

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, June 25, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 25, 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 8:33.44 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. Approval of Minutes

- A. May 3, 2013 Special Commission Meeting
- B. May 14, 2013 Regular Commission Meeting
- C. May 20, 2013 Special Commission Meeting
- D. June 7, 2013 Special Commission Meeting

Motion: Approve the minutes of the May 3, 2013 Special Commission Meeting; May 14, Regular Commission Meeting; May 20, 2013 Special Commission Meeting; and the June 7, 2013 Special Commission Meeting with minor corrections to minutes.

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

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

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

7. Approval of Consent Agenda

- a) Payroll/Accounts Payable/Budget/ Expenditures

- b) Treasurer's Financial Report for the Month ending May 31, 2013
- c) Mill Levy Assessment-Chaves Soil Water Conservation District
- d) DWI Activities Cost with Village of Ruidoso

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

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

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

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

8. Smokey Bear District Ranger Update

Ranger David Warnack introduced Peg Sorenson, the USFS Southwest Regional NEPA Coordinator who serves as support for the NEPA process. Chair Powell requested assistance from Ms. Sorenson to include local government feedback on the impact of past NEPA decisions. Ms. Sorenson discussed NEPA as a decision making tool versus a policy tool. Ranger Warnack clarified Chair Powell's request was for opportunities to streamline the process and expressed a belief the NEPA process itself was an important tool for public input. Commissioner Minter commented the NEPA process was often used as a delay process by environmental groups to the detriment of pending projects.

Ranger Warnack provided an update on important partnerships including:

- Work with the SCRCD, EcoServants and the Greater Ruidoso Area Wildland Urban Interface (WUI) group to implement a Firewise WUI treatment of a residence and one acre with plans to post a project documentary on the web as a demonstration.
- Collaboration with other groups to create and distribute a visitor safety brochure.
- Work with the Upper Hondo Soil and Water Conservation District to address concerns about an invasive species known as "golden smoke" being located within fire disturbed areas. Ranger Warnack stated the plant cordalis was native to the area but the USFS would provide seeding information to include source, staging areas, and drop sites for the UHSWCD to research the question if the appearance was associated with reseeding efforts.
- Cooperation with the Village of Ruidoso, EcoServants and the Ruidoso Bike Club to complete 12 miles of new bike trails in the Grindstone area
- Work with the National Community Conservation Corps and volunteers on trail maintenance in the White Mountain and Capitan Wilderness areas
- A project with USDA to eradicate feral hogs on the north side of the Capitan Mountains.

Ranger Warnack reported on fire-fighting resources currently available in the area including the presence of the SEAT plane at the Sierra Blanca Airport. Ranger Warnack stated belief plans were developing to relocate the SEAT plane to Northern New Mexico for strategic purposes.

Commissioner Stone questioned if there were plans to eradicate the "golden smoke" plant which is toxic to livestock. Ranger Warnack stated while the plant was toxic to some animals it was considered a native species and not classified as a "noxious weed". Ranger Warnack discussed the propagation process and stated the USFS planned to monitor growth within the burn scars. Commissioner Stone expressed concern about the potential loss of livestock as the weed spreads to lower elevations.

Commissioner Stone questioned if a decision from the Regional Forester would be forthcoming regarding the eradication of the feral hogs within the Capitan Mountain Wilderness Area. Ranger Warnack stated he anticipated a decision in the near future.

Commissioner Doth questioned if the bike trail project was complete. Ranger Warnack confirmed twelve miles of trail were complete and open for use.

Commissioner Minter questioned if there were plans to close the forest due to the lack of moisture. Ranger Warnack stated monitoring of fire fuels moisture was reviewed weekly and would dictate any closure decision. Ranger Warnack commented on the current effectiveness of the Stage II restrictions but noted forest closure was always an option.

Chair Powell expressed concern about a false sense of security among the public that Lincoln County will not have another fire and requested assistance from all agencies and the media to inform about the potential for additional fires.

Ranger Warnack noted the Secure Rural Schools Act was reauthorized and therefore a Resource Advisory Committee would be reappointed. Ranger Warnack noted the committee required a local government representative and requested an appointment from Lincoln County.

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

a) Greentree Solid Waste Authority Rate Increase to County Residence

Sam Hammons, Mayor of Capitan and Chair of the Greentree Solid Waste Board, requested the Commissioners schedule a public hearing to consider a rate increase for GSWA. Mayor Hammons also suggested a joint meeting of the GSWA Board and the Board of County Commissioners to hold discussion in Executive Session to resolve existing issues.

Chair Powell expressed a desire for a meeting to resolve issues but recommended the public hearing for a rate increase be postponed until matters under litigation were resolved.

Joe Lowendowski, Operational Consultant for GSWA objected to any delay for consideration of a rate increase. Mr. Lowendowski informed landfill fees had increased by 2%, revenue declined due to the loss of homes from fire, commercial roll off service fees declined from \$200,000 to \$80,000 per year, revenue from the special gross receipts tax declined from \$80,000 to \$50,000 per year, and GSWA incurred unplanned expenses as a result of the Little Bear Fire. Mr. Lowendowski stated these factors were separate from the "District issue" and therefore it was unfair to postpone consideration of a rate increase for that reason. Mr. Lowendowski stated other participating municipalities planned to hold public hearings to consider the rate increase regardless of the ongoing issues between GSWA and the County.

Motion: Table the request to schedule a public hearing to consider GSWA rate adjustments.

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

Commissioner Minter questioned if GSWA was prepared to present justification for the rate increase. Mr. Lowendowski confirmed financial data would be presented to justify a rate increase. Commissioner Minter expressed support for a joint meeting to discuss issues in an executive session and pending outcome of that discussion to hold or cancel the public hearing.

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

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

No: Commissioner Minter.

15. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Sam Hammons, Mayor of Capitan commented on a discussion during budget consideration related to a funding request from the Capitan Library. Mayor Hammons objected to a comment made during the discussion regarding the relationship of the Library and the Mayor and his role on the Board of GSWA. Mayor Hammons informed the Capitan Library served County residents as well as Village residents. Additionally, Mayor Hammons reported the Village of Capitan provided a monetary contribution of \$8,700 in support of the Library.

Chair Powell clarified her objection to the request was to the large jump from the \$3000 funded last year to a request for \$22,000 for the next fiscal year. Chair Powell reminded the Capitan Library was awarded \$5000 in funding and commented on the need for fiscal conservation of tax payer money.

17. Manager's Report

1. Hats Off:

The Manager requested time to recognize retiring employees George Serna and Ada Hendryx.

George Serna was presented a plaque in appreciation for nearly 28 years of service with the Road Department. The plaque was presented by his daughter, Samantha Vega, recently employed by the County as the Ordinance Administrator.

The Manager presented a plaque to Ada Hendryx, Senior Centers Director in appreciation of almost 20 years of service, particularly to the "senior" citizens of Lincoln County. Ms. Hendryx expressed appreciation for the opportunities and support received over the years.

The Manager presented Paul Baca, County Assessor with the NMAC Soaring Eagle Award in recognition of his service as a member of the NMAC Board of Directors from 2011 to 2013.

Chair Powell recessed the Regular Meeting at 9:47:15 AM and reconvened at 10:00:02 AM.

15. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Continued)

Commissioner Minter informed the local Ham Radio Operators Club held a competition the previous weekend. Commissioner Minter commended ham radio operators for providing critical communications during emergencies on a volunteer basis.

11. 9:00 A.M.: Lodger's Tax Applications with backup material:

- a. Application 1696: Carrizozo Chamber of Commerce July 4th Celebration \$500/Fran Altieri

Motion: Approve Application 1696 for \$500. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

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

- b. Application 1697: Bicycle Ruidoso, Trail Building \$10,000/Cody Thurston

Attorney Morel expressed concern about the Application lacking background materials or a budget.

Motion: Table Application 1697. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

Commissioner Doth expressed concern the request might be redundant based on reports of bike trail work already funded in the area. Ranger Warnack corrected his earlier report noting 10 miles of the 16 miles planned were complete at this time.

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

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

- c. Application 1698: Carrizozo Music in the Parks; July 20, August 22, October 3 and Mid November; \$4,000/Elaine Brannen

Motion: Approve Application 1698 for \$4000. **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Commissioner Stone.

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

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

- d. Application 1699: Fort Stanton Live; July 13-14, 2013 \$5,000/Clinton Smith Fort Stanton Inc.

Motion: Approve Application 1699 for \$5000. **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.

10. Building Project Updates

- a) Ft. Stanton Fire Department

Ms. Taylor reported the long term lease agreement prepared and approved by the State Monuments Department was reviewed by with only minor changes to be made prior to signature. Ms. Taylor discussed the status of construction plans for the new fire building and requested guidance as to whether to proceed with construction through the CES contract with Basic IDIQ or to issue an RFP for the project. Ms. Taylor reminded of concerns raised at a previous meeting about Basic IDIQ's ability to handle construction of the new fire station at the same time they were working on the courthouse remodel.

Lynden Brinegar, Vice President of Basic IDIQ informed the company handled about 350 projects a year and assured the company's underwriters and staff were capable of handling multiple projects. Chair Powell voiced concerns about keeping both projects on budget and on time. Mr. Brinegar stated all previous projects under his supervision were completed within budget.

Commissioner Stone questioned the equipment housing capacity of the building. Joe Kenmore, Emergency Services Director explained the design was for three bays but anticipated five vehicles would be housed in the building. Commissioner Draper questioned the time for completion of the building. Kyle Cooper, Area Manager for Basic IDIQ estimated six months to completion with weather permitting. Commissioner Doth questioned whether local contractors would be used on the project. Mr. Brinegar stated all projects completed for Lincoln County had utilized sub contactors from Lincoln County.

