

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the Mayhill Community Center in Mayhill, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., June 10, 2009; 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:**

- |                 |                          |
|-----------------|--------------------------|
| Ronny Rardin    | Chairman                 |
| Doug Moore      | Vice-Chairman            |
| Clarissa McGinn | Member                   |
| Tim Smith       | County Manager           |
| Ray Backstrom   | Assistant County Manager |
| Pamela Heltner  | Commission Liaison       |
| Lynn Estrada    | Deputy Clerk             |

**DRAFT**

Charles Walker gave the invocation. Commissioner Rardin led the Pledge of Allegiance.

**Presentation:**

Gayle Cramer, a member of the Mayhill Community Center Board, thanked the Commissioners for their support of the Community Center and the repairs that are going to take place after July 1. Ms. Cramer also thanked the Commission for their support for the playground. The Commission had authorized \$2,000 for installation of the equipment for the playground. We appreciate everything that that the Commissioners do for us and their support of the mountain community.

**1. Unscheduled Citizen Communications:**

a. R.L. Posey stated that he received some information about the wolf that he would like to pass on to the Commission.

b. Charles Walker spoke about the elk issue in the mountains. One of the problems is when the Fish & Game issue the land owner permits, it's like taking the cattle to the auction ring. You take them there and say, what will you give me? When you get the land owner elk tags from Game and Fish, they give you just what they want you to have. If you gripe about it, they won't give you anything for the next year. He doesn't think this is fair and he believes the County could do something about it. Those who furnish the foliage for the elk should be first and foremost on setting the policy on what to do about the elk numbers. The land owners who have a grazing allotment where the elk are utilizing it, should be given consideration for elk tags. There is so much forage out there and if there were no elk we could be utilizing our allotments with more cattle. Mr. Walker thought that a couple of years ago the County had passed an ordinance on the management of the elk. He would like to know what happened to it and if it was ever passed.

Commissioner Rardin stated that for him, he will be attending every Fish & Game meeting in the state and be in their face about our issues every time.

Commissioner Moore stated that between the Game & Fish and the Forest Service there was no inter connect. When we tried to talk to them about, what was the sustainable herd in unit 34? Roy Hays, representing the region, told Commissioner Moore that whatever it was he hoped that it could be 3 times that many more. We were at the point then that we were at a 20 percent reduction in allotments. Mr. Hays wanted a to have as large an elk herd as he possibly could, because he was New Mexico Game & Fish and that's what we do, we produce game for the hunter. The Forest Service said we manage the grass. When we get the grass down to a certain level, we tell the ranchers to take their cows off, but we

off, but we don't tell Game & Fish to reduce your herd. This is a complicated issue. Who does the grass belong to? It depends on who you ask. If you ask the Forester, the Forester will tell you that the people of the United States of America own that grass. The allotment owner will say that he owns the grass. New Mexico Game & Fish says it belongs to the wildlife. So, what's the truth? Depends on where you are, because all of that is true. How do you manage that resource so that the permittee has what his expectations are. He has the ability, given the right weather conditions to run his full permitted numbers, whatever they are. Which blade of that grass belongs to the elk and which part belongs to the allotment guy and which part to the United States of America. We've never figured this out and the battle rages on. As far as the elk ordinance, we were at such logger heads 2 years ago, that the Otero County Commission, with Mike Nivison on board, was proposing that we adopt an ordinance that would require New Mexico Game & Fish to remove and manage their herd to a level that would allow the permittees 100 percent entry. They would have to continue to reduce their herd until such time as the allotments were fully stocked, to the total decimation of the herd of elk, if that's what it took. We are trying to build solidarity between the cattle producers, the Forest Service, New Mexico Game & Fish and the Game Commission so that we can all look at the issue and ask for fair treatment.

Mr. Walker asked the Commission if they would ask the Game & Fish and the Game Commission to issue some permits to the ones who have the grazing allotments. The Sportsman Group will go for it, that it sounded fair to them. Mr. Walker stated that it sounded fair to him also, but he is not wanting to transfer from cattle to elk, but doesn't have any choice. When we manage our allotments they tell us if we do a good job, we will give you a raise. Now they are telling us we are doing a good job, so you are going to have more elk and less money. Mr. Walker is requesting the Commission use their influence so they could get some permits for their grazing allotments. This would help

tremendously.

Commissioner Moore stated that what Mr. Walker is asking for is fair and right. Four years ago the Game Commission changed the way they did the land owner tags. It used to be based on a given area of what percentage you had of private property and they would look at it under unit 34. Mr. Walker stated that the new Director for the Commission might be easier to work with than the last Director.

Commissioner Moore will speak with him and evaluate the system a little more closely and give the ranchers some credit for their allotments.

c. Mr. Goss is also asking the Commission to help the ranchers with this situation.

d. John Connor stated that it's critical that the elk issue be identified and addressed in the Forest Management Plan. These problems that have been talked about here tonight, could be resolved through the implementation of this plan, if it's built into it. If the Forest Service hasn't addressed this issue in their plan it is a great error on their part not to have it in the plan.

e. Odie Prather stated that a few years ago the Commission passed an ordinance to take control of the Forest and get it back in shape. It went to the Governor for his signature and Mr. Prather hasn't heard anything since. Commissioner Moore stated that this was Senate Bill 1 not a County Ordinance. It said that if the Forest Service can not or will not provide proper leadership and stewardship over the land, that the County will come up with their own plan and their own finances. The County would take over the Lincoln National Forest and administer it. Commissioner Rardin stated, that is the problem right there. We don't have a plan. That's the piece of the puzzle that we are missing. The Land Use Committee that we are putting together will be tasked to come up with a plan that works. Then we will not only become the cooperating agency, they will have to coordinate with us. Commissioner Moore stated that you have to have a plan and about 50 million a year to implement your plan,

then it's just talk. Commissioner McGinn stated that is the way the whole elk ordinance went, was with the whole wildlife ordinance issue, not just the elk. We started talking about having to have some back-up research. Some science of our own that says this is how we should manage each situation if the County is going to be managing the resource.

Commissioner Rardin would like to recognize Ms. Mayhill, who this town is named after.

f. Carey Shehan, stated that the Commission is up against a great battle. He would like to encourage the Commission to understand the power that they have. The power that has been entrusted to you Commissioners by the people that elected you. You have the greatest power on this level. You are our first defense against the state level and the federal level. The Commission can stop anybody from doing anything in your County.

## **2. Elected Officials, Department Heads:**

a. Paul Quiaroli-Request approval to schedule and advertise a public hearing for July 16, 2009 to hear public input on the Otero County Hazard Mitigation Plan.

Mr. Quiaroli stated that as a result of the 2006 floods the state gave us a grant in 2007 to create a Hazard Mitigation Plan. The plan has to be adopted by FEMA, which William Perry will explain and allows us to go out for federal funds to mitigate some of the hazards and future damages. Mr. Perry stated that he is working on revising the Hazard Mitigation Plan for the County. If a fire impacted this village and there was damage and damage sufficient enough for the federal government to declare it a disaster, the County would not be able to utilize FEMA funds unless we had a plan in place and it was adopted. The plan seeks to identify resources that are in the County to quickly determine how much damage has occurred. We are almost complete with the plan. We need to begin the review process for the plan. At the July 16<sup>th</sup> Meeting we will be asking for the publics comments. The Plan will be posted

in a number of places in order to get the information to the public.

Commissioner Moore had a couple of comments. At the out set, Mr. Perry said this community if it were struck by wildfire, FEMA could be a resource. Our experience with FEMA in a flood scenario has been that they can provide some low interest loans to homeowners, but the real connection is with government and rebuilding of roads, bridges and that kind of infrastructure damage. Commissioner Moore doesn't want folks misled that if a fire were to sweep this community, the County nor FEMA will pay to rebuild your house. There will be some grant opportunities, there will be some very low interest long term loans, but FEMA nor the County will come and rebuild your house. Mr. Perry stated that you are correct. Commissioner Moore requested to see the plan prior to public dissemination.

**3.Consent Agenda:**

a. Request approval of Sealed Bid #09-033 for Ambulance Services for Otero County with American Medical Response (AMR) in the amount of \$21,228/month.

