

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 March 15, 2022**

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March 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 8:30 AM

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 Chair to move items as necessary,

Action: Approve,

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

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

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

6. Approval of Minutes:

- a. February 15, 2022, Regular Commission Meeting

Commissioner Proctor stated the minutes should be adjusted to reflect Thomas Stewart speaking as an individual and not as the Chair of the Lincoln County Commission.

Chair Stewart and other members of the commission agreed to the proposed changes.

Whitney Whittaker, Lincoln County Clerk stated she will amend the minutes to reflect the proposed changes.

Chair Stewart requested bringing the agenda item back later in the meeting when they had a hard copy of the printed amended minutes from the Clerk.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures.

Manager Pearson spoke on internal staff preparation April 5-7, 2022, and the Special Meeting being May 3, 2022. Manager Pearson stated the preliminary budget would need to be submitted by May 15, 2022. Manager Pearson stated the preliminary budget would be submitted to the New Mexico Department of Finance and Administration (DFA) by June 1, 2022, and approval granted by DFA July 1, 2022. Manager Pearson stated the final budget hearing with any final adjustments would be July 19, 2022. Manager Pearson stated the final budget would be forwarded July 20, 2022, once DFA gets final approval it will be loaded into the accounting system. Manager Pearson stated DFA will review and certify the budget in September 2022.

- b. Treasurer's Financial Report for the Month ending February 28, 2022

Manager Pearson clarified the Treasurers financial report was for February 28, 2022, not 2021.

- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Approval of Procedures & Timeline for 2022-2023 Budget Preparation
- e. Approval of Subaward Recipient Agreements Between the County of Lea and the County of Lincoln (HIDTA-High Intensity Drug Trafficking Area)
- f. Eastern Area Workforce Development Board Agreement
- g. 2021 Volunteer Firefighters Annual Reporting

- Arabella Volunteer Fire Department
- Bonito Volunteer Fire Department
- Glencoe Palo Verde Volunteer Fire Department
- Hondo Valley Volunteer Fire Department
- Lincoln Volunteer Fire Department
- Nogal Volunteer Fire Department

Motion: Approve Consent Agenda, **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 A: Copies of the Consent items are attached hereto in reference thereto made a part hereof.

8. Approval of Budget Adjustment FY 21/22 by Resolution 2021-49

Manager Pearson presented Resolution 2021-49 budget adjustments.

There was a discussion on the LCMC Construction costs.

9. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District

Laura Rabon, Public Affairs Officer Lincoln National Forest stated they are scheduled to meet with Joe Kenmore and the Volunteer Fire Departments to discuss patrols for this summer. Ms. Rabon spoke on gearing up for field season, pre-season training and preparations for national readiness. Ms. Rabon spoke on NEPA project to be implemented north of the Baca Campground. Ms. Rabon spoke on the Wildfire Crisis Strategy and Congresses 3,000,000,000-dollar

designation to increase the scale of forest health treatments over the next 10 years. Ms. Rabon spoke on the Southwest being identified as having one of the highest risks for fire shed and will be first on the list for priority funding. Ms. Rabon spoke on the Fuel Specialist working with regional Fuel Specialist to identify target areas being most of the Lincoln Nation Forest, Ruidoso, Capitan, and other small communities were designated as the highest risk. Ms. Rabon commended Camille Howe for her work and all involved including the Commission.

b. Lincoln County / NMSU Extension Services

Melody Gains, Lincoln County Family Consumer Science Agent reported the Beginning Children and Adult Quilting classes had a tremendous turn out. Ms. Gains reported on the Youth Shooting Sports Training. Ms. Gains stated Melanie Gutierrez attended the Professional Development Seminar in Salt Lake City, Utah at the Western 4-H Institute. Ms. Gains reported on continuing to work on New Mexico Farm Ranch Stress Assistance Grant and the team has developed and informational web page, up and running under the New Mexico Farm and Livestock site at the tab "get involved". Ms. Gains informed the grant is under the name "Here to Help New Mexico" and purpose is to inform, educate, and offer resource contact information in the areas of mental health challenges and suicide prevention for but not limited to the agricultural communities across the state. Ms. Gains reported on the web pages contents, steps to help someone, and contacts including the New Mexico Crisis access line and the National Suicide Prevention line. Ms. Gains reported on up-coming events 4-H Feed Clinic for Lambs, Goats, and Steers, a 4-H Record Book Workshop, participants attending the 4-H Home EC School in Albuquerque, the Advisory Board meeting April 5, 2022, Melanie Gutierrez attending a brush workshop with Ag Agent Sid Gordon on April 19, 2022, assisting the Canyon Cowbells with Ag Day at Carrizozo Schools on May 5, 2022.

c. South Central Mountain RC & D

Robert Barber, member reported on submissions of two BLM funded grants for wildfire mitigation, one being for outreach and education and the other dealing with treatment and thinning around the Nogal area. Mr. Barber reported on working with BLM for their budget proposals and projects that will affect Lincoln County. Mr. Barber reported on working with the Forest Service for the burn box increased access. Mr. Barber reported on Mary Levine moving to the Smokey Bear Historical Park and Jodie Canfield is as now a member of the RC&D board with be working with the WUI grants.

d. Upper Hondo Soil & Water Conservation District

Robert Barber, member stated they had a meeting with NRCS and the County Manager on the EWP program. Mr. Barber reported on 14 projects proposed to manage as well as debris pickup around the flood area in the lower valley and reported a good start prioritizing the debris pickup hopefully within the next week. Mr. Barber reported on the other 14 projects mainly being fencing protecting the banks and soil erosion, which are awaiting approval. Mr. Barber reported on putting out an RFP to identify contractors and hopes to start on the projects in the next 30 days. Mr. Barber stated the goal is to have seek approval at the next Upper Hondo Meeting April 12, 2022. Mr. Barber reported on weed control being on track with introducing more chemical control as the weather warms up. Mr. Barber reported on the State Auditor allowing the release of the 2021 Audit with no findings for the second consecutive year.

Commissioner Allen inquired on rainwater harvesting.

Mr. Barber reported on work for a grant to develop a water district to have a concentrated effort regarding water conversion. Mr. Barber informed on doing water shed treatments, and other treatments and programs for current rainwater harvesting. Mr. Barber spoke on a new study being performed of water resources in the area.

e. Land and Natural Resources Advisory Committee – LANRAC

Robert Barber, Chair reported on submitting comments for the New Mexico Meadow jumping mouse. Mr. Barber reported on reviewing the proposed plan from the New Mexico Department of Transportation for wildlife corridors where an area in Lincoln County was identified for being high critical and in the top ten dangerous for wildlife areas from Hwy 48 down to Angus. Mr. Barber reported on two other areas was Hwy 82 going to Cloudcroft and Hwy 70 at Bent. Mr. Barber

reported on then not being of the top ten after reassessment. Mr. Barber reported on reviewing a proposed plan by the Corp of Engineers developing a national safety levy program. Mr. Barber reported on continuing involvement with the Lincoln National Forest Draft Management Plan and Draft EIS. Mr. Barber reported on participation in several discussions with Otero, Eddy, and Chaves about their concerns with a meeting March 18, 2022, and another March 21, 2022 in Roswell. Mr. Barber reported on updating the 2017 Land Use Resolution from previous meeting. Mr. Barber informed LANRAC requests to be part of the process for the potential zoning ordinance.

There was a brief discussion on other counties stance regarding EIS.

Robert Sheppard, LANRAC & RC&D member commended Robert Barber for his work for Lincoln County.

Manager Pearson stated appreciation Robert Barber for his attention to detail and work for Lincoln County.

10. Proposed Lincoln National Forest Land Management Plan – Commissioner Todd Proctor:

Commissioner Proctor stated he attended a meeting with Robert Barber, Laura Rabon, and Melanie Gaines. Commissioner Proctor spoke on the current wilderness plan; established in 1964. Commissioner Proctor spoke on wilderness protection, burn areas, and criteria for determination of approval. Commissioner Proctor stated opposition of the three other counties and unmanaged land areas being susceptible to fires. Commissioner Proctor spoke in favor of a resolution.

Chair Stewart spoke on reviewing the EIS and how through the Congressional approved National Forest Act the districts review every 10-15 years. Chair Stewart spoke on reviewing the comprehensive plan, the forest plan focus areas, assessment report for the national forest, the draft EIS, and the volume 2 of the draft EIS. Chair Stewart spoke on reexamining the Resolution 2020-50 dated June 25, 2021, opposing the 30x30 rule. Chair Stewart spoke on the NMSU report: Wilderness Designation and Livestock Grazing the Gila Example with emphasis on the area determination and processes.

Robert Barber stated the plan relates to grazing through implementing improvements. Robert Barber spoke on roads and vehicle traffic in relation to determination of wilderness areas and burned areas. Robert Barber spoke on forest service maintenance limitations. Robert Barber spoke in opposition and offered other options such as entrapped land easements, and endangered species management.

Commissioner Allen spoke in opposition to the plan and hiring of the Stewarts. Commissioner Allen spoke in favor of assisting the other counties.

Chair Stewart spoke on addressing items through being specific in a Resolution(s).

Commissioner Willard spoke in opposition to a Resolution due to the good standing with the forest service. Commissioner Willard stated his appreciation to Robert Barber and his presence at the meetings.

- a. Consideration of Resolution 2021-51 Resolution of Lincoln County Opposing the Proposed Lincoln National Forest Land Management Plan and Environmental Impact Statement
- b. Consideration of Agreement Between Lincoln County and American Stewards of Liberty for Consulting Services Regarding Endangered Species and Federal Land Use Planning

12. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Commissioner Allen reported on attend the windfarm opening presentation in Corona.

Walter Hill, County Assessor stated the Lincoln County Assessor's office is in the process of preparing the 2022 notice of values; the notice of values will be mailed out on April 1st, 2022. Assessor Hill stated the New Mexico State Statute gives all property owners thirty (30) days to review their property record, apply for property tax exemptions, or to protest their value. I encourage all property owners to review their notice and make sure that all the information is correct. Assessor Hill stated all property tax exemptions must be applied for during this thirty-day time frame. Assessor Hill also stated he encouraged all taxpayers with any questions about their notice to please call the office; the office will be happy to answer any questions they may have, and make sure that the taxpayer is receiving all the exemptions they are eligible for.

Beverly Calaway, Treasurer reported on tax collections. Treasurer Calaway stated the office will be mailing the second half tax reminder postcards. Treasurer Calaway stated the 16th of this week the office will be sending off the final payment for GO bond for the Detention Center. Treasurer Calaway stated the state will be in the office gearing up for the Lincoln County tax sale.

Michael Wood, Sheriff provided a status update to the commission. Sheriff Wood spoke to the public nuisance ordinance and how it cannot be enforced by the sheriff. Sheriff Wood stated it was a civil issue. Sheriff Wood provide input regarding the zoning ordinance as well.

