

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, September 19, 2017

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

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30 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) August 15, 2017 - Regular Commission Meeting

Motion: Approve the minutes of the August 15, 2017 Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending August 31, 2017

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 are attached hereto in reference thereto made a part hereof.

8. Forest, Land & Natural Resources Matters:

a) Lincoln and Fort Stanton Historic Sites

Tim Roberts, Regional Manager for Lincoln and Fort Stanton Historic Sites informed the two sites had approximately twenty five hundred visitors for September as of this date.

Mr. Roberts discussed the NM Department of Transportation (DOT) project to improve and install sidewalks in Lincoln. Mr. Roberts stated the project was nearing completion and the community was pleased with the work. Mr. Roberts reminded the DOT hosted public information meetings each week in the community to provide progress updates.

Mr. Roberts informed staff from the Department of Cultural Affairs had scheduled a week long meeting in Lincoln hosting the Directors of all NM State Museums. Mr. Roberts anticipated Cabinet Secretary Veronica Gonzales and members of her staff would attend the meeting.

Mr. Roberts stated the historic Luna Chavez House in Lincoln would reopen to the public as the Lincoln Gallery of Western Art. Mr. Roberts discussed this opportunity to consolidate the excellent art collection accumulated at the historic site. Mr. Roberts provided a description and date for several other upcoming events including a new exhibit at Fort Stanton dedicated to Fort Stanton's historic period as a German Internment Camp.

b) Smokey Bear Ranger District

Jodi Canfield, District Ranger informed the District had acquired a contractor to lead the Forest Plan Revision process. Ranger Canfield stated the US Forest Service Regional Office completed their review of the initial Draft Assessment and the District would incorporate the Regional Office comments prior to releasing the Draft Assessment for public comment in January. Ranger Canfield clarified the Forest Plan revision would not address or modify the District's current Travel Plan or individual requests for road closures.

Ranger Canfield stated the District had completed a significant amount of slash burning and had contracted with the Lincoln County Road Department for thinning on certain Forest Roads. Ranger Canfield reported on meetings with the Mescalero Tribe to work through the environmental compliance process prior to utilizing specialized equipment to remove trees downed during the Little Bear Fire at Ski Apache. Ranger Canfield also stated staff would begin the process for closure of abandoned mines within the District. Ranger Canfield discussed other District activities including a ribbon cutting ceremony for the Cedar Creek Trail system and recent progress on the reopening of the South Fork campground at Bonito Lake.

c) Cibola National Forest

Ms. Taylor provided a Briefing Paper prepared by Forest Supervisor Elaine Kohrman. Ms. Taylor stated the Briefing Paper provided a background of the Cibola's Forest Plan revision process, key points about the process, next steps, and a list of upcoming Collaborative Group Meetings. Ms. Taylor stated additionally Forest Supervisor Kohrman provided a list of "Forest Plan Revision Partner Talking Points" for review.

d) Community Forester

Rick Merrick, South Central Mountain Resource, Conservation and Development Council (SCMRCD) stated he would do a Fire Wise presentation for Sun Valley in October and had also received a request for the presentation from Alto. Mr. Merrick provided an update on various cost share and thinning projects. Mr. Merrick stated the Eastern New Mexico University - Ruidoso speaker series would continue in December.

e) Fish & Wildlife Services - Mexican Wolf Draft Recovery Plan: Revision 1

Ms. Taylor reminded of prior direction from the Board of County Commissioners to submit comments opposing the Mexican Wolf Draft Recovery Plan. Ms. Taylor provided copy of the formal letter of protest she drafted with specific comments on the plan and a copy of Lincoln County Resolution 2015-22 "Opposing US Fish and Wildlife Service Wolf Recovery Program".

Ms. Taylor also provided copies of opposing comments submitted by the Lincoln County Land and Natural Resources Advisory Committee (LANRAC), the Upper Hondo Soil and Water Conservation District, and the Coalition of Arizona and New Mexico Counties for Stable Economic Growth.

9. Hondo Clinic – Consideration of Transitioning Operations from La Casa Family Health Center to Presbyterian Healthcare Services

Ms. Taylor reminded Lincoln County budgeted \$139,560 for operation of the La Casa Family Health Center clinic in Hondo for Fiscal Year 2017-2018. Ms. Taylor stated to date La Casa had provided clinical services to residents in July and August and received \$11,630 monthly for those services.

Ms. Taylor stated Seferino Montano, CEO had acknowledged the La Casa Hondo Clinic was unable to recruit a physician or mid-level nurse practitioner to provide services at the clinic. Ms. Taylor stated notice was posted the Hondo Clinic would close indefinitely beginning September 18, 2017.

Ms. Taylor reminded Presbyterian Healthcare Services currently operated and received mill levy funding for operation of clinics in Corona, Carrizozo, and Capitan. Ms. Taylor stated after learning of La Casa's decision to close the Hondo Clinic she contacted Presbyterian to determine interest in assuming operation of the Hondo Clinic. Ms. Taylor stated Presbyterian agreed to assess the needs of the area residents, the condition of the building housing the clinic, and the availability of staff to provide services. Ms. Taylor further informed the Hondo School Administration expressed support for the provision of services by Presbyterian but noted the La Casa Advisory Council had not reached a consensus on their position.

Todd Oberheau, Lincoln County Medical Center Administrator stated after touring the current Hondo Clinic facility with staff it was his belief the facility would not meet accreditation standards. Mr. Oberheau stated structural problems including water damage were identified in addition to problems with the current HVAC unit and roof damage.

Mr. Oberheau stated the mid-level provider previously employed by La Casa, now employed by Presbyterian, expressed interest in continuing to work at the Hondo Clinic. Mr. Oberheau discussed the timing for reaccreditation of both staff and the facility should Presbyterian assume operations. Mr. Oberheau stated it would take Presbyterian some time to address issues prior to assuming operation of the clinic.

There was a general discussion about the current condition of the facility. Commissioner Stewart reminded the building was moved to Hondo from Carrizozo years ago.

Mr. Oberheau discussed the possibility of utilizing one of the Emergency Medical Service's current buildings. Mr. Oberheau stated since the buildings were being removed to accommodate the new hospital construction Lincoln County might consider utilizing one of the structures in Hondo.

Commissioner Allen stated she had discussed the situation with Seferino Montano, CEO for La Casa. Commissioner Allen stated Mr. Montano informed the principal challenge was recruitment and retention of a provider for the facility and acknowledged Presbyterian might have greater success with that process.

Commissioner Allen stated there was also some discussion locally about relocating the clinic to Lincoln County owned property near the Hondo Senior Center. Commissioner Allen stated the Hondo School District had expressed interest in using the current site for other purposes.

Ms. Taylor concurred there were discussions about moving the clinic to County owned property and expressed belief there was adequate room for the facility.

Mr. Oberheau stated Presbyterian also had concerns about maintaining staffing for the site and requested Presbyterian receive the same latitude afforded to La Casa regarding operation days and hours.

Commissioner Allen questioned if Presbyterian was able to recruit and begin the credentialing process for staff and was it possible to utilize the current facility until a new building or site was developed.

Mr. Oberheau stated belief with some immediate repairs the current clinic facility could be reopened pending development of an alternative site but cautioned it was too early in the process to have a plan for reopening.

Chair Stone expressed concern about the loss of services for Hondo residents. Chair Stone stated belief Lincoln County should work with Presbyterian to reopen the facility as soon as possible.

Mr. Oberheau discussed the challenges of recruiting enough mid-level providers to staff the Emergency Room, potentially expand school based health clinics, and potentially staff the Hondo Clinic. Mr. Oberheau stated it was the mission of Presbyterian Health Services to provide medical services for all residents of Lincoln County and commented on the associated reduction in Emergency Room visits when residents accessed rural health clinics.

Ms. Taylor reminded the Hondo Senior Center currently operated with well water. Ms. Taylor suggested the County conduct assessments on the feasibility of moving a portable building to the Hondo Senior site, evaluating the water supply, and determine costs for repairing the current clinic facility. Ms. Taylor stated she would provide the assessments during next month's Regular Meeting.

Jim Cooper, speaking as resident of the Hondo area, expressed support for the relocation of the clinic to a new site and expressed support for Presbyterian assuming operations.

10. 9:30 AM: Public Comment and Other Business from County Officials

Commissioner Stewart stated he reviewed the submission by Mesa Canyon Wind Farm to the Public Regulator Commission and noted the documentation indicated the company had resolved any conflicts with military flight paths. Commissioner Stewart stated he continued to participate in the Joint Land Use Study (JLUS) Group Meetings. Commissioner Stewart stated he would request a presentation for the Lincoln County Board of Commissioners in October or November on the new JLUS website.

Commissioner Draper stated he would provide opening remarks for the New Mexico League of Zoning Officials Meeting on September 20, 2017. Commissioner Draper also stated he would attend the New Mexico Association of Counties Economic Development Committee meeting on October 4, 2017.

Commissioner Draper discussed his attendance at the Community Development Block Grant application meeting to support Lincoln County's application for grant funding to build a new Hondo Senior Center. Commissioner Draper objected to a new rating scale utilized by the committee and noted none of the three counties which presented requests were awarded a CDBG grant. Commissioner Draper reminded these were federal funds administered by the State of New Mexico and suggested the County Manager write a letter objecting to and requesting clarification of the new evaluation process.

Commissioner Willard stated plans to attend the next Southeastern Regional Transportation Planning Organization with Road Superintendent Jeff Honeycutt on October 5, 2017.

Beverly Calaway, Treasurer provided a chart reflecting five years of Lincoln County's Environmental Gross Receipts Tax activity as a follow up to a previous discussion.

Walter Hill, Assessor informed the County Assessor's office held protest hearings September 12 - 14, 2017. Mr. Hill stated thirty one protest hearings were scheduled with ten presented to the Lincoln County protest board for rulings. Mr. Hill informed currently all appraisers were working in the field to review commercial permits and ensure all improvements were accounted for on the County tax rolls. Mr. Hill stated in response to a question raised by Mr. Stewart regarding Lincoln County's decline in valuation, he had learned there were at least six other counties which had a decline in valuation. Mr. Hill noted all of these counties had a decline of twenty to thirty percent in livestock valuation. Mr. Hill stated additionally certain counties experienced a decline in central assessment values associated with the oil and gas industry.

