

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
Thursday, April 25, 2013**

Minutes of the Special Meeting of the Lincoln County Commission held at 9:00 AM on April 25, 2013 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Powell called the Special Meeting of the Board of County Commissioners to order at 9:00:07 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 Draper, **Seconded by** Commissioner Doth.

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

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

6. Consent Agenda

- A. Road Name Change

Motion: Approve a new road name of Rialto Dr in Sun Valley. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

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

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

7. Bid(s)/RFP Award:

- A. Bid 12-13-009 Mill-Process Resurface Bonito Lake Road

Ms. Taylor detailed the bids received: Renegade Construction LLC \$153,242.13;

Blue Collar Construction \$167,202.57; S&M Road & Crushing LLC; \$174,400.00; Mountain States Constructors, Inc. \$219,051.00; Mesa Verde Enterprises, Inc. \$248,751.23; and Star Paving Company \$285,157.19.

- B. Bid 12-13-010 Chip Seal Part of CR A009 18th Street Carrizozo & Dawson Road Capitan

Ms. Taylor detailed the three bids received: Blue Collar Construction \$270,348.63; Mesa Verde Enterprise, Inc. \$366,858.00; and Universal Constructors, Inc. \$440,151.00.

- C. Bid 12-13-011 Surface Homestead Loop - Homestead Acres Subdivision

Ms. Taylor detailed the five bids received: Renegade Construction LLC \$142,972.40; Mesa Verde Enterprises, Inc. \$148,868.61; Star Paving Company \$158,157.13; Blue Collar Construction \$189,951.10; and R.L. Leeder Company \$196,900.00.

- D. Bid 12-13-012 Surface Homestead Loop – Gavilan Subdivision

Ms. Taylor detailed the five bids received: Renegade Construction LLC \$61,139.54; Mesa Verde Enterprises, Inc. \$69,197.56; Star Paving Company \$69,470.47; Blue Collar Construction \$80,808.61; and R.L. Leeder Company \$89,800.00.

- E. Bid 12-13-013 Surface Roads- Valley Heights Subdivision

Ms. Taylor detailed the five bids received: Renegade Construction LLC \$61,155.27; Star Paving \$66,818.17; Mesa Verde Enterprises, Inc. \$71,988.40; Blue Collar Construction \$77,707.26; and R.L. Leeder Company \$98,700.00.

Motion: Award IFB 12-13-009 to Renegade Construction for \$153,242.13; Award IFB 12-13-010 to Blue Collar Construction for \$270,348.63; Award IFB 12-13-011 to Renegade Construction for \$142,972.40; Award IFB 12-13-012 to Renegade Construction for \$61,139.54; and Award IFB 12-13-013 to Renegade Construction LLC for \$61,155.27. **Action:** Approve. **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

Commissioner Minter questioned the estimated time to complete these projects. Carl Palmer, Road Superintendent informed all projects would be completed by the end of June to meet funding requirements.

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

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

8. Declaring a Declaration of Fire Danger Emergency

Ms. Taylor reported the Smokey Bear Ranger District currently listed the area fire danger as "High". Ms. Taylor stated the District planned to impose Stage I Fire Restrictions on May 4, 2013 and Stage II Restrictions on May 11, 2013. Ms. Taylor reminded Joe Kenmore, Director of the Lincoln County Office of Emergency Services had been issuing "No Burn" directives routinely for the past months.

Ms. Taylor presented Resolution 2012-32 in accordance with Lincoln County Ordinances No. 2003-06 and 2011-2. Ms. Taylor noted the declaration, if adopted, would remain in effect for 30 days or until rescinded or extended pursuant to NM State Statute 60-2C-8.1.

Ms. Taylor also reminded there remained a provision for residents to continue to seek special permission to burn after receiving approval from the proper authorities.

Motion: Adopt Resolution 2012-32. **Action:** Approve. **Moved by** Commissioner Minter, **Seconded by** Commissioner Doth.

Ms. Taylor discussed the need for the various agencies within the County to adopt consistent language for restrictions and proposed using the same restriction definitions as used by the USFS. Ms. Taylor stated she would revise the Resolution for consideration at the May meeting.

Commissioner Stone questioned if the USFS and State Forestry had been notified of the proposed Declaration. Ms. Taylor confirmed these agencies had been notified.

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

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

SEE EXHIBIT A: Copy of Resolution 2012-32 is attached hereto in reference thereto made a part hereof.

9. 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 all Pending Threatened and/or Pending 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. *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.
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

2013

* **Montoya, Emilia L.** - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took place at the LCDC.

* **Ramos, Aaron** - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos' safety and welfare and violation of his U.S. Constitution Fifth and Sixth Amendment rights.

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** Commissioner Draper.

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

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

Chair Powell recessed the Regular Meeting and convened the Closed Session at 9:21:55 AM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 9:55:53 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.

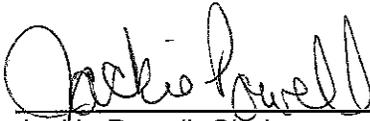
10. Signing of Official Documents**11. Next Meeting**

Friday, May 3, 2013 – Special Budget Meeting
Tuesday, May 14, 2013 – Regular Meeting

12. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 9:56:41 PM.

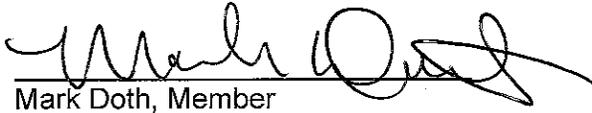
County of Lincoln
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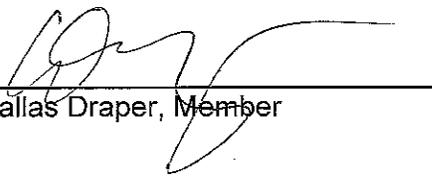
Jackie Powell, Chair



Preston Stone, Vice Chair



Mark Doth, Member



Dallas Draper, Member



Kathryn Minter, Member

ATTEST:



Rhonda Burrows, County Clerk

May 14, 2013
Date Approved



