

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, March 17, 2015**

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on March 17, 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 8:30:18 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 Stone.

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 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.

6. Approval of Minutes

- a. February 17, 2015 - Regular Commission Meeting

Motion: Approve the minutes of the February 17, 2015 Regular Commission Meeting, **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 February 28, 2014
- c. Volunteer Firefighters Annual Reporting to PERA
- d. Annual Renewal Comprehensive Community DWI Prevention Program

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.

8. Board of Finance

Chair Stone recessed the Regular Meeting and convened the Board of Finance Meeting at 8:36:32 AM.

Beverly Calaway, Treasurer informed either County Treasurer or the Board of County Commissioners could call for a Board of Finance meeting as deemed necessary. Ms. Calaway recommended the Board of Finance be convened on a quarterly basis unless otherwise needed.

Ms. Calaway presented the Treasurer's Financial Report for the month ending February 23, 2015. Ms. Calaway stated the Treasurer's office had collected 66% of projected budget revenues for the General Fund as compared to 65% in 2014.

Ms. Calaway noted the Gross Receipt Tax Equalization Fund received \$19,949 less than the 2014 distribution and less than the projected budgeted revenue. Ms. Calaway stated this was an annual distribution and therefore no further revenues were anticipated. Ms. Calaway stated the Business Retention gross Receipts Tax as of February 2015 was \$48,634 over the projected budgeted revenue for the current fiscal year. Ms. Calaway provided a spreadsheet detailing activity for this fund.

Ms. Calaway detailed various investments and stated current investments totaled \$18,769,623 as compared to \$19,097,241 at this time in 2014. Ms. Calaway informed the Treasurer's office had collected 68% of the 2014 property taxes as compared to 67% in 2014.

Ms. Calaway also provided charts detailing Lincoln County's 1/8 Gross Receipts Tax collections dedicated to the Detention Center debt service; a three year history of Lodger's Tax collections; and a history of the Taylor Grazing Fees as distributed by the NM Department of Finance.

Chair Stone adjourned the Board of Finance and reconvened the Regular Meeting at 8:42:43 AM.

Motion: Accept the Board of Finance Report, **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.

9. Smokey Bear District Ranger Update

Ms. Taylor stated Ranger David Warnack was not present and no report was provided for this month.

32. Day of Recognition for National Service – April 7, 2015 by Proclamation

Ms. Taylor received a request from the Ruidoso Community Center for the Board of Commissioners to consider acknowledging April 7, 2015 as the National Day of Recognition to honor national service participants.

Ms. Taylor read the proposed proclamation which acknowledged the Corporation for National and Community Service as a partner with County Commissions nationwide in the effort to "engage citizens, improve lives, and strengthen communities" and to join "the National Association of Counties, City of Service, Mayors and County Commissions across the country to recognize the impact of service" of national service participants.

Motion: Approve the Proclamation, **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.

10. Lincoln County Extension Service Update –Marsha Palmer

Marsha Palmer, County Program Director for the Lincoln County Cooperative Extension Services presented an overview of services provided by the organization including programs for Agriculture; Family and Consumer science; 4-H Youth development and Community Economic Development. Ms. Palmer discussed the impact of family and consumer science programs including nutritional education, diabetes cooking education, and after school health and fitness activities.

Audra Lyon, Agricultural and 4-H Agent discussed various workshops sponsored by the Extension Service related to livestock production in the County which help producers to optimize pasture health and maximize production. Ms. Lyon discussed her role providing the educational component for residents regarding weed management, pesticide management, and composting.

Ms. Lyon discussed the 4-H youth development programs which foster life skills, leadership, citizenship, teamwork and critical thinking. Ms. Lyon stated the youth involved in 4-H were "a step ahead of their peers" in social development. Ms. Lyon reminded of the various support services provided by Extension Service staff for the Lincoln County Fair. Ms. Lyons reported on the benefits to local youth of being able to raise, show and sell livestock through the 4-H program. Ms. Lyon stated sales of livestock at the Lincoln County Fair exceeded \$126,000 in 2014.

Ms. Lyon also reported on recent efforts to reestablish a 4-H club in the Ruidoso area. Ms. Lyon stated a leader and a core group of youth had formed a club in the area.

Wade Stearns, President of the Lincoln County 4-H Council and newly elected State 4-H President, spoke about his personal experience as a 4-H member over the past twelve years and the benefits of 4-H activities for the youth of Lincoln County. Mr. Stearns stated during the past twelve years ten 4-H members from Lincoln County had served as State 4-H Officers. Mr. Stearns reported in the past seven years five 4-H teams from Lincoln County competed at the national level: two national public speaking teams, one national shooting team, one horsemanship team and one wildlife team.

