

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 October 19, 2021

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October 19, 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, 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

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 Allen.

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. September 9, 2021 Special Commission Meeting
- b. September 21, 2021 Regular Commission Meeting

Motion: Approved the minutes of the September 9, 2021, Special Commission Meeting, and the corrected September 21, 2021 Regular Commission Meeting,

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.

7. Approval of Consent Agenda

Commissioner Willard informed that he inquired about multiple checks and received confirmation that all were okay to pay.

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending September 30, 2021
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Treasurer's 1st Quarterly Report
- e. Lincoln County Detention Center Quarterly Restricted Housing Report: July 2021-September 2021
- f. Approval of Memorandum of Understanding Between the Village of Ruidoso and the County of Lincoln for the NMDOT Grant Agreement Control No. HW2LP20014 (Gavilan Canyon Repaving)

Chair Stewart inquired if item: F being the direct payment of \$75,000 to the Village of Ruidoso was being funded by a local road fund or County funds.

Jeff Honeycutt Lincoln County Road Superintendent informed it was part of the LGRF in a co-op program with the Village of Ruidoso, being their portion of the County match for the Mil and inlay on the complete portion of Gavilan Canyon. Jeff Honeycutt informed the Village of Ruidoso will be overseeing the project.

- g. Annual Renewal Approval of the Agreement for Professional Services Between the County of Lincoln and Kenneth R Vega for Misdemeanor Probation Compliance

Chair Stewart stated item: G paragraph 14 states that the original contract with Professional Services of Kenneth Vega was good through Sep 2016 with extension annually for 3 additional years and should have expired in 2019. Chair Stewart proposed the contract go up for bid.

- h. Annual Renewal Approval of the Agreement Between the County of Lincoln and Ventura Plumbing, Heating & Cooling for Plumbing Services- RFP 20-21-004
- i. Annual Renewal Approval of the Contract Between the County of Lincoln and Ventura Plumbing, Heating & Cooling for Heating and Air Conditioning & Preventative Maintenance Services-RFP 20-21-005
- j. Annual Renewal Approval of the Agreement Between the County of Lincoln and the Aisling Company for Electrical Maintenance Services- RFP 20-21-003

Motion: Approve Consent Agenda except for item: G, **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 Willard, Commissioner Crunk, Commissioner Proctor.

Chair Stewart recessed as the Board of County Commissioners and convened as the Board of Finance.

8. Lincoln County Treasurer's Board of Finance – Beverly Calaway, Treasurer

Beverly Calaway, Lincoln County Treasurer stated today's Board of Finance Meeting will cover information concerning the 2021 Lincoln County Property Tax Billing and the Treasurer's Financial Report, ending September 30, 2021. Treasurer Calaway stated on October 15th the Lincoln County Treasurer mailed the 2021 property tax bills. Treasurer Calaway stated our Tax bills were printed and mailed two weeks prior to the statutory deadline of November 1st. Treasurer Calaway stated the Treasurer's Office mailed out 29,854 tax bills, a decrease of 35 records from 2020. Treasurer Calaway stated the Assessor said he believes this decrease is due a large amount of combined properties recorded by the Assessor's Office within the last year. Treasurer Calaway stated the total 2021 property taxes charged to the Treasurer for collection was \$35,586,295.99. Treasurer Calaway stated this is a modest increase of \$298,379.19 from the 2020 property tax collections of \$35,287,916.80. Treasurer Calaway stated the non-renewal of a school district's capital improvement bonds (\$906,854) and reductions of livestock numbers in Lincoln County are contributing factors in the small increase of property taxes charged. Treasurer Calaway stated the actual 2021 Property Taxes charged to collect for the County of Lincoln is \$13,245,794.36.

Treasurer Calaway stated in preparing the 2021/2022 Budget for Lincoln County, we projected General Fund Revenue at a conservative 93% collection ratio for property taxes, which was \$11,654,771. Treasurer Calaway stated the actual 2021 taxes billed will increase the revenue by

\$531,116 which will bring our general fund revenues to \$12,185,887. Treasurer Calaway stated as a side note: The Lincoln County Tax Schedule Maintenance Report (page 20 of financial report) reflected 97% of the 2020 property taxes were collected by the Treasurer's office. Treasurer Calaway stated in September, Lincoln County received recognition from Dept. of Finance and Administration, and NMC Treasurers Affiliate as one the top ten counties in New Mexico with the highest 3-year average of collections. Treasurer Calaway stated a nice 97.88%.

Treasurer Calaway presented tax charts

Treasurer Calaway stated in the Treasurer's September 2021 Financial Report, the General Fund line (401) on page one, has an ending balance of \$6,237,193.73. Treasurer Calaway stated this is in comparison to \$5,971,187.41 in 2020. Treasurer Calaway stated in September 2021, the largest transfer was \$2 million out of the general fund to the Detention Center-450- Corrections fund. Treasurer Calaway stated on page #3 of the Treasurer's Report, is the Detail of Receipts for the General Fund Account. Treasurer Calaway stated this listing of Accounts reflect the projected (budgeted) general fund revenues of \$15,660,512.38 for this fiscal year. Treasurer Calaway stated as of the end of September 30, 2021, the year-to-date revenue collected was \$1,266,666.98. Treasurer Calaway stated page 13 of the Treasurer's Report is the Record of Investments. As of September 30th, 2021 the total amount of cash held by the Treasurer was \$24,731,083.86. Treasurer Calaway stated all county investments, operational bank accounts and money market accounts are collateralized at 102% as per our investment policy. Treasurer Calaway stated our long-term investments such as the Detention Center Required Reserves, are invested in government backed securities that are issued by the full faith and credit of the US government. Treasurer Calaway stated on Page 20 of the Treasurer's Finance Report is the Tax Schedule Maintenance Report.

Treasurer Calaway stated as of September 30th, 2021 the Lincoln County Treasurer collected 97% of the property taxes charged for 2020. Treasurer Calaway stated property tax collections on September 30, 2019, were 96.61%. Treasurer Calaway stated when taking the economic effects of COVID 19 into consideration during these periods our collection efforts on delinquent properties and mobile homes have been very productive. Treasurer Calaway stated we expect the New Mexico Delinquent Property Tax Bureau to begin the onsite research for Lincoln County next month. Treasurer Calaway stated this will also aid us in the collection of delinquent property taxes

Chair Stewart inquired on the ending balance \$6,237,193.73.

Treasurer Calaway spoke on the increases received from the County gross receipts equalization and wind turbine PILT's. Treasurer Calaway the previous year at the end of Sep 2020, was 5,971,187.

Chair Stewart recessed as the Board of Finance and convened as the Board of County Commissioners.

Motion: Approval of the Report as Presented by Beverly Calaway, Lincoln County Treasurer,

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.

9. Approval of Budget Adjustment for FY 21/22 by Resolution 2021-23

Ira Pearson, Lincoln County Manager spoke on budget adjustment regarding Pattern Energy PILT Payment, GRT Tax Equalization, Increase for the Fire Department, and sale of county property.

Sherrie Huddleston, Lincoln County Chief Deputy Treasurer spoke on the money being retained for the new subdivision in progress.

Motion: Adopt Resolution 2021-23, **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.

SEE EXHIBIT A: Copies of the Budget Adjustment including Resolution 2021-23 is attached hereto in reference thereto made apart hereof.

10. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District
- c. South Central Mountain RC & D

Robert Barber, Chair of LANRAC stated in the WUI account has approximately \$14,000 and is progressing well. Robert Barber stated a new Community Forester Tony McWilliams was hired. Robert Barber stated RC&D is working with LANRAC, Otero, and Upper Hondo on the Lincoln National Forest Management Plan and EIS. Robert Barber stated comments are due November 5, 2021.

d. Upper Hondo Soil & Water Conservation District

Robert Barber stated they are working on the WUI grant with RC&D will be obligated by the end of 2021. Robert Barber stated funding for 2022 WUI will be approximately \$261,000 with additions totaling \$482,000. Robert Barber spoke on Memorial Day flooding progress and monies.

