

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 8:30 a.m., June 5, 2000; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Richard Zierlein	Chairman
Tim McGinn	Vice-Chairman
Ronny Rardin	Member
Ruth Hooser	County Administrator
Virginia Fletcher	Assistant County Administrator
Dan Bryant	County Attorney
Frank Portillo	Road Superintendent
Kim Chavez	Deputy Clerk

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Commissioner Zierlein gave the invocation, Frank Portillo led those assembled in the Pledge of Allegiance and Commissioner McGinn led the salute to the flag of New Mexico.

**I. Executive Session:**

a) Commissioner McGinn made a motion to go into Executive Session to discuss collective bargaining, pending litigation, personnel items, land acquisition, roads and the Detention Center. Commissioner Zierlein seconded the motion. Roll call was taken as follows:

Commissioner Zierlein      yes

Commissioner McGinn      yes

The Board recessed executive session.

**II.      Air-conditioning for the District Attorney's Office:**

Commissioner McGinn made a motion to spend up to \$5,000.00 to put in refrigerated air conditioning in the building that the County rents from Thomas Overstreet to house the District Attorney's Office. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously.

**III.      Consent Agenda:**

A.      Minutes

5-8-00

5-10-00

5-12-00

5-15-00

5-18-00

B.      Resolution No. 06-05-00/88-52, Support of Hydrogeological Study  
for the Community of Oro Grande, Otero County.

C.      Bills Lists:

#51

#52

#53

D.      Agreement between Otero County and Children, Youth & Families

Agreement #01-690-3018 for \$10,000.00.

E. Resolution No. 06-05-00/88-50 Budget transfer from General Fund (10) to Community Project Fund and budget increase for Community Project Fund (18).

F. DWI Grant Agreement No. 00-D-J-G-20 not to exceed \$80,000.00.

G. Indigent Fund:

Request to purchase furniture for Indigent Office.

H. Personnel Items:

1. New Hires:

Georgina Araiza - Detention

Paul Chavez - Detention

Leslie Stoneking - Purchasing

2. Longevity:

None

3. Other:

Raymond Harper - Reinstate him to his previous position at

Fairgrounds .

Change in employment contracts:

Betty McNeely - DWI

Anthony Bransford - DWI

Robyn Simons - DWI

Velma Valles - DWI

Kristin Davis - DWI

Denise Syling - DWI (R.O.P.E)

Denise Syling - DWI (Teen Court)

Peter Forrest - DWI

I. Grant/Subdivision Coordinator:

Commissioner McGinn made a motion to approve items a,c,d,e,f on the agenda. Commissioner Zierlein seconded the motion. A vote was taken and the motion was passed unanimously. See pages \_\_\_\_\_.

B. Resolution No. 06-05-00/88-52, Support of Hydrogeological Study for the Community of Oro Grande, Otero County. Mrs. Hooser, County Administrator stated that this project has to do with wells for the Community and the possibility of receiving a \$25,000.00 planning grant to help with the cost. Mrs. Hooser stated that the Air Force has permits for 27 wells. Mrs. Hooser asked the military if the County could have one of the wells, however it may take the military a year or more to have an answer. Commissioner McGinn made a motion to approve item B under the consent agenda. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

**IV. Emergency situation in the Mountains:**

Commissioner Zierlein stated that it appears that the County can continue with the emergency status that was put into place because of the fire and now because of the flooding in the mountains. Commissioner Zierlein stated that in case the flooding can't go under the fire emergency, the County needs to make a motion to declare the mountains an emergency status due to the flooding and mud slides for the duration of the rainy season. Commissioner McGinn made a motion to declare that an emergency situation exists due to potential for flooding, mudslides and other related fall as a result of the fire. Commissioner Zierlein seconded the motion. A vote was taken and the motion

passed unanimously.

**V. Consent Agenda continued:**

**G. Indigent Fund:**

Request to purchase furniture for Indigent Office. Commissioner Zierlein asked why furniture has to be custom made, why it can't be purchased from a retail store. Mrs. Hooser stated that the furniture is going to have to fit in a very small area and the size of the furniture is not like that of furniture already made. Commissioner Zierlein stated that looking at the drawing of the requested furniture it looks like standard furniture. Commissioner McGinn stated that he is not against the idea but requested that Tony Rogers look around to see if he can find furniture already made for a smaller cost. Commissioner Zierlein feels that furniture can be purchased to fit in the office for half the price. No other action was taken.

**H. Personnel Items (continued):**

Commissioner McGinn asked if the openings for the Detention are new positions. Mr. Jenkins stated that some of the positions were vacated and other employees were promoted to full-time positions. Commissioner McGinn informed Mr. Jenkins that the part-time line for next year was cut to \$25,000.00. Mr. Jenkins stated that should not be a problem as long as Deming is transporting prisoners for the Detention. Commissioner McGinn made a motion to approve personnel item H as presented. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

**VI. Inter-Departmental items:**

**1. Road Department:**

No items at this time.

2. Maintenance Department:

Request to purchase a tractor and brush hog for use at Boles Acres Park. This item will be discussed later in the meeting.

3. Purchasing Department, Various Contracts:

- a. TS-93-042 Data Processing/Maintenance on Printer.
- b. TS-93-001, TS-97-006, TS-98-018, TS-00-001 for the County Clerk's Office.
- c. TS-97-017 Detention/Administration Office postage machine.
- d. TS-01-005 Road Department copier lease with Xerox/United Business.
- e. TS-98-008 Sheriff's Department copier lease with Xerox/United Business.

Commissioner McGinn made a motion to approve item #3 under Purchasing. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed. See pages\_\_\_\_\_.

**VII. Mr. Ed Carr - Update on Economic Development "STREAM"**

Mr. Carr brought the Commission up to date on the possibility of the Company, STREAM International relocating in Alamogordo. Mr. Carr stated that representatives from the Company came last week and looked at the old IGA and Wal-Mart buildings. They are looking to see if there is adequate manpower to relocate in Alamogordo. STREAM is very interested in the school systems and their technology. There will be an open house at the Civic Center and based on the response from the public they will make their decision on whether or not they will relocate in Alamogordo. Mr. Carr asked that the County provide incentives to STREAM to help bring them into the County.

Mr. Carr asked how long will it take the County to approve the incentives for STREAM? Dan Bryant stated that if it is done by ordinance there is a two-week publication process, then a meeting is held for discussion, then the ordinance is adopted. This is to set the ordinance in place. Then the City's rules and the County's rules diverge. Under the City's ordinance it goes into effect five day later and the Counties goes into effect thirty days after it has been filed in the Clerk's office following the meeting at which it was approved. The Commissioners directed Mr. Carr to discuss the tax incentive with the County Assessor. No other action was taken.

### **VIII. Commission Discussion/Correspondence:**

#### **A. Richard L. Zierlein**

##### **1. Emergency Preparedness Plan/Funding for Review**

Mike Riley approached the Board to discuss the possibility of bringing in a consultant to do an analysis to see where there were problems and what needs to be done in the event of another fire.

Mr. Riley stated that the Forest Service is willing to do the cost for the air and transportation. The benefit of this will show if there is enough personnel and equipment. The cost is \$3,900.00. Terry Mueller stated that first of all there is suppose to be an individual in place to move equipment if there is a problem. Mr. Mueller stated that he does not feel spending \$4,000.00 is the right way to do it.

Commissioner Zierlein stated that there were problems during the fires that need to be corrected.

Mr. Mueller stated that if the County wants to spend \$4,000.00 on a consultant they should spend money to bring someone in full-time to do the job. It would be nice to spend the money to hire a consultant but we know what went wrong and by doing this, is just wasting money. Commissioner McGinn asked Mr. Mueller what the cost would be to hire a Fire Marshall. Mr. Mueller stated that the cost would be between \$35,000.00 and \$40,000.00. Mrs. Hooser stated that it would cost

between \$50,000.00 and \$60,000.00 to get started and this did not include a car or office space. Mr. Mueller stated that some of the Fire Departments will help this person get started. Commissioner Zierlein stated that he would be willing to put in the funds that the City is putting for the consultant. Commissioner McGinn made a motion to match what the City of Alamogordo puts in for the consultant which is about \$1,500.00. The motion was seconded by Commissioner Zierlein. A vote was taken and the motion passed unanimously.

