

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., January 13, 2010; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

- Doug Moore Chairman
- Clarissa McGinn Vice-Chairperson- Absent
- Ronny Rardin Member
- Ray Backstrom County Manager
- Dan Bryant County Attorney
- Pamela Heltner Commission Liaison
- Lynn Estrada Deputy Clerk

DRAFT

Commissioner Rardin gave the invocation. Commissioner Moore led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Commissioner Rardin stated that every year we reorganize the Commission. He has had the privilege of being the Chairman for the first year back.

Commissioner Rardin made a motion that we allow Commissioner Moore to take the Chairmanship for the year 2010. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Commissioner Rardin made a motion to select Commissioner McGinn as Vice-Chairperson.

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

1. Scheduled Citizen Communications:

a. Gerald Champion Regional Medical Center- Request for FY 10/11 Sole Community Provider Medical Services funding in the amount of \$2,796,818.

Commissioner Moore stated that this amount has been modified so he is going to request that we take their new request and publish it for action Thursday night.

b. 49 Operations Group Range Management Office-Public outreach Program for Holloman Air Force Base Bombing and Gunnery Ranges.

Will Urich, Holloman Range Manager and Gary Atwell, Deputy Range Manager, stated that we have a public outreach program where we like to let the public know what we are doing out on the range. Mr. Urich and Mr. Atwell are responsible for the ground work on three different ranges. Two are out by the Carrizozo area and Centennial Range by the Fort Bliss area. We have different aircraft and ground forces come in and train at these different ranges. We are environmentally and culturally concerned. We work with different faced agencies to make sure that we aren't doing anything wrong or damaging the environment.

Commissioner Moore thanked Mr. Urich and Mr. Atwell for their report and keeping the public aware of the activities at the ranges.

c. Weed Community Association-Discuss Weed School maintenance responsibilities and road repair.

Tom Ward, President of the Weed Community Association, approached the Board to discuss who is responsible for the maintenance of the Weed School building and to request a road sign pointing

to Weed. Mr. Ward stated that he would like to have an agreement that says the County will do this and minor repairs are the responsibility of the community. Mr. Ward provided pictures of the School and what is in need of repair. Mr. Ward would like some help from the County and an agreement on who is responsible for what.

Commissioner Moore stated that the way he understands this, the way we had this Community Center as well as others, is that we enter into an agreement with the Board of Directors from the community. Part of the agreement is that it is the County's facility and the community maintains it. The maintenance that the community does on it offsets what would be considered, market value or fair value rent. It's our thoughts that the community will do the day to day routine maintenance. In the past, the group who is in charge of the community group in Weed, always went to their legislator and asked for grant money to fix the roof and purchase kitchen equipment. The County was always the fiscal agent and as the work progressed and bills were submitted to us, we reimbursed the vendors that were selected. Mr. Backstrom will get the document for Mr. Ward that was drawn up years ago and Mr. Bryant can describe the process that the County has to follow so that we don't violate the anti-donation clause.

Commissioner Rardin stated that after he had spoken with Mr. Ward, the next step was to contact Hubert Quintana from the Southeastern Economic Development for a CDBG Grant. The grants we were looking for are for the doors and insulation.

Commissioner Moore will have Mr. Parker from the Public Works Department look at the roads to see what kind of work needs to be done. Mr. Backstrom will get a copy of the agreement that explains the work on the Community Center.

Mr. Ward stated that he is satisfied with the feedback that he received here today.

2. Elected Officials, Department Heads, Committee Reports:

a. John Blansett, Sheriff and Norbert Sanchez, Under Sheriff, approached the Board to discuss the Mid-year budget adjustments.

John Blansett stated that during the last budget cycle the position of Lieutenant Detective was eliminated. This position was making the department top heavy with supervisors. During the budget Mr. Blansett put a stipend in the job description of Detective. We failed to allow this stipend during the budget process.

The second issue Mr. Blansett would like to discuss is that he was trying to hire Deputy Sheriff's at the entry level of \$30,046.00. We advertised and received no applicants. We then advertised at a rate of \$32,760.00 and were very successful in hiring experienced personnel. Prior to this new rate, eight deputies were hired at the old rate. Mr. Blansett is asking the Board for a salary adjustment for these eight to take care of the equity.

The third issue is Courthouse security. Theo Livingston has been placed in charge of the day to day operations and scheduling for the Courthouse. Mr. Blansett is requesting a \$1.00 increase in Mr. Livingston's pay. We are asking for the Board's consideration in these matters.

Commissioner Rardin asked John Blansett out of what line item do the deputies at the Courthouse get paid? John Blansett stated that they are paid out of part-time salaries from his department.

b. Jacqueline Jaramillo-Request approval of the Census 1020 Complete Count Committee Nominees.

Ms. Jaramillo stated that the Census 2010 Count Committee is bringing awareness to the

community on how important the data is for the head count and not to be afraid of the census.

Commissioner Rardin asked if we would be approving this list of names on Thursday night. Ms.

Jaramillo stated that yes it needs the Commissions approval.

3. Consent Agenda:

a. Approval of Bills Lists #28, #29, #30, #31, and #32

b. Approval of Minutes

c. Health Care Services for the month of January 2010

4. Purchasing:

a. Request approval of a contract between Otero County and New Mexico OutSourcing, Inc. for Legislative Liaison Services. This is a one year contract with the option to renew for three additional years in the amount of \$30,000.

Commissioner Moore stated that we put this out to bid and had two respondents and this is the business that was chosen. We have used them in the past.

David Kirby asked if this Legislative Liaison Service is the only contact for the County for the legislators. Commissioner Moore stated no, the Commissioners and staff work with our State Legislators on a one on one basis. We are members of the New Mexico Association of Counties, which has two lobby positions on staff. As the bills are dropped, they help us evaluate those and decide if they are good or bad for Otero County. Hubert Quintana with the South Eastern New Mexico COG is a resource that we use as well. He keeps us informed of the bills and the potential impact of what it may be on Otero County.

Gonzalo Estrada, Chief Deputy Assessor, asked if the Liaison is available to just the Commission or can we ask him to do something for us and follow up on our request. Commissioner

Moore stated that there has been confusion in the past how we access this information and he is directing that we do this through Ray Backstrom. Any issues that you see come up, you should have unfettered contact. We can work out a system that will benefit all. Mr. Estrada stated that the reason he is asking is currently we have some major legislation issues coming up in reference to property tax. We need some heavy hitters in there for us. Do we in the Assessor's Office have the ability to contact this Liaison and make sure that he is going to represent us in a timely manner? Commissioner Moore instructed Mr. Estrada to go through Mr. Backstrom first and he will be the contact person. Commissioner Moore directed Mr. Backstrom to set up a meeting with the elected officials and the Lobbyist so he has a clear understanding before the session starts what our motivations and goals are and that we can expect a timely report everyday.

b. Request approval of Sealed Bid 10-014 for a 2010 Rosenbauer Timberwolf Apparatus for the Alamo West VFD to Arteisa Fire Equipment, Artesia, NM. The amount of purchase is \$379,853 (\$107,000 down payment to be paid by Alamo West, remaining balance financed through NM Finance Authority).

Paul Quairoli, Emergency Services, stated that the State Fire Marshall has approved this purchase. This is a unique fire apparatus. This one is actually designed to provide protection for communities whether a wild land fire or a defensive fire. Commissioner Moore asked how long it will take Alamo West with their pledge fire funds to pay off this other \$279,000. Mr. Quairoli stated that it's a ten year loan. Commissioner Moore stated that this seems like a huge amount of money for a Fire Truck. His concern is that it's a remote control truck that we have to pledge ten years worth of money to it. Also the ongoing maintenance and upkeep of the fleet in that fire house, so that ten years when we get this truck paid for do we have 4 other trucks that now need to be replaced. Have we given thought

to this? Mr. Quairoli stated that he had this discussion with the Chief and the Fire Marshall. The Fire Marshall's Office did not approve the first rendition of this truck which came with an aerial device. Commissioner Moore would like to have a picture of this truck before next Thursday night.

4. Resolutions, Contracts & Agreements:

a. Request approval of Resolution #01-13-10/98-30 formally adopting the mileage reimbursement rate of \$0.41 per mile for the use of privately owned vehicles for all County business travel.

Commissioner Rardin made a motion to approve #01-13-10/98-30 for discussion. The motion was seconded by Commissioner Moore.

Donna Brandon, Financial Director, stated that the 2009 Legislative session produced changes to the statute that deals with reimbursement for use of privately owned vehicles. Prior to this legislation, the statutory reimbursement rate was .32 a mile. The legislative action last year, causes the entities to adopt the IRS standard mileage rate for the immediately preceding calendar year. There was an emergency clause in this bill that stemmed from the 2009 Legislative session that caused this to take effect in June of last year, at which time we were, by default, adopted the IRS standard mileage rate for 2008, which was .50 ½ cents a mile. The IRS standard mileage rate for 2009 was .55 cent a mile, which by statute we are obliged to adopt unless the governing body reduces that local reimbursement rate by resolution. The IRS for 2010 has reduced their standard mileage rate to .50 cent a mile with the provision of anything we pay over .50 cent a mile becomes a taxable fringe benefit.

Commissioner Moore asked, "What does the IRS have to do with the price in Otero County". Ms. Brandon stated that the New Mexico Legislators saw fit to include in our state statute the adoptions up to the IRS minimum rate.

Commissioner Rardin amended his motion to change the rate to .49 per mile instead of the .41 per mile. The amended motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

b. Request approval of Resolution #01-13-10/98-33 requesting continuity for the current hold harmless gross receipts tax distributions to counties.

Commissioner Rardin made a motion to approve Resolution #01-13-10/98-33. The motion was seconded by Commissioner Moore.

Dan Bryant, County Attorney, stated when the forgiveness for medical expenses and groceries was passed, an additional statutory provision was put into that law that held local public bodies around the state harmless. They took our Gross Receipt Tax revenue for 2006 and looked at what revenues we received. After they put that exemption in place, if your revenue dropped because you weren't getting the GRT'S on medical services and groceries, the Department of Finance and Administration would give us a check to bring us back to that number calculated on a monthly basis through the year. The statute also had a step down provision in it that caused that reimbursement to step down over time so that over a five year period of time the forgiveness would go away. There is a bill that has been drafted that will be pending before the Legislator this session that simply does away with the reimbursement completely right now this year. They calculated that it would save tens of millions of dollars in the State budget and they are trying to fix the \$600 million dollar hole, so this is one way to eliminate some of that. If they do cut it out effective right now, what will be the impact on Otero County GRT revenues for the current fiscal year. We need to have that understanding so that as we budget next spring, we know that what ever that number is will not be there. Mr. Bryant has no idea what the number is. Commissioner Rardin asked if this would be retroactive.

Mr. Bryant stated that no it would apply in upcoming fiscal year which is the one they are trying to budget for. The bottom line is, if they pursue this more government is going to take a hit in its revenue at about \$300,000.00.

A vote was taken and the motion passed unanimously.

c. Request approval to purchase mass appraisal/tax collection software from Tyler Technologies in the amount of \$371,261.00.

Gonzalo Estrada stated that we had Dan Bryant sit in on the negotiation of the contract and he will be reviewing the final contract. We have one other issue. We had intended to house the file server in this building under a controlled environment, where the existing file servers are. According to the IT Department, Wes Colvin, has indicated that due to the configuration of the new software, it can't be housed in this building. We will be required to house it in the new building. We need about an 8 by 8 closet room with a controlled environment in the newly constructed building. Mr. Estrada is requesting permission to speak with the contractor as they are already installing the partitions for this building. Commissioner Moore stated that he encourages Mr. Estrada not to put it in the basement in case there is ever a water leak. Mr. Estrada stated that on behalf of Grace Gonzalez, Treasurer, is that after the purchase of this software we are going to have maintenance fees. The Treasurer will be asking for a budget increase to cover these fees.

Dale Palkki, County Assessor, would like to publicly acknowledge Gonzalo Estrada for the great job he has done with our old system to keep it running and the job of acquiring this new system.

5. Commission Discussion/Action Items:

a. Commissioner Rardin-Discuss the petition for an Otero County ordinance regarding anthropogenic (Man-Made) Global Warming/climate change.

Commissioner Rardin stated that there is a petition that has been circulating around he thinks it's a wonderful petition. It's about the science and the background behind this man-made global warming. Commissioner Rardin would like the Commission to read this and possibly adopt it with some word changes.

6. Executive Session:

Commissioner Rardin made a motion to go into Executive Session to discuss item A. Collective Bargaining, B. Pending/Threatening Litigation, C. Personnel Issues, D. Land, E. Roads, F. Detention Center, G. Contracts. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

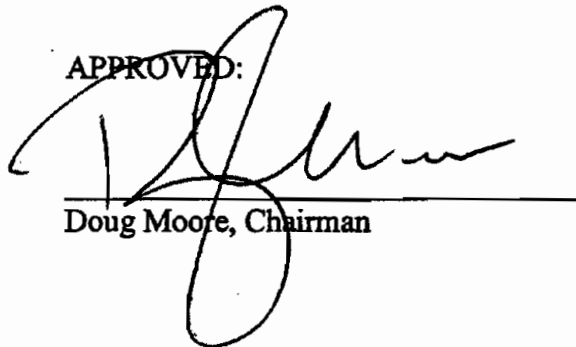
Commissioner Moore	yes
Commissioner Rardin	yes

Commissioner Rardin made a motion to come out of Executive Session having discussed items A. through G. and made no decisions. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Rardin	yes

There being no further business before the Board, the Chairman adjourned the meeting at 11:50 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read 'Doug Moore', is written over a horizontal line. The signature is stylized and cursive.

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Work Session
January 13, 2010