

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

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

Minutes Tuesday, July 17, 2018

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on July 17, 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.

Absent: Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Whitney Whittaker, Chief Deputy County Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

- a. Pledge – U.S. A. Flag
- b. Salute – N.M. 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 = 4).

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

Absent: Commissioner Willard

6. Approval of Minutes:

- a. June 19, 2018 - Regular Commission Meeting

Motion: Approve the Minutes of the June 19, 2018 Regular Meeting, **Action:** Approve as amended, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

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

Absent: Commissioner Willard

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending June 30, 2018
- c. Treasurer's 4th Quarter Reporting Ending June 30, 2018 by Resolution 2018-2
- d. End of the Year Budget Adjustments FY 2017-2018 by Resolution 2018-1
- e. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- f. Resolution 2018-4 Declaration of Fire Danger Emergency

- g. SE New Mexico Economic Development District (SNMEDD) Agreement and Resolution 2018-5
- h. Renewal of Water Well Lease Agreement with Carrizozo Municipal Schools
- i. Renewal of Lease Agreement between Help End Abuse for Life, Inc. and the County of Lincoln

Motion: Approval of the Consent Agenda with removal of action item 7F, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Stewart questioned the requests for mileage reimbursement submitted by Commissioner Allen and Commissioner Willard.

Commissioner Willard arrived at the meeting 8:36 AM.

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. Discussion Moody's Investors Service Assignment of Aa3 Issuer Rating to Lincoln County – Erik Harrigan

Ms. Taylor reminded Lincoln County was contacted in early May by an analyst from Moody's Investor Service requesting financial information. Ms. Taylor stated the information requested was related to the annual surveillance of Lincoln County's A-1 Bond Rating. Ms. Taylor stated the information provided reflected the budget status prior to the Commission's approval of the Preliminary Budget on May 15, 2018.

Erik Harrigan, Financial Advisor for RBC Capital Markets reviewed Moody's Issuer Rating Report for Lincoln County. Mr. Harrigan reported strengths included a large stable tax base and a healthy reserve position with minimal reliance on gross receipt taxes. Mr. Harrigan discussed the challenges associated with Lincoln County's unfunded employee pension liabilities in the Public Employees Retirement Association (PERA) fund and fixed costs associated with the issuance of the 2017 GO bonds.

9. Forest, Land and Natural Resources Matters:

Fort Stanton and Lincoln Historic Sites

Tim Roberts, Site Supervisor reported San Juan Days and Fort Stanton Live were very well attended. Mr. Roberts stated approximately 400 people attended San Juan Days and 1500 attended Fort Stanton Live. Mr. Roberts invited the public to attend the "March on Rome" which he described as a historical reenactment planned for Fort Stanton during March 27th through 29th, 2018.

Mr. Roberts reported Old Lincoln Days was set for August 3rd through the 5th and discussed plans to focus on public engagement and education.

Smokey Bear Ranger District

Jodie Canfield, Ranger informed the Ski Apache Restoration project received no objection to the Environmental Analysis and the District would issue bid packages out to prospective contactors this week. Ranger Canfield reported the Smokey Bear Hotshots contained the Turkey Canyon Fire to two acres on July 2, 2018. Ranger Canfield stated the District moved to moderate fire danger with no fire restrictions as of July 11, 2018. Ranger Canfield reported the District would continue burning projects provided environmental factors permitted. Ranger Canfield discussed the ongoing repairs to the South Fork campground and anticipated project completion by Labor Day.

Ranger Canfield Introduced Lisa Jones as the new Recreation Program Manager for the Lincoln National Forest working out of Alamogordo.

Chair Stone questioned the water development for livestock and wildlife in Copeland Canyon.

Ranger Canfield stated there was an old water development in Copeland Canyon and a resident expressed a desire to re-establish a pipeline on the site which predesignates the wilderness

designation. Ranger Canfield stated any water development would serve stock and wildlife as a dual purpose.

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

Commissioner Stewart stated he continued to attend weekly Joint Land Use Study (JLUS) Group teleconferences working on a Project Continuity Plan. Commissioner Stewart stated the JLUS website was active and he had submitted the Clean Line Energy, now Pattern Energy, project as the first project posted to the website. Commissioner Stewart stated he attended Multiline Insurance Pool and Workman's Comp Pool meetings during the New Mexico Association of Counties (NMAC) Summer Conference in Socorro. Commissioner Stewart informed of a program called "Company Nurse" which works directly with the employee to resolve issues without filing of an insurance claim. Commissioner Stewart stated if the County was interested they could contact NMAC.

Commissioner Allen informed she volunteered at the Fort Stanton Event and found it very rewarding.

Commissioner Draper stated he attended another school preparedness meeting for a training exercise to address school safety. Commissioner Draper stated there were plans to meet every two weeks to prepare for the start of school. Commissioner Draper stated he presented a "top ten list" of economic enhancements for Lincoln County at the Southeastern NM Economic Development District (SNMEDD) meeting. Commissioner Draper commented on the potential consideration of building a vocational program in Capitan.

Commissioner Willard stated he volunteered to assist with the Capitan 4-H float design and participated with the group in the 4th of July festivities.

