

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 February 15, 2022

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on February 15, 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 called the Regular Meeting of the Board of County Commissioners to order at

2. Roll Call

Roll Call.

Present: Chair Stewart, Commissioner Allen, Commissioner Willard, 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 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 selected Chair to move items as necessary,

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

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

Yes:

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

6. Approval of Minutes:

- a. January 18, 2022, Regular Commission Meeting

Motion: Approve the minutes of the January 18, 2022 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

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending January 31, 2022
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Approval of Resolution 2021-47 a Resolution Certifying Annual Road Mileage
- e. Approval of Grant Agreement Between the Cibola National Forest, Canuto Molina, and the County of Lincoln for Forest Patrol
- f. Department of Finance Administration LGBMS Approval of Treasurer's 2nd Quarterly Report
- g. 2021 Volunteer Firefighters Annual Reporting
-White Oaks Volunteer Fire Department

Chair Stewart, inquired on the \$58,025 used for the 20,000 square ft asphalt restoration at Eagle Creek.

Jeff Honeycutt, Lincoln County Road Superintendent, spoke on the prior company providing surface treatments and filling potholes mostly on lower Eagle Creek.

Chair Stewart, inquired on the \$5,825 used for the NOAVIV website.

Manager Pearson, spoke on it being use for the NOAVIV yearly fee being for 2022 into 2023, and the launching of the new website. Manager Pearson stated the new website should be up and running in approximately 2 to 3 months.

Brief discussion on purchase of the new water truck and budgeting reports.

Motion: Approve the Consent Agenda, **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 EXHIBT A: Copies of the Consent items including Resolution 2021-47 are attached hereto in reference thereto made a part hereof.

22. Approval of Resolution 2021-48 a Resolution Relating to the Outstanding Lincoln County, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2012; Providing for the Payment and Redemption of the Outstanding Series 2012 Bonds in Accordance with the Terms of County Ordinance No. 2012-02 Adopted on April 17, 2012; Authorizing the Taking of Other Necessary Action

Erik Harrigan, Managing Director RBC Capital Markets, spoke on Resolution 2021-48, and upon being approved would be deposited into a depository trust to pay off the county's series 2012 bonds in full. Mr. Harrigan stated all the bonds are callable and can be prepaid at any time and are subject to the commission's approval. Mr. Harrigan stated the redemption would be filed the following day February 16, 2022. Mr. Harrigan stated there is a 30-day notice period and the bonds would be paid off with accrued interest on March 18, 2022. Mr. Harrigan stated the total amount to pre-pay the bonds including accrued interest is \$1,366,050.

Chair Stewart spoke on finding a way to pay off the debt, and in doing so saving \$144,150 in interest per year. Chair Stewart congratulated Treasurer Beverly Calaway, Chief Deputy Treasurer Sherrie Huddleston, and Manager Pearson for working towards a resolution.

Brief discussion on timeline, process, and completion of paying off bonds.

Motion: Adopt Resolution 2021-48, **Action:** Approve,

Moved by Commissioner Willard, **Seconded by** Commissioner Proctor.

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

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

SEE EXHIBIT B: Copy of Resolution 2021-48 is attached hereto in reference thereto made a part hereof.

8. Approval of Budget Adjustment FY 21/22 by Resolution 2021-44

Motion: Adopt Resolution 2021-44, **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.

SEE EXHIBIT C: Copy of Resolution 2021-44 is attached hereto in reference thereto made a part hereof.

9. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Camille Howes, Lincoln County District Ranger, reported on the continuing work of the Big Bear Riparian Restoration Project and receiving an additional \$50,000 in 2021, from the Rocky Mountain Elk Foundation. Ms. Howes spoke on work with the Forest Plan Revision and benefit of public comment. Ms. Howes stated she visited with Francisco Sanchez the New Mexico DOT Engineer, regarding OHV traffic specifically in Bonito Corridor. Ms. Howes spoke on current Forest Service policy regarding registered vehicles being permitted on forest service land. Ms. Howes spoke on Forest Service Rangers being more visible, present, and methods of addressing the public. Ms. Howes spoke on the top priority being fuel reduction regarding fire season and authorizing 150 feet on either side of any forest service road, that dead & down or dead & standing wood is now accessible with a permit designating location.

Commissioner Proctor inquired on the previous 18-inch diameter maximum.

Ms. Howes stated it remains the same.