Commissioner Crunk spoke to the Zoning and Nuisance Ordinances.

Sue Hutchinson, Spoke on Hope Harbor and stated the corporation works closely with ENMU and Workforce Solutions. Ms. Hutchinson stated they hope to open Fall of 2022. Ms. Hutchinson offered elected official tickets April 30, 2-4 in afternoon. Ms. Hutchinson stated the Flying J will be preforming, with a silent auction, and cooking with the chef.

Whitney Whittaker, County Clerk spoke on successful candidate filling day with one withdrawal on the following day from Commission District 4. Clerk Whittaker informed the early voting site will be held at ENMU Ruidoso due to construction at the Horton site.

Charmaine O'Rourke, Chair of the Democratic Party started off the presentation by stating this was a bipartisan statement in opposition to the Alto concrete batch plant. Ms. O'Rourke spoke to both parties agreeing it will be out of place and how it would affect businesses and residents on the Billy the Kids Scenic Byway. Ms. O'Rourke stated the purpose of this joint statement is to review the ill effects of this project itemized in your resolution 2021-24 and on the Alto said website. Ms. O'Rourke stated this also informs you of our determination to send copies of this statement and attachments to all relevant agencies including the Governor. Ms. O'Rourke briefly the negative environmental and societal impacts are summarized below. Ms. O'Rourke potential impact to the viability of the area's natural water sources due to the volume of water consumption, and or emissions from plant operation, including aerosol emissions and water runoff from the plant site into nearby natural streams or seepage of water runoff into the local aquafer. Ms. O'Rourke stated water use in the rand of 72,000 gallons per day for making concrete and mitigating dust. Ms. O'Rourke stated wastewater disposal that will seep into shallow aquifers, impact neighboring wells, and potentially the famed Snowy River Cave system. Ms. O'Rourke stated heavy truck traffic and associated dust, light and noise pollution, creating a nuisance, annoyance, and disturbance to residents, visitors, and indigenous wildlife. Ms. O'Rourke stated potential health issue for individuals with a wide variety of pre-existing conditions. Ms. O'Rourke stated air pollution associated with dust and other fumes. Ms. O'Rourke stated this plant is planned along one of the most scenic byways in Lincoln County and indeed all of New Mexico. Ms. O'Rourke stated It would be visible for miles and represent a permanent scar on the landscape and our reputations as responsible care takers of our land. Ms. O'Rourke stated local businesses would lose the sustainability or viability due to the out of place presence of a heavy industrial facility created am impactful source of fugitive emissions, noise, and increased heavy truck traffic, in an otherwise pristine scenic alpine setting. Ms. O'Rourke stated property values for residences and neighborhoods in proximity to a heavy industrial facility are estimated to fall anywhere from 10 to 50 percent or even more depending on the property's location. Ms. O'Rourke stated to be clear our bipartisan objections not directed at a single individual, company, or specific industry rather ours is an objection to the inappropriate introduction of heavy industry into a pristine scenic and natural setting thereby preventing many from enjoying such setting and benefitting only a few. Ms. O'Rourke stated because of the amount of turmoil the proposed concrete batch plant has created within the Alto community, our political parties have joined together to urge the Lincoln County Board of Commissioners to enact ordinances to prevent further attempts by heavy industry to encroach into inappropriate areas such as the area along and surrounding the Billy the Kid Scenic Byway. Ms. O'Rourke stated it is our bipartisan opinion

that such ordinances should not simply prohibit industrial growth in inappropriate areas but also identify areas within the county where industrial growth would be beneficial and therefore encouraged.

Cynthia Black, Chair of the Republican Party stated one of our most kind of core values is the solemn kind of commitment to private property. Ms. Black stated so this is again to reiterate this has nothing to do with an attack on business which in general we support or private property. Ms. Black stated this is about the impacts on neighbors because in part of our commitment to liberty and freedom is also responsibility to our neighbors so were not infringing, I want to say that as part of this comment. Ms. Black stated the other one is for my opinion, and it is an opinion there's no, what I would call a formal assessment, but the impacts on our groundwater. Ms. Black stated I am a geologist and a geophysicist, I practiced in the oil and gas industry my entire career for over forty years. Ms. Black stated that involves how fluid travels through rocks, there will be without question water that will be wastewater that comes from this process. Ms. Black stated we're blessed in this county to have water, but it's a very precious and a limited resource, it gets into our groundwater reservoirs because we have thin soil horizons, we have highly fractured rocks, and we have rapid recharge. Ms. Black stated that's why we need rain, that's why we're always prayerful for additional rain or snow. Ms. Black stated so how does the water get into our reservoirs, we have these things called igneous dikes that are about the width, anything from the table that our commissioners are using to say the width of this room. Ms. Black stated they're preferentially fractured with respect to surrounding rock, ok we've got igneous rock, that's the youngest underlain by some sedimentary rocks. Ms. Black stated because of the igneous dikes that are highly fractured, that is how our water gets into our ground water, it does it rapidly. Ms. Black stated talk to Eric Boyda of the Village of Ruidoso, he'll confirm this. Ms. Black stated anyone who has drilled wells out here and has tracked it knows this. Ms. Black stated, "so my concern is that with the proposed placement of this concrete batch plant and the inevitable wastewater, we have a high chance, again my opinion not a formal assessment, of contamination that will impact the neighbors." Ms. Black stated even though these aquifers, they're not all connected, they all have a similar you know hydrology, plumbing system if you will. Ms. Black stated so plumbers here in the audience will understand that.

Chair Stewart recessed the regular meeting at 10:00 AM and convened the public hearing at 10:01 AM.

13. 10:00 A.M.: PUBLIC HEARING:

- 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.

Attorney Morel provided information regarding the publication of hearing.

Chair Stewart requested public comment, receiving none adjourned the public hearing.

Motion: Approve Application No. 1216380 for Small Brewer 2nd Off-Site Location for Downshift Brewing Company LLC, Doing Business as DownShift Brewing BrewSki Beer Garden Liquor License, **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.

12. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)- continued

Ms. Black stated her concern has to do with the fact that the water issue has not been addressed and from she read, adequately and there is an impact on neighbors. Ms. Black stated its quite apart from the other impacts that have been addressed by other folks including the Alto environmental group. Ms. Black stated, "so I realize no actions can be taken, I do just want everyone to know there will be impacts on water." Ms. Black stated we know that water is not going to pulled from the aquafer in this location, but inevitably with the mitigation of dust and emissions, as well as cleaning equipment there will be in the range of hundreds if not thousands

of gallons on a daily basis. Ms. Black stated runoff is partly an issue but mostly the way water behaves when you got very thin soil horizons as it goes directly into the fracture system, and into our reservoirs, it's the blessing and the curse of our geology and it just is what it is. Ms. Black stated thank you very much I appreciate the opportunity to bring this forward in public comment.

Ryan Roper, owner of Roper Construction stated he was a lifelong resident of Lincoln County, born and raised in the Carrizozo area. Mr. Roper gave appreciation to the Commission for allowing him to present the facts on the proposed Alto concrete plant. Mr. Roper stated the company currently operates the concrete plant in Carrizozo, it is situated on an un-zoned parcel of Lincoln County property. Mr. Roper stated it provides jobs and revenue to the local economy. Mr. Roper stated, "we set the Carrizozo plant up in 2015, we purchased the plant used and relocated it in Carrizozo at that point". Mr. Roper stated it was manufactured in the early 1908's. Mr. Roper stated the Carrizozo plant or the Carrizozo site we have a large construction yard that makes up the majority of the site. Mr. Roper stated he saw a need to start the process applying for the permits to construct and operate a concrete batch plant at 135 New Mexico Highway 220, a quarter mile east of the New Mexico 220, 48 intersection. Mr. Roper stated we purchased a brand-new US made batch plant early last year and filed the NMED air quality control permits accordingly. Mr. Roper stated this operation will create new jobs and provide competitive concrete prices for customers in the Alto and Ruidoso area. Mr. Roper stated as you can see from these renderings the proposed concrete batch plant is a very small footprint and there will not be a construction yard as there is in Carrizozo. Mr. Roper stated outside of the paved area we are leaving the natural grass and almost all the trees; we plan on planting additional trees to provide additional screening. Mr. Roper stated you can also see from the planned view on the lower right corner of the rendering that we have left large self-applied setbacks from our neighbors' property lines. Mr. Roper stated our west neighbor is a landscaper, a landscape company, to the north we have undeveloped property, to the east we have large undeveloped property, to the south we front Highway 220, and south of that on the opposite side of the highway is a residential subdivision. Mr. Roper stated correcting some misinformation about the permit, the application process for an air permit from the New Mexico Environmental Department requires us to use maximum equipment production rates and worst-case MEP data to create an environmental conservative air dispersion model and therefor permit conditions. Mr. Roper stated my application provided the data as required the department. Mr. Roper stated those in opposition of the plant are using those maximum production rates to exploit operation. Mr. Roper stated for example under the current draft permit we are allowed to produce 500,000 cubic yards of concrete, while we can produce 500,000 cubic yards of concrete per year and still meet all ambient air parameters set by the EPA and the State Environmental Department, we are not planning on producing that amount. Mr. Roper stated in fact we cannot produce that amount; the market will not support that amount. Mr. Roper stated, "we expect to average 100 cubic yards per day 5 days a week, 50 weeks a year". Mr. Roper stated that equates to 25,000 yards per year which is 5% of the permitted maximum. Mr. Roper stated I also wanted to address the water usage, we expect to use less than 3,000 gallons of water per day, this equates to less than 4-acre feet per year. Mr. Roper stated putting this into perspective the typical residential lot is allowed 3-acre feet per year, Sonterra subdivision alone is about 500 parcels, they are allowed 1,500-acre feet per year. Mr. Roper stated our use is a little less than 1 truck load of water per day, that's what they can expect as far as trucking the water. Mr. Roper stated at the Carrizozo plant we roughly use 2,000 gallons of water per day. Mr. Roper stated the New Mexico Office of State Engineer regulates water use, and we have and will continue to meet all OSE requirements. Mr. Roper stated the water used for the production of concrete is for the utility benefit of our customers. Mr. Roper stated our standard business hours will be 7:00 AM to 3:30 PM, Monday through Friday and by appointment on Saturday, probably less than 1 Saturday per month. Mr. Roper stated very similar to our competitors and the same ours we have in Carrizozo. Mr. Roper stated health impacts, New Mexico State legislature has entrusted the protection of air quality to NMED. Mr. Roper stated we have and will continue to comply with all NMED regulations. Mr. Roper stated the EPA and NMED have established health-based ambient air quality standards, these health-based standards protect our most sensitive population such as asthmatics, children, and elderly. Mr. Roper stated we are following state and Environmental Department regulations. Mr. Roper stated NMED technical review has recommended approval of our air permit, the EPA and NMED regulate ground water and surface water contamination and we have and will comply with these regulations. Mr. Roper stated as Ms. Black stated that this is a concern but there's already regulations in place, Federal and State to regulate these procedures and we will comply. Mr. Roper stated recently people have talked about potential VOC's produced at the plant these emissions are regulated also by NMED. Mr. Roper stated the only VOC's that the plant will produce are from the water heaters, we use 3 residential instantaneous hot water heaters paired

