

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, February 16, 2016

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on February 16, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:29 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

3. Invocation

The invocation was presented by Commissioner Stewart.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

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 Allen.

Attorney Morel requested consideration of Agenda Item 8: Lincoln County Fair Association Lease Agreement Renewal after Item 19: Executive Session.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes

- a. January 26, 2016 - Regular Commission Meeting

Motion: Approve the minutes of the January 26, 2016 Regular Meeting; **Action:** Approve,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending January 31, 2016

c. Hondo Volunteer Firefighters Annual Reporting Form

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

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

9. **Forest, Land & Natural Resources Matters:**

a. Smokey Bear Ranger District – Ranger Heather Noel

Heather Noel, newly appointed District Ranger introduced herself and provided background information including prior service with the US Airforce and multiple postings in the US Forest Service. Ms. Noel stated she met the prior District Ranger, David Warnack who encouraged her to apply for the position. Ranger Noel expressed a desire to build on the existing partnerships and to work on new sustainable programs.

Ranger Noel stated the Smokey Bear Ranger District would implement the Reserve Treaty Rights Land Program involving a partnership with the Bureau of Indian Affairs (BIA). Ranger Noel stated the program was funded by the BIA and the Lincoln National Forest would partner with the Mescalero Tribe to begin work in the Perk-Grindstone Fuel Reduction Area. Ranger Noel stated the project would involve thinning and burning in the Wildland Urban Interface around Grindstone Dam and along the Rio Ruidoso to reduce high fire risk fuels.

b. Cibola National Forest Plan Revision – Update of Participation by Dierdre Tarr, District Manager Claunch-Pinto Soil and Water Conservation District

Ms. Taylor informed the Mountain Ranger District recently appointed a new Acting District Ranger, Brian Sanchez replacing departing District Ranger Karen Lessard. Ms. Taylor stated Dierdre Tarr of the Claunch-Pinto Soil and Water Conservation District would present an update on the Cibola Forest Plan revision later in the meeting.

c. South Central Mountain RC and D – Discussion/Action Regarding BLM Grant Application for \$50,000: Update by Community Forester

Laura Doth, Executive Director for South Central Mountain RC and D provided an activity report on behalf of the Community Forester, Rick Merrick. Ms. Doth stated Mr. Merrick was working on a large Collaborative Forest Restoration Program (CFRP) grant in the area including meeting with the Alto Lakes Homeowner's Association to educate property owners about the benefits of thinning. Ms. Doth reported Mr. Merrick was also working with the Ranches of Sonterra Homeowners Association to maintain their "Firewise Community" designation.

Ms. Doth informed the New Mexico Association of Counties issued a request for grant proposals and suggested South Central Mountain RC and D (SCMRCD) partner with Lincoln County to submit a grant to purchase a mobile air curtain burner. Ms. Doth described the mobile air curtain burner and discussed potential uses for slash disposal. Ms. Doth stated either SCMRCD or the County could act as fiscal agent for the grant. Ms. Doth proposed training County Volunteer Firefighters to staff the mobile burner when in use. Ms. Doth stated the \$50,000 grant required a ten percent match but noted the match could consist of "in kind" services. Ms. Doth suggested consideration of an additional grant application to obtain a grapple truck for slash disposal.

Ms. Doth requested approval to submit two grant applications to NMAC to purchase an open air curtain burner and a grapple truck. Ms. Doth also requested approval of services by volunteer fire fighters to meet the required match.

Motion: Support the request from SCMRCD to submit grant applications for an air curtain burner and a grapple truck, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone questioned whether the County had other plans with the new solid waste vendor to deal with slash pickup.

Ms. Taylor stated Lincoln County's current contract with Sierra Contracting did not include slash pickup but the County could chose to revisit this service option. Ms. Taylor stated Sierra Contracting was currently able to contract with various entities or homeowner's associations for the placement of large containers for slash disposal.

There was lengthy discussion concerning the ownership of equipment, maintenance costs, staffing requirements, and liability issues.

Joe Kenmore, Office of Emergency Services Director expressed concerns about ongoing availability of volunteer firefighters for operation of the equipment and the associated training and maintenance requirements.

Chair Stone expressed belief due to recent changes in solid waste billing and collection including contracting with a new vendor, the County was not prepared to acquire the additional equipment.

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

Yes: Commissioner Stewart, Commissioner Draper.

