

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Thomas F Stewart, Chair
Lynn Willard, Vice Chair

Elaine Allen, Member
Jon Crunk, Member
Todd Proctor, Member

Minutes Tuesday June 15, 2021

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 15, 2021 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

In accordance with the New Mexico Public Health Emergency Order, this meeting was conducted on a platform for video and audio.

1. Call to Order

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

2. Roll Call

Roll Call.

Present: Chair Stewart, Commissioner Allen (via Zoom), Commissioner Willard, Commissioner Crunk (via Zoom), Commissioner Proctor.

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Nicholas Morerod, Deputy Clerk.

3. Invocation

The Invocation was presented by Chair Stewart.

4. Pledge of Allegiance

- a. Pledge – USA 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 Proctor, **Seconded by** Commissioner Willard. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:**

Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

6. Approval of Minutes:

- a. May 4, 2021, Special Commission Meeting
- b. May 18, 2021, Regular Commission Meeting

Motion: Approve the minutes of May 4, 2021, Special Commission Meeting and May 18, 2021, Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Willard.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending May 31, 2021
- c. Treasurer's 3rd Quarter Financial Report
- d. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- e. Approval of Signature Authorities for the New Mexico Department of Homeland Security
- f. Approval of Resolution 2020-47: Disposition of County Inventory and Capital Assets
- g. MOU Between the County of Otero, City of Alamogordo, Village of Ruidoso, City of Ruidoso Downs, 12th Judicial District Attorney and the County of Lincoln
- h. State of New Mexico Department of Finance and Administration Local Government Division Enhanced 911 Act Grant Program Agreement
- i. Approval of BHSD RISE Grant Agreement
- j. Approval of CYFD Agreement #21-690-3200-20839 Amendment 1

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

There was a brief discussion on the New Mexico Department of Homeland Security signature authority.

There was a brief discussion on budget and projects.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

SEE EXHIBIT A: Copies of the Consent Items including Resolution 2020-47 is attached hereto in reference thereto made apart hereof.

8. Budget Adjustment FY 20/21:

- a. Approval to Utilize Disaster Relief Funds for Lincoln County Flooding
- b. Approval of Resolution 2020-46 Budget Adjustment FY 20/21

Manager Pearson spoke on the Approval to Utilize Disaster Relief Funds for Lincoln County Flooding. Manager Pearson stated the expenses would be reimbursable under the emergency from the Department of Homeland Security. Manager Pearson informed it is currently considered a state emergency disaster with the federal declaration being worked on within the next few days. Manager Pearson stated since we were only working with the State at this point, there was a 25% match and in-kind work, and labor could be utilized for the match. Manager Pearson explained residents would request containers be placed near their property to remove excess debris. Manager Pearson requested \$40,000 to utilize initially to ensure everything worked properly from start through reimbursement.

Chair Stewart stated Resolution 2020-46 included the purchase of 4 Sheriff's Vehicles. Chair Stewart expressed his pleasure with the resolution and stated the Commission would review the final budget adjustments next month.

Motion: Approval to Utilize Disaster Relief Funds for Lincoln County Flooding and Adopt Resolution 2020-46, Including 4 Sheriff's Vehicles, **Action:** Approve **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

SEE EXHIBIT B: Copy of Resolution 2020-46 is attached hereto in reference thereto made a part hereof.

9. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District
- b. Lincoln County / NMSU Extension Services

Melody Gains, Lincoln County / NMSU Extension Service provided an update on current 4-H workshops and activities. Mrs. Gains stated they traveled across Lincoln County going to 4-H & FFA students' homes to ear tag fair animals and meet with families. Mrs. Gains stated she and Melanie Gutierrez would both be working at the Southeast District 4-H contest to be held in Eddy County. Mrs. Gains stated along with youth participation, each agent was assigned and responsible for creating and facilitating various contests.

Melody Gains reminded Commissioner Willard had suggested 4-H welcome signs be placed at each of the county lines as other states had done. Mrs. Gains stated they had designed and received 6 signs stating, "Lincoln County 4-H Welcomes You". Mrs. Gains stated the signs were 3'x2' with the same high-quality components as mile marker signs. Mrs. Gains informed they would like Commission approval to place the signs where each highway intersects with the county lines at Hwy 380, Hwy 54, Hwy 70 and Hwy 52. Mrs. Gains stated they planned to have each of the 4-H clubs participate in hanging the signs on the highway closest to their community. Mrs. Gains stated they would like to use the existing post that currently holds the sign stating "Welcome to Historic Lincoln County" as they are the same size.

Chair Stewart mentioned they should check with the State Highway Department. and stated with no objection all were in favor of the proposal.

- c. State Forestry - EMNRD
- d. South Central Mountain RC & D
- e. Upper Hondo Soil & Water Conservation District
- f. LANRAC

Robert Barber, Chair of LANRAC reported the Committee continued to work with Fish & Wildlife on the Mexican Wolf issue. Mr. Barber stated they were reviewing a proposal from Fish & Wildlife to re-classify the lesser prairie chicken and 2 sub species of the breed as endangered species, comments are due by end of next month. Mr. Barber stated BLM was starting to send committee final responses for proposed grazing allotments and leases and stated they had received 2 official notifications covering approximately 20 allotments so far, most being outside of Lincoln County and most had been approved with no additional impacts on the environment.

