

**Regular Meeting**

**August 8, 2006**

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., August 8, 2006; 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:

- |                  |                          |
|------------------|--------------------------|
| Doug Moore       | Chairman                 |
| Clarissa McGinn  | Vice-Chair person        |
| Michael Nivison  | Member                   |
| Dr. Martin Moore | County Manager           |
| Dan Bryant       | County Attorney          |
| Ray Backstrom    | Assistant County Manager |
| Pamela Hibner    | Department Secretary     |
| Bill Lee Parker  | Road Superintendent      |
| 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.

**Presentation:** Sidney Paul Gordon Shooting Range

Nena Garcia, Otero County Safety Officer presented a certificate of safety achievement to Jay Frost, Rifle Range Director. Commissioner Moore read the certificate into the records.

**Presentation:** A take Pride Appreciation Certificate to Doug Moore

Dr. Moore stated that the Department of the Interior has awarded Otero County for participating in Take Pride in America Program with a certificate.

**Proclamation:** Sgt. Willie Estrada Day

Commissioner Moore read the proclamation into the records.

**Proclamation:** Transportation Day

Commissioner Moore read the proclamation into the records.

**1 .Consent Agenda:**

Commissioner McGinn made a motion to approve items A. Minutes, B. Bills List #1, #2, #3, #4 C. Health Care Services, sole provider monthly report for July, D. Personnel, and E. Purchasing and F. Resolutions, Contracts & Agreements, G.28-29 Elected Officials, pulling G27 and G28 for discussion. The motion was seconded by Commissioner Nivison. A request from the audience was made to remove under Personnel D4.

Commissioner McGinn amended the motion to take by consent items A1 thru G30, pulling items D4 under Personnel and items G27 and G28 from the consent agenda. The amended motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

a. Personnel:

Re-hire of Ray Bailey to fill the part-time backup position of Courthouse Security/Transport officer for the Sheriff's Department. This is a part-time non-law enforcement unclassified position with an employment agreement contract.

Commissioner McGinn made a motion to approve the re-hire for Ray Bailey. The motion was seconded by Commissioner Nivison.

John Turney approached the Board and stated that in this particular motion Commissioner Moore

should recuse himself from voting on this contract for Ray Bailey. Mr. Bailey is an employee of Herrera Investigations. Mr. Bailey has personally has investigated Commissioner Moore's political opponent, Janet White in a lawsuit. The outcome of this lawsuit could depend upon the work products of Mr. Bailey's investigations and therefore benefit Chairman Moore. To me this is a conflict of interest.

John Blansett, Sheriff, stated that this doesn't have any bearing on Mr. Bailey's performance of a Security Officer for Otero County. He believes this is a civil matter and is requesting Mr. Bailey be hired.

Commissioner Moore stated that he will recuse himself but he doesn't make the same connection that was put forth by Mr. Turney.

A vote was taken and the motion passed 2-0 with Commissioner Moore abstaining.

b. Request approval to accept a \$500.00 donation from Michael Shyne on behalf of Evan Sheldon to help the Sidney Paul Gordon Shooting Range establish a mechanism in which people can support the range who choose to in a way that does not penalize the Range's budget and in a way which will not reduce the Range's funds coming from the County.

Commissioner McGinn made a motion to accept a \$500.00 donation from Michael Shyne on behalf of Evan Sheldon to help the Sidney Paul Gordon Shooting Range. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

c. Request approval to submit a letter to Governor Bill Richardson from the Otero County Board of Commissioners to appoint Ms. Nora Espinoza to replace the late Avon Wilson, Representative for District 59 of the New Mexico State Legislature.

Commissioner McGinn made a motion to submit a letter to Governor Bill Richardson to appoint Ms.

Nora Espinoza. The motion was seconded by Commissioner Nivison for discussion.

Sidney Benson approached the Board and stated that we have an Otero County citizen that has made a request to be noted by this Commission to be sent to Governor Bill Richardson. I am sure the people in Chaves and Roswell County are going to send a letter on behalf of Ms. Espinoza. As Otero citizen's we should back our own citizen.

Howard Barkley stated that we have a choice and I hate to see something like this happen without a group discussion of all parties. There was a petition presented with close to fifty names on it urging this Commission to do the right thing, which is to write a letter to the Governor saying there should be no appointment made. An appointment made at this time will be pretty useless. This appointment should be left up to the voters of each County involved. If the Commission does not agree with this, then Mr. Barkley urges the Commission to appoint Dr. Ellen Wedum. Dr. Wedum is a highly qualified candidate and Otero County would benefit from her being appointed.

Don Michaels, Republican Party Chairman, stated that he has had an opportunity to listen to both of these candidates. Mr. Michaels is strongly in favor of Ms. Espinoza. She is an excellent candidate and would represent our County very well.

Gayle Palsher stated that she asked Ms. Espinoza why she should be appointed and Ms. Espinoza told her that she was the best candidate for the job. I would like to request Ms. Espinoza to come up here right now and tell us why, her being a resident of Chavez County, be appointed from Otero County.

