

# 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 January 16, 2024

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on January 16, 2024, 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 Makayla Zonfrilli, 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 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.

#### 6. Selection of Lincoln County Board of Commissioners Chairman and Vice-Chairman

Attorney Morel opened the floor for nominations of Chairman. Commissioner Crunk nominated Commissioner Proctor and Commissioner Fischer nominated himself.

Attorney Morel stated the votes would be taken in order of nomination and requested a roll call vote for Commissioner Proctor as Chairman.

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

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

**No:** Commissioner Fischer, Commissioner Serna.

Attorney Morel explained since Commissioner Proctor received enough votes, there would be no need to continue voting on the others. He turned the meeting back to Chair Proctor. Chair Proctor opened the floor for nominations of Vice-Chairman. Commissioner Serna nominated Commissioner Fischer and Commissioner Pfeffer nominated Commissioner Crunk.

Chair Proctor stated the votes would be taken in order of nomination and requested a roll call vote for Commissioner Fischer as Vice-Chairman.

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

**Yes:** Commissioner Fischer, Commissioner Serna.

**No:** Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Chair Proctor requested a roll call vote for Commissioner Crunk as Vice-Chairman.

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

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

**No:** Commissioner Fischer, Commissioner Serna.

**7. Approval of Minutes:**

- a. December 19, 2023 - Regular Commission Meeting

**Motion:** Approve the minutes of the December 19, 2023, Regular Commission Meeting, **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.

**8. Approval of Consent Agenda**

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month Ending December 31, 2023
- c. Treasurer's 2<sup>nd</sup> Quarterly Report by Resolution 2024-35
- d. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- e. Approval of the DWI Grant Resolution 2024-37 Authorizing the Village of Ruidoso to Submit an Application to the DFA, Local Government Division to Participate in the Local DWI Grant and Distribution Program and Delegating Authority
- f. Approval to Re-Appoint Coda Omness to the Lodgers' Tax Committee – 2-year Term
- g. Lincoln County Detention Center Quarterly Restricted Housing Report: October 2023 – December 2023
- h. Approval of Professional Services Agreement Between Holcomb Law Office and the County of Lincoln
- i. Approval of IRS Mileage Rate Increase for 2024 from \$0.65 per mile to \$0.67 per mile
- j. Approval to Purchase a 2023 Ford Explorer off the State Pricing Agreement in the Amount of \$59,855.00 to Serve as a New Response Vehicle for EMS with Remaining Funds (\$119,000.00) from New Ambulance Allotment for Presbyterian Hospital

Commissioner Fischer requested to remove items a and b from the Consent Agenda for discussion.

**Motion:** Approve Consent Agenda Items c-j, **Action:** Approve, **Moved by** Commissioner Pfeffer, **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.

Item a- Commissioner Fischer requested some additional details on the accounts payable item. Todd Oberheu, Hospital Chief Executive, explained the purchase of the UV lights and stated it was approved at a prior Commission meeting, however since the County purchased them instead of the Hospital, the purchase was more expensive, and he was only able to purchase one instead of two. His recommendation was to purchase big items using the hospital funds instead of having the County make the purchase, which would help to decrease the cost. Attorney Morel and Mr. Oberheu discussed the option of changing the contract or creating an MOU to allow the purchases to be made by the hospital without listing them as hospital purchases in the event the hospital reverted to the County to manage. Commissioner Fischer requested Attorney Morel and Presbyterian draft a document to allow flexibility to move money from the Mill Levy to operations to allow significant equipment/fixtures to be purchased at a reduced rate.

**Motion:** Table the agenda item until the next month, **Action:** Table, **Moved by** Commissioner Pfeffer, **None seconded.**

Motion died for lack of second.

Commissioner Serna commended Shelly from Lodgers Tax and added a reminder that the funds needed to be expended within 2 years. Commissioner Serna stated she would like a marketing strategy and would like to hire a marketing firm to assist with spending the marketing dollars.

Item b- Commissioner Fischer stated he didn't have any specific questions; he just requested a highlight for the public. Treasurer Huddleston explained she would be giving her Board of Finance overview in a future agenda item.

