

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. November 13, 2001; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Holloman Sunburst, El Paso Times, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

- |                     |                               |
|---------------------|-------------------------------|
| Richard L. Zierlein | Chairman                      |
| Tim McGinn          | Vice-Chairman                 |
| Michael Nivison     | Member                        |
| Ruth Hooser         | County Manager                |
| LaDonna Adams       | Administrative Secretary      |
| Robyn Silva         | Deputy Clerk                  |
| Bill Parker         | Assistant Road Superintendent |

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

1. The time being 9:00 am, the Chairman opened the Public Hearing to consider approval of the Preliminary Plat of Galaway-Otero Subdivision No. 1, a 306.843 acre tract of land in Sections 29 and 32, Township 26S, Range 6E, NMPM Otero County, New Mexico.

Mr. Marvin Magee is the engineer that has prepared and presented the disclosure statement and restrictive covenants for this proposed subdivision. He stated that he has

prepared these documents based on the guidelines set out by the State Engineers Office. With these guidelines in mind, based on the size of the lots, the size of the house must not exceed 3 bedrooms.

This is to compensate for the septic and usage of water. Commissioner Zierlein asked the County Attorney who if they are responsible to enforce the restrictive covenants. Mr. Bryant stated that the County has no authority or responsibility to enforce the restrictive covenants.

The Commission questioned whether or not there would be adequate water at the hydrants. Mr. Magee stated that the analysis that was done on the amount of water that will supply the fire hydrants is within specifications. It actually comes in at about 500 gallons per minute for approximately two hours although there is no way to guarantee the fire flow of water.

Mr. Magee clarified that, based on the state guidelines for single family dwellings, they meet the standards based on the studies that they have completed and they are included in the disclosure statement.

Commissioner Zierlein stated that his next concern is for the drainage that will occur on State Line Road and if it is adequate so that the road is not destroyed. Mr. Magee stated that the drainage will be adequate. Commissioner Zierlein also expressed his concern for the traffic problem that may occur because of the increase of traffic turning off of Highway 54 on to State Line Road. He suggested that there be an additional lane added for turning. Mr. Galoway stated that he is willing to provide, within reason, anything to access State Line Road that the Commission is requesting. Commissioner Zierlein stated that we need to draft this in the form of an agreement.

Commissioner Zierlein questioned where the money will come from to take care of the holding ponds for drainage in the future. Mr. Magee stated that within the restrictive covenants the owners are to provide drainage on their own lots.

Mr. Magee stated that, based on the regulation of the State Highway Department, they meet the fire code. Mr. Magee stated that he has a letter from the State Highway Department for final approval for drainage. The Traffic Technical Support Division stated that if the traffic impact report does not have a problem then it is okay.

Mr. Bryant stated that the traffic impact report gives two alternative paragraphs that suggest that we widen the pavement and put a turning lane down the middle or widen the pavement and put deceleration lanes on the side. The Commission stated that they want the opinion of a Road Engineer to determine what is the safest and most beneficial way to go. The amount of Highway 54 that we are looking at is approximately 3/4 of a mile long.

Commissioner Zierlein opened up the discussion to the audience for questions or comments.

Under Sheriff Dave Plotner stated that his concern is about the increase in traffic on State Line Road and his support of the widening of Highway 54 at that intersection.

Mr. Steinhoff from the Planning Commission stated that there he has a concern pertaining to Ordinance No 86-21 concerning fire protection. He is questioning if the subdivider has submitted the plans that follow this ordinance. Mr. Magee stated that the utility plans indicate that they are within the boundaries.

Ms Joyce Dingman from La Luz stated that she can't imagine any more subdivisions being approved until the water issue has been resolved.

Mr. Ed Bond from the Planning Commission stated that item 34 of the disclosure statement needs to enclose the location of the landfills in comparison to the water supply which are three miles southwest. The potential property owners need to know what is in the neighborhood before purchasing any property.

Ms Audrey Pearson stated that she cannot believe that the Commission is approving another subdivision when wells all over the County are drying up. She stated that this will affect all of the other subdivisions in the County. She stated that businesses don't pay the taxes the people do. She further stated that the Commission should support what the people want.

Commissioner Nivison made a motion to accept the preliminary plat for the Galaway-Otero Subdivision and to address the questions and concerns previously discussed before final approval. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

2. Commissioner Zierlein stated that he does not think we should be giving promotions at this time considering the state of the County's budget. Sheriff Lee stated that the promotion is being given to fill a vacancy of someone that has recently retired. The Sheriff further stated that he has the money in his budget.

Commissioner Nivison pointed out that with the events that took place on September 11, 2001 we need to be prepared for anything and that we should not be low on law enforcement.

Commissioner Nivison made a motion to approve the promotion requested by the Sheriff. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

Discussion was held. Under Sheriff Plotner stated that because of the way that the Personnel Policy is worded, we cannot begin to fill a vacancy until there is a vacancy. Sheriff Lee also stated that, because they have now filled a vacancy, that will create another vacancy that will have to be filled.

3. Tony Bransford approached the board to discuss the transfer of duties and

titles of the employees in his department. He stated that it is in their contracts and there is no additional pay. All of the employees have signed and agreed. Mr. Bransford stated that because of the rearranging of positions and duties they now have a vacancy.

4. Virginia Blansett, Acting Detention Administrator, approached the board to request a uniform allowance for the lieutenant at Detention. Commissioner Zierlein stated that we do not have any additional money in the budget to fund this. Mrs. Blansett stated that in the past the lieutenant has always had a uniform allowance. When the last negotiations were held, it was taken out. She further stated that she feels that it is a safety issue. The Lieutenant is the person that is in direct contact with the prisoners and if there is an altercation she feels that the uniform displays one of authority. Mrs. Blansett stated that the money is in her budget. Mr. Bryant stated that it does not affect their contract with the County.

Commissioner Nivison made a motion to approve the reinstatement of the lieutenant's uniform allowance provided the money is in the budget. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

5. Commissioner McGinn made a motion to approve the balance of the Consent Agenda. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

6. Mr. Tony Bransford approached the Board to discuss the contract that the DWI has with the County for the building and the parking lot. Commissioner Zierlein stated that his department is allowed parking but not designated parking. Mr. Bransford stated that he is not looking for special parking. It would be preferred parking in the parking lot next to his building. Commissioner Zierlein stated that the best way to handle this is that any county parking is for

anyone unless it is designated handicap. Mr. Bransford thanked the Commission for the clarification.

7. Mr. Terry Mueller, Fire Chief from the Oro Vista Fire Department, stated that if the fire stations are brought up to par then they are eligible for additional funding. He stated that he is in the process of doing that and that he has gone out to bid for handicap access. They have two bids that came back that are approximately \$400 different. The low bidder stated that it will be 90 days until the job would be complete. The other bidder stated that they could have the job done in 7-10 days and he questioned if he could go with the high bid and pay the additional cost so that he will meet the requirements for the additional funding for the next budget cycle. He stated that if he has to wait 90 days he won't meet the deadline. Mr. Bryant suggested to approach the low bidder and work with him on the time frame.

Commissioner Nivison made a motion to approve the low bid and to negotiate with the low bidder to do the job sooner. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

6. Commissioner Nivison made a motion to approve Item A under Administrator's Report. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

7. Commissioner McGinn made a motion to go into Executive Session to discuss pending litigation and personnel issues. Commissioner Nivison seconded the motion. Roll Call was taken as follows:

Commissioner Zierlein-	Aye
Commissioner McGinn-	Aye
Commissioner Nivison-	Aye

Commissioner Nivison made a motion to return to Regular Session.

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

Commissioner Zierlein- Aye

Commissioner McGinn- Aye

Commissioner Nivison- Aye

WORKSESSION:

1. The Commission discussed questions on RFP with the jail and transfer center.

The Commission requested that staff get copies from Eddy, Luna and Dona Ana County of the RFP.

This item was tabled.

2. The Commission discussed the Tax Implementation.

3. The Commission directed staff to go forward with the re-districting.

4. The Commission discussed and accepted the agenda from Ron Griggs, City

Commissioner, about the TOPIC and FACULTY he presented to the Board.

The time being 12:30 PM the Chairman adjourned the meeting.

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CHAIRMAN

ATTEST:

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OTERO COUNTY CLERK