

# 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, November 17, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on November 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 8:29:20 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 Willard.

**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. October 20, 2015 - Regular Commission Meeting

**Motion:** Approve the minutes of the October 20, 2015 Regular Commission Meeting with minor format correction, **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.

#### 7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending October 31, 2015

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

Commissioner Willard questioned if the Treasurer had received the monthly hospital lease payment.

Beverly Calaway informed the lease payment was received on a timely basis.

Punkin Schlarb, Finance Director responded to questions from Commissioner Stewart and Chair Stone regarding specific credits and payments.

**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. Recognition and Memorialization of Johnson Stevenson Stearns, Lincoln County Pioneer**

Nita Taylor, Manager presented a proclamation to recognize and memorialize Johnson Stevenson Stearns a lifetime resident of Lincoln County, pioneer, and historian. Ms. Taylor stated Mr. Stearns passed away on October 20, 2015 at the age of 98 having spent a lifetime in Lincoln County.

Commissioner Willard read the Proclamation acknowledging Johnson Stearns and his many contributions as a friend, neighbor, respected colleague and businessman. Commissioner Willard informed Mr. Stearns retired as President of the United New Mexico Bank also having served over the years as the Carrizozo City Clerk, Mayor of Carrizozo, and as a Carrizozo School Board Member. Mr. Stearns was a member of the Carrizozo Rotary Club, served on the Lincoln County Hospital Board, was the Treasurer for the Nogal Ranchman's Camp Meeting and was a founding member of the Nogal Presbyterian Church.

**Motion:** Approve the Proclamation of Recognition and Memorialization of Johnson Stevenson Stearns, **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.

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

**a) Smokey Bear Ranger District**

Ms. Taylor reminded of the departure of Ranger David Warnack and stated Acting District Ranger Anthony Sanchez could not attend today's meeting but provided a critical update report on activities related to the Forest Plan revision process. Ms. Taylor stated the update also included information on the Objection Period for the North Fork Wells Environmental Impact Statement and Draft Record of Decision which ended on November 9, 2015. Ms. Taylor noted the USFS Regional Office received one objection to the EIS and Draft Decision but no specifics regarding the objection were provided.

**b) Cibola National Forest**

Ms. Taylor reported the Cibola Range District had received multiple comments regarding the "Potential Wilderness Inventory" associated with the Cibola Forest Plan revision. Ms. Taylor provided copy of the issues of concern submitted by the New Mexico Department of Agriculture and other related documents or resources. Ms. Taylor also provided a calendar of events associated with the Cibola's Forest Plan Revision process.

**c) Community Forester**

Ms. Taylor presented the update from Rick Merrick, Community Forester for South Central Mountain RC & D informing there was good attendance at the November 3, 2015 Eastern New Mexico Speaker Series on the topic of "Update on Forest Plan Revision". Ms. Taylor stated Mr. Merrick reported more than seventy people attended the NM Prescribe Burn Council Workshop on October 29, 2015 with plans to host additional workshops in other areas of the state. Ms. Taylor stated Mr. Merrick also informed the steering committee for the Sacramento Mountain

Wood Industry Summit conference set for March of 2016 was actively seeking vendors, speakers and topics for the event.

Commissioner Willard commented on his attendance at the Prescribed Burn Council Workshop and commended Joe Kenmore of the Office of Emergency Services for his response to public questions regarding burn bans within the County.

**d) Upper Hondo Soil and Water Conservation District**

Laura Johnson, Program Coordinator for the Upper Hondo Soil and Water Conservation District (UHSWCD) provided an update on the reorganization of the Lincoln County Cooperative Weed Management Program. Ms. Johnson directed attention to the UHSWCD website and the newly posted interactive map of treatment areas and also historical areas of infestation. Ms. Johnson stated the District would update the maps based on spray records. Ms. Johnson stated the UHSWCD would continue to act as the fiscal agent for the Cooperative Weed Management Program and planned to submit applications for additional funding to the US Forest Service and to the US Department of Agriculture Water Quality Conservation Program to expand the Weed Treatment Program in Lincoln County. Ms. Johnson stated the UHSWCD also planned to partner with the Bureau of Land Management to map treatment areas.

Ms. Johnson discussed ongoing work on the Upper Hondo River to remove non-native invasive species with 1064 acres of treatment to date and plans to begin Phase Six extending the project to the Chaves County line. Ms. Johnson stated the District also planned to apply for funding from the Water Trust Board for planning and development of the repair and design of the Salado Dam.

**e) Office of State Engineer-Water Issues**

Ms. Taylor reported the following application was reposted to the State Engineer's website:

Cheryl Knobel H-505-PODS for Alpine Village Sanitation District: Permit to change point of diversion by ceasing the use of well Number H-505-5-2 and to drill a new well for the diversion of 11.7 acre feet per annum for domestic and sanitary purposes. Move from and move to points of diversion and place of use are 2.5 miles northwest of the Village of Ruidoso.

Ms. Taylor stated there was an additional posting in the Lincoln County News regarding an application for transfer of water rights by Alto Lakes Water and Sanitation District. Ms. Taylor stated she would review the posting for additional information.

Ms. Taylor discussed the extensive time commitment required to participate in the Forest Revision Plans for both the Cibola and Lincoln National Forest and suggested the Board of Commissioners consider appointing the County's Land and Natural Resources Advisory Committee (LANRAC) to represent Lincoln County.

Commissioner Stewart questioned the associated costs of LANRAC member participation.

Punkin Schlarb, Finance Director informed all committees and boards were entitled to mileage and per diem if participation required travel in excess of thirty miles.

There was a general consensus to request LANRAC represent Lincoln County at Forest Plan Revision meetings and to provide the appropriate compensation for mileage and per diem.

**10. Lincoln County Medical Center**

**a) Update of Financing Options – Erik Harrigan, RBC Capital Markets**

Ms. Taylor reminded during the September 15, 2015 Regular Commission Meeting she and Erik Harrigan of RBC Capital Markets were directed to research application processes and funding opportunities for the renovation and remodel of Lincoln County Medical Center (LCMC) through the New Mexico Finance Authority and the US Department of Agriculture.

Erik Harrigan, RBC Capital Markets presented a summary of the various financing options for the renovation and remodel LCMC project. Mr. Harrigan discussed the associated interest rates and loan guarantees required for General Obligation Bonds, pledged Gross Receipt Tax (GRT) revenues, and loans secured by lease revenue.

Commissioner Allen questioned what GRT increments the County would need to impose to secure a loan based on that revenue source.

Mr. Harrigan stated to secure a loan based on GRT revenues would require the pledge of a current 1/8<sup>th</sup> and potential imposition of additional increments for a total of 3/8<sup>th</sup> to meet minimum coverage requirements.

Commissioner Stewart questioned if a General Obligation Bond was approved by the voters, would the associated property millage be imposed automatically or could the County potentially offset the debt payment with a combination of lease payment revenues and revenues from a Gross Receipts Tax increment.

Mr. Harrigan explained the NM Department of Finance and Administration's (DFA) method to annually review the County's budgeted obligations and evaluate the total required revenues for debt service. Mr. Harrigan stated should the County have sufficient funds from other appropriate revenue sources such as the hospital lease, then DFA would not impose the General Obligation Bond property millage.

Commissioner Stewart commented the County would have the flexibility to impose an additional 1/8<sup>th</sup> "Hold Harmless" GRT if the hospital lease payment was insufficient to meet the debt service rather than increase property tax.

Chair Stone suggested the ideal situation was to offset the full debt service with a renegotiated hospital lease payment.

Commissioner Stewart requested Attorney Morel research the possibility of a Special Election and expressed concern about expending funds for architectural services prior to approval by the voters of a bond or GRT to facilitate the construction loan.

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

Commissioner Stewart reminded he welcomed dignitaries to Lincoln County at the ground breaking ceremony for the Fort Stanton National Veteran's Cemetery. Commissioner Stewart presented a "memento" provided by the Secretary of Veterans Services honoring the support received from Lincoln County.

Commissioner Allen expressed her concern for the citizens of France after the recent terrorist attacks.

Commissioner Draper echoed Commissioner Allen's sentiment and expressed gratitude for the United States Constitution Second Amendment.

Beverly Calaway, Treasurer provided a packet of pie charts and graphs of current mill rates, total property taxes billed, and the allocation of collected taxes to various entities. Ms. Calaway reminded property tax bills now defined the actual distribution of taxes paid by each tax payer to various entities.

Jack Davis, reminded of his prior discussions with the Board of Commissioners concerning water run off affecting his property in Alto. Mr. Davis stated he was working with the County to resolve the issues and thanked the Commission for their positive attitude.

Jim Kalvelage, resident of Alto expressed concern about the County's relationship with Greentree Solid Waste Authority and stated his main concern was the potential discontinuance of onsite slash collection. Mr. Kalvelage stated it was a burden to require property owners haul pine needles and other yard waste to Sierra Contracting and expressed belief the discontinuance of the onsite slash disposal program would contribute to fire danger.

Robert Phillips, of Alto also expressed concern about the discontinuance of onsite slash pickup and the associated fire hazard. Mr. Phillips noted his homeowners insurance rates had increased by 100% over the past years due to the fire risk and requested the County consider providing onsite slash pickup.

**10. Lincoln County Medical Center (continued)**

**a) Update of Financing Options – Erik Harrigan, RBC Capital Markets**

Mr. Harrigan provided additional information regarding application requirements for the New Mexico Finance Authority and the US Department of Agriculture. Mr. Harrigan noted both entities would require a revenue source other than pledged lease payments. Mr. Harrigan stated the

USDA application process was lengthy and would likely require a new environmental study as well as a full design prior to submission of an application. Mr. Harrigan discussed the current interest rates and rate setting policies of both agencies. Mr. Harrigan reminded voter approval of a tax question in November of 2016 would not yield any property tax revenue for the County to collect for a debt service payment within that tax year. Mr. Harrigan stated this delay of revenue would require consideration when establishing the debt payment structure for repayment of any bond issued.

Rhonda Burrows, County Clerk provided a copy of a memo prepared for the County Attorney identifying dates and requirements for a Special Election in 2016. Ms. Burrows reminded State Statute prohibited the conduct of a Special Election fifty days prior to any statewide election. Ms. Burrows further reminded Municipal Elections were set for March 1, 2016 and the Ruidoso School District planned a Special Bond Election for February 2, 2016.

There was a lengthy discussion regarding costs and potential timing of a Special Election.

Commissioner Allen questioned what contingency options were available should voters not approve a General Obligation Bond.

Mr. Harrigan stated the County could potentially impose additional GRT increments and create a supplemental pledge of lease revenue.

Attorney Morel commented on the potential election scenarios but reminded a decision on this question was not on today's agenda for action.

Attorney Morel explained the architectural contract was listed as an action item on today's agenda due to the USDA requirement for completion of full design plans prior to submission of an application.

Al Santos, LCMC administrator informed the hospital's next Joint Commission on Accreditation of Health Care Organizations (JCAHCO) inspection was scheduled in June 2017 and expressed belief postponement of voter approval of financing until the 2016 General Election could affect the hospital's reaccreditation. Mr. Santos also stated if the voters did not approve a bond for renovation and remodel, LCMC's risk for loss of licensure would increase.

b) Architectural Contract with Dekker, Perich, and Sabatini for design of LCMC

Ms. Taylor reminded during the April 14, 2015 Special Commission Meeting the architectural firm Dekker, Perich, and Sabatini provided a facility assessment and proposed a schematic design for the renovation and remodel of LCMC.

Bobby George, Principal Architect with Dekker, Perich, and Sabatini stated the prior presentation of the preliminary design and development options was developed with the goal of a financial commitment after the 2014 General Election. Mr. George stated since the preliminary design estimated costs were presented, a large decline in available labor had occurred thus increasing labor costs. Mr. George stated based on current information future construction bids and labor costs were likely to increase. Mr. George stated the base estimate construction cost of \$25 million could increase 2% to 4% or approximately \$500,000 per year of delay in construction. Mr. George suggested the cost of a Special Election was negligible as compared to the cost of delaying construction.

Mr. George stated the initial work financed by the LCMC Auxiliary was conducted to provide some "real" dollar estimates to present to the County and the voters. Mr. George stated his firm worked with each of the departments within the hospital to determine the "real" square footage needed to accomplish the future needs of each department. Mr. George explained the estimated fees for the design phase were based on CES contractor rates.

Ms. Taylor reminded the estimated time for completion of the design plans by Dekker, Perich, and Sabatini was five to six months with an estimated cost of \$2,099,445.

Commissioner Stewart suggested the estimated increased construction cost of \$40,000 per month was supportive of the argument for a Special Election.

Commissioner Allen concurred with Commissioner Stewart but questioned references during the discussion of a total cost of \$40 million for the planned renovation versus the estimated cost to the County of \$27 million.

Mr. George explained the total cost of \$40 million included: \$27 million for hospital construction, \$1.9 million for construction of the Emergency Medical Services building, \$8 million in furniture and fixtures furnished by Presbyterian, professional fees including architectural fees, gross receipts taxes and construction contingencies.

Commissioner Willard questioned if there were design characteristics which were "wants" versus "needs".

Mr. George explained the project was focused on patient centered care and design plans were developed to meet future needs. Mr. George stated "wants" were not included in the mix but the plans were focused on actual needs and growth of services.

Chair Stone, speaking for himself, objected to pressure to act quickly on any decision to build a "state of the art" facility which would require the County to obligate residents to a 30 year debt for an estimated \$32 million dollars.

Mr. George suggested the question today was whether to wait for voter approval of a bond or to proceed with the design plans to facilitate loan applications and other preplanning efforts. Mr. George stated there was a component of the estimated architectural fee which was directly related to actual construction which could be paid at a later date.

There was general consensus to consider when to present a bond question to the voters and reconsideration of the architectural contract during the December Regular Meeting.

c) Consulting Contract with Newpoint Healthcare Advisors

Attorney Morel discussed the prior presentation by Joseph Lupica, Chairman of Newpoint during the November 6, 2015 Special Commission Meeting and the offer to provide assistance with future hospital lease negotiations. Attorney Morel stated he prepared a draft agreement but the final draft was pending definition of the full scope of services and terms. Attorney Morel requested direction as to the scope of services and authorization to complete the negotiations for professional services for a maximum of \$60,000 to be reimbursed \$20,000 per month inclusive of all expenses.

Chair Stone questioned if the reimbursement for services would cease if issues were resolved prior to the three month term of the contract.

Attorney Morel confirmed reimbursement would cease when services were complete.

There was a general discussion regarding the advantages of seeking expertise to assist with decisions related to the hospital lease with Presbyterian particularly as the payment related to the financing of the renovation and remodel of LCMC.

Commissioner Stewart suggested costs incurred be budgeted from the hospital lease revenues.

**Motion:** Approve the consulting contract with Newpoint Healthcare Advisors as negotiated by the Attorney for a maximum of \$60,000, **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.

**Motion:** Authorize the Manager to sign the contract with Newpoint Healthcare Advisors, **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 Draper, Commissioner Willard.

11. **Lincoln Hills Subdivision request to cease use of a portion of Gene Littler Lane by Resolution 2015-18**

Attorney Morel reminded of the prior discussion during the October 20, 2015 Regular Commission Meeting regarding the request to cease use of a portion of Gene Littler Lane. Attorney Morel stated he was directed to ensure adjacent property owners received proper notification, to confirm proper notification of changes to the subdivision development agreement and plats were accomplished; and confirm the Lincoln Hills Subdivision would dedicate a particular 60 feet of roadway to Lincoln County.

Attorney Morel informed in response to notification, only one response was received from adjacent property owners and the response was supportive of the action. Attorney Morel presented a Resolution approving the request for partial closure Gene Littler Lane.

**Motion:** Adopt Resolution 2015-18 Closing a portion of Gene Littler Lane between Antler Drive and Paso Monte Loop assuring the remainder remains open, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

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

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

**No:** Commissioner Willard.

**SEE EXHIBIT B:** Copy of Resolution 2015-18 is attached hereto in reference thereto made a part hereof.

**12. Opposing U.S. Fish & Wildlife Service Wolf Recovery Program by Resolution 2015-22**

Ms. Taylor informed in January of 2015 the Federal Fish and Wildlife Service finalized plans to enlarge the Mexican Wolf Experimental Population recovery area in Arizona and New Mexico. Ms. Taylor stated the change dramatically enlarged the area for wolf release from US Interstate 10 to the border of Mexico.

Ms. Taylor stated in September of 2015 the New Mexico Game and Fish Department denied the US Fish and Wildlife Services' request to release additional wolves in New Mexico based on a lack of information. Ms. Taylor stated the New Mexico Game Commission unanimously upheld the denial.

Ms. Taylor stated on October 1, 2015 the US Fish and Wildlife Service proposed numerous potential wolf release sights in Socorro County prompting the Socorro County Commission to adopt a resolution opposing the release of wolves in Socorro County. Ms. Taylor presented a similar Resolution for consideration.

**Motion:** Adopt Resolution 2015-22, **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 Draper, Commissioner Willard.

**SEE EXHIBIT C:** Copy of Resolution 2015-22 is attached hereto in reference thereto made a part hereof.

**14. Approval of Required 2016 Operational Resolutions:**

- a) Resolution 2015-15 - Establishing 2016 Regular Commission Meetings
- b) Resolution 2015-16 - Establishing 2016 County Official Holiday Calendar
- c) Resolution 2015-17 - Open Meetings Act
- d) Other 2016 Committee Meetings - Planning Commission, Lincoln Historic
- e) Preservation Board and Lodger's Tax Committee

Ms. Taylor presented the annual operational resolutions and monthly meeting dates for approval and publication.

**Motion:** Adopt Resolution 2015-15; Resolution 2015-16; Resolution 2015-17; and approve other 2016 Committee Meeting scheduled dates; **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.

**SEE EXHIBIT D:** Copies of Resolution 2015-15; Resolution 2015-26; and Resolution 2015-17 are attached hereto in reference thereto made a part hereof.

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

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 10 claims with 7 recommended for approval and three recommended for disapproval

for a monthly authorization of \$3,866. Mr. Annala stated approval of the claims would result in a total approval to date of SNCP claims for Fiscal Year 2015-2016 of \$80,624 or a monthly average of \$16,125.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 3 claims with 1 claim recommended for approval and 2 for disapproval for a total payment this month of \$10,000. Mr. Annala stated approval of the claim would result in a total expenditure to date for IHC claims for Fiscal Year 2015-2016 of \$30,530 or a monthly average of \$6,106. Mr. Annala stated based on the current monthly average he anticipated an annual expenditure of \$73,273 for the 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.

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

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

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

## **16. Manager's Report**

- 1. 2016 Capital Outlay Project Request Forms:** Capital Outlay request forms were provided to Hubert Quintana on October 22, 2015. The County's legislative delegation held a hearing on November 10, 2015. The Manager provided a copy of information presented to the legislators supporting Lincoln County requests. The Manager reported Commissioner Allen co-presented the information and Commissioner Willard also attended the hearing. The Manager noted the ICIP and narrative explanation indicated construction costs for the Lincoln County Medical Center remodel as \$17 million for the first year and \$16 million for the second year, the Manager stated the requests were clarified and legislators were informed the County was not requesting the full amounts but rather an annual capital outlay of perhaps \$500,000 to leverage against the debt. The Manager stated legislators were very interested in the LCMC remodel project and understood the importance of the initiative to the citizens of Lincoln County. Legislators present were Senator Bill Burt, Senator Ted Barela, Representative Zach Cook and Representative Nora Espinoza.
- 2. Auditor Exit Interview:** the Accounting & Consulting Group conducted an exit interview on October 29, 2015. Ray Roberts, Managing Partner conducted the interview with the Manager, Finance staff, and Treasurer's staff. The Manager reported Commissioner Stone and Commissioner Willard also attended the exit interview. Mr. Roberts summarized the findings, complimented staff on their consistent work to fix identified problems and for learning from the process. Mr. Roberts estimated his firm would have the formal audit available for public review by the December Regular Commission Meeting.
- 3. New Mexico DOT Presentation:** the Manager reported the NM Department of Transportation had hired the consultant firm of Molzen Corbin. The Manager stated this firm would deliver a presentation to the County Commission and meet with the Town of Carrizozo residents to begin to socialize the plans for Highway 54 improvements through Carrizozo. The Manager anticipated the firm would attend the December 15, 2015 Regular Commission Meeting and also schedule the first Stakeholder Kickoff Meeting in Carrizozo on that same date. The Manager stated Molzen Corbin was aware of concerns regarding drainage problems and the lack of curbs and gutters as well as other problems and were prepared to address the concerns.
- 4. El Capitan Mine:** the Manager reported a number of individuals mistakenly attended the Special Commission Meeting of November 6, 2015 believing the agenda included a discussion of issues related to the El Capitan Mine. The Manager reported the individuals requested she inform Commissioners of their interest and attendance. The Manager provided a list of the eight individuals in attendance and relayed their concerns regarding the high amount of activity occurring at the mine and the associated noise levels during late hours of the day. The Manager stated in response to a request from Commissioner Willard she contacted the attorney for El Capitan Mine to request a tour. The Manager stated a tour was offered for mid-December and requested input from Commissioners on a final date.