Manager Pearson spoke on working with Robert Barber on Upper Hondo and the EWP match.

Robert Barber reported on the Lincoln County Cooperative Weed Management Area (LCCWMA), the Upper Hondo Soil and Water Conservation District (UHSWCD) weed control progress and vinegar sourcing regarding cost effectiveness. Robert Barber spoke on removal of silt due to flooding and preparations for future flooding.

e. EMRD State Forestry

f. Land and Natural Resources Advisory Committee (LANRAC)

Robert Barber, Chair of LANRAC spoke on the comments as presented and concerns. Robert Barber spoke on the Land Access Guidelines managing right of ways, utilities, endangered species, private land access, and wilderness and special management areas.

Manager Pearson requested and received approval from the County Commissioners to file the Lincoln National Forest Draft Plan and EIS comments as presented.

Robert Barber stated public comments were due November 29, 2021 for the Peñasco chipmunk conservation in defining the critical habitat.

Manager Pearson stated he spoke with Sheriff Wood and Joe Kenmore regarding the communications tower.

Robert Barber reported on the Mountaineer Collaborative meeting, a meeting with Sun Zia following week, and receiving e-mail from Fish and Wildlife regarding the Mexican Wolf lawsuit filed by the Center for Biological Diversity and Wildearth Guardians through US District Court of Tucson, AZ. Robert Barber reported on e-mail received from USDA seeking comments on a climate smart agricultural and forestry-partnership initiative by November 1, 2021 regarding climate smart commodities which are produced with reduced greenhouse gas emissions or sequestered carbon.

b. Lincoln County/NMSU Cooperative Extension Services

Melody Gains, Lincoln County Family & Consumer Science 4-H Agent reported on participation in events. Melody Gains reported on attending the meetings with the New Mexico Farm and Ranch Stress Assistance Network Grant team, a collaborative effort between Cooperative Extension Services & New Mexico Department of Agriculture, and the New Mexico Farm & Livestock Bureau Foundation regarding the \$500,000 grant. Melody Gains spoke on serving as a presenter for various New Mexico events including the New Mexico Farm Bureau Conference and Cattle Growers Convention. Melody Gains reported participation at the Eastern New Mexico State Fair. Melody Gains reported on having (19) indoor exhibitors, showing (116) projects, (5) which made the junior livestock sale. Melody Gains spoke on having an outside display for the projects and 4H enrolment being open for ages 5 through 18.

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

Commissioner Allen stated she attended Greentree meetings as well as the Southeast New Mexico Economic Development meeting.

Commissioner Willard congratulated Kate Cooper a former member of Hondo 4H had been elected Rodeo Queen at the ENMU State Fair.

Commissioner Proctor gave appreciation to James Hobb's presentation September 28, 2021, at the last Lodgers Tax Meeting.

Commissioner Crunk reported on meetings with the Department of Workforce Solutions changes to rules and regulations and the representation to the commissioners.

Whitney Whittaker, Lincoln County Clerk reported on 2020 redistricting.

Walter Hill, Lincoln County Assessor reported on the submission of the Assessors Lincoln County 2020 Abstract and 5-year site inspection plan.

Treasurer Calaway reported on the audit team visit and the current open positions in her office.

Michael Wood, Lincoln County Sheriff stated the department assisted with 309 calls for service, 20 physical arrests, investigated 15 motor vehicle crashes, had 180 papers served, and entered 29 warrants. Sheriff Wood stated they are fully staffed.

Chair Stewart Opened public comment at 9:44 AM.

Mark Severance, resident of Alto in the Ranches of Sonterra, stated his family moved here about 3 years ago from Houston. Mr. Severance stated she is a native New Mexican. Mr. Severance stated I'm on the Board of Directors of the Property Association of Ranches of Sonterra and I'm also the Chair of the Alto Coalition for Environmental Preservation or the Alto (CEP), which has been formed to consolidate the legal objection to the proposed concrete batch plant. Mr. Severance stated what I want to say today is I want to thank you the Board for listening to the voices of your constituents who have expressed concern and opposition the proposed concrete batch plant and saying this not only for myself but the 500 property owners of Ranches of Sonterra who overwhelmingly oppose the proposed concrete batch plant. Mr. Severance stated the hundreds of folks not only from the Ranches but from our surrounding neighborhood who are your constituents and have attended our Alto CEP meetings as we organize our legal opposition to the proposed concrete batch plant. Mr. Severance stated thanks from over 1,200 people, many of whom are your constituents and signed an online petition expressing their opposition to the proposed concrete batch plant. Mr. Severance stated we fully realized this is a very difficult if not emotional issue and we appreciate your willingness to dive in and work it. Mr. Severance stated I'm retired from NASA, and I worked for a wise man a gentleman named Gene Chance and Gene once said that the future belongs to those who are willing to get their hands dirty and I want to thank you all of you for your commitment to do just that.

Ellen Hightower, resident stated she worked with Mark as the Assistant Chair for the Alto CEP in opposition to the proposed batch plant. Ms. Hightower stated she had spoken with almost each of you commissioners and thanked them for listening. Ms. Hightower stated she was stressed and worried about this more than any issue since they have lived here in Lincoln County, raising our kids and grandkids here and trying to preserve the land that we have and love. Ms. Hightower stated in doing a lot of soul searching and praying about this, I thought it was about Steve's and my legacy and what we were leaving our kids and grandkids because we own a beautiful piece of property almost adjacent to the area of the proposed batch plant. Ms. Hightower stated she had one thing to read to you from file book 2013 page 7999 and it addresses this issue of ordinance, and it was adopted by you guys or your former commission. Ms. Hightower stated, "compilation provide those counties may adopt ordinances to discharge those powers necessary and proper to provide for the safety preserve health and welfare promote prosperity comfort and support the values of the county" and us your citizens. Ms. Hightower stated it will be out of character for our community it will offer irreparable harm to the Lincoln County community if this concrete batch plant is allowed to be built on 220.

Robert Phillips, resident stated he is currently paying taxes to live in a pristine area. Mr. Phillips stated he will ask for his property to be revalued at a lower rate. Mr. Phillips stated mainly you're going to lose tax money and property appraisal value.

Kathryn Nelson stated she moved here three (3) months ago. Ms. Nelson stated she lived in Ruidoso and work at ENMU. Ms. Nelson stated we have one business out there which happens to be a storage unit, and they were kind and sensible enough to build a storage unit that blends

in with the area and looks nice. Ms. Nelson stated I don't think any of us have a problem with a storage unit and we need it.

James Brown stated he lives off Paso Monte and has invested quite the money to drill a well. Mr. Brown stated luckily, it's a great well. Mr. Brown stated he understood that the water usage of this batch plant is incredibly high especially compared to the residence and our water use from our wells. Mr. Brown stated to see that water lever our basin to be depleted day by day by this tremendous water usage is a complete disservice to those people. Mr. Brown stated I happen to be downhill which I would say is downstream from this proposed batch plant, if you don't have a well you don't have water you pretty much don't have a home. Mr. Brown stated so I would be forced to haul water and luckily a neighbor drilled a beautiful well and the neighbor hit everything's fine and then this. Mr. Brown stated that's what we face from a very real standpoint and aside from property values and stuff were there I place value on my home and my property. Mr. Brown stated without water we got nothing so that's my main concern.

