

**Regular Meeting**

**March 22, 2005**

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 Chair person at 6:00 p.m., March 22,2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

**Present:**

- |                 |                          |
|-----------------|--------------------------|
| Clarissa McGinn | Chair person             |
| Doug Moore      | Vice-Chairman            |
| Michael Nivison | Member                   |
| Ruth Hooser     | County Manager           |
| Ray Backstrom   | Assistant County Manager |
| Dan Bryant      | County Attorney          |
| LaDonna Perry   | Department Assistant     |
| Bill Lee Parker | Road Superintendent      |
| Lynn Estrada    | Deputy Clerk             |

**DRAFT**

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

**Presentation:**

State Honoree's Margaret Fazenbaker of Alamogordo, NM and Jennifer Lankford of Holloman AFB, NM were named as the New Mexico's Top two youth volunteers selected in the 1005 10<sup>th</sup> Annual National

Awards Program by the Prudential Financial Corporation.

The Otero County Board of County Commissioner's presented certificates of recognition to these two outstanding youths of Otero County who are being honored for their volunteerism and their community service with a National Prudential Spirit of Community Award. Commissioner Nivison read the certificate to Margaret Fazenbaker and Commissioner Moore read the certificate to Jennifer Lankford.

**1. Consent Agenda:**

a. Approval of Minutes- Commissioner Nivison made a motion to approve the Minutes listed with corrections to the Public Hearing on March 1, 2005 page 3, changing the name of Seth to Saturn Noriega. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

**b. Bills Lists:**

Commissioner Nivison made a motion to approve Bills Lists #41, #42 and #43. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

**c. Indigent:**

Commissioner Moore made a motion to approve the Monthly Indigent Report for March 2005. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

See pages

**d. Personnel:**

Commissioner Moore made a motion to approve all personnel with the exception of the Term Employment Contract for Jay Frost and Michael Koscak, Rifle Range. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

Commissioner Moore made a motion to table the Term Employment Contract for Jay Frost and Michael Koscak, Rifle Range, until the upcoming Budget cycle. The motion was seconded by Commissioner

Nivison. A vote was taken and the motion passed unanimously.

## **2. Purchasing:**

Commissioner Moore made a motion to approve Sealed Bid #05-024 and Sealed Bid #05-025. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

See pages

Consider approving the following contract PS-02-012-AMR Ambulance Service Contract.

Commissioner Moore made a motion to table contract PS-02-012-AMR until we can work out the service area that is currently in debate. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

Commissioner Moore made a motion to approve contract PS-03-008-Daniel A. Bryant, PA Legal Services and contract TS-04-012 Benchmark Business Solutions/Xerox. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

## **3. Resolutions & Agreements:**

- a. Resolution No.03-22-05/93-35 budget increase for Federal Grants
- b. Resolution No.03-22-05/93-38 budget increase for H.I.D.T.A. Grant
- c. Resolution No.03-22-05/93-99 miles of roads maintained by Otero County
- e. Amendment Number One Agreement between Otero County and Rebecca Reynolds Consulting
- f. Fire & Rescue Mutual Aid Agreement between Lincoln County and Otero County VFD.

Commissioner Moore made a motion to approve items a thru f. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

## **4. Elected Officials/Department Heads**

- a. Requesting approval of the final plat for the Galaway-Otero Subdivision, third phase in the

Chaparral, NM area which consists of 95 lots of about .75 acres each. The location is North of Phase 2, which was approved in February 2004.

Commissioner Moore made a motion to approve the final plat for the Galaway-Otero Subdivision, third phase in Chaparral, NM. The motion was seconded by Commissioner Nivison.

Marvin McGee, consulting engineer for the Galaway-Otero Subdivision requested the approval of this subdivision. This is the third phase of four and on behalf of Mr. Galaway he is requesting approval.

A vote was taken and the motion passed unanimously. See pages

b. Dale Palkki, Assessor- Consider approving 2 re-appointments for the Planning Commission Board.

Commissioner Moore made a motion to consider re-appointments for the Planning Commission Board. The motion was seconded by Commissioner Nivison for discussion.

Commissioner Moore stated that we have 2 additional applicants that would be an asset to the Board. As discussed at the Work Session we need to have representation from the Chaparral area. Commissioner Moore would like to redo the Ordinance to expand the membership so we can consider these well qualified candidates as well as the seasoned veterans. Commissioner McGinn stated that currently we have seven members, four at large and 3 appointed from the municipalities of Alamogordo, Cloudcroft and Tularosa. Dale Palkki agreed that we should have representation from the Chaparral area. Dan Bryant stated that the larger the Board the harder it is to get them together and get the work done. One way to prevent this from happening is to leave the quorum requirements at the lower number so the committee can function without them if the subject doesn't have anything to do with their area. Commissioner Moore would like to keep Tom Fosseen and Hans Steinhoff, as well as the two new applicants.

Commissioner Moore amended his motion to approve the reappointment of Tom Fosseen and Hans Steinhoff to the Planning Board for the next 2 year term. The amended motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages Letters will be sent to the two new applicants telling them that the Commission is planning on expanding the Planning Commission Board by the next Commission meeting in order to have them serve.

5. **Clarissa McGinn** – At the last Budget hearing it was discussed having another Budget Work Session on April 7<sup>th</sup> if everyone could make this day. The Board will review salary requests, capital outlay and revenues. April 7<sup>th</sup> at 1:00 p.m. will be published for the Budget review.

6. **Michael Nivison**- Requesting permission to advertise for a Public Hearing regarding Ordinance No.01-05 amending the Otero County Subdivision Ordinance. (Sacramento Mountain Checkerspot Butterfly Conservation Plan.)

Commissioner Nivison made a motion to advertise for a Public Hearing regarding Ordinance No.01-05 amending the Otero County Subdivision Ordinance. The motion was seconded by Commissioner Moore. Commissioner McGinn stated we have discussed at a prior meeting the rational behind having a Checkerspot Butterfly Conservation Plan. Dan Bryant provided a map that was about 50 square miles of land in the Sacramento Mountains that would be subject to a Conservation Plan for the butterfly. Dan stated that the gross acreage is 50 square miles, but suitable habitat is limited to the narrow meadows that are in the canyon bottoms within this area. So the effected acreage is smaller, but the whole range that the Conservation Plan encompasses is a 50 mile radius around the community of Cloudcroft. Commissioner Nivison stated that the actual butterfly goes from the Mescalero boundaries south to just outside the village of Cloudcroft. There isn't a great deal to be subdivided in that area. Commissioner McGinn doesn't agree with the requirements within the subdivision ordinance that require a property owner to care

for the butterfly and to care for the plant and food species that is associated with this butterfly. This would be leading to further conservation plans of other endangered species if we go forward with this. Commissioner McGinn would like to make a suggestion that if we are concerned about the conservation plan for the butterfly, in the subdivision planning review process we notify the person who is subdividing that they may have roadblocks due to the butterfly.

Commissioner Moore stated that we don't want to tie the hands of private property owners and their ability to subdivide property. The purpose of the Conservation Plan was to keep the species from being listed as threatened or endangered. Had this listing taken place we would have federal restrictions upon that land. Commissioner Moore feels this is a good plan, and not too restrictive in nature.

Commissioner Moore amended his motion to advertise for a Public Hearing on Tuesday April 12<sup>th</sup> at 6:30 p.m. on Ordinance No.01-05. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed 2-1 with Commissioner McGinn voting no.

**7. Unscheduled Citizen Communications-** James Frawner, Warden of the Otero County Prison Facility, gave an update on the expansion project. Everything is going real well and it looks like it will be complete in mid-October.

Mr. Frawner stated that this year the Prison Facility will be giving five of the High Schools in Otero County, two \$1,000.00 scholarships each. The High Schools involved are Alamogordo, Cloudcroft, Tularosa, Mescalero and Gadsden. The applications have been given to each school and will be handed out to the students who meet the requirements. There will be a selection committee that will convene to select each of the candidates from the schools. Mr. Frawner would like the Commission and Ruth Hooser to be on the committee along with a few of the employees from the prison. The applications are due back to the Warden on April 27<sup>th</sup> and he would like the committee to meet April 28<sup>th</sup> or 29<sup>th</sup> to make their

selections.

Commissioner Nivison thanked Mr. Frawner for all he is doing for Otero County. Everyone appreciates his generosity.

There being no further business before the Board the Chair person adjourned the meeting at 7:00 p.m.

APPROVED:

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Clarissa McGinn, Chair person

ATTEST:

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Robyn Silva, County Clerk

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