

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 25, 2006; 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-Chair person        |
| Michael Nivison  | Member                   |
| Dr. Martin Moore | County Manager           |
| Dan Bryant       | County Attorney          |
| Ray Backstrom    | Assistant County Manager |
| Bill Lee Parker  | Road Superintendent      |
| 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.

**Old Business:**

Resolution No. 01-10-06/94-46 to extend the thirty day restriction on all open fire and burning activity within Otero County.

Commissioner McGinn stated that the only thing that should go under Old Business is an item that has been tabled. Staff was instructed to move this item under the Elected Officials.

**1. Consent Agenda:**

- a. Approval of Minutes
- b. Bills Lists #29, #30, #31
- c. Health Care Services for January 2006

Commissioner Moore stated that we have been having discussion with Gerald Champion about the large portion of claims being denied. The claims are being denied because the paperwork isn't being finished by the claimant. We are working with staff and the hospital to streamline the procedure. Gloria Sainz and Martin Moore will be meeting with the hospital today and will bring recommendations back to the Board at the next Commission Meeting.

**2. Personnel- New Hires and Transfers.**

**3. Purchasing:**

- a. Request approval of Sealed Bid #06-016 Sports Utility Vehicle for the Assessor's Office. Bid item is a 2006 Jeep Grand Cherokee at a cost of \$21,400.00.

Ginger Herndon, Purchasing Agent, stated that this is a budgeted item. Commissioner McGinn stated that the money has been being put aside for the last three years to purchase a new vehicle.

- b. Request approval for Sole Source to purchase a used 1982 Pierce/Tele-Squirt pumper truck from Artesia Fire Equipment in the amount of \$43,160.00. The pumper truck will be available to all Fire Departments.

Ginger stated that the pumper will be housed at Oro Vista but will be available to all the Departments. The money is going to be borrowed from the quarter percent fund. The quarter percent Board has allowed the Department to borrow the money.

- c. Request approval of Sealed bid #06-011 for renovation of the Flickinger Theater. This is a

grant funded project. Three vendors responded. Low bidder meets specifications, but is approximately \$505,000 above the amount of funding allocated for this project.

Commissioner McGinn stated that through legislative appropriations the Flickinger Center has been appropriated money for renovations with the County being the fiscal agent. The grant paperwork has come through from the State to now begin the bidding process. Martin Moore stated that this is correct.

We received a letter from the Cabinet Secretary with authorization to expend and request reimbursement of funds. Dan Bryant stated the necessity of State Board of Finance approval with the addition of DFA approval, we had temporarily stopped everything until we knew how they were going to treat us on the grants. We now have a letter advising us that for the grant purposes DFA considers us having met all contingencies, so we can now proceed. Ginger Herndon stated this is why it's on the agenda. Ms. Herndon stated that the recommendation is to negotiate with the contractor to do the work that we have the money for. Commissioner Moore stated he had a problem with this. He asked, who is the Engineer that won the bid on this project? Ms Herndon stated that it is Bohannon Houston.

Commissioner Moore stated that Bohannon Houston, apparently isn't very good at estimating, if they missed this by almost half a million. Commissioner Moore has a problem attempting to award a project when we are half a million short of knowing whether we can execute it or not. Ginger stated that they did put in some alternatives for the Boards review. Commissioner Moore wants to be very clear on this item. Apparently we put a project out to bid when we don't have enough money to cover what we have designed. Dan stated that we need to contact Bohannon Houston to give us a detailed explanation Tuesday night, about why they think this project is doable in a reduced scope. We also need to ask them, "why did you miss it by \$505,000" and have them explain. Commissioner Moore stated that we need to set up a meeting with Bohannon Houston, Flickinger Center and the County. Dan asked the

Board if we could take a business day to try and get some answers that might allow us to leave this item on the agenda for Tuesday night. Commissioner Moore stated that we can have staff continue to review it and at some point if it gets to where this is a no action item, we will pull it from the agenda.

**4. Resolutions, Contract & Agreements:**

a. Request approval of Resolution No. 01-31-06/94-45, budget adjustment for Tire Recycling Grant

b. Request approval of Resolution No. 01-31-06/94-48, budget adjustment for Fire Protection Fund/Alamo West Fire Department.

c. Request approval of Resolution No. 01-31-06/94-49, budget adjustment for Fire Protection Fund/Oro Vista Fire Department.

d. Request approval of Resolution No. 01-31-06/94-47 regarding 2006 compliance with the New Mexico Open Meetings Act.

**5. Elected Officials/Departments Heads/Committee Reports:**

a. Review of proposed amendments to the Otero County Indigent Ordinance 01-04.

b. Request approval to advertise for a Public Hearing regarding amending the Otero County Indigent Ordinance 01-04.

**6. Public Hearings:**

a. Discuss the amendments to the Otero County Subdivision Ordinance 97-03.

b. Request preliminary approval for a liquor license transfer of Ownership and location. This is for Liquor License #635 application #A-460857 B Tularosa Pecan Company, Inc.

Mr. Johnny Glover approached the Board with some pictures of his new business. It will be a Convenience Store, Restaurant and Truck Stop.

## **7. Unscheduled Citizen Communications:**

Daniele Berardelli, Rhino Environmental Services, approached the Board to discuss their permit renewal.

Dan Bryant stated that he invited Daniele here after we filed the notice of appeal on the Rhino Land Farm. The Land Farm operation is where they take soils that have been contaminated with various hydrocarbons and they bring it to the site and clean it at the site. This operation has the ability to consume about 80 acres of the 400 acre site. This permit is on a separate course than the Rhino Landfill permit. Ms Berardelli feels that there is still some confusion on this item. Rhino Solid Waste was bought out by Waste Connections in 2001. They own the 160 acre facility that is currently permitted as a sub title deed land development. This permit is on hold right now pending new Public Hearings. We are not Rhino Solid Waste we are Rhino Environmental Services. We have never had negative results or compliance issues with the State. Ms. Berardelli drew a map of their location to show where they are located. Commissioner McGinn stated that this is just a re-application for the same facility.

Commissioner Moore stated that this is a pre-existing permit for an approved site. This operation for the Land Farm is under the Rhino Environment permit, not associated with the landfill at all. The landfill permit was sold to another operation. The new owners of this landfill property have made efforts to possibly develop the 160 acres as a landfill. There have been concerns from the Chaparral area. If this happens Chaparral will be circled by either solid waste sewage from El Paso, a large landfill if it's ever developed and Otero County has a facility to the north. Chaparral had not been notified at the outset of the application for the permit in 1994 nor have they been notified as required by the statutes of the renewal request. This coincided with the permit renewal for Rhino Environmental. Our intent is not to challenge their operation, but we want to be involved in the process. If Waste

Management is successful on their renewed Public Hearings to develop the 160 acre site, we definitely want to be involved in the process and we can't do one and not the other. We have been involved in the CDC challenge on the Solid Waste Permit. We don't have an issue with Rhino Environmental Services at all. Our challenge is with the New Mexico Environment Department not Rhino Environmental Services. Dan Bryant stated that the 2 issues that we are dealing with are the notice problems with the Environment Department and the cumulative effects concerning the community of Chaparral. The Board thanked Daniele Berardelli for her concerns and report and look forward to working with her in the future.

**8. Executive Session:**

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

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of Executive Session having discussed pending and threatening litigation, personnel, land issues and made no decisions. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

There being no further business before the Board the Chairman adjourned at 1:11 p.m.

APPROVED:

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Doug Moore, Chairman

ATTEST:

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Robyn Silva, County Clerk

Work Session, January 25, 2006