

1. Department Reports:

a. **David Black, County Sheriff** stated that for September 2023 the Sheriff's office responded to 2,431 calls for service. This generated 264 investigative reports, 93 traffic crash investigations, 59 arrests, 2 warrants, and 118 traffic citations issued. Narcotics had 1 search warrant, 1 arrest, 17 case reports, 1 checkpoint case, 1 vehicle seized, and 1 jail possession case. This month, 257 grams of meth and 224 fentanyl pills were seized for a total of about \$29,000 worth of illegal narcotics. Special events/community relations- attended Patriot Day at the middle school in Chaparral, NM, Burgers for Badges in Las Cruces, NM, health fair in Alamogordo, assisted APD with the balloon fiesta, participated at the Otero County Fair where they had a booth and TBRDA had a mobile dispatch trailer set up at the Otero County Fair, and participated in a safety fair in Cloudcroft. In training, they are near the end of the 2-year training cycle, finishing up with firearms training this month. Staffing- 1 deputy retired, 2 submitted resignations, 2 finished their FTO and are now on solo patrol, and 2 recruits halfway through the academy. Currently, there are 5 openings that Sheriff Black thinks will be filled in November. They recently put 3 new vehicles into rotation, 3 that are currently being upfitted, and 4 that are waiting for their turn to be upfitted.

Every year, a Law Enforcement Appreciation banquet is held, in which all agencies present their nominee for Officer of the Year. This year, Otero County Sheriff Deputy Dalton Sewell, was chosen for the award.

Sheriff Black stated that he attended a Sheriff's Association Meeting in San Diego, the focus was on border issues.

Commissioner Marquardt stated that she heard Texas Governor Abbott was helping New Mexico's southern border with the installation of razor wire.

Sheriff Black stated that the installation is happening in Santa Theresa, on the Texas side. This area has been identified as a crossing point where they come into New Mexico and then take a hard right into Texas.

Commissioner Matherly asked Sheriff Black if we had received a notice from the BLM about an agreement for extra officers.

Sheriff Black stated he has not seen the agreement yet.

Commissioner Barela stated that Florida has been in the news recently because the district attorney is charging people, who are found with fentanyl, with murder. She asked if this is something we can do in New Mexico.

Sheriff Black reported that they have an investigation team, that goes out after each overdose death. They have currently charged 3 people with homicide, which has to happen at the federal level.

Commissioner Matherly said he has seen information about a new gummy type drug, that looks like candy, but is extremely deadly. He asked Sheriff Black if this is something we have encountered in Otero County.

Sheriff Black said that he has not seen that in Otero County or Lincoln County so far. He stated that they are currently working, in conjunction with the Sheriff's Association, to put out educational pamphlets to distribute to the public to help spread awareness.

b. Matt Clark, Emergency Services Director stated that Code Enforcement opened up 29 new cases, completed 73 follow ups, closed 31 cases, 1 fire investigation, 2 building inspections at La Luz Elementary and Yucca Heights Elementary in Chaparral. OCCP helped with the Tularosa clean up and are scheduled to do another clean up in Bent later this month. The Slash Pit had 146 loads in and 9 loads out, this will be the last weekend to be open. OES attended the Otero County Fair and balloon fiesta where they were recruiting for volunteers and providing first aid. Mr. Clark stated that the training room at the emergency operation center has been booked regularly.

The fire departments responded to 248 calls for service, 11 fires, and 198 EMS.

Commissioner Matherly asked Jacob Bock for updates on North Florida. Mr. Bock stated that they received the return for the certified letter, confirming that the letter was received. Now, they are in the citation process. On Second Street in Boles Acres, the owners have become non-responsive and the case will go through the citation process.

Commissioner Barela asked for updates on Quail Trail and Critter. Mr. Bock stated that the owners on Quail Trail are not responding. The Critter property had a 30-day extension granted and improvements have been made. Mr. Bock stated that he will follow up.

Commissioner Barela also asked about Edith Lane. Mr. Bock stated that the property had previously had a structure fire; Freddy is handling the case and has been in contact with the property owners.

c. Nina Sisler, Detention Center stated that the population today is 161; 137 in house-113 males and 24 females, 10 at Otero County Prison, 5 in Hudspeth, and 4 on furlough/treatment facilities. The average daily population for September was 186. There are 3 juveniles housed at Dona Ana County Detention Center. There were 380 bookings this month with 163 released. Staffing- currently have 17 vacancies.

d. John Barney, Tularosa Basin Regional Dispatch Authority stated that for the month of September, 911 received about 2,300 calls, and the total number of calls into dispatch was 12,249. They currently have 5 trainees and recently hired an operations manager. Next week, all dispatchers will start emergency medical dispatch, which will allow dispatchers to give more medical instruction. Mr. Barney stated that Alamo West Fire Department donated a trailer, which they made into a mobile command unit that will allow on scene dispatch services. They have updated radio switches and now are working to update repeaters on the towers to help improve the radio infrastructure. TBRDA currently has 4 openings.

2. Consent Agenda:

Commissioner Marquardt read items #1 through #19 on the Consent Agenda.

Commissioner Barela made a motion to approve Consent Agenda items #1 through #19. The motion was seconded by Commissioner Marquardt. A vote was taken and the motion passed unanimously.

3. Scheduled Citizen Communications:

a. Abigail Plecki is the Community Wildlife Defense Grant Coordinator with the New Mexico Forestry Division. Ms. Plecki is here via Zoom, to discuss a 5-year planning opportunity

which has 3 goals: to restore and maintain landscapes, create fire adapted communities, and improve wildfire response. Applications are due October 31, 2023.

Commissioner Marquardt stated that Otero County is interested in moving forward with the grant application. Matt Clark will be the contact person for the application process.

b. Forest Service- Terry DeLay is the acting Forest Supervisor and is here to update the Board of Commissioners. He is joined today by Brett Miller, Shared Stewardship Program Manager with the forest service regional office, located in Albuquerque.

Mr. Miller works closely with Ms. Plecki and believes this grant opportunity would be beneficial for our forest lands. He said that Otero County could enter into a Good Neighbor Agreement, in which Otero County could be subcontracting work on forest service land. He stated that they are planning on having an industry workshop roundtable, in Albuquerque, on January 31, 2024. They are working to develop a better, long-term planning/vision that would support the industry, help to identify barriers, and find ways to resolve these issues.

Mr. DeLay stated that the initial Keystone Agreement was for \$2.2 million. The plans are to start work around the Sixteen Springs area first, and then finish up around Cloudcroft. This will include timber sales and fuels reduction. Their main goal is to reduce the probability of a catastrophic fire event happening on private land.

The South Sacramento Restoration Project is a 140,000 acres project, over the next 20 years. This project stretches from Highway 130 all the way down to Timberon, and basically covers all the high country in the Sacramento mountains. They are proposing to do active management in spotted owl habitat, in which they would be working to improve the habitat for spotted owls, leading to timber sales. They are consulting with Fish and Wildlife to get a plan approved.

Acting District Ranger Sacramento District, Ron Maes, is here to discuss the endangered checkerspot butterfly. The forest service is engaging in a couple of projects to protect the checkerspot butterfly from going extinct. This includes fencing off a couple of meadows and a campground in the Bailey Canyon area. Mr. Maes said this has affected recreation in the area. They are working with local groups to find other options so they can still utilize the forest. In August, the US Fish and Wildlife Service proposed critical habitat for the butterfly. This area

includes meadowland stretching from Bailey Canyon, Toboggan Canyon, stretching to about the middle of the district-James Canyon allotment and to the south of Russia Canyon.

Commissioner Matherly asked if any water was being fenced off in the Bailey Canyon area.

Mr. Maes stated that one pond, off of Bailey Road, will be fenced out. He said that they are working to keep the feral horses out of the area.

Commissioner Barela asked about the area in Russia Canyon allotment and whether it includes water.

Mr. Maes stated that he does not believe that area has water, and currently, they are not planning on fencing off in that area. He is looking to find other ways to develop, conserve, and recover the habitat so that we don't have to fence areas out.

Diane Prather, Land Management Planner with the Lincoln National Forest, says ongoing and current, they have editors looking at the EIS to get that finalized. Also, they are working on developing their monitoring plan, every 2 years they have to report progress they are making towards the plan. Ms. Prather said she is hoping to have Mr. DeLay brief the regional forester so they can continue to move forward.

c. Lauren Reichelt with the NMED Health Division, presenting via Zoom, to discuss septic tanks and a proposed Liquid Waste Assistance Fund. Currently, New Mexico Environmental Department-Environmental Health Bureau is allowed through statute to collect \$40 per permit for up to \$200,000 per year for a Liquid Waste Indigent Fund, assisting low-income residents to replace, repair, or decommission septic tanks. They are currently working towards a pilot program to start in January, 2024, which would focus on protecting NM groundwater and improving the health and well-being of low-income residents.

Commissioner Matherly stated that waste water management is an issue for our county, especially in Chaparral. He is interested in this program and learning how we can all work together.

Ms. Heltner volunteered to be the contact point person to work with Ms. Reichelt on this issue.

4. **Unscheduled Citizen Communications:**

a. James Wimberly is the manager of Eileen Acres Sewer and Water Company, servicing the La Luz area. Eileen Acres was established in 1984 as a state regulated PRC. They currently serve 300 county residents. He is here today to talk about the potential transfer of their water system to the county.

Mr. Nichols stated that this issue will be discussed later in the meeting; he proposed to continue Mr. Wimberly's presentation during that portion of the meeting.

b. Nolan Ojeda is the Executive Director with Alamogordo Mainstreet. He thanked the Board of Commissioners for granting his organization with the community services grant, which allowed him to hire a part time assistant. Mr. Ojeda is advocating, on behalf of his board, to keep the county courthouse in the downtown area.

Mr. Nichols stated that we support the downtown area, but the decision to move the courthouse was made in December 2022. The courthouse will be moved to the area of Mesa Village. Magistrate Courthouse will be moving into the downtown location. The District Attorney's office and DWI office will stay in their current location; and Magistrate Court will move into the building. Current data suggests that foot traffic will increase with the presence of Magistrate Court as compared to District Court.

c. Courtney McCary-Squyres representing a grass roots organization, With Many Hands. They are a community based non-profit organization, focused on uniting working-class people to accomplish positive change in our community. They are working on a campaign, Public Land for Food, to help address the issue of food sovereignty and food insecurity. They are asking the City of Alamogordo to donate several parcels of vacant land to be used as community garden and green gathering spaces. Their goal is to install public gardens and food forests, where their organization would be able to offer fresh, locally grown produce to the community, free of charge. They also want to host classes on how to grow, harvest and preserve food.

d. Marcia Stirman wanted to discuss how crowded it has been in the mountains. She said campers are parking all over, including the side of the road. She said some have to leave because they don't have a place to camp. Ms. Stirman also asked about the county landfill and if

there have been any changes made to improve the issues. She thanked the commissioners for all their hard work.

Mr. Nichols stated that they are proposing to pass a Keep Otero County Beautiful Ordinance. This would create a committee to oversee these initiatives/activities within the county.

5. New Business:

a. Request the Board of County Commissioners select and prioritize their capital outlay projects for submission to the New Mexico Legislature.

Ms. Heltner stated that they need to select and prioritize 5 projects to submit for Infrastructure Capital Improvement Plan FY 2025-2029.

Commissioner Matherly stated he would like to discuss possibly moving the CHINS Reroof to a higher priority.

Commissioners Marquardt and Barela were in agreement to move it to a higher priority.

Commissioner Marquardt made a motion to list public capital outlay projects in this order:

1. Public Safety Facility

2. Sacramento River Road Guardrail

3. CHINS Reroof

4. Road Equipment Purchase

5. Sheriff Office Fleet.

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

b. Request approval to support the National Center for Public Lands in the amount of \$96,683.

Ms. Heltner stated that this is a new program through New Mexico Counties. Commissioner Marquardt stated that this funding will go to the committee to have them fight for our Payments In-Lieu of Taxes (PILT), for the Federal, State, and Tribal land, that we cannot collect private property tax money from. She said this is a one-time pledge to support this initiative. Commissioner Marquardt is in support of this initiative.

Commissioner Barela made a motion to support the National Center for Public Lands in the amount of \$96,683. The motion was seconded by Commissioner Marquardt. A vote was taken and the motion passed unanimously.

c. Request approval of a grant agreement between Otero County and the Department of Finance for hiring and support law enforcement positions in the amount of \$656,250.

Commissioner Matherly said he had a conversation with Sheriff Black to get more information. He supports having more officers but thinks we also need to get grants to help with the financial costs associated with more positions. His concern is the expense that comes with hiring new officers, including: training, equipment, and vehicles. He doesn't want it to be a budget issue or any surprises for the budget in the future.

Sheriff Black stated that he is always looking for and applying for grant money. At this time, with the help of grant money, salaries are all that the county is funding. He stated that he currently has 7 older vehicles and also has 7 that are in the upfitting process, so vehicles are covered. The first year of hire, all training will be either in-house or at the 16-week academy and will not be on their own until after the first year of employment, at which time they would require vehicles.

Sheriff Black stated that he works hard to search out grant money to help cover the costs of his department and does not see an issue continuing to get grant funding.

The commissioners agree that the Sheriff's office helps out around the entire county and provides support to all other agencies.

Commissioner Marquardt made a motion to approve a grant agreement between Otero County and the Department of Finance for hiring and support law enforcement

positions in the amount of \$656,250. The motion was seconded by Commissioner Barela. A vote was taken and the motion passed unanimously.

d. Request approval of road transfer agreements with NM Department of Transportation for Gato Mountain Road and Bent Road.

Mr. Nichols stated that this is a formality; these roads have been on the county maintenance lists for decades. This is needed to provide proof that we have the right to maintain the roads, in order to be reimbursed by the state for our maintenance efforts.

Commissioner Marquardt made a motion for the approval of road transfer agreements with NM Department of Transportation for Gato Mountain Road and Bent Road. The motion was seconded by Commissioner Barela. A vote was taken and the motion passed unanimously.

e. Request approval to submit a letter of support for the Altus Trophy Contest.

Mr. Nichols stated that Altus, Oklahoma, Chamber of Commerce, started an award for Air Force communities that have air education training commands. This award is for the communities that are partnering with their local Air Force Base to work together to build a better community to mutually support each other. Holloman Air Force Base has an air education training command; therefore, our community is eligible to compete for this award. Last year Holloman was a runner up in this contest. Mr. Nichols stated that letters from government entities and public officials, commenting on how we support each other, is a part of the submission packet to apply for this contest.

Commissioner Marquardt made a motion to approve the submittal of a letter of support for the Altus Trophy Contest. The motion was seconded by Commissioner Barela. A vote was taken and the motion passed unanimously.

6. Commission Discussion/Correspondence:

a. Commissioner Matherly stated he has been busy with meetings this month. He attended the Chaparral meeting. The Chaparral Community Development is no longer in coordination with the association due to lack of attendance and disagreements between the board members. He has been attending wastewater meetings which have included Otero and Dona Ana

Counties. Commissioner Matherly attended a CIP graduation in which Otero County had 4 members participating. He also met with Jason Klein, a supervisor with Game and Fish, and discussed the elk herds. Mr. Klein is interested in hearing input and ideas. Commissioner Matherly would like to get the county, forest service, Game and Fish, Sheriff's office and community together, to discuss ideas for population reduction program. He also attended the presentation for the new Chaparral Middle School; Commissioner Matherly stated the school board was in attendance but not as much community involvement as he would have expected.

b. Commissioner Barela stated she met with Sylvia Tillbrook and asked if we could start having the Tularosa Basin Regional Dispatch Authority (TBRDA) on the regular department reports. She attended several NACO Zoom meetings, attended the Otero County Fire Department Association meeting, went to the Otero County Fair, participated in Clean Up Tularosa, met as a committee to almost finalize an animal control ordinance, went to Lea County to see Chad Wolf, attended the Main Gate meeting, went to the swearing in of new Magistrate Judge Rich Green, attended the Bent community meeting, Battle of the Food Trucks event, the balloon glow, and had several meetings for the Otero County Working group. Commissioner Barela also had meetings for housing development. She voted early and encourages everyone to get out and vote.

c. Commissioner Marquardt attended the ATLSD zoom meeting with Amber Mayhall, Environmental Energy and Land Use meeting with the National Association of Counties, NM State Fair, and Tularosa Basin Regional Dispatch Authority meeting. She went to Dallas, Texas and spoke at the 30 x 30 Summit. New Mexico had great representation present, including: Kelly Goss, Loren Patterson (President of the New Mexico Cattle Growers), Lea County Commissioner Dean Jackson, Roosevelt County Commissioner Tina Dixon, and Chavez County Manager Bill Williams. Commissioner Marquardt attended the Wildfire Defense meeting in Cloudcroft, the New Mexico Association of Counties state board meeting, the New Mexico Cattle Growers regional meeting, and Zoom meeting with New Mexico/Arizona Coalition of Counties. Commissioner Marquardt was recently elected to the board of Tularosa Basin Museum of History as Vice President. She also attended a Zoom meeting with commissioners and county managers from Lincoln, Roosevelt, Lea and Eddy counties to discuss the upcoming gathering with Margaret Byfield from American Stewards of Liberty.

7. County Manager’s Report:

Pamela Heltner stated that she has been working with the Animal Control committee and they are working to finalize a draft of the proposed changes. She has been participating in the calls for the Chaparral Waste Water discussions; trying to reach the Dona Ana County Manager to discuss ways to work together. Ms. Heltner submitted the ICIP, and it was accepted. She has also been working with Ms. Tillbrook on the Capstone Project.

8. County Attorney’s Report:

R.B. Nichols followed up with the waste water treatment meetings with the EPA/USDA; they are working on getting brochures to us, to help with education on septic tanks. Mr. Nichols met with the new interim forest supervisor, Terry DeLay to discuss the ongoing issues/topics with the forest service. Mr. Nichols, Jaye Arellano, and the Otero County Code Enforcement had a meeting with Valencia County Code Enforcement Department to discuss their approaches to code enforcement and abatement projects. He said they received some good information and points of contact for getting the demolition of abatement properties. Mr. Nichols stated that he did have a setback on a code enforcement case but will refile the case with the original charges as well as additional charges. He said it has been a learning experience, but he will continue to pursue the case.

9. Executive session:

Commissioner Marquardt made a motion to hold an Executive Session under NMSA 1978 to discuss the purchase/sale of real property. The motion was seconded by Commissioner Barela. A vote was taken and the motion passed unanimously. Roll call was taken as follows:

Commissioner Marquardt	Here
Commissioner Matherly	Here
Commissioner Barela	Here

Commissioner Marquardt made a motion to come out of Executive Session (1:15 p.m.) and stated that the only items that were discussed were limited only to those matters specified in the prior motion for Executive Session of the Board of County Commissioners.

The motion was seconded by Commissioner Barela. A vote was taken and the motion passed unanimously. Roll Call was taken as follows:

Commissioner Marquardt Here

Commissioner Matherly Here

Commissioner Barela Here

There being no further business before the Board, the Chairman adjourned the meeting at 1:16 p.m.

APPROVED:

Vickie Marquardt, Chairman

ATTEST:

Robyn Holmes, County Clerk