

# COUNTY OF LINCOLN

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## New Mexico Regular Meeting Board of County Commissioners

Jackie Powell, Chair  
Preston Stone, Vice Chair

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

### Minutes Tuesday, November 19, 2013

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on November 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 8:33:06 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 Minter.

**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. October 15, 2013 - Regular Commission Meeting
- b. November 5, 2013 - Special Commission Meeting

**Motion:** Approve the minutes of the October 15, 2013 Regular Commission Meeting with removal of language on lines 79 and 80 of the draft minutes and the November 5, 2013 Special Commission Meeting as presented.

**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. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending October 31, 2013
- c. Road Name Requests

**Motion:** Approval of Consent items as presented. **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.

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

#### **8. Smokey Bear District Ranger Update**

Ranger Warmack stated the USFS and the NRCS recently reached an agreement to fund and seek joint projects to treat hazardous fuels, protect infrastructure, and restore watershed integrity on both USFS land and private land. Ranger Warmack stated the Smokey Bear Ranger District in consultation with the NRCS, South Central RC&D, NM State Forestry, and Lincoln County officials submitted a proposal requesting one million for projects on USFS land and one million for projects on private land. Ranger Warmack provided a copy of the proposal and noted the pre-work done by Lincoln County officials in preparation for a prior FEMA grant expedited preparation of the proposal.

Ranger Warmack commented on three recent prescribed fire projects and stated these burns would continue through the winter months.

Ranger Warmack discussed the recent three month assignment of the Veterans Fire Crew which is composed of armed forces veterans. Ranger Warmack stated this was the third year the Ranger District participated in the program and discussed his desire to expand the crew's assignment to include work on non-Forest land. Ranger Warmack requested the County's cooperation through Joe Kenmore of OES to identify projects and funding sources for additional work in the area. Ranger Warmack commented on the benefits of the program for veterans including the accumulation of experience for the crew which translated into opportunities for full time employment with the USFS.

Ranger Warmack discussed the ongoing Wildland Urban Interface (WUI) Speaker Series and noted the initial sessions were posted on the Eastern New Mexico University website with a third session scheduled for December 3, 2013.

Commissioner Minter questioned the status of the proposed timber sale from land in the Little Bear Fire area. Ranger Warmack stated the decision was signed and pending a comment period. Commissioner Minter discussed the length of time to approve the timber sale and remarked on legislation introduced by Congressman Steve Pearce to speed up post fire timber sales.

Commissioner Stone noted the proposed joint agency project between the USFS and NRCS did not include the Soil and Water Conservation Districts as cooperating agencies. Ranger Warmack acknowledge the role of the conservation districts and voiced agreement to include them moving forward.

Chair Powell requested some project funding be directed toward damage caused by silt to stream beds further down the watershed. Ranger Warmack acknowledged the connectivity between all areas of the watershed and the need to take an extended view.

Chair Powell suggested inviting the local Future Farmers of America (FFA) team which won a silver medal in Timber Management at the National FFA convention to participate in the WUI Speaker Series. Ranger Warmack took note of the suggestion. Nita Taylor, County Manager suggested the FFA team be invited to do a presentation for the Commission.

#### **9. Lincoln County Detention Center Update**

Warden Arthur Anderson informed on monthly bookings and releases at the Lincoln County Detention Center and stated the total average daily population since January 1, 2013 to current date was 123. Warden Anderson stated the current population was 123.

Warden Anderson reported no outstanding facility problems at the detention center.

Commissioner Minter commented on a proposed budget adjustment of \$1 million from the General Fund to the Detention Center due to a loss of revenue from housing federal prisoners.

#### **10. Greentree Solid Waste Authority (GSWA) Update**

Ms. Taylor provided the approved minutes from the GSWA Regular Meeting of September 26, 2013. Ms. Taylor commented on highlights from the minutes including:

- a. Year to date expenditures for GSWA exceeded revenues by \$53,934.
- b. Bio – Grind, Inc. awarded the bid for “Yard/Forest Waste Recycling/Disposal.
- c. Operational Supervisor granted approval to seek a process to incorporate Yard/forest waste disposal into current operations.
- d. Discussion regarding illegal dumping clean up as a courtesy with the county member not paying for the service and efforts to form an Illegal Dumping Task Force.

**11. Consideration / Action Re: Issuing Notice Of Intent to Withdraw from JPA that Created the Greentree Solid Waste Authority**

Ms. Taylor provided background on the relationship between GSWA and the County over the past several years. Ms. Taylor stated problems included disagreements over quality of service to County residents and a refusal to recognize the County's right to adequate representation on the Authority's Board. Ms. Taylor reminded the County is GSWA's largest source of revenue contributing between sixty to sixty five percent of all GSWA revenues through billing to County residents and from revenue generated by the Environmental Gross Receipts Tax. Ms. Taylor discussed the withdrawal of the Alto Lakes Water and Sanitation District from the Authority and the subsequent filing of suit by GSWA against the County.

Ms. Taylor stated a formal mediation to resolve disagreements was held on November 11, 2013 with William Walker serving as mediator. Ms. Taylor stated the mediation was unsuccessful with no resolution regarding the issues under litigation due to the withdrawal of ALWSD and no agreement on any of the other issues presented by the parties including rate making authority.