Commissioner Stone questioned if the Commissioners would have opportunity to review the construction plans for the courthouse remodel. Ms. Taylor informed the plans were available for review at that time. Mr. Cooper from BASIC IDIQ stated minor accommodations could be made without difficulty.

Motion: Authorize the Chair to sign the AIA contracts for the Ft. Stanton Fire Station and the Courthouse complex remodel. **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Minter.

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

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

b) Carrizozo Sr. Center

Ms. Taylor informed Lincoln County received the requested CDBG award of \$500,000 for the project. Ms. Taylor stated this funding coupled with a \$245,000 Legislative Appropriation and General Budget funding of \$400,000 would be adequate to construct a 5,000 square foot facility in a single phase. Ms. Taylor stated Architect Howard Kaplan of Wilson & Co. planned to attend the meeting to provide an update on the plans. Ms. Taylor anticipated issuance of an RFP for construction of the Senior Center in the near future.

c) Ruidoso Public Health Building

Ms. Taylor stated all of the work to redirect water flow which had caused the building deterioration was complete. Ms. Taylor stated final interior work was to be completed in the next month pending an evaluation after rain to judge corrections.

d) Lincoln County Medical Center – Physician's Office Building (POB)

Ms. Taylor stated work on the POB continued to meet and exceed timelines with a prediction of completion by mid-October. Ms. Taylor stated LCMC was working with the builders and architecture firms to order furniture and fixtures for the complex.

e) Expansion of Court / Sheriff's Complex

Ms. Taylor stated vacation of the street had been approved by the Town of Carrizozo. Attorney Morel informed progress had been pending a decision on movement of the sewer line and that issue was resolved. Attorney Morel anticipated the plat and deeds would be signed and recorded with construction beginning shortly.

i. Approval of Construction Contract (Lincoln County/CES /Basic IDIQ)

Approved during discussion of Item 10 a.

ii. Discussion / Approval of Energy Audit Contract (Vertterre)

Ms. Taylor explained the work to incorporate Energy Audit corrections was included in the contract for the courthouse complex expansion with Basic IDIQ.

12A. City of Alamogordo – Update of Bonito Lake

Brian Cesar, Director of Public Works for the City of Alamogordo discussed proposed project work with FEMA to determine pre-sediment levels of Bonito Lake prior to the Little Bear Fire. Mr. Cesar anticipated the City would authorize a contract obtaining core samples and conducting heavy metal sampling as required by FEMA. Mr. Cesar discussed the impact of heavy metal sampling on the decision to haul and dispose of accumulated sediment.

Mr. Cesar further informed the City had purchased large capacity pumps to assist in management of post fire run off into Bonita Lake. Chair Powell requested the pumps be placed on site as soon as possible prior to an emergency. Mr. Cesar stated the City of Alamogordo was reluctant to place them in an unsupervised area and requested the County allow the pumps to be staged at the Emergency Operations Center (EOC). Joe Kenmore, Emergency Services Director stated he would coordinate staging of the pumps at the EOC.

Commissioner Doth questioned if the flood monitoring systems installed last year were in place. Mr. Kenmore confirmed the monitoring stations were on line and noted the USGS had recently calibrated at least one of the sites. Commissioner Stone questioned plans to handle run off after any large rainfall. Mr. Kenmore stated the City of Alamogordo had alarms in place to trigger a Sheriff's Office dispatch, the County's Code Red Emergency Notification System was operational, and visual patrols of roads and bridges were conducted. Commissioner Draper requested the EOC staff work to identify a potential flood projection map and to notify nearby property owners of steps for preparation.

Chair Powell expressed appreciation for efforts by the City of Alamogordo to restore Bonito Lake and noted Lincoln County would be interested in purchasing the lake. Jim Staley, City Manager stated the City continued to need the water from Bonito Lake and did not anticipate any plans to sell the property. Mr. Staley expressed a desire to continue to work with the County to manage the recovery of the lake.

Commissioner Draper questioned what percentage of the City's water supply typically came from Bonito Lake. Mr. Cesar stated 15% of the City's water supply came from Bonito Lake. Commissioner Draper commented on road damage resulting from heavy truck traffic associated with the hauling of debris or sediment and questioned if the City of Alamogordo would cover the cost of road repairs. Mr. Cesar confirmed road repair cost was a portion of the proposed FEMA work project.

12. Discussion of Use of Lincoln County's Airspace as it Relates to Transmission Lines (City of Alamogordo, White Sands Missile Range, SunZia):

Susie Galea, Mayor of the City of Alamogordo discussed the need to protect airspace over Lincoln County to sustain the presence of military operations in the area and maintain the economic impact of that presence. Ms. Galea requested Lincoln County consider passage of a "spot zoning" ordinance to reduce or prohibit "spotty" placement of wind turbines which might interfere with aircraft flight zones. Ms. Galea suggested wind farms could apply for a variance for any proposed wind turbine installation.

