

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, April 16, 2019

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 16, 2019 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, County Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

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

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

6. Approval of Minutes:

- a. March 19, 2019 - Regular Commission Meeting

Motion: Approve the minutes of March 19, 2019 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 March 31, 2019
- c. Fair Housing Month Proclamation
- d. Approval of Carrizozo Soil & Water Conservation District Mill Levy Rate
- e. FY'20 County Fire Protection Fund Distribution

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. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

George Douds, Acting Ranger reported moderate fire danger and fire restrictions on the Smokey Bear Ranger District. Acting Ranger Douds stated the district was fully staffed and ready for the fire season. Acting Ranger Douds stated the district started hanging MCH pouches to ward off the spruce beetle in the Ski Area. Acting Ranger Douds stated they kicked off the Smokey Bear North Project Environmental Analysis to look at vegetation and habitat improvement, as well as range and recreation projects on the north end of the District including the north slope of the Capitan Mountains. Acting Ranger Douds reported Supervisor Moseley and Ranger Canfield met with Butch Blazer to discuss reinvigorating a discussion on forest management and use of biomass. Acting Ranger Douds stated the tribe would facilitate this.

Acting Ranger Douds stated the district completed work to clear sediment from under the bridge at Rio Bonito with permission from Alamogordo and an Army Corp permit. Acting Ranger Douds stated the forest service dumped gravel in an area above South Fork Campground. Acting Ranger Douds stated this would keep the bridge from washing out in a high water event. Acting Ranger Douds reported representatives with the National Forest Foundation planned to meet with representatives from the ski area, area businesses, and the Village of Ruidoso on May 8 -10 to keep building a strategy for fundraising under the stewardship fund authority.

b. Extension Services

Melanie Gutierrez, Lincoln County Program Director/Extension Associate reported they attended a wildlife workshop in Ruidoso. Ms. Gutierrez stated the Village has a vulture problem and was working on getting information out to home owners. Ms. Gutierrez stated the 4-H groups started judging practice and the shooting sports program was underway with set classifications of archery, gun and rifle. Ms. Gutierrez stated they had received numerous calls from the public on bugs and weeds populating in the area. Ms. Gutierrez stated they would work with The Village of Ruidoso on grass and water management and the public was always invited to attend the meetings.

c. South Central Mountain RC & D

Rick Merrick, Community Forester reported on the potential use of bioenergy gathered from the forest by a company in the area who uses the organic substances to convert into biochar. Mr. Merrick gave an update on the CWPP grant and stated they grant should close by the end of May with the input from the survey.

d. Upper Hondo Soil & Water Conservation District

Ms. Taylor stated Laura Johnson, Program Director was unable to attend but had provided an Agenda for their April meeting.

e. New Mexico State Forestry

Frank Silva stated Smokey Bear days were coming and the Wildland Fallen Firefighters Memorial was available for the public to view. Mr. Silva stated House Bill 266 - the Forest and Watershed Restoration Act was passed by 2019 legislation. Mr. Silva stated a committee will distribute the funds. Mr. Silva stated the State had not hired a local fire manager but had three applicants apply and decided to do an additional interview.

f. LANRAC – Land and Natural Resources Advisory Committee

Robert Barber, Chair of LANRAC informed the public input on the Hale Lake 3500 acres was due May 6, 2019. Mr. Barber stated the Mountainair collaborative report would be available for final public comment in the next 45- 60 days.

9. Assessor's Annual Report

Walter Hill, Assessor presented the 2019 Lincoln County Assessor's evaluation. Mr. Hill reported the sales ratio study compared assessments to the market sales. Mr. Hill stated this report enables the assessor to evaluate the level of current assessment values to 2018 sales and was used to determine if the 3 % cap increase is needed to obtain market value. Mr. Hill stated the County did increase the residential values county wide by the 3 % allowable cap, and also re-inspected and valued all properties sold in 2018. Mr. Hill stated the median ratio was now at 98.49% or 98% of market value.

Mr. Hill reported on the livestock values by district for Lincoln County from 2016 to 2019. Mr. Hill stated the values reflected a substantial downward trend in livestock values over a four year span. Mr. Hill explained these values are set by the New Mexico Livestock Board and are not a reflection of the Assessors valuation process.

Mr. Hill reported on the net new valuation report. Mr. Hill stated the spreadsheet was used to track only new construction values by district and was used primarily in the development of tax rates. Mr. Hill stated these values are reported to the State in the Assessors certification in June.

Mr. Hill reported on the contributory value report, which tracks all value by district. Mr. Hill stated the valuation changes were the result of building permits, the sale of property, the result of a protest, the 3 % limitation on increases in valuation of residential property, and the re-inspection of properties during the reappraisal process.

Mr. Hill stated the Assessor's office was currently in the process of obtaining quotes for aerial imagery. Mr. Hill stated this could help ensure all improvements to properties in the County were accounted for and assure tax payers properties were equitably assessed.

Commissioner Stewart and Commissioner Draper questioned the sales ratio data.

10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Commissioner Stewart stated he attended a NMC sponsored Multiline and Employee Comp Board meeting. Commissioner Stewart suggested we get a presentation from NMC before the conference in June.