Tom Dean, Southwest District Director discussed the funding history of Extension Services within counties and reminded two years ago ten County Extension Agent positions were eliminated across the State after budget cuts by New Mexico State University. Mr. Dean recognized Lincoln County's financial contribution by fully funding the Agricultural Agent position in Lincoln County. Mr. Dean anticipated the budget request for the next fiscal year as approximately the same as last year.

Chair Stone expressed disappointment the President of New Mexico State had not sought additional funding for county extension positions from the State Legislature. Mr. Dean stated there were ongoing talks to work to increase State and Federal matching funds.

11. Recommendations for Lodger's Tax Ordinance 2004-04 by the Lodger's Tax Committee

Ms. Taylor reminded of prior discussions about the process to submit requests for Lodger's Tax funding, information needed for proper determination and recommendation by the Lodger's Tax Committee, and possible procedures to monitor fund expenditures.

Ms. Taylor presented a list of potential changes to the Lodger's Tax Ordinance developed by the Lodger's Tax Committee including establishing a timeline for submission of an application and for utilization of awarded funding.

Attorney Morel presented additional changes for consideration to clarify language and require more information about the appropriate use of Lodger's Tax funds.

Commissioner Draper questioned if reporting of "in kind" services should be included for consideration of the application.

Commissioner Stewart suggested the majority of changes be incorporated into a revised application.

12. 9:00 A.M: Consideration and Action on Lodger's Tax Applications with backup material:

- a) Funding Requested/Approved: \$5,000/\$4,000

Purpose: AspenCash
 Date(s) of Event: May 14-17, 2015
 Presenter: Patric Pearson; CP6, Solutions, LLC

- b) Funding Request: \$5,000
 Purpose: Golden Aspen Rally
 Date(s) of Event: September 16-20, 2015
 Presenter: Patric Pearson; CP6, Solutions, LLC
- c) Funding Requested/Approved: \$500/\$500
 Purpose: 12 Hours in the Wild West
 Date(s) of Event: April 11, 2015
 Presenter: Lindsay Mapes; Zia Rides
- d) Funding Requested/Approved: \$1,750/\$1,750
 Purpose: Ruidoso Grindstone Trails Runs
 Date(s) of Event: July 25, 2015
 Presenter: Frederic Moras; Ski Run Road Challenge
- e) Funding Requested/Approved: \$23,247.26/\$2,500
 Purpose: Old Lincoln Days
 Date(s) of Event: August 7-9, 2015
 Presenter: Cherie Hobbs; Lincoln Pageant & Festivals

Motion: Approve requests as recommended: Aspen Cash \$4000; Golden Aspen Rally \$5000; 12 Hours in the Wild West \$500; Ruidoso Grindstone Trails Runs \$1750; and Old Lincoln Cays \$2500, **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.

Commissioner Willard questioned the reason for the difference between the Old Lincoln Days request for \$23,247 and the Lodger's Tax Committee recommendation for \$2,500. Commissioner Stewart expressed belief the Lodger's Tax Committee reduced recommendation was to accommodate the current fiscal year budget.

Sheri Hobbs, from the Lincoln Pageant and Festival explained the request to the Lodger's Tax Committee for the \$2500 was to accommodate pre-advertisement and stated the group would present a follow up request for additional funding to the Lodger's Tax Committee.

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

Chair Stone discussed the Emergency Meeting held March 14, 2015 at the request of Governor Martinez to provide a nomination from Lincoln County for Senate Seat 39 vacated by Senator Phil Griego on March 14, 2015. Chair Stone explained after the Emergency Meeting and in response to concerns about adequate public notice a decision was made to reconsider the request for a nomination at a Special Meeting set for March 19, 2015.

Chair Stone also discussed NM State Land Commissioner Aubrey Dunn's decision to schedule two public meetings and gather input regarding the Sun Zia Transmission Line. Chair Stone reported the meeting he attended included representation from numerous entities including federal and state officials. Chair Stone expressed belief the prior State Land Commissioner neglected to consider imposing proper taxing authority for the project to generate revenue for the Department of Education.

Commissioner Willard reported he and Commissioner Stewart attend the recent Watershed Workshop held in Ruidoso and commented on the informative presentations.

Commissioner Stewart reported on the JLUS conference and stated the committee was in the beginning stages of implementation. Commissioner Stewart stated he would request appointment as the County's representative to the JLUS Policy Committee.

Commissioner Stewart discussed his appreciation for the support of the Board of County Commissioners and the public for his nomination for consideration of appointment to the vacated Senate Seat 39. Commissioner Stewart stated after the decision at the March 15, 2015 Special meeting he received notice from Attorney Morel stating Governor Martinez made a decision to

postpone the appointment to provide adequate public notice. Commissioner Stewart stated he was also contacted by former State Senator Rod Adair and the Governor's General Counsel expressing opinions that State Statute and the NM State Constitution prohibited one person holding both a County Commission seat and a State Senate seat concurrently. Commissioner Stewart expressed belief County Attorney Alan Morel's opinion to the contrary was correct but considering the possibility of litigation he decided to withdraw his name as the nominee from Lincoln County.

Commissioner Draper reported on a meeting with Dr. Clayton Aired from ENMU-R and other stakeholders discussing the future of broadband availability in Lincoln County. Commissioner Draper commented on the benefits of broadband service to communities and stated he would provide future updates.

Kathleen Phillips Hellman, resident of Capitan voiced support for the services provided by the Lincoln County Extension Service.

Paul Baca, Assessor stated his office would mail the Notices of Value to property owners in the County on April 1, 2015. Mr. Baca stated tax payers would have 30 days to apply for exemptions or to protest valuations. Mr. Baca stated his staff could frequently resolve objections to valuation without initiating the formal protest process.

Rhonda Burrows, Clerk informed the Board of Registration convened on March 10, 2015 to review the list of voters. Ms. Burrows stated she would provide additional information regarding the purge process at the April 21, 2015 Regular Meeting.

Doris Cherry, President of the Lincoln County Extension Association Council expressed appreciation for County support of the Extension Service and requested continued support in the next fiscal year. Ms. Cherry stated the Extension Club provided over 7000 volunteer hours in the past year and also sponsored the "Shoes for Kids" program in the Hondo and Carrizozo Schools.

14. Lincoln County Medical Center

Ms. Taylor presented the requests from Lincoln County Medical Center which included:

- a) Full funding of initial budget request of July 24, 2014 in the amount of \$762,000 and
- b) Additional payment to the NM Health Services Division of \$193,503 for a Safety Net Care Pool (SNCP) match for the period of January 1, 2014 to June 30, 2014.

Ms. Taylor provided a detailed analysis of past payments to LCMC including discussion of the prior Board of Commissioners decision and approval of funding for the 2014-2015 budget cycle. Ms. Taylor noted the prior Commission authorized \$486,500 of the \$1,250,000 request for operating funds based on an understanding of LCMC's operational margin and the concern for LCMC's full request resulting in a negative Mill Levy Fund balance of \$210,179 for the fiscal year.

In response to LCMC's request for additional funds to match the past SNCP distribution from the NM Health Services Division, Ms. Taylor reminded Lincoln County paid LCMC directly \$1.1 million to offset the shortfall of Sole Community Provider payments for that time period. Ms. Taylor also stated Lincoln County had received no formal request for the payment of \$193,503 from the State of NM as of this date.

Al Santos, LCMC Administrator stated the amount approved by the prior Commission during the budget process was insufficient to cover the cost of services provided by LCMC and would result in LCMC posting a negative operating income for the calendar year of 2014.

Commissioner Stewart discussed the potential of utilizing Indigent Health Care Fund revenues to offset State Medicaid and Safety Net Care Pool obligations to accommodate additional funding for LCMC. Commissioner Stewart provided a detailed budget analysis to support his assertion revenues were sufficient to accommodate LCMC's full request.

Chair Stone stated LCMC's request for \$762,000 was considered by the previous Board of Commissioners and commented on the effects of overturning the budget decisions of prior Commissioners.

Chair Stone questioned Mr. Santos regarding the LCMC's current net operational margin. Mr. Santos stated the percentage was "a moving target" and detailed various factors which contribute to the operational margin.

Commissioner Stewart suggested \$385,299 be disbursed from mill levy funds and the remainder of \$376,701 be disbursed from Indigent Health Care funds contingent upon written certification from LCMC of provision of Indigent Health Care equal to the disbursement.

Mr. Santos stated belief LCMC could certify the amount of indigent care provided based on their cost for provision of \$975,000 in indigent care with no reimbursement from the Indigent Fund. Mr. Santos further stated total uncompensated care including bad debt and charity care was approximately \$8 million dollars for the past year.

