

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 Chair person at 6:00 p.m., January 18, 2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Clarissa McGinn	Chair person
Doug Moore	Vice-Chairman
Michael Nivison	Member
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
LaDonna Perry	Department Assistant
Lynn Estrada	Deputy Clerk

DRAFT

John Blansett gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. Consent Agenda:

Dan Bryant stated that he would like to have item E7, approving a Space Sharing Agreement, tabled until the next meeting. He has been unable to communicate with Alamogordo regarding some of the time limits in the agreement. This will be accomplished between now and the next meeting.

Commissioner Nivison made a motion to accept items A, approval of Minutes, B, Bills Lists, C, Personnel, D, Purchasing and E6 Resolutions and Agreements. The motion was seconded by Commissioner Moore for discussion. Commissioner Moore had some questions for Sheriff John Blansett about Detective Lieutenant Eduardo Medrano. The Sheriff is asking for a disparity pay increase for Mr. Medrano because he is fourth in charge and makes a lot of decisions that affects the office as a whole. There is a big disparity in pay between him and the other detectives in the department. John was asked to address this disparity at the mid-year budget. Commissioner Moore stated that while this detective is deserving, we have had other departments come with this same request in this budget cycle and we told them to bring it at budget time. Commissioner Nivison had some questions about where Mr. Medrano fit into the salary schedule compared to the other detectives. John stated that he is probably about 15,000 dollars below the other detectives. Commissioner McGinn stated this was addressed during the budget cycle and at some point it was requested that John Blansett come back at mid-year to evaluate it further. John stated that this was correct. Commissioner Nivison stated that if we have been inconsistent on this particular issue he doesn't have a problem of straightening it out now and if there is money in the Sheriff's salary line item for this increase. John stated that the money is there in his salary line item. Commissioner Nivison stated that his motion stands as stated above. A vote was taken and the motion passed with Commissioner Moore voting no.

Commissioner Moore made a motion to table item E7 until the February 8th meeting, approving a Space Sharing Agreement between City of Alamogordo, State of New Mexico and Otero County Sheriff Department regarding leasing space in a building located at 1175 26th street, Alamogordo, to be used only for law enforcement purposes. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed.

2. Elected Officials/Department Heads:

a. Consider approving board appointments (Clarissa McGinn-representative and Ray Backstrom-alternate) for two years on the Southeastern New Mexico Economic Development District Council of Governments. Also appoint a new Chairperson (Clarissa McGinn) for the Otero County Board of Commissioners and approve board appointments (Doug Moore-representative and Ruth Hooser-alternate) for the New Mexico Association of Counties Insurance Authority. Commissioner Moore made a motion to approve all the board appointments listed above. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Consider approving (Jack M. Glahn) as a member at large to remain on the Otero County Planning and Zoning Committee. Commissioner Moore made a motion to approve Jack M. Glahn as a member at large for the Otero County Planning and Zoning Committee. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages.

c. Consider approving the Otero County mid-year budget review. Commissioner Moore made a motion to approve the mid-year budget review. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

3. Citizen Communications:

a. Kenneth Pearce- Mr. Pearce approached the Board requesting installation of a traffic light at Highway 82 and North Florida via the State Highway Transportation Department. Mr. Pearce approached the Board. Commissioner McGinn stated that we had discussion at the Work Session regarding petition from some citizens in the area having the State of New Mexico perform a traffic study to see if a traffic light could be installed. Bill Lee Parker has spoken with the Department of Transportation and there has been a request put in for a traffic study to be done. Commissioner McGinn stated that the Board will get in

touch with Mr. Pearce after the study is done and let him know the outcome.

b. Bobby Jones/Bebo Lee-Discuss a proposed ordinance for the comprehensive land use plan regarding protection of fresh water aquifers county wide.

Dan Bryant stated at the Work Session we discussed tabling this until the February meeting so we could get a hold of the State Department of Mining and Minerals and work out the language of our ordinance. We want to be consistent with the state requirements. No action was taken.

c. Ronny Rardin-Discuss limbs to landfill, rates and solutions.

Mr. Rardin isn't present tonight, but he has been in touch with Commissioner McGinn and will come back at a later time to discuss some solutions.

4. Public Hearing:

The time being 6:30 p.m. Commissioner McGinn recessed the Regular Meeting and called the Public Hearing to order.

a. Consider a preliminary approval for Heart of the Desert for liquor license transfer.

b. Consider adopting an ordinance on Low-income Property Taxpayer Rebates.

Commissioner Moore made a motion to recess adopting an ordinance on Low-Income Property Taxpayer Rebates until the conclusion of the Public Hearing for Heart of the Desert. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

George Schweers and Gerrie Anne Schweers approached the Board for approval of a wholesaler's license at Eagle Ranch for Heart of the Desert. Commissioner McGinn stated that the State has issued preliminary approval for a wholesaler's license for Eagle Ranch, Heart of the Desert. This is then sent to the local government for approval at a Public Hearing. Mr. Schweers stated that the reason they applied for this license is because they have several retail outlets that are interested in carrying their wine. In order to supply

them they must have a wholesaler license. There were no comments from the Board or the audience.

Commissioner Nivison made a motion for preliminary approval for Heart of the Desert, Inc. for a wholesaler's license. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

The time being 6:34 p.m. Commissioner McGinn closed the Public Hearing for Heart of the Desert and called the Public Hearing for adopting an ordinance on Low-Income Property Taxpayer Rebate to order. According to the State of New Mexico every odd numbered year in which the County does not have in effect an ordinance adopted pursuant to this sub-section, the Board of County Commissioners shall conduct a Public Hearing to determine whether to provide low income property taxpayers in the County with a rebate. If this ordinance does come to pass, the County shall properly pay the State for any loss in revenue by adopting such an ordinance to provide the low income rebate for property tax. Commissioner Nivison made a motion to adopt the Low-Income Property Taxpayer Rebate Ordinance. The motion died for a lack of a second.

The time being 6:37 pm Commissioner McGinn adjourned the Public Hearing and returned to the Regular Meeting.

5. Commission Discussion:

- a. Clarissa McGinn-Consider approving the final lease and management agreement regarding the Red Brick Schoolhouse. Dan Bryant stated that the Quit Claim Deed has been executed by the School Board and delivered to Ruth Hooser, County Manager, last week. The agreement also needs to have the date inserted and submit to DFA for their review and approval.

6. Unscheduled Citizen Communications:

Joe Schwartz approached the Board and stated that he attended the Commission Meeting on November

14th in regards to the junk issue in Dungan. Mr. Bryant was supposed to contact Mr. Schwartz about the complaint that was filed with the Sheriff's Office then went to Magistrate Court. He hasn't received any information about the complaint that was filed with the Court. Dan Bryant apologized for not getting to the court to check on the status of this case, nor has he reported to Mr. Schwartz. He will get to this matter first thing in the morning.

7. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss pending and threatening litigation, personnel issues, land, roads, Detention Center and collective bargaining. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore yes

Commissioner McGinn yes

Commissioner Nivison yes

Commissioner Moore made a motion to come out of Executive Session and stated that all that was discussed was pending and threatening litigation, personnel issues and land. No decisions were made. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore yes

Commissioner McGinn yes

Commissioner Nivison yes

There being no further business before the Board the Chair person adjourned the meeting at 8:50 p.m.

APPROVED:

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk

Regular Meeting January 18, 2005