

COUNTY OF LINCOLN

New Mexico Special Meeting Board of County Commissioners

Jackie Powell, Chair
Preston Stone, Vice Chair

Kathryn Minter, Member
Mark Doth, Member
Dallas Draper, Member

Minutes
Friday, April 5, 2013

Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on April 5, 2013 in the Physical Therapy Conference Room, Lincoln County Medical Center, 211 Sudderth Ruidoso, New Mexico.

1. Call to Order

Chair Powell called the Special Meeting of the Board of County Commissioners to order at 9:05:30 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 Draper

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 Minter.

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

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

6. Bid(s)/RFP Award:

Bid 12-13-005 Operation of the Lincoln County Detention Center

Ms. Taylor informed responses for RFP Number 12-13-005 were due on March 29, 2013. Ms. Taylor stated one bid was received from the current operator, Emerald Correctional Management, LLC.

Ms. Taylor reported Emerald's bid for compensation for the operation, management and maintenance of the facility per inmate per day to be: \$54.69 for Year 1; \$55.78 for Year 2; \$56.89 for Year 3; and \$58.08 for Year 4. Ms. Taylor estimated based on an average of 126 inmates per day a cost of \$2,515,193. Ms. Taylor reported revenues to offset expenses included \$453,000 from the Bureau of Indian Affairs; \$630,000 from the US Marshal, and \$10,000 from County municipalities.

Ms. Taylor stated once the bid was awarded a final contract would be reviewed by herself and the County Attorney to be submitted for approval at the next Regular Meeting.

Motion: Award Bid 12-13-005 to Emerald Correctional Management, LLC. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Attorney Morel stated once the new contract was drafted he would forward it to Emerald Correctional Management, DFA, and the Attorney General for the required reviews.

Commissioner Minter questioned the funding sources for Detention Center operations. Glenna Robbins, Treasurer discussed how income received from various agencies partially offset expenditures. Ms. Robbins further informed excess revenues from the Detention Center construction debt service in the amount of \$319,893 and \$1,643,814 from the General Fund were budgeted in the current fiscal year.

Commissioner Draper questioned if there were any needs at the facility for capital improvement projects. Warden Anderson stated there were no requests for improvements for the upcoming year.

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

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

7. Consideration of Alternative Funding for Purchase of Water Tender for Glencoe Volunteer Fire Department

Ms. Taylor reminded of approval during the March Regular Meeting for Glencoe-Palo Verde to seek a \$50,000 loan from the NM Finance Authority to partially fund purchase of a Water Tender. Ms. Taylor stated based on information from the NMFA Lending Officer, Glencoe-Palo Verde did not have sufficient borrowing capacity at this time to cover the \$50,000 loan request. Ms. Taylor stated other funding must be obtained prior to May 1, 2013 to secure the Fire Protection Grant of \$100,000 which the department received towards the purchase price of \$220,330. Ms. Taylor informed a second option to delay the purchase to allow a build-up of funds would result in a loss of the Fire Protection Grant. Ms. Taylor recommended the County provide the \$50,000 up front with an expectation of repayment from the Glencoe Palo Verde Fire Department over a one to three year time frame.

Motion: Approve a \$50,000 loan to the Glencoe-Palo Verde Fire Department. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

Ms. Taylor clarified the intent to make the loan without interest.

Commissioner Minter questioned the ability of the department to repay the loan and whether the State Fire Marshall would approve this financial arrangement. There was a general discussion of the potential income received when the unit was requested out of district. Glenna Robbins, Treasurer discussed the Department's current financial status. Ms. Robbins noted the income generated from such a unit was fairly significant and anticipated the department's fund balance would continue to increase. Joe Kenmore, OES Director stated the State Fire Marshall was aware of the potential loan and was anxious to proceed in order to capture the Fire Protection Grant.

Commissioner Doth questioned the timeline to receive the unit. Mr. Kenmore anticipated the truck would be on site in August of 2013.

Commissioner Stone questioned if the current truck would work until the new one was received. Mr. Kenmore informed the old truck had been decommissioned by the State as unsafe and had already been sold.

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

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

8. 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).

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. Alto Lakes Golf & Country Club, Inc. v. Barbara Fleming, and Jesus and Maria Guardiola, et al. D1226-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.
11. 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.
12. 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.
13. 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.
14. 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 Stone, **Seconded** by Commissioner Minter.

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 9:31:00 AM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 10:00:02 AM.

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.

9. Next Regular Meeting

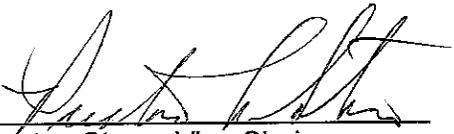
Tuesday, April 16, 2013

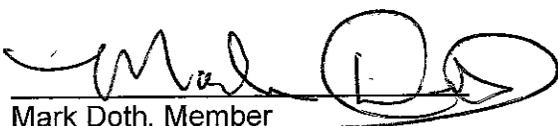
10. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 10:01:40 AM.

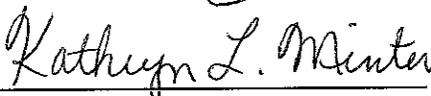
County of Lincoln
Board of County Commissioners


Jackie Powell, Chair

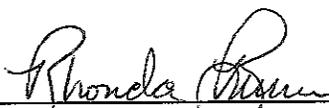

Preston Stone, Vice Chair


Mark Doth, Member


Dallas Draper, Member


Kathryn Minter, Member

ATTEST:


Rhonda Burrows, County Clerk

April 16, 2013
Date Approved

