

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 21, 2008; 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 | Absent |
| Ray Backstrom | Assistant County Manager |
| Dan Bryant | County Attorney |
| Bill Lee Parker | Public Works Director |
| Pamela Heltner | Commission Liaison |
| Lynn Estrada | Deputy Clerk |

DRAFT

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

1. Consent Agenda:

Commissioner McGinn made a motion to approve items 1-19 on the consent agenda with the exception of item 16, to be pulled for discussion. The motion was seconded by Commissioner Moore.

Commissioner Moore stated that he had a comment on item 4. It is a contract that takes paper documents and commits them to microfilm for our record storage in the Clerk's Office. I would ask Administration to work with the Clerk's staff to see if this company could also give us the data on a DVD or CD. A vote was taken and the motion passed unanimously. See pages

Item 16, request approval of the 2008-2009 CAP, CO-OP and School Bus projects. These projects are 75% State and 25% County funded CO-OP's.

Commissioner McGinn made a motion to approve the 2008-2009 CAP, CO-OP and School Bus projects and that we consider the requested chip seal list, which is a list of 17 roads in addition during our budget session next month. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

2. Elected Officials, Department Heads, Committee Reports:

a. Mid Year Budget Review, presented by Donna Brandon. Ms. Brandon stated that our revenues, half way through the fiscal year, are on track for what we expected at this time of year. Our five year averages at this time of the year compares favorably. We are at about 38% expended of our budget at this time of the year. Ms. Brandon stated that basically the County is in good shape. Commissioner Moore thanked Ms. Brandon for her presentation.

b. Consider appointment of Susan Phillips, Wanda Porter and Billy Baker to perform the duties of "Viewers" in the easement vacation for Dusty Lane Road.

Commissioner McGinn made a motion to approve the appointments to perform the duties of "Viewers" in the easement vacation for Dusty Lane Road. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

c. Consider re-appointment of all the current Planning Commission members.

Commissioner McGinn made a motion to approve the re-appointment of all the current Planning Commission members. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages.

3. Public Hearing:

Being 6:30 p.m., Commissioner Moore called the Public Hearing to order to hear public comments and consider approving the naming of a personal driveway owned by Jerry Mansur to Nonesuch Place, and the renaming of Porcupine Drive to Legion Drive, requested by the American Legion.

Steve Dutill, GIS Supervisor, stated that Mr. Mansur came in with a request to name his personal driveway Nonesuch Place. We saw no reason to deny it and there are no property owners around him to disagree with the name. The other road is Legion Drive. The American Legion is building a new post on Highway 82 and Porcupine. Porcupine doesn't fit with the Legion and they are requesting that the name be changed to Legion Drive. The adjacent property owner does not disagree with the name change.

Commissioner McGinn made a motion that we name the personal driveway owned by Jerry Mansur to Nonesuch Place and rename Porcupine Drive to Legion Drive. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

The Chairman closed the Public Hearing and returned to Regular Session.

4. Citizen Communications:

a. Bill Mershon, Chairman of the Otero Soil & Water Conservation District approached the Board to discuss Curtis Canyon and Graveyard Canyon Dam assessments and remedies. Mr. Mershon stated that after the 1951 fire and sometime in the early 60's, the then Soil Conservation District fell

heir and sponsored the building of three dams that were put there to control the run off of the fire. One is in Bear Canyon, one in Curtis Canyon and one in Graveyard Canyon. We did not build these dams and they are on National Forest property. Since then, with the County's help we have inspected them and have done some small maintenance on them. A couple of years ago the National Resource Conservation Service (NRCS), inspected these dams after the 02 fire. They put us on notice that Graveyard Canyon dam and Curtis Canyon dam are very dangerous. Graveyard is ranked number one in the state for being the most dangerous. After several years of going through the political circles, they finally gave us a report that there might be three remedies for it. One of them would be to breach the dam, tear it up and that would be big dollars. We would then have to remedy the damage that might occur below it if we have a big run off. The second would be, to do some remedial repairs to it that would also be costly. The third one is to do nothing to the dam itself, but give everyone living below the dam some type of alert system in case there is heavy rainfall above it. The State Engineer wrote us a letter in January of 08 insisting that we do something about these dams and some suggestions. They suggested that we engage an engineer to help us solve these problems. Mr. Mershon stated that he is here tonight to make this matter part of the records and if we could get the County's help to get an engineer study that they have asked us to do. We don't have the resources to hire an engineer so we were hoping that the County had some one on a retainer or some resources that we could start with to pacify the State Engineer and the NRCS.

Commissioner Moore stated that he has read the data, but is a little unclear of who built the dams. Mr. Mershon stated that the old Soil Conservation District sponsored it and they had a contractor do it. Where the money came from Mr. Mershon doesn't know. Commissioner Moore stated that we do have some engineers on retainer and we can schedule a meeting. We have real good success with Engineer's

Inc., working on these flood issues, they are also reasonable. Commissioner Moore stated that we will help in any way that we can.

b. Timberon Water & Sanitation District request for financial aid for the Timberon water system.

Arden Schug approached the Board and gave them a brief history of their situation in Timberon and what they are trying to do to fix the mess. The last few years Timberon has collected metered water and standby fees. We have been spending more than what we are bringing in on metered water. The standby fees which we saved for improving the water system has all been spent down. We have no reserves what so ever except the 55,000.00 in the State Treasurers Office. The standby fees are supposed to be spent for capital improvements and major emergencies. If we spend them for any other maintenance, we know that we will get sued. We have been fixing water leaks with volunteers for about the last 4 months. Our priorities are to fix or replace the valves and water lines. We are also needing diesel and gasoline fuel for our backhoe and maintenance trucks. Commissioner Moore stated that the \$6,000 you are asking for is to keep you operational. Mr. Schug stated that this is correct. We are also going to ask the State Treasurers Office to use our funds, because this is truly an emergency. Commissioner Moore asked the County Attorney, Dan Bryant if we could legally loan Timberon the money until they did their rate increase and do some kind of repayment schedule. Mr. Bryant stated that it is probably lawful for us to expend the money, because they are quasi-governmental. The vehicle we use to get the money to them, we have to design very carefully because they are a governmental entity and governmental entities in New Mexico can't borrow money. Commissioner Moore would like to see what the County can do internally for Timberon and they will get back with Mr. Schug.

5. Unscheduled Citizen Communications:

a. Paul Quairol, Emergency Service Coordinator, presented a reverse 911 system. Mr. Quairol is sending this to the state level to see if the Department of Homeland Security Emergency Management will fund this. If this does not happen, Mr. Quairol will request at budget time that this system be budgeted for. It will benefit everyone in Alamogordo, the County and in the incorporated areas. It's approximately \$34,000 to \$35,000. Commissioner Moore asked what it exactly does. Mr. Quairol stated that it is a computer based system. It will allow from a remote area, to go online and plot out every home and phone number in an area. It will allow up to 10,000 calls an hour to notify those persons of an emergency that is going on. It also serves as a backup system to the Sheriff's Office and the Fire Departments. If our communication and paging system goes down, you could have pre-planned into the system a series of shift workers for the Sheriff's Office or volunteer fire departments with a push of a button. Commissioner Moore instructed Mr. Quairol to find other counties in New Mexico that have implemented this system and get some input from them to see if they are satisfied with the system.

b. Mary Winsell and Maria Medcalf approached the Board to ask for a public hearing if applicable on a road in High Rolls. The road is off West Side Road and several families live up on the ridge. Newer property owners below us have disregarded the easements that are set out in the deeds. The road is 30 ft. of easement and they have erected a fence. It has become impossible for service and emergency vehicles to get to the top of the ridge. We don't have the resources to pay an attorney and were hoping the County could help us or give us some alternative options. Commissioner Moore stated that where we have had this in the past, it is a civil matter for District Court. Mr. Bryant stated that even though it is a private road, if the dedication is to the public, there is a statute that says nobody can block or obstruct a private road. That statute will help you deal with the claim. We have some roads

that are truly private, they are deeded private, they are held private, the easement is held by individual property owners and that's completely civil. But we have some roads that are quote private because the road has never been turned over to the County for maintenance, but the underlying dedication that is out there in the Clerk's Office, is to the public. If this is the case this statute will help you. Mr. Schugs stated that they should also contact the State Forestry, because they have jurisdiction on private lands for fire problems.

6. Executive Session:

Commissioner McGinn made a motion to go into executive session to discuss items A. Collective Bargaining, B. pending and threatening litigation, items 1-3, C. Personnel, items 1-2, D. land, item 1 and G. contracts, animal shelter. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of executive session having discussed items A., B., C., D., and G. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner Moore directed staff that we have extended the list for background checks in the application process, he will need Ms. Heltner to attend to this tomorrow. Also, put on the agenda for the March 12th meeting in Executive Session for final review and selection for interviews based on background checks.

There being no further business before the Board, the Chairman adjourned the meeting at 9:36 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Regular Meeting 2-21-08