

COUNTY OF LINCOLN

New Mexico Emergency Meeting Board of County Commissioners

Thomas F Stewart, Chair
Lynn Willard, Vice Chair

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

Minutes Friday June 18, 2021

Minutes of the Emergency Meeting of the Lincoln County Commission held at 1:00 PM on June 18, 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 Emergency Meeting of the Board of County Commissioners to order at 1:00 PM

2. Roll Call

Roll Call.

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

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Whitney Whittaker, County 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 Allen, **Seconded by** Commissioner Willard.

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

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

Chair Stewart informed the County of Lincoln called the Emergency meeting in correlation to the Open Meetings Act due to unforeseen circumstances that demand immediate action to protect the health, safety, and property of citizen or to protect the public body from substantial financial loss. Chair Stewart informed within ten days of acting on the emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

6. Approval to Sponsor the USDA Emergency Watershed Protection Program (EWP) in the Hondo Valley Disaster Areas, Due to a Potential Immediate Threat of Loss of Life or Property in the Event of Forecasted Rains, committing a 25% Match (Limit to be Determined at the Next Budget Meeting on July 20, 2021)

Manager Pearson informed the morning of June 18, 2021, Kenneth Branch, USDA Representative, advised due to the amount of damage inflicted by the flooding on May 30, 2021 and May 31, 2021, there were three areas deemed extremely hazardous. Manager Pearson stated Mr. Branch informed the possibility if those areas were to be flooded, there could be loss of life. Manager Pearson stated the program required the sponsor to commit a 25% match of funds, either monetary or in-kind.

Kenneth Branch, USDA Representative presented the EWP Program overview. Mr. Branch stated the program would help landowners, operators, and individuals implement emergency recovery measures to relieve imminent hazards to life or property created by a natural disaster that causes a sudden impairment of a watershed. Mr. Branch stated a project sponsor is any legal subdivision of a state government or a state agency.

Manager Pearson informed federal funds were not allowed to be used towards this project.

Chair Stewart questioned the three areas of concern and the funding match of 25% to the county.

Mr. Branch stated his team identified the three areas that posed an immediate threat. Mr. Branch stated the sites were specific and met eligibility for the program.

Mr. Branch stated there were other sites identified but were not of immediate concern at this time. Mr. Branch stated approximately \$300,000 was identified in damage, making the county match approximately \$75,000 to the sponsor. Mr. Branch noted this did not include the submitted applications from the public. Mr. Branch stated increase is a possibility due to the addition of areas of interest.

Manager Pearson questioned a funding capacity amount.

Mr. Branch stated one of the options is to not exceed an amount determined but if that is the case then a priority list would have to be identified. Mr. Branch stated if something came up that was immediate, then it could have the possibility of not being covered as part of the program as a result of the cap amount.

Chair Stewart reported on the current budget timeline. Chair Stewart suggested the county announce the project and accept applications, and then determine eligibility at the next regular meeting.

There was a lengthy discussion about awarding Upper Hondo Soil and Water Conservation District to serve as the County of Lincoln's liaison.

Judy Bock, Upper Hondo stated they would have a special meeting to discuss the item of being a designee on behalf of the county.

Commissioner Allen suggested the possibility of the assistance of Homeland security to assist the residents in need in a timely manner.

Commissioner Willard expressed his concern regarding some of the residents that do not have the capability to remove log debris that was caused by the flooding. Commissioner Willard stated we need not worry about the dollar amount but to make every effort to help assist the public that are in need.

Commissioner Crunk questioned if the assistance of the county equipment could be made available for the three priorities listed.

Manager Pearson informed that the county would have to follow the guidelines involving in kind hours. Manager Pearson stated the road department was responsible and committed to other project deadlines. Manager Pearson suggested a case-by-case scenario to offer the assistance of the county to help offset the needs and projects that are identified. Manager Pearson stated a further analysis would have to be determined.

Chair Stewart mentioned the county and the anti-donation clause.

Commissioner Proctor questioned if any work that was done prior could be reimbursed.

Mr. Branch stated any work done prior any contract/agreement is not eligible for refund or funding.

Mr. Branch went on to explain the funding in relation to the program. Mr. Branch stated the funding was a first come first serve federal process.

Commissioner Proctor asked for pictures and estimates of the identified areas of concern. Mr. Branch stated once available he would share them with the commission.

Motion: Approve sponsorship of the EWP program to start immediate action to mitigate the threat to life and property, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Allen.

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

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

7. Approval to Designate Upper Hondo Soil and Water Conservation District as the Emergency Watershed Protection Program (EWP) Liaison, on Behalf of the County of Lincoln

Manager Pearson stated Lincoln County wished to designate Upper Hondo Soil and Water Conservation District (Upper Hondo) as the EWP Program Manager. Manager Pearson stated they would work with the USDA and private landowners to facilitate the best rehabilitation of the damaged areas. Manager Pearson informed Upper Hondo would consult with Lincoln County's administration before any monetary obligations are approved.

There was a lengthy discussion regarding Upper Hondo and the possibility of them to decline appointment as the liaison for the County of Lincoln.

Motion: Approve Upper Hondo to facilitate the USDA EWP program on behalf of the County of Lincoln, and grant authority to Manager Pearson to research other options if entity declines, **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 Crunk, Commissioner Proctor, Commissioner Willard.

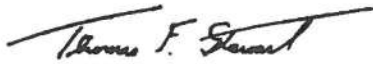
8. Next meetings:

- a. June 25, 2021, Special Commission Meeting
- b. July 20, 2021, Regular Commission Meeting

9. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Stewart adjourned the meeting at 1:54 PM.

County of Lincoln
Board of Commissioners


Thomas F. Stewart, Chair


F Lynn Willard, Vice Chair

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Elaine Allen
Elaine Allen, Member

Jon Crunk
Jon Crunk, Member

Todd F. Proctor
Todd Proctor, Member

ATTEST:

Whitney Whittaker
Whitney Whittaker, County Clerk

July 20, 2021
Date Approved

