

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 8:30 a.m., January 2, 2001; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Richard Zierlein

**DRAFT**  
Chairman

Timothy McGinn

Vice-Chairman

Michael Nivison

Member

Ruth Hooser

County Administrator

LaDonna Adams

Executive Secretary

Dan Bryant

County Attorney

Frank Portillo

Road Superintendent

Kim Chavez

Deputy Clerk

Retired Judge Robert Doughty gave the invocation and Twelfth Judicial District Judge James W. Counts led those assembled in the Pledge of Allegiance.

**I. Swearing In of Newly Elected Officials:**

**II. Adopt Open Meeting Act:**

Resolution #01-02-01/89-21

Commissioner McGinn made a motion to adopt Resolution #01-02-01/89-21

containing Roberts Rules of Order. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

**III. Reorganization of the Board of County Commissioners:**

Commissioner Nivison nominated Commissioner Zierlein as Chairman and Commissioner McGinn as Vice-Chairman. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2 - 0 with Commissioner Zierlein abstaining from voting.

**IV. Consent Agenda:**

A. Minutes

12/11/00

B. Bills List

#24

#25

#26

#27

C. Consider to Approve Term Renewal for the Planning Commission:

1. Robert Bell - Term ends 12/31/00

Commissioner McGinn made a motion to approve items A, B, and C under the Consent agenda.

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

See pages\_\_\_\_\_.

D. Personnel Items:

1. Longevity:

Charles Gonzales - Sheriff/Comm.Svcs. Officer

Commissioner Nivison made a motion to approve the longevity increase. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

**V. Inter-Departmental Items:**

1. DWI Program:

A. Requesting Replacement of the DWI Supervision Officer.

B. Consider Approval of Agreement between Otero County and

Children, Youth & Families Department re: Underage Drinking for DWI Program.

Commissioner McGinn made a motion to approve items A & B under DWI Program. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

2. Detention:

A. Request to replace one (1) full-time and four (4) part-time

Detention Officers. Commissioner Nivison made a motion to approve the request. Commissioner

McGinn seconded the motion. A vote was taken and the motion passed unanimously. See

pages\_\_\_\_\_.

**VI. Commission Discussion/Correspondence:**

A. Richard L. Zierlein:

1. Select a New Board Representative for the Southeastern NM

Economic Development District/Council of Governments (SNMEDD/COG). Commissioner Nivison

made a motion to nominate Commissioner Zierlein. Commissioner McGinn seconded the motion.

A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

## VII. Administrator's Reports:

### A. Consider Approval for the 2001 Commission Meeting Schedule.

Commissioner Zierlein suggested that the meetings be changed to Tuesday instead of Monday's because Monday's are usually the busiest day of the week for the staff. Commissioner Zierlein also stated that he would like the meetings to start at 9:00 a.m. Commissioner McGinn stated that he feels Tuesdays may be a more difficult day for meetings. Commissioner McGinn stated that it is good that the Commission wants to make things easier for the staff, but we also need to consider whom we are here to serve. If we are here to serve the public then we should make things more convenient for them. The public works during the day just like the staff. If the Commission changes the meetings to start after 5:00 p.m. it would probably be better for the public. Commissioner Zierlein disagreed with this. Commissioner Zierlein stated that Otero County has a lot of County residents who live outside of Alamogordo and it may take one to two hours to travel to and from the meetings. It would also cost the County more to pay the employees over-time. The County does not have the money in the budget. Commissioner Zierlein stated he feels that this would interfere with other organizations that already have their meetings at night. Commissioner McGinn stated that in the end it would be coming down to service to the public. Commissioner Nivison stated that the biggest draw back for night meetings is if there are a lot of issues on the agenda it seems that the issues become a little more volatile after a hard days work. At times the meetings in Cloudcroft run on until 11:30 or 12:00 p.m. and after about 9:00 p.m. it starts going downhill. Commissioner Nivison made a motion to approve the commission meetings to be changed to Tuesdays starting at 9:00 a.m. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed 2 - 1 with Commissioner McGinn voting against. See pages\_\_\_\_\_.

B. Consider Approval for the 2001 Holiday Schedule for Otero County.

Commissioner Nivison stated that there were four different requests. Commissioner Nivison made a motion to accept the Schedule Observing President's Day and Columbus Day for Christmas and Thanksgiving. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2 – 1 with Commissioner Zierlein voting against. See pages\_\_\_\_\_.

**VIII. Mr. Isaiah Scott** - Requesting approval of the 2001 Martin Luther King Jr. Proclamation. The National Theme will be: "Start The Millennium With, A Day On, Not a Day Off!" Commissioner Nivison made a motion to approve the 2001 Martin Luther King Jr. Proclamation. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

**IX Executive Session** - Commissioner McGinn made a motion to go into Executive Session to discuss pending litigation. Commissioner Nivison seconded the motion. Roll call was taken as follows:

Commissioner Zierlein	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

Commissioner McGinn made a motion to return to Regular Session and stated all that was discussed was pending litigation. Roll call was taken as follows:

Commissioner Zierlein	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

**X. Administrator's Reports continued:**

C. Letter of Disclosure of Conflict for Otero County Commissioners: Mr. Bryant informed the Commission that under the State Conflict of Interest Statute within the next month each Commissioner should file with the county clerk a letter that discloses if they have any interest in any business that does business with the County. This includes the Commissioner as well as relatives within the third degree. Mr. Bryant stated that as far as he knows none of the elected commissioners are in that position. No action was taken.

There being no further business before the Commission, the Chairman adjourned the meeting at 10:00 a.m.

**APPROVED:**

---

**Chairman**

**ATTEST:**

---

**Mary D. Quintana  
Otero County Clerk**