

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, March 20, 2018

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March 20, 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 Whitney Whittaker, Chief Deputy Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

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

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

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

6. Approval of Minutes: February 13, 2018 Regular Commission Meeting

Motion: Approve the minutes of the February 13, 2018 Regular Meeting, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Allen.

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

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

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending February 28, 2018
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Approval of Grant Award Agreement between NMERD and Lincoln County – Hondo Valley Volunteer Fire Department
- e. Annual Law Enforcement Protection Fund
- f. Volunteer Firefighters Annual Report Form
 - i. Arabela Fire Department
 - ii. Bonito Fire Department

- iii. Glencoe Fire Department
- iv. Nogal Fire Department
- g. Approval Resolution 2017-28 to dispose of:
 - i. Inventory Item #8705695, 2011 Chevy Ambulance, by means of a Government to Government transfer to the City Of Ruidoso Downs Fire Department;
 - ii. Non-Inventory Item, fleet vehicle utility racks, to Town of Carrizozo
- h. Approval of Annual Certified Maintained Mileage Report by Resolution 2017-29

Motion: Approval of Consent Agenda, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

SEE EXHIBIT A: Copies of the Consent Items including Resolution 2017-28 and Resolution 2017-29 are attached hereto in reference thereto made a part hereof.

Motion: Recess the Regular Meeting and convene the Board of Finance, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

8. Board of Finance-Beverly Calaway Treasurer

Beverly Calaway, County Treasurer directed the Board of Finance's attention to the Treasurer's Financial Report for the month ending February 28, 2017. Ms. Calaway stated the beginning cash balance for Fiscal Year 2017-2018 was \$10,851,309.72.

Ms. Calaway stated the Property Tax Division Title Examiners would not research properties in Lincoln County until late summer. Ms. Calaway stated this delay would affect the County's delinquent tax balance and the delinquent property tax sale would not occur during the 2017-2018 Fiscal Year. Ms. Calaway informed the County Treasurers office mailed out 10,109 property tax reminder notices. Ms. Calaway stated property taxes were due April 10, 2018 and delinquent on May 10, 2018.

Ms. Calaway noted the interest earned on investments reflected the increased rates nationwide. Ms. Calaway stated she continued to work with local banks to seek the best return possible subject to the requirement of 102% collateralization.

Ms. Calaway reported the Lincoln County Medical Center General Obligation Bond fund held with the New Mexico Finance Authority contained \$21,057,811.39 in the program fund and \$617,020.04 in the debt service fund. Ms. Calaway informed the total cash held by the Lincoln County Treasurer as of February 28, 2018 was \$47,616,422.64. Ms. Calaway further stated the Tax Schedule Maintenance Report as of February 28, 2018 reflected a collection rate of 70% of the 2017 property taxes billed.

Motion: Adjourn the Board of Finance and reconvene the 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.

9. Forest, Land & Natural Resources Matters:

a. Fort Stanton and Lincoln Historic Sites

Tim Roberts, Regional Manager stated he was pleased with the outcome of the State Budget. Mr. Roberts informed the non-recurring ICIP funding increased for this year. Mr. Roberts stated the ICIP funding included the preservation work on the Tunstall Store and the old County Courthouse in Lincoln. Mr. Roberts stated the historic site received \$20,000 for exhibits in the nurse's quarters at Fort Stanton.

Mr. Roberts stated they are in the process of hiring a plant system operator for the preservation work in Lincoln and Fort Stanton. Mr. Roberts informed they would also hire a curator, a first for Lincoln and Fort Stanton.

Mr. Roberts reported his staff finished up the Tunstall Tour on February 18, 2018 with about 50 people in attendance. Mr. Roberts reported the "Fort Stanton Live" event was scheduled for July 14, 2018. Mr. Roberts informed the Fort Stanton Historic Site planned to host horseback tours in Fort Stanton starting May 12, 2018. Mr. Roberts stated on June 23, 2018 the Lincoln Historic Site would host a San Juan Cultural Festival in conjunction with Old Lincoln Days. Mr. Roberts stated the renovated Visitors Center Exhibit Hall in Lincoln would open Thursday April 12, 2018. Mr. Roberts also reported the Wild West History Association will host a mini conference in Lincoln April 7, 2018. Mr. Roberts stated the event will host speakers related to the Lincoln County War.

b. Smokey Bear Ranger District

Jodi Canfield, District Ranger reported fire season was upon us. Ranger Canfield reported the seasonal fire personnel started this week and will spend two weeks in training.

Ranger Canfield reported 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 stated the Lincoln National Forest completed fifteen decisions related to a forest wide vegetation treatment maintenance project. Ranger Canfield reported the District planned to post the Environmental Analysis for post fire vegetation restoration work at Ski Apache in March and anticipated project work would begin in the fall. Ranger Canfield stated the restoration work included 100 acres of the area burned by Little Bear.

Ranger Canfield commented on the ongoing restoration work of the South Fork Campground including cooperative work with the Upper Hondo Soil and Water Conservation District for riparian restoration. Ranger Canfield stated the District had also received a grant to clear the South Fork Trail up to the White Mountain Wilderness boundary.

