

## 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, January 28, 2020

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on January, 28 2020 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 8:28 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 Chair Stone

#### 4. Pledge of Allegiance

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

#### 5. Selection of Chair & Vice Chair

**Motion:** Nomination of Commissioner Draper for Chairman, and Commissioner Willard for Vice Chairman **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

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

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

#### 6. 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 Stone.

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

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

#### 7. Approval of Minutes:

- a. December 2, 2019 Special Commission Meeting
- b. December 17, 2019 Regular Commission Meeting

**Motion:** Approve the minutes of the December 2, 2019 Special Commission Meeting and the December 17, 2019 Regular 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 Willard, Commissioner Stone.

#### 8. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending December 31, 2019
- c. 2nd Quarter Financial Report
- d. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- e. Accept FY20 New Mexico Fire Protection Grant Awards for Bonito Fire Department and Hondo Valley Fire Department

**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 Willard, Commissioner Stone.

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

#### 9. Approval of Budget Adjustment FY 19/20 by Resolution 2019-28

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

**Motion:** Approve Resolution 2019-28, **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 Willard, Commissioner Stone.

**EXHIBIT B:** Copy of Resolution 2019-28 is attached hereto in reference thereto made a part hereof.

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

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

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

#### 10. Treasurer's Report-Treasurer Calaway

Beverly Calaway, County Treasurer directed the Board of Finance's attention to the Treasurer's Financial Report for the month ending December 3, 2019. Ms. Calaway reported the total amount of interest earned on Lincoln County Medical Center General Obligation bond through the New Mexico Finance Authority came in at \$711,442. 91. Ms. Calaway stated interest paid to the LCMC construction fund, earned while money was sitting in the county's operational account, is \$16,624.65 as of December 31, 2019. Ms. Calaway stated the total hospital construction expenses through January 23, 2019, was \$29,025,235.57.

Ms. Calaway reported from the January distribution, the County of Lincoln had received 24 percent or \$106,272,79 more GRT in the first months of the fiscal year, compared to the same period of the 2018-2019 fiscal year.

Ms. Calaway noted the Detail of Receipts for the General Fund Account reflected anticipated General Fund revenues of \$14,439,792 for Fiscal Year 2019-2020. Ms. Calaway stated currently revenues were 62% of the budgeted receipts.

Ms. Calaway informed the total cash held by the Lincoln County Treasurer as of July 31, 2019 was \$39,016,027.43. Ms. Calaway noted the interest earned on investments reflected the increased rates nationwide. Ms. Calaway stated she contacted local banks to seek the best return possible subject to the requirement of 102% collateralization. Ms. Calaway stated plans

to invest some county funds in the Local Government Investment Pool (LGIP) through the State Treasurer's office.

Commissioner Stewart informed the County of Lincoln's basic property tax revenue was \$7,637,195 and personnel services is around \$7,871,969. Commissioner Stewart stated funding for the Lincoln County Detention Center operations comes to approximately three million. Commissioner Stewart stated we need to keep an eye on property taxes and how we expend the funds

Ms. Taylor stated the Detention Center operations came to approximately five million per negotiated contract with new vendor.

Chair Draper stated the state will need to get involved at some point in the operations of correctional facilities.

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

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

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

#### **11. Forest, Land & Natural Resources Matters:**

##### **a. Smokey Bear Ranger District**

Andrew Ellis, Environmental Planner for the Smokey Bear District reported the district is looking for approval from the County Commission to approve the road use agreement which will include \$30,000 for milling in South Fork Campground and \$27,000 for road maintenance work.

Jeff Honeycutt, Road Superintendent stated the County and the Forest do have an agreement to maintain forest roads. Mr. Honeycutt stated at a recent meeting with the Forest Service, they discussed a modification to reflect a \$300 per mile maintenance agreement.

Mr. Ellis reported the Smokey Bear North Restoration Project Draft was out for public comment until February 7, 2020. Mr. Ellis stated the Forest Service submitted projects for consideration for the judge to exclude from the MSO injunction including the Ski Apache spruce thinning project.

Mr. Ellis reported low fire danger and no fire restrictions this month. Mr. Ellis stated the Forest Service will begin burning piles in the Upper Cedar Creek when weather conditions allow. Mr. Ellis stated the Forest Service will submit projects for Regional funding including, mastication of some piles in Grindstone.

Mr. Ellis stated the Forest Service is analyzing two alternatives for the Hale Lake Travel and Recreation Plan. Mr. Ellis stated the draft plan will be out this winter for public comment.

Mr. Ellis stated the Forest Service is finishing up reports and writing biological Assessment for Mexican Spotted Owls relative to South Fork.

Commissioner Stone raised his concern about the federal judge's decision to cease all thinning on forest land due to the endanger wildlife act. Commissioner Stone stated this puts the County in a fire risk.

##### **b. NMSU / Lincoln County Extension Services**

Melanie Gutierrez, Lincoln County Program Director/Extension Associate reported they hosted the 4-H banquet. 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 are looking at grants to purchase air rifles to be able to shoot indoors. Ms. Gutierrez stated they are also looking at grants to purchase supplies for projects

Commissioner Willard questioned the "Welcome to Lincoln County" signs.

Ms. Gutierrez stated the design is in progress. Ms. Gutierrez stated the signs are being developed by Wade Gutierrez and Mike Gaines.

#### **12. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)**

Commissioner Stewart reported he will attend the Joint Land Use Study Group quarterly meeting on February 4, 2020.

Commissioner Allen reported she continues to attend the Greentree meetings.

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.

Sheriff Shepperd reported on 2020 legislation and proposed bills.

Commissioner Stone introduced Todd Proctor. Commissioner Stone informed Mr. Proctor was running for Commission District 1.

Beverly Calaway, Treasurer reported she attended the 2020 winter legislative conference in Santa Fe. Ms. Calaway stated the Treasurer's affiliate is tracking HB 99. Ms. Calaway stated it will effect assets value on home and rentals.

Ms. Calaway informed the Treasurer's office will start working on delinquent properties and mobile home properties. Ms. Calaway stated in April the Treasurer's office will start to collect the second half of the 2019 property taxes. Ms. Calaway reported the Treasurer's Office had collected approximately sixty two percent of the billed 2019 Property Taxes.

Chair Draper attended the New Mexico Association of Counties (NMC) winter conference in Santa Fe. Chair Draper noted he attended a meeting regarding debt within the Correctional Services Department. Chair Draper informed that counties are utilizing over 60% of their budget to run their detention centers.

Chair Draper reported on 2020 legislation that was relevant to the County of Lincoln.

Susan Gerke, resident of White Oaks expressed her concern with the restriction of thinning in the forest. Ms. Gerke stated she submitted comments to the Smokey Bear North Restoration Project proposal. Ms. Gerke referred to utilizing man and machine power rather than restriction.

Debra Ingle, citizen of Lincoln County and the Operational Supervisor for Greentree raised concern about the Lincoln County Solid Waste Ordinance that was introduced in the December Regular meeting. Ms. Ingle stated she hoped the commission would revisit the language in the County Ordinance. Ms. Ingle expressed her disapproval to the Ordinance as written.

Ms. Ingle stated some property owners in the Alto area have raised concerns about the current solid waste services in the area.

Raymond Dean, resident of Carrizozo expressed his concern to the proposed Ordinance that was introduced but not approved in the December Regular Meeting.

Mr. Dean expressed concern to the current service in the Fawn Ridge subdivision. Mr. Dean claimed the residents had some concerns about current services and would like Greentree to take over solid waste services in that area. Mr. Dean stated the County had no legal right to oppose or to hold approval of those who desired to receive services from Greentree.

Robert Barber, Public Information Officer for the American Red Cross introduced Ames Davis. Executive Director of the chapter for the American Red Cross.

Ames Davis, American Red Cross expressed interest in a partnership with Lincoln County to develop and foster safer families, neighborhoods and worksites. Ms. Ames stated the American Red Cross would promote a system of community self-sufficiency and compassionate response when emergencies arise.

Jim Rapp, Director of the New Horizons introduced himself to the Commission. Mr. Rapp gave an update on the facility and stated they are currently are housing 16 residents with a variety of disabilities.

Michelle Schmidt, executive Director of the Nest for Lincoln Center wanted to introduce herself and provided some statistics. Ms. Schmidt stated the nest is a nonprofit organization.

# **11. Forest, Land & Natural Resources Matters: continued**

## **c. South Central Mountain RC & D**

Rick Merrick, Community Forester informed there is currently no funding for the NFL or the Cost Share program for 2020. Mr. Merrick recommended continuing community outreach and education regarding wildland fire throughout the County.

Mr. Merrick informed he will continue to build the FireWise program as well as work on Fire Adapted Communities. Mr. Merrick attached an article for the commission to read labeled "Beyond Fighting Wildfires."

Commissioner Willard recommended placing the article on social media.

## **d. New Mexico State Forestry**

Nick Smokovich, District Forester stated they are working closely with the Forest Service to help aid and identify projects that have been stopped due to the restriction of thinning and work to find alternatives.

## **d. Upper Hondo Soil & Water Conservation District**

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

## **e. Lincoln / Ft. Stanton Historic Sites**

Ms. Taylor informed Timothy Roberts was unable to attend this month.

## **f. LANRAC**

Robert Barber, Chair of LANRAC also noted they will keep a close eye on the Smokey Bear North Restoration Project Draft EA and will likely submit comments. Mr. Barber stated the committee is still reviewing comments on the Cibola National Forest Plan. Mr. Barber is hoping they will have a final decision this spring.

Chair Draper recessed the Regular Meeting at 10:19 AM and reconvened the Regular meeting at 10:28 AM.

# **13. Lincoln County Detention Center Update**

David Stanfield, Chief Operating Officer provided a status of the CSG Operations.

## **a. Presentation of SOTER Body Scanner – Lukas Richter, OD Security North America**

John Shannon, President of OD Security North America LLC and Lukas Richter, Director of OD Security North America provided a presentation of the SOTER body Scanner.

Mr. Shannon stated the Soter System offers a more human centered approach because it optimally secures staff and facilitates a hand free initial search process. Mr. Shannon stated the system registers a wide variety of information; it generates data, providing statistics and insights you can strategically used.

Mr. Richter stated personal data will not be captured, and there is not violation of the Health Insurance Portability and Accountability act (HIPPA). Mr. Richter stated the scan is not profile based and will not produce a "naked" scan of the body.

Mr. Richter stated the operator console is equipped with a large 23" touch screen with a smartphone-like interface. Mr. Richter stated this high resolution screen gives the most detailed image. Mr. Richter stated a supervisor monitor is also available. Mr. Richter stated this monitor displays a copy of the scan shown on the console, enabling supervisors to have a second opinion from a different location.

Mr. Richter stated the torso monitor offers a direct focus on the area of the body with the higher potential risk to contain contraband.

Commissioner Stone questioned the cost of the system.

Mr. Shannon stated the cost of the scanner is \$118,250 but the equipment can be leased.

There was a general discussion on the system requirements and the purchase of the system as opposed to a lease of the system.

Chair Draper questioned the outcome results of the system.

Mr. Shannon reported the State of Ohio since purchased the system have reported a decrease in the use of narcans.

Mr. Richter stated the life expectancy is around 12 years.

There was a general consensus for Manager Taylor to request a formal quote.

**d. Status of CSG Operations – John Forren, President/CEO and David Stanfield, COO**

David Stanfield, Chief Operating Officer for CSG stated this Sunday will mark the 90th day since CSG had taken over operations at the Lincoln County Detention Center. Mr. Stanfield stated they are fully staffed and continue to work on the culture of the jail.

Chair Draper questioned the length of time a person is in the facility and are is the facility experiencing any transport issue.

Carlos Morales, Warden stated the length of time served for the detainees varies; they see inmates ranging from a couple of days to some that serve months at a time. Warden Morales stated when they have to utilize their staff to transport it does take away from the daily operations of the facility.

**c. Approval of Lincoln County / CSG Agreement Adopting Proposed Modifications by NM Office of Attorney General, NM Risk Management and NM Department of Finance – Local Government Division**

Alan Morel, Attorney stated along with the consensus of CSG leadership they finalized an agreement on contractual language with the State offices tasked with approving all Detention Center/ Jail contracts between a local government entity and a private operator.

Attorney Morel reviewed the major revisions in the proposed agreement. Attorney Morel stated on of the bigger changes, is the change from "inmate" to "detainee."

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

There was a general discussion regarding the overall cost of production to maintain the Lincoln County Detention Center and the use of possible gross receipt tax to help cover costs.

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

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

**b. LCDC Restricted Housing 2nd Quarterly Report as Required by the Restricted Housing Act**

Ms. Taylor stated Warden Morales submitted a copy of the Lincoln County Detention Center Restricted Housing Quarterly Report and will provide a copy of the report for the quarter ending December 31, 2019 to the County and the Legislative Library.

Ms. Taylor stated she will provide a copy to the Commission.

**e. LaSalle Corrections' Request for True-Up of Expenses per the Terms of the Amended Operations and Management Agreement**

Ms. Taylor stated LaSalle Chief Financial officer had notified the County of Lincoln of a request for the County for true-up estimated versus actual expenses in the amount of \$150,000, per the terms of the Interim Agreement. Ms. Taylor stated she had requested the detailed supporting documentation, and would analyze the data and bring a recommendation back to the Commission.



#### 14. Lodgers' Tax Update

Ms. Taylor stated the County of Lincoln had an initial meeting with the Village of Ruidoso in early December to discuss the Village's use of the "Host Compliance" to bring its short term rental into compliance with the VOR ordinance. Ms. Taylor stated this option is available to the County and is being further researched. Ms. Taylor informed at the follow-up meeting, the Village offered to assist the County in getting started and moving forward. Ms. Taylor stated another option for the County of Lincoln was for the Village to provide a cost for service agreement in which the County would be integrated into their software. Ms. Taylor stated the fee would be negotiated per the percentage of the funds that were collected.

Commissioner Willard questioned the financial liability of entering into an agreement with the Village for use of the software and what it would bring to the County. Commissioner Willard stated he did not believe it was appropriate.

Alex Fuller, Addressing Technician stated he since conducted a "scrub" not beginning to touch the capabilities of the system. Mr. Fuller stated during his quick research found 147 rental located within the County. Mr. Fuller stated each of the 147 identified was sent a letter with instruction for compliance, along with a copy of the application and the reporting form.

Mr. Fuller stated he and the Planning and Project Management Director Glenda Allen met with Host Compliance to determine what services could be offered to the County. Mr. Fuller stated the costs would be more than offset by lodgers' tax revenues realized by the County. Mr. Fuller stated Host Compliance has identified a significantly higher number of rentals in the County than found on Vacation Rentals by Owner (VRBO) website. Mr. Fuller reported the Planning Department is continuing to research the options assess the number of rentals, and develop a plan to resnet to the Commission for consideration.

Chair Draper recessed the regular Meeting at 11:58 AM reconvened the regular Meeting at 12:59 PM.

#### 19. Replacement Hospital Update

Mike McDonald, project manager for Jaynes Corporation stated the first floor is almost complete and the contractor is developing a punch list. Mr. McDonald stated the crew is working on flooring, casework, ceiling grid, and lighting, trim out, patient doors, wall protection and plumbing fixtures on the second floor.

Mr. McDonald stated they met with the Village of Ruidoso and they are scheduled to pot hole this Thursday. Mr. McDonald stated they will have a clearer picture after the data is compiled.

Todd Oberhue, Chief Executive Officer for Lincoln County Medical Center asked the Commission to formally grant permission for the hospital to use the words "Lincoln County Medical Center" for the purpose of licensing and daily business operations.

**Motion:** Create a resolution for the right to use the "Lincoln County Medical Center", **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 Willard, Commissioner Stone.

**Motion:** Rescind Motion to create a resolution for the right to use the "Lincoln County Medical Center", **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 Willard, Commissioner Stone.

**Motion:** Grant the authority for the purposes of licensing and daily business operations to utilize the word "Lincoln County Medical Center" for new replacement hospital, **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 Willard, Commissioner Stone.

#### 20. Solid Waste Update

##### a. Sierra Contracting – Paul Wetzel

Paul Wetzel, General Manager for Sierra Contracting provided an update on the routine solid waste collections, illegal dumping and the response to notifications of illegal dumping around the County. Mr. Wetzel informed the services provided at the Sierra's Collection Center and Compost Facility. Mr. Wetzel informed the company's solid waste operations for Lincoln County were going smoothly.

Commissioner Allen questions the commitment in the RFP to provide recycling.

Mr. Wetzel stated Sierra Contracting will recycle metal, concert, and brush. Mr. Wetzel stated they recycle about 2/3 of the waste that is brought in.

Commissioner Allen questioned ash collection and if Sierra Contracting provided the service.

Mr. Wetzel stated they do not provide ash pick up any longer. Mr. Wetzel stated they found it hazardous to continue to place ash in separate bins. Mr. Wetzel stated the residents could utilize the compactors for their ash disposal.

Van Patton Sierra Contracting stated collection bids were being abused and there is no way to keep in remote locations without the contamination.

Commissioner Willard questioned the route pick up at the compactor sites.

Mr. Wetzel stated they pick up weekly, but anybody can call the office to request an earlier pick up.

Commission Willard questioned the community clean up events and how they were handled.

Mr. Wetzel explained the Lincoln County Solid Waste office handles the events and publications.

**b. Greentree Solid Waste Authority**

**i. Request to Enter Into MOU with County to Provide Services to Fawn Ridge**

Debra Ingle, Greentree Solid Waste Supervisor provided a handout to the Commission from the residents of the Fawn Ridge Property Owners Association. Ms. Ingle stated the residents requested Greentree take over services in the area. Ms. Ingle requested an MOU with the County of Lincoln to take solid waste in the area.

Ms. Ingle stated Greentree provides services in the Corona area already through a memorandum of understanding.

Attorney Morel stated per Lincoln County Ordinance 2017-07 everybody outside a municipality must participate in the Lincoln County solid waste collection. Attorney Morel stated the Ordinance does allow for an MOU. Attorney Morel stated Corona's MOU is based around being financial beneficial to the community.

There was a general discussion of current compactors locations and the timeline when the dumpsters were removed.

Raymond Dean, Greentree Solid Waste stated the residents requested a service that they feel is needed.

Commissioner Allen expressed her concern to improve services in the County. Commissioner Allen stated we may need to look at increased fees to adequately provide services throughout the County.

**ii. County Billing of Commercial Accounts**

Ms. Ingle stated Greentree's customers are receiving residential trash bills from the County for trash services that being provided by GSWA for commercial accounts.

Brianna Herrera, Lincoln County Solid Waste Clerk stated the County requested a list of commercial accounts from GWSA. Ms. Herrera stated they were going off a list from 2015. Ms. Herrera stated after running an in-house audit and receiving no email response from Greentree, sent out the bills.



Ms. Ingle stated she did respond to email and was unaware the County never received. Ms. Ingle stated they have 700 commercial accounts.

Commissioner Allen questioned the capability to bill more than residential services.

**c. General Update**

Ms. Taylor informed the Commissioners were presented with revisions to the Solid Waste Ordinance for their consideration during the December meeting. Ms. Taylor stated the amended ordinance was not approved, as there are several key issues, both in the existing ordinance and in the proposed revised ordinance that the commission were not in agreement on.

Briana Herrera, Lincoln County Solid Waste Clerk reported on the total revenue and expenditures for 2019. Ms. Herrera stated solid waste had 152 account on a "skip" status for the 300 acre exemption but had 46 applications on file. Ms. Herrera stated Solid Waste sent out a letter requesting updated information to the 80 customers to cover all the 152 accounts. Ms. Herrera stated the County Assessor had a total of 232 owner numbers with 2 or more premises; totaling 562. Ms. Herrera stated if Lincoln County Solid Waste were to bill for each premises it would generate and income of \$127,101.92 per year; and the County were to only bill one premise would generate \$52,469.12 per year.

Commissioner Stone questioned why we are sending a bill if nobody is living in the premise.

Ms. Herrera stated she is following the Ordinance.

There was a general discussion on commercial accounts and individual owned properties

**15. Consideration and Approval for Glencoe – Palo Verde Fire Department to Purchase New Wildland Fire Apparatus**

Ms. Taylor stated the Glencoe Palo Verde Fire Department is requesting authority to purchase Wildland Fire Apparatus, which is specified on the Contract Pricing Worksheet as a "Skeeter Type 5 F-550: Bush unit, Medium; Custom firefighting body; 400 gallon poly tank; 200 gpm pump; 150' hose reel; Stainless steel plumbing; hose tray; tool tray; side body compartments. Ms. Taylor stated the quoted cost of the fire apparatus is \$158,810.00.

**Motion:** Approve purchase of a new Wildland Fire Apparatus, **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 Willard, Commissioner Stone.

**16. Consideration and Approval to Pay Prior Year Invoices:**

**a. Cooperative Educational Services (CES) -May 1, 2019 to May 31, 2019 Service**

**Motion:** Authorize the payment of prior year invoices for CES, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

**Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Stone.

**No:** Chair Draper.

**b. Center for Municipal Solutions (CMS)**

**Motion:** Authorize the payment of prior year invoices for CMS, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

**Yes:** Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Stone.

**No:** Chair Draper.

**17. Consideration and Approval of Memorandum of Understanding Between the State of New Mexico and Lincoln County for the Delivery of the Lincoln County Historical Documents [McCubbin Collection] to the Lincoln County Clerk's Office for Safekeeping**

Attorney Morel informed the County of Lincoln and the State of New Mexico became aware that the McCubbin family was in possession of certain historical documents owned by State, with a subset of those being owned by Lincoln County. Attorney Morel stated the documents were to be sold at auction, and the County of Lincoln begun to work with the McCubbin family and the Auction house to reclaim the documents.

Attorney Morel informed the McCubbin family agreed to donate the historical documents to the State of New Mexico and the County of Lincoln upon the County into an Agreement and Mutual Release among the McCubbin Family, the State of New Mexico, and the County of Lincoln.

Attorney Morel stated the State of New Mexico had requested the County to enter into a Memorandum of Understanding between the State of New Mexico and County of Lincoln for the delivery of the historical documents.

**Motion:** Enter into a Memorandum of Understanding between the State of New Mexico and the County of Lincoln, **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 Willard, Commissioner Stone.

#### 18. Authorization to Issue Request for Proposals for Ruidoso Downs Senior Center Roof Renovation (Capital Appropriation D2033)

Ms. Taylor stated the County of Lincoln requested and received a Legislative Appropriation D2033 for the Ruidoso Downs Senior Center Renovation in the amount of \$125,796. Ms. Taylor informed authorization is sought to issue a Request for Proposal to have the roof renovation portion of this project constructed.

**Motion:** Issue RFP for roof renovation of the Ruidoso Downs Senior Center, utilizing legislative Award D2033, **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 Willard, Commissioner Stone.

#### 21. Manager's Report

##### 1. Census Activities.

a. U. S. Census Bureau – Initial Boundary Validation Program (BVP). The County has been notified that the U.S. Census Bureau ("Bureau") is commencing the Initial Boundary Validation Program. This is the County's opportunity to review the Bureau's boundary data to ensure the legal boundary, name and status of Lincoln County is correct. The bureau uses this boundary information to tabulate data for the 2020 Census. See Exhibit 1. The BVP must be completed, signed by the Chairman of the Board of Lincoln County Commissioners and returned to the Bureau by March 1, 2020.

**Motion:** Allow Chairman of the Board of Lincoln County Commissioners to sign order, **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 Willard, Commissioner Stone.

b. Lincoln County Complete County Committee. Craig Westbrook reports a busy January, as ads have been placed with the newspaper and radio stations; as well as sending out over 11,500 mailings to residents. He has meetings booked with the Ruidoso Board of Realtors, Rotary, Republican Party of Lincoln County, Capitan Fire Department and the Carrizozo Town Hall meeting, among. As the expense level incurred to date is half the allocation for Lincoln County, the Governor's 2020 Complete Count Committee is seeking additional funds for this initiative.

2. 2020 Memorial Day Ceremony – Ft. Stanton State Veterans' Cemetery. Kathleen Phillips-Hellman, long term Veterans' Advocate and Lincoln County resident, along with other Lincoln County residents, has been working with the State of New Mexico Department of Veterans' Services ("Department"), to ensure that the traditional Memorial Day Ceremony at the Ft. Stanton Veterans' Cemetery be held in 2020. See Exhibit 3 for

a memorandum issued by Ms. Phillips-Hellman to the Department in August 2019 initiating the discussion. Ms. Phillips-Hellman requests Commission support in encouraging the NM Department of Veterans' Services to authorize and schedule this very important memorial ceremony.

3. Carrizozo Woman's Club requests the Board of County Commissioners to adopt a Proclamation during its March Commission meeting recognizing its 100 years of community service.

4. Lincoln County Fairgrounds. On-call Engineer David Roybal has completed his initial review of the initial scope of work we provided for the fairgrounds. The scope included an assessment of the grounds to determine the cause of flooding and drainage into the show buildings and arena; correction of the drainage problem; reinforcing concrete for minor structures; constructing open structure for new wash rack and new wash rack drain system. Project cost estimate is \$339,140. Capital Outlay Request – Priority No. 2 – is \$500,000. Craig Westbrook was identified by both the County and the Census Bureau as a qualified third party contractor who would perform these required terms and conditions. At Exhibit 2 is the fully executed Professional Services Contract between the County and Mr. Westbrook to perform these services.

5. Exit Interview for FY 18-19 Audit. Kubiak, Melton & Associates ("KMA") conducted an Exit Interview on Tuesday, November 27th. Due to weather concerns, KMA conducted the interview via teleconference. The Audit was attended by Commissioner Stewart, Nita Taylor, Beverly Calaway, Sherri Huddleston, Billie Jo Guevara and Rhonda Edwards. The resulting Audit was timely filed with the Office of the State Auditor on Monday, December 2nd. The final Audit Report to the full Commission is anticipated to be scheduled for the February 18th Commission Meeting.

6. NACo Action Alert has been issued requesting Counties across the land to support two pieces of legislation related to two important programs that ensure public lands counties can meet their governing missions and provide essential services: Senate Bill 430 would extend the authorization of Secure Rural Schools (SRS) for an additional two years; and Senate Bill 2108, the Small County Payments In Lieu of Taxes (PILT) Parity Act, which would create new monetary and population caps under the PILT program for counties under 5,000 in population.

7. NM Counties – 33 Strong Annual Legislative Conference NMC is hosting its Annual Legislative Conference from Monday, January 20th through Thursday, January 23rd. See Exhibit 4 for the calendar of events. A number of elected officials and employees also take advantage of key NM EDGE Courses offered at that time. NMC's County Lobbyist Meeting, which I will be attending, is scheduled for Friday morning, January 24th.

8. DFA Capital Outlay Dashboard is a new online tool that allows the public, local governments and state policymakers to track and analyze local infrastructure projects. Find detailed information on capital appropriations, track project expenditures and issued grant agreements, and download customized data that's important to your entity. The user controls the level of detail viewed in this interactive dashboard. Dashboard can be accessed at [www.nmdfa.state.nm.us/dfa-dashboards.aspx](http://www.nmdfa.state.nm.us/dfa-dashboards.aspx). The information can be displayed by total state; individual County (which provides information for each local government or entity in the County receiving Capital Outlay Funding).

9. County Owned Property – Use of Multiple Owner Name / Entity. Assessor and Inventory Assets Clerk have found that County has taken title under 12 different owner names for County-owned property. Assessor Hill and Inventory Assets Clerk, Toni Foligno, are seeking information as to whether, for uniformity, all properties should be under one name.

#### Department Head Updates:

**Joe Kenmore, Office of Emergency Services Director** informed the tower on Capitan is completed and now they will start working on the tower on buck. Mr. Kenmore stated the White Oaks building is up and they have started to pour the concrete at the Bonito Fire Department. Mr. Kenmore addressed the severity of the Coronavirus and make sure you are informed. Mr. Kenmore stated there was lightning strike at buck this past week. Mr. Kenmore informed the Fire Marshal office currently housed in the Public Regulation Commission could be moved to homeland security and emergency management. Mr. Kenmore address the appreciation of the Forest Service's placing signage on some of the trails.

**Jeff Honeycutt, Road Superintendent** thanked everyone for the sympathy messages he received from the passing of his mother. Mr. Honeycutt stated he received a few phone calls from the sheriff department about icy conditions on French road. Mr. Honeycutt reminded on the drainage situation in Nogal. Mr. Honeycutt stated the work will be done in house on the entire project and will save the County about 75%. Mr. Honeycutt stated the Bus Co-op route need approval and will bring back next commission meeting on the county match. Mr. Honeycutt stated Pettigrew and Associates will help with the engineering and design of the project.

**Glenda Allen, Planning and Project Management** stated the "J" Jack grant was received for the Hondo Center, sent to DFA and is out to bid.

**Brianna Herrera, Human Resources Director** stated started her new position in Human Resources, and will have a report next month for Commission.

**Billie Jo Guevara, finance officer** informed on all open positions including an Operator II position and Deputy Sheriff position. Ms. Guevara stated there were 6 applicants for the Solid Waste Clerk position and the office will conduct interviews on Friday of this week.

Ms. Guevara stated W2 and 1096 forms were mailed out in a timely manner. Ms. Guevara stated she will have Sound and Signal here in a couple of weeks to hook up the projector in the Commission Chambers as well as get a quote on the hard wiring of all microphones.

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

**a. Labor Relations Board**

Ms. Taylor stated the Commission approved Chief of Police Darren Hooker last meeting but must appoint somebody new. Ms. Taylor stated Chief Hooker is a public employee and cannot hold such office.

**b. LANRAC**

**Motion:** Appoint Kendal Wilson to the Land and natural Resources Advisory Committee, **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 Willard, Commissioner Stone.

**c. Lincoln Historic Preservation Board**

Commissioner Allen stated the Commission will need to wait until next month to appoint the position since it was not publicized in the local post office.

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

Ms. Taylor stated there were no public hearings scheduled at this time.

**24. 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).**

**Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation Section 10-15-1, Subparagraph H. (7); Discussion of Limited Personnel Matters, Section 10-15-1 Subparagraph H. (2) Evaluation County Manager, Nita Taylor; and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H. (8).