Hanson Scott, Director of the Office of Military Base spoke in favor of working with the Board of Commissioners and landowners to minimize placement of wind farms and transmission lines in locations which might have a significant impact on military missions in the region.

Commissioner Stone expressed belief that no transmission line was more important than the defense of the nation. Commissioner Stone stated the role of the County in the discussion was to act as representatives of the residents involved in the issue.

Mayor Galea reminded the only other technically equal airspace for these particular flight training missions was located in Australia. Ms. Galea reiterated the economic impact of the military in New Mexico.

Commissioner Stone suggested all agencies involved should work in conjunction with the land owners to resolve issues. Commissioner Stone reminded two landowner groups were organized in the Corona area which had been working for three years on this project. Mr. Stone noted the State of New Mexico and the Bureau of Land Management had approved the route of the transmission line and suggested the military work with those agencies to identify the best route.

B. Request for Letter of Support (via e.mail) – Daniel Hicks, Chief of Staff WSMR

Ms. Taylor read a letter of support from Otero County to Senator Cliff Pirtle written on behalf of White Sands Missile Range's preference for a particular route for the SunZia Transmission Line to minimally impact the mission of WSMR.

C. SunZia's Perspective – Martin Bailey

Martin Bailey, Real Property Manager for SunZia provided maps of the multiple options considered for the location of the SunZia transmission line. Mr. Bailey stated 60% of the line would be located on BLM land. Mr. Bailey discussed the initial NEPA process and provided background on past discussions with WSMR, Holloman Air Force Base, and the Department of Defense. Mr. Bailey stated as a result of these discussions the route was moved further to the north. Mr. Bailey stated as an additional accommodation to military concerns SunZia had reduced the height of the wind turbine poles on a portion of the route located near WSMR.

Mr. Bailey informed the SunZia project began in 2006 to identify and capture untapped alternative energy resources. Mr. Bailey stated the original transmission line route was planned to Luna County to capture solar energy but was extended to Central New Mexico to capture wind resources. Mr. Bailey stated Lincoln County would benefit from the presence of wind farms but also from a proposed substation in the county.

Mac Bell, member of the Corona Landowners Association commented on current economic difficulties faced by range land owners in Lincoln County. Mr. Bell expressed belief the transmission line and associated wind farms were an economic life line for the area.

Barbara Sultemeier, Business Manager for the Corona School District commented on the project's potential tax benefit to the school district which now operated on Emergency Supplemental Funding from the State of New Mexico.

William Hignight, Mayor of Corona requested support from the County for local landowners, the Village of Corona, and Corona Schools. Mayor Hignight encouraged opposition to spot zoning and the restriction of private property rights.

Paul Baca, Assessor discussed how these types of improvements to the land were assessed by the Central Assessment Bureau of the State of New Mexico. Mr. Baca discussed the effect of increased valuation in an area and the potential for lower tax rates.

Motion: Update the prior Resolution of Support to reflect current members of the Board of Commissioners. **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.

SEE EXHIBIT B: Exhibit withdrawn.

17. Manager's Report

1. Hats Off:

The Manager recognized Chair Jackie Powell for receiving certification through the NM Edge County College of Certified Public Supervisor.

Chair Powell recessed the Regular Meeting at 12:00:56 PM.

Chair Powell convened the 1:00 PM Public Hearing, recessed the Public Hearing and reconvened the Regular Meeting at 1:02:56 PM.

10. Building Project Updates (continued)

b. Carrizozo Sr. Center

Howard Kaplan, Architect with Wilson & Company presented the proposed design for review. Mr. Kaplan discussed various aspects of the design including the orientation of the front entrance on the south side of the building to optimize sunlight into the building and on the parking lot during the winter months. Mr. Kaplan anticipated the final design would be ready to bid for construction by end of July with a proposed completion date in the Summer of 2014.

Chair Powell requested the building designed to stay within the construction budget. Mr. Kaplan expressed belief the project as designed would stay within the budgeted amount. Chair Powell questioned if furniture and fixtures were included in the cost estimates. Ada Hendryx, Senior Center Director informed funding in the amount of \$49,000 for furniture and fixtures was provided by the Department of Long Term Aging and Services. Ms. Hendryx stated this amount in conjunction with a second Capital Outlay award in the amount of \$18,500 was adequate to furnish the facility.

Commissioner Doth questioned if millings from State road destruction might be used for the parking lot. Carl Palmer, Road Superintendent stated the millings were not suitable and suggested base coarse for the parking lot rather than pavement. Commissioner Stone questioned if the cost of full paving was included in the current estimate of cost. Mr. Kaplan confirmed the cost was included.

Eileen Sedillo, former County Commission Chair and "senior citizen" questioned if the plans included outdoor night lighting of the building for security purposes. Mr. Kaplan confirmed outside lighting would be installed on the front and back of the building. Ms. Sedillo questioned if the plans included installation of ADA required automatic doors. Mr. Kaplan confirmed the doors were ADA compliant.

Chair Powell recessed the Regular Meeting and reconvened the Public Hearing at 1:28:44 PM.

24. 1:00 P.M. Public Hearing to consider adoption of Ordinance 2013-2 Amending Lincoln County Subdivision Rules and Regulations; providing for the severability of parts hereof; providing an effective date and repeal of Ordinance 2008-01.

Attorney Morel stated the proposed Ordinance had been forwarded to the State Engineer for review as required. Attorney Morel stated the State Engineer returned the document with recommendations for a number of changes. Attorney Morel suggested the Public Hearing continued to next month allowing time to review the recommendations and make revisions.

There being no public comment, Chair Powell recessed the Public Hearing and reconvened the Regular Meeting at 1:31:31 PM.

Motion: Continue the Public Hearing until 1:00 PM at the next Regular Commission Meeting of July 16, 2013. **Action:** Approve, **Moved by** Chair Powell, **Seconded by** Commissioner Doth. **Vote:** Motion carried by unanimous vote (**summary:** Yes = 5). **Yes:** Chair Powell, Commissioner Minter, Commissioner Stone, Commissioner Doth, Commissioner Draper.

13. Mary Ann Burr - "Overview of SERPO Process"

Mary Ann Burr of the Southeastern Regional Planning Organization presented an overview of the organization's process. Ms. Burr informed on the structure of the organization noting Hubert Quintana served as Director of the Organization with offices being located in Roswell.

Ms. Burr noted SERPO had developed a long term plan based on ICIP's and existing plans for an updated list on November 2012.

Chair Powell recessed the Regular Meeting, convened the 2:00 PM Public Hearing and recessed the Public Hearing at 2:00:38 PM.

Ms. Burr discussed the functional classification of roads statewide. Ms. Burr informed to obtain federal funding for roadway projects a roadway must have a functional classification. Ms. Burr suggested if local governments had, based on recent census data and other data, roads which should be reclassified they may make application through SERPO.

Chair Powell suggested construction of a bridge at the Fairgrounds as a potential project for review by the Manager and Road Superintendent. Ms. Burr stated bridge funding was difficult to obtain as there currently was minimal funding to maintain existing bridges.

14. Proclamation in Recognition of Bonito Volunteer Fire Department. – American Red Cross Humanitarian Award Recipient

Attorney Morel informed the Proclamation was proposed to recognize the Bonito VFD as a recipient of the American Red Cross Humanitarian Award for response to the Little Bear Fire.

Attorney Morel commented on the numerous other calls and responses over the years by the Bonito VFD and noted the importance of all volunteer fire departments and forest health partners in the community.

Tony Davis, President of White Mountain Search and Rescue informed he had nominated the Bonito VFD for the Red Cross Real Heroes Award after the Little Bear Fire. Mr. Davis commented on the organization and training of the department and congratulated the members of the department as recipients of the award.

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

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

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

16. 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 62 claims with 57 recommended for approval and 5 recommended for disapproval for a total authorization of \$126,084 for the final FY 2012-2013 year to date total of \$1,371,890. Mr. Annala reminded in 2011 \$1.1 million and in 2012 1.2 million Sole Community Provider claims were processed. Mr. Annala noted the program had approved claims in excess of the \$1.3 million which the County budgeted for the Sole Community Provider match but noted this did not include the Federal Match of SCP payments to the hospital.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 110 claims with 95 recommended for approval and 15 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was \$30,985. Mr. Annala stated Indigent Claims including for FY 2012-213 was \$291,140 with a monthly average of \$24,262. Mr. Annala stated of the budgeted \$386,461 the remaining 75% amount of \$95,321.

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 Doth, **Seconded by** Commissioner Minter.

Commissioner Minter noted the report of year-end total disbursements by provider as being beneficial. Scott Annala directed attention to the total amounts paid for ambulance service and questioned if there might be a desire to revise those limits. Commissioner Minter stated pending anticipated changes in the SCP program there might not be a need to revisit the related Ordinance.

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

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

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

Chair Powell recessed the Regular Meeting and convened the 2:30 Public Hearing at 2:32:10 PM.

26. 2:30 P.M. Public Hearing to consider the transfer of ownership of Liquor License Number 0010 - Chaparral Investments, Inc, D/B/A Chisum #32 at 1010 Sun Valley Road, Alto, NM 88355. Application Number 8532920.

Attorney Morel presented the application to transfer ownership of Liquor License Number 0010. Attorney Morel reminded when any license was transferred within the County a public hearing was required by State Statute.