in series. Mr. Roper stated the water heaters will only run on-demand to maintain water temperatures for approximately 4 months out of the year. Mr. Roper stated so they will emit very similar amounts of VOC's as a water heater in a house over a 12-month period. Mr. Roper stated economics, the market determines the highest best use for property, and over time the market adjust and reacts to changes and growth in the community, the open market is a live interaction between supply and demand. Mr. Roper stated the plant is going to supply a service, a utility benefit to our customers in the surrounding area, which is a direct result of the markets demand for concrete. Mr. Roper stated logistics, the proposed Alto location provides numerous benefits among them include, economical, health and safety, reduction of impact to state and local infrastructures. Mr. Roper stated for every load of concrete that goes to the Alto Ruidoso area, this plant will reduce the trucking by approximately 85 miles per load. Mr. Roper stated we will save 85 miles per load from this operation. Mr. Roper stated round trip for aggregate from Carrizozo to the pit, and round trip for the concrete mixer from Alto area and back is how that was computed. Mr. Roper stated which will decrease traffic and in turn decrease emissions, it will decrease wear and tear on state and local highways. Mr. Roper stated it will allow us to provide a better customer service, and a higher quality product at a better price for our customers. Mr. Roper stated concrete is a perishable product, after cement and water are combined the clock starts ticking, that is why concrete plants are local in nature. Mr. Roper stated the Alto plant will make it safer for us to deliver concrete to the Alto Ruidoso area. Mr. Roper stated ascending and descending the Nogal and Angus in a concrete mixer is not the safest option, there are better options and we got to take advantage of those. Mr. Roper stated this will not increase the traffic on Airport Road east of the plant, people are saying that it's going to increase the traffic on Airport Road, if there's traffic going past the plant on Airport Road it's going to deliver concrete to customers. Mr. Roper stated lastly, I'd like to say, we did it right we followed all the state and local regulations and are helping the economic development of Lincoln County. Mr. Roper stated one comment I'd like to comment on about the scenic byways, people say it's on a scenic byway, but they don't understand that Highway 70 from Hondo to Ruidoso, scenic byway, Highway 48 from Ruidoso to Capitan is a scenic byway, 220 from Alto to 380 is a scenic byway, and 380 from Capitan to Hondo is a scenic byway. Mr. Roper stated Those are all of our arteries if we can't do anything on our scenic byway we don't exist, and the other thing, on more of a personal note I keep hearing how pristine it is, it was pristine before people moved there.

Mark Severance, resident stated I'm the chair of the Alto CEP or the Alto Coalition for Environmental Preservation. Mr. Severance stated I really want to thank Cynthia and Charmaine for getting their consensus together, between the members of their parties, it's nice to see a little bipartisanship now and then. Mr. Severance stated which goes to show you the level of concern regarding this plant. Mr. Severance stated with all due respect to Mr. Roper what we did is we looked at numbers that were in the application, right and the 72,000-gallon number that was mentioned earlier was during his peak periods was listed in his application during the summer months. Mr. Severance stated as you know the amount of public object to this was quite substantial, so the New Mexico Environment Department granted a public hearing a couple of weeks back, that was held virtually we also had folks at the convention center and had a public participation site at the Capitan gym. Mr. Severance stated a lot of people, obviously a lot of people are upset, one of the things that came out of that was a big discussion on the amount of truck traffic that was going to be need to support the plant operation during its peak periods in the summer months, and the number of 305 round trip truck trips for both concrete delivery and materials delivery was discussed quite a bit, which really kind of opened my eyes very surprising to see that number. Mr. Severance stated the other thing I'd want to mention the water concerns really have not been very well addressed, there was a reference made to the Snowy River Cave System the potential contamination of that, that came from the Fort Stanton Snowy River Cave Study Project which is an independent group of cave scientist to so the mapping of the cave, study the geology and ecosystem. Mr. Severance stated they actually provided the letter that's in the back part of your package stating their concerns primarily because there's been no analysis, so it can't be proven that it's not going to be an issue because there's not been any analysis, now they do have a hypothesis that Little Creek, which is about a quarter of a mile from the plant, feeds water into the cave system. Mr. Severance stated so that's the genesis of their concern, but just to be complete we've reached out to BLM to ask them their opinion of that, we've done that repeatedly, we've not heard anything back. Mr. Severance stated this group of scientists is independent of BLM, they work with them I don't know if there has been any dialogue between them and BLM but the whole national conservation area has been unaddressed in this application it's not even mentioned, and that's a concern from us, from all the residences as well as the cave scientists. Mr. Severance stated so that's something we'll try to follow up with BLM on. Mr. Severance stated more information on our level of concerns are at our website: altocep.org.

Robert Sheppard, resident stated "there's been a lot of good points made, not picking one side or the other, you know in the 8 years that I was Sherriff I fought really hard in Santa Fe to stop the overreach of the government into private property rights". Mr. Sheppard stated which Santa Fe does on a regular basis and so does Washington. Mr. Sheppard stated my opinion and my discussion on the zoning of all of Lincoln County, I don't think the Commission should be in the position to be interfering with private property rights as that its going on here, that should be left up to the courts. Mr. Sheppard stated if there's something that's not, then it's up for a judge or up for the courts to decide, I don't believe it is. Mr. Sheppard stated to zone Lincoln County for one situation up on the hill, really violates the private property rights of everybody in Lincoln County. Mr. Sheppard stated I mean you can't hand pick like, that was said earlier, this over this over this, that's what the courts are for. Mr. Sheppard stated I mean you zone Lincoln County in a whole, you're opening a pandoras box, because we don't have a crystal ball to investigate, of what effects this could do down the road. Mr. Sheppard stated one neighbor gets mad at another neighbor, then he claims it's a violation. Mr. Sheppard stated you have big vast ranches, and I'm not going to speak on their behalf because I see a lot of them here. Mr. Sheppard stated I tried to figure out how many other counties except for like Los Alamos or the big counties that the populous area is the whole county, zoned their whole county. Mr. Sheppard stated it has its ups and downs about that but Lincoln County, my wife's great grand Dad was probate judge and county commissioner here in Lincoln County his picture hangs in the Court House in Lincoln. Mr. Sheppard stated my grandparents came into Lincoln County 1899, I came here, I spent almost my whole career in Lincoln County fighting for the rights of Lincoln County, the residence, and one of my biggest deals private property rights. Mr. Sheppard stated you know if we all followed the constitution this Commission right here would be over the federal government, that's how it originally was set up to be, but the Commission needs to look out for all of Lincoln County, and that's what you do you have your constituents in your district that will do that but as a board I don't believe that you could pick one side or the other and then affect a whole lot of people who have nothing to do with it, which this ordinance will. Mr. Sheppard stated I have one quick question on the nuisance ordinance you stuck out certified mail and just like by regular mail. Mr. Sheppard stated my question to you is we all know how the mail is in the United States works, if it's not certified, how do know that the person who's in violation receives or rejects that deal if it's just mailed it's almost like you're guilty until you're proven innocent. Mr. Sheppard stated so my question is, why are we striking out certified mail, but you know certified mail if they signed their name on it then they got the mail so, that as the Sherriff well knows when you get served a subpoena, they must hand you that subpoena. Mr. Sheppard stated personal service and that's part of the due process of everything. Mr. Sheppard stated, "I just needed that clarified on that nuisance deal but zoning, it opens a pandoras box so big, you know I see the struggles that Mr. Roper has, and I see the struggles that the residence up there has." Mr. Sheppard stated, "I wish ever County Commission meeting had this attendance on every single commission meeting." Mr. Sheppard stated you know the people are getting involved, not just on here and there, but the zoning is a bad idea. Mr. Sheppard stated its going to incur the county more money cause then they're going to have to hire somebody or the person that's involved in that is going to have twice the work. Mr. Sheppard stated if it's that big of an issue create homeowners' associations, neighborhoods, you have your CCNR's, your homeowners' rules.

Jeff Bleau, resident stated "I want to say that it's good to see the Commission again and see everybody here so that's said" Mr. Bleau stated he wanted to address the zoning issue as Mr. Sheppard had talked about. Mr. Bleau stated, "I applaud the Commission for taking this on as Lincoln County has, I'm going to say grown or developed, there have been obvious concentrations of residential areas, commercial, industrial, recreational, rural, wildlife areas, and now it's probably an appropriate time to try to mesh how all of those areas interface with each other, and that what you guys are trying to tackle." Mr. Bleau stated he agreed that it was said earlier that, apparently Mr. Sheppard seen something that I haven't but whatever is prepared for zoning I'm not aware of, and I'd say 95% of the people in this room probably have not seen and are not aware of. Mr. Bleau stated we're just hoping to encourage you to look at that and try to figure out how to interface these types of areas. Mr. Bleau stated, "the old saying that one person's right to swing their fist stops at the tip of the next persons nose." Mr. Bleau stated so that's what we need to deal with this type of zoning. Mr. Bleau stated, "I don't even want to call it zoning its control its co-ordination of development."

Stanley Mathis, resident stated "I'm not going to address the concrete plant I'm part of the deal opposing it for our obvious reasons, but I do want to address the zoning." Mr. Mathis stated zoning is something that is done in every place in the United States, this isn't one place that it can't be

done. Mr. Mathis stated I don't care where you lived before cause most of us aren't originally from here. Mr. Mathis stated "I started coming up here in 1982 and I've been skiing up here since then enjoying the area, moved up here to retire. Mr. Mathis stated I mean I love the place but were not in the 60's the 70's or the 80's we're in the 21st century, and in the 21st century we have property rights too." Mr. Mathis stated one person's property rights cannot supersede someone else's. Mr. Mathis stated one person's property rights cannot destroy the lives of 50 or 100 or 1,000 people, it just can't happen. Mr. Mathis stated the only way we can do that is with zoning, and don't tell me that it can't be done. Mr. Mathis stated everybody else does it can be done here it's time for it to be done. Mr. Mathis stated thanks for your time.