Ms. Taylor stated a District Court hearing was scheduled for January 24, 2014 on a Motion to Reconsider filed by GSWA after an earlier court ruling that the County did not have the authority to stop ALWSD from withdrawing from GSWA. Ms. Taylor suggested regardless of the outcome of the hearing, the Commissioners must consider whether the County wished to continue participation as a member in the Authority under current circumstances.

Alan Morel, Attorney stated should the County decide to proceed by providing a Notice of Intent to Withdraw from the Joint Powers Agreement he would recommend the County also send notice to each of the participating governmental agencies. Attorney Morel opined the notice to other agencies in GSWA would either encourage them to work to resolve differences or prompt agreement with the County's decision to withdraw. Attorney Morel stated should the County withdraw from GSWA the participating agencies could agree on the division of assets and liabilities or they might choose to litigate the matter.

**Motion:** Issue a Notice of Intent to Withdraw to participating agencies and develop an RFP for waste collection and disposal. **Action:** Approve, **Moved by** Commissioner Doth, **Seconded by** Commissioner Draper.

Commissioner Stone reminded during the mediation there was discussion about meeting with the New Mexico Department of Finance and Administration (DFA) about related financial issues. Attorney Morel reported contacting the attorney for DFA but stated no response was received as of this date.

Commissioner Minter stated opposition to withdrawing from the JPA. Commissioner Minter questioned if the JPA might still be revised or clarified to resolve “sticking points”.

Attorney Morel reminded while there were various problems with the JPA and its Amendments, the County had also operated under an Ordinance in place for over twenty years. Attorney Morel expressed hope that the Notice of Intent to Withdraw might prompt other governmental entities to review their representation and encourage more negotiation.

Chair Powell discussed the current year to date loss of \$53,934 as reported by GSWA and the recent receipt of a notice of termination of agreement from GSWA.

Attorney Morel confirmed the County received a notice of termination of the 2006 Agreement between the County and GSWA. Attorney Morel stated the agreement addressed several issues not covered by the JPA including the recognition of the ability of water and sanitation districts to provide their own services. Attorney Morel stated the termination of the agreement did not affect the JPA's validity.

Commissioner Draper expressed disappointment the mediation was unsuccessful as an opportunity to “save” GSWA but noted the actual provision of services to the residents as the primary concern of the County.

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

**Yes:** Chair Powell, Commissioner Stone, Commissioner Doth, Commissioner Draper.  
**No:** Commissioner Minter.

**12. 9:00 A.M.: Consideration / Action on Lodger's Tax Applications:**

- a. Application 1707: Funding Request: \$5,000 Purpose: Ruidoso Visitor Guide  
Date(s) of Event: 2013 Guide  
Presenter: Lajuana Martinez, Adventure Marketing, Ltd. Co

Commissioner Doth expressed support for the application but questioned if the Village of Ruidoso or City of Ruidoso Downs would contribute funding. Commissioner Minter requested verification from Ms. Martinez regarding the question. Chair Powell commented on the lack of other visitor guides for the County but requested Lincoln County lodgers and events receive expanded exposure within the guide.

**Motion:** Approve Application 1707 for \$5000 pending expanded exposure of Lincoln County lodgers and events, **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.

- b. Application 1705: Funding Request: \$2,000  
Purpose: High Mesa Artist Studio Tour  
Date(s) of Event: April 26-27, 2013  
Presenter: Madeleine Sabo, High Mesa Artist Studio Tour

**Motion:** Approve Application 1705 for \$2,000, **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.

- c. Application 1706: Funding Request: \$4,000  
Purpose: Music in the Parks  
Date(s) of Event: 2014- 5-6 Classical Concerts & 3-4 School Concerts  
Presenter: Elaine Brannen/Music in the Parks/Carrizozo Works, Inc.

Commissioner Doth noted the Lodger's Tax Board minutes indicated a lack of documentation and preparation for this application.

**Motion:** Deny the request based on a lack of supporting documentation, **Action:** Approve, **Moved by** Commissioner Doth, **None seconded.**

**Motion died for lack of a second.**

Commissioner Stone stated support for the application and suggested a defined list of expectations be provided to applicants if more information was desired. Commissioner Minter commented positively on the events and noted the group received support from other sources.

Chair Powell suggested all requests for events within municipalities be funded equally by the relevant municipality and the County but noted the County should provide additional support for events within the unincorporated areas.

**Motion:** Approve Application 1706 for \$2000. **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Doth.

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

**Yes:** Chair Powell, Commissioner Doth, Commissioner Draper.  
**No:** Commissioner Minter, Commissioner Stone.

Commissioner Stone clarified his “no” vote as opposition to the reduced amount of funding approved and stated support for full funding of the application. Commissioner Minter concurred with this position.

**13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS**

Glenna Robbins, County Treasurer presented detailed pie charts illustrating the breakdown of taxes billed and collected by the County on behalf of numerous entities and agencies. Ms. Robbins reported a total of \$26,825,927.79 in property taxes were billed for 2013. Commissioner Draper questioned the amount of budgeted revenue as a percentage of total property tax billed. Ms. Robbins stated the County budgeted conservatively but anticipated a 96% collection rate for the property taxes billed.

Commissioner Minter questioned a possible loss of revenue to the County due to Ruidoso based contractors collecting Ruidoso gross receipts tax on work performed in the County. Commissioner Minter stated if a problem exists, the proposed permitting MOU with the Village might contribute to expanding the problem. Ms. Robbins stated she would research information regarding the State's methods of auditing the reporting of gross receipt taxes.

Commissioner Draper thanked Joe Kenmore and Spencer Baldwin of the Office of Emergency Services for a recent fire safety presentation at Rainmakers in conjunction with the Bonito Volunteer Fire Department.

**14. Consideration / Action on Lincoln County State Audit Report**

A. J. Bowers of the Accounting and Consulting Group, LLP presented an Executive Summary of the County's FY 2012-2013 audit. Mr. Bowers stated the company performed 61 audits of local governments this fiscal year of which 9 were county audits.

Mr. Bowers stated financial highlights included \$59.3 million in assets and \$7.9 million in liabilities resulting in a \$51.4 million "net position", \$11 million unrestricted in the County's General Fund; and \$24.1 million in revenues offset by \$21.1 million in expenses.

Mr. Bowers stated the purpose of the audit was to provide an opinion on the financial statements. Mr. Bowers discussed three reports contained in the audit itself with the first being a report of an unqualified opinion on the financial statements. Mr. Bowers explained an unqualified opinion was the highest level of opinion given and reflected a job well done by the County and staff.

Mr. Bowers stated the second report was an Internal Control Report for which an opinion was not issued but instead findings related to internal controls were reported. Mr. Bowers stated the third report was the A-133 Report in accordance with required audits for federal awards. Mr. Bowers stated the County also received an unqualified opinion on those audits of federal funding received for Hazardous Fuels Reduction and Hazard Mitigation programs.

Mr. Bowers stated there were a few findings related to internal controls which were presented to staff in the exit conference. Mr. Bowers noted the County had resolved five of the internal control findings from the prior year.

Chair Powell expressed appreciation for the work of the Finance Director and staff and the Treasurer and her staff. Chair Powell commented on the difficulties presented by the 2012 Little Bear Fire and acknowledged the extra work by all County staff.

**Motion:** Approve the Annual Audit for FY 2012-2013, **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.

Chair Powell recessed the Regular Meeting at 9:48:47 AM and reconvened at 10:01:57 AM.

**15. Joint Presentation Re: Completion of LCMC's Physician's Office Building – Dekker/Perich/Sabatini, Jaynes Corporation**

Bobby George of Dekker/Perich/Sabatini provided a final overview of the project. Mr. George commented on the 2010 Master Plan for the Lincoln County Medical Center which included plans for a 15,000 square foot professional office building with a total project cost of approximately \$5.3 million. Mr. George reminded in 2011 revisions were made to accommodate specialty service needs resulting in an increase to 20,000 square feet with a project budget of about \$6.7 million. Mr. George stated in 2012 after bids were received for 23,350 square feet and after a meeting to revise and approve the budget, the total project budget was about \$6.7 million with the construction only portion being about \$5.3 million.

Mr. George stated the initial contract with Jaynes Corporation was for \$5.27 million. Mr. George informed the project was completed for \$5.16 million or \$100,000 under budget. Mr. George stated in addition to completing the project under budget hands free faucets were added, additional electronic security installed on doorways, and drainage improvements were made to El Paso Road. Mr. George reminded the original contract was signed on November 30, 2012 with a substantial completion deadline of 365 days. Mr. George stated substantial completion was achieved on November 01, 2013 with approval for occupancy by the State Health Department on November 8, 2013. Mr. George spoke to the collaborative effort between Jaynes and Dekker/Perich/Sabatine to facilitate management of the project and to save money. Mr. George commended Jaynes Corporation for their performance on the job being both ahead of schedule and under budget.

Commissioner Draper thanked Jaynes Corporation for working to include local subcontractors on the project.

Ms. Taylor recognized Gordon Burch and Jason Parsons from Jaynes Corporation for their work. Jason Parsons, Superintendent for Jaynes Corporation stated the past year spent on the project resulted in his appreciation for the local area.

**16. Consideration / Action on Professional Services Agreements with SNMEDD to Provide Professional Administrative Services for Lincoln County CDBG Grant and Legislative Capital Outlay projects:**

Ms. Taylor reminded the County received two Capital Outlay grants for its senior centers as follows:

- a. NM Aging & Long Term Services Department Capital Outlay Grant Agreement # 2014-1173 for \$49,400 to purchase and install meals equipment in senior centers county-wide in Lincoln County;
- b. NM Aging & Long Term Services Department Capital Outlay Grant Agreement # 2014-1174 for \$245,000 to plan, design, construct, equip and furnish a senior center in Carrizozo, NM.

Ms. Taylor further reminded the County entered into a Professional Services Agreement with SNMEDD to provide administrative services at a 2% fee for a CDBG Grant award of \$500,000 towards the building of the new senior center in Carrizozo. Ms. Taylor recommended the County similarly enter into administration agreements with SNMEDD for the two Capital Outlay Grants.

**Motion:** Authorize the County Manager to enter into professional services agreements with SNMEDD for the Capital Outlay grants as listed, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Powell.

