

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 April 19, 2022

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 19, 2022, 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 was unable to attend in person and assigned Vice Chair Willard as Chairman.

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

2. Roll Call

Roll Call.

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

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

3. Invocation

The Invocation was presented by Commissioner Proctor.

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 Proctor.

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

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

6. Approval of Minutes

- a. March 11, 2022, Special Commission Meeting
- b. March 15, 2022, Regular Commission Meeting

Motion: Approve the March 11, 2022, Special and March 15, 2022, Regular Commission Meeting Minutes, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month Ending March 31, 2022
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Treasurer's 3rd Quarterly Report
- e. Approval of Chaves Soil and Water Conservation District Mill Levy Rate
- f. Restricted Housing Report - Quarter Ending March 2022
- g. Approval of Proclamation Declaring the Month of May as Motorcycle Awareness Month
- h. Approval of Agreement Between the County of Lincoln and the United States Department of Agriculture for Law Enforcement Forest Patrol
- i. Approval of Resolution 2021-53 Disposition of Surplus Inventory

Chair Willard requested to remove item i and discuss as a separate Agenda item.

Motion: Approve the Consent Agenda with the Exception of Item i. Approval of Resolution 2021-53 Disposition of Surplus Inventory, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

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

i. Approval of Resolution 2021-53 Disposition of Surplus Inventory

Manager Pearson spoke on the need discuss the agenda item separately with Resolution 2021-53 having 3 separate inventory items. Manager Pearson spoke on the old Hondo Senior Center building having approval from the Commission for disposing, procedures involved, and recommendation to place on auction site with the caveat to do a complete removal and clean up. Manager Pearson spoke on the next item being the New Horizons building and surrounding properties which includes a well.

Brief discussion on the history and use of the well.

Manager Pearson spoke on the recommendation to dispose of the New Horizons facility, but to keep the separate parcel of land with the well to retain its water rights.

Brief discussion on retaining easement access to the well property, maintenance, and water rights.

Alan Morel, County Attorney spoke on use of storage building.

Manager Pearson spoke on recommendation to seek a facility to house the ambulances and or options to maintain them at the current location through an agreement with future owners and relocate as needed in the future. Manager Pearson spoke on options through the Town of Carrizozo to house the ambulances near a fire department. Manager Pearson spoke on discontinuing utility services except for the ambulance bay.

Brief discussion on reasons for disposal and transferring of residence to other facilities in New Mexico due to New Horizons closure.

Motion: Adopt Resolution 2021-53, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Allen.

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

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

SEE EXHIBIT B: Copy of Resolution 2021-53 is attached hereto in reference thereto made a part hereof.

8. Approval of Budget Adjustment FY 21/22 by Resolution 2021-56

Manager Pearson informed as per State Statute counties can request budget adjustments to accommodate changes in its financial operations during the fiscal year. Manager Pearson stated Commission approved adjustments must also be submitted to the Department of Finance and Administration for approval.

There was a brief discussion on clarification on funds.

Motion: Adopt Resolution 2021-56, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

SEE EXHIBIT C: Copy of Resolution 2021-56 is attached hereto in reference thereto made a part hereof.

9. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Brad Johnson, Deputy Fire Chief reported on the status of the fires. Mr. Johnson spoke on the McBride fire was at 6,100-acres with 84% contained the previous night with an expected increase in containment due to the continued efforts of the crews. Mr. Johnson spoke on the Nogal fire being at 412-acres with 70% containment. Mr. Johnson spoke on the crews preparing for future wind events. Mr. Johnson spoke on the laborious efforts of stirring 100 feet in around the edge of the fires. Mr. Johnson spoke on the transition of the Type-1 Command Team back to the local unit unless events caused the team to stay active as necessary.

Chair Willard inquired about the south ridge of the Nogal fire.

Mr. Johnson spoke on the southeast corner containment issue but that the Hotshots continually were catching it, and the positive status of the fires with no need for aircraft the previous day.

Chair Willard inquired on vehicles in the area.

Mr. Johnson spoke on the Hotshot crews and having to hike from the fire engines up the steep locations which limit access to heavy equipment.

Chair Willard inquired on the east portion of the McBride fire.

Mr. Johnson spoke on no fire grow observed in the last few days. Mr. Johnson spoke on the speed of west to east movement of the fire causing spot fires approximately a half-mile away from the perimeter.

Commissioner Proctor inquired on status of the air attack on both fires.

Mr. Johnson spoke on the continued presence of the Type-1 Chinook helicopter and the Type-2 helicopter with two airtankers ready in the Alamogordo Dispatch Center until resource draw may cause them to be needed at other fires.

Camille Howes, Smokey Bear District Ranger spoke on the most seasoned Fire Fighters stating they've never spent Easter on a fire and the unpredictability involved. Ms. Howes spoke on all the evacuation areas having been repopulated with all the power restored. Ms. Howes spoke on the efforts over the next few days would be rehabilitating bulldozer lines and fixing suppression repair. Ms. Howes stated huge shout out to Jeff Honeycutt, the Sheriff and Sheriff's Department, and

the County. Ms. Howes stated, "I've been brought to tears several times over the last few days, because of the partnership, this is the best America has to offer and the County, Village, partners, state command my respect, we're grateful." Ms. Howes spoke on having a cooperators meeting at 10:00 AM every morning. Ms. Howes spoke on the anti-donation clause and ability to help but will bring all the resources that can help state and landowners with a future community meeting. Ms. Howes spoke on a previous community meeting with 912 live attendees and then watchers of the recording being at 16,000 views. Ms. Howes spoke on Lincoln National Forest going into stage 1 fire restrictions April 20, 2022, where specifically and only in designated camping grounds in designated fire pits being the only place a fire will be permitted. Ms. Howes spoke on Mescalero already being in fire restrictions with BLM possibly going into restrictions as well. Ms. Howes spoke on expecting a Burned Area Recovery group Thursday, and would be inviting Lincoln County, the State, and the Village of Ruidoso into the meetings. Ms. Howes spoke on a Hydrologist attending and reporting on the extent of the burning of the soil, to mitigate flooding. Ms. Howes spoke on reaching out to the Army Core of Engineers who had an emergency operations desk like 911 for flooding and debris damage from flooding. Ms. Howes spoke on the New Mexico Baptist Relief Crew being at the Baptist Church near the Cree Meadows Golf Course and relief they could offer, with the Village of Ruidoso working on junk removal.

Commissioner Crunk spoke in appreciation for the work of the crews. Commissioner Crunk spoke on the inability to control the large fallen timber and or maintain ignitable materials in addition to the narrow road sizes. Commissioner Crunk spoke on witnessing the fallen trees onto houses. Commissioner Crunk spoke on the strain on the workforce which may in turn leave, and the priority of housing for the displaced residence. Commissioner Crunk thanked the Forest Service for their efforts.

Chair Willard thanked the Forest Service for their efforts as well. Chair Willard spoke on the evacuations and not having electricity for 4 days. Chair Willard spoke on the presence of a Border Patrol truck assisting with traffic including highway patrol from Alamogordo and others. Chair Willard expressed appreciation and thanked all for the cooperation of the Forest Service, Lincoln County, and others.

10. Consensus Planning Presentation and Discussion

Jackie Fishman, a registered with the American Institute of Certified Planner stated she will approach every planning project with the understanding that all projects require a unique. Ms. Fishman stated the company strives for consensus; people's opinions matter and, when it comes to planning a project, opinions can either strengthen or dismantle a project. Ms. Fishman stated we take a full, hands-on approach by soliciting input in the planning process through interactive meetings with all of the project stakeholders.

Ms. Fishman stated our planning projects range from a simple zone change or site plan to complex, multi-faceted neighborhood or planned community plans to comprehensive, downtown, parks and recreation, and metropolitan redevelopment plans for communities; this gives us the expertise and confidence to handle any size project

There was a discussion on direction for ordinance, zoning, and or ETZ (Extraterritorial zoning).

11. 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 a Greentree Solid Waste meeting and the Southeast New Mexico Economic Development meeting last month.

Commissioner Proctor stated he attended the Wilderness Information Meeting. Commissioner Proctor praised the Lincoln County Sheriff's Department, with a special shout out to deputy Julie Grassie for her assistance during the evacuations.

Commissioner Crunk stated he became the Chairman of the Eastern New Mexico Workforce Board and was promoted to be a member of the New Mexico State Workforce Board. Walter Hill, County Assessor reported on the assessment values and tax loss estimates due to the recent wildfires in the Ruidoso area. Assessor Hill stated he had contacted Joe Kenmore, OES Director and had gain clearance for the Assessor's Office to begin their site inspection of the properties affected by the McBride and Nogal Canyon fires. Assessor Hill stated he will be

providing a report on value loss to all entities once the inspections and appraisals are complete for the burned properties. Assessor Hill reported on a preliminary estimate being at \$5,480,208 for the municipality of Ruidoso, with an estimated property tax loss of \$54,957. Assessor Hill reported on a preliminary estimate for the value loss of structures in the county are \$20,080,218 with a property tax loss of \$140,820. Assessor Hill reported on not including the Nogal fire due to insufficient date. Assessor Hill thanked the firefighters, first responders, police officers, volunteers, and anyone responding to the fires, it was a job well done.

Beverly Calaway, County Treasurer reported the Tax Sale was scheduled for May and how some properties included in the Tax Sale were affected by the fires. Treasurer Calaway suggested contacting the Property Tax Division in Santa Fe for the procedures to address the properties affected by the fires. Treasurer Calaway reported that the cash on hand as of March 30, 2022, was \$30,260,339.02. Treasurer Calaway stated as of March 2022, 74.93% of taxes had been collected.

Whitney Whittaker, County Clerk stated the Clerk's Office will provide certified copies of property deeds, free of charge, to those affected by the fires. Clerk Whittaker stated absentee voting will begin May 10, 2022. Clerk Whittaker stated Election Day is June 7, 2022, for the Primary Election. Clerk Whittaker informed to please call the Clerk's Office for an application 575-648-2394 Ext. 6 or online at nmvote.org. Clerk Whittaker reported the early vote location has moved to ENMU-Ruidoso. Clerk Whittaker reported early vote will start May 21, in Ruidoso, and will operate Tuesday through Saturday 10:00 AM to 6:00 PM and will be closed Sunday and Monday. Clerk Whittaker reported that early vote at the Lincoln County Courthouse will begin on Monday, May 23 and will be open Monday through Friday 8:00 AM to 5:00 PM.

Commissioner Proctor inquired if there would be changes to voting procedures this year.

Clerk Whitaker informed of the changes affecting this Primary Election would only be the addition of same day registration. Clerk Whitaker stated same day registration would be available throughout the duration of early vote and on now on Election Day at each of the six voting convenient center locations in the county.

There was a brief discussion on conflicting dates of the summer New Mexico Counties Annual Conference and the primary election county canvassing.

Mike Wood, County Sheriff provided a status update reporting 18 arrest, 303 calls for service, issued 11 traffic citations, investigated 16 traffic crashes, and served 206 civil papers. Sheriff Wood spoke in appreciation for everyone's assistance, support, and donations during the fires. Sheriff Wood thanked all the employees and shared appreciation for their hard work, overtime, improvised lunches, and sacrifices made during the fires.

Joe Kenmore, Office of Emergency Services Director expressed his appreciation and thanked everyone for assistance in and out of the county with the fires.

Kimberly Wudarzewski, resident stated he is owner of the Capitan Therapy and Behavioral Health. Ms. Wudarzewski stated she moved here 5 years ago. Ms. Wudarzewski stated her background is in substance abuse and trauma, and "what I've found since moving here is substance abuse is ridiculous for our population, it shouldn't be as prominent as it is."

Ms. Wudarzewski stated, "I'm sure the Sheriff would agree that most of the people going through the withdrawal system, the hospitals, probation, all of that, the vast majority of everybody I've talked to is substance abuse." Ms. Wudarzewski stated they recently got the county contract to take on some of the DWI cases developed a group to help supplement the lack of therapy we have. Ms. Wudarzewski stated they personally employ 5 other therapists including herself. Ms. Wudarzewski stated "quitting substances cold turkey is a life-threatening situation because they can go into, seizures and withdrawal symptoms can actually kill them, and they need to go through detoxes and they need to go into rehabs. Ms. Wudarzewski stated so I moved here for a simpler life, not to do more work, and yet here I am. Ms. Wudarzewski stated so somebody has to do something about it, it impacts my family and I'm sure it impacts most of your families, somebody that you know is suffering with this. Ms. Wudarzewski stated so I went ahead and started this recovery which is a 501(c)(3), I've been looking into grants and reaching out and some of you have talked to me and what I've found out is that right now the state has brought in 200 million dollars from the opioid prices when they sued the pharmaceutical company, that was the money that was allotted to come to us. Ms. Wudarzewski stated what I've recently discovered is we're