David Vandenberg, resident stated he had been addressing this issue for the past 4 months in the commission meetings. Mr. Vandenberg stated, "the reality for everything that I do is to listen and see what's taken place, and to see what really the heartbeat is that's taken place within our community, what has taken place within our state, and obviously what's taken place within our country and the world." Mr. Vandenberg stated the things that need to be our priority, obviously we are in the 21st century no doubt, but our gas prices say what, we're back in Jimmy Carter's era and our prices are out of control. Mr. Vandenberg stated we have let leadership fail us on all levels from the top down we have got to start deciding how we want to prioritize what's truly important, batch plant, zoning issues, "I understand but think about people around this world who have had an opportunity to exist exactly where they are, and they are not able to now." Mr. Vandenberg stated Ukrainian people for instance, why have they been impacted, are we going to still be able to appreciate not worrying about that, I fear not. Mr. Vandenberg stated if you look at what leaderships doing by not taking action to provide the safety and wellbeing of our citizens, they're not doing. Mr. Vandenberg stated if they were we would see them taking more positive act to prevent the continued destruction that takes place around this world, what's happening within this country and how it's going to keep top down to this state and our own communities. Mr. Vandenberg stated I love this community, I love the people that are here, I love what our nature has availability to do. Mr. Vandenberg stated there are things that will be impacted as we go through this but if we do not pay attention to what the greater priority is, god has told us still take care of one another, we've got to start taking a better stand on what we need to do to provide and protect and have it at least processed procedures and opportunities to be ready for what the worst case scenario is by watching what our government is doing, by lacking in tending to the people to make sure were not worried about our basic needs. Mr. Vandenberg stated we've got people that are still starving, we have people that are still homeless, we have heard people talk about it time and time again that they do not fulfill that obligation. Mr. Vandenberg stated we've got to be worried about our own citizens here to make sure they're not going through those structures right now, and so I just say, I get why we'd want to stay in a certain area, but were all part of this little piece, that's a bigger part of all of it. Mr. Vandenberg stated I just ask that we pay attention to what our true priorities would be and let's take care of one another and watch for one another, thank you all for your time.

Lance Hale, resident stated his family had been here since 1856. Mr. Hale stated he is a candidate for District 4 County Commission, "yeah I'm throwing my feet right into the fire." Mr. Hale stated he is ready, willing, and able to take on this challenge and what I want to speak about is zoning. Mr. Hale stated "I think Lincoln County is unique in so many ways, we have so many diverse cultures and everything here, I want to be the voice for District 4, but zoning it doesn't fit. Mr. Hale stated it's not the job of government to endure in our personal lives, and my personal opinion on this is what you do with your property is your business." Mr. Hale stated, "yes it may impact your neighbor, but you have to be good Stuarts as well, and I think in our small community when the chips are down, we do stick together and I hope to be your next Lincoln County Commissioner for District 4, thank you guys for your time."

Steven Wayne Martin stated, "I always want to correct the record my biblical name is Steven Wayne Martin, I always act in public as a stuart of the bible and I'm here to talk about zoning." Mr. Martin stated he "sees zoning as another man or other man controlling what god has blessed me with and as a Stuart, I can't let that happen, so I don't support zoning." Mr. Martin stated its not that I don't support design you know and intention for the land, but I have an issue right now in Ruidoso with code enforcement trespassing my land and expecting to take my land for no reason, and a code is public policy, zoning is public policy. Mr. Martin stated public policy is intended for public servants, contractors, hirings, people who take form the public treasury, whatever kind of work they do I'm not here to discuss that I'm just saying that public policy is not supposed to extend to private property. Mr. Martin stated, "we have to, as people in New Mexico, a republic, we have to understand first of all law and all law is local, the county is the one that makes the law,

and I would go further and say that god is the one that tells you what the law is and that's probably where I should stop thank you all."

Jim Grider, Chair of the Carrizozo Soil and Water stated as chairman at our last meeting our entire board was vehemently opposed to county wide zoning. Mr. Grider stated there is a lot of concern with infringing on property rights. Mr. Grider stated "I want to take care of your property rights but everybody else be damned, and it seems to me that a few people have moved here because they didn't like where they were living and now, they'd like to make this like where they came from. Mr. Grider stated so I'm a little concerned with that thank you."

Barbara Cathey, resident stated I am a resident of Lincoln County and one of each of you constituents since you represent all of Lincoln County. Ms. Cathey stated I'm a very strong proponent of individual property rights for all. Ms. Cathey stated a person may generally do whatever that person wishes within the bounds of that particular piece of property, and it comes with the responsibility to keep whatever happens, and the effects of whatever happens on one person's property. Ms. Cathey stated be it sound, light, air quality, traffic, odor, or particulate matter completely within the boundaries of that owner's property. Ms. Cathey stated property rights do not extend beyond the property limits and should not be allowed to infringe on the property rights of others. Ms. Cathey stated one property owners' rights are not more important than the property rights of many other owners, and just in response to what Mr. Roper said about only operating from 9 to 4:30, then why did he apply to operate from 3 in the morning to 9 at night. Ms. Cathey stated thank you very much for your time, I hope you will protect my property rights.

Craig Cathey, resident stated "like Barbara I'm a proponent of property rights I'm also a business person." Mr. Cathey stated I've owned and managed 5 different businesses ranging in size from less than 10 employees to more than 350, so I understand small business and the troubles and the challenges that one faces, but I never expected in my business career to inflict damage to my customer base. Mr. Cathey stated that's what Mr. Roper is proposing to do. Mr. Cathey stated his pant ant that location will damage the property values of everybody within half a mile or more and it will potentially damage the health and enjoyment of a persons property rights. Mr. Cathey stated so I don't think it's unreasonable to expect that we should ask him to look for a different place instead of in the middle of a residential community that's been established for years. Mr. Cathey stated I don't have anything against concrete, I don't have anything against Mr. Roper, I don't have anything against business, I do have something against that location because that location is just flat inappropriate for that type of business, thank you.

Loren Patterson, resident stated she owns a ranch between Ancho and White Oaks New Mexico on Forest Service and private land. Mr. Patterson stated, "I also serve many members in this room, I'm President of the New Mexico Cattle Growers Association, so I'm fortunate to represent a lot of people in here." Mr. Patterson stated we stand in opposition to the county wide zoning, one of the main reasons, I'm going to stick it to stay within the bounds of agriculture, in the Right to Farm Act of 2006 statue 47-9, 1-7 it outlines directly what our rights are as agriculture producers in terms of nuisance. Mr. Patterson stated it also sets the incorporated boundaries of municipalities on April 8th, 1981, and the reason it does that, it gives us that grandfather where people come in, communities change, but our businesses can remain. Mr. Patterson stated she wishes that you guys would investigate and make sure any zoning that you put forward would take these issues into consideration. Mr. Patterson stated I also would like to applaud you guys for the comments made both on the Forest Service plan and the Meadow Jumping Mouse, both of those are significant impacts to us in agriculture and particularly ranching and I do hope you will continue to engage with the Stuarts of Liberty, Margaret Byfield is one of the only people giving opposition and researched opposition to the 30x30 plans. Mr. Patterson stated I do hope you'll stay engaged and Commissioner Proctor has my contact information if we can be of assistance thank you."

Pete Gnatkowski, county resident stated he was a little bit surprised at the response over the concrete plant controversy. Mr. Gnatkowski stated the nuisance ordinance is probably way out of line. Mr. Gnatkowski stated in this very room for years he had attended several of these meetings, where we have talked about nuisances amongst the Commission, amongst the audiences that were obviously nuisances, but nothing ever came of it yet we have this young man that is trying to establish a business. Mr. Gnatkowski stated another thing we always talk about is personal responsibility, individual freedom, you know the basic freedoms that we enjoy, and yet the Commissions response is to propose an ordinance that restricts the freedom of our whole county. Mr. Gnatkowski stated, "I am totally opposed to the ordinance, I think that it has a big detrimental

effect on private property rights." Mr. Gnatkowski stated it's just a bad thing, I'm opposed to zoning in general, I feel like whatever's on your property you have the right to do with it as you wish, provided it doesn't harm other people. Mr. Gnatkowski stated it seems like we've got a select group of people in that area that have taken umbrage, I suppose is the word, to Mr. Ropers proposal to build this cement plant when it really, their the one that's going to benefit because that's where all of the concrete, where it'll go for construction is in the southern part of the county. Mr. Gnatkowski stated with that said I'm opposed to the ordinance; I'm opposed to zoning in general.

Duane Frost, resident stated I was a member of PLUAC when we started and if you'll read the first 3 pages, defines our customs and culture in Lincoln County and that's what we have to stand against the Forest Service and BLM. Mr. Frost stated you talk about the intrusion from them, it's a government agency coming in, and they tell you what to be done on their land. Mr. Frost stated the County Commissioners take up zoning you're doing the same thing, you're intruding on people's rights to own private property, and private property is the foundation of what this country is based on, and if you go in an zone you can turn one person's land worth more land into less money. Mr. Frost stated just by a simple line that you draw, that this is commercial this is agricultural. Mr. Frost stated as far as zoning you talk about commercial, something that really disturbs me, the norther part of the county they're going to put in 1,700 windmills, they're not all in Lincoln County but there are a few now, you talk about something that destroys your view, but I have not said anything because it's all on state land or private land. Mr. Frost stated I'm also the Chairman for Central New Mexico Electrical Cooperative which that is all in our territory. Mr. Frost stated we receive nothing from them, except the back feed power we furnish to the wind farms. Mr. Frost stated so its individual rights and I feel if an ordinance is passed to zone the county, when I was on the PLUAC there was a planning and zoning committee, but we made them take the zoning part off it, it's a planning committee not a zoning committee in Lincoln County. Mr. Frost stated because Lincoln County has never been zoned and I don't feel it ever should be because you're intruding on everybody's private property rights, but I'm just telling you I'm completely against zoning the county. Mr. Frost stated because if you put a wind tower in does that make it a commercial property, or is it still ranch land, think about it.

Sterling Spencer, county resident stated "Commissioners, thank you for taking these comments and I come in opposition of zoning and of the nuisance thoughts that are going around." Mr. Spencer stated first off, it's been explained here today are already state statues that cover these issues through the environmental division, they have air quality standards. Mr. Spencer stated through the New Mexico engineer's office they have water standards; I have had to go through these things myself many times MET towers all the way through drilling. Mr. Spencer stated so those are available, now they don't get around all time to get everything done, which alerts me, hopefully they'll take care of those issues, but if you start writing some more laws, ordinances, whatever, where are you going to get the people. Mr. Spencer stated I mean you hardly keep up with what you've got now. Mr. Spencer stated so I think we all do not want an increase in laws, in fact many of you I think up there applauded the federal government one time when they said let's put in one, you want to take away two. Mr. Spencer stated so that's something to think about, so if you go in particularly in the nuisance part, who's going to write what a nuisance is, and then who's going to enforce that through your law enforcement. Mr. Spencer stated you know you cloud have a situation where somebody has barking dogs, is that a nuisance, is that when I'm going to call in the law enforcement, were going to take those dogs away and eliminate them. Mr. Spencer stated what is that line, what is that nuisance, as I say we already have laws in place to address those issues state and federal, and the last thing I'd like to say if you get into a nuisance ordinance or something like that I would like you to take up my problem my flag, where they're trying to introduce more wolves south of I-40 cause that's a nuisance to me, thank you.

