

Regular Meeting

November 18, 2021

The Board of County Commissioners, in and for the County of Otero, State of New Mexico met in a Regular Meeting at the Administration Building in Alamogordo, County and State aforesaid. The meeting was called to order by the Chairman at 9:00 a.m., November 18, 2021; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News and radio stations, KYEE, KZZX and KINN.

Present:

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| Gerald Matherly | Chairman |
| Couy Griffin | Vice Chairman |
| Vickie Marquardt | Member |
| Pamela Heltner | County Manager |
| R.B. Nichols | County Attorney |
| Sylvia Tillbrook | Executive Assistant |
| Julianne Hall | Finance Director |
| Debora Williford | Deputy Clerk |

Roll Call was taken as follows:

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| Gerald Matherly | Present |
| Couy Griffin | Present |
| Vickie Marquardt | Present |

Commissioner Griffin gave the Invocation. Commissioner Matherly led the Pledge of Allegiance and Salute to the Flag of the State of New Mexico.

Approval of Agenda

Commissioner Matherly made a motion to approve the agenda. Commissioner Marquardt seconded the motion. A vote was taken and the motion passed unanimously.

1. Department Reports

Sheriff's Office

Sheriff David Black stated that the Sheriff's Office responded to 2,522 calls for service in the month of October. **Investigative report:** 182 reports, 98 traffic citations, 64 crash investigations with 54 arrests.

Narcotics report: 4 arrests, 37 case reports, 5 Border Patrol Checkpoint cases, 122 grams of meth, 45 illegal prescription pills, 4 LSD pills, and 26 grams of fentanyl. There were \$15,000 worth of illegal narcotics seized.

We have four certified deputies that are ready to work with the area schools.

We attended several trunk or treat events. DARE classes are underway at several schools and taught once a week.

The Otero County Narcotics Division was a recipient of the Crimestoppers yearly award.

He said he gave a don't "Don't Meth with Us" presentation to the Tularosa Kiwanis Club in hopes of getting this program in the Tularosa schools.

They are attending various meetings throughout the state as part of the council working on the standards that are required to become an accredited agency.

All trainings are completed.

Corporal Livingston has retired.

1 full time and 2 part time dispatcher positions are available.

2 deputies are attending our pre academy program.

Commissioners Matherly and Marquardt expressed their appreciation to the Sheriff's Department and their hard work.

Commissioner Griffin encouraged Sherriff Black to please attend area meetings about mandates and school board meetings.

Emergency Services

Matt Clark, Emergency Services Director stated for October the Fire Department responded to 224 calls with 201 being EMS and 10 fire calls with 3 being structure fires.

There were 40 code violation cases opened, completed 68 follow-ups, and closed 8 of those cases.

We had 13 overdose calls with 4 fentanyl, 1 prescription drug, 2 unknown opioid, 4 meth, 1 heroine, and 2 unknown.

AMR had 31 alcohol and drug overdose runs with 16 being alcohol, 2 over the counter and prescription 3 fentanyl, 5 opioids of undetermined source, 3 heroine, 1 oxycodone, and 1 methamphetamine. There is a rise in overdose cases.

Commissioner Matherly asked about the code violation cases and their origin. Matt stated they were mostly trash calls in Chaparral and Timberon.

Canyon Place is still an issue with code violations and we are continually working on the issues.

The 3 Rivers fire is an on-going investigation with no updates. Commissioner Griffin stated he would like someone from the Forest Service at next month's meeting to provide an update.

Road Department

Tom Porter, Road Department Superintendent stated that the County has cleaned most of the mountain roads due to flooding this past summer.

Karr Canyon and West Side Road patching has been completed; other areas will continue to be completed.

Commissioner Griffin stated meetings were held with the State of New Mexico to discuss flooding issues on highway 54.

Commissioner Matherly stated he is concerned about the ditches and wants to get them cleaned as soon as possible. Tom stated that they do not have the equipment or man power to get to everything and cleaned before the snow season begins. One problem is there are no weeds or growth until the rains and then it is too wet to mow and clean.

Gwinna Rees stated the County has created flooding problems and now expects private home owners to pay for the problem.

Detention Center

Carolyn Barela, Correctional Director stated the population today is 191 with 160 in the facility; with 131 males and 29 females. There are 8 at the Otero Prison facility, and 15 at Hudspeth County. There are 3 male juveniles currently at the Bernalillo County facility.

Attempted contraband for October was 3 mailings of suboxone, and 1 PCP.

They are currently down 23 employees.

Scheduled visitations have begun and is going well.

Commissioner Griffin asked if any of the inmates were illegal; Carolyn stated there were not any at this time and Sheriff Black stated it is against Federal law to ask legal status.

Commissioner Matherly stated he wants to know what we can do to get people to work. Carolyn stated that they utilized the radio but it is expensive and didn't produce any applicants.

Ms. Barela asked for a process to give them an alert in the front office lobby when someone is present. Due to construction this area is open and should be restricted.

Project Manager

Trent Parker, Project Manager stated that the Detention Center Admin south addition is completed. There was an oversight for completion of some of the detention center projects and it will take 4 weeks instead of 2 and be completed in 2 phases. This will not extend the overall project and no days will be added to the contract.

The Detention Center kitchen is complete. The kitchen addition will be completed by the end of December.

The medical addition is in process; the whole project was extended with target completion project date of May, 2022.

The Detention Center has issues regarding court hearings taking place in 2 locations and with construction there will be a tremendous amount of noise that could cause delays.

The Timberon Fire Station exterior is complete and the project completion is scheduled for February 2022.

Sunspot is complete, CHINS phase 3 funding has been granted and received architecture drawings to begin and the EOC scheduled to receive all bid documents by January 6, 2022.

Commissioner Matherly asked about the court hearings and if there was somewhere else in the building they could be held. Mr. Parker stated until the medical addition is complete there is nowhere else for them to be held. Ms. Barela stated a portable building in the recreation yard could be fenced off and utilized.

2. Consent Agenda:

Commissioner Matherly read the items on the Consent Agenda.

Commissioner Matherly made a motion to approve the consent agenda as previously read. The motion was seconded by Commissioner Marquardt. A vote was taken and the motion passed unanimously.

3. Scheduled Citizen Communications:

- a. **Sheila Coco** – Otero County Fair Association gave an update on the 2021 fair.

There were 45,000 attendees with only 38,000 the previous year.

Junior livestock sales hit record numbers over \$300,000.

The light towers purchased by the County were used by the new pedestrian bridge and help make it safer for attendees. Lighting in the parking lot is making it safer for all attendees.

The new bathroom updates from the County were nice and appreciated.

There were 50% less vendors at the fair this year as hotels were not available.

The fair board would like to look at capital outlay for next year for the parking lot that has major pot holes and is in bad shape. The ADA came before the election and the parking lot was not in compliance. The voters were allowed to utilize the parking area right inside the gate to make it safe; however, this is not an ideal situation for pedestrians walking in that area.

The cost is \$5,500 per month to maintain the facility and we want to keep the fair free in the future. We need more participation with vendors and events.

The Sheriff's Department was present and were a tremendous help and we hope to have them each year. Sheriff Black stated they would help next year.

b. **James Wimberly** – manager of the water company at Eileen Acres representing the homeowners stated he is following up from a previous meeting with a slide show of 4 abandoned mobile homes that need to be cleaned up before someone gets hurt or something burns up.

Mr. Wimberly noted that the County has a new attorney and steps are being taken to look at what can be done legally to enact an ordinance.

Rachel Black, Chief Deputy Treasurer stated that 30 homes in 39 lots at Eileen Acres are dilapidated but only 2 are in delinquent status and available for public auction. Ms. Black stated that the Commission Board should regard the private property laws before enacting an ordinance.

Mr. Wimberly asked if the Commissioners would write a letter to the homeowners that might prompt them to take action.

Jacob Block, Code Enforcement stated this is a case to go before the County Attorney R.B. Nichols to see how to move forward. Code enforcement has made several attempts to contact property owners.