Manager Pearson inquired on South Central Mountain RC&D update.

Robert Barber stated they were on track in utilizing the Lincoln County WUI and Otero County WUI funds. Mr. Barber stated they were in the process of hiring a new forest ranger as Rick Merrick had resigned for health reasons.

10. Renewal of Fire Restrictions and Imposition of Fireworks Restrictions by Resolution 2020-49

Chair Stewart informed on the inclusion of fireworks to the already imposed fire restrictions.

Alan Morel, County Attorney spoke on Resolution 2020-49 Declaration of Fire Danger Emergency reinstating of fire restrictions and sale of fireworks in Lincoln County. Attorney Morel stated an Executive Order was received from Governor Lujan Grisham declaring drought and extreme fire conditions throughout the State of New Mexico, and considerations for Municipal and or County firework bans through the Fireworks Licensing and Safety Act. Attorney Morel spoke on the authority to ban and or impose restrictions through ordinance. Attorney Morel stated on June 11, Joe Kenmore received an e-mail from the United States Forest Service providing a drought map classifying Lincoln County in extreme or exceptional drought. Attorney Morel stated Lincoln County met the criteria to impose restrictions for both fire and fireworks and recommended imposing the ordinance.

Manager Pearson questioned for clarification if municipalities could still have firework displays.

Attorney Morel stated it was not included in the Executive Order but the e-mail received from Governor Lujan Grisham was not intended to restrict fireworks displays and was only a recommendation.

Motion: Approval to Renew Fire Restrictions and Impose Fireworks Restrictions and Adopt Resolution 2020-49, **Action:** Approve, **Moved by** Chair Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

SEE EXHIBIT C: Copy of Resolution 2020-49 is attached hereto in reference thereto made a part hereof.

Chair Stewart Recessed the Board of Commissioners and Convened as the Lincoln County Canvassing Board.

11. Canvassing of Capitan Special Election – Clerk Whitney Whittaker

Whitney Whittaker, Lincoln County Clerk presented the canvass of the Capitan School Special Election. Clerk Whittaker stated on June 8, 2021, the 2 mil tax election was held with 4,312 registered voters. There were 1,243 ballots returned for an approximate return rate of 29%. Clerk Whittaker stated the Absentee Board which tallied and tabulated all votes for this election had rejected 130 ballots leaving a total of 1,113 ballots cast. Clerk Whittaker informed the total votes cast for the tax question was 479 and 633 against the tax question which included 15 hand tallies, and no UOCAVA voters. Clerk Whittaker explained the hand tallies were ballots that were rejected by the tabulators so the Board reviewed them for voter intent. Clerk Whittaker stated the hand tallies were 6 for and 9 against. Clerk Whittaker clarified per state statute the full address as registered must be presented just as it would be as a walk-in voter in the polls, including year of birth, and if it is not provided correctly then it must be rejected. Clerk Whittaker spoke on rejecting 67 for incorrect address, 27 for missing the address, signature, and year of birth on the back of the envelope, 22 for no year of birth, 13 for no signature and 1 for no address or year of birth. Clerk Whittaker stated there were 364 undeliverable ballots not reaching the voters. Clerk Whittaker stated 23 ballots were received after the deadline.

Motion: Approve the Canvas of the Capitan Schools Special Election, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Willard.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor, approved use of their electronic signature.

Chair Stewart Adjourned the Lincoln County Canvassing Board and Reconvened as the Board of Commissioners.

12. County Clerk Update:

- a. Resolution 2020-48: A Resolution Designating the Location of Election Day Polling Places for all Statewide Elections Conducted in 2022 and 2023

Clerk Whittaker spoke on New Mexico statute 1-3-2 including its updates. Clerk Whittaker stated per statute by June-July 2021, the Board of County Commissioners by resolution, shall designate the location of election day polling places for the County or any statewide election conducted in the years 2022-2023. Clerk Whittaker spoke on the approved precinct splits and stated there were no changes in the voting convenience centers. Clerk Whittaker stated her recommendation for approval of Resolution 2020-48.

Motion: Approve Resolution 2020-48: A Resolution Designating the Location of Election Day Polling Places for all Statewide Elections Conducted in 2022 and 2023, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Willard.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

- b. Board of Registration Appointments

Clerk Whittaker stated the Board of County Commissioners at its first meeting in June 2021 shall appoint the Board of Registration for the County pursuant to section 1-4-37. Clerk Whittaker stated they would serve for the terms from July 1, 2021 to June 30, 2023. Clerk Whittaker stated due to legislation changes the board members would be approved for the duration of the terms stated and recommended all be approved including alternates.

Motion: Approve proposed board of registrations, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

SEE EXHIBIT D: Copy of Resolution 2020-48 is attached hereto in reference thereto made a part hereof.

