

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Jackie Powell, Chair
Mark Doth, Vice Chair

Kathryn Minter, Member
Dallas Draper, Member
Preston Stone, Member

Minutes Tuesday, March 19, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March 19, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Regular Meeting of the Board of County Commissioners to order at 8:30:53 AM.

2. Roll Call

Roll Call

Present: Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Commissioner Stone.

4. Pledge of Allegiance

- A. Pledge – U.S. A. Flag – Commissioner Minter
- B. Salute – N.M. Flag – Commissioner Doth

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

6. Approval of Minutes

- A. February 8, 2013 Special Commission Meeting
- B. February 19, 2013 Regular Commission Meeting

Motion: Approve the minutes of the February 8, 2013 Special Commission Meeting and the February 19, 2013 Regular Commission Meeting. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

7. Approval of Consent Agenda

- A. Payroll/Accounts Payable/Budget/ Expenditures
- B. Treasurer's Financial Report for the Month ending February 28, 2013
- C. Volunteer Firefighters Annual Report
- D. Law Enforcement Protection Fund

Motion: Approval of Consent items as presented. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

Commissioner Doth requested an update on legislative issues affecting the Treasurer's office. Glenna Robbins, Treasurer reported a proposed change to the property tax code which would restore the County Treasurer's ability to receive partial payments on delinquent properties was scheduled for a public hearing in the near future.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

15. Holloman Air Force Base-Tom Fuller – Sonic Booms & Update of Activities

Colonel Kenneth Ekman, Vice Commander of HAFB discussed the history of HAFB and the various missions housed at the base since its inception in 1942. Colonel Ekman discussed current ongoing missions and noted eighteen tenant organizations also resided on site including various military testing groups and the German Air Force training center.

Colonel Ekman stated current base priorities included training 300 crews annually for the remotely piloted aircraft commonly known as drones; housing and support for the F-22 fighter jet squadron on site for one more year; training and equipping 300 airmen for combat deployment; and the care and assistance to family members which included modernizing and maintaining facilities.

Colonel Ekman discussed the impact of current federal budget cuts and the potential impact of the current Department of Defense sequestration cuts which include 22 furlough days for civil servants working on the base. Colonel Ekman did not anticipate a significant reduction in the number of active duty military currently on base.

Colonel Ekman discussed the planned move of the F-22 squadron to Florida in 2014 and informed this aircraft group would be replaced by two F-16 training squadrons. Colonel Ekman stated this change would bring an additional 700 active duty personnel to the base along with their associated families. Colonel Ekman discussed the unique presence of the German Air Force Training Center and anticipated future growth in the numbers of people associated with that operation.

Colonel Ekman discussed the sonic booms associated with flying the F-22's and the various flight patterns which pilots utilize to minimize sonic booms. Colonel Ekman encouraged feedback from residents affected by sonic booms so the base could track problems.

Commissioner Minter questioned if HAFB had evaluated their water usage in view of current drought conditions. Colonel Ekman explained HAFB relied on 17 wells in the area for water. Colonel Ekman stated after the Little Bear Fire and the resulting damage to the Bonito Lake watershed, the possibility of pumping water from HAFB to the City of Alamogordo was considered but the project appeared to be cost prohibitive. Colonel Ekman also discussed the recent HAFB evaluation of a biomass burning facility to supplement power but noted this process was also problematic.

Colonel Ekman discussed the positive relationship between HAFB and the community of Alamogordo including community service projects performed by base residents. Commissioner Doth questioned if HAFB might consider a community project to assist private landowners in removing trees burned during the Little Bear Fire. Colonel Ekman stated he would research the suggestion.

11. Consideration of Additional Funding for Courthouse/Sheriff's Complex Expansion

Ms. Taylor reminded of the initial budget approval of \$1.2 million and the hiring of Basic IDQ to evaluate the project and potential costs. Ms. Taylor explained the initial request and subsequent budget were based on factors which had since changed. Ms. Taylor stated the request for the expansion had increased from approximately 4,000 square feet to 6,600 square feet; it was determined a sewer line would need to be rerouted; and extra excavation work would be required. Ms. Taylor stated the revised estimate for the Courthouse expansion alone was currently \$2.5 million.

Ms. Taylor discussed the initial budget approval of \$300,000 to expand the Sheriff's complex. Ms. Taylor stated increased costs identified during evaluation of that project resulted in an estimated cost for expansion of the Sheriff's office of \$1.2 million. Ms. Taylor also informed on the anticipated costs for the recommended changes to the existing courthouse structure identified by a recent Energy Audit.

Ms. Taylor provided an itemized list of the various construction costs for stand-alone components of the Courthouse expansion and improvements. Ms. Taylor also provided a marked up budget illustrating possible budget adjustments necessary to accomplish these tasks.

Chair Powell questioned the need to expand square footage from 4400 to 6600 square feet. Chair Powell reminded of previous discussions about building a new facility to combine the District Court, a District Attorney office and a possibly a new Sheriff's office. Commissioner Doth reminded construction on older buildings often leads to unforeseen costs.

