

**Regular Meeting**

**July 2, 2002**

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 9:00 a.m., July 2, 2002; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Holloman Sunburst, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

**Present:**

|                  |                               |
|------------------|-------------------------------|
| Richard Zierlein | Chairman                      |
| Tim McGinn       | Vice-Chairman                 |
| Mike Nivison     | not present                   |
| Ruth Hooser      | County Manager                |
| Ray Backstrom    | Administrative Office Manager |
| Dan Bryant       | County Attorney               |
| Bill Parker      | County Road Superintendent    |
| LaDonna Adams    | Department Assistant          |
| Lynn Estrada     | Deputy Clerk                  |

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The Chairman called the meeting to order and gave the invocation. Ruth Hooser led those assembled in the Pledge of Allegiance and Commissioner McGinn led the Salute to the flag of the State of New Mexico.

1. Discussion was held on the Consent Agenda. Under the Employment Contract Renewal,

Denise Syling, DWI, the grant hasn't been received. This item will need to be approved pending receiving the proper documentation. Commissioner McGinn made a motion to approve under the consent agenda items A,B,C, with the stipulation that the documentation come back on the grant for Denise Syling. Item D, and item E. Commissioner Zierlein seconded the motion. Discussion was held on the motion on the floor. Sally Walker approached the Board. She is a property owner South of Tierra Verde Subdivision. Her access road is not to be used by any purchasers or developers of this subdivision. Mrs. Walker just wanted to make a statement for the record. Commissioner Zierlein stated that this should have been done at the preliminary process, but her statement would be part of the record. A vote was taken and the motion passed unanimously. See pages

2. Armando Quinones Sr. approached the Board to discuss the large cottonwood trees with limbs hanging over County roads. The trees that are in question are on the corner of Quinones Rd. and Section Rd. in La Luz. The trees are dead and are creating a public hazard. Mr. Quinones question to the Board is who has the responsibility for seeing to it that this public hazard is removed. Dan Bryant stated that the responsibility lies with the property owners and the easement holder.

Commissioner McGinn would like to send a letter to the Ditch Association in La Luz to notify them of the situation with the trees. The Board agreed to send a letter to the property owners addressing the problem of a potential hazard to the public.

3. Discussion was held on the renewal of the contract for Ambulance Services. Commissioner McGinn made a motion to approve the contract for AMR-Ambulance Service. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed

unanimously. See pages

4. Commissioner McGinn made a motion to approve Items A,B,C under the Administrator's Report. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously.

Commissioner McGinn asked Ruth Hooser to explain Item D, a budget increase for the Environmental/Convenience Center. Ms. Hooser stated that we pay the City so much every year and we also pay tipping fees to the regional landfill. We had paid all of these, but the budgeted line item wasn't enough to take care of what we had to do. So to get the budget back in shape, there has to be an increase in the budget line item only. The money has already been paid out. There will be no more money coming out of the fund, it's just the paper work that goes along with it.

Commissioner McGinn made a motion to approve the Resolution under item D. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously. See pages

5. Commissioner Zierlein discussed the Davis-Bacon Act. The Village of Cloudcroft has a resolution to present to the Legislators in the next session. Commissioner Zierlein stated that the County took on this act to get it changed about 4 years ago, but didn't get very far with it. Basically this act costs the County about thirty thousand dollars. When a pre-engineered building is put up by the County, it cost about fifty or sixty thousand. A private individual can put the same building up and the cost is about twenty thousand. Commissioner Zierlein would like to support the resolution.

Commissioner McGinn made a motion to support the resolution related to the Bacon-Davis

Act. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously.

6. Discussion was held on the number of Elk permits in Unit 34. Commissioner Zierlein stated that the County was told that there would be about 4,000 permits issued. The Game and Fish notified the County that that number had been cut to 2,800 permits in Unit 34. Due to the drought, the condition of the forest, lack of feed, and the population of the elk, Commissioner Zierlein believes this is a mistake.

Alexis Sandoval from the Game and Fish Department gave a lengthy report on the condition and population of the elk herd. The herd is about 2,500-3,000. The Game and Fish would like to cut the population to about 1,000 over a period of 3 to 4 years. Hearings were held with the public to initially cut the original number of permits from 42,000 down to 4,000, then down to 2,800. The sportsmen present stated that this number will adversely affect their industry and livelihood. There was lengthy discussion held on forage, water, health of the herd and condition of the forest. Commissioner Zierlein tabled this item until the next Commission meeting. The only discussion will be whether the County will address a letter to the Forest Service. If reduction of livestock on the forest, they also need to look at the reduction of the elk numbers proportionally to the impact. This will be done at the next Commission meeting.

7. Discussion was held on the New Mexico Association dues. Mary Quintana, County Clerk, is the member on that Board. Mary gave a brief report about the Board reducing Grant Counties dues twenty percent of what they are supposed to be. Commissioner Zierlein is opposed to this. Otero County has the same fiscal problems as Grant County, therefore a letter needs to be sent to the Board immediately, stating if they want to give Grant County consideration of paying

only 20 percent of their dues, Otero County should get the same due rate as Grant County. We are willing to play the same game and threaten to get out of the Association if they don't give us the same 20 percent due. Mary Quintana stated that they paid 20 percent of their dues last year, but the following year they had to pay their full percent plus the 20 percent for 5 years that they didn't pay that one year. So every year they are actually paying more in dues to catch up. At the last Board meeting the Board let Grant County know that they haven't paid anything up to that point. Since they have a new Board member they were given the opportunity until August to either come up with the finances for their dues or have them withdraw from the Association. Mary stated that in August that they will probably have to withdraw because they won't be able to come up with the finances. Commissioner Zierlein firmly believes that they should live by the by-laws like everyone else. If their dues can't be paid, then they need to withdraw from the Association. Commissioner McGinn stated that if a letter was addressed to the Board members, he didn't want to sign it. He would rather have Grant County's participation than to have them withdraw from the Association.

8. Commissioner Zierlein presented a letter that is addressing the situation during the general session at the June summer conference. The President of the Association invited one candidate for this years Governor's race to speak to the membership. He was not on the agenda, which is customary to have all speakers listed. Commissioner Zierlein would like to have the letter addressed to the President and the Executive Director of the New Mexico Association of Counties, and signed by all the Elected Officials.

9. Commissioner McGinn had Sherry Fannell approach the Board to discuss the Bent Water situation. Commissioner Zierlein would like to clarify is the statement that was made that Ms

Fannell was not given ample time to discuss this situation last time she was here. She was given 15 minutes on the agenda, but the discussion lasted over an hour. Commissioner Zierlein stated that he had asked Ms Fannell if there was anything else to discuss and she answered that she had covered all her bases. Commissioner Zierlein apologized if he cut her off but he doesn't perceive how he did that.

Ms Fannell is asking the County to file an injunction in District Court to stop the discharge of sewage into the Rio Tularosa coming from Mescalero. Commissioner Zierlein stated that the County has done everything that they can at this point in time. Testing has been done, with no results back until July 9<sup>th</sup>. No action will be taken until the test results are back.

10. Commissioner McGinn made a motion to go into Executive Session.

Commissioner Zierlein seconded the motion. Roll call was taken as follows:

Commissioner Zierlein – yes

Commissioner McGinn – yes

Commissioner Nivision – not present

Commissioner McGinn made a motion to return to Regular Session and stated the only thing discussed were items on the Agenda. Commissioner Zierlein seconded the motion. Roll call was taken as follows:

Commissioner Zierlein – yes

Commissioner McGinn – yes

Commissioner Nivision – not present

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

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CHAIRMAN

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OTERO COUNTY CLERK  
ATTEST: