

**Regular Meeting**

**August 21, 2008**

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 21, 2008; 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

Timothy Smith

County Manager

Dan Bryant

County Attorney

Pamela Heltner

Commission Liaison

Lynn Estrada

Deputy Clerk

**DRAFT**

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

**Proclamation:** Sgt Willie N. Estrada Day.

Commissioner McGinn read the Proclamation into the records. Pictures were taken with the family that were present.

**Presentation:** Roberta Hanneman to present a Safety Achievement Award to the Otero County Sheriff's Mountain Deputies.

The Commission congratulated the Sheriff.

**1. Consent Agenda:**

- a. Commissioner McGinn made a motion to approve items 1 thru 20 under the consent agenda.

The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

**2. Elected Officials, Department Heads, Committee Reports:**

- a. Consider renegotiations of contract between Otero County and Greentree for the operations of solid waste for Otero County.

Commissioner Nivison made a motion to consider renegotiations of the contract. The motion was seconded by Commissioner Moore for discussion.

Timothy Smith, County Manager, Donna Brandon, Financial Director, and the Representative from Greentree have met over the last month. We have looked over the numbers since the negotiations of this contract two years ago. They have taken on additional activities, specifically Chaparral and now take all of Alamogordo's green waste. The amount being requested includes a roll-off truck purchase of \$24,000. We did receive a grant this year from the legislators for the roll-off truck in the amount of \$24,000.

Commissioner McGinn stated that when we first negotiated the contract, she did vote against this especially when it comes to utilizing the County's resources for the service, she felt that the contractor should have brought in their own resources to do the job. Commissioner McGinn would like to hear from Debra Ingel, why the increase of \$321,000 excluded the roll-off truck. What has made the cost escalate to such an amount? When we were looking at this two years ago, this company comes in and does the Convenience Center for Otero County, and said they are going to make it more efficient. Commissioner McGinn would like some background on what's going into this cost. Debra Ingle, Greentree, stated that the biggest cost that is incurred is the operations in Chaparral. It's fully manned

with one full time employee and one part time employee. The reconstruction and the manning of the Cloudcroft site and the manning of the LaValle site. With the taking on of all of Otero County area, the increase of citizens and disposal has caused this increase. Commissioner Nivison stated that Bill Parker and Debra work closely and would like Bill to comment. It would be appropriate for Debra to talk about the award for the recycling program and her requests to the legislators that have helped the County. Ms. Ingel stated that she lobbied for Otero County last year and we were awarded the \$24,000 for a roll-off truck. We also received \$25,000 to build a compactor site in Bent, New Mexico. This reduces the cost of the hauls for the landfills because a compactor will max out at 10 times and the roll-offs in Bent are normally around 3 times. We aren't mandatory recycling at all the sites, but have asked the citizens to recycle and this is a cost savings to Otero County in your landfill tipping fees. We have had an increase in metal sales, because metal is not allowed with garbage at any of the sites. Commissioner McGinn stated that these particular things are going to reduce the cost of the operations overall. Ms. Ingel stated that they do help reduce the cost. The biggest part of the operations is in La Luz. This is where the majority of the employees are. The green waste has increased in the last two years considerably. Commissioner McGinn stated that we can say that with this cost increase, excluding the roll-off truck that the annual cost is going to be \$800,000. Ms. Ingle stated that it's right around \$800,070 without any capital outlay. Commissioner Nivison stated that when trash doesn't get picked up in Cloudcroft, Weed, Mayhill, Pinon or anywhere else in the County it ends up in the ditches. The Commission has made a choice not to charge anybody at these sites. At some point in time we might have to charge the public. Commissioner Nivison would like to hear from Bill Parker since he is the manager of this department. Bill Parker stated that he has received a lot less calls of complaints on trash being dumped around the County. We weren't in compliance with several things at the site and now we are. The cost of fuel and extra manpower that it takes to take care of the trash in Otero County,

they have done an excellent job.

Commissioner Moore asked Ms. Brandon if the yield on the GRT, is it in effect inside the villages and townships. Ms. Brandon stated that no, it's only in the unincorporated areas. We do not have the authority to impose it inside the municipality. We budgeted \$600,000 and we need \$200,070 on top of that plus the roll-off.