Preston Stone, resident stated his family's been in business here since 1925. Mr. Stone stated he was here to address agenda item 14 the nuisance and consideration of the ordinance in Lincoln County. Mr. Stone stated, "it's your responsibility as a commissioner to be thick skinned and broad shouldered." Mr. Stone stated the commission took a stance on the feral horses years back and this commission would not inflict on private property rights or any type of agriculture. Mr. Stone stated, "we have enough government overreach in this country, as it is today, without our local government, which is commissioners of each county doing more government overreach to make our life more expensive and more difficult." Mr. Stone stated he was opposed to any type of zoning, and it will not benefit the residents. Mr. Stone stated the implication of an additional wilderness area in many areas in our US Forest Service, there's already agriculture improvements, there's already roads established and to allow that for additional acreage will

implement a greater impact of expenses on our agriculture industry and our net margin is so narrow now it will cause those people to not be able to ranch in that area. Mr. Stone stated, "I would like to address one thing about the Democrat and Republican party of this county. Mr. Stone stated I am a very strong republican, am a member of this Lincoln County Republican party, I appreciate what the lady's comment was here today but I guarantee you ladies and gentlemen their comments do not represent the entire Democrat and Republican party in this county, because people in the Carrizozo, Corona area, the Hondo and North of Capitan do not attend those meetings regular and that is the only people that you hear from when they say we represent the Democrat and Republican party, thank you."

Shirin Ogara, resident stated nobody wants to live next door to a concrete batch plant. Ms. Ogara stated I mean we don't for many reasons so how can we keep that from happening anywhere in Lincoln County. Ms. Ogara stated you know what the answer is, is the answer zoning. Ms. Ogara stated imagine if, let's say Lincoln County would magically somehow zone to some extent, then Mr. Roper would have bought his property in an area that was zoned for industry. Ms. Ogara stated there wouldn't be a big residential community around him and he could have continued on with his business in Alto an area that was zoned for his type of property and not affected the residence that live around him, nobody wants to live across the street from a concrete batch plant. Ms. Ogara stated it's a simple truth.

Kathy Weems, resident stated she just built a retirement home 2/10ths of a mile away from this proposed site. Ms. Weems stated " Mr. Roper had no idea that this was going to be a fight that we were involved with in our retirement years. Ms. Weems stated we're retired educators we've lived here since 1975 and in a way I get a little offended sometimes when people talk about those people up on the hill that have moved here from other places, and it's their concern. Ms. Weems stated I don't know it kind of a little insulting and we have enough division don't we in our country and our community that we need to start looking at are those people up on the hill that have moved here from somewhere else, we've been here since '75. Ms. Weems stated we know many of you we've had many of your children in school and we're here to defend our homes. Ms. Weems stated we understand the business of the Commission is not easy, and I asked Lynn when he ran for this, I said are you crazy, what are you getting into you know, it's a difficult decision. Ms. Weems stated but it is time to address this issue and Lincoln County has moved in this direction and gosh we've seen so many changes and there wasn't even a stop light in Ruidoso and where Albertsons is was a drive-in theater, movie theater you know. Ms. Weems stated no Mcdonalds you know we've seen a lot of changes; we had no idea we would be involved in the middle of this fight and we don't enjoy it, we don't like it its expensive, its stressful for all of us, most sides Mr. Ropers side as well. Ms. Weems stated so let me see what I wanted to say, what is it going to look like in the next 10, 20, 30 years, Lincoln County, what do we want it to look like. Ms. Weems stated you know unfortunately I guess it's your responsibility to look at what your responsibility is as to what the county is going to look like, and not pleasant, I understand individual rights, property rights. Ms. Weems stated we set out on our porch yesterday morning I think it was, the sun the wind happened to be blowing right from that direction and, you know any emissions is too many you know in a residential area, and I guess our objection is just that it's not an appropriate location. Ms. Weems stated I know Mr. Roper, people have come to you and offered to buy the property back, and you have not been interested in that. Ms. Weems stated there has to be a solution for everyone and no more divisions just come up with some kind of solution for all of us, we appreciate it."

Donnie Weems, resident stated "you know people when they ask us where we live, if they have been here long time we say Alto, I think their first thought is, oh those rich folks up there. Mr. Weems stated let me tell you something a lot of those rich folks up there are not around us, when we were married Kathy went to school and got out of school and started teaching in Texas in 1970, her salary was \$6,200 dollar a year. Mr. Weems stated after she got out, I went to school and started teaching and my salary was \$6,200 and hers was \$7,100. Mr. Weems stated that's \$13,000 a year. Mr. Weems stated we're not rich folks we worked hard all of our lives, we moved to Ruidoso in '75 retired teachers. Mr. Weems stated after we retired, we went to Plains Texas for 3 years to work, to help our retirement, we're not rich folks. Mr. Weems stated after we came back from Plains Texas, I was a Principal at Capitan one year, Kathy was a Diagnostician. Mr. Weems stated we're not rich folks we worked hard all our lives like most of you do, come on you know come on, we're not rich folks. Mr. Weems stated you think about that and there's some rich folks up there but the majority of people in Alto if you know the area are not rich folks. Mr. Weems stated we don't want this, it's costing us a bundle to do it, and it should never have happened, should never have happened, thank you."

Kevin Fleharty, resident stated he had been a Lincoln County resident since 1974 a proud husband for 47 years, a proud father of 2 impressive children, and a proud grandfather of 2 glorious grandchildren. Mr. Fleharty stated "our forever home is in danger, my family lives on the beautiful Rio Bonito, the water of life flows through our property and downstream to be shared with our neighbors. Mr. Fleharty stated the water of life is in danger. Mr. Fleharty stated when darkness knocks at your door, what do you do. Mr. Fleharty stated to make a stand against elements that are wrong is what our founding fathers told us was right. Mr. Fleharty stated the air quality permit application is that darkness, is this the one of those, nobody will notice moments. Mr. Fleharty stated we have noticed and that's why there is resistance. Mr. Fleharty stated with resistance there should be resolution, with resolution there will be ordinances. Mr. Fleharty stated the definition of a resolution is a firm decision to do something, the definition of an ordinance is a resolution with teeth that can bite. Mr. Fleharty stated the health of our lives, our children's lives, our grandchildren's lives, depends on what you do to create nuisance regulations that will have teeth. Mr. Fleharty stated do we still hear the darkness at the door, on October 19, 2021, 3 out of you 5 Commissioners voted in favor of Resolution 2021-24 stating, a concrete batch plant if constructed and operated along Highway 220 could pose a nuisance to surrounding property owners. Mr. Fleharty stated the 2 Commissioners that voted against that resolution and is still totally disheartening, county residence know who you are, and we plead with you to see the right path. Mr. Fleharty stated if not we will make our voices heard at the next public elections, do you hear the darkness knocking at your doors, the knocking is getting louder. Mr. Fleharty stated here our voices and move forward with valid nuisance and zoning ordinances for Lincoln County. Mr. Fleharty stated voices never spoken, our words never heard, together the truth can set us free from the darkness. Mr. Fleharty stated the word of the day, and our lives is bipartisan, and I would like to make one comment to a commissioner about his statement of wasting your time. Mr. Fleharty stated you're not wasting our time, we voted you in and you tell us we're wasting your time, we're not wasting your time, thank you."

Gaylin Farrington, resident stated "I'm here representing myself, my wife. Mr. Farrington stated we have over 85 years of teaching in classrooms in Ruidoso. Mr. Farrington stated in early June 2021, Chris and I were the only live person presenters in opposition to Mr. Ropers proposed concrete batch plant in Alto. Mr. Farrington stated all we asked for was a letter of solidarity from the Commission supporting the opposition of the proposed site to be sent to the New Mexico Environment Department. Mr. Farrington stated you've heard from many who will have to move if particulate concentrations of toxins are added to current pollution levels, and those commentaries have been dismissed by many as overreacting. Mr. Farrington stated because of oxygen stress testing I know what it's like to be deprived of oxygen to the point of collapse. Mr. Farrington stated I know what its like to monitor someone's breathing every night to be sure it doesn't stop and like many in this room, I know what it's like to witness someone's final breath. Mr. Farrington stated if for a second you think this is melodramatic ask the families of the 5,200 victims who died in Houston during a recent study of added particulate matter poisoning due to area industry. Mr. Farrington stated on the evening of January 30, 2022, a small community won a 47-day battle with a family-owned construction company that proposed building a concrete batch plan in their neighborhood. Mr. Farrington stated the company's owner handed the state hearing officer a written statement of withdrawal two hours into the public hearing after the owner fielded the health concerns of the residence. Mr. Farrington stated why wont Mr. Roper acquiesce if as he says, he cares about his neighbors. Mr. Farrington stated Commissioner Proctor indirectly noted in last month's meeting that resolution 2021-24 is punitive in its direct reference to Mr. Roper, quote "against one individual, one location, one business". Mr. Farrington stated Mr. Ropers name was mentioned 14 times during that resolution. Mr. Farrington stated this is not what the opposition was seeking. Mr. Farrington stated Commissioner Allen asked for a rewording of the resolution and 3 lawyers couldn't address the oppositions request properly. Mr. Farrington stated the resolution was to be written to exclude heavy commercial and industrial enterprises in the 220-corridor followed by an ordinance that precludes this linguistic quagmire from ever happening again, and Commissioner Crunk suggestion of keeping the ordinance and it's monitoring simple should alleviate future misunderstandings. Mr. Farrington stated Chairman Stewart experienced an epiphany, the water issue due to his time sacrifice viewing the public hearing and I viewing the public hearing no understand why New Mexico Environment Department omits the word protection from its title. Mr. Farrington stated they haven't monitored Mr. Ropers plant in Carrizozo and they will not monitor the site in Alto. Mr. Farrington stated I do not consider reviewing mathematical equations as monitoring and NMED still has not sent the Environmentalist to either site for evaluation. Mr. Farrington stated money cannot buy breathable air, but it certainly can destroy it thank you."