**New or Updated Matters since last report \***

**1. Rancho Ruidoso Valley Estate Homeowners' Association v. Roy Padilla, et. al. - D-1226-CV-2017-00195** Complaint filed by RRVEHA for foreclosure of the Homeowners' Association Assessment Lien. The County is a named Defendant due to the filing of a GSWA lien on March 22, 2006, and a L.C. Solid Waste Lien filed on December 16, 2016 for non-payment of solid waste services and potential ad valorem taxes due and owing. The 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 Crt. 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. **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 Counts is the presiding Judge. 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., Cause No. S-1-2:19-cv-0087-GJF/GBW
7. **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.
8. **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.
9. **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.
10. **\*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 scheduled to take place on March 18, 2020, at 1:30 p.m.
11. **\*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. U.S. Dist. Court Case No. 2:19-cv-00961-KRS/GJF A Motion to Dismiss the Complaint in Lieu of an Answer is presently pending. On January 6, 2020, a Stipulation of Dismissal with Prejudice was filed.
12. **City of Albuquerque, et al vs. John Monoforte & N.M. Taxation & Revenue Department, Cause No. D-202-CV-2018-08036** Judge Biedscheid is the presiding judge. Lincoln County has entered into an Agreement for joining in the litigation to recover amounts representing unauthorized reductions in violation of New Mexico Statutes. On November 14, 2019, Lincoln County joined in the litigation.
13. **Greentree Solid Waste Authority v. Lincoln County, Cause No. D-1226-CV-2014-00095** – Compromise and Settlement Agreement and Release executed on December 17, 2015.
14. **\*Raymond Magana, et al v. Walter Hill, L.C. Assessor, Cause No. D-1226-CV-2019-00335** Complaint for Refund of Property Taxes was filed on December 19, 2019. Judge Daniel A. Bryant is the presiding Judge. Lincoln County's Answer to the Complaint is due on or before January 29, 2020.

**Tort Claims Notices Received or Threatened**

**2020**

**\*Scott, Jacob** – Tort Claim Notice received January 16, 2020 alleging negligent, malicious and/or tortious actions and/or omissions by former employees of the Lincoln County Sheriff's Office, including, but not limited to, infliction of pain and suffering.

**\*Eagle Creek West Condominiums Owners Association, Inc.** – Tort Claim Notice received January 20, 2020 alleging that if Lincoln County continues to assess a solid waste collection fee to the Members of Eagle Creek West Condominiums Owners Association, Inc. it will be necessary for them to take legal action against the County.

**\*Hamilton, Erika** – Tort Claim Notice received January 21, 2020 alleging damages for bodily injury due to negligent operation of a motor vehicle while being transported by a detention officer to and from court.

**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.)

**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.

**Green, Judy** – Tort Claim Notice received November 21, 2019 alleging that Ms. Green died as a result of the negligence, gross negligence, inattentive care, omissions and actions of the Lincoln County Medical Center.

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

**\*Ramos, Aaron** – Tort Claim Notice received December 13, 2019 charging the legality of the Lincoln County Sheriff's Office's Invoice for records responsive to an IPRA Request.

**\*Arenas, Jaime** – Tort Claim Notice received December 25, 2019 alleging that Deputy Finley with the Lincoln County Sheriff's Office cursed at him, brandished his weapons, and used excessive non-contact deadly force.



**2018**

**Duke, Arnold** – Harrisburg Document recovery

**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.

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

**Vote:** Motion passed (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 3:46 PM.

Chair Draper adjourned the Closed Session and reconvened the Regular Meeting at 4:06 PM.

Commissioner Stewart attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

**25. Signing of Official Documents**

**26. Next meetings:**

- a. February 18, 2020 Regular Commission Meeting

**27. Adjourn**

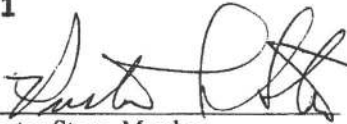
There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:07 PM.

County of Lincoln  
Board of County Commissioners

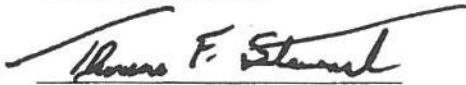
  
Dallas Draper, Chair

  
F. Lynn Willard, Vice Chair

4751



Preston Stone, Member



Thomas Stewart, Member



Elaine Allen, Member

ATTEST:



Whitney Whitaker, County Clerk

February 18, 2020

Date Approved

