

Regular Meeting

January 4, 1999

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 9:45 a.m., January 4, 1999; 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:

Tim McGinn	Chairman
Richard Zierlein	Vice-Chairman
Ronny Rardin	Member
Ruth Hooser	County Administrator
Virginia Fletcher	Assistant County Administrator
Shawn Baker	Acting County Attorney
Frank Portillo	Road Superintendent
Kim Chavez	Deputy Clerk

Commissioner Rardin gave the invocation, Commission Zierlein led those assembled in the pledge of Allegiance and Commissioner McGinn led the salute to the flag of New Mexico.

1. The board discussed the reorganization of the Otero County Board of Commission. Commissioner Rardin asked for his name to be put in the hat for Chairman of the Commission. Commissioner Rardin explained that typically the Commission rotates the Chairman's seat around. If Commissioner Rardin is elected, it will be his second time. Commissioner Zierlein has already

served twice and Commissioner McGinn just finished his first term as Chairman. Commissioner Rardin made a motion to allow himself to become the Chairman of the Otero County Board of Commission. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed 2 - 1 with Commissioner Zierlein voting against. Commissioner McGinn made a motion to allow Commissioner Zierlein be the Vice-Chairman. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed 2 - 0 with Commissioner Zierlein abstaining from voting.

2. The Board discussed adopting Resolution No. 1-4-99/87-22 open meetings act for 1999. Commissioner Rardin stated he has some problems with the way the open meetings act is written. First of all, Commissioner Rardin would like to move the opening of the meetings to 8:30 a.m. so that the Board can reorganize the way the meetings are run. This way all of the executive business and County Elected officials business can be done first so that there will not have to be so many breaks during the meetings. Commissioner Rardin directed staff to change the time to start the meetings from 9:00 am to 8:30 am. Commissioner Rardin discussed paragraph 7, the Resolution regarding Roberts Rules of Order. Commissioner Rardin stated in his opinion the Commission is bound by state statute and he sees no way the Commission could follow Roberts Rules of Order because they conflict. Shawn Baker, Acting County Attorney, informed the Board that state statute governs unless the Commission adopts a different procedure. By adopting a procedure the counties rules will be more strict then that of the states, therefore they will govern. Commissioner Rardin stated as far as he knows, no one on the Commission has had any training on Roberts Rules of Order and therefore he has a hard time adopting them when for six years the Commission has been following the outline of the statute. One main concern Commissioner Rardin discussed, is with Roberts Rules

of Order the only time the Chairman can vote is to break a tie. This is not state statute. Mr. Baker informed Commissioner Rardin that it can be amended to coincide with the status of the Board. Commissioner Zierlein stated he does not foresee that as a problem because if there is a tie between the two Commissioners then the Chairman will break the tie. Commissioner Rardin stated what that basically means is that every vote that comes up this year his name will not be on the vote. Mr. Baker stated that the Board can amend Roberts Rules of Order to allow the Chairman to vote. Mr. Baker also informed the Board that there does need to be a procedure adopted so that the meeting can be run. Commissioner Rardin asked the Commission to remove item #7 regarding Roberts Rules of Order from the adoption of the open meetings act. Mr. Baker stated he does not think the Commission needs to adopt a Resolution without adopting a procedure. Commissioner Rardin stated he will not adopt a procedure that he does not understand. Commissioner Zierlein suggested that in paragraph 7 the procedure will go by state statute and have staff research Roberts Rules of Order and work out the differences. Commissioner Zierlein made a motion to adopt the Open Meetings Act and in paragraph one change the time to begin the meetings to 8:30 am and in paragraph 7 the wording be changed to read that the Otero County Commission will follow state statute in the operation of the meetings and also have staff work with the Chairman to review Roberts Rules of Order to see if it can be worked out to work within the structure of the meetings. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages_____.

3. The Board considered to approve EMS Fund Act Applications-Signatures Required. Commissioner Zierlein made a motion to approve the EMS fund Act Applications and allow the Chairman to sign the Act. The motion was seconded by Commissioner McGinn. A vote was taken

and the motion passed unanimously. See pages_____.

4. Commissioner McGinn made a motion to approve the minutes of 12-14-98. The motion was seconded by Commissioner Zierlein. Commissioner Zierlein stated that he has asked the Clerk to makes several changes to the minutes and he would like to review them before they are signed by the Chairman. Commissioner McGinn amended his motion to approve the minutes of 12-14-98 after Commissioner Zierlein has reviewed the corrections. A vote was taken and the motion passed unanimously.

5. Commissioner Zierlein made a motion to approve item E, bills list 22,23,24, item F, to consider to approve term renewals for the following Planning Commission Members, Robert Bell, R.L. Posey, and Janice Brooks, item A, to approve monthly report of claims reviewed and completed and the following personnel items:

Fred Marlin	New Hire	Road Department
Jackie Monroe Longevity		Sheriff Department
Tom Skipworth	Longevity	Sheriff Department
Lynn Estrada	Longevity	Clerk’s Office
Christina Nuno	Longevity	Clerk’s Office
Lonnie Schultz	Promotion	Road Department
Bill Parker	Promotion	Road Department

. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages_____.

6. Commissioner Zierlein made a motion to approve the hiring of Ms. Suzanne Stafford Montgomery as a 911 Emergency Computer Assistance for the GIS Department. The motion was

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

7. Elyse Beckman, Otero County Treasurer approached the Board to discuss the 1999 Holiday Schedule. Mrs. Beckman presented the Board with a holiday schedule approved by the Elected Officials. Commissioner Zierlein stated holidays should be observed as on the Calender. Commissioner Zierlein informed those present that the only holiday he would even consider trading is Presidents day because they don't really honor the Presidents themselves they just picked a day for all President's. Commissioner Zierlein made a motion to move Presidents day to the day after Thanksgiving and leave all other holidays as recognized by the State of New Mexico with the exception of December 31, 1999 which will be considered later in the year. The motion was seconded by Commissioner McGinn for discussion. Mrs. Beckman asked the Commission why they asked the Elected official to make up a Holiday Schedule every year and then they proceed to make the schedule the way they want it. Commissioner Rardin asked the Commission about a half day off on Good Friday. Commissioner Zierlein stated he is against adding half or a whole day off to the holiday schedule because you are adding a potential expense to the County. Commissioner McGinn stated he can't see adding days or half days to the holiday schedule. A vote was taken and the motion passed 2 - 1 with Commissioner Rardin voting against. Commissioner Rardin stated he agrees with the elected officials and wishes the other Commissioners would at least agree to their wishes a little more. See pages_____.

8. Mary Quintana, Otero County Clerk approached the Board to discuss the keeping of taped recordings of Commission meetings. Mrs. Quintana would like the Commission to come up with a policy on how long the tapes should be kept. Commissioner Zierlein stated in his opinion he

would like to require the minutes be done verbatim then destroyed the tapes. If the minutes are not done verbatim then he would have a problem destroying the tapes because no one could ever go back and find out what happened in the meetings. Mrs. Quintana stated that the Clerk's office has never done them verbatim it has never been the policy of the Commission. Commissioner McGinn stated he feels the minutes are done well and provide information to get the point across as to what happened during the meeting. As far as the status of the tapes, Commissioner McGinn stated he feels the tapes should be kept until the tape falls off the reels. Carl Harms, Chief Deputy Assessor approached the Board and informed them that according to the records retention schedule tape recordings of meetings should not be kept for more than two years. The official record is the minutes. Commissioner Rardin would like the Board to table this until the next Commission meeting. Mrs. Quintana asked the Board to also decide whether they want the minutes done verbatim or not. The Board tabled this until the next meeting.

9. Mr. Isaiah Scott approached the Board to request approval of the 1999 Martin Luther King Jr. Proclamation. Commissioner Zierlein made a motion to approve the 1999 Martin Luther King Jr. Proclamation. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages_____.

10. The Board considered to award bid No. 99-011 to Jack Wayte Construction for the Oro Vista Volunteer Fire Department Sub Station. Commissioner Zierlein made a motion to approve bid No. 99-011 to Jack Wayte Construction for the Oro Vista Volunteer Fire Department Sub Station. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously. See pages_____.

11. Linda M. Collins, Grant/Subdivision Coordinator approached the Board to introduce Ms. Maria-Elena Giner, Project Manager for the Border Environment Cooperation Commission, Lloyd Tyler and Ann Alvarado, on behalf of the North American Development Bank, and Renetta Manning from Dona Ana County. Ms. Giner informed the Commission that the Border Environment Cooperation Commission is divided up into five regions. Ms. Giner is the Project Manager for region three which includes New Mexico , West Texas and Chihuahua, Mexico. That is how her involvement with New Mexico has come about. Ms. Giner got started with New Mexico because Border Environment Cooperation and the North American Development Bank Commission met with Haywood Martin almost a year ago to discuss optimization of funds. They had identified through the Colonias project a need of 30 million and they only had 20 million for construction. Ms. Giner stated at this time they decided to pull their funds together to see if they could optimize their funding. At that point all the project were only in Dona Ana County. What was decided was to have the Border Environment Cooperation Commission fund the design of six projects and update a master plan. The Bank would then work with the other projects that did not receive construction funding for development of a financial structure. The reason the Border Environment Cooperation Commission got involved with Chaparral was because a few years ago the Border Environment Cooperation Commission received a request from the Gadsden School District for some funding for a Waste Water facility. What the Border Environment Cooperation Commission decided was instead of investing funds in one small project that would only service one customer, why not open up a scope that would

serve more customers. At that point the Border Environment Cooperation Commission thought the population of Chaparral was between five and seven thousand, as a result they started with a facility plan. Border Environment Cooperation Commission received a ten million dollar grant from the EPA to aid Community Development of projects. To date about six million have been spent. Next year the renewal will be up. This money can be used for the development of master planning, facility planning all the way through design. What happens is that the Border Environment Cooperation Commission hires a consultant to do the actual work. The Border Environment Cooperation Commission works with the Community for the development of the scope. The tie that the Border Environment Cooperation Commission has with the community in this case is a community agreement which Dona Ana County has signed that they will make a good faith effort if there is acceptance of the project in pursuing funding. The Border Environment Cooperation Commission does not want to invest in something that is not going to move forward. Ms. Giner stated that she went to the Border Environment Cooperation Commission Board and requested \$150,000.00 for the project. The funding has been received to do the facility plans for Chaparral. The Border Environment Cooperation Commission then went ahead and worked with Dona Ana County in developing the scope. As the scope became more developed Ms. Giner became aware that Chaparral straddled two counties. At that point the Border Environment Cooperation Commission was under the impression that only about 10% of the population was on the Otero County side. She then went through the process of developing the scope and actually put some information in the scope asking the consultant to explore the possibility of two Counties working together on this project. When the Border Environment Cooperation Commission hired the consultant and looked at what the core area was it was discovered that 40% of the population is in Otero County. At this discovery the Border

Environment Cooperation Commission felt that they must involve Otero County. When the Border Environment Cooperation Commission develops a project they have a very stringent public participation process. In this process the community must accept the project and must accept the financing scheme for the project. The Border Environment Cooperation Commission will not move forward on the project for certification if there is not a community acceptance. At first the Border Environment Cooperation Commission had thought about only doing the Dona Ana County side of the project but were afraid there will be a lot of opposition from the Otero County side because the residents of Chaparral do not consider themselves Dona Ana or Otero County people they consider themselves Chaparral residents. Ms. Giner finds it very important to include Otero County because they are within the public opposition from the Otero County side as to why they were not included. That is why they want Otero County involved. Ms. Giner stated that during the facility planning stages a steering committee is formed. The steering committee consists of members of the Community from all levels. Ms. Giner informed the Board that presently she is meeting with some of the mutual domestics. The steering committee is responsible to inform the public. They have monthly update meetings. When it is time for certification there is a minimum of two meetings. At the first meeting the public is informed of the logistics of the projects the technical assets and are given the opportunity to comment. At the second public meeting they are informed of what their rates are going to be. At that point the rate structure has already been developed. If the community is not willing to assume any sort of buy out or debt component or support the financial aspects of the project then the project will not move on. Commissioner Rardin asked how the fee will be assessed and does the rate reimburse the Border Environment Cooperation Commission 100%. Ms. Giner stated there is a user fee. Mr. Tyler stated that the rate can be a property tax or a public service

charge. Commissioner Rardin asked what the monthly cost will be to the public. Mr. Tyler informed the Commission that at this point there is not really a project. What is being developed now is a facility plan which looks into what the need is. The fundamental principal is community affordability.

Ms. Giner stated that usually an agreement is made with a mutual domestic for billing purposes because if a person does not want to pay they then cut off their use. Commissioner Zierlein stated he has spent a lot of time researching this and still has a lot of concerns and he will not vote for this.

Commissioner Zierlein stated that no one has convinced him that he should support this. Everything he has found out is against the project. Commissioner Zierlein stated he has gone down to Chaparral and spoke with residents and they looked in the Border Environment Cooperation Commission and into the Border 21 and found that they are tied in together. Commissioner Zierlein does not want to have any participation with Border 21. Commissioner Zierlein stated the Governors's Office does not want to work with Border 21 until such time that the Environmental Department will work with them. Commissioner Zierlein stated that there is one thing for sure and that is that Chaparral does need a waste water system put into place. At this time Commissioner Zierlein can not support this project. Commissioner Zierlein stated he has received a lot of clouded information on this project.

Commissioner Zierlein feels that there are too many things that can go wrong on this project. Ms. Giner stated that she has been working with the New Mexico Environmental Department. She also stated that this is not a project but an exploration of a project. Mike Nivison informed Ms. Giner that he was given the impression that the Border Environment Cooperation Commission was not a part of Border 21. Mr. Nivison stated he had been getting conflicting information. Mr. Nivison also informed the Board that the residents will have to cover the cost to get rid of their septic tanks at there own expenses. Commissioner Rardin stated that Chaparral is a community that has a problem

and he has not seen anyone else making an effort to help Chaparral. Mr. Tyler wanted to clarify that the North American Development Bank is not a federal agency it is actually an International financial institution although they work with the State and Local Government. The division of the Bank is mainly border wide and is meant to address health and environmental issues without regards to the boundaries between New Mexico and Arizona, New Mexico and Texas, New Mexico and Mexico. Mr. Nivison wants to know if the Border Environment Cooperation Commission is part of Border 21's implementation? Ms. Giner stated that the Border Environment Cooperation Commission and the North American Development Bank were both created out of the NAFTA compact not out of Border 21. No action was taken.

12. The Board considered to approve a budget increase for the Detention Center to purchase eight portable radios. Commissioner McGinn made a motion to allow the Detention Center to purchase eight portable radios out of their present budget and at the end of the year if their budget is in the red the difference can be transferred from another line item. The motion was seconded by Commissioner Zierlein . A vote was taken and the motion passed unanimously. See pages_____.

13. Randy Rabon approached the Board to request approval for the Fair board's contract for employees. Commissioner Zierlein made a motion to approve the Fair board's contract for employees. The motion was seconded by Commissioner McGinn. A vote was take and the motion passed unanimously. See pages_____.

14. Scot Key, District Attorney approached the Board to discuss office spaced for the District Attorney's Office. The board tabled this item until after lunch so that they may tour the District Attorney's office across the street from the Courthouse.

15. Commissioner Zierlein made a motion to go into Executive Session to discuss personnel items, pending litigation and collective bargaining. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Rardin yes
Commissioner Zierleinyes
Commissioner McGinn yes

Commissioner McGinn made a motion to return to regular session and all that was discussed was personnel items, pending litigation and collective bargaining. The motion was seconded by Commissioner Zierlein. Roll call was taken as follows:

Commissioner Zierlein yes
Commissioner McGinn. yes

16. The Commission toured the District Attorney's offices located across the street from the Courthouse on Tenth Street. Scot Key, District Attorney informed the board of the problems at this location. Mr. Key stated that the two main problems are the space and the air condition in the summer. Mr. Key stated that during the hottest part of the summer he has a problem with employees calling in sick because the heat in the building is so unbearable. Mr. Key also informed the Commission that the building has flooding due to water coming in the front of the building. Mr. Key also stated he has fourteen employee's in this building with only thirteen phone lines. He has been told that there is no way to add any more phone lines. There needs to be a long term solution. His office is expanding and he has no place to put any more employee's. The Commission informed Mr. Key that they would get maintenance to work on the cost of a new cooling system and help find space to store some outdated files. No other action was taken.

Commissioner Zierlein made a motion to go into Executive Session to discuss personnel items, pending litigation and collective bargaining. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

- Commissioner Rardin yes
- Commissioner Zierleinyes
- Commissioner McGinn yes

Commissioner Zierlein made a motion to return to regular session and all that was discussed was personnel items, pending litigation and collective bargaining. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

- Commissioner Rardin yes
- Commissioner Zierlein yes
- Commissioner McGinn. yes

17. The Board discussed their list of roads for 1999. Commissioner Zierlein made a motion to approve the following as the list of priorities for the 1999 road maintenance schedule:

1. Cornucopia/Chatfield (Pinon Area)
2. Calle De Madero
3. County Road #506 3.4 miles (Pinon Area)
4. Galicia
5. Desert Aire
6. Desert Air Road in Desert Aire Subdivision (Boles Acres)
7. Penny Ave., Becky Ave., Suzy Ann St. & Boles Road (Boles

Acres)

8. CR-B009, Derbyshire Road
9. Rockliff Road & Griffin Road

The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages_____.

18. The Board recessed the meeting until 5:30.

19. The time being 5:30 p.m. the Commission reconvened to discuss the Y2K. Commissioner Rardin stated that the County is concerned about the Y2K problems that may effect the County. Commissioner Rardin stated that the County would like to form two or three committees to prepare Otero County for the Y2K. He further stated that although we are unsure of what will happen in the year 2000 we feel that there will be some form of distress. The three main concerns is water, gas and electricity. Commissioner Rardin stated a main concern is the elderly and the young that don't have any heat.

Several concerned citizens within Otero County were present to participate and help plan to be ready for Y2K. Dr. Mark Andrews spoke briefly and gave a run down on the areas that he felt were necessary to prepare for.

The Commission decided to form three committees and asked for public volenteers to man the committees. These committees will meet individually. The Commission will schedule another meeting to continue the preparation.

There being no further business before the Commission, the Chairman adjourned the meeting at 7:00 p.m.

APPROVED

Chairman

ATTEST:

**Mary D. Quintana,
Otero County Clerk**