

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, November 19, 2019

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on November 19, 2019 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone gave formal notice to appoint Commissioner Draper to Chair for Regular Meeting.

Chair Draper called the Regular Meeting of the Board of County Commissioners to order at 8:30 am.

2. Roll Call

Roll Call.

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

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

3. Invocation

The invocation was presented by Chair 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 Draper, Commissioner Stewart, Commissioner Allen, Commissioner Stone, Commissioner Willard.

6. Approval of Minutes:

- a. October 15, 2019 Regular Commission Meeting

Motion: Approve the minutes of the October 15, 2019 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending October 31, 2019
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Approval to Renew County Safety Policy
- e. Lincoln County/Jasper Riddle - Corrected Quitclaim Deed Recognizing Alto Pines Rd./Easement

- f. Approval of Required 2020 Operational Resolutions:
 - i. Resolution 2019-21 - Establishing 2020 Regular Commission Meetings
 - ii. Resolution 2019-22- Establishing 2020 County Official Holiday Calendar
 - iii. Resolution 2019-23- Open Meetings Act
 - iv. Other 2020 Committee Meetings – Lincoln Historic Preservation Board, Lodger's Tax Committee and Land & Natural Resources Committee (LANRAC)

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

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

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

EXHIBIT A: Copies of the Consent Items including Resolution 2019-21, Resolution 2019-22 and Resolution 2019-23 are attached hereto in reference thereto made a part hereof.

8. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Jodie Canfield, District Ranger for the Smokey Bear Ranger District reported low moisture. Ranger Canfield stated a recent court ruling gave the District permission to conduct brush burning projects but not thinning projects. Ranger Canfield reported the District was able to sell firewood and Christmas tree permits. Ranger Canfield informed the US Forest Service just completed a regional "Fire Hire" event and currently all permanent positions were filled.

Ranger Canfield stated the District would halt the spruce tree thinning project on Ski Run Road until next spring due to plans to open the ski area Thanksgiving weekend. Ranger Canfield informed the Environmental Analysis pertaining to the north end of the Smokey Bear Ranger District, also called Smokey Bear North, was near completion.

Ranger Canfield informed on the National Forest Foundation (NFF) a non-profit partner of the Forest Service very active in the Ruidoso area. Ms. Canfield stated the National Forest Foundation partnered with the Village of Ruidoso on improvements at Grindstone. As part of the agreement NFF receives \$1.00 of every \$5.00 parking permit issued at Grindstone Lake.

Ranger Canfield informed on the Smokey Bear live event in Capitan which was a National Event with on-line learning about fire prevention and the history of Smokey Bear. Ms. Canfield stated the Capitol Christmas tree also came through Capitan on its way to Washington.

b. Extension Services

Ms. Taylor reported Melanie Gutierrez, Program Director was unavailable to attend this month.

c. South Central Mountain RC & D

Rick Merrick, Community Forester provided information on FireWise communities and showed a video trailer but recommended everyone watch the complete 45-50 minute video. Mr. Merrick discussed the fire in California and explained how they> the State had focused on evacuation instead of suppression. Mr. Merrick recommended continuing community outreach and education regarding wildland fire throughout the County.

Mr. Merrick defined a Fire Adapted Community. Mr. Merrick informed he will continue to build the FireWise program as well as work on Fire Adapted Communities. Mr. Merrick recommended all fire districts review their fire evacuation routes and start addressing any concerns.

d. Upper Hondo Soil & Water Conservation District

Ms. Taylor informed Judy Bock, Program Coordinator was unavailable to attend this month.

9. Approval of Prior Year FY18/19 Invoices from Rachel's Communications

Manager Taylor informed Rachel's Communications, LLC Invoices #52880 and #52983 were received by mail on October 15, 2019. Ms. Taylor stated Rachel's Communications had since been made aware of the County's timing requirements for year-end invoice submittal.

Motion: Approve prior year invoices for payment, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

10. Approval of FY 19/20 Budget Adjustment by Resolution 2019-24

Ms. Taylor stated per statute, Counties may request adjustment to budgets to accommodate changes in financial operations during the fiscal year. Ms. Taylor stated the Commission approved adjustments must also be submitted to the Department of Finance and Administration for approval.

Motion: Adopt Resolution 2019-24, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

EXHIBIT B: Copy of Resolution 2019-24 is attached hereto in reference thereto made a part hereof.

13. Lincoln County Detention Center – Update of Completed Operational Transition from LaSalle Corrections West to Correctional Solutions Group

Ms. Taylor discussed the Commission's approval of the Form of Agreement between Correctional Solutions Group (CSG) and the County of Lincoln on September 6, 2019. Ms. Taylor stated the transition from LaSalle Corrections West, LLC to Correctional Solution Group, LLC has started. Ms. Taylor stated CSG had two key leadership team members stay in Carrizozo to work directly with LaSalle leadership and Warden Anderson.

Carlos Morales, Warden informed CSG took over November 1, 2019 and were working very hard during the transition. Warden Morales stated staffing vacancies were down and employee positions were 90% full. Warden Morales reported the facility now had 24/7 medical coverage.

Warden Morales discussed modifications initiated by CSG including moving cells, modifying doors with bigger windows and adding cameras to the cells. Warden Morales also reported 100ft of razor wire was added on the perimeter fence and the locks were changed on all the gates. Warden Morales reported many other improvements were made to the interior of the facility as well including the addition of a new arraignment room. Warden Morales stated the Fire Marshall did a walk through with them and CSG was e working on noted corrections.

Sal Margin, Correctional Solutions Group discussed Community Resources in Lincoln and Otero County. Mr. Margin provided a list of resources in the area available to help those housed at the detention center. Mr. Margin informed he was working on developing courses for those staying at the detention center longer than a few days. Mr. Margin informed the courses would cover everything from basic life skills to drug education information and resources. Mr. Margin reported he had also contacted Eastern New Mexico University who agreed to work on course development for both GED classes for the inmates and training classes for employees. Warden Morales informed the facility was working with a "sister jail" in Ohio to assist the food service department with new menus and production costs.

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

Commissioner Stewart reported he attended the Joint Land Use Study Group quarterly meeting on October 30, 2019.

Commissioner Allen reported she continues to attend the Greentree meetings.

Commissioner Willard reported he would attend The Southeast Regional Transportation Planning Organization (SERTPO) meeting in Roswell with Jeff Honeycutt, Road Superintendent and Glenda Halidan, Planning Director.

Beverly Calaway, Treasurer reported \$33,064,564.22 was billed for the 2019 property taxes. Ms. Calaway stated \$10.9 million had been collected so far and of that amount \$4,034,461.31 was County funds. Ms. Calaway stated her office staff attended a Financial Accounting Officer Department of Finance and Administration training in Albuquerque.

Walter Hill, Assessor announced the Aerial Pictometry flyover was underway and was about one third complete. Mr. Hill stated they would have an in-office training on the program once they received the data from the flights.

Robert Shepperd, Sheriff stated he attended a meeting held by the New Mexico Counties Executive board and the New Mexico Municipal League Executive Board. Sheriff Shepperd reported the PERA cost of living allocations for retirees were on hold but the Board discussed possible percentages changes. Sheriff Shepperd reported there was a shortfall in the State retiree plan of 14% and the Municipal retiree plan.

Sheriff Shepperd discussed the State Law Enforcement Protection Fund from which Lincoln County currently receives \$32,000 plus \$600 per certified officer. Sheriff Shepperd stated the Sheriffs association were working to increase the allocation to \$50,000 plus \$1,000 per certified officer. Sheriff Shepperd stated the proposed changes would allow the fund to build up over time.

Chair Draper reported he attended the 1st Annual Lincoln County Night out with First Responders event held November 14, 2019 at the Ruidoso Convention Center. Chair Draper stated he recently visited the Valley of Fires State Park. Chair Draper informed the Village of Ruidoso was currently working on historic areas in town with the possibility of QR codes being used in the future. Chair Draper stated Karen Mills, Historical Records Clerk was assisting with the project.

Alan Morel, Attorney informed on October 24, 2019 Commissioner Stewart traveled back to Kings Park, New York to be inducted into his hometown Hall of Fame.

Jeff Bleau, resident of Lincoln County was concerned with the Lincoln County Solid Waste Disposal Ordinance. Mr. Bleau questioned why homes with secondary living quarters (i.e.- guesthouses) were now being charged an additional household charge. Mr. Bleau stated Ranches of Sonterra Covenants prohibits leasing or renting of guest quarters. Mr. Bleau asked the Commission to review the Solid Waste Ordinance to provide a process for residents impacted by a second billing with a means of appeal and to request an exemption or waiver of the additional fee.

Mike Wood, Lincoln County Undersheriff stated he attended the First Responders Event and it was a great opportunity for fellowship. Undersheriff Wood stated the Sheriff's Office sponsored a booth about the Child Safe Program.

Undersheriff Wood reported the Town of Carrizozo Police Department was down to one officer so the Sheriff's office would assist in calls. Undersheriff Wood gave special recognition to Sheriff Robert Shepperd for providing assistance to the Carrizozo Police Department which helped save the life of a woman.

12. Consideration of Granting Out Lincoln County's 2020 Census Outreach Allocation to a Third Party Professional Locally-Based Consultant

Ms. Taylor informed during its January 2019 meeting, the Commission considered information regarding local government responsibility to establish a "Complete Count Committee". Manager Taylor reported that during the February 19, 2019 Commission Meeting, they adopted Resolution 2018-32 creating a Census 2020 Complete Count Committee. Manager Taylor stated the New Mexico 2020 Statewide Complete Count Commission and Local Government had invited Counties to enter into an optional agreement with the State to conduct outreach related to the 2020 Census. Manager Taylor stated the County's potential monetary allocation from the State for this participation was \$26,564.89. Manager Taylor reported she met with NM Census Coordinator, Paige Best, who was working with all counties on this initiative, to discuss the possibility of assigning the Outreach initiative to a professional consultant.

Robert Rhatigan, research scientist at the University of New Mexico, NM State Demographer and the State's Liaison to the US Census Bureau informed on the impact of the 2020 Census. Mr. Rhatigan reported the US Constitution required a headcount every 10 years and stated the figures are also used to draw Legislative, County Commission and even City Council districts. Mr. Rhatigan reported an accurate count can attract businesses and increase economic development.

Mr. Rhatigan informed there was over \$1 trillion in federal funding disbursed down from the Federal Government and it is imperative that Lincoln County gets an accurate count in order to get their fair share of the funds. Mr. Rhatigan recommended consideration of the receipt of funds from the Grant and working directly with Craig Westbrook as a professional consultant to increase Census outreach and convey what was at stake if the Census was not done correctly.

Commissioner Stewart questioned the minimal contractual requirements from DFA. Commissioner Stewart stated he would support contracting with a third party professional consultant if it would remove some burden off the County Manager and County Staff.

Craig Westbrook, Professional Consultant informed State Senator Bill Burt was hired by the State as a media consultant for the Census project. Mr. Westbrook reported he is currently working with the rural community on outreach. Mr. Westbrook described many different options to reach out to people including listing information on County Websites, utility bills and at Senior Centers as well as mailing letters and even educating students. Mr. Westbrook stated he would have a specific approach to individual areas and outreach addressing diverse areas. Mr. Westbrook reported if Lincoln County could reduce the undercount from 30% to 25% it could result in a net increase of \$2.89 million per year.

Paige Best, NM Census Coordinator reported the 2020 Census will affect the Fiscal Year 2023 Medicaid reimbursement. Ms. Best stated Lincoln County needed to consider the long term affect as the 2020 Census data would be utilized through 2030.

Motion: Develop a third party contract acceptable to the State, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

16. Solid Waste Update

a. Cleanup around Compactors/Dumpsters

Ms. Taylor informed Sierra Contracting Inc. had agreed to implement a process to collect illegal dumping more often as required by the contract and after shared concerns of the Commission and consumers.

b. Cameras

Ms. Taylor reported the Commission had authorized funds to purchase cameras for strategic placement to deter illegal dumping. Manager Taylor stated there were numerous meetings to discuss the types of cameras to purchase, the placement locations and the task of reviewing the results. Ms. Taylor stated Sierra Contracting had expressed interest in monitoring the cameras.

Attorney Morel suggested there was a need to find a better solution since the County had not prosecuted anyone for illegal dumping.

c. Dumpsters / Compactors

Ms. Taylor reported the County of Lincoln initially authorized funds in the amount of \$55,200 to purchase compactors for the Arabela Site. Ms. Taylor stated the County needed to change the listing of that site with the Environmental Department from a dumpster site to a compactor site.

Brianna Herrera, Lincoln County Solid Waste Clerk informed installation of a compactor at the Alpine Village was at a standstill, however the department was working with Department of Transportation on the Arabela Site.

Commissioner Allen questioned why people were billed for guesthouses.

Ms. Herrera reported she had been working directly with the County Assessor's Office to determine the property as coded, residential vs. nonresidential. Ms. Herrera stated they were in a process of conducting a self-audit.

Commissioner Allen questioned why some residents were receiving one tax bill but receiving two to three Solid Waste bills. Commissioner Allen also questioned if a separate guesthouse was listed on the tax bill as a separate residence.

Ms. Herrera explained the tax bills were based on one owner number, whereas solid waste billing was based on residential houses.

Walter Hill, County Assessor explained all buildings were listed separately on tax bills and his staff assessed each structure on the property. Mr. Hill stated there could be one owner number getting one property tax bill but there could be five different houses on the property.

Attorney Morel informed he could provide some language for the ordinance which would allow for changes in certain situations for the billing for solid waste based strictly on the tax bill.

There was a general discussion on the definition of a guest house.

d. 300 Acre Exemption

Ms. Taylor reported the 300-Acre Exemption continued to cause compliance issues. Ms. Taylor stated a number of landowners holding the exemption were leasing private dumpster service in contradiction to their stated agreements. Ms. Taylor further stated complaints were received stating exemption holders were using public dumpsters and compactors. Ms. Taylor informed the County of Lincoln does not have all applications on file since many were carryovers from those granted by Greentree Solid Waste Authority. Ms. Taylor stated for the seventy seven "skipped" accounts, Lincoln County had only forty four applications on file.

e. Greentree Solid Waste Authority's Proposed Memorandum of Understanding to Allow Greentree Solid Waste Authority to Collect and Dispose of All Solid Waste Generated by the Residents of the Fawn Ridge Subdivision

Ms. Taylor stated the Fawn Ridge Property Owner's Association had decided they no longer wanted to receive solid waste services from the County and would prefer solid waste service from Greentree Solid Waste Authority. Ms. Taylor reported they had received a memorandum of understanding for solid waste services in the Fawn Ridge Subdivision from GSWA.