getting about 11% that which is a good chunk of money and don't quote me on that cause people do research for me and I haven't found that myself. Ms. Wudarzewski stated we don't know where its coming from, the lead I have is that I'm going to talk to the Department of Health and see if they have any idea were that money is and how we get it. Ms. Wudarzewski stated I do know that an agency like mine in Silver City was just granted a million dollars and so somehow that county has access to it even if we don't get it. Ms. Wudarzewski stated I'm still looking for a property, but I did have a meeting with Healing Americas Heroes, and they invited me out to tour the property and it's a state-owned property out past Fort Stanton. Ms. Wudarzewski stated they've done a beautiful job renovating several of the buildings so far and they've offered to rent it to us, or at least a portion to us at a really low cost. Ms. Wudarzewski stated which is amazing they have a cafeteria they're willing to share, so its getting things moving faster than we could have hoped, if we can get money to bring people in and get it approved by the state or whoever needs to approve a residential placement. Ms. Wudarzewski stated some of the buildings out there that they did show me are condemned and part of the condition of me using those is that I would use the money to fix them up. Ms. Wudarzewski stated I don't know what that would cost cause some of them were better than others, but all of them need a lot of work."

There was a brief discussion on funding source, status of allotment, stipulation requirements, and sustainability of future location.

Ms. Wudarzewski informed she had received various forms of insurance for self-sustainability.

Chair Willard suggested the County create an agenda item to discuss options for funding.

David Vandenberg, resident stated, "an interesting topic, is we've gone through this, the whole situation with the fires, come to pass. Mr. Vandenberg stated I was doing a presentation at the village meeting as well when all that took place, the wind blowing and, a tremendous aspect when you think about what a community does that are properly aligned. Mr. Vandenberg stated when you do have your citizens and your preparedness folks that are doing their job, how people do respond. Mr. Vandenberg stated when you can't tend to what the wind and weathers really going to do, you have to put yourself out there for something for something, really is remarkable."

Mr. Vandenberg stated just as Commissioner Crunk has said stated before, "this is our family," and we need to pay attention. Mr. Vandenberg stated there are things that we continue to try to do that are budgetary restrictions, we hear that all the way through. Mr. Vandenberg stated, "I'm afraid that the things that have been going on, that we limit our successes to is because we don't have the money, they won't make the money. Mr. Vandenberg stated when things are supposed to be done, they're supposed to be done right, we should just be doing these things and look for those solutions, and they're available to us. Mr. Vandenberg stated I mean we're not here having this ability to have these conversations, by not having the ability to be smart enough to be where we are today and yet we still allow the financial environment to control what we should be doing that would be right for us all. Mr. Vandenberg stated I know when we have the winds blow and it snapped trees down across power lines that started fires. Mr. Vandenberg stated people were, I mean we have buried lines, if they were buried it wouldn't have happened and again I know there's solutions to everything that are available, just know that as we go through this, as people trying to pay attention to what we do as citizens for our community, being ready and being prepared to help one another, that's all I'd want us to do. Mr. Vandenberg stated let's make sure we're paying attention, lets help each other as were going through this, there's people who are going to be struggling and they will continue to struggle and yet were going to need to try to find some way to do it. Mr. Vandenberg stated lets make sure that as were the watchmen's on the duty, as it says in the word of the lord came to me saying son of man, speak to the sons of your people and say to them, if I bring a sword upon a land the people of the land take one among them and make him their watchman, and he sees the sword coming upon the land and blows on the trumpet and warns the people. Mr. Vandenberg stated then he who hears the sound of the trumpet and does not take warning, and the sword comes and takes them away, his blood is on his own head. Mr. Vandenberg stated so as we know what that would mean, if we've got the signals that are available to us, we can see these things that can be done, lets don't wait until its too late but stay cognizant of the things we can do, God bless you all."

Robert Barber, resident stated, "I stand before you as a citizen of the county, an individual that's been around this county and lived in this county with family that's been here since the 1890's. Mr. Barber stated over the last several months I've listened with great interest and growing concern about a discussion that started with one batch plant, and a small group of people in Alto, and has

morphed into a discussion on spending \$100,000 and regulating the whole county. Mr. Barber stated I will tell you from my point of view, my humble point of view, some of the arguments presented against the batch plant why may be valid at the time, don't consider the big picture. Mr. Barber stated in my humble opinion, since my family grew up in Alto, my grandfather was a postmaster for Alto from about the 1920's to the 1960's, Barney Luck Trail, Barney Luck was my grandfather, and it was named after him and all of that. Mr. Barber stated I got a lot of history, with history in Lincoln and Carrizozo and that, but anyway I digress. Mr. Barber stated a lot of the discussions and arguments against the batch plant, one business centered around aesthetic value and air quality, and I'll have you know in my humble opinion the number of houses that have gone up around the county in subdivisions, the number of roads that have been put in, the number of vehicles that drive by bother permanent and non-permanent people have caused more damage to this environment than one batch plant in an equal amount of time. Mr. Barber stated now were talking about coming up with a zoning regulation that regulates the entire county. Mr. Barber stated I have a recommendation, instead of the whole county being addressed, why doesn't the group of people in Alto incorporate development community, this hasn't been discussed, their own city and take control of that land, and be responsible for that. Mr. Barber stated not to pawn it off on the rest of the county to do that, and live under that, thank you I appreciate your time."

James Spiri, resident stated, "there are couple of things I want to address, you're going to vote on #29 signs and billboards, I think the Commission from this point forward after you finish with this one should consider some term limits of the Preservation Board in Lincoln." Mr. Spiri suggest eight years. Mr. Spiri stated the three outgoing commissioners should work harder in the next 8 months due to the amount of experience. Mr. Spiri stated, "I think, even though, more so you should be more diligent in the time that you have remaining to continue the foresight and insight and things that you've done already for the county."

Mr. Spiri stated the other comment I want to say is, I've watched this whole thing with the fire lately and Lincoln County has performed quite well, you know I've had the pleasure of living in 6 different counties in my lifetime in New Mexico and I was very involved in the years passed, with airtanker operations etcetera and flame retardant. Mr. Spiri stated it was a big deal what happened here with this fire and Lincoln County did good in the coordination with all the other entities, thank you very much."

Galen Farrington, resident stated, "during the June public hearing of the County Commissioners Meeting my wife and I asked for a letter of solidarity opposing Roper Construction's concrete batch plant in Alto, the commission was silent. Mr. Farrington stated when Mr. Roper's application was made public in late June no one from the commission read it or substantiated their commentary and by July a commissioner told us to retail a lawyer as it was not their job to interfere with legitimate business opportunities. Mr. Farrington stated the newly formed Alto coalition for environmental preservation retained a legal counsel in August, the bill now exceeds \$500,000. Mr. Farrington stated when a public hearing was demanded by the residents of Lincoln County due to the environmentally destructive forces that would result from such a venture, one commissioner attended as a very concerned individual, and was educated as to the areas impact on this project in appropriate location."

Mr. Farrington stated although offered location options Mr. Roper has refused them, now has provided a misinformation document entitled "The Truth". Mr. Farrington stated, "Mr. Ropers well-oiled social media force has resulted in opposition from respected ranchers concern a major issue has never been a consideration by individual property owner's county wide ordinances. Mr. Farrington stated Mr. Ropers propaganda has resulted in some of his supporters believe we an opposition are bullying him. Mr. Farrington stated the hearing officer has requested and received and extra 30-days to allow the formulation of his advice to the Deputy Cabinet Secretary as to whether to approve Mr. Ropers request for the currently proposed location. Mr. Farrington stated the hearing officer has declared that the opposition to this location is historically unprecedented. Mr. Farrington stated Mr. Roper has revised his application approximately 16 times and still maintains there is no opposition to the proposed project and the project will not impact sensitive areas. Mr. Farrington stated the hearing officer has said that water is not his concern. Mr. Farrington stated tell that to the Village of Ruidoso residents who ration their water consumption so fire fighters could access full tanks of stored water to do their job last week. Mr. Farrington stated It is not too late to express your opposition as a commission to the proposed location of this plant right then and now and know that Mr. Ropers more than capable of sourcing an appropriate location."

Donny Weems, resident stated appreciation of the goodness of the people in Lincoln County, during a time when community needs to pull together. Mr. Weems stated trucks came as far as San Antonio, Texas, trailer loads of water from Hobbs, Roadrunner food back from Albuquerque, much appreciation to these people willing to lend a hand.

Mr. Weems stated "this community is the number one giving community I believe in the state, when someone needs something, it'll be given, and we really appreciate it. Mr. Weems stated also we had a bunch of high school students come and help us, if they were out of school, and boy they just pitched right in and unloaded trucks, and did the stuff, and what a neat deal it was to see those people. Mr. Weems stated really quickly, we never asked for zoning, for this batch plant, we asked that it be kept out of any residential area in Lincoln County period, that's what we asked. Mr. Weems stated I live 2/10ths of a mile from that plant to be proposed and there's people closer than me, so that's all we've asked for. Mr. Weems also stated the proof of what is going on with my, whatever comments were made about both sides, the proof is in the permits, and I ask you there's lots of things being said about time, water, traffic, emissions. Mr. Weems stated the permit will allow whoever, whether it's approved by the state the permit will allow a person to do what is in the permit, not what has been said, and I just ask you to look at the permit. Mr. Weems stated those pictures that were shown, I think the last meeting of the plant, look at the proposed by scale picture in the permit and tell me what you see, thank you guys for letting us be here, appreciate it."

Manager Pearson gave his appreciation and thanked the first responders of the fires, and the Commission for preparation and allotment of funding for the additional resources.

9. Forest, Land & Natural Resources Matters: - Continued

b. Lincoln County / NMSU Extension Services

Melody Gains Lincoln County Family and Consumer Science 4-H Agent reported on 4-H'ers and families attending state home-ec classes. Ms. Gains reported on assisting the stone workshop with crime scene investigation skills. Ms. Gains reported on presenting a livestock feeding clinic. Ms. Gains reported on providing 4-H record book workshops and presented egg to chick educational programs at Corona Schools. Ms. Gains reported on Melanie Gutierrez County Director and Ag Agent was presenting a brush control workshop with Otero County Agents in Alamogordo. Ms. Gains reported on the meeting of the Advisory Board on April 5 and resulted in a donation of a brand new Janomi 1000 by Eugen & Jackie Hunter Quilting Association and the Stich in the Pines Retreat Center to be given to the most outstanding sewing contributor at the Lincoln County Fair. Ms. Gains reported on upcoming events including Youth Get Away, a two-night Leadership Retreat in Glorieta NM. Ms. Gains reported on presenting along with Melanie Gutierrez at Carrizozo Ag Day at Carrizozo Schools, May 5. Ms. Gains reported on Hondo Valley Schools having their annual Fiesta De Los Flores on May 14, at 6:30.

c. South Central Mountain RC & D

Robert Barber Board of RC & D reported on continuations of WUI projects with various agencies. Mr. Barber reported on Nogal Canyon and Hondo Projects.

d. Upper Hondo Soil & Water Conservation District

Mr. Barber provided a weed program management update. Mr. Barber reported on the NRCS EWP program. Mr. Barber reported on review and acceptance of the agreement between the County. Mr. Barber reported on working with landowners and Upper Hondo having agreements in place and reviewing an additional contract. Mr. Barber reported on future meeting with NRCS. Brief discussion on progress of completed work in Perry Spring and County match monies.

e. Land and Natural Resources Advisory Committee – LANRAC

Mr. Barber reported on the meeting in Roswell and attending a meeting with US Fish and Wildlife Services regarding the Mexican Wolf and the final plan. Mr. Barber reported on comments could be submitted until May 30. Mr. Barber recommended resubmitting all previous comments and would submit them to Manager Pearson to distribute for review by the Commission which would be due May 13. Mr. Barber reported on continuing to monitor the forest plan and status of review. Mr. Barber reported on an opening for the LANRAC.

17. Lincoln County Community Health Council Update and Presentation Given by Sergio Castro, LCCHC Chairman

Shannon Dictson, Coordinator of the Lincoln County Community Health Council presented a copy of the Council's 2022 activities report. Ms. Dictson reported the organization was a nonprofit which received grant funding from various sources. Ms. Dictson stated they had continued to provide suicide prevention training virtually using the QPR (Question, Persuade, Refer) curriculum. Ms. Dictson discussed several other Council's projects including sponsorship of a mobile food bank; the health fair, natural helpers' program; adopt a mile; and the fitness challenge program.

Ms. Dictson informed they have partnered with the Lincoln County Detention Center to bring the RISE (Reach, Intervene, Support and Engage) Program to fruition. Ms. Dictson stated this program would help educate inmates about drugs and alcohol and would help them access services and transition into the communities.