Commissioner Moore stated that the motion on the floor is to consider renegotiations. Is there language that needs to be changed within the contractual agreement between Otero County and Greentree? Ms. Ingle didn't think the contract needed to be changed.

Commissioner McGinn asked if we are taking that much more into the Convenience Center sites, by including, which I think we should, all of Otero County residents at any of our sites. Do we have numbers to show we brought in this much more recyclables, that many more tires because of that situation? Commissioner Moore asked Ms Ingle if she believes, since the consummation of this contract, you have seen an increase in volume that would represent a 30 to 40 percent increase in volume. Ms. Ingle stated that this is correct. Mr. Smith stated that we have renegotiated this contract and we are asking you to approve the new contract. We will come back to the Commission in September with a resolution to adjust the budget. Commissioner Moore would like some options. He instructed Mr. Smith to continue to renegotiate the contract to find more cost saving measures.

Ronny Rardin stated that there are two documents in the book and would like some clarification on them. Is this the price list that is being considered? Ms. Ingles stated this is a price list that she put together for the Board, if the Commission decided to charge for use of the Convenience Center. The second documents are the punch cards shown. Is this something that is being considered or is it already in place? Commissioner Moore stated that it is only being used in Chaparral. We use it in Chaparral because it's a border town and we want only the people in Chaparral using the site, not residents from

Dona Ana or El Paso.

Commissioner Moore stated that we have a motion on the floor, to instruct staff to continue renegotiations and bring forth at their convenience additional exhibits to support the requested increase. A vote was taken and the motion passed 2-1 with Commissioner McGinn voting against.

**3. Public Hearing:**

Commissioner Moore called the Public Hearing to order to consider the adoption of Resolution #08-21-08/97-10 and Ordinance 08-02, which will put this Gross Receipts Tax on the November General Election ballot. That is the question tonight to put it before the voters to impose the tax or not. The following made comments on the Spaceport Regional Gross Receipts Tax:

a. Steve Landeen, Executive Director for Spaceport America, New Mexico Spaceport Authority and Dave Wilson, Marketing and Advertising for Dona Ana County, gave a presentation on the Spaceport.

Commissioner Moore thanked Mr. Landeen for his presentation and asked if he could stay to answer any questions that the citizens have tonight.

b. Michael Shyne stated that the average wage in space communities has more than doubled the average wage in non-space communities. We know that the average wage in Alamogordo is not too good. Mr. Shyne would like to bring to attention of everybody in this room, an event that takes place in Las Cruces for 2 days. It's call International Symposium for Personal and Commercial Spaceflight. Mr. Shyne doesn't have any background in space. He attended the Symposium to figure out what is going on. Mr. Shyne is asking the people to attend the next event in October, in Las Cruces to listen and then formulate your opinion of whether or not you think this is a good idea. If the people have the courage to attend the 2 day event, they will come back with the impression that yes, this is big.

c. Gwinna Rees stated that she has looked at the information and Mr. Landeen was very forceful

in his presentation. Ms. Rees stated that instead of this going on the ballot, she would like for the Commission to make the decision. This is what they were elected for. She doesn't see why the taxpayers need to put up the money first, let private industry take care of it initially. Right now she doesn't see the benefits.

d. Doug Post, comes tonight to talk about the resolution. Mr. Post is a teacher here in the community and sees what the educational benefits of the Space Program, the museum, Holloman Air Force Base, White Sands Missile Range and all that we have here for our children. The X-prize came to us from Las Cruces and the Johnson Space Center. The thousands of kids that participated was more educational opportunity for those students, than weeks in the classroom. They were inspired and we had tremendous results from their involvement in the X-prize and the space expo. One eighth of one percent for Otero County, that's less than one third of what Sierra County is paying, it's less than one third of what Dona Ana is paying and the overall expense to us, less than 3 percent of the total funding is coming from Otero County. A place at the table as Steve Landeen says is worth a tremendous amount to us in our future for technology, for business and for education. Mr. Post is in support of Spaceport and encourages others to get the information they need to make an informative decision.

e. Janet White stated that for the record she is not opposed to the spaceport, only the method to finance it. There are a lot of questions about the business plan, but I will leave that for other people. What Ms. White would like to address, is what Mr. Landeen and Mr. Post brought up talking about our future, our children and our history. Ms. White had in front of her an Oath of Office that each of the Commissioners had signed and read the Oath into the records. Article 4, section 4 of the US Constitution states, The United States shall guarantee to every state in this union a republican form of government. Webster defines a republican form of government as one of which quote, "The sovereign power resides in a certain body of the people, the electorate. It is exercised by representatives elected

by and responsible to them.” We all pledged our Allegiance to the Flag and saluted the flag of the State of New Mexico. The act that is the basis for this action has some very interesting things. Ms. White would like to point out a few. It smacks of, for lack of a better word, bribery, that the gross receipt tax would be divided, 25 percent and 75 percent. The 25 percent is to stay here and the 75 percent would go to the Spaceport District. ~~It wasn't an accident Ms. White believes that this act was engineered to have the Spaceport Tax put on the General Election Ballot. Ms. White is really disappointed that the Alamogordo Daily News isn't here tonight. The paper this week has been flooded with space stories which she is in favor of, but this meeting here tonight is just as important as any one of those stories in the paper. In closing Ms. White respectfully request that you honor the oath of your offices and vote no to put the Spaceport Tax on the November ballot. If you think your constituents are in favor of the Spaceport Gross Receipt Tax, then take a vote now and impose the tax.~~

Commissioner Moore stated that in clarification, the three of us can't impose this tax. The only thing that we can do is put it on the ballot.

f. Michael Morris state that we had a remarkable emotional presentation from Mr. Landeen. Before you vote on this question, please take the time to read their business plan. It wouldn't get you ten cents from any bank in this town. There is nothing solid specific in their plan. They claim they are going to have the southern road which is Sierra County Road 13 done and chipped sealed by February. Most of the road is 2 to 3 feet below its flood stage and nothing heavy will make it on the road. They speak in generalization, but there is nothing there, the numbers don't support it. They show 14.5 million man hours in the first 5 years in labor and construction on a \$198,000,000 budget. Nothing in the business plan is solid specific. They make big claims that studies have been done, but they don't name who it is that has done the studies.

g. Hans Steinhoff stated that Resolution 08-21-08/97-10, under the third Whereas it says, the

question of imposing the .25% excise tax. Under the fourth Whereas it says, impose by ordinance an excise tax at a rate not to exceed one-half percent of the gross receipts. The sixth Whereas says, increase the Otero County GRT by one-eighth of one percent. Mr. Steinhoff asked what are we actually going to be voting on? Ms. White may have explained it that we start out with one percent and increase it until we get to the half percent. The resolution needs to be clear on what we are going to be voting on. Also under the sixth Whereas it says the Spaceport America is a registered trademark in the State of New Mexico. A registered trademark can't make a proposition. Who made the proposition? Is it illegal to use a registered trademark in the resolution without indicating that it is a registered trademark? Mr. Steinhoff understands that New Mexico Spaceport Authority is behind this thing, but it needs to be clarified before the resolution is voted on. Mr. Steinhoff submitted his written comments and questions for the record.

Commissioner Moore stated that Mr. Steinhoff is correct, the resolution in the book is in conflict, on the third Whereas it says .25 and the sixth Whereas it says one eighth. Our intent has never been anything, but one eighth. Dan Bryant, County Attorney, stated that your ordinance is imposing one increment of the tax. If you are going to take it up, you have to adopt a new ordinance, adopt a new resolution and there has to be a new election. Commissioner Moore stated that this Commission does not have the authority to impose this tax with any other methodology, than it goes on the ballot and the people decide the question.

h. Thomas McKean stated that the Spaceport is a great idea but it's 110 miles from us. The gross receipt tax should not be increased. Increasing the gross receipt tax will harm the County. Mr. McKean doesn't see the benefits of the Spaceport for Otero County. The \$198,000.00 that the Governor has given the Spaceport and the \$200,000.00 that an investment firm has given, Mr. McKean would like to know who the firm is. If they have that much money, why are we increasing our gross

receipt tax? Mr. McKean stated that there should be conditions in the resolution before it's voted on. Commissioner Moore asked what those conditions are specifically. Mr. McKean stated that the FAA approval for the vertical launch license and the Environmental Protection Agency Impact Study should be included.

i. Bruce Woodhull asked if the Commission has looked at what other industries could be brought if the Spaceport was involved in launched rockets compared to what Huntsville has or what Mr. Branson has brought to El Cegundo? Is anybody aware of that? Commissioner Moore stated that no, he isn't. Mr. Woodhull stated that these crafts go up with space tourists and we are talking about releasing satellites. Is this what we are looking at? Commissioner Moore stated that the opportunities are unknown, because there is no other facility like this on the planet, to his knowledge. There are some assumptions taking place. If the facility existed, it would be a resource for a multitude of venues that had a desire to reach either sub orbit, low orbit or high orbit.

j. Jerry Johnson has heard some good arguments for the tax, but all of those need to be addressed in a public forum outside of this. What you are deciding tonight is whether to let democracy work. Whether to let the citizens of Otero County determine whether they want to support this or not.

k. Maude Rathgeber commends the Commission for spending a lot of time on this issue. The point tonight that I would like to make is yes, I am for the education, the science, the technology and have no problem with the Spaceport being developed. I do have a serious problem with the tax being put on the citizens of Otero County. Already this year in Alamogordo, 2 taxes have been voted in, one for the streets of Alamogordo and for the development for a new facility and a new program at the college campus. Ms. Rathgeber asked how the tax will be worded on the ballot and is it going to be on the same ballot with the candidates or on a separate ballot? The main issue is Ms. Rathgeber does not want to see another tax put on the people of Otero County. There will be 4 Bonds on the ballot and

none of them are for Otero County.

1. Ron Rardin stated that he has a problem with the resolution. People of this state work and do business and we create a government out of that. We don't work for the government, the government works for us. Paragraph 4 says "engaging in business in the district area of the county for the privilege of engaging in business." Mr. Rardin stated that it is very upsetting to him to pass a resolution that says it's a privilege to be in business, actually it's a privilege to have a government that works for the people. Mr. Rardin would like this comment taken out. It's our God given right to have a business in this country. Mr. Rardin stated that this tax says that it doesn't impose on food. If you read the ordinance the only specific exemptions that he can see is transporting persons or property by railroad, motor vehicle or air transportation and direct broadcast satellite. Commissioner Moore stated the actual exemptions are in the statute. Mr. Bryant stated that section 2 of the ordinance incorporates all of the definitions and deductions contained in the gross receipt tax act. The Legislators have put the exemptions in for groceries and certain medical expenses in the gross receipt act. The math and calculations are done in a relationship between the business people and Taxation and Revenue. The County has nothing to do with it. Mr. Rardin would like to see those exemptions and he thinks the Commission would also want to see those. Back to the resolution it says that this GRT is anticipated to be collected in 10 years. In the ordinance it doesn't address this. The cut off date needs to be addressed. Commissioner Moore stated that we have some of the exemptions listed but not all of them. We either do a list of all of the exemptions or don't list them and refer to the document that does exempt them.

m. Steve Traver is a member of the faculty for New Mexico Tech. He is assigned in Washington D.C. to the New Mexico Delegation as a Technical Advisor. He was asked to provide a little bit of insight into what's been happening with national policy related to space in the forth coming

decades. Mr. Travers expertise is space technology and space policy. The use of space is a key advantage that the United States currently enjoys. It is vital to the future of the country that we continue to enjoy that advantage. As a key element to national strategy, like most elements of strategic importance to the country, the ideal place to put our strategic assets is in the middle of the country. We have moved all of our key land base strategic assets to the middle of the country, the commanding control, the missiles and the bomber bases. The reason that our key space launch assets are on the coast, is that the United States for technical reasons having to do with the safety of launching into space felt that the risks to the citizens was such that we needed to launch from a coastal site so that one, the unreliability of the rockets and two the landing point for the first stage of the rocket could be in the ocean. Within the next couple of decades the United States will have the ability and the reason to move key assets from the beach to inland locations. The commercial market place given now the ability thru a new technology to create a business which utilizes space, is going to be looking for a launch point in which to do their business. The commercial side of the house has selected New Mexico as the opportune place to start their business from.

n. Manny Gonzales is branded a fiscal conservative, but he is in favor of putting this issue on the ballot. His view is driven by a very personal perspective. On August 4<sup>th</sup> when my brother returned from military duty overseas, he brought with him his 5 children ages 5 thru 13. I am very concerned and worried about where they are going to live and work in the future. My disappointment will be enormous if I don't exploit every opportunity that I can as their loving uncle to see to it that they live and work in New Mexico rather than Arizona or Texas. They are very bright students, so I view space commercialization as a way that I can help them exploit their futures.

o. Karen Berry wanted to know why the Commission is going into the job of investing money. By putting it up to a vote you are asking us to invest in a business venture. I didn't think our constitution

says that we are supposed to be in the investment business. Aren't we investing in a business whether or not we vote on it or not? Ms. Berry stated that she read Bransons latest article on the computer before she came to the meeting tonight. When she came to the figure of 31 million that this Spaceport is going to cost, she was a little taken aback. The article stated that they already had 33 thousand people already ~~signed up who had paid \$200,000 a piece to take this trip. If this man can accumulate the figure that he~~ had in this article, surely he could raise the rest of it. Ms. Berry is back to what is the taxpayer doing in a private commercial venture.

p. Kathy Harper stated that the purpose tonight is to determine whether or not to put this question on the ballot and I highly encourage you to do that. Ms. Harper believes that Spaceport America will bring untold opportunities for Southern New Mexico, including Otero County.

q. Lance Grace has a long history of space and flying. Mr. Grace stated that about 12 years ago he was staying at the house of the guy who was in charge of the production of the shuttles. He had an original proposal for Rockwell for the shuttles. There were a number of different design changes over the years, but the most interesting thing was that besides building the vehicle they were purposing the operation of it and the launch site. The launch site of the shuttles for Rockwell forty years ago was none other than 10 miles from here, right along side the test track. That was based on all those things that Steve Landeen was talking about. Forty years ago we didn't have the materials, didn't have the reliabilities and the statistics to make it safe, so they moved off to the oceans. This is not where you want to be. You want to be in the middle of the country, more specifically, right here in New Mexico. There is no place like this.

r. Janet White stated that this is not about whether we are opposed to space flight or not. There is every reason in the world to be progressive and on the cutting edge and to be out there. The question is, is it the role of county government via the state government of New Mexico to impose this upon the

taxpayers of 3 counties. That is the question at hand. I don't think you will find anyone in this room that is opposed to higher learning, rocketry science or whatever it is. Ms. White stated that you, Commissioner Moore made a decision a year and a half ago to push this thing and put it on the ballot because somehow you got it in your mind that you have to do what the state tells you to do. Ms. White ~~stated that Commissioner Moore is kind of squishy about this and it really concerns her.~~ Commissioner Moore stated that he isn't squishy at all. He has enough feedback from his constituents that they want to answer this question themselves. He doesn't have the ability to impose this. If he did he would vote to impose it. He is 100 percent in support of the Spaceport and this endeavor. Ms. White is just saying you don't have to take this vote tonight. You could have taken it a year and a half ago. For her, bottom line we are talking about the children, history and the future. It's very apparent that people don't understand the form of government that we have. This is a representative republic, it's a form of a democracy. You hear democracy everyday all over the place and people don't know what that is. Basically, democracy is mob rule. Commissioner Moore stated that technically what we have is a democratic republic. Ms. White stated that we have a representative republic. Commissioner Moore stated that this is beside the point and Ms. White stated no, this is the point. Commissioner Moore stated that this is an important enough issue so the people can decide for themselves.

s. Sherry Amaydal thanked the Board for the time and effort they have put into this issue. She believes the people of the county have the right to choose whether they want this or they have the right to choose not to impose the tax. She asked the Commission to vote to let the people decide.

Commissioner McGinn stated that there are certain basic reasons for taxes. Those reasons include fire protection, public safety and public infrastructure. She made a pledge when she came into office to keep taxes low and to work within the confines of our current tax base. So tonight, what the ~~Commission is being asked to do is to vote in a resolution and ordinance in support of placing a tax on~~

the ballot. Therefore, I can not support placing the tax on the ballot via the resolution. The residents of Otero County are being asked to spend more of their income in the form of taxes, on what some call an investment and what I call a speculation. The reason I call it speculating, is because there is still so much that is unclear, so much that has yet to be done for the Spaceport to become operational. I think as an elected official, I have the responsibility given the state statute, House Bill 473, that allows any New Mexico County, any New Mexico City or Village to place this on the ballot if they see a benefit for their community. As that elected official, based upon the information I have heard and what's still not certain, I think I have the responsibility to be cautious when it comes to spending tax payers money on such a venture. That's why her vote will continue to be no through this process.

Commissioner Moore stated that staff is working on the rewrites to include the worthwhile comments tonight. We will get the amended language here in about 10 minutes and do the will of the Commission on the amended language.

Commissioner Moore stated that staff has completed the amended language as requested. Dan Bryant read the modifications to the resolution as follows: In the 3<sup>rd</sup> Whereas he corrected the .25% to .00125%, which is 1/8<sup>th</sup> of 1%. In the 4<sup>th</sup> Whereas, the phrase of "for the privilege of doing business in the county was deleted and the Whereas ends with "gross receipt of a person engaging in business in the district of the county ; and" In the resolved portion of the resolution a third paragraph was added that says " be it further resolved that the tax contemplated by this resolution shall not be imposed in Otero County unless legislatively mandated conditions are met, including but not limited to, the acquisition of an FAA record of decision of environmental issues, a construction cost is obtained not to exceed a maximum of \$225,000.00, a launch site license is issued by the FAA and the Spaceport Tax District is actually formed by 2 or more counties or municipalities." A fourth Be It Resolved was added to add the question, "that the form of the ballot question shall be as follows: for, yes against, no. Shall the Board of

County Commissioners of Otero County, New Mexico, impose a County Regional Spaceport Gross Receipts Tax at the rate of one-eighth of one percent (.00125%) of the gross receipts reported or required to be reported on persons engaged in business in the district area of Otero County?" The next paragraph was added which simply identifies the statutory requirements for people to be qualified electors and it ~~notifies people who aren't registered that their last day to register if they want to vote in the November 4<sup>th</sup>~~ General Election will be 5:00 p.m. October 7, 2008. The hours that the polls remain open was also added. Commissioner Moore stated that he had one more request. The top of page 2, the first Whereas, the last sentence, "This GRT is to be anticipated to be collected over a 10 year duration." Would it be illegal if we struck the word anticipated. It would then read, "The GRT is to be collected over a 10 year duration only." Dan Bryant stated that we can lawfully make that change.

Dan Bryant stated that he struggled with, how does he find the way to get all the various provisions that are in the Gross Receipts and Compensating Tax Act that consist of exemptions, deductions and credits. Mr. Bryant found on the computer that there are 112 sections in that code that specify what the exemptions, deductions and credits are. It includes lots of things, including groceries, certain medical expenses and those things that the legislature amended in the law and deducted out. This can be found in Section 7-9-92 of the code. Commissioner Moore stated that without making this a 150 page document, and including all of the 120 exemptions to try and encapsulate the thrust of it, I think that's adequately covered under provision 2. Mr. Bryant added the words exemptions and credit because the only thing it said before was deductions. He did that so we were taking all of those that were set forth in the code.

Commissioner Nivison made a motion to adopt Resolution #08-21-08/97-10 and Ordinance 08-02 relating to the County Spaceport Regional Gross Receipt Tax. The motion was seconded by Commissioner Moore. ~~A vote was taken and the motion passed 2-1 with Commissioner McGinn~~

Commissioner Moore. A vote was taken and the motion passed 2-1 with Commissioner McGinn voting against.

Commissioner Moore closed the Public Hearing and returned to the Regular Meeting.

#### **4. Manager's Report:**

a. Timothy Smith stated that the start of the reintroduction of The Grey Wolf in New Mexico is approaching. The Memorandum of Understanding has already been adopted by the Commission, but they also want a name of the representative from Otero County, who will be attending the meeting in Albuquerque. Mr. Smith recommends appointing Commissioner Nivison with Mr. Smith as his back up.

#### **5. Citizen Communications:**

a. Hilda Bane, is here on behalf of Gail Cramer, who could not attend tonight. Ms. Bane is a member on the Mayhill Community Board of Directors. We have been having fund raisers and accepting donations to replace a very aged playground that is on the property of the Community Building. We purchased the equipment and it's due to arrive on Monday. We are still short of funds for installing it. We are in need of money to buy concrete and will need some curbing so people don't drive into the equipment. We may have to rent some equipment and put down sawdust so the children don't get hurt. Ms. Cramer had requested no more than \$3,000 to help us complete this project. Commissioner McGinn asked when they will be able to put in the new playground equipment. Ms. Bane had hoped to install it before winter. Commissioner McGinn stated that every March we begin our budget and people come to us with these kind of requests during that time in which we decide whether or not we're going to budget for that kind of expense. This item seems appropriate to come at that time. Ms. Bane stated that we don't have any where to store the equipment and would like to get it set up as soon as we can.