Manager Pearson spoke on visiting with Camille Howe the previous week and thank the Office of Emergency Services' office as well as the volunteers' positive public interactions. Manager Pearson thanked the Road Department for working in conjunction to ensuring signage and speed limits are posted in the Bonito Corridor.

b. Lincoln County/NMSU Extension Services

Melody Gains, Lincoln County Family and Consumer Science 4-H Agent reported on presenting adult beginning sewing and quilting classes. Ms. Gains spoke on attending a joint meeting with Otero County Extension Agents and their shooting sports volunteers at the Roar Runner Trap Club facility near Holloman Air Force Base, to plan for the district archery, shotgun, rifle, and air rifle competitions held in June 2022. Ms. Gains stated Mel and I serve as the archery superintendents for their district. Ms. Gains spoke on the annual NMSU evaluations being held the previous week with both receiving meets and exceed expectations in various areas of work. Ms. Gains spoke on Melanie Gutierrez the County Director and Agriculture Agent attended the Association of Counties Extension Service meetings in Santa Fe and took two senior 4-H members to Las Cruces for senior leadership retreat, attending various workshops through the 3-day event. Ms. Gains spoke on upcoming events food preservation, train the trainer classes, livestock jack pot in Las Cruces, additional sewing workshops, new 4-H family orientation, and a showmanship ranch calf clinic. Ms. Gains stated they would be having an upcoming adult rag quilt workshop, and anyone could join the upcoming Friday and call the office to reserve a space and receive a supply list.

c. South Central Mountain RC & D

Robert Barber, Chair of LANRAC reported on the box being certified by the State of New Mexico the previous month. Mr. Barber stated they continue to work with the State, Forest, and various groups on WUI projects. Mr. Barber spoke on received a funding extension from the previous and current year to apply to contracts from various entities.

d. Upper Hondo Soil & Water Conservation District

Mr. Barber spoke on there being \$4,688 left of the \$30,000 as of the begging of the fiscal year 2022 covering 131 acres and 61 miles of right-of-way, including the area around the Hondo Senior Center, in weed treatment. Mr. Barber spoke on the State inspection of Solano Dam on March 3, 2022, involving multiple projects for the dam to prepare for future flooding. Mr. Barber spoke on cleaning most of the silt and debris around the overflows. Mr. Barber spoke on working towards greater water conservation and water saving projects beyond rainwater harvesting and brush control.

Commissioner Proctor, inquired about the weed control purchase for current year 2022.

Mr. Barber proposed currently the same amount would be purchased, and the challenges this year is the Vinegar Plant in New Mexico has closed and the closest affordable source is in Michigan. Mr. Barber spoke on the possibility of needing to charge for vinegar this year at approximately \$5 a gallon, which won't be affordable without charging for it.

e. Land and Natural Resources Advisory Committee-LANRAC

Mr. Barber reported on reviewing the Proposed Definition for the Revision of the Waters of the U.S. determining the jurisdiction of water ways. Mr. Barber spoke on NRCS being in the process of revising conservation standards with ground cover, irrigation, vertical well storage and collection with no extreme changes. Mr. Barber spoke on the New Mexico Meadow Jumping Mouse with comments due on January 14, 2022. Mr. Barber spoke on the changes including land bridges to increase diversity and critical size of the habitat, and effects of cattle grazing. Mr. Barber spoke on notification of New Mexico Game and Fish hunting reviewing the hunting rules for pronghorn, bighorn, and javelina which may be a change to allotted permits or season and will be discussed in March 2022.

Brief discussion on the killing of approximately 150 feral cattle for the benefit of the Meadow Jumping Mouse.

12. Lincoln County Medical Center Update-Todd Oberheu

Todd Oberheu, Lincoln County Hospital Chief Executive, reported on the slowdown of Covid with the average being approximately 3 to 4 cases though testing. Mr. Oberheu thanked Joe Kenmore for helping to expand testing and it took a lot of pressure off the emergency room. Mr. Oberheu spoke on having 4 positive Covid cases in the hospital. Mr. Oberheu spoke on lack of employees due to Covid.

There was a brief discussion on contract staffing and current bills to help alleviate some of the cost associated with it, current staffing, and staffing incentives.

Mr. Oberheu spoke on Dr. Ferguson availability and Dr. Olcese had done two clinics and will start to do procedures this month. Mr. Oberheu spoke on Dr. Purcell having performed to hip surgeries currently and Dr. Sacoman who does knee and shoulder surgeries. Mr. Oberheu spoke on Nurse Whitney Wyers oncologist and re-inclusion of chemotherapy in Lincoln County. Mr. Oberheu spoke on evaluation of the Capitan Clinic to designate it as a rural health clinic, provider base, or leave it as is for Medicaid reimbursement options. Mr. Oberheu spoke on speaking with Manager Pearson regarding space limitations with the inclusion of new employees, and to engage an architect to provide a plan to expand the Ruidoso Clinic. Mr. Oberheu spoke on the use and availability of the Mil Leavy \$400,000 dollars provided in 2021.

Brief discussion on areas of growth, need for additional specialist, possible weekend scheduling due to weekend clinics, and best path for budgeting for expansion.

13. Discussion and Direction Regarding Resolution and Proclamation of Hospital Mill Levy General Election to be Held on Tuesday, November 8, 2022

Alan Morel, County Attorney, spoke on the consideration of reinstating the hospital mill levy. Attorney Morel spoke on options for mil levy and awaiting legislature to draft a resolution.

Todd Oberheu spoke on possibility of combining and managing the clinics and following the same process requesting additional fundings.

Brief discussion on combining, authorization amounts, and processing factors for mill levy.

10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Commissioner Willard reported on attending a regional SERPTO meeting in Roswell.

Commissioner Proctor stated he attended a LANRAC meeting on February 8, 2022. Walter Hill, Lincoln County Assessor no items to report.

Beverly Calaway, Lincoln County Treasurer reported on debt payoff at 5 years earlier than scheduled. Treasurer Calaway congratulated the Commission and Chief Deputy Treasurer Sherrie Huddleston. Treasurer Calaway reported the general fund ending balance was 11.9 million in comparison to 9.8 in 2021. Treasurer Calaway reported the total cash held by the treasurer on January 30, 2022 was 33.7 million in comparison to 28.7 million for 2021. Treasurer Calaway reported the collections for the month of January was a 70.51% of the 2021 property tax collections.

Michael Wood, Lincoln County Sherriff reported on there being 307 calls for service, 16 arrest, issued 15 traffic citations, investigated 22 traffic crashes, and served 254 civil papers.

Whitney Whittaker, Lincoln County Clerk reported that the 2022 primary election was set for June 7, 2022, and candidate filing date was March 8, 2022, from 9 AM to 5 PM. Clerk Whittaker reported the candidate write-in is on March 15, 2022. Clerk Whittaker informed District 4 and District 3 were changed during re-districting, so check with the Lincoln County Clerk's Office ensure the district boundaries when running for office.

Chair Stewart, inquired on the new election laws regarding the proposed mill levy.

Clerk Whittaker, spoke on election law bills SB-6, SB-8, and SB-144 and changes if passed. Clerk Whittaker, spoke on same day registration on election day and throughout early vote and possible other changes.

David Vandenburg, resident stated I'm a citizen of Lincoln County and where to begin. Mr. Vandenburg stated first off, our forestry department, kudos, and great job for doing what you do and it's remarkable I appreciate all of that. Mr. Vandenburg stated Robert is it a jumping mouse and feral cows that's remarkable, I never heard anything about those things, an eye opener. Mr. Vandenburg stated as a citizen I pay attention to thing that are going on here in our county, I'm always amazed to see the things that we're trying to plan for, trying to prepare for trying to act, and steps to be ready for. Mr. Vandenburg stated now just from a county perspective we're impacted also by our federal government, obviously we're expecting things to work better if they would find way to cure issues to make things better here in our own communities. Mr. Vandenburg stated as you watch the news and you hear the things that are taking place, we know that we've been corrupt, our government leaders have done things to try to find an upper hand for their own benefit, their own power, their own control. Mr. Vandenburg stated our deficit, just remarkable to see the things that are taking place today. Mr. Vandenburg stated I just am concerned on what our thoughts and processes would be on, and our planning when our federal government flushes our financial institutions, they're doing things that are just so corrupt. Mr. Vandenburg stated when that happens are we ready, when we all suddenly have no financial means to take care of ourselves, and as a community didn't, we have our outreach in place, are we taking our plans like we would at a hospital. Mr. Vandenburg stated do we know were trying to take care of our patients what steps are we trying to take to make sure we're comforting our citizens, we have the ability to take care of ourselves, and I just don't believe that we've had enough outreach communication to make sure that were trying to ensure that when things do go wrong, and something does flush out, what are our processes, what are our procedures. Mr. Vandenburg stated what are we going to do to make sure that people wont panic they don't turn into some crazy crisis, we know how that started out when the Covid outbreak took place. Mr. Vandenburg stated people didn't know what to do, people responded in panic, it was chaos, I do believe from a military perspective we've always had the ability to look at situations and plan and prepare. Mr. Vandenburg stated I just hoping that as a county that we're looking at these things and were trying to take actions for and

raise the level a little bit more. Mr. Vandenburg stated I care more about my citizens that we live with than a jumping mouse and so it's just that kind of priority. Mr. Vandenburg stated budgets are going to work or fail and right now we've seen, look at the inflation, people are concerned about that. Mr. Vandenburg stated everything we try to do with money right now suddenly has a limit, and then we won't do what needs to be done to ensure healthcare, people are at risk, people are going to die, our situations are at risk and conflicted now, we need to be ready to have a plan of action put into place so that we're all going to be okay. Mr. Vandenburg stated I'm here for you I know you're here for me, I just want to know what we are doing, is there a plan, do we have that kind of community outreach for people who are doing these things.

Jim Spiri resident I live in district 5 under Commissioner Allen. Mr. Spiri stated the last three and a half weeks I have worked quite hard on a particular story, and I wanted to say a couple of things. Mr. Spiri stated number one all of you made access to me which is excellent, it's a little difficult for one of you, but I appreciate the communication when there's a hot button issue. Mr. Spiri stated a couple of things I've had a lot of interaction with some county employees that have been excellent. Mr. Spiri stated there's a road grader does the Salazar Canyon Road with a Boston accent who is really a good guy, he needs to be commended. Mr. Spiri stated the Clerks Offices there's been some people, I've had a lot of questions, there's a particular lady there that's been extremely helpful named Shannan, I don't know what her last name is, but your employees are pretty good. Mr. Spiri stated plus I've had some interaction with a county animal control officer a female lady that's been very helpful. Mr. Spiri stated back to the hot button issue that I've worked on, doing a story, I've found out that there's this word that starts with a "z" called zoning that's a big topic, that I'm not a rocket scientist but I did grow up with one and I did interview one for this current story. Mr. Spiri stated zoning is going to be an issue that has somewhat been neglected over the years by this commission and decades past. Mr. Spiri stated my suggestion is that if theirs is going to be some zoning eventually, whether it be agriculture or something, I would encourage the county commission to seek input from concerned citizens and take input from both sides or all sides. Mr. Spiri stated one thing former President Reagan was good, whether you like him or not, he surrounded himself with people that didn't agree with him, on a lot of things, and then he made his decisions. Mr. Spiri stated so the reason I'm standing here today is zoning is going to happen at the county level, more than it is right now at some point and time, and I encourage the commission to seek out input from residences especially those that live under ordinances like I currently do in Lincoln. Mr. Spiri stated thanks for your access I'm encouraged that you're still accessible you should take my calls more often.

Brenda Restivo, resident I live in the Ranches of Sonterra. Ms. Restivo stated I'd like to begin by thanking Tom Stewart, representing himself as a resident, for his comments at the public hearing on February 9, 2022, opposing the concrete batch plant. Ms. Restivo stated from what I could see it appears that none of the rest of the county commission felt it was important enough to even listen in, that's too bad. Ms. Restivo stated the impassioned pleas by over thirty people who made public comments, and those who sent in public comments should have piqued your interest in serving your community. Ms. Restivo stated I say impassioned because most of us are talking about our quality of life, the toxins, the dust, the pollutants, noise, and traffic will be unbearable and put our health at risk. Ms. Restivo stated up to 305 trucks per day on 200 will be unbearable. Ms. Restivo stated most of us are retirees and like me this is our only home, we are putting our life savings at risk to fight this project. Ms. Restivo stated a costly fight that could have been prevented. Ms. Restivo stated I wrote each of you after the June meeting, and I am shocked that only Commissioner Stewart responded to me, you know I'm really surprised at that. Ms. Restivo stated now I encourage you when you do hear from residents that you do respond to that, it's important to hear your voices, and your concerns. Ms. Restivo stated I'm asking first that you put your teeth in the Resolution 2021-24 by creating an ordinance to support this resolution, and secondly, and thank you Mr. Speary for your comments, regarding zoning, I encourage you to revisit with your Planning and Zoning Commission to look at zoning in this community. Ms. Restivo stated especially on the 220 corridor and elsewhere, which are heavily populated by residential homes. Ms. Restivo stated restrict industrial and heavy commercial development in these areas to protect your residential communities and their quality of life, thank you.

Mr. Thomas Stewart speaking solely as an individual a not as a commissioner stated he listened to the entire NMED 9-hour Roper Plant Commitment Hearing on February 9, 2021. Mr. Stewart stated in that hearing formulated my strong opinion aghast the plant, and it did have a profound affect on my listening to that hearing. Mr. Stewart stated I did formerly submit written testimony and spoke in the WEBX hearing, in my strong request to not approve the permit. Mr. Stewart stated he spoke as a concerned local resident, not as a commissioner, because this Commission

has failed to establish a firm position about the NMED permit and the ultimate construction of the plant. Mr. Stewart stated if this permit is constructed, each of us commissioners can share the credit, for destroying a significant portion of my district. Mr. Stewart stated, "I'm serious about this, we will destroy a significant portion of my district as well as our tax base since some of the public comment indicated that realtors will have reported that home values could plummet by as much as 50%". Mr. Stewart stated some of our residents have said they will have to leave because of their compromised immune system.

