

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., May 23, 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  | Absent                   |
| Dr. Martin Moore | County Manager           |
| Ray Backstrom    | Assistant County Manager |
| Dan Bryant       | County Attorney          |
| Pamela Heltner   | Commission Liaison       |
| Bill Lee Parker  | Public Works Director    |
| Lynn Estrada     | Deputy Clerk             |

**DRAFT**

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

**1. Consent Agenda:**

- a. Bills Lists #51, #52, #53, #54
- b. Approval of Minutes
- c. Health Care Services-approving or denying claims for our Sole Community Provider, Gerald

Champion Regional Medical Center.

Gloria Sainz stated that they are situated at the hospital and are getting the paperwork done while the patient is in the hospital.

**2. Purchasing:**

a. Consider approval of Contract ICQ#-07-011 Inmate Pharmacy Services for the Otero County Detention center. RFP #07-018 Inmate Pharmacy Services was approved at the April 17 commission meeting. This is a one year contract with the option to renew an additional three years, not to exceed a total of four years.

Ms. Herndon stated that this is a renewal with the same company that was awarded the contract four years ago. They bid the contract and again had the best prices for this service.

**3. Resolutions, Contracts, and Agreements:**

a. Consider approving the CO-OP agreement between the U.S. Department of Agriculture, Forest Service and Otero County. The Forest Service has \$10,000 to purchase material (approximately 1200 yards of base course material) to be hauled on JFSR 228 (011, Walker Canyon) and NFSR 162 (A068, La Luz Canyon). The county will purchase the material, haul and spread it. The Forest Service will reimburse the County for the cost of the materials.

Bill Parker stated that with this approval, even if we can't do this project at the moment, it will mark the money for when we are ready to do it.

b. Consider approving a Joint Powers Agreement between the City and County for the First Street extension and realignment. The City will perform the design and construction work for the First Street connector to the relief route. The County Grant must be encumbered on or before June 30, 2008. Dan Bryant stated that this agreement provides that the City of Alamogordo will handle the design and

the construction of the connector. The design elements are subject to county approval before they are approved and put out for construction. There are several grants that are applicable, the earliest which will expire in 2008. The latest will expire June 30, 2010. This agreement will start the design process.

c. Consider approving a contract between the City of Alamogordo and the Otero County Prison for housing of City prisoners. The cost to house prisoners at this facility is \$60.31 per day, per inmate, plus transport costs.

Commissioner Moore stated that this is not a county run facility. It is the facility that is located almost at the Texas state line.

d. Consider approving a proposed three party land swap to the City of Alamogordo by Michael Shyne. The effect of this proposal is that the City will become owner of the parking lot adjacent to the new museum site at the corner of Tenth Street and White Sands. The County would become the owner of approximately 60 acres of land in the vicinity of the Sidney Paul Gordon Shooting Range. It would have deed restrictions attached to the land that would impose the requirement that the property be used for shooting range purposes and to create a buffer zone.

Dan Bryant stated that we will be asking the Board to approve the agreement for deed restrictions for real property donated to the county. We will also be asking you to approve the simultaneous donation agreement. Mr. Shyne's involvement is to act as the benefactor, by donating his land to the City and getting this tract of land that is out near the Shooting Range set aside, so we can start the process of creating a buffer zone around the Shooting Range.

e. Consider approving Resolution No. 05-23-07/95-69 requesting a burn and fireworks ban in Otero County.

Paul Quairolì stated that he has received from the National Weather Service that we are expecting

above normal moisture now. When we first started with the burn bans, we were not expecting any moisture. Commissioner McGinn stated that the firework ban has to be in so many days prior to the sale of fireworks. Dan Bryant stated that June 13<sup>th</sup> would be the last day. We have a Work Session on June 13<sup>th</sup> and we could consider whether drought conditions that warranted firework restrictions or burn bans. Dan stated that we would have to publish a Special Meeting as the Work Session is just a working meeting. Commissioner Moore stated that we did advertise this item as a potential action item for today. Commissioner Moore is in favor of not taking any action today on this item. He requested to have the two items separated. The firework ban on one resolution and the burn ban on another resolution.