Beverly Calaway, Treasurer stated Lincoln County received \$ 1,889,698 in Payment in Lieu of Taxes (PILT) from the Federal Government. Ms. Calaway stated over the last ten years Lincoln County had received approximately \$18,131,734 in PILT payments. Ms. Calaway stated the New Mexico Property Tax Division Title Examiners finished their onsite research and anticipated the PTD would conduct a Delinquent Property Tax Sale in late August of this year. Ms. Calaway reported the Treasurer's Office had collected 95.45% of the 2017 property taxes billed.

Walter Hill, Assessor stated his department with had advertised in-house for two vacant office positions. Mr. Hill informed six members of his staff were currently attending school working towards achieving Appraiser's Certifications. Mr. Hill stated the Lincoln County Assessor's office currently had 93 active protests totaling \$3,745, 212 in value. Mr. Hill stated the protest hearings were set for September 5th through 6th, 2018. Mr. Hill reported the Property Tax Division approved the Certification of Value submitted by his office. Mr. Hill reported a valuation increase of \$9,496,390 over the valuation base reported in May.

Melanie Gutierrez, County Program Director/ Extension Associate I, introduced Sierra Baca as the new Family and Consumer Science Agent/Extension Associate I.

Sierra Baca, Family and Consumer Science Agent provided an update on current projects. Ms. Baca stated she was working currently on the Lincoln County Fair which was quickly approaching.

Paul Wetzel, Sierra Contracting Inc., expressed his support for a request to remove signage prohibiting trucks over sixty-five feet in length on US 380 between Carrizozo and Hondo. Mr. Wetzel stated Sierra Contracting worked with businesses in northern New Mexico who currently are required to use an alternative route increasing transportation costs by approximately \$200 per truck. Mr. Wetzel expressed his concerns about the preservation of Lincoln but stated support for speed controls rather than a restriction on truck length.

Veronica Gonzales, Secretary of the New Mexico Department of Cultural Affairs discussed Lincoln's status as a National Historic Landmark situated on a Scenic Byway. Ms. Gonzales stated the New Mexico Department of Transportation recently constructed sidewalks on both sides of the street for safety. Ms. Gonzales expressed a desire for Lincoln County to consider all aspects prior of the issue prior to requesting the DOT lift the restriction on truck length.

Patrick Moore, Director of Historic Sites for the State of New Mexico stated Lincoln has become more of a gem and Lincoln has become a destination for international visitors.

Jack Shuster, Cultural Historian expressed his concerns about traffic safety in the town of Lincoln. Mr. Shuster expressed support for increased speed enforcement in the area.

Virginia Adams, resident of Capitan expressed her concerns about speed safety within the southern part of the state where tourism is increasing.

Shelda Adams, resident of Lincoln also expressed her concerns about speed enforcement and restrictions.

Herb Marsh, resident of Lincoln discussed the danger and impact to residents, tourists, and Lincoln's overall preservation if the truck length restriction was removed.

Reginald Richey, former resident and local architect expressed belief the restriction was originally placed due to the need for speed restrictions and the curvature of the highway. Mr. Richey requested a study of pedestrian traffic if the restriction was removed.

Martha Proctor, Retired Magistrate Judge, expressed her concerns about the proposal to move the Magistrate Court into current District Court space within the courthouse. Ms. Proctor stated belief it was not a good plan to share space, considering the consolidation of the different schedules the courts face today. Ms. Proctor stated Lincoln County is the County seat located by law on railhead and was the appropriate place for District Court. Ms. Proctor reminded the District Court was recently remodeled to serve the people better. Ms. Proctor requested the Board of County Commissioners consider all aspects of the change before making a decision.

David Warren, Administrative Sergeant Lincoln County Sheriff's Department recognized Deputy Bob Cranston who had retired after sixteen years with the Sheriff's office.

Bob Cranston stated it was pleasure serving the County of Lincoln.

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

Cibola National Forest

Ms. Taylor provided a handout of current activities.

South Central Mountain RC & D

Rick Merrick, South Central Mountain Resource and Conservation District reported on the 2018 Lincoln National Forest Cooperative Prescribed Fire agreement. Mr. Merrick stated the group had worked on the agreement for nine months and they looked forward to maintaining this resource.

Upper Hondo Soil & Water Conservation District

Laura Johnson could not attend meeting but provided information regarding a \$12,500 NM Department of Agriculture Water Quality and Conservation Grant the District received to continue thistle and poison hemlock treatments in the Bonito area.

ENMRD State Forestry

District Forester Nick Smokovich was unable to attend meeting but provided a summary of recent activities.

Land and Natural Resources Advisory Committee (LANDRAC)

Robert Barber, Chair of LANDRAC reported on his attendance of a meeting with Game and Fish to discuss proposed changes to the private land elk program and small contributing ranch program.

10. Update on Appraisal for First Savings Bank Request to Lease Portion of Extension Building for Bank Depository

Ms. Taylor reminded during the June Regular Meeting First Savings Bank had presented a request to lease a portion of the County's Extension Services Building for depository services site. Ms. Taylor stated the identified space included the teller window office and a small adjoining office of approximately 230 square feet. Ms. Taylor stated both rooms were currently used for storage for the Extension Service. Ms. Taylor stated the Extension Services Program Director was agreeable to relinquishing the space if the County would provide an alternative, adequate location for storage. Ms. Taylor stated she had identified an alternative space for storage.

