

## 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, January 13, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on January 13, 2015 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 8:34:30 AM.

#### 2. Roll Call

##### Roll Call.

**Present:** Commissioner Stewart, Commissioner Allen, Commissioner Stone, 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 Stone.

#### 4. Pledge of Allegiance

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

#### 5. Selection of Chairman and Vice-Chairman

Nita Taylor, County Manager informed as per Lincoln County Ordinance 1993-1; the Board of County Commissioners shall "at the first meeting of each year" choose a Chair and Vice-Chair.

**Motion:** Nomination of Commissioner Stone for Chair, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

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

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

**Motion:** Nomination of Commissioner Draper for Vice Chair, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

#### 6. 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 Stewart.

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

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

## 7. Approval of Minutes

- a. December 16, 2014 - Regular Commission Meeting
- b. December 31, 2014 - Special Commission Meeting

**Motion:** Approve the minutes of the December 16, 2014 Regular Commission Meeting and the December 31, 2014 Special Commission Meeting, **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.

## 8. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending December 31, 2014
- c. Children, Youth and Families Department Agreement, Amendment Number 1
- d. Intergovernmental Services Agreement - Curry County

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

Commissioner Draper questioned the how the County would meet the \$50,000 minimum match for the CYFD agreement as required by the State. Ms. Taylor explained this required match was historically met by in kind services of staff of the Juvenile Justice Board.

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

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

Beverly Calaway, Treasurer presented the final accounting of outgoing Treasurer Glenna Robbins for review and acknowledgement by the Board of County Commissioners.

**Motion:** Approve the financial reports prepared by outgoing Treasurer Glenna Robbins, **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 Willard, Commissioner Draper.

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

## 9. Smokey Bear District Ranger Update

Ms. Taylor informed Ranger David Warnack was unable to attend today's meeting.

## 10. Discussion/Reconsideration of the Proposed Land Development Ordinance

Ms. Taylor reminded the Lincoln County Planning Commission (LCPC) provided an interim report at the July 15, 2014, Regular Meeting. Ms. Taylor stated the LCPC supported creation of an ordinance governing the development of vacant tracts of land and lots within the County to protect the health, safety, and welfare of the residents of Lincoln County. The LCPC provided a list of nine items identified for potential inclusion in the proposed Ordinance. After reconsideration of the list at the September 2014 Regular Commission Meeting the item was tabled.

Thomas Mann, Chair of the LCPC presented the list of nine items to the current Commissioners and reiterated belief there was sufficient need to implement an Ordinance.

**Motion:** Remove the item from the table, **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 Willard, Commissioner Draper.

Commissioner Stewart voiced several concerns related to the proposed Ordinance including a recent decline in the County's population, the large number of built homes currently available for sale, and the potential cost of staffing related to enforcement.

Commissioner Willard questioned the estimated costs related to the proposal to meter water wells. Mr. Mann explained the installation cost for metering was minimal.

Chair Stone discussed how the proposed metering of domestic water wells might affect the agriculture and ranching industry. Mr. Mann suggested the introduction of metering of domestic wells would introduce the concept for all water users. Chair Stone objected to this concept and the potential of setting a precedence.

Commissioner Allen expressed a desire for the Planning Commission to continue to refine the proposed Ordinance. Commissioner Allen stated support for the Ordinance as an effort to address the Claims of Exemption for parcel splits defined by the State.

Commissioner Draper expressed concern about the potential for a litigation challenge to a Land Use Ordinance.

**Motion:** Relieve the responsibility to review and develop a Land Use Ordinance from the Lincoln County Planning Commission, **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 Willard, Commissioner Draper.

## 12. Tabled-Request to lease portion of former Lincoln County Abstract & Title Company building for one year.

Ms. Taylor reminded Ms. Cecilia Grimes previously requested approval to lease a portion of the County owned property, formerly known as the Lincoln County Abstract & Title Company, building for one year. Ms. Taylor stated the request was tabled at the December Regular Meeting and subsequently the Cooperative Extension Services staff relocated to the site pending renovation of the Annex Building. Ms. Taylor informed the District Attorney's office was also utilizing space at the site for storage during the renovation.

**Motion:** Remove the item from the table, **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 Willard, Commissioner Draper.

**Motion:** Decline the request from Ms. Grimes to lease space, **Action:** Adjourn, **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 Willard, Commissioner Draper.

## 13. Consideration of Approval or Disapproval of Indigent Health Care Claims

Scott Annala, IHC Administrator presented the Sole Community Provider/Safety Net Care Provider Pool claims for approval. Mr. Annala processed 11 claims with 11 recommended for approval and none recommended for disapproval for a monthly authorization of \$37,400. Mr. Annala stated the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$174,214 with a monthly average of \$24,888.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 11 claims with 11 claims recommended for approval and none for disapproval for a total payment this month of \$3,902.52. Mr. Annala stated, pending approval, the total expenditure for IHC claims for Fiscal Year 2014-2015 to date was \$36,415.49 for an average monthly indigent claims payment of \$5,202. Mr. Annala anticipated expenditure of approximately \$62,424 of a budgeted \$363,000 this 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 Stewart, **Seconded by** Commissioner Willard.

Commissioner Stewart noted the beginning balance of the IHC fund combined with anticipated revenues and a decline in claims would result in a large roll over balance for the next fiscal year. Commissioner Stewart reminded the Hospital Mill Levy was implemented by voter referendum and the Indigent Health Care GRT 1/8<sup>th</sup> was enacted by the Board of Commissioners.

Commissioner Stewart suggested expanding expenditure of the IHC funds to draw down the balance. Commissioner Stewart also suggested reviewing the IHC Ordinance to expand the permitted use of funds for payment of the County's State Medicaid and Safety Net Care Pool obligations.

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

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

**SEE EXHIBIT B:** Copies of the Safety Net Care Pool Approvals and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

#### 15. Approval of Agreement for eDispatch Services

Ms. Taylor presented the request for Lincoln County to enter into agreement with the municipalities of Capitan, Carrizozo and Corona to provide secondary notification services. Ms. Taylor stated the system would provide a secondary notification of a primary dispatch or notification issued from the County Sheriff's office.

Joe Kenmore, OES Director explained the system would provide for pages to be provided to the appropriate department and would send a secondary notice to cell phones. Mr. Kenmore stated recipients of "page outs" would have the ability to replay the page to obtain critical information. Mr. Kenmore stated this redundant page would particularly benefit the County's volunteer firefighters.

Allen Morel, Attorney stated the agreement was prepared to provide for collection of costs and for providing service to the other entities.

**Motion:** Approve the Agreement with minor typographical corrections, **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 Willard, Commissioner Draper.

#### 16. Manager's Report

1. **Lincoln County Legislative Capital Outlay Hearing:** The Manager reported on the Capital Outlay Hearing held in Carrizozo on December 30, 2014 with legislative members Senator Bill Burt and Representative Zach Cook attending. The Manager presented Lincoln County's top three priorities for a total capital outlay request of \$1,042,000. The Manager reminded the top priorities as set by the Commission were:
  - a) Construction of Hondo Fire Station - \$275,000 (\$25,000 awarded in 2014)
  - b) Construction/expansion of White Oaks Fire Station - \$230,000 (\$20,000 awarded in 2014);
  - c) Construction/expansion of Lincoln County Detention Center - \$537,000 (\$163,000 awarded in 2014).

The Manager stated other entities and agencies within Lincoln County presented requests for various projects totaling \$3,629,375.

2. **New Mexico Association of Counties (NMAC) Legislative Conference:** The Manager reminded the NMAC Conference was set for January 20 – 22, 2015 to coincide with the opening week of the New Mexico legislative session in Santa Fe. The Manager stated a number of Elected Officials and County employees were registered to attend and participate in various Affiliate meetings and also to attend certified training classes. The Manager provided a legislative update from Tasia Young, NMAC Lobbyist and a copy of NMAC's legislative priorities.
3. **Building Project Update:** The move of various County offices and the Office of the District Attorney from the Annex building was completed on January 7, 2015. The Manager stated the Cooperative Extension Services staff moved to the former Lincoln County Title and Abstract building and the Deputy Clerk for Historic Records relocated to the conference room next to the Sheriff's Complex. The Manager stated remediation efforts by Keers Environmental had commenced and estimated ten days to complete the remediation. The Manager stated once remediation was complete FacilityBuild would begin the reconstruction/remodel effort with an estimated completion by mid-May.

4. **Fort Stanton:** The Manager reported the site remains on the priority list to become a New Mexico National State Veterans' Cemetery location. The Manager reported she and Commissioner Stewart met with representatives from both the State and Federal Departments of Veterans' Services on January 8, 2015. Those present included the newly appointed Jack R. Fox the New Mexico Cabinet Secretary for Veterans Services; the Director of the National Cemetery Grants Program; and the Project Manager/Landscape Architect assigned to Fort Stanton. The Manager discussed the design plans but noted while the Fort Stanton site was moving up on the priority list to become a National State Veterans' Cemetery, the timeline would likely take several years.
5. **GSWA Billing Update:** The Manager introduced Linda Phillips as the new Solid Waste Billing Clerk. The Manager stated Ms. Phillips was busy fielding calls from residents as well as receipting payments received. The Manager stated after the initial billing on January 5, 2015 hundreds of calls were received from residents regarding whether or not they were appropriately billed and staff continued to research these questions. The Manager reported most residents were pleased their bills were less; some residents had never received a bill and therefore were not pleased; and there were multiple requests for the County to help resolve problems with past GSWA billings.

Linda Phillips, Solid Waste Billing Clerk reported while there were problems there was a lot of positive feedback from customers regarding the County billing for Solid Waste Services. Ms. Phillips discussed GSWA's current policy of informing residents they should continue to pay GSWA or incur a late fee. Ms. Phillips reported on inquiries as to whether the County would allow an exemption from billing for large landowners who provide their own dumpsite for waste disposal. The Manager stated environmental regulations related to these exemptions had changed since the County enacted the Solid Waste Ordinance and this question would need further research.

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

Commissioner Draper reported on his attendance at the most recent SNMEDD meeting. Commissioner Draper stated topics discussed included the hold harmless GRT issue, lapel cameras for law enforcement, and the impact of insurance limitations on the ability of Counties to lend equipment and assistance for emergency situations.

Beverly Calaway, Treasurer provided a snapshot of Total Property Taxes billed and collected in 2014. Ms. Calaway noted the collection rate was currently 65% for this fiscal year. Ms. Calaway introduced recently appointed Sherri Huddleston as the new Chief Deputy Treasurer. Ms. Calaway requested the Board of Finance be convened during the next regular meeting.

Rick Rotert, Chair of the Nogal Water Association provided an update on the water project in the Nogal Community. Mr. Rotert stated the Association was working to install new water meters for residents along with additional fire hydrants. Mr. Rotert anticipated final completion of the \$2,000,000 project by the end of 2015.

Commissioner Draper questioned if the Nogal Water Association resolved the issues associated with audits for grant recipients. Mr. Rotert stated a process by which the State directly pays contactors eliminated the need for the Association to establish a separate account subject to audit. Mr. Rotert stated the Association continued to look for assistance with the \$7000 audit costs incurred prior to understanding of the direct pay option.

AnnElla Hatter, resident of White Oaks requested her name be considered for an appointment to fill the Planning Commission seat vacated by Commissioner Allen.

Nancy Baker of the NM State Economic Development Department (EDD) discussed services provided by the EDD and noted most monetary incentives were associated with manufacturing. Ms. Baker stated there were State programs available to assist businesses and communities including Collateral Support Programs.

**16. Manager's Report (continued)**

**6. Departmental Updates:**

- a) Curt Temple, Planning Director stated his office recently learned the NM Department of Transportation (DOT) had replaced County signage with State signs

along Highway 70 in the Hondo Valley. Mr. Temple stated the State signs were inferior in quality and lacked sufficient reflectivity. Mr. Temple stated he would work with DOT Region II to resolve the issue. Mr. Temple reported after a recent meeting regarding the FEMA grant application for mitigation he was conducting a rework of the Cost Benefit Analysis utilizing newly developed software preferred by FEMA.

b) Punkin Schlarb, Finance Director reported 1099's for County vendors and W-2 forms for tax reporting were prepared. Ms. Schlarb stated staff assisted NMAC conference attendees with registration, hotel accommodations, and other arrangements.

c) Carl Palmer, Road Superintendent reported the extension request approved at the last Regular Meeting for CAP/COOP funding was approved by the State but work was delayed due to recent weather conditions. Mr. Palmer discussed the shortage of local salt suppliers but explained additional providers were available but with an associated cost increase.

d) Billie Jo Guevara, Human Resources reported on new employee enrollments in various benefit programs.

e) Joe Kenmore, Director of the Office of Emergency Services discussed the beneficial use of the SIMS table for demonstrations conducted during the FEMA grant Education and Outreach meetings. Mr. Kenmore stated OES also hosted a "Train the Trainer" emergency driving training session at the Copper Ridge facility with three County employees participating. Mr. Kenmore stated his office was working to develop the new Risk Awareness Program for the year. Mr. Kenmore discussed the benefit to the County of having a number of staff who were previously trained and qualified as a Type 4 response team for Emergency Situations.

#### 14. Approval of Lease Agreement with ZOZO Properties for the District Attorney's Office Space

Ms. Taylor reminded of the approval during the previous Regular Meeting to begin the remediation and renovation of the Annex Building. Ms. Taylor stated the work necessitated the temporary relocation of the District Attorney's office and other County offices. Ms. Taylor stated the Commissioners deferred the matter of leasing additional space or conducting additional renovation to meet the needs of the District Attorney until the new Commissioners were installed in January of this year.

Ms. Taylor anticipated the renovation of the Annex building would take three to four months. Ms. Taylor stated the Cooperative Extension Services offices and other County employees were relocated to existing County facilities but the District Attorney did not currently have office space in Carrizozo. Ms. Taylor stated adequate space was located in the NRCS building on 13<sup>th</sup> Street in Carrizozo for a lease cost of \$1,775.05 per month.

**Motion:** Authorize the Manager to enter into a lease agreement for space in the NRCS building,  
**Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Diana Martwick, 12<sup>th</sup> Judicial District Attorney informed the Public Defender planned to open an office in Ruidoso. Ms. Martwick clarified the District Attorney's office had not agreed to eventually return to the upper level of the Annex building due to the stairs and the lack of consistent internet service. Ms. Martwick suggested the space presented to lease was insufficient but remarked it was "better than no space at all in Carrizozo". Ms. Martwick reminded the County was required to provide space for the District Attorney pursuant to NM State Statute.

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

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

#### 20. Consideration/action on Lincoln County State Audit Report

Ms. Taylor stated the County received an exit conference with auditors on November 6, 2014 and the audit report was submitted to the NM State Auditor on November 17, 2014, meeting the required deadline. Ms. Taylor reminded once the State Auditor provided notice the audit becomes a public document within five days at which time the audit is also released to the NM Department of Finance and Administration and the Legislative Finance Committee. Ms. Taylor further reminded of the requirement to present the audit at a public meeting.

Alan Bowers, CPA and Supervisor for the Accounting & Consulting Group, LLP presented a summary of audit findings telephonically due to weather conditions. Mr. Bowers noted the "Type of Auditors' Report Issued" was "Unmodified". Mr. Bowers stated the unmodified opinion was a positive one and represented the fact that financial statements complied with applicable financial reporting requirements.

Mr. Bowers stated Lincoln County corrected three of the prior year's findings and discussed actions and changes by the County to address other audit findings. Mr. Bowers commented on additional audit requirements anticipated for 2015 including a requirement to report as an unfunded liability the County portion of Public Employee Retirement Association (PERA).

**Motion:** Approve the Audit as presented by the Accounting and Consulting Group, LLP; **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 Willard, Commissioner Draper.

**18. Status and danger of the operation of El Capitan PMI mining company. - Lee Arnone**

Lee Arnone, resident of Lincoln County provided a detailed history of the last eleven years of actions related to the El Capitan Mine. Mr. Arnone discussed the company's activities in 2006 or 2007 which led to an investigation by the US Forest Service and the NM Department of Minerals. Mr. Arnone noted the investigating agencies directed the company to cease activity on public lands and also levied fines. Mr. Arnone stated the actions of the mining company led to a citizens group retaining legal counsel and eventually to the adoption by the Board of County Commissioners of Ordinance 2009-01.

Mr. Arnone reported in July of 2014 residents of the area near the mine received a letter announcing El Capitan Mining Company's intent to apply for an air quality permit to the State of NM. Mr. Arnone noted the proposed area of activity, including heavy equipment noise and frequent truck traffic, was less than one mile from existing homes. Mr. Arnone discussed the potential impact of mining activity on nearby property values and the local water supply. Mr. Arnone contended by altering the definition of the "scope" of activities the company was avoiding the requirement to conduct an Environmental Impact Study.

On behalf of the nearby residents, Mr. Arnone requested the Commissioners review the Mining Ordinance and provide an equitable solution to the problems.

Ms. Kathleen Phillips-Hellman of Capitan voiced concerns about potential damage to County roads from heavy truck traffic.

Attorney Morel explained the process by which Lincoln County adopted Ordinance 2009-01 to help regulate mining in the County. Mr. Morel reminded there was both a Federal Mining Act and State of NM Mining Regulations in place and stated the County Ordinance was necessarily narrow to avoid overstepping those regulations. Mr. Morel explained the original permit for the El Capitan Mine was issued prior to enactment of the Ordinance and therefore the County Ordinance was not retroactively enforceable. Attorney Morel stated he and the County Manager planned to meet with staff from the NM Department of Mining and Minerals to review the nature and timing of the original permit.

Chair Stone recessed the Regular Meeting at 10:59:09 AM and reconvened at 11:13:55 PM.

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

**Water Rights Notices:** Ms. Taylor reported no new water right applications were posted to the State Engineer's website.

**Hazard Mitigation Grant Program:** Ms. Taylor reported on the efforts associated with the Education and Outreach Grant funded by FEMA including community meetings schedule monthly through April 2015. Ms. Taylor reminded these efforts were associated with the larger grant application to FEMA for funding of actual thinning projects

**Land and Naturel Resources Advisory Committee (LANRAC) –** Ms. Taylor discussed the past history of this committee and presented a request from the public and committee members for the Board of Commissioners to rely more on this committee for information and advice related to land and natural resource issues.

**South Central Mountain – RC and D Rural Forester** - Rick Merrick, Rural Community Forester reported on various grant activities related to forest health in the County. Mr. Merrick commented on the benefits of thinning and reminded of the economic benefits of utilizing grant funding to employee local contractors. Mr. Merrick discussed the ongoing need for public outreach and education as effects of the Little Bear Fire fade from the forefront.

Commissioner Draper questioned if the County might utilized FEMA funds for Education and Outreach to purchase notification signage for placement on the Billy Kid Scenic Byway. Ms. Taylor stated she would review the request with the NM Department of Homeland Security to determine if this was an appropriate use of funding. Mr. Merrick expressed support for the concept of a digital sign to provide information on the East Side of the County.

**19. Community Development Block Grant (CDBG) Annual Requirements**

1. Resolution 2014-32 CDBG Policies & Certifications
2. Citizen Participation Plan
3. Fair Housing Resolution/Fair Housing Self-Assessment
4. Section 3 Plan
5. Residential Anti-displacement and Relocation Assistance Plan
6. Resolution 2014-31 Purchasing Policy amending Resolution 2013-18 Purchasing Policy

Ms. Taylor explained as a recipient of CDBG block grants the County was subject to several requirements including the annual re-adoption of the Purchasing policies affirming that New Mexico Procurement and Purchasing laws were followed or exceeded.

**Motion:** Adopt Resolution 2014-31 and Resolution 2014-32, **Action:** Adopt, **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 Willard, Commissioner Draper.

**SEE EXHIBIT C:** Copies of Resolution 2014-31 and Resolution 2014-32 are attached hereto in reference thereto made a part hereof.

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

Commissioner Stewart requested a review of the IHC Ordinance in the near future for potential adjustments to the approved expenditure of funds. Commissioner Stewart suggested a Public Hearing be scheduled in March for a formal review of the Ordinance.

Chair Stone recessed the Regular Meeting at 11:57:18 PM and reconvened at 12:55:50 PM.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:09:10 PM.

**21. 1:00 P.M.: Public Hearing to consider the following Ordinances:**

- a) Consideration of the adoption of an ordinance providing a low income tax rebate pursuant to NMSA 7-2-14.3G on a County by County option basis.

Attorney Morel informed the County was required by State Statute to hold a public hearing to consider adoption of an ordinance providing for a low income tax rebate. Attorney Morel reminded Lincoln County considered adoption of an ordinance as required in prior years and had declined to adopt an Ordinance for this rebate. Attorney Morel stated should the County adopt an Ordinance to provide a rebate to low income residents, the County would assume the tax liability to offset any approved rebates.

Paul Baca, Assessor noted this rebate was separate from and not the same as the County's low income property tax exemption. Mr. Baca stated he contacted Santa Fe County regarding the impact of this particular rebate and reported the cost to Santa Fe County this last year was approximately \$500,000.

Commissioner Willard questioned the terms of the County's low income property tax exemption. Mr. Baca clarified residents of Lincoln County aged 65 and over, or disabled, with an income of less than \$22,000 per year could apply for an exemption. Mr. Baca stated if approved the

Assessor's office would freeze the assessed value for that particular property. Mr. Baca stated there were approximately 75 of these County exemptions.

Chair Stone requested additional public comment and receiving none recessed the Public Hearing and reconvened the Regular Meeting at 1:05:00 PM.

**Motion:** Decline to adopt ordinance providing a low income tax rebate, **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 Willard, Commissioner Draper.

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

a) **Tabled-Senior Citizens Olympic Committee**

**Motion:** Remove the item from the table, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

**Motion:** Reappoint Lucy Servies to the Senior Citizens Olympic Committee, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

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

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

b) **Coalition of Counties**

**Motion:** Appoint Chair Stone as County Member for the Coalition of Counties and appoint County Manager Taylor as the Alternate, **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 Willard, Commissioner Draper.

c) **Cooperative Weed Management**

**Motion:** Appoint Commissioner Willard as County Member for the Cooperative Weed Management Counsel and Commissioner Allen as the Alternate, **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 Willard, Commissioner Draper.

d) **Chaves County Community Action Program**

**Motion:** Appoint Chair Stone as County Member for the Chaves County Community Action Program, **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 Willard, Commissioner Draper.

e) **Joint Municipal-County Zoning Authority – City of Ruidoso Downs**

No action was taken.

f) **Interstate Stream Commission**

**Motion:** Appoint Chair Stone as County Member for the Interstate Stream Commission, **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 Willard, Commissioner Draper.

## g) Land and Natural Resources Advisory Committee

**Motion:** Reappoint Bob Johnson to the Land and Natural Resources Advisory Committee, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Chair Stone.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

**Motion:** Reappoint Duane Frost to the Land and Natural Resources Advisory Committee, **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 Willard, Commissioner Draper.

## h) Lincoln Historic Preservation Board

**Motion:** Appoint Lee Abbot as the District 2 Member for the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

## i) New Mexico County Insurance Authority – Worker's Compensation

**Motion:** Appoint Commissioner Stewart as the County Member for the NM County Insurance Authority Worker's Compensation Board, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

**Motion:** Appoint Manager Taylor as the County Alternate to the NM County Insurance Authority Worker's Compensation Board, **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 Willard, Commissioner Draper.

## j) New Mexico County Insurance Authority – Multi-line Pool

**Motion:** Appoint Commissioner Draper as County Member to the NM County Insurance Authority Multi-line Pool Board, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

**Motion:** Commissioner Stewart as the County Alternate to the NM County Insurance Authority Multi-line Pool Board, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Draper.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

## k) Planning Commission – Member-at Large

**Motion:** Reappoint Karyl Williams as a Member at Large to the Planning Commission, **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 Willard, Commissioner Draper.

