

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 October 17, 2023

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October 17, 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 Alan Morel, County Attorney; and Shannan Hemphill, County Clerk.

3. Invocation

The Invocation was presented by Commissioner Serna.

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 Crunk, **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. September 7, 2023, Special Commission Meeting
- b. September 19, 2023, Regular Commission Meeting
- c. September 27, 2023, Special Commission Meeting

Commissioner Serna requested the approval of Minutes be moved to the consent agenda in the future.

Motion: Approve the Minutes of the September 7, 2023, Special Commission Meeting, the September 19, 2023, Regular Commission Meeting, and the September 27, 2023, Special Commission Meeting, **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 September 30, 2023

- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Lincoln County Detention Center Quarterly Restricted Housing Report: July 2023-September 2023
- e. Annual Renewal Approval of the Agreement Between the County of Lincoln and Ventura Plumbing, Heating & Cooling for Plumbing Services- RFP 20-21-004
- f. Annual Renewal Approval of the Contract Between the County of Lincoln and Ventura Plumbing, Heating & Cooling for Heating and Air Conditioning & Preventative Maintenance Services-RFP 20-21-005
- g. Approval of Resolution 2024-23 a Resolution Supporting Operation Green Light for Veterans
- h. Approval of National Nurse Practitioner's Week Proclamation for November 12-18, 2023

Commissioner Serna requested removal of items 7e, 7f, 7g, and 7h from the consent agenda for further discussion.

Motion: Approve the Consent Agenda excluding items 7e, 7f, 7g and 7h, **Action:** Approve, **Moved by** Commissioner Fischer, **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.

Item 7e- Commissioner Serna stated it was the final renewal for the contract, however she questioned the original contract after reviewing many invoices which had been paid in excess of \$5,000. Toni Foligno, Chief Procurement Officer, explained when going out to RFP if it is over a \$5,000 threshold it usually becomes an asset and over \$60,000 requires a formal bid. Ms. Foligno stated if a project was \$5,000 or more it would go to the County Manager for approval and would not come back to her. Ms. Foligno explained when it was over \$5,000 they had a right to obtain bids, however they were not required to. Commissioner Serna questioned the wording in 2-a which stated the helper fee was \$25/hr, however all invoices were charged at \$50/hr. Billie Jo Guevara, Finance Director, stated there were two helpers which were \$25/hr each. Commissioner Serna explained it was not stated that way on the received invoices so they would have been incorrect.

Attorney Morel explained they would need to look at the contract which stated cost and material shall not exceed \$5,000. Attorney Morel stated they needed to follow the policies, and they may need to increase the RFP in the future.

Item 7e and 7f will be brought back at a later date.

Item 7g- Commissioner Serna Read the Operation Green Light resolution for all to hear.

Motion: Adopt Resolution 2024-23, **Action:** Adopt, **Moved by** Commissioner Fischer, **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.

Item 7h- Commissioner Serna read the National Nurse Practitioner's Week Proclamation aloud for all to hear.

Motion: Approve the National Nurse Practitioner's Week Proclamation, **Action:** Approve, **Moved by** Commissioner Fischer, **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.

SEE EXHIBIT A: Copies of the Consent Agenda items including Resolution 2024-23 are attached hereto in reference thereto made a part hereof.

8. Recognition for 40 Years of Service to the County of Lincoln – Charlotte Emmons, Probate Clerk

Clerk Hemphill recognized Charlotte Emmons for her accomplishments and 40 years of working for the County of Lincoln primarily in the County Clerk's Office, stating it wasn't a retirement or going away, just a continuation of 40 years of greatness. Clerk Hemphill stated Ms. Emmons started working in 1983 as a cook at the detention center but quickly transitioned into the County Clerk's Office. Clerk Hemphill detailed many of the accomplishments of Ms. Emmons over the

last 40 years and stated she worked with 3 Probate Judges helping with over 1,500 probates and 7 County Clerks where she helped an immeasurable amount of people and touched many lives.