Brenda Restivo gave appreciation to the commission. Ms. Restivo stated "Tom Stewart knows me as a mayor of a town of 56,000 back in New Jersey. Ms. Restivo stated so I understand what issues you have with having an audience. Ms. Restivo stated my first day as mayor, when I stepped out on that podium, I had a room of 250 people, standing room only because of what the previous mayor had stated. Ms. Restivo stated It took 3 months to get that crowd to calm down to where we finally had to invite our head of departments to come to make room for the people in it, usually 3-4 people come and that's a town of 56,000, so I understand what this is like. Ms. Restivo stated I wish you well with what you are doing here and hope you will listen to the voices of the people. Ms. Restivo stated, one, the nuisance ordinance should not be about one individual or business, but be broad based, we all deserve to enjoy our property, no individual has the right to enjoy their property when it interferes with others enjoying theirs especially where health, safety, and noise are concerned. Ms. Restivo stated, that is all she had to say on that issue, the nuisance ordinance, but with regards to zoning, she doesn't believe that we are asking the county to consider stricter zoning that is usually imposed by municipalities. Ms. Restivo stated that we aren't interested in the size of properties, the height, the size of buildings, etc, if you wish to regulate that, then so be it, but it's not necessary. Ms. Restivo stated deed restrictions, HOAs, and POAs as was mentioned, can handle the zoning that should be within their area. Ms. Restivo stated zoning should be used to promote health, safety, or general welfare of its citizens. Ms. Restivo stated zoning should be to protect the rights of property owners with respect to the type of buildings allowed in certain areas. Ms. Restivo stated industrial areas and heavy commercial facilities should be in restricted areas and not in the midst of residential zones. Ms. Restivo stated in listening to the comments of people here, I think there is a big misunderstanding about zoning, it doesn't have to be about all of those restrictions and zoning is not one size fits all, you can choose what you wish to regulate there is no need to create more work for the county. Ms. Restivo stated, my husband and I bought here for the beauty, quiet, clean air, open space, and wildlife. Ms. Restivo stated we chose property that was not on a highway knowing that we could have commercial properties behind us, we never expected that someone would try to put a concrete batch plant along this heavily residential corridor. Ms. Restivo stated if zoning had been put in place, to restrict this industrial building or heavy commercial building in a predominantly residential area, these residents would not be here, they would not have spent a half a million dollars or more defending our rights to enjoy our homes and protect our investments. Ms. Restivo stated most of us are seniors and we are here, we have spent our retirement savings to build our retirement homes and we appreciate what you are doing here, and I really want you to concentrate on what we're doing here, and we want you to look out for all the citizens in this community and not just those in one particular area and thank you."

Joe Horton, resident stated our house is about 660 ft from the proposed location, my wife and I moved here in 2007 and now we both retired. Mr. Horton stated, "yes, we're an outsider with full disclosure I want you to know that as a child I grew up in a rural community, I appreciate what a rural community is all about and I strongly defend the rights of agriculture in those areas and everywhere they are. Mr. Horton stated however that might help explain why I live where I live today. Mr. Horton stated I was by the occupation required to live in big city areas all of my working life and when I approached retirement, the one thing that I wanted to do was get the "H" out of there and go to a more rural setting where I could get back to what I experienced as a child, so I greatly appreciate that. Mr. Horton stated after moving here in 2007, my wife's diagnosed respiratory disease pretty much went away thanks to the clean air we enjoy in our area that now is at risk as is the risk we face with possibly having to move once this concrete batch plant comes in. Mr. Horton stated so this is very personal to us and it is a classic example of how you can't stop those particulates that boundary of a concrete batch plant in the middle of a largely residential area. Mr. Horton stated I'd like to sort of correct the record here on zoning in Lincoln County, when we moved here in 2007, one of the reasons we purchased where we did was we found out we were in something called an extra-territorial zone, I hope most of you remember that was a joint effort between the village and the county to control land use along the corridor along 220 as well as along 48 from the village limits north. Mr. Horton stated I felt pretty reassured with that in place because I figured with a zoning board overlooking land use they would take care to not have something inappropriate appear in that area. Mr. Horton stated in 2013, that went away, so what I'm asking the county to do as one of its residents, is to return to that level of protection, that level of land use oversight that we had when we bought. Mr. Horton stated this is not the first time that zoning has been applied along that corridor, now if we all lived in 100-acre parcels in this county, I would probably never stand up and advocate anything remotely like zoning. Mr. Horton stated to put yourself in the middle of a property, who cares what anyone else does, I hate to tell you I have only 2 acres and that's not nearly enough to give me protections from what's going on around me. Mr. Horton stated so I hope that you will seriously consider returning us, at least in this area, to where we were before, thank you."

Clark Taylor, resident stated "I run cattle north of Capitan. Mr. Taylor stated I want to make a comment about the forest plan because I also graze on the forest allotment. Mr. Taylor stated some of the proposed wilderness includes my grazing allotment and I think it was identified for

wilderness contrary to the wilderness act. Mr. Taylor stated their inventory did not include all the improvements such as fences, dirt tanks, and they cherry stem all the roads so that they could get their acreage requirement. Mr. Taylor stated so I think that that specific wilderness proposal is contrary to the wilderness act, so I want to comment on that. Mr. Taylor stated the zoning on all four private property rights, and I'm against the county wide zoning, and I'm proud to live on the land of the free and the home of the brave. Mr. Taylor stated I think when a small group uses government to reach their objective and tell other people what to do with their private land, it's wrong, thank you."

Lou Goode, resident stated "I reside about ¾ of a mile east which is downwind and downstream from the proposed concrete batch plant. Mr. Goode stated unfortunately zoning and ordinances are something we need when property owners ignore deed restrictions and pose public health hazards to neighboring residences, visitors, and wildlife. Mr. Goode stated elephant in the room is something respirable crystalline silica or silicone, and also known as silica dust. Mr. Goode stated its less than 2.5 micro-parts in diameter, and you inhale it and you get sick and you die from it. Mr. Goode stated you can't manufacture cement without producing it. Mr. Goode stated it's something kind of like when you think about the FDA, how long did we ignore tar and nicotine in cigarettes. Mr. Goode stated right now the EPA and NMED doesn't recognize the particulate silica, respiratory silica matter as a significant health threat if you live more than a mile or so from the source of production. Mr. Goode stated CBPs don't belong where people live work, and play, it's that simple, put it 10 or 15 minutes further down the road up Devils Canyon Road, come on there's asphalt plant out there, there's quarries, it's perfect for a batch plant. Mr. Goode stated I mean if there's a place on the planet good for a batch plant it's got to be Devil's Canyon Road. Mr. Goode stated I've worked in northwest Dallas from '95 to 2000, a half-mile or mile south of a batch plant, that was one then, there's four there now. Mr. Goode stated the road they're on is called Luna Road, that's Moon Road, I think they named it that way cause that's what it looks like. Mr. Goode stated the golf course there Luna Vista, Moon View. Mr. Goode stated 10, 15, 20 years from now we'll be playing municipal courses Alto Lakes will be municipal courses. Mr. Goode stated Kokopelli, Rainmakers municipal courses, thank you."

Jim Kalvelage ledge stated "I was very surprised that on February 9th when NMED air quality division held their public hearing, I testified there, but before I testified, Chairman Stewart testified and he said maybe it's time for Lincoln County to delve into the idea of zoning or some kind of land use ordinance and thought to myself you know this is some place we've already been. Mr. Kalvelage stated I'm still very surprised to hear the word zoning by Lincoln County officials. Mr. Kalvelage stated I used to cover the news and that was a word that was, I don't know if there is a sign still out there saying don't use the word zoning here, but it seems like that's the way things were. Mr. Kalvelage stated I don't know that sounds to me like that would be a very lengthy process, I've seen it in other locations and several years at least seemed to be the situation. Mr. Kalvelage stated it certainly would have no impact on what's taking place right now, but everybody's here about it. Mr. Kalvelage stated it also as I recall was a very expensive process, special firms brought in that helped try to put something together, public hearings, that whole thing. Mr. Kalvelage stated you know certainly there probably needs to be some kind of land use considered for some parts of Lincoln County, I don't think the entire county would ever need to be zoned, but certainly in more urbanized areas such as around Ruidoso. Mr. Kalvelage stated of course, Ruidoso has their own zoning, but we used to have an extra-territorial zone that stretched out 3 miles beyond the village boundaries, mostly to the north and I don't know what happened to it in 2013. Mr. Kalvelage stated I know the County Commission some of the members were very upset that there has always been some disharmony between the county and Ruidoso, and something came about where that just stopped, I don't know maybe somebody knows was that indeed, were the two boards just disbanded, was the Ruidoso Lincoln County ETZ ordinance, was that tossed out. Mr. Kalvelage stated you know, I don't know, but you know I understand Ruidoso is now looking at possibly trying to resurrect that ETZ has anybody heard that. Mr. Kalvelage stated talking with somebody from the county or from the village in the past, is this a better way to approach things looking back at the ETZ. Mr. Kalvelage stated we don't need zoning 50 miles away here from the county, we need something right around the areas where there are many people and land, so nobody is infringing on them, but you have the idea can we look perhaps at getting back to the ETZ."

Richard Ford stated, "I don't have a dog in the fight with the concrete plant and the neighbors down there, but we all feel like the zoning will be very bad for Lincoln County, I'm just here to oppose the zoning and the ordinances."

Dick Mastin, resident stated "I have a question, it's not a technical question, it's a logical question, and it has to do with the batch plant. Mr. Mastin stated you've all been out there you've seen a number of houses that are there, and some others are under construction. Mr. Mastin stated it was with the understanding that things would look like they look now, and they all look pretty

good. Mr. Mastin stated we're now talking about putting a batch plant in the middle of all of that, and it's not going to look the same. Mr. Mastin stated what's going to happen is the value of our homes are going to go down. Mr. Mastin stated there will be fewer houses built out in that area, because of the batch plant. Mr. Mastin stated it's going to be a reduction in the tax base for the county, I think we're all going to be paying for that. Mr. Mastin stated so therefore I'm opposed to it, and I hope you would arrive at the same conclusion. Mr. Mastin stated that's all I had to say, it's just a question, it's not a technical question like some of the others we had, but there are a number of people in here who are going to lose money, when they try to sell their house. Mr. Mastin stated builders will lose money because people will not want to build houses in that area now, and that's what I wanted to say, thank you for the time."

Chris Farrington stated "listening to all this and trying to fight this situation, I believe that the concerns that you have, they can all be solved by one person. Ms. Farrington stated Mr. Roper I understand you're a very good person, I've heard lots of good things about you, but from the bottom of my heart I ask you just to move your plant elsewhere. Ms. Farrington stated there's plenty of land, just please move it, I'm concerned about my health and if you're concerned about humanity, and your children, you will do this for us, thank you."

Betty Ann Bell stated "I haven't done this before, but I have been to a lot of things that have happened in the Court House and I know the Commissioners do a good job, they have their plate overloaded with things going on. Ms. Bell stated so the zoning doesn't need to be addressed, it's already in place, working well, alright without the losing your house because of the batch plant. Ms. Bell stated it's 3 miles away, so it might be 50 years before that happens, so to me you should spend your time on things to benefit the county. Ms. Bell stated now about the batch plant, it's not toxic, it's not a danger to anyone, it's increasing income for our county and for Carrizozo. Ms. Bell stated even for Corona comes down to get things like that, so it would be a wonderful thing to have a batch plant, cause in Corona we get things from far away. Ms. Bell stated so I'm just saying put all of the pieces together, we don't need another zone, we do need a batch plant and that is on private land and these people have been on that land. Ms. Bell stated my own family came in with the Mayflower, so just take a look at what's going on here, the Roper family's private land is being violated. Ms. Bell stated if you call a nuisance, whatever you call it, it's a good thing for our county."

Keith Shaffer, resident stated "I wasn't going to get up and say anything but sitting there listening, I decided I needed to say something. Mr. Shaffer stated in my opinion, I am completely against any zoning in Lincoln County because this county does not have a whole lot of really solid industry, the one industry Lincoln County has had, forever longer than I've been here, maybe not longer than Preston Stone, but a long time has been the agricultural industry. Mr. Shaffer stated to zone our ranch land is to make the one industry this county counts on for tax purposes or whatever, make it harder for us to do business. Mr. Shaffer stated I think the private property rights are extremely important and I think zoning the entire county is wrong. Mr. Shaffer stated as far as the batch plant stuff goes, I mean, I don't live in Alto I have a county road right next to me I wish I didn't live next to it but it's there and it's getting heavier traffic every day. Mr. Shaffer stated I can't do anything about it's what it is, thank you."

Ryan Roper resident stated, "just a few clarifications so Mark Severance talked about 300 plus trips per day, I just want to make a clarification there, so the permit application that's what it does it test the absolute limits you know it uses the maximum hours and the maximum quantities to get those numbers, that's why the number are over inflated, to create a environmentally conservative air permit. Mr. Roper stated everybody says put it in another location, nobody can give me another location. Mr. Roper stated they say it time and time again but that's the key is there is not another location that's suitable. Mr. Roper stated Devils Canyons owned by public property all the way to Von Elles property. Mr. Roper stated other people say toxins, they throw the word toxins out there, but they don't break it down they just try to scare everybody with the word toxins, what toxins are released here, they don't address that either, they just try to scare you with the terminology. Mr. Roper stated the gentleman that made the comments on respiratory silica he talked about the production of mort and cement, this is not a mort and cement plant, this is a concrete batch plant, this does not grind or pulverize or cut material that creates silica dust it mixes like mixing a cake, it mixes these products together but it doesn't create additional silica dust. Mr. Roper stated there may be a small percentage of silica dust at the facility and there is everywhere, there's silica dust in the earths crust, in aggregate everywhere, its part of life but we are not creating additional silica dust like a mort and cement plant would. Mr. Roper stated the ETZ zone, you guys know better than I do but the ETZ zone never regulated, they never zoned property they pretty much issued building permits, did they not. Mr. Roper stated lastly my wife and my two kids and I live within a half mile of the proposed plant so I'm not taking myself out of the operation, like I said earlier the property in Carrizozo's on county property, on 3 sides of its residential property. Mr. Roper stated

on the north side is a highway and north to that is commercial property. Mr. Roper stated in Alto on one side its commercial on two sides it pretty much undeveloped and on the other side its residential, so I don't see a difference between the Carrizozo location and the Alto location other than the net worth to the people that live there. Mr. Roper stated if you go to the batch plant in Ruidoso or if you go to the old one in Ruidoso Downs if you go to the old one in Capitan there's more heavily dense residential around those plants and other things like the hospital, Dr. Willards Clinic, McDonalds, all these things are in closer proximity to the other plants than they are at our proposed location, thank you."

14. Nuisance and Zoning Ordinances for the County of Lincoln - Discussion and Direction

Alan Morel, County Attorney provided guidance on the nuisance and zoning ordinances. Attorney Morel suggested on adding back in certified mail. Attorney Morel spoke on comparisons to the state ordinances.

There was a lengthy discussion on applying and enforcing ordinances and current ordinances in relation to civil and or criminal determination.

Sherriff Wood spoke on enforcement of public nuisance by current state statue.

There was a brief discussion on NMED enforcement, enforcement through ordinances, and possible zoning through zip codes.

There was a lengthy discussion on ordinance affecting excessive amounts of properties, overlap of current ordinances policies, zoning options, and county involvement options when an industrial permit has been applied for.

Chair Stewart recessed the Regular Meeting at 12:20PM and reconvened the meeting at 1:00PM.

25. Discussion and Direction Regarding New Horizon's Developmental Center Building Located at 810 E St., Carrizozo, NM

Manager Pearson stated he received a phone call from New Horizon's Executive Director, James Rapp, on February 16th. Manager Pearson stated he was told that the facility will be closing their doors and vacating the building in May or June of this year 2022. Manager person spoke on concerns with the facility and history of the building. Manager Pearson stated Ray Dean, Carrizozo Mayor spoke on March 4, 2022, Carrizozo Mayor, Ray Dean, expressed interest in the building as an art museum. Manager Pearson requested discussion regarding the future of the building.

Mayor Ray Dean spoke on the lose New Horizons institution and the opportunity of converting the facility into an Art Museum. Mayor Dean spoke on the requirements, marketing advantages, and betterment of the community.

Patsy Sanchez spoke on the new requirements of no leases, having to have an appraisal, and approximate payment of \$170,000 annually to lease. Ms. Sanchez spoke on the additional closure of the Las Lunas facility as well being converted into offices. Ms. Sanchez spoke on not being able to receive funding and a \$700,000 asbestos removal and renovation request denial.

Brief discussion on classification of residents in relation to specialized employees cost factors. Leasing of the building with included electrical bill, maintenance upkeep, and exploring alternative options.

Kim Wudarzewski spoke on option to repair and use the facility for rehabilitation center.

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

Manager Pearson stated Sergio Castro, LCCHC Chairman will present at a latter time due to the scheduling conflicts.

13. 10:00 A.M.: PUBLIC HEARING:

- 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.

Attorney Morel stated the Director of the Alcoholic Beverage Control Division had reviewed and granted preliminary approval for Application No 1216380. Attorney Morel stated all proper action and publication was published 30 days prior to hearing.

Chair Stewart asked for public comment and receiving none adjourned the Public Hearing.

Motion: Approve Application No. 1216380 for Small Brewer 2nd Off-Site Location for Downshift Brewing Company LLC, Doing Business as DownShift Brewing BrewSki Beer Garden Liquor License, **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.

15. Approval of Proclamation Recognizing April 5, 2022, as National Service Recognition Day

Motion: Approve Proclamation Recognizing April 5, 2022, as National Service Recognition Day, **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.

18. Lincoln County Detention Center:

- a. Update – Warden Scott Colvin

Scott Colvin, Warden provided an updated on the retention of records.

- b. Consideration and Approval to Purchase a Beacon Jail Information System

Warden Colvin spoke on cause for increase in prison population.

Manager Pearson spoke on jail information written reporting system and benefits of updating the system.

Warden Colvin spoke on Beacon Jail Information System and how it can improve data reception and analyzation.

There was a brief discussion on pricing, utilization, and needs for the new system.

Motion: Approve use of HARPA or Gross Receipts funding of \$44,160 for the Beacon Jail Information System, **Action:** Approve,

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

Moved

Vote:

Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Chair Stewart, Commissioner Allen, Commissioner Willard, Commissioner Crunk, Commissioner Proctor.

22. Discussion and Direction Regarding the Lincoln County Road Department Grader Leases – Road Superintendent, Jeffrey Honeycutt

Jeff Honeycutt, Lincoln County Road Superintendent stated the lease agreement is set to expire later this year for the Road Departments seven (7) motor graders. Mr. Honeycutt stated he had concerns for the time-consuming process of procuring equipment due to availability of product since production had been down due to pandemic. Mr. Honeycutt spoke on extending the lease with no penalization.

There was a brief discussion on warranty status and support during the pandemic and maximizing equipment usage.

Motion: Approve Seeking a Lease Agreement of 6 Motor Graders for the County Road Department,

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

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

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

6. Approval of Minutes:

- a. February 15, 2022, Regular Commission Meeting

Motion: Approve February 15, 2022, Regular Commission Meeting Minutes as amended,

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. Update Regarding Reaching Out to Landowners with Gates Blocking County Roads

Attorney Morel provided a status report as of March 10, 2022, regarding gates obstructing access to county-owned roads, state or BLM (public) lands. Attorney Morel stated there were 16 landowners that were sent a letter from the County.

It was discussed to bring this agenda item, back at another time.

16. Manager's Report

1) New Mexico State Forestry Division is Asking for feedback

The following correspondence was received from Joy Esparsen (NMC Deputy Director) on March 8, 2022:

"The New Mexico State Forestry Division is asking for feedback from local governments, tribes, public colleges and universities, Soil and Water Conservation Districts (SWCDs), non-governmental organizations (NGOs), and private entities interested in assisting the Division to increase project development and implementation capacity for critical forest and watershed health projects within New Mexico's Priority Landscapes. State Forestry plans to significantly increase the number of projects and acres treated over the next several years. To better address the preservation and enhancement of New Mexico's forests and watersheds, State Forestry is inviting all interested parties to provide comments on the design and implementation of projects and activities to accelerate locally driven forest restoration within Forest Action Plan Priority Landscapes. This survey will inform priority setting of investments across Priority Landscapes; and investments in capacity to convene place-based collaborative groups and develop local enabling conditions to increase the pace and scale of restoration. Here is a link to the online form: <https://arcg.is/1Svqfq0> (Deadline March 31, 2022) Please share this request with your community partners.

For more information see: https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/Priority-Area-Capacity-RFI_Final.pdf. Please reach out to State Forestry representatives Jacob Pederson at JacobJ.Pederson@state.nm.us or Collin Haffey at collin.haffey@state.nm.us if you have questions."

Robert Barber suggested that in addition to LANRAC, we should solicit comments/input from UHSWCD, Carrizozo SWCD, Chavez County SWCD (part of this district is in Lincoln County), Clauch-Pinto SWCD (part of this district is in Lincoln County) and SCM RC&D. Manager Pearson stated these groups can identify projects within Lincoln County but also help manage them.

2) Pay Rates for Elected Officials

The NMC County Manager's Affiliate has been discussing elected officials' salary rates.

Any changes to elected official's salaries will not impact a person that is currently in office. The change in salary would be for a person elected in the next election. Would the BOCC like to review and elected salaries during the upcoming budget process?

3) Vehicle Maintenance for County of Lincoln

The staff is currently working on soliciting pricing for regular maintenance (oil changes). We will be soliciting pricing from any vendor that wishes to provide pricing based off the actual VIN numbers. Employees will be able to take their vehicle to any of the responding vendors. The thought is to get consistent pricing for each specific vehicle. This will help budget for routine maintenance.

4) Compactor – Buckhorn Loop

Otero Electric has completed engineering (plan) for supplying electricity to the new compactor site. Thank you to Commissioner Lynn Willard for reaching out to Otero Electric and getting some movement on this project.

5) Sun Valley Fire Station

The final change order has been approved by Lincoln County and Roper Construction. Materials have been ordered. Rebar suppliers are telling Roper that there is a 2-month lead time. We should see construction continue in the next month.

6) Lincoln County Fairgrounds Masterplan Update – Stakeholders and Public Meeting

Thursday, March 3, 2022, Stakeholders met from 10am – 2pm Public meeting from 5:30 PM – 6:30 PM Lincoln County Fairgrounds, Capitan, NM Wilson and Co. provided a professional platform for both meetings. NMSU Extension, 4H, teachers, Red Cross, Fair board, and County of Lincoln employees all participated in the stakeholders meeting. Thirteen members of the public attended the evening meeting.

7) DOT Commission Meeting – March 24th

The regional DOT Commission meeting will be held on March 24, 2022, at 8:30am – Roswell, NM. The Commission will be reviewing a proposal to expand the ROV route in Lincoln County. Participation is encouraged.

8) House Memorial 24

I received an email from Marijka Cunningham, Constituent Services Representative, with a PDF attachment of House Memorial 24. This Memorial is requesting NM County Managers to develop a comprehensive plan to save lives of healthy, adoptable dogs and cats in NM animal shelters. I reached out to the 33 County managers asking if they had any knowledge of this Memorial. Not one CM had been contacted or even heard of this memorial. I have reached out to the Lincoln County Humane Society to ensure that the best efforts are being made to adopt as many dogs and cats as possible.

9) Director's Reports

Each director provided a detailed report from each of their departments.

27. Capitan Therapy and Behavioral Health, LLC Presentation Regarding Mental Health Counseling to Lincoln County Residents

Kim Wudarzewski co-owner of Capitan Therapy & Behavioral Health, LLC. Ms. Wudarzewski stated we offer outpatient mental health counseling to Lincoln County residents. Ms. Wudarzewski stated they recently started working on growing our program and are developing a nonprofit called Lotus recovery which will offer 3-to-6-month residential treatment, step down services, and CCSS to patients with substance abuse issues.

Ms. Wudarzewski stated they hosted a successful silent auction fundraiser and while every penny is precious, we still have a long way to go and could really use any expertise, experience, and position to get this project off the ground. We need funding, a building (preferably donated or on loaned by the county). Ms. Wudarzewski stated our Mission is to offer client centered, evidence based and effective treatment for people struggling with addiction and their families. We strive to see more people successfully complete treatment and lower the recidivism rate of relapse and criminal behavior by offering an alternative to jail. Ms. Wudarzewski stated they also plan to work with ENMU to offer educational opportunities and employment opportunities upon completion of their degree or certification. We believe this program will be a benefit to our community by reducing crime, saving money and resources that are wasted with the revolving door jail population, and making Lincoln County a healthier place to raise a family.

17. History in Lincoln County – Manager, Ira Pearson

Manager Pearson stated he reviewed the road map from 1938 and noticed many similarities and differences from the maps made in 2022. Manager Pearson stated the County had been discussing maintenance of public roads and stated the importance of rural boundaries.

21. Request to Appoint a Film Liaison for the County of Lincoln– Manager, Ira Pearson

Manager Pearson stated by appointing Elizabeth Ritter as the Lincoln County Film Liaison, the entire county will have representation in the film industry. Manager Pearson stated Ms. Ritter will be everyone's point of contact when it comes to filming in Lincoln County.

Manager Pearson stated this appointment is at no cost to the County of Lincoln and will take pressure off the elected officials when approached by producers and creators of films.

Motion: Approve Appointing a Film Liaison for the County of Lincoln, **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.

24. County of Lincoln Holiday Schedule Discussion and Direction

Manager Pearson spoke to employee holiday schedules; four- ten hour shifts in relation to five-eight-hour shifts.

There was a lengthy on the needs of different departments and how they are structured around holiday pay and within each job description.

There was no action taken.

19. Lincoln County Medical Center Update – Todd Oberheu

Todd Oberheu, Hospital Chief Executive Lincoln County provided an update on Lincoln County Medical operations. Mr. Oberheu reported on decline in Covid cases, and that Chemotherapy is projected to start the first week of April. Mr. Oberheu reported on starting cardiac rehabilitation services starting this week.

There was a brief discussion on the Mil Levy Resolution.

20. Jayne's Construction Request for \$21,091.14 for the Lincoln County Medical Center Construction/Warranty Items – Discussion and Possible Action

Manager Pearson stated after considerable discussion with Jayne's Construction, the County of Lincoln does owe \$21,091.14 to Jayne's construction. Manager Pearson stated this amount was not carried over from an approved change order in 2020.

Mr. Oberheu reported on the response received from Jayne's Construction and concerns regarding the individual warranted items.

Brief discussion on correspondence with Jane's Construction and direction to address concerns through the established contract.

Sherrie Huddleston, Chief Deputy Treasurer informed on utilization of the 509 funds.

Motion: Approve Payment for the Jayne's Construction Request of \$21,091.14 for the Lincoln County Medical Center Construction/Warranty Items, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion passed (**summary:** Yes = 3, No = 2, Abstain = 0). **Yes:** Chair Stewart, Commissioner Allen, Commissioner Willard.

No: Commissioner Crunk, Commissioner Proctor.

8. Approval of Budget Adjustment FY 21/22 by Resolution 2021-49 continued

Motion: Adopt Resolution 2021-49 as presented, **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 B: Copy of Resolution 2021-49 is attached hereto in reference thereto made a part hereof.

23. Update Regarding Reaching Out to Landowners with Gates Blocking County Roads continued

Barbara Sultemeier county resident spoke to correspondence received regarding the gated county road. Ms. Sultemeier stated they have paid taxes for 24 years and no road work provided during that time. Ms. Sultemeier spoke to not having a cattle guard provided and locking of the gate due to hunters and the condition of the current cattle guard allowing cattle on both sides to cross. Ms. Sultemeier spoke on closing the road to the county, but requesting it be fixed first. There was a brief discussion on direction, recommendations regarding current construction of the gate, and cost of fixing the road and or cattle guard with the options to request to close or vacate the road.

26. Review of New Mexico Legislative Capital Outlay Project Funding for the County of Lincoln

Manager Pearson provided an overview of the Capital Outlay Project Funding for the County of Lincoln.

There was a lengthy discussion on future funding allocations, consolidation of Lincoln County Dispatch, direction regarding lobbying, and proposal of collaborative effort benefits.

28. Lodger's Tax Update

a. Current Status

Manager Pearson spoke to direction of ARPA funds and a Lodgers Tax revenue plan.

Chair Stewart recommended Capitan Fair Grounds.

Manager Pearson requested it be reviewed in April with a detailed report and will be giving a Lodgers Tax class for clarification on April 29, 2022.

b. Consideration of Renewing Contract with Host Compliance

Manager Pearson spoke on Granicus Budgetary Proposal with the first part invoice for April 20, 2022, for \$17,569 and the second part invoice for May 5, 2022, for \$26,750, with option to examine other offers.

Motion: Approve Manager Pearson to Peruse the Best Offer or Continue the Current Contract for up to \$45,000 Using Lodgers Tax Funds, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

Manager Pearson spoke on getting authorization for 3 quotes.

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

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

29. Lodger's Tax Audit – FY 21

a. Obtain Board of County Commissioners Random Selection of Lodgers for FY 21 Annual Audit

Manager Pearson stated in accordance with County Ordinance 2019-03, the "County Commission shall select for annual random audits of one or more vendors." Manager Pearson stated the audit was to verify the amount of gross rent subject to the occupancy tax and to ensure that the full amount of occupancy tax on that rent was collected from each vendor audited. Manager Pearson informed the Commissioners have the responsibility of determining the number to be audited and then to select the vendors for audit.

Manager Pearson stated additionally, the County Manager may select a number to verify the tax. Manager Pearson stated the results of the audit are to be reported to DFA and the Board of County Commissioners. Manager Pearson stated the vendors to be audited have been divided into two pools based on the amount of tax they paid:

- b. Approval for Kubiak Melton & Associates to Conduct Annual Lodger's Tax Audit

Motion: Approval for Kubiak Melton & Associates to Conduct Annual Lodger's Tax Audit,

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.

30. Approval to Enter into an Agreement with Upper Hondo Soil and Water Conservation District for the Management of the Natural Resources Conservation Service (NRCS)/ Emergency Watershed Protection Program (EWP)

Manager Pearson reported on meeting with Upper Hondo Soil and Water Conservation District and NRCS and determined there was no agreement. Manager Pearson stated the Commission approved \$203,000 as a match, Hondo Pledged \$50,000 dollars as a match. Manager Pearson informed the Road Department work will go towards the \$203,000 match, and Upper Hondo going to do work going towards their \$50,000. Manager Pearson recommended Attorney Morel draft a management agreement due to the approximately 20 projects in Upper Hondo allowing Upper Hondo Soil and Water Conservation District to manage them.

Motion: Approval to Enter into an Agreement with Upper Hondo Soil and Water Conservation District for the Management of the Natural Resources Conservation Service (NRCS)/

Emergency Watershed Protection Program (EWP), **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.

31. Discussion and Consideration of Resolution and Proclamation of Hospital Mill Levy General Election by Resolution 2021-50

Attorney Morel stated in collaboration with Clerk Whittaker identified the necessary information for the Hospital Mill Levy Resolution to be placed on the 2022 General Election ballot. Attorney Morel spoke on the modifications now including the Capitan Clinic and the Physician's Office Building Clinic with now only a total of up to 3 mills for the Hospital, the Clinics, and EMS allowing the allocation from the Commission.

Motion: Adopt Resolution 2021-50, **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 2021-50 is attached hereto in reference thereto made a part hereof.

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

No action taken.

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 an Executive Session to discuss Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase

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. 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 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 has yet to be served and, 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 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 and convened the Closed Session at 4:17 PM.

Chair Stewart adjourned the Closed Session and reconvened the Regular Meeting at 4:41 PM.

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

34. Signing of Official Documents

All five commissioners authorized permission to use electronic signature and/or stamp.

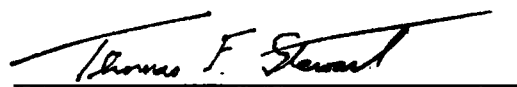
35. Next meetings:


- a. April 19, 2022, Regular Commission Meeting

36. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stewart adjourned the meeting at 4:45 PM.

County of Lincoln
Board of Commissioners


Thomas F. Stewart, Chair


F Lynn Willard, Vice Chair

Elaine Allen

Elaine Allen, Member

Jon Crunk

Jon Crunk, Member

Todd Proctor

Todd Proctor, Member

ATTEST:

Whitney Whittaker

Whitney Whittaker, County Clerk

April 19, 2022
Date Approved