Tom Hufstedtler, President of the Fawn Ridge Water Association stated they lost their dumpsters about one year ago and had to haul their trash about one half mile from their residence. Mr. Hufstedtler reported they had also lost their slash pickup when they went from Greentree Solid Waste to Sierra.

Chair Draper questioned if Fawn Ridge was a water and sanitation district.

Attorney Morel explained Fawn Ridge was a water district but not a water and sanitation district. Attorney Morel stated the Association would need to form a water and sanitation district to govern their own sanitation. Attorney Morel reported there were different statutory requirements for establishing Water and Sanitation Districts which require legally defining the district, conducting public hearings, and electing board members.

Motion: Approve \$24,000 for Solid Waste to purchase equipment, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Stewart.

Commissioner Stone withdrew his motion and Commissioner Stewart withdrew his second.

Motion: Approve \$24,000 for Solid Waste to purchase equipment, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Stone.

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

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

Chair Draper recessed the meeting at 10:52 AM and reconvened the meeting at 11:04 AM.

16. Solid Waste Update

There was a general discussion regarding the Solid Waste Ordinance and regarding the 300 acre exemption.

Ms. Taylor agreed the County of Lincoln would send a letter giving the landowner's with no exemption on file until the end of December to submit the necessary documentation. Manager Taylor stated if the exemption was not received by the end of December the Solid Waste Department would begin billing those properties.

14. Consideration of Request for Modification of Operator IV – Blademan Job Description

Manager Taylor stated Jeff Honeycutt, Road Superintendent had requested the modification to enable the assignment of an additional road district to one Operator IV Blademan if the situation called for it.

Jeff Honeycutt, Road Superintendent informed the change would provide added flexibility to compensate for adjusting districts with the plan to go from leasing seven blades down to six or five blades in the future.

Commissioner Stewart questioned the proposed 10% stipend and how it was to be recorded and compensated through Human Resources and Payroll.

Motion: Approve requested modification, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

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

15. Manager's Report

1. Introduction of Finance Director Billie-Jo Guevara: Congratulations to Billie-Jo Guevara for earning the promotion to the Finance Director position. Her vacated long-term critical role as Human Resources Director was advertised internally, drawing in six applications for the position. Interviews will be conducted in the next several weeks.

2. Presentation of 2020 Capital Outlay Request to Legislative Delegation: On November 13th Otero and Lincoln Counties, along with the municipalities in each County presented to the combined Legislative Delegation requests for 2020 Capital Outlay consideration. Manager noted Lincoln County's five priority projects presented were: 1. Complete the construction of the Lincoln County replacement hospital (\$361,492); 2. Construct and equip improvements to the County Fairgrounds (\$500,000); 3. Construct renovation and drainage improvements for County Courthouse Courtyard (\$100,000); 4. Construct ADA improvements in County Courthouse (\$90,000); 5. Plan, design and construct 3 miles of re-pavement of County Roads (\$500,000).

3. Exit Interview for FY 18-19 Audit. Kubiak, Melton & Associates are wrapping up the County's FY18-19 Audit, and have requested to hold the formal Exit Interview on November 17th. The participation of one Commissioner is required however, two can participate.

4. Manager's Affiliate Meeting was held on November 17th and 18th, in Cloudcroft, and was attended by 18 counties, as well as NM Counties – 33 Strong. Manager reported this was a very good meeting.

5. Juvenile Detention Centers: During the Managers' Affiliate meeting November 16 – 18, critical information was provided about the housing of juveniles in New Mexico Detention Facilities. Currently New Mexico has eight counties operating a Juvenile Center, with two of those (Luna and Chaves) ceasing the service in the near future. Although the 10-year population trend has decreased significantly, total costs of approximately \$18.4 million was spent in FY 19 by all 33 counties. These costs reflect not only incarceration costs, but also those tied to transport. The Legislative Health & Human Services Committee has met this month to identify "Issues Arising from the Closure of juvenile Detention Facilities".

6. **Bonito Lake Restoration Project:** The Bonito Lake Restoration Project is nearing its end, with a target substantial completion date of February 2, 2020; and final completion date of March 12th. Total debris hauled to date is 249,000 CY, with expenditures of \$7.8 million.

7. **2019 Local Government Transportation Project Fund (LGTPF) meetings:** The NMDOT has held meetings across the state to discuss the LGTPF Agreements, and the process utilized for project selection. On November 6th, the County hosted a District 2 meeting in Commission Chambers. Attendees traveled from Capitan, Ruidoso, Mesalero, Carlsbad, Vaughn, Edgewood, Lovington, Portales and Albuquerque to provide input about the project selection process. A more formal meeting is being held in Roswell on November 19, with the discussion to be formally recorded and provided to State DOT. Glenda Allen, Planning / Project Management Director is attending for the County.

8. **NM Tourism Department / NM Hospitality Association** have partnered to create a New Mexico Lodgers' Tax Handbook designed to assist lodging businesses, local governments, lodgers' tax funds administrators and other stakeholders with the collection, distribution and administration of Lodgers' Tax. Projections have been made that local governing bodies statewide may collectively have access to \$3.8 million of potential revenue from Lodgers' tax; and \$6.3 million of potential revenue from Gross Receipts Tax. Local governments are requested to complete the survey by December 4th.

Department Head Updates

Joe Kenmore, Office of Emergency Services Director informed they performed pump tests for Bonito, Arabela, White Oaks and Carrizozo Fire Departments. Mr. Kenmore stated although Carrizozo doesn't fall under County jurisdiction the department had provided some funding for the pump test trailer so they were included in the testing. Mr. Kenmore stated they had scheduled driving classes and testing for the Emergency Services on October 25-26, 2019, November 1-2, 2019, and November 8-9, 2019. Mr. Kenmore reported 25% of all firefighters, both paid and volunteer, are killed responding to or going home from calls.

Mr. Kenmore stated his department attended the First Responders event. Mr. Kenmore informed ICS (Incident Command System) 300 and 400 classes were taught at the office. Mr. Kenmore stated they had attendees from Albuquerque, EMS and the Space Port. Mr. Kenmore informed on a deposition he had to give pertaining to a Carbon Monoxide poisoning case at a nightly rental which almost killed eight people.

Mr. Kenmore announced construction was well underway on the new White Oaks Station with a scheduled completion date of February 1, 2020.

Renee Montes, Senior Center Program Director informed at the end of October the department had were reached about 41% of their goal for food distribution and about 33% for their home delivered meals.

Ms. Montes informed the new range was installed at the Corona Senior Center right in time for the Thanksgiving Lunch. Ms. Montes reported Thanksgiving Lunch would be served at all of the Senior Centers on Wednesday or Thursday.

Ms. Montes reported on a meeting with David Roybal, Consulting Engineer for Lincoln County, at the beginning of the month pertaining to the Hondo Center. Ms. Montes stated everything was right on track with the finalization of the plans and anticipated issuing a bid request soon. Ms. Montes stated they had received the grant for the Ruidoso Downs Center and were waiting on bids for that site as well.

Jeff Honeycutt, Road Superintendent informed they were hauling and placing the millings acquired from the State. Mr. Honeycutt stated they were being used in the Hondo area on the school bus routes. Mr. Honeycutt reported the Phase 1 Environmental Assessment was conducted at the end of last week. Mr. Honeycutt stated Pettigrew & Associates completed their study and were working on their paperwork which should be ready within the week.

Mr. Honeycutt reported his office had received questions about the way Cedar Creek was maintained. Mr. Honeycutt stated the first 2.4 miles were paved and it was a county road which was county maintained. Mr. Honeycutt stated the last .53 miles was dirt and it was a Forest Service road however there are some County Roads off to the sides which were County maintained.

Billie-Jo Guevara, Human Resources/ Finance Director informed on open positions including an Operator 2 position as well as two Sheriff's Deputies and one dispatch position. Ms. Guevara stated they had six or seven in house applications for the Human Resources/ Administrative Assistant position. Ms. Guevara reported she attended the DFA Budget Conference last week. Ms. Guevara stated she would work with Rhonda Edwards to make sure everyone who would like to go was registered for the NMC Conference in January.

17. Acknowledge Random Audit of Lodgers FY 17/18 by Kubiak, Melton & Associates

Ms. Taylor informed the purpose of the Agreed upon Procedures conducted by Kubiak, Melton & Associates (KMA) was to assist in evaluating the vendor compliance with the remittance of Lodgers' Tax to the County for the year ended June 30, 2018. Ms. Taylor stated KMA outlined the duties of the vendors and made suggestions to the County as well as proposed updates to the Lodgers' Tax Ordinance.

Motion: Acknowledge receipt of the random audit of Lodger's Tax for Fiscal Year 2019-2018,
Action: Approve, **Moved by** Chair Draper, **Seconded by** Commissioner Stewart.

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

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

Chair Draper recessed the Regular Meeting at 12:00 and convened the Public Hearing at 1:00 PM.

18. 1:00 P.M.: Public Hearing To Consider An Ordinance Amending The Lodgers' Tax Ordinance 2017-05 Revisions Required Pursuant To NMSA 1978,3-38-16 [Exemptions] Effective January 1, 2020 By Ordinance 2019-03

Alan Morel, Attorney stated the main reason for revising the Ordinance was due to a change in State law which requires property owners to comply with the Lodgers' Tax if renting even one unit. Attorney Morel stated previously Lodger's Tax was applicable if an owner was renting three or more units. Mr. Morel stated a change to the effective date of the Ordinance would need to reflect January 1, 2020.

Commissioner Allen questioned Section 4 - Use of Tax Proceeds to make sure it was based on State Statute.

Attorney Morel confirmed Section 4 was derived from the State Statute.

Attorney Morel informed he was directed by Chair Draper to draft two versions of the Ordinance; one with a 4% Gross Receipts Tax and one with a 5% Gross Receipts Tax.

Chair Draper stated Ruidoso charges 5% and he suggested the County keep it consistent for the citizens.

Commissioner Willard questioned Section 6 and how long do the vendors have to apply for the license.

Attorney Morel stated the vendors should already be compliant with the Ordinance, however he would recommend publishing in Lincoln County News and the Ruidoso News informing the change would take effect January 1, 2020 as there may be vendors renting one or more rooms in Lincoln County.

Commissioner Allen stated some vendors who rent their property through Air B&B and other such means may not be aware of the Lodgers' Tax requirement and questioned if the newspaper was the only means of notification.

Attorney Morel informed there was a list of current lodger's tax vendors and recommended sending a letter informing of the change in law.

Commissioner Willard questioned the number of vendors stating the County had 28 known vendors however some information suggested potentially 400 vendors.

Commissioner Allen questioned the process for the Vendors to apply and get approval through the County Managers office or through the County Planning Office.

Manager Taylor recommended talking to the Village of Ruidoso about using their database as they get a listing about vendors in the area from a company called Host Compliance and the County could possibly piggyback as a contractor on that service.

Commissioner Allen questioned Section 6 as it stated the County Manager shall review applications for a license within 10 days. Commissioner Allen recommended changing the wording in Section 6 from the County Manager to the County Planning Department.

Attorney Morel stated he would revise Section 6 to reflect the Planning department does the initial review and approval however the Manager's Department issues the Certificates and documents.

Chair Draper questioned Section 5 looking for clarification on the thirty consecutive days.

Mr. Morel stated under 30 consecutive days of occupancy was considered short term rental and subject to the Lodgers' Tax whereas 30 consecutive days occupancy or more was considered long term.

Chair Draper requested Public Comment and receiving none reconvened the Regular Meeting at 1:16 PM.

Attorney Morel recommended approval of the revised Lodgers Tax Ordinance 2019-03 with changes to the amount of tax from 4% to 5%; changes in Section 6 reflecting the County Planning Department will conduct review of applications but the Managers Office will issue the certificate; and the effective date of the Ordinance would be changed to January 1, 2020.

Motion: Approve Lodgers' Tax Ordinance 2019-03 with defined changes, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

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

Exhibit C: Copy of Ordinance 2019-03 is attached hereto in reference thereto made a part hereof.

19. Replacement Hospital Update

Mike McDonald, Project Manager with Jaynes Corporation stated they were very close to finishing the first floor. Mr. McDonald announced the site was scheduled for a February 19, 2020 Certificate of Occupancy of the hospital and August 15, 2020 for a total completion of Phase II.

Mr. McDonald informed the Joint Accreditation Commission came out to do a survey and they pointed out concerns and looked at code interpretation for the best safety of the patients.

Mr. McDonald reported some of the major milestones reached in the last month include the first air handler was started up as well as the boilers to handle temperature control and they were able to start the emergency generator as well. Mr. McDonald informed the second air handler would be started up soon to have sufficient temperature control to get through winter.

Ms. Taylor informed the "Commissioning" work was increasing. Ms. Taylor explained commissioning ensures building quality using design review, and in-field or on-site verification.

Ms. Taylor reported the most recent Pay Application submitted by Jaynes on November 11, 2019 was for \$1,488,648.34 of which \$958,099.78 was paid with final GO Bond funds. The remainder of \$530,548.56 was paid out of LCMC Construction Fund 510. Ms. Taylor stated the final Requisition No 100 was issued in November, 2019, expending the entire \$25.1 million GO Bond Funds plus the interest generated.

Treasurer Calaway stated the County could consider a Gross Receipts Tax as well.

Attorney Morel reported the lease on the hospital would take effect 30 days after the certificate of occupancy was issued.

Todd Oberheu, Chief Executive stated the lease payments would increase by an estimated \$100,000 per month. Mr. Oberheu explained per the agreement with the County, the building would need to be Joint Commission accredited.

Mr. Oberheu presented a check for \$150,000 from the Lincoln County Medical Center Foundation.

20. **Approval of Resolution 2019-20 - A RESOLUTION DECLARING THE INTENT OF LINCOLN COUNTY, NEW MEXICO (THE "COUNTY") TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000,000 IN CONNECTION WITH INDUSTRIAL REVENUE BOND PROJECTS FOR THE GENERATION OF WIND ENERGY TO BE LOCATED WITHIN THE BOUNDARIES OF THE COUNTY, BUT OUTSIDE THE BOUNDARIES OF ANY INCORPORATED MUNICIPALITY, IN ORDER TO INDUCE ANCHO WIND, A DELAWARE LIMITED LIABILITY COMPANY, COWBOY MESA, A DELAWARE LIMITED LIABILITY COMPANY, DURAN MESA, A DELAWARE LIMITED LIABILITY COMPANY, TECOLOTE WIND, A DELAWARE LIMITED LIABILITY COMPANY, RED CLOUD WIND, A DELAWARE LIMITED LIABILITY COMPANY, VIENTO LOCO, A DELAWARE LIMITED LIABILITY COMPANY AND GALLINAS MOUNTAINS, A DELAWARE LIMITED LIABILITY COMPANY, OR ANY AFFILIATED ENTITY THEREOF AND THEIR RESPECTIVE SUCCESSORS, ASSIGNS AND/OR THEIR AFFILIATES (EACH, AN "ENTITY AND COLLECTIVELY, THE "ENTITIES"), TO DEVELOP THE PROJECT SITE AND ACQUIRE, CONSTRUCT, EQUIP AND INSTALL THE PROJECT BEING DEVELOPED BY EACH ENTITY IN ONE OR MORE PHASES.**

Alan Morel, County Attorney informed on the inducement resolution and discussed the fact adoption of the resolution would not obligate the County to close on any of the IRB Projects identified in the resolution. Attorney Morel recommended adoption of Resolution 2019-20: Inducing The Entities To Develop The Project Site And To Construct And Install The Project; And Direct The County Manager To Publish Notice Of Intent To Consider An Ordinance Authorizing Issuance And Sale Of The Bonds In A Newspaper Of General Circulation With The County.

Eduardo Duffy, Bond Council with Suttin, Thayer & Browne informed the inducement resolution was the first step in the Industrial Revenue Bond process. Mr. Duffy explained each project will have a separate ordinance, a separate lease agreement, and arrangement with respect to Payment In Lieu of Taxes.

Crystal Coffman, Patten Energy explained the Hondo School District does not fall within the boundaries of the wind projects. Ms. Coffman stated as before the Mesa Canyons IRB process would include the Corona and Carrizozo School Districts Ms. Coffman stated they took a poll of landowners to suggest names of regional areas and to name them with a regional connection.

Motion: Adopt Resolution 2019-20, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

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

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

EXHIBIT D: Copy of Resolution 2019-20 is attached hereto in reference thereto made a part hereof.

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

a. **Lincoln Historic Preservation Board**

Manager Taylor informed there were three individuals for consideration: Billy Joe Roberts, Jacque Garner and Jack Faulk.

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

b. Labor Management Relations Board

Manager Taylor informed Ordinance 2005-7 required the County create a three member Labor Management Relations Board. Manager Taylor stated the Lincoln County Deputy Sheriff's Association recommended Chad Tucker and Manager Taylor recommended Rex Wilson to serve. Manager Taylor stated once approved, Mr. Tucker and Mr. Wilson will recommend the third member.

Motion: Appoint Chad Tucker and Rex Wilson to serve on the Labor Management Relations Board, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Draper, Commissioner Stewart, Commissioner Allen, Commissioner Stone, Commissioner Willard.

22. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances

Ms. Taylor informed of the need to discuss the Solid Waste Ordinance during the next meeting and requested authorization to schedule a Public Hearing to consider Ordinance 2019-03 repealing ordinances in conflict (2016-02 and 2017-07); enacting an Ordinance which regulates acceptable and unacceptable waste in Lincoln County; providing for efficient and sanitary collection of waste; providing for mandatory disposal and assessment of fees; and providing a penalty for violation of this Ordinance.

Motion: Schedule the Public Hearing to consider Ordinance 2019-03, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Draper, Commissioner Stewart, Commissioner Allen, Commissioner Stone, Commissioner Willard.

23. Executive Session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters Related to the Road Superintendent Employment Contract for Services, Section 10-15-1, Subparagraph H.(2); Discussion of All Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph 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).

Motion: Close the meeting for the purposes of an executive session Pursuant to the Open Meetings Act: Discussion of Limited Personnel Matters Related to the Road Superintendent Employment Contract for Services, Section 10-15-1, Subparagraph H.(2); Discussion of All Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph 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 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. 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. 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. 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. (NM Supreme Ct. Case No. S-1-SC-37602)
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. A Guardian Ad Litem has been appointed to represent the Plaintiffs. On September 16, 2019, the case was dismissed and, on October 7, 2019, Plaintiffs filed their Notice of Appeal to the United States Court of Appeals for the Tenth Circuit.
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. On May 2, 2019, the Court entered its Certificate as to the State of the Record and Non-Appearance noting L.C.'s Answer to Complaint having been filed and no other answers or responsive pleadings have been filed. Settled with County Liens having been paid.
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. On September 23, 2019, Plaintiff filed his Amended Complaint and, on September 24, 2019, the case was removed to the U.S. District Court for the District of N.M.
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. On October 16, 2019, Lincoln County received notice that it would be receiving \$46,011.00 from the Judgment Fund.
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.
10. **Brd. of County Commissioners of Lincoln County v. Amerisourcebergen Drug Corp., et. al – U.S. Dist. Court Case No. 2:19-cv-00462 –** Complaint for Public Nuisance, Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)... filed on May 20, 2019 by Attorneys Robles, Rail & Anaya, P.C., et. al. After receiving no oppositions to the transfer of the case, on June 17, 2019, the case was transferred to the Northern District of Ohio noting that as of December 5, 2017, 1,534 cases have been transferred to Ohio for further proceedings.
11. **Baltazar Romo v. Rex Beard, Cause No. D-1226-CV-2019-00144** Complaint for Negligence and Negligence Per Se was filed on May 26, 2019 and served upon Sgt. Rex Beard of the Lincoln County Sheriff's office on June 18, 2019. All Judges in the 12th Judicial District have recused themselves. On September 16, 2019, Judge James M. Hudson was assigned to preside over the case. There is presently pending a Motion to Dismiss the Complaint.
12. ***Valerie Herrera v. Anthony Manfredi, Cause No. D-1226-CV-2019-00164** Complaint for Negligence and Negligence Per Se (Battery), and Excessive Force as Brought Under 42 U.S.C. § 1983 was filed on June 16, 2019 by W. Chris Nedbalek. On October 11, 2019, the case was removed to the U.S. District Court for the District of N.M. There is pending a Motion to Dismiss the Complaint.
13. **City of Albuquerque, et al vs. John Monoforte & N.M. Taxation & Revenue Department, Cause No. D-202-CV-2018-08036** Lincoln County has entered into an Agreement for joining in the litigation to recover amounts representing unauthorized reductions in violation of New Mexico Statutes.
14. **Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095 –** Compromise and Settlement Agreement and Release executed on December 17, 2015.