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

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

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

**SEE EXHIBIT A:** Copies of the Consent Agenda items including Resolution 2024-35 and Resolution 2024-37 are attached hereto in reference thereto made a part hereof.

Chair Proctor recessed the Regular Commission Meeting at 9:14 AM and reconvened at 9:28 AM.

**14. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)**

Chair Proctor detailed the meetings he attended over the previous month.

Commissioner Crunk explained the workforce Committee voted to go in a new direction. He didn't believe the Counties would be harshly impacted but he stated the County would need to start participating in the decisions and directions. He stated there were dollars which would come through the workforce to pay for training for public employees.

Commissioner Pfeffer stated he toured the Northern area of Chair Proctor's District with the Chair and had a new feeling for the vastness of the territory. He attended a horse meeting in Alto which was well attended, and Commissioner Fischer and the County Sheriff were in attendance as well. Commissioner Pfeffer commended Tracy Johnson from Enchanted Forest for her pursuit to find additional funding for their water problems.

Commissioner Serna attended the Swearing in Ceremony the County Clerk put on for the newly elected officials from the various Districts around the County and stated she looked forward to working with them in the upcoming year.

Commissioner Fischer spoke on the New Years Eve celebration at the Fairgrounds and stated it was well attended and quite possibly the best New Years celebration he had participated in. Commissioner Fischer spoke on the wild horses in the County and looking for a humane way to handle them and stated it would need to be handled in the Courts.

Assessor Hill spoke on the reassessment in the County and stated his office was working diligently to ensure everything was up to date. He stated they were working on the valuation and would be mailing out the notice of value.

Clerk Hemphill spoke on the Village of Ruidoso Municipal Officer Election and stated the candidate signups were the prior week and the election would be in March. She explained it was being run by the Village Clerk and she was assisting as needed.

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

Treasurer Huddleston stated the delinquent notices were being sent out for years prior to 2022.

There was no comment from the public.

**25. Approval to Issue Request for Proposal (RFP) for Opioid Crisis Funding**

Attorney Morel explained the statement of work was well done and had good potential.

Commissioner Pfeffer spoke on the settlement with the drug companies. He stated there were many services available in the County and they didn't know much about each other. He explained the Courts were in support of a County wide project to mitigate the number of people who have a drug problem and keep having issues.

Commissioner Crunk stated he was in favor of a contract position to oversee the issues.

Commissioner Fischer questioned the RFP and stated he felt it was supposed to be taking the limited funds and using them directly in the field instead of a person to oversee everything. He would like to have the RFP redrafted to go out to those in the field who are doing the work instead of a person overseeing the process.

Attorney Morel stated the proposal was so broad it would have the ability to do both. He explained it could be a coordinating position or pay funds for the actual services rendered depending on who was awarded the contract.

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

**15. 10:00 A.M.: PUBLIC HEARINGS**

- a. Public Hearing to Consider Approval of New Application for a Club Liquor License with On Premises Consumption Only with Patio Service by Alto Lakes Golf and Country Club, Inc. located at #1 Country Club Rd., Alto, NM 88312; for Kokopelli at Alto Lakes Golf; located at 1200 High Mesa Road, Alto, NM 88312

Scott Annala, Planning Department, explained the license was for on premises consumption only not package sales.

There were no public comments.

Chair Proctor closed the Public Hearing and reconvened the Regular Meeting at 10:03 AM.

**Motion:** Approve the application for a club liquor license with on premises consumption only with patio service by Alto Lakes Country Club, **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.