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

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

**17. Consideration /Action on Resolution 2013-25; Mid-Year Budget Adjustments:  
FY13-14**

Ms. Taylor presented the proposed mid-year budget adjustments and the associated Resolution noting the adjustments were divided by revenues, transfers, and expenses. Ms. Taylor discussed the significant budget adjustments including:

a transfer to Lease Proceeds in the amount of \$1,373,820 as a part of the financing for the lease and repayment for new road equipment; a transfer of \$1,090,000 from the General Fund to accommodate loss of revenue for the housing of federal prisoners; and a transfer of \$39,920 from a budgeted salary position to Maintenance Agreements to cover the cost of data system maintenance by Systems MD.

Commissioner Draper questioned the transfer of funding from a full time salary position. Ms. Taylor clarified the salary for an "IT" position was carried in the budget for several years but the position was never staffed. Ms. Taylor stated the adjustment from salaries was to cover the cost of the maintenance agreement with Systems MD until the end of the fiscal year. Rhonda Burrows, County Clerk expressed a desire to revisit the idea to staff a full time position to accommodate daily technical issues and reminded Systems MD recommended the County hire someone to deal with daily issues.

Commissioner Minter questioned the final net adjustment to the General Fund. Glenna Robbins, Treasurer informed the approved original budget included \$621,845 over required reserves. Ms. Robbins stated after the adjustments presented were approved the budget would reflect \$476,691 over required reserves.

Commissioner Minter questioned the adjustment and expenditure for \$97,000 of dental equipment. Ms. Taylor stated the expenditure was approved in the prior fiscal year but the funding reverted at end of the fiscal year requiring an adjustment this year prior to the purchase.

**Motion:** Adopt Resolution 2013-25 and grant the County Manager authority to enter into an agreement with Systems MD, **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 B:** Copy of Resolution 2013-25 is attached hereto in reference thereto made a part hereof.

## 18. Manager's Report

### 1. Forest Health Funding Initiatives. The Manager provided the following updates on funding initiatives:

**A.** NRCS EWP Grant - \$194,947 with a 25% County (landowner) Match. This Little Bear Fire Emergency Watershed Project is taking corrective action on four areas in the County. In all cases the Little Bear Fire destroyed vegetation on watershed, increasing potential for damage to residences and infrastructure from channel overtopping and overland flow down steep slopes:

1. Angus and Church Camp Subdivision. The proposed action is to install concrete walls around a domestic well and sewer lift station to protect them from flooding. Wattles and mulch to be placed in critical areas and channel to be constructed to protect historic building. Cost estimate \$55,800.
2. Eagle Creek and Villa Madonna. The proposed action is to install jersey barriers around homes, and to conduct excavation, compacted fill, place wattles and remove debris to restore channel capacity. Cost estimate \$94,500.
3. Bonito Creek. Little Bear Fire destroyed vegetation on watershed above Bonito Lake, which supplies 40% of water for City of Alamogordo and Holloman Air Force Base. Proposed action is to construct several small debris and sediment basins. Cost estimate \$50,000.
4. Lower Rio Bonito. Proposed action is to construct sediment and debris basin to protect private road crossing in a subdivision. This is the only entrance and it is not maintained by the county nor eligible for federal aid. Wattles will be placed to protect soil from erosion in critical areas. Cost estimate \$36,000.

The Manger stated the grant funds were to be expended by January 7, 2014 but she requested and received a 17 day extension due to the federal shutdown.

**B.** FEMA - NM Homeland Security Grant - \$3.5 Million. The Manager reported approval of the grant by FEMA was moving very slowly, partly due to the government shutdown and partly due to a changing of the requirements. The County received notification of a requirement to submit the Voluntary Participation Agreement Letters as part of the initial application. The Manger stated this was a time-consuming step the County intended accomplishing once assured of funding but were now working with FEMA and the NM Department of Homeland Security and Emergency Management (NMDHSEM) to meet the requirement.

**C.** Presidential Declaration for NM. The Manager stated the declaration was for rain events that occurred between September 9, 2013 and September 22, 2013. Per NMDHSEM, the County must meet a minimum threshold of damage of \$90,000. The County's estimate for road damage alone exceeded the threshold. FEMA personnel were scheduled in the County on November 20, 2013 to work with County staff to identify and develop Project Worksheets. The Manager stated estimated total costs and the proposed State match were unknown and she would return for Commission approval at a later date.

**D.** Governor's Executive Order. The Manager stated Governor Martinez issued Executive Order 2013-027 to address flooding and major damage to areas across the state. Emergency Management, Planning and other departments were working to identify damage in the County in particular areas with heavy build-up of slash that would threaten

health, safety and welfare in the circumstance of flooding. The Manager stated she would seek Commission approval to apply for funding once the estimate was complete. Ms. Taylor noted prior State funding received required a 25% County match.

Ms. Taylor requested direction as to whether the Commissioners wished to pursue the State funding available as a result of the Governor's Executive Order. Chair Powell cited the arroyo damage near Fox Cave as an example of damage due to post fire flooding. Commissioner Dorn stated there were ongoing issues with culverts being clogged with debris resulting in road damage.

There was a general consensus to identify and seek any available funding to offset damage or potential damage acknowledging a potential cost of 25% to the County.

**2. FY13 Audit.** The Manager reminded the annual audit was complete with the County receiving an unqualified Opinion for both the Financial Statement and the Federal Awards. The Manager commented on the hard work of staff to achieve these results and noted five out of seven of last year's findings were totally resolved. The Manager noted this year's audit carried forward two findings and included four new findings. The Manager expressed confidence the staff would "chip away" at these findings.