Virginia Thompson stated she lives 2/3 of a mile east of the proposed facility just off airport road. Ms. Thompson stated she heard of the proposal to construct a cement manufacturing plant at that location. Ms. Thompson stated she had learned more in the intervening months about concrete batch plants noise, water demands, traffic, air and road degradation, that initial impression has only grown. Ms. Thompson stated my own primary objection is proximity to existing homes right up to the lot edges on the back side and directly across airport road on the front side. Ms. Thompson stated planned nighttime hours of operation, noise and lighting would make that onerous for those residents. Ms. Thompson stated deed restrictions on the proposed construction site bar both noise and nuisance and in an ideal world that would automatically make construction of such a facility at such a location impossible. Ms. Thompson stated based on those two words alone noise and nuisance you'd think any buyer of the land would think to himself I can't put a concrete batch plant there. Ms. Thompson stated as mentioned cement manufacturing uses tremendous water and a half million cubic yards per year planned that stated in their air quality application add up to 18 million gallons give or take per year. Ms. Thompson stated not to mention the water necessary to run the operation clean up and from that potential ground and surface water contamination. Ms. Thompson stated the water factors impacting homeowners throughout the area, all of us dependent on well water.

Caroline McCoy resident of Alto on what's known as the lost mesa, were just adjacent to the west border of Ranches of Sonterra, and our neighbors are Tom Dorgan and Justin King. Ms. McCoy stated we have livestock up there and animals and I'm concerned about the air quality, as you know the batch plant would produce a lot of fine dust and that could impact the lungs of my horses which are performance horses. Ms. McCoy stated my husband has COPD and we've chosen to live away from municipal noise and air quality up there high on the mesa; I'm concerned that we could be impacted and respectfully ask that you do vote for the resolution that would declare this batch plant, which I feel is completely inappropriate for this lovely residential area, a public nuisance.

Dr. Beverly Nicks retired public health veterinarian and resident of the area stated he appreciated the opportunity to speak with you all. Dr. Nicks stated I'm a resident and property owner in Alto New Mexico, on Paso Monte loop and I'm asking that you all please prohibit any concrete plant from operating from within Alto New Mexico and neighboring areas of Lincoln County. Dr. Nicks stated my protest is against Roper's Construction's intent to operate a plant on highway 220 near highway 48. Dr. Nicks stated this location is in immediate proximity to residential communities and some small non-industrial businesses in an area near designated forest and wilderness. Dr. Nicks stated there prolonged hours of daily operation, the use of significant amounts of ground water, the noise, the dust and light pollution, the resulting devaluation of real estate held by current property owners, and the heavy truck traffic will adversely harm residential homeowners, real estate brokers, as well as users of highway 220. Dr. Nicks stated please don't allow this business to be approved built and operated. Dr. Nicks stated it's hard to imagine a worse fit for a business of this type in beautiful quiet non-industrial Alto New Mexico.

Steve Hightower, representative for Fox Run Subdivision and the Kokopelli Homeowners Association. Mr. Hightower stated I think we've all looked at the bullet points and the problems with the application. Mr. Hightower stated I just want to share with you a poignant moment that I had as we were touring our area with our attorney, we've retained Tom Hnasko one of the top environmental attorneys in the United States. Mr. Hightower stated we had Tom down here for a day to show him, kind of show off I think, our area that we live in, I've been a resident of Lincoln County for 50 years and we get a little used to seeing Sierra Blanca. Mr. Hightower stated used to the beauty we all live in and we took Tom up to a spot up above highway 220 about a mile down the road in Ranches of Sonterra and from that place where we all stood just looking at what we take for granted, we could see obviously Sierra Blanca, the burn scar from the little bear fire, below that we could see from our vantage point the beautiful entrance to the Flying J Ranch, that

fence that James my neighbor has put up, and all the homes below us and rooftops were glistening in the sun, you could see the RV Park up there at Elk Run, looking a little further to the left, the south, you could see the hundreds of homes along what is the north side of Alto Village and even a couple mile on out what would be Deer Park Road, hundreds of homes we could see from there. Mr. Hightower stated below us the RV Park at Little Creek and out to the east we could even see the homes that are being built in Outlaw, very expensive homes, and below us you could see the homes that are in Ranches of Sonterra along Airport Road, even down the valley you could see Rancho Ruidoso Valley Estates, and it just stuck me what a beautiful pristine place, with hundreds of homes in it, that this would affect. Mr. Hightower stated from our vantage point we could also see the proposed concrete batch plant site and I cannot imagine more out of place in our viewpoint, with that type of activity, the center of what is our tax base.

Mary Stanfield, resident of Rancho Ruidoso Valley Estates stated her concern is the health and wellbeing of our residences, not only the children that we have in Rancho Ruidoso that are growing up in that area and those of us that are getting older that have been living in Rancho Ruidoso for at least 25 years. Ms. Stanfield stated I have been living there for 17 years my husband and I moved here because he had COPD, we came from Wisconsin in an area where the area was bad, before that we lived in California. Ms. Stanfield stated basically when we came over the mountain through Nogal, he says, "we're home, I can breathe". Ms. Stanfield stated so we decided that we were going to find somewhere to be able to live here, because he was able to breath. Now Ms. Stanfield stated a year after we settled here, then our daughter and her husband settled, to be close to us because we were getting older. Ms. Stanfield stated she happens to have a very bad case of asthma and quite a few allergies. Ms. Stanfield stated now what we have been able to do during the fires, the residue from the fires, from Alamogordo dust is to get air filters for in the house. Ms. Stanfield stated we maintain clean air inside the house until the rest is over however, with this concrete plant that will not be able to happen cause that's going to be a 24/7 365. Ms. Stanfield stated I would really appreciate that you give it very serious thought to the health and wellbeing for all our citizens from the newborn babies that we're getting to those of us that are living the rest of our days here. Ms. Stanfield stated I wanted to refer you to 1984 where you commission way back then accepted this in Rancho Ruidoso under the adverse conditions you accepted that there were no activities or conditions in our nearby subdivision for feedlots or cement plants, so keep that in mind.

Josh Bodkin, Owner of High County Landscapes and Nursery stated his wife and I moved down here in 2012, she is a local veterinarian. Mr. Bodkin stated previously I worked for the National Wildlife Research Center at Fort Collins as an Ecologist. Mr. Bodkin stated moving down here she took her job as a veterinarian, I get out of Government and decided to open and start my own business. Mr. Bodkin stated bought that land that's adjacent to the proposed concrete batch plant in 2013 and have slowly been developing it, building my business to what is now a nursery, starting in landscaping but now we have opened a nursery there. Mr. Bodkin stated those of you that have been by that part of 220 on your way home or just going down the scenic byway, you've probably seen us. Mr. Bodkin stated we've got trees, lots of inventory outside that would be perishable to the dust, I have a large green house facility, it's a smart green house that does almost everything I ask it to. Mr. Bodkin stated it is very efficient at growing things however it pulls in air from the east. Mr. Bodkin stated the previous time I spoke I spoke about what everybody else's concerns were about, traffic, noise, so on and so forth but in this case, I'm just going to make it as a personal for my business. Mr. Bodkin stated the dust alone could be detrimental to my tree life outside as well as inside the green house, not to mention the outstanding water usage we all rely on in that area. Mr. Bodkin stated I am pro-business, I've come from staring mine and building it up to what it is, I support businesses in the community, and I'll continue to support Mr. Roper in his endeavors however I stand with everyone else in the community in saying this is not a good place for a batch plant. Mr. Bodkin stated there are better, more suitable areas outside of the scenic byway.

Galen Farrington stated respect is often earned when a person commits to what is right, for not only him or herself, but what is right for the community. Mr. Farrington stated those who take on responsibilities associated with leadership, have separated themselves from the sometimes-non-creative lemmings, this often requires linguistically creative navigation which often has a precedent. Mr. Farrington stated this commission was created in 1983 to address quote "rapid changes in population, economic climate and land use within Lincoln County and to plan effective, harmonious, and appropriate uses of land, so that the county would be a desirable place to live and visit". Mr. Farrington stated in the light of today's layer governing complexities this is a daunting task, today you could embrace your original mission statement and stand in solidarity with passing of the resolution that will come before you concerning the Roper Construction cement batch plant, that would be Resolution 2021-24. Mr. Farrington stated it is the egregious location that has the community you represent in such opposition. Mr. Farrington stated no one in attendance during the June Commissioners Meeting supported this location and alternative locations are available. Mr. Farrington stated it is time for you represent your community for what

is right, to create the harmonious use of our resources. Mr. Farrington stated please do not continually shift your responsibility in this matter because of fear. Mr. Farrington stated 48 years ago Chris and I committed to making our community a desirable place to live and we are fortunate that your constituency realizes the importance of ethical leaders, your community needs you. Mr. Farrington stated the right decision is not always an easy one and sometimes takes a little creativity to reach fruition.

