

Special Meeting

August 23, 2007

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Special Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 11:00 a.m., August 23, 2007; 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-Chairperson
Michael Nivison	Member
Dr. Martin Moore	County Manager
Pamela Heltner	Commission Liaison
Bill Lee Parker	Public Works Director
Lynn Estrada	Deputy Clerk

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

1. Consent Agenda:

a. Consider approval of Resolution No. 08-16-07/96-09 to adopt an Infrastructural Capital Improvement Plan (ICIP). This is an annual process undertaken by the Board of County Commissioners to select projects for inclusion in the Otero County ICIP.

Commissioner McGinn made a motion to approve Resolution No. 08-16-07/96-09. The motion was seconded by Commissioner Nivison.

Item 1, Commissioner Moore stated that there was some confusion on the out year projects. We needed some more information on these projects. Some of the projects that were a priority to us last year didn't receive full funding as requested. We reviewed the funds that we received last year from the Legislators and modified the amounts in this years additional out years projects. We concluded in the last meeting that Twin Forks Water was our number one priority last year and we need to maintain that stature for the 09 list. Evelyn Schultz and Jerry Mitchell stated that they will receive \$190,000 in 2008, out of the 1.2 million that they had asked for.

Item 2, Commissioner Moore stated that we have received grants in multiple years to facilitate the construction of the Chaparral Medical Clinic on the Otero side. We have received in the proximity of \$750,000 to \$790,000. We are short approximately \$111,000 to provide medical equipment for the procedures that would take place in the facility. We are also short for operations about 200,000. Commissioner Moore proposed to change the amount being requested for year 2009 to 311,000 and drop the 2010 year request.

Item 3, Commissioner McGinn stated that we have received \$148,000 for Nogal Canyon Flood Project. The initial phase now is to finish the drainage and hydrology study and move into the construction phase.

Item 4, Commissioner Moore stated that for the State offices for District Attorney we are asking for \$250,000 for year 2009 and drop the \$450,000 for year 2010.

Item 5, Storm Drainage improvements for flood control in the amount of \$500,000.00. This item concludes our priorities 1 thru 5. Commissioner Moore asked if there were any comments on the way these projects are organized. The balance of our list is additional organizations that are worthwhile in Otero County. Many groups have gone to the legislators to lobby separately from Otero County. We are looking

for infrastructure for the citizens. Many have lobbied on their own and received funds, but this changed two years ago where any organization in Otero County wishing to receive legislative money for good works, has to be on our ICIP list. This has created confusion amongst these entities that do those goods works, as well as been a challenge for Otero County on trying how to prioritize these projects.

Item 6, Wayne Glidden, Fire Chief for the La Luz Fire Station stated that we can reduce the \$700,000.00 to \$500,000.00 to complete the Fire Station. The funds will be used for heating and cooling, electrical and to finish the bay area.

Item 7, Biomass Facility which is a new item. The requested amount is \$500,000.00. Commissioner Nivison stated that this project is renewable energy. We have biomass in the forest and no place to take it. With a facility built we will have a facility to take the biomass.

Item 8, PSAP/EOC is a emergency 911 answering point. The amount requested is \$500,000.00.

Item 9, Alamo West VFD Building improvement is requesting \$200,000.00. Paul Quairoli, Emergency Service Coordinator, requested this item be removed from the ICIP list.

Item 10, Rio Penasco Flood Project Phase 1 flood control in the amount of \$950,000.00. Dr. Moore stated that last year this project was on our list for one million and we received \$50,000. The funds will be used for engineering design, renovation and construction of Flood Plain detention, retention, and diversion structures.

Item 11, Tularosa Redbrick Schoolhouse in the amount of \$250,000.00 with 4 out years of funding. Evelyn Trammel presented pictures of the new roof project. The money that has been appropriated is being spent at this time. The first phase should be complete in a couple of months. Phase 2 will cost \$500,000.00. Commissioner Moore recommends to change the requested amount of \$250,000.00 to \$350,000.00 to complete phase 2. Stephanie Dubios stated for the audience that we received \$300,000.00

from the Governor's Capital Outlay. We do keep the Governor updated on the progress of the Redbrick Schoolhouse.

Item 12, American Armed Forces Museum in the amount of \$170,000.00, with a request for next year in the amount of \$150,000.00. Allen McMillen, President of the Museum and Harold Davis were here representing the Museum. Mr. McMillen stated that they have the building on order and should have it by the end of the month. We are under approval for \$198,000.00 for HUD money. We are finishing up the paperwork for this funding. The \$170,000.00 will be used to pay for the property, the building and materials.

Item 13, Timberon VFD Sub-Station requested amount \$500,000.00 with no out years. Arden Shugg, Timberon Fire Chief, stated that he had just received an updated estimate cost for the station. Mr. Shugg stated that the first year they would like to complete the concrete work and the building. Mr. Shugg would like to change the requested amount to \$650,000.00 and \$200,000.00 for the first out year.

Item 14, Oro Vista FVD Building improvements requested amount of \$500,000.00. Terry Muller, Fire Chief for the Oro Vista Fire Department is requesting \$500,000.00 to construct a 5 bay metal building to put his trucks in. Mr. Muller stated that his building is falling down. He was inspected by the Fire Marshall's Office and it wasn't a good inspection.

Commissioner Moore stated that our only out year financed item for 2010 is the Otero County Fair Association in the amount of \$800,000.00. Harold O'Dell, Chairman of the Fair Board and Bill Mershon, member of the Fair Board stated that they had received \$600,000.00 in previous funding. We have expended \$15,000.00. We have re-designed our plans for the fairgrounds to save some money. We are asking for \$400,000.00 and \$200,000.00 for the out year of 2010 and do away with the \$800,000.00 for the year 2010.

La Luz Water System was funded for \$200,000.00 last year to complete Phase 2 and go into Phase 3. They would be able to start and complete Phase 3 if they could request an additional \$200,000.00 for 2009. This item will be added to the list after the Otero County Fair Association.

Jack Rabbit Flats FVD Pumper, requested for the out year of 2011 in the amount of \$195,000.00. Carrie Rice and Dave Bailey, Assistant Fire Chief approached the Board and requested the amount requested be changed to \$190,000.00 and move to the year 2009.

Commissioner McGinn made a motion to accept the items we discussed today under our ICIP for 2009 as listed Resolution No. 08-16-07/96-09 including the amendments we made. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Request approval of Resolution No. 08-23-07/96-10 opposing the designation of White Sands National Monument as a World Heritage Site.

Commissioner McGinn made a motion to approve Resolution No. 08-23-07/96-10 opposing the designation of White Sands National Monument as World Heritage Site. The motion was seconded by Commissioner Nivison.

Commissioner Moore stated that the Commission has forwarded a letter to the nominating committee, requesting that the nomination be withdrawn. We have also sent a letter to our entire congressional delegation to include federal, state and all local officials, requesting that White Sands not be considered for designation. We have asked for their help in any way that they can, in having it withdrawn for consideration for nomination as a World Heritage Site.

Commissioner McGinn read the resolution into the records. Commissioner McGinn stated that her intention with the resolution is that we are resolved on this issue and in opposition to the World Heritage Site and designation in this County. Once we pass this resolution, it will be a document both for current

and future generations to see what our resolution was and that we further carry on with our ordinance on the same topic.

Commissioner Moore stated that the resolution does a great job capturing our concerns. We will have a public hearing on September 20th to entertain a draft ordinance. The language will be very similar to this. An ordinance carries more weight than a resolution so that is our reasoning. It has come to his attention that the Trinity Site was nominated in 1990 and put on a list similar to this one to be considered for a World Heritage Site. It will fall from the list within this year when the nominating committee reconvenes. We will expand our letter to encourage the nominating committee to let the designation on the Trinity Site to fall because of the length of time it has been on the list. Commissioner Moore would like them not to consider it in the future or any site within Otero County without input from the public and the state government.

