

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

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

Minutes Tuesday, February 13, 2018

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on February 13, 2018 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) January 9, 2018 - Regular Commission Meeting
- b) January 31, 2018 - Special Commission Meeting

Motion: Approve the minutes of the January 9, 2018 Regular Meeting and the January 31, 2018 Special 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 Quarterly Report for December 2017
- c. Treasurer's Financial Report for the months ending December 2017 and January 2018.

- d. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims
- e. Volunteer Firefighters Annual Reporting Form
 - White Oaks Volunteer Fire Department
 - Lincoln Volunteer Fire Department
 - Hondo Volunteer Fire Department

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. Bonito Lake Restoration Project Update – Bob Johnson, Engineer Manager for the City of Alamogordo and Rob Richardson, Consultant – Bohannon Huston

Bob Johnson, Engineer Manager for the City of Alamogordo discussed the City of Alamogordo's work with the Federal Emergency Management Administration (FEMA) and the New Mexico Department of Homeland Security to develop approved project worksheets for the restoration of Bonito Lake following the Little Bear Fire and subsequent flooding events in 2012. Mr. Johnson stated fifty percent of the project cost was received from FEMA in September of 2014. Mr. Johnson stated Alamogordo issued a Request for Proposals for engineering and design services that same month and signed a contract for these services with Bohannon Huston in May of 2015. Mr. Johnson stated in July of 2017 the City of Alamogordo issued a Public Works Bid request and ultimately received four bids. Mr. Johnson stated the bid was awarded in August of 2017 and notice to proceed was issued in November of 2017. Mr. Johnson stated current actions included the building of a temporary cofferdam and installation of diversion pipe to "de-water" the lake. Mr. Johnson stated the project was on schedule.

Commissioner Stewart questioned when the actual excavation would begin and noted some concerns were raised about spotted owls nesting in the area.

Rob Richardson of Bohannon Huston acting as the Engineer of Record for the Bonito Lake Restoration project, informed he grew up Lincoln County and fished Bonito Lake as a child. Mr. Richardson stated he received his degree in engineering from New Mexico State University and he was honored to participate in the restoration of Bonito Lake.

Mr. Richardson stated excavation was scheduled to start in April or May of this year. Mr. Richardson discussed the project permitting process through the US Army Corp of Engineers which included a full environmental clearance. Mr. Richardson stated the environmental study included an evaluation of the spotted owl criteria and noted the primary criteria associated with the species was limiting background noise associated with construction and a requirement to complete the cofferdam by mid-March.

Mr. Richardson stated the current contract was to remove approximately 250,000 cubic yards of sediment and debris from Bonito Lake. Mr. Richardson stated the City of Alamogordo anticipated additional FEMA funding to process and remove a total of 500,000 to 550,000 cubic yards of sediment to restore the lake to 1961 capacity. Mr. Richardson stated Alamogordo had also scheduled some needed improvements to other dam infrastructure such as valves originally installed in the 1940's. Mr. Richardson noted these improvements required approval from the office of the State Engineer's Dam Safety Bureau.

Mr. Richardson stated the contractor, Smithco Construction from Caballo, New Mexico was working with the NM State Highway Department on a traffic control plan for the movement of debris to the Copper Mountain Quarry site on State Highway 48. Mr. Richardson discussed specific requirements for any material moved from the site including the reduction of moisture content. Mr. Richardson noted the debris varied in composition including organic material such as burned trees and brush along with post fire sediment washed by rains into the lake from the burn area.

Commissioner Stewart questioned Mr. Johnson about possible environmental hazards in the dredged material.

Mr. Johnson stated in his opinion the material was not hazardous.

Commissioner Stewart expressed concern about the location of the dredged material which he noted was near an intermittent stream and within the watershed for Bonito Creek.

Lynn Stokes, owner of Copper Mountain Quarry informed the site had passed all of the required environmental reviews. Mr. Stokes stated groundwater depth at the quarry site was greater than two hundred feet and expressed belief the debris would not impact the groundwater. Mr. Stokes also stated belief the dredged material was carbon material and had no measurable environmental factors.

Mr. Richardson discussed project requirements for sampling the dredged material and provided a chart of past testing results.

There was a lengthy discussion regarding truck traffic on the roads, the capacity of the quarry, and potential environmental hazards.

Chair Stone questioned if the contractor had a written agreement with Lincoln County to address County road maintenance and conditions.

Attorney Morel stated Lincoln County did not have a Road Maintenance Agreement for the project at this time.

Mr. Richardson stated Smithco's contract required them to conduct a baseline inventory survey of current road conditions and obligated them to maintain the roadway and to restore the road to current or better condition upon completion.

Attorney Morel questioned if Smithco's contract also addressed dust control on the roads.

Mr. Richardson confirmed this was also a contractual requirement included in the road maintenance requirements.

Commissioner Draper urged the City of Alamogordo and the contractors to improve communication with local entities and the public about the project.

9. Forest, Land and Natural Resources Matters:

a) Fort Stanton and Lincoln Historic Sites

Tim Roberts, Regional Manager was unable to attend.

b) Smokey Bear Ranger District

Jodi Canfield, District Ranger reported the agency's current emphasis was fuel reduction with a goal to treat approximately seventeen thousand acres. Ranger Canfield stated in the next few weeks the District would issue decisions to authorize three fuel reduction projects, one fuelwood project, forest wide vegetation maintenance, and one wildlife water project. Ranger Canfield reported the District planned to post the Environmental Analysis for post fire restoration work at Ski Apache in March and anticipated project work would begin in the fall.

Ranger Canfield stated the District's positions for the upcoming fire season were fully staffed except for two including an open position for Assistant Fire Management Officer. Ranger Canfield commented on the ongoing restoration of the Southfork Campground including cooperative work with the Upper Hondo Soil and Water Conservation District for riparian restoration and an application for grant funding to clear the Southfork Trail up to the White Mountain Wilderness boundary. Ranger Canfield discussed her concerns about the dredging operations at Bonito Lake including effects on Spotted Owl nesting areas and the challenges of the increased truck traffic.

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

Commissioner Stewart reported there were two more meetings set for the grant funded Joint Land Use Study Group to finalize their report for the Department of Defense. Commissioner Stewart stated the group planned to host public meetings to discuss recommendations and the website developed to assist the public and entities involved in sharing information.

Commissioner Allen stated she attended a meeting in Lincoln conducted by the New Mexico Department of Transportation (DOT) to discuss "traffic calming" solutions for Lincoln. Commissioner Allen stated there were three separate traffic studies within the last year which had identified three potential solutions. Commissioner Allen stated belief the installation of new sidewalks last year had created a "defined area" for pedestrian traffic increasing safety for the 35,000 to 40,000 annual visitors to Lincoln.

Commissioner Allan commented on the Special Commission Meeting held in January in Hondo to discuss citizen concerns about substance abuse in the Hondo Valley. Commissioner Allen suggested Lincoln County act as an "organizing entity" to develop a community anti-drug coalition to form local grassroots groups and empower problem solving strategies for drug and alcohol related problems. Commissioner Allen read language contained within Lincoln County's Land Use Plan which highlights the importance of rural communities working together to preserve the culture of the county.

Chair Stone and Commissioner Willard expressed support for the concept.

Commissioner Draper reminded he currently served as Lincoln County's member for the Community Healing Addiction thru Networking, Guidance and Education (CHANGE) group. Commissioner Draper stated belief CHANGE would support Commissioner Allen's concept and perhaps could provide assistance.

Commissioner Draper attended a recent New Mexico Association of Counties (NMAC) Multi-Line Insurance Board in Santa Fe. Commissioner Draper noted the advantages of the current contractual arrangement with Emerald to manage the Lincoln County Detention Center. Commissioner Draper reported statewide the Multi-line Insurance premiums had declined but deductibles were increasing. Commissioner Draper also informed the NMAC Economic Development Committee discussed Sandoval County's enactment of a Right to Work Ordinance and suggested Lincoln County track any legal hurdles associated with this action.

Commissioner Willard stated he and Samantha Mendez, Interim Planning Director attended the recent Southeast Regional Transportation Planning Organization meeting and notified various County staff of deadlines for different projects.

Commissioner Willard stated support for Commissioner Allen's suggestion to work with the residents of the Hondo Valley to "keep the ball rolling" on community efforts to combat problems in the area.

Rhonda Burrows, County Clerk reminded the public Early Voting for the Municipal Elections begins on February 14, 2018 with Election Day on March 6, 2018. Ms. Burrows urged voters to contact their Municipal Clerk if they needed information or assistance.

Beverly Calaway, Treasurer reported the Treasurer's Office had collected approximately sixty nine percent of the billed 2017 Property Taxes. Ms. Calaway stated her office would mail out the Second Half Property Tax Due courtesy notices in March. Ms. Calaway requested the addition of a Board of Finance Meeting to the March Regular Commission Meeting Agenda in order to present the Treasurer's Investment Policy for review.

Chair Stone commented on the presentation regarding the City of Alamogordo's Restoration Plan for Bonito Lake noting the importance of the lake to Lincoln County as a tourist attraction. Chair Stone also discussed the management of catastrophic fires such as the Little Bear Fire and expressed belief there was opportunity during the initial management phase to mitigate post fire run off including silt and ash control. Chair Stone expressed belief immediate mitigation efforts could potentially save millions of dollars in post fire restoration costs.

Jeff Bloom, resident of Ranches of Sonterra stated he was concerned about the planned storage of dredged material at the Copper Mountain Quarry near his home site. Mr. Bloom commented on the permitting process by the Corp of Engineers and a reference to a "five year monitoring plan" for the quarry site. Mr. Bloom questioned who would maintain liability for any leeching of sediment after five years. Mr. Bloom expressed concern about the lack of communication with the adjacent community and the need for adequate testing to assure groundwater and surface water quality.

Kevin Fleharty, resident of Bonita Vista Estates disputed a reference in the presentation about a "non-flowing creek" near the Copper Mountain Quarry storage site for sediment from Bonito Lake. Mr. Fleharty discussed the core sampling technique utilized to analyze the sediment, the total amount of sediment for transfer, and the five year monitoring plan stating in his opinion all of these factors raised "red flags" about the project. Mr. Fleharty urged the County Commissioners to act to protect the local watershed and nearby residents.

Welda Grider, Board Member for New Horizons informed the facility houses nineteen mentally challenged individuals and employed twenty five to thirty local people with an annual total salary of approximately \$600,000. Ms. Grider noted the facilities lease with Lincoln County expired on December 31, 2015. Ms. Grider stated although the facility had not paid a monetary lease for the facility, New Horizons had provided some maintenance and other costs. Ms. Grider

suggested an appraisal alone was insufficient to establish a "fair market rent value". Ms. Grider stated there was a need for better communication between the two entities to resolve issues.

Patsy Sanchez, Board Member for New Horizons requested guidance and assistance for the facility to request capital outlay and other funding to assist with operations. Ms. Sanchez stated efforts to acquire such funding were complicated by Lincoln County's ownership of the facility.

Beth Hightower, Board Member for New Horizons also expressed concern about issues and suggested the principal problem was communication. Ms. Hightower expressed a desire to work with the Board of County Commissioners to support this program which was one of only six such homes for mentally disabled individuals in the State of New Mexico.

9. Forest, Land and Natural Resources Matters: (continued)

c) Cibola National Forest

Ms. Taylor reported the Mountainair Collaborative Committee continued to work on developing a Charter. Ms. Taylor provided copies of minutes from the organization's January 16, 2018 meeting, a draft of the Operating Principles, and a copy of Appendix A titled "Meeting Ground Rules". Ms. Taylor stated Robert Barber, Chair of the Lincoln County Land and Natural Resources Advisory Committee (LANRAC) would attend the next Cibola National Forest Plan meeting on February 15, 2018 to represent Lincoln County.

d) Community Forester

Rick Merrick, Rural Community Forester with the South Central Mountain Resource, Conservation and Development Council was unable to attend but provide a written report of recent activities.

3) Upper Hondo Soil and Water Conservation District

Laura Johnson, Program Director provided an official copy of the final Emergency Action Plan for the Salado Dam to relevant Lincoln County departments and thanked Joe Kenmore, Director of the Office of Emergency Services for his assistance in plan development. Ms. Johnson stated the Upper Hondo would now begin rehabilitation and repair work on the dam and the outlet. Ms. Johnson invited County Commissioners and other interested parties to tour the Water Trust Board Watershed Restoration Project on the Diamond "A" Ranch on the Rio Hondo.

