

Regular Meeting

May 16, 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., May 16, 2006; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSSA, KINN and KYEE.

Present:

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

DRAFT

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

Proclamations:

a. Consider approving a proclamation to declare New Mexico a Multi-cultural State, which celebrates New Mexico as a state full of cultural diversity that has shaped its rich history and unique modern identity.

Commissioner McGinn made a motion to approve the Multi-cultural State Proclamation. The motion was seconded by Commissioner Nivison. Commissioner Moore read the Proclamation into the records. A vote was taken and the motion passed unanimously. See pages

b. Approval of the proclamation for Railroad History Days.

Commissioner McGinn made a motion to approve the proclamation for Railroad History Days. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

1. Consent Agenda:

Commissioner Nivison made a motion to approve items A. Minutes, B. Bills List #45, #46, #47, C. Health Care Services monthly report for May 2006, D. Personnel, and E. Resolutions, Contracts and Agreements. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

a. Request approval of Resolution No.05-16-06/94-81 Fiscal Year 06/07 interim budget adoption.

Commissioner McGinn made a motion to consider this item following Elected Officials, Department Heads. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

2. Elected Officials, Department Heads, Committee Reports:

a. Request approval to sell by sealed bid a 1998 John Deer 770C Motor Grader.

Commissioner Nivison made a motion to approve to sell by sealed bid the 770C Motor Grade. The motion was seconded by Commissioner McGinn.

Bill Parker stated that he had checked around for an auction per the Board's request and found one that

will be held in Las Cruces June 3rd. We can get this grader on the auction if we would like. We can refuse all bids and not pay the 10% commission charge. Bill stated that he would like to do this instead of the sealed bid.

Commissioner Nivison amended his motion to allow the 1998 John Deer 770C motor grader to go to the Dickerson Auction in Las Cruces June 3, 2006. The amended motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

b. Request approval to appoint Jerry Johnson as the Otero County Policy Committee member and Becky Lane as an alternate for the Southeast Regional Planning Organization.

Commissioner Nivison made a motion to approve to appoint Jerry Johnson as the Committee member and Becky Lane as the alternate. The motion was seconded by Commissioner McGinn.

Commissioner Moore would like to thank these individuals for giving their time and effort to this very important organization. A vote was taken and the motion passed unanimously. See pages

c. Request approval on the final plat for the Tierra de Oro Subdivision. The preliminary plat for this subdivision was approved by the County Commission on April 25, 2006.

Commissioner Nivison made a motion to approve the final plat for Tierra de Oro Subdivision. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

3. Resolution No. 05-16-06/94-81 Fiscal Year 06/07 interim budget adoption.

Commissioner McGinn made a motion to approve Resolution No.05-16-06/94-81 interim budget adoption. The motion was seconded by Commissioner Nivison. Donna Brandon, Financial Director, presented the re-capp with the changes made from the Work Session last Wednesday. Commissioner McGinn stated that the employees will receive \$1.08 per hour cola increase. The pay increase will go

into effect July 2nd and salary adjustments will be on the July 21st paycheck. A vote was taken and the motion passed unanimously. See pages

4. Citizen Communications:

a. Ron Wright- Consider building a fire escape route through Waterfall Subdivision located on Highway 130, near the community of Cloudcroft.

Mr. Wright approached the Board and stated that there are 35 residents living in this area and there is no escape. We are all individual homeowners with no Association to help us. Mr. Wright stated that Otero County has to have some money in the budget that hasn't been spent to help us out.

Commissioner Nivison asked if this could be handled through staff. Dan Bryant stated that ordinarily the County doesn't build roads. We are not a road building entity, we are a road maintaining entity.

Anytime we have been asked to build one, we have brought it to the Commission because that's a pretty extraordinary step.

Commissioner Moore instructed staff to have this item on the agenda for an action item for the June 7th meeting.