Judge Karen Parsons commented on the increased cost estimate and noted the request for additional square footage was partially as a result of ADA accommodations and the need for additional space for a jury box which had not been calculated in the initial plan. Judge Parsons commented that though the cost estimates had increased the need remained the same and urged the Board of Commissioners to approve the expansion. Judge Parsons anticipated the proposed changes would accommodate the court forever.

Commissioner Doth requested the County obtain a cost analysis for a new building for purpose of comparison to cost of remodeling the existing courthouse.

Paul Baca, Assessor provided a printout which defined current court space as 6500 square feet.

Commissioner Minter reminded Lincoln County had received a capital outlay request for \$100,000 towards renovation of the Sheriff's department.

Sheriff Robert Shepperd expressed belief the planned expansion would accommodate growth for the Sheriff's office in the foreseeable future. Sheriff Shepperd discussed court security requirements and the advantage of having all court and court services within the same complex.

Attorney Morel suggested based on the cost of the new Professional Office Building now under construction it might be prudent to consider new construction. Attorney Morel reminded energy audit needs of the current courthouse complex would still need to be addressed should the Board of Commissioners opt for new construction versus a remodel.

Commissioner Stone opined the courthouse should remain in the center of town and the remodel project should go forward but stated no objection to researching the cost of new construction.

There was a general consensus to obtain a cost analysis of construction of a new facility for comparison at the next regular meeting.

17. Discussion on Burned and Diseased Tree Waste

Jack King, Bureau Chief of the NM Environment Health Department stated members of his staff and Lynn Lovelace, State District Forester were present to address questions raised by Commissioner Doth about potential hazards associated with trees burned in the Little Bear Fire and other tree loss.

Auralie Ashley-Marx, Solid Waste Bureau Chief for the NM Environment Department stated her department was aware of the tree kill problem as a result of drought, bark beetle and fire. Ms. Ashley-Marx stated by definition debris and slash removed from private property was defined as solid waste and therefore subject to certain rules. Ms. Ashley-Marx reported State EID rules to address this problem allowed for an air curtain incinerator as a low cost solution for this type of waste disposal. Ms. Ashley-Marx stated GSWA and Otero County could erect this type of incinerator at their current landfill site. Ms. Ashley-Marx informed Lincoln County might request a variance from current rules to allow for open pit burning for one year but the public hearing and variance process would take approximately 120 days. Ms. Ashley-Marx suggested the air curtain incinerator to be a better solution.

Rita Bates, Planning Section Chief for NM EID stated no air curtain incinerators were operating in New Mexico at this time. Ms. Bates stated once operational, a permit must be requested from the State of NM within one year and the operation must meet Federal requirements such

as opacity testing. Ms. Bates stated if operations were temporary for less than one year the requirements might be less. Ms. Bates also commented on options to build biomass facilities for disposal of tree waste.

Commissioner Stone questioned if an air curtain incinerator permit would require annual renewal. Ms. Bates stated the permits were for a five year period. Commissioner Stone questioned if someone would be required on site at all times. Ms. Bates stated for operational purposes it would be advisable.

Lynn Lovelace, NM State Forester informed there were two air curtain incinerators in Otero County which had never been utilized. Ms. Lovelace voiced belief Otero County did not wish to relinquish these incinerators. Ms. Lovelace stated the State Forestry had an air curtain incinerator in Dona Ana County and Eddie Tudor would investigate the availability of that equipment. Ms. Lovelace reported the problem with this type of incinerator was they tended to fill up too quickly to be practical for large scale use.

8. Smokey Bear District Ranger Update

8.A. Ruidoso Valley Chamber of Commerce Briefing – Becky Brooks

Becky Brooks informed on the purpose of the organization and stated it was a goal of the Chamber to continue to work with and serve the entire County of Lincoln. Ms. Brooks stated the Chamber sponsored a public event in Santa Fe annually during the legislative session and had this year changed the title from “Ruidoso Day” to “Lincoln County Day”. Ms. Brooks stated this change resulted in an increase in attendance. Ms. Brooks stated one of the primary issues discussed during the event was water conservation. Ms. Brooks informed the website www.nmwca.org provided a monthly newsletter on water conservation issues. Ms. Brooks discussed the need for conservation education for tourists and other visitors and discussed ongoing plans to provide information to the public. Chair Powell requested the Chamber also work to educate residents and visitors about potential flooding issues.

Commissioner Draper informed he currently served as member of the Board of the Ruidoso Chamber of Commerce, expressed his appreciation to Ms. Brooks for the update, and requested future updates from the Chamber to the Board of County Commissioners.

12. LCMC Physician’s Office Building

A. Water Saving Alternatives -Findings & Recommendations by Ted Kostranchuk (DPS)

Ms. Taylor presented water saving measures identified by Mr. Kostranchuk to offset potential savings from a cistern system. Ms. Taylor stated Mr. Kostranchuk strongly recommended a cistern system not be installed.

B. Status of construction – Jaynes Corp.

Chris Butler, Project Manager and Jason Parsons, Site Superintendent reported on the current status of the project. Mr. Parsons stated the site foreman conducted weekly meetings and records were updated as to the number of local residents employed. Mr. Parsons offered to provide a tour to any County Commissioner who wished to visit the site.

Commissioner Stone questioned what the estimated cost per square foot was for the new POB. Mr. Butler stated he estimated the cost to be \$280 per square foot.

Commissioner Draper questioned if a cistern system was specifically required by Ruidoso Ordinance. Attorney Morel clarified the Ruidoso Ordinance was nebulous and the multiple water saving measures proposed by Mr. Kostranchuk were likely acceptable to the Village.

Commissioner Doth reviewed the costs of the recommended landscape changes and questioned if the proposed changes would impact the current budget. Ms. Taylor expressed belief the costs of proposed changes were less than the cost of the cistern system. Commissioner Doth discussed the benefit of gravel versus the proposed artificial turf.

Chair Powell recessed the Regular Meeting at 10:36:34 AM and reconvened at 10:53:52 AM.

Commissioner Doth reminded \$30,000 was budgeted for landscaping of the POB. Commissioner Doth suggested removal of the cistern system, seeking additional cost savings by installing gravel based xeriscape landscape, and spending \$22,500 for hands free faucets.

Michelle Caskey, Assets and Information informed the planned landscaping included some plants to improve cooling versus all gravel and noted the artificial turf was proposed as a play area for children.

After a general discussion about optimal landscaping for water savings, Ms. Taylor suggested a vote on whether to eliminate the placement of a cistern system from the POB plans and consideration of the landscape issues at a later date.

Motion: Remove the cistern system from plans for the POB. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

9. Greentree Solid Waste Authority (GSWA) Update

- A. Review of Approved Minutes – January 24, 2013 and February 15, 2013
- B. Appointment of 2nd Lincoln County Member to GSWA Board
- C. Appointment of Task Force to Review GSWA/Lincoln County Relationship and Recommend Modifications

Ms. Taylor discussed the requirement by the 1991 Joint Powers Agreement for appointment of two members to the Board of GSWA and requested a second member be appointed at this time. Chair Powell requested appointment as the second member. Commissioner Stone requested the County Manager and County Attorney notify GSWA of the second appointment as per the Ordinance as a good faith action.

Attorney Morel informed he had no knowledge of any post 1991 agreement which revised the County membership from two members to one.

Motion: Appoint Chair Powell to the Greentree Solid Waste Authority. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

There was a general consensus to postpone consideration of forming a task force due to pending litigation.

10. Lincoln County Detention Center Update

Arthur Anderson, Warden from Lincoln County Detention introduced Robert Felix as the new Head of Security. Warden Anderson reported on the number of bookings and releases and stated the average daily population was 140 inmates.

Commissioner Draper questioned the number of prisoners which were awaiting trial in District Court. Warden Anderson stated he did not have that number at this time.

Chair Powell questioned if there were any needs for the facility. Warden Anderson reported no current facility issues or needs.

13. Ruidoso Public Health Center Recommended Fixes by Basic IDIQ

Ms. Taylor presented the scope of work developed by King Industries to address current problems at the Ruidoso Public Health office. Ms. Taylor reported Basic IDIQ had subsequently incorporated the King recommendations into their work plans and presented a revised cost analysis.

Motion: Approve the scope of work and direct IDIQ to begin the project. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

Commissioner Minter questioned the need for multiple entities review one project. Ms. Taylor stated Basic IDIQ was receptive to the second opinion as King Industries provided engineering expertise not on their staff. Ms. Taylor anticipated two opinions would not normally be sought for smaller projects.

Commissioner Doth questioned if repair of internal damage to the building was included in the estimate. Kyle Cooper with Basic IDIQ stated the internal problems had been reviewed and the initial estimate included minor caulking and correction of interior cracks. Mr. Cooper agreed to modify the scope of work to reflect that agreement.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

8. Smokey Bear District Ranger Update

Ms. Taylor informed Ranger David Warnack was unable to attend but provided copy of Ranger Warnack's March 2013 Briefing Paper.

Ms. Taylor reminded Lincoln County would be presenters of "Lessons Learned from the Little Bear Fire" along with Ranger Warnack at the upcoming Wildland Urban Interface conference in Taos on April 3rd & 4th. Ms. Taylor requested Chair Powell and Joe Kenmore, Director of Office of the Emergency Services attend the WUI summit along with herself to provide a presentation similar to a prior one given to the New Mexico Association of Counties Board of Directors.

Commissioner Doth informed the Center for Biological Diversity planned to file suit against the USFS on behalf of the Spotted Owl raising concerns about "too much thinning" within the forest.

14. Overview of GIS & IT Initiatives

Ms. Taylor reported on past actions to revise and update GIS services and to address IT issues in the County. Ms. Taylor provided a project overview and a potential timeline based on priorities. Ms. Taylor reported the County had hired Systems MD from Albuquerque to assess the County's current IT network and to identify needs.

Mike Caggiano, Caggiano Consulting discussed the GIS needs assessment and potential long term considerations. Commissioner Draper questioned if all proposed improvements were adopted, how long these would meet County needs before additional upgrades were required. Mr. Caggiano stated certain recommended items were long term solutions but noted GIS needs tend to evolve. Mr. Caggiano anticipated any future needs would be manageable once this large revision was accomplished.

Commissioner Doth questioned the implementation timeline and the associated cost estimates. Mr. Caggiano noted there were two components to the proposals one primarily related to GIS implementation and the second related to specific departmental software requests.

Commissioner Stone expressed concern about the GIS process requiring an additional employee. Mr. Temple expressed belief all departments could be trained to update and utilize a unified GIS system.

Commissioner Minter questioned the underlying IT issues of the County and the plan to address these issues. Rhonda Burrows, Clerk explained the primary need for re-cabling of existing systems and the restructuring of the administration and software of the network to facilitate functionality for all County services including GIS. Ms. Burrows noted the costs to re-cable and restructure the network were not reflected by the GIS cost estimates and discussed the importance of updating the complete IT hardware infrastructure to facilitate GIS upgrades and meet the needs of other departments. Commissioner Minter questioned when the cost estimates for re-cabling and restructuring of the network would be available. Ms. Taylor anticipated the estimates would be presented at the next Regular Meeting.

Paul Baca, Assessor discussed concerns about housing large amounts of data and software on personal computers and the need for separate servers to house the GIS system. Mr. Baca commented on the new GIS software as being user friendly, the ability to share data with other departments, and the potential to accomplish more tasks in house.

Motion: Direct the County Manager to work with Caggiano Consulting and the GIS Task Force to move the projects forward. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Stone.

Vote: Motion married by unanimous vote (**summary:** Yes = 5).

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

Chair Powell recessed the Regular Meeting at 12:02:52 PM and reconvened at 1:00:13 PM.

26. 1:00 P.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Minter requested the County Manager write a letter of thanks to the NM Department of Transportation, the construction company, and contributing legislators for the completion of improvements to Highway 54. Commissioner Minter commented on the multiple benefits of the project to Lincoln County.

Paul Baca, Assessor informed property owners would receive the 2013 Notices of Valuation before the end of April. Mr. Baca applied for and received from the NM Property Tax Division an extension of 30 days for mailing of the notice of value due to increased duties related to the Little Bear Fire. Mr. Baca also discussed new information to appear on the notices including historical data as instructed by the legislature.

Commissioner Doth questioned the status of inspection on properties burned in the Little Bear Fire. Mr. Baca informed his staff had completed the inspection of properties burned in the Little Bear Fire. Mr. Baca stated two appraisers reviewed a list provided by GSWA to identify properties which were cleared of debris and those which were not. Ms. Taylor requested guidance from the Board of Commissioners on potential action or notice to owners regarding lots not cleared after the fire. Commissioner Doth suggested the property owners be contacted and advised of the pending expiration of the asbestos variance. Commissioner Minter questioned if the Assessor might verify the date of construction for the un-cleared lots to determine the potential for presence of asbestos materials. Mr. Baca stated he would research the question.

Rhonda Burrows, County Clerk introduced the newly hired Bureau of Elections Clerk, Whitney Whittaker.

Chair Powell recessed the Regular Meeting and convened the Board of Finance meeting at 1:08:11 PM.

16. Board of Finance

Glenna Robbins, Treasurer directed attention to the monthly Treasurer's report and detailed the various reports therein. Ms. Robbins discussed budgeted amounts versus actual expenditures and the tracking of revenues. Ms. Robbins noted aside from the General Fund all funds were "special funds" which were held for a specific use only.

Ms. Robbins discussed the collection of property taxes and the disbursement of taxes to the various taxing entities within the County. Ms. Robbins discussed the report detailing how all County funds were currently held or invested. Ms. Robbins also provided a copy of the Investment Policy of the County of Lincoln last revised in 2008. Ms. Robbins did not foresee a need to revise the policy at this time.

Ms. Robbins reported on current and past property tax collections and informed her office would be sending second half payment reminders to property owners soon. Ms. Robbins informed the annual Property Tax Sale had been set for April 9, 2013 in the County Commission Chambers. Ms. Robbins stated the Treasurer's office had posted a link on their webpage to a list of properties eligible for sale. Ms. Robbins stated currently there were 38 properties listed for sale but the number might change prior to the sale.

Ms. Robbins provided a copy of the payout schedule for all County debt service including the Detention Center, the volunteer fire department loans and the Deer Park Paving Assessment.

There being no questions, Chair Powell adjourned the Board of Finance Meeting and reconvened the Regular Meeting at 1:18:40 PM.

18. Consideration of Approval of South Central Mountain RC and D Contract for Sun Valley

Ms. Taylor informed on the history of the Rural Forester program and the Joint Powers Agreement between the State Forestry and RC&D. Ms. Taylor stated the contract mirrored prior major projects with the County charging an administrative fee of 10% of which 8% would go to RC&D to fund the Rural Forester program.

Motion: Approve the contract. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

Commissioner Stone requested Commissioner Doth recuse. Commissioner Doth recused himself from the discussion due to a possible or potential conflict of interest.

Commissioner Minter questioned the scope of the project and whether the funding was currently available. Mike Caggiano representing SCM RC&D informed the appropriation was a new allocation from the NM State Forestry to Lincoln and Otero Counties. Mr. Caggiano explained the funds were originally allocated to other parts of the State but unexpended by the original recipients. Mr. Caggiano stated the award amount was \$50,000 which would treat about 30 contiguous acres in the Sun Valley area. Mr. Caggiano stated he was not aware of plans for a project in the Sierra Vista area but should additional funding be received this area could be reviewed.

Commissioner Minter questioned status of the ongoing cost share program for private landowners. Mr. Caggiano stated some funding remained for private landowners within the County to thin under the cost share program.

Commissioner Stone questioned if the contract was for thinning only and if it involved private land only. Mr. Caggiano confirmed this was a thinning project with the funding being spent on the bulk of a single owner 40 acre tract adjacent to multiple homes and condos.

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

Yes: Chair Powell, Commissioner Draper, Commissioner Minter, Commissioner Stone.

Abstain: Commissioner Doth.

19. Consideration of Approval or Disapproval of Indigent Health Care Claims

Scott Annala, IHC Administrator presented the Sole Community Provider claims for approval. Mr. Annala processed 74 claims with 69 recommended for approval and 5 recommended for disapproval for a total authorization of \$101,968 for a year to date total of \$990,178 and for an approximate monthly average of \$ 110,000. Mr. Annala reminded the County had budgeted \$1.3 million for the Sole Community Provider match which allowed the hospital to draw down additional funding for uncompensated care.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 85 claims with 67 recommended for approval and 18 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was \$19,260.44.

Mr. Annala stated the total year to date Indigent Claims including this month's claims would be \$213,185 for a monthly average of \$23,687 by comparison. Mr. Annala anticipated expenditure of \$284,244 of the budgeted amount of \$386,461.

Mr. Annala reported on plans to attend additional meetings regarding the future of the Sole Community Provider program and changes related to the Federal Health Care Act.

Motion: Approval and denial of the claims as indicated for Sole Community Provider and Indigent Health Care Program payments as recommended. **Action:** Approve. **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

SEE EXHIBIT B: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

20. Manager's Report

Fire and Emergency Services: The Manager announced Joe Kenmore, previously on staff as the Emergency Services Coordinator, was select to fill the position of Fire & Emergency Services Director. The Manager commented cooperating agencies expressed optimism regarding Mr. Kenmore's promotion. The vacated position of Emergency Services Coordinator was advertised with the application deadline being March 25, 2013.

The NM Department of Homeland Security and Emergency Management (NMDHSEM), along with NM State Forestry and the National Weather Service scheduled their Seasonal Hazard Outlook Meeting "**WILDFIRE / MONSOON NM**" for March 20, 2013 in Santa Fe. The Manager and Emergency Services staff planned to attend.

The Manager reported the 2013 Wildland Urban Interface Summit was scheduled for April 3 and 4, 2013 in Taos. The Manager stated representatives from Lincoln County including herself, Chair Powell and Joe Kenmore would host a discussion of "Little Bear Fire Lessons Learned" along with Ranger Dave Warnack.

Carrizozo Senior Center: The Manager and Ada Hendryx met with architectural firm, Wilson & Company to review program requirements for the design of the new Senior Center.

- The new facility of approximately 5,000 sq. ft. will include paved parking, exterior lighting and possibly some landscaping. The building design will resemble the Carrizozo Rail Depot Building.
- The budget for the project includes a commitment of \$400,000 from the County, a legislative appropriation of \$245,000, and an application for CDBG Grant of \$500,000. The CDBG Hearing for grant award was scheduled for May 10, 2013. The Manager stated the project might be phased in depending on funding.

NM State Board of Finance Loan/Grant: The Manager reported corresponding with Stephanie Schardin Clarke, Director of the State Board of Finance (SBOF) regarding appearance before the SBOF at its June 18, 2013 meeting to request conversion of the County's loan of \$254,000 to a grant. Upon approval of the loan, SBOF stipulated the County must demonstrate all funds were distributed as intended or returned for the loan to be converted to a grant. The Manager and staff had met with key partners including the USFS, City of Alamogordo, and the Upper Hondo SWC District to identify best projects for these funds. The Manager reminded funds must be expended on flood mitigation projects. The pulverization of the existing asphalt on Bonito Lake Road had been identified as the first priority. Potential projects in the Sierra Vista subdivision and seeding projects were also discussed.

FEMA and NMDHSEM Reimbursement: The County received an amended Sub-Grant agreement for a total award of \$1,221,810, with the Federal share being \$916,358; the State share being \$152,726; and the County portion being \$152,726. The Manager additionally reported Congress approved approximately \$1,385,000 which the County expended during the Little Bear Fire recovery process. These funds, of which 75% will come from FEMA and 12.5% from the State, were anticipated to be received in the near future. Once approved, the project worksheet reflecting "in-kind" match would meet the "County portion" amounts.

Microburst: The Manager reported a Microburst hit Carrizozo on March 8, 2013 which took the metal roof off part of the Sheriff's complex and damaged four County vehicles. NMAC will work on the insurance claim and informed the County deductible was \$1,000.

HB60: The Manager stated HB60, identifying capital outlay projects across the state, was pending the Governor's signature. This bill includes allocations of \$1.463 million for Lincoln County Projects, with \$439 directed toward the County of Lincoln.

NM532 Curve Correction Project: The NM DOT in cooperation with the Federal Highway Administration proposes to construct three curves on Ski Run Road in Lincoln County. The purpose of the curve correction project is to improve safety conditions while considering the needs of local residents, forest visitors and the Mescalero Tribe. Written comments are due by April 15, 2013.

21. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

Ms. Taylor reported as of this date one new water right notice for Lincoln County had been posted to the State Engineer's web site as follows:

Enchanted Forest Water Corporation of Alto, NM - H-722-POD6 filed on February 25, 2013 to permit change of location of well by drilling a replacement well approximately 700 feet deep and 8 inches diameter for the continued diversion of 29.0 acre feet per annum for Subdivision purposes. Applicant proposes to drill replacement well within 100 feet from existing well and seeks emergency authorization.

Ms. Taylor reminded the USFS had withdrawn the proposed "Southwestern Gray Wolf Recovery Plan" but had announced a proposal to establish a nonessential experimental population (NEP) area for the North American wolverine in southern Colorado, northern New Mexico, and southern Wyoming.

There was general consensus to direct the Manager to write a letter to the USFS to inform that agency Lincoln County would not support introduction of this species in Lincoln County or New Mexico in general.

Ms. Taylor stated the fire danger as reported by the Fire Behavior Research Center in Missoula, Montana as "high" and noted conversely the Smokey Bear Ranger District currently listed the fire danger as "low" for Lincoln County. Ms. Taylor requested Joe Kenmore, OES Director provide an update. Mr. Kenmore reported on recent small fires and stated there was a "burn ban" in place for several days and reminded residents not to burn if there was any wind. Mr. Kenmore emphasized the need for ongoing public education on fire danger and safety.

22. Consideration and Action on Annual Certification of County Road Miles Maintained Resolution 2012-31

Ms. Taylor informed the purpose of the Resolution was to satisfy the State of NM statutory requirement for the Board of County Commissioners to certify the total number of miles of roads maintained by the County. Ms. Taylor stated the total included 700 miles of county roads and 100 miles located within federal forest lands.

Motion: Adopt Resolution 2012-31. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

SEE EXHIBIT C: Copy of Resolution 2012-31 is attached hereto in reference thereto made a part hereof.

23. New Medical Provider #50 Online Radiology Medical Group, Inc.

Ms. Taylor presented the new medical provider agreement in accordance with the Indigent Health Care Ordinance. Scott Annala, IHC Administrator informed the request to contract had been initiated last September but had been pending receipt of licensure and proper documentation. Mr. Annala did not anticipate the additional provider to be a significant impact on the IHC budget.

Motion: Approve Provider Agreement #50. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

24. Subdivision Ordinance Revisions – Ongoing Discussion

Curt Temple, Planning Director reported on recent workshops held, by the Planning Commission, to discuss potential revisions such as thinning options. Mr. Temple anticipated final recommendations from the Planning Commission to be submitted at the April Regular County Commission Meeting.

Commissioner Minter questioned if a grant application had been initiated to assist with creation of a Land Development Ordinance. Mr. Temple stated the revisions to the current Subdivision Ordinance were the priority. Mr. Temple stated submission of a grant application to the NM Department Finance and Administration was also pending due to recent legislative changes.

Mr. Temple reported Rural Addressing was working on a large project in Sun Valley to rename and renumber several streets. Mr. Temple stated notice of road name changes had been mailed to residents for feedback on new names.

25. Permission to Apply for Glencoe Fire NMFA Loan-2014 Water Tender International 7500 WordStar

Ms. Taylor presented Resolution 2012-33 authorizing and approving the submission of a completed application for financial assistance and project approval to the NM Finance Authority for the purchase of a Glencoe-Palo Verde Fire Department Water Tender. Ms. Taylor reported the Glencoe Fire Department had been awarded \$100,000 in 2013 Fire Protection Grant towards the \$220,330 cost of the water tender. Ms. Taylor informed the department had sufficient money in its budget to cover the additional payment and day to day operations.

Motion: Adopt Resolution 2012-33. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

SEE EXHIBIT D: Copy of Resolution 2012-33 is attached hereto in reference thereto made a part hereof.

27. Budget & ICIP Preparation Procedures & Timeline Approval FY 2013-2014

Ms. Taylor requested approval of the timeline and procedures to develop the FY 2013-2014 budget and ICIP. Ms. Taylor provided copies of notices to elected officials, department heads and letters to external agencies outlining the budget timeline and procedures.

Motion: Approve procedures and timeline for FY 2013-2014 budget. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

Commissioner Minter requested outside entities requesting funding be required to provide goals and metrics for their organization. There was a general consensus to request a simple summary from each organization to include goals and statistics.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

8. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

Chair Powell suggested the public comment agenda item be set for 9:30 AM rather than 1:00 PM. There was a general consensus to make this change.

- A. Special Meeting and Public Hearing for Preliminary Budget Fiscal Year 2013-2014 and Infrastructure Capital Improvements Plan (ICIP) for May 3, 2013.
- B. Ordinance 2005-4 Lincoln County Personnel Policies & Procedures April 16, 2013.
- C. Determine if Fire Danger Emergency exists that would result in a ban on the sale and use of certain types of fireworks.

Attorney Morel reminded LC Ordinance 2011-02 provided for restrictions of open burning and noted these restrictions were traditionally implemented in conjunction with any ban on fireworks. There was a general consensus to schedule a public hearing to ban fireworks for the April 5th Special Meeting.

Commissioner Minter recalled in a previous meeting the County Attorney recommended the Resolution defining a "school bus route" be revised. There was a general consensus to place this on the agenda for the next Regular Meeting.

29. Consideration of Appointments and Removals from Boards/Commissioners/Committees:

- A. **Tabled** – Road Review Advisory Committee

Motion: Remove the item from the table. **Action:** Approve. **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

Motion: Table the item. **Action:** Approve. **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

- B. Lincoln Historic Preservation Board

Motion: Table the item. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

C. Planning Commission

Motion: Reappoint Jenny Dorgan. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

D. Southeast Regional Planning Organization (SERPO)

Motion: Appoint Commissioner Minter as the Technical Committee member of SERPO. **Action:** Approve. **Moved by** Chair Powell, **Seconded by** Commissioner Doth.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

E. Emergency Program Manager

Motion: Appoint Joe Kenmore, Director of OES as Emergency Program Manager. **Action:** Approve. **Moved by** Commissioner Stone, **Seconded by** Commissioner Draper.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

30. Executive Session Pursuant to the Open Meetings Act: Discussion of all threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Pending and/or Threatened Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report = *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information.
2. *Green Tree Servicing, LLC v. William T. Joiner, Lincoln County, et. al.* D-1226-CV-2010-394. Suit filed November 17, 2010. Complaint for Enforcement of Contract and Foreclosure of Security Interest and Mortgage.
3. *Luis Grife as Personal Representative of The Estate of Arturo Grife, Jr., and Lizeth Grife v. County of Lincoln.* D-1226-CV-201100148. Complaint for Wrongful Death and Negligence, Jury Demand.
4. *New Mexico Ranch Sales v Mary T. Greene, LC Treasurer, et. al.* D-1226-CV-2011-00226. Suit filed August 1, 2011. Complaint In Rem to Foreclosure Mortgage Upon Real Property.
5. *Michael Wheaton v Paul F. Baca, Lincoln County Assessor, et. al.* D-1226-CV- 2011-00341. Suit filed October 18, 2011. Notice of Appeal of Final Order of the Lincoln County Valuation Protests Board.
6. *New Mexico Ranch Sales v Marianne Clark, LC Treasurer, et. al.* D-1226-CV-2011-00409. Suit filed November 17, 2011. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
7. *Bank of Clovis v Mona Bryant as Personal Representative of Marjorie Bryant (deceased), Village of Ruidoso, Lincoln County, et al.* D-1226-CV-2011-00429. Suit Filed February 10, 2012. Complaint for Foreclosure.
8. *New Mexico Ranch Sales v Tammy Palombi-Cade, LC Treasurer, et. al.* D-1226-CV-2012-00042. Suit filed February 13, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
9. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanic's Lien.

10. *New Mexico Ranch Sales v Perla Garcia, LC Treasurer, et. al. D-1226-CV-2012-000293.* Suit filed August 6, 2012. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.
11. *Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D-1226-CV-2011-00044.* Suit filed February 18, 2011. Complaint to Foreclose Lien. Counterclaim and Crossclaim suit filed by Washington Federal Savings on September 21, 2012 naming Board of Commissioners of Lincoln County and Lincoln County Solid Waste Authority.
12. *Johnathan Warren v. Lincoln County Detention Center, Emerald Healthcare Systems, et al. 2:12-CV-01086-CG-LAM.* Suit filed October 19, 2012. Complaint for the Recovery of Damages Caused by the Deprivation of Civil Rights.
13. *Greentree Solid Waste Authority v. Lincoln County, et. al. D-0101-CV-2013-00104.* Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction.
14. ** Rio Grande-Alameda, Ltd., v Paul Baca, Lincoln County Assessor D-1226-CV-2013-00005.* Suit filed January 9, 2013. Complaint for Refund of Taxes Paid.
15. ** New Mexico Ranch Sales v. Villalba, LC Treasurer, et al. D-1226-CV-2013-00046.* Suit Filed February 15, 2013. Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage Upon Real Property.

Tort Claims Notices Received or Threatened

2012

Cathy and Steve Altstatt – Telephone conference with Cathy Altstatt on April 19, 2012 concerning their unbuildable and unsellable Deer Park Valley lot due to lot size, septic tank set back requirements, and an easement granted to Alto Lakes Water & Sanitation District for a water well.

Riordan, J.T. – Correspondence received from Theresa Riordan on March 28, 2012 concerning her son's treatment and detention conditions while being held in LCDC.

Sheridan, Michael – Tort Claim Notice received from Attorney, Jennifer Burrill on February 21, 2012, claiming the Lincoln County Sheriff's Department forced him to register as a sex offender when he did not meet the requirements.

Biggs, M. Jolene – Tort Claim Notice received from Attorney, Adam Rafkin on February 6, 2012, claiming liability by the County of Lincoln by failing to maintain the surface of the parking lot across from the Lincoln County Courthouse in Carrizozo, NM.

2011

Latham, Diana – Tort Claim Notice received from Attorney, Gary C. Mitchell on October 27, 2011, claiming violation of the late James Latham's constitutional rights resulting from his shooting death by the Lincoln County Sheriff's Department.

Miller, Peggy and Steven - Tort Claim Notice received from Attorney, Gary C. Mitchell on September 26, 2011, claiming negligence by State Forestry and Lincoln County during Donaldson Complex Fire.

Justice, Charles – Tort Claim Notice received from Builders Trust Insurance Company on July 13, 2011 alleging liability by Lincoln County as a result of an auto accident on State Road #368.

Verschueren, Ronald and Constance M. – Tort Claim Notice received by attorney Robert J. Beauvais on June 13, 2011 alleging wrongful arrest by the LCSO.

Meadows Group, LLC - Tort claim notice received May 23, 2011 from attorney George P. Marquez alleging refusal and non-timely production of public records by the County of Lincoln and damages allowed under the Inspection of Public Records Act 14-2-11 NMSA 1978.

Salas, Johnny – Tort claim notice received from Johnny Salas on May 20, 2011 alleging damage to residence caused by a LCSWA (GSWA) garbage truck.

Saldana, Renetta - Tort claim notice received from Renetta Saldana on May 4, 2011 alleging sexual harassment suffered during transportation from LCDC to Magistrate Court in Ruidoso, NM.

Action: Approve. **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

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

Yes: Chair Powell, Commissioner Doth, Commissioner Draper, Commissioner Minter, Commissioner Stone.

Chair Powell recessed the Regular Meeting and convened the Closed Session at 2:45:09 AM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 3:50:13 PM.

Commissioner Doth attested that no action was taken during the closed session and items discussed were limited to those as stated in the motion for closure.

31. Signing of Official Documents

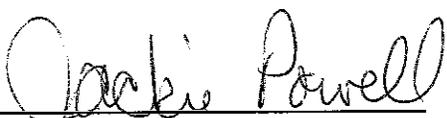
32. Next meetings:

- A. April 5, 2013 - Special Commission Meeting
- B. April 16, 2013 - Regular Commission Meeting

33. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 3:51:19 PM.

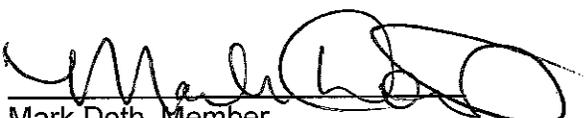
County of Lincoln
Board of County Commissioners



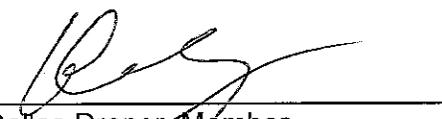
Jackie Powell, Chair



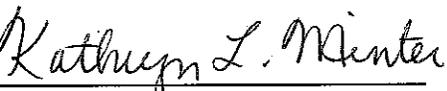
Preston Stone, Vice Chair



Mark Doth, Member



Dallas Draper, Member



Kathryn Minter, Member

ATTEST:



Rhonda Burrows, County Clerk

April 16, 2013
Date Approved

