

**Regular Meeting**

**June 14, 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., June 14, 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          |
| Bobbie Reyes    | Department Assistant     |
| 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.

**1. New Business:**

Consider approving a Proclamation supporting the White Sands Missile Range Community Response Team Efforts to save the WSMR-Army research Lab from realignment to the Aberdeen Proving Grounds, in

Maryland.

Mr. Ed Carr submitted this along with community leaders of Dona Ana County which may impact over 300 jobs if moved to Aberdeen, Maryland.

Commissioner Moore made a motion to approve the Proclamation supporting the White Sands Missile Range Community Response Team Efforts. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

- a. Consider approving a Proclamation for Saturday, June 11, 2005 as the Juneteenth Celebration.

Commissioner Nivison made a motion to approve the Proclamation for June 11, 2005 as the Juneteenth Celebration. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

## **2.Consent Agenda:**

Commissioner Moore made a motion to approve items A. Minutes, B. Bills List #54, #55, #56, C. Health Care Services monthly report, D. Personnel, E. Purchasing, F. Resolutions, Contracts and Agreements, and omitting item F13 for a stand alone vote. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

- a. Request permission to publish for a Public Hearing for Otero County Ordinance No. 03-05 repealing and amending certain provisions contained in Otero County Ordinance No. 91-04, Regulating Collection and Disposal of Refuse, Litter, Handbills and Weed Control to include State Statutes on burning of garbage.

Commissioner Moore made a motion to publish for a Public Hearing for Ordinance No. 03-05 repealing and amending Ordinance No. 91-04. The motion was seconded by Commissioner Nivison.

Gus Marker, Fire and Safety Coordinator stated he would like to bring what is already a state environmental

regulation into the county by adding it to our existing burn ordinance. By doing this it will hopefully make the ordinance carry a little more weight.

Commissioner Moore amended his motion to include setting the date of July 26<sup>th</sup> for the Public Hearing to amend Ordinance No. 91-04 with Ordinance No.03-05. The amended motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

### **3. Elected Officials/Department Heads:**

a. Ratify the change of dates for the Public Hearings that were set for June 28<sup>th</sup> to start at 6:30. Ordinance No. 01-05 the Otero County Subdivision Ordinance to implement the Sacramento Mountain Checkerspot Butterfly Conservation Plan Public Hearing will now be June 29, 2005 at 6:00 p.m. The Public Hearing for the controlled access gate on the south ½ mile of Canyon Road will be held on June 28<sup>th</sup> at 4:30 p.m.

Commissioner Nivison made a motion to change the Conservation Plan Public Hearing to June 29<sup>th</sup> at 6:00 p.m. and the controlled access gate on Canyon Road Public Hearing to June 28<sup>th</sup> at 4:30 p.m. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

b. Consider the need for an Emergency Fireworks ban for the 4<sup>th</sup> of July weekend 2005.

Dan Bryant, County Attorney, stated that the way the statute works we have to look at how dry we are within 30 days of the holiday. The ban is only good for 30 days and then will have to be renewed. The statutory threshold that we have to meet in order to do a ban is severe drought or extreme drought. At this time our part of New Mexico is not in a severe or extreme drought. The Forest is considering resolutions to restrict the use of fireworks in the National Forest. In prior years the Commission has made available space at the Road Shop property north of town and also some space at Alamo West Fire Station. If the Commission does this again this year, the more people that utilize this space the less chance we have of

having a fire start. Commissioner McGinn directed Gus Maker to keep the Commission informed of the drought conditions in the County. Bill Parker, Road Superintendent, stated that with our new building being ready to be put together and the materials located there we would probably have to have more man power to guard the stuff that is just sitting around out there. Gus Maker stated that Alamo West site is still available and he is going to approach Jeff Rabon to see if he would let us use his strip of property between the bypass and the railroad tracks. It's located at the north end of the bypass. It's cleared off and would make an ideal place for fireworks. For the liability issues, Dan Bryant suggested putting together a release form to have folks coming into the site to sign the form.

c. Consider filling vacancy for Alamogordo Public Library Board. (Two applicants Allen Stenger and Clare Riker-Tinguely)

Allen Stenger approached the Board. He stated that he feels that he has a little more experience than Clare Tinguely.

Clare Tinguely approached the Board to speak about her qualifications for this appointment. She has worked with Allen Stenger and believes that he does have more experience but would do her best to serve in this position.

Commissioner Nivison stated that it was brought to his attention that this position available is representing the mountain area. Commissioner McGinn stated that the vacancy was advertised as a County seat on the Library Board.

Commissioner Nivison made a motion to appoint Clare Riker-Tinguely for the vacancy on the Alamogordo Public Library Board. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

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

The time being 6:30 the Chair person called the Public Hearing to order for the High Rolls Mountain Park Association members to plant natural vegetation on a median at Old Rail Road Drive.

Commissioner McGinn stated that she had received a favorable report back from Bill Lee Parker, Road Superintendent, and Mark Klaney, High Rolls Fire Chief.

Clate Coburn, Jean Baish, Sharon Stevens and James Holt were present with their plans for the beautification project.

Bill Parker stated that he would like to recommend that the intersection be made wider. The park on the west side is no problem but the park on the east side is a problem. Clate Coburn, stated that the park on the east side is being withdrawn from the request.

Commissioner Nivison made a motion to accept the High Rolls Mountain Park members to plant natural vegetation on a median at Old Rail Road Drive identified as part B as per the map, with directions from Bill Lee Parker, Road Shop supervisor and Mark Klaney, Fire Chief. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

The time being 6:38 p.m. the Chair closed the Public Hearing.

#### **5. Commission Discussion:**

Commissioner Moore stated that Ruth Hooser, County Administrator will be retiring in December after many dedicated years. We had 22 applicants and have narrowed it down to 7. The 7 are excellent candidates and will be discussed in Executive Session.

Commissioner McGinn stated that she would like to discuss the Riata Road culverts. For about 5 years we have requested from the Legislators to improve this road. During heavy rains the dips in this road fill up and are not passable. Many times the road is closed to the residents when it floods. We have received 150,000.00 for the installations of the culverts. Commissioner McGinn checked with Bill Parker to check

the progress of the planning of purchasing these culverts and installing them. Bill Parker stated that he has spoke with the Road Superintendent in Grant County. He also has been placing large culverts in different areas of their county. He gave Bill a name of a company that they use, that are under State Contract. Bill is hoping to get both low crossings done for this amount.

**6. Executive Session:**

Commissioner Moore made a motion to go into Executive Session to discuss personnel, Detention Center and pending and threatening litigation. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

Commissioner Moore made a motion to come out of Executive Session having discussed pending and threatening litigation, personnel issues and Detention Center and made no decisions. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

There being no further business before the Board the Chair person adjourned the meeting at 7:50 p.m.

APPROVED:

---

Clarissa McGinn, Chair person

ATTEST:

---

Robyn Silva, County Clerk

Regular Meeting June 14, 2005