5. Commission Discussion/Correspondence:

a. Doug Moore stated that there will be a Grazing Board Meeting tomorrow at 10:00 a.m. here at the Courthouse in Room 254.

b. Commissioner McGinn stated that there will be a animal rescue meeting tomorrow. Norbert Sanchez from the Sheriff's Office and Commissioner McGinn will be attending. We will be talking to them about housing some of the County's animals.

c. Commissioner Nivison will be attending a BRAC meeting in Cloudcroft tomorrow.

6. Unscheduled Citizen Communications:

a. Everett Putney approached the Board to discuss his concerns with the school bus route roads in Timberon. He doesn't know if the County can help them in anyway or not. Bill Parker stated that the County gets about 100,000.00 a year for school bus routes. We space the routes out over the years. Dan Bryant stated that Timberon Water and Sanitation District is recognized as a quasi governmental entity subject to the rules and regulations of the State. If you are subject to the rules and regulations of the State you are also subject to the benefits. You could apply separately for school bus route funds and try to get some supplemental funding for these projects. Dan Bryant stated that this is an idea for them to try to get some funds.

b. Dan Bryant discussed some of the issues concerning the goat problem in Timberon that was brought to the Commission during the Work Session. Dan stated that we have found some language in the statute that will allow us to use the petition process for this Commission to hold a hearing and issue a civil order from the Board of County Commissioners that will prohibit running at large livestock in Timberon. There are some posting requirements within the subdivision and some publication requirements that will have to be complied with following the hearing. The Commission will be able to issue an order that prohibits the running at large of livestock in that area. Once the posting and publication is all complete, the statute requires a five day period following which the order becomes effective. At this point the Sheriff is empowered to impound the animals pursuant to certain statutory conditions to get them turned back over to the owner. This issue will go on the agenda for June 7th as a Public Hearing on the goats in Timberon. Commissioner Moore asked if there is a petition requirement. Dan stated that yes there is a petition requirement and it has already been prepared and checked by the County Clerk's Office. The petition requires 25 signatures of residents, not necessarily registered voters, but residents within the area. The Clerk's Office found 28 registered voters on the

petition, who by definition, have to be residents of the area. The only other fact that we have to establish at the Public Hearing is that within the platted area there are at least 300 residents. Dan will have this information for the Hearing on the June 7th Meeting.

Ms. Richardson stated that she works with the goats. They never roam unattended. There is always someone with them. Once in a while one will stray off but they don't eat flowers, goats don't like flowers. The stables are not considered part of Timberon. They are not taken downtown anytime. They do go through private property over to the airport and that belongs to Virgil Beagles and the lakes are public property. Commissioner Moore stated that he had pictures of them and many pictures of them on the airport and in other resident's yards.

Commissioner McGinn stated that to understand this correctly the petition triggers a Public Hearing which in turns allows anyone in the public to state their comments or complaints. Dan stated that this is correct and in the discretion of the Board if you find that there is a legitimate problem the Board can issue an Order, which is site specific solution to the problem in Timberon. Commissioner Moore suggested that we have the Regular Meeting in Timberon on June 7th. The Board discussed this issue and decided to hold the Regular Meeting at the Timberon Lodge at 6:00 p.m. on June 7th.

c. Sid Benson, Timberon resident, wanted to remind the Commission of the meeting on May 19th at 3:00 in Timberon for the Special District issue.

7. Executive Session:

Commissioner McGinn made a motion to go into Executive Session to discuss pending threatening litigation 1) Special District Formation, Personnel issues 1) Organizational restructuring, and Contracts 1) Request approval for yearly contract renewal for leasing Thomas S. Overstreet's building located across from the Courthouse on the Tenth Street. The motion was seconded by Commissioner Nivison.

Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore made a motion to come out of Executive Session having discussed pending and threatening litigation, special district formation, organizational restructuring and lease contract with property adjacent to the Courthouse, having made no decisions. The motion was seconded by

Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

There being no further business before the Board the Chairman adjourned at 7:45 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, Otero County Clerk

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