12. Lincoln County Detention Center Update – Warden Scott Colvin

Scott Colvin, Warden reported on no exceptional occurrences or uses of force. Warden Colvin reported on conducting oleoresin caps capsicum training for the agency. Warden Colvin reported on annual qualification for all detention officers qualified to act as peace officers. Warden Colvin reported on the control room project being at 90% completion. Warden Colvin reported on the booking room project being at 80% completion. Warden Colvin reported on positive results for the audit report. Warden Colvin reported on the record retention detention center stats. Warden Colvin thanked all attending the meeting, and every fire fighter in response to the fires. Warden Colvin spoke in appreciation serving with the women and men fighting the McBride fire and thanked their bravery and the saving of his house.

There was a brief discussion on booking area images for next meeting and future capacity concerns.

19. SunZia Wind Development Project Update and Permitting Overview

Jeremy Turner presented an overview of Pattern's SunZia Wind Development Project and update. Adam Clark presented on the next steps the existing WECS could be revised to include the final Pattern Lincoln wind project area that includes both the portion of the Western Spirit Wind located in Lincoln County (Red Cloud Wind) and the next phase of wind facilities planned to enter construction in 2023.

Mr. Clark stated a new WECS approval could be sought for new Pattern Wind project area as well as the Mesa Canyons Project and the existing WECS approval would cover both Red Cloud Wind and portions of the next phase of wind facilities. Mr. Clark stated Pattern could file a clean permit for all the wind planned for construction in Lincoln County in 2023 and the existing WECS approval could be limited to only Red Cloud Wind.

13. Lincoln County Medical Center Update – Todd Oberheu

Todd Oberheu reported on how the hospital dealt with the fires and transferred patients to other facilities on Wednesday and started readmitting them on Thursday. Mr. Oberheu spoke on the hospital not being affected by the power outages but did identify some issues with the emergency power systems and are being addressed with electrical contractor James. Mr. Oberheu spoke in appreciation for the firefighters and PNM getting the hospital up very quickly once they were able to stabilize, and law enforcement efforts. Mr. Oberheu reported on performing the first chemo-therapy treatment March 24, and are now offering chemo-therapy treatments, with the assistance of Whitney Wyre. Mr. Oberheu spoke on meeting with Manager Pearson and Hospital Staff regarding the physician office building and seeking architects through the future Mill Levy request. Mr. Oberheu spoke on consulting Manager Pearson and continuing to assess the needs of the county regarding Ambulances, EMS, locations, and volunteer availability and deployment options.

24. Approval of Digital Billboards in Lincoln County- Presentation by Lindmark

Tom Palmer, Lindmark provided information regarding replacement of current vinyl faces on both sides of the billboard with LED digital faces.

There was a discussion on the approval of permit with right to review through a 30-day observation due to display brightness.

14. Manager's Report

1) Road Department Starts on Right Hand Turn Lane – Gavilan and Highway 48

The LC Road Crew Started preparing the land to widen Gavilan Canyon Road at US 48. Construction is anticipated to start this, Summer.

2) Lincoln County Juvenile Justice Board

Finance Director, Billie-Jo Guevara, and I have been fiscally overseeing the CYFD (LCJJB) grant for over a year. We have had numerous issues with the organization of our contractor, Region IX. Consuelo Garcia, CYFD JJS Grants Manager, has stated that Lincoln County is one of the hardest grants to manage in the State of New Mexico. I am currently exploring the idea of finding another entity to be the fiscal agent of this grant.

3) Lincoln County Fairgrounds Roof Repair

The Road Department was able to repair the wind damaged roof at the fairgrounds for \$12,500.00. Early bid estimates were \$60K - \$70K. NMC Insurance reimbursed Lincoln County \$10,000.00 (\$2,500 deductible).

4) Horton Complex Groundbreaking Ceremony

The Village of Ruidoso and The Administrative Office of the Courts invited Lincoln County to attend the groundbreaking ceremony at the Horton Complex. This new court complex will house both the Magistrate and District courts. Many thanks were given to Lincoln County for the continued support.

5) Nogal Fire – McBride Fire Started 4/12/2022

After the Fires broke out, The Village of Ruidoso and The County of Lincoln worked together to mobilize the response. Collaboration between all entities has greatly improved the productivity of the recovery efforts.

6) NMC Assessor's Meeting

On March 30th and 31st, I attended the New Mexico Counties affiliate meetings. This meeting was held at the Inn of The Mountain Gods. Property Tax Director, Santiago Chavez, attended in person and presented to the assessor group. It was a good, all-around informational meeting.

7) Director's Reports

Joe Kenmore, Emergency Services Director reported on demolition status of the Canyon Trading Post due to issue with contractors' equipment. Manager Pearson reported on Buckhorn Loop regarding the status of the electrical installation. Mr. Kenmore reported on the fire station progress.

Chair Willard recessed the Regular Meeting at 12:03 PM and reconvened at 12:35 PM.

24. Approval of Digital Billboards in Lincoln County- Presentation by Lindmark – Continued

There was a general discussion regarding trial times and operation.

Motion: Approve application with 30-day trial period caveat, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

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

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

14. Manager's Report – Continued

Jeff Honeycutt, County Road Superintendent reported on the road crew efforts and overtime hours to help fight the fires. Mr. Honeycutt reported that the use of the bulldozer and chase truck would be reimbursed at approximately \$130 an hour under \$10,000 total.

Joe Kenmore spoke on the importance of the operators and bulldozer in fighting the fires.

Mr. Honeycutt spoke in appreciation of Sammy Roper and Walter Garfield for operating the equipment for 12 hour shifts from Wednesday through Sunday during the fires. Mr. Honeycutt spoke on working with Joe Kenmore to get additional equipment on the resource list. Mr. Honeycutt spoke on having the blade go to the Nogal fire. Mr. Honeycutt provided a breakdown of the assistance provided during the fires.

Manager Pearson spoke on the overall cost estimated to be approximately \$40,000 to fight the fires. Manager Pearson spoke on seeking options for reimbursement working with. Manager Pearson spoke on the use of overtime with \$25,000 a year allotted for forest control and this one incident amounting to \$22,561 between Tuesday and Friday. Manager Pearson spoke on working towards putting money back into forest control.

Mr. Honeycutt spoke in appreciation of working with Sherriff Mike Wood. Mr. Honeycutt provided an update on the two Gavilan Canyon projects and uncertainty of status due to fires and will reschedule meetings. Mr. Honeycutt spoke on the right-turn lane project starting approximately in June. Mr. Honeycutt spoke on status of drainage work performed that would affect the right-turn lane.

Chair Willard inquired on Chavez Road status.

Mr. Honeycutt reported on approximately \$10,000 worth of concrete to pour and status of completed work.

15. Office of Emergency Services

a. Resolution 2021-58: Declaration of Fire Danger Emergency

Motion: Adopt Resolution 2021-58, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

SEE EXHIBIT D: Copy of Resolution 2021-58 is attached hereto in reference thereto made a part hereof.

b. Approval of NM State Fire Protection Fund Applications

Mr. Kenmore provided an overview of the annual State Fire Protection Fund. Mr. Kenmore requested approval to add Commissioner Stewart to the documents submitted.

Motion: Approve NM State Fire Protection Fund Applications, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

16. Assessor Annual Report -Walter Hill – Lincoln County Assessor

Walter Hill, County Assessor presented the 2022 Assessors annual report and provided a breakdown of the packet exhibits and contents.

Commissioner Stewart inquired on the exit interview.

Assessor Hill reported there was an exit interview with the state for Assessors evaluation and that no deficiencies were found with positive results.

Commissioner Stewart spoke on the 2022 appraisal plans re-inspection of properties proposed for August 1, 2021.

Assessor Hill informed there was a typo error and due to covid and back log issues it should be corrected to 2022. Assessor Hill informed they worked with the property tax division, and the protest has moved from September to July to allow more time for appraisers in the field. Assessor Hill spoke on the importance of the site inspections and offered an apology for the typo error. Assessor Hill informed on bringing updated re-assessment data to the commission each year. Assessor Hill informed they would be starting August 2022 due to the set back of the fires and currently in the protest process.

Commissioner Stewart inquired on the second year of the plan in that the Commercial properties have not been re-inspected since 2009.

Assessor Hill spoke on the increase in workload, aspects that have impeded the re-inspections, and enacting a plan.

Commissioner Stewart inquired on the number of residential sales in the last year.

Assessor Hill informed they are on the sales ratio at 890 for the year 2021 needing a reappraisal, including vacant lot sales totaling over 3,000 properties requiring a site inspection. Commissioner Stewart spoke on attendance of the Assessors Affiliate meeting. Assessor Hill informed that was on the Assessors evaluation week due to time constraint, 2 members of the staff were sent to report back.

Chair Willard inquired on the first exhibit stating that there were four ratios at 25% or less, requiring investigation, and if that had been completed.

Assessor Hill informed that they have all been completed and spoke on the variances of ratios.

18. Wilson & Co., On-Call Engineers:

a. Fairgrounds Master Plan Update, Discussion and Possible Direction

Brett Beaty, Wilson and Co stated the County has requested design services for the assessment of the Lincoln County Fairgrounds located in Capitan, NM. Ms. Beaty stated our understanding of the overall scope will be to assess the condition of the two main buildings and two additional covered livestock structures.

Ms. Beaty stated we anticipate that the facility will require two individuals approximately 20 hours of field investigation plus 48 hours of effort to create a detailed report. Ms. Beaty stated they have included services for consultation with a mechanical and electrical engineer as part of our fee.

Chair Willard recommended calling a special meeting to go over specifics and review in detail.

b. Colonias Application – Consideration of Dedicating a Loan Revenue Source

Eric Hamilton presented on various options for the loan revenue source.

Motion: Use GRT Compensation Tax Fund 401 Section 1655 for Dedicating a Loan Revenue Source, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Allen. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Chair Willard, Commissioner Allen, Commissioner Stewart, Commissioner Crunk, Commissioner Proctor.

22. Approval of Lodger's Tax Applications with backup material:

Motion: Approve the Lodger's Tax Committee amounts as presented **Action:** Approve, **Moved** by Commissioner Crunk, **Seconded** by Commissioner Proctor.

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

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

Abstain: Commissioner Allen.

- | | |
|--|---|
| <p>a. Aim High
Request: \$8,500.00
Date (s) of Event: June 24 & 25, 2022
Presenter: Rhonda Vincent</p> <p>c. Alto Artist Studio Tour
Request: \$5,000.00
Date (s) of Event: August 5-7, 2022
Presenter: Lynn Eckman</p> <p>e. Old Lincoln Days – Billy the Kid Pageant
Request: \$15,000.00
Date(s) of Event: August 5-7, 2022
Presenter: Kent McInnes</p> <p>g. Ruidoso Grindstone Trail Runs
Request: \$4,750.00
Date(s) of Event: July 23, 2022
Presenter: Frederic Moras</p> <p>i. Michael Martin Murphy Concert Series
Request: \$16,600.00
Date (s) of Event: June-Sept. 2022
Presenter: Elaine Allen</p> <p>k. 2022 Ruidoso Downs Special Events
Request: \$40,000.00
Date (s) of Event: May 6-Sept. 4, 2022
Presenter: Matt Ingram</p> | <p>b. Lincoln County Art Loop
Request: \$5,000.00
Date (s) of Event: July 1-3, 2022
Presenter: Lynn Eckman</p> <p>d. Christmas Jubilee – 35th Year
Request: \$3,000.00
Date(s) of Event: November 11-13, 2022
Presenter: Pam Dutton</p> <p>f. Carrizozo Music, Inc.
Request: \$5,000.00
Date(s) of Event: 2022 Season
Presenter: Fran Altieri</p> <p>h. The Bad Hoss Music Festival
Request: \$2,500.00
Date(s) of Event: May 28, 2022
Presenter: Billy Roberts</p> <p>j. All American CowboyFest
Request: \$10,000.00
Date (s) of Event: Sept. 30 – Oct. 2, 2022
Presenter: Crystal Sifuentes</p> |
|--|---|

20. History of Lincoln County – Manager, Ira Pearson

Manager Pearson presented a Board of Regents New Mexico Military institute historic document listing Alexander Ririe as a Cadet holding County Appointments dated March 20, 1990.

21. Consideration of the United States Department of Agriculture (USDA) Emergency Facilities & Land Use Agreement

Manager Pearson spoke on the procedures and approval to electronically sign.

Motion: Approval for Manager Pearson to electronically sign, **Action:** Approve, **Moved** by Commissioner Allen, **Seconded** by Commissioner Proctor.