Commissioner Stewart stated he would continue to attend meetings with Dona Ana officials to discuss the ongoing maintenance of the Joint Land Use Study. Commissioner Stewart stated the committee recently appointed a new coordinator.

Commissioner Allen stated she continues to attend the Greentree meetings. Commissioner Allen stated she recently joined the Juvenile Justice Board for personal interest. Commissioner Allen reported she was currently working with South Central Mountain RC & D to begin the process of introducing a Firewise Meeting in the Lincoln area.

Commissioner Draper reported he attend a School Safety meeting yesterday in Ruidoso at the convention center. Commissioner Draper stated the meetings have come full circle with a tour of all schools in Lincoln County including a tour of ENMU- Ruidoso Branch Community College as well as with the Mescalero schools. Commissioner Draper reported Carrizozo schools hired a school safety officer. Commissioner Draper also informed the committee had divided into sub committees.

Commissioner Draper stated he attended the Center of Protected Environment (COPE) candle light ceremony last Friday night in honor of domestic violence victims and their families. Commissioner Draper stated the Village of Ruidoso will have another presentation on their comprehensive plan in September. Commissioner Draper stated there will be another drug take back day event on Saturday April 27th.

Whitney Whittaker, Clerk informed the Lincoln County Clerk as well as the County Assessor and County Treasurer created a web link for the public to access "LiveWeb". Ms. Whittaker stated the Clerk's Index as well as certain Assessor and Treasurer information will be available online through our county website. Ms. Whittaker also stated the last day for a candidate to notify the County Clerk of intent to seek the position of New Mexico Counties Board Representative was April 30, 2019.

Beverly Calaway, Treasurer reported her office collected 71% of the taxes for the second half collection. Ms. Calaway stated a title examiner from the state had started researching the

delinquent properties in Lincoln County. Ms. Calaway stated they started with 260 properties and the number was down to 246 as of today. Ms. Calaway reported on the integration of "Liveweb". Ms. Calaway stated the Treasurer will only provide limited information but will still continue to have access to online payments. Ms. Calaway believes having information online will significantly cut down on the phone calls for their office.

Walter Hill, Assessor reported the protest period had started for his office and would will go until April 30, 2019. Mr. Hill stated his office also reported on the integration of "Liveweb" and was excited to have maps and other information available to the public online for our residents.

Sheriff Shepperd stated Governor Lujan Grisham invited County Commissioners from all 33 counties to participate in a conference call. Sheriff Shepperd stated they spoke about SB 8 Firearms Sale Background Check and the requirements. Sheriff Shepperd stated he would attend a NMC meeting on May 3, 2019 in Farmington. NM.

Ty Divelvliss expressed concern about the Lincoln County Detention Center and the way the facility is operated and how the employees are treated. Mr. Divelvliss stated he has worked in corrections over 30 years. Mr. Divelvliss stated there was no due process, no grieve time for employees who recently had a death in the family, and was a victim of verbal abuse. Mr. Divelvliss stated Warden Anderson displayed disrespect to Lincoln County.

Karyl Williams Capitan resident expressed support for Resolution 2018- 39.

Jack Davis, resident of 102 Valle Loop in Alto expressed gratitude to the County of Lincoln for help resolving an issue with water drainage and road access which occurred after the Little Bear Fire.

Wade West spoke on behalf of his fiancé who worked at the Lincoln County Detention Center. Mr. West did not appreciate the way his fiancé was treated while employed.

Cadence Divelvliss, daughter to Mr. and Mrs. Divelvliss informed of the long hours her parents had to work and stated they were never given time off to spend with their family.

Kim Divelvliss stated she had to resign due to the disrespect displayed by current supervisor Warden Anderson with LaSalle Corrections.

Scott Yokley stated he was harassed by Warden Anderson and filed a Complaint with LaSalle Corrections. Mr. Yokley stated he worked 13 days straight on 12-16 hour shifts.

9. Assessor's Annual Report Continue.

There was an in depth discussion regarding the ratios of sales and the 3% allowable cap.

11. Resolution 2018-39 - Supporting the Presidential Declaration of a National Emergency Concerning the Southern Boarder of the United States

Ms. Taylor reminded during the March 19, 2019 meeting the Commission considered Resolution 2018-39 supporting the Presidential Declaration of a National Emergency concerning the Southern Border of the United States.

Ms. Taylor stated after considerable discussion the item was tabled for clarification of language as to how border security, or lack thereof, impacts New Mexico Counties and the importance of Counties to be empowered to declare emergency action, when necessary.

Motion: Adopt Resolution 2018-39, **Action:** Approve, Moved by Commissioner Stewart, **Seconded** by Commissioner Draper.

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

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

EXHIBIT B: Copy of Resolution 2018-39 is attached hereto in reference thereto made a part hereof.

Chair Stone recessed the Regular Meeting at 10:32 AM and reconvened at 10:43 AM

12. Pattern Development – Transitioning the World to Renewable Energy

Ms. Taylor stated the County continued to work with Pattern Development to bring wind energy to Lincoln County and New Mexico. Ms. Taylor stated the Mesa Canyons project was granted a Wind Energy Conversion Systems (WECS) permit by the County of Lincoln.