18. Manager's Report

1. Visit from Russell Toal, New Mexico Insurance Superintendent

After his meeting with Commissioner Crunk, Mr. Toal sent an email to Lincoln County. The following is the first paragraph from that email:

The last ISO assessment of the county occurred in 2019. After my discussions with ISO, they confirmed that they will be doing a new assessment of Lincoln County in 2022. I would like to work with you, the Commission and your colleagues in the business, as well as the City of Ruidoso to preparing materials they I can submit to ISO in advance of their assessment. You mentioned a number of steps and actions the County and the City have taken, and we need to make sure ISO and others are aware of these mitigations.

Commissioner Crunk and I will keep the Commission and public update as we learn more about the ISO and insurance process.

2. Rural Addressing Appreciation

I wanted to share some of the positive feedback we have had with the transition of Rural Addressing to the Road Department. Jannett Herrera – Thank you for taking on this challenge and making the County of Lincoln a great place to live and work!

I wanted to pass along some of the sentiment I have been receiving from local contractors. As you know people are and will always be our greatest asset. The transition of 911 addressing coordination has been seamless, and they are appreciative of the streamlined process. The partnership with the County in issuing building permits is an important function of my department. and Janett has really added value to our entire operation. The contractors have expressed that Janett is kind, courteous, and efficient. Thank you again for your support. I am looking forward to continuously improving our processes to become a more effective organization.

Sincerely,

Samantha J. Mendez

Community Development Director

3. Lodger's Tax Committee Appointments Needed

We recently received the following email from Sue Hutchinson:

*Good morning, Ira and Brianna,
I have seen your earlier email this morning with respect to re-appointments of James Hobbs, Kathleen McDonald and Wally Murillo to the Lodgers' Tax Committee. I feel it necessary to inform you that I will be terming off the LTC when my term has ended this coming fall. It has been my pleasure to serve the County in this capacity for a number of years, and quite a bit of change has occurred in the matter of Lincoln County Lodgers. While I realize that finding member replacements for the LTC has proven challenging in the past for the Commission, I wanted to give both of you a bit of notice so that Commissioners might have more time to line up a suitable appointment. Due to the fact that the position I have held is one from the general public, a replacement may not prove to be as formidable to find. Again, it has been my pleasure to "serve at the pleasure."*

Sincerely,

Sue Hutchison

An enormous THANK YOU to Sue for her time and commitment serving on the Lodger's Tax Committee!

4. Visit to Valencia County Detention Center

On May 25, 2021, Warden Colvin and I toured the Valencia County Detention Center. VCDC is an accredited facility with an experienced warden in the leadership position. Their professional staff showed us the recently purchased investments in IT hardware and software and provided great insight on what is needed for NMC accreditation. Warden Colvin made some great connections to help LCDC on the accreditation path. Please see his attached letter to VCDC.

5. Flooding in Lincoln County Update

May 30, 2021 – Major flooding in Lincoln County
 June 2, 2021 – NMDHSEM in Lincoln County to assess damage
 June 4, 2021 – Lincoln County Disaster Declared by Resolution 2020-45
 June 9, 2021 – Executive Order 2021-026 Signed by Governor Lujan Grisham
 June 14, 2021 – Meet with USDA to review Flood Relief Programs

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

Commissioner Crunk inquired about the fire station in Alto.

Manager Pearson stated the project needed a site plan to finalize and had caused delays in completion. Manager Pearson informed on receiving an e-mail from the contractor awaiting the electrical bid.

Commissioner Willard stated he attended a SERPTO Meeting with Jeff Honeycutt and satisfactory presentations presented to the committee. Willard stated he attended the NRCS meeting. Commissioner Willard spoke on sponsoring agents and county's ability to be a sponsoring agent. Commissioner Willard spoke on final budget and PILT funding from windfarm in conjunction with road department vehicles request.

Commissioner Proctor stated he attended the Joint Livestock Producers Meeting. Commissioner Proctor spoke on the future meeting of American Stewards of the Lands regarding the 30x30 program and endangered species conflict through property rights. Commissioner Proctor stated the meeting was held at the Eastern New Mexico Fairgrounds. Commissioner Proctor stated he will continue to be gathering information for the betterment of Lincoln County.

Commissioner Allen stated she met with Francisco Sanchez, District Engineer from the Department of Transportation (DOT) about the consideration to remove the Arabella highway dumpsters.

Clerk Whittaker stated the Regular Local Election will be held on November 2, 2021. Clerk Whittaker stated the candidate guide, the declaration of candidacy, and the proxy forms are available online.

Walter Hill, County Assessor stated his office he had completed the certified values for the state. Assessor Hill stated the appraisers are currently working on the protests.

Beverly Calaway, County Treasurer stated the first wind turbine PILT payment had been received at \$228,984.00. Treasurer Calaway stated the Lincoln County received \$152,656.00 and the school's payment will be \$76,328.00. Treasurer Calaway stated the federal PILT was anticipated to be received within next 10 days at \$1,840,000.00. Calaway stated the Tax Schedule Maintenance Report for May collections were at 84%.

Michael Wood, County Sheriff spoke on first responders' challenges for fire and flood. Sheriff Wood spoke on support and co-operation from citizens.

Chair Stewart opened the floor for public comment.

Loren Patterson New Mexico Cattle Growers Association spoke on livestock as the largest agricultural commodity in Lincoln County and addressed the President Biden's 30x30 program. Mr. Patterson spoke on reviewing neighboring county commissions policies and procedures and how sharing of the three water basins can affect other counties.