Lynda Sanchez speaking as representative of the Fort Stanton Cave Study project informed the Snowy River Cave had received international attention. Ms. Sanchez presented a book to the Lincoln County Historical Record collection entitled "12 Miles from Daylight". Ms. Sanchez stated the book discussed the history of the region and the Fort Stanton Cave's importance hydrologically, geologically, and historically. Ms. Sanchez stated the group raised the funding to publish the book which included three hundred and fifty photos and various maps.

Rhonda Burrows, Clerk expressed appreciation for the presentation from Ms. Sanchez.

Steven Wayne Martin, speaking as a "trustee and acequia commissioner", informed he had conducted an investigation and stated belief there were current Commissioners who did not have

an oath of office recorded in the office of the County Clerk. Mr. Martin stated additionally he had presented "Findings and Conclusions" dated September 13, 2017 to the Lincoln County Manager.

Commissioner Stewart stated to his knowledge all Commissioners present had taken and duly signed an oath of office.

Rhonda Burrows, Clerk stated all Lincoln County Elected Officials were duly sworn and the oaths of office were recorded in the Office of the County Clerk. Ms. Burrows noted the terms of office for elected officials were staggered and therefore not all oaths were recorded on the same date.

11. Lincoln Historic Preservation Ordinance 2004-05- Consideration of Modifications to Appendices A and B

Ms. Taylor reminded during the October 2016 Regular Meeting the Board of County Commissioners approved a contract with Reginald Richey to review and amend Appendices A and B of the 2004-05 Lincoln Historic Preservation Ordinance. Ms. Taylor stated Mr. Richey's proposed revisions were subsequently reviewed by the Lincoln County Historic Preservation Board, Lincoln County staff, Attorney Morel, and Commissioner Allen. Ms. Taylor submitted the modified appendices for review.

Attorney Morel stated the appendices were not currently ready for adoption as there were some additional photographs and comments to incorporate. Attorney Morel suggested consideration of adoption at next month's meeting. Attorney Morel stated the appendices were posted to the Lincoln County website for public review and comment.

Commissioner Allen stated the revised document was a significant improvement and provided better clarification for residents.

Commissioner Willard questioned if the Historic Preservation Board was in agreement with the revisions.

Commissioner Allen stated the Historic Preservation Board approved of the revisions overall but had some comments on language and photographs.

Attorney Morel stated they would review all comments, consider any changes and present the appendices for approval next month.

12. 2018-19 Capital Outlay Projects – Consideration of Project Submission to County's New Mexico Delegation

Ms. Taylor stated Hubert Quintana, former Executive Director for the Southeastern New Mexico Economic Development District (SNMEDD) recently conducted an annual training for submission of Capital Outlay requests to the legislature. Ms. Taylor noted capital outlay requests are due to the legislature on January 28, 2018 but due to SNMEDD for review and development of supporting documentation on October 19, 2017. Ms. Taylor stated Mr. Quintana urged the county to limit requests for funding to a maximum of \$500,000 and to submit a maximum of three projects for consideration by the legislature. Ms. Taylor stated any projects submitted for capital outlay must appear on Lincoln County's Infrastructure Capital Improvement Plan (ICIP) but were not tied to any particular ranking on the list.

Ms. Taylor reminded Lincoln County had identified the construction of a new Hondo Senior Center as the number one priority project. Ms. Taylor stated although Lincoln County submitted and supported a Community Development Block Grant application the project was not selected for this funding.

Ms. Taylor stated additionally entities could request reauthorization of previously awarded but as yet unused capital outlay funds exceeding \$25,000. Ms. Taylor recommended Lincoln County seek reauthorization of funds previously awarded for the Hondo Senior Center, the Detention Center Expansion and the White Oaks Fire Station.

Commissioner Stewart recommended Lincoln County submit the current top three ICIP projects for capital outlay requests and seek reauthorization for previously awarded funds. Commissioner Stewart stated in addition Lincoln County should inform legislators about the lack of CDBG funding for county projects.

Commissioner Draper questioned if the County could use funds previously allocated by the Department of Aging and Long Term Services for remodel of the Hondo Senior Center for other work at the site.

Renee Montes, Director Senior Services stated the allocation was provided for a very specific scope of work but Lincoln County could seek both a change in the scope of work and reauthorization. Ms. Montes also suggested Lincoln County seek funding from the New Mexico Environmental Department to develop a new water well.

Chair Stone suggested submitting an application for assistance with the water well to the State Water Trust Board.

Ms. Taylor stated she would work closely with Hubert Quintana to identify any changes to the scope of work during the reauthorization process.

There was general consensus to submit the top three ICIP projects for capital outlay funding and to pursue reauthorization of the previously awarded funds.

There was general consensus to send a letter to legislators objecting to the State's lack of consideration of county projects for CDBG funding.

13. Lincoln Pines Facility – Discussion of Potential Use by LaSalle Corrections for Additional County Detainees

Ms. Taylor reminded of prior discussions regarding the potential use of the Lincoln Pines Facility at Fort Stanton to house detainees. Ms. Taylor stated Peter Barrington and Elizabeth Jefferies of the State of New Mexico Facilities Management Division contacted her to determine if Lincoln County was interested in acquiring the property which was vacated in late 2015.

Ms. Taylor also reminded LaSalle management previously toured the site and expressed interest in utilizing the facility to house female inmates. Ms. Taylor requested LaSalle assist with determining the site modifications required to begin operations. Ms. Taylor stated Ms. Jefferies provided sample contracts and agreements utilized by the Facility Management Division for the use of NM State owned sites by other entities.

Commissioner Willard suggested researching the possibility of acquiring the equipment which was removed from the site. Commissioner Willard stated the State of New Mexico had discussed leasing the facility to Eastern New Mexico University for one dollar per year.

Ms. Taylor expressed belief the sample agreements provided reflected a similar fee.

Attorney Morel suggested analyzing all costs to determine feasibility prior to beginning contract negotiations with the State of New Mexico.

16. Lodger's Tax Application with backup material:

- a) Purpose: Lincoln County Cowboy Symposium
Request: \$5,000
Date(s) of Event: October 13-15, 2017
Presenter: Sunny Hirschfield/Hubbard Museum of the American West Foundation

Ms. Taylor stated the Lodger's Tax Committee provided no committee recommendation due to the lack of a presentation and due to the late submission of the application prior to the event. Ms. Taylor stated the Lodger's Tax Ordinance required submission of an application four months prior to the event date. Ms. Taylor stated the Lodger's Tax Committee requested the Board of County Commissioners consider whether it was proper to waive the application submission date and consider the request.

Attorney Morel stated the requirement for submission of an application four months in advance had proved problematic in the past necessitating a waiver of the requirement. Attorney Morel presented a draft of the Lodger's Tax Ordinance for consideration of revisions to address this issue.

Motion: Waive the Ordinance requirement for application four months in advance and consider the application, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Commissioner Allen questioned if there was previous discussion regarding revision of the current ordinance.

Attorney Morel recommended revision of the current Lodger's Tax Ordinance to provide more flexibility as this particular situation had occurred several times.

Sunny Hirschfeld, speaking for the Lincoln County Cowboy Symposium informed she was unaware of the four month requirement in the Ordinance. Ms. Hirschfeld pointed out neither the application nor the instructions for completing the application included this information.

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

Yes: Commissioner Allen, Commissioner Draper, Commissioner Willard.

No: Chair Stone, Commissioner Stewart.

Motion: Approve the Lincoln County Cowboy Symposium request for \$5,000, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

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

No: Commissioner Stewart.

14. 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 40 claims with 38 recommended for approval and 2 recommended for disapproval for a monthly authorization of \$18,745. Mr. Annala stated approval of the claims would result in a total approval of Safety Net Care Pool claims for Fiscal Year 2017-2018 to date of \$39,805 or a monthly average of \$18,489.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 8 claims with 5 claims recommended for approval and 3 recommended for disapproval for a total payment this month of \$11,656. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2017-2018 to date of \$17,253 or a monthly average of \$5,750. Mr. Annala anticipated an annual expenditure of \$69,011 of Indigent Health Care funds for Fiscal Year 2017-2018 based on total expenditures to date.

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

15. Manager's Report

EMTs Serving Capitan and Carrizozo: During the August 2017 Regular Commission meeting, Chairman Stone relayed constituent complaints regarding a shortage of Emergency Medical Technicians (EMTs) and Paramedics for the municipalities of Capitan and Carrizozo. Chair Stone expressed concern Presbyterian Health Services (PHS) as the operator of Lincoln County's ambulance service had not hired trained or individuals who were available and willing to fill vacancies.

Sandie Nunnally, Emergency Medical Services Director for PHS informed there were occasions when PHS did not hire a trained and experienced individual due to a PHS mandate which requires approval of any potential EMT from the peer group. Ms. Nunnally stated on occasion the EMT peer group would not approve an EMT applicant. Ms. Nunnally informed the mandate was enacted due to the need for EMT's to work well together and have a high level of confidence and trust in each other. Ms. Nunnally stated additional limiting factors were the required background check and drug screening.

There was a general discussion about the peer review process.

Chair stone reiterated his concerns about the lack of EMT's and the associated delay in response time.

Commissioner Allen requested Ms. Nunnally raise the issue and concerns expressed about the peer review process with PHS.

Manager Taylor suggested directing the request to Todd Oberheau, Lincoln County Administrator.

Carrizozo Town Newsletter: Manager Taylor stated under the leadership of Mayor Rick Hyatt the Town of Carrizozo was publishing a monthly newsletter. Manager Taylor provided a copy of the August "Carrizozo Town Newsletter". Manager Taylor discussed recent information regarding higher than normal sulfate levels in the Carrizozo Water System. Manager Taylor stated Carrizozo residents and businesses were advised to utilize bottle water at this time.

Alamo Canyon Bridge Repair: Manager Taylor stated the NM Department of Transportation hosted a public meeting on September 12, 2017 to bring awareness to residents impacted by the damage to the Alamo Canyon / Hondo Bridge (NM 395). Manager Taylor stated repair work would begin in October resulting in bridge closure at times. Manager Taylor reminded Jeff Honeycutt, Road Superintendent previously provided information about the installation of a temporary, single vehicle bridge authorized by the Commission to provide ingress and egress during bridge closure hours.

Commissioner Allen stated local ranchers were informed of closure plans and had adjusted their feed delivery and shipping plans. Commissioner Allen reminded a project delay occurred after the initial contractor withdrew from the project which initiated a rebid for the repairs. Commissioner Allen stated residents had expressed appreciation for Lincoln County's plan to install a temporary bridge to assist with access during repairs.

Bonito Lake Restoration Project: The City of Alamogordo's bid opening for the restoration of Bonito Lake was held on September 7, 2017 with Smith Company Construction of Caballo, New Mexico submitting the low bid. The City of Alamogordo Council planned to act on the bid during September. If the bid was awarded as anticipated, Alamogordo's Engineer Bob Johnson had agreed to provide information about the project during the October Commission Meeting.

Lincoln County Juvenile Justice Board – The Manager attended a mandatory Grant Application Workshop conducted by the Children Youth and Families Division (CYFD) Juvenile Justice Advisory Committee (JJAC) on September 11, 2017. A JJAC grant has funded the Lincoln County Juvenile Justice Board (LCJJB) for many years and the workshop addressed guideline and rule changes resulting in greater oversight by the JJAC. The award to LCJJB for FY 2017-2018 was approximately \$107,000. JJAC leadership described the level of scrutiny CYFD received by the Legislative Finance Committee and the State Auditor. As a result, spending guidelines and oversight had changed significantly requiring greater involvement by the Fiscal Agent typically a county or municipality. The program application due date for Fiscal Year 2018-2019 is November 2, 2017. The Manager stated she would present the application to the Board of County Commissioners for approval in October.

Mesa Canyons Wind Project – Mesa Canyons Wind LLC filed an Application for Location Approval along with supporting testimonies and exhibits with the New Mexico Public Regulation Commission on September 8, 2017. No hearing was scheduled at this time.

Commissioner Draper discussed the economic impact statement included in the Mesa Canyons Wind Project application noting the economic statements and numbers provided were "statewide" rather than Lincoln County specific. Commissioner Draper expressed belief the information was not "realistic" when considered in the proper context.

Lincoln County Medical Center Construction Update – Emergency Medical Services Construction was progressing with the site crew work completed. Jaynes Corporation will move forward with framing, block work, and roofing this month. The Manager reported on her attendance at the LCMC Drawing Coordination, Question and Answer Review in Albuquerque on September 15, 2017. The Manager stated the meeting was informative and consisted of a review of plans for the new hospital by mechanical, electrical, plumbing and civil engineering personnel. The Manager reported the Finance Director continued to track project expenses and provided a copy of the updated expense chart. The Manager reported the total funds spent to date on the new hospital project was \$1,055,177 and total funds spent to date on the Emergency Medical Services facility was \$932,085.

Chair Stone requested inclusion of additional detail about individual expenditures for the Emergency Medical Services facility and new hospital project.

Commissioner Stewart requested Lincoln County seek a report from Lincoln County Medical Center on the status of fundraising for the new hospital project.

Calendar of Events: The Manager provided a list of activities and dates for the upcoming weeks.

Town of Carrizozo: The Manager stated the Town of Carrizozo had requested permission to utilize a small parcel of County owned property for the upcoming Carrizozo Schools Homecoming bonfire.

There was general consensus to allow use of County property for the bonfire.

Department Head Updates:

Renee Montes, Senior Services Director informed the Non Metro Area Agency on Aging rescheduled their assessment of senior sites for October. Ms. Montes stated she was working with Joe Kenmore of OES to complete fire inspection reports for the sites as part of the required assessment. Ms. Montes stated the department was meeting goals and staying within budget for services provided. Ms. Montes stated the department had received an increased number of requests for transportation for medical purposes.

Jeff Honeycutt, Road Superintendent discussed the recent meeting in Hondo regarding the Alamo Canyon Bridge. Mr. Honeycutt stated residents expressed a great deal of interest in the County's proposal to install a temporary bridge. Mr. Honeycutt stated the current anticipated start date for Department of Transportation repairs was October 2, 2017. Mr. Honeycutt stated project work on Gavilan Canyon Road was nearing completion. Mr. Honeycutt stated completion of the project would finish out Lincoln County's Cap Co-op funded projects for this cycle.

Samantha Mendez, Interim Planning Director informed she was working with OES on grant applications for funding to acquire trucks for the recently acquired shore kits and for radio equipment. Ms. Mendez stated she continued to attend the onsite construction project meetings for the new Emergency Medical Services Facility. Ms. Mendez stated Rural Addressing was working to verify 911 addresses in the Lincoln Historic District area in addition to identifying locations of culverts and cattle guards on county roads.

Billie Jo Guevara, Human Resources reported the fall open switch enrollment for employees begins October 3, 2017. Ms. Guevara stated plans to attend a Human Resources Affiliate Meeting at the Inn of the Mountain Gods in October. Ms. Guevara stated currently the Sheriff's Department was fully staffed but there were vacancies in the road department and for the Planning Director position.

Punkin Schlarb, Finance Director stated Lincoln County would serve as a test site for purchasing software upgrades. Ms. Schlarb stated plans to attend a statewide procurement training on how to make the procurement process more accessible to local vendors. Ms. Schlarb stated the Solid Waste Clerk would attend an illegal dumping conference in La Cruces.

Joe Kenmore, Director Office of Emergency Services informed his department had deployed the mobile command unit to assist the State Police, City of Ruidoso Downs, and Village of Ruidoso for various events including Labor Day traffic and the annual motorcycle rally. Mr. Kenmore stated ISO rating reviews for Glencoe and the White Oaks Fire Departments were still pending due to a staffing shortage in the State Fire Marshal's Office. Mr. Kenmore stated the plans for the new Hondo Fire Station were near completion.

Chair Stone recessed the Regular Meeting at 12:09 PM and reconvened at 1:00 PM.

Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 1:03 PM.

19. **1:00 PM: CONTINUANCE:** Public Hearing to amend Ordinance 2011-3 an ordinance providing for the placement, construction or modification of Wind Energy Conversion Systems consistent with Lincoln County's Land Use Policies; minimizing negative impacts of Wind Energy Conversion Systems; establishing a fair and efficient process for review and approval of applications and assure an integrated, comprehensive review of environmental impacts of such facilities; providing for penalties for violation of this ordinance; providing for the severability

of parts hereof; repealing any ordinances in conflict herewith; and providing an effective date by Ordinance 2017-04.

Attorney Morel reminded the public hearing to consider revisions to Lincoln County Ordinance 2011-3 was continued from the August Regular Meeting to provide additional time for developers and other interested parties to submit comments and for County staff to analyze comments submitted.

Loralee Hunt with Pattern Development presented a request for an additional extension of time for Pattern to review the proposed revisions, submit comments, and work with Lincoln County Manager and Attorney to resolve any objections. Ms. Hunt stated Pattern had solicited input from all internal departments but efforts were delayed due to the effects of Hurricane Harvey on the company's headquarters in Houston. Ms. Hunt stated Pattern's General Counsel provided a new letter of commitment to withhold any submission of an application for ninety days.

Commissioner Stewart expressed dismay with the delay noting an extension was granted in August for Pattern's benefit. Commissioner Stewart discussed the importance of adopting revisions in a timely manner.

Attorney Morel commented there were minor differences of opinion on the proposed revisions and expressed belief these would be resolved with additional time.

Chair Stone requested additional public comment and receiving none reconvened the Regular Meeting at 1:07 PM.

Motion: Adopt Ordinance 2017-04 with revisions by the County Attorney as presented in the draft, **Action:** Approve, **Moved by** Commissioner Stewart, **None seconded.**
Motion failed for lack of second.

Motion: Continue the Public Hearing to the Regular Meeting of October 19, 2017 at 1:00 PM and re-advertise to provide additional public notice, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

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

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

No: Commissioner Stewart.

17. Approval of Disposition of Surplus Inventory (Junior or Kids Rodeo Arena) via Transfer to the Village of Magdalena by Resolution 2017-09

Ms. Taylor stated approval was requested from the Lincoln County Sheriff's Department and the Lincoln County Sheriff's Posse to permanently transfer Inventory Item 8703930 a portable kids rodeo arena to the Village of Magdalena.

Robert Shepperd, Sheriff informed he was contacted by the Mayor of Magdalena regarding the Sheriff's Posse owned kids rodeo arena. Sheriff Shepperd stated he spoke with the Sheriff's Posse membership and obtained their consent to transfer the item currently listed in Sheriff's Department inventory.

Motion: Adopt Resolution 2017-09, **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: Copy of Resolution 2017-09 is attached hereto in reference thereto made a part hereof.

18. Approval of Disposition of Surplus Inventory by Resolution 2017-10

Ms. Taylor presented a list of capital assets and a separate list of non-capital assets recommended for disposal by sale on public auction, transfer to other entities, or destruction. Ms. Taylor reminded the Department of Finance required a review of items set for auction or disposal by three elected officials.

Motion: Adopt Resolution 2017-10, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Toni Foligno, Inventory Assets Clerk, stated she was recommending a Sheriff's Department vehicle listed for disposal be utilized as a trade in on a new vehicle. Ms. Foligno stated the anticipated sale value was less than trade in value.

Sheriff Shepperd stated he had learned a dealership would accept used Sheriff's Department vehicles for trade in and additionally would take all actions necessary to decommission the vehicles. Sheriff Shepperd stated by trading in vehicles there was opportunity to reduce the overall cost of new vehicles.

Ms. Foligno stated she verified the process to dispose of a used vehicle by trade in was appropriate as per the NM Department of Finance and Administration as well as the NM Department of Homeland Security.

Commissioner Draper questioned if the sale of an item resulting in receipt of more than \$5,000 was contrary to the Resolution language as presented.

There was a general discussion and agreement to review reporting requirements for items for which the sale price was over \$5,000.

Commissioner Stewart withdrew the motion, Commissioner Allen concurred.

Ms. Taylor stated she would present the Resolution next month after reporting requirements were verified.

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

a) Lincoln Historic Preservation Board

Motion: Reappoint L. M. Smith to the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

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

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

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

- a) Alarm Ordinance 2011-04
- b) Solid Waste Ordinance 2016-01
- c) Lincoln County Lodger's Tax Ordinance 2015-02

Attorney Morel stated the alarm ordinance and solid waste ordinance were in need of minor revisions to accommodate a request from the County Clerk and suggested setting those public hearings at a future date.

Motion: Schedule a public hearing to consider Lincoln County Lodger's Tax Ordinance at the next regular meeting, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

22. Budget Adjustment by Resolution 2017-08

Ms. Taylor stated as per New Mexico State Statute counties may request budget adjustments to accommodate changes in financial operations during the fiscal year. Ms. Taylor stated Lincoln County must also submit adjustments to the NM Department of Finance and Administration for their approval.

Motion: Adopt Resolution 2017-08, **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.

SEE EXHIBIT D: Copy of Resolution 2017-08 is attached hereto in reference thereto made a part hereof.

23. Consideration/Approval of Prior Year Invoice

Ms. Taylor informed Sierra Contracting, Inc. submitted Invoice Number 7420 on September 13, 2017 for reimbursement of the provision of services in June, July, and August which encompassed the prior fiscal year. Ms. Taylor stated Sierra Contracting, Inc. was subsequently informed of Lincoln County's timing requirements for submittal of fiscal year end invoices.

Motion: Approve the payment of Invoice Number 7420 from Sierra Contracting, **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. Authorization to Sign and File a Boundary Survey Replat and Grant of Easements – Lots 16A and Lot 18B, Block 7, Palmer Gateway Subdivision regarding Emergency Medical Systems Tract A

Attorney Morel presented the plat and informed Lincoln County was the owner of record. Attorney Morel stated the replat would consolidate two lots, vacate certain easements, and consolidate other easements for property within the Village of Ruidoso.

Motion: Authorize the Chair and Manager to sign and record the Boundary Survey Replat for Lots 16A and 18B, Block 7, Palmer Gateway Subdivision, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone questioned if the action was in compliance with Lincoln County's Subdivision Ordinance.

Attorney Morel stated because the parcel lies within the Village of Ruidoso, Lincoln County's Ordinance was not applicable. Attorney Morel stated the Village of Ruidoso had platting and planning jurisdiction and therefore the replat required Village approval.

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

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

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

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

New or Updated Matters since last report *

1. **Sean McGarry v. Board of County Commissioners, Lincoln County Sheriff's Department, Deputy Mike Wood, Deputy Jason Green, Deputy David Hightower in their individual capacities and as employees of the Lincoln County Sheriff's Department in the United States District Court for the District of New Mexico 2:16-cv-00483 GBW GJF** Complaint for damages resulting from the excessive use of force, false arrest, assault and battery, malicious prosecution and false imprisonment of Plaintiff by Defendants. Complaint filed May 26, 2016. Defendants Board of County Commissioners for Lincoln County and Lincoln County Sheriff's Department's Answer to Complaint for Civil Rights Violations filed August 11, 2016. Stipulated Order Extending Pre-Trial Deadlines and Briefing Schedule filed February 22, 2017 setting Motions Hearing for December 7, 2017, Pre Trial Conference January 5, 2018 and Jury Selection / Trial January 16, 2018.

2. **County of Lincoln v. Zia Natural Gas Company: NMPRC No. 17-00041-UT** Formal Complaint re: Bogle Road Gas Line: Requesting that Zia be ordered to take whatever action is necessary to lower or move its pipeline to a depth or location that will allow the County to maintain its road and bar ditches. Notice of Formal Complaint and Order Requesting Answer was filed by the New Mexico Public Regulation Commission March 24, 2017. Zia Natural Gas filed their answer with the New Mexico Public Regulation Commission April 13, 2017. County's Response to Bench Request Order was filed June 6, 2017.

3. **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. Stipulated Order for Disbursement of Interpled Funds and Dismissal of the Case With Prejudice was entered by Judge Bryant on July 25, 2017.

4. **Chad and Stacia Coleman v. The County of Lincoln, Sheriff Robert Shepperd, Brett (sic) Rains, Randal Wilkoff, and John Does I-III: 2:17-cv-663** Complaint for Civil Rights Violation and Ancillary State Claim. Complaint was filed in US District Court June 21, 2017. County was made aware of Complaint on June 22, 2017. Complaint claims constitutional violation and statutory tort in connection with the Coleman's alleged false arrest and detention; warrantless search and seizure and malicious prosecution.

5. **Rancho Ruidoso Valley Estate Homeowners' Association v. Roy Padilla, et. al – D-1226-CV-2017-00195** Complaint filed by RRVEHA for foreclosure of the Homeowners' Association Assessment Lien. The County is a named Defendant due to the filing of a GSWA lien on March 22, 2006, and a L.C. Solid Waste Lien filed on December 16, 2016 for non-payment of solid waste services and potential ad valorem taxes due and owing. The County's Answer to Complaint for Foreclosure was filed September 1, 2017.

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

6. **State of NM v. Romero, Roger M-30-MR-2016-00142** Violation of County Ordinance 2016-02 Accumulation of waste and litter on private property. A non-traffic citation was issued by Sheriff's Deputy Evans on December 9, 2016. The Defendant appeared before Judge Vega December 23, 2016 and entered a plea of "Not Guilty." Case was not resolved at a Pre-Trial Hearing on January 24, 2017. A Non-Jury Trial took place Tuesday, August 1, 2017 at 2 p.m. before Judge Vega, where a Judgment and Sentence was issued for a total of \$373 in fines and court costs, 30 days jail-confinement, 60 days supervised probation and ordering that the Defendant clean his property and stay in compliance with Ordinance 2016-02.

7. **State of NM v. Kimberly Conner 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 scheduled for July 28, 2017 at 8:30 a.m. was continued and rescheduled to take place on Wednesday, September 20, 2017 at 8:30 a.m. before Judge Vega.

8. **State of NM v. Kimberly Conner M-30-MR-2017-00106** 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 July 21, 2017 for violation of Section 8, Dogs Running at Large. An Arraignment Hearing scheduled for Friday, August 18, 2017 at 9:15 a.m. before Judge Vega was continued and rescheduled to take place Wednesday, September 20, 2017 at 8:30 a.m. before Judge Vega.

9. **State of NM v. Kimberly Conner M-30-MR-2017-00108** Violation of County Ordinance 2008-08 Animal Control Ordinance. An amended criminal complaint ("Amended" is a typo-the complaint is the only one on file) was filed by Lincoln County Sheriff's Deputy Ryon McInnes on July 26, 2017 for one count of Dogs and Cats Running at Large, one count of Vicious animals one count of Rabies Vaccination violation. An Arraignment Hearing scheduled for Friday, August 18, 2017 at 9:15 a.m. before Judge Vega was continued and rescheduled to take place on Wednesday, September 20, 2017 at 8:30 a.m. before Judge Vega.

10. **State of NM v. James Keck M-30-MR-2017-00097** Violation of County Flood Damage Prevention Ordinance 2014-05. A non-traffic citation was issued by Lincoln County Sheriff's Office Deputy Charlie Evans June 11, 2017 for violation of Section 6- Establishment of Development Permit, and Section 12, Application for a Floodplain Use Permit. The Defendant appeared before Judge Vega at an Arraignment Hearing on August 16, 2017 at which time the Defendant entered a plea of "Not Guilty." A Pre-Trial Hearing is scheduled for Tuesday, October 10, 2017 at 1:30 p.m. on a Trailing Docket before Judge Vega.

11. **State of NM v. Christine A. Polaco M-30-MR-2017-00084** Violation of County Ordinance 2008-08 Animal Control Ordinance. Two non-traffic citations were issued by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau (1 issued on June 26th and 1 issued on June 27th 2017) for violation of Section 11, Dogs and Cats Running at Large. A First Appearance/Arraignment Hearing took place before Judge Vega August 9, 2017 at which time the Defendant entered a plea of "Not Guilty." Pre-Trial Hearing is scheduled for Tuesday, October 10, 2017 at 1:30 p.m.

12. **State of NM v. Sylvia D. Barela M-30-MR-2017-00056** Violation of Animal Control Ordinance 2008-08. A non-traffic citation was issued by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau on May 8, 2017 for violation of Section 11, Dogs and Cats

Running at Large. A First Appearance / Hearing took place July 17, 2017 at which time the Defendant entered a plea of "Not Guilty." The Defendant failed to appear at a Pre-Trial Hearing scheduled for August 29, 2017 at 9 a.m. before Judge Vega. The Pre-Trial Hearing is now scheduled to take place Tuesday, October 10, 2017 at 1:30 p.m. on a Trailing Docket before Judge Vega.

13. *State of NM v. Kimberly Conner M-30-MR-2017-00128 Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was filed by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau on September 6, 2017 for violation of Section 4 (Dogs Running at Large), and Section 11 (Rabies Vaccination violation). An Arraignment Hearing is scheduled for Wednesday, October 11, 2017 at 8:30 a.m. before Judge Vega.

Tort Claims Notices Received or Threatened

2017

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

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

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

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

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

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

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

Martin, Stephen Wayne – Tort Claim Notice received August 25, 2017 naming Clerk Rhonda Burrows.

2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2015

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

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 Draper, **Seconded by** Commissioner Allen.

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

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

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:40 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:15 PM.

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

26. Signing of Official Documents

27. Next meetings:

October 17, 2017 - Regular Commission Meeting

28. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 2:15 PM.

County of Lincoln
Board of Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member


F Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

October 17, 2017
Date Approved