Ranger Canfield reported the design work for a bridge at the Cedar Creek trailhead was nearing completion and they were looking for funding to procure the structure. Ranger Canfield stated they were working with the Village of Ruidoso to develop a trailhead in Perk Canyon and Upper Cedar. Ranger Canfield stated progress was made this winter with the help of Eco Servants in developing the new trail segments and anticipated completion of the work by this summer.

c. Cibola National Forest

Ms. Taylor informed the Mountainair Collaborative Committee was continuing to develop its Charter. Ms. Taylor stated the Land and Natural Resources Committee (LANDRAC) Chair Robert Barber will attend their Meeting on March 20, 2018.

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

Rick Merrick, Rural Community Forester with the South Central Mountain Resource Conservation and Development Council reported 70 % completion of the Lincoln County Cost Share Program. Mr. Merrick stated the 2018 New Mexico Wood Industry Summit was set for November 16, 2018. Mr. Merrick reported on the Non- Forest Land (NFL) thinning projects and stated they were currently reviewing the submitted proposals.

e. Upper Hondo Soil and Water Conservation District

Laura Johnson, Program Director stated the Upper Hondo had almost completed the rehabilitation and repair work on the Salado Dam. Ms. Johnson thanked Commissioner Allen for touring the Water Trust Board Watershed Restoration Project on the Diamond "A" Ranch on the Rio Hondo.

Ms. Johnson stated the District planned to increase funding for cost share programs for the residents in the district. Ms. Johnson stated the District had two vacancies on the Upper Hondo Soil and Water Conservation Board. Ms. Johnson stated Lela Wright and Clark Taylor were appointed to fill the vacancies.

Ms. Johnson stated the Upper Hondo applied for a grant through the New Mexico Association of Counties for wildfire risk reduction work. Ms. Johnson stated the project would focused on unit three in Ranches of Sonterra.

Ms. Johnson stated the Upper Hondo was currently working through a grant to continue treatment of thistle for private land owners. Ms. Johnson stated the Upper Hondo was also continuing the

treatment of thistle and poison hemlock in the Bonito Lake area in conjunction with the US Forest Service.

10. Lincoln County Community Health Council Update-Shannon Dictson, Chair

Shannon Dictson, Chair of the Lincoln County Community Health Council (LCCHC) presented an update on current council activities. Ms. Dictson stated the LCCHC was a collaborative effort by service providers and community members to promote health related services to the community. Ms. Dictson discussed several of the Council's projects including sponsorship of a mobile food bank; hosting the largest health fair in the area; and the production of a health and wellness guide directory of resources. Ms. Dictson stated the current priorities of LCCHC include substance abuse, youth engagement, health promotions, access to care, and family stabilization.

12. Approval 2018 National Service Recognition Day Proclamation

Ms. Taylor discussed this year's annual day of recognition for National Service is April 3, 2018. Ms. Taylor stated this date was set aside to encourage residents to recognize the significance of our national services in the county.

Motion: Approve the National Service Recognition Day Proclamation. **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.

13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Commissioner Stewart reported he attended Joint Land Use Study Group (JLUS) meetings beginning in 2016 including the last meeting held on March 28, 2018. Commissioner Stewart stated Lincoln County committed to \$5,000 of "in kind" matching time towards the JLUS regional planning organizational grant of \$588, 590. Commissioner Stewart stated he was volunteered state wide, but will not participate unless there is an agreement from the County.

Commissioner Allen reported on the tour of the Water Trust Board Watershed Restoration Project on the Diamond "A" Ranch on the Rio Hondo. Commissioner Allen also stated she attended the Spencer Theater recently and commented on what a great asset the theater was for Lincoln County.

Commissioner Draper stated he met Wayne Johnson, the newly appointed New Mexico State Auditor and spoke to him about recent audit reports in Lincoln County. Commissioner Draper stated he also met with former Ruidoso Mayor Tom Battin and current Mayor Lynn Crawford to discuss school safety. Commissioner Draper stated he was pushing for a summit to collaborate efforts in concern to school safety.

Chair Stone reported he attended the Tunstall Tour in Glencoe. Chair Stone commented on the remarkable history and heritage of Lincoln County. Chair Stone stated he attended a meeting which included representatives from the New Mexico State Police, the Lincoln County Sheriff's office, and the Ruidoso Municipal Police Department to discuss school system safety. Chair Stone commented one area of concern was the length of travel time from any law enforcement agency to Corona and Hondo Schools Districts.

Clara Farah, Creative Aging Director presented an update on current activities. Ms. Farah discussed several projects including a resource center, involvement with Region IX, and a volunteer driver program. Ms. Farah discussed the advantages of having a transportation program and the need for more volunteer drivers. Ms. Farah stated they were working on obtaining insurance for the drivers and the program being used for non-emergency medical situations.

Jeff Bleau, resident of the Ranches of Sonterra expressed his concerns about the Bonito Lake sediment removal process.

Heidi Payne, resident of Fort Lone Tree Road expressed her concerns about safety issues on Fort Lone Tree Road. Ms. Payne stated belief the last time Lincoln County had maintained the road was in November of 2017. Ms. Payne stated this was a very active road and speed was a concern.

11. Budget Preparation: Procedures and Timeline – FY 2018-2019

Ms. Taylor presented a timeline of the proposed budget preparation process, a list of external agencies who routinely requested financial assistance, and also requested permission to move the Special Commission Budget Hearing from May 1, 2018 to April 26, 2018.

Ms. Taylor noted the Department of Finance and Administration required submission of the Preliminary Budget by June 1, 2018 and submission of the Final Budget no later than July 31, 2018.

Motion: Approve the timeline and budget procedures for Fiscal Year 2018-2019 as presented and move the Special Commission Meeting to April 26, 2018. **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 at 9:51 AM and reconvened at 9:59 AM.

14. Update and Further Discussion Regarding New Horizons Developmental Center

Ms. Taylor reminded of prior direction to determine necessary repairs and associated costs for the County owned building inhabited by the New Horizons Developmental Center. Ms. Taylor stated she received recommended referrals for both an appraiser and an inspector. Ms. Taylor stated the appraiser agreed to commence his work once the building inspection was complete. Ms. Taylor reported the building inspection highlighted several areas which would require immediate attention. Ms. Taylor stated the principal areas of need identified were paving the parking lot and a new roof along with a number of recommendations for the future. Ms. Taylor reminded the parking lot pavement expense was previously approved and work was scheduled for mid-April.

Ms. Taylor stated the Board of Directors of New Horizon Development Center also requested the Board of County Commissioners address three other issues including development of the new lease agreement; inclusion of a funding request for New Horizons in Lincoln County's ICIP for 2018-2019 Fiscal Year; and approval to utilize the \$50,000 of previously budgeted funding to purchase an emergency backup generator.

Welda Grider, Secretary of the Board of Directors for New Horizons questioned the amount and possible uses of the previously budgeted funding. Ms. Grider explained the facility electric service currently would support one generator but additional work was required to install a second generator.

There was a general discussion regarding the electrical service and wiring for the proposed generators.

Chair Stone questioned if the electrician installing the generator had any recommendations for type and size generator needed for the building and if the \$50,000 was obligated specifically for the generator purchase.

Attorney Morel stated he had begun to draft a lease agreement with New Horizons but it was pending the determination of the fair market rent value prior to submission for approval by the Department of Finance and Administration (DFA) and the Board of Finance. Attorney Morel stated he would work with New Horizons to develop a fair lease agreement.

Ms. Grider stated although the facility had not paid a monetary lease for the facility New Horizons had provided maintenance and other associated costs over the years. Ms. Grider also mentioned the building site currently housed a County ambulance. Ms. Grider informed the facility was not opposed to paying rent but would like the County to consider the facility's operational costs and improvement costs to the building when developing the fair lease agreement.

There was a general consensus to move forward with obtaining a fair market value appraisal, develop a new lease agreement, purchase one generator, and pave the parking lot.

15. Status of Lincoln County Medical Center Replacement Hospital Construction and Clinic Renovation Projects

a) Status of EMS Departmental Move

Ms. Taylor informed the Emergency Medical Services staff estimated a move once the additional construction was complete. Ms. Taylor anticipated completion of the construction by April 7, 2018.

Ms. Taylor noted some of the delay was due to the state inspection process and delivery of materials.

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

Ms. Taylor reported two responses were received by the County in response to RFP 17-18-002. Ms. Taylor stated that the Evaluation Committee determined the offeror was the apparent low bidder. Ms. Taylor stated negotiations for the proposals will commence on Friday March 23, 2018 in Albuquerque.

c) Clinic Services for Hondo Valley Residents

Ms. Taylor reminded Presbyterian agreed to provide health care clinic services to the Hondo Valley previously served by La Casa. Ms. Taylor reminded of prior discussions regarding relocating an existing EMS building from the hospital site to Hondo for clinic services. Ms. Taylor stated Lincoln County awarded the bid to repair the previous Hondo Clinic site to the lowest bidder. Ms. Taylor stated Presbyterian must finalize the installation of its IT systems at the site, arrange for required insurance coverages, and work out the personnel challenges.

Todd Oberheau, Administrator stated normal daily operations could commence once the repairs were complete and electronic record capabilities were installed. Mr. Oberheau estimated the clinic might open by May. Mr. Oberheau stated Marilyn Shultz, the previous provider for La Casa, now employed by Presbyterian, had expressed interest in the position and they were working on scheduling changes.

Ms. Taylor stated she would research and provide a report for future the direction and authorization approved by the County Commission for the Hondo Clinic in concern to the lease agreement and budget requirements.

18. Tabled: Discussion of Enacting Fire Protection Services County Local Option GRT Increment

Motion: Un-table discussion of enacting Fire Protection Services County Local Option GRT Increment, **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.

Spencer Baldwin, Office of Emergency Services Coordinator reported Lincoln County had traditionally directed the operation of the County in a manner which minimized the imposition of tax increases for the Lincoln County residents. Mr. Baldwin informed Lincoln County had one of the lowest Gross Receipt Tax (GRT) rates in the State of New Mexico. Mr. Baldwin stated if the .125% GRT tax increment dedicated to emergency services was adopted Lincoln County would continue to have one of the lowest GRT rates in the State.

Mr. Baldwin stated the Lincoln County Fire Services Department was the largest department in the County. Mr. Baldwin reminded all County fire departments were volunteer and did not receive funding from the County but rather from the State Fire Fund. Mr. Baldwin stated the State funding formula for departments was based on the percentage of insurance premiums paid collected by the State and each department's Insurance Service Office (ISO) rating. Mr. Baldwin stated the lower the ISO rating the more funding the department will receive. Mr. Baldwin stated each department was trained for structural fires, hazard material accidents, vehicle accidents, cats in trees, and wildland fires.

Commissioner Stewart stated the change in the State funding for local fire departments was a priority issue for counties to discuss with legislators. Commissioner Stewart stated belief the problem related to distributions from the State Fire Fund was the principal problem.

There was general discussion regarding the State Fire Fund distributions from Fire Protection Fund to the departments.

Commissioner Draper question the financial impact to each department if the tax was enacted.

Mr. Baldwin estimated each fire department would receive approximately \$19,000 annually.

Commissioner Stewart question if this would require a special election.

Rhonda Burrows, Clerk stated the timing of the adoption of an ordinance would determine the County's placement of the question on the General Election ballot.

Chair Stone questioned department's quality of service depending on outcome of the enactment of the GRT tax.

Mr. Baldwin stated regardless of adoption or failure to adopt the GRT increment, the local departments would continue to provide the best performance and services to the residents of Lincoln County.

Motion: Discuss legislative changes with the New Mexico Association of Counties to direct State Fire Fund distributions to fire departments only and not into the States General Fund, **Action:** Approve, **Moved by** Commissioner Stewart, **None seconded.**

Motion: Place a question regarding the enactment of a .125% GRT increment on the General Election Ballot., **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

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

Yes: Commissioner Allen, Commissioner Willard.

No: Chair Stone, Commissioner Stewart, Commissioner Draper.

16. Manager's Report

HAT'S OFF to employees of the Assessor's and the Treasurer's Office. Per feedback from Mr. Harding:

Dear Mr. Hill: I recently had the unexpected pleasure of dealing with the employees of the Lincoln County Assessor's Office. Specifically, Facio Zamora and Marylin Chewning. I have dreaded this contact for months; however, while I was expecting the worst, I was pleasantly surprised how pleasant and helpful Facio and Marylin were. That experience also extends to everybody I talked to at that office as well as the Treasurer's Office.

Please accept my congratulations on your hiring practices which not only speak highly for the office, but to you as well. Please pass this on. Sincerely, Greg Harding

Legislative Matters. Our legislative delegates helped us celebrate our history and heritage by declaring February 7, 2018 as "Lincoln County Day" at the House of Representatives. Thank you to our legislative delegation: Zach Cook, Greg Nibert, William F. Burt and Elizabeth Stefanics

NM Attorney General Approval of the Operation and Management Agreement between LaSalle Corrections West, LLC, and the County on March 13, 2018. The approved checklist issued by the Office of the Attorney General. Attorney Morel, Manager and Warden Anderson worked closely with the office of the Attorney General to satisfy their concerns by amending documents, modifying contract language, responding to a number of inquiries that enabled their understanding and acceptance of our specific language, in some cases, etc. This review and exchange of information commenced in early October, 2017. The red-line version of the contract, showing modifications made. We are lacking approval, and have had no correspondence from DFA or Risk Management.

2017 CLG Evaluation, Lincoln County Certified Local Government Program. 2017 evaluation of the County's "Certified Local Government" Status. CLG Staff found that Lincoln County continues to fulfill its responsibilities pursuant to the terms of the original Certification Agreement, issued in 1991. We were informed that the State of NM codified its requirements for the CLG program in 2008, and that our current Preservation Ordinance would not meet current CLG program requirements. However, that does not change the County's status as a CLG, nor does it affect our eligibility in applying for CLG grants. Acting Planning Director Samantha Mendez will summarize during her departmental update.

Invitation to Attend a Federal Resource Roadshow. US Senator Tom Udall recognizes the many needs that exist across the state, particularly in rural communities, and believes that the federal government should work for us. His office partnering with the Local Council of Governments and USDA Stronger Economies Together (SET) to host a series of roadshows. He invites our attendance at ENMU in Roswell on March 27, 2018. RSVP required by March 21, 2018.

Upper Hondo Soil and Water Conservation District passed a Mill Levy Rate Resolution # 06 2017-2018. This resolution, authorized by a referendum held on February 28, 1985, establishes a

mill levy not to exceed the rate of one dollar .5 per thousand dollars of net taxable value of real property within the District. It is currently \$0.50 per thousand dollars of net taxable value of real property within the District. Manager Taylor reported she had learned the District had not in fact adopt this Resolution.

County Resident Supports Commission decision to not allow a waiver to existing regulations which would allow a re-platting of the Alto Mesa Estates subdivision. Resident clearly points out that his investment decision was made on the written and inferred promises regarding what was to be the layout of the development and its density; and feels that promises should not die with the changing of the developer.

New Mexico Energy, Minerals and Natural Resources Division (NM-EMNRD) oversees the federal grants and agreements the County enters into with State Forestry. Field Representative was in the County on March 12, 2018 to conduct a Sub-recipient Monitoring Visit (audit) of our records, practices, monitoring of projects, and compliance with Agreements. She was appreciative and complimentary of our thorough record-keeping and teamwork among departments to meet criteria of the grants and agreements.

Coalition of Arizona / New Mexico Counties For Stable Economic Growth. Manager attended Annual Meeting in Safford, Arizona on March 9, 2018.

Professional Services Agreement for Collective Bargaining Matter. The County has worked for years with Management Associates, Inc., to handle collective bargaining matters. Mr. John Martinez who previously represented the County was limiting his work and had referred us to Holcomb Law Office. We have traditionally had minimal need for this type of service and intend to shift budgeted funds from Management Associates to Holcomb Law Office. Request authority to enter into agreement with Holcomb Law Office.

Ted Allen, Executive Director for Lincoln County Juvenile Justice Board provided information about another program serving Lincoln County Youth - the High Mountain Youth Project. Its mission is to involve the communities of Lincoln County in providing a comprehensive safety net for students experiencing homelessness. This comprehensive safety net will include an evening drop-in center, an overnight shelter and related services.
Chair Stone was excused at 11:28 AM and returned at 11:32 AM.

Department Head Updates:

Samantha Mendez, Interim Planning Director provided an update on the CLG evaluation. Ms. Mendez reported the evaluation gave recommendations for the County to update the Historic Lincoln Preservation Ordinance, conduct more surveys in Lincoln, and add other historic landmarks not in Lincoln.

Ms. Mendez reported she was working on the Local Update of Census Addresses Operation (LUCA). Ms. Mendez stated this was a way the County could provide input on the U.S. Census Bureau's residential address list prior to the 2020 Census. Ms. Mendez stated the Census Bureau relies on a complete and accurate address list to reach all residences and associated population for inclusion in the census.

Renee Montes, Director of Senior Services stated they were happy to announce they received the hot meal delivery vehicle for Ruidoso Downs's area. Ms. Montes informed she was working on a grant to request funds to purchase and install the new walk in freeze for the Hondo Senior Center. Ms. Montes stated the Carrizozo Senior Center recently received a donation of exercise equipment from Marilyn Chewing. Ms. Montes reported she was continuing to work with Clara Farah and the Creative Aging Group on transportation options for seniors.

Punkin Schlarb, Finance Director stated the Finance Department had begun the budget process and planned to meet with each department to review budgets. Ms. Schlarb stated Rhonda Edwards and herself along with representation from the Treasurer's Office attended a meeting hosted by the State Auditor in Santa Fe. Ms. Schlarb stated the group also planned to attend a meeting with the Department of Finance to discuss the integration of a new data reporting system. Ms. Schlarb stated Toni Foligno, Assets Inventory Clerk was currently working with individual departments to verify inventory.

Joe Kenmore, Emergency Service Director reported on a training held regarding fire safety for ranchers. Mr. Kenmore stated reported OES Coordinator Spencer Baldwin had attended Wild Fire Training refresher courses to assist with keeping County Fire Department credentials current.

Mr. Kenmore discussed a recent issue with communication equipment located on Buck Mountain. Mr. Kenmore stated he planned to meet with representatives from Holloman Air Force Base who owns the tower. Mr. Kenmore stated Lincoln County repeaters located on the tower were utilized by fire services as well as the Lincoln County Sheriff's office. Mr. Kenmore discussed the option for the County to locate their own tower on Buck Mountain and stated he was had discussed the possible new site with representatives from the Lincoln National Forest.

Billie Jo Guevara, HR Director informed the Treasurer had selected two applicants to fill two open positions and the Sheriff's Office had filled all their advertised positions. Ms. Guevara stated the application period for the open Planning Director position closed Monday with two applications received one of which was from a current employee.

Chair Stone recessed the Regular Meeting at 12:03 PM and reconvened the Regular Meeting 1:00 PM.

Chair stone recessed the Regular Meeting and convened the Public Hearing at 1:01 PM.

20. **1:00 PM: Public hearing to consider an applicant seeking a small brewer liquor license with on-premises consumption and package sales with patio service for Liquor License No. 1076153 from Bonito Valley Brewing Company, LLC. 692 Calle La Placita, Lincoln, NM 88338**

Ms. Taylor stated the purpose of the Public Hearing was to receive and consider public comment on Application Number 1076153 from Bonito Valley Brewing Company, LLC for a small brewer liquor license with on-premises consumption and package sales with patio service. Ms. Taylor noted the applicants were present for the hearing.

Tim Roberts, one of the four partners of Bonito Valley Brewing Company LLC stated he had another brewery in Florida and was present for any questions.

Commissioner Draper questioned what type of beer the company would dispense.

Mr. Roberts stated all types and highlighted a specialty called a California Common, a frontier style beer brew from the historical west.

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

Motion: Approve Liquor License Application Number 1076153, **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.

19. **Award of Invitations to Bid and Request for Proposal:**
- a. **17-18-004 Lincoln County Courthouse and New Horizons Parking Lots**
 - b. **RFP 17-18-003 Portable Tower Trailer**

Ms. Taylor stated one company responded to the RFP 17-18-003 for Portable Tower Trailer. Ms. Taylor stated the trailer would support three to five repeaters at a height of 72 feet and have a guyed or self-supporting system. Ms. Taylor reported the system would keep the power generator and batteries charged and shutdown the generator when not in use. Ms. Taylor stated the trailer must have a generator, fuel tank and battery backup to support the system for a minimum of 10 days. Ms. Taylor informed the tower trailer, along with the purchase of the Capitan Tower was funded by a Homeland Security Grant.

Ms. Taylor reported three contractors responded to the bid IFB 17-18-004 for pavement of the Lincoln County parking lot and the New Horizons parking lot. Ms. Taylor reported the work consists of clearing the parking area, processing and compacting the existing material, HMA overlay and re-striping. Ms. Taylor stated the contractor was responsible for coordinating traffic and public parking needs with the County during construction.

Motion: Award the bid contract for RFP 17-18-003 to Integrated Tower Systems and award the bid contract for IFB 17-18-004 to Star Paving, **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 1:10 PM

- 21. 1:10 PM: Public hearing to consider an applicant seeking a transfer of ownership of Dispenser Liquor License No. 5530 with premises consumption and patio service and package sales from No Scum Allowed Saloon, 933 White Oaks Road, White Oaks, NM 88301**

Ms. Taylor stated the purpose of the Public Hearing was to receive and consider public comment on the transfer of ownership of a Dispenser Liquor License Application Number 5530 from No Scum Allowed Saloon for dispenser liquor license with premises consumption and patio service and package sales. Ms. Taylor noted the applicants were present for the hearing.

Chair Stone requested Public Comment and receiving none reconvened the Regular Meeting at 1:12 PM.

Motion: Approve Liquor License Application Number 5530 **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.

16. Manager's Report (continued).

Jeff Honeycutt, Road Superintendent commented on current condition of Fort Lone Tree. Mr. Honeycutt stated the last time the department conducted maintenance on the road was last November. Mr. Honeycutt states speed is a factor to the condition of the road.

There was a general discussion about the lack of speed limits on dirt roads and the general maintenance of the road.

Chair stone recessed the Regular Meeting and convened the Public Hearing at 1:20 PM

- 22. 1:20 PM: Public hearing to consider an applicant seeking a transfer of ownership of Dispenser Liquor License No.0983 with on premises consumption, package sales and patio service from Rainmakers Resort and Club, 250 Rainmaker Dr. Alto, NM 88312.**

Ms. Taylor stated the purpose of the Public Hearing was to receive and consider public comment on Dispenser Liquor License Application Number 0983 for Rainmakers Resort and Club.

Commission Draper questioned if the Spencer home recently acquired by Rainmakers was included in this license application as part of the transfer.

Jim Helms, President and General Manager of Rainmakers Resort and Club introduced the new owner Bill Vaughn and stated the home was not part of the transfer as he understand it but noted the agreement to acquire that property was currently not complete.

Chair Stone requested Public Comment and receiving none reconvened the Regular Meeting at 1:24 PM.

Motion: Approve Liquor License Application Number 0983, **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. Manager's Report (continued).

Jeff Honeycutt, Road Superintendent continued the discussion regarding safety on Fort Lone Tree Road.

Commission Draper questioned the status of Lincoln County's application for a SERPTO grant for road repair in Alpine Village.

Mr. Honeycutt stated the application was deemed incomplete due to the lack of one supporting document but there were plans to resubmit an application in November of this year.

17. New Mexico Environmental Department- Update on the Disposal Issues at Bonito Lake

Ms. Taylor stated members of the New Mexico Environmental Department had a scheduling problem with attending this meeting but were planning to attend the April 17, 2018 Regular Commission Meeting.

Motion: Table the discussion with the NM Environmental Department until 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.

23. Community Development Block Grant – Application Process and Schedule

Ms. Taylor reminded of prior authorization for staff to work with the Southeastern New Mexico Economic Development District (SNMEDD) to resubmit an application for a new Hondo Senior Center for the next cycle of Community Development Block Grants (CDBG). Ms. Taylor stated Samantha Mendez, Acting Planning Director and would attend a mandatory CDBG application workshop for the 2018 Funding Cycle in Albuquerque on March 7, 2018. Ms. Taylor discussed the advantage of having design work complete when submitting this type of application.

Motion: Authorize Manager to transfer \$55,000 from the Manager's Professional Services fund to the Hondo Senior Center project and issue an RFP for the design work.

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.

24. Request for Prior Year's Payment to Norman L. Stevens Revocable Trust per Terms of an Easement Agreement

Ms. Taylor stated Lincoln County entered into an Easement Agreement with Norman L. Stevens, Jr., Trustee of the Norman L. Stevens Revocable Trust several years ago. Ms. Taylor stated the agreement granted Lincoln County access to a cell phone tower for placement of repeaters to support emergency services. Ms. Taylor discussed the terms of the agreement and noted the lack of alternative emergency communication locations in the Hondo Valley.

Attorney Morel stated the Easement Agreement with Mr. Stevens was enacted at the time as an emergency agreement. Attorney Morel stated the Highway 70 reconstruction project had begun and Lincoln County needed a location for emergency services repeaters. Attorney Morel further informed the County had purchased the tower at a cost of \$58,756.10. Attorney Morel opined the tower was still essential to County communications.

Commissioner Willard questioned if any cell service was associated with tower.

Motion: Direct the Manager to issue payments as per the agreement both current and past due, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Commissioner Stewart questioned if there were any paying customers to help offset the back payments of the tower Easement Agreement.

Attorney Morel stated the County could explore other options as the County had paid for the tower but had not authorized lease agreements for cell service providers. Attorney Morel stated the question was complicated by the agreement with a third party to maintain the tower by the landowner.

Joe Kenmore, Office of Emergency service stated the Sherriff's Office and Emergency Medical Services had repeaters located on the tower.

Ms. Taylor stated she would research the status of non-County users of the tower.

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

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

25. Approval of Resolutions:

a. 2017-30 Public Records Policy

Attorney Morel discussed the various changes to Resolution 2017-22 as defined in Resolution 2017-30. Attorney Morel noted a major change was to separate the Public Records Policy from the County's Fee Schedule into separate resolutions.

Motion: Adopt Resolution 2017-30, **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.

b. Resolution 2017-31 Lincoln County Fee Schedule

Motion: Adopt Resolution 2017-31, **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.

c. Resolution 2017-32 Requiring Candidates and Lincoln County Elected Officials to file a Financial Disclosure Statement with the County Clerk

Motion: Adopt Resolution 2017-32, **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.

d. Resolution 2017-33 Budget Adjustments

Motion: Adopt Resolution 2017-33, **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.

SEE EXHIBIT B: Copies of Resolution 2017-30, Resolution 2017-31, Resolution 2017-32 and Resolution 2017-33 are attached hereto in reference thereto made a part hereof.

26. Authorization to File Solid Waste Liens

a. Shanne N. Looney	\$405.78
b. Howard & Sharon Hatfield	\$518.86
c. Eloy P. Montes & Patricia Medina	\$518.86
d. Francisca Iglesias	\$518.86
e. Kenneth & Mary Lou Irvin	\$505.00
f. Stephen K. Irwin	\$405.78
g. Suzanne Kelley	\$621.94
h. Yovanne Lucero	\$688.48
i. Cynthia Meyers, Trustee	\$580.78
j. York Retread Co.	\$688.48
k. Hans Dubay	\$539.72
l. Kenneth & Carol Dunlap	\$631.94
m. Dan Dooley & Sue Dooley	\$588.48
n. Judy Emberton & Josh Faust	\$462.32
o. Arlene & David Carroll	\$488.48
p. Frankie G. & Mickie Reynolds	\$638.48
q. Marie Floersheim	\$631.94
r. William John & Denise Cunningham	\$688.48
s. Jesus Medina	\$688.48
t. Jesus Medina Jr.	\$688.48

u. Jesus Medina Jr.	\$688.48
v. Jesus Medina Jr.	\$688.48
w. Randy W. Horst	\$538.48

Ms. Taylor reminded Lincoln County Ordinance 2017-07 provided for the efficient sanitary collection of solid waste in Lincoln County. Ms. Taylor stated the payment of the solid waste collection fee was the obligation of the responsible party for each residence and business located in the unincorporated areas of Lincoln County. Ms. Taylor stated the Ordinance entitled the County of Lincoln to file a lien against the property for unpaid charges and fees for solid waste collection services.

Motion: Authorize the filing of twenty-three liens for Solid Waste collection as per County Ordinance 2017-07, **Action:** Approve, Moved by Commissioner Stewart, Seconded by Commissioner Willard.

Commissioner Allen questioned if the property owners were properly notified of the Solid Waste Ordinance violations.

Linda Phillips, Solid Waste Clerk stated letters were sent out to the property owners.

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

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

No: Chair Stone.

27.

- a. Purpose: Alto Artist Studio Tour
Request: \$3,700
Date(s) of Event: August 2-5, 2018
Presenter: Stephen Sabo/Alto Artist Studio Tour
Lodgers Approved: \$ 2,500
Application No. : 0035
- b. Purpose: Aim High
Request: \$9,800
Date(s) of Event: June 16-17, 2018
Presenter: Rhonda Vincent/ENMU-Ruidoso Foundation
Lodgers Approved: \$ \$6,500
Application No. : 0036
- c. Purpose: Carrizozo Music, Inc.
Request \$5,000
Date(s) of Event: April-December 2018
Presenter: Elaine Brannen/Carrizozo Music, Inc.
Lodger's Approved: \$ 2,800
Application No.: 0037
- d. Purpose: Aspen Cash Motorcycle Rally A
Request: \$5,000
Date(s) of Event: May 17-20, 2018
Presenter: Blayne Maldonado/ Golden Aspen Rally, LLC.
Lodgers Approved: \$5,000
Application No. :0038
- e. Purpose: Golden Aspen Motorcycle Rally
Request: \$5,000
Date(s) of Event: Pending
Presenter: Blayne Maldonado/Golden Aspen Rally, LLC
Lodgers Approved: \$5,000
Application No. : 0039
- f. Purpose: Ruidoso Grindstone Trail Run
Request: \$7,439
Date(s) of Event: July 28, 2018
Presenter: Frederic Moras/Ski Run Road Challenge
Lodgers Approved: \$5,500
Application No.:0040
- g. Purpose: Old Lincoln Days
Request: \$15,850
Date(s) of Event: August 3-5, 2018
Presenter: Nancy De Verry/ Lincoln Pageant Festival Committee
Lodger's Approved: \$10,500
Application No.:0041
- h. Purpose: Ruidoso Christmas Jubilee
Request: \$2,000

Date(s) of Event: Nov. 9-11, 2018
 Presenter: Paula Bates, Ruidoso Valley Greeters
 Lodgers Approved: \$ 2,000
 Application No. :0042

Motion: Approve Application No. 35 for \$2,500; Application No. 36 for \$6,500; Application No. 37 for \$2,800; Application No. 38 for \$5,000; Application No. 39 for \$5,000; Application No. 40 for \$5,500; Application No. 41 for \$10,500; and Application No. 42 for \$2,000, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

Commissioner Willard recused himself from the vote specifically for Application No. 36 submitted by Eastern New Mexico University – Ruidoso as he currently serves on the ENMU-R College Board.

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

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

Abstain: Commissioner Willard.

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

Billie Jo Guevara, Human Resource Director stated she received an application for a new liquor license application yesterday. Ms. Guevara called the New Mexico Department of Alcohol and Gaming and received a waiver for publication requirements to place the Application for the Eagle Creek Shell on the agenda for the next Regular Meeting.

Motion: Schedule Public Hearing to consider Liquor License for Eagle Creek Shell 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. Consideration of Appointments and Removals from Boards/ Commissioner's Committees:

a. Lodger's Tax Committee

Motion: Appoint Sheri Rodgers to the Lodger's Tax Committee **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

b. Lincoln Historic Preservation Board

Motion: Appoint Becky Borowski to the Lincoln Historic Preservation 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.

30. 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. Memorandum Opinion and Order, and Final Judgment were filed February 28, 2018 by Judge Browning ordering that all claims in this action are Dismissed, the Complaint for Civil Rights Violations filed May 26, 2016 are Dismissed With Prejudice, and the State Tort Claims are Dismissed Without Prejudice.

2. **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.

3. **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.

4. **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.

5. **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.

6. **Floyd Kenneth Ryan 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.

7. **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. Judge Blankinship has been assigned the case as of March 5, 2018.

8. ***Board of County Commissioners of Lincoln County v. Roger Romero D 1226 CV 2018-00055** Complaint for Foreclosure. Complaint was filed February 20, 2018. Judge Bryant was assigned 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 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 resulting in a Pre-Trial Hearing being continued until March 13, 2018, at which time a Final Pre-Trial Hearing was continued until July 10, 2018, and a Jury Trial was scheduled for July 16, 2018 before Judge Vega.

10. **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.

11. **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.

12. ***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 took place March 2, 2018 before Judge Vega at which time he entered a plea of "No Contest." A Deferred Sentence was entered finding the Defendant "Guilty on 1 count of Dogs Running at Large and 1 count of Rabies Vaccination Violation. The Defendant was given 60 days to prove rabies vaccination, 180 days of unsupervised probation with the provision of being released upon proof of rabies vaccination, and was ordered to complete 18 hours of community service.

13. ***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 Russel 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 has been issued.

14. ***State of NM v. Sandra K. Jourden M-30-MR-2018-00015** 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 16, 2018 for violations of 1 count of Section 11 (Dogs Running at Large), and 1 count of Section 4 (Rabies vaccination violation). A First Appearance/Arraignment Hearing is scheduled for March 23, 2018 before Judge Vega.

15. ***State of NM v. Barbara Spencer M-30-MR-2018-00017** 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 22, 2018 for violation of 1 count of Section 11 (Dogs Running at Large). A first Appearance/Arraignment Hearing took place March 13, 2018 before Judge Vega at which time the Defendant pled "No Contest" and was found "Guilty" of 1 count of Dogs Running at Large, and sentenced to 90 days unsupervised probation and fines totaling \$73.

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 did not receive proper medical care while incarcerated at Lincoln County Detention Center.

***Estate of Mariysa 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 Commission Allen, **Seconded** by Commissioner Stewart.

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 2:20 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:11 PM.

Commissioner Willard 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.

31. Signing of Official Documents

32. Next meetings:

a. April 17, 2018 Regular Commission Meeting

33. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 3:12 PM

County of Lincoln

Board of County Commissioners



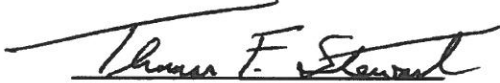
Preston Stone, Chair



Dallas Draper, Vice Chair



Elaine Allen, Member

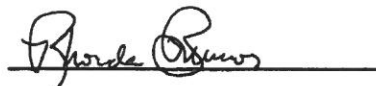


Thomas F Stewart, Member



F Lynn Willard, Member

ATTEST:



Rhonda Burrows, County Clerk

April 17, 2018

Date Approved