**Motion:** Appoint AnnElla Hatter as a Member at Large to the Planning Commission, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Chair Stone.  
**Vote:** Motion carried by unanimous vote (**summary:** Yes = 5).  
**Yes:** Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

## l) Road Review Advisory Committee

**Motion:** Reappoint J. Bryan White as the District 4 Member for the Road Review Advisory Committee, **Action:** Adjourn, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

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

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

## m) Southeastern New Mexico Economic Development District (SNMEDD)

**Motion:** Reappoint Commissioner Draper as the County Member for SNMEDD, **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 Willard, Commissioner Draper.

**Motion:** Appoint Commissioner Willard as the County Alternate for SNMEDD, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Allen.

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

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

## n) Solid Waste Authority

**Motion:** Appoint Commissioner Stewart as a County Member for the Solid Waste Authority, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

## o) Eastern Area Workforce Development

**Motion:** Table the item, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Willard.

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

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

**24. Consideration / Action on Resolution 2014-33: Midyear Budget Adjustments**

Ms. Taylor presented the requests for line item adjustments and three additional requests including: a 3% cost of living increase for all employees; a request from the Road Department for two additional rollers for \$44,464; and a request from the Assessor to change a part time Appraiser position to full time.

Ms. Taylor also discussed the remediation and renovation of the Annex Building and reminded the related expense was previously approved and encumbered for a total authorization of \$270,000.

Ms. Taylor noted the remaining line item adjustments were proposed to accommodate the normal course of business within County Departments.

Ms. Taylor discussed the cost and budget implications of the requested 3% COLA salary increase. Ms. Taylor reminded the budget process in Lincoln County was conservative with a very conservative anticipation of revenues and an over estimation of expenses. Ms. Taylor stated staff including the Financial Director and the Treasurer's Department believed the current budget would accommodate the cost of living increase for employees.

Commissioner Stewart expressed concerns about budgeted expenses exceeding revenues and the impact of increasing operational expenses over the next few years.

Paul Baca, Assessor informed property valuation in the County had increased this year by approximately \$31 million dollars and opined the increase would provide additional revenue. Beverly Calaway, Treasurer and Rhonda Burrows, County Clerk expressed support for a 3% COLA increase for employees.

Commissioner Willard requested the County Manager provide an analysis of revenues and expenses over the past several years.

**Motion:** Approve the budget adjustments as recommended by the County Manager, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

Commissioner Stewart reminded salary increases were a reoccurring expense.

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

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

**No:** Commissioner Stewart.

**25. Consideration / Action to Transfer Obsolete Communications Tower to the Town of Carrizozo**

Attorney Morel explained an obsolete communications tower with a current estimated value of \$917 was recently removed and replaced. Attorney Morel relayed a request from the Town of Carrizozo to obtain the tower and provided supporting statute reference for the deletion of inventory under \$5000 and of no use other than scrap metal.

**Motion:** Transfer possession of obsolete tower to the Town of Carrizozo, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

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

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

**26. 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-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Conclusion of Law/Order was filed May 15, 2014 entered in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
- \*2. *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 Mechanics Lien. Motion for Summary Judgment filed Jan. 29, 2014. Motion for Grant of Summary Judgment filed July 18, 2014. Judgment, Decree of Foreclosure, Order of Sale filed Dec. 16, 2014. Master Sale is scheduled for Feb. 2, 2015.
- \*3. *J. Robert Beauvais and Greentree Solid Waste Authority v. Judge Jerry Ritter and the County of Lincoln in the State of New Mexico Supreme Court No. 35,053:* Verified Emergency Petition for Writ of Prohibition; Alternatively, Superintending Control; Request for Stay received Dec. 24, 2014 and Order Denying Writ of Prohibition filed by the Supreme Court Dec. 24, 2014. GSWA filed its Motion for Clarification Jan. 6, 2015.
- \*4. *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, Motion to Waive Time to Reassign District Judge (Judge Karen Parsons was disqualified). County was served May 14, 2014. Mr. Paul Melendres has been retained by the County and filed Answer, Motion to Disqualify Mr. Beauvais and Change of Venue. Motion to Join the New Mexico Finance Authority as an Indispensable Party filed July 22, 2014. GSWA filed its Motion for Summary Judgment on Sept. 26, 2014. County filed its Response to GSWA's Motion for Summary Judgment on Oct. 13, 2014. Scheduling Conference and Hearing on All Pending Motions was Nov. 20 both with Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. Stipulated Partial Dismissal was entered and GSWA's Motion to Reconsider was filed Dec. 5, 2014. GSWA has retained Robert Doughty as new counsel, who filed a Limited Entry of Appearance Dec. 13, 2014. Preliminary Injunction Hearing was scheduled Dec. 17, 2014 with Judge Ritter. Lincoln County's Response to Plaintiff's Motion to Reconsider was filed Dec. 19, 2014. GSWA filed its Reply of the Motion to Reconsider Jan. 5, 2015.

5. *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. Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed it Reply Brief Dec. 1, 2014.
6. *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 to Federal No: 2:13-CV-00822-RB-SMV*. Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. Tort Claim Notice was filed on October 27, 2011. LCSO and LC Manager were served on August 5, 2013. Advised NMAC assigned the case to Brennan and Sullivan Law Firm Sept. 5, 2013. Case was moved to Federal Court August 30, 2013. Plaintiffs and Defendants Agreed Motion to Modify Scheduling Order filed Aug. 5, 2014. Motion for Qualified Immunity still pending as of Oct. 4, 2014. Ms. Latham filed a new action in federal court against Village of Capitan and Police Officer Kevin Kennedy filed July 25, 2014. The court Sua Sponte consolidated both cases via Order from Judge Brack filed Sept. 29, 2014. The trial date has been vacated until further notice in an order entered by Judge Brack on Nov. 5, 2014.
7. *Bank of America, N.A. v. Howard D. Schafer, et. al. (County of Lincoln through LCSWA) D-1226-CV2014-00162* County was served Sept. 2, 2014. Complaint for Foreclosure filed Aug. 19, 2014 Lincoln County filed an Alarm Ordinance Lien and a LCSWA Lien. Mr. Morel entered his appearance on behalf of the County Sept. 23, 2014. Disclaimer of Interest has been filed by Lincoln County.
8. *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.
9. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-201400188* 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.

#### Tort Claims Notices Received or Threatened

##### 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.

##### 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. Mr. Ramos alleges damages by not being granted detainee to detainee correspondence.

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

**Ogden, John D** – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at LCDC on March 11, 2014.

**Rounds, Christopher** – Tort Claim Notice received June 4, 2014 alleging being held in LCDC without being advised of his charges.

**Herbert, Crystal** – Tort Claim Notice received June 23, 2014 alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

**Class Action** – Tort Claim Notice received June 23, 2014 alleging false imprisonment, false arrest, deprivation of rights at LCDC 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 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 LCDC.

**Lambert, David and Bonnie** - Tort Claim Notice received Sept. 8, 2014 by 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.

**Rider, Edward Allen and Moorhead, Brennon** – Tort Claim Notice received Oct. 20, 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers

destroyed items in a home.

**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 8<sup>th</sup> 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.

**McMurray, Cody** – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris Nedbalek alleging lack of adequate medical care 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, 12<sup>th</sup> 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

**Allen, Katherine Elizabeth**- Notice of Tort Claim received Sept. 12, 2013 from Katherine Allen 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. Claim has been denied by NMAC.

**Espinoza, Robert**-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** -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.

**Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Willard.

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

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

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:51:35 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:57:09 PM.

Commissioner Draper 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

27. **Potential Action regarding Case No. D-1126-CV-2014-00095**

28. **Signing of Official Documents**

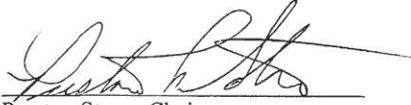
29. Next meetings:

February 17, 2015 - Regular Commission Meeting

20. Adjourn

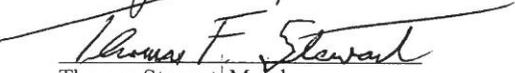
There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 2:57:46 PM.

County of Lincoln  
Board of County Commissioners

  
Preston Stone, Chair

  
Dallas Draper, Vice Chair

  
F Lynn Willard, Member

  
Thomas Stewart, Member

  
Elaine Allen, Member

ATTEST:

  
Rhonda Burrows, County Clerk

February 17, 2015  
Date Approved

