

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., January 7, 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	Absent
Ronny Rardin	Member
Timothy Smith	County Manager
Pamela Heltner	Administrative Assistant
Lynn Estrada	Deputy Clerk

DRAFT

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

1. Consent agenda:

- a. Bills lists #23, #24, #25, and #26
- b. Approval of Minutes
- c. Health Care Services, approving or denying claims

2. Purchasing:

- a. Request approval of Resolution #01-15-08/97-33 in consideration of a budget increase to

reflect the implementation of full P.I.L.T. funding for the FY 08/09. This resolution will increase the FY 08/09 revenues for the General Fund by \$2,257,440.00.

Donna Brandon, Financial Director, stated that we are receiving full P.I.L.T. funding. The budget increase represents that we received \$1,128,720.00 in November. This was to supplement the P.I.L.T. distribution for fiscal year 07/08, as well the P.I.L.T. payment we will receive for fiscal year 08/09 in June of 09 will be increased by this amount. The \$2,257,440.00 reflects both of these payments.

b. Request approval of Resolution #01-15-08/97-34 in consideration of budget adjustments to reflect the award of a FEMA grant to the Mayhill VFD in the amount of \$73,782.00.

Ms. Brandon stated that this grant is for training and purchase of radios

c. Request approval of Resolution #01-15-08/97-35 in consideration of budget adjustments to reflect the award of a FEMA grant to the La Luz VFD in the amount of \$76,268.00.

Commissioner Rardin asked where we are at in finishing the La Luz Fire Station. Paul Quairoli, Emergency Service Coordinator, stated that we are waiting for the final documents and the contract to be awarded for the finishing of the interior of the building. The last phase is the parking lot which the Chief doesn't have the funding for yet but should have it by the next fiscal year.

d. Request approval of Resolution #01-15-08/97-36 in consideration of a budget increase in the amount of \$448,050.00 to complete the renovation of the Otero County Fairgrounds Exhibit Building.

Mr. Smith, County Manager, stated that he wanted to alert the Board, he received a notice from DFA (Department of Finance) on the Legislative grants of some of the money that they are trying to pull back. One of the grants they want to pull back is \$113,000.00 from this project. We owe them an answer by the 9th of January explaining where these projects are at. There are two other grants that

DFA would like to pull money back from. One is the Emergency Response Center, which was funded at \$250,000.00 and they want to pull back the entire amount for Alamo Canyon Flood Planning which is close to \$740,000.00. Commissioner Moore stated that the grants that are listed to be withdrawn from each county is an effort to balance the state budget, because they grossly over anticipated the revenues based on the oil and gas prices. Our Legislative body will be here Friday. Commissioner Moore would like staff to prepare a presentation on how crucial these grants are to us and the need to not remove the partial funding that they have given us for these projects.

e. Request approval of Resolution #01-15-08/97-37 in consideration of a budget increase in the amount of \$25,000 to complete the remodeling of the old county jail into office space for the District Attorney.

f. Request approval of Resolution #01-15-08/97-38 in consideration of budget increases totaling \$43,356.22 in the general fund to insure statutory minimums in the County Commission Department and make a previously omitted appropriation for collective bargaining.

g. Request approval of a professional services agreement between Otero County and the Regents of New Mexico State University, Range Improvement Task Force (Dr. Terrell 'Red' Baker). This is an annual renewal in the amount of \$25,000.

3. Elected Officials, Department Heads, Committee Reports:

a. Mid year budget review. (Regular Meeting only).

4. Public Hearing:

a. Discuss and consider amendments to the Otero County Subdivision Ordinance 07-02 and attached appendices.

Hans Steinhoff approached the Board and asked if he could speak for the Planning Commission.

Commissioner Moore stated that any comments you make here will need to be made again at the Public Hearing on Thursday. Mr. Steinhoff stated that we need more time to go through this ordinance. He would like the Planning Commission to get together with the County Commissioners to hash some of these problems out and not make any last minute changes at the public meeting. The Planning Commission is not satisfied with the water issue. The State Engineer never gives a favorable opinion. Commissioner Moore stated that we worked over 2 years on overhauling this ordinance and once we came to the conclusion, the first two subdivisions we tried to get through on the new standards, there were complications. There were some glitches in the appendices. Commissioner Moore would like to see what we can accomplish in the public hearing. If we can't come to some agreement then we might need some additional public hearings.

5. Scheduled Citizen Communications:

a. Bill Childress-Discuss steps to enact Emergency Closure for the gravel pit area along Dog Canyon Road.

Bill Childress, District Manager with the BLM and Tom Phillips, Recreational Cultural Supervisor, with the BLM, discussed the procedures of the emergency closure of the gravel pit on Dog Canyon Road. Commissioner Moore stated that as a background, this has been a nuisance area for the residents. There has been gunfire and less than gentlemanly behavior in the pit. It's in the limits of the law, but it's not neighborly to shoot weapons at night. How do we address these issues and still protect the civil liberties of citizens of the United States. Mr. Childress explained the area of the gravel pit on a map. Mr. Phillips stated that about 2 years ago they received word that there was a concern out at the gravel pit, since then we have tried to find the right fix. A year ago we looked at the next step that we might enforce, which was not to close the area to use but try an education approach. In February we

talked about putting up a sign and finally this summer we got a couple of signs put up. We were trying to educate the public about the right thing to do and we also included notification that there is a proper shooting range in the vicinity. This clearly hasn't worked. Since then, even the signs have been shot up. About a month ago we met out there again and heard the concerns that hadn't gone away and made a commitment that we would look at something more serious than signs. Mr. Childress stated that on November 21st we had a meeting at the gravel pit with residents, the manager of the Oliver Lee State Park and her staff, Commissioner Moore and Congressional representation. We made a decision to pursue the emergency closure. The area would be closed to target shooting and plinking only, but we would leave it open for regulated hunts and leave the landscape open for general recreational purposes. The threat is serious enough to public safety that this is a step that is prudent on our part. We want to do the emergency closure which will require a notice in our federal register, so we will be going back to Washington. The closure will be possibly up to 2 years on emergency purposes. This will give us ample time to use one of our processes, which could include the tri-county resource management plan process. We will have a closure in place and post the perimeter of the landscape, which includes a 200 acre closure in and around the gravel pit. We would post signs and this would give the Sheriff's Department the opportunity for enforcement. Mr. Phillips also has a new law enforcement ranger that will be starting March 1st. and he will be focusing on this area especially during the weekends. The no shooting will be enforced. John Blansett, Sheriff, asked under what authority are we going to cite under. We don't have the authority to enforce BLM regulations. Mr. Phillips stated that with other counties we have agreements, so we would need to look into that and see if we need to do some agreements. Commissioner Moore stated that there is definitely a safety problem there. When we go to stepping on people's rights, we need to do that very delicately. The folks that live out there should also

have some reasonable expectation that they won't receive gun fire through the wall of their house in the middle of the night. The Park Ranger stated that people entering the park have a reasonable expectation of safety. At this current level it's not being met. It's not only the residents that are at risk, it's also for the many visitors to the park.

Commissioner Rardin asked how close the nearest residence is to the gravel pit. Mr. Childress stated that the house is about a quarter of a mile from the gravel pit. The State Park is about 3 quarters of a mile from the pit.

Commissioner Moore requested that Mr. Childress get a copy of the agreement that they have with Dona Ana Law Enforcement that lets them help BLM on their lands. He would like counsel and the Sheriff to be involved with this agreement.

b. Rudy Clarke-Discuss a letter of support to build low-income housing in the Otero County area.

Mr. Clarke stated that he is asking for a letter of support from the Commission to allow him to form a CHDO, which is a community housing development organization under the auspices of HUD. Habitat for Humanity is 50 percent or below medium income. Mr. Clarke would like to fill a gap in Otero County for low income families. He is not asking the county for any money just their support.

Commissioner Rardin asked if Mr. Clarke has to have a government entity to support him or are you just asking. Mr. Clarke stated that New Mexico Mortgage Finance Authority prefers to have a government body supporting him, because money will flow into the county. Commissioner Rardin questioned the County Attorney, Dan Bryant, of what this would do to us. Dan Bryant stated that he has real basic familiarity because of our interface with the Alamogordo Housing Project, which is also a HUD Project.

Mr. Bryant has a number of questions for Mr. Clarke and would like to get together with him between now and next Thursday before the meeting.

Commissioner Moore asked Mr. Clarke if he would be competing with Habitat for Humanity or Urban Housing and Development that the City is running. Mr. Clarke stated that no he would not, it's a different funding source. Commissioner Moore stated that there is a name of a corporation here. He would like to know their financial stability and background. He would also like to have the background on the federal program and their success stories.

c. Kevin Schneider-Discuss a Foundation Plan for White Sands National Monument identifying vision and priorities for the next 3-5 years at White Sands.

Mr. Schneider introduced Shelly Abode from the University of Arizona and Laura Foler. They have been contracted to help us with this Foundation Plan. The Foundation Plan is a precursor in the National Park Service to a more Comprehensive Management Plan. The idea for a Foundation Plan is to identify the vision for the park for the next 3 to 5 years. We are trying to do this differently and talk with the crucial stake holders, like the County Commission, White Sands Missile Range, Holloman Air Force Base, Border Patrol and others. We are here this morning to begin a dialog with the Commission about the Foundation Plan and solicit your feedback about where you would like to see it go in the next 3 to 5 years. Mr. Schneider turned it over to Ms. Abode to ask some questions and get the Commissions feedback. Commissioner Moore stated that he has had this discussion personally with some of the past directors. The park is a great place, but he only goes out there when he has company from out of town. In the past the radio stations would go out there and have a big beach party and a cookout and everyone would go and have a ball. The park needs to get more local involvement by starting up some free days at the beach, free pass for perfect attendance at school, and maybe a military

day. There are a number of events that would draw the public.

Ms. Abode asked about any drawbacks at the park. Commissioner Moore stated that with the Park Rangers, they are sometimes friendly and at other times they are very rude. The park should be enjoyed and when you are approached by a ranger, he should be smiling.

Commissioner Rardin stated that we have a great ability to increase business here in Otero County, by taking the dunes outside of the park and allow dune buggies and 4 wheelers. This is our asset to and the park could set aside some dunes for these activities. Ms. Abode stated that we are looking at collaborating efforts with all the different stake holders. Commissioner Rardin would like to have a map of the monument and the outlying dune fields. Mr. Schneider stated that he can provide a map that has the boundaries and adjacent property owners.

Dan Bryant stated that he would like to highlight the history of communications with the park. Eighty-eight percent of the real estate that Otero County covers is public and state land. That means we run four governments for our citizens on only twelve percent of the real estate. It's an incredible burden. Every decision you make effects us deeply and closely and intimately and emotionally. We have three ordinances that we passed back in the early 1990's, and I have provided a copy of those to your predecessor. If they are not there, please let us know and we will get them to you again. These aren't the crazy land use ordinances that you read about in the newspaper that were being done in various counties in New Mexico. What I did, was I crafted ordinances that said to you guys, we are here, we have a stake, we want to be at the table and communicate and we want you to understand how your decisions effect us and our ability to provide life, health and safety to our citizens. On the formal side of things, we have stepped up to the plate and invested over the last 18 years, hundreds of thousands of dollars in understanding our environment and its interface with the National Forest, the BLM, the Park

and the military. We have significant expertise and significant data on the whole spectrum of environmental facts. We are willing to continue sharing the hard earned tax dollars of our citizens with the federal agencies that we deal with here in Otero County. When we make decisions, we really are including the local folks and have an accurate understanding of the impacts of those decisions on us, our customs, our cultural and our history. We want to have that kind of an intimate relationship with the park. We feel pretty successful in our relationship with the BLM. We are having greater success in our relationship with the National Forest and our relationship with the U.S. Fish and Wildlife Service is getting better with every MOU we sign. We want that kind of relationship with the park. We want to know the real impacts and effects of a designation like the World Heritage designation that is being sought. In the past we have been left out of that loop. Informally we were left out and formally, in terms of, "Hey Otero County, you are a stakeholder. Is there somebody you want to put on the ID Team while we study this issue." We have never been invited and we need to be. Mr. Snyder stated that his tenure of being superintendent, he loves the idea of once a year meeting out at the park.

Commissioner Moore thanked Mr. Childress for coming and will be waiting to hear the update for the park.

6. Commission Discussion/Correspondence:

a. Commissioner Rardin -

1. Hiring Freeze- Commissioner Rardin stated that he is not stopping any hiring as far as replacements of employees that are in place. He doesn't want to see the County grow any further at this time.

2. Courthouse security wall-Commissioner Rardin stated that he is very much against the public being searched coming in to pay taxes or do research. He requested staff to look into building a

wall at the end of the corridor. It would block off the bathrooms and the wall and reopening the south wall. Commissioner Rardin would like the blessing of the Commission to move forward with this.

3. Bio/alternative fuels- Commissioner Rardin stated that this will probably be the main focus for him in the next four years. If we were to be cut off from the world, we wouldn't be able to survive. Commissioner Rardin stated that he has been working on the plan with ethanol fuels and he has a plan that he would like to bring forth.

There being no further business before the Board, the Chairman adjourned the meeting at 10:58 a.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Work Session
Jan. 7, 2009