Crystal Coffman, Manager Project Development for Pattern Development gave a presentation on Pattern's commitments and community involvement. Ms. Coffman stated they were currently working with the community and reviewing environment changes. Ms. Coffman stated the Corona Wind Farms were located in an area with some of the highest wind resources in the state. Ms. Coffman stated the Corona area wind projects will have economic benefits including over two billion dollars of capital investments, one hundred full time jobs in operations and over six hundred construction jobs. Ms. Coffman stated the wind projects were expected to contribute revenue to Lincoln County and the local economy for at least thirty years through the payment in lieu of taxes.

Commission Stewart questioned the status of rerouting the transmission line.

Adam Cernea with Clark Environmental and Natural Resources informed the environmental report identified 70 plus protection measures in the area. Mr. Clark stated they were currently working with Fort Bliss and the White Sands Missile Range to incorporate a footprint of the area and correlate with current airspace.

Ms. Coffman stated the Corona area wind projects submitted an Environmental report to the Public Regulation Commission with their application for location control approval. Ms. Coffman stated the report details a wide range of project commitments called "protection measures" that become conditions of the PRC approval. Ms. Coffman stated these measures address a wide range of issues ranging from water runoff to land use and biological resources. Ms. Coffman stated Pattern was also working with the Claunch-Pinto Soil and Water Conservation District to develop best practices relating to issues such as land use, erosion, storm water, and noxious weeds.

Mr. Clark stated groups were being created to review physical landscapes and consider creating individual bylaws. Mr. Clark stated Mesa Lands Community College located in Tucumcari was considering establishing a campus near Corona for training.

Commission Willard questioned the aerial interference of the towers and the lighting detection system.

Ms. Coffman stated the towers will be equipped with radars and lights programmed to blink when any aerial activity was detected.

13. Replacement Hospital Update

Jaynes Schedule Narrative- Summary of status

Mike McDonald, Hospital Project Manager gave a general overview with the continuation of dry wall, plumbing, electrical, fireproofing, and sewer construction. Mr. McDonald stated the estimated completion date was scheduled for November 22, 2019 and the estimated Phase II completion, including abatement and demolition activities, was set for July 23, 2020.

Mr. McDonald stated there were some delays due to weather mostly rain or high winds. Mr. McDonald stated there were approximately 36 days during which construction was at a standstill.

Expenditure Summary

Ms. Taylor reviewed the summary of expenses paid through March 25, 2019 with year to date expenditures totaling \$6,930,009.53. Ms. Taylor stated Jaynes' pending pay application for work completed in March in the amount of \$1,226,598.00 brings the total to \$8,156,607.53.

Various Change Order Considerations

Ms. Taylor stated the total pricing being considered for the two construction change directives, outstanding items from Architects' supplemental Instructions (ASIs), and other outstanding cost items is \$445,234.27. Ms. Taylor also recommended an increase in the Owner's contingency by \$850,000 bringing the total to \$1.7 million

General Discussion regarding budget and additional construction costs.

Motion: Approve increase in Owners Contingency by \$850,000; approve Construction Change Directives 02 and 03; ASI's; and other outstanding pending change orders, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

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 12:03 PM and reconvened at 1:02 PM

18. Lincoln County Juvenile Justice Board Update – The Honorable Daniel A. Bryant and Sergio Castro, CYFD

Ms. Taylor stated the Lincoln County Juvenile Justice Board works directly with State, County and Local governments as well as judicial entities and law enforcement agencies to identify critically needed, cost effective, proven "best practice" programs and services to address the needs of juvenile offenders within the County. Ms. Taylor stated the Board was formed in July 2004 by an agreement between Lincoln County and the New Mexico Children Youth and Families Department.

Judge Bryant introduced Sergio Castro, the Juvenile Probation Office Supervisor for the 12th Judicial District which encompasses Lincoln and Otero County. Judge Bryant stated Mr. Castro had served on the LCJJB since 2002.

Mr. Castro discussed the history of the LCJJB which began in 2002 when the group received funding to visit Fort Worth, Texas to observe new processes for dealing with juvenile offenders. Mr. Castro stated this visit resulted in a coalition to develop alternative programs to detention. Mr. Castro stated these programs had resulted in a significant reduction in the number of juveniles incarcerated and therefore a significant cost savings to Lincoln County. Mr. Castro stated they have seen a 79% decrease in juvenile detention costs to Lincoln county from the highest peak in fiscal year 2006-2007 of \$189,482 to the current calendar year 2018 of \$39,071.

12th Judicial District Judge Bryant, Chair of the Lincoln County Juvenile Justice Board stated the second annual South Central Mountain Children & Youth Summit was set for August 7, 2019 at the Inn of the Mountain Gods. Judge Bryant stated the summit would explore solutions to the challenges children, youth and their families face.

Motion: Recess the Board of County Commissioners and convene the Lincoln County Canvass 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.

14. Canvass Carrizozo All-Mail Ballot Election of April 9, 2019.

Whitney Whittaker, Clerk presented the 2019 Carrizozo Special School All-Mail Ballot Election results for Lincoln County for review and approval. Ms. Whittaker informed there were 1173 registered voters in the Carrizozo School District eligible to cast a ballot during the Special Election. Ms. Whittaker stated 438 voters returned their ballot representing a 37.6% return rate.

Ms. Whittaker stated final vote totals included two (2) hand tallied ballots. Ms. Whittaker stated four (4) ballots were rejected for either no signature or no ballot returned in the envelope.

Ms. Whittaker presented reconciliation reports, rosters, and tabulator tapes for inspection.

Motion: Adjourn the Canvass Board 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

Motion: Approve the Lincoln County Certificate of Canvass Results for the 2019 Carrizozo All-Mail Special Election, **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 C: Copy of the Certificate of Canvass Results is attached hereto in reference thereto made a part hereof.

15. Manager's Report

1. **HATS OFF, Farewell and Best Wishes** to Spencer Baldwin, Emergency Services Coordinator for the Lincoln County Office of Emergency Services, who has accepted an opportunity to begin a long-term career goal of piloting a helicopter. Mr. Baldwin was employed by the County on April 29, 2013, nearly precisely six years ago. He has been instrumental in developing by-laws for the Fire Departments, as well as Standard Operating Procedures. He responds to emergencies of all types, including assuming the key role of Incident Command, when necessary, in response to wildland and structural fires. In addition, Mr. Baldwin was instrumental in setting up and supporting the critical Emergency Reporting System. We will miss him!
2. **Lincoln County FY 19-20 Budget Preparation.** All County departments, including Volunteer Fire Departments, have been busy participating in FY 19-20 budget preparations. In addition, non-profit organizations which have been recipients of past county funding have received and returned their Budget Request forms. The Manager provided the schedule of critical dates. A preliminary Special Meeting for review and consideration by the Commissioners was scheduled for May 1st. The Manager provided the order of external agency presentations for the May 1st Budget Hearing and a copy of the draft Agenda.
3. **Potential Property Purchases and Building Renovation Projects.** In recent months, the County has discussed several potential property purchases and building renovations:
 - a. Land on Cora Dutton Road for Road Department consideration: No longer on the market.
 - b. Purchase of Wells Fargo Bank Building: Manager has met with realtor several times to assess level of ADA compliance with parking, access to the building and restrooms; and with an architect to analyze the same. As stated, the architect's opinion, based on square footage of the main floor, and the assumption that the space would be occupied by employees and open to the public, is that two additional restrooms would have to be added. The estimated cost would be approximately \$45 - \$65 thousand.
 - c. Renovate the mechanical room in the old Courthouse area that houses abandoned heating and cooling infrastructure to build ADA compliant restrooms. Architect's opinion is that each existing restroom could be renovated to be an ADA accessible single-occupancy restroom with one toilet and sink. The mechanical room could be renovated to hold two, single-occupancy restrooms each (men's and women's), with one toilet and sink. Costs are estimated to be similar to those outlined for the Wells Fargo Bank building.
 - d. Bring the Lincoln County Fairgrounds and Arena back for discussion and analysis. The County commissioned a Fairgrounds Master Plan in 2011, and a Magado Creek Crossing Study in 2012. There has been interest expressed in having the County reconsider the project, including scope and use. Once determined, there may be grants available for such projects, such as USDA. Both studies are available upon request.
4. **Invitation to: The First, New Mexico Fallen Wildland Firefighter Memorial.** To be held on April 25, 2019 at 1:00 p.m. at the Smokey Bear Historical Park in Capitan. Lincoln Volunteer Fire Department Chief Bennie Long and Smokey Bear's Hometown Association has worked tirelessly to obtain the donations for this special memorial. Please RSVP.
5. **Governor Lujan Grisham's Invitation to Representatives from all 33 County Commission's to Participate in a Conference Call.** Chairman Stone and Vice-Chair Draper participated in the call, during which no County was able to verbally participate. Each county submitted four questions to NMC President Rebecca Long and Steve Kopelman, who reviewed them and relayed the most common questions to the governor. Attorney General Balderas also participated in the call, cautioned the Counties of the risk of potential financial liability if laws were not enforced. The law enforcement officers throughout the state have since received correspondence from Attorney General Balderas regarding the obligation to uphold the mandates of Senate Bill 8, which makes it unlawful to sell a firearm without a background check. Attorney General Balderas reminds that effective July 1, 2019, law enforcement officers have a legal obligation to uphold the mandates of Senate Bill 8.
6. **Capital Outlay Projects.** The Manager provided a list of the Governor's Vetoed Projects, including \$300,000 for the construction of the Lincoln County Replacement Hospital; and the Capital Outlay Projects approved including the Chart for Lincoln County which includes action taken for all local governments in the County, state agencies operating in the County including the Office of the District Attorney, higher education institution, libraries, museums, acequias, historic sites and solid waste authority. The Governor's line-item vetoes impacted 8.9% of the total Capital Outlay requested by all entities in Lincoln County.

7. **NM-DOT Notification of Change in Local Government Road Fund Program Funding for FY2019-2020.** During its February 19th meeting, the Commission approved the recommended projects for Local government road funding and authorized the submission of letters of intent to the NM-DOT. The County applied for CAP, Coop and School Bus Program Funding. On April 8th, the County was notified that "funding levels have reverted back to previous levels and were cut from the levels of previous years. "Even though we think all projects were viable and are important to your communities, we are just not able to fund everyone's project." The Manager provided copy of the notification letter from NM-DOT and acceptance letter from County to NM-DOT, which was required to be returned no later than April 9, 2019. As illustrated, the County received no School Bus or Coop funding; and the District's CAP amount was reduced from \$282,750 to \$169,072. The County's share remains 25%, or \$56,357.53. District 2 Engineer Tim Parker provided further information informing additional DOT funding was allocated to US 285 and several roads in the area; and that the top priority roads designated by the legislature for District 2 were US285 (mile market 0 to 22), NM 128 (approximately 50 miles; and an interchange at US 285 and NM 31). 2.5 of those three projects reside in Eddy County; and .5 of NM 128 is in Lea County. Road Superintendent Honeycutt will address during his update to the Commission.

Departmental Head Updates

Jeff Honeycutt, Road Superintendent stated due to the cut in funding for the CAP, Coop, and School Bus Route Project he will go ahead with only one project and that is to repair Juniper Springs and wait until funding for Fort Lone Tree. Mr. Honeycutt stated the department will also start work on the Alpine Village, Paso Monte and Arrowhead roads.

Samantha Mendez, Director of planning and Project Management informed they filled the addressing position and they are expected to start at the beginning of May. Ms. Mendez stated she attended a training in Albuquerque on flood precautions. Ms. Mendez stated the Village of Ruidoso purchased property management short term rental software.

Renee Montes, Senior Services Director stated she will attend a training next week with non-metro. Ms. Montes stated they are in the process of hiring a Part time cook in Corona and driver for Ruidoso Downs.

Punkin Schlarb Finance Director informed they are ready to close fiscal year 18-19. Ms. Schlarb reported Triadic and Systems MD were here today looking at the server for the integration of "Liveweb."

Joe Kenmore, Office of Emergency Services Director stated the department is working with the forest service to get tower in Capitan. Mr. Kenmore informed he would assist with a driving course in Hondo. Mr. Kenmore stated he will continue to notify of any Red Flag warnings, and we had a few this month. Mr. Kenmore stated the Emergency Medical Service conference is this week and will be held at the Ruidoso Convention Center.

16. Award of RFP 18-19-007 for Design Professional Services for the New Hondo Senior Center

Ms. Taylor stated design professional services bids for the new Hondo Senior Citizen Center were due on March 28, 2019. Ms. Taylor stated two contractors responded to the RFP: Cherry/See/Reams Architects PC and Pettigrew & Associates PA.

	Pettigrew	Cherry/See/Reams
• Specialized Design and Technical Competence	30.0	29.7
• Capacity and Capability	25.0	25.0
• Past Performance	20.0	19.7
• Familiarity with the Contracting Agency	10.0	4.7
• Work to be done in New Mexico	0.0	0.0
• Current Volume of work with the Contracting Agency not 75% complete	3.3	3.3
• Other	0.0	0.0
	<hr/> 88.3	<hr/> 82.4

Motion: Award RFP to Pettigrew and Associates, PA, **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.

17. Approval of Tower Lease Agreement Between the County of Lincoln and Chaves County

Ms. Taylor stated the purpose of the agenda item was to establish a Tower Lease Agreement between the County of Lincoln and Chaves County. Ms. Taylor stated the County of Lincoln was leasing to Chaves County space on an eighty foot tall radio tower structure. Ms. Taylor stated this Tower Lease Agreement will improve communications for both the Tenant and the Landlord, including the Emergency Services Department, Fire Departments, Road Department, the Sheriff and Office of Emergency Service.

Motion: Approve Tower Lease Agreement between the County of Lincoln and Chaves County contingent on the tower being constructed, **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.

19. Update on the Transfer of County Property (Carrizozo Baseball Field) to the Town of Carrizozo by Quitclaim Deed

Ms. Taylor reminded the Town of Carrizozo expressed interest in the County transferring the local baseball field to the Town via a Quitclaim Deed. Ms. Taylor stated the County of Lincoln was working with the Assistant Attorney General to prepare documents for the transfer to present to the State Board of Finance for approval.

Ms. Taylor stated the Town of Carrizozo requested permission to use the field in the meantime.

Motion: Approve temporary agreement with the Town of Carrizozo, **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.

20. Annual Audit of Lodger's Tax for FY 17-18

Ms. Taylor stated in accordance with County Ordinance 2017- 05 "the county commission shall select for annual random audit one or more vendors". Ms. Taylor explained the audit is to verify the amount of gross rent subject to the occupancy tax. Ms. Taylor stated the commissioners have the responsibility of determining the number of lodgers for the audit and then to select the vendors. Ms. Taylor stated the results of the audit were then reported to DFA and the Board of County Commissioners.

Ms. Taylor stated the vendors to be audited were divided into two pools with one of large businesses and one of smaller businesses. Ms. Taylor stated there were currently 30 active vendors.

Ms. Taylor presented an envelope with folded numbers in it corresponding to the names of lodgers.

Commissioner Stewart and Commissioner Allen choose random numbers which would identify lodgers selected for the audit.

21. Resolution 2018-42: Authorizing and Approving Submission by Bonito Fire Department of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority to build a New Sun Valley Fire Station.

Ms. Taylor reminded during the December 2018 Regular Meeting the Bonito Volunteer Fire Department requested the Commission to authorize the issuance of an RFP for the construction of the new Sun Valley Station. Ms. Taylor stated VFD Secretary Riker Davis had obtained an initial cost estimate for the project; verified the amount of unencumbered funds available for the project; obtained a State Fire Marshal's \$100,000 grant; and worked with the New Mexico Finance Authority to determine eligibility for a loan for approximately \$1 million for funding the balance.

Ms. Taylor stated the RFP for the Bonito Fire Sun Valley Station was subsequently awarded to Roper Construction during the February 2019 Regular meeting. Ms. Taylor stated a Resolution from Lincoln County authorizing and approving a completed application for financial assistance was requested by the New Mexico Finance Authority.

Motion: Adopt Resolution 2018-42, **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 D: Copy of Resolution 2018-42 is attached hereto in reference thereto made a part hereof.

22. Resolution 2018-43 Budget Adjustment FY 18-19

Motion: Adopt Resolution 2018-43, **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 E: Copy of Resolution 2018-43 is attached hereto in reference thereto made a part hereof.

23. Resolution 2018-44 Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between Lincoln County and the New Mexico Finance Authority for Arabela Volunteer Fire Department \$30,227

Attorney Morel stated the purpose of the agenda item was to authorized the execution and delivery of a Loan Agreement and Intercept Agreement by and between Lincoln County and the New Mexico Finance Authority evidencing a special, limited obligation of Lincoln County to pay a principal amount not to exceed \$30,227 for the purpose of financing the costs of completing the purchase of fire equipment for use by the Arabela Fire Department.

Attorney Morel reminded during the January 2019 Regular Meeting the Commission authorized and approved submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the purchase of fire equipment for Arabela Volunteer Fire Station.

Motion: Adopt Resolution 2018-44, **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 F: Copy of Resolution 2018-44 is attached hereto in reference thereto made a part hereof.

24. Resolution 2018-45 Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between Lincoln County and the New Mexico Finance Authority for Bonito Volunteer Fire Department-\$819,687

Attorney Morel stated the purpose of the agenda item was to authorize the execution and delivery of a Loan Agreement and Intercept Agreement by and between Lincoln County and the New Mexico Finance Authority evidencing a special, limited obligation of Lincoln County to pay a principal amount not to exceed \$819,687 for the purpose of financing the cost of construction of a new fire station for use by Bonito Volunteer Fire Department.

Attorney Morel reminded during the February 2019 Regular Meeting the Commission awarded the RFP for the construction of a new Bonito Volunteer Fire Station in Sun Valley to Roper Construction.

Motion: Adopt Resolution 2018-45, **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 G: Copy of the Resolution 2018-45 is attached hereto in reference thereto made a part hereof.

25. Resolution 2018-46 Adjusting Precinct Boundaries and Creating New Precincts In Lincoln County

Rhonda Burrows, Chief Deputy Clerk reminded the Commission they authorized the County Clerk to identify and present for adoption by resolution precinct splits. Ms. Burrows stated she spoke to County Attorney Morel about the timeline of events for redistricting and Resolution 2018-46 would not take effect until after April 1, 2021. Ms. Burrows stated the Resolution will formalized the adoption of the minor precinct boundary adjustments previously identified by Research and Polling and presented to the Commissioners during the August 2018 Regular Meeting. Ms. Burrows stated these minor adjustments were made to comply with statutory guidelines for precinct boundaries.

Ms. Burrows stated the Resolution would also define the precinct splits identified in conjunction with Research and Polling for precincts 3,5,7,9, and 11 as discussed in the December Regular Meeting. Ms. Burrows stated these splits would create six new precincts for the purpose of the census count in 2020 and redistricting in 2021.

Ms. Burrows expressed belief there were substantial advantages to the creation of new precincts including possible flexibility for redistricting County Commission Districts. Ms. Burrows also discussed the potential advantage of additional precinct splits in the State Redistricting process especially in Senate District 39 which currently encompasses a portion of six different counties.

There was a general discussion regarding the census, potential population shifts, and redistricting requirements.

Motion: Adopt Resolution 2018-46, **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 H: Copy of Resolution 2018-46 is attached hereto in reference thereto made a part hereof.

26. Solid Waste Update

Ms. Taylor stated the County of Lincoln received numerous complaints from residents in the Alto Lakes Water and Sanitation District of being doubled billed for solid waste services. Ms. Taylor stated the Solid Waste Clerk researched all accounts in this district and found seventeen accounts were billed in error. Ms. Taylor informed the County of Lincoln started billing these customers on January 1, 2015 when solid waste collection commenced. Ms. Taylor stated the total of the seventeen accounts since January, 2015 was approximately \$11,639.54.

Motion: Approve the refund to the seventeen accounts in the amount of \$11,639.54, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commission Stewart questioned if the residents in the Lincoln Hills subdivision were in fact not paying any entity for a solid waste collection.

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

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

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

a. Lincoln Historic Preservation Board

Motion: Appoint Katharine Marsh 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.

b. Census County Committee

Motion: Contact individuals recommended by the Manager to be consider for 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.

28. Approval of Lodger's Tax Application with backup material:

- a. Purpose: Aspen Cash Motorcycle Rally
Request: \$5,000.00
Date(s) of Event: May 16-19, 2019
Presenter: Blayne Maldonado/ Ruidoso Golden Aspen Rally 2, LLC
- b. Purpose: Golden Aspen Motorcycle Rally
Request: \$5,000.00
Date(s) of Event: September 18-22, 2019
Presenter: Blayne Maldonado/Ruidoso Golden Aspen Rally 2, LLC.
- c. Purpose: Fort Stanton Live
Request: \$5,000.00
Date(s) of Event: July 13, 2019
Presenter: Steve Duffy/Fort Stanton Inc.
- d. Purpose: Ruidoso Grindstone Trail Runs
Request: \$5,500.00
Date(s) of Event: July 27, 2019
Presenter: Frederic Moras/Ski Run Road Challenge

Motion: Approve the requests as recommended by the Lodger's Tax Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

Absent: Commissioner Allen.

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

- a. Notice of Special Meeting & Public Hearing for May 1, 2019
- b. Adoption of the 2019-2020 Preliminary Budget May 21, 2019
- c. Bond Ordinance-Wind Energy

Motion: Schedule a Public Hearing for the May 1, 2019 Regular Meeting to consider adoption of the 2019-2020 Preliminary budget and to consider adoption of a Wind Energy Bond Ordinance for the May 21, 2019 Regular Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

30. Update on Consideration of Joining Valencia County in Litigation Against State Tax and Revenue Department for Unpaid Gross Receipts Tax. Increasing the offered contingency fee by approximately 7.5% in exchange for Gallagher & Kennedy's assumption of the costs of litigation

Attorney Morel reminded the County of Lincoln had agreed to join Valencia County in Litigation against State Tax and Revenue Department for Unpaid Gross Receipts Tax. Attorney Morel recommended the County of Lincoln consider increasing the offered contingency fee by approximately 7.5% in exchange for Gallagher and Kennedy's assumption of the cost of litigation. Attorney Morel stated the contingency fee cost will be factored in rather than waiting until the end to figure dollar amount.

Motion: Increase contingency fee by approximately 7.5% **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.

31. Memorandum of Agreement for the Comprehensive Community DWI Prevention Program

Motion: Approve Memorandum of Agreement, **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.

32. 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. Notice of Sale on Foreclosure was filed October 5, 2018. The Foreclosure Sale took place on November 15, 2018 @ 10:00 a.m. at the front steps of the 12th Judicial District Courthouse in Carrizozo.

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. On December 12, 2018, a Notice of Intent to Dismiss was entered by Judge Blankinship. On December 26, 2018, Plaintiff filed its Response to the Notice of Intent to Dismiss and the Court additionally entered a Certificate as to the State of the Record and Non-Appearance as to Defendants, Diane Medcalf, and Pioneer Bank. On January 25, 2019, Judge Blankinship entered a Judgment by Default for Foreclosure.

3. **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 and a Judicial Inquiry Hearing took place September 4, 2018.

4. ***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. A Procedural Order on the Petition for Writ of Habeas Corpus was entered September 6, 2018. County filed its Motion to Dismiss the Petition on October 9, 2018. On October 19, 2018, Petitioner filed his Response to the Motion to Dismiss, and on November 5, 2018, Lincoln County filed its Reply to the Response to the Motion to Dismiss and requested a hearing on the Motion to Dismiss. On January 3, 2019, Lincoln County filed its Response to Petition for Writ of Habeas Corpus. On January 8, 2019 at 2:00 p.m. a Hearing on the County's Motion to Dismiss took place at which time, Judge Counts took the matter under advisement. On February 26, 2019, an Order Setting Aside Conviction was entered by Judge Counts and, on March 25, 2019, a Notice of Appeal was filed with the N.M. Supreme Court.

5. Roger Romero, et al vs. Lincoln County, et al – U.S. Dist. Court Cause No. 2:18-cv-01137-JAP-GJF

A Complaint for Violation of Civil, Constitutional and Statutory Rights was filed on December 5, 2018. On December 27, 2018, Lincoln County was served with the complaint and, on January 17, 2019, filed its answer to the Complaint.

6. 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. Stipulated Motion for Withdrawal and Substitution of Plaintiff's Counsel was filed May 15, 2018 and a Stipulated Order for Withdrawal and Substitution of Plaintiff's Counsel was filed June 21, 2018.

7. 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 was served July 10, 2018. Judge Bryant was recused from presiding over the case by Plaintiff and Judge Counts was assigned to preside over the case. County's Answer to the Complaint and Jury Demand (12 person) was filed August 9, 2018.

8. Kane County, Utah, et al v. The United States, 17-739C and 17-1991C (Consolidated) Class Action Lawsuit to recover PILT underpayments for fiscal years 2015-2017. On August 14, 2018, Lincoln County submitted its Opt-In Notice to participate in the lawsuit.

9. Lorraine Michelle LaMay – Notice of Chapter 13 Bankruptcy Case Number 19-10279-j13 On March 11, 2019, Lincoln County received notice of the Chapter 13 Bankruptcy Case.

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

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. On October 23, 2018, Judge Vega heard Defendant's Motion for a Continuance of the Final Pre-Trial Hearing and the October 24, 2018 Jury Trial. The Motion was granted and the Final Pre-Trial was rescheduled for December 11, 2018 with the Jury Trial to take place on January 7, 2019. On January 4, 2019 a Hearing took place before Judge Vega at which time the Jury Trial was vacated and a Bench Trial was scheduled for January 7, 2019. The Defendant failed to timely appear at the January 7, 2019 Bench Trial and a Bench Warrant was issued and subsequently served. A Pre-Trial Hearing was scheduled to take place on February 26, 2019 at 9:00 a.m., at which time no resolution was reached. The Non-Jury Trial scheduled to take place on April 2, 2019 was vacated and is now scheduled to take place on May 14, 2019.

Tort Claims Notices Received or Threatened

2019

HES, LLC and, Kenneth and Irene Livingston – Tort Claim Notice received January 3, 2019 alleging The N.M. Dept. of Health seized and destroyed cannabis plants belong to HES, LLC and Kenneth and Irene Livingston. On January 24, 2019, NMAC denied the claim.

Lueras, Ramon – Tort Claim Notice received January 31, 2019 from Pizzonia Law Firm was received which referenced "Lueras v. Lincoln County Road Dept., et al" requesting copies of Mr. Lueras' employment records. While the correspondence appeared to be more like an IPRA, NMAC was notified out of an abundance of caution. On February 8, 2019, NMAC confirmed that Mr. Lueras has a work comp claim and that the January 31, 2019 correspondence from Pizzonia Law Firm relates to that claim. NMAC did open a claim as "record only".

Estrada, Ricardo – Tort Claim Notice received February 14, 2019 alleging that, while incarcerated at LCDC, the Claimant was physically attacked by a former employee of LCDC out of retaliation causing injuries to his small finger on his left hand and possibly a left foot fracture. TCN emailed to R. Martinez on February 15, 2019 and that same day, NMAC advised that there is no coverage for this matter as NMAC does not provide coverage on behalf of counties or their detention centers which are operated or administered by a private contractor.

***Lopez, Iris; May, Andrew; Bustamante, Joseph; Flanagan, Wayne Otero; Hernandez, Gabriel** – Tort Claim Notice received March 18, 2019 from Chris Nedbalek, Nedbalek Law Office, LLC alleging deprivation of Claimants' rights, including the Eighth Amendment

prohibiting cruel and unusual punishment (i.e. unsanitary conditions, drug use by inmates, and mold problems.)

2018

Duke, Arnold – Harrisburg Document recovery

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 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.

Ford, Richard E. – Tort Claim Notice received September 26, 2018 from Attorney Gary Mitchell alleging damages due to the Lincoln County Sheriff's Department's alleged unlawful entry, wrongful taking of monies, and civil rights violations that took place on or about June 25, 2018.

Russell, Eric – Tort Claim Notice received September 28, 2018 alleging damages related to an incident involving the Lincoln County Sheriff's Department and Claimant's dog.

Steward, Tynel – Tort Claim Notice received November 1, 2018 alleging that while incarcerated at Lincoln County Detention Center, the Claimant (i.) was attacked due to the negligence, reckless, and/or intentional actions of jailers and other county employees, (ii.) has not received adequate medical care, and (iii.) is being held in inhumane conditions of confinement, including, but not limited to, sewage gas, overcrowding, and sleeping conditions.

Windstream – Tort Claim Notice received November 13, 2018 alleging that Windstream Facilities at 147 Pfingsten Rd., Nogal, N.M. sustained damage as a result of the negligent acts or omissions by employees or agents of Lincoln County. Alleges that on or about September 22, 2018, Lincoln County was installing a culvert and damaged a Windstream Cable.

Windstream – Tort Claim Notice received November 13, 2018 alleging that Windstream Facilities at 148 Nogal Canyon Rd., Nogal, N.M. sustained damage as a result of the negligent acts or omissions by employees or agents of Lincoln County. Alleges that on or about September 27, 2018, Lincoln County was installing a culvert and damaged a Windstream Cable.

2017

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.

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

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

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

Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:48 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 4:58 PM.

Commissioner Draper attested 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.

33. Signing of Official Documents

34. Next meetings:

- a. May 1, 2019 Special Commission Meeting
- b. May 21, 2019 Regular Commission Meeting
- c. June 25, 2019 Regular Commission Meeting

35. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:58 PM.

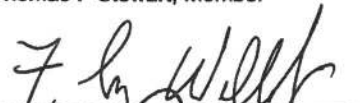
County of Lincoln
Board of Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F Stewart, Member


F Lynn Willard, Member

ATTEST:


Whitney Whittaker, County Clerk

May 21, 2019
Date Approved