Melanie Gutierrez, County Program Director stated she was willing to accommodate the request and would will work with the Manager to relocate equipment for storage.

Motion: Direct Manager Taylor and Attorney Morel to work with First Savings Bank to develop a rental agreement, **Action:** Approve, **Moved by:** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone expressed concerns about the shared space and directed the Program Director to come to the Commission if the situation becomes burdensome.

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

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

12. Resolution 2018-6 Restricted Right of Way – NMDOT Prohibition of Truck Traffic on US 380 Between Carrizozo and Hondo

Ms. Taylor reminded of the prior discussion in the June Regular Meeting regarding the Department of Transportation's (DOT) prohibition of truck traffic on US 380 between Carrizozo and Hondo. Ms. Taylor reminded Representative Candy Ezell and Tim Parker, DOT District 2 Engineer were both present at meeting.

Ms. Taylor stated the New Mexico Department of Transportation had provided an analysis of traffic and road conditions associated with the sixty-five foot truck length restriction to Representative Candy Ezell and Representative Greg Nibert. Ms. Taylor informed the study concluded there were geometric conditions within the road segment which necessitated the sixty-five foot length restriction remain in place.

Commissioner Stewart expressed concerns about the economic burden placed on the tax paying trucking companies. Commissioner Stewart stated however after a review of the DOT analysis he saw no need to take action today but suggested referring the matter to the State Legislators for consideration of a bypass option.

Commissioner Allen stated the analysis supported the original placement of the restriction due to safely concerns associated with the curvature of the roads. Commissioner Allen stated the analysis did not address the speed enforcement issues through Lincoln. Commissioner Allen stated lifting the restriction would not solve these problems. Commissioner Allen suggested the County work to find a permanent solution which would benefit all parties.

Commissioner Draper suggested continuing the conversation and working to address the speed enforcement concerns.

Chair Stone stated he respected all comments presented but was concerned about the imposition of financial hardship on local businesses. Chair Stone stated he was disappointed the analysis was received the night before this meeting and providing no time to review or speak with DOT.

Commissioner Stewart expressed the support for the right of truckers to utilize the road but reminded the State of New Mexico was responsible for the maintenance and speed enforcement for state highways.

Motion: Direct the Manager to craft a brief Resolution acknowledging the importance of historic preservation in Lincoln and requesting the State Highway Department, Department of Cultural Affairs, and State Legislature develop options to resolve the problem, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Chair Stone.

Commissioner Allen questioned the intent of the Resolution but supported requesting the State of New Mexico agencies develop solutions as long as it included an emphasis on preservation of Lincoln.

Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 0). **Yes:** Chair Stone, Commissioner Stewart, Commissioner Draper, Commissioner Willard.

No: Commissioner Allen.

13. NM Judiciary Leadership's Initiative to Streamline Court Organization in Lincoln County: Presented by Chief Justice Judith K. Nakamura

Nita Taylor informed on July 5, 2018 members of the Administrative Office of the Courts (AOC) met with Lincoln County Chair Stone, Vice Chair Draper, Manager and the County Attorney. Ms.

Taylor stated the purpose of the meeting was for the AOC to present a proposal for a new courthouse in Lincoln County. Ms. Taylor stated the proposed new courthouse would be built in Ruidoso and would include one courtroom and hearing room to serve both district and magistrate courts in the same complex. Ms. Taylor stated the proposed new court complex would enable Judge Bryant to hold court hearings in Ruidoso as well as Carrizozo. Ms. Taylor stated the proposal also included a plan for the Carrizozo Magistrate Court to relocate into the main courthouse in Carrizozo.

Chief Justice Judith Nakamura presented the proposal for a new courthouse in Lincoln County. Justice Nakamura stated Village of Ruidoso agreed to provide the land without charge and for construction of new courthouse utilizing funding from the New Mexico Finance Authority (NMFA). Justice Nakamura stated the AOC would enter into a long term lease with the Village of Ruidoso to offset the debt service and provide for maintenance and operation of the facility. Justice Nakamura informed the construction funds and loan costs incurred by the Village of Ruidoso would be fully repaid over the life of the lease estimated at thirty years. Justice Nakamura stated the building would be between 10,400 square feet and 16,875 square feet and would have one courtroom and one hearing room to serve both district and magistrate courts located in Ruidoso next to the Horton Complex located on Service Road. Justice Nakamura stated the co-location of the magistrate and district courts near the Municipal Court and other local agencies at the Horton Complex would enhance security and improve public access.

Justice Nakamura also presented a proposal to relocate the Carrizozo Magistrate Court into the District Court facility space in the Lincoln County Courthouse. Justice Nakamura stated by co-locating district courts and magistrate courts into one facility would better service to and enhance court access for Lincoln County residents. Justice Nakamura stated the Supreme Court approved the consolidation of Magistrate and District Court administrated duties and was using Lincoln County as a pilot county.

Commissioner Stewart questioned the unfunded mandates associated at the state level that already exist. Commissioner Stewart expressed concern about the imposition of financial liability on Lincoln County for the proposed new courthouse in Ruidoso as years pass.

Commissioner Draper questioned the cost to transport inmates to Ruidoso and the potential impact on the County's budget. Commissioner Draper noted the space identified for relocation of the magistrate court did not seem appropriate.