Ms. Johnson stated scholarship applications were now available for graduating seniors pursuing education and careers in agricultural fields. Ms. Johnson stated the Upper Hondo would request a letter of support from Lincoln County to apply for grant funding to continue treatment of thistle and poison hemlock in the Bonito Lake area in conjunction with the US Forest Service.

Ms. Johnson stated the Board of the Upper Hondo had questioned if the potential issuance of Industrial Revenue Bonds (IRB) for wind energy projects would affect the mill levies Soil and Water Conservation Districts depend on for operations. Ms. Johnson requested the Upper Hondo be included in negotiations or any other discussions which may impact the Soil and Water Conservation Districts.

Ms. Johnson stated the Upper Hondo SWCD was in full support of the Lincoln County Land Use Plan as revised by the LANRAC committee.

13. Resolution 2017-26: Relating to the Proposed Industrial Revenue Bonds in an Aggregate Principal Amount Up to \$1,400,000,000 in connection with a Proposed Project Located within the Boundaries of Lincoln County for the Purpose of Inducing Clean Line Energy Partner, LLC to Develop the Project Site and to Construct and Install the Project

Alan Morel, County Attorney discussed the Inducement Resolution as the first step to issuance of the Industrial Revenue Bonds (IRB) associated with the Clean Line Energy Wind project in Lincoln County. Attorney Morel stated if adopted the County would provide a thirty day notice to taxing entities; finalize the Payment in Lieu of Taxes (PILT) negotiations; seek a supporting resolution approving the project and the PILT from the Corona Public Schools; publish a Notice of Public Hearing to adopt an IRB Ordinance; and after public hearing adopt an IRB Ordinance.

Motion: Adopt Resolution 2017-26, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Draper.

Beverly Calaway, Treasurer and Walter Hill, Assessor requested inclusion in any discussions related to Industrial Revenue Bonds as the issuance of bonds directly affects their official responsibilities.

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

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

SEE EXHIBIT B: Copy of the Resolution 2017-26 is attached hereto in reference thereto made a part hereof.

15. Approval to Obtain Appraisal and Cost Analysis of Repair of County owned building currently being used by New Horizons Developmental Center, Inc.

Ms. Taylor reminded Lincoln County owned the building located at 810 E Avenue in Carrizozo which housed the New Horizons Developmental Center. Ms. Taylor stated the New Mexico Department of Finance and Administration had informed Lincoln County the prior lease agreement with New Horizons violated the State of New Mexico's Anti-Donation Clause because it did not require a rent payment based on current market rent values.

Ms. Taylor suggested the County obtain an appraisal to address the lease deficiency and also a formal building inspection to determine needed structural repairs and associated costs.

Motion: Authorize the Manager to obtain an appraisal of the property and an inspection to determine the cost of necessary repairs, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Attorney Morel stated the expenditure of funding by Lincoln County on a county owned facility was not a violation of the Anti-donation Clause. Attorney Morel stated the violation was related to the agreement to lease the facility to New Horizon's for one dollar.

Chair Stone questioned if the current lease had expired in 2015.

Attorney Morel stated the lease agreement provided for continuation of occupancy on a month to month basis until a new lease was negotiated and approved by the required state agencies.

There was a general discussion regarding acceptable offsets to the fair market lease value and the potential costs associated with improvements for building code compliance.

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

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

10. Resolution 2017-25: Revision to the Lincoln County Comprehensive Land Use Plan - Robert Barber, Chairman of the Land and Natural Resource Advisory Committee (LANRAC)

Ms. Taylor reminded the Board of County Commissioners directed LANRAC to develop modifications to and update the Lincoln County Comprehensive Land Use Plan adopted on July 17, 2007.

Robert Barber, Chair of LANRAC stated the committee worked on the recommended changes for more than a year and thanked James Taylor, Pete Gnatowski, Kendall Wilson, Steve Harkey, Karen Hazen, Ranger Jodi Canfield and the Upper Hondo Soil and Water Conservation District for their contributions.

Mr. Barber summarized the major changes to the existing Resolution 1997-03 and other various land use documents. Mr. Barber stated the majority of changes were to Sections 1 through 4 which reflect the demographics of Lincoln County particularly those involving private and public land use.

Mr. Barber stated the document stressed the importance of consideration of Lincoln County's culture and past land use in ongoing development planning. Mr. Barber stated additional changes were included in Section 5 to stress the importance of various stakeholders communicating and working together on land use issues.

Mr. Barber stated once the updated plan was adopted additional work was required to develop formal agreements for cooperative action with various agencies including the US Forest Service, Bureau of Land Management, and various State of New Mexico agencies.

Commissioner Stewart suggested a number of non-substantive editorial corrections including a reference to rescind the current resolution.

Motion: Adopt Resolution 2017-25 amended to rescind Resolution 1997-03 and editorial corrections, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Manager Taylor stated she would assist Mr. Barber with the editorial corrections and ensure it conformed to the Commissioners recommendations.

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 the Resolution 2017-25 is attached hereto in reference thereto made a part hereof.

14. Lincoln County Medical Complex / Presbyterian Healthcare Services – Update

a) Status of EMS Departmental Move

Ms. Taylor informed the Emergency Medical Services staff estimated a move in date prior to April 1, 2018. Ms. Taylor noted the move date was important as the start date of demolition activities to clear the site for construction of the new hospital was reliant upon the move of EMS to their new facility.

Todd Oberheau, Lincoln County Medical Center Administrator discussed the need for some renovation on the backside of the building which had delayed the move date. Mr. Oberheau stated EMS could and would move at an earlier date if needed to conform to the construction schedule for the new hospital.

b) Schedule of Request for Proposals (RFP) for Replacement Hospital

Ms. Taylor reported after the RFP was issued a mandatory pre-bid meeting was held on February 6, 2018 with four general contractors attending. Ms. Taylor provided a timeline of RFP activities including the scheduled evaluation of proposals received for March 1, 2018. Ms. Taylor recommended setting a Special Commission Meeting for March 13, 2018 to award the RFP.

Jim Klein, consultant with DC Environmental discussed the advantage of "mechanical commissioning" noting this was not currently included in the RFP. Mr. Klein discussed this as a "national best practice" review and stated the estimated cost was approximately \$60,000. Mr. Klein additionally suggested removing the electrical acceptance testing with an estimated cost of \$130,000 from the contractor's requirements and instead defining this as an "owner's responsibility" to reduce any conflict of interest.

Mr. Klein also discussed the necessary asbestos abatement requirement with an estimated cost of \$350,000. Mr. Klein reminded of Lincoln County's intent to pursue grant funding to offset this cost and recommended Lincoln County issue separate RFP's for the electrical acceptance testing and the asbestos abatement.

Commissioner Draper expressed concern about the potential increase in unbudgeted costs noting the project was currently over budget.

Mr. Klein stated the only cost for these processes not currently accounted for in the budget was the \$60,000 associated with the mechanical commissioning.

Ms. Taylor recommended removal of the electrical acceptance testing from the current RFP and issuance of a separate RFP. Ms. Taylor suggested consideration of Mr. Klein's recommendations regarding the mechanical commissioning and asbestos abatement after additional research and cost estimates.

Motion: Remove electrical acceptance testing from the current RFP and issue a separate RFP for the service, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Willard.

No: Chair Stone, Commissioner Draper.

c) Clinic Services for Hondo Valley Residents

Ms. Taylor reminded Presbyterian had agreed to provide health care clinic services to the Hondo Valley previously served by La Casa. Ms. Taylor also reminded of prior discussions regarding relocating an existing EMS building from the hospital site to Hondo for clinic services. Ms. Taylor stated she and staff were working to identify potential movers and associated costs to relocate the building. Ms. Taylor stated in the interim Presbyterian and Lincoln County staff had identified the cost of repairs to allow for the provision of health care services at the existing facility. Ms. Taylor provided three quotes for repairs as follows:

EFC General Contractor Inc.	\$4,644.00 plus tax
MP Chavez Enterprises, Inc.	\$5,030.30 plus \$276.67 tax
JRP Master Builders, LLC	\$6,970.00 plus tax

Oriando Samora, Purchasing Agent stated the quote for moving the EMS building was delayed because the contractor had required additional information regarding the stability of the building's roof.

d) Carrizozo Clinic Building Needs

Ms. Taylor stated Mr. Oberheau, Administrator had advised the storage building located behind the Carrizozo Health Clinic was deteriorating and requested Lincoln County demolish the building. Ms. Taylor stated LCMC obtained an estimate of \$10,000 for the demolition. Ms. Taylor stated mill levy funding was available in the budget for project.

Todd Oberheau, Administrator stated the storage building had deteriorated over the last twenty years and Presbyterian had recently removed items due to leaking and rodent infestation. Mr. Oberheau stated the costs to remove and replace the storage building were budgeted as part of Presbyterian's budget request for this fiscal year. Mr. Oberheau stated Presbyterian had assumed the cost of asbestos abatement for the building.

Commissioner Allen recommended proceeding with repairs to the current Hondo Clinic facility to reopen the clinic as soon as possible and consider the relocation of the EMS building at a later date.

Commissioner Draper questioned if Lincoln County paid for repairs to the current clinic owned by the Hondo Schools would result in a violation of the Anti-Donation Clause.

Attorney Morel stated a government to government expenditure would not violate the Anti-Donation Clause but noted the lease recently expired and would need attention if operations were to continue.

Commissioner Allen questioned if LCMC had a provider available to staff the Hondo Clinic.

Mr. Oberheau stated the prior provider who currently worked for LCMC was interested in returning to the clinic. Mr. Oberheau stated once the building was repaired and electronic record capabilities were installed operations could commence. Mr. Oberheau noted the requested repairs were fairly minor and estimated the clinic might be operational within a short time frame.

Commissioner Stewart expressed concern about the potential for duplicate costs if the County opened the current facility and then relocated the EMS building.

Commissioner Allen stated support for initiating repairs on the current facility to open the clinic and then developing a long term plan to coordinate moving the EMS building, constructing a new Senior Center, and constructing a new fire station.

Motion: Award the bid for repairs to the Hondo Clinic to EFC General Contractors and authorize the expenditure for the demolition of the storage shed in Carrizozo, **Action:** Approve, Moved by Commissioner Allen, **Seconded** by Commissioner Willard.

Chair Stone requested confirmation a provider was available for the Hondo Clinic.

Mr. Oberheau stated belief Presbyterian could phase in a provider beginning with a minimum of one day per week and increasing to three days a week.

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

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

No: Commissioner Stewart.

Commissioner Willard informed several local individuals had contacted him about the possibility of reclaiming materials from the demolition of the current hospital.

Mr. Oberheau expressed belief Lincoln County could include a discussion of the salvage of materials with the contractor during the bid process.

Commissioner Willard requested Lincoln County research the options for structural salvage.

17. 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 Purchase, Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph H(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss all Threatened and/or Pending Litigation Section 10-15-1 H (7); and Discussion of Purchase, Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph H(8).

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 is now scheduled for April 6, 2018 and Jury Selection / Trial April 16, 2018.

2. ***Chad and Stacia Coleman v. The County of Lincoln, Sheriff Robert Shepperd, Brett (sic) Rains, Randal Wikoff, and John Does I-III: 2:17-cv-663** Complaint for Civil Rights Violation and Ancillary State Claim. Complaint was filed in US District Court June 21, 2017. County was made aware of Complaint on June 22, 2017. Complaint claims constitutional violation and statutory tort in connection with the Coleman's alleged false arrest and detention; warrantless search and seizure and malicious prosecution. Order Granting Defendants' Motion for Summary Judgment and Final Order were filed January 12, 2018 Dismissing Plaintiff's Complaint With Prejudice.

3. ***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. The U.S. Dept. of Agriculture filed its Answer to Complaint February 2, 2018 requesting the Court's findings that its Claim of Lien is a first and priority lien.

4. **Rancho Ruidoso Valley Estates Homeowner's Association v. Diane K. Medcalf, Pioneer Bank, FSB, and the County of Lincoln, NM D-1226-CV-201700242** Complaint filed by RRVEHA September 12, 2017 for Foreclosure of the Homeowner's Association Assessment Lien. The County's Answer to Plaintiff's Complaint for Foreclosure was filed October 12, 2017.

5. **Valle del Sol Development, Inc. v. Matthews et. al. D-1226-CV-2017-0253** Complaint filed by Valle del Sol September 20, 2017 to enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property. The County's Answer to the Complaint for Foreclosure was filed October 19, 2017. Default Judgment against Defendant James P. Matthews on Real Estate Loan Note and for Foreclosure of Mortgage was filed December 14, 2017.

