

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 AM, November 12, 2002; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, the Mountain Monthly, and to Radio Stations KPSA, KINN, and KYEE.

Those being present:

- Richard Zierlein Chairman
- Tim McGinn Vice-Chairman
- Michael Nivison Member
- Ruth Hooser County Manager
- Ray Backstrom Assistant County Manager
- Dan Bryant County Attorney
- Bill Parker County Road Superintendent
- LaDonna Adams Department Assistant
- Robyn Silva Deputy Clerk

The Chairman called the meeting to order and gave the invocation.

Commissioner McGinn led the Pledge of Allegiance and Commissioner Nivison led those assembled in the Salute to the flag of the State of New Mexico.

1. Discussion was held on the Consent Agenda. Commissioner Zierlein requested that Item C under the Assessor's Office be tabled until the next meeting so that he can speak with Mr. Dale Palkki, the new County Assessor. Mr. Gonzalo Estrada asked what needs to be discussed on that? Commissioner Zierlein stated that these are two promotions that were never

brought to the Commission or put in the budget until this point in time. He stated that the Commission also has a freeze on hiring and promotions. Commissioner Zierlein also pointed out that we have a new Assessor coming in and he wants to make sure that the Assessor agrees with the promotions. He stated that Mr. Palkki is out of town because of an illness in his family and he would like to make sure that it is okay with him before he votes to support the promotions. Mr. Estrada stated that Mrs. Hooser approached the Assessor's Office and asked that these people take this course. He stated that the expenses for the course for the two employees was paid for out of the Administration's budget. He stated that the Assessor's Office agreed to send two employees to the training, they successfully completed the course and have become certified flood plain managers. He stated that he feels that we should compensate our employees when they achieve such an accomplishment.

Commissioner Zierlein stated that he is not arguing that point, he just feels that the new Assessor should be aware of it first.

Commissioner Nivison stated that we are getting ready to have a mid-year review of the budget and we can look at it at that point. He stated, not only are we going to have a new Assessor, but two new Commissioners also.

Mr. Estrada stated that the Assessor's Office has \$15,600 in their budget that is not being used for part-time employees, so they are not asking for a budget increase. He just feels that those employees should be compensated.

Commissioner Zierlein stated that it doesn't have anything to do with the employees, in fact he stated that he feels that the two employees in question are outstanding employees. There is no question there. He stated that it is out of respect for the new Assessor.

Commissioner McGinn made a motion to approve Items A - D and exclude the two

promotions under Item C in the Assessor's Office on the Consent Agenda. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously.

Commissioner Zierlein asked that those two promotions be put on a future meeting. SEE BOOK 112 PAGES

2. Commissioner McGinn requested that the Purchasing Agent go through the specs for the bid for the new Courthouse doors and he questioned why the doors cost \$49,000.

Commissioner Zierlein stated that the doors are expensive because they are security doors.

Commissioner Zierlein tabled the item until Ms. Ginger Herndon can get the specs to

Commissioner McGinn and he has a chance to review them.

3. Commissioner Nivison made a motion to approve Items A - E on the Administrator's Report. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. SEE BOOK 112 PAGES

4. Commissioner McGinn stated that he wants to discuss contractor dumping at the Convenience Center. He questioned when the policy was imposed to not allow contractor dumping?

Mr. Jerry Rardin, Manager of the Convenience Center, stated that has been the policy of the Convenience Center since it's inception. Commissioner McGinn asked Mr. Rardin what the City allows or doesn't allow? He stated that since this Board doesn't want to allow contractor dumping for free, maybe there is an opportunity for them to dump at the Convenience Center and generate some revenue. Mr. Rardin stated that he has been all for that for a long time. He stated that the City does allow contractor dumping and he does have a list of their fees.

Commissioner McGinn stated that currently, the Contractors have to drive to Orogrande to dump and he thinks they will pay to dump at our Center. Mr. Rardin stated that

the only thing we have to do is set our rates comparable with the City.

Commissioner Nivison stated that Cloudcroft has had this same problem. He stated that what they did to solve the problem is to ask the contractors to get an on sight roll off.

Commissioner Zierlein stated that he feels that the County should charge the County residents for dumping their trash. He stated that the City charges for it, but if you are a resident of the County, the taxpayers of the City subsidize that bill. Commissioner Zierlein stated that, technically, the way our system works, is not fair. He stated that he has been opposed to it being a free service all along.

Commissioner McGinn stated that he is afraid if we charge all of the County folks, we will have many dumps springing up all over the place.

Mr. Rardin stated that is the reason that his recommendation has always been, if we are to charge, that it be done on the tax base not at the gate.

The Commission requested that Mr. Rardin get some numbers together and fees that the Commission can look at to possibly make some changes at the Convenience Center.

5. Commissioner McGinn stated that he would like to discuss a letter that he received from Mr. Layne Thomas requesting help with disposing three to four thousand tires that were left on his rental property.

Commissioner Zierlein stated that he is curious what the discussion is because we have an Ordinance on the books that states that you pay a dollar a tire for disposal, if you are a commercial business. He stated that this property in question, Mr. Thomas leases out for profit. He also stated that it was a for profit business that put all of the tires there. Commissioner Zierlein stated that the tires accumulated after our Ordinance was in place so there really isn't anything that the County can do.

Commissioner McGinn stated that the County has a tire baler and he suggests that we take those tires and do our part to clean up the property.

Commissioner Zierlein stated that if we get rid of Mr. Thomas' tires then we will have everyone in town standing in line wanting us to take their tires. He stated that he realizes that things like that sometimes happen when you have a business, but the County can't forgo the Ordinance because of it.

Commissioner Nivison stated that we have an Ordinance and unless the attorney can tell us a way through it then we are bound. Also, he stated that we will then fall under the anti-donation clause for doing something for an individual. Commissioner Nivison stated that those are his two concerns.

Commissioner McGinn stated that years ago we received a grant from the State if we went out and picked up all of the tire piles in the County. That grant provided us with a tire baler which we used after we picked up 100,000 tires around the County. He stated that none of those people were charged for the tires that we picked up.

Commissioner Zierlein stated that was before the Ordinance was enacted that sets the fee of one dollar per tire. At that time they were grandfathered in and it was mandated by the State to clean the tires up. Commissioner Zierlein stated that he is asking us to pick and chose which businesses we are going to subsidize, and he stated that he can't go along with that.

Commissioner McGinn stated that if Mr. Thomas was in the tire business, it would be a different case.

Mr. Thomas stated that he has asked two Courts and Code Enforcement to help with this problem and he has received no assistance at all.

The Commission asked Mr. Backstrom to check with Dona Ana County to see

what they do with their baled tires.

Mr. Bryant stated that there are no variances in the Ordinance that would allow us to do anything for Mr. Thomas. In order to give the County criteria, we would have to amend the Ordinance.

6. Commissioner Nivison stated that he and Mr. Bryant attended a meeting in Wyoming and they are all concerned with the issues on the forest. The only way we are going to get this done is to create a big wave. He also wanted to thank Mr. Bryant for attending the meeting.

Mr. Bryant stated that you don't go to a conference like that without learning as much information as you take with you. He stated that one thing that is very important that they learned is that the Forest Service estimates, within 15 years, we will lose 21 million acres of trees to the Western Bark Beetle.

7. Commissioner McGinn stated that a few meetings ago there was concern about the City and the 10 wells that they are planning on drilling and that we would schedule a Joint City/County meeting. He asked if that meeting had been scheduled yet?

Commissioner Zierlein stated that we need to find out what the City's intention is first. Commissioner Zierlein directed Mr. Backstrom to check on that.

8. The time being 10:00 AM, the Chairman called the Public Hearing to order. Mr. Jack Rathgeber approached the Board requesting Road name changes in the County.

**Peach Street** - objection -tabled because there is already a Peach Street in Otero County in Tularosa;

**Powderhorn Trail** - okay - no objection;

**Razorback Road** - would like it to be **Odyssey Trail**;

**Matador Place** - has been withdrawn;

**Samson Trail** - okay - no objection;

**Snowball Lane** - okay - no objection;

**Pony Lane** - okay - no objection;

**Buffalo Lane** - objection - tabled ;

**Ramhead Road** – private road; driveway – tabled;

**Leaf Cluster Lane** - changed from **Elberta Ave**;

Commissioner Nivison made a motion to accept the road names as presented by Mr. Rathgeber which are Powder Horn trail, Odyssey Trail, Samson Trail, Snowball Lane, Pony Lane, and Leaf Cluster Lane. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. **SEE BOOK 112 PAGES**

9. Discussion was held on sealed Bid #03-004, the purchase of the outside doors for the Courthouse. Commissioner McGinn questioned why we are spending so much on the outside doors under Inter-Departmental Items, to award Sealed Bid #03-004. Ms. Herndon stated that Mr. Tony Rogers is the one that is responsible for meeting with the architect and drawing up the bid. Commissioner Zierlein stated that we have been working on this for about three years and he feels that the justification is there for the cost.

Commissioner Nivison made a motion to award Sealed Bid #03-004 for the replacement of the Otero County Courthouse doors. Commissioner Zierlein seconded the motion. Discussion was held. Mr. Bill Hornback questioned why we don't use keys anymore. Commissioner Zierlein stated that it is more economical to use the cards. Mr. John Blansett stated that in the past, every time we have had an open door, it has been human error. He stated that it doesn't make sense to have these doors until the administration offices are moved out and

it's just a Courthouse. Mr. Moore stated that this is not about security, this is to contain the building after it is locked down at night. At that point we will be able to tell who comes in what door they came through and when they left. Mr. Mike Shinaberry asked Sheriff Lee if over the past ten years if this has become an increased issue in this community that this is warranted? Sheriff Lee stated that it has become an increased issue since September 11. He asked if this was looked at under homeland security grants? Commissioner Zierlein stated that he cannot say if that was looked at in this particular instance. A vote was taken and the motion passed 2-1 with Commissioner McGinn voting against. **SEE BOOK 112 PAGES**

The time being 10:30 a. m., the Chairman adjourned the meeting.

**DRAFT**  
**COPY**  
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Chairman

ATTEST:

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Otero County Clerk  
Regular Meeting of November 12, 2002.