln County's loss! Curt's very first job with the County was as "Planning Technician". He quickly advanced to "Planning Director" within the year and has held that position since. Not only will we miss his skill and technical expertise, but also his friendship and comradery.
- **Amanda Garcia, GIS Specialist**, for her professionalism and willingness to serve. An Engineer Technician for Pecos Valley Telephone Cooperative, Inc., relayed the following to the Planning Director:

*I am with the engineering department for Pecos Valley Telephone Cooperative. We serve rural portions of Lincoln County including Hondo, Picacho, San Patricio and Lincoln. The rural area we serve is over 1,200 square miles. New federal regulations are requiring that we provide accurate GPS coordinates on all premises in our serving area. With the quick assistance of Amanda Garcia in your office, we are now able to comply with the new rules. She was quick to respond, provided accurate information and even patiently assisted on a data problem that*

*was determined to be on my end. I appreciate the professionalism and willingness of Amanda and your department at Lincoln County.*

Chair Stone Recessed the Regular Meeting at 11:31 AM and reconvened at 12:58 PM.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:00 PM.

**21. Public Hearings to consider the following:**

**1:00 PM: Final Budget FY 17-18 and Approve the June 30, 2017 (4th Quarter) Financial Report and Departmental Budgets by Resolution 2017-2**

Ms. Taylor reminded at the Regular Commission Meeting of May 16, 2017 Lincoln County's preliminary budget was approved with modifications and forwarded to the Department of Finance Authority for subsequent approval. Ms. Taylor reminded the acceptable balance ratio of revenues to expenses ranged from a negative five percent (-5%) to a positive five percent (+5%).

Ms. Taylor stated by law funds must be held in reserve equivalent to 3/12 of General Fund expenditures. Ms. Taylor stated the required reserve for this budget cycle was is \$2,053,014 and the current budget reflected a balance of \$8,406,169 over the required reserves. Ms. Taylor stated with a total cash balance of \$10,459,183 the Board of County Commissioners could consider the approval of additional funding requests.

Ms. Taylor commended the Elected Officials and Department Heads for diligently participating in the budget process. Ms. Taylor expressed appreciation to Punkin Schlarb, Sherrie Huddleston and Beverly Calaway and their teams for expending valuable time and energy in finalizing the budget package. Ms. Taylor stated belief the FY 2017-2018 Budget reflected a solid and conservative budget.

Commissioner Stewart recommended no changes to the current budget noting by his calculations Lincoln County was in deficient spending with a budget ratio of -4.8%.

Ms. Taylor stated a mistake was found in the DFA budget analysis worksheet and Commissioner Stewart's calculations were correct. Ms. Taylor stated even considering the correction, the ratio was still within the +/- 5% required by DFA.

Ms. Taylor detailed changes from the preliminary budget to the Final Budget as follows:

- 1) 401 General Fund Expenditures increased by \$618,613
  - \$ 63,561 in accounts payable carry over
  - \$205,000 added expense for audit and attorney fees
  - \$50,000 added expense for software update for the ISeries (AS/400)
  - \$ 250,052 added to building maintenance issues
  - \$ 50,000 to contractual agreements
- 2) 414 Capital improvements Projects
- 3) 510 LCMC Construction

Ms. Schlarb made the appropriate correction to the DFA budget analysis and provided an updated sheet. Ms. Schlarb also suggested moving \$300,000 from the Disaster Relief Fund to the General Fund which would leave a balance of \$56,279.

Chair Stone questioned if the County had a breakdown of audit and attorney fees.

There was a general discussion regarding the transfer of funds from the Disaster Relief Fund.

Ms. Taylor expressed some concern reminding Lincoln County had no disaster funds set aside when the Little Bear Fire occurred.

Commissioner Stewart stated if Lincoln County needed disaster funds, the County could transfer funds through midyear adjustments.

Ms. Calaway reported the budget reflected conservative estimates of revenues and reminded DFA required the use of the prior year's tax values for the basis of the 2017-2018 budget. Ms.



Calaway stated the final budget numbers reflected many factors such as current revenues, the annual Payment in Lieu of Taxes (PILT), and disasters which may occur unexpectedly. Ms. Calaway stated she felt very comfortable with the budget as presented.

Ms. Taylor reminded of the prior approval of a 3% salary increase for all classified positions and the salary adjustments for the Senior Center positions as recommended by the Compensation Advisory Board. Ms. Taylor recommended approval of a pay increase for the Road Superintendent from \$55,000 to \$59,582 including the 3% previously approved. Ms. Taylor stated while classified employees received a standard 5% increase at end of probation Mr. Honeycutt as an "at will" employee had not yet received this increase after completing probation.

Commissioner Allen questioned if the Road Superintendent's contract referenced a 5% increase after probation.

Ms. Taylor stated the increase was not included in the contract but expressed belief the position should receive an increase consistent with other County employees.

Chair Stone requested public comment and receiving none adjourned the Public Hearing at 1:39 PM.

**Motion:** Adopt Resolution 2017-2 incorporating the transfer of funds from the Disaster Relief Fund and salary increase for the Road Superintendent, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

**No:** Commissioner Stewart.

**SEE EXHIBIT C:** Copy of Resolution 2017-2 is attached hereto in reference thereto made a part hereof.

**1:30 PM: Public Hearing to consider amending Ordinance 2005-2 An Ordinance adopting a uniform road naming and rural addressing system for the purpose of emergency services, public safety, road names, street names, and road mapping; requiring owners and occupants of a very house and building in the area covered by the rural addressing system to display assign numbers by Ordinance 2017-5**

Ms. Taylor informed no changes were requested at this time and therefore no Public Hearing was required.

Chair Stone noted there were no members of the public present who wished to offer comment.

**13. Resolution 2017-5 Amending Resolution 2016-51 to Modify Amount of Funds Requested From New Mexico Community Block Grant Program**

Ms. Taylor reminded during its June 27, 2017 Regular Meeting, Resolution 2016-51 was adopted revising the submission of a 2017 New Mexico Community Development Block Grant application for \$565,000 for construction of a new Hondo Senior Citizens Center including the required County match of \$60,000 and a \$31,820 Capital Outlay Appropriation. Ms. Taylor informed Executive Director Dora Batista prepared and timely submitted the application on Lincoln County's behalf.

Ms. Taylor stated the CDBG staff reviewed the application submitted by SNMEDD and Lincoln County Resolution 2016-51 and noticed the application reflected a request for CDBG funding in the amount of \$541,512 but the Resolution referenced the full project cost of \$565,000. The CDBG process requires the requested amounts to match exactly and therefore Resolution 2017-5 reflects a request of \$541,512.

**Motion:** Adopt Resolution 2017-5, **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 D:** Copy of Resolution 2017-5 is attached hereto in reference thereto made a part hereof.

**14. Resolution 2017-6 Approving Fiscal Year 2019 – 2023 ICIP**

Ms. Taylor reminded during the June Regular Commission meeting the FY 2018-2022 Infrastructure Capital Improvement Plan (ICIP) was amended by Resolution to add the Hondo Senior Citizen Center project. Ms. Taylor stated the Department of Finance and Administration had since provided notification Lincoln County's FY 2019-2023 ICIP should include the Hondo Senior Citizen Center project.

**Motion:** Adopt Resolution 2017-6, 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 E:** Copy of Resolution 2017-6 is attached hereto in reference thereto made a part hereof.

**15. Lodger's Tax Applications (continued)**

**b. Consideration of Request for Variance from Lodger's Tax Ordinance Procedures for Funding Old Lincoln Days**

Ms Taylor reminded Old Lincoln Days requested \$20,000 for their event to commence on August 4, 2017. Ms. Taylor stated the Lodgers Tax Committee considered the request during their meeting of April 25, 2017 but due to a shortage of Lodger's Tax funding from the prior fiscal year only \$3,500 was approved and awarded. Ms. Taylor stated that Old Lincoln Days submitted a subsequent request for funding in the amount of \$4,300 but due to a notification error no action was taken by the Lodger's Tax Committee. Ms. Taylor requested the Commission consider action in variance of the process due to the lack of a Lodger's Tax Committee meeting prior to the scheduled date of August 4, 2017

Commissioner Allen questioned if an official "variance" to the Ordinance was required or could the Commission simply take action on the request.

Attorney Morel stated the request was properly addressed to the Lodgers Tax Committee but the Commission could take action to grant up to \$10,000 in funding.

**Motion:** Approve \$5,000 in additional funding for Old Lincoln Days, Action: **Approve**, Moved by Commissioner Allen, **Seconded** by Commissioner Willard.

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

**Yes:** Chair Stone, Commissioner Allen, Commissioner Willard.

**No:** Commissioner Stewart, Commissioner Draper.

**16. Wind Energy Placement Ordinance 2011-03: Discussion of Potential Modifications**

Ms. Taylor reminded of the prior adoption on February 15, 2011 of Lincoln County Ordinance 2011-03 to provide for the placement, construction, use and modification of Wind Energy Conversion Systems consistent with Lincoln County's Land Use policies.

Ms. Taylor stated Lincoln County engaged Eduardo Duffy from the firm of Sutin, Thayer and Browne to provide legal representation for the review of the current Wind Ordinance and make recommendations for modifications to establish and update the process and procedure for the review of Wind Energy Development applications.

Attorney Morel discussed the potential conflict which had arisen noting Mr. Duffy's firm also represents the Renewable Energy Transmission Authority of which Clean Line Energy is a member. Attorney Morel stated Mr. Duffy suggested Lincoln County engage Attorney Dan Najar to act in this capacity.

There was general consensus to contact Mr. Najar for possible assistance.

Attorney Morel stated he spoke with Shannon Adkins, a long term industry expert in wind energy. Attorney Morel stated Mr. Adkins reviewed Lincoln County's Wind Ordinance and made several recommendations including development of Road Crossing agreement process. Mr. Adkins also



suggested the County obtain copies of agreements with land owners, verify insurance policies, request a copy of the turbine equipment specifications, and specific locations.

There was a general discussion about the impact of wind development on roads and the damage incurred during Pattern Energy's early development operations.

Commissioner Draper questioned the previous work done on private property and if that work classifies as construction.

Attorney Morel stated previously construction was never regulated on private property and private roads. Attorney Morel stated should Pattern do any further construction the company would need to file an application for permit.

Crystal Coffman, representing Pattern Energy informed Pattern planned no additional construction or work prior to approval of their application as required by the current Ordinance.

There was a general consensus to direct the Attorney and Manager to present recommendations for Ordinance revisions during the next Regular Meeting.

#### **No action taken**

#### **17. Lincoln County Medical Center Update**

Ms. Taylor provided an update on the construction of the Emergency Medical Services Building. Ms. Taylor stated Jaynes Corporation would submit invoices every two weeks to Dekker/Perich/Sabatini (DPS) for initial approval prior to submission to Corporation Education Services (CES) for final approval for payment by Lincoln County. Ms. Taylor stated Lincoln County staff will closely track financials and submit bills directly to the New Mexico Finance Authority for payment directly to the contractor.

Ms. Taylor stated DPS was working to finalize the design and construction plans prior to issuing a Request for Proposals.

Todd Oberheu, Administrator Lincoln County Medical Center (LCMC) provided an update on hospital activities. Mr. Oberheu stated Presbyterian had hired a General Surgeon and had obtained commitments from two additional physicians.

Wendy Hewitt, Director of Patient Care at LCMC reported on the hospital's annual accreditation survey. Ms. Hewitt stated the surveyor spent three days at LCMC walking through the facility, reviewing charts and checking each department's procedures and policies. Ms. Hewitt stated LCMC received a good accreditation overall with only minor infractions.

Brad Treptow, Director of Operations at LCMC also discussed survey findings. Mr. Treptow stated most findings were related to the age of the facility.

#### **18. Approval to Develop and Enter Into Sub-Contractor Agreement with Lincoln County Juvenile Justice Board, as Required by State of NM for CYFD Grant Award**

Ms. Taylor stated during the June 27, 2017 Regular Commission Meeting an agreement with New Mexico Children, Youth and Families Department (CYFD) for grant administration of the funding for the Lincoln County Juvenile Justice Board was approved. Ms. Taylor informed the annual grant award for Lincoln County and the Juvenile Justice Board (LCJJB) was \$107,887.

Ms. Taylor stated she is working with CYFD and LCJJB to develop a Sub-Contractor Agreement for Fiscal Year 2017-2018.

**Motion:** Grant authority to Manager and Attorney to develop required documentation including sub-contractor agreement for submission to CYFD for approval in the amount of \$107,887. **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.

#### **19. Manager's Report (continued)**

**HAT'S OFF TO:**

**Budget Team – Punkin Schlarb, Beverly Calaway, Sherrie Huddleston and Rachel Monrreal** for their diligence in closing the Fiscal Year 16-17 and developing a strong, healthy budget for FY17-18 for Commission consideration. While a critical, all-encompassing task every year, the effort was particularly difficult this year as serious family health issues plaguing a key member of this team required the remaining members to step up to the challenge, work out of their specific area of expertise, and get the job done. They did that successfully...and with a smile!

**Clean Line Energy Partners** submitted its application to Lincoln County for its Wind Energy Conversion System Site Permit for its Mesa Canyons Wind Farm Project on June 29, 2017. On July 14, 2017 Clean Line Energy Partners also responded to initial inquiries posed by the County. Not only are county personnel closely reviewing the application, but consultants at the Sutin Firm are, as well. Per County Ordinance, Section 15:

*If Lincoln County does not act upon a WECS Permit application within forty five (45) days of submittal to the Planning Department, the permittee shall give the Board of County Commissioners written notice of its failure to act. If the Board of County Commissioners fails to approve or reject the application within thirty (30) days after that notice, the Board of County Commissioners shall, upon demand by the permittee, issue a statement stating that the WECS permit has been approved.*

Ms. Taylor noted forty-five days from the application submission date of June 29, 2017 was August 13, 2017 and thirty days from the deadline for notice of approval or rejection was September 12, 2017. The Manager did not anticipate a problem with Lincoln County concluding its review during that window of time.

**Audit Entrance Interview** was held between members of Lincoln County's contracted audit firm of Kubiak, Melton & Associates, LLC, on July 12, 2017. Present for the County were Commissioners Allen and Stewart (telephonically), Manager Taylor, County Treasurer Beverly Calaway, Chief Deputy Treasurer Sherrie Huddleston and Finance Department members Punkin Schlarb and Rachel Monrreal. Subsequent to that meeting the County received the Audit Engagement Letter which describes audit objectives and procedural details; defines management responsibilities; and sets forth a general timeline.

**County Welcome Signs** have been placed on seven road and highway locations entering Lincoln County by the Planning Department.

**NM State Legislative Grants Update:** The County closed two Capital Legislative Grants and submitted for final reimbursement:

	Grant No.	Grant Title	Grant Award	Final Reimbursement
1.	14-1942	Hondo Fire Station	\$25,000	\$18,641.76
2.	16-A2451	Ruidoso Health Dept.	\$60,000	\$58,767.05

**Lincoln County Detention Center Transition from Emerald Correctional Management, LLC to LaSalle Corrections:** At the time Emerald Correctional Management, LLC terminated its management of the Lincoln County Detention Center, it owed a number of vendors substantial fees for services provided. The Commission directed Manager and Attorney to take steps to ensure the vendors' needs were addressed in a manner to ensure services would continue to LCDC, now under the management of LaSalle. In early May, Attorney Morel filed a Complaint for Interpleader of Funds in the amount of \$225,000 and subsequently received an Order from District Court to Interplead Funds. This week Attorney Morel and his staff have largely concluded the task of negotiating payment amounts to each of the vendors and are working with the County to determine when and how much each vendor will be paid for complete settlement of their accounts.

**Lincoln County Detention Center Building Maintenance – Repairs – Remodel:**

1. The new HVAC units are being installed this week. Yearout installation crew has found some of the wire and breakers are inadequately sized to handle the replacement units which are sized the same as the old units. The Project Manager will review and further diagnose.
2. Minor roof repair was completed but additional work is needed. With routine maintenance, the roof may not require full replacement for four or five more years. The Manager presented two quotes but suggested postponement of repairs at this time.

- a. Complete re-roof: \$203,767
- b. Significant repair: \$132,290

3. **Renovation / Construction of Medical Suite:** During a prior meeting, the Commission considered a proposal for architectural design of the medical suite. The proposal was not approved as the cost significantly exceeded the prior oral quote. The Manger stated no RFP was issued to complete the design work as the County does not have funds for construction (\$569,888) at this time.

**Accident in Lincoln:** A tragic fatality involving a motor vehicle occurred in Lincoln on July 11, 2017. The County offered its most sincere condolences to family members and friends. As a thorough investigation of the incident is being conducted by the NM State Police, it is inappropriate and premature for the County to comment further at this time.

**Department Head Updates:**

**Jeff Honeycutt, Road Superintendent** reported on Gavilan Canyon stating work occurred on thirty four locations with this portion of the project coming in under budget at \$108,000 after an estimate of \$130,000. Mr. Honeycutt stated they will start phase two encompassing 1.3 miles south to Warrior Drive. Mr. Honeycutt stated they would use a one inch mill with overlay and the project should take approximately three days to complete.

Chair Stone questioned how often the Road Department conducts safety meetings.

Mr. Honeycutt stated safety meetings were held every two weeks.

**Punkin Schlarb, Finance Director** reported on improving some internal controls in the finance department, finishing up the final budget, preparing for the next year's audit, and reported the inventory was almost finished.

**Billie Joe Guevara, Administrative Assistant and Human Resources** reported the Assessor had hired a Chief Appraiser. Ms. Guevara stated current open positions included a Transport Officer, Deputy Sheriff's, Road Department positions, and now the Planning Director.

**Joe Kenmore, Director Office of Emergency Services** reported last month he toured all County Fire Departments with the New Mexico Association of Counties inspector. Mr. Kenmore reported on a couple of small fires and a small fire in Alamo Canyon caused by a lightning strike. Mr. Kenmore stated he would attend a meeting of the Fire Chiefs on August 15, 2017 to learn about State Budget questions which will effect most of the small fire departments. Mr. Kenmore reported he has and will continue to have regular safety meetings.

There was a general discussion about the funding for construction of the new Sun Valley Bonito Fire Station.

**Curt Temple, Planning Director** thanked everyone for their kind words and congratulations on his new employment opportunity. Mr. Temple stated he grew up in Lincoln County, and although it is hard the move to Santa Fe would be a good change for his family.

**20. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims**

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 21 claims with 19 recommended for approval and 2 recommended for disapproval for a monthly authorization of \$6,664.17. 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 \$ 209,265 or a monthly average of \$18,489 consistent with the prior two fiscal years.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed claims with 4 claims recommended 4 for approval and none recommended for disapproval for a total payment this month of \$1,616.25. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2016-2017 to date of \$ 79,307 or a monthly average of \$6,994. Mr. Annala stated based on the total expenditures for Fiscal Year 2016-2017

the fund would carry over 19,395 from the Indigent Health Care Claim budget for Fiscal Year 2017-2018.

**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 F:** Copies of the Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

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

**Motion:** Schedule a Public Hearing to consider revisions to Wind Energy Ordinance 2011-03,  
**Action:** Approve, Moved by Commissioner Willard, Seconded by Commissioner Draper.  
**Vote:** Motion carried by unanimous vote (summary: Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**23. ENMU-Ruidoso Update – Dr. Clayton Alred**

Dr. Clayton Alred, President of Eastern New Mexico University- Ruidoso Branch Community College provided an overview of the programs offered through ENMU-Ruidoso. Dr. Alred highlighted a few successful programs which began with the support of Federal Grant Funding including the Wildland Firefighter training program, the Emergency Medical Services training program, and the First Responder training program.

Dr. Alred stated the premiere program offered at ENMU –Ruidoso was the Cyber Security program. Dr. Alred stated the program enrolls many students from all over the state and was the only two year program recognized by Homeland Security which teaches Supervisory Control and Data Acquisition (SCADA).

Dr. Alred reported in the near future ENMU will offer a Wind Energy Technician training program. Dr. Alred stated the branch was currently requesting funding from the State to integrate the Wind Energy program into the Ruidoso curriculum. Dr. Alred stated that Mesa Lands Community College was willing collaborate with ENMU-Ruidoso on the program requirements.

Dr. Alred reported the remodeling project at the branch was very close to completion. Dr. Alred reminded the old building had two main entrances and too many hallways. Dr. Alred stated the renovation should eliminate confusion by establishing one main entrance and more integrated paths.

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

**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) and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the public body, Section 10-15-1(H)(8).

New or Updated Matters since last report \*

1. **Water Rights Protests: New Mexico State Engineer Hearing Unit 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. Settlement Agreement, Full Release of Civil Claims, and Indemnity Agreement was signed May 30, 2017.

**\*B. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et Seq In the United States District Court For The District of New Mexico 2:16-cv-01029 / 2:16-cv-00459** 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. Settlement Agreement, Full Release of Civil Claims, and Indemnity Agreement was signed May 30, 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 12<sup>th</sup> 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. Second Amended Complaint for Wrongful Death; Statutory Tort; Negligence; Negligence Per Se; Loss of Consortium; Negligent Infliction of Emotional Distress was filed April 19, 2017 by Mr. Beauvais. Settlement Agreement and Release was signed May 1, 2017.

4. **\*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. A Request for Hearing on Motion to Dismiss and Memorandum in Support of Motion to Dismiss was filed March 6, 2017. Judge Bryant, Judge Schneider and Judge Ritter have been excused, and Judge Counts was assigned to case May 10, 2017. The case was Dismissed Without Prejudice on July 10, 2017.

5. **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.

6. **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.

7. **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.

8. **\*Board of County Commissioners of the County of Lincoln v. Emerald Correctional Management, LLC D-1226-CV-2017-00108** Complaint for Interpleader of Funds was filed April 26, 2017 for Emerald's final payment. The Order to Interplead Funds was entered by Judge Bryant May 8, 2017. Summons, Complaint and Order to Interplead Funds was served upon Emerald's Registered Agent via certified mail May 12, 2017. Entry of Default was entered against Emerald Correctional Management on June 23, 2017, and Lincoln County's Answer/Response to Intervenor's Answer to Complaint was filed June 26, 2017.

9. **\*Chad and Stacia Coleman v. The County of Lincoln, Sheriff Robert Shepperd, Brett (sic) Rains, Randal Wikoff, and John Does I-III: 1:17-cv-663** Complaint for Civil Rights Violation



and Ancillary State Claim. Complaint was filed in US District Court June 21, 2017 by Attorney J. Robert Beauvais. 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.

10. **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: 12<sup>th</sup> Judicial District Attorney's Office**  
**Special Prosecutor**

11. **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 is scheduled for Tuesday, August 1, 2017 at 2 p.m. before Judge Vega.

12. **\*State of NM v. Anita Moisa M-30-MR-2017-00069** Violation of County Ordinance 2008-08 Animal Control Ordinance. A non-traffic Citation was issued by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau June 12, 2017 for Four Counts of Neglect and Cruelty to Animals, Six counts of Rabies Vaccination violations, Two counts of Vicious Animals. A First Appearance / Arraignment Hearing is scheduled for July 14, 2017 at 10:45 a.m. before Judge Vega.

13. **\*State of NM v. Kimberly Connor M-30-MR-2017-00072** Violation of County Ordinance 2008-08 Animal Control Ordinance. A non-traffic citation was issued by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau on June 20, 2017 for Neglect and Cruelty to Animals. A first Appearance / Arraignment Hearing is scheduled for July 28, 2017 at 8:30 a.m. before Judge Vega.

14. **\*State of NM v. James Keck M-33-MR-2017-** Violation of County Flood Damage Prevention Ordinance 2014-05. A non-traffic citation was issued by Lincoln County Sheriff's Office Deputy John Carpenter June 5, 2017 for violation of Section 6- Establishment of Development Permit, and Section 12, Application for a Floodplain Use Permit. A first Appearance / Arraignment Hearing is scheduled for July 7, 2017 at 10 a.m. before Judge Lund.

**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 4<sup>th</sup> amendment of the US Constitution and an unconstitutional 'taking' under the 5<sup>th</sup> 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.

**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 4<sup>th</sup> and 14<sup>th</sup> 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**

**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.

**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.

**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.

**Capitan 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 roll call vote (summary: Yes = 3, No = 2, Abstain = 0).

**Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Draper,

**No:** Chair Stone, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:44 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 5:09 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:**

August 15, 2017 - Regular Commission Meeting

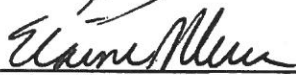
**27. Adjourn**

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 5:09 PM.

County of Lincoln  
Board of County Commissioners

  
Preston Stone, Chair

  
Dallas Draper, Vice Chair

  
Elaine Allen, Member

  
Thomas F. Stewart, Member

  
F Lynn Willard, Member

ATTEST:

  
Rhonda Burrows, County Clerk

August 15, 2017  
Date Approved