Stephanie Dubois stated that she doesn't live in District 59, but we have nine people that represent Otero County and it would be nice if one lived in Otero County. Ms. Dubois feels that Dr. Wedum would make an excellent choice. The Commission could also include both Ms. Espinoza and Dr. Wedum and let the Governor make the choice.

Dr. Ellen Wedum stated that there is less than 90 days before the voters decide this issue. It would be better for the County or the district if the Commission sent a letter to the Governor saying that you have chosen to let the voters decide in November. Ms Wedum feels that she is the better Candidate for this district. She has been attending many events around the County and also in Ruidoso, but her opponent hasn't been to any of them. Ms. Wedum is not asking specifically for the Commission to nominate her, she is asking to let the voters decide. If you must choose someone, I do think that you should choose your hometown person.

## **2. Public Hearing:**

The time being 6:30 the Chairman recessed the Regular Meeting and opened the Public Hearing to name a driveway intersecting with Owens Road in the La Luz Fire District as a road. The requested road name is Riffe Road.

Brenda Garcia, Rural Addressor, stated that a resident, Hope Buck, called today to say she didn't like this proposed name. Brenda contacted the individual who named the road and they came up with Old Farm Road which is not a duplication of any other road in the County.

Commissioner Moore made a motion to table this item until additional information has been forwarded and we can have another public hearing. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

The Chairman adjourned the Public Hearing and returned to the Regular Meeting and the discussion of the letter to the Governor recommending appointment of Ms. Nora Espinoza to Representative District 59 to replace the late Avon Wilson.

Commissioner Moore stated that we have been in contact with Avon Wilson's family and prior to her passing wrote several support letters of Ms. Espinoza.

A vote was taken and the motion passed unanimously. See pages

**3. Unscheduled Citizen Communications:**

a. Jerry Ingram stated that he now lives here in Alamogordo and he isn't here representing any political party. He has known the Wilson family all his life. The comments that were made in the Alamogordo Daily News that for a candidate or an individual were the most disrespectful thing he has every seen in the name of politics.

b. Michael O'Brien, Chaparral resident, just a few statements regarding the landfill that is proposed on Hwy. 54 and what kind of help the County can give to Chaparral in opposing this site. Commissioner McGinn stated that we have requested that the hearings from the Environment Department be held in Otero County for Otero County residents to have the opportunity to express their opinions. Commissioner Nivison stated that we have been asking for the hearings to be held in the community that it is taking place in so the people who can't afford to drive to Alamogordo or Las Cruces, be able to attend the hearings.

Commissioner Moore stated that we have enjoined the litigation between CDC and Rhino who is proposing the re-issuance of that New Mexico Environment Department Permit. We are opposed to the establishment of the renewal of that permit for that area. We are working with Dona Ana on the infrastructure of the sewer works to have it come into the Otero County side. We have received some legislative money and will build a convenience center in Chaparral that is away from the community. The residents will be able to bring yard debris and household trash and our sewer people will pick it up and haul it to the Otero/Lincoln Landfill.

Mr. O'Brien stated that some of the residents of Chaparral have suggested that we change our name to Otero City. Commissioner Moore stated that his personnel feeling is that Chaparral needs to

incorporate. If you become a town you will be able to get funding from the Legislature where now all your taxes go to Santa Fe and stays in Santa Fe. We as a Commission will continue to encourage this community to incorporate itself into a town or village.

c. Kenneth Magnus, Chaparral resident, stated that he is currently putting together a joint association group. We are organizing and looking to our County for help and anything you can or will do for us will be greatly appreciated

d. Janet White approached the Board and asked if it would be possible for the documentation that comes with the Commission Meetings in book form be available on the Website a little sooner than one or two days before the meeting. Ray Backstom stated that we get the information on the website as soon as the book is prepared. The agenda has deadlines before we put it out to the public. We get it out as quickly as we can once the deadline has been met.

e. Ellen Wedum stated that she is very disappointed at what she considers a high-handed disregard of the wishes of the voters of Otero County and she would request that since you have little regard of the petitions that she gave the Board that they be returned to her.

**4. Executive Session:**

Commissioner McGinn made a motion to go into Executive Session to discuss Personnel issues regarding the Personnel Policy, Land-marketing and acquisition of property and Roads-modification of road maintenance inventory. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

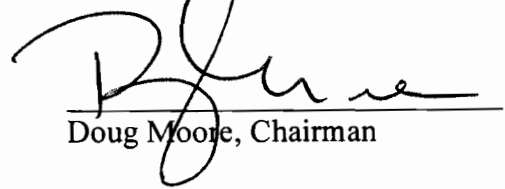
Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of Executive Session having discussed Personnel issues, Personnel Policy, Land-marketing and acquisition of property and Roads-modification of road maintenance inventory having made no decisions. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

There being no further business before the Board the Chairman adjourned the meeting at 8:00 p.m.

APPROVED:

  
Doug Moore, Chairman

ATTEST:

  
Robyn Silva, County Clerk

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