No: Chair Stone, Commissioner Allen, Commissioner Willard.

d. Upper Hondo Soil and Water Conservation District – Laura Johnson

Laura Johnson, Program Director with the Upper Hondo Soil and Water Conservation District (UPHSWCD) provided a report on district activities. Ms. Johnson provided a copy of the UPHSWCD recently adopted Comprehensive Land Use Plan. Ms. Johnson discussed ongoing efforts to obtain funding to engineer, design, and plan to rehabilitate the Upper Rio Hondo Site 1 also known as the Salado Dam site. Ms. Johnson reported FEMA was reviewing the proposed project to determine eligibility for rehabilitation funding. Ms. Johnson discussed the agency's recent work with partners to develop a plan and budget for the Lincoln County Community Weed Management Area for the next year. Ms. Johnson stated the UPHSWCD would continue to participate as a cooperating agency in the Lincoln Forest Plan revision.

e. Office of State Engineer-Water Issues

Ms. Taylor reported two new applications were posted on the State Engineer's website this month as follows:

1. Application H967 into H272 (T) for permit under the Water Use Leasing Act by the Village of Ruidoso and Dunagan Farms to transfer 18.72 acre feet per annum of water right to the Village of Ruidoso. The applicant seeks to increase total diversion to 37.44 acre feet per annum (consumptive use) with 50% return flow recognized in the municipal system. The move from point of diversion and place of use are approximately 1.6 miles southwest of the intersection of Sudderth Drive and US Highway 70 with the move to point of diversion and place of use located with the Village of Ruidoso.

2. SD-0867-8 Emile Living Trust c/o Russ Guillitte for permit to add additional surface water point of diversion in the Rio Ruidoso Underground Water Basin. Applicant proposes a river pump to supplement the diversion of up to 33.60 acre feet per annum of surface water from the A. Sanchez Ditch for irrigation of 10.5 acres. Authorized points of diversion and proposed points of diversion are west of Glencoe in the Hondo Valley.

10. Manager's Report

1. Building Construction / Building Maintenance Projects:

- a. Carrizozo Senior Center: A construction meeting was held on January 29, 2016 with Roper Construction, Wilson and Company Architects, and Lincoln County staff. Roper Construction submitted a work schedule with a finish date of June 3, 2016. The Manager stated the project was on schedule to meet the targeted completion date and the Substantial Completion Inspection date of June 7, 2016. The Manager stated she received notice of two change orders one for approximately \$2000 to relocate existing pipes on the property and the second for approximately \$4000 for the reengineer and design of pipes in the kitchen. The Manager requested authority to approve change orders of minimal impact for the million dollar project.
- b. Reroof of the Commission Chamber / Manager Office Building: The Manager reported the reroof was complete with a final inspection scheduled. The

Manager stated the County would receive a full warranty for the roof after inspection.

- c. Detention Center: An estimate of damages from New Mexico Association of Counties claims adjuster was pending. Significant damages were incurred as a result of the severe winter storm on December 26, 2015.
- d. County owned Title Company Building: Based on a request from the County Extension Service, the County will obtain estimates for the replacement of flooring in the building. The Manager reminded the County Extension Service and associated personnel were relocated to the Title Building when the Annex was vacated due to remediation. The County has made no improvements since purchasing the building in 2013. The Manager stated she will present the estimates for concurrence in the near future.

2. Senior Center Budget Negotiation with Non-Metro New Mexico Area Agency on Aging: Renee Montes, Senior Services Director received approval from the Area Agency on Aging for some increases in budgeted services. The per unit caps, established by federal and state grants, increased for services provided including: Congregate Meals, Home-Delivered Meals, and Transportation. The Manager stated plans to present a proposal with options during the preliminary budget process to accommodate the modifications.

3. New Mexico Department of Transportation and the Federal Highway Administration: These agencies hosted a Stakeholder Meeting regarding the Carrizozo portion of the US Highway 54 Roadway Improvements Study. The meeting was well attended by the Town of Carrizozo leadership. Commissioner Willard, Manager Taylor, Planning Director Temple, and Emergency Operations Director Kenmore attended on behalf of the County. The meeting included discussion of overall highway design, the temporary routing of truck and vehicle traffic during construction, parking, drainage, size and design of sidewalks.