Judge Mickie Vega, Magistrate Judge Court Division I expressed her concerns about the scheduling aspects of multiple courts in one consolidated area. Judge Vega did express a desire for better security for Magistrate Court proceedings.

Commissioner Allen questioned the legal requirements regarding the location of the District Court at the county seat and the possibility of a "slow transfer" of activities from Carrizozo to the Village of Ruidoso.

Judge James Counts, 12th Judicial District stated the self-help forms that were approved by the Supreme Court have been extremely helpful for citizens who represent themselves pro-se. Judge Counts stated transportation costs were viewed as an economic distress for citizens when they are required to travel significant distances.

Motion: Direct Attorney Morel and Manager Taylor to return with an analysis of the proposal for a new courthouse in Lincoln County and relocation of Carrizozo Magistrate Court, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

Todd Oberhue, Lincoln County Medical Center Administrator recognized Dr. Donald Wolfel who recently retired from the Lincoln County Medical Center after many years of service. Mr. Oberhue reminded of the approval to name the Lincoln County Imaging Center in honor of Dr. Wolfel.

Chair Stone recessed the Regular Meeting at 12:08 PM and reconvened at 1:00 PM.

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

18. 1:00 PM: Public Hearings to consider the following:

- a. **Public Hearing to consider the Request of David N. Fox and Jeanne M. Fox, Trustees of the David N. Fox Revocable Grantor Trust and the Jeanne M. Fox**

Revocable Grantor Trust, owners of Tracts 1 through 4 of the Rocking "R" Subdivision, Lincoln County, New Mexico as shown by the plat thereof filed in the Office of the County Clerk and Ex-Officio Recorder of Lincoln County, New Mexico on November 29, 2006, in Cabinet I, Slide No. 611, to vacate the Subdivision per the Lincoln County Ordinance Section 8.3.2. of the Lincoln County Subdivision Ordinance 2013-2.

Eric Collins, D.T Collins and Associates stated the owners of Tract 1 through 4 of the Rockin "R" Subdivision, in Lincoln County New Mexico requested the vacation of the subdivision per the Lincoln County Subdivision Ordinance Section 8.3.2. Mr. Collins stated after the vacation the land would be known as Tract 2A of the Ryan Tracts.

Beverly Calaway, Treasurer questioned if the associated taxes were paid current.

Attorney Morel stated any approval to vacate required proof of payment via a tax certificate.

Chair Stone recessed the Public Hearing and convened the Regular Meeting at 1:08 PM.

Motion: Approve the request to vacate Tracts 1 through 4 of the Rockin "R" subdivision conditioned upon receipt of a tax certificate, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:09 PM.

- b. Public Hearing to consider a request for variance from the Lincoln County Billboard Ordinance 2006-6 for a 10' x 30' Billboard to be located at the bottom of Angus Hill, on the Property of Jace Ensor. Request made by Hans Brakob, Manager of Quail Outdoor Advertising.**

Samantha Mendez, Director of Planning and Project Management stated Hans Brakob with Quail Outdoor Advertising requested a variance for placement of 10 foot by 30 foot billboard located at the bottom of Angus Hill on the property of Jace Ensor. Ms. Mendez stated the variance was for an additional five foot clearance to extend the placement of signage on the pole to 10 feet from the ground to eliminate the opportunity for graffiti.

Elaine Howl, local resident protested the placement of the signage on this location.

Attorney Morel, stated the Billboard Ordinance did not provide for a variance and only defined the placement of signage as five feet from the bottom of structure.

Chair Stone recessed the Public Hearing at 1:16 PM and convened the Regular meeting at 1:17 PM.

Motion: Deny the request for variance, **Action:** Approve, **Moved by** Commissioner Stewart, **None seconded.**

Motion died for lack of second.

No action was taken.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:18 PM

- c. Public Hearing to consider An Application Seeking a Transfer of Ownership for Liquor License No. 0812/Application No. 1086950 Allsup's Convenience Store, Inc. Allsup's' #130, 113 Don Pablo (US Hwy 70/380) Hondo, New Mexico 88336. The Applicant Currently owns this License at this location but has had a change to the Stockholder's (Ownership) of the Company.**

Ms. Taylor informed the purpose of the hearing was to consider Application Number 1086950 for a Liquor License Application for Allsup's Convenience Store Inc.

Chair Stone requested public comment and receiving none adjourned the Public Hearing and reconvened the Regular Meeting at 1:19 PM.

Motion: Approve Liquor License Application 1086950 for Allsup's Convenience Store Inc.,

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

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

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

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:23 PM.

d. Public Hearing to Consider Approval of the Final Budget Fiscal Year 18-19 by Resolution 2018-3.

Ms. Taylor presented the modified Fiscal Year 2018-2019 Preliminary Budget. Ms. Taylor noted the revised preliminary budget was based on direction received after the Public Hearing held on May 15, 2018. Ms. Taylor stated the Treasurer's beginning cash balance of \$9,687,855 was modified from the preliminary conservative budget forecast of \$7,000,000 reflecting a \$2,687,855 increase. Ms. Taylor stated the final adjusted budgeted fund expenditures were \$8,214,313 have been modified from the preliminary budget amount of \$8,197,611. Ms. Taylor informed adjustments were required to accommodate bills received and paid since mid-May; account for budgeted expenses which were underspent; adjust individual fund revenues which exceeded conservative estimates; and to recognize other factors occurring since approval of the Preliminary Budget. Ms. Taylor stated the resulting adjusted Ending Cash Balance was \$10,033,639 reflecting an increase from the estimated Ending Cash Balance reflected in the Preliminary Budget \$7,317,535.

Renee Montes, Senior Center Director informed the Non-Metro Area Agency on Aging received the first installment of federal funds. Ms. Montes stated the funding was only for the first eight months of this Fiscal Year. Ms. Montes stated the next installment was anticipated in the third quarter to cover the remaining expenses but also discussed options to cover any budgetary shortfall should the Department not receive the last installment. Ms. Montes provided three scenarios for operations during the final quarter with the first option being the receipt of federal and state funding to cover the remainder of fiscal year operations; a budgetary adjustment from Lincoln County's General Fund of approximately \$90,000; or a reduction in services.

Ms. Taylor reminded Lincoln County voters had previously approved the imposition of a Hospital Mill Levy for up to 3.0 Mills. Ms. Taylor stated traditionally Lincoln County had budgeted revenues from the mill levy at the current levels of 2.0 mills for the hospital and .6 mills for the rural clinics and reminded those rates were established in the Final Budget process.

Recess the Public Hearing to consider the Final Budget and reconvene the Regular Meeting 1:57 PM.

17. Z-Trans Proposal for County Wide Transit System- Presentation by Joe Hardin Director of Transportation.

Ms. Taylor reminded during the June Meeting the Commissioners were briefed in the Mangers Report on the Z-Trans presentation to the public at the Ruidoso Convention Center.

Joe Hardin, Public Transportation Director with Z-Trans provided a detailed transportation plan for Lincoln County which included the City of Ruidoso Downs, the Village of Ruidoso, Mescalero and other incorporated municipalities within Lincoln County. Mr. Hardin stated that funding requests to the entities were conditional upon the service provided and number of routes.

18. Public Hearing to Consider Approval of the Final Budget Fiscal Year 18-19 by Resolution 2018-3 (continued).

Motion: Adopt Resolution 2018-3 including budgeted expenditures for paving the Detention Center parking lot; the 3% salary increase for Deputy Sheriffs; the grade change for the Solid Waste Billing and Collection Specialist; and expenditure request from Z-Trans.

Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

Commissioner Willard stated the County was obligated to assist with transportation for the community.

Chair Stone noted currently Z-Trans did not serve the entire County and any approved expenditure should benefit the entire County.

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

Yes: Commissioner Draper, Commissioner Willard.

No: Chair Stone, Commissioner Stewart, Commissioner Allen.

Motion: Approve budgeted expenditures for paving the Detention Center parking lot; the 3% salary increase for Deputy Sheriffs; and the grade change for the Solid Waste Billing and Collection Specialist, **Action:** Approve, **Moved by** Commissioner Willard, **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.

Motion: Adopt Resolution 2018-3 reflecting approved changes, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

Yes: Chair Stone, Commissioner Draper, Commissioner Willard.

No: Commissioner Stewart, Commissioner Allen.

SEE EXHIBIT B: Copies of the Resolution 2018-3 is attached hereto in reference thereto made a part hereof.

15. Lithified Technologies: Total Road Solution with Nature's Concrete Bob Sherman

Ms. Taylor informed Jeff Honeycutt, Road Superintendent had contacted representatives of Lithified Technologies regarding a low cost option to maintain gravel or paved roads.

Bob Sherman, Chief Executive Officer with Lithified Technologies, presented what he described as an eco-friendly, cost effect solution for maintaining roads. Mr. Sherman stated the product was guaranteed to increase traction and withstand weather.

Commissioner Stewart stated the County might consider the School Bus Route in Alpine Village as a test site.

23. Rainmaker Request for County to Release Bond

Alan Morel, County Attorney reported Lockton Companies requested a release of the bond for Rainmaker's Subdivision Units 7 and 8. Attorney Morel stated subdivision bonds are non-cancellable and the principal on any bond cannot release on its own obligation.

Jim Hales, General Manager for Rainmakers presented the request for the release on behalf of the current owners.

Motion: Issue a letter releasing the bond, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

20. Solid Waste Update

Paul Wetzel, Sierra Contracting provided an update on current operations. Mr. Wetzel thanked the public for bringing trash to the disposal site and reducing illegal dumping. Mr. Wetzel discussed the upcoming placement of a new compactor in Alpine Village. Mr. Wetzel requested the County consider placement of an additional compactor on Monjeau Road to accommodate the large amount of brush piles in the area.

21. Authorization to File Solid Waste Liens:

a.	Bob Shapland	\$693.48
b.	Peter Joshua Payan	\$636.94
c.	Richard W. & Yvonne C. Saldin	\$460.94
d.	Cheryl Huband	\$460.94
e.	Harold Corn & Rhonda Weitner	\$722.07
f.	Manuel R. Lopez	\$425.40
g.	Manda Tomison	\$766.56
h.	Mary Ruth Martel	\$693.48
i.	Shirley Tucker	\$595.02
j.	Jessica Quintana	\$710.53
k.	James & Jackie Sohl	\$575.40
l.	Jim E. & Gina McPherson	\$400.78

m.	John & Kelly Ragan	\$688.48
n.	Luis Hernandez & Carlos Ontiveros	\$745.02
o.	Emmanuel Fernandez & Sandra Chacon	\$462.02
p.	Jay B. Hill	\$523.86
q.	James L. & Carolyn Deats	\$467.32
r.	Israel & Melisa Rosales	\$715.53
s.	Cameron E. & Tawna Sidwell	\$636.94

Motion: Approve the liens as presented, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Stewart.

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

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

14. Lincoln County Medical Center Update

a. Construction Update

Ms. Taylor informed the project continues to be on schedule and will have Project Manager Mike McDonald reporting progress at Commission meetings on a routine basis.

b. Award RFP No. 18-19-002 for Electrical Acceptance Testing and Electrical Commissioning to Apparent Low Bidder

Ms. Taylor reported only one bid was received from Electrical Reliability Services, Inc. for the three components detailed in the bid.

Motion: Award RFP 18-19-002 for Electrical Acceptance Testing and Electrical Commissioning to Electrical Reliability Services, Inc., **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

c. Award RFP No. 18-19-001 for Special Testing and Inspections to Apparent Low Bidder

Ms. Taylor presented the bids received as follows:

Terracon	\$ 60,927.00
Wood	\$149,807.10
NV5	\$323,932.00

Ms. Taylor reminded the Board of County Commissioners had previously granted her authority to issue and Award Letter and Purchase Order.

Motion: Award RFP 18-19-001 for Special Testing and Inspections to Terracon, **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.

16. Consideration and Direction for the 2019-2014 Infrastructure Capital Improvement Plan

Ms. Taylor stated the Infrastructure Capital Improvement Plan (ICIP) was due on September 4, 2018. Ms. Taylor presented the project summary list of Lincoln County's ICIP with last year's approved project ranking including the Hondo Senior Center, expansion of the White Oaks Fire Station and expansion of the Lincoln County Detention Center.

Motion: Approve the ICIP as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Chair Stone.

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

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

Motion: Reconsider the approval of the ICIP as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

Motion: Adopt the ICIP plan with priorities: 1) Hondo Senior Center; 2) White Oaks Fire Station; 3) Expansion of the Detention Center; 4) Land Acquisitions; and 5) County Road Improvements;
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

19. Manager's Report

Workers Compensation Loss Analysis. Commissioner Stewart attended the Workers' Compensation Pool Membership Meeting at the NMAC Annual Meeting in Socorro, as the County's representative. The Lincoln County Loss Analysis Report issued the nature of the claims and the amount of costs borne by the County. While some of these could not have been prevented by the employee, many may have been with more of an awareness of safety hazards and methods to avoid them. It is imperative to continue to hold meaningful safety meetings, and have each accident reported to and reviewed by the Safety Committee, under the direction of the Chair, Joe Kenmore.

Regional Coordination for Preparedness - Consists of law enforcement agencies; Community / County officials; School Administrators and other participants meeting to identify and implement Preparedness Coordination for emergencies, particularly in the schools

Criminal Justice Coordinating Council - the Twelfth Judicial District Court has established a Criminal Justice Coordinating Council ("CJCC") in Otero County, and has been holding meetings in Lincoln County, as well. The more formally established Otero County Council has adopted by-laws that describe the authority, the objective, the membership; other non-voting members, etc. The objective of the Council is to provide a working forum to support communication and collaboration between and among key criminal justice system officials. Membership includes District Judges, Magistrate Judges, District Attorneys, Public Defenders, Detention Center Warden, County Manager, County Attorney and Sheriff's Department.

2017 Safety Net Care Pool Annual Report- Human Services Department Cabinet Secretary Brent Earnest provides an Annual Report to each County and each of the 29 qualifying safety net hospitals on the supplemental payments the hospitals received for uncompensated care, quality improvement and enhanced inpatient payments.

White House Conference with New Mexico County Leaders and White House Residence Tour. Invitations have been extended to all New Mexico County Commissioners and County Managers to attend a conference geared toward developing a working relationship between the White House and County Leaders from the State of New Mexico; along with touring the White House. A significant number of counties have opted to attend; some with their entire board of Commissioners attending, along with their Managers. The deadline to respond to this invitation is Friday, July 20th at 1:00 p.m. If Commissioners have determined whether they choose for the County to participate, NMAC will be notified of our participation, and

Invitation to Join the U.S. Department of Interior Deputy Secretary David Bernhardt For a Special Payment in Lieu of Taxes Funding Announcement Friday, June 29 at the New Mexico Institute of Mining and Technology. Manager attended this function along with other County Managers, U.S. Representative Steve Pearce and NMAC Executive Director Steve Kopelman to participate in the receipt of \$41.6 million in PILT funding for NM counties.

Construction Project Update:

White Oaks Fire Station Expansion. Our goal, in working with SDV Construction was to have 1st stage of the project, completed by June 30th. This stage, tied to Capital Appropriation 14-1943 for \$20,000, consisted of Soil Testing, Surveying and Earthwork. The project was completed, and grant-closing paperwork, along with the request for reimbursement was submitted timely to DFA. The 2nd Capital Outlay Project, with a grant award of \$25,000, was tied to the slab pour and the bollard installation. That effort was completed early in July. We expect to be invoiced, make payment and close out this grant by the end of July, although the grant does not revert until June 30, 2019

Motion: Authorized payment reimbursement for manager to attend White House Residence Tour
Action: Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.

