

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., June 29, 2004; 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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| Michael Nivison | Chairman |
| Clarissa McGinn | Vice-Chair person |
| Doug Moore | Member |
| Ruth Hooser | County Manager |
| Ray Backstrom | Assistant County Manager |
| Bill Lee Parker | Road Superintendent |
| Lynn Estrada | Deputy Clerk |

DRAFT

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

Commissioner Nivison stated that he needed a motion for the amended agenda to place the 4 items under administration. Commissioner McGinn made a motion that we place the amended agenda items under administration. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

1. Old Business:

Consider approving a medical agreement for Dr. William Boehm as the EMS/Medical Director for

County Fire Departments. Commissioner McGinn stated that she attended the EMS Department meeting last night and they discussed the contract that is up for approval on our agenda for Dr. Boehm to become our Medical Director. Three of the Departments have gone with another Medical Director out of region 3. At this point, Dr. Boehm is gathering information about the errors of admission insurance, that he may be covered or not under UNM. There are also some other options available to the Departments that would reduce the amount of expense to the EMS Department budget.

Commissioner McGinn made a motion to table approving the Medical Agreement with Dr. Boehm until our next Commission Meeting. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

b. Consider approving Resolution No.06-08-04/92-51 with changes regarding New Mexico DWI Grant Council to support restoration of DWI funding to local County DWI Programs.

Dan Bryant, County Attorney, made language changes to the Resolution that the Board had previously asked for. Commissioner Moore has not seen the new Resolution with the changes. Commissioner Moore made a motion to table Resolution No.06-08-04/92-51 for further review. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

2. New Business:

Consent Agenda, Minutes of 06-04-04, 06-08-04 and Bill Lists, #49, #50 and #51.

Commissioner Moore made a motion to accept the Minutes of 06/04/04, 06/08/04 and Bill Lists #49, #50 and #51. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

3. Administration:

Consider approving the ICIP Improvement Plan and Resolution No.06-29-04/92-62 for Otero County.

Ruth Hooser stated that the Board has to decide what order they would like the plan. Low Mesa Water needs to be added to the Plan. Commissioner Moore made a motion to table Resolution No.06-29-04/92-62 regarding the ICIP Improvement Plan for further review. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Commissioner McGinn made a motion to accept items under Administration on the amended agenda, 2, 3 and 4 and under the Regular Meeting agenda, items 1,2,3,4,5,6,7, and 9. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

Commissioner McGinn made a motion to table the Memorandum of Understanding for Animal Control shelter fees between Otero County and the City of Alamogordo. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

4. Detention: Consider approving a Statement of Work for the Otero County Detention Center and the U.S. Department of Interior (Bureau of Indian Affairs) regarding Housing Tribal/Indian Country Prisoners/Inmates.

Commissioner McGinn made a motion to approve the Statement of Work for the Otero County Detention Center and the U.S. Department of Bureau of Indian Affairs. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

5. Fire Services: Consider approving suggested Burn Ordinance Amendments.
This item died for lack of a motion.

6. Personnel:

Commissioner Moore made a motion to accept everything under personnel. The motion was seconded by Commissioner McGinn. LaDonna Adams, Department Secretary, stated that Daniel Estrada needs to be removed and Nicole Prather added under DWI. Commissioner Moore withdrew his motion.

Commissioner McGinn made a motion to accept everything under personnel, striking Daniel Estrada under the Sheriff's Department and adding Nicole Prather under DWI. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

7. Purchasing:

Commissioner McGinn made a motion to accept the items under purchasing, RFP #04-035, Sealed Bid #04-036, and the signatures on the service contract for the inmate commissary services. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

a. Renewal of Contracts:

Commissioner McGinn made a motion to accept the renewal of Contracts under item 4. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

The time being 6:30 p.m. the Chairman recessed the Regular Meeting and called the Public Hearing to order.

The purpose of the Public Hearing is to approve the preliminary plats of Canyon Ranch Estates, Alamo Canyon Estates and Horseman's Park.

a. Dale Palkki, Assessor, Steven Sandoval, Surveyor, and Prentice Blanscett, Subdivider, approached the Board to present the plat of Canyon Ranch Estates. Dale read an overview for Canyon Ranch Estates. All required agencies have reviewed this subdivision. Favorable opinions have been received from each of these agencies with the exception of the Historic Preservation Cultural Affairs Department. They had an issue with one lot that has a potential of artifacts being buried there. The Planning Commission has reviewed and approved this subdivision providing the following conditions

are met.

1. An Archaeological Survey be conducted to answer the concerns of NM Cultural Affairs, Historic Preservation Division.
2. Commission requests that the plat show the improvements be shown on the plat.
3. Commission requests the Road Maintenance Agreement be amended to include ditch maintenance as well.

Steven Sandoval stated all 3 issues have been addressed.

