

Regular Meeting

July 16, 2009

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 Administration Building in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., June 16, 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
Timothy Smith	County Manager
Dan Bryant	County Attorney
Ray Backstrom	Assistant County Manager
Christina Nuno	Deputy Clerk

DRAFT

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

Commissioner McGinn made a motion to approve items on the consent agenda, items 7-15 and 18-26, with the exception of items 16 and 17. The motion was seconded by Commissioner Moore. Donna Brandon, Financial Director, noticed one item on the agenda that was incorporated into the final budget in particular the funding for the health office. She stated the final budget can be approved separately with a resolution. Commissioner McGinn amended her motion to remove the approval of the final budget. The

motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

1. Public Hearing:

The time being 6:05 p.m. and properly being published a public hearing will take place regarding a discussion to hear public comments on the Otero County Hazard Mitigation Plan. Paul Quairoli, Emergency Management Coordinator, and William Perry, of Ecology & Environment, approached the Board to present their presentation. Mr. Quairoli stated the county received a grant from the Federal Emergency Management Association after the flood disaster of 2006 to create a plan. They went out to bid for a contract to create this plan and this plan must be reviewed in public and adopted by the county and sent to FEMA. Mr. Quairoli stated tonight would be the first public review then another public hearing in August. Mr. Perry presented a slide show and discussed all the sections with the plan. He stated the plan reviews different threats to people and property and how often a given threat will occur during a year. Mr. Perry stated they have fourteen (14) hazards and the top five listed are: flood, wildfire, high wind, thunderstorms and dam failure. The 2000 census was their basic source where they received information, that being square footage and valuations on the buildings. Their calculations on the value of buildings in the county came in at six (6) billion where the State in their plan had calculations of 3.3 billion to four (4) billion. Commissioner Moore said he did not see several hazards listed in the plan, like hazardous material spills, overturned trucks, or downed military aircraft. Mr. Quairoli stated the plan hazard mitigation plan is geared more for natural threats. Commissioner Rardin asked the question if they are working with the City, Cloudcroft and Tularosa on this plan. Mr. Perry said they have been reaching out to the City and possibly using the Senior Center as a shelter. Mr. Quairoli stated the City has a Hazard Mitigation Plan. Commissioner Moore stated that was also going to be his question if other entities have a plan, and if so, the Commission will like to get a copy of their plans to make sure the county's plan is consistent with theirs. This plan has to be multi-

jurisdictional response to an issue. Mr. Quairolì stated there is a planning group, members from the Emergency Planning Committee, which consist from the City of Alamogordo, Village of Tularosa and Cloudcroft. The Village of Tularosa is the only one that has not been to meetings. Mr. Quairolì said he has sent them copies of the plan and have notified them of up coming meetings, but has not yet received a response or attendance. Commissioner Moore stated it is not going to work if they do not get involvement. If they have an event, just like every event that has happened, there's going to have to be multi-jurisdiction responding. He also said if they don't build this into the plan, it's just a book with a bunch of papers in it. Commissioner Moore also stated they should reach out to adjacent counties such as Lincoln County and other surrounding counties. They should be made aware of this either talking directly to the emergency personnel or to the governing Board.

Commissioner Rardin asked the audience if anyone had any question regarding this issue.

Mr. Donald Homan, resident of Chaparral, asked Mr. Perry if they were any studies done for the Chaparral area since Chaparral is the second largest community in Otero County and it is close to El Paso and Fort Bliss. Mr. Perry stated their research in hazard identification and risk assessment included different areas and different topics. He said he has seen the groundwater impact studies for Chaparral and there's been discussion on the growth of the colonias. He said the census information on the population might be off, so they tried to bump up that estimate to more accurately reflect Chaparral. There were no other questions from the audience.

Commissioner Rardin adjourned the Public Hearing at 6:50 p.m.

2. Scheduled Citizen Communications:

Tierra Del Sol Housing Corporation is requesting the Board of County Commissioners to provide letters of support for the Homelessness Prevention and Rapid Re-Housing Program (HPRRP) to be

implemented in Otero County.

Mr. Arthur Marrujo, who is with Tierra Del Sol Corporation from Las Cruces, NM, approached the Board to discuss the Homelessness Prevention and Rapid Re-Housing Program to be implemented in Otero County. Mr. Marrujo stated Tierra Del Sol Housing Corporation is proposing to submit an application to the New Mexico Mortgage Finance Authority for funding under the Homelessness Prevention and Rapid Re-Housing Program. This provides 18 months of rental income for those who have either lost their jobs, foreclosure or hard times. This proposal was submitted two weeks ago to MFA (Mortgage Finance Authority), which they have received funds for Dona Ana, Sandoval, and Valencia Counties; however, there were no applicants for Otero County. He stated they were once again contacted by MFA to have the support from Otero County and to provide the program. Mr. Marrujo said they have worked in Chaparral installing gas line for thirty houses. Commissioner Rardin asked Mr. Marrujo if he knows of Mr. Rudy Clark, who is with Habitat for Humanity, and who also came to them with a new program he is developing through HUD which is similar to this program. Mr. Marrujo stated he knows of Mr. Clark and he does what they do, which is to provide affordable housing. Mr. Marrujo also said according to MFA, Mr. Clark did not apply for this application. There were only eight applicants for the whole State of New Mexico and they (Tierra Del Sol Housing Corporation) were one of them. He said Otero, Luna, Eddy, Chavez, and Quay counties do not have any one working with them. He said actually Mr. Clark is one of the sources for this program and he will be referring clients to them. Commissioner McGinn had a question of what involvement does Otero County have in this process and second does Otero County make referrals to Tierra Del Sol and will they have to have a staff person to make referrals to TDS (Tierra Del Sol). Mr. Marrujo stated the involvement Otero County has is just the support for this program and that MFA may ask for a letter of support from every county. They would introduce this program through non-profit agencies

throughout Otero County. He said Otero County would not have to refer anyone. Commissioner Rardin asked if this is being funded through the stimulus money and Mr. Marrujo stated yes, there was 6.3 million dollars awarded to the State of New Mexico and Otero County's share is 3.3 % percent of that money. He also stated Otero County is ranked number eight for most need with Dona Ana County being number one. Commissioner Rardin asked if this will be zero impact to the budget and Mr. Marrujo stated yes, zero impact. Commissioner Moore said to Mr. Marrujo initially when they received the award they did not receive any information; however, his presentation has been informative. Commissioner Moore stated he would like more background information on Tierra Del Sol Housing Corporation. Commissioner Moore also stated to Mr. Marrujo that he appreciates TDS wanting to develop new programs in Otero County, but he needs to know more about the company itself. Mr. Marrujo stated he would provide that information.

3. Unscheduled Citizen Communicaitons:

Dave Wheeler, resident of High Rolls Mountain Park, approached the Board to discuss his road on Deer Haven Road. He stated Deer Haven Road is a private road and is off Orchard Loop Road. He said Orchard Loop is a paved road and theirs is a dirt road, but because of the recent heavy rains his road keeps washing out. He said he doesn't know what avenues they have for help. He stated they have equipment and man power but he doesn't know if they can approach the County for more help. He realizes it is a private road, but the water keeps coming down from the paved road and any consideration would be grateful. Commissioner Moore stated to Mr. Wheeler that Bill Parker, Public Works Director, has names of contractors that can give him estimates on the cost to haul dirt to his road. Commissioner Moore said another option is that if they are willing to spend money on the private road to bring it up to county standards, they would consider making it a county maintained road.

Mr. Donald Homan, resident of Chaparral, stated they appreciate the County Commission for the

construction of the new Health Clinic in Chaparral and also the re-pavement of three roads. However, there are still some roads that have holes and these are roads that they have been talking about for the last two years. If they could get a normal scheduled maintenance to take care of those things, they would have fewer problems with the roads. He also stated because of the celebration of the 4th of July, a lot of people came in from El Paso to shoot their fireworks and left a lot of trash. He was asking if it's too early to start thinking about next year's 4th of July to start some action to prevent this. Commissioner Rardin asked Mr. Homan what he recommends and Mr. Homan stated he recommends that people in El Paso go some where else in Texas and shoot their fireworks. Commissioner Moore stated this issue came up a year ago and they discussed alternatives the community could do. He said they suggested an area where they could charge a fee of \$2.00 to shoot fireworks legally and as fundraiser have the boy scouts clean up; however; the community didn't seem interested in the idea. He also said the solution they are looking for is going to be community driven and oriented. Commissioner Moore stated he personally thinks the celebration of the Independence of this country is vital for the spirit of our folks. Commissioner Moore stated the topic of banning fireworks comes up every year. Mr. Homan stated he does not want to see the banning of fireworks either, just a solution. Commissioner Rardin stated to Mr. Homan if there is any consolation the City of Alamogordo has had the same problem on Scenic Dr. and the city has a crew that goes out the next day to clean up. Virginia Blansett, Detention Administrator, stated that they sent out prisoners to State Line Road and they picked up thirty three (33) bags of firework trash and tomorrow they will be doing the same on mile marker one (1). Commissioner Rardin stated the State has a program called "Adopt a Highway" and asked Mr. Homan if they have a group connected to them? Mr. Homan stated he did not know. Commissioner Rardin stated you have to sign up and they will give you trash bags and a mile of highway to clean up. The bags are then left on the highway and a truck comes and picks up the trash bags.

4. Elected Officials, Department Heads:

Norbert Sanchez, Under Sheriff, stated to the Commission he believes the Sheriff already spoke to them about this grant in the work session. He said this grant is the 2009 Edward Byrne Memorial Justice Assistance Grant for \$18,360 to purchase recording equipment and emergency lighting for the vehicles.

Commissioner Moore made a motion to accept the 2009 Edward Byrne Memorial Justice Assistance Grant. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

Diane Romo, Plat Coordinator requested approval of the final Plat for the Desert Bloom Subdivision.

Commissioner Moore made a motion to approve the final Plat for the Desert Bloom Subdivision. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

Commissioner Rardin spoke about the Otero County Cattail Study. He stated discussion about this study took place in the work session of July 13, 2009 and they are going to be putting \$20,000 toward a proposed contract which will be for professional services.

Commissioner Moore made a motion to approve the proposed contract and authorize Tim Smith, County Manager, to sign an appropriate professional services agreement that provides the cost item break down not to exceed the \$20,000. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

Tim Smith, County Manager, is requesting approval to schedule a public hearing for the next regular meeting in August to amend the Otero County Indigent Claims and County Health Care Ordinance to change the dollar amount cap from \$20,000 to \$30,000.

Commissioner Moore made a motion to approve to schedule a public hearing to amend the Otero County Indigent Claims and County Health Care Ordinance. The Motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

Commissioner Rardin removed items 16 and 17 from the consent agenda to be discussed in executive session and when in regular session a decision will be made.

Commissioner McGinn made motion to adopt item 21(Resolution #07-16-09/98-01 adopting Otero County's Final Operating Budget for Fiscal Year 2009/2010) into the final budget. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Donna Brandon, Financial Director, approached the Board and submitted a re-cap of the final budget and stated that there are two items she would like to incorporate into the final budget. She said one is the \$20,000 for the Otero County Cattail Study and the other is the \$300,000 Legislative Appropriation for the repairs to the Health Office.

Commissioner McGinn made a motion to amend and to approve the final budget for the fiscal year of 2009/2010 and to include the \$20,000 for the Otero County Cattail Study and the \$300,000 legislative appropriation for the Health Office in Chaparral. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

5. Commission Discussion:

Commissioner Moore discussed EIS snake tank on the Alamogordo Regional Water project. The Commission needs to give their comments in writing to the EIS. Commissioner Moore stated that everybody's well is going to go dry that doesn't have a 200 hundred foot of water above the pump. There's an assumption it's going to go lower. He stated since the City took over the Walker fields on Walker Road the water table has not changed four feet since 1980. He said those wells were drilled in the 70's and 80's

and the level of the water is within a foot or two of where it was in the 70's. Commissioner McGinn stated depending what hydrologist you hire; there will be a difference in data.

Commissioner Moore stated they had their annual gathering in Tularosa and visited with the Mayor of Tularosa and Cloudcroft. He said they had a good discussion about the needs and concerns of their communities. He also stated Tularosa is a great place to have meetings and they were well received and look forward to next year. Commissioner Moore also stated that fishing in Mexico was very good and very hot, that you have to wake up very early in the morning.

Commissioner Rardin stated he attended a New Mexico Game & Fish meeting in Los Ojos, which is in Chama. He stated the elk problem is the main topic at every Game & Fish meeting. What he understands from Todd Stevenson, Director of New Mexico Game & Fish, is that if there's going to be a solution to the elk, it can't be a rancher and a hunter issue. According to Commissioner Rardin, Mr. Stevenson stated it's going to have to be separate or they are going to run into a brick wall. Commissioner Rardin stated they are there to learn and not to interrupt. He stated Chama has an excess of 20,000 of elk in the neighborhood. Commissioner Moore said they used to have local meetings with the New Mexico Game & Fish and were well attended by the ranching community, hunters and outfitters groups. He said they were able to resolve issues and at the end of the meetings everyone was in agreement on target tag numbers and everyone walked out the door shaking hands. Commissioner Moore stated it's going to be almost two years in the fall that they have not had a meeting with those groups.

6. **Executive Session:**

Commissioner Moore made a motion to go into Executive Session to discuss items listed on the consent agenda under A. Collective Bargaining, B. Pending Threatening Litigation, C. Personnel, D. Land, E. Roads, F. Detention Center and G. Contracts to include potential lobby services, professional services

agreements, architectural contracts and construction projects. The motion was seconded by Commissioner McGinn. A vote was taken and motion passed unanimously. 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 Listed on the consent agenda under A. Collective Bargaining, B. Pending Threatening Litigation, C. Personnel, D. Land, E. Roads, F. Detention Center and G. Contracts to include potential lobby services, professional service agreements, architectural contracts and construction projects. The motion was seconded by Commissioner McGinn. A vote was taken and motion passed unanimously. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes
Commissioner Rardin	yes

Commissioner McGinn made a motion to approve the yearly renewal to lease a building located at 211 Tenth Street from Adlea Wallace in the amount of \$1,100 per month. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Commissioner Moore made a motion to approve the yearly renewal to lease a building located at 213 10th Street from Thomas S. Overstreet in the amount of \$1,100 per month. The motion died for a lack of a second.

Commissioner McGinn made a motion to direct staff to pursue negotiations on the properties discussed. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed

