

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

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

Minutes Tuesday, September 18, 2018

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on September 18, 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 8:29 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 Chair Stone.

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:

August 21, 2018 - Regular Commission Meeting

Motion Approve the minutes of the August 21, 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 August 31, 2018
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

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

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

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

EXHIBIT A: Copies of the Consent Items are attached hereto in reference thereto made a part hereof.

8. Lincoln County Medical Center Foundation / LCMC Auxiliary Presentation

Todd Oberhue, Chief Executive Officer of Lincoln County Medical Center (LCMC) introduced members present from the LCMC Auxiliary. Mr. Oberhue stated the LCMC Auxiliary had raised \$371,950 in contributions towards the new hospital construction. Mr. Oberhue applauded the Auxiliary for their fundraising efforts and a check was presented to the Board of County Commissioners.

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.

9. Board of Finance-Beverly Calaway Treasurer

Beverly Calaway, County Treasurer introduced Terrill Knight, the new Financial Accounting Officer for the Treasurer's office.

Ms. Knight stated she worked at First Savings Bank previously and was excited to start a new adventure with the Lincoln County Treasurer's office.

Beverly Calaway, County Treasurer directed the Board of Finance's attention to the Treasurer's Financial Report for the month ending July 1, 2018. Ms. Calaway stated the beginning cash balance for Fiscal Year 2018-2019 was \$9,687,855.43 in comparison to last fiscal year of \$10,851,309.72.

Ms. Calaway reported the Lincoln County Medical Center General Obligation Bond fund held with the New Mexico Finance Authority contained \$20,903,923.66. Ms. Calaway stated the interest earned from the bond was \$29,700.20 and the total fund balance less expenditures of \$456,189.68 was \$20,477,432.18 as of August 31, 2018.

Ms. Calaway noted the Detail of Receipts for the General Fund Account reflected anticipated General Fund revenues of \$13,255,338.20 for Fiscal Year 2018-2019. Ms. Calaway stated currently revenues were 49% of the budgeted receipts.

Ms. Calaway reported the State of New Mexico Property Tax Division held a property tax auction on September 13, 2018. Ms. Calaway stated 14 of the 18 eligible parcels sold for \$32,300. Ms. Calaway stated no bids were received for four properties and those would return for sale in 2019.

Ms. Calaway informed the total cash held by the Lincoln County Treasurer as of July 31, 2017 was \$47,290,342.73. Ms. Calaway noted the interest earned on investments reflected the increased rates nationwide. Ms. Calaway stated she contacted local banks to seek the best return possible subject to the requirement of 102% collateralization. Ms. Calaway stated plans to invest some county funds in the Local Government Investment Pool (LGIP) through the State Treasurer's office.

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.

10. New Mexico State Treasurer - Local Government Investment Pool (LGIP) – Presentation by Vikki Hanges, Chief Investment Officer and Jeremy Landrum, Senior Portfolio Manager

Vikki Hanges, Chief Investment Officer from the New Mexico State Treasurer provided a handout on the New Mexico Local Government Investment Pool (LCIP) which is managed by the State Treasurer's Office. Ms. Hanges stated the short-term investment pool was created by New

Mexico State Statute. Ms. Hanges stated the pool operated as a voluntary investment alternative for local and quasi-government entities seeking investment advice and liquidity. Ms. Hanges discussed current LCIP interest rates and provided rate comparisons for investments ranging from 3 months to 1 year among competing entities.

Jeremy Landrum, Senior Portfolio Manager expressed belief the LCIP was a better way for local governments to hold short term cash investments. Mr. Landrum stated unlike bank deposits the LCIP invested directly in short term deposits and repurchase agreements allowing them to pass on rate increases rapidly. Mr. Landrum informed the LGIP was rated annually by Standard and Poor's Rating Services and carried a current rating of AAA.

There was a general discussion on the LCIP managed assets and the entities who utilize the service.

26. Approval of Lodger's Tax Application with backup material

Purpose: NM Wildland Fallen Firefighter Memorial
Request: \$5,000
Date(s) of Event: None
Presenter: Benny Long, Smokey Bear Association
Lodger's Tax Approved: \$5,000; Application No.: 0049

Ms. Taylor stated the Lodger's Tax Committee had reviewed this request during their Regular Meeting of August 28, 2018. Ms. Taylor reminded any approved funds were held from distribution until final delivery of the memorial.