Tony Davis spoke on reconstruction and filling of the Bonito Lake. Mr. Davis stated Alamogordo has the rights to a diversion maximum but has not addressed the maximum diversion regarding

refill of the lake. Mr. Davis stated the median flow from Bonito Creek is approximately 5 cubic ft per second whereas the maximum volume is approximately 1,500-acre feet or approximately 65,000,000 cubic feet. Mr. Davis stated it would take around take approximately 5 months to fill at the median rate. Mr. Davis voiced concerns downstream impact on wells, effect of use, and potential for precipitation gains. Mr. Davis stated holders of senior water rights along the river may also have concerns with the diversion. Mr. Davis requested clarification of Alamogordo's diversion rate and timing for all concerned parties.

Cynthia Black stated ongoing changes of social studies curriculum for K-12 through the NMPED (New Mexico Public Education Department). Ms. Black spoke on the changes being titled as culturally and linguistically responsiveness and racial equity relating to the Martinez and Yazi lawsuit. Ms. Black spoke on awareness of the changes and NMPED website links for more information. Cynthia Black spoke on the language relation and use. Ms. Black spoke on other locations where CRT (Critical Race Theory) is in progress opposition addressing it in the future.

Galen Farrington stated his representation of the residents of Legacy Estates Subdivision regarding the proposed site concrete batch cement plant. Mr. Farrington presented a statement of objections to the Ropers proposed Cement Plant. Mr. Farrington stated the first objection to be regarding air quality sourced from the US Environmental Protection Agency stating a significant source of sulfur dioxide, nitrogen oxide, and carbon monoxide and can have a multitude of negative effects on the environment. Mr. Farrington spoke on the air quality regarding human health and proximity of cement plants. Mr. Farrington spoke on permit location and visibility.

Mr. Farrington listed multiple concerns regarding the batch plant directed towards public safety, scenic byway, and road maintenance as points for relocation of the cement batch plant.

Chair Stewart adjourned the public comment and reconvened the Regular Meeting.

Chair Stewart recessed the Regular Meeting and convened the Public Hearing.

14. 10:00 AM PUBLIC HEARING: A Public Hearing on an Application for a Telecommunications Tower-Applicant Seeks a Variance for Setback and Other Items from the Lincoln County Wireless Regulations as Stated In Ordinance 2012-03 An Ordinance Regulating Wireless Communications Facilities

Robert Newman spoke on the outline and review from CMS for the proposed telecommunications tower at 589 Gavilan Canyon Road. Robert Newman spoke on the proposed design of the tower not being a stealth facility, but instead a monopole, and the for the location felt a stealth facility is not to the benefit of the county. Mr. Newman spoke on the setbacks and CMS recommendations with a minimum of 65feet and a breakpoint in the tower for safety reasons in case of structural failure it would stay on the property. Mr. Newman stated there will be a privacy fence for most of the bottom of the compound which will be a 6-foot-high CMU wall painted a sand or light brown in color. Mr. Newman stated the tower is designed to accommodate future co-location for other cellular providers. Mr. Newman spoke on the conditional requirements to minimize upfront expenses for carriers due to design and facility requirements. Mr. Newman addressed the 7 items listed for approval and outlined in the packet. Mr. Newman recommended approval based on variances and conditions.

Commissioner Willard inquired on the location in proximity to Gavilan Canyon Road.

Robert Newman stated it would be located on the back portion of a property in the NW corner being approximately 250 feet back from right away of roadway.

Commissioner Willard inquired other cellular vendors availability to co-locate such as Verizon.

Robert Newman spoke on co-location availability due to the structural design for future vendors. Chair Stewart inquired on status of the building of the tower.

Joe Kenmore, Emergency Services Director spoke on the testing of cellular coverage and benefit from the extended coverage for first responders.

Chair Stewart spoke on the visibility and concentration of towers in the area.

Chair Stewart Closed the Public Hearing and Reconvening as the Board of County Commissioners

Motion: Approve Variances, Items as stated, and Application for a Telecommunications Tower,
Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

Commissioner Willard inquired on the status of proposed cell tower with Verizon near copper ridge.

Robert Newman stated an application had been started years ago but all activity had stopped on the application. Mr. Newman stated he had forwarded information regarding the proposed Verizon tower so Verizon could co-locate in turn provide service in the area but can do no more to move project forward.

Sean Milks, Owner Gravity Pad spoke on perusing the site after stating starting construction on current site and a that a tower cannot be built without an FCC wireless carrier. Mr. Milks stated he has informed multiple providers and as soon as one of them gets the budget then service construction can start to provide service in the area.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

18. Manager's Report Continued

5. Flooding in Lincoln County Update

May 30, 2021 – Major flooding in Lincoln County
 June 2, 2021 – NMDHSEM in Lincoln County to assess damage
 June 4, 2021 – Lincoln County Disaster Declared by Resolution 2020-45
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15. Acknowledge Lincoln County Annual Lodgers' Tax Audit (Agreed-Upon Procedures)

Daniel Trujillo, CPA Audit and Attest Member spoke on Lodger's tax not being an Audit but rather an agreed upon procedure. Mr. Trujillo spoke on noting of non-compliance and additional value provided to Lincoln County along with recommendations and strengthening ordinances. Mr. Trujillo spoke on vacation rentals including Airbnb's or Vrbo and their relation to registering for lodger's taxes. Mr. Trujillo spoke on tracking of owners and accountants. Mr. Trujillo spoke on lodger's tax ordinance and change effective January 2020, where fiscal year is July 1, 2019, to June 30, 2020. Mr. Trujillo spoke on reviewing 4 lodges with only one having a minute non-compliance of a reported miscalculation of payment at \$35.34 including a late payment penalty. Mr. Trujillo spoke on self-reporting, processing, and monitoring through County and value of recommendations. Mr. Trujillo spoke on having access to individuals account and then being able to confirm amounts collected and dispersed to the vendor streamlining the lodgers tax agreed upon procedures. Mr. Trujillo spoke on importance of keeping updated contact information for vendors. Mr. Trujillo spoke on importance trainings for lodgers' tax annually and adhering to ordinance. Mr. Trujillo recommended putting procedures in place where the lodger's tax are reported by the 25 of each month, reviewing of the \$100 dollar penalty or 10% for the late fee regarding missing reports.

Beverly Callaway, Lincoln County Treasurer spoke on reporting and month reports returns regarding timeliness, non-reporting letters, and late payments procedures. Treasurer Callaway spoke on improving audit communications and monitoring requirements. Treasurer Callaway spoke on addressing any concerns with providing reports.

Commissioner Proctor inquired on how reports were received and processed. Daniel Trujillo spoke on receiving reports through managers office and having his manager following up with the Treasurer's office.

Manager Pearson spoke on the time and effort spent on recovering vendor fee and approved of recommendations. Manager Pearson spoke on review from vendor and working with Treasurer's office through voluntary reporting process.

Daniel Trujillo spoke on addressing ways to approach future lodger's tax with County.

Motion: Accept the Report and Recommendations of the Lodger's Tax Agreed Upon Procedures,
Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

Chari Stewart Recessed the Board of County Commissioners

16. Lincoln County Medical Center Update – Todd Oberheu

Manager Pearson lead a brief discussion on parking lot arrangements regarding the school parking.

17. Lincoln County Detention Center Update – Scott Colvin

Scott Colvin, Warden Lincoln County Detention Center spoke on being Covid free at the Detention Center. Warden Colvin spoke on obtaining vaccinations for inmates and staff. Warden Colvin spoke on completing the armory project and submission of three bids for the master control room project. Warden Colvin spoke on continuing to replace the Lexan windows for cell blocks and exterior windows. Warden Colvin spoke on repainting of cell block unit Ecco addressing graffiti. Warden Colvin spoke on the 90-day population of 390 prisoner arrest March through May with 385 releases. Warden Colvin stated the average daily population is currently 71.

19. Consideration of Resolution Proposed by The Town of Carrizozo to Transfer the Baseball Field Property from the County of Lincoln to the Town of Carrizozo-History and Presentation by Alan Morel

Alan Morel presented on the history and consideration of resolution proposed for the transfer of the baseball field property.

Brief discussion on process of gifting the baseball field property.

Motion: Reaffirm Lincoln Counties Desire to Gift the Baseball Field Property to the Town of Carrizozo,

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

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

20. Discussion and Direction Regarding Proposed Concrete Batch Plant to be Constructed off HWY 220, Alto, NM by Roper Construction, Inc.

Alan Morel stated he had received numerous calls regarding the proposed Concrete Batch Plant by Roper Construction, Inc. Attorney Morel stated he had researched the proposal and the various public concerns.

Attorney Morel informed a letter addressed to the Lincoln County Clerk regarding the air quality permit application filed with the Air Quality Bureau located in Santa Fe, New Mexico was received and made part of the documents within the agenda packet.

Attorney Morel stated he has met with Attorney Freda Howard McSwane and Judge James W. Counts regarding the homeowners near the project area. Attorney Morel reviewed the deed for the project, and the deed does not reference water rights. Attorney Morel spoke on the project using a domestic well for industrial use. Attorney Morel stated within the deed, there is specific wording that references that noise, dust, or any other type of pollution may not interfere with the peaceful enjoyment of the surrounding community.

Attorney Morel invited public comment.

Chair Stewart stated he will treat this item as he would a public hearing and will invite any public that wishes to speak be awarded the two minutes.

Ryan Roper, Roper Construction Inc, addressed the concerns regarding water rights to the property. Mr. Roper stated he had spoken to the state engineer about a transfer of water rights from a different location. Mr. Roper informed the application to the New Mexico Environment Department notified the community within a half mile radius of the site. Mr. Roper stated there was limited property for site. Mr. Roper addressed the concerns raised about air quality. Mr. Roper stated he will follow all state guidelines in reducing emissions.

Chair Stewart questioned which property Roper Construction was transferring water rights from.

Mr. Roper stated the transfer was from a location in the upper Hondo area.

Tony Davis questioned the amount of water that was allotted for daily operation.

Mr. Roper stated an average of less than 3000 gallons of water per day for operation.

Galen Farrington, resident reported on water usage and how the community may be affected. Mr. Farrington stated a residential lot is allowed to draw at approximately 977,000 gallons per year. Mr. Farrington informed the amount of water needed for 120 cubic yards of product would require approximately up to 26,000,000 gallons per year. Mr. Farrington spoke on the deed of restrictions in relation of property value decreasing due to project. Mr. Farrington stated the maintenance of roads will be more frequent due to usage. Mr. Farrington reminded of the \$16,000,000 grant for road infrastructure, benefits of inclusion, and future of the scenic byway qualifications.

Mr. Roper clarified the maximum hours of operation listed in the application regarding air dispersion modeling and intending to continually be below the maximum production hours listed averaging from 7:00 am to 3:30 pm, 5 days a week. Mr. Roper spoke on road maintenance reduction due to the distances currently requiring travel.

Brenda Rostivo, President of Ranches of Sonterra Homeowner's Association, stated the air quality will be effective due to the location of the plant and the fact some residents are downwind. Ms. Rostivo stated the residents will also be affected by sound pollution. Ms. Rostivo stated property values in relation to addition of the batch plant may be affected. Ms. Rostivo questioned if the batch plant had other possible locations.

Honorable Judge Counts expressed his concern to the runoff from the cement and other additional chemical products. Honorable Counts spoke on the proximity to Bonito and White Mountain Wilderness in conjunction with emissions. Honorable Counts stated the high concentration of homes in the vicinity of the project and the effect of property values with retrospect to restrictions and covenants.

Josh Botkin, Owner of High County Landscapes read language related to deed restrictions, which is stated to "Prohibit any construction or business operation that is deemed a nuisance by its adjoining occupants or adjacent owners", ranging from noise pollution to operations. Mr. Botkin expressed his concern with the air pollution affecting his nursery, as well as the concerns for depletion the water table and how it can be affected by runoff. Mr. Botkin spoke on proposed use and deed restrictions for the land.

Commissioner Proctor inquired the restrictive covenants.

Attorney Morel informed there are no covenants, but instead deed restrictions. Attorney Morel spoke on property owners having the authority to enforce deed restrictions.

Commissioner Willard informed there was no zoning ordinance for Lincoln County. Commissioner Willard informed on location and similarities to current plant in Carrizozo.

Commissioner Allen stated the benefits of a zoning ordinance for the County of Lincoln. Commissioner Allen stated the benefits of different location.

Commissioner Crunk questioned the commissioner's authority, ordinances, and zoning for the plant in question. Commissioner Crunk stated he disapproved of location for the batch plant.

Chair Stewart questioned the water rights, usage, and batch plant location. Chair Stewart requested the possibility of letter for location change of batch plant. Chair Stewart spoke on public communications regarding the batch plant.

Motion: Write a letter of denial to NMED regarding permit, and have business owner consider other Locations, **Action:** Approve, **Moved by** Chair Stewart, **None seconded.**

Motion died due to lack of second.

Commissioner Crunk suggested any concerned parties send a letter to NMED.

Mr. Roper stated the paving of roads and facilities will minimize the dust. Mr. Roper spoke on compliance with the County, NMED, and State of New Mexico regulations. Mr. Roper stated the limited availability of locations for the batch plant.

21. Discussion and Direction Regarding Cannabis Ordinance

Alan Morel spoke on the new law permitting the sale and use of Cannabis. Alan Morel spoke on current ordinances and the commission's ability to enact regulation regarding current law. Chair Stewart spoke on the proposed ordinance and ability to consume cannabis in public places but not on public property.

Commissioner Allen inquired about section 3 regarding public space and private property.

Commissioner Willard inquired about enforcement of the regulation stipulations.

Sheriff Wood spoke on the need to research state regulation for enacting the ordinance.

Brief discussion on state and county law enforcement of ordinance and regulation.

Commissioner Allen inquired about state law regarding public consumption of cannabis.

Allen Morel stated the per law that "A local jurisdiction may adopt time, place, and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act including rules that reasonably limit density, licenses, and operating times consistent with neighborhood uses that allow for smoking, vaporizing, and ingesting cannabis products within an indoor or outdoor cannabis consumption area." With listed Exemption. Allen Morel read from section 2: Definitions C-D to define public places and property.

22. Lodger's Tax Request:

- a. Ruidoso Grindstone Trail Runs
Requester: Ski Run Road Challenge
Request Amount: \$5,300.00
Date(s) of Event(s): September 11, 2021
Presenter: Frederic Moras

Fredric Moras, presented on Lodgers Tax Request.

Motion: Approve \$5,300 for Ruidoso Grindstone Trail Runs,

Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

- b. Smokey Bear Stampede
Requester: Lincoln County Fair Association
Request Amount: \$10,000.00
Date(s) of Event(s): July 1-4, 2021
Presenter: Shad Cox

Motion: Approve \$10,000 for Smokey Bear Stampede,

Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

23. Approval to Issue RFP/Seek Bids for Spray Injection Asphalt Services

Manager Pearson stated each year Lincoln County procurement Department issues a Sole Source determination for at single vendor to provide Spray Injection Asphalt Services. Manager Pearson stated Lincoln County had recently learned that this type of services is no longer a qualified source and must go out to IFB or RFP. Manager Pearson stated by issuing an RFP or IFB will ultimately be able to renew a contract for up to three additional years without having to perform the extra duties required of a Sole Source procurement.

Motion: Approve Lincoln County Procurement Department to issue an RFP or IFB **Action:**

Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

24. Wilson & Co. Presentation - Firm Overview and Introduction of Services

Mario Juarez- Infante, Manager presented an overview of Wilson and Company. Mr. Juarez-Infante provided information about the engineering, construction management, architecture, and funding services.

25. Approval to Proceed with New Mexico Environmental Department Application

Manager Pearson spoke on tire bail use in New Mexico requiring a permit through NMED (New Mexico Environmental Department) an inviting them to an onsite review. Manager Pearson spoke on the requirements for the site.

Motion: Approve to proceed with New Mexico Environmental Department Application with costs,

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

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

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

Manager Pearson requested authorization to schedule a public hearing to finalize the budget. Commissioner Allen inquired about cannabis ordinance and corresponding information. Manager Pearson requested public hearing for revised cannabis ordinance.

Alan Morel informed on providing pages of law for local jurisdiction regarding Cannabis regulation.

Motion: Schedule a Public Hearing to consider the final budget, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

Motion: Schedule a Public Hearing to consider a Revised Cannabis Ordinance, **Action:**

Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

Yes: Commissioner Allen, Commissioner Willard, Commissioner Proctor.

No: Chair Stewart, Commissioner Crunk.

27. Lincoln County Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); 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. **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. A Disposition Order for Lack of Prosecution was entered on August 25, 2020. An Order Reinstating Case was entered on October 19, 2020.
2. **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. On February 26, 2019, an Order Setting Aside Conviction was entered by Judge Counts.
On March 25, 2019, a Notice of Appeal was filed with the N.M. Supreme Court, Case No. S-1-SC-37602 On January 8, 2021, the Supreme Court entered its Dispositional Order of Transfer transferring the case to the Court of Appeals for consideration and review. The case is still pending.
On January 28, 2021, a Dispositional Order was entered transferring the case to the NM Court of Appeals for consideration and review. The case is still pending.
3. **Romero, et al. v. Stone, et al, Cause No. D-1226-CV-2019-00271** Request for Appointment of Guardian Ad Litem for Plaintiffs and Complaint for Violation of Civil and Constitutional Rights, Negligence, Prima Facie Tort and Wrongful Taking was filed on October 9, 2019 along with a Jury Demand. Lisa B. Riley is the presiding Judge. On May 7, 2021 Defendants filed their Motion to Dismiss in Lieu of an Answer. The case is still pending.
4. **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.
5. **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. The case is still pending.
6. **City of Albuquerque, et al vs. John Monoforte & N.M. Taxation & Revenue Department, Cause No. D-202-CV-2018-08036** Judge Franchini 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. Mediation took place on April 28, 2021 before retired Judge William Bustamante at which time, settlement did not occur. The case is still pending.
7. **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.
8. **Richard Ford v. Terry A. Colwell, II, et al, Cause No. D-1226-CV-2020-00104** Complaint for criminal trespass, theft, misappropriation of monies and violations of civil rights was filed by Gary C. Mitchell on May 11, 2020. Lincoln County was served on May 29, 2020. On June 26, 2020, the case was removed to the U.S. District Court and, on March 30, 2021, the case was remanded back to the 12th Judicial District Court for further proceedings. The case is still pending.
9. **Phillip Vice v. L.C. Assessor, Cause No. D-1226-CV-2020-00192** A Petition appealing the decision of the Lincoln County Valuation Protest Board was filed by Plaintiff Vice on September 11, 2020. A hearing on Plaintiff's Appeal took place on April 22, 2021 before Judge John P. Sugg at which time, Judge Sugg affirmed the Protest Board's ruling in favor of the Lincoln County Assessor.
10. **Alto Lakes Golf & Country Club v. Smile 4 U, et al, Cause No. D-1226-CV-2020-00184** Complaint to Foreclose Lien was filed on September 1, 2020 and an Amended Complaint to Foreclose Lien was filed to add the County of Lincoln as a Defendant. The County filed its Answer to the Complaint on October 23, 2020. On October 26, 2020, an Entry of Default as to Defendant Smile 4 U was entered. The case is still pending.
11. **Jacob Scott v. Lincoln County Board of Commissioners, Brack Rains and Unknown Defendants, Cause No. D-1226-CV-2021-00001** Complaint for Negligence and Negligence Per Se and Deprivation of Constitutional Rights was filed on January 1, 2021. Lincoln County has yet to be served with the Complaint.

12. *Daniel Caouette v. Lincoln County, Cause No. D-1226-CV-2021-00039 A Complaint alleging violation of the Inspection of Public Records act was filed. Lincoln County was served with the Complaint on April 5, 2021. On April 30, 2021, Lincoln County filed its Motion to Dismiss in Lieu of an Answer. On May 24, 2021, Judge Bryant entered an Order of Dismissal Without Prejudice.

