

Regular Meeting

February 13, 2007

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., February 13, 2007; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

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| Doug Moore | Chairman |
| Clarissa McGinn | Vice-Chairperson |
| Michael Nivison | Member |
| Dr. Martin Moore | County Manager |
| Bill Lee Parker | Road Superintendent |
| Pamela Heltner | Commission Liaison |
| Lynn Estrada | Deputy Clerk |

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Commissioner Moore gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Presentations:

a. Certificates of Outstanding Achievement in Safety for:

Administration, County Clerk, County Assessor, County Treasurer, County Purchasing, County Health Services and County DWI/Teen Court Program. Commissioner McGinn read the letter from the Safety Officer, Nena Garcia, into the records. Commissioner McGinn handed out the awards to those that

were present.

b. Discuss a proposed revision of the Otero County personnel policy ordinance with a request for approval to hold a public hearing on March 6th to adopt the proposed revised Personnel Policy. Commissioner McGinn made a motion that we publish for Public Hearing on March the 6th , a proposed revision of the Otero County Personnel Policy. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

c. Update on Otero County flood control efforts (flood district and ditch cleaning.) Marty Moore, County Administrator, stated that we have submitted with the help of Hubert Quintana, Council of Governments, to put together a CDBG grant application relationship to Boles Acres and some of the ditches up in the Oro Vista Area. The application will be heard in March and we will be present for the review. We are following our request to the legislature for funding for the flooding in both engineer and design projects. We have sponsorship from our local legislators for every one of our requests for funding.

Allan Campbell stated that he is the first home that gets hit when we have a flood drainage coming out of Alamo Canyon. He had over \$10,000.00 damage to the bridge that accesses his property. Mr. Campbell is concerned at what is being done to divert some of this water. Mr. Campbell has walked the ditch from his property all the way up to the mouth of Alamo Canyon and that's where the water is coming from, not Mule Canyon. The water coming out of Alamo Canyon is being diverted south and eventually ends up in Boles Acres.

Commissioner Moore stated that with the funding that we have requested, we are hopeful that we will be able to get the experts to evaluate the natural occurring of the arroyos. Until this occurs we all need to work together to keep the ditches clean.

Sue Delprido stated that she owns 30 acres between Eddy Drive and the Relief Route. There is a ditch that runs the full length of her property and over the years we have had substantial flooding. The portion of the ditch in the middle belongs to the City and upstream and downstream belongs to the County. Ms. Delprido stated that she would like to know what the County is planning on doing with the drainage on the North side of town? Commissioner Moore stated that if these ditches are on County property, we will get someone out to clean them up. He suggested to Ms. Delprido to purchase an aerial map from the Assessor's Office, which would make it easier to recognize. Ms. Delprido thanked the Board for their time.

1. Consent Agenda:

Commissioner Nivison made a motion to approve items 1-12 on the consent agenda excluding under number 12 the possible funded projects that will be addressed in the budget. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

2. Commission Discussions/Correspondence:

a. Doug Moore-Commissioner Moore stated that we had some good communication with the City Commissioners, at the Joint Meeting in January about projects that are of interest to us both. One of the challenges we are facing is the Animal Shelter. The city's facility is at capacity and there has been some concerns that in the near future the facility may not be large enough to house the needs of the community. We have looked at private sector and Animal Rescue to house some of the County's animals and be up for adoption much longer than at the City's facility. We are also looking at what the cost would be to build a new facility that would address the growth of all the community's within in the County.

3. Unscheduled Citizen Communications:

a. Donald Homan, Chaparral United Neighbors, stated that he would like to get a Spanish version of regulations 91-03 and 91-04. If we had them in Spanish, we could take them to our non English speaking residents to have them understand and abide by these ordinances. Mr. Homan also requested something in writing from the County that they are against the Rhino Landfill coming into the Chaparral area. Commissioner Moore stated that we are currently engaged in litigation with Rhino over that facility. We have enjoined the CDC on their challenge of that permit and it's location. We have joined the suit for them, not to get the permit. Dr. Moore stated the State Environment Department originally set a hearing date in April, but the word we have now is that they do not have a hearing date and they will notify us when they do. They have put that permit request on the shelf for right now and we are just waiting on the State to schedule the hearing. Commissioner Moore stated that we are suing the owners of that permit to stop the State from issuing them a permit.

b. Cruz Hernandez, Chaparral United Neighbors, stated that they will be launching a campaign called Orange Alert. This campaign will include petitions to the Governor against the permit for Rhino Waste.

4. Executive Session:

Commissioner McGinn made a motion to go into executive session to discuss pending threatening litigation under the Forest Guardians and land, acquisition and disposal of property. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

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| Commissioner McGinn | yes |
| Commissioner Nivison | yes |
| Commissioner Moore | yes |

Commissioner McGinn made a motion to come out of executive session having discussed under pending threatening litigation the Forest Guardians vs. U.S. Forest Service and negotiations on acquisition and disposal of property, having made no decisions. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

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| Commissioner McGinn | yes |
| Commissioner Moore | yes |

There being no further business before the Board the Chairman adjourned the meeting at 7:30 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, County Clerk

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