Motion: Approve the Lodger's Tax committee amount presented for a total of \$5,000 and direct finance to encumber the funds to be distributed after delivery of the Fallen Firefighter Memorial anticipated in fiscal year 2019-2020, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

Bennie Long, Smokey Bear Historic Park stated with this approved request the Smokey Bear Association would make the final payment for the memorial.

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

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

11. Forest, Land & Natural Resources Matters:

Ft. Stanton & Lincoln Historic Sites

Tim Roberts, Site Supervisor was unable to attend this month's meeting.

Smokey Bear Ranger District

Ranger Canfield stated the District currently had two key fire positions open. Ranger Canfield reported the contractor, Miller Logging, was set to begin work on the Ski Apache restoration project in October. Ranger Canfield stated the District had finished burning piles in the White Oaks Area. Ranger Canfield reported crews from the Arizona Conservation Core recently assisted with a thinning project on the District.

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

Commissioner Allen read a memorial honoring the late Hondo Valley Fire Chief Andy Coleman.

Commissioner Draper stated he attended a School Safety Preparedness Meeting at the Mescalero Schools where they enacted a lockdown. Commissioner Draper thanked Capitan, Ruidoso and Carrizozo Schools for their active participation in these meetings. Commissioner Draper stated he will keep the Commission updated on legislation pertaining to school safety. Commissioner Draper stated the next meeting will be in Ruidoso at Sierra Vista Schools.

Commissioner Draper attend the CBG hearing in Albuquerque and expressed belief the County's application was well presented and supported.

Commissioner Willard recently attended a SERPTO meeting and reminded the committee met to consider regional transportation projects.

Rhonda Burrows Clerk reminded the public of important election deadlines. Ms. Burrows stated September 25, 2018 was National Voter Registration Day and discussed various options for residents to register or update their voter registration including the new online process. Ms. Burrows stated the last day to register or update was October 9, 2018. Ms. Burrows informed straight party voting was removed from the 2018 General Election ballot after a ruling by the Supreme Court.

Beverly Calaway, Treasurer stated her office was activity pursuing delinquent taxes. Ms. Calaway stated the notice of three year delinquent tax letters were sent today.

Walter Hill, Assessor introduced Cassie Sponagel as the new Chief Appraiser. Mr. Hill informed Ms. Sponagel had nineteen of experience in the Chaves County Appraiser's Office and was hired as an in house transfer from the Treasurer's office.

Cassie Sponagel, Chief Appraiser stated she is really excited to continue to serve the residents of Lincoln County.

Mr. Hill announced six of his employees had taken classes and passed the NM State Appraiser exam in Las Cruces.

Chair Stone was pleased to announce Lincoln County was well represented at the New Mexico State Fair with many youth making the sale.

11. Forest, Land & Natural Resources Matters: continued

Cibola National Forest

Jay Turner, Cibola District Ranger reported the Cibola Forest Plan Revision was moving forward. Ranger Turner stated a copy of the draft was posted on the Cibola National Forest website. Ranger Turner stated there was opportunity for the public to submit comments. Ranger Turner stated the District was also hosting a series of open houses to provide an opportunity for the public to ask questions and review the current draft plan. Mr. Turner stated the next open house was scheduled for September 25, 2018 in Mountainair.

Chair Stone discussed a recommendation in the Revised Plan for the extension of the width of easements for electric lines on US Forest Service property.

Upper Hondo Soil & Water Conservation District

Laura Johnson, Program Director discussed ongoing treatments in collaboration with South Central Mountain RC & D and Lincoln National Forest involving the thinning projects. Ms. Johnson stated thinning projects were funded by a \$250,000 grant which the District planned to reapply for as there was a waiting list of land owners requesting assistance. Ms. Johnson reported the District was conducting ongoing weed treatments, especially after the high volume of moisture recently received in Lincoln County.

Ms. Johnson discussed the completion an archeological survey in the Fort Stanton area as a part of the Environmental Analysis required prior to beginning fuel reduction projects in the area.

Ms. Johnson discussed various other cost share programs administered by the Upper Hondo including water harvest projects, vinegar treatment and other associated programs which benefit land, wildlife and livestock.

Land and Natural Resources Advisory Committee (LANRAC)

Robert Barber, Chair stated currently members of the committee were reviewing the Lincoln National Forest Assessment Plan and would develop comments for presentation to the Board of County Commissioners by October 19, 2018. Mr. Barber stated he plans to attend the Open House on October 3, 2018.

Mr. Barber stated members of the committee were reviewing the Cibola Forest Plan Revision currently posted on the Cibola National Forest website.

Mr. Barber stated the LANRAC was also considering a new Community Wildland Protection Plan. Mr. Barber stated Lincoln County adopted in 2014 which the committee would review.

Miscellaneous

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Miscellaneous

Ms. Taylor presented a handout to a workshop entitled "Can We Reduce Mesa Flooding Issues with Grazing"

Motion: Appoint Robert Barber and Manager Taylor to serve on the Smokey Bear Ranger District Collaborative Group, **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. NM Judiciary Leadership's Initiative to Streamline Court Organization in Lincoln County

- a. **Draft No. 1:** Lincoln County's proposed Agreement with the Administrative Office of the Court Consolidating Magistrate Court in Carrizozo into the Current District Court Space for a Fee.
- b. **Draft No. 2:** Lincoln County's proposed Agreement with the Administrative Office of the Court Which Consolidates the Magistrate Court in Carrizozo into the Current District Court Space in Exchange for the Provision of District Court Facilities in Ruidoso, NM.

Ms. Taylor reminded New Mexico Supreme Court Chief Justice Judith Nakamura presented a proposal during the July Regular Meeting to co-locate the Carrizozo Magistrate Court with the District Court in the Lincoln County Courthouse and co-locate the Ruidoso Magistrate Court with satellite District Court facilities in Ruidoso as a cooperative effort with the Village of Ruidoso. Ms. Taylor stated she and Attorney Alan Morel were directed to analyze the proposal. Ms. Taylor provided copy of the analysis which detailed both spatial and funding requirements. Ms. Taylor provided three options for consideration:

- 1) Agree to lease the Carrizozo Magistrate Court space within the District Court at a monthly rate to be determined
- 2) Agree to co-locate the Carrizozo Magistrate Court within the District Court with no lease
- 3) Leave the Magistrate Court in Carrizozo at the current location.

Chief Justice Judith Nakamura discussed the current requirement for citizens in Ruidoso to travel the "long distance" to Carrizozo for District Court services. Justice Nakamura also discussed safety issues associated with the current Magistrate Court facilities and the Supreme Court's efforts to address multiple issues with this proposal. Justice Nakamura stated emphatically there was no intent to close the District Court in Carrizozo or to totally relocate District Court services to Ruidoso. Justice Nakamura maintained the intent of the proposed changes was to provide expanded court services, reduce travel, and improve safety.

Chief Justice Nakamura stated the Administrative Office of the Courts had reviewed the Manager's options but objected to any proposal which required lease payments. Chief Justice Nakamura maintained the elimination of the lease costs for the Carrizozo Magistrate Court was critical to financing the buildout of new facilities in Ruidoso.

Commissioner Stewart discussed the requirement for counties to provide space for District Courts as an unfunded mandate. Commissioner Stewart expressed concern about the County incurring additional costs to house the Carrizozo Magistrate Courts and the potential costs associated with moving District Court services to Ruidoso such as creating a need for offices for the District Attorney.

John Sugg, District Attorney for the 12th Judicial District acknowledged the benefits of providing certain District Court services in Ruidoso. District Attorney Sugg estimated fifty eight percent of criminal cases were initiated by the Ruidoso Police Department. District Attorney Sugg also discussed the potential costs associated with staff from the District Attorney's Office traveling to and from Ruidoso. District Attorney Sugg commented on Lincoln County's costs to remodel the current office space for the District Attorney in the Courthouse Complex but stated if District Court Services were established in Ruidoso the District Attorney's Office would also need office space in that location.

There was lengthy discussion regarding the financial impact to Lincoln County with the relocation of Magistrate Courts and establishing more District Court Services in Ruidoso.

Chair Stone stated belief the Board of County Commissioners primary consideration was the financial impact to the taxpayers of Lincoln County. Chair Stone reminded of the multimillion dollar remodel of the District Court which Lincoln County paid for in addition to the remodel of the District Attorney's office space. Chair Stone stated belief Lincoln County had met the State of New Mexico's requirements for housing District Court services.

Commissioner Draper reminded the security issues in the Magistrate Courts where the financial responsibility of the Administrative Office of the Courts and not Lincoln County. Commissioner4 Draper questioned the number of days court would be held in Ruidoso and if the co-location of Magistrate and District Courts might create confusion.

Commissioner Willard questioned the timeline of events including the construction of a new facility in Ruidoso.

Arthur Pepin, Director of Administrative Office of the Courts estimated construction could start in 2020.

12th Judicial District Judge, Dan Bryant discussed the burden of citizens from Ruidoso having to travel to Carrizozo for jury duty, trial appearances and other District Court services. Judge Bryant stated the proposal was a "once in a lifetime" opportunity to assist the citizens in Lincoln County.

