

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Todd F. Proctor, Chair
Jon F. Crunk, Vice Chair

Samantha J. Serna, Member
Mark G. Fischer, Member
Pierre S. Pfeffer, Member

Minutes Tuesday July 18, 2023

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on July 18, 2023, in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico. The meeting was also accessible via Zoom.

1. Call to Order

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

2. Roll Call

Roll Call.

Present: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Shannan Hemphill, County Clerk.

3. Invocation

The Invocation was presented by Chair Proctor.

4. Pledge of Allegiance

- a. Pledge – USA Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Approval of the Agenda and authorized the Chair to move items as necessary, **Action:** Approve, **Moved by** Commissioner Pfeffer, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

6. Approval of Minutes:

- a. June 13, 2023, Special Commission Meeting
- b. June 20, 2023, Regular Commission Meeting

Motion: Approve the June 13, 2023, Special Commission Meeting minutes and the June 20, 2023, Regular Commission Meeting minutes, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month Ending June 30, 2023
- c. Approval of Resolution 2024-06: Treasurer's 4th Quarter Financial Report
- d. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- e. Claunch-Pinto Soil & Water Conservation District Mill Levy Rate
- f. Chaves Soil & Water Conservation District Mill Levy Rate

- g. Guadalupe Soil & Water Conservation District Mill Levy Rate
- h. Upper Hondo Soil & Water Conservation District Mill Levy Rate
- i. Restricted Housing Report - Quarter Ending June 30, 2023
- j. Approval of the State of New Mexico Department of Finance and Administration Local Government Division Enhanced 911 Act Grant Program Grant Agreement, Project No. 23-E-26
- k. Approval of Contract No. 2023-24-68030 Between North Central New Mexico Economic Development District Non-Metro Area Agency on Aging and the County of Lincoln - Title III Federal and State Sub-Award Not to Exceed \$495,820.28
- l. Approval of Contract No. 2023-24-68030-S Between North Central New Mexico Economic Development District Non-Metro Area Agency on Aging and the County of Lincoln – Senior Employment Program Host Agency Sub-Award Not to Exceed \$11,300.00.
- m. Approval of Contract No. 2023-24-68030-N Between North Central New Mexico Economic Development District Non-Metro Area Agency on Aging and the County of Lincoln – Nutrition Service Incentive Program (NSIP) Subrecipient Contractor Sub-Award Not to Exceed \$42,804.00.
- n. Approval of Memorandum of Understanding (MOU) Between the Village of Ruidoso and the County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for Driving While Intoxicated (DWI) Prevention Enforcement Activities and Reimbursement of Costs
- o. Approval of Re-Appointment of James M. Russ II to the Property Tax Protest Board and the Road Review Committee
- p. Approval of Commercial Supply and Lease Agreement Between Pinnacle Propane, LLC and the County of Lincoln
- q. Approval of Work and Financial Plan Between Lincoln County and the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (APHIS-WS) for July 1, 2023, through June 30, 2024

Commissioner Fischer requested removal of Item q until further information was available.

Motion: Approve Consent Agenda Items a-p, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

SEE EXHIBIT A: Copies of the Consent Agenda items including Resolution 2024-06 are attached hereto in reference thereto made a part hereof.

8. Board of Finance – Lincoln County Treasurer, Sherrie Huddleston

Treasurer Huddleston provided an update on the financial standing of the County of Lincoln at the end of the Fiscal year on June 30, 2023. Treasurer Huddleston stated they had collected 101% of the budgeted current property tax and 101% of the budgeted general county discretionary mil. Treasurer Huddleston stated the total cash held by the Treasurer's Office on June 30, 2023, was \$40,241,585.35 which was an increase of \$6,474,423.15.

Commissioner Fischer questioned how the expected tax could be over 100%. Treasurer Huddleston explained they were only allowed to use 93% of the previous year's tax values when budgeting.

Commissioner Pfeffer commended the Treasurer and the staff for their amount of knowledge and pleasantness in all their duties.

9. Funding Request for Carrizozo Athletics – Sheriff, Michael Wood

Sheriff Wood requested \$500 to assist the Carrizozo Grizzlies Athletics department. Attorney Morel explained it was a violation of the Anti-donation clause.

10. Discussion and Direction Regarding the American Rescue Plan Act (ARPA) Funding

Manager Pearson detailed the ARPA fund monies and explained the previous Commission had allocated the first tranche of the funds and the second tranche was left to the current Commission to allocate. Manager Pearson explained the broad use of the funds and how they were allowed to be spent, with a deadline to have all funds allocated by December 31, 2024.

Commissioner Fischer questioned how the ISO ratings could be improved if water was placed strategically throughout the County and available for use during a fire. Commissioner Crunk explained he was on the planning commission for the County in years prior and they had created a requirement that every subdivision had to have water and the subdivision would donate one acre around the well to the County so they could put a water tank in each subdivision which could fill a fire truck in a matter of seconds. Commissioner Crunk questioned how many of those wells existed and where they were located, specifically on a map. Attorney Morel stated it was originally made part of the subdivision ordinance. Manager Pearson stated there were 13 fire stations, 3 of which were equipped with water. Manager Pearson stated it would take about \$250,000-\$300,000 each to completely outfit the fire stations with the needed equipment. Commissioner Fischer felt it best to determine which fire stations would be most feasible to get started using the funds available. Commissioner Crunk gave a breakdown of some of the ISO ratings in the County and explained what affected them. There was a lengthy discussion regarding ISO ratings and insurance issues. Commissioner Serna requested a density map to determine three locations with the most need and the associated costs of the project.

11. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District
- b. Lincoln County / NMSU Extension Services

Melanie Gutierrez, Lincoln County extension service, detailed many of the youth projects in the County. Ms. Gutierrez stated the Fair numbers were down this year in many of the animal barns, especially the sheep barn, possibly due to the high cost of feed and to the amount of time required for the animal projects. Ms. Gutierrez invited everyone to attend the Lincoln County Fair July 31, 2023-August 5, 2023.

- c. South Central Mountain RC & D

Laura Doth, South Central Mountain RC&D, stated the watershed and flood mitigation projects were working as expected. Ms. Doth explained they were working with NRCS to extend the zero-match requirement. Ms. Doth detailed many other projects in the area and stated they were looking for additional funds to be able to allocate to private property in the area as well.

- d. Upper Hondo Soil & Water Conservation District

Robert Barber, Board of Supervisors for Upper Hondo, stated they were prepared to assist in the fire mitigation efforts as needed. Mr. Barber detailed many different projects being worked on in the Hondo Valley.

- e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, detailed some of the new projects being worked on.

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

Chair Proctor detailed many of the meetings he attended in the last month including a meeting in which SB165, which was the local choice of energy bill, was discussed.

Commissioner Crunk attended the Workforce Innovation Opportunity Act state plan meeting and spoke on trainings with the hospitals and possible higher education collaboration. Commissioner Crunk stated adult daycare was a need in the State which should be addressed. Commissioner Crunk explained there were many needs for people without a college degree.

Commissioner Pfeffer spoke on the Opioid funds agreement and the needs in the County. Commissioner Pfeffer stated he did not want to limit it to Opioid's only but instead focus on all additions, to include Opioids. Commissioner Pfeffer explained he spoke with Ryan Trosper, ENMU-Ruidoso President, on finding additional people to work in County Government and possibly starting an internship program. Commissioner Pfeffer stated the PVT program continued to stall.

Commissioner Serna stated she would rather not grow government and instead look to technology to assist with minor tasks. Commissioner Serna was working with a local brewery and others to possibly construct a manufacturing company to bottle for local breweries to get their products out state-wide.

Commissioner Fischer spoke about many community meetings held over the last month and stated the improvements in the County Fairgrounds had been well received and they would like it to continue. Commissioner Fischer stated the parade in Capitan was very well attended and highly supported. Commissioner Fischer was working on increasing the focus on roads in his part of the County.

Clerk Hemphill spoke on the Regular Local Election which would be held on November 7, 2023, and would include all the local districts in the County with the exception of the Village of Ruidoso, which was the only entity which had not opted into the Regular Local Election and would hold their own election at a separate time of year. Clerk Hemphill stated Candidate sign-ups would be in her office on August 29, 2023 from 9:00 AM-5:00 PM for anyone who was interested in running for a local office.

Sheriff Wood appreciated the Ferguson Family being included in the invocation and asked they all be kept in people's thoughts and prayers.

Leeroy Zamora, Chief Deputy Assessor, stated there was not a need for formal hearings as all were handled informally and he thanked the office staff for all of their hard work and diligence. Mr. Zamora stated the certification of value was submitted to the state and finalized and approved by PTD. Mr. Zamora explained the final valuation, which was all of the residential and non-residential valuations combined, totaled \$1,676,954,436 of taxable value which reflects a full value of \$5,030,863,308.

Treasurer Huddleston stated her office turned over the 2020 delinquent tax sale list to the Property Tax Division Bureau on July 10, 2023, as required by State Statute. Treasurer Huddleston explained the list consisted of 202 real properties with 3 years or more of delinquent taxes due. Treasurer Huddleston stated they were working the 2019 delinquent taxes with a tentative sale date of October 4, 2023, for the 78 properties remaining on the list.

Gary Popplewell, Ruidoso resident, gave encouragement to the elected officials and county employees and appreciated how much they had to deal with and work through things. Mr. Popplewell stated 7 of 10 residents were concerned about the documents not being moved to a place of honor and would like the Commission to reconsider the placement of the sacred documents

Leeroy Zamora, Assistant Chief of the Carrizozo Volunteer Fire Department, recognized the Sheriff's Department and the OES department for the assistance they provide on emergency calls and stated their assistance was invaluable.

Chair Proctor recessed the Regular Commission Meeting and Convened the Public Hearing at 10:00 AM.

13. 10:00 AM PUBLIC HEARINGS:

Consideration of Adoption of the Final Budget, Fiscal Year 2023-2024 by Resolution 2024-05

Manager Pearson stated the preliminary budget was passed in May and had been accepted by DFA. Manager Pearson provided an explanation of the final budget. Treasurer Huddleston explained fund line 414 which was the excess of \$800,000 had already been budgeted and other requests could be added after the final budget. Attorney Morel stated it could be allocated today if needed. Commissioner Fischer explained the process to adjust the budget and explained there was not much flexibility in the monies which could be used. Commissioner Pfeffer would like a full review of priorities prior to allocating the funds in the budget. Commissioner Pfeffer stated he did not want to act too quickly. Commissioner Serna requested a Multi-day workshop next year to hear the requests and get them approved. Commissioner Serna requested anything over \$5,000 be placed on the ICIP.

Chair Proctor closed the Public Hearing and reconvened the Regular Commission Meeting at 10:15 AM.

Motion: Adopt Resolution 2024-05, **Action:** Adopt, **Moved by** Commissioner Serna, **Seconded** by Commissioner Crunk.

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

Yes: Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

No: Commissioner Fischer.

SEE EXHIBIT B: Copy of Resolution 2024-05 is attached hereto in reference thereto made a part hereof.

11. Forest, Land & Natural Resources Matters: (continued)
e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, spoke on the BLM grazing rule and stated they suspended all activity on the collaborative effort as they were not ready to continue with the rule making process and would look to focus on direction instead of law. Mr. Barber explained they were working with the BLM on Programmatic EIS for utility size solar projects. Mr. Barber stated they had submitted their comments and there were many other comments which had also been submitted on the proposed rule with a lot of pushback at the state level and within the Legislature.

Chair Proctor recessed the Regular Commission Meeting at 10:20 AM and reconvened at 10:28 AM.

14. Lincoln County Detention Center Update – Warden, Ross Castleton

Ross Castleton, Warden LCDC, provided statistics from the jail over the last month. Warden Castleton stated they were working on improvements at the facility to include the windows, painting and floors. Warden Castleton explained the RISE grant funding started July 1, 2023, and included art therapy and in person religious activities. Warden Castleton stated they were working with ENMU-Ruidoso to restart the GED program and looking to work on the Construction trades program at the jail as well.

Commissioner Fischer questioned the plumbing issues and if they were being worked on or had been fixed. Warden Castleton stated everything was functioning correctly at that point.

15. Lincoln County Medical Center Update-Todd Oberheu

Todd Oberheu, Hospital Chief Executive, stated he appreciated the 24-hour ambulance service being started in the rural communities. Mr. Oberheu stated he had submitted the letter of intent for the Rural Healthcare Fund. Mr. Oberheu explained there was some concern as the fund was set up as a one-time fund to have \$80 million however, it was already being requested at \$103 million. Mr. Oberheu explained he was working on the Opioid funds with Judge Bryant and Judge Schneider, and they should have more details in the future. Mr. Oberheu stated the Nob Hill land swap was still being worked on and they hoped to have it completed soon. Commissioner Serna stated the Village of Ruidoso had passed an Ordinance for a baby box and requested Mr. Oberheu provide some details about it. Mr. Oberheu explained the State issued a grant opportunity for the purchase and installation of a baby box which would be placed at the hospital and was a safe and environmentally controlled environment for a child.

Commissioner Pfeffer appreciated all the efforts of the Hospital and the many services they provide County-wide.

16. Manager's Report

1) PNM Introduces THRIVE in Southern New Mexico – 6/22/2023

I met with PNM's Community liaison, Bruce Ashburn, and Stephanie Hale, representing THRIVE NM in Southern NM regarding funding Lincoln County Community programs. THRIVE collects donations and funds for the non-profits that help communities.

The THRIVE brochure states that they bring diverse people and resources together to address the most urgent issues that our community faces.

I have introduced Stephanie to Riker Davis of the Lincoln County Community Foundation.

2) Lincoln National Forest

Joe Kenmore and I met with Jennifer Thomas regarding the northern end of the Lincoln National Forest. We spent three hours driving the roads while inspecting the forest health. Some major concerns are the illegal wood cutting (old growth trees) and the lack of forest maintenance in certain areas.

Jennifer was able to speak to local ranchers and see the results of a USFS cost-share fencing projects.

3) Criminal Justice Coordinating Council Meeting – 6/26/2023

Every month, members from the 12th District Court host a meeting to allow collaboration between various entities in Lincoln and Otero counties. Magistrate / Municipal Courts, Public Defenders, DA offices, Private bar, Local Governments, Law enforcement,

Detention Centers, Probation officers and behavior health providers are all welcome to participate and update the group on the latest changes and or challenges in each office.

4) Office of Emergency Services Transitional Meeting – 6/29/2023

With the upcoming retirement of Joe Kenmore (September 30, 2023), OES staff and I have started to discuss the roles and responsibilities of each team member. Communication and expectations are crucial in providing a smooth transition on October 1, 2023.

5) Lincoln County Legislative Appropriation Projects (2019)

The County of Lincoln was awarded the following funding in 2019:

- 1) \$90,000 for the construction of an ADA restroom for the Carrizozo Complex.
White Sands Construction is the only company to bid on the construction project. This bathroom will be complete in early August of 2023.
- 2) \$100,000 for the drainage in the Courthouse Courtyard.
The County had to wait for Highway 54 construction to be complete before starting this project. Elevation points were critical to ensure that the water ran towards the street. This project is complete.

6) PRC / Ambulance

Last month I reported that Alan Morel, Sandie Nunnally and I had submitted the New Mexico Public Regulation Commission Ambulance Certificate Reissuance Application. This certificate is issued for three years and allows Lincoln County to Sublease the certificate to PHS.