James Miller resident of highway 220 closest to Josh Bokin's property about 500 feet from the proposed plant. Mr. Miller stated he had been doing business with Ryan for several years and I like him as a business person and I actually have a house that I'm right behind the shop on 220, and my main concern as everybody else is has shined light on, but I think the main things are like if he wants to be able to run from 3 PM to 9 PM daily, which it might not happen every day, but that's a huge issue with me. Mr. Miller stated disposal of concrete and concrete trucks come back with extra concrete, I think that needs to be considered also and what that might do to the value of everything around it, will definitely destroy the value of our homes. Mr. Miller stated I'm trying to resell my home in several years after remodeling it that's basically my main concerns, you know I think he's a good businessman and everything else that goes along with it, he's done his hard work to. Mr. Miller stated I think for the community this is a bad decision.

Kevin Fleharty, resident of Lincoln County for almost 48 years. Mr. Fleharty stated there's a fork in the road, what direction do you want to go, do you want to go down the path of industry, that's not correct for certain situations and certain places in Lincoln County. Mr. Fleharty stated we are a large county, there is places to be able to put industry like what is being proposed. Mr. Fleharty stated in the valley next to Josh's nursery that is not the place, if somebody could stand there and tell me, convince me that's a proper place for an operation of that style then. Mr. Fleharty stated I'm here for a lifetime, my kids are here for a lifetime, you guys your choices are going to determine what our children and our grandchildren are going to be dealing with down the road, you open the floodgates, let this happen, it's not going to be the last one. Mr. Fleharty stated we have got to stand tall; we have got to be loud, and we are going to support backing our coalition and making sure that everybody understands that were here for the good of Lincoln County, not for the good of the pocketbook of one individual.

Lynn Burnett stated we have had a house in Alto for about 14 years and I want to say that I support everything that's already been said. Ms. Burnett stated we are opposed to the concrete batch plant located on highway 220, and for an additional reason which I haven't heard mentioned, and that is contamination of the groundwater. Ms. Burnett stated there I've spent 35 years working for Proctor & Gamble, I've been in world class manufacturing plants around the world, and there's not a plant that exist that hasn't had a spillage, a leakage, or some kind of a problem that puts chemicals or other damaging things into the ground. Ms. Burnett stated I'm very concerned because we are down river of this proposed concrete plant and we have the Rio Bonito running through our property and it feeds, maintains a lot of wildlife. Ms. Burnett stated we see foxes, bobcats, herds of elk, and deer. Ms. Burnett stated so if there is a truck that has a problem, there's either a leakage, there's spillage, there's overflow, there's cleaning out of these trucks, it goes into the ground, goes down river, and contaminates private wells and the river. Ms. Burnett stated not only does our property value go down, but it becomes unsellable if we have no water. Ms. Burnett stated we live off of private wells, we maintain livestock, animals, and wildlife from private wells and the river. Ms. Burnett stated this could potentially stop all of that. Ms. Burnett stated so we ask for your support in maintaining a community where people can live safely.

Karen Cizdeck, resident stated one of my questions is, what is the need for this concrete plant? Ms. Cizdeck stated if you look around Alto, Ruidoso, Ruidoso Downs, and the surrounding area there are thousands and thousands of houses, condos, shops, churches that have already been built, and they managed to build them without this concrete batch plant in place. Ms. Cizdeck stated so I think at this point, you know there is less and less available land, so I feel that our infrastructure is already in place. Ms. Cizdeck stated maybe 95% of what we'll need, or will be able to develop is already done, and have managed to do it without this plant. Ms. Cizdeck stated so therefore if there are a small number maybe a 100 a 1,000 of additional buildings that must be built, they can be done with the same resources that the existing infrastructure has used for its concrete source. Ms. Cizdeck stated I think that it is just totally unnecessary, and they can work around it, the construction people can work around it as they have for the last 100 years. Ms. Cizdeck stated additionally my husband has worked as an engineer for 40 years in industry and in manufacturing as many people have mentioned also has a lung disorder from his exposure from various things over the years. Ms. Cizdeck stated so we moved here to get clean air and once again as the people have referred to this batch plant will be putting toxins and particulates into the air which is going to be terribly unhealthy. Ms. Cizdeck stated additionally with all the trucks all the exhaust fumes from these massive trucks coming in, more pollution, so I think that we must look at the community good. Ms. Cizdeck stated we cannot put at risk the health of an entire community to pay off and increase the wealth of one person, that's not a good balance. Ms.

Cizdeck stated so I hope that you will support us in just seeing this proposal as the nuisance and detriment to the whole area that it is.

Ron Raider, board member of Rancho Ruidoso Valley Estates stated I just want to go on record in agreement with all these folks, we got a committee that's here that have done tons of research and shared it with us, an oh my goodness this could be bad. Mr. Raider stated so Rancho Ruidoso Valley Estates Board is on board with everything against Roper.

Rita Hood new resident of the County stated we are residents of Rancho Ruidoso Estates and I'm here to lodge a complaint against the Roper cement company. Ms. Hood stated imagine if you will, one of our many tourists that come to this area to visit this beautiful land that we have, driving down 220 just in awe of all the beauty and right to their side is a noisy, dirty, messy, polluting, plant that's just as big scar in our landscape. Ms. Hood stated that is one of the many reasons why I oppose this, I think it irreparable harm to our tourist industry and to our wildlife.

Nancy Fegely residents of Ranches of Sonterra, my husband and I came here in the fall of 2019 and essentially never left. Ms. Fegely stated I went home and saw our home in Florida and came back out here. Ms. Fegely stated will also impact small businesses in town, there's no way people are going to come here to the numbers that they do, especially car clubs, motorcycle clubs, just people who enjoy driving around here, it's just not a good idea for all the things concerned and then I'll throw in another plug for small business.

Ryan Roper stated he was born and raised in Lincoln County. Mr. Roper stated due to the limited time that we've had to appear for this and present to this I know we won't be able to present our full case here. Mr. Roper stated we have our representative on Zoom, but they probably won't interact with it today because of the limited time to prepare but I'd like to give a few statements here. Mr. Roper stated no construction of the batch plant of the concrete batch plant can start until a permit is issued by the New Mexico Environmental Department (NMED). Mr. Roper stated to issue a permit NMED must determine that the facility will comply with applicable regulations and air quality standards. Mr. Roper stated the air quality standards will designed to protect the public health with a margin of safety. Mr. Roper stated the standards are reviewed nationally every 5 years and updated with respected science. Mr. Roper stated the review undertaken by the USEPA incorporates an integrated science assessment as well as a risk exposure assessment. Mr. Roper stated construction is yet to start on the facility, it is unclear how something can be a nuisance when it is not yet in existence, and where NMED determined standards will be met assumed maximum emissions and worst-case modeling. Mr. Roper stated the proposed concrete plant will not be a major source of hazardous air pollutants (HAPs). Mr. Roper stated the current draft permit on NMED's website list HAP's emissions to be less than 1 ton per year which is significantly under the threshold of 10 tons per year. Mr. Roper stated the proposed resolution asserts that without adding dust suppression to different parts of the batch plant facility, the facility will be a major source of HAP, however the draft permit issued by NMED prohibits the facility to operate without dust suppression. Mr. Roper stated the proposed resolution list several concerns that cannot be addressed by the air permit, the air permit is limited to its jurisdiction in regulating air related items. Mr. Roper stated any water use, surface water runoff, or endangered species protection concerns must be addressed through the appropriate permitting and environmental action therefore an air permit will necessarily not include such items as storm water runoff planned, water rights, and endangered species analysis. Mr. Roper stated air permit modeling does not require the applicant to disclose a specific type of use around it. Mr. Roper stated weather modeling looks at the general characteristics of an area such as urban, suburban, rural and measures the impact accordingly. Mr. Roper stated modeling assumes exposure to the most susceptible population at all locations. Mr. Roper stated so in New Mexico legislation have entrusted the protection of the air quality to NMED extensive studies and modeling goes into creating the regulation that governs permit facilities, they are the specialist and they should be allowed to deal with that, the only other thing I'd like to slip in there are the water rights is, currently it should be known to anybody that researched, I have no water rights at that facility so the complete intention at this point is to haul water for the foreseeable future and the use is a fraction of what's being stated on the internet.

Doug Thompson questioned Mr. Roper's presentation and while it was correct legally the facts that were contained in his application for the air quality permit used a model based on Holloman Air Force Base which is not at all what we're like, and several other omissions that were made which were left as TBD or some other indeterminate answer to the questions on the application. Mr. Thompson stated for that reason the preliminary draft permit that's been issued by NMED is inappropriate. Mr. Thompson stated everything else everybody has stated, everything I could think of to say when I first came down here to talk to you all, other than the fact that I want to be on record as opposing this batch plant.

Louis Goode stated my wife Amy and I moved to Ranches a couple of years ago 2019 we bought out there. Mr. Goode stated I grew up in El Paso, dad worked at White Sands, been coming to the mountains for many years. Mr. Goode stated he is a 33-year military vet, we were looking for our forever home when we decided to buy up there, so we went ahead and jumped into it. Mr. Goode stated we're about three-quarters of a mile downwind from the proposed plant and concerned of course as everybody on the call about what Roper proposes to do there.

Mr. Goode stated one of the glaring omissions on the six-page application form was Roper naming the Counties but omitting the Mescalero Apache Indian Tribe from the initial six-page application, whether it was done inadvertently or otherwise we really don't know. Mr. Goode stated the environmental protection agency has regulations for concrete batch plants in Indian country and this being the case in our case here there's no concrete batch plants in New Mexico allowed within 3 miles of a class 1 area which is the live mountain wilderness, which is about 1.3 or 1.4 miles west of the proposed location. Mr. Goode stated one ton, one cubic yard of concrete weighs 4,050 pounds, can you imagine half a million pounds of concrete being generated in and around the proposed area. Mr. Goode stated the trucks, not only the concrete trucks cement mixers, but the aggregate haulers going up and down the highways, year around in the dark of winter. Mr. Goode stated think about trying to make it up to Ski Apache driving up 48 behind 85 to 110 cement trucks, aggregate haulers daily in the wintertime. Mr. Goode stated the nuisance itself, the collateral damage is a personal hazard not only to people but to animals and property, is just not a good idea, not a good location with hundreds and thousands of square miles to put operations of this nature. Mr. Goode stated to put it in a valley that's subject to warm air inversions in the wintertime and cold air inversions in the summertime, with limited visibility it's going to enshroud the areas is not a good idea.

Kim Roper stated she is representing Miracle Paws for Pets today. Ms. Roper stated we want to start out by saying how much we appreciate your support in the past, helping us fund our feral cats spay and neuter coupons. Ms. Roper unfortunately stated Miracle Paws for Pets is dissolving our group, were down to just 3 members. Ms. Roper stated we're going to use the funds that we presently must continue our feral cat coupon system, by dividing our funds between the four veterinary clinics that currently use our feral cat coupons. Ms. Roper stated Dr. Becky Washburn, Dr. Mary Jane Cooper with Carrizozo Animal Clinic, Mountain View Animal Clinic in Ruidoso, and the Ruidoso animal Clinic. Ms. Roper stated we would like to ask that we can include the \$1,000 dollars that you gave us in this disbursement of the funds for the four different veterinary clinics to continue our feral cat coupon system. Ms. Roper stated last year we gave out 1,742 coupons to fix feral cats, helping to decrease the over population of the feral cats in Lincoln County. Ms. Roper stated we hope that you will consider our request and we really appreciate your support in this matter and thank you for hearing our request.

Nina Pedroni stated I'm from the Ranches of Sonterra and I just wanted to go on record opposing the concrete batch plant for all the reasons already presented at this meeting.

Laurie Benavides stated my husband and I live 1.5 miles from the proposed concrete batch plant. Ms. Benavides stated the emissions that are acceptable according to the New Mexico Environment Division, those are not acceptable to us right now we have no emissions, and I would like for it to stay that way for our life here in the beautiful area of Alto New Mexico, for our health and for our future.

Charles Gordon stated I've lived in Sonterra since 2012, we bought the property back in 1996. Mr. Gordon stated I just wanted to mention one issue that I hadn't heard mentioned yet, which is light pollution. Mr. Gordon stated I am an astronomer and I decided to live in this area because it has a good night sky. Mr. Gordon stated the plant would only be about eight-tenths of a mile from my house, and I'm sure if they're going to be working through the night there's going to be light that scatters through the sky and that would really cause a lot of damage to my economy. Mr. Gordon stated I know there are a lot of other astronomers in the area who would be affected also. Mr. Gordon stated so this is a precious resource we're lucky to have here, you know people around the rest of the country are envious of the ability we have to do astronomy at night. Mr. Gordon stated I have a substantial investment in the equipment in my observatory and telescope, it would really bring some harm to the enjoyment I get out of living here.

Clerk Whittaker informed on early voting.

Ellen Hightower stated the night sky act of 1999 was enacted by the state to regulate outdoor night lighting fixtures to preserve and enhance the states dark skies, it's a law.

14. **Consideration for Approval of Resolution 2021-24: DECLARING THAT ANY CONCRETE BATCH PLANT BUILT AND OPERATED ON NM HIGHWAY 220 NEAR THE INTERSECTION OF NM HIGHWAY 220 AND NM 48 BE CONSIDERED A PUBLIC NUISANCE**

Alan Morel Attorney spoke on resolution 2021-24, changes, and ordinance implementation.

Tom Hnasko Attorney spoke on resolution 2021-24, ordinance implementation, and declarations filed.

Kristen Burby Attorney spoke on proposed determinations in resolution 2021-24.

Ryan Roper stated we're not breaking any laws here and we're within all the regulations and I think that's overlooked. Mr. Roper stated it's pointed at it like we're breaking the law and doing something illegal and we're not trying to do that at all. Mr. Roper stated I think a lot of the stuff I said earlier that it's relevant. Mr. Roper say I would like to say that it feels somewhat targeted to me to establish this, and that we've made a tremendous investment here buying the property, buying the plant, buying the building that's going to go on the property and before we did that, we made sure that we were within the laws. Mr. Roper stated that here were no zoning restrictions, that it wasn't zoned residential area, everybody is saying that its predominantly residential, but it's not zoned residential, again we're not breaking any rights or any laws. Mr. Roper stated so to retrospectively try to limit us and what we can do, and we've already made a major investment, doesn't seem right. Mr. Roper stated a lot of this is based on speculation, like they said it hasn't been constructed so all its based off speculation. Mr. Roper stated a lot of the usage as far as water usage, the air permit was based off maximums allowed, that would fit the model and be within the restrictions. Mr. Roper stated so by saying that were going to use, the opposition is stating daily that we're going to use 70,000 gallons daily, and we're going to run 24 hours a day 365 days a year and all of these are lies. Mr. Roper stated currently at the current facility we're using 1,500 to 3,000 gallons of water per day and I'd also like to add on that whatever water we use we will have the legal right to use that water from the state engineer's office. Mr. Roper stated we will go through all the right paths to do things legally, the storm water runoff pollution, we will go through the EPA and we will do that legally. Mr. Roper stated our attorney mentioned that it doesn't address the endangered species and what not and it's because the application doesn't require it to address those items. Mr. Roper stated so the property is in a residential neighborhood, if you draw a quarter mile circle around that, more than 50% of that property is undeveloped in a quarter mile. Mr. Roper stated the south border is a state highway, the west border is a commercial business. Mr. Roper stated so while I understand what they're saying that it's a residential area it's not in a subdivision, it's not in a registered subdivision and the topography of the area creates substantial problems, for a business like mine. Mr. Roper stated it's hard to move product up the mountain, and because of the region very few places in the Ruidoso area and Alto area, where you can get a semi-truck efficiently. Mr. Roper stated on this side of Ruidoso they're pretty much New Mexico 48 and New Mexico 220, those are the two locations, no side streets, there's no zoned area for industrial use. Mr. Roper stated everybody says you can go somewhere else, but nobody can tell me where I can go that makes sense. Mr. Roper stated there's only 3 face power on 48 or majority, there's 3 face power at this location because it crosses the highway right here which is another requirement for a concrete batch plant. Mr. Roper stated one other thing is, they talk about hazardous air pollutions (HAPs) and I think people don't understand what a HAP is. Mr. Roper stated when you drive your car, or your water heater, you furnace, or you mow your yard, or even when you drive an electric car down the county road, it's going to produce HAPs. Mr. Roper stated HAPs are dust particles is a HAP, there's different types of HAPs, but a dust particle is a HAP. Mr. Roper stated this concrete plant only produces 1 ton per year at maximum production allowed which, will never be reached, it's allowed to produce 125 cubic yards per hour and in the summertime, it's allowed to go 18 hours a day I think it's like 1,800 cubic yards per day. Mr. Roper stated it will never reach that capacity, on average I'd be happy if the plant did a 150 cubic yard per day on average. Mr. Roper stated the plant only produces particulate matter, dust, PM10 and PM2.5 and the only other HAPs that this plant produces comes off the water heaters, and the water heaters are no more than an instant hot water heater, 3 of them in series, very similar to what you probably have in your house. Mr. Roper stated a lot of these comment too are not legal comments they're just rhetoric, I mean so Sierra Blanca is beautiful, I mean.

Commissioner Allen stated some of the comments are you can locate this anywhere else what kind of effort have you made to find anywhere else.

Mr. Roper stated I've looked at this property for probably 10 years and I keep coming back to this being the best location economically for it to be put. Mr. Roper stated there's several characteristics, access, semi accesses, 3 face power, on top of the mountain. Mr. Roper stated the reason I say on top of the mountain is it's very difficult going up Nogal and Angus with the wear and tear on the trucks. Mr. Roper stated everybody says this is going to produce so much more pollutions, no it's going to it's going to drastically reduce the amount of emissions. Mr. Roper stated the same amount of material is going to be sold in Ruidoso, there's no decrease in demand, we are only messing with the supply were not increasing the demand. Mr. Roper stated we will

still be sharing the market. Mr. Roper stated we haven't increased the demand but if we move the plant closer to the customers, we're drastically reducing the carbon footprint, to haul the concrete up the hill every day. Mr. Roper stated were drastically reducing the wear and tear on the county's highways. Mr. Roper stated the safety, putting 4,000 pounds times 10 on a concrete truck is not the safest thing to do in the world going up and down those mountains. Mr. Roper stated many people have said why don't you put it in Ruidoso Downs, why don't you put it in Gavilan. Mr. Roper stated first off one thing that the environmental department will take into consideration is social injustice, if we're trying to put this plant in an area that is economically disadvantaged, they will look at that with more severity. Mr. Roper stated they don't want you to impose your will on an area that doesn't have financial means to defend themselves. Mr. Roper stated if I put the plant in Ruidoso Downs, I'd have to truck the rock from in between Capitan and Alto to Ruidoso Downs and then truck it back to Alto. Mr. Roper stated Alto is the primary area where the sales are right now and the foreseeable sales in the future and some in Ruidoso but if I put the plant anywhere past the source of the sale it's inefficient and it doesn't make business sense, and it doesn't make environmental sense.

Commissioner Allen spoke on comments received regarding location.

Mr. Roper stated to add to that, so where is the finished product going. Mr. Roper stated if you establish where the finished product is going, if I'm not sitting here lying to you, if its going to Alto why would the batching process not happen close to there, why would it happen in somebody else's back yard, I mean everybody's foundations made out of concrete right. Mr. Roper stated on the scenic byway part of it, so the scenic byway is 70, 48, 220, 380 from Capitan to Hondo right, it makes up that triangle. Mr. Roper stated how many concrete plants, how many asphalt plants, how many crushers, how many sewer plants have been on that scenic byway, numerous.

Commissioner Proctor spoke on the zoning of the property, commissions action, and individuals private and business rights.

Commissioner Crunk spoke in agreement with Commissioner Proctor regarding zoning and addressing the peoples desires of Lincoln County.

Chair Stewart spoke on the resolution being a statement of intent and future of addressing an ordinance regarding the needs of the community.

Commissioner Allen spoke on having the agenda item available again for public comment and supporting the rights to voice concerns. Commissioner Allen spoke on current zoning, ordinance, and legal rights regarding the purchase and preparations for the proposed concrete batch plant. Commissioner Allen spoke on correcting the final resolution.

Attorney Morel spoke on the drafting of the resolution.

Commissioner Allen spoke on the drafting of the resolution and legalities regarding its implementation

Motion: Approval of existing Resolution 2021-24, **Action:** Approve, **Moved by** Chair Stewart withdrew Motion, **Seconded by** Commissioner Willard withdrew motion.

Attorney Morel spoke on the motion regarding the resolution as drafted. Attorney Morel spoke on options for changes to the proposed resolution.

Attorney Morel requested a recess to clarify and modify resolution.

Chair Stewart Recessed at 11:16 AM and reconvened at 11:27 AM

Chair Stewart informed that Attorney Hnasko, Attorney Burby, and Commissioner Crunk had received the e-mail of the proposed draft resolution. Chair Stewart requested comments from the attorneys.

Attorney Hnasko informed there were no comments.

Attorney Burby provided comments regarding pg.1 air permit wording requiring identification of a water source.

Attorney Hnasko provided comment on the air quality application being one piece of the plant prospectively causing a nuisance and its determination through prudential mootness. Attorney Hnasko spoke on the relevance of the water source considerations.

Attorney Burby continued comments regarding air permit application referencing water sourcing and runoff.

Alan Morel spoke on amending the resolution.

Motion: Adopt Resolution 2021-24 as amended by the County Attorney, **Action:** Approve, **Moved by** Chair Stewart, **Seconded by** Commissioner Crunk.

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

Yes: Chair Stewart, Commissioner Willard, Commissioner Crunk.

No: Commissioner Allen, Commissioner Proctor.

SEE EXHIBIT B: Copies of the Resolution 2021-24 are attached hereto in reference thereto made apart hereof.

10. Forest, Land & Natural Resources Matters- Continued

Manager Pearson stated I'm going to reach out to Smokey Bear Ranger District next month.

11. Lincoln County Detention Center Update – Warden Scott Colvin

Scott Colvin, Warden Lincoln County Detention Center gave an update on the arrest and releases from the Detention Center. Warden Colvin stated the Montgomery Technology Master Control System has been installed and functioning with minor issues with a resolution expected the following week.

Warden Colvin stated the ADANI full body x-ray scanner is to be delivered the week of October 25, 2021. Warden Colvin stated we have established a freshman level collage course to be taught here at the detention center starting next week, under the supervision of staff member Doris Herrera. Warden Colvin stated we have 16 prisoners who are interested in participating in this intro into freshman college year credit. Warden Colvin stated the administration of the Lincoln County Detention center all now have national certifications. Warden Colvin stated both Assistant Warden Tope and Supervisor Chief Aragon were sent for the American Corrections Association Certified Corrections Manager Exam and have received word that they have passed.

There was a brief discussion on Covid cases, college accredited course, and inmates that are detained longer than 30 days.

12. Lincoln County Medical Center Update – Todd Oberheu

Todd Oberheu, Hospital Chief Executive Lincoln County Medical Center gave a brief overview of the Covid incidences. Mr. Oberheu gave a brief update on staffing. Mr. Oberheu provided an update on vaccine pod availability. Mr. Oberheu stated Dr. Brandon Ferguson will be joining the staff sometime in December. Mr. Oberheu stated the hospital recognized at the New Mexico Hospital Association with an honorable mention of the quest award. Mr. Oberheu thanked the County Commissioners for help with the urology equipment.

Brief discussion on staffing personnel and appointment scheduling through the clinics.

23. Lodger's Tax Funding Request:

a. Flying J Ranch's "White Mountain Christmas"

Requester: Flying J Ranch, Inc.

Requested Amount: \$5,000.00

Amount Recommended: \$7,500.00

Date (s) of Event (s): November 26, 2021-January 1, 2022

Presenter: James Hobbs

Motion: Authorize the \$5,000 Flying J Ranch's "White Mountain Christmas" Funding Request, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

There was a brief discussion on the requested amounts and presentation to clarify future request.

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

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

15. Manager's Report

1) Update - Compactor Site at Buckhorn loop

Power has been disconnected to the Canyon Trading Post building. The electrical contractor is working with Sierra Contracting to install the correct connections for compactor service. Waiting on the State of NM to issue a work permit.

2) LCDC Body Scanner

The body scanner for the Detention Center has been ordered. Thank you to our purchasing officer, Toni Foligno for finding this scanner on a national contract. Anticipated delivery – 3-4 weeks.

3) American Rescue Plan Act (ARPA) Update

The US Treasury's Final Ruling has not been released. Based on the Interim Ruling, I report the following:

- Fairgrounds
 - o improvements would be possible – Parking lot / Grounds / Buildings
 - o Infrastructure improvements around Magodo Creek – Possible – We need to make sure the specific project meets the Stormwater / Flooding eligibility
 - o Parking south of creek – Possible
 - o Location for Road department – Not eligible
- Town of Lincoln
 - o Fiber for internet – Eligible
 - o Improvements in water system – Eligible
 - Remember – We can't use these funds for matching an awarded federal grant
- Law Enforcement
 - o Equipment - It would be tough to fund – I can't find eligibility in the Final Rule – I read it was eligible -somewhere (I am reaching out to other counties)
 - o Increased Pay / Premium pay – Possible – Maybe

4) US 54 Construction in Ruidoso Update

Construction has started on US 54 in Carrizozo. It is estimated that it will take two years to complete the project.

5) Mesa Canyons PILT Payment has been received

The County of Lincoln has received \$281,400 for the PILT payment due in June of 2021. The Treasurer's Office has deposited the money into the General Fund.

6) Meeting with PVT – Fiber connections in Lincoln

Commissioner Allen organized a meeting between me and Penasco Valley Telephone (PVT). Mitch Hibbard explained the challenges in applying for funding in the Lincoln area. After the meeting, Commissioner Allen and I received an email stating that PVT was applying for funding specifically for the Lincoln area. We should know more in a few months.

18. Consolidated Dispatch Presentation – Sheriff, Michael Wood

Sheriff Wood presented on consolidating dispatch to join with the Village of Ruidoso and Ruidoso Downs to ensure stabilized communications.

Louise Chavez spoke on the benefit of consolidating and feasibility to serve the county.

19. Industrial Revenue Bonds Resolution 2021-25: A RESOLUTION RELATING TO THE PROPOSED INDUSTRIAL REVENUE BONDS TITLED LINCOLN COUNTY, NEW MEXICO TAXABLE INDUSTRIAL REVENUE BONDS (PATTERN SC HOLDINGS LLC PROJECT), SERIES 2021 (THE "BONDS"); AND DIRECTING THE COUNTY CLERK TO PUBLISH NOTICE OF INTENT TO CONSIDER AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE BONDS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY

Luis Carrasco spoke on ordinance consideration for publishing the notice of intent through the County Clerk in a newspaper of general circulation. Luis Carrasco spoke on amending the resolution as needed.

Attorney Morel informed on need to amend the Resolution.

Motion: Adopt Industrial Revenue Bonds Resolution 2021-25, **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.

SEE EXHIBIT C: Copies of the Resolution 2021-25 are attached hereto in reference thereto made apart hereof.

Chair Stewart recessed the regular meeting at 12:04PM and reconvened the regular meeting at 12:37 PM

15. Managers Report – Continued

6) Meeting with PVT – Fiber connections in Lincoln

Commissioner Allen organized a meeting between herself and Penasco Valley Telephone (PVT). Mitch Hibbard explained the challenges in applying for funding in the Lincoln area. After the meeting, Commissioner Allen and I received an email stating that PVT was applying for funding specifically for the Lincoln area. We should know more in a few months.

7) Department Head Updates

Billie-Jo Guevara, Finance Director provided updates on the audit and virtual DFA budget conference.

Brianna Ventura, HR/AA provided updates on the current job openings.

Jeff Honeycutt, Road Superintendent provided updates on the Fort Stanton Road progress. Mr. Honeycutt provided a brief discussion on traffic control options.

Mr. Honeycutt provided an update on progress in Arabella. Mr. Honeycutt provided updates on repaving of Bancroft Road, Dawson Road, and winter preparations. Mr. Honeycutt provided updates on Gavilan Canyon intersection and Eagle Creek Canyon.

Mr. Honeycutt provided a brief discussion on low water crossing in Perry Springs.

Joe Kenmore, Office of Emergency Services Director provided updates on number of calls and access to structures. Mr. Kenmore informed on upcoming classes scheduled. Mr. Kenmore gave an update on multiple grants. Mr. Kenmore informed on the progress of the concrete pour at Buck Tower.

16. Approval of Prior Year Invoices FY 20/21: Ruidoso Pure Mountain Water

Manager Pearson stated Finance did not receive invoices until September 29, 2021. Manager Pearson stated the invoice dates are May 1, 2021, and June 1, 2021, making them prior year invoices.

Motion: Approval of Prior Year Invoices FY 20/21: Ruidoso Pure Mountain Water, **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.

There was a brief discussion on new year rolls over and presenting purchase orders for approval.

20. Lincoln Mutual Domestic Water Consumers Association Presentation

Rory McMann, President of the Lincoln Municipal Water Association presented a draft preliminary engineering Report for the Lincoln Mutual Domestic Water Consumers Association Water System. Mr. McMann stated this report, we have reviewed record drawings of the water system and used information reported by the LMDWCA to discuss the current condition of the water system.

17. Approval of Eastern Area Workforce Development Board Agreement

Manager Pearson stated on September 28, 2021, Commissioner Crunk attended via a Zoom meeting, a training, and an initial meeting of the reconstituted Chief Elected Official (CEO) board for the Eastern Area Workforce Development Board. Manager Pearson stated of the 12 counties who should have attended, only 6 did (DeBaca, Quay, Lincoln, Eddy, Roosevelt, and Union). Manager Pearson stated according to the board staff, this was enough to constitute a quorum, but the meeting proceeded to present and approve an agreement for each of the 12 counties to approve.

Manager Pearson stated it was indicated that even though a county does not participate in the CEO board, that county is still liable for the federal and state dollars used to run the program. To move things forward, Commissioner Crunk volunteered to be the CLEO (Chief Lead Elected Official) on an interim basis until such time as the board holds another meeting with more counties participating. Manager Pearson stated the CEO board is required to meet at least every six months and is responsible for overseeing the budget and the operations of the local workforce development board. Manager Pearson stated another meeting will be scheduled in the very near future. Manager Pearson informed the local consortium board meets on a quarterly basis.

Motion: Authorize Commissioner Jon Crunk to electronically sign the Eastern Area Workforce Development Board Agreement, **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.

21. Notification of Current Liquor License Holders in Lincoln County – Manager, Ira Pearson

Manager Pearson provided a spreadsheet of the liquor licenses issued by the County of Lincoln. Manager Pearson stated the 2021-2022 license year, Governor Michelle Lujan Grisham signed legislation that will allow the state (and local options) to waive annual liquor license fees as businesses struggle to rebound amid the pandemic.

22. Request for Transfer of Miracle Paws for Pets Fund to Dr. Becky Washburn, Dr. Mary Jane Cooper, Mountain View Veterinarian, and the Ruidoso Animal Clinic

Manager Pearson informed due to unforeseen circumstances; Paws for Pets will be closing their doors. Manager Pearson stated Barbara Culler is requesting that the \$1,000.00 approved by the Board of County Commissioners in the July 20, 2021, Regular Meeting to be transferred to four local veterinarian clinics.

24. Approval to Pay Salaries Owed to Elected Officials and Appointed Deputies from January 2015 to June 2021

Manager Pearson stated while reviewing the ending salaries for the 2020-2021 FY, the Finance office discovered that there were 27 pay periods for that time frame. Manager Pearson stated the July 2020 Final Budget was built on 26 pay periods. Manager Pearson informed this oversight paid the full amount owed to salaried employees and elected officials on the 26th pay period. Manager Pearson reported adjustments were done to ensure the proper pay was distributed to everyone affected.

Manager Pearson stated in reviewing the history of our elected officials' salaries, we discovered that most of the first six month pay was not calculated correctly. Manager Pearson stated salaries must be based on our Fiscal Year and not calculated on a calendar year basis.

Motion: Approve the payout to elected officials and chief deputies from a separate line item, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

There was a general discussion regarding taxes and audit resulting from this county mistake.

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

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

25. OFF-HIGHWAY MOTOR VEHICLES ON PAVED SECTIONS OF NEW MEXICO HIGHWAYS 37 & 48

- a. Approval of Resolution 2021-22: A RESOLUTION REQUESTING THE NEW MEXICO STATE TRANSPORTATION COMMISSION TO

APPROVE THE USE OF OFF-HIGHWAY MOTOR VEHICLES ON
PAVED SECTIONS OF NEW MEXICO HIGHWAYS 37 & 48 WITHIN
THE JURISDICTIONAL BOUNDARIES AND CONTROL OF THE
COUNTY OF LINCOLN

b. Approval of Letter and Application Packet to The New Mexico State
Transportation Committee

Motion: Adopt Resolution 2021-22 and approve letter, **Action:** Approve, **Moved by**
Commissioner Crunk, **Seconded by** Commissioner Allen.

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

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

Absent: Commissioner Willard.

SEE EXHIBIT D: Copies of the Resolution 2021-22 are attached hereto in reference thereto
made apart hereof.

26. Consideration and Approval of Resolution 2021-26:

Motion: Adopt Resolution 2021-26 with amendments, **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.

SEE EXHIBIT E: Copies of the Resolution 2021-26 are attached hereto in reference thereto
made apart hereof.

27. Wildland Urban Interface Discussion

There was a brief discussion on the Wildland Urban Interface.

28. Discussion and Direction Regarding New Mexico State Land Office Mineral Lease Surety Bonds

Jeff Honeycutt presented a history of the County of Lincoln and the NM State Land Office
regarding road material pits. Mr. Honeycutt stated different options are presented from the New
Mexico State Land Office.

Motion: Approve the Mega-bond (\$25,000.00), **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.

29. Publications, Notifications and Requirements for all County Board and Committee Meetings

Manager Pearson stated The Lincoln County News is no longer in business. Manager Pearson
stated this "online paper" was our first choice in publishing required documents, notifications, and
job announcements. Manager Pearson stated they were reasonably priced and garnered the best
local responses.

Attorney Morel stated the only other option for local publication is the Ruidoso News. Ruidoso
News is owned by the Gannett Company. Attorney Morel stated they own over 100 daily
newspapers, and nearly 1,000 weekly newspapers.

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

Motion: Schedule public hearing for the IRB Ordinance and schedule a public hearing for a
variance for billboard sign for Allsup's, **Action:** Approve, **Moved by** Commissioner Allen,
Seconded by Chair Stewart.

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

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

31. **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); and Limited**

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 The Purchase Acquisition Or Disposal Of Real Property Or Water Rights By The Public Body, Section 10-15-1, Subparagraph (H)(8); And Limited Personnel Matters, Public Works Director Contract Negotiations, Section 10-15-1, Subparagraph (H)(2)

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. The case is still pending.
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.
On January 28, 2021, a Dispositional Order was entered transferring the case to the NM Court of Appeals for consideration and review. Case No. A-1-CA-39446 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. The case is still pending.
4. **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.
5. **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. The case is still pending.
6. **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.
7. **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. A 5-day Jury Trial is scheduled to begin on September 19, 2022.
8. ***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. A Foreclosure Sale occurred on August 31, 2021. Upon receipt of payment from the proceeds of the Foreclosure Sale, Lincoln County filed its Release of Lien. This case is concluded.
9. **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.
10. **Lincoln County, ex rel, Greentree Solid Waste Authority and Mary Mansfield vs. Sierra Contracting, Inc, et al, Cause No. D-1226-CV-2020-00081** Complaint Under Fraud

Against Taxpayers Act was filed by Zach Cook and Victor Marshall on March 31, 2020. On September 17, 2020, Plaintiffs filed their Notice that Qui Tam Plaintiffs are proceeding with this action. The case is still pending.

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.

Cervantez, Adam – Tort Claim Notice received alleging the use of excessive force and related constitutional claims during his arrest on April 22, 2021.

Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van – Claimants each allege damages to personal and real property as a result of the extraordinary flooding experienced throughout Lincoln County.

Myers, Sylvia – Tort Claim Notice received August 30, 2021, alleging that Lincoln County Medical Center's treatment fell below the standard of care.

Siegel, Erik – Tort Claim Notice received August 30, 2021, alleging deprivation of rights involving tort, constitutional rights, and other claims.

***White, Lionel Glenn, Jr., and family members and tenants, Ralph Nosker and his family members, Barbara Arthur and her family members, and Barlou, LLC** – Tort Claim Notice received September 16, 2021, alleging inundation by water resulting in damages to existing roadways and parking in the Gavilan Canyon Road area which are all located within the municipality of the Village of Ruidoso.

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

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 Allen, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous 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 3:02 PM.

Chair Stewart adjourned the Closed Session and reconvened the Regular Meeting 3:30 PM.

Commissioner Willard attested matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting and no action was taken.

32. Consideration of Public Works Director Contract

Motion: Approve the Public Works Director Contract, **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.

33. Signing of Official Documents

Chair Stewart and Commissioners authorized to permission to use electronic signature or stamp.

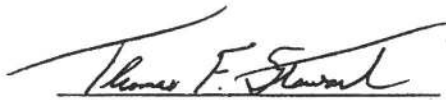
34. Next meetings:

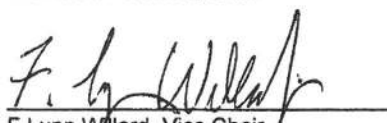
- a. November 9, 2021- Special Commission Meeting
(Canvass General Election Votes)
- b. November 16, 2021- Regular Commission Meeting

35. Adjourn

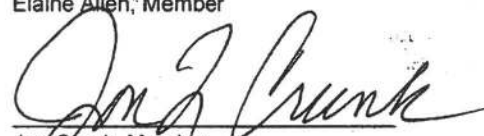
There being no further business to come before the Board of County Commissioners, Chair Stewart adjourned the meeting at 3:34 PM.

County of Lincoln
Board of Commissioners


Thomas F. Stewart, Chair


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F Lynn Willard, Vice Chair


Elaine Allen, Member


Jon Crunk, Member


Todd Proctor, Member

ATTEST:

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Whitney Whittaker, County Clerk

November 16, 2021
Date Approved

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