Commissioner Willard reminded the Board of County Commissioners recently authorized the expenditure of \$40,000 for public transportation to assist with District Court services at the request of Judge Bryant.

Judge Bryant stated belief the expenditure was still needed to assist with travel back and forth from Ruidoso to access both District Court and County services.

Chief Judge of the 12th Judicial District, Waylon Counts expressed support for the Administrative Office of the Courts plan. Judge Counts stated belief the costs for prisoner transport would not increase significantly as the courts could utilize video appearances and conferences. Judge Counts reminded the Sheriff was currently transporting prisoners for hearings in the Ruidoso Magistrate Court. Judge Counts commented on the Magistrate Court in Ruidoso providing office space for Lincoln County's probation services at no cost for many years.

Public comment:

Freda McSwane, Attorney commented on the advantages of building a new court facility in Ruidoso to have additional days allotted for hearing officers. Ms. McSwane stated the proposed relocation was more convenient for hearings and would reduce expenses for clients.

Rhonda Burrows, Clerk expressed concern about the use of space in the Lincoln County Courthouse and questioned if there was sufficient space in the District Court was sufficient enough to house the Magistrate Court. Ms. Burrows informed District Court currently utilized storage space which they had promised to relinquish after the remodel.

Stirling Spencer, speaking as a tax payer of Lincoln County expressed concern about Lincoln County acquiring additional unfunded mandates and questioned the potential financial burden of the proposal for Lincoln County residents.

Debra Garrett from the Public Defender's Office expressed concerns about the current Court facility located in Carrizozo and the lack of public transportation from Ruidoso to Carrizozo. Ms. Garrett stated the travel distance created delays in civil cases.

Danielle Lucero, with Social Services expressed belief moving court services would be beneficial for clients dealing with mental health issues.

Lisa Maue, Victim Advocate discussed the current challenges of accessing court services for "underserved citizens" of Lincoln County.

Gwendolyn Rodgers, President of the Carrizozo Chamber of Commerce stated belief Carrizozo was centrally located within Lincoln County and discussed the economic impact of moving services from Carrizozo

Robert Shepperd, Sheriff stated his office will support any decision and will uphold his duty in providing security for the District Court. Sheriff Shepperd stated the move will cause hardship on office and will require intense scheduling changes between the split locations.

Judge Mickie Vega, Magistrate Judge Division I stated the move will expand the judicial services.

Chair Stone questioned if the current Magistrate Court facilities in Carrizozo could be remodeled to accommodate the safety concerns.

Hoot Gibson, owner of the Magistrate Building in Carrizozo stated the facility was built according to specifications provided at the time by the Administrative Office of the Courts. Mr. Gibson who informed he was a General Contractor, stated belief the proposal to build a new facility was overpriced and a potential burden from a tax payer's perspective.

Katina Watson, CEO of the Administrative Office of the Courts expressed gratitude for the recent District Court renovations. Ms. Watson stated she would work with County staff to vacate the storage space they were currently occupying.

Motion: Approve the Draft 2 Proposal to move the Carrizozo Magistrate Court into the District Court space at no additional fee and approve the construction of a new court facility in Ruidoso, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Commission Stewart suggested additional language in the agreement to safeguard the County.

Chair Stone stated belief approval of a new court facility would affect the tax payers of Lincoln County and would lead to additional requests for space from the District Attorney.

Commissioner Allen stated the agreements were not clear and she was reluctant to make a decision based on current information.

Motion: Amended motion to include language in the final agreement to safeguard Lincoln County from the imposition of additional unfunded mandates in the future, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

Yes: Commissioner Allen, Commissioner Draper, Commissioner Willard.

No: Chair Stone, Commissioner Stewart.

Attorney Morel stated he would develop a revised agreement for review at the next Regular Meeting.

Chair Stone recessed the Regular Meeting at 11:48 PM and reconvened at 12:00 PM.

14. Discussion of Possible Allowance of Usage of County Roads for Off-Highway Vehicles (OHV)

Ms. Taylor reminded during the August 18, 2018 Regular Meeting the Commission heard public comment regarding a proposal by Lance Roe of Black County Attitudes to allow access to County roads for the use of Off Highway Vehicles.

Tim Hoyt and James Brown, residents and owners of an OHV expressed their support for adoption of an ordinance for off road vehicles. Mr. Hoyt stated most off road vehicles had headlights and turn signals comparable to other street legal vehicles.

Lance Roe, Black County Attitudes stated the Village of Ruidoso had adopted an ordinance to allow access on Village streets.

Commissioner Draper questioned if the ordinance was just for District 2.

JR Montoya, Robert Vance, and Lonnie Bellman expressed support for OHV access and discussed the potential economic benefits for Lincoln County.

Sergeant Ben Byrd of the New Mexico Department of Game and Fish stated his Department took no official stance on this issue. Sergeant Byrd stated residents must understand the law and commented currently OHV riders did not have a clear understanding of which roads were or were not accessible. Sergeant Byrd discussed other implication such as the speed of vehicles traveling on Highway 48 and opined the State Transportation Board would need to address the use of OHV's.

Robert Shepperd, Sheriff expressed concerns about current illegal riding of ATV's and UTV's on private land and in subdivisions. Sheriff Shepperd stated his office had also received complaints about underage drivers. Sheriff Shepperd stated if an Ordinance was adopted he anticipated an increase careless driving incidents.

Chair Stone questioned the accountability and liability of providing access to private property by OHV's on County Roads.

Stirling Spencer, resident stated motorcycles were currently allowed on the road without a helmet restriction.

Motion: Instruct the Attorney to draft an Ordinance for OHV access on County roads, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

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

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.
No: Chair Stone.

15. Alto Golf and Country Club Proposed Monetary Contribution to Ambulance Positioning and Staffing

Joe Lasiter General Manager of Alto Golf and Country Club expressed the subdivision's need for faster ambulance services and stated the Club would provide a contribution in build an ambulance bay at the proposed new Sun Valley Fire Station in Alto.

Sandralynn Nunnally, Lincoln County Emergency Medical Services (EMS) Manager presented the history of Lincoln County EMS. Ms. Nunnally stated Lincoln County EMS served approximately 5,000 square miles area which includes the communities of Alto, Capitan, Carrizozo, Corona, Hondo, Ruidoso and Ruidoso Downs. Ms. Nunnally stated EMS had 12 ambulances stationed throughout Lincoln County. Ms. Nunnally informed EMS currently had 10 paramedics and 34 emergency medical technicians throughout Lincoln County. Ms. Nunnally reminded EMS currently had an ambulance bay at the Sonterra Fire Station in Alto.

Ms. Nunnally stated LCMC was waiting on the completion of the new Sun Valley Fire Station and had plans to house an ambulance at that site.

Todd Oberhue, Chief Executive Officer of Lincoln County Medical Center (LCMC) stated EMS would provide funding for individuals interested in becoming EMT's for the Alto Community. Mr. Oberheu reminded EMT classes were provided annually as a community outreach program sponsored by Lincoln County EMS.

18. Request to Proceed with Closure or Abandonment and Vacation of County Maintained Road – EO37 Mutt Shanks Road

Ms. Taylor informed Resolution No. 2009-15 established procedures for the Closure or Abandonment and Vacation of County roads. Ms. Taylor stated NMSA 67-5-4 provides the Board of County Commissioners may discontinue or close public roads.

Ms. Taylor stated she and Jeff Honeycutt, Road Superintendent had identified a portion of County Road EO37 also known as Mutt Shanks Road which was subject to Closure or Abandonment and Vacation and was no longer accessed by the public.

Motion: Direct Manager to proceed with steps to close identified portion of EO37 - Mutt Shanks Road submitting the request for closure to the Road Review Committee, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Willard.

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

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

16. Replacement Hospital Update

Ms. Taylor reported on the status of the replacement hospital. Ms. Taylor summarized the Jaynes Scheduled Narrative which explained major changes, milestones reached, and milestones which were upcoming. Ms. Taylor provided a spreadsheet illustrating activities scheduled through the end of October. Ms. Taylor stated current project expenditures totaled \$2,050,209.55. Ms. Taylor anticipated some change orders as the project moved forward. Ms. Taylor stated discussed two change orders submitted by Jaynes and recommended for approval by Owners Representative Jim Klein. Ms. Taylor stated these changes orders were related to the underground sewer solution with associated costs of \$26,468 and \$64,777.

Motion: Grant Manager Taylor the authority to approve change orders up to \$100,000, **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.

Chair Stone Recessed the Regular Meeting at 2:00 PM and reconvened at 2:10 PM

17. **Manager's Report**

1. **HATS OFF to Joe Kenmore**, who is the first-ever recipient of the Agriculture and Food Emergency Management Appreciation Award. New Mexico Secretary of Agriculture Jeff Witte presented the award to Joe during the 2018 New Mexico Homeland Security and Emergency Management Conference in Albuquerque, with high praise: "Joe is truly dedicated to agriculture and food emergency preparedness in Lincoln County, and it's an absolute pleasure to work with him. We seldom hear when Joe needs help; we hear when Joe and others have already solved the issue at the local level."

2. **Carrizozo Newsletter**. The August Carrizozo Town Newsletter in addition to the interesting facts ranging from Carrizozo's rich history to a description of the changes in the Town Council's leadership, statistics provided by Chief of Police Tom Gavin show the substantial increase in citations issued monthly. Tied to the increased number of citations is the increased number of calls being handled by County Dispatch: from 292 in March to 657 in July.

3. **The Geographic Names Committee of the New Mexico Geographic Information Council, Inc. (NMGIS)** makes recommendations to the NMGIS that determines which names appear on federal maps, such as those produced by the USGS, U. S. Forest Service, etc. The Committee has received a proposal to change the name of a segment of Eagle Creek to North Fork Eagle Creek. for the letter to the Lincoln County Commissioners, which includes an illustration of the segment in question. The factor that weighs most heavily with the US Board on Geographic names when considering a name change is what name is used and preferred by the local people. The Commission has been asked to respond to the inquiry with your preference(s) for the name change. This document has also been provided to Smokey Bear Ranger District, State Forestry and LANRAC for their input. This correspondence makes us aware that, while local input is very important, the final decision on the naming /renaming will be made by the USBGN. Both LANRAC and Smokey Bear Ranger District support this name change.

Motion: Approve the request for name change to North Fork Eagle Creek, **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.

4. **Community Block Development Grant (CDBG) Application Presentation** was made to the Community Development Council by the Lincoln County team consisting of Commissioner Draper, Renee Montes and Samantha Mendez, with the support and guidance from Dora Batista, SNMEDD on September 5th and Manager Taylor in spirit. Consensus from the team members indicates the presentation was well received by the Council. Total CDBG available funds this year are approximately \$13 million; with 22 projects presented for funding.

5. **Capital Outlay Grant Modification to Simplify Reporting**. During ICIP Training, The Department of Finance and Administration (DFA) Community Development Bureau (CDB) and Capital Outlay Bureau (COB) announced changes to the Legislative Grant Agreements (GA) for the 2018 GAs and moving forward. The main changes are to the Request for Payment, the Notice of Obligation and the Reporting process. The new changes to the GA Request for Payment form and Notice of Obligation form are easier to understand, will streamline the payment process, change the reporting process, and will be implemented across all state agencies. This is a very good change for local governments, as it simplifies the process and reduces reporting time and paperwork.

6. **DFA Approval of FY 2018 – 2019 Budget**. DFA has approved the County's FY 2018 – 2019 Budget, and has also found the County to be in compliance with its submission of the FY17 Audit to the Office of the State Auditor. The letter also reminds us that the Local Government Division is required to approve all budget increases and transfers between funds not included in the final approved budget, and the adjustments must be submitted on the Local Government Budget Manage System (LGBMS). This step had added significant time and effort to the process utilized by the Finance Director for submitting adjustments.

7. **Proposed Land Swap Between Bureau of Land Management and State Land Office Halted.** Because the activities involving the proposed land exchange between BLM and the State Land Office have taken an extended amount of time, Land Commissioner Aubrey Dunn has halted action. "The latest timeline will push NMSLO payments into or past January 2019, and he cannot bind the next Commissioner to future payments, nor to completing the land exchange."

8. **Invitation to Workshop – New Mexico's Energy Future** hosted by the Center for Strategic and International Studies and Sandia Laboratories. This workshop will focus on the opportunities and challenges for New Mexico's oil, gas and electric power sectors as well as the state's ongoing contributions to energy innovation through advanced solar, unconventional gas, next generation nuclear energy technologies and grid research

9. **Easement Agreement with Norman L. Stevens Revocable Trust.** During the March 16, 2018 meeting, the Commission approved back payment for an easement agreement between the County and the Stevens Revocable Trust for access to a cell phone tower that satisfied the Hondo Valley communications needs. The County and cell towers had access to the road; the Stevens' maintained the road. Mr. Stevens is in the process of selling the property and requests the County to take over the maintenance of the road. This matter will be on the October agenda for potential action.

General consensus to acquire additional information and review the entire agreement bring back next month.

10. **Drainage Problem Caused by adjacent landowner on Carrizo Canyon Road** has been reported by Mr. Hoyt Graham. Planning and Project Manager Director is reviewing past complaints and researching the matter for resolution. This matter will be on the October agenda for potential action.

11. **Department Head Updates**

Jeff Honeycutt, Road Superintendent gave an update on recent rehire of Operator III after the recent pay upgrades. Mr. Honeycutt stated they have just finished the paving project on Gavilan. Mr. Honeycutt reported they will be striping Gavilan Canyon, High Mesa, Lower Eagle Creek, Deer Park Woods and Sun Valley. Mr. Honeycutt met with representatives from Lithified about soil samples at various sites.

Commissioner Stewart stated the request for additional ambulance services from Alto was just a beginning and would encompass increased requests for road improvements.

Renee Montes, Director Senior Services stated CBCG grant announcement is tomorrow. Ms. Montes stated a representative from Medicare part D will be around in the Carrizozo Senior Center on November 6, 2018 to assist any senior who want to discuss the service. Ms. Montes stated the NSIP will be the same from that of previous year.

Billie Jo Guevara, Administrative Assistant/ Human Resources Director reported two deputy positions, and County road positions. Ms. Guevara stated next month HR conference.

Samantha Mendez, Director of Planning/Project Management reported on the upcoming grants and subdivision improvements.

Punkin Schlarb, Finance Director reported on the current audit the County is undergoing. Ms. Schlarb stated everything the county has submitted has be sufficient.

Joe Kenmore, Office of the Emergency Services stated he will start attending the school preparedness meetings. Mr. Kenmore stated they received grant in the amount of \$111,000. Mr. Kenmore stated he is waiting to hear from the regional office to place tower in Capitan. Mr. Kenmore expressed his appreciation for Andy Coleman big loss for the county both EMS and fire.

19. **Order Setting Property Tax Rates - 2018 Property Tax Year**

Ms. Taylor stated New Mexico State Statute 7-38-34 required the Board of County Commissioners to review and issue an order imposing new tax rates for the fiscal year.

Ms. Taylor stated Treasurer Calaway had reviewed the initial rates received from the NM State Property Tax Division and found them to be higher than the three year trend she maintained for review. Ms. Taylor stated Treasurer Calaway worked with Assessor Hill and the Department of Finance and Administration (DFA) to confirm the rates were in error. Ms. Taylor stated the Assessor identified the error and submitted an amended tax assessment certification to the Property Tax Division for review. Ms. Taylor commented the County had not yet received the amended letter and rates from the Property Tax Division and DFA.

Beverly Calaway, Treasurer informed her initial examination revealed the school district tax rates were incorrect and therefore DFA would have to re-issue the new rates after receiving the corrected assessment from the Assessor's Office. Ms. Calaway discussed the complex review process to verify tax rates prior to submission for approval by the Board of County Commissioners. Ms. Calaway reminded the statutory deadline for the Treasurer's Office to mail tax bills was November 1, 2018.

Motion: Schedule a Special Meeting within five days of receipt of the amended property tax rate-setting order from the Department of Finance and Administration, **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. Resolution 2018-10 Budget Adjustments

Ms. Taylor informed as per State Statute counties can requests budget adjustments to accommodate changes in its financial operations during the fiscal year. Ms. Taylor stated Commission approved adjustments must also be submitted to the Department of Finance and Administration for approval.

Motion: Approve Resolution 2018-10, **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.

SEE EXHIBIT B: Copy of Resolution 2018-10 is attached hereto in reference thereto made a part hereof.

21. Resolution 2018-11 Disposition of Surplus County Assets

Ms. Taylor stated to obtain approval to dispose of surplus county assets by whichever means are applicable including sales on public to obtain approval to dispose of surplus county assets by whichever means are applicable ,including sale on public auction, transfer, destruction or e-cycle by Resolution 2018-1.

Motion: Approve Resolution 2018-11, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Stewart questioned the disposal of the two cattle guards.

Tony Foligno, Inventory assets clerk stated most of the items listed were old and unused for many years.

Commissioner Stewart suggested to update language on resolution to dispose rather than unused.

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

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

SEE EXHIBIT C: Copy of Resolution 2018-11 is attached hereto in reference thereto made a part hereof.

22. Approval of Prior Year Invoice FY 17-18 – CES

Ms. Taylor informed CES invoice #24-077228 was received by mail August 28, 2018 for design services for the Hondo Senior Center. Ms. Taylor stated the invoice was received after the close

of fiscal year 2017-2018. Ms. Taylor stated CES was made aware of Lincoln County's timing requirements for submission of year-end invoices.

Motion: Approve payment for Invoice #24-077228, **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. Authorization to File Solid Waste Liens:

Christine N. Deponte aka Christine N. Demarest	\$430.99
Richard R. Montaño and Cindy Gomez	\$806.56
Raina L. McDonald aka Raina L. Najjar	\$693.48
Peter W. Schneider	\$696.63
Mark P. & Holly Sue Westbrook	\$750.02

Motion: Approve the filing of liens as listed, **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.

24. Approval of Rainmaker's Subdivision Unit 6 Bond Release

Alan Morel, Attorney reminded of the Commission approval to release of bonds for Unit 7 and Unit 8 in the Rainmaker Subdivision. Attorney Morel stated this was a result of the sale of Rainmakers and the transfer of bonds to the new owner. Attorney Morel stated once approved a new bond would be established.

Motion: Approve the release of the Rainmakers Subdivision Unit 6 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.

25. Support for the New Mexico Counties (NMC) 2019 Legislative Priorities

Ms. Taylor reminded on August 2, 2018 the New Mexico Counties (NMC) Board of Directors approved five Legislative priorities for consideration by the New Mexico Legislature at its 2019 legislative session.

Robert Shepperd, Sheriff summarized the priority bills during the last Regular Commission Meeting. Sheriff Shepperd stated the next meeting of the NMC Board of Directors was set for October 12, 2018.

Motion: Approve the five legislative priorities for the 2019 Legislative session, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Stewart spoke to the topic of the legalization of marijuana. Commissioner Stewart stated belief if legalization were approved the State of New Mexico should direct all revenues towards mental health services.

There was a general discussion regarding the potential legalization of marijuana in the State of New Mexico.

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

Rancho Arabella Subdivision Vacation Request

Motion: Schedule a public hearing to consider a request to vacate Rancho Arabella Subdivision and add language for Office of Housing fees, **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.

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

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

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

No: Chair Stone.

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, Subparagraph 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 June 4, 2018. Order for Judicial Sale was filed August 1, 2018.

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 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 LCDIC 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. Order of Dismissal without Prejudice was filed August 1, 2018. The August 29, 2018 Hearing was dismissed. Plaintiff filed a new Summons-Complaint in the 12th Judicial District Court naming the County of Lincoln on September 10, 2018.

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. Plaintiff's Request for Judicial Inquiry was filed June 22, 2018.

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. 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, at which time a Pre-Trial Hearing was scheduled for August 14, 2018, and was subsequently rescheduled to October 23, 2018.

10. ***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 took place July 31, 2018 before Judge Vega at which time a Final Pre-Trial Hearing was scheduled for October 23, 2018 with a Jury Trial scheduled for October 24, 2018.

11. ***State of NM v. Anthony D. Vega M-30-2018-00106** Violation of County Ordinance 2014-04 Contraband Ordinance. Complaint was filed July 13, 2018. Defendant is charged with 1 count of possession of contraband due to Defendant arriving back after furlough in possession of tobacco. A Pre-Trial Hearing was scheduled before Judge Vega August 28, 2018 at which time the Defendant appeared via telephone. A new Pre-Trial Hearing was scheduled for September 25, 2018.

12. ***State of NM v. Robert Salas M-30-MR-2018-00126** Violation of County Ordinance 2014-04 Contraband Ordinance. Complaint was filed August 20, 2018 by Lincoln County Sheriff's Deputy Samuel Hanna. Defendant is charged with 1 count of possession of contraband-Marijuana. The Defendant pled "Not Guilty" on August 23, 2018 to the charge and a Pre-Trial Hearing is scheduled for September 25, 2018 before Judge Vega.

13. ***State of NM v. Faustino Salcido M-30-MR-2018-00129** Violation of County Ordinance 2014-04 Contraband Ordinance. Complaint was filed August 20, 2018 by Lincoln County Sheriff's Deputy Samuel Hanna. Defendant is charged with 1 count of possession of contraband-tobacco. The Defendant pled "Not Guilty" on August 23, 2018 to the charge and a Pre-Trial Hearing is scheduled for September 25, 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 Capitan 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.

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

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

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

No: Chair Stone.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:19 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:38 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



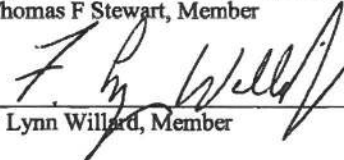
30. Next meetings:

October 16, 2018

31. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 3:38 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

October 16, 2018
Date Approved