Janet White stated that Trinity Site is in Socorro County. Commissioner Moore stated that the reason he said that we would address letters is because the site is not in Otero County. We can lobby our federal and state representatives to tell them that we are in opposition to the Trinity Site be nominated for the same reasons that we have for the White Sands. It's in close proximity to military activity and the potential negative repercussions if that site was named, the buffer zones would fall within our margins.

Bruce Woodhull requested the Commission's permission to provide Gary Brownfield, radio show announcer, a copy of this resolution. Commissioner McGinn stated that we can provide the letters that were done on Thursday evening as well as this resolution. Commissioner Nivison stated that everything we do is public information. It will also be available on the county website.

Commissioner Moore stated that we have a motion on the floor to approve the resolution. A vote was taken and the motion passed unanimously. See pages

c. Request approval to go out to bid for aerial spraying services. This request is tied to the insect emergency declared March 27, 2007. The approximate cost of aerial spraying with either the bacterial pesticide *Bacillus Thuringiensis* var. (B.T.K.) or Confirm 2F at \$25.00 an acre.

Commissioner Nivison made a motion to approve to go out to bid for aerial spraying. The motion was seconded by Commissioner McGinn for discussion.

Commissioner McGinn had a question about the cost of the spraying. On one paper it says \$43.00 an acre and on the agenda report it says \$25.00 an acre. Are they two different methods? Dr. Moore stated that he could clarify. A normal dose spray would cost the \$25.00 an acre and the maximum allowable dosage that could be sprayed is the \$43.00 an acre. Dr. Moore stated that we had asked our GIS Department to give us an overlay of the butterfly area that the Fish and Wildlife Services keep talking about. It happens that it falls in the open meadows area where we don't have any trees. We have provided you the acreage that would actually have the pesticide sprayed on it. Commissioner McGinn stated that the proposed cost of 2,901 acres at \$43.00 an acre is \$124,743.00. Dr. Moore stated this is correct.

Commissioner Moore stated that the Forest Service is recommending that we double the dose of the most benign insecticide. There are insecticides that are more potent, but not as environmentally friendly in that they stay active for a longer period of time. By doubling the dose of BTK, its life continues to remain the same, but the hope is by doubling up the dose it will be twice as effective, but have a lesser effect on the environment. I am in favor today of getting on board with this process but I don't want to over spray a subdivision that has no desire to be over sprayed. Commissioner McGinn stated that if we approve this to go out to bid, would we still be able to have time to answer our concerns before we actually did the spraying project. If we approve the bid process, contingent upon those people agreeing to the over spraying, who's going to pitch in with the expenditures? Commissioner Nivison stated that we need to start the process.

The important thing is to start the bid process so that our timing is correct. That's all I see that we are doing.

John Blansett, County Sheriff, asked if there was any kind of method being brought into play to recoup some of our money back from the Forest Service. Commissioner Moore stated that there has been ongoing conversation with the Forest Service on how they intend to act and treat their own forest. The trees that we are talking about spraying are not on the Forest Service. Where the bugs came from, we can't say. We are trying to work in cooperation with the Forest Service. If we don't all spray at the same time, we aren't sure how effective it will be. As it stands right now, the Forest Service is looking at an application much later to protect the checkered spot butterfly while in the caterpillar stage. We need to hit the looper at the caterpillar stage and unfortunately they are in the caterpillar stage at the same time. The Forest Service is looking to push their first application in November. We believe this won't be effective for the looper, but will protect the butterfly. The County is looking to spray in September and in early October for a success ratio of 50% or better.

Commissioner Nivison amended his motion to go to the bid process for the BTK aerial with a fixed winged aircraft in a unit amount minimal of 2,000 not to exceed 4,000 and the monetary amount not to exceed \$150,000.00. The amended motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

2. Executive Session:

Commissioner Moore made a motion to go into executive session to discuss limited personnel issues only.

The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes

