

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Todd F. Proctor, Chair
Jon F. Crunk, Vice Chair

Samantha J. Serna, Member
Mark G. Fischer, Member
Pierre S. Pfeffer, Member

Minutes Tuesday April 18, 2023

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on April 18, 2023, in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico. The meeting was also accessible via Zoom.

1. Call to Order

Chair Proctor called the Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Commissioner Fischer, Commissioner Serna via zoom, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

Others present included Ira Pearson, County Manager; Alan Morel, County Attorney; and Shannan Hemphill, County Clerk

3. Invocation

The Invocation was presented by Commissioner Crunk.

4. Pledge of Allegiance

- a. Pledge – USA 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 Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

6. Approval of Minutes:

- a. March 1, 2023, Special Commission Meeting
- b. March 21, 2023, Regular Commission Meeting

Motion: Approve the Minutes of March 1, 2023 Special Commission Meeting and the March 21, 2023 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month Ending March 31, 2023
- c. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims
- d. Restricted Housing Report - Quarter Ending March 2023
- e. Approval of Proclamation Declaring the Month of May as Motorcycle Awareness

- Month
- f. Approval of Resolution 2023-48 Disposition of Surplus Inventory
- g. Approval of Resolution 2023-49 a Resolution for a Variance from the Ordinance No. 2004-5, Allowing Temporary Vendors and Structures at Special Events in Lincoln, New Mexico
- h. Approval of Resolution No. 2023-51 A Resolution Confirming Lincoln County to Participate in the New Mexico Department of Transportation Project Fund Call for Projects

Treasurer Huddleston provided the 3rd quarter Treasurer's Financial Report.

Motion: Approve the Consent Agenda as presented, **Action:** Approve, **Moved by** Commissioner Pfeffer, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

SEE EXHIBIT A: Copies of the Consent Agenda items including Resolution 2023-48, Resolution 2023-49 and Resolution 2023-51 are attached hereto in reference thereto made a part hereof.

8. Approval of Budget Adjustment FY 22/23 by Resolution 2023-47

Manager Pearson detailed the budget adjustments requested.

Motion: Approve Budget Adjustment FY 22/23 by Resolution 2023-47, **Action:** Adopt, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

SEE EXHIBIT B: Copy of Resolution 2023-47 is attached hereto in reference thereto made a part hereof.

9. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Jennifer Thomas, Smokey Bear Ranger District, introduced Eric Luna as the acting forest supervisor until the position is filled. Ms. Thomas stated they were monitoring the fire indices and considering a change from moderate to high.

David Baker, Ecologist for the Lincoln National Forest, provided an update on the forest revision plan. Mr. Baker stated there were over 475 comments and the next step was the objection process. Mr. Baker explained they made some revisions on the forest usage mostly in Otero County; however, it would affect Lincoln County as well. Mr. Baker stated the Fish and Wildlife Service would submit a biological assessment for opinion. Mr. Baker provided a timeline of events to include the final impact statement in July, notice of availability in September, a 60-day objection period from September to November and Resolution meetings through December. Mr. Baker stated the decision would be signed in March 2024.

b. Lincoln County / NMSU Extension Services

Melanie Gutierrez, Lincoln County Extension Service, provided an update on the different projects being worked on in the County. Ms. Gutierrez spoke on Egg to Chick which was a program in the Fourth Grade Class in Capitan where they discussed the process and biology of the chickens. Ms. Gutierrez stated unfortunately no chicks made it after 3 weeks, so the children were unable to see the full process. Ms. Gutierrez explained YGA which was a weeklong camp 13 kids from Lincoln County attended. Ms. Gutierrez stated she would be attending a weeklong leadership conference in Arizona. Ms. Gutierrez stated they were also working on Ag Days in Carrizozo for the Elementary and Junior High students.

c. South Central Mountain RC & D

Laura Doth, South Central Mountain RC&D, provided an update on the Rio Bonito WUI. Ms. Doth explained the Emergency Watershed Protection Program and stated they would be working on 2 new dirt tanks, one for the Village of Ruidoso and the second on private property. Ms. Doth

explained they completed the excavation at Lower Homestead however, they are continuing the excavation on Airplane Canyon. Ms. Doth stated they were waiting for the permits so they could begin working on the river by the Racetrack. Ms. Doth detailed the placement of the waddles on private property with the help of about 100 students from the High School through the Eco Servants program. Ms. Doth stated they submitted an application to NM Game and Fish to get funding for parking areas in new ohv designated areas.

d. Upper Hondo Soil & Water Conservation District

Robert Barber, Upper Hondo Soil & Water Conservation District, informed they continue to work in Nogal Canyon on the WUI and EWP projects including mastication, reseeding and installing waddles. Mr. Barber stated they were waiting for the NRCS to redesign gabion baskets which would be placed in the river to protect a house and they were looking to shore up two bridges. Mr. Barber provided the quarterly report.

e. Land and Natural Resources Advisory Committee-LANRAC

Robert Barber, LANRAC, stated they attended the forest revision plan meeting and they had submitted comments, so they had standing and were watching for the objection period. Mr. Barber informed they were working with the BLM on grazing rules, the Solar management energy plan coordinating agreement which hadn't been updated since 2012, and a proposed rule change for the conservation and landscape health of public lands which was published on April 3 with comments due June 20. Mr. Barber stated they were looking to revise their Land Use Resolution 2017-25.

10. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (Items are for discussion only – no action will be taken)

Chair Proctor toured the new dispatch center and attended many meetings including the wilderness plan meeting in Roswell, the Solid Waste workshop, and the regional legislative update in Roswell where it was learned the County Detention facilities transportation had never been paid to the County. Chair Proctor stated he was hopeful that they could get some more information and hopefully some funding from detention facilities transportation.

Commissioner Crunk stated he was on the Eastern New Mexico Workforce Board and the State Workforce Board, and he explained the UFO (Unearthing Future Opportunities) project. Commissioner Crunk explained the UFO program showed students real life jobs which don't require University Diplomas. Commissioner Crunk stated he liked to see involvement in the community; however, the Commissioners get a lot of emails from people who had never attended a Commission meeting, telling them how to do their jobs. Commissioner Crunk stated each meeting is started with an invocation and the pledge to the flags and they recognize the people who attend the meeting and are involved in their community; however, at the last Republican meeting there was a cheering crowd in support of the Constitution, the Bill of Rights, the Ten Commandments and other documents being hung on the walls of the Commission Chambers. Commissioner Crunk stated if they had attended Commission Meetings, they would see the Declaration of Independence and other documents already on display. Commissioner Crunk informed at the same meeting there was a discussion about some books available in the Ruidoso School Library, one about trans-gender and another about sexual activities and how to do it, including illustrations; and at least one of the books was available for 10-year-olds. Commissioner Crunk stated it was unfortunate there were 35 people at the School Board Meeting opposing the removal of the books from the library and only 2 in support of their removal. Commissioner Crunk would like to see more actual involvement from the Community and less talk.

Commissioner Pfeffer commended Commissioner Crunk on the UFO project. Commissioner Pfeffer stated one of the problems with infrastructure projects wasn't lack of funding, it was lack of manpower. Commissioner Pfeffer explained in California they moved the teaching of trades to Community Colleges to help increase the manpower in those types of jobs. Commissioner Pfeffer stated he would also like to see more involvement. Commissioner Pfeffer stated broadband was a necessity for all of the people in today's day and age.

Commissioner Fischer commended Commissioner Crunk on his statements and stated people need to get involved, not just sit back and complain. Commissioner Fischer informed he had also attended the meeting in Roswell with Chair Proctor and Representative Spence-Ezzell spoke at that meeting and informed she would like to secede from New Mexico and join Texas. Commissioner Fischer explained there was a meeting with numerous State Representatives from the area who informed their measure of effectiveness during the session was about stopping bad bills, however they were unable to stop many of them including the bill which required feminine hygiene products be placed in the boys' bathrooms in schools. Commissioner Fischer was worried

about the Forest Service's lack of concern for the local people. Commissioner Fischer informed there was a large amount of money allocated for Broadband use throughout the State and he would support getting the money for Lincoln County to hook up broadband services throughout the County. Commissioner Fischer spoke on the difference between equality and equity.

Commissioner Serna stated she appreciated the Capital Outlay recently allocated to all of Lincoln County entities and hoped it would better enhance services and the quality of life for those in the County. Commissioner Serna attended a meeting with Manager Pearson about an economic development opportunity which had grant dollars earmarked for the County.

Clerk Hemphill provided an update on the many projects in her office at the current time including the dates and deadlines of the Capitan Schools Special All-Mail election for a Mil Levy Tax Question to be held on May 9, 2023, the Village of Capitan Special All-Mail election for Local Option Liquor License Transfers to be held on June 6, 2023, and the City of Ruidoso Downs Special All-Mail election for Inter-Local Transfers of Liquor Licenses to be held on June 27, 2023. Clerk Hemphill also provided a brief overview of the timeline for the Regular Local Election to be held on November 7, 2023.

Treasurer Huddleston attended the Legislative Recap Session in Roswell and stated there were quite a few bills which she recommended reviewing as they affected the Parent's Rights. Treasurer Huddleston explained her office was collecting the second half taxes as well as working on the 3 Year delinquent notices which informed the homeowners they needed to be cleared by July to avoid being turned over to the State.

Assessor Hill reiterated what Treasurer Huddleston explained about the Parent's Rights being taken away and people needing to be more aware of what is being done to them.

Undersheriff Martinez provided statistics from the Sheriff's office.

Jeff Bleu, Resident in Ranches of Sonterra, stated he agreed with Commissioner Crunk, if people attended the meetings, they would see the Constitution already on display. Mr. Bleu added to what Commissioner Crunk talked about and stated we also say the Salute to the NM Flag which talks about embracing the multi-culturalism of the State. Mr. Bleu spoke on the lack of involvement in the meetings as well.

Maureen McGuire, Ruidoso resident, attended the meeting at the Ruidoso Schools on the book issue and clarified it is for High School students not for 10-year-olds. Ms. McGuire informed High Schools have gender non-conforming students and this is a guide to help them. Ms. McGuire stated the Constitution and Declaration of Independence are Government Documents on which our Democracy is based, however the Ten Commandments is religious iconography which should not be allowed.

Chair Proctor recessed the Regular Meeting at 10:10 AM and reconvened at 10:17 AM.

12. Lincoln County Medical Center Update-Todd Oberheu

Todd Oberheu, Hospital Chief Executive, thanked Commissioner Crunk for the UFO presentation and spoke on the MASH school. Mr. Oberheu explained they were working on the parking lot and also looking for a solution to the back bridge area which was not a comfortable ride for the patients. Mr. Oberheu detailed some of the Legislation for Healthcare Providers and explained the malpractice cap was set to go from \$750,000 up to \$5,000,000, however they were able to get it lowered to \$1,000,000. Mr. Oberheu also explained the Nurse staffing bill which would not have impacted LCMC as much since they qualified for a rural exemption, however it would have impacted residents of Lincoln County being transferred to other larger hospitals as the larger hospitals would have had to reconsider their bed capacity relative to their staffing. Mr. Oberheu stated it would cost approximately \$900,000-\$1,000,000 to have two 24-hour stations in the County in addition to Ruidoso and he would be presenting a couple of different options at the upcoming budget meeting.

13. Opioid Settlement Proceeds:

a. Discussion and Direction Regarding Distribution of Settlement Funds

Attorney Morel explained there was a previous discussion about the possibility of a Joint Powers Agreement to consolidate the Opioid settlement funds, however after some discussions with the Courts, they would like to have the opportunity to keep the funds local. Manager Pearson stated the question on the agenda would be to keep the money local or join the JPA which had a deadline of May 1, 2023.

Judge Schneider would like to keep the funds local and would like to have local input and involvement with the twelfth Judicial District.

Judge Bryant spoke on the calls he received on a regular basis due to overdoses. Judge Bryant agreed there would be an incredible amount of work involved in keeping the funds local, however it was highly needed and recommended. Judge Bryant stated there were currently 4 drug courts in Lincoln County. Judge Bryant stated Otero County would be keeping their funds local as well and all 5 District Judges in Lincoln County voted unanimously to keep the funds local.

Commissioner Fischer questioned any specific recommendations for use of the funds. Judge Bryant informed the funds were designed for outpatient use not brick and mortar buildings and they could be used to provide tele-counseling services, as an option.

Commissioner Crunk questioned where the funds would come from after 10 years when these funds were expended. Judge Bryant stated he would like to somehow create a continuing flow of funds in the future.

Chair Proctor questioned the cross between Lincoln and Otero Counties. Judge Bryant stated they could join together and work simultaneously across both Counties if they chose or they could each keep their funds local and work directly with the people in their own Counties.

Stephen Ochoa, Managing Attorney in the Ruidoso Office, spoke on the law enforcement aspect of the LEAD program to reduce recidivism. Attorney Ochoa informed the LEAD program was started in a couple other Counties already and they stated it didn't resolve the problem however it postponed re-arrests. Attorney Ochoa advocated for locality instead of joining the JPA.

Sergio Castro, Chief Juvenile Probation Officer and Chair of the LCCHC, detailed many of the campaigns in the County to combat addictions including the CHANGE committee which started in 2016. Mr. Castro recommended keeping the funds locally to assist in the County.

Todd Oberheu, Hospital Chief Executive LCMC, suggested holding a collaborative meeting of stakeholders throughout the County to determine the best use of the funds.

The Commissioners agreed with the recommendation to keep the funds local.

- b. Consideration of Entering an Opioid Remediation Collaborative Joint Powers Agreement Between the County of Lincoln and Other "Counties" or "Participating Entities"

17. Discussion and Direction Regarding Carrizozo Courthouse Complex Renovations and Security Upgrades

Audrey Hukari, spoke on the future goals regarding the Courthouse facilities in Lincoln County. Ms. Hukari detailed the New Magistrate Court in Ruidoso and stated they would provide District Court services in Ruidoso on a limited basis; however, District Court would be staying in Carrizozo. Ms. Hukari explained the agreement to move the Magistrate Court into the District Court complex in Carrizozo and the County would not be required to fund the District Court proceedings in Ruidoso.

Manager Pearson spoke on the needs of the County pertaining to security issues related to the current County Courthouse.

Commissioner Crunk questioned if there were funds available. Attorney Morel stated it was agreed as a 50/50 split with the Courts. Manager Pearson explained the doors and windows would need to be upgraded prior to the security being taken care of.

Commissioner Fischer questioned the comprehensive plan for the security of the County and questioned if the buildings should keep getting upgraded or if they should be rebuilt instead.

11. Lincoln County Detention Center

- a. Update – Warden, Ross Castleton

Ross Castleton, Warden LCDC, stated they were averaging about 70 detainees per day. Warden Castleton explained the lapsed contract with BIA and explained they had lost about 25 detainees due to the lapse. Warden Castleton stated they had an interim contract and had taken about 10

BIA detainees back in. Warden Castleton stated they had brought religious services back into the detention center which they had lost during COVID.

b. R.I.S.E. (Reach, Intervene, Support and Engage) Program Application

Manager Pearson explained the RISE program awarded \$360,000 in the prior year; however, the program had been opened up to many other entities so they were unsure of the amount being applied for this year.

14. Lincoln County Community Health Council Update and Presentation Given by Sergio Castro, LCCHC Chairman

Sergio Castro, LCCHC Chair, gave a presentation on the Community Health Council activities.

15. Peñasco Valley Telephone Company Fiber and Broadband Presentation – Mitch Hibbard

Mitch Hibbard, PVT, gave a presentation on fiber and updated on the Broadband capabilities in the County. Mr. Hibbard stated COVID showed the need for Broadband throughout the Country. Mr. Hibbard explained the assessed value of a home goes up 3-7% with broadband access in the home. Mr. Hibbard detailed a Joint Use Agreement with the electric companies to use the existing power poles to co-locate their wires and fiber. Mr. Hibbard requested a partnership for grants and funding possibilities as well as letters of support for PVT from the County of Lincoln to help cover projected shortfalls in the County as expansion continues.

Tabatha Davis, PVT Special Project Coordinator, stated she could assist the County in finding available resources.

22. Approval of Lodger's Tax Funding Requests:

- a. Event: Last Escape of Billy the Kid Pageant
Amount Requested: \$16,000.00
Date(s) of Event: 8/4/2023-8/6/2023
Presenter: Nancy De Veny

Jett Tucker stated they already presented to the Lodgers Tax Committee however he would answer any questions the Commissioners had, of which there were none.

Motion: Approve the requested \$16,000 for the Last Escape of Billy the Kid Pageant, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

- b. Event: Spencer Summer Season 2023
Amount Requested: \$10,000.00
Date(s) of Event: 7/1/2023-8/31/2023
Presenter: Charles Centilli

Motion: Approve the requested \$10,000 for the Spencer Summer Season 2023, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

21. Consolidated Dispatch Update – Village of Ruidoso Chief of Police, Lawrence Chavez

Lawrence Chavez, Village of Ruidoso Chief of Police, spoke on the consolidated dispatch and gave a presentation on the process so far. Chief Chavez explained they had the ability to place 13 antennae on the new tower at Horton so they shouldn't have any problem reaching the outlying areas of the County.

Chair Proctor recessed the Regular Meeting at 12:33 PM and reconvened at 1:06 PM.

16. Consideration of Award of Contract to RY Construction LLC for the Lincoln County Courthouse Drainage Improvements in the Amount of \$105,044.07

Manager Pearson explained the courthouse drainage improvement project was put on hold for two years waiting for the completion of the Highway. Manager Pearson stated RY Construction was the only responder to the RFP.

Motion: Approve the Contract to RY Construction LLC in the amount of \$105,044.07 with the anticipation the final cost will be lower, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

18. Office of Emergency Services

c. Hazard Mitigation Plan Presentation – Wendy Blackwell

Wendy Blackwell, SWCA Environmental Consulting, gave a presentation on the hazard mitigation plan and enhancements and updates from 2018 to 2023. Ms. Blackwell stated they should get the final approval from FEMA in November.

a. Resolution 2023-50: Declaration of Fire Danger Emergency

Manager Pearson explained the Resolution as presented was the same as the prior months Resolution and it could be elevated as necessary.

Motion: Adopt Resolution 2023-50, **Action:** Adopt, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

SEE EXHIBIT C: Copy of Resolution 2023-50 is attached hereto in reference thereto made a part hereof.

b. Approval of NM State Fire Protection Fund Applications

Manager Pearson explained the NM State Fire Protection Fund Application was a yearly electronic application and it would need the Chairman's name, electronic signature and email address on the submitted form.

Motion: Approve the NM State Fire Protection Fund Application using Chair Proctor's information, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

19. Assessor Annual Report -Walter Hill – Lincoln County Assessor

Assessor Hill provided the Statutorily required Assessor's report to the Commission and explained the report gave a breakdown of value changes during the assessment year 2022. Assessor Hill stated the total net valuation increase of both net new and contributory value was \$92,748,701, which was \$278,246,112 in full value.

SEE EXHIBIT D: Copy of 2023 Assessor's Report to the Lincoln County Commission is attached hereto in reference thereto made a part hereof.

20. Manager's Report

1) Audit Timeframes Update

Lincoln County staff contacted Kubiak auditors regarding the 2022-2023 audit schedule. The past couple of years, staff has been working through Thanksgiving weekend finalizing the requests from the auditors.

This year's audit will begin much earlier (August 1, 2023). This should allow staff and the auditors to have final documentation completed by October 1, 2023. Burn permits can be found on the Lincoln County Website -

2) Burn Permit is Now Online

Burn permits can be found on the Lincoln County Website -

https://www.lincolncountynm.gov/services/fire_emergency_services/burn_permit.php
The permit requires Name / Mailing AND Burn Address/ Cell Phone Number and the Time and Dates of the burn.

3) Meeting With ALG&CC – 3/27/2023.

Commission Pfeffer, Sandy Nunnally and I met with the Alto Lakes Board to discuss the new Fire Station and Ambulance service in Lincoln County.

The Board appreciated us updating them on the topics and inviting us back as topics arise.

4) Construction Begins on Carrizozo Court Complex

1. The 12th Judicial District has started the transition of moving the Carrizozo Magistrate into the Complex.
2. White Sands Construction commenced building of one ADA restroom in the 1960's portion of the building. Construction is expected to last 90-120 days.

5) FEMA Training 101 – 3/30/2023

FEMA representative, Mike Ku, built an introductory course that covers the basics of dealing with disasters and navigating the FEMA system. This was a great workshop that helped everyone learn the FEMA process (and acronyms). Lincoln County, VOR, Capitan and the SE COG were all in attendance.

6) Lincoln County Recovery Coordination Meeting (DR-4652)

Every two weeks we join the NMDHSEM team to discuss the latest progress on our recovery efforts (McBride and Nogal Fires). FEMA NMDHS, County, VOR EDA and many more teams give the latest update and try to set achievable goals before the next meeting. Progress has been made with EDA (future funding opportunities). We still have NOT been reimbursed for CAT A & B (debris clean up).

7) Inspection of Public Records - IPRA

The County Manager's office has had 5 major IPRA requests during the last 30 days. Requirements:

- Response required within 3 days of receiving the IPRA
- Provide Information to requester within 15 days of receiving IPRA
- Invoice requester (if charges apply)
- Wait to receive payment / Receive payment
- Mail the information to the requester

The Sheriffs office receives IPRA requests – almost daily.

8) Director's Reports

23. Public Works:

- a. Approval to File Solid Waste Liens:
 1. Marcus Salcido- **\$865.92**
 2. Marcus Salcido- **\$635.78**
 3. Robert H. Hawkins and Kathleen A. Hawkins- **\$900.02**
 4. Sandra Y. Overstreet and T. Overstreet- **\$900.02**
 5. Lewis R. Rumfield and Kelly A. Rumfield-**\$956.56**
 6. Brijida Chavez Herrera or Benjamin Herrera- **\$1,197.72**
 7. Dianna Wells- **\$841.18**
 8. Raven L. Stewart- **\$898.56**
 9. Richard Moore and Kelli Moore- **\$915.35**
 10. Sheila M. Zumwalt- **\$828.48**
 11. Timothy James Sanders- **\$940.97**
 12. James Warren Hanson and Katie A. Hanson- **\$900.02**
 13. Sonya Newton-**\$245.20**
 14. Abram L. Beier and Tonjah M. Beier-**\$738.48**
 15. Brad and Kasi Holland, Dwayne Kibbie and Karen Kibbie-**\$670.47**
 16. Jason Trujillo and Jessica Trujillo-**\$772.14**
 17. Jesus Rue- **\$838.48**
 18. Kevin D. Kennedy and Maria Barraza- **\$769.26**
 19. Guadalupe Gallegos- **\$1,197.88**
 20. Josephine E. Gutierrez- **\$715.40**

21. Michael D. Smith and Viki L. Smith-\$776.94
 22. Ruben Chavez-\$1,491.20
 23. Daniel Gutierrez and Iva Gutierrez-\$1,564.14
- Total : \$20,560.17**

Motion: Approve the filing of the Solid Waste Liens less any which have been paid prior to filing,
Action: Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

- b. Approval to issue for RFP - Solid Waste Services

Motion: Approve issuance of an RFP for Solid Waste Services for Lincoln County, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

- c. Consideration and Approval to Purchase Granicus Short-Term Rental Tracking Software in the Amount of \$27,929.55

Scott Annala, Lodger's Tax, explained the County had previously used Host Compliance tracking software which had since been purchased by Granicus.

Shelly Williams, Lodger's Tax, identified 4 different companies which could be used, however she felt Granicus was the best. Commissioner Serna questioned the timeframe needed for implementation. Mr. Annala stated it could be started right away however it would take about 4 months for full implementation.

Motion: Approve the purchase of Granicus software in the amount of \$27,929.55 to be paid out of Lodger's Tax, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

24. Discussion and Direction Regarding Budget and Achievable Goals of the County of Lincoln

There was a lengthy discussion on the process the County could use to determine future goals. It was determined that a workshop would be scheduled to discuss and plan for achievable goals for the future of the County.

25. Lincoln County Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining Negotiations, Section 10-15-1, Subparagraph (H)(F)

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7); Discussion of the Purchase Acquisition or Disposal of Real Property or Water Rights by the Public Body, Section 10-15-1, Subparagraph (H)(8); Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2); and Collective Bargaining Negotiations, Section 10-15-1, Subparagraph (H)(F), **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).
Yes: Commissioner Fischer, Commissioner Crunk, Chair Proctor.
Excused: Commissioner Serna, Commissioner Pfeffer.

Chair Proctor recessed the Regular Meeting and convened the Closed Session at 3:38 PM.

New or Updated Matters since last report *

1. **Board of County Commissioners of Lincoln County v. Roger Romero D-1226-CV-2018-00055** Complaint for Foreclosure. Complaint was filed February 20, 2018. Defendant Roger

Romero filed an Answer to the Complaint asserting a Counterclaim to be filed in the U.S. District Court on April 2, 2018. A Judicial Inquiry Hearing took place September 4, 2018. The case is still pending.

2. **Roger Romero v. State of New Mexico – D-1226-CV-2018-00113 (Underlying Cases are: Board of County Commissioners of Lincoln County v. Roger Romero, D-1226-CV-2018-00055, and State of N.M. v. Roger Romero M-30-MR-2016-00142)** A Petition for Writ of Habeas Corpus was filed requesting that the Judgment & Sentence entered by Judge Vega in Cause No. M-30-MR-2016-00142 be vacated and set aside. George Romero's Answer to Complaint and Counterclaim was filed April 30, 2018 in Cause No. D-1226-CV-2018-00055. On February 26, 2019, an Order Setting Aside Conviction was entered by Judge Counts.

On March 25, 2019, a Notice of Appeal was filed with the N.M. Supreme Court, Case No. S-1-SC-37602 On January 8, 2021, the Supreme Court entered its Dispositional Order of Transfer transferring the case to the Court of Appeals for consideration and review.

On January 28, 2021, a Dispositional Order was entered transferring the case to the NM Court of Appeals for consideration and review. Case No. A-1-CA-39446 On December 8, 2022, the case was submitted to a 3 Judge Panel for a decision.

3. **Romero, et al. v. Stone, et al, Cause No. D-1226-CV-2019-00271** Request for Appointment of Guardian Ad Litem for Plaintiffs and Complaint for Violation of Civil and Constitutional Rights, Negligence, Prima Facie Tort and Wrongful Taking was filed on October 9, 2019 along with a Jury Demand. Lisa B. Riley is the presiding Judge. The case is still pending.

4. **Brd. of County Commissioners of Lincoln County v. Amerisourcebergen Drug Corp., et. al – U.S. Dist. Court Case No. 2:19-cv-00462** – Complaint for Public Nuisance, Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)... filed on May 20, 2019 by Attorneys Robles, Rail & Anaya, P.C., et. al. After receiving no oppositions to the transfer of the case, on June 17, 2019, the case was transferred to the Northern District of Ohio noting that as of December 5, 2017, 1,534 cases have been transferred to Ohio for further proceedings. Settlement has been reached with some of the Defendants and, Lincoln County has begun to receive payments from some of the settling Defendants. The case is still pending.

5. **Greentree Solid Waste Authority v. Lincoln County, Cause No. D-1226-CV-2014-00095** – Compromise and Settlement Agreement and Release executed on December 17, 2015.

6. **Debra Wilcox v. Board of County Commissioners, Deputy Samuel C. Hanna, Caroline McCoy and Former Sheriff Robert Shepperd, Cause No. D-1215-CV-2021-00574** Complaint for Damages was filed on the 2nd day of September, 2021 by Steven Sanders alleging personal injury resulting from an improper and grossly negligent investigation and for "malicious abuse of process". County Defendants were served on November 2, 2021. The case is still pending.

7. **Eby Revocable Trust AND William R. Moser v. Lincoln County Assessor, et al, Cause No. D-1226-CV-2021-0260** A Notice of Appeal of Decision of Tax Protest Board was filed on the 14th day of December, 2021 by Attorney Zach Cook. On January 27, 2022, New Mexico Counties assigned Attorney Daniel Macke to represent Lincoln County. The case is still pending.

8. **Crystal Buster v. Board of County Commissioners for Lincoln County, Correctional Solutions Group, LLC, et al, Cause No. 2:21-cv-01208** A Complaint for Recovery of Damages Caused by the Deprivation of Civil Rights with a Jury Demand was filed on the 12th day of December, 2021, by Coyte Law P.C., and the Law Offices of Matthew Vance, P.C. The case is still pending.

9. **Lionel Burns v. Lincoln County Sheriff's Department; Deputy Daniel Brawley; in their individual and official capacities, and Rhonda Burns, Cause No. D-1226-CV-2022-00032** A Complaint for Damages was filed on the 4th day of March, 2022, by Clayton E. Crowley, Esq. and Joseph J. Gribble, Esq.

On April 22, 2022 the case was removed to the U.S. District Court for the District of New Mexico, Cause No. 1:22-cv-000304. The case is still pending.

10. **Potential Recovery of County of Lincoln Losses from the McBride / Nogal Fires**

11. **Butch's Properties, LLC v. Vera Cruz Ranches, et al, Cause No. D-1226-CV-2022-00166** A Complaint to Quiet Title was filed on the 18th day of August, 2022 by Attorney William Griffin. Lincoln County was served on the 26th day of August, 2022, and filed its Answer to the Complaint on the 26th day of September, 2022. The case is still pending.

12. ***Rosarita Brady, et al v. The Board of County Commissioners of the County of Lincoln, et al, Cause No. D-1226-CV-2022-00199** A Verified Complaint was filed by Attorneys Alexandra Bobbit and McKenzie St. Denis on the 27th day of September, 2022. Lincoln County was served on the 22nd day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6th day of January, 2023. A hearing on Defendants' Motion to Dismiss is scheduled to take place on May 1, 2023.

13. **Dennis Rich and Yvonne Rich, v. Walt Hill, et al, Cause No. D-1226-CV-2022-00230** A Complaint to Quiet Title was filed on the 22nd day of November, 2022 by Attorney H. John Underwood. The County of Lincoln has yet to be served.

14. ***State of New Mexico v. Richard Jeremy Moisa, Cause No. M-30-MR-2022-00087A** A Complaint for Violation of Lincoln County's Animal Control Ordinance was filed by LCSO Sgt. Jesse Finley on the 29th day of August, 2022. The Bench Trial scheduled to take place before Judge Mickie Vega on the 4th day of April, 2023 was continued until May 30, 2023.

15. **BB Lane, LLC / 137 Bluebelle Lane** Violation of Lincoln County's Lodgers' Tax Ordinance

16. ***KVL Realty, LLC / 228 Eagle Ridge Rd.** Violation of Lincoln County's Lodgers' Tax Ordinance

Tort Claims Notices Received or Threatened

2023

Ornelas, Mark – Tort Claim Notice received on January 4, 2023, alleging injuries sustained on October 11, 2022, as a result of an automobile accident / rollover of the Detention Center Transport Van owned by Lincoln County while being transported from Eddy County Detention Center to Lincoln County Detention Center.

Booth, Marcus – Tort Claim Notice received January 26, 2023, alleging injuries sustained by Claimants head due to the actions by staff of the Lincoln County Detention Center and staff's refusal to take Claimant for medical treatment.

Ramos, Heber – Tort Claim Notice received on February 17, 2023, alleging Civil Rights Violations and injuries sustained while Mr. Ramos was incarcerated at the Lincoln County Detention Center.

Smoley, Cinthia – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, she was subjected to a conspiracy of constitutional deprivations when she was unlawfully removed from her home at 105 Bluebird Lane, Ruidoso, NM. Her claims include that: she sustained injuries while being detained, she was abused during her incarceration at the Lincoln County Detention Center, she was assigned a Public Defender without her consent, and that all of her pets were immediately euthanized by the Lincoln County Humane Society the day of her arrest. Claimant has named the following agencies in her claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

Smoley, Robert – Tort Claim Notice received February 24, 2023, [Claimant also sent the Tort Claim directly to New Mexico Counties Claims Department] alleging that beginning on November 28, 2022, he was subjected to a conspiracy of constitutional deprivations when he was unlawfully removed from his sister's home at 105 Bluebird Lane, Ruidoso, NM where is resided. His claims include that he was abused during his incarceration at the Lincoln County Detention Center, he was assigned a Public Defender without his consent, and that all of his pets were immediately euthanized by the Lincoln County Humane Society the day of his arrest. Claimant has named the following agencies in his claim: Twelfth Judicial District Court, Lincoln county Sheriff's Office, Ruidoso Police Department, New Mexico State Police, Ruidoso Animal Control, Lincoln County Animal Control, Humane Society, Lincoln County Magistrate Court Judge, Katie Lund.

***Provine, Allison** – Tort Claim Notice received March 14, 2023, referencing the Lincoln County Sheriff's Office stating: "faulty tail light"

***Mendoza, George** – Tort Claim Notice received March 20, 2023, alleging that on or about December 10, 2022, Lincoln County Medical Center and/or its agents fell below the standard of care resulting in injuries and damages to Claimant.

***Cummins, Sara** – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

***Dorgan, K.C.** – Tort Claim Notice received March 27, 2023, alleging unlawful/malicious acts by the Lincoln County Sheriff's Department.

***Soden, Sue** – Tort Claim Notice received March 31, 2023, alleging that on or about March 1, 2022 and continuing thereafter to on or about April 12 and May 5, 2022, Lincoln County Medical Center and/ or its agents fell below the standard of care resulting in injuries and damages to Claimant.

2022

Schwartz, Neil – Tort Claim Notice received on February 10, 2022 alleging malicious and/or tortious actions and/or omissions by the State of New Mexico, the Lincoln County Sheriff's Department, the New Mexico State Police, and the Twelfth Judicial District Attorney's Office resulting in damages to Claimant including, but not limited to, infliction of mental pain and suffering, injuries to Claimant's reputation, and current and future loss of earnings.

Downs, Barbara – Tort Claim Notice received May 6, 2022 alleging improper road and/or waterline maintenance resulting in a vehicle collision due to the icy road at the intersection of Sudderth Drive and Paradise Canyon in Ruidoso, New Mexico. A 2nd Tort Claim Notice was received on May 9, 2022 for a separate source with the same allegations as those set out in the May 6, 2022 notice.

McMinn, David – Tort Claim Notice received on July 6, 2022, alleging multiple, serious issues due to the use of excessive force by BIA law enforcement who may have been agents of or acting on behalf of the Village of Ruidoso, Ruidoso Police Department, Lincoln County, N.M. State Police and the State of New Mexico.

New Mexico Boys and Girls Ranches, Inc. and its Employee, Bridgman, Ted – Tort Claim Notice received on August 9, 2022, alleging violation of civil rights and tort claims act, including a demand to cease and desist and the return of promotional materials confiscated by County representatives at the Lincoln County Fair.

Estates of Wesley Clark and Linda Clark – Tort Claim Notice received on October 11, 2022 alleging wrongful deaths as a result of the McBride Fire due in part to faulty siren warning systems.

Snodgrass, Joshua – Tort Claim Notice received on November 2, 2022 concerning loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

Grassie, Kurtis - Loss of employment with the Lincoln County Sheriff's Office commencing on June 23, 2022.

2021

Cervantez, Adam - Tort Claim Notice received on July 8, 2021 alleging the use of excessive force and related constitutional claims during his arrest on April 22, 2021.

Kieter, Dave; Jakubcewicz, Mark; Riddle, Jasper; Patton, Van – Tort claim Noticed received on July 27, 2021. Claimants each allege damages to personal and real property as a result of the extraordinary flooding experienced throughout Lincoln County.

Myers, Sylvia – Tort Claim Notice received August 30, 2021 alleging that Lincoln County Medical Center's treatment fell below the standard of care.

Siegel, Erik – Tort Claim Notice received August 30, 2021 alleging deprivation of rights involving tort, constitutional rights, and other claims.

White, Lionel Glenn, Jr., and family members and tenants, Ralph Nosker and his family members, Barbara Arthur and her family members, and Barlou, LLC – Tort Claim Notice received September 16, 2021 alleging inundation by water resulting in damages to existing roadways and parking in the Gavilan Canyon Road area which are all located within the municipality of the Village of Ruidoso.

Smoley, Cinthia – On November 8, 2021, Ms. Smoley submitted to the Lincoln County Treasurer's Department a Statement dated 11/2/2021, for "Arbitration Award/monies due for default".

Vonderane, Glenn – Tort Claim Notice received October 19, 2021 alleging personal injury while using a staircase at the Village of Ruidoso public parking lot located at 151 Center Street.

Chair Proctor adjourned the Closed Session and reconvened the Regular Meeting at 4:38 PM.

Commissioner Fischer attested matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting and no action was taken.

26. Consideration and Approval of:

- a. Signing of Replat for the Lincoln County Fairgrounds
- b. Filing a Disclaimer of Interest in the matter of Dennis Rich and Yvonne Rich, v. Walt Hill, et al, Cause No. D-1226-CV-2022-00230

Motion: Authorize the Chair to sign a mutual release and full and final settlement agreement and indemnification agreement, authorization to sign the approved Replat of the Lincoln County Fairgrounds, and a disclaimer of interest and a Rule 41 dismissal, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Pfeffer.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

27. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinances:

- a. Ordinance No. 2020-04 an Ordinance Providing for the Efficient and Sanitary Collection of Solid Waste in Lincoln County; Providing for Mandatory Disposal and Assessment of Fees; Providing a Penalty for Violation of the Ordinance; Repealing Ordinance 2017-07
- b. Ordinance No. 2020-04 Page 4, Paragraphs D, E and F as it Relates to Revising the Current Established Fees
- c. Ordinance No. 2023-04 an Ordinance Providing for an Efficient and Fair Method of Enforcing the Ordinances of Lincoln County; Establishing the Position of Ordinance Enforcement Officer Under the Supervision of the Public Works Department; Authorizing the Ordinance Enforcement Officer to Enforce the Provisions of Lincoln County Ordinances; Designating Authority and Procedures for Ordinance Enforcement Officers; Providing for the Severability of Parts Hereof; Repealing Ordinance 2022-01 and Any Other Ordinances in Conflict Herewith; and Providing an Effective Date
- d. Review and Adoption of Preliminary Budget for the County of Lincoln for FY 23/24

Motion: Approval to schedule a Public Hearing to discuss Ordinance No 2020-04, Ordinance No 2020-04 Page 4, Paragraphs D, E and F, Ordinance No 2023-04 and Review and Adoption of the Preliminary Budget for FY 23/24, **Action:** Approve, **Moved by** Commissioner Fischer, **Seconded by** Commissioner Crunk.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk, Chair Proctor.

28. Signing of Official Documents

All five Commissioners gave authorization to use their stamp or electronic signatures.

29. Next meeting:

- a. Tuesday, May 2, 2023, Special Commission Meeting
- b. Tuesday, May 16, 2023, Regular Commission Meeting

30. Adjourn

Motion: Adjourn, **Action:** Adjourn, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Serna.

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

Yes: Commissioner Fischer, Commissioner Serna, Commissioner Pfeffer, Commissioner Crunk.

No: Chair Proctor.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 4:47 PM.

County of Lincoln
Board of Commissioners



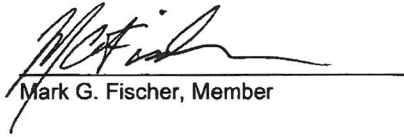
Todd F. Proctor, Chair



Jeff F. Crunk, Vice Chair



Samantha J. Serna, Member

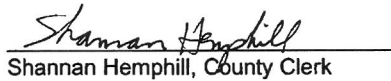


Mark G. Fischer, Member



Pierre S. Pfeffer, Member

ATTEST:



Shannan Hemphill, County Clerk

May 16, 2023

Date Approved

