

Regular Meeting

April 4, 2006

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., April 4, 2006; 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:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chair person
Michael Nivison	Member
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Sue Ellen Cox	Executive Secretary
Bill Lee Parker	Road Superintendent
Lynn Estrada	Deputy Clerk

DRAFT

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

Presentation: Ed Roberson, District Manager Las Cruces, Bureau of Land Management, presented to the Otero County Commission a framed land ownership map of Otero County.

The Commission thanked Mr. Roberson for the map and all their cooperation with the County.

Proclamation: The week of May 22-26, 2006 marks National Drug Court Commencement

Week, which celebrates the promise of recovery, restoring hope to drug court graduates and their families.

Commissioner Nivison made a motion to approve the Proclamation making May 22-26, 2006 National Drug Court Commencement Week. The motion was seconded by Commissioner McGinn.

Commissioner McGinn read the Proclamation into the records. A vote was taken and the motion passed unanimously. See pages

1. Consent Agenda:

Commissioner McGinn made a motion to approve items A. Minutes, B. Bills List #38, #39, #40, C. Health Care Services for March 2006, D. Personnel, E 14. Purchasing, Resolutions, Contracts and Agreements by consent. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

2. Elected Officials, Department Heads, Committee Reports:

a. Gus Marker-Request approval to extend Fire Ban Resolution No. 01-10-06/94-46 with amendments.

Commissioner Nivison made a motion to approve the extension of Fire Ban Resolution No. 01-10-06/94-46. The motion was seconded by Commissioner McGinn for discussion.

Gus Marker stated that in view of the extreme drought, he would like to have the Resolution extended for 30 more days. The Fire Chiefs within a fire district have the authority to prohibit a burn, this is one of the amendments that was made to the Resolution. A vote was taken and the motion passed unanimously. See pages

b. Bill Lee Parker-Request approval of a cooperative agreement between Otero County and Colquitt Company to chip seal Ralph Street and Kellie Street.

Commissioner Nivison made a motion to approve the cooperative agreement between Otero County and Colquitt Company. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

c. Virginia Blansett-Request approval to initiate the Community Service Program for Otero County and approve the new Detention Center Policy for Community Service Workers.

Commissioner Nivison made a motion to approve the Community Service Program for Otero County and the new Detention Center Policy for Community Service Workers. The motion was seconded by Commissioner McGinn.

Virginia Blansett stated that this will benefit the Detention Center, so she doesn't have to let felons out to work in the community. The other benefit to the community is getting some things done like clean up for non-profit organizations. Who ever needs assistance, they can call the Detention Center and we will help them out by providing community service workers. A vote was taken and the motion passed unanimously. See pages.

d. Paul Quairoli-Request approval for depositing interest accrued annually from the ¼ % GRT fund into the communications line item at the beginning of each fiscal year, starting FY 2007 to be utilized for upgrading the communication system across Otero County.

Commissioner McGinn made a motion to approve the depositing of the interest accrued into the communications line item for upgrading the communication systems. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

3. Citizen Communications:

a. Lee Ann Loney-Request approval of the Community Health Plan as presented.

Commissioner McGinn made a motion to approve the Community Health Plan. The motion was

seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Jimmy Goss, a Sacramento Mountain Rancher, approached the Board to ask for their help to keep their cattle on federal grazing allotments within the County. With the drought the elk have never come to the lower elevations. They have eaten all the grass that usually is there for the cattle during spring and summer. Commissioner Nivison stated that he will set up a meeting within the week with the Otero County Grazing Board and the Forest Service to see if they can come up with some solutions for the ranchers. Bobby Jones, President of the Grazing Advisory Board stated that he could attend the meeting and he will contact all the permittees to attend.

c. Janet White approached to ask Commissioner Moore why he asked the Planning Coordinator, Dale Palkki if the Preliminary Plat of Cielo Vista Ranch Subdivision was Randy's. She would like to know who Randy is. Commissioner Moore stated that Randy is Randy Rabon which is his brother-in-law, so he will abstain from voting on this item.

4. Commission Discussions/Correspondence:

a. Commissioner Nivison stated that this year in the Legislative Session, Piney Woods received 100,000.00 grant for their water system. They were able to obtain a Department of Agriculture grant using the first grant for leverage. Piney Woods now needs to be declared a colonias to apply for the Rural Utilities Services Grant. Dan Bryant stated that they do meet all the requirements to be designated a colonias.

Commissioner Nivison made a motion to approve the designation for Piney Woods as a colonias. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

5. Public Hearing:

The time being 6:30 p.m. the Chairman opened the Public Hearings for the Preliminary Plat of Cielo Vista Ranch Subdivision, amendments to the Otero County Indigent Ordinance and amendments to the Otero County Subdivision Ordinance. The Chairman recessed the Public Hearing for the Otero County Indigent Ordinance and amendments to the Otero County Subdivision Ordinance and called to order the Public Hearing for the Preliminary Plat of Cielo Vista Ranch Subdivision.

Commissioner Nivison made a motion to approve the Preliminary Plat of Cielo Vista Ranch Subdivision. The motion was seconded by Commissioner McGinn.

Dale Palkki, Planning Coordinator, gave a brief report on this plat. It has been through all state agencies and the Planning Commission. All agencies are recommending approval of this subdivision. Sam Damwood, who owns property adjacent to this subdivision would like to know how these 51 lots are going to effect the water supply and what kind of sewage system will they have.

Margaret Duben, Engineer for this project, stated that they are proposing individual water wells for each lot and also proposing individual septic tanks for each lot. The subdivider has proposed to make improvements to Chihuahua Road and to the internal roads by chip sealing them.

A vote was taken and the motion passed 2-0 with Commissioner Moore abstaining.

The Chairman adjourned the Public Hearing on the approval of the Preliminary Plat of Cielo Vista Ranch Subdivision and opened the Public Hearing for the Otero County Indigent Ordinance.

Gloria Sainz, Health Care Coordinator, stated that the amendments that are being proposed are changes in the money amounts that had previously been done to the Ordinance. The first amendment proposal is to change the out patient emergency. It was \$501.00 and then changed to \$350.00. Many indigent residents aren't qualifying because the bills are higher than \$300.00. The second proposal is to reinstate the medicare deductible. The third proposal is a fee for service contract not to exceed the total gross

amount mutually agreed by the provider and the Otero County Commission.

Dan Bryant stated that we need some direction from the Commission, not in a form of a motion, but how many more Public Hearings do you want on this item before we can schedule it on the agenda as an action item in order to make a motion and approve the Ordinance amendments? The Board stated that we can have it on the next agenda as a Public Hearing and take action on the Ordinance then.

The Chairman adjourned the Public Hearing on the Indigent Ordinance and called to order the Public Hearing on the Otero County Subdivision Ordinance.

Ernest Martinez and Klad Zimerle approached the podium to discuss the amendments to the Otero County Subdivision Ordinance. Mr. Martinez stated that they are here representing the Home Builders Association. We are not finished with inputting our suggestions into the Ordinance and would like to have a little more time to do so. Commissioner McGinn stated that what she expected this evening was an open discussion on what changes they are recommending or anybody else's comments, that is here tonight as we move forward to review the whole Ordinance. Commissioner Moore stated that we want to give everyone ample time to provide comment and review the document. If you guys need more time we will certainly give you more time. We want to include comments in the document with different colors. When we get everyone's comments, we will schedule a meeting for all day to go through this document line by line and make a decision. Mr. Martinez and Mr. Zimerle were pleased with that decision and will be available for the meeting.

Commissioner Moore closed the Public Hearing on the Otero County Subdivision Ordinance and returned to Regular Session.

6. Executive Session:

Commissioner Nivison made a motion to go into Executive Session to discuss the proposed settlement

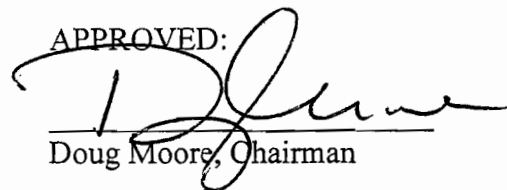
on Rhino Land Farm, Collective Bargaining, Pending and Threatening Litigation, Personnel, Land Roads and Detention Center. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Nivison	yes
Commissioner McGinn	yes
Commissioner Moore	yes

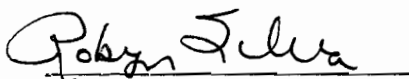
Commissioner McGinn made a motion to come out of Executive Session where we discussed under Pending and Threatening Litigation a potential settlement with Rhino Land Farm near Chaparral and under Personnel issues, organizational restructuring and review of Department budgets. No decisions were made during this Executive Session. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Nivison	yes
Commissioner McGinn	yes
Commissioner Moore	yes

There being no further business before the Board the Chairman adjourned the meeting at 8:15 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:


Robyn Silva, County Clerk

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