**3. LCMC Update.** The Manager reported working with Attorney Morel and LCMC on the modified Lease Agreement. The Manager stated plans to present the modified agreement for review at the December meeting. The Appraisal Report was submitted for DFA review, as required by law, but DFA would not complete their review until mid-December or later. The Manager stated if DFA completed their review, it could be submitted to the State Board of Finance by December 31, 2014 and presented for Commission approval at the January meeting.

Commissioner Draper questioned if the required DFA approval would affect the timing of lease payments by LCMC. The Manager reminded of the Commissions' prior approval for lease payments in the amount of \$1.1 million to begin January 1, 2014. Attorney Morel stated although State approval was pending, LCMC had taken occupancy of the new buildings, and recommended LCMC begin lease payments as agreed. Attorney Morel stated any adjustments could come later if needed.

#### **4. Building Updates.**

**A.** Lincoln County Courthouse/Sheriff's Expansion. Work is continuing on the courthouse expansion. Although Basic IDIQ normally holds weekly meetings on Wednesday, Nancy Kerr Project Manager, will provide a tour of the project to any Commissioners interested directly after the end of the Commission meeting.

**B.** Ft. Stanton Fire Station. Work has commenced on the site for the Fire Station with concrete poured and inspected and the building structure standing. The Manager stated once the metal building was complete stucco would be applied as required by State Monuments.

#### **6. Updates from Staff:**

Michelle Caskey, Assets and Information informed the new Medical Office Complex was open with patients being seen and noted waiting areas were well designed. Ms. Caskey discussed the planned Grand Opening for the new Medical Office Complex for November 20, 2013 with tours being conducted.

Joe Kenmore, Director of OES discussed the ongoing safety program titled RAP being conducted by all County departments. Mr. Kenmore reported six to seven no burn days in the County in the last month due to wind conditions. Mr. Kenmore discussed recent rains including five inches of snow on the mountain. Mr. Kenmore reported ICS 300 and 400 classes were held at the OES facility with attendance by several county employees to facilitate establishment of an emergency management team in the County. Mr. Kenmore reported State forestry held a class regarding chainsaw safety for local contractors involved in tree thinning.

**5. MOU with Village of Ruidoso: Permitting and Inspections** – Curt Temple, Planning Director discussed progress on the MOU between the Village of Ruidoso and the County. Mr. Temple stated one outstanding question related to the imposition of a fee for County services and requested guidance from the Commissioners.

Commissioner Minter questioned and Mr. Temple confirmed the Village would eliminate their 10% surcharge for permitting to County residents. Commissioner Minter suggested no fee be added by the County. Commissioner Doth stated support for a percentage of the fee charged by the Village to be returned to the County. Commissioner Draper suggested a fixed minimal fee to offset County services.

Mr. Temple detailed other proposed changes including a 60 day termination clause should the Village of Ruidoso lose or terminate any permitting services. Mr. Temple stated the outright termination period was expanded from 30 days to 60 days. Mr. Temple stated a requirement was proposed for the Village of Ruidoso to retain all records for a period of six years.

Commissioner Minter questioned if reporting requirements were defined in the agreement. Mr. Temple discussed a current permit report received by the Assessor's office. Paul Baca, Assessor discussed recent problems with reporting and his agreement with the Village for them to enter County owner numbers on the permits with copies of each permit to come to the County.

After lengthy discussion there was a general consensus, excepting Commissioner Minter, to charge a \$25.00 fee for County services regardless of the size of the project. The consensus included direction to the Village of Ruidoso to remit the fee to the County from their collected permitting fee and not to add the fee as a separate charge.

#### 6. Updates from Staff: (continued)

Carl Palmer, Road Superintendent discussed road repair status on the eastern side of the County following the heavy rains in the area. Mr. Palmer stated initial repairs were made and further damage estimates were to be provided to FEMA in the upcoming inspection.

Ms. Taylor provided upcoming time and dates for public hearings on the Environmental Impact Study for Reintroduction of the Wolf to be held in Albuquerque and Pine Top, Arizona. Ms. Taylor stated she planned to attend the Albuquerque hearing if possible.

Ms. Taylor reported after an NMAC safety inspection which identified carpet in the administration building as a trip hazard, work would begin to replace that carpet.

Curt Temple, Planning Director reported on improvements required to replace sewer pipe connections to the restrooms in the main county office/court building.

#### 19. Consideration and Action of Indigent Health Care Claims

Scott Annala, IHC Administrator presented the Sole Community Provider/Lincoln County Medical Center claims for approval. Mr. Annala processed 87 claims with 82 recommended for approval and 5 recommended for disapproval for a total authorization of \$86,862.65 and a year to date authorization of \$531,452.82. Mr. Annala noted the average monthly hospital claims to date was \$114,324 with a projected annual approval for FY 2013-2024 of approximately \$1.27 million.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 76 claims with 68 recommended for approval and 8 recommended for disapproval. Mr. Annala stated the total of claims recommended for payment this month was \$14,939.20 for a year to date total of \$100,619. Mr. Annala noted the average monthly indigent claims to date were \$20,132 with a projected annual expenditure of \$244,488. Mr. Annala reminded the FY 2013 - 2014 budget for Indigent claims was \$393,278.

Mr. Annala provided charts and graphs for comparison of current payments to prior fiscal years.

**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 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.

Mr. Annala stated conversations including the Health Care Affiliate were ongoing regarding the potential State intercept of the dedicated 1/8<sup>th</sup> GRT for Indigent Health Care. Mr. Annala noted County opposition to the intercept and the potential for legislation to be introduced in the next session. Chair Powell requested updates as the legislative session approached.

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

**20. Consideration and Approval of New Medical Provider #53,  
Gary Harmon, Psy.D- Psychological Services**

Ms. Taylor reminded all medical providers wishing to receive funding from the Indigent Health Care Fund must be approved as a Medical Provider.

Commissioner Minter noted the provider had offered to reduce the hourly rate for services to those qualifying for Indigent Health Care.

**Motion:** Approve Medical Provider Agreement #53, **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.

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

Ms. Taylor presented the list of water right notices posted for Lincoln County:

a. Sea Gem LLC File No. 01407-1 and H-207 into 0275-1 et al and H-272 an application to discontinue the diversion of 203.125 acre feet per annum of the surface waters of the Rio Bonito and supplemental groundwater and to temporarily commence the diversion of 203.125 acre feet per annum of the surface waters of the Rio Ruidoso with supplemental groundwater.

b. Sea Gem LLC File No. H-50-1 into 0275.1 and H272 et al (T) an application to commence diversion of 12.096 acre feet per annum from the surface waters of the Rio Ruidoso and to move points of diversion for municipal use with 50% return flow credit.

c. Village of Ruidoso and Ruidoso Properties Irrevocable Management Trust Application No. H-53-1 into 0275-1 and H272 et al (T) an application to temporarily change points of diversion, place and purpose of use of 123.0 acre feet per annum by ceasing diversion from the described wells and severing said waters from commercial racetrack purposes within the Ruidoso Downs Racetrack facilities and to commence the diversion of 123 acre feet per annum of groundwater and surface waters of the Rio Ruidoso with supplemental groundwater.

Ms. Taylor stated she conveyed the concerns of the Board of County Commissioners regarding the timely postings of applications to the website to the office of the State Engineer. Ms. Taylor informed the State Engineer maintained posting to their website was a courtesy only with the notification requirement being met by publication in the newspaper. Ms. Taylor suggested the County consider filing IPRA requests weekly or routinely to obtain adequate notice of water right applications.

Chair Powell commented on the adverse effects of a request to transfer rights from one streambed to an entirely separate streambed as proposed by the application to transfer 203.125 acre feet per annum. Chair Powell also commented on the futility of transferring water on paper when the water was not present to be transferred. Chair Powell noted the applications were initially to be considered as "emergency" which would have eliminated the comment period.

There was a general consensus to submit comments protesting applications by Sea Gem LLC, File No. 01407-1 and H-207 into 0275-1 et al; and H-272 203 and the Sea Gem LLC, File No. H-50-1 into 0275.1 and H272 et al (T).

Ms. Taylor reminded of the prior discussion regarding the EPA Wetlands Guidance Process and the draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." Ms. Taylor provided copy of the comment letter submitted in a timely fashion on behalf of the County. Ms. Taylor stated the comments protested the proposed regulations which would usurp private property rights in water and the State of New Mexico's jurisdiction over water rights administration. Ms. Taylor noted the comments submitted on behalf of Lincoln County were "borrowed" from comments submitted by the Arizona/New Mexico Association of Counties.

**24. Termination Agreement between County of Lincoln and Presbyterian Health  
Services relating to Property at 129 El Paso Road, Ruidoso, NM**

Attorney Morel reminded agreements were entered into to obtain property for the location of the new Medical Office Complex. Attorney Morel stated construction was completed without the need to purchase this particular piece of property and Presbyterian wished to retain the property for other use.

**Motion:** Terminate the agreement for purchase of 129 El Paso Road. **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.

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

Chair Powell questioned if there was need to review the Lodger's Tax Ordinance. Attorney Morel stated requirements for the use of the lodger's tax were set by State Statute. Attorney Morel stated an event such as the Motorcycle Rally, while not physically located in the County, most probably met the requirement to fund advertisement for events which brings lodgers to the area.

**23. Approval of Required 2014 Operational Resolutions:**

- a. Resolution 2013-22 – Establishing 2014 Regular Commission Meetings
- b. Resolution 2013-23 - Establishing 2014 County Official Holiday Calendar
- c. Resolution 2013-24 - Open Meetings Act
- d. Other 2014 Committee Meetings – Planning Commission, Lincoln Historic Preservation and Lodger's Tax

Ms. Taylor noted these were the "traditional" resolutions presented for adoption prior to the new calendar year.

**Motion:** Adopt Resolution 2013-22; Resolution 2013-23; Resolution 2013-24 and approve the Other 2014 Committee Meetings, **Action:** Approve, **Moved by** Commissioner Minter, **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:** Copies of Resolution 2013-22, Resolution 2013-23, and Resolution 2013-24 are attached hereto in reference thereto made a part hereof.

Chair Powell recessed the Regular Meeting at 12:01:22 PM.

Chair Powell reconvened the Regular Meeting, recessed the Regular Meeting and convened the Public Hearing at 1:04:35 PM.

**26. 1:00 p.m. Public Hearings beginning at 1:00 PM and the second hearing to follow immediately:**

- a. Public Hearing to consider a Variance from Section 5.A.7 of Ordinance 2006-06 Lincoln County Outdoor Advertising Regulation, disallowing intermittent, moving or flashing lights, or video images. The variance is requested by ZiaScapes Landscaping.

Attorney Morel presented the request for variance based on the "undue hardship" provision in the Ordinance and reminded a similar variance was granted last month.

Jim Secor, owner of ZiaScapes stated upon notification his sign was not in compliance with the current Ordinance and requested a variance to allow the sign to remain. Mr. Secor stated his request was for a variance from the requirement a sign be 1000 feet from the billboard. Mr. Secor stated the sign would comply with all other aspects of the Ordinance including the night sky requirements and flashing light limitations.

Chair Powell recessed the Public Hearing and reconvened the Regular Meeting at 1:11:25 PM.

**Motion:** Grant the variance to ZiaScapes for an illuminated sign and message board subject to display of a single, non-flashing message to be shut off at 10:00 PM daily. **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 Public Hearing at 1:13:55 PM.

**b.** Public hearing to Amend Ordinance 2008-5 Lincoln County Planning Commission- Section 10.E with Ordinance 2013-06

Attorney Morel explained an amendment was requested to allow the Planning and Zoning Commission to elect the Chair and Vice Chair of the Commission rather than those positions be appointed by the Board of Commissioners.

Receiving no public comment, Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 1:17:25 PM.

**Motion:** Adopt Ordinance 2013-06 with the changes as presented, **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Commissioner Doth.

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

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

**SEE EXHIBIT E:** Copy of Ordinance 2013-06 is attached hereto in reference thereto made a part hereof.

**22. Consideration/ Potential Action to Formally Oppose USFS– Cibola National Forest Action to Suspend or Reduce Grazing on Active Grazing Allotments on the Mountainair Ranger District for limited periods of time.**

Ms. Taylor discussed the prior appearance and presentation by Ranger Karen Lessard of the Cibola Ranger District to discuss her decision to suspend the use of grazing allotments by permit holders on that District. Ms. Taylor reminded a group of affected permit holders from Lincoln County had expressed concern about the basis for this action and the potential impact of the decision. Ms. Taylor reminded Resolution 2013-13 Opposing the Blanket Removal of Livestock from the Mountainair Ranger District was subsequently adopted. Ms. Taylor noted the Ranger District recently made some modifications to the Order allowing limited grazing on limited allotments.

Commissioner Stone reported on a meeting between the allotment holders in Lincoln County, the Cibola Ranger District, NM Department of Agriculture, the USDA Range Task Force, representatives from New Mexico State University and various other range experts. Commissioner Stone discussed a range analysis presented by the USDA Range Task Force on two allotments. Commissioner Stone stated the analysis by the Range Task Force indicated there was sufficient forage available to meet the US Forest Service standards of forage utilization.

Commissioner Stone reported due to Congressional intervention, the Cibola Ranger had extended an invitation for limited restocking conditional upon a signed agreement with permit holders. Commissioner Stone stated it was his understanding the permit holders would not sign the proposed agreement believing it was an infringement on their rights.

Commissioner Stone stated there was not sufficient scientific data to support the decisions of the Ranger District. Commissioner Stone discussed an upcoming critical meeting which may set a precedent in the infringement of permittee rights. Commissioner Stone suggested the actions of the Ranger District were supportive of a claim of "malfeasance" and noted the removal of livestock from permits caused a loss to the County in the form of livestock tax. Commissioner Stone requested the County file appropriate claims of grievance with the appropriate agencies to initiate an investigation.

Attorney Morel stated there were administrative procedures to object to the decision and possibly to the actions of a particular Ranger. Attorney Morel stated given direction he would research those procedures.

Commissioner Draper questioned if there was precedence for the USFS to utilize Range Task Force data as a basis for decisions. Commissioner Stone stated in 1992 a Memorandum of Understanding was signed by the USDA Range Task Force and the US Forest Service to work as cooperating agencies.

**Motion:** Direct the County Attorney to move forward filing a request for a Congressional Investigation of the Mountalnair Ranger District. **Action:** Approve, **Moved by** Commissioner Stone, **Seconded by** Chair Powell.

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

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

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

a. Planning Commission

No action was taken.

**30. Signing of Official Documents**

Chair Powell recessed the Regular Meeting at 1:40:46 PM and reconvened at 2:00:21 PM.

**27. 2:00 p.m. Public Hearing to consider the approval of T-Mobile's Co-location Application (NM04084C Border Hills) for Special Use Permit for Wireless Telecommunication Facility to Extend Tower by 15'.**

Mel Patterson, Center for Municipal solutions and under contract with the County to conduct cell tower negotiations presented the application from T Mobile. Mr. Patterson stated the application was unique for several reasons including the initial request for a new tower in close proximity to an existing tower. Mr. Patterson reminded the County's Ordinance required companies to use existing towers within a specific range. Mr. Patterson stated T-Mobile negotiated for placement of equipment on with the existing tower but the owner required the tower be extended an additional 15 feet. Mr. Patterson stated the request as presented was to co-locate equipment and extend the tower.

Commissioner Doth clarified towers over 200 feet required lighting by the FAA. Mr. Patterson confirmed the height requirement and stated after extension this tower would be 195 feet.

Receiving no public comment, Chair Powell adjourned the Public Hearing and reconvened the Regular Meeting at 2:06:58 PM.

**Motion:** Approve the T-Mobile Co-location Application and the extension of the tower height subject to the seven conditions listed. **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. 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 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. \*Lodger's Tax Issue B Casa del Cocinero B making regular payments
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. Hearing to rule on plaintiff's motions for cost, sanctions and production of records scheduled Dec. 13, 2013.
3. *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.-Attorney has agreed to stay the case pending the decision from the Court of Appeals.

4. *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. Order granting motion for resetting 4/17/13. Waiting on court date.
5. *\*Atto 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. \*Stipulated and Default Judgment, Decree for Foreclosure, Order of Sale, and Appointment of Special Master, entered by the Court on 8-12-13. L.C.=s lien was not extinguished and is still a valid lien against the subject property. Order approving sale and Special Master's Report filed Oct. 23, 2013
6. *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.
7. *\*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. \*Order Granting ALW&SD's Motion for Judgment on the Pleadings and for Summary Judgment entered by the court on 6-15-13. Mediation with Mr. Walker Nov. 11, 2013 was unsuccessful. Hearing for plaintiff's Motion to Reconsider scheduled with Judge Singleton Jan. 24, 2013.
8. *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. Defendant=s first motion to dismiss or Summary Judgment filed August 29, 2013, with plaintiff=s response filed Oct. 4, 2013. Defendant=s Reply to Motion to Dismiss or for Summary Judgment filed Oct. 21, 2013.
9. *Washington Federal Savings v. Timothy Rose; Chanda Rose; and Lincoln County D-1226-CV-2013-00105.* Suit filed April 15, 2013. Complaint for Foreclosure. July 29, 2013 Ltr to Bishop, White, Marshall & Weibel, P.S. advising of payoff amount through Aug. 5, 2013. Lots 139, 169, 170 paid in full. Partial Release of Lien has been delivered and is on file.
10. *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 filed by Morel on June 21, 2013.
11. *\*State of New Mexico (Lincoln County) v. Stephen Gore M-30-MR-2013-00113.* Citation filed June 17, 2013. Lincoln County Solid Waste Ordinance 2009-03 Violation. \*June 17, 2013 Trial continued. Non-Jury hearing Oct. 22, 2013 gave Mr. Gore 30 days to progress with clean-up. Notice of Sentencing Hearing scheduled for Dec. 4, 2013.
12. *\*Steven Miller, et al. v. State Forestry Division, NM Energy, Minerals, and Natural Resources Department. County of Lincoln, et al. D-1226-CV-2013-00160.* Suit filed June 15, 2013. Lincoln County Manager and Commissioners served July 9, 2013. Complaint for Negligence, Injury and Damages. \*On August 2, 2013, NMAC advised Attorney Bryan Evans has been assigned as counsel for Lincoln County. Peremptory challenge of Judge Angie Schneider filed by Commission Chair Jackie Powell. Judge Jerry Ritter assigned case October 2, 2013. Judge Waylon Counts has been reassigned the case Oct. 25, 2013.
13. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff=s Department and the County of Lincoln. D-1226-CV-2013-00191.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. LCSSO and LC Manager were served on August 5, 2013. Tort Claim Notice was filed on October 27, 2011. Advised NMAC has assigned the case to Brennan and Sullivan Law Firm 9/5/13. Case has been moved to Federal Court August 30, 2013.

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

**2013**

**Allen, Katherine Elizabeth**- Notice of Tort Claim against Lincoln County Detention Center for alleged injuries sustained during transport.

**Borrego, Albert** - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury.

**Espinoza, Robert B** Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

**Harrisburg Documents**- Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

**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. Constitutional rights.

**Silva, Elmo B** Tort Claim Notice received from attorney Richard Marquez November 6, 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12<sup>th</sup> Judicial District Court to 38 years filed on July 3, 1990.

**Prins, Chad** – Tort Claim Notice received from attorney Anne-Kathryn Ziehe on Nov. 15, 2013. Alleges negligence, great bodily harm and damages by the employees of Lincoln County Detention Center during Mr. Prins' incarceration.

**2012**

**Cathy and Steve Altstatt** B 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. B** Correspondence received from Theresa Riordan on March 28, 2012, concerning her son=s treatment and detention conditions while being held in LCDC.

**Sheridan, Michael B** 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 B** Tort Claim Notice received from Attorney, Adam Ratkin 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.

**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 2:09:08 PM.

Chair Powell adjourned the Closed Session and reconvened the Regular Meeting at 3:07:31 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.

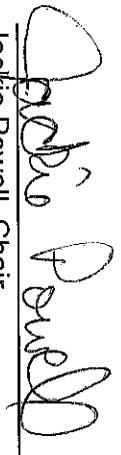
**31. Next meeting:**

December 17, 2013 - Regular Commission Meeting

**32. Adjournment**

There being no further business to come before the Board of County Commissioners, Chair Powell adjourned the meeting at 3:07:55 PM.

Board of County Commissioners  
Lincoln County, State of New Mexico

  
Jackie Powell, Chair

  
Preston Stone, Vice Chair

December 17, 2013  
Date Approved

  
Daffas Draper, Member

  
Kathryn Minter, Member

ATTEST: (SEAL)

  
Mark Doth, Member

  
Rhonda Burrows, County Clerk