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

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

23. Consideration of Resolution 2021-54 a Resolution in Support of Exploring a Countywide Consolidation of the Dispatch Centers to Serve and Represent all Emergency Services in the County of Lincoln, New Mexico

Sherriff Wood spoke on the impact of the recent fires and in recommendation of countywide consolidation due to the various benefits.

Motion: Adopt Resolution 2021-54 a Resolution in Support of Exploring a Countywide Consolidation of the Dispatch Centers to Serve and Represent all Emergency Services in the County of Lincoln, New Mexico, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

SEE EXHIBIT E: Copy of Resolution 2021-54 is attached hereto in reference thereto made a part hereof.

25. RESOLUTION NO. 2021-57 A Resolution Confirming Lincoln County to Participate in the New Mexico Department of Transportation Project Fund Call for Projects

Mr. Honeycutt stated the County Road Department applied for funding through the New Mexico Department of Transportation's (NMDOT) Transportation Project Fund (TPF). Mr. Honeycutt stated the County is looking at seeking funding for roadway maintenance construction for total cost of \$ 1,125,000.00. Mr. Honeycutt stated this project consists of the construction maintenance of six (6) County owned roadway(s), which are eligible for TPF per NMDOTs call for projects

- Juniper Springs Road
- Schlarb Road
- FFA Road
- Alpine Village Road
- Musket Ball Road
- Ft. Lone Tree Road
-

Mr. Honeycutt stated the \$1,125,000.00 would fund the entire project. Lincoln County will provide 5% match, \$56,250.00. Mr. Honeycutt stated If Lincoln County received these funds, the project may start/advertise for construction bidding within 30 days and would be completed in 6 months.

Motion: Adopt Resolution 2021-57 A Resolution Confirming Lincoln County to Participate in the New Mexico Department of Transportation Project Fund Call for Projects, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

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

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

SEE EXHIBIT F: Copy of Resolution 2021-57 is attached hereto in reference thereto made a part hereof.

26. Approval to Increase the Road Cut Fee – Jeff Honeycutt

Mr. Honeycutt spoke on having a 30-day deposit to ensure completion of contractor work, history of completed work and overall estimate to finish.

Attorney Morel requested this agenda item be brought back at a later date.

27. Healing America's Heroes Presentation – Eddie Crane

Manager Pearson stated Eddie Crane was unable to attend

28. Lincoln County Public Works – Solid Waste:

- a. Stephen Lenzo Property - Discussion and Direction on Past Due Amount

Manager Pearson spoke on payment plan and status of ownership to the current property.

Attorney Morel recommended to file a lien.

Motion: Pursue Lien on the Stephen Lenzo Property for the Past Due Amount, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Allen.

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

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

b. Approval to Hire a Temporary / Seasonal Employee

Manager Pearson spoke on the need for the temporary Position, due to high volume
e.

Motion: Approval to Hire a Temporary / Seasonal Employee for the Public Works Department,

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

Commissioner Proctor provided clarification of up to 9 months.

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

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

29. Appointment to Lincoln County Boards and Committees:

- a. Robert Barber – Land and Natural Resources Advisory Committee (Termed 2/2021)
- b. Pete Gnatkowski - Land and Natural Resources Advisory Committee (Termed 2/2021)
- c. Becky Borowski – Lincoln Historic Preservation Board (Termed 3/2022)
- d. John Amastae - Lincoln Historic Preservation Board (Termed 8/2022)
- e. Jaque Hair-Garner - Lincoln Historic Preservation Board (Termed 2/2022)
- f. Billy Roberts - Lincoln Historic Preservation Board (Letter of Interest)
- g. James Spiri - Lincoln Historic Preservation Board (Termed 7/2022)
- h. Dan Knorr – Property Tax Protest Board (Termed 9/2021)
- i. Robert Barber – Road Review Advisory Committee (Termed 11/2022)
- j. James Hobbs – Lodger's Tax Committee (Termed 3/2021-Tourist Related)
- k. John Hemphill - Lodger's Tax Committee (Letter of Interest)

Manager Pearson spoke on process and benefit to annually post newspaper article for openings.

Motion: Approve All Appointments to the Lincoln County Boards and Committees, Except for Item: F, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Crunk.

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

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

30. Approval of Road Name – Elderberry Road

Manager Pearson spoke on location, agreement of property owners with approvals.

Motion: Approve Road Name to Elderberry Road, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

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

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

31. American Rescue Plan Act Funding – Discussion and Direction

Manager Pearson spoke on options for determining direction where the account would need to be separate for the general fund. Manager Pearson spoke on revenue loss, accountability, and direction of use from the Commission.

Commissioner Stewart spoke on direction and alternatives with salaries.

There was a lengthy discussion regarding clarification, options, and future determination of distribution.

Motion: Approve Manager Pearson to submit the 3.8-million-dollar loss to the Appropriate Services,

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

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

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

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

- a. Ordinance 2018-02: an Ordinance Authorizing the Operation of Recreational Off-Highway Vehicles on Paved Streets or Highways Owned and Controlled by the County of Lincoln, New Mexico

Attorney Morel spoke on requirements and removal of Ordinance 2018-02.

- b. Variance of Ordinance 2006-6: Lincoln County Outdoor Advertising Regulation Ordinance an Ordinance Establishing Restrictions and Prohibitions to Promote Safety of Travelers Along Certain Highways, to Prevent Visual Pollution of Those Highways Through Regulation of Outdoor Advertising, to Protect the Investment in Public Highways and Private Property Values; Defining Areas to be Regulated; Making Restrictions on Signs and Billboards; Requiring a Permit Prior to Construction or Alteration; Providing for Exceptions; Prohibiting Abandoned and Dangerous Signs; Providing for Removal of Non-Compliant Billboards, and Establishing Penalties for Violations; Providing for Ordinances in Conflict Herewith and for the Severability of Parts Hereof; Providing an Effective Date; and Repealing Ordinance 2004-10

Manager Pearson spoke on receiving a request from a manager of Allsup's for variance due to height and visibility of sign.

Brief discussion on addressed ordinances 2006-6 and 2002-01.

Motion: Schedule Public Hearing for ordinance 2006-6 and 2002-01, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Allen.

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

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

34. Motion to Intervene -Discussion and Possible Direction - Republican Party of New Mexico, et. al., v. Maggie Toulouse Oliver, et. al. Regarding Senate Bill 1/Redistricting Process

Manager Pearson stated the County of Lea, New Mexico, has entered a motion to join the Republican Party lawsuit opposing the redistricting political boundary lines. Lea County has asked other New Mexico Counties to intervene to show a force in numbers.

Jeff Lucky, attorney spoke on options and direction regarding the redistricting process via phone call.

Motion: Authorize Manager Pearson and County Attorney Morel to Enter into Negotiations with Jeff Lucky's Law Firm to Start the Process and Determine Any Conflicts and if After Ruling of Judge Determine Direction of Intervening, Amend by Not Exceeding \$10,000 Without Further Commission Approval, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

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

Yes: Commissioner Allen, Commissioner Proctor.

No: Chair Willard, Commissioner Stewart, Commissioner Crunk.

33. Lincoln County Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8)

Motion: To Close the Meeting for The Purpose of 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)

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. **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.
6. **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.
7. **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. On January 6, 2022, Judge Sugg entered an Order of Dismissal for Lack of Prosecution. On January 12, 2022, Plaintiffs filed their Motion to Reinstate.
8. **Debra Wilcox v. Board of County Commissioners, Deputy Samuel C. Hanna, Caroline McCoy and Former Sheriff Robert Shepperd, Cause No. D-1215-CV-2021-00574** Complaint for Damages was filed on the 2nd day of September 2021 by Steven Sanders alleging personal injury resulting from an improper and grossly negligent investigation and for "malicious abuse of process". County Defendants were served on November 2, 2021. The case is still pending.
9. **State of N.M. v. Mikel Mason, Cause No. M-30-MR-2021-00054** On August 10, 2021, LCSO Sgt. Finley issued a Non-Traffic Citation to the Defendant for violation of Lincoln County's Solid Waste Ordinance No. 2016-02. The case is still pending.
10. **Alto Lakes Golf & Country Club v. Luis Landarerde, et al, Cause No. D-1226-CV-2021-00257** Complaint to Foreclose Lien was filed on 12/9/21. LC's Answer to the Complaint was filed on January 4, 2022. The case is still pending
11. ***New Mexico Bank & Trust v. Roger Gomez, et al, Cause No. D-1226-CV-2022-00001** Complaint for Foreclosure of Mortgage was filed on January 4, 2022. A Decree of foreclosure was entered by Judge Sugg on March 30, 2022. The case is still pending.
12. **Eby Revocable Trust AND William R. Moser v. Lincoln County Assessor, et al, Cause No. D-1226-CV-2021-0260** A Notice of Appeal of Decision of Tax Protest Board was filed on the 14th day of December 2021 by Attorney Zach Cook. On January 27, 2022, New Mexico Counties assigned Attorney Daniel Macke to represent Lincoln County. The case is still pending.

13. **Allen Theaters Properties, LLC v. Walter Hill, County Assessor, Lincoln County, Cause No.**

D-1226-CV-2021-0264 A Complaint for Property Tax Refund was filed on the 27th day of December 2021 by Attorney Gary Eisenberg. On January 26, 2022, New Mexico Counties assigned Attorney Daniel Macke to represent Lincoln County. The case is still pending.

14. ***Crystal Buster v. Board of County Commissioners for Lincoln County, Correctional Solutions Group, LLC, et al, Cause No. 2:21-cv-01208** A Complaint for Recovery of Damages Caused by the Deprivation of Civil Rights with a Jury Demand was filed on the 12th day of December 2021, by Coyte Law P.C., and the Law Offices of Matthew Vance, P.C. The Plaintiff filed a First amended Complaint on March 24, 2022, and Lincoln County filed its Answer to Plaintiff's First Amended Complaint on March 31, 2022. The case is still pending.

15. ***Lionel Burns v. Lincoln County Sheriff's Department; Deputy Daniel Brawley; in their individual and official capacities, and Rhonda Burns, Cause No. D-1226-CV-2022-00032** A Complaint for Damages was filed on the 4th day of March 2022, by Clayton E. Crowley, Esq. and Joseph J. Gribble, Esq. Lincoln County was served with the Complaint on March 28, 2022. The case is still pending.

Tort Claims Notices Received or Threatened

2022

Schwartz, Neil – Tort Claim Notice received on February 10, 2022, alleging malicious and/or tortious actions and/or omissions by the State of New Mexico, the Lincoln County Sheriff's Department, the New Mexico State Police, and the Twelfth Judicial District Attorney's Office resulting in damages to Claimant including, but not limited to, infliction of mental pain and suffering, injuries to Claimant's reputation, and current and future loss of earnings.

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.

Smoley, Cinthia – Ms. Smoley submitted to the Lincoln County Treasurer Department a Statement dated 11/2/2021, for "Arbitration Award/monies due for default".

Vonderane, Glenn – Tort Claim Notice received October 19, 2021, alleging personal injury while using a staircase at the Village of Ruidoso public parking lot located at 151 Center Street.

Brady, Rosarita – Tort Claim Notice received December 6, 2021, alleging an improper investigation of a shooting death by the Lincoln County Sheriff's Office.

2020

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.

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

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

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

Chair Willard recessed the Regular Meeting and convened the Closed Session 3:27 PM.

Chair Willard adjourned the Closed Session and reconvened the Regular Meeting 3:47 PM.

Commissioner Crunk 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.

36. Authorization to Sign ENDO Settlement Agreement – Attorney Alan Morel

Motion: Authorization for Manager Pearson to Sign the ENDO Settlement Agreement, **Action:** Approve, **Moved by** Commissioner Proctor, **Seconded by** Commissioner Allen.

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

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

35. Approval of Purchase and Sale and Joint Escrow Instructions Between the County of Lincoln and LSEP, LLC by Resolution 2021-55

Motion: Adopt Resolution 2021-55, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Proctor.

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

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

SEE EXHIBIT G: Copy of Resolution 2021-55 is attached hereto in reference thereto made a part hereof.

37. Signing of Official Documents

All Commissioners authorized provided permission to use electronic signature and or stamp.

38. Next meetings:

- a. May 3, 2022, Special Commission Meeting
- b. May 17, 2022, Regular Commission Meeting

39. Adjourn


There being no further business to come before the Board of County Commissioners, Chair Willard adjourned the meeting at 3:52 PM.
Respectfully submitted by,

County of Lincoln
Board of Commissioners


Thomas F. Stewart, Chair


F Lynn Willard, Vice Chair


Elaine Allen, Member


Jon Crunk, Member


Todd Proctor, Member

ATTEST:


Whitney Whittaker, County Clerk

May 17, 2022
Date Approved