13. Discussion and Direction Regarding Letter of Support to Request the NM State Engineer's Office Perform a New Study of the Upper Tularosa Basin Water Aquifer – Chairman, Todd Proctor and Stirling Spencer

Stirling Spencer, resident of Lincoln County, spoke on the health, safety and welfare of the basin. Mr. Spencer stated they did not receive the moisture other areas of the County received and the alluvium in the area was lacking as well as the snowpack. Mr. Spencer requested the Commission write a letter of support to request the NM State Engineer's Office perform a new study of the Upper Tularosa Basin Water Aquifer and he hoped to have the State Legislature and Representative Harlan Vincent helping as well.

Motion: Approval to move forward with a letter of support, **Action:** Approve, **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.

9. Lincoln County Treasurer's Board of Finance – Sherrie Huddleston, Treasurer

Treasurer Huddleston detailed the 2023 Lincoln County Property tax billing and presented the Treasurer's Financial Report ending on September 30, 2023.

16. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Chair Proctor updated on the meetings he attended over the past month.

Chair Crunk explained he was inundated by homeowners who had lost their insurance carriers and insurance rates had gone up. Commissioner Crunk detailed the need to continue to work on the ISO ratings in the County. Commissioner Crunk commended Assessor Hill and his staff for their assistance to a disabled Veteran, as they were able to reach out and correct a situation for him.

Commissioner Pfeffer commended Jeff Honeycutt, road Superintendent, on his ability to work with an Alto Homeowners association and save them money. Commissioner Pfeffer spoke on the safety of the residents and echoes Commissioner Crunk's need to lower ISO ratings in the County. Commissioner Pfeffer spoke about problems the Commissioners were having with the rolling quorum and the many meetings they needed or wanted to attend.

Commissioner Serna stated she had been engaged in various County matters and felt that information sharing was essential as information was power. Commissioner Serna spoke on some meetings she would be attending in the coming weeks.

Commissioner Fischer updated on the many meetings he attended over the previous month. Commissioner Fischer spoke on problems in rural America, specifically in rural Lincoln County, with respect to land rights.

Clerk Hemphill spoke on the upcoming 2023 Regular Local Election and detailed the deadlines and processes community members needed to be aware of.

Assessor Hill spoke on the problem with the assessment values and explained where the confusion came from.

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

17. 10:00 A.M.: PUBLIC HEARINGS:

- a. Consideration of Ordinance No. 2024-02, Repealing Lincoln County Ordinance No. 2020-02, Noisy Water Winery Local Economic Development Act (LEDA)
Project RE: Requirements have been completed

Attorney Morel explained Ordinance 2024-02 was an Ordinance to repeal a prior ordinance and he recommended approval.

There were no public comments.

Chair Proctor closed the Public Hearing and reconvened the Regular Meeting at 10:02 AM.

Motion: Approve Ordinance No. 2024-02, Repealing Lincoln County Ordinance No. 2020-02,

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.

SEE EXHIBIT B: Copy of Ordinance 2024-02 is attached hereto in reference thereto made a part hereof.

- b. Consideration of Ordinance No. 2024-03, Noisy Water Winery Local Economic Development Act (LEDA) Project to Provide Public Support for Economic Development and to Contribute to the Community's Long-Term Economic Growth and Sustainability, Approval of Project Participation Grant Agreement, and Approval of Intergovernmental Agreement with New Mexico Economic Development Department

Chair Proctor recessed the Regular Commission Meeting and convened the Public Hearing at 10:03 AM.

Attorney Morel explained the Ordinance, which was a grant agreement up to \$225,000. Attorney Morel stated Lincoln County had no obligation, they were just a pass through.

Commissioner Fischer questioned the signatures required. Attorney Morel explained all Ordinances required the Commissioners signatures and they had the option to circle for or against when they signed.

There were no public comments.

Chair Proctor closed the Public Hearing and reconvened the Regular Meeting at 10:07 AM.

Motion: Approve Ordinance 2024-03, Noisy Water Winery Local Economic Development Act Project, **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.

SEE EXHIBIT C: Copy of Ordinance 2024-03 is attached hereto in reference thereto made a part hereof.

16. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)- Continued

Assessor Hill continued his explanation of the assessment issue. Commissioner Fischer questioned the resolution to prevent the issue or another one from happening in the future. Assessor Hill explained the Treasurer and Manager would meet with him in the future to verify the accuracy. Assessor Hill stated he would like to work on getting new software for the County Assessor's Office.

Treasurer Huddleston provided an update on the 2023 tax bills which had been sent out. Treasurer Huddleston stated they had been working with DFA on the LGBMF.

Sheriff Wood provided statistics from his office over the previous month.

David Vandenberg, servant of Jesus Christ, stated evil was present in the room and he took an oath years ago to defend the Constitution and the Country. Mr. Vandenberg stated there were liars and deceivers at the Federal Level and it was being brought down to the State and Local levels. Mr. Vandenberg explained the dollar was leading the people and it would cause problems.

Robert Shepperd, Resident of Lincoln County, questioned the worker's comp in the County as provided by the State. Mr. Shepperd stated he had been fighting with worker's comp for 15 years, due to his on-the-job injury. Mr. Shepperd explained it was recommended by worker's comp he separate from them, and he stated he was unwilling to do that. Mr. Shepperd requested the chairman, as a representative, work with the New Mexico Counties Board.

Chair Proctor recessed the Regular Commission Meeting at 10:25 AM and reconvened at 10:33 AM.

10. Forest, Land & Natural Resources Matters:

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

Melanie Gutierrez, NMSU Extension Services, spoke on the Eastern Fair results and stated the Lincoln County participants had a phenomenal turn out with great success. Ms. Gutierrez explained 29 of the 33 Counties participated in the Eastern Fair so it had become much bigger than prior years. Ms. Gutierrez was excited about the project in the Ruidoso Schools she was working on with the third-grade classes. Ms. Gutierrez spoke on the new 4H Club in Ruidoso which would have a more urban focus.

- c. South Central Mountain RC & D

Laura Doth, South Central Mountain RC&D, stated they had completed the Wildland urban interface summit. Ms. Doth spoke on a recovery discussion about Bonito Lake. Ms. Doth stated they were finishing phase 1 of the sediment pond, and the air curtain incinerator had a trailer and could be moved easily between sites.

- d. Upper Hondo Soil & Water Conservation District

Robert Barber, Upper Hondo Board of Supervisors, spoke on the projects with the Rio Bonito to discuss water rights issues. Mr. Barber stated they were looking to support the parties down the river and would like to request a letter in the future.

- e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, spoke on the PNM project to develop a 20-year integrated resource plan. Mr. Barber explained their plan to leave no resource off the table when plans were made, including fossil fuel. Mr. Barber stated the Office of Information and Regulatory Affairs was making policy changes as an administrative decision instead. Mr. Barber explained they were requesting support on policy changes.

24. Approval of Award for RFP 23-24-2: Misdemeanor Compliance Officer to Kenneth R. Vega Sr. and Consideration and Approval of Agreement for Professional Services Between the County of Lincoln and Kenneth R. Vega Sr. [Court Compliance Officer]

Attorney Morel explained they went out to RFP and Mr. Vega was the only respondent. Attorney Morel stated they prepared a contract for approval and included the NM Statutes relating to the compliance officer.

Commissioner Serna explained Mr. Vega was married to her first cousin, however she would base her decision on merit only.

Motion: Approve the award for RFP 23-24-2: Misdemeanor Compliance Officer to Kenneth R. Vega Sr., **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.

11. Consideration and Approval of Newly Amended McBride Fire Emergency Watershed Protection (EWP) Funding in the Amount of \$1,272,500.00

Laura Doth, South Central Mountain RC&D, explained following the McBride Fire, Lincoln County agreed to be the sponsor for the EWP Project, and the NRCS waived the 25% match. Ms. Doth stated they reviewed other projects in the burn scar area of the County and recommended an additional \$1,272,500 to the County as an addendum, so it would be 100% payout to the County with no match requirement as well.