Mr. Stewart spoke in opposition to the concrete batch plant stated the reason I have a new vigor, is a requirement for an estimated 15 million gallons of water a year, to prevent that dust from leaving that property and going into neighborhoods. Mr. Stewart stated "so here you effectively have 15 million gallons of water a year to control the dust on a property with no sufficient water rights, there was talk about an agricultural well with 3-acre feed and he submitted the permit and then he withdrew it. I tell you that amount came in the hearing from a former New Mexico State Engineer who spoke about the estimates of water to adequately suppress the dust. Think about it, in an area of drought where wells are losing their effectiveness all the time. I hear about that all the time from residents, their wells are running dry." Mr. Stewart stated where does that amount of water come from if the project is not on a municipal water system. Mr. Stewart stated Mr. Roper has reportedly said and, has told a reporter this, he said he's going to do it with a bout 8,000 gallons a trucked in from Capitan. Mr. Stewart spoke on the inaccuracies of stated water use, and if NMED permit denial does not kill this project, or the court case does not kill this project, in my estimation the lack of water will cause more dust than is allowable by the permit.

Mr. Stewart spoke on the repercussions to the community if the plant is approved, "because this commission does not appear to be interested in flat out killing the project, I'm going to be co-operative with any effort that brings about this goal."

Commissioner Allen questioned the proposed Resolution from last meeting, that was not approved. Commissioner Allen stated that "we were told that this commission had no authority over this matter, we could have our options but without a zoning ordinance the County had no authority to take an action.

Mr. Stewart took a strict stance on his previous comments and how he felt about the NMED permitting process and the representation from both sides of the aisle.

There was a lengthy discussion on the concrete proposed batch plant project regarding water rights, annual water usage estimations, and information presented by State Engineers with experience regarding concrete batch plant operations.

There was a brief discussion on the implementation of zoning to the County.

11. Lincoln County Detention Center Update- Warden Scott Colvin

Scott Colvin, Warden reported on the record retention and Covid 19 continuing effects and requirements.

a. Discussion and Direction of Body Cam Usage in Detention Centers

Warden, Colvin spoke on the need, direction of body cam use, and request for 6 body cameras.

Manager Pearson spoke on the benefit of body camera implementations.

b. Consideration of United States Marshal's Service Contract Amendments

Warden, Colvin spoke on the changes in the amendments.

Attorney Morel, spoke on registration and voting access for federal prisoners.

There was a brief discussion on accreditation clarification and federal prisoners.

Motion: Approve the United States Marshal's Service Contract Amendments, **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.

c. Approval of Virtual Detention Center Inspection

Commissioner Proctor inquired on the changes to the booking table areas effects on the second floor.

Warden Colvin informed it should not change any structure and spoke on overall changes.

Manager Pearson spoke on direction of Detention Center projects.

Brief discussion on location options for RISE program area and personnel and mail intake scanning benefits.

Warden Colvin spoke on the constructions trade pre-apprenticeship.

Motion: Approve the Virtual Detention Center Inspection, **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.

Chair Stewart recessed the regular meeting 10:33AM and reconvened the regular meeting 10:38AM

Chair Stewart verified all commissioner were present.

14. **County of Lincoln On-Call Engineer Wilson & Co.:**

a. Nogal Water Storage System Task Order Discussion, Direction and Approval

Eric Hamilton spoke on the budget regarding the Nogal Water Storage System project now with bidding flexibility and new improvement packet to fit the budget.

Manager Pearson spoke on securing the funding for the project and phasing out the additional portions as needed.

Brief discussion on needs of the extension, need for rating increase, and strategic location.

Motion: Approve a phased in development with Wilson & Co, **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.

b. Lincoln County Detention Center Facility Assessment Task Order Discussion, Direction and Approval

Manager Pearson spoke on the need for assessments for the county facilities with the Lincoln County Detention Center being the current primary objective.

Eric Hamilton spoke on the field inspection task order.

Manager Pearson stated the assessment was not to exceed \$7,200 and \$6,500 being the gross amount.

Motion: Approve the Lincoln County Detention Center Facility Assessment Task Order, **Action:** Approve,

Moved by Commissioner Willard, **Seconded by** Commissioner Proctor.

Manager Pearson informed this was not on the budget assessment and building maintenance money could be used.