- b. Discussion and Approval of Ordinance No. 2024-04 Revising Ordinance No. 2014-06, **Section 3.8 Expenses for Burial or Cremation of Indigent Persons and Section 3.9 Expenses for Cost of Opening and Closing Grave** Ordinance No. 2014-06 Lincoln County Indigent Hospital/Health Care Ordinance Adopting Public Assistance Provisions relating to Health are for Indigents, in Accordance with the Indigent Hospital and County Health Care Act; Providing for the Annual Adjustment to IHC Income and Claims Policy Limit Schedules; Providing for the Severability of Parts Hereof; Repealing Ordinances in Conflict Herewith; and Declaring an Effective Date

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

Mr. Annala stated they were increasing the amount of money for indigent burial or cremation. He explained HB403 revamped and increased the amount to \$1,000, so they needed to change the ordinance to match Statute. Commissioner Fischer questioned if it was \$1,000 for Cremation and \$1,000 for burial. He stated it wouldn't cover the cost of either process.

Attorney Morel stated they also changed the wording to Commission instead of Board, throughout the document.

There were no public comments.

Chair Proctor closed the Public Hearing and reconvened the Regular Meeting at 10:08 AM.

**Motion:** Adopt the Ordinance as amended, **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 B:** Copy of Ordinance No. 2024-04 is attached hereto in reference thereto made a part hereof.

**25. Approval to Issue Request for Proposal (RFP) for Opioid Crisis Funding- Continued**



Commissioner Fischer requested to modify the wording of the RFP to reflect the ability for it to be a company who is already engaged in the work instead of an individual. He would like to see wording giving them the ability to coordinate and/or provide services. He stated he would like to add verbiage which would not preclude someone already in the business to allow them to bid on the RFP.

**Motion:** Approve the issuance of the RFP as presented, **Action:** Approve, **Moved by** Commissioner Pfeffer, **Seconded by** Commissioner Crunk.

Commissioner Fischer questioned where it was stated in the RFP that it did not have to be an individual and could be an organization already in the business. Commissioner Pfeffer explained it was listed in General Information line 1 and stated an individual or Lincoln County based program could coordinate existing services to assist Lincoln County residents. Commissioner Serna requested to broaden the scope of work to include what Commissioner Fischer was requesting. Attorney Morel provided a previous version of an RFP which was worded more broadly. Commissioner Fischer requested they use the draft presented by Attorney Morel as he felt the wording was much more appropriate.

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

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

**No:** Commissioner Fischer, Commissioner Serna.

#### 9. Appointed Boards and Committees

- a. Appointment of Chaves County Community Action Program
- b. Appointment of Interstate Stream Commission (Sub-Committee on the Pecos)
- c. Discussion and Direction Regarding Local Workforce Investment Act Advisory Board (NOMINATIONS ARE MADE BY CHAMBERS OF COMMERCE AND APPOINTED BY OTHER MUNICIPALITIES.)
- d. Appointment of New Mexico County Insurance Authority (Workers' Compensation) Member and Alternate
- e. Appointment of New Mexico County Insurance Authority (Multi-Line Pool) Member and Alternate
- f. Appointment of County Alternate for Solid Waste Authority (2-year term)

Commissioner Fischer requested to move the item to the next month due to lack of information.

**Motion:** Table the appointments until the February meeting, **Action:** Table, **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.

#### 10. Board of Finance – Lincoln County Treasurer, Sherrie Huddleston

Treasurer Huddleston presented the Board of Finance and explained the total cash held by the treasurer, showing where the dollars were held in various financial institutions. She stated with those funds the total treasurer's cash was \$54,497,846.60. Treasurer Huddleston explained the investments the County had were comprised of 52.56% Operational interest-bearing accounts (rate 2.67%), 29.64% Money Market accounts (avg rate 3.84%), 11.96% Invested CD's& LGIP accounts (avg rate 4.97%), 5.6% Debt Service Accts held with NMFA (avg rate 4.0%), and less than 1% non-interest-bearing accounts.

Treasurer Huddleston stated the property tax collections were going well for the 2023 Tax year. She stated as of December 31, 2023, the Treasurer's Office had collected \$25,552,862.53, which was 66.09% of the \$38,663,892.80 billed, leaving a balance of \$12,111,030.27.

#### 11. Finance

- a. Approval of Budget Adjustment FY 23/24 by Resolution 2024-36

Chair Proctor questioned the budget adjustment as the columns didn't add correctly. Treasurer Huddleston explained there was a problem with the formula which didn't carry over. She stated they would correct it.

