

COUNTY OF LINCOLN

New Mexico Special 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 Thursday September 7, 2023

Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 AM on September 7, 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 Special Meeting of the Board of County Commissioners to order at 8:36 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: Acceptance of the Agenda and authorized the Chair to move items as necessary,

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.

17. **11:00 AM 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); and Discussion and Direction Regarding Solid Waste Request For Proposals, Section 10-15-1, Subparagraph (H)(6)**

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); and Discussion and Direction Regarding Solid Waste Request For Proposals, Section 10-15-1, Subparagraph (H)(6), **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 8:40 AM.

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. **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. **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.

14. ***Kurtis Grassie v. Michael Wood, Cause No. D-1226-CV-2023-00122** - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022. Settlement has been reached and final dismissal of the case is pending.

15. **Rex E. Beard v. Michael Wood in his official capacity of the Sheriff of the Lincoln County Sheriff's office, Cause No. D-1226-CV-2023-00169** A Verified Petition for Writ of Mandamus was filed on July 10, 2023 by Attorney Freda Howard McSwane alleging that LCSO Deputies have not been legally sworn in. The case is still pending.

16. ***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. On August 28, 2023, Plaintiffs' filed their First Amended Complaint. The case is still pending.

17. **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. The case is still pending.

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

19. **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 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.

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.

2021

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 10:01 AM.

Commissioner Pfeffer 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.

6. Approval of Alpine Village Sanitation District Mil Levy

Manager Person explained a letter was sent out to all the taxing districts requesting their rates by a certain date, however this one came in late. Treasurer Huddleston stated the rate was lower due to yield control.

Motion: Approve the Alpine Village Sanitation District Mil Levy Rate, **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.

7. Approval of Order Setting Property Tax Rates - 2023 Property Tax Year

Attorney Morel stated the rates were not ready to be approved. Treasurer Huddleston explained the Tax rates were not correct, the taxable values don't include exemptions, however this year the exemptions were included. Treasurer Huddleston stated they were showing a higher amount than what would be received. Treasurer Huddleston explained the report showed the amount less the exemptions was \$1,676,714,893, however it should have been \$1,608,842,960 so it was showing \$50,268,317 extra. Treasurer Huddleston explained the tax rates were lowered because of yield control, so they were not a true figure. Treasurer Huddleston requested the agenda item be moved to the next meeting so she could reach out to all entities to explain the rates.

Manager Pearson explained Lincoln County was the only County with this issue and they had no ability to correct it. Manager Pearson explained the Treasurer would need to reach out to all entities and get approval prior to the Commission approving the rates.

Leroy Zamora, Chief Deputy Assessor, apologized on behalf of the office to all who would be affected. Mr. Zamora stated they would write new policy to alleviate the problem in the future.

No action was taken and the item was moved to the next Regular Meeting.

8. Approval of Budget Adjustment for FY 23/24 by Resolution No. 2024-14

Manager Pearson stated there was an increase in revenues from the rental of the fairgrounds house and all the expenditures listed were approved during the prior meeting.

Motion: Adopt Resolution 2024-14, **Action:** Adopt, **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 A: Copy of Resolution 2024-14 is attached hereto in reference thereto made a part hereof.

9. Approval of FY 2024-2028 Infrastructure Capital Improvement Plan to be Submitted to Department of Finance – Local Government Division

a. Resolution 2024-15 County of Lincoln

Manager Pearson questioned if the Commission wanted to submit the ICIP with the same amounts as listed on the internal requests or include inflation costs. Commissioner Serna stated DFA recommended a 30% inflation on the requests. Chair Proctor questioned if there would be any complications with including a 30% increase. Treasurer Huddleston agreed with the increased amount. Commissioner Pfeffer stated his concern about increasing ourselves out of the possible funding opportunity. Commissioner Serna explained it was a planning document.

Motion: Adopt Resolution 2024-15 with a 30% increase, **Action:** Adopt, **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 B: Copy of Resolution 2024-15 is attached hereto in reference thereto made a part hereof.

b. Resolution 2024-16 Senior Citizen's Centers

Renee Montes, Senior Center Program Director, stated the quotes as presented were current.

Motion: Adopt Resolution 2024-16, **Action:** Adopt, **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 Resolution 2024-16 is attached hereto in reference thereto made a part hereof.

10. Consideration of Approving a Letter, Urging Congress to Enact the Affordable Housing Credit Improvement Act (AHCIA) of 2023, S. 1557 and H.R. 3238, Which Would Strengthen and Expand the Low-Income Housing Tax Credit (Housing Credit).

Manager Pearson stated it was a good letter and would be signed by the Chair, if approved.

Motion: Approve the Letter Urging Congress to Enact the Affordable Housing Credit Improvement Act of 2023, **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.