Aaron Reynolds, NRCS, explained they received a waiver from the National Office for work to be done on acequia work. Mr. Reynolds stated the work to be done would be on the acequia in the racetrack area and moving the point of diversion outside of the racetrack.

Commissioner Fischer Questioned the diversion from the racetrack and what location it would be moved to. Mr. Reynolds stated they were working with the mayordomo of the acequia to move the diversion further downstream.

Motion: Approve the Newly Amended McBride Fire Emergency Watershed Protection Funding in the Amount of \$1,272,500.00, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Serna.

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

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

Absent: Commissioner Pfeffer.

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

Ross Castleton, Warden LCDC, provided statistics from the Detention Center over the previous month. Warden Castleton stated they had some minor problems with COVID in the facility, however it had since been taken care of. Warden Castleton explained they were working on the MAP program. Mr. Castleton clarified they had 6 staff vacancies, and they were working to fill the openings.

15. Lincoln County Medical Center:

a. Update-Todd Oberheu

Todd Oberheu, Hospital Chief Executive, provided a brief update on the Medical Center. Mr. Oberheu spoke on the Carrizozo health center being temporarily short staffed due to a maternity leave, and the dental clinic being short staffed as well, due to a retirement. Mr. Oberheu stated they were working on the joint commission tri-annual survey of the Hospital and clinics, and they received full accreditation again. Mr. Oberheu explained the Department of Health surveyed the Corona clinic and found minor issues which had been updated. Mr. Oberheu stated the 24-Hour ambulance stations were up and running.

b. Discussion and Approval for Local Artist, Michael Fish, to Paint Mural on Hospital Wall – Discussion of Costs

Mr. Oberheu explained the Lincoln County Community Foundation identified the hospital as an entity which could be used for beautification funds. Mr. Oberheu stated the Courtyard area in back of the hospital was identified as a space sufficient to have a large mural painted on it.

Michael Fish, a local artist, spoke on the beautification project and explained his artwork was usually animal related. Mr. Fish stated the price for the whole wall would be approximately \$21,000, however the size of the mural would depend on the outside funds received.

Mr. Oberheu stated the County would not be liable for the funds as they would come from outside sources.

Motion: Approval to allow Michael Fish to paint a mural on the Hospital wall, **Action:** Approve, **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.

27. Consideration and Approval to Submit a Letter in Support of the New Mexico Department of Transportation (NMDOT) Speed Control in Lincoln, NM

Elaine Allen, resident of Lincoln, explained they had worked with DOT to install the temporary speed humps, aka raised crosswalks in Lincoln. Ms. Allen stated it took a minute and a half to get through town, going the speed limit, so there was no need to speed. Ms. Allen explained they were conducting a study and looking to make the speed humps more permanent, however they would continue to be raised crosswalks.

Motion: Approval to submit a letter in support of the speed control in Lincoln, **Action:** Approve, **Moved by** Commissioner Crunk, **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.

20. Public Works:

b. Approval of Lodgers' Tax Request:

i. Event: Billboard on US HWY 380

Date of Event: **December 27, 2023**
Requester: **Friends of Historic Lincoln**
Amount Requested: **\$5,000.00**

Elaine Allen, Friends of Historic Lincoln, presented on the billboard they would like funding for.

Attorney Morel questioned the application and the prepayment. Ms. Allen explained there was some confusion with the contract and request. Ms. Allen stated a one-year contract cost for the billboard was \$10,000, and they were requesting reimbursement of \$5,000 from the County and \$5,000 from the State.

Commissioner Fischer requested it be brought back in the November meeting with the corrected contract.

- a. Consideration and Approval of Refunds to Lodging Tax Vendors Due to Duplicate Payments in the Total Amount of **\$3,084.23**
 - i. William D Adams - **\$1,515.55**
 - ii. Helen Purselley Estate - **\$447.25**
 - iii. Valerie Riefenstahl - **\$404.20**
 - iv. Olney Wallis - **\$560.67**
 - v. Dennis M. White & Irma L. White aka Whitehouse - **\$156.56**

Scott Annala, Acting Public Works Director, explained the duplicate payments and stated Evolve had paid and the entity had paid as well. Commissioner Crunk questioned if there was a way to hold the companies accountable for a list statement of who they were making payments for and what amounts. Attorney Morel stated it was an obligation of the vendors to make the payments.