Commissioner Moore stated that AMR has been providing our service for the last eight years or longer. We have had them on a multi year contract. We put a bid out for these services and had a committee review the services. There was one other bidder out of California. The committee chose AMR. They have an excellent reputation nationwide and provide excellent service for us here in Otero County. We had an issue with the ambulance dispatch and the way we are doing that. Right now we are in a partnership with the City of Alamogordo. If we get an ambulance call in the County we turn it over to the City and they in turn dispatch the ambulance whether it's in the City or not. There is a fee associated with that. Our call volume is up enough that we should continue to look at how we can best serve our constituents in the rural part of the County and dispatch our own ambulance service. We are at the break point now, that we can go it alone without the City's help. We appreciate their help in the

past and have been very good in the partnership. When are at a volume now where we could sustain our own enterprise. Commissioner Moore encourages our committee to continue to look down that avenue.

Mike Shabkie, General Manager from AMR New Mexico, appreciates the vote of confidence from the Commission. We have served Otero County with paramedic service since 1993. With the new contract cycle that is being considered, there will be significant enhancements with AMR support first responders. Mr. Shabkie is proud of what we are able to do to upgrade our services.

**4. Commission Discussions/Action items:**

a. Commissioner Rardin discussed the NACO 2009 Credentials. Grace Gonzalez, County Treasurer, is the voting member. Commissioner Rardin would like to be the alternate if Ms. Gonzalez doesn't attend the NACO conference.

b. Commissioner Moore stated that we just had our summer conference in Hobbs, New Mexico. Lea County did a great job in putting together the conference. Commissioner Moore stated that our Workmen's comp rate increased only 1 or 2 percent this year. Some counties increased as high as 22 percent. Otero County has a really good safety record for the last couple of years and this has affected our rates.

c. Commissioner McGinn gave an update on the Riata Road culvert. The project is underway. The concrete footings are being installed and the culvert will be put in next week.

Commissioner Moore stated that he knew when we came to this community that there would be discussion about the predator problem. There has been a paramount suppression effort. Commissioner Moore would like an update on the works that have been done.

Commissioner McGinn stated that Fresno Canyon did start this week. It will be chipped sealed

from High Rolls all the way down to the canyon. Commissioner Rardin stated that if you are coming down the mountain and the tunnel is closed you will be able to cut through High Rolls, go around Orchard Loop and go down Fresno Canyon on paved road all the way.

Keel Price, Department of Agriculture and Wildlife Services, stated that he is with the government and he is here to help you. Unfortunately, earmarks and congressional directives have not been increased for many years. In order to fund his employees, he has had to seek 100 percent funding. Clete Powell has been an excellent employee and Mr. Price is very proud to have him work for him. The problems that the County has had with elk permits could manifest themselves over into the predator area.

Commissioner Moore asked Mr. Price if he has figured out when he is going to fly. Mr. Price stated that we have already flown. We are on the list to have the plane again. Commissioner Moore asked how the success was on the fixed winged plane. Mr. Price stated that again it's all tied into the terrain. We have taken some and definitely last week on a ranch we took a coyote.

Commissioner Rardin stated that for him his favor will be more towards contracting trappers that are already out trapping. Putting out some type of bounty on the coyotes, because they can be killed anytime, any place, anywhere's as long as it's 150 yards from a building. We want to leave all our options open. Commissioner Rardin believes the more eyes and hands we have the better off we will be.

Commissioner Moore stated that Mr. Price and his group can't do this alone. It will take getting the Sportsman and Game Warden involved.

#### **5. Executive Session:**

Commissioner Moore made a motion to go into Executive Session to discuss items A.

Collective Bargaining and D. Land. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes
Commissioner Rardin	yes

Commissioner McGinn made a motion to come out of Executive Session having discussed items A. Collective Bargaining and D. Land, having made no decisions. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes
Commissioner Rardin	yes

There being no further business before the Board, the Chairman adjourned the meeting at 9:20 p.m.

APPROVED:

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Ronny Rardin, Chairman

ATTEST:

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Robyn Holmes

Work Session June 10, 2009