Commissioner Moore made a motion to bring these two items back before the Board on the June 13<sup>th</sup> meeting on two separate resolutions. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

f. Consider approving Resolution No. 05-29-07/95-68 for a budget increase in the amount of \$100,000 to address the declared insect emergency and other forest related emergency issues.

Donna Brandon stated this was done at Dr. Moore's request to address the insect issue in the Lincoln National Forest. Dr. Moore stated that the language should say in the amount up to \$100,000 and not to exceed. Commissioner Moore stated that any expenditure of these monies be considered by the Board, prior to the dedication of those funds. He wants to know what the money is being spent on.

#### **4. Public Hearing:**

a. Consider the preliminary plat approval for Creekside Estates Subdivision, Unit 1. This subdivision is located between Tularosa Creek on the North and Highway 70 on the South, approximately five miles northeast of Tularosa.

Dale Palkki, County Assessor, stated that a year ago Tularosa had some real concerns with the set back from the creek for the wells and septic. At the last Planning Commission meeting these were adequately addressed. They have reviewed it and the Mayor of Tularosa and the attorney for the Village of Tularosa have also reviewed the subdivision. The most drastic change is 11 lots instead of the 25 proposed lots. Commissioner McGinn stated that there is a special ordinance relating to the creek and the water supply that will be included in the Disclosure Statement. Mr. Palkki stated that this is correct, the Tularosa Ordinance is sited. Dan Bryant stated that the five mile rule comes from the fact that Tularosa's water supply is within five miles of this development. They have separate statutory ability outside the extra-territorial zoning jurisdiction to look at development that may impact their water shed when it's within that distance. That's where that power and authority comes from. It's on the water side not the zoning side. Commissioner Moore requested that staff contact Tularosa and have them present for the public hearing on Tuesday night. The Board also requested to have in writing that Tularosa has reviewed this subdivision and they either approve or disapprove based on the proposed development.

b. Hear public comments on the creation of a Wildlife Management Criteria Ordinance, focusing on introduced wildlife species.

Dr. Moore stated that at the direction of the Commission we have brought forward this item to begin the hearings on the impacts of damage these species bring to private land. The primary focus will be on the elk. We have worked with the attorney and have outlines of information. We are developing a criteria of how to manage these species. There are some loop holes in the New Mexico statutes that we believe we can exploit to make this an effective ordinance.

R.L. Posey stated that he has been following the elk issue for over ten years and he has a tremendous

amount of background material. He is willing to discuss the information with anyone at anytime.

Commissioner Moore directed staff to send a letter to New Mexico Game & Fish and New Mexico Fish & Wildlife to inform them that we are starting this process and we would appreciate their attendance.

**5. Citizen Communications:**

a. Terry Muller-Discuss the construction of a new fire station for the Oro Vista Fire District.

Paul Quairoli was present for Mr. Muller, who could not attend the meeting today. Mr. Quairoli stated that Mr. Muller is requesting assistance from the county in trying to create documentation to get on the ICIP list to obtain a legislative grant for a new fire station. Commissioner Moore stated that this information can be obtained from Ray Backstrom, but Mr. Muller is welcome to come and talk to the Board about this project.

**6. Unscheduled Citizen Communication:**

a. Janet White stated that she attended the Travel Management meeting put on by the Forest Service. She interviewed with Mr. Woltering, the head of the Forest Service for the Lincoln National Forest. Ms. White has a CD of the interview and would like to give the Commission a copy of the CD. The Commission thanked Ms. White for the CD.

There being no further business before the Board, the Chairman adjourned the meeting at 10:25 a.m.

APPROVED:

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Doug Moore, Chairman

ATTEST:

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Robyn Holmes, County Clerk  
Work Session May 23, 2007