

**CITY OF ALAMOGORDO, NEW MEXICO
JOINT CITY/COUNTY COMMISSION SPECIAL MEETING MINUTES
ROOM A/B - SGT. WILLIE ESTRADA MEMORIAL CIVIC CENTER
TUESDAY, NOVEMBER 1, 2005
2:00 P.M.**

CITY COMMISSION:

**MAYOR DON CARROLL
MAYOR PRO-TEM RON GRIGGS
COMMISSIONER INEZ MONCADA
COMMISSIONER ED COLE
COMMISSIONER DON COOPER
COMMISSIONER JOHN ROBERTSON
COMMISSIONER MARION LEDFORD
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN McDANIEL**

COUNTY COMMISSION:

**CHAIRPERSON CLARISSA MCGINN
VICE CHAIRMAN DOUG MOORE
COMMISSIONER MICHAEL NIVISON
COUNTY MANAGER DR. MARTIN MOORE
ASSISTANT COUNTY MANAGER RAY BACKSTROM
COUNTY ATTORNEY DAN BRYANT**

Call Meeting to Order and Roll Call

The Meeting was called to order at 2:01 p.m.

Mayor Carroll welcomed the new County Manager/Administrator.

1. Relief Route Connectors. (COUNTY ITEM)
2003/\$125,000.00
2004/\$52,000.00

County Chairperson Clarissa McGinn explained that this kind of joint meeting was held for the first time last year so that items of mutual interest such as those contained in the agenda could be discussed and information exchanged.

County Chairperson McGinn explained that the County has received the monies as detailed above for the improvement of the relief route connectors. It is their desire to bring this forward between the County and City to discuss the First Street Relief Route connection improvement. She did speak to City Community Development Director Brian McGuire last week regarding this issue, and he stated that the plans are currently available on the City's end but there are still some easement issues before they can proceed.

Mayor Don Carroll asked if City Manager Pat McCourt could provide additional information on where the City is on the First Street connection to the relief route and the combining of the monies from the County and the City.

City Manager McCourt explained that from the City's perspective they are getting ready to go out to bid now. What has been holding them up is the City has been concurrently working with parties on an annexation process in which the property owners were going to donate the additional right-of-way that the City wanted to construct all of First Street. He thought, however, that the process was moving along well. It had been a voluntary annexation with the parties requesting to come in until about two weeks ago when he received a call from one of the parties in which they stated they would not be entering into annexation. That had set the City back a little bit, and at this particular time they are having to back up.

County Chairperson McGinn stated that on the part of Otero County it had certainly been their intention when they received the money for the improvement of any connector to look at First Street because they have the first 3/10's of a mile.

City Manager McCourt said that it was the City's goal also to do the First Street connection first. In fact, it is their number two priority on the ICIP.

County Vice Chairman Doug Moore stated that he thinks they need to get individuals from the Road Department together with the City staff. They are concerned that the 2003 grant money may be in jeopardy if they do not encumber part of it. It was then the County's desire to in some fashion begin limited activities on their section to nail those funds down. That is what is pushing them. He requested that the two entities be brought together so they can start even if it is nothing more than staking, surveying and flagging the property in order that they can hold onto those monies.

Mayor Carroll said that the City could do that.

2. Community Service Funding, Dual Funding & Consolidated Service. (COUNTY ITEM)
Various Agreements City/County wide
2000-2005 amounts funded by County

County Chairperson McGinn explained that this item was placed on the agenda as an information packet for the City government showing the different items that the County funds, the community services funded on the County side only, as well as items such as the library and so forth that are funded both by the City and County. In determining the budget amounts over the past few years, the Board has looked at community services and tried to keep them constant without too much increase. They have been fairly consistent since 2003.

County Vice Chairman Moore further explained that some of that has come to the attention of the press of late, and it is his desire to work together with the City staff on those issues to at least ensure that there is not a duplication of services being funded in the community. He felt that in working together the dollars would be maximized, and maybe more good could be done as a team than is being done separately.

Mayor Carroll explained that historically the City has not funded social service programs of any kind. The only thing that has been done is the City has a contracted agreement with the alcohol treatment center to put individuals there as an alternative to incarceration. Other than that, the City does minimally fund some of the Zia transportation.

County Vice Chairman Moore asked if the City funds the Boys and Girls Club.

Mayor Carroll said that the City does not fund any of those organizations.

County Chairperson McGinn said that this was also an attempt to provide information regarding all of the different community service institutions that the County currently funds.

Commissioner John Robertson asked how many of the things that the County is funding are state funded or grants from other institutions.

County Chairperson McGinn explained that a lot of the community organizations listed have alternate sources of funding, and the County is not generally their primary source.

Commissioner Robertson went on to ask if any of the grants listed are state-funded.

County Chairperson McGinn said they were not, and it is from the County.

3. Funding for Library services; Retired & Senior Volunteer Programs (RSVP); and transportation of seniors and La Luz home delivered meals. (CITY ITEM)

Mayor Carroll said that this issue has been raised over the years by the City in that these are services that the City is providing to County residents. The City has requested reimbursement from the County to offset the cost, and in past years the County has been unable to fund at the level that the City has requested. It continues to be a concern. The reimbursement for the services being provided has not increased over the years, which is an ongoing concern when the City does its budget because these are all programs paid for out of the general fund. There are not alternate sources to absorb the additional cost. The library services being provided by the City are a high-ticket item for the City, and the amount that the County has been able to reimburse for those services has not kept up with the increased cost of providing them.

County Vice Chairman Moore said he has had several meetings with City staff specifically about the La Luz Meals on Wheels and the transportation of the seniors. There have been three or four meetings in which the County has tried to better understand the dynamics of that relationship. At the last meeting the discussion was that there are other providers in the area, but the County was trying to look at it monetarily as to whether they are providing enough support. If in fact the County is not, he asked what the City's desire is and if there is an alternative to additional dollars. He worked with Ronnie (Ortega) and Matt (McNeile) on several meetings to the point where they have looked at other providers. It was discussed during the last meeting that if they try to go in a different direction with the program in La Luz, the County does not want to impact the current funding levels, which is largely grant money that is subsidizing a portion of the City-wide program. He expressed that there is no need for the County to slice off a piece of the City's funding to be able to set up another operation that would stand alone in La Luz. They have spoken with the community of Tularosa regarding their ability to step in and help with the meal delivery.

County Vice Chairman Moore said looking strictly at the dollars, the portion that the County funded is not carrying the weight of the entire La Luz meal delivery program or senior transportation. One thing that has been discussed with the staff is trying to get more volunteers to run some of the vehicles. Currently, the Senior Center is blessed with Zia and their organization is doing a lot of the volunteer work. Unfortunately, for that particular route in La Luz, staff is being paid, which drives the cost of that services substantially higher than what it takes to produce the same service within the City limits. The County is working on that and is cognizant of trying to come up with some solutions during the next budget cycle that won't hurt the City and will continue to provide the service to the residents of La Luz.

Mayor Carroll said the point is that nobody wants to see the services cut back unless there is no other option. It's an issue that comes up every year, and there does not seem to be a real good solution. It is something, however, to keep on the front burner and keep working on.

County Vice Chairman Moore said that both he and County Chairperson McGinn have been actively trying to be cognizant of the fact that the situation needs to change to some degree. The City stepped in when the La Luz Senior Center was no longer able to provide service, and the County may not have paid enough attention.

Mayor Carroll said his recollection is that it goes a long way back, and there may have been some personalities involved at the time that are not factors any more such that now it may or may not be viable again.

County Vice Chairman Moore said there certainly are some options, and the County is working with the City staff to make that a better situation for the people of La Luz and the City of Alamogordo.

Commissioner Don Cooper said it was his understanding that the County wants to separate from the City of Alamogordo with respect to the Senior Center in La Luz and have a stand-alone operation there.

County Vice Chairman Moore said that is one option.

County Chairperson McGinn said that is no longer on the table.

County Vice Chairman Moore said they are looking at the fact that it doesn't really fit well into Alamogordo's program. It is somewhat of an anomaly as it is so far outside of the City limits. The County has looked at the involvement of the Catholic Church in that community and whether there might be some way they can help with volunteers, delivery and monitoring of some of those citizens that may need a helping hand. They have also visited with the Tularosa community and their senior program to see if they could reach in and help. They have also looked at other senior Meals on Wheels programs and what aid they could lend. The County is trying to look at all of the options that they have and then choose the one that will continue to provide the services to the folks of La Luz, hopefully easing the burden on the City of Alamogordo while being a seamless transition.

Commissioner Cooper said he understands that the Tularosa operation is operating quite nicely and County Vice Chairman Moore agreed. They certainly are looking at the option of Tularosa combining the effort with La Luz.

Mayor Carroll noted that Representative Gloria Vaughn joined the meeting and thanked her for coming.

Commissioner Marion Ledford asked if these things were being looked at in order to make changes prior to next year's budget.

County Vice Chairman Moore said the initial conversation ensued when he approached the Director to see if the services could be expanded southward towards Dog Canyon and provide the meal service for the elderly in those areas. In looking at the possibilities of that and the dollars that would be required, La Luz came up as a comparison because it is unique that it is outside the City limits. In doing so, the County became aware that there were some unique circumstances on the La Luz route making it extremely expensive for the City to run. In order to overcome those challenges and level that expense to where it more closely mirrors what is inside the City, they are looking at how that can

be achieved not only in a new southerly route but also in the northerly La Luz route? That is still being worked through, but a large portion of the expense that has been uncovered is related to the paid staff as opposed to volunteers.

County Chairperson McGinn clarified that in La Luz 10 to 15 individuals are served.

Commissioner Ledford spoke directly in reference to the library and asked if the staff issues were being discussed as far as library funding.

County Vice Chairman Moore explained that other than a couple of meetings with past Directors trying to get a better grip on why it cost what it cost to run the library, they have had no staff meetings other than he has spoken with the Library Director and folks from the City Finance Department.

Commissioner Ledford asked also if they were at the point now where they are going to have staff meetings to talk about the library.

County Vice Chairman Moore said as far as he was concerned that could be covered in this meeting.

