

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., VIRTUAL MEETING
August 25, 2020**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
JASON BALDWIN, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy Clerk Barraza. Deputy Clerk Barraza announced there was a quorum present. Invocation was given by City Clerk Hughs and the Pledge of Allegiance was led by Commissioner Baldwin.

APPROVAL OF AGENDA

Deputy Clerk Barraza said the agenda from the previous meeting needs to be amended. There was an error on Resolution #2020-31, the number should have been 2020-36, and it has already been changed.

Commissioner Baldwin moved to approve the agenda as amended.
Mayor Pro-Tem Sikes seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Presentation on COVID-19 in Otero County, an Epidemiology Update. (*Salina Torres, from Infectious Disease Epidemiology Bureau, David Morgan, from the Office of the Secretary, and Dawn Sanchez, NMDOH Southwest Region Director*)

Ms. Torres presented a Power Point presentation. She showed graphs showing the number of cases of COVID-19 and the infection rate for the Southwest Region of the State and Alamogordo by day of symptom onset. She also showed how the Southwest Region of the State compares to other regions within the State. The State is at .8 for infection rate and the Southwest Region is .7. (See Blue Book for Power Point).

Commissioner Baldwin asked Ms. Torres to expand on the disparity of recovered and not recovered. She said New Mexico monitors cases after they have been investigated and collected their contacts. They declare someone recovered after they've reached out to them again and made sure they have met the criteria for recovery, which means they have had at least 10 days since their illness started and at least 24 hours with no fever without the use of medication, or if they never developed symptoms, it is 10 days from the date their test was collected. She said there is a lag in the period of when they actually reach people. They have a team dedicated to reaching out to these people.

Commissioner Rardin asked if a person tests positive, can they be counted more than one time. He said he heard if someone tests positive, then goes back in later to retest and this person tests positive again it would be counted towards their numbers. Ms. Torres said it does not get counted twice, they only count the initial positive result. She said people get tested multiple times for different reasons. She also said as the pandemic goes on and as more evidence becomes available there is research coming about whether a person can become re-infected and at the Department of Health they have not yet determined how they will categorize those cases, but for now the initial positive is the only one that gets counted.

Commissioner Rardin asked how they determine on the tests, he assumed they have names and numbers on them, so they know who was tested. Ms. Torres said it is required by law that laboratories and facilities notify them of any positive results, and within that requirement they have to provide name, address, date of birth and phone numbers. She said there are some issues with first or last names being transposed, or a date of birth comes in slightly different, so they have mechanisms to make sure they are not duplicating counts.

Commissioner Rardin asked on their total count, how come people are not dropping off once they recover. Ms. Torres said the total County count will always increase, they do not subtract the recovered count off the total count, what you should see is the recovered number increase and possibly equal the total County count. She also said that sometimes they do see that a person had an address in one county but is actually a resident somewhere else. They may have counted them in that county, but they will correct it in the press release. They do adjust county counts, but they note it in the daily press releases.

Mr. Morgan said when you see the county level data, that is not updated daily, he thought it was updated twice a week.

Commissioner Rardin asked when we start cooling down, in the fall, how will they decipher between the flu and COVID-19, since the symptoms are relatively the same. He also asked if they would see an uptick in COVID-19 cases. Ms. Torres said the COVID pandemic originally started during the flu and cold season, and what they did then was have individuals screened for flu and if they tested negative for flu, then they would test for COVID. The approach they are taking this time is to have the flu and COVID testing happen at the same time to make sure they are identifying the correct pathogen or virus that is causing these symptoms.

Commissioner Rardin asked on an average, how many cases of the flu do they have in New Mexico. Ms. Torres said she does not have that number off the top of her head. She also said it varies because there are cases that go undiagnosed. She mentioned that New Mexico participates in a program that is sponsored by the CDC (Center for Disease Control) and they provide data on hospitalized cases.

Commissioner Payne explained in a nursing home a staff member and a resident both tested positive, but a couple of weeks later when she asked if there were any more outbreaks, she was told that both of those cases were false positives. She asked how they know if they have a real positive test, or if the test was done wrong. Ms. Torres answered the test has high sensitivity which means it can detect a good amount of infections but there is a chance that it could be a false positive. They receive all results, positive and negative, and sometimes they cannot determine a result, so they retest, sometimes they do get a false positive or a false negative. All these discrepant results, they follow up to make sure they have the appropriate result. If it is inconclusive or believe it to be a false positive, they ask the patient to isolate as if though they were positive until they can get a definitive answer on that result. For the most part, the provider would give them a clinical diagnosis and then they wait for the actual lab confirmation. Commissioner Payne said in the case she is talking about, the two patients were both A-symptomatic and their tests came out positive, how would the Department of Health know for them to follow up and re-test. If the patients thought they were positive, they would be isolated for 14 days, but something caused them to re-test otherwise they would not have known that it was false positive. Ms. Torres said in nursing homes, they do what they call surveillance, they test staff and residents to make sure that they are not missing any infections because they know there are individuals that are A-symptomatic that can test positive and they want to avoid spread. She said without knowing more about this case, her assumption is that these were picked up during surveillance, perhaps since they were A-symptomatic they were re-tested, and that test came back negative. She said the other scenario that could happen is the rapid test can sometimes have a false positive, and usually the rapid test is followed up by what they call a PCR (Polymerase Chain Reaction), and so maybe there was a discrepancy between the both, which will lead to a third test to verify. She said that is why the nursing homes do the surveillance to make sure they have a handle on who needs to be isolated.

Commissioner Payne asked out of the positive cases in New Mexico, do they track how many are A-symptomatic and how many actually have symptoms, or do they lump them altogether. Ms. Torres answered they track symptoms; every case they investigate they ask if they've had symptoms and about a specific set of symptoms that the CDC has determined to be related to COVID infections. Even if the patient says no, they still go through the questions, they do have information that is related to who has tested positive that never developed symptoms versus those who have. She said she does not have that information with her but can send it to the Commission if they like. Commissioner Payne thought the citizens of New Mexico have the right to know this information.

Commissioner Payne asked how accurate antibody testing is. Ms. Torres answered from an epidemiology standpoint, for antibody testing they do not have a grasp on what it means and whether a person is infectious or not. It is good to tell you if you have been exposed, and depending on the antibody type they can tell you how recently you have been exposed, but as far as whether or not that protects you from future infections, they do not have a great sense of that yet. They also do not have a great sense on whether you are infectious or not. With antibody results, when they receive a positive result, they are asking the patient to do a confirmatory PCR, so they know whether or not they need to get them into isolation. The PCR will tell them whether or not they are shedding a live virus that could infect other people. There is still a lot to be learned from antibody testing. Commissioner Payne said because a lot of people could be A-Symptomatic, we don't know how many people could have already had it and never knew it. Ms. Torres said someone could be walking around A-Symptomatic and spreading a live virus.

She asked if the Southwest Region includes the Otero County Correctional Facility and if they are counted separately. Ms. Torres answered they are excluded from the County counts unless it is a staff member that lives in Otero County. They are counted in the County of residence.

Commissioner Payne asked if the counts, in general, include ones that have recovered. She also asked if Ms. Torres knows why they don't report those who have recovered. Ms. Torres referred to Commissioner Rardin's question and said that is a running number and the recovered number will start to increase more when more are declared recovered. They do not subtract them from the total case count. The idea is that the recovered number will equal the total number of cases at the end.

Mr. Morgan said there are two different ways to determine when someone has recovered. He said there are symptom based or time based. For time based, if you tested positive for COVID and you did your isolation and are not experiencing any symptoms or side effects, once you reach what the CDC was calling 14 days, then you are counted as recovered. He said there is also symptom based, and this is the one that is problematic because you could have COVID out of your system, but it has unpredictable results for some people. If you have underlying conditions, some sort of lingering symptoms, and not just COVID symptoms, after recovering from the virus these lingering symptoms could impact whether you get the recovery stamp of approval or not.

Commissioner Payne asked how they feel about herd immunity. Ms. Torres said for COVID, they do not understand completely how much immunity people develop to COVID. They have a sense that perhaps after they are protected immunologically for at least 3 months and then being susceptible to becoming re-infected. She said this is new information that is coming from CDC. She said one thing to note is this virus is not like anything they have seen. It makes it hard to understand what is going on, make recommendations and guidance because information is coming in day-to-day. They do not know how long someone is immune, so they cannot estimate what the herd immunity would be or what that would look like. They just don't know at this point.

Mr. Morgan said they do not know on a global level; they are learning this on the fly. It makes this stressful because there are so many unknowns. The research that is out there tends to demonstrate no more than 3 months of immunity after they are COVID positive. They are learning about a virus that has been around for 10 months. It seems like it has been around for a lot longer, but it has only been around for 5 months in the United States.

Commissioner Payne said how this is different from other things they experienced in the past. Ms. Torres said a huge difference is people can spread this virus without having any symptoms. She said last flu season they had 197 flu deaths in New Mexico. For COVID, the last count was 750 deaths today in New Mexico from March to August.

Commissioner Payne said flu has a vaccine and she thinks in the future there will vaccine similar to the flu. She said it seems like this does not affect people as much that don't have underlying conditions, so wouldn't that be equated to the flu vaccine. She said not everyone needs to have the flu shot every year, so she thought this would be the same thing in the future. Ms. Torres said there is a lot that they do not know about this and there are a lot of people that may have underlying conditions that don't know. She said it is a different beast altogether, they really can't compare it to flu. The more people that get vaccinated, the better our community is protected so she thinks that is the bottom line as far as vaccination. She said not everyone can get vaccination because of certain health issues, so they rely on the immunity around them for that protection.

Commissioner Rardin said on their counts in the State, they were talking about antibodies and another test. He asked if they can breakdown how many are antibodies and how many are no swab. Ms. Torres said they do not count antibody positives as a case in New Mexico. If they are confirmed by the test that requires a swab, then they are counted as a case. He asked if all the positive cases come from the nose swab. Ms. Torres answered yes, but it can also be a swab of the back of the throat.

Mayor Pro-Tem Sikes said they are fortunate to have fewer cases in Otero County than some of the neighboring Counties. She asked if they could speak to the point of how important it is to not let their guard down and do everything, they can to prevent infections.

Mr. Morgan said there is a tremendous challenge of trying to be able to balance public health with the local economy. Every State has struggled with that. The bottom line from a public health standpoint if all of us collectively moved in the same direction, if all of us did wear our masks, if all of us did maintain our distance from strangers, if all of us did limit our travels the better the chance to limit the spread and to be able to limit the possibility of unnecessary severe illness or even death is extremely important. As long as we are able to wear those masks, maintain those good hygiene habits the better we are going to be to be able to get closer to normal to what our lives looked like in February. We are not going to get there until we get a reliable vaccine that is effective in more than 90 percent of the cases. They know vaccines are in development from different companies, and it only takes 50 percent effective for it to be distributed to the public. Right now, the majority of positive cases are young people and a majority of them are not experiencing severe illnesses. There are still those with unpredictable outcomes that are still problematic. Had they wore masks on a more consistent basis, maybe those circumstances wouldn't have happened but there is not a very good way to tell.