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

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

No: Commissioner Stewart.

Departmental updates

Punkin Schlarb, Finance Director reported the New Mexico Department of Finance and Administration will host a two day training in Albuquerque. Ms. Schlarb reported on recent email scams.

Billie Joe Guevara, Administrative Assistant/Human Resources reported the Chief Appraiser and Appraiser position recently closed. Ms. Guevara reported she had received only three workman comp claims this year which is lower than normal. Ms. Guevara reported no Multi-Line claims.

Joe Kenmore, Emergency Services Director reported small lightening fires in the area due to the increased moisture. Mr. Kenmore reported a rescue in Co Canyon Ranch. Mr. Kenmore stated a cheer bus was stranded in the mud. Mr. Kenmore expressed appreciation to the Road Department for their assistance in the rescue.

22. Acknowledgement of Lodger's Tax Audit by Carr Riggs & Ingram (CRI)

Ms. Taylor reported in accordance with County Ordinance 2004-04, the County Commission shall selected four lodgers randomly for audit. Ms. Taylor stated the audit was to verify the amount of gross rent subject to the occupancy tax. Ms. Taylor stated the vendors to be audited are divided into two pools with one of large businesses and one of smaller businesses. Ms. Taylor reported the Lincoln County currently had twenty-nine active vendors.

Ms. Taylor presented the 2016 Lodger's Tax Audit and stated the report would be submitted to the Department of Finance and Administration and to the State Auditor as required by law.

Motion: Acknowledge receipt of the 2016 Lodger's Tax Audit, **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. Consideration of Opting Into Kane County v. Unites States Class Action Lawsuit to Recover PILT Underpayments for Fiscal Years 2015 – 2017

Ms. Taylor stated NMAC executive director Steve Kopelman notified all counties about the Kane County vs. United States class action lawsuit to recover PILT underpayments for Fiscal Years 2015 through 2017. Ms. Taylor stated the courts had ruled in favor of the counties and the Federal Government was liable for underpayments to 1,953 counties and other local governments.

Motion: Authorize the Manager to submit an opt-in form for the litigation, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper.

No: Chair Stone, Commissioner Willard.

25. Discussion of Possible Action Related to Lawful Assessor Compensation

Ms. Taylor stated the Assessor's salary, as with all elected officials, was set by New Mexico State Statute and the Chief Deputy's salary was defined by the Lincoln County Personnel Policies and Procedures Ordinance as 95% of the Elected Official's Salary.

Ms. Taylor stated the Attorney's Affiliate discussed the practice of elected Appraisers continuing to receive the annual stipend associated with Appraisal Certificates during the January NMAC meeting. Ms. Taylor stated based on a plain reading of the law, the elected Assessor was not entitled to the certificate increments which are defined in statutes as applicable to County Appraisers.

Walter Hill, Assessor provided research and documentation relevant to the Assessor/Appraiser compensation.

Motion: Keep the Assessor's salary and certification compensation as it currently stands,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

a. Senior Citizens Olympic Committee

Motion: Reappoint Pasty Vallejos to the Senior Citizens Olympic committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

b. Lincoln Historic Preservation Board

Motion: Appoint Jon Amastae to the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Accept Winston Morris resignation, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

c. Senior Citizens Services Proposed Contribution Fee Change

Motion: Schedule a public hearing to consider a change to the Senior Citizens requested contribution fee, **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.

18. Public Hearing to Consider Approval of the Final Budget Fiscal Year 18-19 by Resolution 2018-3 (continued).

Punkin Schlarb, Finance Director informed the Final Budget previously approved in the meeting did not reflect the 3% adjustment for the Deputy Sheriff's salary increase totaling \$133,546.

Motion: Reconsider approval of the Final Budget, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve the Fiscal Year 2018-2019 Final Budget as adjusted to reflect the 3% salary increase, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.
Vote: Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0).
Yes: Chair Stone, Commissioner Draper, Commissioner Willard.
No: Commissioner Stewart, Commissioner Allen.

28. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

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

New or Updated Matters since last report *

1. **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. Certificate as to the State of the Record and Nonappearance entered by the court on March 28, 2018 noting the nonappearance of Defendants Roy Padilla and Rita Padilla. June 4, 2018 - Judgment by Default for Foreclosure entered by Judge Blankinship which provides that L.C.'s liens are priority liens and entitled to payment from the proceeds of the foreclosure sale. June 4, 2018 - Order Appointing Peter Baca as Special Master also entered.
2. **Rancho Ruidoso Valley Estates Homeowner's Association v. Diane K. Medcalf, Pioneer Bank, FSB, and the County of Lincoln, NM D-1226-CV-2017-00242** 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. Plaintiff's Complaint was served upon Defendant Diane Medcalf on September 14, 2017 and upon Defendant Pioneer Bank on September 16, 2017.
3. **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. Judge Bryant is the presiding Judge.
4. **Benny Ray Runnels v. Lincoln County D-1226-CV-2017-00328** Civil Complaint filed December 6, 2017. Plaintiff is pro se, claiming from County the amount of \$308,000.00. Summons was hand delivered by Plaintiff to County December 6, 2017. A Hearing took place February 1, 2018 on the County's Motion to Dismiss and the merits of the Defendant's Complaint at which time the Judge ruled in favor of the County and the case was Dismissed Without Prejudice. The Defendant filed an Amended Civil Complaint in the same case on February 6, 2018. A Motion to Dismiss in Lieu of Answer was filed on February 20, 2018. A hearing was set on the Motion to Dismiss to take place on June 13, 2018 which was vacated and reset for August 29, 2018. Judge Blankinship is the presiding Judge.
5. **Board of County Commissioners of Lincoln County v. Roger Romero D-1226-CV-2018-00055** Complaint for Foreclosure. Complaint was filed February 20, 2018. Defendant Roger Romero filed an Answer to the Complaint asserting a Counterclaim to be filed in the U.S. District Court on April 2, 2018. Defendant George Romero filed an Answer to the Complaint on April 30, 2018 asserting a Counterclaim to be filed in the U.S. District Court. Judge Counts is the presiding Judge. May 15, 2018 – Lincoln County filed its Answer to Announcement of Counterclaims by Defendants Roger Romero and George Romero.
6. **Roger Romero v. State of New Mexico – D-1226-CV-2018-00113 (Underlying Cases are: Board of County Commissioners of Lincoln County v. Roger Romero, D-1226-CV-2018-00055, and State of N.M. v. Roger Romero M-30-MR-2016-00142)** A Petition for Writ of Habeas Corpus was filed requesting that the Judgment & Sentence entered by Judge Vega in Cause No. M-30-MR-2016-00142 be vacated and set aside. George Romero's Answer to Complaint and Counterclaim was filed April 30, 2018 in Cause No. D-1226-CV-2018-00055. Judge Counts is the presiding Judge.
7. **Pioneer Bank v. Jessica Quintana, and Lincoln County D-1226-CV-2018-00058** Complaint to Foreclose and Collection of Note was filed on March 22, 2018. Lincoln County filed its Answer to the Complaint on April 20, 2018 asserting that any County liens are first and priority liens which should be ordered paid from the proceeds of the foreclosure sale. Judge Bryant is the presiding Judge. May 15, 2018 - Stipulated Motion for Withdrawal and Substitution of Plaintiff's Counsel was filed.
8. **Brack Rains v. Lincoln County D-1226-CV-2018-00179** Complaint for Violation of New Mexico Whistleblower Protection Act filed June 6, 2018. The County has not been officially served as of the date of this report. June 7, 2018 - Judge Bryant was recused from presiding over the case by Plaintiff and Judge Counts was assigned to preside over the case.

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

9. ***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 Jury Trial was requested by Defense Counsel on September 11, 2017. A Final Pre-Trial Hearing took place on July 10, 2018, resulting in a Plea and Disposition Agreement. The Defendant pled "No Contest." Judgment and Sentence was filed July 10, 2018, with total fines of \$173.

10. ***State of NM v. Hortencia Armendariz M-30-MR-2018-00014** 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 9, 2018 for violation of 1 count of Section 19 (Animal Nuisances Prohibited) due to barking dogs. A First Appearance/Arraignment Hearing took place March 2, 2018 before Judge Vega at which time the Defendant failed to appear. A Bench Warrant was issued. The Defendant appeared before Judge Vega on April 11, 2018 and entered a plea of "Not Guilty." The Pre-Trial Hearing scheduled for May 8, 2018 before Judge Vega was continued until July 31, 2018.

11. **State of NM v. Matthew N. Corp M-30-MR-2018-00048** Violation of County Ordinance 2014-04 Contraband Ordinance. May 23, 2018 – The Defendant was charged with 1 count of possession of contraband. The Arraignment hearing scheduled to take place on June 6, 2018 was continued until July 11, 2018.

12. ***State of NM v. Kimberly Conner M-30-MR-2018-00043** Violation of County Ordinance 2008-08 Animal Control Ordinance. A Citation was filed May 14, 2018 charging the Defendant with 1 count of Dog Running at Large. An Arraignment took place June 6, 2018 at which time the Defendant pled "Not Guilty." A Pre Trial Hearing was scheduled for July 3, 2018 before Judge Vega, however a Stipulated Motion to Continue Defendant's Pre-Trial Hearing and Order to Continue Pre-Trial Hearing was filed June 29, 2018. Pre-Trial Hearing is scheduled for July 31, 2018 before Judge Vega.

Tort Claims Notices Received or Threatened

2018

***Duke, Arnold** – Harrisburg Document recovery

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."

Anonymous Group of Capitán residents – Tort Claim Notice received February 21, 2018 alleging violations of County Ordinance 2016-02: accumulation of unacceptable solid waste.

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

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.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 5:15 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 5:41 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

29. Signing of Official Documents

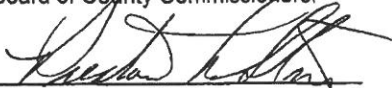
30. Next meetings:


- a. August 21, 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 5:41 PM.

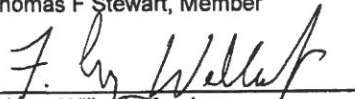
County of Lincoln
Board of County Commissioners.


Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member


F Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

August 21, 2018
Date Approved

