

# COUNTY OF LINCOLN

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## New Mexico Special Meeting Board of County Commissioners

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

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

### Minutes Tuesday March 1, 2023

Minutes of the Special Meeting of the Lincoln County Commission held at 8:30 AM on March 1, 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 Special Meeting of the Board of County Commissioners to order at 8:30 AM.

#### 2. Roll Call

##### Roll Call.

**Present:** Commissioner Fischer, Commissioner Serna, 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 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 Resolution 2023-40 – Certification of Road Mileage

Jeff Honeycutt, Road Superintendent, discussed the changes to the road mileage due to various road vacations. Mr. Honeycutt stated the road mileage was about a mile less this year and would continue to decrease in small amounts as roads were vacated in the future.

**Motion:** Approval of Certification of Road Mileage by Adoption of Resolution 2023-40, **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 A:** Copy of Resolution 2023-40 is attached hereto in reference thereto made a part hereof.

#### 8. Consideration of the Cooperative Forest Road Agreement Between the Lincoln County, New Mexico and the USDA, Forest Service Southwestern Region, Lincoln National Forest

Mr. Honeycutt explained it was a 5-year agreement with the two forest service entities on which roads and how much of those roads the County maintained, and he informed the roads were maintained to the forest service designations. Mr. Honeycutt stated the Forest Service had to provide the material and his office would install it and maintain the roads at least once per year.

Commissioner Pfeffer questioned the County liability on County maintained roads. Attorney Morel explained the County had some liability anytime they worked on a road. Attorney Morel stated there was a shared responsibility between the Forest Service, Federal Government, and the County so if the road was negligently maintained there would be some potential liability.

Mr. Honeycutt explained the payments received to cover the County costs were not sufficient and explained there were caliche pits opened on forest service areas accessible to the County to help offset some of the costs. Mr. Honeycutt informed the Forest Service owned a reclaimer and allowed the County to use it as needed.

**Motion:** Approve the Cooperative Forest Road Agreement, **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.

#### **9. Discussion and Direction Regarding the Abandonment and Vacation or Closure of Roads and/or Right-of-Ways**

Attorney Morel explained 60%-70% of the roads in the County were based on a prescriptive use and they weren't dedicated to the County.

There was a discussion on the 5-member road review committee and the process used to determine if abandonment and vacation of a road was warranted or if it should be closed instead. It would then need to be approved by the County Commission. Attorney Morel explained the process to then abandon and vacate a road if it had been approved by the commission. Assessor Hill detailed the assessment and valuation process his office used in determining the value of the road that is requested to be abandoned and vacated or closed.

#### **6. Wilson & Co. Quarterly Project Update and Action Items**

Eric Hamilton, Wilson & Company, gave an overview of the company and the projects they have worked on, in order to bring the new Commissioners up to date.

Manager Pearson explained Phase 1 of Palo Verde Slopes and how the County received the funding to complete the project so they were now ready to start phase 2.

##### **c. Colonias Funding Application – Phase 2**

1. Approval of Resolution 2023-41 - A Resolution by the Board Of County Commissioners, the Governing Body of Lincoln County New Mexico, Whereby the Board of County Commissioners Authorizes and Approves the Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund.

**Motion:** Adopt Resolution 2023-41, **Action:** Adopt, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Serna.

**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 2023-41 is attached hereto in reference thereto made a part hereof.

2. Approval of Resolution 2023-42 – A Resolution of the Board of County Commissioners, the Governing Body of Lincoln County, New Mexico, Whereby the Board of County Commissioners Commits County Staff with the Implementation of Asset Management Planning Within Three Years and in Accordance with Principles of the A.M. Kan Work.

Mr. Hamilton explained the Transportation Asset Management plan focusing on drainage infrastructure and transportation.

Commissioner Fischer would like to include the public in future plan discussions.

**Motion:** Adopt Resolution 2023-42, **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 2023-42 is attached hereto in reference thereto made a part hereof.

- b. Award of Contract to White Sands Construction for the Lincoln County ADA Restroom Build in the Amount of \$59,963.31.

Jimmy Craig, Wilson & Company, detailed the new ADA restroom in the Lincoln County Courthouse.

Manager Pearson stated it was approved in the Spring of 2020 for \$90,000. Manager Pearson informed it could be completed within budget if approved as the remaining amount was used for design.

**Motion:** Approval of the Contract to White Sands Construction for the Lincoln County ADA Restroom Build in the Amount of \$59,963.31, **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.

- a. Award On-Call Construction Contract to Mesa Verde Enterprises, Inc. and Renegade Construction, LLC.

Mr. Hamilton detailed the projects and the contracts requested for approval.

**Motion:** Award On-Call Construction Contract to Mesa Verde Enterprises, Inc. and Renegade Construction, LLC, **Action:** Approve, **Moved by** Commissioner Serna, **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.

- b. Consideration of Task Order No. 02222023: Professional Engineering Design Services for the Lincoln County Fairgrounds Pedestrian & Livestock Bridge – Not to exceed \$75,608.21.

Mr. Hamilton explained the road changes recommended for the Lincoln County Fairgrounds and the pedestrian walkways around the buildings. Mr. Hamilton further explained the subsurface drainage systems options to help alleviate the flooding.

Mr. Honeycutt discussed the parking lot renovations that were made South of the brick house and detailed the additional parking available.

Commissioner Crunk questioned the properties down the river and our liability if we divert the water and flood properties and homes down the river. Mr. Hamilton explained they evaluated the existing conditions and ensured they don't increase the water flow down river.

Mr. Hamilton explained the pedestrian bridge usage and design.

Mr. Hamilton explained the parking and drainage project would be \$2.5 mil. Mr. Hamilton stated the schedule would not allow the full completion and they would need to do phase 1, the parking lot and the bridge, prior to July 1; however, phase 2, the wash racks and drainage, will not be started until after the County Fair is complete.

Chair Proctor was concerned about the pricing as phase 1 is now more expensive than both phases combined were the last time it was discussed. Chair Proctor was also disappointed as the timing has been pushed back to not allow completion before the County Fair.

Mr. Hamilton stated they could not control the pricing as prices on all materials had increased dramatically. Mr. Hamilton also explained the boundary survey took a full year to complete and they were unable to begin the project until they had a complete boundary survey done. Renegade Construction was the low bidder on phase 1 and could complete it by July 1.

Billie Jo Guevara, Finance Director stated there was \$995,000 in Lodgers Tax however, 40% goes to advertising, leaving \$600,000 lodgers tax funding available to help with the project. Manager Pearson stated there were possible ARPA funds available to use as well.

**Motion:** Approve Task Order No. 02222023: Professional Engineering Design Services for the Lincoln County Fairgrounds Pedestrian & Livestock Bridge – Not to exceed \$75,608.21 out of Lodgers Tax and/or ARPA funding, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Serna.

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

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

Chair Proctor recessed the meeting at 10:51 AM and reconvened the meeting at 11:00 AM.

**10. Consideration of Parking Lot(s) Seal Coat Estimates for OES, Carrizozo Complex and the Ruidoso Annex.**

Manager Pearson detailed the three estimates and explained a company would be in town in June which would save the mobilization charges. Manager Pearson stated the projects were not budgeted for this year, they were being presented due to the savings if done in June. Mr. Honeycutt informed the savings would be for micro surface at the Sub-office only, the seal coats would still have mobilization charges.

Commissioner Serna questioned the dirt parking lot located at the Carrizozo Complex. Manager Pearson stated District Court was working on a plan to turn it into a secured parking area so it would be paved once they finalized plans.

Commissioner Pfeffer questioned the real dollar amount of savings the County would see if the projects were started now instead of waiting until the new budget year. Mr. Honeycutt informed the projects were tied to oil prices so there was not a clear set number.

Chair Proctor recommended bringing the agenda item back at the March meeting with budget numbers and requested documentation.

**11. Approval of the Purchase and Outfitting of a Command Truck for the Lincoln County Office of Emergency Services, Utilizing Fire Protection Fund Monies in the Amount of \$68,584**

Manager Pearson stated the Fire Marshall informed the County they were to receive the full amount authorized to purchase of fire truck as well as outfit it. The prior approval and amount was simply for the purchase of the fire truck so this was to clarify and authorize the full amount.

**Motion:** Approve the Purchase and Outfitting of a Command Truck for the Lincoln County OES, Utilizing Fire Protection Fund Monies in the Amount of \$68,584, **Action:** Approve, **Moved by** Commissioner Serna, **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.

**12. Approval to Purchase a Back-Up Generator for the Lincoln County Dispatch Center**

Manager Pearson stated power was lost and the back-up generator did not turn on leaving dispatch without power. Manager Pearson explained there was a generator from New Horizons which could be converted from natural gas to propane however it was smaller than the current one. Manager Pearson informed they would get an electrician to verify the size of generator needed. Manager Pearson stated to order a generator they were 50 weeks out so if one needed to be purchased, it would have to be purchased off the shelf.

Attorney Morel explained the dispatch center would be moving to the consolidated dispatch in Ruidoso, so he hoped they would not need to purchase a generator for the local dispatch.

**Motion:** Approval for the County Manager to spend up to \$70,000 for an emergency generator, **Action:** Approve, **Moved by** Commissioner Crunk, **Seconded by** Commissioner Fischer.

Manager Pearson stated he would determine the best route to go, after verification by an electrician of the size needed, whether it would be purchasing a new generator off the shelf, converting the smaller generator from New Horizons or renting a generator if the need arose.

Yvonne Petty, Administrative Director LCSO, informed the 911 Grant paid for the backup generator for dispatch so they could possibly get reimbursed for the purchase through DFA.

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

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

**No:** Commissioner Serna.

**13. Recognition and Memorialization of Melinda K. Shaw**

Joe Kenmore, Office of Emergency Services, read the recognition and memorialization of Melinda K. Shaw for her dedication and passion for the health and well-being of the residents of EMS Regions 1 & 3, as well as the EMS community of Lincoln County whose lives she impacted.

**14. Approval of an Amendment to the Memorandum of Understanding ("MOU") Between the Village of Ruidoso and the County of Lincoln as the Administrative Authority for Lincoln County Sheriff's Office for Driving While Intoxicated ("DWI") Prevention Enforcement Activities and Reimbursement of Costs (Amending Paragraph four – LCSO Deputies will be paid time and half as reimbursement for services in an amount not to exceed \$2,000 (\$6,000)).**

Manager Pearson explained the amendment to the MOU changing the amount from \$2,000 to \$6,000 and stated the County of Lincoln would be reimbursed by the Village of Ruidoso.

**Motion:** Approve the Memorandum of Understanding as presented, **Action:** Approve, **Moved by** Commissioner Serna, **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.

**15. 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); and Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2)**

**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); and Limited Personnel Matters, Section 10-15-1, Subparagraph (H)(2), **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.

Chair Proctor recessed the Special Meeting and convened the Closed Session at 11:39 AM.

**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 2<sup>nd</sup> 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 14<sup>th</sup> 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 12<sup>th</sup> 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 4<sup>th</sup> 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 18<sup>th</sup> day of August, 2022 by Attorney William Griffin. Lincoln County was served on the 26<sup>th</sup> day of August, 2022, and filed its Answer to the Complaint on the 26<sup>th</sup> 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 27<sup>th</sup> day of September, 2022. Lincoln County was served on the 22<sup>nd</sup> day of November, 2022. Lincoln County Defendants filed their Motion to Dismiss in Lieu of an Answer to the Complaint on the 6<sup>th</sup> day of January, 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 22<sup>nd</sup> day of November, 2022 by Attorney H. John Underwood. The County of Lincoln has yet to be served.



### Tort Claims Notices Received or Threatened

#### 2023

**\*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.

**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.

**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.

#### 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 2<sup>nd</sup> 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.

**Villanueva, Leticia** – Tort Claim Notice received on October 3, 2022, alleging negligent, malicious and/or tortious actions and/or omissions, and infliction of pain and suffering.

**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** – Ms. Smoley submitted to the Lincoln County Treasurer 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 Special Meeting at 12:45 PM.

Commissioner Crunk 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.

**16. Signing of Official Documents**

**17. Next meeting:**

a. Tuesday, March 21, 2023, Regular Commission Meeting

**18. Adjourn**

**Motion:** Adjourn, **Action:** Adjourn, **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.

There being no further business to come before the Board of County Commissioners, Chair Proctor adjourned the meeting at 12:49 PM.


County of Lincoln  
Board of Commissioners

  
Todd F. Proctor, Chair

  
Jon F. Crunk, Vice Chair


  
Samantha J. Serna, Member

  
Mark G. Fischer, Member

  
Pierre S. Pfeffer, Member



ATTEST:

  
Shannan Hemphill, County Clerk

April 18, 2023  
Date Approved