We have learned that the issuance of Ambulance Certificates will no longer be under the PRC. The NMDOT will be responsible for regulating the ambulance registration starting January 1, 2024. Alan, Sandie and I will stay informed of the NMDOT process for the renewal in 2026.

7) Director's Reports

24. Reconsideration and Approval of Lodgers' Tax Request NM 4x4 Rally – Garrett Lamay

Manager Pearson explained the original request the prior month was for \$10,000 however the Commission approved \$1,000.

John Hemphill, Chair of the Lodgers' Tax Committee, explained last month two vendors had gone before the Lodgers' Tax Committee and the Committee reviewed and recommended both vendors for approval. Mr. Hemphill stated the Commission fully funded one of the vendors, however the other was only funded at 10% and the Committee was concerned on why that happened. Mr. Hemphill explained that Mr. Garrett came back to the committee and requested an additional \$8,000, which was part of the original request, and the committee recommended approval again and provided a more thorough breakdown of the requested amount. Mr. Hemphill stated he was also there as the Chair to get better clarification for the Committee since they were unsure what the Commission would like to see from them in regards to making the decision. Mr. Hemphill requested clarification if the details they provided this time were sufficient and how the Commission would like them to proceed as a committee in the future.

Commissioner Pfeffer stated he abstained from the vote last month as a protest of the adjusted amount. Commissioner Pfeffer stated there was a committee which was selected for a reason, and he felt they could rely on the Committee to make good judgments. Commissioner Pfeffer attended the previous Lodgers' Tax Committee meeting and stated he watched and listened to them work and they had personal knowledge of procedures, potential for success and individuals involved, which the Commission did not possess. Commissioner Pfeffer recommended not second guessing the Committee, when vendors present to the Commission they are nervous and it is difficult for them, however when they present to the Committee they are talking to people who know them and they are more comfortable. Commissioner Pfeffer stated if any Commissioners were unsure of the request, they could call the Lodgers Tax person and review it or request more information, and they could change the document to gather more information, but he felt the Commission needed to rely on the Committee instead of being arbitrary in their decisions.

Commissioner Fischer was concerned as it was a first-time event, however he understood the need for the additional request to provide substantial funding to be able to advertise in order to have a successful event.

Commissioner Serna was concerned with the initial investment as the initial request was not fully explained. Commissioner Serna stated she believed Lodgers Tax should be used to assist with the cost of advertising, publicizing, and promoting the event to tourists, however she did not feel security and porta-potties was a good use of taxpayers' dollars. Commissioner Serna would like a comprehensive master plan in place for the future.

Garrett Lamay, 4x4 rally, explained they were trying to push the advertising and get the word out as much as possible.

Commissioner Pfeffer questioned the use of the Lodgers Tax funds. Mr. Hemphill explained that security, porta-potties, promotion, and advertising were all encompassed under the Lodgers Tax funding uses. Mr. Hemphill stated the Committee felt the expenditures were appropriate and necessary for the event to be a success. Manager Pearson explained the Lodgers Tax funds could be used for advertisements, porta-potties, security, police force, and even solid waste, however the reimbursement amounts were split out as there are different amounts available for different things.

Commissioner Serna questioned the use of the porta-potties if they had already rented out the Convention Center, they shouldn't have a need for porta-potties. Mr. Lamay stated the porta-potties were to be available for the trail runs, not for use at the Convention Center. Commissioner Serna questioned the \$1,000 decrease in the requested amount. Mr. Lamay explained that since this was a first-time event without a track record, they would decrease their amount in hopes of being able to be funded.

Motion: Approve an additional \$8,000 of Lodgers Tax, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

No: Commissioner Serna.

Commissioner Pfeffer questioned if the Lodgers Tax Committee would be willing to work on a document to provide more information which would be provided to the Commission for each request. Mr. Hemphill stated it would be the Committee's preference as they want to make sure what they provide to the Commission is enough information for them to make an informed decision. Commissioner Serna would like a workshop-style meeting to update the Lodgers Tax and better determine how the funds should be allocated.

28. Approval of Renewal of Fire Restriction and Imposition of Fireworks Restrictions by Resolution

Manager Pearson detailed Resolution 2024-07, Declaration of Fire Emergency.

Motion: Adopt Resolution 2024-07, Declaration of Fire Danger Emergency as presented, **Action:** Adopt, **Moved by** Commissioner Pfeffer, **Seconded by** Commissioner Crunk.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Commissioner Pfeffer commended Commissioner Fischer for recommending the Commission look into the additional needs of OES. Commissioner Pfeffer requested a presentation be added to the next Commission Meeting to review the questions the Commission had asked pertaining to the burden placed upon OES as well as to get suggestions from OES as to what their needs are. Commissioner Crunk requested Manager Pearson contact Beth with Workforce Solutions to find out what programs are available to educate, train, and supplement the salary and costs of those employees.

SEE EXHIBIT C: Copy of Resolution 2024-07 is attached hereto in reference thereto made a part hereof.

19. Consideration of an Amendment to Wilson & Company's Task Order No. 02222023 to Cover the Scope and Fee for Environmental Permitting in the amount of \$16,979.00.

Eric Hamilton, Wilson and Company, explained the change order with respect to the pedestrian and livestock bridge and explained the need for the additional funds to comply with NMDOT and US Army Corps of Engineers requirements. Commissioner Pfeffer questioned the need for the additional requirements and Mr. Hamilton explained it was because Magado Creek was a US waterway so the permit would have to be filed through the EPA. Commissioner Serna would like to protect the residents downstream as they use the water for irrigation as well.

Mr. Hamilton explained Wilson & Co would do the work on the Environmental Analysis and prepare the level of effort form and the initial site assessment and the EPA would define the required environmental clearance level. Chair Proctor questioned if the work being done now would be sufficient for the bridge in the next phase as well or if they would need an additional study done. Mr. Hamilton explained the fieldwork and cover letter shows the field survey should cover the studies for both of the bridges.

Commissioner Fischer questioned the permitting and funding of the vehicle bridge vs the pedestrian/livestock bridge. There was a discussion of the differences in funding sources and plans for the different projects at the fairgrounds.

Motion: Approve the Amendment to Wilson & Company's Task Order No. 02222023 in the amount of \$16,979.00 as presented, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Chair Proctor recessed the Regular Commission Meeting at 12:08 PM and reconvened at 12:40 PM.

17. Countywide Software Systems

- a. Consideration of Utilizing Cooperative Educational Services (CES) Contract # 2021-C19-212-ALL to Purchase Lincoln County and Sheriff's Department Managed Services Computer System Support Agreement

Manager Pearson explained the County had been using SystemsMD as their IT support for many years, however with the growth of the County and the IT needs, they would need to either go out to RFP or acquire their services through CES. Manager Pearson stated with CES there is no procurement needed, CES takes care of that process. Manager Pearson detailed the process to use CES and stated if it worked well, the County could use CES as a way to purchase other products and services without having to go through the procurement process.

Commissioner Fischer questioned the fee paid to CES. Manager Pearson explained there was not a fee to use CES. Billie Jo Guevara, Finance Director, stated there was a cost difference of \$3,000 from the quote provided by SystemsMD directly and the amount for their services if contracted through CES.

Motion: Approve the use of CES Contract #2021-C19-212-ALL to purchase Lincoln County and Sheriff's Department Managed Services Computer System Support Agreement, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

b. Discussion and Direction Regarding Tyler Technology Software Packages

Manager Pearson explained the current software company and detailed other options for an upgraded software company. Chair Proctor requested input from the departments who would be using the software. Chair Proctor questioned the use of CES or another pricing agreement to avoid the full procurement process.

Commissioner Fischer felt it would be nice to have an alternative instead of just having to use Tyler Technology, and questioned if there may be another company which could provide the same services. Commissioner Fischer also questioned if there were opportunities for the departments to contribute to the funds instead of relying solely on the General Fund.

Commissioner Crunk requested multiple companies make presentations to the departments and the department heads determine their first and second choices, then provide the cost associated with the conversion to determine the best route to go with.

Manager Pearson stated it could be brought back next month with hard numbers for a decision.

18. Solid Waste Item:

- a. Discussion and Direction Regarding the Consolidation of Solid Waste Ordinance Nos. 2016-02 and 2020-04

Attorney Morel detailed the changes to the combined solid waste ordinance and stated it would be brought back next month as a public hearing.

b. Approval to File Solid Waste Liens:

1. Andres S. Enriquez and Luisa Enriquez-\$653.86
2. Carrie Kindle-\$653.86
3. Cody L. Sanchez and Amanda M. Sanchez-\$653.86
4. Veronica Amador and Consuelo Amador-\$653.86 (Land# 267350 Veronica & Consuelo Amador) (MH# 1004977 Veronica & Consuelo Amador)
5. Eddi Valenzuela-\$653.86 (Land# 242340 Eddi Valenzuela) (MH# 1000015 Eddi Valenzuela)
6. Toni Lee Janis-\$653.86 (Land# 197523 Toni Lee Janis) (MH# 1005740 Emmitt Autrey)
7. Daniel Looney and Shianne Looney-\$653.86 (Land# 1003218 Daniel & Shianne Looney) (MH# 108102 Shianne N. Looney)

Liens to be Released and Refiled:

8. Ferrell S. Desoto & Patricia R. Desoto - \$2,514.38
9. Dan P. Dooley & Sue A. Dooley - \$2,472.70
10. Judy Ann Emberton - \$2,266.07
11. Leanne Eulett - \$2,514.38
12. Jeremy Flack & Savannah Flack - \$2,514.38
13. Guillermo Garcia - \$2,604.43
14. Jose R. Gonzalez Jr. & Carolina Martinez Saenz - \$2,604.43
15. Alejandro C. Granados - \$2,095.44
16. Tabita Chavez - \$2,046.19
17. Jerry Lee Gutierrez & Michael Floyd Gutierrez - \$2,314.38
18. Ruben Chavez-\$1,552.74 (Land# 239070 Ruben Chavez) (MH# 239072 Ruben Chavez)

Motion: Approval to file Solid Waste Liens 1-7 and release and refile Solid Waste Liens 8-18,

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

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

20. County Clerk:

- a. Resolution 2024-04 a Resolution Designating the Location of Election Day Polling Places for all Statewide Elections Conducted in 2024 and 2025

Clerk Hemphill detailed Resolution 2024-05 designating the location of Election Day polling sites for all Statewide Elections conducted in 2024 and 2025. Clerk Hemphill explained per Statute the Resolution was required in June or July of each odd numbered year and would take effect in January of the next even numbered year. Clerk Hemphill explained the polling sites listed in the Resolution were the same polling sites which had been used in the past. Clerk Hemphill explained in the future the polling sites may be moved to County owned buildings, where available, to assist with meeting the requirements of being an Election Day Polling site, to include internet availability and ADA accessibility.

Motion: Adopt Resolution 2024-04, designating the location of Election Day Polling Places for all Statewide Elections conducted in 2024 and 2025, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

SEE EXHIBIT D: Copy of Resolution 2024-04 is attached hereto in reference thereto made a part hereof.

- b. Board of Registration Appointments

Clerk Hemphill explained the Board of Registration was appointed in June or July of each odd numbered year however they don't meet as the Board of Registration until February or March of the next odd numbered year. Clerk Hemphill explained there was a change to Statute which required a 5-member board instead of a three-member board and no more than two members of the board could be of the same political party. Clerk Hemphill stated her office reached out to the party chairs of the Republican and Democratic parties to provide a list of eligible voters who would like to serve on the board. Clerk Hemphill explained the Libertarian party was not an organized party in Lincoln County so her office pulled the voter rolls and contacted a couple of individuals to determine if they would like to be appointed to the Board as well. Clerk Hemphill recommended appointing the first two names from each of the Republican and Democratic lists and the first name from the libertarian list as the five members on the Board of Registration and appointing the remaining voters as alternates to the Board of Registration.

Motion: Approve the appointment of the first two names from the Republican and Democratic lists and the first name from the Libertarian list to the Board of Registration and appoint the remaining voters on the list as alternates, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

21. Avalon Forest Subdivision Development Agreement Update – Attorney, Alan Morel

Attorney Morel stated the Subdivision started in 2005 and he detailed the agreement, the plat and the prior timeline. Attorney Morel explained the preliminary plat received approval from the Commission on January 16, 2007, there was an amended plat to move the road around a boulder in 2010, and in 2015 there was an additional plat change. Attorney Morel recommended a meeting with Harcrow Surveying to determine the best route forward.

22. New Mexico State Legislature Appropriations

- a. Approval to Sign Appropriation Number 23-ZH5032-04 in the Amount of \$30,000 for Grants Management for Local Governments

Manager Pearson explained the County had requested over \$100,000 however they were approved for \$30,000. Manager Pearson would like to talk to Dora Batista to find out the options available for use of the funds. Manager Pearson requested approval to sign the appropriation and work out the details.

Motion: Approve the acceptance of Appropriation Number 23-ZH5032-04 in the amount of \$30,000, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

- b. Approval to Sign Appropriation Number 23-ZH9240 in the Amount of \$80,000 to Purchase and Equip an Emergency Response Vehicle for the County of Lincoln.

Manager Pearson explained it was a direct appropriation from Representative Harlan Vincent in the amount of \$80,000 to purchase and equip an emergency response vehicle for OES to use as a fire response vehicle.

Motion: Approve the acceptance of Appropriation Number 23-ZH9240 in the amount of \$80,000, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

23. Discussion and Direction Regarding Federal Government Relations and Lobbying Services

Manager Pearson explained the Federal Lobbyist services and requested Commission feedback if they felt a Federal Lobbyist was needed for the County.

Chair Proctor stated there was not a need for a State Lobbyist and there had never been a need for a Federal Lobbyist in the past, however current situations pertaining to COVID, wildfires, floods and Natural Disasters have opened the need for the County.

Commissioner Crunk stated there was a need to create a National Wildfire Program, similar to the National Flood Insurance Program, and he questioned if a Federal Lobbyist could assist in getting it started. Commissioner Crunk liked the idea of having a voice in Washington.

Commissioner Pfeffer received a good reference check from a small community who could not afford a grant writer and who highly recommended the proposed lobbyist.

Commissioner Fischer liked the concept of a grant writer better than a lobbyist as he didn't understand the value added for a lobbyist, however he felt it appropriate to have a presentation from the Federal Lobbyist in the next meeting to better understand the benefits he could provide.

25. Approval to Submit Economic Development Association Funding Applications – Dora Batista

Manager Pearson stated this agenda item would be brought back in a future meeting.

26. Acknowledge Lincoln County Annual Lodgers' Tax Audit (Agreed-Upon Procedures)

Manager Pearson explained the audit, which was completed by Kubiak and Associates, is done every year. Manager Pearson detailed the preliminary audit information and asked the Commission for recommendations on the process going forward.

Commissioner Pfeffer expressed his concern about the vendors who were using Airbnb and stated the money being collected by Airbnb was going directly to the Village of Ruidoso instead of to the County of Lincoln. There was a lengthy discussion about the use of Airbnb and VRBO throughout the County and the different Municipalities.

Motion: Approve the Annual Lodgers' Tax Audit as performed by Kubiak & Associates, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

27. Discussion and Direction Regarding Implementing Processes to Lower ISO Ratings in Subdivisions in the County of Lincoln

Commissioner Crunk requested a density map which could be used to determine the locations and amount of water available and needed to fight fires. Commissioner Crunk would also like to visit with NMC or anyone else who may have a knowledge of the requirements needed to lower the ISO ratings and how it could be applied. Commissioner Crunk questioned the ability to have manned fire stations in the County and if the supplies and equipment being used by the volunteer firefighters could be used for manned stations as well.

29. Discussion and Possible Action to Increase Hourly Employee Wages Based on Salary Studies and Comparisons

Manager Pearson explained his office had been working directly with finance and the treasurer's office to get a salary study of the employees in Lincoln County compared to other comparable counties in the State. Manager Pearson explained there were two options for hourly salary rates, either a grade and step or a range based on 30 years, most Counties in the State were based on a range. Chair Proctor stated the Senior Center rates were now mandated at a minimum level. Manager Pearson stated they had received studies done in Luna and Curry Counties to see how Lincoln County employee salaries compared. Commissioner Serna stated the two counties mentioned were not comparable to Lincoln County, she felt Santa Fe County was more comparable. Commissioner Pfeffer suggested adding the Village of Ruidoso to the comparable study. Leroy Zamora, chief deputy assessor, stated Otero County received a blanket \$3/hr raise across the board. Commissioner Fischer recommended looking at the studies to determine the best range and adjusting the County from a grade and step pay scale to a range pay scale.

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

- a. Ordinance No. 2024-01: Solid Waste Collection, Disposal and Fees Ordinance of the County of Lincoln, New Mexico - an Ordinance Repealing Lincoln County Ordinances 2016-02 and 2020-04 and Enacting an Ordinance Which Regulates Acceptable and Unacceptable Waste in Lincoln County, and Providing for Efficient and Sanitary Collection of Waste, Providing for Mandatory Disposal and Assessment of Fees, Providing a Penalty for Violation of this Ordinance, Repealing

Ordinances in Conflict; Providing for the Severability of Parts Hereof; and Providing an Effective Date

Motion: Schedule a public hearing to consider Ordinance No. 2024-01: Solid Waste Collection, Disposal and Fees Ordinance of the County of Lincoln, New Mexico - an Ordinance Repealing Lincoln County Ordinances 2016-02 and 2020-04 and Enacting an Ordinance Which Regulates Acceptable and Unacceptable Waste in Lincoln County, and Providing for Efficient and Sanitary Collection of Waste, Providing for Mandatory Disposal and Assessment of Fees, Providing a Penalty for Violation of this Ordinance, Repealing Ordinances in Conflict; Providing for the Severability of Parts Hereof; and Providing an Effective Date, **Action:** Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

31. Lincoln County Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); and Limited Personnel Matters; Section 10-15-1, Subparagraph (H)(2)

Motion: To close the meeting for the purposes of an Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); and Limited Personnel Matters; Section 10-15-1, Subparagraph (H)(2), **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Crunk.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Chair Proctor recessed the Regular Meeting and convened the Closed Session at 3:11 PM.

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 On December 8, 2022, the case was submitted to a 3 Judge Panel for a decision and, 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. Settlement has been reached with some of the Defendants and, Lincoln County has begun to receiving payments from some of the settling Defendants. 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. **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.

7. **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.

8. **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.

9. **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.

On April 22, 2022 the case was removed to the U.S. District Court for the District of New Mexico, Cause No. 1:22-cv-000304. The case is still pending.

10. **Potential Recovery of County of Lincoln Losses from the McBride / Nogal Fires**

11. **Butch's Properties, LLC v. Vera Cruz Ranches, et al, Cause No. D-1226-CV-2022-00166** A Complaint to Quiet Title was filed on the 18th day of August, 2022 by Attorney William Griffin. Lincoln County was served on the 26th day of August, 2022, and filed its Answer to the Complaint on the 26th day of September, 2022. The case is still pending.

12. **Rosarita Brady, et al v. The Board of County Commissioners of the County of Lincoln, et al, Cause No. D-1226-CV-2022-00199** A Verified Complaint was filed by Attorneys Alexandra Bobbit and McKenzie St. Denis on the 27th day of September, 2022. Lincoln County was served on the 22nd day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6th day of January, 2023. A hearing on Defendants' Motion to Dismiss took place on May 1, 2023. A ruling on the Motion to Dismiss has yet to be entered.

13. **BB Lane, LLC / 137 Bluebelle Lane** Violation of Lincoln County's Lodgers' Tax Ordinance.

14. **Kendallco, LLC / 29276 Hwy. 70** Violation of Lincoln County's Lodgers' Tax Ordinance.

15. **Copper Ridge Homeowners Association, LLC v. Len Stokes, et al, Cause No. D-1226-CV-2022-00133** A Complaint for Declaratory Judgment was filed by Plaintiff on July 1, 2022 and an Amended Complaint was filed on August 4, 2022. On January 11, 2022, Judge Daniel A. Bryant entered an Order allowing Plaintiff to further amend its complaint to join the County of Lincoln as a Defendant based upon the County's ownership of Lot 4A in the Copper Ridge Subdivision. The County has yet to be served with the Second Amended Complaint.

16. ***New Horizons Building in Carrizozo, NM**

17. ***Deer Park Valley Special Paving Assessments & Delinquencies**

18. ***Board of County Commissioners of Catron County, et al v. Secretary Robert E. Doucette, Jr., Cause No. D-725-CV-2023-00085** A Complaint for Declaratory Judgment was filed on June 30, 2023 requesting that GSD's Health Plan Assessments to Counties are unconstitutional and void. The case is still pending.

Tort Claims Notices Received or Threatened

2023

Ornelas, Mark – Tort Claim Notice received on January 4, 2023, alleging injuries sustained on October 11, 2022, as a result of an automobile accident / rollover of the Detention Center Transport Van owned by Lincoln County while being transported from Eddy County Detention Center to Lincoln County Detention Center.

Booth, Marcus – Tort Claim Notice received January 26, 2023, alleging injuries sustained by Claimants head due to the actions by staff of the Lincoln County Detention Center and staff's refusal to take Claimant for medical treatment.

Ramos, Heber – Tort Claim Notice received on February 17, 2023, alleging Civil Rights Violations and injuries sustained while Mr. Ramos was incarcerated at the Lincoln County Detention Center.

Smoley, Cinthia – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, she was subjected to a conspiracy of constitutional deprivations when she was unlawfully removed from her home at 105 Bluebird Lane, Ruidoso, NM. Her claims include that: she sustained injuries while being detained, she was abused during her incarceration at the Lincoln County Detention Center, she was assigned a Public Defender without her consent, and that all of her pets were immediately euthanized by the Lincoln County Humane Society the day of her arrest. Claimant has named the following agencies in her claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Smoley, Robert – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, he was subjected to a conspiracy of constitutional deprivations when he was unlawfully removed from his sister's home at 105 Bluebird Lane, Ruidoso, NM where is resided. His claims include that he was abused during his incarceration at the Lincoln County Detention Center, he was assigned a Public Defender without his consent, and that all of his pets were immediately euthanized by the Lincoln County Humane Society the day of his arrest. Claimant has named the following agencies in his claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Provine, Allison – Tort Claim Notice received March 14, 2023, referencing the Lincoln County Sheriff's Office stating: "faulty tail light"

Mendoza, George – Tort Claim Notice received March 20, 2023, alleging that on or about December 10, 2022, Lincoln County Medical Center and/or its agents fell below the standard of care resulting in injuries and damages to Claimant.

Cummins, Sara – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Dorgan, K.C. – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

Soden, Sue – Tort Claim Notice received March 31, 2023, alleging that on or about March 1, 2022 and continuing thereafter to on or about April 12 and May 5, 2022, Lincoln County Medical Center and/ or its agents fell below the standard of care resulting injuries and damages to Claimant.

Vargas, Luis A. – Tort Claim Notice received June 7, 2023, alleging personal injuries sustained during a motor vehicle collision as a result of a large pothole. Claimant alleges that the Village of Ruidoso, Lincoln County and/or the State of New Mexico may have an exposure for liability in connection with this loss.

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.

Downs, Barbara – Tort Claim Notice received May 6, 2022 alleging improper road and/or waterline maintenance resulting in a vehicle collision due to the icy road at the intersection of Sudderth Drive and Paradise Canyon in Ruidoso, New Mexico. A 2nd Tort Claim Notice was received on May 9, 2022 for a separate source with the same allegations as those set out in the May 6, 2022 notice.

McMinn, David – Tort Claim Notice received on July 6, 2022, alleging multiple, serious issues due to the use of excessive force by BIA law enforcement who may have been agents of or acting on behalf of the Village of Ruidoso, Ruidoso Police Department, Lincoln County, N.M. State Police and the State of New Mexico.

New Mexico Boys and Girls Ranches, Inc. and its Employee, Bridgman, Ted – Tort Claim Notice received on August 9, 2022, alleging violation of civil rights and tort claims act, including a demand to cease and desist and the return of promotional materials confiscated by County representatives at the Lincoln County Fair.

Estates of Wesley Clark and Linda Clark – Tort Claim Notice received on October 11, 2022 alleging wrongful deaths as a result of the McBride Fire due in part to faulty siren warning systems.

Snodgrass, Joshua – Tort Claim Notice received on November 2, 2022 concerning loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

Grassie, Kurtis - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

2021

Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van – Tort claim Noticed received on July 27, 2021. 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 – On November 8, 2021, Ms. Smoley submitted to the Lincoln County Treasurer's 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.

Chair Proctor adjourned the Closed Session and reconvened the Regular Meeting at 4:03 PM.

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

32. Signing of Official Documents

33. Next meetings:

- a. August 15, 2023 - Regular Commission Meeting
Moved to August 22, 2023- Regular Commission Meeting
- b. September 7, 2023-Special Meeting to Impose Property Tax Rates (Subject to Change)

34. Adjourn

Motion: Adjourn, **Action:** Adjourn, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

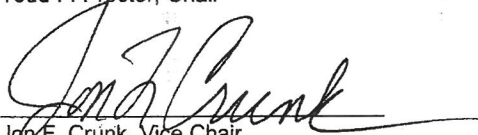
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).


Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 4:07 PM.

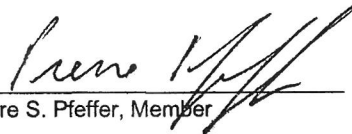
County of Lincoln
Board of Commissioners


Todd F. Proctor, Chair


Jon F. Crunk, Vice Chair


Samantha J. Serna, Member


Mark G. Fischer, Member


Pierre S. Pfeffer, Member

ATTEST:


Shannan Hemphill, County Clerk

August 22, 2023
Date Approved