**Motion:** Adopt Resolution 2024-36 as amended, **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.

**SEE EXHIBIT C:** Copy of Resolution 2024-36 is attached hereto in reference thereto made a part hereof.

- b. Approval of the 2022-2023 Rentalscope/Deckard Technologies invoice (billed on a bi-annual basis) will be canceled for 2024 year by February 5<sup>th</sup>, 2024

Attorney Morel explained there was a new company, and the old contract would be terminated by February 5, 2024.

**Motion:** Approve the termination of the Rentalscope/Deckard Technologies contract effective February 5, 2024, and approve the payment of the current invoice due using Lodgers Tax funding, **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.

## 12. Discussion and Approval of Elected Officials Salary Increase Resolution

Chair Proctor questioned the 6% raise which was approved for the most recently elected officials; however, it did not affect the continuing elected officials. Attorney Morel explained the Commissioners could not vote themselves a raise so it would be effective for newly elected officials coming in and they needed to at least approve the 6% which was approved last time.

Commissioner Fischer questioned the Assessor's pay as it was higher than the maximum allowed by Statute. Attorney Morel explained it showed the additional pay for the 4 certificates. Commissioner Fischer was concerned the position would be paid more than the other elected officials, including the County Sheriff.

Treasurer Huddleston requested the Commission move to the maximum allowable. Commissioner Pfeffer felt the maximum was still a modest amount and would help to attract individuals to run for the elected offices.

**Motion:** Approve raising all the Elected positions to the maximum rate per State Statute for Commissioner District 1, Commissioner District 3, County Assessor, Probate Judge, and the Sheriff, effective January 1, 2025, **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.

## 13. Forest, Land & Natural Resources Matters:

- a. Smokey Bear Ranger District

Jennifer Thomas, Lincoln National Forest, stated they had a new forest supervisor, Jason Freeman, who was expected to start by the end of January or middle of February. She stated they opened the Three Rivers Campground on January 1, 2024. Ms. Thomas explained they were working on the Fiscal Year 2025 budget and were finalizing plans for the Cedar Creek fitness trail area to expand the parking lot and put in restroom facilities.

- b. Lincoln County / NMSU Extension Services

Melanie Gutierrez, Lincoln County Extension Service, provided an update on the many happenings in the office. She stated she attended the livestock show in Phoenix. She explained the office staff attended a professional development in Las Cruces. Ms. Gutierrez stated her office held a record book ceremony and installation of the new County Officers, who then put on mini workshops. She explained she would be taking five kids to the Senior Leadership Retreat in Las Cruces. Ms. Gutierrez stated they would also have a Maple tree tapping workshop at two rivers the following weekend.

- c. South Central Mountain RC & D

Robert Barber, RC&D, explained they completed phase one of the McBride EWP. He stated they were currently awaiting approval of grant applications for the community wildfire defense grant.

- d. Upper Hondo Soil & Water Conservation District

Robert Barber, Upper Hondo, explained they would be starting up the weed program again and pre-emergence activities which would include fire departments in outlying areas this year.

e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, explained the land and water use plans were being put together. He stated there was a LANRAC Ordinance and Resolution and they would like to draft a new Resolution to combine the responsibilities for both.

16. Lincoln County Detention Center

a. Update –Ross Castleton, Warden

Warden Castleton provided a monthly update and statistics from the Detention Center over the previous month. He stated they had hired a health services administrator. Warden Castleton explained they passed the annual fire inspection and only had a couple minor changes needed. He stated the accreditation project was moving along and the first audit would be March 27, 2024.

b. Request for Proposal – Plumbing

Warden Castleton requested an RFP for plumbing issues. He stated the pipes below the building were subpar and would need to be redone, however they would need to go through the cement. He explained they would like to redo the pipes under the kitchen and run around the outside of the building instead of under the building. Commissioner Fischer questioned if Wilson & Co. could assist with the project. Commissioner Pfeffer requested they take care of the current issues and get some assistance with determining the long-term solutions.

**Motion:** Engage Wilson & Co or an appropriate engineering firm to scope the work and make recommendations for near term and long-term solutions to the plumbing problems, **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.

17. Lincoln County Medical Center Update-Todd Oberheu, Hospital Chief Executive

Mr. Oberheu provided an update on the EMS mill levy funding and stated they did not receive the grant funding they had anticipated. He reassured the Commissioners they planned to maintain the stations as they were, regardless of the lack of grant funding. Mr. Oberheu stated Angie Lincoln would be a new Nurse Practitioner in Capitan and would start seeing patients within a week. Mr. Oberheu explained the Physician office building was under construction, however they were waiting on the countertops to complete the project. He stated they would also start meeting with an architect on the redesign of the OB/GYN clinic.

18. Approval of Contracts for Voting System Technicians

a. Paul Baca

b. Mario Zamora Jr

c. Bonifacio Zamora

Clerk Hemphill stated the Voting System Technician contracts were renewed every two years. She explained she made a change to the pay structure to better align with their duties and hopefully give them a slight raise. Commissioner Serna questioned if they were paid out of the recording fees fund. Clerk Hemphill explained they were paid out of the Elections budget and their pay was included in the reimbursement from the Secretary of State's office to cover election costs.

**Motion:** Approve the Voting System Technician contracts for Paul Baca, Mario Zamora Jr. and Bonifacio Zamora as presented, **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.

19. Consideration and Approval to Purchase Mobile Data Computers for the Lincoln County Sheriff's Office – Sheriff, Michael Wood and Lieutenant, Kirk Wilson

Lieutenant Wilson provided an update on the Mobile Data Computers. Commissioner Pfeffer questioned the cell coverage and if the data could be entered when there was no connection,

however it be updated later when it was reconnected to a network. Lieutenant Wilson explained it would need to have cellular connectivity for the reporting to work. Commissioner Serna questioned why the units were not included when there was a new vehicle purchase. Lieutenant Wilson stated this would be a startup and then the units could be included in future vehicles.

Commissioner Serna stated she would like to use the funds from ARPA. Billie Jo Guevara, finance director, stated there was over \$1,000,000 unencumbered in ARPA funds. Commissioner Serna questioned the Sheriff in the ranking of his requests. Sheriff Wood stated the presentation was supposed to be a presentation only and not an action item at the present time. He explained they would be bringing it back at a future date for approval as it was very necessary and would be the biggest proposal they would be making around budget time.

Commissioner Pfeffer recommended the Lobbyist be involved. Commissioner Serna requested they come back to the Commission with their ICIP recommendations ranked accordingly.

## **20. Manager's Report**

### **1) Security Updates – Courts (CEO Audrey Hukari) & Lincoln County**

A walkthrough was done on January 3<sup>rd</sup> with the Courts, County, White Sands Construction, and APIX (security) and new quotes will be presented at the February (phase I) and March (phase II) meetings from White Sands.

### **2) Lodger's Tax Software**

Canceling RentalScape and moving forward with Granicus. Phase I will be completed by the end of January with OpenForms.

### **3) LATCF Funding**

#### **a. Tyler Munis**

- i. Tyler Technologies will be working with the County Manager and County Clerk to set up a meeting to discuss how Tyler can coordinate with Catalyst.
- ii. Tyler Tech will be setting up a meeting with Granicus (Lodger's Tax) to determine how to fluidly transition data between Granicus and Tyler (between the Lodger's Tax and Assessor's etc.).
- iii. Tyler Tech will be coming out to Lincoln County on February 19<sup>th</sup> to meet with each department and talk with staff. Tyler will also present a brief demonstration to the Commission on February 20<sup>th</sup>.

### **4) Reorganization of County Departments**

Will be presented next meeting.

### **5) Fire Chief Meeting**

A meeting is being scheduled between Arron (OES), the Fire Chiefs, and County Manager on further discussion on ISO scores and working together on grant writing for projects such as hydrants, water storage, paid fire, and other initiatives we can do to assist with the insurance ratings. Meeting to be scheduled early February.

### **6) Indigent Health Program – Opioid Treatment**

We finally got some estimated prices for opioid addiction and recovery treatment in the area. Scott and I will work on an ordinance update to include these prices to work with Sierra Blanca Family Medicine. The draft will be presented to Alan and SBFM prior to coming to the Board. (February meeting).

### **7) Director's Reports**

Brianna Ventura, HR, stated there were vacancies in the Sheriff's and Road departments as well as a part time cook at the Corona Senior Center. She explained the County Manager conducted 6 interviews for the Project Manager position.

## **21. Lincoln County Hazard Mitigation Plan Update – 2024**

- a. Presentation by the SWCA Environmental Consultants and the Lincoln County Office of Emergency Services

Brian Samson, LCOES, reviewed the final version of the Fire Mitigation plan from FEMA. Commissioner Serna would like to see a more proactive approach and would like to have the plan be used Countywide. Commissioner Fischer questioned the error messages within the document. Mr. Samson explained it was a computer processing error and they would make sure the bookmarks showed correctly.

- b. Approval of Lincoln County Multi-Jurisdictional Hazard Mitigation Plan by Resolution No. 2024-39

**Motion:** Adopt Resolution 2024-39 with proper edits to the draft document to clear up the processing errors, **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.

**SEE EXHIBIT D:** Copy of Resolution 2024-39 is attached hereto in reference thereto made a part hereof.

## 22. Road Department

- a. Approval of Title VI Americans with Disabilities Act (ADA) Transition Plan by Resolution No. 2024-38

Jeff Honeycutt, Road Superintendent, explained it was a boilerplate document from the State filled with information for the County. He explained he listed himself as the ADA coordinator, however that could be changed to whomever the Commissioners preferred.

**Motion:** Adopt Resolution 2024-38 with the change in the ADA coordinator to Makayla Zonfrilli, County Manager, **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 E:** Copy of Resolution 2024-38 is attached hereto in reference thereto made a part hereof.

- b. Update from Wilson & Co. Fairgrounds and Water Trust Board

Eric Hamilton, Wilson & Co. Project Manager, spoke about the Magado Creek bridge and the funding application which was submitted through the Water Trust Board. He explained they received approval which moved them into phase II, so they would be working with County staff to submit the next part of the application to the Water Trust Board. Mr. Hamilton stated they expected to receive an award notification by the end of May 2024. He explained it was for a grant and loan amount of \$1,190,000 with a match of \$210,000.

- c. Update from Renegade Regarding Lower Eagle Creek

Michael Stevenson, Renegade Construction, provided an update on the Fairgrounds construction. He stated they would present flagpoles to the Cowbells for approval.

## 23. Lincoln County Planning Department

- a. Approval to File Solid Waste Liens:
  1. Irene Howcroft and Richard Kessell (#5881)- **\$419.62**
  2. Irene Howcroft and Richard Kessell (#2879)- **\$567.70**
  3. Kenneth T. Dunlap & Carol A. Dunlap; Dunlap Revocable Living Trust- **\$567.70**
  4. Sulema Marmolejo-**\$567.70**
  5. Effie Popejoy- **\$567.70**
  6. Jessica Lynne Freeman- **\$567.70**
  7. David J. Hall and Alice Warder- **\$567.70**
  8. The Anthony F. Spolidoro 1999 Living Trust- **\$567.70**
  9. Luke Austin Griggs- **\$567.70**
  10. Courtney Tate and Bill Pippin- **\$540.78**

Scott Annala, Planning Department, requested to remove #5 from the list.

**Motion:** Approve filing solid waste liens as presented, excluding #5, **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.

- b. Approval of the Lodgers' Tax Requests
  1. Event: **World Art Day Carrizozo 2024 - Concert**  
 Date of Event(s): **April 13, 2024**  
 Requester: **Carrizozo Music Inc.**  
 Amount Requested: **\$7,500.00**
  2. Event: **Capitan Mountain 34 Hour**  
 Date of Event(s): **April 19-20, 2024**  
 Requester: **Wanderlust Running/Yeti Trail Runners**  
 Amount Requested: **\$5,000.00**

Commissioner Serna questioned the lack of detail and lack of forms included with the packet. Commissioner Fischer requested the lodgers tax requests include the additional form they approved in prior meetings so they have the additional information needed.

**Motion:** Approve the Lodgers' Tax requests as presented, **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.

**24. Discussion and update on COG Grants - Dora Batista, Council of Governments (COG)**

Dora Batista was unavailable so this item will be brought back at a later date.

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

Attorney Morel stated there was nothing to schedule at this time.

**27. 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 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.

Chair Proctor recessed the Regular Meeting and convened the Closed Session at 12:16 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 2<sup>nd</sup> 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. On December 12, 2023, County Defendants filed their Motion for Summary Judgment. 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 14<sup>th</sup> 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 12<sup>th</sup> 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 4<sup>th</sup> 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. 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 27<sup>th</sup> day of September, 2022. Lincoln County was served on the 22<sup>nd</sup> day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6<sup>th</sup> 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.

11. \*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. Petitioners filed their Motion for Summary Judgment on November 3, 2023 and Respondent has also filed a Counter-Motion for Summary Judgment. A hearing on the Motion and Counter-Motion took place on December 18, 2023. As of January 9, 2024, a ruling on the Motion for Summary Judgment had not been entered. The case is still pending.



12. **\*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. A hearing on Defendants' Motion to Dismiss took place on December 15, 2023 at 3:00 p.m. As of January 9, 2024, a ruling on the Motion to Dismiss had not been entered. The case is still pending.

13. **KC Dorgan and Sara Cummins v. Deputy Levi Wrye, Yancy Darby, Matthew Cude and Lincoln County Sheriff's Department, Cause No. D-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. A hearing on County Defendants' Motion to Dismiss is scheduled to place on January 31, 2024 at 1:30 p.m. The case is still pending.

#### **Tort Claims Notices Received or Threatened**

##### **2023**

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

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

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

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

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

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

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

**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 5<sup>th</sup> and 6<sup>th</sup> 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 2<sup>nd</sup> 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.

Chair Proctor adjourned the Closed Session and reconvened the Regular Meeting at 1:36 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.

## **16. Lincoln County Detention Center- Continued**

### **b. Request for Proposal – Plumbing**

Chair Proctor explained there was additional information which was received pertaining to the request for proposal.

**Motion:** Approve the issuance of an RFP consistent with the scope of work already in the hands of the procurement officer, which was presented to the Commissioners, **Action:** Approve, **Moved by** Commissioner Pfeffer, **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.

## **28. Approval of Prior Year Invoices**

1. Jarmie & Rogers, P.C.
  - a. Invoice #1993 - **\$1,560.95**
  - b. Invoice #2206 - **\$2,413.60**

- c. Invoice #2072 - \$9,428.71
- d. Invoice #2130 - \$12,197.92
- TOTAL AMOUNT - \$25,601.18**

**Motion:** Approval to pay the prior year invoices to Jarmie & Rogers, PC in the amount of \$20,000.

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

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

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

**29. Signing of Official Documents**

**30. Next meeting:**

- a. February 20, 2024, Regular Commission Meeting

**31. Adjourn**

**Motion:** Adjourn, **Action:** Adjourn, **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.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 1:39 PM.

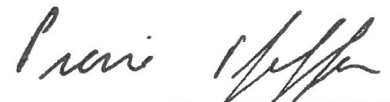
County of Lincoln  
Board of Commissioners

  
Todd F. Proctor, Chair

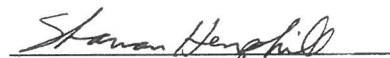
  
Jon F. Crunk, Vice Chair

  
Samantha J. Serna, Member

  
Mark G. Fischer, Member

  
Pierre S. Pfeffer, Member

ATTEST:

  
Shannan Hemphill, County Clerk

February 20, 2024  
Date Approved