Commissioner Moore made a motion to approve the preliminary Canyon Ranch Estates Subdivision with the stated stipulations that an Archaeology Survey be conducted, improvements (barn) be shown on the plat and the Road Maintenance Agreement be amended to include ditch maintenance. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

See pages

- b. Consider approving the preliminary Plat for Alamo Canyon Estates Subdivision.

Dale Palkki, Assessor, Brian Nelson, Developer, and Klad Zimmerle, Surveyor, approached the Board to present the preliminary plat of Alamo Canyon Estates.

Dale stated that all required agencies have reviewed this subdivision and has met the requirements.

Commissioner Moore stated that he has received many calls from local landowners with their concerns with this subdivision. The main concern is having 34 septic tanks drilled with a potential for contaminating the ground water.

Commissioner Moore made a motion to approve the preliminary plat for Alamo Canyon Estates Subdivision. The motion was seconded by Commissioner McGinn for discussion.

Michael Shyne approached the Board to voice his concerns. He is a property owner of 40 acres that

touch the south west corner of this subdivision. Mr. Shyne stated that this subdivision is in a unique area, which is called the alluvial fan. The alluvial fan forms the mouth of Alamo Canyon, which is filled with rock, gravel, some sand and not much dirt. There are no clay barriers that we are aware of. Therefore, 34 septic tanks on 42 acres could pose a serious contamination threat due to the ultra-porous gravel in this area. Mr. Shyne is requesting the Commission to table this plat and require the developer to hire professionals to evaluate which direction the water is flowing under this property. This would also tell us which wells have the highest potential for impact of the contamination from this overly dense project.

Rhonda Cross read a letter from the State Engineers Office regarding the well that Mr. Shyne was speaking about. She would like to submit this letter into the records.

Jim Aaron owns the property west of this new subdivision. He stated that when his well was being drilled they hit rock for a long time. With thirty-four new homes going in and each one having their own well, what's going to happen to the people below. Commissioner Nivison stated that the Commission can do nothing to prevent these wells from going in. This is a state issue the County can do nothing concerning our water.

Bill Hornback wanted to make a statement to Doug Moore. He stated that County zoning would be political suicide. It would result in many lawsuits against the County.

There being no further discussions Commissioner Nivison stated that we have a motion and a second to approve the preliminary plat of Alamo Canyon Estates. A vote was taken and the motion passed unanimously. See pages

c. Consider approving the preliminary plat for Horseman's Park Subdivision.

Dale Palkki read the review for Horseman's Park. The Otero County Planning Commission

recommends this subdivision be approved when the following conditions are met.

- a. Commission asked that the subdivider see if there was anything more that could be done to reassure Mr. Kimpel, a contiguous owner to the west of the subject property in regards to his concerns regarding runoff waters.
- b. Commission asked the surveyor to show the existing improvements on the plat.

Commissioner McGinn made a motion to approve the preliminary plat of Horseman's Park Subdivision. The motion was seconded by Commissioner Moore for discussion.

Mr. Kimpel addressed the Board about the runoff water from this new subdivision. He stated that from the grading process the water flow has been completely redirected right across his property. Klad Zimmerle stated that the bar ditches that have been put in, it will divert the water from flowing across Mr. Kimpel's land. Mr. Kimpel is not satisfied with the ditches. He still insists that this subdivision will flood him out. Commissioner Moore stated that he and Bill Parker will go take a look at this subdivision. A vote was taken and the motion passed unanimously. See pages

The time being 7:50 p.m. the Chairman adjourned the Public Hearing and called the Regular Meeting back in session.

8. Citizens Communications:

a. R.L. Posey approached the Board with an update on the Elk situation. Mr. Posey has been invited to Lincoln County to help them set up a Grazing Advisory Board.

b. Jerry Herrell, a resident in Boles Acres stated that Saturday there was a fire in Boles Acres and with all the emergency vehicles around all the streets were blocked. Second Street was the only way out. This is very dangerous for the residents. Mr. Herrell is requesting the Commission to cut a road for public access especially during an emergency. Bill Parker will work with the Assessor's Office to

contact home owners in this area to possibly cut a road for emergency access.

9. Commission Discussions

Commissioner Moore stated that the residents of Boles Acres came together as a community on law enforcement issues. They have set up a neighborhood watch program and organizing clean up days. Commissioner Moore read a draft letter to the New Mexico Game and Fish from the Otero County Commission. The letter is ready for signatures. This letter is in reference to the elk population and certain goals that the Commission is striving for.

10. Executive Session:

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

Commissioner McGinn	yes
Commissioner Moore	yes
Commissioner Nivison	yes

Commissioner McGinn made a motion to come out of Executive Session and stated that all that was discussed was pending and threatening litigation, personnel issues, land, roads, Detention Center and collective bargaining and no decisions were made. The motion was seconded by Commissioner Moore.

Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes
Commissioner Nivison	yes

The time being 9:00 p.m. the Chairman adjourned the meeting.

APPROVED:

Michael Nivison, Chairman

ATTEST:

Mary D. Quintana, County Clerk

Regular Meeting June 29, 2004