Motion: Approve the refunds to Lodging Tax Vendors due to duplicate payments, **Action:** Approve, **Moved by** Commissioner Fischer, **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.

- c. Approval to File Solid Waste Liens:
 - i. Kenneth C. Kenney and Lillian DeAnne Kenney- **\$685.78**
 - ii. Brian Jaramillo and Kimberly Jaramillo- **\$1,116.56**
 - iii. David W. Hightower; Jeff Hightower, Kayla Hightower- **\$1,015.26**
 - iv. Carlos Morales- **\$448.76**
 - v. Marsha Gayle Nickerson- **\$482.15**
 - vi. Franklin Lee Dedon and Cheril Dian Dedon- **\$601.59**
 - vii. Ruben Alvarez and Maria D. Alvarez- **\$513.54**
 - viii. Cesar Marmolejo or Sulema Marmolejo- **\$513.45**
(Land#1007021 Cesar & Sulema Marmolejo)
(MH#370227 Cesar & Sulema Marmolejo)
 - ix. Randal James McQuiller Jr.- **\$448.76**
(Land#1000091 Randal James McQuiller Jr.)
(MH#1008614 Randal James McQuiller Jr.)

Motion: Approval to file the recommended solid waste liens, **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.

- d. Approval to Release and Refile Solid Waste Liens:
 - i. Ernest Fant Sanders & Jackie Lou Sanders - **\$2,571.97**
 - ii. Peter Warren Schneider - **\$2,656.90**
 - iii. Bob Shapland - **\$2,600.89**
 - iv. Ernest Silva, Jr. - **\$2,605.85**
 - v. James Andres Smith & Anita Smith - **\$2,604.49**
 - vi. James R. Sohl & Jackie Sohl - **\$2,013.47**
 - vii. Debrah Stephens- **\$1,984.16**
(Land# 1004968 Debrah Stephens) (MH# 1003232 Debrah Stephens)
 - viii. Debrah Stephens - **\$2,015.85**
 - ix. Shirley (Harper) Tucker- **\$2,501.98**
(Land# 283620 Shirley Harper Tucker) (MH# 1005780 Shirley Harper Tucker)
 - x. Daniel & Irene Vela - **\$2,682.79**

- xi. Harland Webb & Sally Webb - **\$2,605.85**
- xii. Mark P. Westbrook- **\$2,677.98**
(Land# 330860 Mark P. Westbrook) (MH# 222426 Mark Westbrook)
- xiii. George J. Yagel & Priscilla Smith Yagel - **\$2,605.85**

Motion: Approve the release and refile of the solid waste liens as presented, **Action:** Approve, **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.

12. Discussion and Approval of Appropriation 23-ZH5051-1 in the Amount of \$2,500,000.00 for Infrastructure Upgrade in Response to the McBride Fire in Ruidoso and the County of Lincoln

Billie Jo Guevara, Finance Director, reached out to the analyst to request an extension as it was a large amount of money to be spent in a short amount of time but had not received a response.

Motion: Approve Appropriation 23-ZH505101 in the amount of \$2,500,000, **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.

33. Approval of Award for RFP 23-24-3 Youth Mentoring Services and Positive Active Programming

Toni Foligno, CPO, stated there were 4 applications received for the RFP and there was a possibility of awarding to multiple vendors. Ms. Foligno explained all the responses could have been eliminated for various reasons, however they were still scored. Ms. Foligno presented the scores as the Boys & Girls Club received 97.34/100, 4-H Extension Office received 96/100, High Mountain Youth received 93.33/100, and Big Brothers Big Sisters received 65.32/100.

Commissioner Pfeffer requested the relative budgets of each of the entities. Commissioner Serna would like to focus on the quality of the proposals and how they intend to mentor the youth. Commissioner Fischer requested a presentation from the entities who applied for the RFP, with particular specifics toward their outreach into the County.

The Commissioners requested the entities present at a future Commission meeting, a quick 5-minute presentation, to define how they would spend the money, what their method would be for mentoring the youth throughout the County, their return on investment, their current budget and how they would spend the funds.

Tim Coughlin, Boys & Girls Club of Chaves and Lincoln Counties, explained the back history of the request and the shortened timeframe as the funds would need to be spent by the end of June to avoid payback.

Laurie Benavides, High Mountain Youth Project, reiterated the shortened timeframe and the need to make a quick decision.

Chair Proctor recessed the Regular Commission Meeting at 12:12 PM and reconvened at 12:47 PM.

28. Review, Discussion and Direction Regarding the Management Agreement for the Lincoln County Fairgrounds Between the County of Lincoln and the Lincoln County Fair Association

Attorney Morel stated the Management Agreement did not expire until June 2024. Attorney Morel explained they would need to change the legal description as well as other parts of the agreement as they would be moving much of the road department to the back of the property.

Robert Shepperd, Fair Board Association, stated there was a change in the maintenance personnel and they were working on getting things taken care of. Mr. Shepperd explained they were willing to work together to make things functional and presentable.

Attorney Morel stated there was not a lease or property agreement and they would need to look at how to handle it in the future once the current Management Agreement expired. Attorney Morel stated there needed to be additional insurance coverage on special events. Mr. Sheppard stated

the vendors needed to provide their own insurance and list the Fair Board and the County as additionally insured. Mr. Shepperd stated the Fair Board carried its own insurance as well.

21. Director Reports

Renee Montes, Senior Citizens Program Director, stated they were working on quarterly reports to the State. Ms. Montes explained they were continuing to work on the improvements in the Hondo and Corona buildings and were waiting on vehicles to be delivered. Ms. Montes stated they had a vacancy on their Advisory Council which they were working to fill.

Scott Annala, Acting Public Works Director, explained the transition had been started to move the Solid Waste services to Universal Waste Systems. Attorney Morel had been working with UWS to make sure they worked directly with Sierra Contracting during the transition. Commissioner Fischer requested a phased approach to the transition.

Aaron Griewahn, OES, stated they had been awarded 6 of the 8 grants they requested, totaling \$1,450,000 from the State Fire Marshall's Office.

18. Approval of Budget Adjustment for FY 23/24 by Resolution 2024-22

Treasurer Huddleston explained the budget adjustments.

Motion: Adopt Resolution 2024-22, **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.

SEE EXHIBIT D: Copy of Resolution 2024-22 is attached hereto in reference thereto made a part hereof.

19. Approval of Prior Year Invoices:

- a. Memorial Medical Center in the Amount of **\$3,333.45**

Billie Jo Guevara, Finance Director, explained the invoices which were received for the detention center detainees.

- b. Presbyterian Healthcare Services in the Amount of **\$676.00**

Ms. Guevara stated the invoice was for an additional pre-academy physical.

Motion: Approve the prior year invoices as presented, **Action:** Approve, **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.

22. Discussion and Approval of Policy Promoting Effective Communication Between Elected Officials and Establishing Employee Complaint Procedures, Fostering a Transparent and Accountable Work Environment

Chair Proctor explained the code of ethics would fully encompass all employees including elected officials. Commissioner Pfeffer stated the Commission could bind themselves, however they could not bind other Elected officials. Commissioner Pfeffer explained the Commissioners were Elected Officials and employees were subject to added stress of Commissioners who were not bound by the rules of other county department heads. Commissioner Pfeffer stated he was trying to protect the employees from abuse by the Commission. Commissioner Pfeffer felt it would give the employees a channel to seek redress.

Commissioner Serna stated there was a State Ethics Commission which oversaw the ethics of the Commissioners. Commissioner Serna felt this rhetoric had been going on too long and it needed to end.

Commissioner Fischer had not seen any evidence of the neglect. Commissioner Fischer felt if there were problems, they tried to discuss them openly. Commissioner Fischer questioned some of the wording in the presented document and stated the Commissioners were elected by the people of their District to represent them. Commissioner Fischer explained, according to the document, the County Manager or HR Director must be involved in the investigation and

adjudication, however a conflict of interest existed as both individuals work for the Commission. Commissioner Fischer felt it was best handled by the State Ethics Commission or handled under the Federal Labor Laws.

Commissioner Crunk felt the responsibility of a commissioner was to do what was right for the Constituents. Commissioner Crunk did not feel they had done what was appropriate in the past, which was to address the issues in a professional manner. Commissioner Crunk discussed the open meetings act regulations and stated it caused problems with three or more commissioners in attendance. Commissioner Crunk felt they maybe needed to challenge it with the Attorney General and let them know that the Commissioners would like to attend all meetings they were interested in without fear of retaliation if more than two Commissioners showed up. Commissioner Crunk felt all contact needed to be directed to the County Manager who could then contact the Elected Officials directly if there was an issue.

Chair Proctor felt the document was needed and he was ok with the document, as presented, to foster a better working environment.

Rhonda Burrows, Probate Judge and former County Clerk, was concerned about the acrimonious behavior of the Commission. Judge Burrows explained, as elected officials, Commissioners are obligated to behave in a Courteous and respectful manner to all. Judge Burrows stated the Commissioners needed to work together to accomplish what was needed in the County and for their constituents. Judge Burrows felt the current environment of personal and professional animosity only hurt the constituents.

Commissioner Fischer felt the need was there however, he didn't feel the document was the correct vehicle for the desired outcome. Commissioner Fischer stated many of the problems were the result of a lack of communication within the Commission and the lack of understanding of the Open Meetings Act and what constituted a quorum.

Motion: Approve the policy as presented, **Action:** Approve, **Moved by** Commissioner Pfeffer, **Seconded by** Chair Proctor.

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

Yes: Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

No: Commissioner Fischer, Commissioner Serna.

23. Approval for the Office of Emergency Services to Purchase Replacement Utility Terrain Vehicle (UTV) for the Hondo Volunteer Fire Department

Aaron Griewahn, OES Director, stated they had received 2 bids originally, they finally received a third quote however the third was higher.

Motion: Approve the purchase of the replacement UTV as presented, **Action:** Approve, **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.

25. Discussion and Approval of Resolution No. 2024-24 Supporting the New Mexico Counties' 2024 Legislative Priorities

Chair Proctor explained the three priorities of the NMC Board. Commissioner Fischer stated his concern about the lack of Education in the State. Commissioner Fischer felt the Counties should be more involved.

Motion: Adopt Resolution 2024-24, **Action:** Adopt, **Moved by** Commissioner Crunk, **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 E: Copy of Resolution 2024-24 is attached hereto in reference thereto made a part hereof.

26. Consideration and Approval of Pattern IRB Real Estate Amendments:

- a. First Amendment to Sublease Agreement for \$3,600,000,000 Lincoln County, New Mexico Taxable Industrial Revenue Bonds (Mesa Canyons Wind LLC Project), Series 2022A.

Will be moved to a future meeting.

- b. First Amendment to Lease Agreement for \$3,600,000,000 Lincoln County, New Mexico Taxable Industrial Revenue Bonds (Mesa Canyons Wind LLC Project), Series 2022A

30. Avalon Forest Subdivision Update by Developer, Don Murphy

Don Murphy, Avalon Forest Subdivision, explained they were working on the roads, and on getting the final plat signed. Mr. Murphy stated he would come back at the next meeting for final approval.

29. Consolidated Dispatch:

- a. Discussion and Direction on Whether to Move Forward with Consolidated Dispatch Discussions with the Village of Ruidoso and City of Ruidoso Downs

Chair Proctor stated the consolidated dispatch was something which had been worked on for many years. Commissioner Crunk felt it was not the time or place for the consolidation. Commissioner Fischer stated he did feel the agreement was in the best interest of the stakeholders.

- b. Discussion and Direction Regarding Regional Dispatch Authority – Commissioner Mark Fischer

Commissioner Fischer presented on the Mesilla Valley Regional Dispatch Authority (MVRDA) and how the County could benefit from a similar agreement. Commissioner Fischer explained the Sierra Blanca Regional Dispatch Authority would be dispatching to all entities. Commissioner Fischer stated it would need to be a JPA, not an MOU.

Sheriff Wood stated he had been through a consolidated dispatch in the past. Sheriff Wood was concerned with the geography and felt it could be an issue. Sheriff Wood stated his position from the beginning was he was only willing to participate if it could be done and was even possible, however he was not willing to turn something over on a County wide basis if it had not been verified. Sheriff Wood did not feel he would be interested in going forward with the consolidated dispatch at the current time.

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

Nothing to Schedule.

32. 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); and Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); 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); and Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); and Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2), **Action:** Approve, **Moved by** Commissioner Crunk, **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 Meeting and convened the Closed Session at 2:19 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 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. **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.

11. **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.

12. **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.

13. **Brandon A. Gonzales and Kevin D. Trapp, on behalf of themselves and other similarly situated v. Lincoln County Board of County Commissioners, and Lincoln County Sheriff's Office, Michael Wood, John Doe #1, John Doe #2, Cause No. D-1226-CV-2023-00192.** A Complaint alleging improper oaths of office given to the Sheriff, Sheriff's Deputies, for false arrest, false imprisonment, and denial of due process as guaranteed by the NM Constitution was filed on July 28, 2023 by Attorneys Lauren Temple and Luke Ragsdale. The case is still pending.

14. **KC Dorgan and Sara Cummins v. Deputy Levi Wrye, Yancy Darby, Matthew Cude and Lincoln County Sheriff's Department, Cause No. @-1226-CV-2023-00147** A Third-Party Complaint was filed by Third-Party Plaintiffs, KC Dorgan and Sara Cummins, on July 25, 2023 by Attorneys Freda Howard McSwane, and Edward Dev Bunn, Jr. alleging negligent infliction of emotional distress, violation of due process rights, and loss of financial resources. Lincoln County defendants filed their Motion to Dismiss Third-Party Complaint on September 13, 2023. The case is still pending.

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

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

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.

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 in 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.

Sambrano, Patrick – Tort Claim Notice and Intent to Sue received August 4, 2023, alleging violation of Claimant's 5th and 6th Amendments of the U.S. Constitution, violations of Article II, Section 10, 13, 14, and 18 of the NM Constitution, false reporting, and indifference to the impact and consequences of Claimant's arrest based on false pretenses, and detained for 72 days before his arraignment.

***Wall, Ronald Gordon** – Tort Claim Notice received September 28, 2023 alleging that Lincoln County Medical Center, by and through its employees, acted under the standard of care resulting in Mr. Wall's death on July 9, 2023.

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.

2021

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.

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".

Chair Proctor adjourned the Closed Session and reconvened the Regular Meeting at 2:42 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.

34. Approval to Issue an RFP for Replacement of A/C and Heating Units at the Public Health Office

Toni Foligno, CPO, stated it should be an IFB not an RFP. Ms. Foligno explained the panel had been installed by Yearout and the access was limited. Ms. Foligno stated the scope should be put together before it is presented.

Motion: Approval to issue an IFB or RFP for replacement of the A/C and Heating units at the Public Health Office, **Action:** Approve, **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.

35. Signing of Official Documents

36. Next meeting:

a. Tuesday, November 14, 2023 – Regular Commission Meeting

37. Adjourn

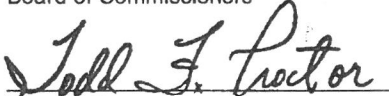
Motion: Adjourn, **Action:** Adjourn, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

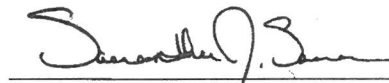
Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 2:51 PM.

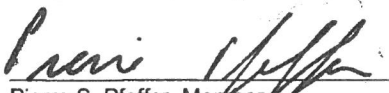
County of Lincoln
Board of Commissioners


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

November 14, 2023
Date Approved