Commissioner Robertson said that every day the City is spending money on the food projects and the County portion of the money is mounting up and up. He wanted to know what the County is going to do to make up the funding that is not being paid for the citizens of the County.

County Chairperson McGinn said that some of the information provided under item #2 included situations where the County is funding things such as the Boys and Girls Club to some extent. They receive other funding as well, but it's not just people living outside of the City of Alamogordo utilizing the Boys and Girls Club. Yet, the same statement has been made that the City doesn't provide any funding for the Boys and Girls Club. In going through the budget each year, what has been outlined is that the County has kept those monies fairly constant in an effort to balance the budget while not picking out the library, for instance, to not fund any more. The County's whole perspective on balancing the budget with all of the different services utilized by people living inside and outside the City that the County provides funding for, is to maintain that level and still balance the budget while taking care of other increasing operational services.

Commissioner Robertson asked whether most of the funding for programs such as the Boys and Girls Club and the alcohol abuse counseling was mostly grant money from the state.

County Vice Chairman Moore said that it is general fund dollars. He said going back to the La Luz issue that the City long before had stepped up and supported that when circumstances required that it was either the senior staff step up or La Luz would lose that service. Along with accepting that comes funding from the state and Federal government to run the program. However, that may not be sufficient to totally run the program, and how you tear apart how much that operation costs the City is the process that he was working on with the staff. How does the City fairly allocate the impact of the La Luz run on the entire program? When the City gets ready to prepare 300 meals in-house and then package them up and spread 80 of them around in the community, how can you quantify the amount of labor to produce 15 meals and have them delivered? That becomes extremely difficult because the same staff would be required whether those 15 meals were prepared and delivered or not. In trying to look at the burden of just those 15 meals, the grey area becomes the total breadth and width of the project. The County is trying to be cognizant of the fact that there certainly is expense there. It is the County's desire to support the City's efforts in La Luz as well as expand the program as the population becomes more elderly. They see the need for this type of service to grow

far beyond the existing programs and hope they can work out a way to achieve those goals in the future.

Mayor Carroll said the library is obviously the largest unfunded request from the County in trying to calculate the amount of non-resident use of the library versus the overall budget. If he were sitting on the County side, he would say there is no way to totally do that. The issue then becomes how much support the County can provide.

County Vice Chairman Moore said that he and Mayor Carroll, as well as some of the other Commissioners, have certainly dueled over the philosophical differences of this issue. It is the City resident versus the non-City resident and the use of those facilities. He is hopeful that will be overcome because there are so many quality of life things that the City has and provides so that if the issues with the library can be overcome those same principles could be applied to the youth center, the golf course and many other areas where the City owns and operates the facility but it is used by non-City residents. He said he and Mayor Carroll may never agree on it, but that hopefully wiser, cooler heads could prevail at some point. He said that taking into consideration their budget size, with respect to the library the County funded the City's library to a much greater extent than any other County and municipality in the southern end of the State. In other counties and cities, the amount of funding provided by a County to a City to run the library is either non-existent or very, very minimal.

County Chairperson McGinn said that is also because the counties in several instances fund rural bookmobiles or other libraries within their county such as the Cloudcroft library. Another philosophical argument is that people living outside of the City shop within the City of Alamogordo and provide the GRT's that go into providing those kinds of services within the City.

Commissioner Ledford said he thinks there are philosophical differences but that the approach particularly to the library has been that it ought to be looked at in terms of numbers such as the number of non-City residents using it versus City residents. Looking at costs and trying to allocate it accordingly doesn't work, which is where the philosophical debate comes from. As far as he could tell, the County is looking at it in terms of getting additional funding by cutting services in other places. If that is the only way to get additional funding, there is a significant challenge because probably all that can be done is being done in that area. There is the issue of being cost-effective in the running of the library or other services such that the money being put into it is maximized. He did point out that in the three years he has been on the Commission the library comes up every year, and nothing ever happens. It would be nice to know if there is some method of trying to put more into the library from the County standpoint. He asked whether the price that has been put on it is \$40,000.

County Chairperson McGinn said that it was an issue of consistency in several years of budgeting. It is not picking the library out. The County has been trying to consistently fund the \$420,000 total in community services that the County budgets for without increasing, which is how the County has been budgeting over the past couple of years to address some of the other operating costs that are rising within County government in essential services.

Commission Ledford stated that he didn't want to take it away from other services and put it into the library as he is in favor of the programs that they have. The question is if that is the budget amount for those services whether there are general funds available to put more into it and then say, look, this is all the County can do and this is why. That would be the end of the discussion. The City Commission looks at the library as being a very important part of the community and is trying to make sure that it is being taken care of by as much funding as possible.

County Vice Chairman Moore said that there is a philosophical difference on the taxes and how the two government bodies should interface with one another. Should the County even be paying a dime for the library or participate at all? Certainly the City doesn't ask for money for the golf course or other quality of life community service issues because the County is not in that business. While both receive State funds, the government bodies of the City and County operate differently and have different duties to perform. The County is in charge of several million dollars worth of medical that they are trying to provide countywide to a large portion of the community. Should they come to the City and ask for their share of that? If the two governments start doing that to one another, where will it stop? Certainly non-City residents use the quality of life facilities within Alamogordo and are blessed to have them. He stated that the answer may not be in the room as to who is responsible financially to provide for those. However, if it is done, it should be done fairly and across the board and not narrowed down just to the library but include the parks, the golf course, the running the lights, etc. Ultimately, he thinks what will be found is that the City or any municipality is geared to provide those services and the County is not. The County is geared to provide a whole different array of services including medical services and other things that they are mandated to do.

Mayor Carroll said that again it gets back to those areas where the County is mandated to provide certain things. Some of those costs are factored into the City's gross receipts tax. There are gross receipt taxes that are charged to City residents that are basically countywide taxes. It would seem there are never enough dollars. If the money were there, the discussion wouldn't be taking place. Everything would be funded at the desired level. It becomes a balancing act. Both the County and City only have so much money, and as the demands on those services keep increasing, somebody has to pick up the additional cost.

County Chairperson McGinn said that goes across the board for the amount of County services that are funded now. Every year everybody has an increased request. For consistency's sake and fund availability's sake, that is where the County is funding it.

Commissioner Robertson questioned why the County is funding services so heavily that are federally funded, and he wanted to know where the \$132,400 figure came from which is 17% and yet the number of County people that hold cards in the library is 25% of the total.

Mayor Carroll said there is no formal agreement on any percentage. That number came from data collected in the library of the number of cardholders, those who have a City address and those who have an out-of-City address along with their usage, which is the number of books checked out.

Commissioner Robertson pointed out that is somewhat of a fictitious figure because it was never there to start with.

Mayor Carroll said it's a best estimate of the total number of books circulated out of the library versus the total number of cards, versus the number that are City residents and non-City residents.

Commissioner Robertson pointed out that since there was never an agreement between the City and the County to set any standards, they basically don't have to pay anything if they don't want to. They could talk about it for the next three years and accomplish nothing.

Mayor Carroll said that this is the only way to justify anything that the City requests the County fund--giving them information on where the numbers are derived from.

County Chairperson McGinn said that same cost rationalization was used when the County and City worked together on the animal control shelter in providing matching funding from the County and City.

County Vice Chairman Moore said that where there is a user fee these challenges are overcome such as paying to enroll children in programs at the youth center or playing golf. It seems that where there is an appropriate user fee to help support the operation of the endeavor, regardless of what it is, those persons receiving the goods and services are the ones that bear the burden. It seems to quell some of the harsh feelings about funding, and maybe that should be considered for the library.

Mayor Pro-Tem Ron Griggs said that after being on the Commission nearly six years, he tends to start to believe a little more that perhaps it is not the County's responsibility to fund the library to any great extent. Some of the questions that have always occurred are when the City asks for a number, what the County can do is inevitably substantially less. "This is all we can do," is a catch-all answer that may be correct or may be just a catch-all answer. When you look at this coupled with the La Luz Meals on Wheels, which the City is providing a service outside of the City, he would support the County funding their share of stuff outside of the City. How good does it look to the residents of the City when their money is spent outside of town? The data with the library may be looked at a little differently in that if the County can't fund it, they can't fund it.

County Chairperson McGinn pointed out that determining those things may be the point of a meeting such as this.

County Vice Chairman Moore said that he does know the City and County try to do good things every chance they get. He said he wasn't on the board and didn't know who made the decision about the City supporting the La Luz program, but he thinks it's the right choice and he knows there are 10 to 15 elderly people in their 80s and 90s living in La Luz that think it was the right choice. He stated that he and County Chairperson McGinn are certainly taking a hard look at whether the County is doing their share. There are things that are the moral and right thing to do both from the County and City perspective. The County has tried to sustain the funding to those services that have been funded in the past to at least the meager level of a half a million dollars of their \$18 million budget, which is a substantial amount of money being carved out for those civic organizations. It's hard to shake it out and say this one and not that one.

Mayor Pro-Tem Griggs pointed out that the distinction he would make is that all of those programs are in Otero County whereas La Luz is not in Alamogordo.

County Chairperson McGinn said that they shop in Alamogordo, but that the discussion could go round and round.

County Vice Chairman Moore said that the City is receiving state and Federal funds to run the program in La Luz.

Mayor Pro-Tem Griggs said that if indeed those funds are specifically for La Luz, he would support that, but what he is trying to get at is if the conclusion is reached that the County needs to step up with more, he would support the County taking that money from the support of the library. If that is where the County needs to be, that is where they need to be. It may be that the County doesn't necessarily need to be helping with the library.

County Manager Dr. Martin Moore said they're looking hard at it, and if the County hasn't been carrying their own weight, he will support in the next cycle that they step up. The issue at the

moment with staff is the reason the operation is so expensive. The money currently provided may be sufficient if it is run with volunteers. The difficulty is when the County takes a paid staff person that is a City employee, it is not just their hourly wage, it is the benefits package that goes with it that makes it so expensive.

Mayor Pro-Tem Griggs said the only argument or point of discussion for that is that the numbers as presented to the Commission are off.

County Chairperson McGinn pointed out that the County Commission is not administering or setting the budget for particular services, which makes it more difficult to understand where increases come from. They need to work with the staff to have a better understanding of what is being talked about.

Commissioner Robertson brought up the issue that the County is giving the City a little over \$40,000 a year. At the same time, the City is leasing the parking lot of the fairgrounds for a few dollars a year, and the County is making over \$40,000 a year on just leasing that out. It's kind of a wash, and basically the County isn't giving hardly anything under those circumstances for the library.

County Vice Chairman Moore said there is a list of things such as that on both sides that would fill up the room, and feelings run deeper than just the library.

Commissioner Cooper commented that if all the figures are put together, the County is providing goods and services and the City is providing goods and services. By the time all of these figures are boiled down, it is probably a break-even deal for both the City and the County or even the City is getting ahead of the game a little bit because the County is supporting many programs that the City is not. The City and County need to work together to get anywhere.

Mr. Mike Shinabery said that Cloudcroft could be used to administer La Luz and brought up the issues of the Alamogordo Senior Center taking the program away.

Mayor Carroll said that was not his recollection and the Alamogordo Senior Center did not have the power or authority to take the program away from another entity.

County Attorney Dan Bryant said there were other issues at the time that resulted in that.

Mayor Carroll said there were many issues, and it was not just that Alamogordo decided they wanted to take on the program. Though that may have been the result, there were many other issues.

County Attorney Bryant said the administration for a number of the programs was coming out of Las Cruces. There were some problems in that office that threatened the viability of a number of programs in the region not just in Otero County. The shake-up was done to keep them operating because of economies of scale.

Mayor Carroll said it was not a power grab by the Alamogordo Senior Center.

County Attorney Bryant said all of that happened about a decade ago.

4. Alamogordo Senior Center. (COUNTY ITEM)
1993/CDBG \$250,000.00
City match \$57,000.00
1994-1995 \$186,007.00
1995-1996 \$63,993.00

County Chairperson McGinn said that again this is an item placed on the agenda for informational purposes to show where the City and County did come together at one point to go after CDBG in the construction of the Alamogordo Senior Center and contributions from the County in that endeavor.

Mayor Carroll stated that back in the earlier nineties the City and County both agreed that they would put their CDBG request toward a new senior center. The seniors raised about \$50,000. In addition to CDBG money, there were some legislative grants that then Representative Townsend and Torres were able to secure through a couple of years. There was also City money from a local bond that went into it, and the property that it sits on was acquired by the City through a trade with the school system. The County did through their CDBG allocation put some money originally into the senior center.

5. Dog Canyon Landfill Closure. (COUNTY ITEM)
1989 JPA
1993 Settlement Agreement
1993 Ordinance 82-16

County Chairperson McGinn said that the closure issue has to do with the NM Environmental Department inspection where there have been some situations that need to be corrected before the 30-year oversight of the closure of the landfill can continue. Additional information will be provided on things that need to be changed and corrected in order to move forward with that.

City Manager McCourt provided additional background information in that the current landfill is totally separate from the Dog Canyon landfill, which a lot of people aren't aware of. As he understands the situation, the City at one time operated the landfill on the west side of the tracks and south of First Street and was under orders to close that from the NM Environmental Department. At that time, the County had the Dog Canyon landfill, and the City joined with the County in the operation and use of that landfill for a period of time. The City generated most of what was going into the landfill. Consequently, 75% of the closure costs came from the City. The County, however, is the lead agency in this particular area.

City Manager McCourt said the only question that he is aware of as far as a concern from the City standpoint is that both entities did put money into a post-closure fund. Within that fund, as the City understands it, there was anticipation that the interest earned on the money would remain in the post-closure fund, which is where they would get enough to take care of the closure costs. There had been some period of time where it appears that the interest earned on that amount was being placed within the general fund and not back into the post-closure fund. He understood that the County is working on correcting that situation and that interest would then be put into the post-closure fund. It is typical that closure funds have to have that interest to be financially viable.

County Chairperson McGinn said the County is the fiscal agent, and the information would be forwarded.

County Vice Chairman Moore stated that part of his concern is that since 1993 the NM Environmental Department has still not blessed this closer such that the 30-year clock can be started. He questioned whether pressure could be put upon them in order that it might take place. The initial closure was adequate at the time, but as it has never been recognized, a new and more stringent standard may be applied to it, which may keep this from getting done. Ten or twelve years have already gone by in which that process has not started.

City Public Works Director Jose Miramontes explained that his understanding is when the landfill was closed it was in fact covered. The problem is that the NM Environmental Department required that vegetation grow to stabilize the cover. It was seeded, but at that time there was a serious drought. When it does rain, it pours and the banks are eroded. They will not give a permit until the bank is stabilized with vegetation. The recent issues of repairing a fence and fixing a gate are being taken care of.

County Vice Chairman Moore asked if the well at the sight is a monitoring well or an irrigation well.

Director Miramontes said he didn't know about a production well, but there is a monitoring well. It is not meant to produce water.

County Vice Chairman Moore did point out that if grass has not grown in 10 or 12 years, maybe it should be re-seeded and watered and pro-active measures taken by the County to do what it takes to get this behind them.

City Manager McCourt said that in this particular case the County is the lead agency.

County Chairperson McGinn said an analysis would be provided of the situation from the NM Environmental Department on how to move forward with it.

6. Flood Control Storm Drainage System. (COUNTY ITEM)
City system dumps in County
City is expanding. New drainage plan?

County Vice Chairman Moore said that in light of the recent rains there have been challenges with the storm system. There has been an outcry from the public to do something. The County is probing the possibility of creating flood districts which would start in the forest, pass through the City, and come back to the County which would clearly require the cooperation of the City. He asked if as the City grows there are plans to expand the existing flood control. While there is no information on it today, it is clearly a topic that should be addressed at the next meeting.

City Manager McCourt said that the City is working on a partial drainage plan within the City and has attempted to work within the subdivision code to minimize the intensity of the run off. What frequently happens as development occurs is that the same amount of water may be falling, but it's not able to be absorbed so there is a tendency to increase the intensity of run off. The City has been attempting to address that with the drainage plans. They also are looking at creating a drainage plan throughout the entire City and examining specific components of that. The Dry Canyon component is one that is being worked on, which is where the water comes down Dry Canyon and there is some flooding near North Scenic with some degree of regularity. It just gets overwhelmed. It then carries on down that channel to Fairgrounds Road where again that culvert gets overwhelmed. Between Fairgrounds Road and Canal Street, which is where the large canal is, there is a very flat area without a well-defined channel. The City is very actively working to develop a plan on how to address that and take some emergency steps. None of that is funded with Federal money. It is all local resources.

City Manager McCourt said the City has attempted to build retention areas within the systems they are developing with the thought being that the rate of run off would be controlled. Essentially, historic flow paths would be used. A large item came up concerning the future north drainage channel and some people feel that would be detrimental as it was not a historical path. As a result, the plans on how to address that particular area were changed, and a large retention area is currently planned with a more controlled release. This is a problem as has been correctly pointed out, and a lot of the

flow that comes into the community from outside the community, flows through the town and out the other end. City Manager McCourt said he has a problem in saying just push the problem down stream because there is somebody down there. The City is being aggressive in attempting to control the flows and the ultimate method that will be employed to disperse those.

County Vice Chairman Moore said some of the issues that his district faces are that historically the drainage coming out of Alamo Canyon had always been three channels. That has been modified so that everything is dumped into the southern channel protecting what is the southern edge of Alamogordo. The channels are good for a certain amount of rain, and then it obviously comes over the banks. There are also challenges in that while the County has easements over historic drainage paths, those drainage channels are not maintained. The County has assumed property owners would do that; and clearly that is not happening which creates other issues. The County wants to work cooperatively with the City in dealing with challenges in this area.

Commissioner Robertson asked if the County looks at the blueprints on new subdivisions to see how the drainage is being handled and gives input on how the subdividers should handle the drainage.

County Chairperson McGinn said when it goes through the planning commission process they address those issues.

County Vice Chairman Moore said that the City approves them, and if they're in the extra-territorial jurisdiction, the City approves or denies and then it goes through the County chain of events. It is also sent up State to be sure it adheres to State regulations.

Mayor Carroll asked if the City should be giving more attention to the drainage issues in some of the County subdivisions.

County Vice Chairman Moore said they are making sure it is compliant with the New Mexico State law as well as subdivision ordinances. There are some changes in the subdivision ordinances, which will be coming up shortly. He believes that everyone is applying the rule of the day, but he is not sure that the rule is appropriate.

7. Code enforcement in ETZ. (COUNTY ITEM)
03/29/99 Commission Meeting Minutes
Pat Vandergriff approached the Board to discuss extra territorial building inspections.

County Vice Chairman Moore pointed out that this is another area where the City and County will continue to interface with one another.

City Manager McCourt expressed concern that perhaps some apples and oranges were being mixed in these issues. The extra-territorial zoning is a separate and distinct area from building codes. In the building codes area, all that is being done is building codes. There are not any inspections on subdivision development, drainage, culverts, road construction or anything of that type. The ETZ is the extraterritorial zoning where subdivision-type regulations can be done. Building code enforcement is another designated area that has been approved by the State building codes, but they do not coincide.

City Community Development Director Brian McGuire said that one is much smaller than the other. They do not go out five miles to do building inspections, nor do they have the manpower to do that.

City Manager McCourt said it was an area that the City and County agreed would be the appropriate area for the building inspections.

County Vice Chairman Moore said the County has never looked at that before. There are issues countywide to be more cognizant of and develop the staff positions to do that. There needs to be communication between the City and County regarding standards for residents.

Mr. Hans Steinhoffer from the County Planning Commission asked who issues the building permits in the ETZ.

City Manager McCourt explained that what happens is there is a designated area in which the State has agreed that the City will issue the building permits, collect the fees and do the inspections. That does not coincide with the extraterritorial jurisdiction area. There are some overlaps, but they are not identical.

Director McGuire said there is a map showing these areas that can be provided.

Mayor Carroll said normally the building inspection is a State function, but many municipalities have their own capability, and so there is an agreement with the State that for their convenience and the convenience of the building community, that the City would undertake something outside of the City limits.

City Manager McCourt said they are indeed clearly defined areas. It was not just the State and City. They did go to the County to ask if that would be acceptable because there are some down sides. For example, the City charges more for building codes than the State charges. The City has a quicker response rate than the State is able to provide through their inspection programs. The City can do inspections in their defined area but is not authorized to go outside of that area.

Mayor Pro-Tem Griggs said that one of the reasons that is important is in situations such as the one involving South Scenic. A new subdivision went in there which is not part of this issue, but prior to that there had been homes built on properties that may have been in the planned route of South Scenic, which when those homes were built, the City did not have any authority to look at building permits for those properties which then impedes the City's ability to plan. This is positive in a lot of ways.

8. HIDTA. (COUNTY ITEM)
Why did they bail out?

The County has raised a question regarding HIDTA, and Mayor Carroll asked City Public Safety Director Sam Trujillo to address the issue.

County Chairperson McGinn explained that the County had this on the agenda to discuss the City's participation.

County Vice Chairman Moore apologized that "Why did they bail out?" made it onto the agenda. It was not meant that way. The County perceives it as an important program, and the City exited the program. The County wants to discuss it and have a good understanding of the issues.

City Manager McCourt explained that this was discussed in the budget meetings and prior to the budget meetings. HIDTA is a Federal program, and as such the money comes with strings. The strings indicate that the activity involved in working these cases has to be tied back to major drug

cartels, which inhibits you from utilizing those people and forces in local drug enforcement activities. They need to be separate. The requirements seemed to the City to keep increasing while the funding appeared to be decreasing. Questions were frequently received at the City as to why the individuals couldn't be used in local cases, and the reason was they couldn't be tied to the major drug cartels. The City felt that if they separated from the program, they could retain the same staffing levels and have more flexibility to both continue working with the drug task force and other groups funded by HIDTA. At the same time the City would have much more flexibility to address the local drug problems that the City has. The City has maintained staffing and covered the loss of funding with the general fund in order to have more efforts locally.

Director Trujillo added that the bureaucracy associated with the program grew. There were too many restrictions for what the City was trying to accomplish. A narcotics division is still being provided, but staffing levels have been reduced. The initial results of this decision has been two record quarters of arrests in the narcotics area for the City of Alamogordo.

Sheriff Blansett said that though it is really not a war he should be involved in, the issue of building ownership needs to be addressed. He sent a request to DPS asking for a room to bring DEA in as part of the initiative. DEA has a lot of security restrictions where they have to have their own office, and his only matter of contention is that it's going to effect their effectiveness if they are continually denied space for other outside entities. He doesn't really care who owns the building, the City or HIDTA, but he wants the matter resolved so they can get on about their business.

Director Trujillo explained that as far as these two bodies are concerned, there is an existing space sharing agreement between the City and County which outlines the space-sharing agreement. As far as the facility and HIDTA funding that is received, that is an issue between the City of Alamogordo and HIDTA ultimately.

9. Emergency Response Coordinator. (COUNTY ITEM)

Mr. Gus Marker is the current County Emergency Response Coordinator. County Vice Chairman Moore said the issue bubbling under the surface is that for many years the City has been on point, and currently they have a plan in place. The County issued paperwork that they want to take a more aggressive role in that, but he wanted to address the interface.

Mayor Carroll said that years ago the County was the lead on that. There was Federal funding involved, and when the Federal funding went away, the County indicated they were no longer interested in doing it. The City took over the function as well as the salary of the individual that was previously a County employee. The City was the lead on it for a number of years, and then recently they received correspondence from the County stating that they wanted to take over the role again. The City acquiesced and gave it back.

City Manager McCourt pointed out the importance of understanding that from the Federal and State side they always see the County as the lead agency. It is only with the permission of the County that somebody else could fit into that role which is what happened back in about 1998 when the County agreed that the City could take the lead role.

County Vice Chairman Moore said they want to be more active, but they want to be a team player. It is not their desire to run roughshod over what is currently happening.

Mayor Carroll said that with the situation reverting back there may be some agreements and understandings that need to be worked out that weren't a concern when the City was doing it.

City Manager McCourt said the City wants to be full partners. They are not trying to say they would just run separate shops. What legally has happened is the County now is the lead agency, which means there are things the City is not able to do at this particular point.

Director Trujillo said that basically the City of Alamogordo was the emergency coordinator for the County up until the latest resolution where the County has developed its own emergency coordinator, Mr. Gus Marker. What is in existence right now is an emergency coordinator for the County who maintains emergency coordination from the City of Alamogordo. What needs to take place now are additional agreements between the City and County on how they're going to operate should an emergency occur. There have already been discussions to ensure that those fine points are worked out.

Mr. Marker stated he is currently working with Mr. Mike Riley, and it is his intention to get with Sheriff Blansett to establish a separate POC in the Sheriff's Department that would keep County and City business separate while acting as each other's backup.

Commissioner Robertson asked if he dialed 9-1-1 who he would get.

Mr. Marker said that from a cell phone that is dependent on which tower is reached.

Commissioner Robertson said he had a problem a while back in which he called 9-1-1 and got the County. They told him they would not respond and that he had to call the city police and hung up the phone. If the public dials 9-1-1, they should get a response regardless of whether it's the City or County.

Mayor Carroll deferred the discussion until after the break.

[Break from 3:30 to 3:42]

10. PSAP (Public Safety Answering Point) Consolidation. (CITY ITEM)

Mayor Carroll asked City Public Safety Director Sam Trujillo to give them "PSAP 101" in order to give everyone the background on this issue and what is involved.

Director Trujillo covered the requirements by the FCC that brought the PSAP to where it is today. The FCC has mandated that wireless companies provide certain information to Public Safety Answering Points. Phase one of this requirement basically says that wireless companies have to provide caller identification and cell tower information to PSAPs. The phase two part of the program requires that the wireless communication companies provide the location of the cell phone used somewhere between 50 and 300 meters. The State, through the Department of Finance and Administration, received grant money, which comes from users of 9-1-1 service. There is a surcharge that is placed on both cell phones and landlines. They receive this money, and then they hand it out to PSAP locations to be able to get the equipment and the service required. The State has required that in order to receive this funding, dispatch centers need to be consolidated into one center in each County. There are exemptions to this requirement extending to Federal government, Indian reservations and the New Mexico State Police, which basically means smaller communities, counties and cities.

Director Trujillo went on to say that over the past year negotiations have taken place with the State DFA concerning these requirements. An exemption has been requested. Several other communities

in New Mexico have also requested exemptions, and some have received it. The closest is Lincoln County and Ruidoso received an exemption. The current request for exemption was denied. Several meetings have taken place with the State and local entities to discuss this consolidation requirement, and the latest status is that the request is denied. Director Trujillo believes that in this jurisdiction two public safety answering points are needed, one at Otero County and one at the City of Alamogordo.

The biggest concern was back-up capability if something were to happen. This isn't necessarily major. It could be someone walking into the dispatch center, putting a brief case down and saying this is a bomb. The center would be evacuated. What would be done? Right now, there is the capability of switching all of the lines from Alamogordo to the Otero County Sheriff's Department or vice versa. This is a process that has been used for several years, and it has worked for the community. Consequently, there is great concern about this requirement.

The next step is to address how to consolidate. A request has been made that Otero County and the City of Alamogordo be allowed to consolidate 9-1-1 services only and then the communities would develop the dispatch process, which would be a system where calls could be forwarded to get dispatched appropriately. The State was initially receptive to this argument, but the latest letter indicates that they are no longer receptive to it.

What is before the commissions now is basically the direction from this point forward. Additional verbal information was received earlier today by Captain Norbert Sanchez of the Sheriff's Department.

Captain Sanchez said that when the initial letter came out on 10/20, the unique situation that Alamogordo has was explained to Joyce Johnson and Neil Harris, and when they left, meeting attendees were under the impression that it would be a network system if they only did allow one PSAP. After that, a letter was received stating that the request from the 10/4 meeting was denied. Captain Sanchez then called David Reese who is the Director of the Local Government Division in Santa Fe out of concern that it had been denied. Mr. Reese admitted that he had never even read that letter. He just signed it. At that time, Captain Sanchez contacted Senator Dianna Duran's office in Santa Fe and told her the situation and also talked to Representative Gloria Vaughn and gave her an update. The next day Mr. Reese hadn't returned any calls. However, he did call approximately 10 minutes after Captain Sanchez spoke with the Senator's office. Mr. Reese apologized for not reading the letter and said he would work with Otero County. Captain Sanchez explained to him that if there was no money it could be networked off of the one PSAP to start with, which he said was a great idea. On communicating with him through Elizabeth Martin, who is in the Senator's office, they had come to an agreement that more than likely it could be networked. At that time also, if they couldn't afford to get another PSAP, they would look for some Homeland Security funding. Yesterday, another rejection letter was received, Captain Sanchez spoke with Ms. Martin and faxed her a copy of the letter. On the way to this meeting, Ms. Martin called and said that Mr. Reese apologized for what was in the letter and there would be a revised letter coming. Captain Sanchez indicated he really didn't know for sure where they stood right now.

Chairman McGinn said that some of what has been provided shows that under statute and under Federal regulations the cell calls need to be received with the ability to get the phone number and identify the location of the cell phone. The State says they are not funding all of the dispatch centers with the PSAP function. They want them to be consolidated, and in the most recent letter said they wanted the PSPA consolidated. In addition, they wanted the entire radio dispatch consolidated of both the City of Alamogordo and the Sheriff's office.

Sheriff Blansett said the statute does not say that the entire dispatch centers have to be incorporated. It just talks about 9-1-1.

County Chairperson McGinn said that is the interpretation that came from the letter yesterday.

Sheriff Blansett said their concerns are that the back-up PSAP could be Carlsbad or it could be Las Cruces or Farmington, which would involve attempting to shoot radio waves across White Sands Missile Range which will not happen. Those questions were asked and the answer was to use a hard-line.

Mayor Carroll said he had also spoken with David Reese who indicated that he wanted another letter. A letter was sent dated October 21st in which they said they still felt two PSAPs were needed. However, with one they could use a dedicated landline for back up wherever that might turn out to be. It was also indicated in that letter that it would be sufficient because there is no financial liability on the part of the State for the radio dispatch. It shouldn't be an issue as to how dispatch is done other than the Enhanced 9-1-1.

County Chairperson McGinn said they had asked that the State fund one PSAP, and they said they would fund it and network it between DPS and the sheriff's office.

Sheriff Blansett agreed that the networking would work fine pending continued negotiations for the other PSAP. According to the letters, that is what he thought the status was, but the newest letters argue against it.

Mayor Carroll said that it appeared there were individuals who had already made up their minds from day one that they were not going to allow Otero County to have two PSAPs. They had indicated based on some of the arguments and some of the concerns that Sheriff Blansett and Director Trujillo raised at the meeting in Santa Fe, that they weren't fully aware of the problems that trying to centralize dispatch and have back-up from someplace else in the State would cause. They indicated that they would contract to have a study done to see if they could address the concerns. In talking with them two weeks ago, the study was not done because they couldn't find an unbiased source to run it. Everyone that they had talked about contracting with had some financial interest in the whole PSAP question. Their letter in response to the meeting the 24th said even though they promised to do that study, they weren't going to do it because it wasn't going to make any difference.

In Mayor Carroll's estimation, they have not been dealing in an above-board manner in this situation. They have indicated that they can't give any exemptions; however, they have given them. The rules do allow for exemptions if you can justify them; however, they seem to be unwilling to listen to any of the arguments as to why two PSAPs are needed. Now, the latest one even though it has been said that the safety of the citizens is going to be down-graded some with only one PSAP, they're saying that unless all of the dispatch is consolidated there will be no funding for PSAPs at all. That funding is not nickels and dimes; it is several million dollars over time to put in PSAPs. It is not an issue that can be walked away from.

Sheriff Blansett pointed out that aside from the Lincoln County issue, the same situation may be occurring in Lea County.

City Manager McCourt said that it's important to remember that it is the surcharge on phone bills and wireless bills that is going to fund this. It is his understanding that the 9-1-1 fund has over \$11 million in it. Though they have indicated that it is a financial problem, that may not be totally correct.

Director Trujillo said that the cost of the equipment is between \$1.2 million and \$1.4 million. The annual cost for the maintenance of that equipment is about \$30,000 per year. During the

discussions, the State made it clear that their concern has been providing two PSAPs to Otero County at a cost of \$2.8 million potentially. The County did, as was said, provide them with the option of providing one PSAP, which is what the requirement is, and allowing the communities to develop the network for the dispatch services. In the latest letter, the State set a deadline of December 31st. They will no longer provide the grant funding services after December 31st. What that means is the level of service that is being provided right now on 9-1-1 will cost the City and County an additional \$30,000 annually to maintain the system that is in place. The City and County would not have the equipment necessary to identify cell phone users or locations in the future unless they get the \$1.2 million worth of equipment.

Mayor Carroll asked if he was correct in stating that if they were required to consolidate the radio dispatch in addition to PSAP, neither the City or the County has a facility large enough to accommodate both of those and they would have to build a new facility.

Director Trujillo said that was correct.

County Chairperson McGinn said that the mandate has to do with not only equipment; it has to do with staffing, space, maintenance and upkeep.

Sheriff Blansett said they would be talking about no less than four stations and maybe more if fire departments and others that are contracted with for dispatch services were included.

Director Trujillo said they originally had a deadline of November 7th, but that was the requirement that a Joint Powers Agreement be entered into between the City and County on how the service would be provided. There is an enormous cost to providing the service. The current Joint Powers Agreement involves the ambulance dispatch services, and that information was provided to the State to meet the November 7th deadline.

County Vice Chairman Moore said he believes the State has over-stepped their bounds of authority. He believes that the City and County are bound to give them an operational plan for consolidation, and if it's physically possible to network it, like was said, there is no PSAP but there are terminals located at the second position. That should be submitted as the plan, and when that is denied the legal staff would challenge their authority to deny it.

Mayor Carroll said that in the last official correspondence the plan had been denied. They are requiring total consolidation with no funding.

County Chairperson McGinn said that in this meeting it should be decided as to what direction will be taken regarding the departments who provide dispatch service to the entire County. The sheriff and DPS have come up with a solution that is not funded by the State, so then the City and County would need to share that to do what is best to provide the kind of services that need to be provided.

Sheriff Blansett said that the plan had been submitted, which is what the State asked for. Obviously, they don't want to agree to the plan. When somebody dies because the appropriate services are not provided, the City and County will have to react to that. Sheriff Blansett has some reservations about the Governor's office releasing Homeland Security money to fund the PSAP, but that is certainly one of the alternatives to explore while coming up with the \$30,000 per PSAP to do the upkeep and maintenance.

County Vice Chairman Moore said that the ability to read the location on a cell phone would be an enhancement in the future that currently does not exist.

County Chairperson McGinn said it's a new Federal mandate.

County Vice Chairman Moore went on to say that the State is baiting them by saying that if the City and County want the money to be able to provide the additional service; it has to be done the way the State says. He doesn't believe they have that authority. They may have the authority to say only one PSAP, but he doesn't believe they can force a municipality and County to combine the dispatch centers.

County Chairperson McGinn said it is required that the dispatch centers have the equipment that is capable of tracking cell phone numbers and locations. Money went from the Federal requirement to the State. The State made their own rule that they're not going to fund all of the different PSAPs. They're saying in order to get the funding from the State, the radio dispatch and PSAP functions have to be combined while taking into account the exemptions stated previously.

County Vice Chairman Moore said he still can't believe that they could force it. He understands only giving money for one PSAP, but he doesn't think they can force the City and County to combine dispatch centers. It is irrelevant to the PSAP.

Director Trujillo said it is his understanding that it is not a requirement from the Federal government that the City and County do that. The requirement from the Federal government is for wireless communication companies to develop the technology so that dispatch centers can read that. Right now, the City of Alamogordo and Otero County receive 9-1-1 calls, and from that point they are sent to the entity that is responsible in that particular jurisdiction. For instance, if there is an accident, the State Police does not receive the telephone call. It is most likely the Sheriff's Department, and then from there it is going to the State Police to respond to that location. If somebody calls in for an ambulance to Tularosa, right now it goes to the Sheriff's office. It is then flashed to Alamogordo GPS where the unit is dispatched. The State is mandating as far as the funding, and they do have the authority because they are controlling the money. The City and County can't access that money unless they meet the particular requirements. The requirements are not in the best interest of the community, which is where we have made the arguments.

County Chairperson McGinn said the requirements go beyond just the State providing the funding for the equipment. The requirements make the City and County spend money to build a new facility and hire more people.

Director Trujillo said it has been agreed that they would take the 9-1-1 services and Alamogordo GPS for the entire County in order to get the equipment, and then a system can be developed to flash that to the Sheriff's Department with a dispatch in the County. It is a split second process, and that can be done. The concern is the State is saying they will not allow that to be done unless the dispatch services are consolidated. The issue being discussed in this meeting is if the consolidation is not done, then it's going to be a \$30,000 cost annually for each entity to supply the maintenance.

Mayor Carroll pointed out the additional long-range potential costs because even with the maintenance the equipment wears out or gets upgraded periodically, and the City and County would then have to buy that also. At this point in time, based on the revised letter that is anticipated, if that is not satisfactory, rather than let State bureaucracy put the citizens of Otero County at a safety risk that doesn't need to be there, the political realm is where this will be taken up. Mayor Carroll feels it is Otero County's money that the State is using to fund the process, and they are now telling them that there is not enough of it because it has to be used to fund the State Police PSAPs and other things. It is his understanding that the fund continues to accumulate money, and some of it is just being used to free up money for some other State function. Mayor Carroll stated he feels they owe it

to the citizens of Alamogordo and Otero County not to just roll over.

County Chairperson McGinn pointed out that in the interim, plans still need to be made to meet the Federal requirement.

Director Trujillo stated again that the phase one and two requirements are only with the wireless companies. There is a liability, however, that the State will push on. If the dispatch centers are not consolidated and equipment obtained by January 1st, the City and County take on the liability risk of calls that come in after that time in which cell phone users can't be located because of not having the equipment.

County Vice Chairman Moore said the State should have given the money so it is on them.

County Chairperson McGinn said that collaboratively they have come up with a solution for one PSAP consolidation.

Sheriff Blansett said if they continue to deny having two PSAPs, down the road there will have to be a separate building, separate staffing and a board of director-controlled dispatch, which is not desirable to either entity.

County Chairperson McGinn clarified that what she was saying is that there is a solution, and regardless of the political outcome, the information has been provided to the State. Whether the State decides to fund it or not, the solution has been presented.

Director Trujillo said that he needs guidance on whether to pursue the Homeland Security funding.

Commissioner Robertson wanted clarification on if the State is trying to make them combine the Sheriff's Department and City's together?

Sheriff Blansett said that is what they want them to do.

Commissioner Robertson said if they fund one or the other, it is not their business whether it is one by itself or two.

County Vice Chairman Moore said that is why he is saying that they don't have the authority to do that.

Director Trujillo said they are asking for two PSAPs, but if they don't allow that, then what is being asked is that all 9-1-1 calls be taken at one location but they would then be transferred to the appropriate dispatch center.

Commissioner Robertson agreed with County Vice Chairman Moore that the State does not have that authority.

Sheriff Blansett said the State isn't saying you can't do it, but they won't provide the funding.

County Chairperson McGinn said the most recent letter stated that they still wanted all of dispatch combined.

Commissioner Robertson asked if that would then be combined with Tularosa as well, which would not seem to happen.

Director Trujillo said that in the last letter the appeal process had basically been ended.

Commissioner Robertson asked how if the fifty-one cents is coming off the phone bills they can keep the funding from them.

City Manager McCourt explained that the authority the State is attempting to use is actually a regulatory authority over regulations that they have established. The regulation is cited in the letter which even there they stretch out to accomplish their point. City Manager McCourt said though they may not have the authority, the question the staff is asking is where to go and what to do in order to ensure that the level of public safety not drop in the community whether land lines or cell phones are used.

County Vice Chairman Moore said he believes the big-ticket item is the enhancement that is not currently had. The status quo is if the City and County say they're going to network the two dispatch centers regardless of what the State would like, the risk short-term is only the \$30,000 maintenance fee for the existing equipment. After the attorneys go and explain to the Supreme Court that the State's authority has been stretched, they would go ahead and write the check for the two PSAPs.

City Attorney Ken McDaniel said that in the meantime when the State is trying to put the City and County on the hook for liability, it may be a good idea if both bodies were to actually pass resolutions saying the public safety issues have been looked at resulting in a policy determination that it's better to go without the enhanced 9-1-1. That is safer on the wallets because that way there is some insulation from it being an ordinary negligence action. It is a political decision at this point and not a matter of simply neglecting to do something. That puts the City and County in a better position.

County Vice Chairman Moore said to ask the State for the fifty-one cents that they have gathered up and the City and County will make their own way and buy their own equipment.

County Chairperson McGinn said it was her understanding that the current E9-1-1 grant funding equates to about \$200,000 to \$300,000 a year for software upgrades and equipment maintenance. The first solution may be a resolution as City Attorney McDaniel outlined. As long as there is not a Federal mandate saying the City and County have to have that in place, that may be the next step.

City Manager McCourt clarified that the City will move forward as best they can to provide the legal protections and will continue to have staff negotiations. It perhaps is to a point where there needs to be more political muscle and involvement than the staff is able to provide.

Commissioner Ed Cole said that what is concerning is what the Federal and State governments might do in the long-range for any types of future improvements or the growth of the system. Where would that leave the political units that don't take place? Perhaps down the road the government entities that did not go along with this new system would be left behind or not included. The State government has much more strength and power than the City and County put together.

Mayor Carroll said that is certainly the threat. What is going to happen when they come out with the new E9-1-1 PSAP hardware? Unless the City or County buys it themselves, they won't have it. Once that new equipment gets rolled out, support for the old equipment will start to fall off. At some point the City or County will only have what they fund themselves. The forced consolidation of the dispatch would be acquiring or building a building of sufficient size to handle the joint dispatch. That money is going to have to come locally because DFA has said they know it may cost millions but it is not their problem. Another issue that goes with not having the two PSAPs with the backup procedure is it would be up to the City or County to find a back-up procedure. DFA is being heavy-handed in

this, but if it's not tackled now, it's either roll over and come up with several million dollars to do what they want.

County Chairperson McGinn suggested establishing some kind of cost-sharing agreement for the one PSAP that will be networked just to take care of that one PSAP requirement aside from the resolution that was suggested.

Mr. Ardin Shug, the Timberon Fire Chief, reminded the Commissions that there are a lot of hunters who come in and get lost. They get up in the cold weather and are freezing to death. If there is not a way of finding those people, they're going to die. The new PSAP would give their GPS position, and a helicopter could be sent straight to them. One out of every three E9-1-1 calls now is coming from a cell phone. That should be seriously considered. In addition, at the October 4th meeting they talked about Timberon getting on the current 9-1-1 system. Currently, the Fire Department in Timberon manages the E9-1-1. There are about five people who have phones in their houses. They've been paying the fifty cents for years in Timberon, and they are still not on the system. That doesn't seem right. The Fire Department ought to be getting that money if anybody is. They're doing the work.

County Chairperson McGinn asked what needed to be done to get them on the E9-1-1 system.

Mr. Shug said that in the meeting on October 4th they indicated an estimate would be done and the State would fund it, but it now seems to be tied in with the central dispatch. He is confused as to whether the State is going to fund it whether or not the central dispatch is done. Sooner or later Timberon is going to grow to a point where there should not be two or three calls a night going to houses to dispatch the Fire Department or EMS crews. It needs to be on the standard system of E9-1-1 in the County. The first thing to clarify is if the State is going to fund it separately or if it's tied in with the consolidation.

County Chairperson McGinn said it can be pursued if they're still looking at an assessment of what it's going to take to get it on the E9-1-1 through the phone company. They will then know more whether that cost will be incurred by the County or State.

Mr. Shug said there had been no argument that it would not be incurred by the State. The question though is if it is tied in with the consolidation.

Sheriff Blansett said as far as they know the study had not been done to this point.

Captain Sanchez said they had been trying to get Timberon on board for six or seven years, and the State had always turned it down. All of the sudden with one PSAP they're trying to include Timberon, and the cost was almost \$1 million to get what would be needed for the E9-1-1 out of Timberon. All of the sudden Timberon was part of the deal. They had just been ignoring Timberon, and they're also trying to incorporate Dell City. It is two separate issues, and they just threw it in there to say if the County doesn't cooperate Timberon won't get the 9-1-1 system. They're trying to push their authority.

County Chairperson McGinn stated that knowing what is going to work best for the City and County, once again a solution has been proposed. They need to be prepared to share the cost between the City and County for the one PSAP until the rest is hashed out with Homeland Security funding, etc.

Captain Sanchez agreed that is the route to go in and fight them all the way.

County Vice Chairman Moore asked for clarification on what is being proposed. We're going to have one PSAP and network it. The dispatch would not be combined. They would say, thanks for the

advice, but we don't need your help on that one.

County Chairperson McGinn clarified the solution as being one PSAP and networking it for the time being until something comes through for a second PSAP.

County Vice Chairman Moore then asked what was to happen when the State turned around and said they would not give anything.

County Chairperson McGinn said that is the solution, and they have to be prepared to fight it as well as shelling out money to make it work.

Mayor Carroll clarified that it would be \$30,000 each. Originally, the State wasn't saying the second PSAP had to be thrown away. What they were saying was they would no longer fund the maintenance on it or upgrade it, and when they roll out the new system, the old one wouldn't be compatible with it. For the same level, the City would have to fund the \$30,000 for theirs and the County the like amount, assuming they're equal amounts. In the interim, that's a fall back position, but it doesn't address the capital equipment cost.

County Vice Chairman Moore said that would be when the point is made that they have exceeded their authority, and they're going to have to whip us because we're not going to roll over. Then once they whip us, if they can, then we'll say, okay, you were right. We'll take your \$1.1 million.

County Chairperson McGinn said that what needs to be discussed is a resolution that says this is not the best solution for Otero County, and they're not going to consolidate under what the State is requiring. In order to do that, the County and City have to be prepared to say we're going to be paying for it. If that changes in the interim with the help of the legislative body or help of homeland security grants, paying out the costs has to be prepared for and joined together on one PSAP which is \$1.4 million between City and County.

County Vice Chairman Moore said if the City and County choke that one down, the State will give the money.

County Chairperson McGinn said they're not going to give the money because the State is saying the radio dispatch has to be combined to get the money.

Commissioner Robertson asked what the problem is with going together on one PSAP with either the City or the County getting that and then the other entity paying for their own dispatch system.

County Vice Chairman Moore pointed out that the County already pays for the dispatch centers.

Commissioner Robertson acknowledged that but said why not get one for both?

County Vice Chairman Moore said they told them that, and they liked it but then they wrote back saying no. He is proposing that a plan be sent to the State saying they're going to have one PSAP and then network it. What will happen is the equipment will be at either the City's facility or the County's and then as far as the little terminals that can read the information, there will be four in one place and four in another.

Commissioner Robertson asked if it had been a squabble between the County and City as to who was going to get it.

Sheriff Blansett said they want the ability to network the one PSAP no matter what it is.

County Vice Chairman Moore said the State would not allow that but instead would force them to spend \$3 million or \$4 million, get a board of directors, take all of the dispatchers from the City and the County and have them employed by a third party to maintain the deal. If and only when that is done, the money would be given for the equipment.

Commissioner Robertson said as long as both the City and County are saying that is what is wanted, he couldn't see what the problem would be.

Director Trujillo explained that what Commissioner Robertson is proposing had already been proposed as a solution to the problem, and they responded saying it was not acceptable.

Mayor Carroll said it seemed that there were simply too many people writing the letters and the person signing them was not reading them. All of the action is pending getting the new letter from DFA which may just solve the problem.

Sheriff Blansett did say he felt the representatives needed to be involved.

Representative Vaughn suggested going to the Governor's office with the legislators next week while the committee meetings are still going on. They should get the person who is writing the letters to explain himself.

Mayor Carroll said that it may be helpful before trying to meet with the Governor to see what the next letter says. There may be no need to go any further.

Captain Sanchez pointed out that they are still fighting for the second PSAP and the issue should be brought to the Governor because when January rolls around there will be a lot of other issues to worry about and this will be at the bottom of the list. Otero County is part of the Southwest border issues where homeland security is one of the biggest issues. This also should be publicized to the citizens, as it is unique to Otero County with the military bases that are in the County and the installations that people don't know about but are in the County. There are only 60 days before the deadline; it needs to be pushed hard and quick. With new bills coming in, this will fall to the bottom of the pile in January.

Mayor Carroll suggested that if a meeting can be set up, they can certainly make the argument for the one PSAP. It may be tougher to argue for the second one, but if there is a chance, the time to do it is now.

Captain Sanchez underscored that it is a Homeland Security issue.

11. Dog ordinance and the chip program. (COUNTY ITEM)

County Vice Chairman Moore explained that when the animal ordinances were redone he liked the idea, and he would like to visit it more with either a tattoo program or injectable chip. The County has received information from the manufacturer of the chips, and for \$10 or less, animals can be permanently marked with a microchip. He would like to get staff people together at the next meeting and look at possible funding sources such as if an individual gets a ticket for a dog at large throwing an extra \$10 on it pays for the chip. It may be a way to permanently mark animals.

Mayor Carroll said it is something to look into, but there may be additional costs other than the implanting of the chip, which should be looked at. It may be useful to look at other communities in the State, how they are doing it and how successful it has been.

County Vice Chairman Moore said he has a large amount of information on it, and he will forward it to the City Commission.

12. Annexation. (COUNTY ITEM)
City Standards imposed in County?

County Vice Chairman Moore said as the City continues to grow there is a constant interface. Sometimes the growth is in a planned area, but sometimes it is not. As it exists right now, the City is dealing with issues of providing water outside. He asked if the City has a long-term plan to provide sewer, water, gas and those things into newly annexed areas. The County is not up to speed on what the long-range growth desires are.

Mayor Carroll said the City has been working on a resolution that has been tabled two or three times for further development along the lines of areas that are likely to be annexed into the City in some reasonable amount of time and requiring development by either hooking up to the City utilities or putting in systems that would mirror City utilities.

City Manager McCourt went on to say that it has been proposed to look at an area that is in the extra-territorial jurisdiction. The City has had what is called the utility extension area, which is actually another item on the agenda where there has been an informal agreement since about 1985 regarding how the planning would occur within those areas and the development for the planning. The City has been working on better defining an area that is most likely to be annexed into the City in the next ten years, and within those areas full development will be required to the standards so that no difficulty is run into when the areas do wish to annex in at some point in the future. There is a five-mile extra-territorial jurisdiction area, but the entire area is not included. It is a much smaller area than that. He anticipates that there would still be more relaxed standards within the areas outside of that jurisdiction, within the extra-territorial but outside of the areas that are anticipated to come in within the next five to ten years.

County Vice Chairman Moore said that some of the concerns based on the recent annexations are people coming and asking if they will be required to pay for more services, road, water, sewer, etc. They ask about curb and gutter, sidewalks, use of wells and septic systems, and that is the meat of the question.

City Manager McCourt said in the latest annexation that occurred south of Florida that was just passed at the last commission meeting, some of those exact questions were raised because there was significant development. The City addressed those concerns indicating that people would not have to abandon their septic systems or wells if there is not a health problem. If a health problem comes up, that is different. The City has traditionally used Waiver of Protest agreements for the subdivisions in those areas to allow development to occur at a lower standard for roads and items of that type with the expectation that at a future time the development is required. Now it's a developed area, and people want to know why they don't have sidewalks and developed roads. Other parts have paid for those developments. When a house is purchased, the sidewalk and paved road are paid for. The improvement district would normally be used in those cases where now they're saying, hey, I'm part of the City but my streets aren't as good as other areas, the sidewalks aren't in, the water isn't in, the sewer isn't in and those type of items are desired. The improvement district would be used to upgrade those areas. Again, specifically in that South Florida annexation the City very

specifically put in to not require a hook up to the water or sewer system unless there is some sort of failure. It would be an option to voluntarily hook in.

County Vice Chairman Moore went on to say that the question he is being asked by individuals is, for instance, if every one of their neighbors decide they want to pave the road but that individual doesn't want to, do they have to give them any money. If they come into the City and 75% of the neighbors want in, will they be forced to pay? He tells them technically that probably could happen.

City Manager McCourt said that in the recent annexations there has not been 100% concurrence of property owners within those annexations. They have been made compact and closed up but haven't left islands and holes within them. That's a true statement. Folks may not have wished to be included, but for the general benefit it was decided that was in the best interest.

County Vice Chairman Moore asked if that was at least until the higher City standard is requested by the majority of the property owners in any given annexed area once it's in.

City Manager McCourt said that the only case he knows of where the City used an improvement district was before he arrived. There was a desire for paved roads, and there were ongoing flooding problems constantly. The petition came from the people that said, hey, we want paved roads and some control from the flooding situation. City Manager McCourt was not aware of one that the City initiated without people requesting it anywhere in his career.

County Vice Chairman Moore said they did one and some of the folks wanted it, but a lot did not.

13. Extra-Territorial Planning and Platting Jurisdiction. (CITY ITEM)

City Manager McCourt said the platting is pretty clear and is done regularly in the extra-territorials. They have an understanding that goes back to 1985 on what areas there will be higher developments in. That's never been formally adopted. The zoning is a very different question. Planning deals with how the land is broken up and guarantees access and usability. Zoning is what you can use the land for, and the City does have zoning. The County does not have zoning. There are some unique processes within the extra-territorial jurisdiction area where zoning can be accomplished if both parties agree. Both parties have not agreed, and there is no indication that City Manager McCourt is aware of to go on and institute that process. It is brought forth as a matter of information that it does exist.

City Manager McCourt said this issue ties into the AICUZ, which is a protection for Holloman Air Force Base. The zoning could be used to assist with the AICUZ in the extra-territorials. It can also be addressed through the use of building codes, though that is not as efficient. The AICUZ areas are within the building code extension areas. If it would be agreeable to all parties, work could be done to develop unique standards within the AICUZ areas. Sound barriers is what primarily would be addressed.

14. AICUZ (Air Installation Compatible Use Zone). (CITY ITEM)

County Vice Chairman Moore pointed out that these issues are the components in which the City and County need to mesh together.

City Manager McCourt explained that the City sees the AICUZ as a protection of the base economy within Otero County and the entire region. Many other components of the economy are important, and they should not be ignored, but the long-term existence of Holloman is extremely important to the

economic welfare of the community. In some areas development around the bases has created difficulties. It was considered as a factor in the latest BRAC, and it's likely to become a more important factor in the future. The City feels this is important to address, and there have been meetings regarding it with Holloman. They are interested in controlling the ends of the runways. Many of their danger areas are located on base or are over Federal land. There are two areas to the south and to the east where there are some sound problems as they come off of the base, but as the planes get higher there is less impact on the ground. There are some areas that they feel should be restricted in terms of the type of development. There are plenty of types that are appropriate, and it's being used for those purposes now.

City Manager McCourt said there are issues with sound, materials dropping from planes and planes crashing. Most of that is controlled within the base area so there is a lower danger risk, and they would look for lower density types of development. Then there are the glide planes that extend out a long way from the ends of the runways and actually from the base. The concern with those is that the ground rises to the east. As you go to the east, it can become a problem with towers extending up into those glide planes. They would be interested in the City working jointly to protect those areas.

County Vice Chairman Moore said that they are familiar with the program and did adopt it in the comprehensive plan. It is attached, but as the County does not have zoning it is without the tools to be restrictive. They own the land, but their assessment as it sits on paper is designed around the existing mission. If the County took the 23's and the 117's away, they're not sure what that footprint would look like.

County Chairperson McGinn said that within the comp plan the AICUZ were recognized, and the County stated that when it comes time for development or adoption of any of those requests, the agencies would work together with the property owners and collaborate on any such adoption.

County Vice Chairman Moore said that the majority of that problem, unless the footprint changes dramatically, is made up of two or three property owners. Perhaps the County and City should work together to approach those people and encouraged them to be self-restricting. There was some discussion regarding whether the City would have the authority to deny a building permit if it was taken out inside that zone and it did not match the desired structure.

City Manager McCourt said they would look for voluntary compliance, and the ones he has been familiar with have been very receptive. However, that has not been true in other communities and in other areas of the country and may not always be true in this particular area.

County Vice Chairman Moore said it needs to be attached to the deed and the ownership of the land.

City Manager McCourt said that the concept he had been discussing was to potentially put it into the building codes for particular areas that would require perhaps additional sound-proofing in those areas to try to alleviate the problems and protect the people that would build a house or buy a house there. It could get awfully uncomfortable.

County Vice Chairman Moore pointed out that they had all seen the threats that growth has given to developing runways and military bases and how that does jeopardize it. The only logical path is to promote zoning. However, while that may come somewhere in the future, it may not float today.

City Manager McCourt said that the City does not have zoning authority, but that would be the most effective tool to accomplish it. The City is not trying to tell the County to do that or asking them to do

it. They're just pointing out that those options are available. Zoning is a question that the County needs to wrestle with in terms of the constituents and the unincorporated areas.

Commissioner Robertson said he agrees with them 100% about trying to do it. However, if the landowners don't agree to it, does the City or County have the authority to do that to them?

Mayor Carroll said that the AICUZ study does not tell you that you cannot build an apartment complex at the end of the runway. They're saying that is probably not the best place you would want to build, and if you do, we would recommend that you increase the level of sound proofing, that you triple pane the windows and that sort of thing. The City would not be telling them they couldn't build there, but the zoning authority would be that if you're going to build something within that area, then you may have to have a higher level of sound proofing in the structure. They are not envisioning telling property owners that they can't build on their property. The City would have the authority to do it from a building codes standpoint.

City Attorney McDaniel said that it would apply for areas within the jurisdiction. It would not be discriminating within the City's jurisdiction. There would have to be a rational basis for establishing a differential.

Commissioner Robertson said he was just trying to figure out how far the City could actually do it.

City Attorney McDaniel explained that the City would say if a property is in an area that is projected to have 80 decibels, they would have to have double pane. If it's 90 decibels, they would have to have triple pane. There would have to be a rational basis for it.

Mayor Carroll said that whatever document is being used to justify that would be referred to such as the current AICUZ that lays out what the sound levels are at distances from the base. The AICUZ does not purport to tell anybody that they can't utilize their land for anything they want. It's a recommendation that says if you're going to put something here, these are some of the things you need to consider.

Commissioner Robertson asked if the AICUZ addresses the issue of towers.

Mayor Carroll said those are based on the Alamogordo Airport and not the base. The base would not be telling the City they couldn't allow a 200-foot tower someplace. It's not a good idea from the base's standpoint. If you build a 200-foot tower that's in their glide path or something, they may have to change their method of operation. If a community forces a military installation to keep changing the way they do business or the way they operate, it comes to the point where they're going to say it makes no sense to have a base there because they can't do their missions. That's where this whole encroachment and AICUZ came from—the military trying to be proactive in letting communities know if individuals take some of these actions; it's going to impact their ability to do their missions at that particular location.

Commissioner Robertson asked if it applied all over the inspection area or just in the City limits.

Mayor Carroll said it was just the City and it was again in an area that had been identified as approach zones to the local airport.

Commissioner Cooper pointed out that it's common sense not to build a hospital, school or apartment complex at the end of the runway.

Mayor Carroll said one would think so, but there are things that have affected runways in other areas.

County Vice Chairman Moore said that the military has told the County their desires with the AICUZ, and the County has embraced it in language and attached it. The County would like to work in unison to try to better shield those areas of high concern for them, and they are willing to do it with the tools that they have at hand.

Mr. Bill Hornback expressed concern that the base is encroaching on private property and not the other way around. The intimidation of the base leaving is an old argument.