Commissioner Payne stated there has to be a better way to balance this with opening the economy. To her it is a little bit of an oxymoron to say wear your mask, practice good hygiene and by the way let's shut everything down. What they are saying is you do all these things; then why do we have to shut down and why is Wal-Mart and Home Depot still opened. She understands Mr. Morgan is an epidemiologist, but he kind of opened the door when he said we need to do all these things. She asked if we have to do all those things then why are we closing down shops on New York Avenue, but everyone and their brother is going to Walmart. She asked Mr. Morgan to explain to her how it is logical to shop at Walmart or a big box retailer, but it is not okay to shop at a little store. She said 25 or 50 percent capacity at Walmart is still 5 times the capacity of one of our restaurants in town. Mr. Morgan said some of that he cannot provide a good answer for because he represents the Department of Health. From the public health standpoint, their job is to keep people well and to be able to preserve life. He said there are 50 States and probably 50 different variations of the plans that we have experienced here in New Mexico. He said he cannot speak for the Governor's Office; he can only speak from a public health standpoint. He believes the logic was to assure that essential services were

considered the priorities. He said he can understand the frustration and anger, but he really does not have a good answer for that.

Commissioner Payne asked from a scientific standpoint how is wearing your mask at Walmart make you more or less safe than it does going to one of our local restaurants. Ms. Torres said they don't have a magic bullet; they know they have different things that will work in combination. They can't speak to the decisions the Governor makes. She said what they know based on science is when you have people in an enclosed space it increases the risk of transmitting the virus. When you have people in an enclosed space without wearing a mask, that increases your risk. When you have people in an enclosed space that are eating or could have saliva coming out, that increases the risk. She cannot speak to a Walmart being open versus a small grocery shop, but what she can say is the evidence that they have is that those combinations lead to increased risk. How the Governor deciphered that information and determined what stores should be open versus another, Ms. Torres cannot speak to that. She said the science as to how long the virus lives on surfaces varies and depends on many things. She does not know if there is any political reason as to why certain things are open or not. She said from an epidemiology standpoint when they talk about cases, a trend they see more often than ever is that a lot of the cases have traveled.

Mr. Morgan added from the practical standpoint, their experience, when they talk about doing all of things, the better off or safer they are going to be. Even when he says that there is still a good share of people in New Mexico that are not consistently doing those things. When you have neighboring states that have different criteria like Texas, which tried to open everything by then had a surge of not only infections but hospitalizations and ventilator usage. All of those things have really helped sustain case numbers and slow their ability down to be able to get into phase 2 of being able to reopen.

Commissioner Rardin said they started seeing cases in March and the Governor mandated masks in June or July, since then there has been an increase in cases. He asked if there is a scientific reason why there has been more cases with masks than without. Ms. Torres said the course of the cases of how they look in New Mexico is influenced by masking but not entirely influenced by masking. After the holiday weekend in July, they saw a huge spike in cases related to people gathering and having parties. She said that is the type of information they collect when they do investigations, where a person has been, who they've been around and who may have been exposed. The extent to which the masking influenced the case loads is hard to tell. The other thing is that they know the virus incubates for at least two weeks in some individuals before they have symptoms, so it is hard to pinpoint certain activities and what that does to the case counts and that is why they use the date of the illness onset versus the date the specimen was collected to get a better sense of where they are trending. She thinks there are a lot of factors involved and she doesn't think that masking explains a lot of it.

Mr. Morgan said what went on simultaneously with masking was the increase of their testing capacity, as well as prioritizing testing of A-symptomatic individuals. He said because they were prioritizing that they were able to find more A-symptomatic individuals testing positive. He said with the mask or without the mask, if you are carrying the virus when you are A-symptomatic you are still going to test positive regardless. One of the things they have done well is testing. They are still in the top 5 in the nation per capita in testing. That results in testing more people and finding more people that are positive, that coincided independently with wearing masks. He said what Scientists found initially was that we did not need to be wearing face masks because the face masks prevent you from getting other people sick, but it doesn't prevent you from getting sick. He said that ended up changing as the science started catching up to what was actually happening and realizing the potential for how many A-symptomatic people could actually be mask less and transmitting the virus, then the decision came down from the CDC. He said masks are really a best practice and when they said that, not everybody wore the mask and eventually it turned into mandating the wearing of the mask, but that is still not to say that everybody does it.

2. Presentation on annual update on Street Maintenance program. (Larry Garner, Public Works Director)

Public Works Director Garner said Street Maintenance Program (SMP) FY 2018 was bumped back to FY 2020 and they have just completed that project. He talked about the FY 2021 project and said that the difference about this is they will be contracting out the design of the infrastructure and city staff will be the ones installing the infrastructure. The second portion of that will be the engineering of the pavement and the concrete, this will be contracted out because they lack staffing and equipment at this time. With City staff installing the infrastructure, they are hoping with the savings to change that later down the road. He talked about the rest of FY 2021 plan. He said for the SMP FY 2022, they are going to try and get as much as they can done on this, but when they get to Hubbard Drive there is a bridge on this street that is failing. They did receive a grant for that, in which they were going to use on the design. He said shortly after receiving this grant, the pandemic started, and the State pulled that back, so once again they are left with no funding for that bridge. Staff is still looking for funding, however, if they are unable to secure funding for that bridge it will more than likely dip into that portion of that SMP, which may end up having them to push out some streets to different years. He said they are hoping that doing the infrastructure themselves it maybe able to accommodate all of the streets as they are on the plan. He said the rest of years going forward, they do not anticipate any problems. If there are any problems that come up, then they will deal with them at that time, but they do not foresee any problems, and this will take them up to FY2025. He said next year they will be bringing new streets to put onto the SMP, which they have not been able to do because of funding. He noted that a while back they talked about chip sealing some of the streets with the County. They tried working with the County but concluded it wasn't going to work due to ongoing projects. He said with the funding they had available they went ahead and began the chip sealing project. They have targeted 8 streets and those should start next week. Public Service Announcements should be going out to alert people to avoid these areas.

Commissioner Rardin asked him when they decided to use City staff to do the install. He also asked if it wouldn't be more beneficial if they contracted that out to a company, so that they would end up with a warranty and gross receipts tax being paid back to the City. City Manager Cesar answered it was approved by Commission, two cycles ago. The staffing was increased by 6 individuals, the amount of money that was set aside for the infrastructure improvements, that amount of money that they would normally contract out that budget was the same. The equipment came out of that money and the work will still be done within what would have normally been budgeted and that is going to be a one-time expense. It will be an additional expense sometime in the future because they will need to replace that equipment. It was presented to the Commission during a budget cycle and approved. They did have budget issues a couple of years ago; projects and other expenses were approved and there was a problem in the projections, so they put the purchasing of the equipment and hiring of staff on hold. At the end of last fiscal year is when they initiated the purchase of the equipment, the materials, and the staffing levels. It was something that was approved by Commission through the budgetary process, they just delayed it due to budgetary concerns a couple of years back. This is going to extend the amount of work they can actually do in the City with utilizing the new City staff that will be concentrating just on these pipeline (SMP) projects. He said this helps stretch their dollars further, and this is not going to take away the contracted work. They will not be sending City staff in to install utilities on the Scenic extension, for example. There are going to be other projects that will still be contracted out. Commissioner Rardin asked if the 6 positions going to be enough to keep up with the road crews that are contracted out, who have 20 or 30 guys. City Manager Cesar said normally on the SMP projects they'll have their pipeline crew dropping main line, they may bring in a couple of other people to drop in the meter cans or what not, this isn't something new to the City. In the early 2000's they had projects like this go on all the time, this is just a little larger scope. They now have larger equipment that will make this a lot more efficient.

Mayor Pro-Tem Sikes asked if Ocotillo was going to be chip sealed. City Manager Cesar said it is Ocotillo Lane.

Mayor Pro-Tem Sikes asked Public Works Director Garner about the faded sign replacements. He answered they were addressing the signs fairly quickly, but when COVID hit they had to go to skeleton

crews. They have since been getting more employees back online and they have assigned a sign crew to go out and do nothing but signs as they get them in. If there is a sign that needs to be addressed right away, people can email them and if that sign is not ordered they will get it ordered and get it taken care of. He said they are working from the interior of the city and making their way out. That project should be moving forward a little quicker now.

Commissioner Rardin said he was not finished with his comment from earlier. He asked City Manager Cesar if they will have a problem keeping up with normal routine maintenance while staff is being tied up with what he considers to be heavier construction. City Manager Cesar said that what was presented to the City Manager at that time and then eventually to Commission through the budgetary process. The six new employees are dedicated strictly to dropping in the infrastructure, so they will continue to have the same number of employees to go out to a service line break. He said one of the side benefits when they have multiple breaks that hit at the same time they will be able to pull these individuals off and have them supplement other departments to take care of anything that is out of the normal routine maintenance.

Commissioner Rardin asked if the Commission can get an update after this round of Street Maintenance on how they are keeping up with the schedule. City Manager Cesar answered sure.

Commissioner Rardin said they should get the crew's business card that just repaved Highway 70 from the overpass to just past Walker. Those gentlemen efficiently repaved 6 lanes in a matter of 4 days. It was really impressive and a really nice job out there. City Manager Cesar said Public Works Director Garner can reach out to the Department of Transportation to see what contractor that was.

Commissioner Payne asked Mayor Pro-Tem Sikes if she saw the PSA on the signs, she answered yes.

PUBLIC COMMENT

Deputy Clerk Barraza read the following comment from the members of Otero County Community Health Council: Dear City Commissioners and City of Alamogordo Staff: As members of the Otero County Community Health Council, we want to thank you for your service and for your commitment to our community. We very much appreciate you including our public health professionals from the New Mexico Department of Health in this Commission meeting. Their input and expertise are vital as we all strive to use the best available data and science to keep our community and our state safe and healthy in these challenging times. With gratitude, Otero County Community Health Council.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:
None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem Sikes made the following comments:

She said the Monte Vista Cemetery looks good. She thanked the Cemetery staff and Special Events Manager Sides for their work on the cemetery. Special Events Manager Sides put together a volunteer effort to clean up the cemetery through Keep Alamogordo Beautiful. There were over 69 volunteers, who removed over 3,225 pounds of wet weeds.

Commissioner McDonald made the following comments:

She said one of the things they have been noticing throughout the City, especially in District 5, there have a lot of people have been talking about Code Enforcement. She said right now it is based on

complaints, so if you complain Code Enforcement will go out and check that out. She asked the Commission to look at, so they can untie the hands of Code Enforcement, so they can do the job prior to the complaints, so they have a broader look at the entire City.

CONSENT AGENDA

3. Approve the minutes for the August 11, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, Resolution 2020-35 requesting written approval from the Local Government Division of the Department of Finance and Administration, state of NM for the revised budget numbers computes as of August 25, 2020. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

5. Consider, and act upon, designating a 2020 NMML Annual Conference voting delegate and an alternate. *(Rachel Hughs, City Clerk)*

Commissioner Rardin moved to approve item 3,4,5 of the consent calendar.

Commissioner Payne seconded the motion.

Roll Call vote was taken.

Motion carried with a vote of 7-0-0.

NEW BUSINESS

6. Consider and act upon, case V-2020-0001 (A), property owners are requesting a Variance allowing a 3'1/2 wall to encroach into the site triangle at the intersection of 18th Street and Buena Vista Ct. *(Stella Rael, City Planner)*

City Planner Rael made a correction and said it is a 3-foot 1 and 1/2 inch wall, she gave the presentation and showed a map. She presented this case to the Planning and Zoning Board, who had no recommendation.

(see Blue Book for PowerPoint)

Commissioner Rardin abstained from voting.

Commissioner Payne asked City Planner Rael to explain what they are requesting. She said this wall is encroaching within the site triangle, and per ordinance the wall cannot be any taller than 3 feet. She showed a map of the clear site triangle. She said the reason for a clear site triangle is for when you are approaching the intersection you should be able to see traffic coming from all directions. She said this came in front of the Planning and Zoning Board and then the Commission, and it came from a complaint from a neighbor that lives at the end of Buena Vista Court. That complaint led to the owners either applying for a variance or bring the wall down and into compliance.

Mayor Pro-Tem Sikes said she drove by the wall and asked why anyone would complain, have there been any accidents. City Planner Rael said she has not had any reports of any accidents or any other complaints.

Commissioner Rardin said the ordinance says it can be up to 3 feet and it is 3 feet 6 inches, so it is very minimal. The reason they constructed it was due to our drainage issues the City has when it rains. He said if you drive down 18th Street you will see houses that have something similar to this.

Mayor Boss moved to approve.

Commissioner Payne seconded the motion.

Motion carried with a vote of 6-0-1. Commissioner Rardin abstained from vote.

7. Discuss what further action, if any, the City Commission would like to take regarding the COVID-19 pandemic with our elected officials. (Jason Baldwin, Commissioner)

Commissioner Baldwin said he basically wants to put something together to send to our Representatives to say please take a look at how this pandemic was handled by our elective Government. He also wants to see if there is anything they can do to open up lines of dialog between communities and the administration, and possibly add metrics to it, where areas that are not affected as other areas can react differently. He said maybe there is more ability put more on local governments to make some decisions or be apart of the process. He doesn't disagree the Government having the ability to do most of what they did, the issue that he keeps hearing from people is the extension of it and the fact there is no open communication with our Legislators. It is basically a one person show.

Commissioner Rardin said he agrees with Commissioner Baldwin's comments, he is more towards making a Resolution or getting with the elected officials at the State level to draft a bill to the law that gave the Governor the authority to do what she has done for the last four to five months. He said Otero County has not been hit as hard as other Counties, maybe have them draft the language to give that County a little more authority to open up their County.

Mayor Boss said early on they sent a letter to Governor Grisham asking for a special set aside, because Otero County had such a low rate of COVID cases, and they received no response. He thinks it is going to be very difficult to change their minds on that. He agreed with Commissioner Payne when she said it is ridiculous when we have these big box stores, and everyone is going to them and having to put on masks. He asked what the difference between that is and going into a restaurant, how is he in so much more danger of contracting COVID.

Commissioner Rardin agreed with the Mayor's comments

Mayor Pro-Tem Sikes said doesn't think they fully understand what Dr. Torres and Mr. Morgan was saying this evening. Mayor Pro-Tem Sikes said the virus doesn't understand barriers. She also said that one of the best practices is to wear a mask. She does believe that Commissioner Baldwin has some very valid points and maybe some the health mandates were a little extreme and maybe there needs to be some more input to some of the health mandates, however, she thinks they are being a little premature. She thinks they need to wait until school gets started again, they need to wait and see how the numbers play out in regard to equaling out to recovery and cases. She also thinks that by the time the session meets in January, it might be a little early. She thinks anything they go forward with is based on science and fact and they should be trusting people like Dr. Torres, Mr. Morgan and people who work with the disease on a daily basis.

Commissioner Payne told Mayor Pro-Tem Sikes that she tried to ask the question tonight, based on science what the difference is, and they could not give her an answer. Mayor Pro-Tem Sikes said they do not know yet. Commissioner Payne said that is her whole point. Commissioner Sikes thought it was disingenuous to make everyone sit around because they don't know yet. She said it is hard to talk about COVID and not be sensitive, but she is equally sensitive to the small businesses. She thinks the fallout from this is going to be worse than the virus. She said the mental health facility particularly in the adolescent unit is maxed. She said CYFD (Children Youth and Families Department) is being called 5 or 6 times a week because they have kids with behavior problems that are now not in school and their parents can't handle them so they are being admitted to Mesilla Valley Mental Health facility. They have child internet sex crimes doubling. How long are they supposed to wait to find out what the science says while our community is still bankrupt, while our children have mental health breakdowns. She said they need to do something about this and if it means writing a letter, she is all for it. She said if they are going to be concerned about people dying from COVID, they need to be equally concerned with these people that are talking their own lives.

City Attorney Bengoechea warned the Commission that they have to follow the item on the agenda.

Mayor Boss said they have to understand how a business operates. He said a business operates for a profit and they try to set money aside so eventually they can sell the business or retire. Some people almost invest their whole life in their business. When they watch in a short few months the possibility of them going bankrupt, that is ridiculous. It is getting worse and worse in Alamogordo and across the Country.

Commissioner Baldwin stated in defense of what they are talking about, if they are talking about asking the Legislators to take a critical look at the decisions made by the Governor then everything, they have been taking about is viable under this discussion. He said when they wrote that first letter, he really didn't expect a response right away, but he did expect some kind of information and not just blanket information across New Mexico. He said in that conversation he warned that they need to be prepared for some discussion between them and the leadership. If the Governor was to have said that Otero County was able to make their own decision, they still do not have a plan in place. He said they need to have a plan in place in case this ever happens again. He said as he may not agree with a lot of the choices made, them as elected officials did not have to make one of those choices. He said think about what if that burden were put on their shoulders, it would have been difficult. He said back to the question at hand, Commissioner Rardin made a good point to have them draft an actual bill. He thought that he eluded to the fact that they may actually be working on one already, so a letter of support and how to proceed forward with the decisions made, he thinks would be simple enough, if they all agree.

Commissioner Payne asked if there was going to be an extraordinary session. Commissioner Baldwin said Representative Griggs had mentioned something about that. Commissioner Baldwin said there is still a lot to be learned about this and there is still some time before the next Legislative Session. He said there is time for critical minds to get together to take in all the information in over the next couple of months and come up with the best plan to changing or not changing the decisions.

Commissioner Payne said this is more like the things they would like to see changed. Commissioner Baldwin said he thought about that and he really wanted them to avoid them putting together a list of all the things they disagree about. He said he wanted to ask them to do the job that they are already doing in reference to taking a critical look at it and let the people that are already deal with the laws and writing those health orders come up with those things that were the real issues. He said as much as they think they are informed; they still do not have all the information that the State has. He does not think they are informed enough to ask someone to change the law to what they think it should be.

Commissioner Rardin said they are not the only ones that are asking to change the law, it sounds like there is a large group of the State that is asking. He agrees that they should do a letter of support or a Resolution. He said this law that gives the Governor the authority is something that the Legislators passed in the 70s and has been on the books for a number of years and no one has ever used it.

Mayor Pro-Tem Sikes said the State said travel contributes to the spread of the virus. She said they can go ahead and prematurely think that the Governor didn't do her job, but our numbers are down because our Governor took strict rules and health mandates to keep the numbers down. She said our numbers look good compared to other counties, but she thinks right now it is a little premature.

Commissioner Baldwin made a motion. Commissioner Rardin seconded the motion.

Mayor Boss and Commissioner Payne had technical difficulties.

Deputy Clerk Barraza asked City Attorney Bengoechea if this item was an actionable item or just for discussion. She said this is just a discussion item right now. Whoever wants to draft something can bring it forward for the next meeting.

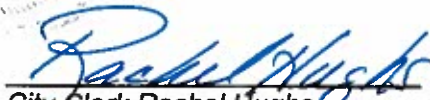
Commissioner Baldwin said he would work with staff on it.

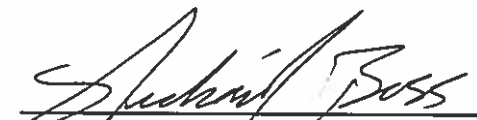
Commissioner Payne asked if anyone from the City has heard from any of the Legislators. She thought they may want to have any of the Legislators come talk to them at one of the Commission meetings. Mayor Boss and Mayor Pro-Tem Sikes thought it was an excellent idea.

Commissioner Rardin moved to adjourn at 8:49 p.m.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0

ADJOURNMENT




City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on September 8, 2020.