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

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

- c. County of Lincoln Courthouse Complex Facility Assessment Task Order Discussion, Direction and Approval

Manager Pearson spoke on the challenges due to age and structure type variations.

Motion: Approve the County of Lincoln Courthouse Complex Facility Assessment Task Order,

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.

- d. Approval of Resolution 2021-46 A Resolution by the County Commissioners, the Governing Body of Lincoln County New Mexico, Whereby the County Commission Authorizes and Approves Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund

Jeff Honeycutt spoke on the multiple areas of needed improvement and need for the additional 1 million in funding.

Eric Hamilton stated the Resolution 2021-46 is a 90% grant, 10% loan at 0% interest and a 10% match and submission of application does not make a commitment to the grant. Mr. Hamilton defined the colonias areas in Lincoln County. Mr. Hamilton stated the applications are due March 3, 2022 and the Colonias Board will make announcements and approval on June 1, 2022.

Motion: Adopt Resolution 2021-46, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

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

- e. NM Department of Homeland Security and Emergency Management Disaster Assistance Program Grant Agreement Discussion, Direction and Approval

Eric Hamilton spoke on various improvements bringing multiple locations up to pre-disaster conditions.

Motion: Adopt Resolution 2021-026, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Jeff Honeycutt spoke on combining both Coe Canyon and Tully bridges into one project and Dec 21, 2022, deadline.

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

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

SEE EXHIBIT D: Copy of Resolution 2021-46 and Resolution 2021-26 is attached hereto in reference thereto made a part hereof.

- 15. **Approval of Resolution 2021-45 a Resolution Acknowledging and Accepting FY 2021 Audit for Lincoln County – Presentation/Discussion by Daniel Trujillo-Kubiak Melton & Associates, LLC**

Daniel O. Trujillo, CPA, CFE, CGFM, CGMA, Kubiak Melton and Associates presented on the audit for FY 2021 with no reported findings.

Commissioner Willard congratulated and commended all Lincoln County employees involved in the audit.

Chair Stewart congratulated all employees involved in the audit

Jeff Honeycutt spoke on equipment costs.

Motion: Adopt Resolution 2021-45, **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.

SEE EXHIBIT E: Copy of Resolution 2021-45 is attached hereto in reference thereto made a part hereof.

16. County of Lincoln Clerk's Office Update - Whitney Whittaker:

a. Clerk's Recording Software

Clerk Whittaker reported on future recording software upgrade advantages, and benefits. Clerk Whittaker stated the Lincoln County Clerk's office needs a comprehensive records management system for the office that will facilitate daily work as well as archival and record retention, including but not limited to cashiering, account management, scanning, printing receipts, indexing, redaction capabilities and provide public access to all documents including online capabilities. Clerk Whittaker stated we are always striving to upgrade our technology resources to match the needs of the community.

b. Recovery of Historical Documents

Clerk Whittaker stated the County Clerk's office continues to work to recover and preserve historical documents which are appropriately a part of the public records of Lincoln County. Clerk Whittaker stated a few of the steps taken over the last years to maintain, preserve and refurbish historical records include:

- The development of an "archival storage room" to ensure ongoing preservation and adequate space; recently remodeled.
- Scanning for digital image and conversion to microfilm of thousands of pages of historical documents.
- Attempts to recover historical records properly belonging to Lincoln County such as those known to be in the possession of or offered for sale by private collectors or entities.
- The addition of an online link for public use to the County Clerks' newspaper collection dating back to the 1800's.
- Acknowledging the return of historical documents to the County of Lincoln by individuals and local families.

Following Collections and Documents recovered:

i. Kettrig collection (Exhibit A)

Clerk Whittaker stated The County of Lincoln, the Office of the New Mexico Attorney General, and the State Records Center and Archives are pleased to announce the recovery of multiple historic documents tied to the Lincoln County War and dating to the late 1800s. Clerk Whittaker stated in January 2019, representatives from state and local government discovered an auction in Mesa, Arizona of historical items from the Robert G. McCubbin collection of artifacts and documents. Clerk Whittaker stated a review of the auction revealed nearly two dozen documents previously identified as missing from the Lincoln County territorial probate records.

Clerk Whittaker provided Joint Press Release of Lincoln County, the Office of the New Mexico Attorney General, and the State Records Center and Archives.

ii. Cold West Detective Agency language (Exhibit B)

Doug Siddens, Cold West Detective Agency provided a brief background of the recovered documents and stated his mom was a former County Clerk Fran Siddens.

Clerk Whittaker stated once we have the documents professional scanned and microfilmed they will be displayed on the archives website.

17. Approval of Prior Year Invoices (2): Total of \$100.08 Owed

- a. American Linen - Carrizozo Senior Citizen's Center – \$50.04
- b. American Linen – Carrizozo Senior Citizen's Center - \$50.04

Motion: Prior Year Invoices (2): Total of \$100.08 Owed, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Proctor.

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

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

18. Consideration of an Application to Name a New Road in the County of Lincoln

Attorney Morel spoke on processes of naming a new private road by applicant, notification to others of the road, and ensuring of non-duplication of road name for emergency services.

Motion: Consideration of an Application to Name a New Road in the County of Lincoln, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Commissioner Willard Withdrew his motion and Commissioner Allen withdrew her second

19. Manager's Report

Manager Pearson presented:

1. OHV/ROV Update

Francisco Sanchez, District 2 Engineer, is going to present the Lincoln County ROV Route to the NMDOT commission in March. The meeting will be held in Roswell. Francisco advises that Lincoln County solicits letters of support from USFS and the City of Alamogordo.

2. Joint Application filed by Pattern SC Holdings, LLC, et. al

Joint Application filed by Pattern SC Holdings, LLC, et. al requesting that the PRC Commission enter a Final Order that (a) expands the area for the Joint Applicants' wind turbines comprising the Corona Wind Project beyond that previously approved in NMPRC Case Nos. 17-00221-UT and 18-00065-UT; (b) modifies the proposed route for the 345-kilovolt Corona Wind Project Gen-Tie System approved in NMPRC Case No. 18-00065-UT and reconfigured and expanded in NMPRC Case No. 20-00008-UT; and (c) provides the necessary approval to the extent required by law, for the 180-200-foot right-of-way for the revised Corona Gen-Tie System which is the subject of this Joint Application.

3. Compactor Cameras

Cameras are installed at the Eagle Creek compactor site. The first week we captured two illegal dumpers on camera. As of 1/13/2022, we caught one of the dumpers. This site is our test site. We are looking at different cameras, angles, fencing and proper placement. The plan will be to install fencing and cameras at all compactor sites (maybe some dumpster sites)

4. Prioritizing Projects at the Lincoln County Fairgrounds

A special meeting was held by the Lincoln County Fair Association. Commissioner Willard, Commissioner Proctor and I attended. We discussed the importance of participating in the Master Plan update approved by the BOCC in the December meeting. Wilson & Co. will lead the update and help prioritize projects, soliciting the funds and project management. Overall, the meeting and project plan was well received.

5. Telecommunications Contract & Update on Cell Tower at Copper Ridge

The contract with Center for Municipal Solutions Group has been reviewed by both Lincoln County and CMS. It should be signed this week. We have asked Sean Milks, Gravity Pad, to work with CMS to get started on preliminary paperwork. We want to make sure that the cell

tower will work in that area before a contract is signed. Attorney Morel has reviewed other governmental cell tower agreements in preparation in drafting a contract / agreement.

6. Ruidoso Downs Racetrack Indoor Arena – Update

Ethan Linder has informed me that the City of Ruidoso Downs has place the indoor arena on their ICIP list. They are seeking funding directly from the Governor for this project.

7. Director's Reports

20. Approval to Issue Requests for Proposal (RFPs):

Manager Pearson stated During our inspection of county buildings, we have noticed several roofs that will likely need attention. Manager Pearson stated over the past two years, we have seen an increase of insurance claims for roof damage. Manager Pearson stated following the County of Lincoln building assessments, we would like the ability to issue RFPs for repairs. Manager Pearson stated in conjunction with the needed roof repairs, the inspectors might find mold in various buildings. Manager Pearson stated as mold is detected, we would like the ability to issue RFPs for the remediation. Manager Pearson recommended approval for the County Manager to Issue RFPs for Building Roof Repairs and Mold Remediation.

- a. Countywide Building Roof Repairs
- b. Countywide Mold Remediation

Brief discussion on applying the RPF's to multiple buildings and insurance coverage.

Motion: Issue RFP's for Countywide Building Roof Repairs and Countywide Mold Remediation,

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

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

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

21. Discussion and Direction Regarding Old Hondo Senior Citizen's Center Building – Public Works Director Francesca Herrera

Francesca spoke on recommendation options to tear down, sell for salvage including cleanup, bid out for tear down and removal, hire to tear down, or repurpose.

There was a brief discussion on proposed options.

Motion: Approve appropriation for RFP for the Old Hondo Senior Citizen's Center Building,

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

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

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

23. Consideration and Approval of Taser Program for the Lincoln County Sheriff's Office

Manager Pearson stated AXON has provided a five (5) year taser training, usage, and certification package for the County of Lincoln's consideration. Manager Pearson stated the current inventory of tasers are over six (6) years old and not all deputies are equipped with one. Manager Pearson stated the proposed five (5) year plan includes enough tasers to outfit all deputies with double cartridge tasers. Manager Pearson stated outfitting Law Enforcement with less lethal tools and providing them with the proper training, de-escalates many situations that could have been deadly. Manager Pearson stated Sergeant Finley will be on-site to demonstrate our current taser and its abilities.

Brief discussion needs and importance of increasing less lethal tools for Law Enforcement in the County of Lincoln at the earliest feasible time.

Motion: Approve purchase Using ARPA Funds and if Unavailable Use General Funds for the Taser Program for the Lincoln County Sheriff's Office, **Action:** Approve,

Moved by Commissioner Willard, **Seconded by** Commissioner Proctor.

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

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

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

Manager Pearson spoke on options to publishing annually working with Attorney Morel to do so.

- a. A Public Hearing to Consider Application No. 1216380 in Which Applicant is Seeking a Small Brewer 2nd Off-Site Location for Downshift Brewing Company LLC, Doing Business as DownShift Brewing BrewSki Beer Garden, to be located at 874 Highway 48, Alto, NM 88312.
- b. A Public Hearing Authorizing the Issuance and Sale Of Lincoln County, New Mexico Taxable Industrial Revenue Bonds (Pattern SC Holdings LLC Project), Series 2021, in One or More Series, in an Aggregate Principal Amount not to Exceed \$3,600,000,000 (the " Bonds"); to Provide Funds to Finance the Acquisition, Construction, Equipping and Installation of Wind Energy Facilities to be Constructed in One or More Phases for the Purpose of Generating Electricity and Located Within the County but Outside the Boundaries of any Incorporated Municipality; Authorizing the Execution and Delivery of an Indenture, a Lease Agreement, a Bond Purchase Agreement, a Sublease Agreement, the Bonds, and Other Documents in Connection with the Issuance of Each Series of Bonds; Making Certain Determinations and Findings Relating to the Bonds of Each Series; Ratifying Certain Actions Taken Previously; and Repealing all Actions Inconsistent with this Ordinance
- c. Lincoln Historic Preservation Ordinance No. 2004-5 an Ordinance Establishing Regulations to Protect and Preserve the Lincoln Historic District; Establishing the Lincoln Historic Preservation Board and Its Powers; Enacting Architectural Guidelines and Provisions for Appeals, Variances, Violations, and Penalties; Grand-Fathering as to Regulation of Structures and Conditions Existing Prior to the Enactment of Ordinance 1984-1; Providing for the Repeal of Ordinances in Conflict Herewith and the Severability of Parts Hereof; Providing an Effective Date, and for the Repeal of Ordinance No. 1998-9

Motion: Schedule Public Hearing to Consider Application No. 1216380, **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.

Brief discussion on proposal of ordinance and zoning.

25. 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); And Discussion Of The Purchase Acquisition Or Disposal Of Real Property Or Water Rights By The Public Body, Section 10-15-1, Subparagraph (H)(8)

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 A 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 A 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 A Complaint for Foreclosure of Mortgage was filed on January 4, 2022. 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.

Smoley, Cynthia – 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

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.

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.

Chair Stewart recessed the Regular Meeting and Closed the Session at 12:39 PM.

Chair Stewart adjourned the Closed Session and reconvened the Regular Meeting at 1:01 PM.

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

26. Signing of Official Documents

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

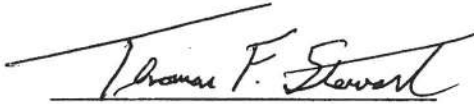
27. Next meeting:

- a. March 15, 2022, Regular Commission Meeting

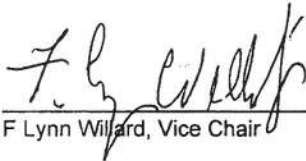
28. Adjourn

There being no further business to come before the Board of County commissioners, Chair Stewart adjourned the meeting at 1:02 PM.

County of Lincoln
Board of Commissioners



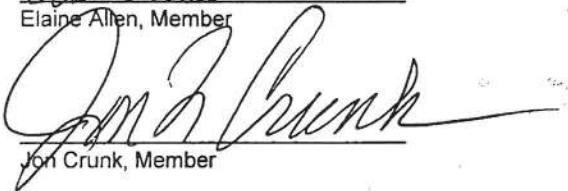
Thomas F. Stewart, Chair



F Lynn Willard, Vice Chair



Elaine Allen, Member



Jon Crunk, Member



Todd Proctor, Member

ATTEST:



Whitney Whittaker, County Clerk

March 15, 2022
Date Approved