Commissioner Minter questioned if the store would reopen as a minimart and gas station. Tom Heath, CEO of Hub City Convenience stores informed the group owned 23 convenience stores. Commissioner Minter questioned if the site would sell gasoline. Mr. Heath confirmed they were installing new storage tanks for the sale of gasoline and diesel.

Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 2:35:53 PM.

Motion: Approve Application No. 8532920 for transfer of ownership of Liquor License No. #0010. **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.

17. Manager's Report (continued)

2. **Flood Mitigation Efforts/ Wildland Urban Interface Projects.** The Manager reported on a number of potential flood mitigation and wild land fire protection efforts in cooperation with other agencies.
 - a. **NRCS - Emergency Watershed Protection Program – Recovery** (\$474,000, \$118,494 of which is a match). South Central Mountain will partner with the County and NRCS for this program,
 - b. **WUI Code Conference – Scheduled for August 12 -13, 2013.**
 - c. **CFRP Award Granted to South Central Mountain RC&D**
 - d. **State Forestry – 2012 Lincoln County WUI (\$255,000); 2013 Sun Valley NFL (\$50,000)** both of which were in progress.
 - e. **FEMA projects** (\$1.0 million) with work progressing by the Road Department.
 - f. **FEMA's Hazard Mitigation Grant Application** for \$3.5 million over three years was being completed.

3. **\$\$ in the Bank:**

- I. The County was provided with the opportunity to request the **\$254,421.52** Emergency Loan awarded last year be converted to a Grant. The request was approved at the State Board of Finance Meeting of June 18, 2013 and the County would not have to repay the loan.
- II. **\$ 500,000 CDBG Grant Award** for Carrizozo Senior Center.
\$ 245,000 Capital Outlay Award for Carrizozo Senior Center.
- III. **\$1,202,120** in reimbursement from FEMA for flood mitigation work completed after Little Bear Fire. The balance of **\$ 319,956** was owed to County for unfinished projects.

4. **Business Retention Gross Receipt Tax (3/16th) Tracking (FY 13):**

<u>Business Activity Month</u>	FY13	FY12	Difference
July	\$ 78,841	\$ 79,726	(\$ 885)
August	\$ 80,921	\$ 86,567	(\$ 5,646)
September	\$ 90,730	\$ 81,314	\$ 9,416
October	\$ 75,315	\$ 72,669	\$ 2,646
November	\$ 71,927	\$ 61,132	\$10,795
December	\$ 72,885	\$ 63,984	\$ 8,901
January	\$ 85,855	\$ 83,853	\$ 2,002
February	\$ 67,615	\$ 65,132	\$ 2,483
March	\$ 58,516	\$ 61,206	(\$ 1,690)
April	\$ 70,833	\$ 73,130	(\$ 2,297)
May	\$ 61,866	\$ 63,532	(\$ 1,666)
YTD	\$815,305	\$792,245	\$ 23,060
Annualized	\$889,423		

5. **Industries Division/Third Party Inspectors update:** Commissioner Doth and Commissioner Minter expressed concerns regarding the process required for county residents to schedule and obtain building inspections. The Manager provided copy of the follow-up letter sent to the Governor seeking support. The Manager stated during the Governor's visit to Lincoln County last week Commissioner Doth spoke to one of the Governor's analysts about the issue. The Manager and Commissioner Doth provided additional information to the Governor's analyst subsequent to that meeting.

Governor Martinez Visit to Lincoln County. The Governor visited Lincoln County last week and learned of continued needs and efforts for recovery of the Little Bear Fire and subsequent flooding. The Governor heard a number of statistics including key points made by David Warnack, Ranger for the Smokey Bear District. Points included:

- The incident doesn't end when the fire goes out – post-fire issues persist over time – local governments and agencies need to continue to work together to address these issues;
- Unity of effort is the key to effective action, both during and after major fires;
- Relationships among local governments, agencies and communities need to be cultivated before an incident in order to be most effective.

6. **NMAC Conference.** The Annual New Mexico Association Summer Conference hosted by Curry County was well attended by Lincoln County Staff. The Manager's Affiliate meetings focused on changes in the Sole Community Provider program along with other healthcare issues and the changes in law regarding Purchasing and Procurement.

18. **DFA Preliminary Budget Approval Acknowledgement**

Ms. Taylor reminded State Statute required the Board of County Commissioners acknowledge the Department of Finance and Administration's approval of the Preliminary Budget. Ms. Taylor provided copy of the letter from DFA approving the Preliminary Budget.

Motion: Acknowledge receipt of DFA's approval of the FY 2013-2014 Preliminary Budget,

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.

19. **2013-2014 Contract for Services Approval**

Ms. Taylor requested approval of the contracts for outside agencies for which funding was approved in prior budget meetings. Ms. Taylor provided copies of the contracts for the Capitan Library; Corona Library; Ruidoso Library; Lincoln County Juvenile Justice Board; Noxious Weeds Management; South Central RC&D; Humane Society; EcoServants; The Coalition of Arizona/NM Counties; Boys & Girls Club of Sierra; and the NM State Library.

- a) Renew Lease and Management Agreement Lincoln County Fairgrounds

Ms. Taylor also requested consideration of the Lease and Management Agreement for the Lincoln County Fairgrounds.

Motion: Approve the contracts for the agencies listed and the Lease and Management Agreement for the Lincoln County Fairgrounds. **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.

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

Ms. Taylor reported there were no new water right notices posted on the State Engineer's website since the notice posted on February 25, 2013.

Ms. Taylor reported Brian Archuleta with the USDA provided an update on efforts to eradicate the feral hog population during the budget meetings. Ms. Taylor reminded the USDA had allocated \$1 million to initiate a pilot project within the State of New Mexico.

Ms. Taylor reported the US Fish and Wildlife Services issued a news release regarding a proposal to return management and protection of grey wolves to State wildlife professionals following successfully recovery efforts. In follow up, Ms. Taylor stated she learned the comment period had expired before a letter of opposition could be submitted and the protest would be

untimely. Ms. Taylor informed the Wildlife Service had again opened a comment period until mid-September.

Ms. Taylor stated the fire danger level as reported by the Fire Behavior Research Center in Missoula, Montana was "moderate" and the Smokey Bear Ranger District reported fire danger as "High" for Lincoln County.

Joe Kenmore, Emergency Services Director reported eleven fire starts had occurred in the County since May 15, 2013. Mr. Kenmore reported 2 of the fires were started by lightning with remainder being human caused with the largest being 2.8 acres west of Capitan. Mr. Kenmore reported the LC Mobile Command Unit was on loan to the Village of Ruidoso Downs during a remodel of their dispatch. Mr. Kenmore stated the SEAT plane previously stationed at Sierra Blanca Airport was relocated to Taos.

21. Renew of Fire Restriction Resolution 2012-41

Ms. Taylor reminded of the adoption of fire restrictions originally at the April 25, 2013 meeting and the requirement for restrictions to be reviewed every 30 days. Ms. Taylor recommended the Resolution be readopted at that time in view of the timing of scheduled meeting dates.

Motion: Adopt Resolution 2012-41, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

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

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

SEE EXHIBIT D: Copy of Resolution 2012-41 is attached hereto in reference thereto made a part hereof.

22. Resolution 2012-40 Lincoln County Public Records Policy Fee Schedule Amending Resolution 2010-36

Rhonda Burrows, Clerk presented the proposed changes to the existing Fee Schedule portion of the Resolution. Ms. Burrows stated the revisions were proposed by the elected officials and staff of the Clerk, Treasurer, and Assessor's office. Ms. Burrows stated the group revised the previous schedule which listed charges by department under one standard list of charges for documents and services.

Ms. Burrows commented on recent legislative actions which revised some fees but which also defined certain information such as land records as a "protected data base" for which royalties could be charged.

Motion: Adopt Resolution 2012-40, **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.

SEE EXHIBIT E: Copy of Resolution 2012-40 is attached hereto in reference thereto made a part hereof.

23. Extension Agreement No. 2 – Lincoln County Abstract & Title Company – Charles F. Headen Estate

Attorney Morel explained an extension of the agreement was necessary to obtain a new appraisal prior to final submission to DFA and to extend the due diligence and closing period.

Motion: Approve Extension Agreement No. 2 and the due diligence and closing dates, **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.

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

A. Final Budget FY 2013-2014

Motion: Schedule a Public Hearing to Approve the Final Budget for the July 16, 2013 Regular Meeting. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Chair Powell.

Commissioner Minter questioned if additional budget items such as reimbursement to La Casa for roof repairs would be considered during the hearing. Ms. Taylor confirmed there would be some additional budget items for discussion.

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

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

28. Bid/RFP(s) Award:

a) RFP 12-13-018 Heating & Air Conditioning Maintenance Services

1.	Bonito River	284 points
2.	Ventura	271 points
3.	MGS	264 points

b) RFP 12-13-019 Electrical Maintenance Services

1.	Rideouts Electric	292 points
2.	Midstate	278 points
3.	ERM Electric	264 points
4.	DRB Electric	264 points
5.	Garcia's Electric	241 points

c) RFP 12-13-020 Plumbing Maintenance Services

1.	Ventura	300 points
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Motion: Award RFP 12-13-018 to Bonito River; RFP 12-13-019 to Rideouts Electrical; and RFP 12-13-020 to Ventura, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

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

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

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

a) Road Review Advisory Committee

No action was taken.

b) Lodger's Tax Committee

No action was taken.

30. Deputy Sheriff's Bargaining Unit Agreement Renewal

Ms. Taylor informed the President of the Deputy Sheriff's bargaining unit had notified by letter the acceptance of a 3% pay increase under a provision of the agreement generally known as the "evergreen" provision whereby the bargaining unit accepts the increase granted to other County employees effective July 1, 2013.

Motion: Approve the Bargaining Unit Agreement renewal incorporating the 3% pay increase effective July 1 2013, **Action:** Approve, **Moved by** Commissioner Minter, **Seconded by** Chair Powell.

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

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

31. Assignment of Lincoln County's Ballot for the National Association of Counties' (NACo) 2013 Election to the NMAC President

Ms. Taylor stated NMAC requested each County assign a proxy to cast a ballot in the NACo 2013 Election. Ms. Taylor subsequently learned a county must have paid NACo dues and have

at least one paid registrant at the annual conference to be eligible to cast a ballot. Ms. Taylor stated Lincoln County was therefore ineligible.

No action was taken.

32. NM DHSEM Mitigation Project Grant Application (FEMA \$3.5 Million)

- a. Discussion and Consideration of Contractual Options for Management of the \$1.2 million FEMA Grant

Ms. Taylor discussed the work on the grant application, cost benefit analysis, project identification and project management. Ms. Taylor discussed various contractual opportunities and recommended a professional services contract awarded consistent with the contract previously awarded. Ms. Taylor stated the State Procurement Agent and the Contract Review Bureau Chief agreed the scope of work was an appropriate use of professional services contracts. Ms. Taylor requested authorization to enter into a Professional Service contract.

- b. Discussion and Consideration of Requesting Match Funds (and/or project funds) from Governor prior to end of Fiscal Year

Ms. Taylor recommended seeking funding for the match for the award of the FEMA grant from the Governor's office. Commissioner Minter questioned if the anticipated \$60,000 for a professional services contract would be offset by grant funding. Ms. Taylor clarified the contract payment would be used as a match for the grant.

Motion: Authorize the Manager to enter into a contract for professional services with King Industries for \$60,000, **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Minter.

Punkin Schlarb, Finance Director reminded the County would need to revise the current County Purchase Policy Ordinance to reflect the new State Statute and the increase maximum expenditure for professional services from \$50,000 to \$60,000.

Commissioner Doth amended his motion to authorize a contract for \$50,000. Commissioner Minter seconded.

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

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

33. Consideration of Entering into NMAC's Risk Awareness Program (RAP)

Ms. Taylor discussed the program and commented on the County's need to increase safety awareness. Commissioner Minter stated participation in the program would eventually provide a discount on insurance premiums.

Motion: Approve enrollment in the Risk Awareness Program. **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.

Chair Powell recessed the Regular Meeting and reconvened the 2:00 PM Public Hearing at 3:43:46 PM.

25. 2:00 P.M. Amending Lincoln County Personnel Policies & Procedures

Attorney Morel informed after a recent revision of the Ordinance a need to clarify definitions for "near relatives" and "nepotism" was identified. Attorney Morel stated the only other change related to defining the effective date of insurance for newly hired employees.

There being no public comment, Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 3:48:37 PM.

Motion: Adopt Ordinance 2013-4, **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.

SEE EXHIBIT F: Copy of Ordinance 2013-14 is attached hereto in reference thereto made a part hereof.

34. 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. Solid Waste Ordinance Violation – Steve and Cecilia Gore
2. *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.
3. *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.
4. *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.
5. *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.
6. *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.
7. *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.
8. *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.
9. *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.
10. *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.
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.
16. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County* D-1226-CV-2013-00105. Suit filed April 15, 2013. Complaint for Foreclosure.
17. *Wells Fargo Bank, NA, et al V. Jerry Turner, Board of County Commissioners of the County of Lincoln, New Mexico, et al.* D-1226-CV-2013-00129. Suit filed May 6, 2013. First Amended Complaint for Foreclosure.

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.

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 3:52:07 PM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 4:08:30 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.

35. Signing of Official Documents

36. Next meetings:

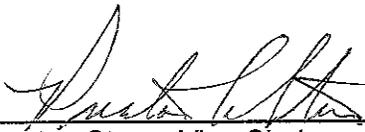
July 09, 2013 - Special Meeting at LCMC Physical Therapy Building
July 16, 2013 - Regular Commission Meeting

37. Adjournment

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 4:10:22 PM.

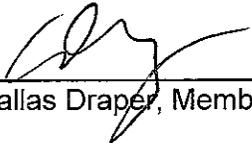
County of Lincoln
Board of County Commissioners


Jackie Powell, Chair

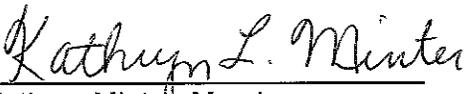


Preston Stone, Vice Chair

Mark Doth, Member



Dallas Draper, Member



Kathryn Minter, Member

ATTEST:



Rhonda Burrows, County Clerk

July 16, 2013
Date Approved