R.B. Nichols, County Attorney stated he would reach out to other counties for their process and provide a resolution to solve this issue.

c. **Gwinna Rees** – stated she was only allowed to vote for 2 items in the Local Election.

She stated “It is not fair to pay taxes and not be allowed to vote on city issues that affect the county residents. I spend my money in the city but since I live in the county, I have no say so on city issues”.

R.B. Nichols, County Attorney stated you can only vote for those issues that are in your district. Your residence determines where you vote and that is districted by the State of New Mexico.

d. **Gary Stone** – President of Otero County Cattleman’s Association discussed the Lincoln National Forest plans and draft of the Environmental Impact Statement, more specifically “lands with wilderness characteristics”. Mr. Stone read a statement regarding the issues and problems this plan and draft will create and specifically not including the County Commissioners or residents in the process.

Commissioner Griffin stated that as the board, we are allowed to comment but have no opportunity to coordinate the plan.

Mr. Joe Aday, stated he is one of the 6 allotment owners with the Forest Service and is concerned and has had meetings with Diane Prather and Travis Mosely, Supervisor, who will actually make the recommendation for the plan. There is an ordinance in place by the Commission to stop the enactment. The Forest Service plan does not meet the criteria for wilderness characteristics as there are roads and structures already in place.

Commissioner Matherly would like all cooperating agencies to meet and discuss this plan and the outcomes.

Mr. Stone is asking a Commission board member to attend the next Cattle Growers Association property session in Chaves County in December. Commissioner Griffin stated he would attend.

Mr. Cooper, an allotment owner, commented about the severity of this plan and how it will affect owners and users of the forest. Congress is the only entity that can declare this plan and once it hits Washington, it becomes political and we can’t let it get that far.

Pamela Heltner, County Manager stated they would look at the calendar and set up a special meeting to further discuss the Forest Service plan issues.

e. **Erin Clements** – New Mexico Audit Force gave a presentation on election fraud in New Mexico. Ms. Clements stated she has a 261-page report with statistics that prove fraud in New Mexico.

Ms. Clements stated there is an organization called Rock the Vote that can by-pass the Secretary of State system and manipulate the registration of voters.

Ms. Clements stated that Otero County election numbers match from the 2020 General Election, however 1/3 of the counties' investigated numbers do not match. She is asking the Commission Board to conduct a thorough forensic audit of the 2020 General Election.

Robyn Holmes – County Clerk stated that all the numbers match and there are no issues of fraud in Otero County. The County Clerk's office has many checks and balances to make sure everything matches with comparing tapes, permit sheets, and ballot totals to make sure they are the same.

Commissioner Matherly asked what is a full forensic audit. Ms. Clements stated a full forensic audit includes canvass of voter rolls, paper, ballots, images, and electronic equipment.

Ms. Clements stated that an audit will cost approximately \$30,000.

Pamela Heltner, County Manager stated the county is required to get 3 quotes for the audit.

Commissioner Marquardt and Griffin would like to see an audit completed.

Commissioner Matherly made a motion to join efforts of the New Mexico Audit Force as well as a coalition to demand election audits on the local, county level. The motion was seconded by Commissioner Griffin. A vote was taken and the motion passed unanimously.

4. Unscheduled Citizen Communications:

Sylvia Tillbrook, Executive Assistant read a letter from Raquel Morris and her concerns about the rise of COVID cases.

5. New Business:

a. Discuss and consider establishing standard operating procedures for the maintenance of vegetation on bar ditches and culverts in Otero County.

Commissioner Matherly stated there is a huge weed problem with bar ditches across the county. The county bought a new mower and we need to get everything cleaned up.

Tom Porter, Road Superintendent stated the mower has not come in as John Deere is on strike. There is also the issue of not enough man power or equipment to maintain the whole county.

Commissioner Griffin asked about spraying the weeds and vegetation and Mr. Porter stated they have to be very careful of run off getting to orchards. The large areas of growth are the main focus with mowing and some spraying.

b. Discuss and consider establishing a Code Enforcement policy.

Commissioner Matherly stated that the County needs to have a policy in place.

Matt Clark, Emergency Services Director has looked at other counties to see what their process is and see how we can speed up the process to get a policy in place as soon as possible.

Commissioner Matherly stated we have code enforcement personnel with no codes to enforce. The county is in a mess and a policy needs to be enacted.

Mr. Clark stated there are issues with private property rights.

c. Discuss and consider a cooperative agreement between Otero County and the Lincoln National Forest Service, to ensure a cooperative agency status for future communications.

Pamela Heltner, County Manager stated she will reach out to Travis Mosely to set up a meeting.

d. Request, Discuss and consider whether the Board of County Commissioners would like to enforce the Employer Covid-19 Vaccine Mandate.

Pamela Heltner, County Manager stated this item was placed on the agenda before the halt of the mandate. Ms. Heltner stated that department managers are concerned as they are already short handed and will lose more staff if the mandate is enforced.

Commissioner Griffin stated he toured Gerald Champion Regional Medical Center and the County will assist them as they need.

Commissioner Matherly stated it is not his right to tell anyone to put something in their body and he won't do that.

Commissioner Marquardt is in agreement with the other commissioners.

e. Request approval to reclassify the current Courthouse Corporal Supervisory position to a Sergeants Supervisory position.

Sheriff Black stated with the retirement of Corporal Livingston, who supervised the 6-man team at the courthouse was the only Corporal in the department and a change to a Sergeant position with extensive testing would be a better fit.

Commissioner Matherly made a motion to request approval to reclassify the current Courthouse Corporal Supervisory position to a Sergeants Supervisory position. The motion was seconded by Commissioner Marquardt. A vote was taken and the motion passed unanimously.

Commissioner Matherly pulled item #22, request approval to reclassify a full-time custodial position in to two part time positions and will be on the agenda for next meeting.

Commissioner Discussion/Correspondence

Gerald Matherly

Commissioner Matherly stated he has taken more information to Sheriff Black on the Tulie creek problems. He would like to get another meeting set up to get this issue resolved.

He went to the Afghanistan Camp at Holloman and it was very impressive at how it is running and the cleanliness.

He had a meeting with White Sands crew for a pep talk to catch up and get things moving.

Thank you to Oro Vista, La Luz and Dunigan EMS services at the BMX races, they do a super job.

He toured the jail project and it is very impressive and will be very nice.

Couy Griffin

Commissioner Griffin stated he would like to thank the State of New Mexico for meeting about Highway 54 issues.

He met with Mr. Heckert, staff, Dr. Pollard, and Megan from the pharmacy, at the hospital. The biggest obstacle is the staffing shortage to run the hospital at full capacity. There are ICU beds available and no overloads throughout the hospital. There is a great appreciation for all the workers and their efforts.

We discussed the issues with suicide, depression, addiction, and children in masks.

Commissioner Griffin stated Nicole Maxwell should not be receiving an award as she proves not to be non-partisan in her views and reporting.

Vicki Marquardt

Commissioner Marquardt stated she met with Pamela Heltner and Jim Maynard regarding some Cloudcroft issues.

She has attended 4 of the homeland security meetings and there are currently 3662 Afghanistans at the Holloman Camp.

She toured the camp at Holloman and was very impressed at how gracious the people are, living in a tent city in the desert. The camp is offering integration classes into our laws, driving, and schools. The military has stopped the sound barrier testing as the Afghanistans fear they are being bombed.

The Military is doing a great job and they also have U.S. Marshals in place.

County Manager

Pamela Heltner stated that the capital outlay is due December 8 at 10:00 a.m. and will be conducted in room 101 virtually.

A contractor was hired to work on the redistricting which is a requirement after the census was completed. No data is available yet however, in order to adopt an ordinance, a public hearing will be held with 2 weeks notice for advertising.

County Attorney

R.B. Nichols stated he has completed his second week on the job and is trying to get familiar with the job and getting to know people to make connections and networking

With no further business before the Board, the meeting was adjourned at 3:30 p.m.

APPROVED:

Gerald Matherly, Chairman

ATTEST:

Robyn Holmes, County Clerk