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

15. **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. On May 14, 2019, a Bench Trial was held at which time the Defendant was found Guilty of 1 Count of Dogs Running at Large. The Defendant was sentenced to 90 days jail time with 90 days suspended based upon the condition that the Defendant received no further Citations for Violation of Lincoln County's Animal Control Ordinance within the next 90 days, 90 days unsupervised probation, assessed \$73.00 court costs, \$300.00 fine and \$100.00 bench warrant fee for a total of \$473.00. On August 5, 2019, the Defendant entered a plea of guilty for probation violation.

Tort Claims Notices Received or Threatened

2019

***Bottlehouse Cabins, L.L.C.** – potential illegal subdivision.

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.)

Balderas, Hector – Tort Claim Notice received April 9, 2019 regarding threat of litigation and liability for failure to enforce the law.

Youtz, Shane – Correspondence received May 7, 2019 threatening litigation if Lincoln County's Right to Work Ordinance (Ordinance No. 2018-01) is not repealed due to the passing of HB85.

Udall, Steve – Tort Claim Notice received May 22, 2019 [dated 12-14-19] alleging a Lincoln County Sheriff's Deputy's vehicle hit the air conditioning condensing unit located at the Magistrate Court in Ruidoso damaging the unit beyond repair.

Divelbliss, Kim – Tort Claim Notice received June 17, 2019 [dated 6-11-19] alleging that the Claimant was taunted, harassed and her rights were violated resulting in her ultimate termination from employment by the Lincoln County Detention Center.

Divelbliss, Ty – Tort Claim Notice received June 17, 2019 [dated 6-11-19] alleging that the Claimant was terminated from employment by the Lincoln County Detention Center out of retribution.

Yokley, Scott – Tort Claim Notice received June 17, 2019 [dated 6-12-19] alleging that the Claimant was sprayed directly in the eye with pepper spray during his employment with the Lincoln County Detention Center.

Samaniego, Barbara – Tort Claim Notice received June 26, 2019 alleging injuries sustained while undergoing a MRI at the Lincoln County Medical Center.

Arroyos, Joshua – Tort Claim Notice received August 30, 2019 alleging assault while detained at the Lincoln County Detention Center.

Wilcox, Debra – Tort Claim Notice received September 11, 2019 alleging personal injury and property damage resulting from false arrest, malicious prosecution, abuse of process, libel, slander, defamation of character, violation of property rights and/or deprivation of any rights, by LCSO Deputy Hanna on or about September 7, 2019.

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 Pflingsten 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.

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

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

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

No: Commissioner Stone

Chair Draper recessed the Regular Meeting and convened the Closed Session at 2:02 PM.

Chair Draper adjourned the Closed Session and reconvened the Regular Meeting at 3:02 PM.

Commissioner Stone 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.

24. Consideration of Road Superintendent Employment Contract for Services

Manager Taylor reported Jeff Honeycutt, Road Superintendent had been working in an at-will position. It was the recommendation of both herself and Attorney Morel for the County to enter into a formal contract with him and include some of the conditions at-will contracts have.

Motion: Enter into a formal contract with Jeff Honeycutt, Road Superintendent, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Allen.

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

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

25. Signing of Official Documents

26. Next meetings:

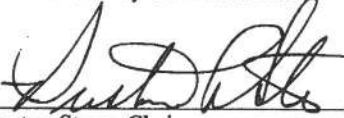
- a. December 17, 2019 Regular Commission Meeting
- b. 2020 Legislative Conference January 21-23, 2020, Santa Fe, NM
- c. January 28, 2020 Regular Commission Meeting


27. Adjourn

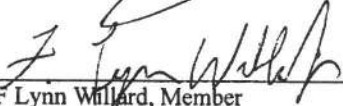
There being no further business to come before the Board of County Commissioners, Chair Draper adjourned the meeting at 3:03 PM.

County of Lincoln

Board of County Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair


F Lynn Willard, Member


Thomas Stewart, Member


Elaine Allen, Member

ATTEST:


Whitney Whittaker, County Clerk

December 17, 2019
Date Approved