Commissioner Draper questioned if there was current legislation which might affect hospital funding. Scott Annala discussed Senate Bill 655 which would target 10% of 3/4th of the first 1/8th of County GRT to supplement the Safety Net Care Pool over and above the current 1/12th GRT funding provided by counties. Mr. Annala noted there was also discussion about a proposal to impose a tax on services provided by particular qualifying hospitals.

Motion: Authorize the County Manager to distribute \$385,299 to LCMC; request the LCMC Administrator certify to Lincoln County that \$377,201 in viable Indigent Health Care services were provided to the citizens of Lincoln County and upon receipt of the notarized certification authorize the County Manager to distribute \$377,201 from the Indigent Health Care fund to LCMC, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

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

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

No: Chair Stone

15. Capitan Senior Center Lease

Ms. Taylor presented a revised Lease Agreement as recommended by the Village of Capitan. Ms. Taylor reminded a new Senior Center was constructed in the Village of Capitan utilizing Community Development Block Grant funding in 2010. Ms. Taylor stated since then the County and the Village had exchanged several versions of a new lease with the most current presented today.

Ms. Taylor requested a review of the agreement by the County's insurance provider, the New Mexico Association of Counties, which resulted in a finding of conflict with NMAC's insurance policy. Specifically NMAC "will not add any third party to the coverage agreement in place through the NM County Insurance Authority". Ms. Taylor stated NMAC informed the restriction was derived from statute and specifically the Tort Claim Act's.

Attorney Morel stated the County would need to procure a separate insurance policy to accommodate the Village's request. Attorney Morel expressed belief an additional policy was unnecessary as the proposed agreement included language whereby the County agreed to "indemnify and hold harmless" the Village of Capitan for any amount up to \$1,025,000. Attorney Morel stated this was the maximum tort claim amount applicable to government.

Motion: Approve the Cooperative Agreement and Lease with the Village of Capitan Senior Citizens Center striking the language requiring the County to name the Village of Capitan as an additional insured party on the property, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

14. Lincoln County Medical Center (continued)

c) Lincoln County and Presbyterian Health Services Lease Amendment

Attorney Morel discussed the need to amend the lease agreement with Presbyterian Health Services (PHS) to address the County's disposition of lease payments and other related funding issues. Attorney Morel reminded a special meeting was planned to consider health care issues and suggested the item be deferred until the special meeting.

Motion: Table consideration of the Lincoln County and PHS Lease Amendment, **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.

d) First Amendment to Medical Director Agreement between Lincoln County and PHS.

Ms. Taylor reported in February of 2014 Lincoln County entered into an agreement with Presbyterian Health Services (PHS) to appoint a Medical Director for LCMC ambulance services. Ms. Taylor stated the agreement also provided for medical director services for Lincoln County Volunteer Fire Departments and the Sheriff's office Emergency Medical Services dispatch. Ms. Taylor presented a two year extension to the agreement.

Motion: Approve the First Amendment to the Medical Director Agreement between Lincoln County and PHS, **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.

18. Recovery of Historic County Documents – "Justice of the Peace Ledger from the 1800's" - Roberta Haldane

Rhonda Burrows, Clerk discussed ongoing work to recover and preserve Lincoln County historical documents for the public record. Ms. Burrows commented on the efforts of Lincoln County Clerks and Lincoln County Commissioners to establish an archival storage room, utilize grant funding to restore original land title records, create online access to historical newspapers, and scan and microfilm thousands of pages of historical documents.

Ms. Burrows introduced Roberta Haldane as the author of several books about historical Lincoln County. Ms. Burrows stated Ms. Haldane recently returned a number of valuable ledgers, photos and papers dating from pre-statehood to the office of the County Clerk.

Roberta Haldane, distinguished author and daughter of Ernest Key who served as the Lincoln County Clerk from 1932 to 1936, provided a history of the documents including a Justice of the Peace Ledger from White Oaks dating from May 1893-1908. Ms. Haldane discussed her acquaintance with John Mottinger and her subsequent acquisition of his historic papers through his estate. Ms. Haldane expressed belief these documents should remain a part of the public record rather than in private collections and was therefore entrusting them to the Office of the Lincoln County Clerk.

16. McKinley County Juvenile Detention Center Contract

Ms. Taylor informed Lincoln County currently housed from two to six juvenile offenders monthly in the Dona Ana County Detention Facility at the rate of \$130 per day. Ms. Taylor stated Dona Ana was considering closing their juvenile offender facility and Eddy County was closing their juvenile facility.

Ms. Taylor stated McKinley County contacted her with a proposal to contract with them for housing juvenile offenders at the rate of \$108 per day. Ms. Taylor discussed the potential costs incurred by the Sheriff associated with transporting juvenile offenders to and from facilities. Ms. Taylor explained McKinley County had offered to meet at the halfway point to share transportation costs. Ms. Taylor stated the contract was not "exclusive" but would provide an additional option for housing of juvenile offenders.

Motion: Approve the contract between Lincoln County and McKinley County to house juvenile offenders, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

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

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

17. Required Space for District Attorney Staff – County Annex Building

Ms. Taylor provided an update on renovation work on the Annex Building noting floor work and paint were substantially complete with work progressing in other areas.

Ms. Taylor discussed the placement of prior occupants in various temporary locations and suggested Extension Service offices remain in the old Title Company Building. Ms. Taylor stated Extension staff preferred the location because of the additional space. Ms. Taylor anticipated the building would need minimal refurbishing to accommodate the Extension office on a permanent basis.

Ms. Taylor discussed the District Attorney's requirement for approximately 3700 square feet and expressed belief the bottom floor of the Annex Building was adequate to house both the District Attorney and the Historic Records Clerk offices. Ms. Taylor requested guidance as to permanent space assignment to facilitate phone and data line placement.

Motion: Approve the relocation of the Extension Service offices to 409 Central and locate the District Attorney and Historical Records Clerk on the bottom floor of the Annex, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

Commissioner Willard questioned if the Annex Building renovation was on budget. Ms. Taylor anticipated an increase in estimated costs to accommodate the bathroom renovations to meet ADA requirements.

Joan Whitley, representative for District Attorney Martwick expressed continued concern about environmental conditions in the building as well as security issues. Ms. Whitley also reiterated Ms. Martwick's assertion it would be easier to recruit attorneys if the offices were relocated to Ruidoso.

Ms. Taylor stated District Attorney Martwick was apprised of the successful environmental remediation work. Ms. Taylor expressed belief sufficient security measures could be installed to address those concerns. Ms. Taylor further stated she had invited Ms. Martwick to meet on site to review options.

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

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

No: Commissioner Willard.

Chair Stone recessed the Regular Meeting at 11:30 AM.

22. 11:30a.m.: Inspection of the Detention Center

Commissioner Willard, Commissioner Allen, and Commissioner Stewart toured the Detention Center.

Chair Stone reconvened the Regular Meeting at 1:00:00 PM.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:01:13 PM.

25. 1:00 P.M.: Public Hearing to consider the following Ordinance:

- a) Amend Ordinance 2014-03 an Ordinance providing for Dedication to the Safety Net Care Pool Fund payment by Lincoln County by Ordinance 2015-01

Attorney Morel reminded Ordinance 2014-03 was adopted to satisfy the State mandated requirement for counties to formally identify the source of public funds dedicated for the 1/12th Safety Net Care Pool (SNCP) obligation. Attorney Morel stated the Ordinance as written dedicated Mill Levy funds as Lincoln County's revenue source for this obligation.

Attorney Morel presented requested revisions to the Ordinance to provide the County the option to utilize other revenue sources such as the Indigent Health Care Fund for SCNP payments.

Chair Stone requested public comment and receiving none, reconvened the Regular Meeting at 1:04:07 PM.

Motion: Adopt Ordinance 2015-01 with changes as recommended, **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.

SEE EXHIBIT B: Copy of Ordinance 2015-01 is attached hereto in reference thereto made a part hereof.

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

Water Rights Notices: Ms. Taylor reported no new publications were posted to the State Engineer's website for Lincoln County. Ms. Taylor stated Attorney Kelly Cassels informed there

were discussions about a possible mediation conference to resolve issues associated with Lincoln County's protest of the Village of Ruidoso's Water Rights Transfer Applications.

Hazard Mitigation Grant Program: Ms. Taylor discussed the Lincoln County Education and Outreach Program funded by FEMA Grant 4079-DR-NM noting one final educational meeting was set for April 14, 2015. Ms. Taylor reported the efforts of the team leading the program had resulted in 35 individuals signing up to participate in the thinning program for a total of 656 acres. Ms. Taylor noted the importance of individual property owner participation to support a cost effective environmental analysis in order to qualify for the \$3.5 million mitigation grant.

Curt Temple, Planning Director stated notice was received from the NM Department of Homeland Security of a March 31, 2015 deadline for Final Application for the FEMA Mitigation Grant. Mr. Temple commented on the efforts to achieve 100% participation of property owners within the areas identified. Mr. Temple stated even though the FEMA Mitigation Grant would cover a 100% cost reimbursement, current enrollment did not meet the criteria to achieve the full grant funding.

Chair Stone suggested the County seek assistance from the Soil and Water Conservation Districts in identifying and encouraging private land owners in the identified areas to participate. There was discussion regarding the reluctance of part time residents to thin trees on their property.

National Forest Land and Resource Management Plan: Ms. Taylor reported the Cibola National Forest had published a notice of intent to revise the 1985 Cibola National Forest Land and Resource Management Plan and prepare an Environmental Impact Statement (EIS). Ms. Taylor stated comments were requested by April 3, 2015. Ms. Taylor stated the Lincoln National Forest had scheduled a kick-off meeting for their plan revision process on March 25, 2015.

SB493: Ms. Taylor reminded former Commissioner Jackie Powell had requested and received support from the Lincoln County Commission for Senate Bill 493 to clarify a lease of a water right and subsequent use of water shall not take effect until after the application was processed in accordance with the law. Ms. Taylor provided a copy of the letter of support sent on behalf of the Board of County Commissioners.

Rick Merrick, Rural Forester: Mr. Merrick provided an update on South Central Mountain RC and D activities including various thinning projects. Mr. Merrick stated 90% of Lincoln County's grant funding for thinning was allocated to various land owners under cost share agreements. Mr. Merrick stated he would continue to participate in educational activities such as the Fire Wise Communities program and the Watershed Conference. Mr. Merrick offered assistance with identification and recruitment of land owners for the proposed FEMA Mitigation grant.

19. **Providers and Vendors' Advisory Council for the Senior Citizen Program – Non-Metro AAA**

Ms. Taylor informed the Non-Metro Area Agency on Ageing required the establishment of a Provider and Vendors' Advisory Council to ensure eligible participants have the opportunity to provide input into the operations of related programs.

Motion: Establish a Lincoln County Provider and Vendors' Advisory Council and solicit members,
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.

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

Scott Annala, Indigent Health Care Administrator presented the Sole Community Provider/Safety Net Care Provider Pool claims for approval. Mr. Annala processed 14 claims with 14 recommended for approval and none recommended for disapproval for a monthly authorization of \$12,327. Mr. Annala stated the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$191,554 with a monthly average of \$21,284.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 26 claims with 16 claims recommended for approval and 10 for disapproval for a total payment this month of \$18,147.84. Mr. Annala stated the total expenditure for IHC claims for Fiscal Year 2014-2015 to date was \$56,209.44 for an average monthly indigent claims payment of \$6,245. Mr. Annala estimated expenditures based on average monthly payments of approximately \$74,940 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 Allen.

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

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

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

21. Manager's Report

1. **Hat's Off:** Orlando Samora earned the designation of Certified Public Purchasing Professional on January 22, 2015. Manager Taylor stated the training was mandated per NM Statute 13-1-95.2, which requires each local government entity to have in place a Chief Procurement Officer. Manager Taylor stated recertification was required every two years.
2. **Wattles:** The Manager reminded of prior discussions regarding the best process to utilize and distribute the wattles currently stored at the County Yard on Highway 37. The Manager reminded the original FEMA Project Worksheet contained language requiring the County give the wattles to land owners in the Little Bear Fire burn area but there was little response for need of the wattles. Since those efforts were largely unsuccessful The NM Department of Homeland Security and FEMA approved the distribution of wattles to other government entities. The Manager stated Eddy County requested wattles for use in road reconstruction place and would collect wattles from the County Yard.
3. **Federal Forest Reserve Payments to States:** NM Department of Finance and Administration notified counties the Secure Rural Schools (SRS) program expired on September 30, 2014, and was not as of this date reauthorized by Congress. The Manager stated counties would traditionally utilize Title I funds for public roads and schools and Title III funds for Fire Wise Community activities. This year, the Forest Distribution to the Road Department totaled \$13,950.67 or about \$151,000 less than last year and the Fire Wise Community activities received \$341.03 with disbursement normally in the range of \$27,000.
4. **Departmental Updates:**
 - a. Joe Kenmore, Director Office of Emergency Services (OES) stated during a recent Fire Chief's meeting Larry Ashley of the NM State Forestry informed plans were in place to station seven Single Engine Air Tanker (SEAT) planes around the state with two in Roswell for the upcoming fire season. Mr. Kenmore stated OES was working with the Upper Hondo Water and Soil Conservation District on a project for the Salado Dam. Mr. Kenmore stated he attended a FEMA meeting for "Senior Officials" at the Ruidoso Convention Center and would provide further information at a later date. Spencer Baldwin, OES Coordinator conducted an annual "refresher" training for the Volunteer Fire Departments.
 - b. Carl Palmer, Road Superintendent informed the "rock and roll" rollers approved in the current budget cycle were purchased and expected shipment in late April. Mr. Palmer stated he continued to seek a "grid" roller for purchase. Mr. Palmer stated one of the new snow plow trucks was out of service for the last three months for warranty covered repairs.

24. Budget Preparation Procedures & Timeline Approval FY 2015-2016

Ms. Taylor presented a timeline of events and procedures to prepare the FY 2015-2016 Budget.

Motion: Approve the scheduled dates for budget preparation and submission to the Department of Finance and Administration as presented, **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.

Ms. Taylor questioned if a formal budget adjustment was required to accommodate the disbursement of funds from the Indigent Fund. Sherri Huddleston, Chief Deputy Treasurer

advised the action approving the distribution funds to LCMC from the Indigent Fund would most likely require an end of year budget adjustment.

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

a) Ordinance 2004-04 Lincoln County Lodgers' Tax

Ms. Taylor suggested a Public Hearing to consider budget adjustments to accommodate the approved disbursement of funds for LCMC.

Motion: Schedule a Public Hearing to consider a budget adjustment for the Indigent Health Care Fund, **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.

Motion: Schedule a Special Meeting and Public Hearing for consideration of Preliminary Budget Fiscal Year 2015-2015 for May 5, 2015; and Schedule a Public Hearing for the Regular Meeting of April 21, 2015 to consider revisions to Lincoln County Lodgers' Tax Ordinance 2004-04, **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.

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

a. Planning Commission

No action.

b. Tabled-Senior Citizens Olympic Committee

No action.

c. Southeast Regional Transportation Planning Organization

Chair Stone appointed Commissioner Willard to serve as County representative for this organization.

d. Western Homestead Legacy Alliance

Chair Stone appointed Commissioner Draper to serve as County representative for this organization.

e. JLUS Implementation Committee Board Member – Policy Rep

Chair Stone appointed Commissioner Stewart to serve as County representative for this organization.

28. Potential Change to June Regular Meeting – NMAC 79th Annual Conference in Albuquerque, Bernalillo County

Ms. Taylor requested the Regular County Commission Meeting currently set for June 16, 2015 be rescheduled to June 23, 2015.

Motion: Reschedule the June 16, 2015 Regular Meeting to June 23, 2015, **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.

29. Dean Hood – Discussion on County Road Obligation in Twin Mountain Subdivision

Dean Hood, resident of Twin Mountain Subdivision off of Carrizo Canyon Road, informed the subdivision plat was approved by the County in 1958 and the subdivision roads were "dedicated"

to the County at that time. Mr. Hood questioned if a dedicated road was or was not eligible for County maintenance. Mr. Hood stated two sections of roads in the subdivision were maintained by the County until the 1980's when the County Road Department found they were not on the list of roads accepted for maintenance. Mr. Hood questioned why the County then began maintaining a small section of road in 2002 or 2003.

Attorney Morel explained the dedication of roads during the development and approval of a subdivision plat did not initiate an obligation for County maintenance. Attorney Morel stated subdivision developers had a responsibility to build roads to County standards and maintain them for two years prior to the County accepting them for maintenance.

Attorney Morel stated should the County adopt any "dedicated" roads for maintenance which were not built to County standards it would set a precedence.

Carl Palmer, Road Superintendent stated he had no knowledge of the history of roads in the area but confirmed the roads indicated as maintained were still currently maintained.

Commissioner Willard questioned the relevancy of the roads in question to Mr. Hood's property. Mr. Hood stated a neighbor had bladed a section of road which created unwanted runoff on a section of land which he was seeking to identify as either a County right of way or a County maintained road.

30. 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:

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 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.
- *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. Order Approving Master Sale, Confirming Sale and Approving Disbursements filed Feb. 18, 2015.
3. *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. Hearing regarding GSWA's Motion First Amended Verified Emergency Motion Seeking Further Relief on GSWA's Request for Preliminary Injunction Concerning the Rate at which the County Will Bill and Lincoln County's Motion for Sanctions is scheduled for May 12, 2015 at 9 a.m.
4. *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. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015.

*5. *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. 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. Memorandum and Order filed Feb. 2, 2015 granting Defendant's Motion for Summary Judgment on the Basis of Qualified Immunity and Other Grounds and Motion to Dismiss Plaintiff's First Amended Complaint and/or Motion for Summary Judgment and for Qualified Immunity by Judge Brack. Judgment filed Feb. 2, 2015 in favor of Defendants Kevin Kennedy, Neal Cox, Ben Hazen, LCSO, County and the Village of Capitan. Memorandum and Order filed Feb. 2, 2015 granting Defendant's Motion for Summary Judgment on the Basis of Qualified Immunity and Other Grounds and Motion to Dismiss Plaintiff's First Amended Complaint and/or Motion for Summary Judgment and for Qualified Immunity by Judge Brack. Judgment filed Feb. 2, 2015 in favor of Defendants Kevin Kennedy, Neal Cox, Ben Hazen, LCSO, County and the Village of Capitan. No Appeal has been filed.

6. *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.

7. *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.

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.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 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 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 alleging Constitutional Rights were violated resulting in wrongful termination.

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 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 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 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 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 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 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.

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, 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

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 12th Judicial District Court to 38 years filed on July 3, 1990.

Action: Approve, Moved by Commissioner Stewart, Seconded by Commissioner Willard.

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

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

Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:37:52 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:35:10 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.

31. Greentree Solid Waste Authority

a. GSWA - Update

Joe Lewandowski, Operational Consultant provided a timeline of key events beginning in March of 2013 with the GSWA approval of a landfill rate increase. Mr. Lewandowski detailed GSWA's adoption of billing rate increases since 2013 and discussed the associated requests to the Board of County Commissioners for a rate hearing.

Mr. Lewandowski discussed in detail the more recent event of the County's assumption of billing for County residents beginning in January 2015. Mr. Lewandowski provided GSWA's analysis of the effect of the January "split" billing which yielded a collection rate of approximately 60% versus the 91% collection rate GSWA would normally have received for this billing cycle. Mr. Lewandowski stated the approximately 44% shortfall would eventually create a financial situation for GSWA which would necessitate a reduction of services.

b. GSWA Timeline of Required Events

Mr. Lewandowski presented a list of requests for action by the County including a request to set a rate hearing at the earliest possible date. Mr. Lewandowski also requested the County provide financial assistance to GSWA to offset the revenue deficit due to the transfer of billing; support GSWA's efforts for collection of accounts billed prior to the County's assuming billing; to revise the Joint Powers Agreement; for the County to determine whether to withdraw from GSWA; and upon agreement of the preceding requests for all lawsuits to be dismissed.

Mr. Lewandowski commented on the possibility of Lincoln County issuing a Request for Proposal (RFP) for solid waste services and the probability of GSWA's ability to provide a competitive rate. Mr. Lewandowski discussed the relationship and ownership of the landfill and transfer station and the effects of Lincoln County's potential withdrawal for those facilities.

Ms. Taylor anticipated the consultant hired by Lincoln County to analyze costs associated with solid waste collection would provide the analysis by April 10, 2015. Ms. Taylor suggested a public hearing to consider rates at the Regular Meeting of April 21, 2014.

Jeff Kaplan, Director of General Services for the Village of Ruidoso expressed concern about any potential reduction in services by GSWA. Mr. Kaplan reminded as the only other major entity providing solid waste collection services the Village of Ruidoso could incur an increase in illegal dumping and a strain on their services. Mr. Kaplan requested both parties declare a moratorium on the discontinuance of services.

c. County Options re: GSWA

- i. County of Lincoln Withdrawal from GSWA
- ii. Rewrite of JPA
- iii. County of Lincoln to Manage GSWA

Motion: Schedule a Public Hearing to consider Solid Waste Rates on April 14, 2015 at 9:00 AM,

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.

33. Signing of Official Documents

34. Next meetings:

- a) April 21, 2015 – Regular Commission Meeting
- b) May 5, 2014 – Special Commission Meeting – FY 15-16 Budget Consideration

35. Adjourn

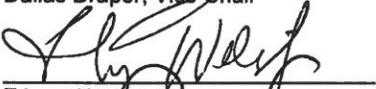
There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 4:24:55 PM.

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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

April 21, 2015
Date Approved