**IX. Mr. Harold Reynolds** - Permission from Lincoln National Forest to put a fire warning base on County property in front of the Sixteen Springs Fire Station. Mr. Reynolds stated that he is a volunteer for the Forest Service. Mr. Reynolds would like to put this sign on County property because the Forest Service property is not on the road. The County property would be a better place to put the sign. Commissioner Zierlein stated that he does not see a problem as long as the Chief of the Sixteen Springs Volunteer Fire Department does not have a problem. Commissioner McGinn made a motion that with regards to putting a fire warning base on County property and that the Chief of the Sixteen Springs Fire Station be asked for his approval and where he would like the sign placed. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

**X. Mr. Ronny Merrill** - Tactics being used by the Federal Government in the 2000 Census. Mr. Merrill informed the Commission of his experience with the census. Mr. Merrill feels that the rights and privacy of the citizens are being violated. Mr. Merrill believes that there is a need to conduct a census. Mr. Merrill disagrees with the Census for demanding the answers to personal and private questions. Mr. Merrill feels that the government is using covert tactics. Mr. Merrill received the long form for the census and chose not to fill it out knowing that the census

worker would show up at his house. A census worker did show up at his house and left a note on his door. In the note it stated that you can either call the census worker at night at their home or they will come back out. Mr. Merrill called the Census worker and informed them of his name, address, his wife's name and that there were two adult people living in the house. I then explained to her that I was not willing to answer any additional questions. I thought that was the end of it. On Thursday of the following week a census worker went to my neighbor's house and asked if they knew us, what race we were and if they knew the layout of our house. Mr. Merrill stated that disturbed him because he does not feel that the government has the right to go to the neighbors and investigate him without his permission. The next day Mr. Merrill contacted Mr. Gene Roberts, Assistant Manager in charge of the census workers in Otero County and asked him if the census worker had the authority to question his neighbors about him and his family. Mr. Roberts gave some examples of why these census questions were important. Mr. Merrill told Mr. Roberts that he feels that the least information the government knows is the best. Mr. Merrill stated that government is typically not to be trusted. Mr. Merrill stated that his granddaughter attends La Luz Elementary School and informed him that the Census workers came to her school to talk to the children about the Census and encourage them to have their parents fill out their census forms. Mr. Merrill stated that he can't believe that the government will use the grade school children to persuade them to do what the government wants. If the U.S. government has the right to question our neighbors and school children about us, does this mean we are losing some of the rights and privacies we have obtained through the bill of rights. The tactics being used remind Mr. Merrill of what he has read of Communist China. Mr. Merrill feels that there is no end to the questions if there is not a stop to it now. Mr. Merrill asked the Commission to get information and see if the census is being conducted

by the rules. If it is then contact our representatives and have it changed. Commissioner Zierlein stated that getting a copy of the rules should be as easy as writing a letter and he has no problem in doing that. Commissioner Zierlein stated that the census would be done in Otero County by the end of this week. Commissioner Zierlein stated that he agrees with Mr. Merrill. The census does need to know the population but does not agree with the questions. The board directed staff to contact the census and get a copy of the rules for the census. No other action was taken.

**XI. The Board returned to Executive Session.**

The Board came out of Executive Session and Commissioner McGinn made a motion to return to Regular Session and stated all that was discussed was collective bargaining, personnel items, pending litigation, land acquisition, roads, and the Detention . Commissioner Zierlein seconded the motion.

Commissioner McGinn        yes

Commissioner Zierlein        yes

**XII. Commission Discussion/Correspondence:**

A.     Richard L. Zierlein

1.     Resolution No. 06-05-00/88-51

Fire danger within Otero County

Commissioner Zierlein stated he has no intention of approving this resolution to stop individuals from buying or selling fire works. Mr. Bryant stated that the Resolution is not a ban because the statutory provision that governs (60-2C-8.1) has to base the finding on the current drought published by the National Weather Service, National Forest Service or other relevant authority. The County can then issue a proclamation declaring extreme droughts limiting fire works. The public hearing

has to be published 20 days in advance of a holiday at which fireworks are going to be used. Mr. Bryant stated that this couldn't be done because the County did not go through the appropriate publication. Whatever is done today will not have the legal effect that is intended by the statutory process. Mr. Bryant stated that technically the Resolution is not enforceable. Commissioner McGinn stated that in 1998 fireworks had been banned. Mr. Bryant stated that the laws have changed since then. Commissioner Zierlein asked for the support of the Commission to draft a press release asking the public to participate in organized fireworks displays due to extreme drought and fire hazard conditions. Commissioner McGinn stated that somewhere it should be stated that the County Commission has banned fireworks. Commissioner Zierlein disagreed because the Commission can't legally do it anyway. Mr. Bryant stated that he will put a provision in the press release stating that if the state statute gave the County Commission the power to ban fireworks that the County would ban them all together, but the County is not permitted by the Legislature to do that, therefore the County Commission is encouraging that private individuals not use fireworks. Commissioner Zierlein stated that at this point in time he is not willing to ban them. The Board directed the County Attorney to draw up a release for the press.

## 2. Emergency Preparedness Plan/Funding for Review

Commissioner Zierlein brought the Commission up to date with the plan. Commissioner Zierlein stated that if there is a major event in the mountains it is the County's responsibility to know what resources are available in the basin and in the mountains. The first twenty-four hours are the most important were there is a major emergency. If there is an emergency in Cloudcroft the command center is in Cloudcroft. If there is an emergency in the basin there is not a place designated for a command center. Commissioner Zierlein stated that the Sheriff's Office and the County

Commission need to designate a representative in the event of an emergency. Commissioner Zierlein asked staff to help get this together. No other action was taken.

3. Letter to Forest Service regarding grazing permits.

Commissioner Zierlein informed the Commission that he wrote a letter to the Forest Service on his own regarding the grazing permits. Commissioner Zierlein feels that the Commission also needs to send a letter. No other action was taken.

**XIII. Administrator's Reports:**

1. Agreement between Otero County and Sky Ridge Camp.

Commissioner McGinn made a motion to approve the Agreement between Otero County and Sky Ridge Camp. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

**XIV. Ms. Sarah Gilchrist Callinan - Otero County Maternal Child Health**

Council. Ms. Callinan stated that she is required to come before the Commission each year and inform them of the members on the Council and what they are doing in the Council. No action was taken.

**XV. Inter-Departmental Items:**

1. Boles Acres Park

Mrs. Hooser stated that she has been in touch with Sandra Massengail with the BLM Parks and Recreation and there may be a chance the park can be closed and the land given back to BLM.

If the park can't be closed the County needs to discuss having a caretaker live out there all the time to help stop the vandalism. If the park is not closed then the brush hog and the tractor will be needed. Mrs. Hooser stated that she will know by the next meeting if the park can be closed.

Commissioner Zierlein suggested that the Commission should hold this until the next meeting. Mr. Bryant stated that if the Commission is allowed to close the park they should hold a public hearing and inform the Community of Boles Acres so that the Community will have a chance to respond whether they want the park open or not. If the Community wants the park and wants the responsibility of taking care of it then allow them to, if not shut the park down. Mr. Bryant stated that if the Commission just closes the park and does not inform the public, there would be complaints. The Commission stated that they will make a decision regarding the park after they hear from BLM. No other action was taken.

There being no further business before the Commission, the Chairman adjourned the meeting at 11:50 a.m.

**APPROVED:**

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**Chairman**

**ATTEST:**

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**Mary D. Quintana  
Otero County Clerk**