11. Approval of the Lincoln Community Church, Prior-Year Invoice, in the Amount of \$950.00

Manager Pearson explained the yearly contract with the church in Lincoln and stated it was a \$600 minimum payment and \$50/meeting.

Motion: Approve the Prior-Year Invoice in the amount of \$950, **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.

12. Discussion and Consideration of County Employee Pay Plan

Treasurer Huddleston explained the process which was used to determine the correct tiers and the salary adjustments. Treasurer Huddleston felt the County wouldn't lose money, however they wouldn't have as significant an increase and they would still need to be conservative with the budgets. Billie Jo Guevara, Finance Director, explained the total impact to the general fund in the amount of \$951,000 of re-occurring expenses. Treasurer Huddleston felt it was still sustainable and they would be able to hold the beginning cash balances.

Commissioner Fischer stated going forward they would need to be very careful with financial planning since the revenue stream was in jeopardy. Manager Pearson explained 3/12 is the Counties required reserve and 1/12 is the road department required reserve which sits in the account to cover expenses as an emergency fund. Commissioner Fischer questioned if there would be an opportunity in the future to adjust specific departments and positions as everything gets fine-tuned.

Commissioner Crunk was worried about the insurance problems in the County and worried about the future expenses. Manager Pearson felt the County was still ok even without the windmill monies.

Billie Jo Guevara, Finance Director, stated the contract positions were left out and the tiered plan did not include them as they were done on a contract basis, not as a hired employee.

Commissioner Serna was concerned about the Director positions and stated positions like the Finance Director, Human Resources Director and Public Works Director positions usually had a higher education requirement and years of service which contributed to their pay scale, however that wasn't the case for the current employees. Commissioner Serna felt they could get to the higher pay scale numbers through attrition instead of all at once with the current positions.

Chair Proctor felt it was long overdue and there would always be people who were upset they didn't get what they felt they should. Commissioner Serna felt comfortable with the staff portion of the tiered plan and salary pay, however she was not comfortable with the department heads and directors increases.

Leeroy Zamora, Chief Deputy Assessor, explained they tried to be as fair as possible across the board, however there will always be some upset and some happy.

Sheriff Wood stated, having been involved in the process, he was confident with it and felt comfortable with the way it was done. Sheriff Wood felt comfortable with the numbers as presented and felt the County would be competitive with others around to make sure they get and retain good employees.

Jeff Honeycutt, Road Superintendent, stated he had 8 vacancies with 4 who would submit letters of resignation immediately if the pay was not addressed at this meeting. Mr. Honeycutt felt it was a good starting point, however it may need to be tweaked in the future. Commissioner Serna questioned the Road Foreman increase of \$26,000 as it did not make sense to her. Commissioner Serna questioned if they monitor budgets or write grants or other requirements which would cause such a large increase in pay. Mr. Honeycutt explained it was due to their prior experience. Mr. Honeycutt didn't feel it was fair across the board as he had an employee who had been there for 31 years and they didn't get to see the same benefit. Mr. Honeycutt stated their longevity wasn't rewarded, however he felt it would give a strong starting point going forward and there were tweaks which would need to be made at a committee level in the future.

Renee Montes, Senior Services Director, felt it was a fair process to start and it could be adjusted in the future. Ms. Montes did not feel it was personal, it was based on the jobs not the people in the position. Ms. Montes felt this would be beneficial in recruiting and keeping employees. Ms. Montes stated her salary had increased more than anticipated and it could be negotiated if it would help pass the rest of the pay plan.

Joe Kenmore, Office of Emergency Services Director, stated he had never seen that many directors and elected officials come to a process and agree the way they had done, and he felt that spoke volumes about the staff and what they were trying to accomplish.

Commissioner Crunk stated they had heard from the department heads and elected officials that the process was the best they could come up with and he felt it would never be perfect as there would always be some who were upset.

Motion: Approve the employee pay plan on the books as presented effective September 16, 2023, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

Manager Pearson questioned the revised pay plan and what the differences were. Ms. Guevara stated there was not much difference between the two documents.

Commissioner Crunk withdrew his motion and Commissioner Pfeffer withdrew his second.

Commissioner Fischer questioned the differences in the revised pay plan. Ms. Guevara admitted she had not reviewed the differences from last month as it was a working document and she stated it is what it is. Ms. Guevara stated the only adjustment she made was at the bottom of the sheet where she adjusted the breakdown with the 3/12 and 1/12.

Commissioner Fischer stated the original pay plan showed \$721,909, however the newer revised one was \$766,326.26 so there was roughly a \$45,000 increase and the Commission needed clarification. Commissioner Fischer stated he had been in favor of raises for the employees since he started, however he was unable to approve a \$45,000 increase the finance director was unable to explain. Commissioner Fischer felt it could be brought back with clarification for approval at a future meeting. Manager Pearson stated the Treasurer's Office would review the document to determine the changes and hopefully have it approved at the current meeting if they could have a couple minutes to review it.

Troy Niederstadt, Chief Deputy Treasurer, compared the revised document with what was in the original packet to determine the changes. Mr. Niederstadt explained the OES director's actual salary was too high, so it was adjusted to the correct amount which caused a greater increase in the difference. Mr. Niederstadt explained the Treasurer's Office Deputy II position was off by a few cents on her actual salary which caused a slight increase, the Dispatch II actual salary was lower than what was stated, and the Road Foreman actual salary was higher than what was stated, as they were verified by the Finance Director off the paystub. Mr. Niederstadt stated the benefits were included in the adjustments as well.

Commissioner Pfeffer reiterated when documents were submitted with revisions, the revisions needed to be highlighted or documented.

Motion: Accept the revised pay plan 9/6/23 as presented, effective on the September 16, 2023 pay period, **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.

13. Discussion and Consideration of Collective Bargaining Agreement Between the County of Lincoln and the Lincoln County Deputy Sheriffs' Association

Manager Pearson explained at the last meeting the agreement was approved with changes reflecting the Sheriff's Office instead of the Sheriff's Department. Attorney Morel stated the collective bargaining agreed to the changes. Sheriff Wood explained the Field Deputies did not fall within the collective bargaining agreement therefore they would need to be on a resolution in the future to set them at 10% above the others.

Motion: Approve the Collective Bargaining Agreement to be effective September 16, 2023, **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.

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

Commissioner Pfeffer stated there were substantial funds available, however the needs of the County had to be kept at the top of the stack instead of getting buried and not seen. Commissioner Pfeffer felt a lobbyist was the best way to keep the needs of Lincoln County visible and at the top of the stack, the County needed someone in person to stay on top of the situation.

Nick Crockett, Attorney and Federal Relations consultant in Washington DC, detailed his prior experiences and some of the needs he could assist the County with if his services were accepted. Mr. Crockett stated he was an expert in the process and kept non-partisan policies. Mr. Crockett explained his office was in Washington DC and only a couple blocks away. Mr. Crockett stated if he was hired he would focus on the process, proximity and persistency, to keep the priorities of the County at the top of the stack and on the front of the minds of those in Washington, to make sure they didn't get lost in the shuffle. Mr. Crockett explained he would work directly with the

Manager or the Manager and a Commissioner to make sure they were following protocol and to address the Commissions specific concerns.

Motion: Approve the contract with the understanding the priorities can be adjusted throughout the process, **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.

17. **11:00 AM 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); and Discussion and Direction Regarding Solid Waste Request For Proposals, Section 10-15-1, Subparagraph (H)(6)- Continued**

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); and Discussion and Direction Regarding Solid Waste Request For Proposals, Section 10-15-1, Subparagraph (H)(6), **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 11:54 AM.

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. **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. **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.

14. ***Kurtis Grassie v. Michael Wood, Cause No. D-1226-CV-2023-00122** - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022. Settlement has been reached and final dismissal of the case is pending.

15. **Rex E. Beard v. Michael Wood in his official capacity of the Sheriff of the Lincoln County Sheriff's office, Cause No. D-1226-CV-2023-00169** A Verified Petition for Writ of Mandamus was filed on July 10, 2023 by Attorney Freda Howard McSwane alleging that LCSO Deputies have not been legally sworn in. The case is still pending.

16. ***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. On August 28, 2023, Plaintiffs' filed their First Amended Complaint. The case is still pending.

17. **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, 203 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. The case is still pending.

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

19. **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 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.

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.

2021

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.

Smokey, Cynthia – On November 8, 2021, Ms. Smokey 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 1:03 PM.

Commissioner Pfeffer 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.

15. Discussion and Direction Regarding a Grant Writer Position for the County of Lincoln

Commissioner Pfeffer commented on the new prospective Manager's Grant writing ability. Commissioner Pfeffer stated they were continuing to try to hire the Public Works Director, however the job description may be changed in the future to incorporate the County Grants. Commissioner Pfeffer stated he had worked with Dora Batista and she did a good job, however he felt there needed to be someone working directly for the County. Commissioner Pfeffer felt the position should be created and discuss a range of salaries, then figure out where the position fit within the County.

Commissioner Fischer explained Ruidoso had about 50 grants and felt the County was way behind in obtaining their own grant funds. Commissioner Fischer explained some details could be

discussed with a new Manager once hired to leverage a greater capability. Commissioner Serna stated the Junior Bill funds would expire June 30, 2024, and questioned the best way to disburse the funds, either a grant writer or disbursed to Ms. Batista. Commissioner Serna felt it best to hold off on the Grant Writer position until the Public Works department was revamped. Commissioner Pfeffer would like to have the position created right away with the details to be worked out in the future. Commissioner Fischer supported the position as described but felt it very important to keep it open with the specifics of the qualifications and duties until the County Manager position was filled.

Motion: Approval to Create the Position of Grant Writer with the Job Description and Salary open for discussion in the future, **Action:** Approve, **Moved by** Commissioner Pfeffer, **Seconded by** Commissioner Fischer.

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

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

No: Commissioner Serna.

16. On-Call Construction Contract Awards

a. Lower Eagle Creek Culvert Replacement

Eric Hamilton, Wilson & Co. Project Manager, discussed the contract to Renegade Construction using the County's on-call construction agreement for the lower eagle creek culvert replacement, phase 1. Mr. Hamilton stated it was funded by the NM DOT Local Government Road Fund and the contract price was within the Counties project budget. Mr. Hamilton explained Renegade Construction could begin on September 18, 2023, with completion prior to the end of the year.

Manager Pearson questioned the Funding and Cost analysis and stated the County Gross Receipts went down to 5.25%. Manager Pearson discussed the drainage master plan and design task order and questioned the task order for the project. Mr. Hamilton explained the task order would be presented at the next meeting. Chair Proctor questioned if Renegade was scheduled to begin the Fairgrounds Phase 2 project on September 1, 2023. Mr. Hamilton stated they were going to be pushed back to begin in October instead. Commissioner Fischer stated the intention was to turn the fairgrounds into a year-round event center so the County would need a better clarification on the timeline.

b. Palo Verde Slopes Drainage Improvements and Culvert Replacement

Mr. Hamilton stated the recommendation was to award the contract to Renegade Construction using the on-call contract as well. Mr. Hamilton detailed the drainage improvements requested and the projected costs of the project. Mr. Hamilton explained not all the roadways would see improvements in phase 1, there would be selected ones that would be best to start. Commissioner Fischer questioned if they would be clearing right of ways. Jeff Honeycutt, Road Superintendent stated he was behind the project and detailed the culverts would be upsized as well as the clearing of right of ways. Mr. Honeycutt stated they would start with phase 1 and continue to phase 2 as they progressed. Mr. Hamilton stated they would begin in November. Commissioner Serna questioned the public outreach. Mr. Hamilton stated they would place door hangers and would have daily ingress and egress to all residents. Mr. Hamilton stated at least a culvert crossing would be completed each day.

Motion: Approve the Contract Awards for the Lower Eagle Creek Culvert Replacement and the Palo Verde Slopes Drainage Improvements and Culvert Replacement, **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.

18. Approval to Negotiate with Potential Solid Waste Provider(s)

Attorney Morel stated there were two responses to the RFP and the pros and cons were discussed during the Executive Session.

Motion: Approve the issuance of a contract to Universal Solid Waste pending negotiations between the County Manager and Attorney, **Action:** Approve, **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.

Commissioner Pfeffer questioned the ability to have negotiations highlighted in the contract.

19. County Manager

a. Consideration of Hiring a Temporary County Manager Position

Manager Pearson stated the agenda for the next meeting would be prepared prior to his leaving.

Motion: Appoint Nita Taylor interim County Manager until a new County Manager was hired,
Action: Approve, **Moved by** Commissioner Serna, **Seconded by** Commissioner Fischer.

Attorney Morel explained the terms requested by Ms. Taylor were \$120,000 divided into monthly payments plus gross receipts. Commissioner Pfeffer stated he would prefer it if Manager Pearson could continue to be engaged over the next 45-50 days instead of hiring out and having two separate transitions for an interim and a new County Manager. Commissioner Pfeffer felt Nita would be a second transition which would not be needed. Commissioner Fischer worried about the unknown details getting in the way and causing problems.

Commissioner Serna withdrew her motion and Commissioner Fischer withdrew his second. Chair Proctor requested this item be on the next Regular Commission Meeting, if needed.

b. Consideration of Entering into Negotiations for County Manager Position

Commissioner Crunk requested the attorney and manager to enter into negotiations for the new manager position.

Motion: Approval for the County Attorney and County Manager to enter into negotiations for the new Manager Position with Makayla Zonfrilli-Lang, **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. Next Meeting: September 19, 2023, Regular Commission Meeting

21. 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 1:49 PM.

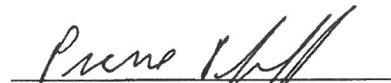
County of Lincoln
Board of Commissioners


Todd F. Proctor, Chair

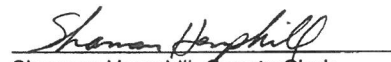

Jon F. Crunk, Vice Chair


Samantha J. Serna, Member


Mark G. Fischer, Member


Pierre S. Pfeffer, Member

ATTEST:


Shannan Hemphill, County Clerk

October 17, 2023
Date Approved