Mayor Carroll pointed out that he had never said it, and the military had never said it.

Mr. Hornback asked if all clear zones were/are on base properties. He said APZ zone one and two only encroaches in two areas, east and south. The east side has very huge buildings. On the south side is grazing properties, and he would encourage the City and County to look at the encroachment and how dead that area is and how far it extends. Is it sufficient to use that situation to implement the extra-territorial zoning? Would the County buy into it? Would it be right to encourage or enforce patches of growth in the City? They go together, and if the desire is for the City to grow, they will have to provide infrastructure and include the people within that plan. If the City doesn't, it will lose, and it will be political suicide.

County Chairperson McGinn pointed out that those people are included in the comp plan that the AICUZ had been identified and if implemented at any rate, collaborated with the property owners.

Mr. Hornback said that the plan provided for both the City and County to have comprehensive plans. He asked if anyone had read the actual military regulation that requires this to happen.

City Manager McCourt explained that it requires them to provide it. It does not require anybody to adopt it or to pay any attention to it. They're required to provide it, but no one is required to implement it or take any of the advice that's given in there.

Mr. Hornback finished by pointing out that information here and off-site is an accident potential. They want to use the guidelines on the true APCs based on the hazard index system, which includes five areas that are all adjacent to the runways within the AICUZ, within APC 1 it covers a quarter of a mile coming out from the base. APC 2 covers another quarter mile to the extension of the first one. Then it says in "all other areas" within a nautical mile radius of the runway.

15. Subdivision ordinances consistency, transition zones, etc. (COUNTY ITEM)

Mayor Carroll said he was not sure that this had been covered. The issue he and the City Manager were talking about is an item that has been proposed where there are subdivision approvals outside the City. The City is looking at requiring that those subdivisions have the infrastructure that would be compatible with City infrastructure to either allow them to hook up to the City water/sewer system which would in essence be lifting the outside-the-city moratorium in those areas either to allow them to hook up to the system, if they so choose, or to provide a system that provides for a water system, with the idea being that the City anticipates that in some short period of time they are either going to want to come into the City or the City will want to bring them in as part of City growth. At that point in time, the City wants them to be somewhat compatible with the City standards at the time it was developed. That is the issue that is being looked at. It has been tabled two or three times. There has been some discussion with the building community, and there are some other folks that want to continue the dialog. The City doesn't want to rush into it, but they want to make sure that the City

has that ability. One of the issues that becomes paramount when bringing areas into the City is fire protection. The City has extended a great deal of effort and money to lower the ISO rating, and so the City wants to make sure that as areas come into the City they don't do anything to degrade that rating and there is adequate fire protection there. Nothing has been adopted, but the City is in the talking and planning stages to do that.

County Chairperson McGinn said that the County has been through the planning commission reviewing the current subdivision ordinance for suggested changes, changing statutes and that kind of thing. It is up for review tomorrow, and the County foresees starting a public hearing process on amending the subdivision ordinance.

Community Development Director McGuire stated that they have worked with contractors from the Otero County Homebuilder's Association. One of the things that is hanging this up is that two issues are being combined, the lifting of the moratorium and really the same thing as far as the rewriting of the zoning ordinances. He also said they had reactivated it on an accelerated basis and were trying to bring it back to the Commission at least some sort of agreement in looking at the zoning issues. Some of the things that are hanging it up for the building community are the issue of small subdivisions. If somebody has two or three acres and they happen to be in the area that is anticipated to expand, what kind of standards do they have to bring it to? There is concern about how a sewer line can be put in when they don't know where the sewer mains will be. How do they comply with that sort of thing? They can put pipes into the ground so that when the water comes into the City it would be adequate. They don't like the idea of putting in fire hydrants when there's no water supply. There is rural residential that would not require curbs, gutters and sidewalks. It would require a different standard for roads. Those are the kinds of things his office is working on, and it's mostly rewritten. It was rewritten, and the last draft was done in December 2004. The person who was working on it left the City, and the City has started to look at it again. They expect to have it before the City Commission in December.

County Vice Chairman Moore said that the reason he brings it up is because the City has just redone theirs and is looking at struggles as the City grows. The County is redoing theirs looking at history. If a builder is proposing a new subdivision, the main artery will have to be surfaced in a like manner as the connecting road. The County is big on culverts and doesn't think much beyond that.

Director McGuire said he would supply them with a copy of the working version.

Commissioner Cooper made the point that lots have to be at least 3/4's of an acre to accommodate a well and septic tank.

Director McGuire said that was correct under current State statutes. What is being put in is a minimum lot size, but because the State statute may change, it will be put in by reference. That is the kind of stuff that is being looked at. Builders are building in the upper County and inside so they are very interested in the documents dovetailing in some manner. The leadership and Board of Directors are working together with them on it. The builders have said that the water moratorium is mixing the issues. These things need to be dealt with in two different documents. That is what has been talked about so far.

County Vice Chairman Moore pointed out that part of the original concern was that when the City and County both get done overhauling these, there is still going to be a huge gap between the two because, for instance, the County does not deal with water systems at all. They deal with water levels. That will set up a situation in which the City will turn one down, but the County will pass it. It has happened three or four times already where it was just barely dodged.

Director McGuire pointed out that the building community wants to bring before both the City and County the whole concept that is being done in Dona Ana County in which the ETJ is actually a separate government entity. Neither the County or the City officials have to deal with zoning inside that; it is done through a whole separate entity.

County Chairperson McGinn excused herself from the meeting at 5:24 and passed the baton to the Vice Chairman.

Mayor Carroll thanked her for taking the afternoon to get with them. There are a lot of areas where they are working together, and there are a lot more that come up where the City and County need to work closer together. These meetings help flush some of those out.

Mayor Pro-Tem Griggs pointed out that one of the things that is true is that the City's subdivision ordinance is intact and has been revamped. The issue that has come up with the outside of the City water is being slowed up because of the zoning ordinance and the changes to it, which will allow for rural residential subdivisions allowing septic, larger lot sizes and different streets. Those things are similar to a County subdivision in some ways. The hope is that in some of this the situation that County Vice Chairman Moore brought up earlier can be avoided where a subdivision is developed in the County and then later annexed into the City and through some action a special assessment district is then set up to develop the property or develop the streets. This action in another way catches that on the front end instead of on the back end. As the property is developed, it adheres to certain standards that meet City requirements at that point in time. They don't then have to be addressed later.

County Vice Chairman Moore presented fire protection as the perfect example. The County's fire protection is the volunteer fire fighters and that's it. There is no water source. The City has faced these issues already with demands internally from subdivisions where people are saying, hey, you annexed us in. What good have you done? We're paying extra taxes. I want sidewalks. It will be a great opportunity for the City and County to work together. First, the two should be compared to find out where the dramatic differences are. Everybody in Dona Ana County that County Vice Chairman Moore has ever talked to that had to go through the ETJ say it is like pulling kids teeth and can take a year because there is a power play between who is in control of it. Otero County doesn't need to get that complex or complicated, but for everybody involved the County needs some way to get the policies to touch one another.

Commissioner Cooper asked if the smaller entities have to comply just as the larger.

Mayor Carroll said that is one of the issues that need to be worked out. The City is trying to accomplish two things. One, they want to make it attractive for those developments adjacent to the City to want to annex early and to allow them the access to existing utilities where now that is not the case. Along with that, the City's plan is not to tell them they have to annex. The City is telling them that if they're adjacent to the City, the City has some subdivision authority and will have certain requirements that may be above the minimum County or State requirements. The City does have the authority to do that.

County Vice Chairman Moore commented that the City does have the authority to have that extra threshold if, in fact, what is in question is annexation or not annexation. In other words, if they want to be in the City, they will comply with the infrastructure and the interface of it. Otherwise, they will be left out. He is seeing more challenges in non-conforming, non-compliant property owners. There are older subdivisions that are 5, 10, 15, or 20-acre tracks and then somebody with a big holding gets

120 acres and want is to go in and do a dense subdivision. That has been seen two or three times, and the neighbors just don't want it. For them five acres is the minimum standard.

16. Legislative Submissions. (CITY AND COUNTY ITEM)

Mayor Carroll stated that their three priorities as required by the Governor's office are the following:

1. The continuation of the improvement of South Florida Avenue going south.
2. The First Street connection to the relief route is the number two priority for funding.
3. The third funding priority is the first phase of North Scenic, the four-laning of North Scenic.

Mayor Carroll said when that road was initially put in; it was designed for four lanes. In fact, the base is in there now for the additional two lanes. The City's initial request for funding under that would be to take it and make it four lanes at least out to the hospital, and if future funding became available to continue it north to North Florida. Those are the City's three legislative submissions.

County Vice Chairman Moore said that their '07 priorities are the following:

1. The old jail renovations.
2. The La Luz water and wastewater improvement district. The County is trying to get them CDBG money but also some legislative grant money.
3. Timberon Airport.

County Vice Chairman Moore said the County is not in total agreement, however, that there should only be three. While on the Governor's form three will be turned in, several will be turned in on the other form.

Mayor Carroll stated that the City will certainly make additional requests through the legislative delegation as well for other projects.

County Vice Chairman Moore said that for the last couple of years City Manager McCourt has met with them so that if there were any joint projects they insured they were on the same page. County Vice Chairman Moore stated that it was a real pleasure having the meeting, and the meeting was fruitful as people walked away with a better understanding. He suggested that perhaps it should be done twice a year if schedules permit.

Mayor Carroll agreed and suggested formalizing the meeting and scheduling it on a quarterly basis.

County Vice Chairman Moore suggested targeting key dates that are prior to the budget and perhaps prior to the legislative session. He said they would get back to the City Commission with some proposed times and thanked the Commission.

The meeting adjourned at 5:34 p.m.

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie Rahn-Broyles

City Clerk Angie J. Rahn-Broyles
(SEAL)

**NOVEMBER 1, 2005
JOINT CITY/COUNTY COMMISSION
SPECIAL MEETING MINUTES**

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(Prepared by Ubiqus Reporting)

Approved at the City Commission Regular Meeting of November 22, 2005.