4. Market Analysis of Lincoln County Medical Center (LCMC) with Proposed Renovation and Expansion: During the January Regular Meeting approval was granted to hire Frank Fehribach, Director of Real Estate for VMG Health to conduct a Market Rent Analysis or Fair Market Value of Real Property of the renovated and expanded LCMC complex. Mr. Fehribach immediately issued a Request for Information for key information about the facility to begin the analysis. Mr. Fehribach and the Manager personally conducted a site inspection on February 10, 2016. The Manager reported Jim Stover, LCMC Facilities Director provided a very thorough tour of the entire campus. Mr. Fehribach anticipated completion of the Fair Market Value of Real Property analysis of the existing facility in three to four weeks with the analysis of the remodel and renovated facility pending final design decisions.

Attorney Morel reported on his attendance with Manager Taylor and Commissioner Allen at a preliminary lease negotiation meeting with Presbyterian for the Lincoln County Medical Center. Attorney Morel stated a number of additional questions were identified and reminded final plans for the renovation and remodel of the main hospital were uncertain at this time. Attorney Morel suggested an in depth presentation of the options next month.

Commissioner Willard suggested consideration of a Special Meeting to focus on this topic.

There was general consensus to schedule a Special Meeting with a proposed date of March 8, 2016.

5. FEMA Funds Received:

- a. Finance Director Punkin Schlarb and Chief Deputy Treasurer Sherrie Huddleston reported receipt of the final FEMA payment for the Little Bear Fire Federal Disaster. The \$236,872 remitted were for the costs of wattles built from slash resulting from the fire and floods. This final payment completely closes out the 2012 Little Bear Fire Disaster.
- b. Additionally the County received \$1,792,312 in FEMA funds for the FEMA Disaster Event 4197. The Manager reminded this was the rain event which occurred from during July 27 to August 5, 2014. Under this type of FEMA declaration a portion of the funding is distributed up front to enable entities to begin work. The roads damaged by the rain event were further damaged by the recent ice and snow storm and staff including the Road, Planning, and EOC departments were working with King Industries to assess the situation. The

Manager stated plans to present recommendations during the March Regular Meeting and with no funds expended prior to review and approval.

11. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Draper reported he was present in the Legislature for the vote and adoption of Senate Memorial 51 designating February 4, 2016 as "Lincoln County Day". Commissioner Draper received copies on behalf of Lincoln County of Senate Memorial 51 sponsored by Senator Bill Burt and House Memorial 29 sponsored by Representative Zach Cook and Representative Nora Espinoza. Commissioner Draper expressed appreciation for the support and interest in Lincoln County.

Commissioner Stewart stated plans to attend two meetings on February 23, 2016 regarding Military Coordination and the implementation of the Joint Land Use Study. Commissioner Stewart reported issues of concern included the location of communication towers in the JLUS area; a proposed Memorandum of Understanding concerning the overflight of sensitive sites on tribal lands; and the presence and use of unmanned aerial vehicles in the JLUS area. Commissioner Stewart stated the meetings would include a discussion of options to share National Environmental Policy Act (NEPA) information between military installations and surrounding counties.

Commissioner Willard attended the Department of Transportation public meeting for the redesign Highway 54 through Carrizozo. Commissioner Willard stated he was impressed with the large participation of Carrizozo residents and the input provided. Commissioner Willard presented the County's primary concern about water drainage in and around the Courthouse during the meeting.

Chair Stone informed Lincoln County Sherriff Robert Shepperd was recognized on the floor of the House of Representatives during the 2016 Legislative Session for his service and dedication as a law enforcement officer. Chair Stone extended appreciation on behalf of the Board of County Commissioners to Sheriff Shepperd for his service to Lincoln County.

David Ceballes, recently appointed as the 12th Judicial District Attorney provided a history of his service in the District Attorney's office over the last 24 years. District Attorney Ceballes thanked Lincoln County for recent renovations in the District Attorney's office. District Attorney Ceballes stated he met with Sherriff Shepperd shortly after being sworn in and identified fifteen issues which the two offices were working to address. District Attorney Ceballes pledged an equitable distribution of prosecutorial resources to Lincoln County and noted 28% of the 12th Judicial District felony cases were prosecuted in Lincoln County. District Attorney Ceballes also discussed his appointment of County Attorney Alan Morel as a Special Prosecutor to handle Lincoln County Ordinance violation cases.

Jim Stover, Director of Emergency Medical Services (EMS) for Lincoln County Medical Center (LCMC) announced plans to retire at the end of March 2015. Mr. Stover introduced Sandra Nunley as the new Director of Emergency Medical Service (EMS) for LCMC. Mr. Stover stated Ms. Nunley had worked for LCMC for approximately ten years and was currently the Operations Supervisor. Mr. Stover noted Ms. Nunley was working with EMS in New York on September 11, 2001 gaining valuable experience in dealing with large scale disasters.

Nita Taylor, County Manager expressed appreciation for Jim Stover's thirty plus years of service to the residents of Lincoln County.

10. Manager's Report (continued)

- 6. Legislative Update:** The Manager reported Lincoln County received one capital outlay appropriation of \$60,000 for repair of the HVAC unit in the Ruidoso Public Health Office. The Manager reminded Lincoln County's other capital outlay requests were substantially larger and expressed belief the smaller appropriation was received due to the dramatic decline in State revenues this year leading to a lack of capital outlay funds.

Rhonda Burrows, Clerk and New Mexico Association of Counties (NMAC) Board Member reported on actions taken during the February 5, 2016 NMAC Board Meeting regarding the support or opposition of legislation.

Robert Shepperd, Sheriff provided information regarding the Sheriff's Association position on Senate Joint Resolution 1 which, pending voter approval, would amend the NM State

Constitution to provide opportunity for Judges to deny bail to dangerous or violent felon offenders but also expands Judge's authority to release defendants when they are financially unable to post bail.

Commissioner Stewart commented on the receipt by Greentree Solid Waste Authority of \$70,000 for two capital outlay projects.

7. Departmental Updates:

- a. **Joel Bonnell, Road Superintendent** informed routine road maintenance was ongoing. Mr. Bonnell stated he was working to secure and open additional caliche pits and also to acquire millings from the NM Department of Transportation. Mr. Bonnell reported the Road Department received four applicants for an Operator II position with interviews pending.

Chair Stone reminded the County had approved Operator IV positions at a higher salary grade to provide an opportunity for skilled operators to advance. Chair Stone questioned Mr. Bonnell about a process to fill the positions.

Mr. Bonnell stated he was working with the County Manager and Human Resources to develop a system to identify skills and develop a process for Operator advancement.

- b. **Renee Montes, Senior Services Director** discussed the expected increase in funding for services over initial caps for the next fiscal year but anticipated a shortfall from the previous year's budget of approximately \$53,000. Ms. Montes stated she would present a plan to accommodate the shortfall and maintain services during the budget process. Ms. Montes reminded the contract with Aging and Long Term Services was for four years. Ms. Montes reported Clara Farah with the Creative Aging Council had proposed Lincoln County subcontract transportation services with Lincoln County Transit. Ms. Montes expressed belief the services provided by Lincoln County Transit were not necessarily conducive to those seniors currently receiving transportation services through the Senior Services program.

- c. **Billie Joe Guevara, Administrative Assistant/Human Resources** reported posting notice of two Operator II positions open in the Road Department and two open positions in the Sheriff's Department.

- d. **Curt Temple, Planning Director** informed the department was working to verify inventory of dumpsters, poly carts and other equipment acquired from GSWA. Mr. Temple stated Rural Addressing staff assisted the Road Department with the verification of road mileage for the annual certification of roads maintained. Mr. Temple reported in response to inquiry during the January Regular Meeting, the costs for revamping the solid waste compactors were approximately \$11,000 including modifications to the compactors and the electrician's site work.

- e. **Joe Kenmore, Director Office of Emergency Services** informed there was good attendance at the annual Wildland Fire Academy held in February. Mr. Kenmore stated during the past month there were three controlled burns which became out of control. Mr. Kenmore stated a particular controlled burn off of State Highway 220 grew to 8.9 acres but there was no substantial property damage. Mr. Kenmore stated the source of the fire was under investigation by the Sheriff's department.

Sheriff Robert Shepperd stated the fire was initiated by a contractor employed by the property owner to clean up the property. Sheriff Shepperd anticipated the contractor would receive a criminal summons for the improper handling of fire. Sheriff Shepperd stated the Sheriff's Department recently hired a Deputy who was also a recognized fire arson investigator. Sheriff Shepperd anticipated this Deputy would assist the Office of Emergency Services with the investigation of fires in the County.

- f. **Punkin Schlarb, Finance Director** introduced Toni Foligno as the new Assets and Information Clerk. Ms. Schlarb stated Ms. Foligno would receive training and would also work with the auditors to avoid findings related to inventory.

The Manager presented the estimated costs of change orders for the Senior Citizens Center as \$2600 for elevation of the main gas line on the property and \$4300 to reengineer the water pipes in the kitchen.

Motion: Authorize the two change orders for the Carrizozo Senior Center project as presented,
Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting at 10:31 AM and reconvened at 10:48 AM.

9. Forest, Land & Natural Resources Matters (continued)

b. Cibola National Forest Plan Revision – Update of Participation by Dierdre Tarr, District Manager Claunch-Pinto Soil and Water Conservation District

Deidra Tarr, District Manager for the Claunch Pinto SWCD (CPSWCD) located in Mountainair informed the district encompassed 1,291,779 acres of land including a portion of northwest Lincoln County.

Ms. Tarr stated the CPSWCD requested status as a cooperative agency with the US Forest Service in November of 2014 to facilitate participation in the Cibola Forest Plan Revision. Ms. Tarr stated eventually forty separate entities including Lincoln County participated as cooperating agencies through Memorandums of Understanding with the US Forest Service. Ms. Tarr stated no revisions to the Cibola Forest Plan had occurred since 1985.

Ms. Tarr discussed the lengthy revision process including the formation of four "Landscape Teams" from various areas of the Cibola Forest. Ms. Tarr stated among other duties these landscape teams reviewed and considered all comments received from the public during the plan revision process and worked together to develop a Draft Forest Plan. Ms. Tarr stated the Cibola Forest was the only forest in New Mexico which accepted input from cooperating agencies and enlisted their help in writing the preliminary draft plan. Ms. Tarr estimated the release of the Draft Forest Plan Revision and Environmental Impact Statement in late summer of 2016 for additional public comment and review.

Ms. Tarr stressed the importance of Lincoln County participating as a cooperating agency in the Cibola Forest Plan Revision and reiterated the need for Lincoln County to participate in the Lincoln Forest Plan Revision.

Chair Stone questioned the status of proposed additional acreage to the wilderness inventory in the Cibola District.

Ms. Tarr stated she had not seen the final calculations but expressed belief the majority of land targeted had "fallen out" of the total calculation of wilderness acreage. Ms. Tarr reminded of the additional opportunity to comment on the Wilderness Land Inventory during the review of the Preliminary Draft.

Commissioner Willard questioned Ms. Tarr about the benefits of the Cibola Forest Plan Revision particularly as it related to local watersheds.

Ms. Tarr stated belief the proposed revisions were mostly positive and commented the status of watersheds was a priority consideration.

Ms. Tarr provided an update on other CPSWCD activities including submission of an application for a Cooperative Forest Restoration Grant (CFRP) grant to begin NEPA work in the Corona area. Ms. Tarr stated the CPSWCD planned to seek other funding to conduct thinning and conservation work in the Corona area.

12. 2016 Annual Certified County Maintained Mileage by Resolution 2015-34

Ms. Taylor stated in accordance with NMSA 1978 66-6-23 the Board of County Commissioners was required to certify the total mileage of roads maintained by the County to the New Mexico Department of Transportation annually prior to April 1st.

Ms. Taylor stated the Rural Addressing Department worked with the Road Department to determine the total mileage maintained and reported this year's mileage as 807.3054 miles.

Ms. Taylor stated the total mileage included 710.6775 miles of regular county roads and 96.6279 miles of county roads in National Forest.

Motion: Adopt Resolution 2015-34 with typographical correction, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT B: Copy of Resolution 2015-34 is attached hereto in reference thereto made a part hereof.

13. 2016/2017 Local Government Road Fund Projects/CAP/ COOP/School Bus Programs

Ms. Taylor stated the New Mexico Department of Transportation was soliciting applications for the Local Road Fund Program. Ms. Taylor discussed the statutory definition of funding use and reminded the Local Road Fund Program funded 75% of approved projects necessitating a 25% contribution from the County. Ms. Taylor provided a list of recommended projects for consideration as follows:

a) School Bus Route Program:	Gavilan Canyon Road	Total Cost: \$ 81,163
b) Co-op Program:	Gavilan Canyon Road	Total Cost: \$ 72,880
c) County Arterial Program:	Gavilan Canyon Road	Total Cost: \$212,215

Ms. Taylor stated the total estimated cost for all recommended projects was \$366,258 with the County responsible for 25% or \$91,565.

Motion: Approve the projects as presented and authorize the Manager to submit Letters of Intent, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Commissioner Stewart questioned what portion of the 6 mile long Gavilan Canyon Road would receive the 4.34 miles of paving authorized by the projects.

Joel Bonnell, Road Superintendent stated plans to rework areas of the road where the subgrade had failed and also resurface some shaded areas with an open grade friction course to better preserve the paving.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

14. Discussion/Action on Solid Waste Collection Transition Efforts and Compactor Site Locations

Ms. Taylor reported the Lincoln County website was recently updated to include an information page on Solid Waste activities. Ms. Taylor stated the County would continue to work closely with Sierra Contracting to identify and address public education needs.

Ms. Taylor stated the inventory of dumpsters and poly-carts was complete, appropriate signage was placed on all dumpsters, and equipment locations were verified and logged. Ms. Taylor provided a copy of the certified Bill of Sale.

Attorney Morel provided information and recommendations for the assumption of existing compactor sites. Attorney Morel stated existing sites were reviewed by the County's consultant Charles Fiedler and the recommendations presented were developed with his input as follows:

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
Lincoln	Village of Ruidoso (VOR)	Enter into lease agreement with VOR
Hondo	County of Lincoln	No action recommended
Glencoe	Jim McCoy (Nosker)	Relocate to Glencoe Fire Station I

Motion: Relocate Glencoe compactor from private land to Glencoe Fire Station I, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
San Patricio	Stella Herrera	Renew current lease or purchase property

Motion: Explore relocation options in San Patricio including purchase of property; leasing a different site; or renew current lease, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
Nogal	County	No action recommended
Cedar Creel	US Forest Service	Apply for new Special Use Permit
Loma Grande	NM DOT	Enter into lease agreement with NM DOT
Buckhorn	NM DOT	Relocate to Glencoe Fire Station II

Motion: Relocate Buckhorn compactor from DOT site to Glencoe Fire Station II, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
Ranches of Sonterra	Ranches of Sonterra	Lease Agreement with Ranches of Sonterra; relocate to Bonito Fire Station; relocate to Old Fort Stanton Road and State Highway 220.

Motion: Submit lease to Ranches of Sonterra with discussion of access issues and give notice of intent to move compactor to County owned property at State Highway 220 and Old Fort Stanton Road, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
Alto Mountain Village	Alto Mountain Village	Lease new site from the Village of Ruidoso

Motion: Explore lease with Village of Ruidoso property behind Chisum's convenience store and relocate compactor, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

No: Chair Stone.

<u>Site</u>	<u>Owner</u>	<u>Recommendation</u>
Laughing Horse Trail	County dumpsters	Install compactor-Cora Dutton Road

Motion: Remove dumpsters from Laughing Horse Trail and install compactor on Cora Dutton Road, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Stewart.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Billing to Village of Corona

Attorney Morel discussed the outstanding solid waste issue concerning approximately forty County residents who historically had utilized solid wastes services and received billing from the Village of Corona. Attorney Morel stated based on prior discussions staff identified a potential area of service as North of Township 3 South Range 12 E incorporating residents currently served by the Village of Corona. Attorney Morel proposed entering into a Memorandum of Understanding (MOU) with the Village of Corona for the continued provision of services in the identified area.

Terri Racher, Village of Corona Municipal Clerk expressed support for the proposed MOU.

Motion: Enter into a Memorandum of Understanding with the Village of Corona for the provision of solid waste services, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper.

No: Commissioner Willard.

19. 12:00 NOON: 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. **Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of three judges for decision on February 1, 2016.

2. **Greentree Solid Waste Authority v. Lincoln County D-1226-CV-2014-00095* Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Settlement Agreement signed by County of Lincoln December 15, 2015 and GSWA December 17, 2015. Stipulated Order of Dismissal Part With Prejudice and Part Without Prejudice was entered January 19, 2016 by Judge Ritter.

3. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 et. al. and H-272 et al (T) and H-50-1 into H-272 et. al. (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

4. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

5. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015. Complaint alleges damages while Sheriff's Deputies were executing a search warrant at 132 Birch Street, Ruidoso. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss Defendants Lincoln County Board of Commissioners and Defendant Robert Shepperd, as no claims remain against them, filed Oct. 7, 2015. Second Amended Civil Complaint filed Nov. 4, 2015.

6. A. **Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Order Granting Defendant's Motion for Protective Order and stay of discovery filed January 29, 2016.

B. **Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015. Plaintiff requested a Right to Sue from the EEOC on January 29, 2016.

7 *Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166 Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015. Plaintiff's Motion for Summary Judgment was filed December 2, 2015. Motion Hearing took place January 19, 2016. Proposed Motion for Summary Judgment approved as to form February 5, 2016.

8. *Cody McMurray v. Board of County Commissioners, et al - D 1226 CV 2015-00170* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights due to lack of medical care while incarcerated at Lincoln County Detention Center. First Amended Complaint filed in Federal Court Nov. 25, 2015 in which the County of Lincoln and the Board of County Commissioners are dismissed without prejudice.

9. *Bill Turner v. Board of County Commissioners, et al - Cause No. 2:15-CV-00827-LAM-SMV* Complaint for Damages during incarceration at Lincoln County Detention Center filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights due to Plaintiff not being advised of grievance procedures with respect to his incarceration with another inmate. First Amended Complaint filed in Federal Court December 11, 2015 in which the County of Lincoln and the Board of County Commissioners are dismissed Without Prejudice.

10. **Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeier, County of Lincoln , Lincoln County Fair Association, John Does; D-1226-CV-2016-00006* Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016.

11. **State of New Mexico v. Kimberly Connor M 30 MR 2015-00205* alleging violation of Lincoln County Ordinance 2008-08: Dogs and Cats Running at Large. *Mr. Morel has been appointed Special Prosecutor in this and all future County Ordinance violations.*

Tort Claims Notices Received or Threatened

2016

Rains, Bonnie – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

***Seidel, Walter R., Jr.** – Tort Claim Notice received January 26, 2016 regarding a motor vehicle accident involving Claimant and a Lincoln County Sheriff's vehicle.

***Seidel, Walter R, Jr. and Seidel, Brian** – Tort Claim Notice received February 5, 2016 regarding a motor vehicle accident involving Claimants and a Lincoln County Sheriff's vehicle.

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

UNM Hospital-Prins, Chad – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent

supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

Capitan Iron Mine – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

Brown, Shelly – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

2014

Ramos, Aaron – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center.

Millerden, Kenneth and Anita – Tort Claim Notice received May 9, 2014 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during perpartum care for their infant son.

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

McGarry, Sean – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen- Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris

Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

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.

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 12:01 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 1:03 PM.

Commissioner Stewart attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

20. Potential Property Purchase

a. Resolution 2015 - 33 Robinson Property

Attorney Morel informed the Resolution would authorize the purchase of a tract of land adjacent to the Professional Office Building in Ruidoso known as the "Robinson Property" located at 125 El Paso Road from Presbyterian Health Services. Attorney Morel stated Lincoln County agreed to purchase the land for \$80,000 to preserve and pave a parking area.

Motion: Adopt Resolution 2015 - 33, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT C: Copy of Resolution 2015-33 is attached hereto in reference thereto made a part hereof.

14. Discussion/Action on Solid Waste Collection Transition Efforts and Compactor Site Locations (continued)

Ms. Taylor provided a summary and analysis of costs tied to Solid Waste Collection for the first half of Fiscal Year 2015 – 2016 as follows:

Payments to GSWA first half fiscal year (\$44,692 bimonthly)	\$ 544,183
Settlement Payment to GSWA	273,000
Transition Costs (electrical service, compactor retrofit, signage)	18,047
WasteQuip (new compactors)	<u>343,014</u>
Total	\$1,178,245

Commissioner Stewart requested the Manager provide the associated cost of litigation with GSWA for the public record.

Ms. Taylor presented estimated costs for the second half of Fiscal Year 2015 -2016 as follows:

Six months of electric service at all sites	\$ 2,805
Sierra Contracting (no tax)	296,700
Landfill/Village of Ruidoso Transfer Station	<u>45,900</u>
Total	\$ 345,405

Commissioner Stewart suggested adding the associated employee costs for the new Solid Waste Bill Clerk to the total cost of solid waste services.

Ms. Taylor stated a review of revenues indicated payments in the first quarter of the year were traditionally the highest. Ms. Taylor stated receipts including tax for 2015 currently totaled \$730,669. Ms. Taylor anticipated a higher collection rate in 2016.

Ms. Taylor discussed other issues including the billing of Corona area residents, establishing a process to set community clean up dates, measures to deal with illegal dumping, and the possible provision of additional services including slash pickup and recycling.

Attorney Morel reminded the current contract with Sierra Contracting provides for the on-site disposal of 10,000 feet of slash.

Van Patton, Sierra Contracting discussed ongoing efforts to inform the public about the process to self-haul bulky items or green waste to Sierra Contracting's facility in Ruidoso Downs. Mr. Patton stated entities or individuals could also rent large or small roll off containers for onsite disposal of green waste.

There was general discussion about the provision of "private" dumpsters to certain locations for a fee.

Attorney Morel suggested any resident needing service closer than the nearest compactor or dumpster contact Lincoln County prior to opting to pay for a "private" dumpster.

Ms. Taylor discussed the need to identify a process to deal with aging accounts including establishment of a delinquency fee.

Commissioner Draper questioned if a late fee was not already established by Ordinance.

Attorney Morel stated there were a number of revisions needed to the current Solid Waste Ordinance and suggested a public hearing to consider revisions in the near future.

Commissioner Stewart discussed complaints received related to the billing transition including residents who paid both entities for service and residents who deducted prior payments to GSWA from County billings.

Attorney Morel reminded Lincoln County assumed the billing for Solid Waste Services on January 1, 2016. Attorney Morel stated residents who overpaid GSWA for services before or after January 1, 2016 should seek reimbursement from GSWA.

8. Lincoln County Fair Association Lease Agreement Renewal

Ms. Taylor reminded the County and the Lincoln County Fair Association were parties to a Lease and Management Agreement since 1997. Ms. Taylor stated the Agreement provided the Fair Association with complete management responsibility for the fairgrounds. Ms. Taylor stated the Agreement further required the Fair Association to maintain liability insurance with a stipulation for the County to annually reimburse the Fair Association for insurance costs.

Ms. Taylor provided costs quotes for various levels of liability insurance and a cost quote for a liability policy for the Director and Officers of the Fair Association.

Motion: Approve renewal of the Lease and Management Agreement between the County of Lincoln and the Lincoln County Fair Association with the deletion of Paragraph 13.B thereby relinquishing oversight of Fair Association management by the Board of County Commissioners; Approve the reimbursement of annual liability insurance cost in the amount of \$2,607.00 and Director and Officers liability insurance cost in the amount of \$783.00; **Action:** Approve, **Moved by Commissioner Stewart, Seconded by Commissioner Draper.**

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

15. Resolution 2015-35 Adjusting Line items of the FY 2015-2016 Budget

Ms. Taylor stated the transition of Solid Waste Services and billing from Greentree Solid Waste Authority on January 1, 2016 resulted in additional costs not defined in the original budget. Ms. Taylor stated the overall budget for Fund 563 was sufficient but these unanticipated costs necessitated the line item budget adjustments detailed in the Resolution.

Motion: Adopt Resolution 2015-35, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT D: Copy of Resolution 2015-35 is attached hereto in reference thereto made a part hereof.

16. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 17 claims with 15 recommended for approval and 2 recommended for disapproval for a monthly authorization of \$22,431. Mr. Annala stated approval of the claims would result in a total approval to date of Safety Net Care Pool claims for Fiscal Year 2015-2016 of \$132,216 or a monthly average of \$16,527.

Mr. Annala reported receipt of two refunds of prior Indigent Health Care payments totaling \$624.19.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 6 claims with 6 claims recommended for approval and none for disapproval for a total payment this month of \$1,772.08. Mr. Annala stated approval of the claims would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$40,481.31 or a monthly average of \$5,060. Mr. Annala stated based on the current monthly average he anticipated an annual expenditure of \$60,772 for the current fiscal year.

Motion: Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

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

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

Motion: Schedule a public hearing for the March Regular Meeting to consider revision of Solid Waste Ordinances 1993-7 and 2015-05, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

18. Consideration of Appointments and Removals from Boards/ Commissioner's/ Committees:

- a. Lodger's Tax Committee

No action taken.

21. Signing of Official Documents

22. Next meetings:

- a. Special Meeting – March 8, 2016
- b. Regular Meeting – March 15, 2016

23. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 1:49 PM.

County of Lincoln
Board of County Commissioners



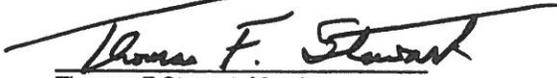
Preston Stone, Chair



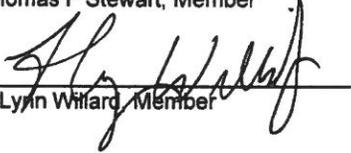
Dallas Draper, Vice Chair



Elaine Allen, Member

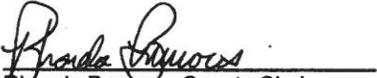


Thomas F Stewart, Member



F Lynn Wilford, Member

ATTEST:



Rhonda Burrows, County Clerk

March 15, 2016
Date Approved