5. **Village of Ruidoso After Hours:** Debi Lee, Village of Ruidoso Manager invited Lincoln County to participate in an "After Hours" event at the Ruidoso Convention Center on November 19, 2015. The theme of the celebration was local governments working together to achieve goals. The County and the Village are working together on several initiatives including building inspections for certain areas of the County, the Multi-jurisdictional Hazard Mitigation Plan, and a partnership with the Village of Ruidoso and Socorro County on the SET Application for Economic Development.

6. **La Casa:** the Manager participated in a teleconference with the Director of Operations for La Casa Family Health Center who acknowledged the Hondo Clinic was temporarily closed from August 8, 2015 through October 30, 2015. The Manager reported the clinic's temporary health care professional abruptly left to accept a permanent position elsewhere. Hondo Clinic patients were offered continued care with providers at La Casa's Health Center in Roswell. La Casa anticipated staffing the clinic with a full-time Certified Nurse Practitioner from November 2, 2015 until December 11, 2015 with plans to hire a Family Practice Physician to begin in January of 2016. The Manager planned to verify operational status and informed La Casa they would receive no additional payments until services provided equaled payments rendered.

The Manager commented on the need to define reporting requirements for clinics and hospital expenditures in order to capture any disruption of services and other factors.

7. **Detention Center Update:** the County received the fully executed First Amendment to the Agreement from Emerald Correctional Management, LLC. The Manager reminded the amendment solidified the provision of tele-psychiatry and other face-to-face mental health services for detainees. The Manager noted Lincoln County was one of the first counties in the state to utilize the tele-psychiatry technology.

8. **Departmental Updates:**

a) **Punkin Schlarb, Finance Director** discussed ongoing efforts by maintenance staff to clear drains and resolve roof leaks in the Annex prior to moving the Finance Department offices. Ms. Schlarb anticipated presenting several mid-year budget adjustments for the FY 2015-2016 Budget during the December Regular Meeting.

b) **Joe Kenmore, Office of Emergency Services Director (OES)** informed the Bonito Fire Department received notice their ISO Rating was lowered from a class 8 to a class 6. Mr. Kenmore stated the Hondo Fire Department aided by Spencer Baldwin of OES applied for and received a grant in the amount of \$80,000. Mr. Kenmore stated the Hondo Fire Department had funding to meet the \$20,000 match. Mr. Kenmore stated the funds were for construction of a new Hondo Fire Station.

c) **Billie Joe Guevara, Administrative Assistant/Human Resources** informed interviews were scheduled for the Assets and Information position on December 3, 2016.

d) **Renee Montes, Senior Services Director** reported on an informative presentation on family caregivers sponsored by the Aging and Long Term Services Department with NM Secretary Designate Myles Copeland in attendance. Ms. Montes stated Commissioner Willard and members of the local Creative Aging group also attended the workshop. Ms. Montes stated she and Chair Stone attended the Creative Aging Group meeting in Capitan which was also well attended by community members. Ms. Montes stated the Lincoln County RFP for Senior Services was submitted on October 28, 2016 and anticipated an award notification in January.

Chair Stone recessed the Regular Meeting at 11:57:42 AM and reconvened at 12:59:08 PM.

e) **Bill Cupit, Interim Road Superintendent** discussed department preparations for winter weather including accumulation of salt and inspection of winter weather equipment. Mr. Cupit stated there was approximately \$25,000 in funds available for work on Bonito Road and he was considering options. Mr. Cupit stated he also planned seek cooperation from the US Forest Service for work on Hale Road and Ranger Road. Mr. Cupit briefly discussed efforts to clear trees from County right-of ways and ongoing road maintenance projects.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:03:34 PM.

**20. 1:00 P.M.: Public Hearing to consider the following**

**a) Ordinance 2015-04; Amending the Lincoln County Personnel Policies and Procedures Ordinance 2014-08**

Attorney Morel explained the only proposed change to the Ordinance was a change in the classification of the Road Superintendent position from a classified employee position to an unclassified employee position. Attorney Morel reminded the position was currently vacant therefore the timing of the revision was appropriate.

Chair Stone requested public comment and receiving none proceeded to the public hearing for Ordinance 2015-05.

**b) Ordinance 2015-05; Amending Ordinance 2009-03 an Ordinance that Regulates Refuse, Solid Waste, and Litter in Lincoln County**

Attorney Morel reviewed the proposed changes including: deletion of the definition and all references to "refuse" as a duplicative definition of "solid waste"; clarification of the definition of construction debris; deletion of all references to Greentree Solid Waste Authority; deletion of language which permitted the accumulation of solid waste on individual properties providing the debris was not within 200 feet of another property; clarification of requirements for disposal of ashes; deletion of language specific to mobile home parks, condominiums, and multifamily residences; and deletion of language related to permitting procedures for a Solid Waste Disposal Permit.

Attorney Morel recommended additional language to define the County's relationship with the various water and sanitation districts within the county.

Commissioner Willard questioned if the Ordinance should include language defining the exemption from solid waste collection for large landowners.

Attorney Morel informed exemptions from solid waste billing were included in the related Lincoln County Ordinance 2015-03 which defined solid waste collection and billing practices.

Chair Stone questioned what authority was responsible for enforcement of the various requirements set forth in the Ordinance.

Attorney Morel stated the Lincoln County Sheriff's Office was charged with enforcement responsibilities.

Commissioner Stewart questioned if the County should consider a requirement for licensed contractors to provide proof of proper disposal of any construction related materials.

Attorney Morel reminded Lincoln County did not issue business licenses and therefore tracking contractors could prove difficult. Attorney Morel offered to research the question and possible options.

Chair Stone requested further public comment and receiving none recessed the Public Hearing and reconvened the Regular Meeting at 1:21:13 PM.

**Motion:** Adopt Ordinance 2015-04 and adopt Ordinance 2015-05 with amendments to include references to Water and Sanitation Districts, **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 Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

**SEE EXHIBIT F:** Copies of Ordinance 2015-04 and Ordinance 2015-05 are attached hereto in reference thereto made a part hereof.

**17. Approval of the following Resolutions/Agreements: Road Fund Time Extension for Certain Projects/First Amendments to Cooperative Agreements**

- a) Resolution 2015-19
- b) Resolution 2015-20
- c) Resolution 2015-21

Ms. Taylor informed the Road Department requested approval to seek a one year extension to Lincoln County's 2014 Cooperative Agreements which terminate on December 31, 2015. Ms. Taylor stated the Road Department was requesting the extension from the New Mexico Department of Transportation to secure funding until December 31, 2016.

Ms. Taylor reminded timely bids were received for the initial projects identified but actual costs were lower than estimated. Ms. Taylor stated additional projects were identified and the agreements were amended to secure the remaining funding to complete the additional projects.

**Motion:** Adopt Resolution 2015-19; Resolution 2015-20; and Resolution 2015-21, **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.

**SEE EXHIBIT G:** Copies of Resolution 2015-19; Resolution 2015-20; and Resolution 2015-21 are attached hereto in reference thereto made a part hereof.

#### **18. Approval to Extend Interim Road Superintendent Position**

Ms. Taylor reported six applications were received for the vacant Road Superintendent position and subsequently three of the applicants were interviewed for the position. Ms. Taylor stated members of the selection panel unanimously recommended the position remain open and the search broaden for qualified applicants.

Ms. Taylor reminded of prior approval to extend the Interim Road Superintendent's contract to November 26, 2015 and requested an additional extension through December 31, 2015. Ms. Taylor stated the extension would provide additional time to seek a permanent employee and provide for a transition period.

**Motion:** Authorize the Manager to extend the Interim Road Superintendent's contract through December 31, 2015, **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.

#### **19. Authorization to Issue Invitation to Bid for County Cleaning Services**

Ms. Taylor informed the current contract for Janitorial Services was awarded in November of 2014 to R and B Cleaning Service. Ms. Taylor stated the bid and contract awarded did not include services for the Annex Building which was in the process of remediation and repair. Ms. Taylor stated obtaining additional services for the approximately 7400 square feet would require issuance of a new Request for Proposal for County Janitorial Services.

**Motion:** Authorize the Chief Procurement Officer to issue a Request for Proposal for Janitorial Services, **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.

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

##### **a) Setting Forth Wolf-Human Incident Emergency Protective Measures**

Chair Stone expressed belief Lincoln County had the opportunity to increase the authority and jurisdiction of the County Sheriff for the protection of residents from wolves.

Attorney Morel reminded governance and regulation of endangered species was heavily preempted by Federal Authority.

Commissioner Stewart expressed belief State Statute existed which provided for the destruction of any animal threatening livestock or life.

Sheriff Shepperd confirmed State Statute existed granting authority for the destruction of predators but stated the Statute excluded the destruction of animals defined in the Endangered Species Act. Sheriff Shepperd discussed the current federal requirements and conditions under which a resident has the right to kill an animal.

Sheriff Sheppard stated Catron County had contracted with a private individual for predator control and suggested inviting that individual to participate in a public hearing and discussion of this problem.

Chair Stone reflected on the over reach of the Endangered Species Act as affecting numerous activities including proper management of forest lands.

Sheriff Shepperd expressed belief current Federal regulations conflict with constitutionally provided private property rights.

There was general consensus to request a presentation from Catron County on their current policies and practices to deal with wolf-human incidents.

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

- a) Lincoln Historic Preservation Board
- b) Planning Commission
- c) Senior Citizens Olympic Committee
- d) Road Task Force Steering Committee

No action was taken.

**24. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).**

**Motion:** To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

**New or Updated Matters since last report = \***

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

2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.

3. *\*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 its 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. Mr. Beauvais' Attorney Charging Lien was filed April 29, 2015. Court of Appeals filed their Opinion October 1, 2015 upholding the District Court's granting of Summary Judgment in favor of the County and Alto Lakes Water and Sanitation District. GSWA filed its Petition for Writ of Certiorari Oct. 27, 2015 With New Mexico Supreme Court.

4. *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.
5. *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.
6. *Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd D 1226 CV 2015-00103* Complaint for Damages and Summons received June 15, 2015. Removed to Federal Court July 7, 2015. Order Granting Defendants' Motion to Dismiss filed Oct. 7, 2015.
7. A. *Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd D-1226-CV-2015-00112* Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Filed Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination on Oct. 13, 2015.  
B. *Preston, DeAnna: Notice of Charge of Discrimination* submitted to the U.S. Equal Employment Opportunity Commission July 21, 2015. Mediation was Oct. 29, 2015.
8. *Valle del Sol v. Naron, et. al. D-1226-CV-2015-00166* Complaint to Enforce and Collect Upon Promissory Note and to Foreclose Mortgage upon Real Property filed Sept. 24, 2015.
9. *Cody McMurray v. Board of County Commissioners, et al - D 1226 CV 2015-00170 Div. III-* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights.
10. *Bill Turner v. Board of County Commissioners, et al - Cause No. 2:15-CV-00827-LAM-SMV -* Complaint for Damages filed Sept. 28, 2015 by Attorney W. Chris Nedbalek alleging violation of Civil Rights.

#### 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 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

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

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

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

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

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

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

**Culp, Susan v. LCMC/Lincoln County:** Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

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

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

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

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

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

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

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

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

**Estate of Viola/Orlando Montes** – Tort Claim Notice received Sept. 28, 2015 from Attorney J. Robert Beauvais alleging vender was allowed onto Lincoln County Fairgrounds without necessary safety equipment.

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

#### **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 from Attorney Victor F. Poulos 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 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

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

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

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

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

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

**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, Amle** – 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.

**Caughron, Brittany and Anderson, Amle** – 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. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

**2013**

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

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

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

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

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:41:26 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:36:38 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.

**24. Potential Property Purchase**

No action was taken.

**26. Potential Action – GSWA**

**Motion:** Authorize the Manager to negotiate a new professional services agreement for the implementation of Solid Waste Collection Services for a maximum of \$60,000 with Charles Fielder, **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.

**27. Signing of Official Documents**

**28. Next meetings:**

November 19, 2015 - Special Commission Meeting  
December 15, 2015 -Regular Commission Meeting  
January 26, 2016 - Regular Commission Meeting

**29. Adjourn**

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 3:39:51 PM.

County of Lincoln  
Board of County Commissioners

  
\_\_\_\_\_  
Preston Stone, Chair

  
\_\_\_\_\_  
Dallas Draper, Vice Chair

  
\_\_\_\_\_  
Elaine Allen, Member

Thomas F. Stewart

Thomas F Stewart, Member

F Lynn Willard

F Lynn Willard, Member

ATTEST:

Rhonda Burrows

Rhonda Burrows, County Clerk

December 15, 2015  
Date Approved