Tort Claims Notices Received or Threatened

2021

Cline, Terry – Tort Claim Notice received January 11, 2021 alleging injuries sustained as a result of claimant's garbage truck being struck by a front-end loader at the Otero-Greentree Regional Landfill.

Purcella, Les – Tort Claim Notice received January 28, 2021 alleging damage to his automobile by an employee with the Lincoln County Assessor's office.

Chavez, Cecilia – Tort Claim Notice received February 1, 2021 alleging damage to NM State Police vehicle by Deputy Wikoff with the Lincoln County Sheriff's Office.

Mow, Jacob – Tort Claim Notice received February 18, 2021 alleging damage to his vehicle due to icy road conditions on Cora Dutton Rd. and the County Road Department's failure to salt to roadway.

2020

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 fees 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.

Heidbreder, Amanda – Tort Claim Notice received January 31, 2020 alleging, among other issues, no access to a phone, and unsanitary and overcrowding conditions at the Lincoln County Detention Center.

Stubblefield, Rory – Tort Claim Notice received February 20, 2020 alleging that members of the Lincoln County Sheriff's Office did commit multiple torts against Claimant by failing to perform their duties.

Buster, Crystal – Tort Claim Notice received February 20, 2020, alleging that members of the Lincoln County Sheriff's Office did commit multiple torts against Claimant by failing to perform their duties.

Siegel, Erik – Tort Claim Notice received April 14, 2020 alleging negligent, malicious and/or tortious actions and/or omissions by the Lincoln County Detention Center including, but not limited to, infliction of pain and suffering.

Skeen, Clint – Tort Claim Notice received April 17, 2020 alleging false arrest, denial of 5th Amendment rights, as well as violations of Article II, Sections 10 and 18 of the NM Constitution by the Lincoln County Sheriff's Office.

Olsen, John – Tort Claim Notice received July 8, 2020 alleging negligent, malicious and/or tortious actions and/or omissions by the Lincoln County Detention Center and the Lincoln County Sheriff's Office including, but not limited to, infliction of pain and suffering as a result of their acts/omissions.

Vega, Gary – Tort Claim Notice received July 20, 2020 alleging tire damage due to claimant having driven in the bar ditch on Jicarilla Rd. due to County road graders.

Nosker, Brian – Tort Claim Notice received August 10, 2020 alleging improper maintenance of U.S. Forest Bridge at Glencoe.

Village of Ruidoso – The Village of Ruidoso, at its September 8, 2020 Regular Monthly Meeting, moved "to direct legal to take any and all action including litigation in District Court regarding the threats by Lincoln County Commission to increase property taxes on short term rental properties located in the Village of Ruidoso."

Stark, Cary – Tort Claim Notice received October 9, 2020, in which Claimant alleges that, after making a 911 call concerning the driver of a vehicle he was a passenger in, the responding officers allowed him to leave with the same driver which ultimately resulted in a crash causing Claimant to sustain injuries.

Touche, Claudia and Trespalacios, Antonio – Tort Claim Notice received November 5, 2020 alleging false arrest, excessive force, intentional infliction and emotional distress, and harassment by the Lincoln County Sheriff's Deputies, and claims against the County of Lincoln based on retaliation, negligent training and supervision, and for inadequate policies and procedures.

Goodman, John and Lovone – Tort Claim Notice received November 24, 2020 alleging substantial damage as a result of Lincoln County Sheriff Deputy Joshua William Snodgrass' failure to yield right of way.

Humphrey, John D. – Tort Claim Notice received December 17, 2020 alleging personal injuries occurring at Moon Mountain Disc Golf.

2019

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.

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

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

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

Chair Stewart recessed the Regular Meeting and Convened the Closed Session at 1:05 PM.

Chair Stewart adjourned the Closed Session and Reconvened the Regular Meeting 1:52 PM

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

28. Community Topics - Discussion and Possible Direction:

a. Critical Race Theory - Introduction by Elaine Allen

Commissioner Allen expressed her concern regarding critical race theory and asked for a resolution to be placed on next commission agenda.

Cynthia Black, Chair of Republican Party Lincoln County supported a resolution from the County.
Vicki Porter, Lincoln County Resident supported a resolution from the County.

Motion: Approve a Resolution to be presented at the next commission meeting.

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

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

b. Federal Government 30 x 30 Land Preservation Goal - Introduction by Todd Proctor

Commissioner Proctor expressed his concern on the 30 x 30 Land Preservation Goal and requested a resolution to be presented at the next commission meeting.

Motion: Approve a Resolution to be presented at the next commission meeting,

Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

Yes: Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

29. Signing of Official Documents and Authorization to Utilize Electronic/Stamp Signature

Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor provided approval for use of electronic signature.

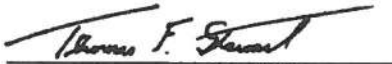
30. Next meetings:

- a. July 20, 2021- Regular Commission Meeting

31. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stewart adjourned the meeting at 2:19 PM.

County of Lincoln
Board of Commissioners



Thomas F. Stewart, Chair




F Lynn Willard, Vice Chair



Elaine Allen, Member



Jon Crunk, Member



Todd Proctor, Member

ATTEST:



Whitney Whitaker, County Clerk

July 20, 2021
Date Approved