6. **Seidel v. Manfredi, et. al. D-1226-CV-2017-00184** Civil Complaint for Damages Direct and Punitive was improperly filed with the 12th Judicial Court by Mr. Seidel July 18, 2017 utilizing the Court's receipt number to identify the filing. The County has not been properly served.

7. **Matthew Coulter v. Lincoln County / Robert Shepperd: Charge of Discrimination: EEOC Charge No. 39B-2017-02285** filed October 11, 2017. County received notification dated October 11, 2017 from the State Department of Workforce Solutions, Labor Relations Division,

Human Rights Bureau of a Charge of Discrimination filed by Matthew Coulter against Lincoln County and Sheriff Shepperd.

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

9. ***Valle del Sol Development, Inc. v. Hodge, et. al. D-1226-CV-2017-00289** Complaint filed October 24, 2017 to Enforce and Collect upon Promissory Note and Foreclose Mortgage Upon Real Property. The County's Answer to Complaint for Foreclosure was filed November 27, 2017. Stipulated Order of Dismissal with Prejudice was filed January 22, 2018.

10. ***Benny Ray Runnels v. Lincoln County D 1226-CV-2017-00328** Civil Complaint filed December 6, 2017. Plaintiff is pro se, claiming from County the amount of \$308,000.00. Summons was hand delivered by Plaintiff to County December 6, 2017. Motion for Dismissal was filed January 4, 2018 by the County's Counsel. A Hearing took place February 1, 2018 regarding the County's Motion to Dismiss and the merits of the Defendant's Complaint. The case was Dismissed without Prejudice. The Defendant filed an Amended Civil Complaint in the same case on February 6, 2018.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th 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 took place Tuesday, August 1, 2017 at 2 p.m. before Judge Vega, where a Judgment and Sentence was issued for a total of \$373 in fines and court costs, 30 days jail-confinement, 60 days supervised probation and ordering that the Defendant clean his property and stay in compliance with Ordinance 2016-02. The deadline for the Defendant to clean his property was October 23, 2017 at which time, the matter was turned over to the County to contract for the clean-up of said property pursuant to Ordinance 2016-02, Section 2, subparagraphs (G) and (I). Clean up was initiated December 8, 2017 by County-Contracted providers, and a Claim of Lien was filed January 9, 2018 for the County to recover costs of property clean up.

12. ***State of NM v. James Keck M-30-MR-2017-00097** Violation of County Flood Damage Prevention Ordinance 2014-05. A non-traffic citation was issued by Lincoln County Sheriff's Office Deputy Charlie Evans June 11, 2017 for violation of Section 6- Establishment of Development Permit, and Section 12, Application for a Floodplain Use Permit. The Defendant appeared before Judge Vega at an Arraignment Hearing on August 16, 2017 at which time the Defendant entered a plea of "Not Guilty." A Pre-Trial Hearing took place Tuesday, October 10, 2017 at 1:30 p.m. on a Trailing Docket before Judge Vega and was continued until Tuesday, December 12, 2017 in order to allow the Defendant time to comply with the Flood Plain Ordinance. A Motion and Order for Continuance of the December 12, 2017 Pre-Trial Hearing was approved by Judge Vega on November 27, 2017. Pre-Trial Hearing took place January 23, 2018 before Judge Vega at which time the Pre-Trial Hearing was continued until March 13, 2018.

13. ***State of NM v. Kerry P. Carver M-30-MR-2017-00158** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was prepared by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violations of 2 counts of Section 11 (Dogs Running at Large) and 2 counts of Section 4 (Rabies Vaccination violations). A First Appearance / Arraignment Hearing was scheduled for December 1, 2017 before Judge Vega at 8:30 a.m. at which time the Defendant failed to appear. A Bench Warrant was issued. The Defendant appeared before Judge Vega on December 12, 2017 and entered a plea of "Not Guilty" and a Pre-Trial Hearing was scheduled for January 9, 2018. A Motion for Continuance and an Order of Continuance were filed December 18, 2017. Pre-Trial Hearing took place January 23, 2018 at which time a Judgment and Sentence was entered. The Defendant was found "Guilty" of 1 count of Dogs Running at Large, counts 2, 3, and 4 were dismissed as per the Plea and Disposition Agreement with proof provided, a 90 day jail sentence was suspended, 90 days of unsupervised probation was assessed and total fines of \$273.00 were assessed.

14. ***State of NM v. David Bryan Chavez M-30-MR-2018-00001** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was filed January 3, 2018 by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violations of 2 counts of Section 11 (Dogs Running at Large) and 2 counts of Section 4 (Rabies Vaccination violations). A First Appearance / Arraignment Hearing took place February 7, 2018 before Judge Vega at

which time the Defendant pled "Guilty" on all 4 counts, received 180 days unsupervised probation, and total fines of \$332.00 were assessed.

15. ***State of NM v. David Bryan Chavez M-30-MR-2018-00002** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was filed January 3, 2018 by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violations of 1 count of Section 11 (Dogs Running at Large) and 1 count of Section 4 (Rabies Vaccination violations). A First Appearance / Arraignment Hearing took place February 7, 2018 before Judge Vega at which time the Defendant pled "Guilty" on both counts, received 180 days unsupervised probation, and total fines of \$126.00 were assessed.

16. ***State of NM v. Roy Payton M-30-MR-2018-00004** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was filed January 4, 2018 by Lincoln County Sheriff's Deputy Ryon McInnes for violations of 1 count of Section 7 (Vicious Animals) A First Appearance / Arraignment Hearing took place February 7, 2018 before Judge Vega at which time The Defendant pled "Not Guilty." A Pre-Trial Hearing is scheduled for March 27, 2018 before Judge Vega.

17. ***State of NM v. Roy Payton M-30-MR-2018-00005** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Criminal Complaint was filed January 5, 2018 by Lincoln County Sheriff's Office Animal Control Officer Russell Wehnau for violations of 2 counts of Section 11 (Dogs Running at Large) and 2 counts of Section 4 (Rabies Vaccination violations). A First Appearance / Arraignment Hearing took place February 7, 2018 before Judge Vega at which time the Defendant pled "Not Guilty." A Pre-Trial Hearing is scheduled for March 27, 2018 before Judge Vega.

18. ***State of NM v. Paul Edward Miller M-30-MR-2018-00012** 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 February 5, 2018 for violations of 2 counts of Section 11 (Dogs Running at Large) and 2 counts of Section 4 (Rabies Vaccination violations). A Hearing is scheduled for March 2, 2018 before Judge Vega.

Tort Claims Notices Received or Threatened

2018

Manfredi, Anthony – Threat of litigation involving employment matters.

***Warren, Judy Yates** – Tort Claim Notice received January 8, 2018 from Attorney Gary Mitchell alleging Lincoln County Sheriff's Department and Lincoln County Detention Center's failure to provide immediate necessary medical care.

***Corpening, Melissa** – Tort Claim Notice received January 30, 2018 alleging road management failure by Lincoln County Road Department.

***Brownell, Johnathon L.** – Tort Claim Notice received February 1, 2018 alleging Claimant die not receive proper medical care while incarcerated at Lincoln County Detention Center.

***Estate of Marlysa Sanchez** – Tort Claim Notice received February 2, 2018 from Attorney Andrew P. Ortiz alleging Lincoln County Emergency Medical Services' providing service below the "standard of care."

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.

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

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

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

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

2016

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.

Vigli, 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.

Action: Approve, Moved by Chair Stone, Seconded by Commissioner Draper.

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 11:46 AM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 12:14 PM.

Commissioner Draper 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.

Chair Stone recessed the Regular Meeting at 12:16 PM and reconvened the Regular Meeting 12:59 PM.

Attorney Alan Morel was excused from the meeting.

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

18. 1:00 PM: Public hearing to consider An Applicant seeking a restaurant beer/wine License with on premises consumption only and patio service at Tinnie Silver Dollar, LLC. Application Number 1063525

Ms. Taylor stated the purpose of the Public Hearing was to receive and consider public comment on Application Number 1063525 from Tinnie Silver Dollar, LLC for a restaurant beer and wine license. Ms. Taylor noted the applicants were present for the hearing.

Chair Stone requested Public Comment and receiving none reconvened the Regular Meeting at 1:02 PM.

Motion: Approve Liquor License Application Number 1063525, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

11. Lincoln County FY16-17 Audit Report

Ms. Taylor stated the Lincoln County Fiscal Year 2016-2017 Audit Report was submitted to the New Mexico State Auditor prior to public release as required by State Statute. Ms. Taylor provided a copy of the "Authorization to Release FY 2017 Lincoln County Audit Report" issued by the State of New Mexico Office of the State Auditor dated February 5, 2018.

Ms. Taylor presented a copy of the Financial Statement Findings from the audit report which identified a single finding related to the per diem and millage act. Ms. Taylor noted the audit report also reflected the resolution five of six findings contained in the prior year's audit report.

Ms. Taylor stated each County Commissioner would receive a bound copy of the Fiscal Year 2017-2018 Annual Audit Report.

Motion: Approve the Lincoln County Fiscal Year 2017-2018 Annual Audit Report, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Commissioner Stewart requested a copy of the full audit prior to a vote to approve.

Commissioner Willard questioned if Chair Stone and Commissioner Allen where satisfied with the presentation of the audit during the exit interview with the auditors.

Chair Stone and Commissioner Allen confirmed they were satisfied with information presented during the exit interview.

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

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

16. Manager's Report

HAT'S OFF: to Joe Kenmore, County College Graduate, for earning his New Mexico Certified Public Official designation. Joe was one of twenty-seven individuals from county and state government to be a member of the prestigious Graduating Class of January 18, 2018. County College is a collaborative educational program between NM Association of Counties and NMSU Cooperative Extension Service.

Request to Accept Donation of the President Abraham Lincoln Metal Print to Lincoln County: The Manager reminded of the discussion in 2017 regarding the potential purchase of the President Abraham Lincoln Metal Print with funds accrued by the County

through the Arts in Public Places (AIPP) Program. The Board of County Commissions authorized submission of the artwork juried for qualification by the AIPP Program and if approved to purchase the print at a discounted rate of \$700.00. The artist just missed submission to the New Mexico's AIPP Jury process but Lincoln County received an offer from a New Mexico resident to donate the artwork.

Motion: Accept the donation of the President Abraham Lincoln Metal Print, **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.

Invitation to Attend Project Tour: The Upper Hondo Soil and Water Conservation District extended an invitation to the County Manager and Commissioners to attend a project tour on February 22, 2018 on the Rio Hondo Land and Cattle Company (Diamond A) to review the District's Water Trust Board Project #354 for Watershed Restoration.

Solid Waste Matters:

1. As per the County Commission's directive, letters were issued to businesses in the unincorporated area of Lincoln County to determine how each business handled their Solid Waste. The Manager stated replies indicated currently: 47 businesses pay Lincoln County Solid Waste for services; 46 businesses pay GSWA; 43 are no longer in business or are within a municipality; and 6 utilize Lincoln County's new private dumpsters.

The Solid Waste Department currently has two additional private dumpster applications pending, with several RV Parks interested in establishing Seasonal Dumpster Services. The proposal was for the park to pay the Private Dumpster rate from March through October. At this time, Lincoln County does not have a seasonal service established but the Solid Waste Department recommends consideration. During the off season, the County could lock the dumpsters.

The Solid Waste Department also requested clarification as to whether storage unit facilities are required to pay for solid waste services. Many storage facility owners are disputing the need for service as an inconvenience to a locked facility.

Chair Stone questioned if creating a commercial seasonal rate would create a conflict with the County's policy of billing "seasonal residents".

Ms. Taylor stated belief the situations differed as businesses are charged a monthly commercial rate versus a quarterly rate for residents.

There was discussion regarding whether storage unit facilities generated waste and if there were potential problems to access dumpsters in a locked facility.

Manager Taylor stated she would conduct further research and present recommendations at a later date for Ordinance revisions.

2. The Planning Department, Solid Waste Department and Sierra Contracting have conducted preliminary investigations about replacing the dumpsters in Alpine Village with a compactor. The owner of the current dumpster location was amenable to the change. Lincoln County costs would include the purchase of a compactor. Installation of the cement pad and the electrical hook-up. The Manager estimated the improvements costing approximately \$27,000 plus the annual cost of a long term lease. The Manager reported \$40,000 was available for capital outlay in the Solid Waste Collection budget.

Additional Opposition to the SunZia Project: As recently as January 8, 2018, the Chairman of the Committee on Armed Services, William M. Thornberry, U.S. House of Representatives, has written to the Secretary of the Department of Defense (DOD) and the Secretary of the Department of the Interior (DOI) expressing concern over the DOI's Record of Decision on the proposed SunZia Southwest transmission line's impact to the national security mission of the DOD's White Sands Missile Range. Representative Thornberry's strong belief is that the DOD ranges and testing facilities must take precedence to ensure the flexibility needed to test emerging offensive and defensive systems. Representative Thornberry requested reassessment and reconsideration of the routing of this line.

Bonito Fire Station: A purchase order was issued in the amount of \$50,041.00 to SDV Construction to provide the architectural construction drawings for a new Bonito Fires

Station at Sun Valley. The Bonito Fire Department has \$68,398 of unencumbered funds remaining for this construction project.

NM Aging and Long-Term Services (ALTSD) Contract with Non-Metro Area Agency on Aging (NMAAA): As a follow-up to last months' report regarding the relationship ALTSD and NMAAA, a Press Release was issued announcing the State of New Mexico had reached an agreement to continue the Senior Services Contract with NMAAA with "enhanced oversight".

Department Head Updates:

Renee Montes, Director of Senior Services stated she was pleased the NM ALTSD had agreed to continue the contract with NMAAA as it would allow the department to continue with normal operations through the end of the fiscal year. Ms. Montes stated three town hall meetings were planned around the State to receive comments from service providers. Ms. Montes stated she planned to attend an upcoming Capital Outlay workshop to begin developing a proposal for the next fiscal year to request funds for construction of a new Hondo Senior Center. Ms. Montes commented the Hondo Senior Center had a current outstanding grant for \$31,820. Ms. Montes stated a request for a change in the initially defined scope of work was submitted to utilize the funds to purchase and install a new walk in freezer. Ms. Montes stated tentative bids to purchase, install, and wire the new freezer were estimated at approximately \$40,000. Ms. Montes noted the grant reversion date was June of this year and stated she would work with Finance to identify funding to complete the project and close out the grant. Ms. Montes noted delivery of a grant funded hot meal delivery vehicle for Ruidoso Downs was anticipated next week and the County would close out the associated grant at that time.

Jeff Honeycutt, Road Superintendent stated the Road Department would assist with the demolition of the Carrizozo Clinic storage building if so directed. Mr. Honeycutt provided an update on work on Bogle Road informing Pattern Development had paid for water and approximately 21,000 cubic yards of material to improve the road. Mr. Honeycutt reported Zia Natural Gas had completed lowering the gas line under Bogle Road at three or four of the five locations identified in the Public Regulation Commission agreement. Mr. Honeycutt stated the request for bids to pave the parking lots at the Lincoln County Courthouse and New Horizons were due for opening on March 15, 2018. Mr. Honeycutt discussed the CAP/Coop/School work on Gavilan Canyon Road and the plan to submit a grant for funding road work on Alpine Road.

Punkin Schlarb, Finance Director introduced the department's new Finance Officer Rhonda Edwards and reported training was proceeding quickly.

Billie Jo Guevara, HR Director informed the Treasurer selected two applicants to fill two open positions, the Sheriff's Office was interviewing for an open dispatcher position, and the Road Department still had two operator positions open. Ms. Guevara also mentioned the Sheriff's Department was short two deputies.

19. Proclamation- Ruidoso High School – Class IV A Football State Champions

Ms. Taylor informed the Proclamation was to acknowledge the Ruidoso High School Warriors as the 2017 New Mexico Class 4A State Football Champions.

Coach Kief Johnson introduced senior team members Tyler McClendon, Grady Woodul, and Micai Garcia.

Commissioner Draper presented the Proclamation to acknowledge the Ruidoso High School Warrior Football team for earning an eighth State Championship Title in New Mexico Class 4A Football on December 2, 2017 with a 57 to 54 point victory against the Robertson High School Cardinals.

**20. Project Proposals for FY 2018/2019 Local Government Road Fund
Programs: County Arterial Program, Cooperative Program, and School Bus Route**

Ms. Taylor reminded Lincoln County annually submitted requests to the New Mexico Department of Transportation for funding of road projects from the State Highway Local Government Road Fund. Ms. Taylor noted the State would provide 75% funding for projects under this program with a required 25% county contribution.

Jeff Honeycutt, Road Superintendent presented the options for Lincoln County project proposals for the next fiscal year as follows:

Option 1: Paso Monte Loop		
Total Cost	School Bus/CAP/Coop Funding	County Funding
\$398,340.00	\$298,755.00	\$99,585.00
Option 2: Little Big Horn and Custer's Last Stand		
Total Cost	School Bus/CAP/Coop Funding	County Funding
\$387,348.46	\$290,511.35	\$96,837.12

Commissioner Stewart reminded in 2009 the Rancho Ruidoso Homeowner's Association sued Lincoln County for not raising the manhole covers while making road improvements.

Motion: Submit a request for funding Paso Monte Loop repairs as defined in Option 1, **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.

Commissioner Stewart requested the Road Department continue to work to develop a long range plan for road projects.

Mr. Honeycutt stated he would present an evaluation of current road conditions within the near future to obtain input on the development of a long range plan.

21. Update of Current / Proposed Capital Outlay Projects

a) White Oaks Fire Station

Ms. Taylor reminded the White Oaks Fire Station had two current grants including one for \$20,000 with a reversion date of June 30, 2018 and one for \$25,000 with a reversion date of June 30, 2019. Ms. Taylor stated the intent was to construct a stand-alone storage building to store apparatus adjacent to the main fire station.

Ms. Taylor stated Lincoln County completed soil testing and the design work for the project at a total cost of \$24,300. Ms. Taylor stated Lincoln County submitted a request for reimbursement which the Department of Finance and Administration denied because the expenses occurred in a prior fiscal year. Ms. Taylor stated she had submitted a request for reconsideration of the denial.

Ms. Taylor stated in addition to the \$45,000 capital appropriation grants, -the State Fire Marshal authorized \$97,906 in carryover fire funds for the project. Ms. Taylor presented an outline of tasks, associated costs and funding streams to move forward with the project. Ms. Taylor noted the process included the obligation and closeout of both Capital Appropriation Grants prior to the first reversion date in 2018.

Motion: Authorize the Manager to move forward with the expansion project including issuance of a purchase order for dirt work, a purchase order for the concrete foundation, and a purchase order for construction of the building, **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.

b) Hondo Fire Station

Ms. Taylor stated the Hondo Fire Department was also the recipient of two Capital Appropriation grants. Ms. Taylor stated the first grant for \$25,000 was expended for design work and the grant was closed out in 2017. Ms. Taylor stated the second grant for \$210,000 has a reversion date of June 30, 2019. Ms. Taylor reminded Lincoln County had issued an RFP for the project but as the low bid exceeded the budget the County worked with the contractor and architect to value engineer the project. Ms. Taylor stated the revised plans were pending review by the Construction Industries Division (CID) and the department was preapproved for a New Mexico Finance Authority grant to accommodate the need for any additional funding. Ms. Taylor stated she would present the revised plans and budget for approval as soon as they were finalized.

c) Lincoln County Detention Center

Ms. Taylor reminded Lincoln County received a Capital Appropriation grant for \$163,000 with a reversion date of June 18, 2018 for expansion of the Detention Center. Ms. Taylor stated a request for a one year extension of time for the expenditure of funding was approved and she was working with the Warden to identify possible projects to improve the facility.

Commissioner Allen questioned what projects were identified for expansion.

Ms. Taylor discussed options to redefine space for detainees or increase storage space. Ms. Taylor stated cost estimates were necessary to determine the best use of the funding.

Motion: Authorize the Manager to issue a Request for Proposals identifying various projects in conjunction with LaSalle management, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

No: Commissioner Willard.

d) Hondo Senior Center

Ms. Taylor reminded Lincoln County had listed construction of the Hondo Senior Center as the number one priority for Capital Outlay funding in 2018. Ms. Taylor stated based on current information the County was not likely going to receive sufficient funding to complete the project but anticipated a Capital Outlay grant award sufficient to minimally cover the costs of architectural and design services. Ms. Taylor discussed other opportunities such as the Community Development Block Grants (CDBG) and Ageing and Long Term Services Department (ALTSD) grants to acquire additional funding over the next one or two years for the project.

Motion: Grant the Manager authority to initiate the CDBG and ALTSD grant applications, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard

Renee Montes, Senior Services Director noted current ALTSD requirements would necessitate construction of a larger facility.

Commissioner Stewart suggested consideration of constructing a facility to accommodate both a senior center and a medical clinic.

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

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

22. Discussion of Enacting Fire Protection Services County Local Option GRT Increment

Ms. Taylor stated Joe Kenmore and Spencer Baldwin from the Office of Emergency Services were present earlier to present the request but were called out of the meeting to respond to a fire.

Motion: Table the discussion until 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.

23. Approval of Recommendations from the Compensation Advisory Board

- a) Planning Director – Revised Job Description and Title
- b) Deputy Clerk - Proposed grade change from 14 to 17

Ms. Taylor presented the revised job description and title for the Planning Director and the requested grade change for the Deputy Clerk position. Ms. Taylor reported the Compensation Advisory Board had met and approved both items.

Motion: Approve the changes as recommended by the Compensation Advisory Board, **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. Approval for an increase from Kleen Tech Services Corporation/Janitorial Services

Ms. Taylor reminded Kleen Tech Services Corporation was awarded the contract for the provision of Janitorial Services on January 1, 2016. Ms. Taylor reported the company was excellent to work with and strived to meet expectations of the County clients in addition to hiring from the local labor force. Ms. Taylor presented the request for a 2.2% increase in the contract reimbursement from \$4003.00 to \$4091.07 monthly.

Motion: Approve the increase in monthly payment for Kleen Tech Services to \$4091.07, **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.

25. Request for Payment of Prior Year Expense – South Central Mountain Resource Conservation and Development Council

Ms. Taylor stated the Finance Department requested authorization to issue a payment for services provided in the prior fiscal year for South Central Mountain in the amount of \$25,000. Ms. Taylor noted the Executive Director had expressed belief the services were properly invoiced prior to the end of the fiscal year, although Lincoln County had no record of receiving the invoice. Ms. Taylor reminded Lincoln County had a long term relationship with the organization and all prior billings were timely submitted.

Motion: Approve the payment of \$25,000 to South Central Mountain RC and D, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

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

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

26. Resolution 2017-27: Mid-Year Budget Adjustment FY 17-18

Ms. Taylor detailed the transaction adjustments by fund and line item.

Commissioner Stewart requested a copy of the supporting Department of Finance and Administration report for clarification.

Punkin Schlarb, Finance Director provided the requested documentation.

There was a general discussion regarding the receipt of \$1,817,858 lease proceeds for road equipment which exceeded the referenced amount of \$1,817,558.

Ms. Taylor informed the contract for the lease purchase of road equipment contained an addition error.

Beverly Calaway, Treasurer reported the revised adjustments would necessitate an increase in the mandatory reserve amount.

Motion: Adopt Resolution 2017-27 as amended, **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 the Resolution 2017-27 is attached hereto in reference thereto made a part hereof.

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

a) Coalition of Counties

Motion: Reappoint Chair Stone as member and Manager Taylor as alternate, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

b) Interstate Stream Commission

Motion: Reappoint Chair Stone, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

c) Lincoln Historic Preservation Board

Motion: Appoint Winston Moore and Shelly Buffalo Calf, **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.

d) New Mexico County Insurance Authority-Workers' Compensation

Motion: Reappoint Commissioner Stewart as member and Manager Taylor as alternate, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

e) New Mexico County Insurance Authority-Multi-line Pool

Motion: Reappoint Commissioner Draper as member and Manager Taylor as alternate, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Chair Stone.

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

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

Commissioner Willard questioned if the Lodger's Tax Committee had a full contingent of members.

Sue Hutchinson, Chair of the Lodger's Tax Committee stated there was one vacancy for an individual representing lodgers.

- 28. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance Bonito Valley Brewing Company, LLC seeking a small brewing liquor license, with on premises consumption and package sales with patio service. Application No. 1076153 (March 20, 2018 Regular Meeting)**

Motion: Schedule Public Hearing to consider Liquor License Application No. 1076153 for the next 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.

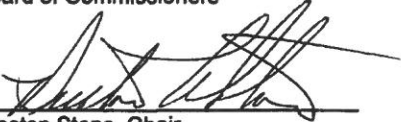
29. Signing of Official Documents**30. Next meetings:**

- a) March 13, 2018 Special Commission Meeting - Approval of Recommended Award to General Contractor for Construction of Replacement Hospital
- b) March 20, 2018 Regular Commission Meeting

31. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 2:30 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

March 20, 2018
Date approved