Commissioner Moore asked who owns the dirt that it's going to be built on. Ms. Bane stated that Otero County owns it. It will be located between the Community Center and the Fire Station.

Dan Bryant stated that because we would be making improvements on our own property, we don't have an anti-donation issue.

Commissioner Nivison stated that the next question would be where do we have funds in a line item?

We pretty much have to instruct staff to see if there is any areas where we could find the funds.

Commissioner Moore made a motion that we consider taking \$3,000 from our emergency reserves funds and earmarking it as an amount not to be exceeded, for help and aide to the Mayhill Community for the completion of their playground with, a caveat that we instruct the Manager to direct Bill to see if he can get some concrete donated and also direct Debra Ingels to find out if some of the chip run that she gets, if she could reserve some of the mulch for the playground. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Consider supporting the Village of Tularosa with equipment and manpower to improve Britney Lane.

Thomas McKean, Trustee for the Village of Tularosa, is representing Mayor Ray Cordova, who could not attend tonight. Mr. McKean is requesting a coop agreement with the Road Department to help us with equipment to repair Brittany Lane. Commissioner Moore asked Bill how much road are we talking about. Bill Parker stated that it's about 2/10 of a mile. They would haul the material in have it ready and all we have to do is lay it out for them. It will only take about two days.

Commissioner Nivison made a motion that we work cooperatively with the Village of Tularosa via equipment and manpower to help them improve Brittany Lane. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

a. Commissioner Moore stated that we were given background on the 2010-2014 Infrastructure Capital Improvement Plan at the Work Session. The only thing missing was the 2009 request. We were asked by the Legislators to put our 1-5 priorities for most urgent need. We have facilitated that request, even though it was a new dynamic for us. We wanted the receipt of those requests acknowledged here, because it may impact the resulting request in our years. As you can see, they did not fully fund a single item. In many cases the funding we did receive was insulting quite frankly. We need to look at the total cost of the project and adjust our 2010 thru 2014 numbers so that they reflect either the total cost of the project or scrape them. The requests are larger than last year because of the short funding from the prior legislators.

b. Change September Work Session from the 10<sup>th</sup> to the 9<sup>th</sup>.

Commissioner McGinn made a motion to change the September Work Session normally scheduled for the 10<sup>th</sup> to the 9<sup>th</sup>. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Commissioner Moore stated that we discussed having a retreat and we were going to have it the afternoon of the September Work Session. Its purpose is to prioritize our energy between here and the year end. We will also be inviting the 2 candidates who are running for District 3 position. Have the County Manager go over our to do list and focus on getting some projects done between here and January 1, when the composition of the Commission will change. The retreat is scheduled at 1:00 p.m. at the Lodge in Cloudcroft.

Commissioner Moore made a motion to set a County Commission retreat, open to the public to discuss focusing our energies through the balance of the year, as well as bring the potential candidates up to speed on pending issues and let the manager give us an in depth report on pending issues. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed

unanimously.

Dan Bryant stated that his staff has been checking the Federal Register daily since about August the 8<sup>th</sup> for the de-listing of the Thistle. We were told telephonically by Fish and Wildlife that the thing was done and it would be coming out in the Federal Register within a week or 10 days, and that date expired last week. The drop dead date is August 31<sup>st</sup>. Mr. Bryant's proposal is the 60 day notice is ready to go and it would be signed by the Chairman and in the mail on August 31<sup>st</sup> just like it's supposed to go. Mr. Bryant believes he already has direction of Commission to do that.

Commissioner Moore stated that as soon as it becomes ripe, proceed with the action.

There being no further business before the Board, the Chairman adjourned the meeting at 9:40 p.m.

APPROVED:

  
Doug Moore, Chairman

ATTEST:

  
Robyn Holmes, County Clerk

  
Regular Meeting  
August 21, 2008