

**Regular Meeting**

**January 25, 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 8:30 a.m., January 25, 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:

Ronny Rardin	Chairman
Richard Zierlein	Vice-Chairman
Tim McGinn	Member
Ruth Hooser	County Administrator
Virginia Fletcher	Assistant County Administrator
Dan Bryant	County Attorney
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. Mary D. Quintana, Otero County Clerk approached the Board to discuss the policy for maintaining the tape recordings of Commission Meetings. Commissioner Zierlein stated he would like to keep the tapes as long as possible because if you go back to the minutes there is not enough information in them to remind someone of what happened in the meeting. Dan Bryant, County Attorney stated that the official record for the County is the approved minutes. Mr. Bryant stated

that the problem is the tapes can't be used as evidence in Court. The only evidence admissible in court is the written minutes. That is why the Commission is suppose to review them, make sure everything is in them, then approve them. By keeping the tapes the County is creating liabilities and law suites that are frivolous but never the less cost the County money. Mr. Bryant informed the Commission, that by keeping the tapes when people go back to review them they tend to interpret things differently. He also stated that the Commission will be creating an additional burden on the Clerk's office and creating an additional public record. Under these circumstances Mr. Bryant recommended to the Board that the tape be used only as an aid to the Clerk, to accurately prepare the minutes and that the tapes be destroyed as soon as the minutes are approved. Mr. Bryant informed the Commission that if they want the Clerk can have staff transcribe the tapes verbatim. If the Commission wants this done then the meetings are going to have to be very technical in the way they are run. This means that whenever any one speaks they must identify themselves and make sure that no one talks at the same time as someone else. Mr. Bryant stated he has tried to transcribe subdivision tapes from this board and found it impossible because five people are talking at once. Commissioner McGinn stated he has never had to go back to listen to the tapes but he would like to keep the tapes for two years. Commissioner Zierlein made a motion to have the Clerk keep all of the tapes from previous meetings and from this meeting forward give more detail in the minutes and as soon as the minutes have been approved by the Commission have the tapes destroyed. Commissioner McGinn seconded the motion. Mrs. Quintana questioned Commissioner Zierlein on how detailed he wants the minutes, because he is the only Commissioner that has a problem with the minutes. Commissioner Zierlein stated that he wants more information, not just the motion in the minutes. A vote was taken and the motion passed unanimously.

2. Wayne Bennett, County Assessor and Carl Harms, Chief Deputy Assessor approached the Board to discuss the Census Issues. Mr. Harms explained to the Board that he is unsure of what was agreed to between the County and the Census Bureau. Ruth Hooser, County Administrator informed the Board that a representative from the Census Bureau approached them with an informational presentation asking the Board for help. The Board then discussed it with the GIS Department and they said they could assist them. The GIS Department stated that it would take about six to nine months to do the work they asked for. Dan Schwebke sent all the maps to the Census Bureau and informed them that there were approximately 33,000 parcels to be verified for the 911. Commissioner McGinn stated that at the time the Board did not realize how much work it was going to be. Mr. Harms stated that what has been done in the past is to run a comparison on addresses which was not a big problem. Now the Census Bureau wants the Assessor's office to go over their maps, check each street, then check each address, then check each dwelling on the map and see if it is residential or commercial. If everything goes smooth it will take one person approximately three to four months. Mr. Harms stated that the County signed a letter stating that the County would help the Census Bureau. Mr. Bennett would like to tell the Census Bureau that the County would provide them with the fire maps that they want. The bottom line is that the County has received the grant money but if the County does not do what they want they are afraid that the grant money may be taken away. Mrs. Hooser stated that when Mr. Schwebke was employed with the County he put in for a part time employee to help with this. Commissioner Zierlein suggested sending a letter to the Census Bureau stating that Otero County can not do the work, but will help them. No other action was taken.

3. Commissioner Rardin made a motion to go into Executive Session to discuss

personnel items, pending litigation and collective bargaining. Commissioner McGinn seconded the motion. 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 stated all that was discussed was personnel items, pending litigation and collective bargaining. Commissioner Rardin seconded the motion. Roll call was taken as follows:

Commissioner Zierlein	yes
Commissioner Rardin	yes

Commissioner McGinn was absent from roll call.

4. Commissioner Zierlein made a motion to approve the items discussed on the pay scale. Commissioner Rardin seconded the motion. A vote was taken and the motion passed 2 - 0 with Commissioner McGinn absent from voting. See pages \_\_\_\_\_.

5. Commissioner Zierlein made a motion to approve item A, minutes of 12/18/98 and 1/4/99 and item B, bills lists 25,26,27. Commissioner Rardin seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

6. Mr. Jim Keeler of Gerald Champion Memorial Hospital approached the Board to discuss possible Indigent funding and to consider approving Resolution No. 1-25-99/87-24 supporting Gerald Champion Memorial Hospital's request to the state for funding. Mr. Keeler stated that the hospital is asking for a fifty-nine percent increase from last year. Mr. Keeler stated that last year the state gave no inflation increases. Commissioner Zierlein made a motion to approve

Resolution No. 1-25-99/87-24 supporting Gerald Champion Memorial Hospital's request to the state for funding. Commissioner McGinn seconded the motion. Mr. Bryant stated that what the County needs to do is in the course of the budget cycle the Commission needs to work very closely with Gloria Sainz, Indigent Coordinator to try and project what the income is going to be and make sure that the County is able to cover the 1/3 that is put in. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

7. Commissioner Zierlein made a motion to approve the Longevity and Probation items only. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

8. Commissioner Zierlein discussed the termination agreement between the County and the City of Alamogordo for the La Valle convenience center. Commissioner Zierlein has discussed an agreement with the City. Presently the convenience center is costing the County over \$100,000.00 a year. With a new agreement the City will lease the County a piece of land located adjacent and south of the existing site on La Velle Road for a fee of \$1.00 a year. The County will then develop the site for County residents to use. The City residents could also use the site to dispose of iceboxes and other similar cooling devices, which the County would sell and make a profit. The City will maintain security and screening at the site. The County will have to do there own hauling from the site and maintain sanitary conditions. Commissioner Zierlein has spoke with Jerry Rardin and he informed Commissioner Zierlein that he can handle the extra work with no extra cost to the County.

The cost is about half of what the County is paying now. Commissioner Rardin commended Commissioner Zierlein and staff for the work they did on this agreement. Commissioner Zierlein made a motion to enter into an agreement with the City of Alamogordo for the La Velle Convenience

Center. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

9. The Board considered item #1 under purchasing to award sealed bid #99-014 to American Medical Response for one AED and accessories and item #2 a part-time employee for the Purchasing Department. Commissioner Zierlein made a motion to award sealed bid #99-014 to American Medical Response for one AED and accessories and to approve a request to hire a part-time employee in the Purchasing Department. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

10. Commissioner Zierlein made a motion to approve the full-time new hire position for the DWI Program. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

11. Commissioner Rardin briefed the Board on the meeting he attended with the Southeast Economic Development regarding the Y2K. Commissioner Rardin stated it is pretty much the same with them as it is in Otero County, some think it will be a small problem while others think it is going to be a disaster. Commissioner Rardin stated if the County is prepared for a small problem and it turns out to be a disaster the County will be barbecued. If the County prepares for a disaster and it is a small problem then the Commission will be praised because we were ready. Commissioner Rardin reminded the Board that the Y2K is not the only disaster that can hit the County at any time. Commissioner Rardin stated that during the meeting Mr. Robert C. Ray, NCE Year 2000 Program Manager, from Denver, Colorado gave out a letter discussing the problems that may occur. Mr. Ray stated that the preliminary Year 2000 work started in 1996. The total estimated cost for Year 2000 assessment, inventory, remediation, testing and implementation is \$25 million dollars. Mr. Ray feels

that they will be ready by the end of March 1999 with their computer software and mainframe computer systems, non-information technology project. Commissioner Rardin stated that a suggestion came about to have the different businesses and organizations such as the utility company gather at a location like the Civic Center and hold some type of fair to inform the public of what each is doing and what each family can do to prepare for the year 2000. Commissioner Rardin stated he believes that most Counties in New Mexico will be prepared for the Y2K. Bill Hornback, a County resident feels that the media needs to be well informed so that the public can be well informed. Commissioner Rardin stated that the City has assured the County that they are going to work together and allow the County to use their larger buildings, help with the elderly finding shelter. Mr. Hornback feels that the County is pulling the load in preparing for this. Commissioner Zierlein stated that the City has been preparing not just for the City but for the County residents. The County responsibility is to be prepared for emergency services not to provide water, food and shelter. Commissioner Zierlein stated this information needs to be given out so that people will prepare themselves. No other action was taken. See pages\_\_\_\_\_.

12. The Board held a public hearing to review the following new road names:

In the Dungan Fire District

Fleetwood Circle

Oakcreek Street

Redman Street

Liberty Ave.

Bickle Road

In the Bent Fire District

Paint Horse Trail

and a request to rename Cedar Lane to Cedar Hill Lane. Cedar Lane is located on Mountain Orchard #2 Subdivision. Commissioner Zierlein made a motion to approve the new road names for Dungan, Burro Flats and Bent Fire Districts and a request to rename Cedar Lane to Cedar Hill Lane as long as it has been properly published. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

13. Ruth Hooser informed the Board that the State is selling generators in Santa Fe and wants to know if the County is interested in purchasing. There generators are big ones that can be used at the Courthouse and there are also some small ones. Dan Bryant informed the Board because of the circumstances, the County could appropriately discuss the purchase today even though it is not on the agenda. Santa Fe has advised the County if the County does not purchase them quickly they are going to sell them to another entity. Mrs. Hooser stated that Cloudcroft has already purchased one. Mrs. Hooser stated that these generators are all surplus property. Commissioner Zierlein made a motion to allow an emergency purchase in the amount of \$7000.00, out of the emergency fund to purchase generators for the County providing that the generators have been looked over to make sure they are in good condition and on an emergency purchase do to time constraints placed on Mrs. Hooser by Surplus Property in Santa Fe. Commissioner McGinn seconded the motion. Commissioner Rardin asked the Commission to amend the motion to \$10000.00. Commissioner Zierlein and Commissioner McGinn accepted the amendment. A vote was taken and the motion passed unanimously.

14. Commissioner Rardin made a motion to go into Executive Session to discuss personnel items, pending litigation and collective bargaining. Commissioner Zierlein seconded the

motion. Roll call was taken as follows:

Commissioner Rardin            yes

Commissioner Zierlein        yes

Commissioner McGinn        no

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

Commissioner Rardin        yes

Commissioner Zierlein        yes

Commissioner McGinn        yes

15. Randy Rabon and members of the Otero County Fair Board addressed the problems at the Fairgrounds. Mr. Rabon came before the Board to see what the consensus the County and the Fair Board would like to see what direction they want the fair to head. Mr. Rabon stated that there had been some discussion concerning the present location of the fair. Mr. Rabon discussed the possibility of a new fairground or what to do with the old facility. The present location has been built by in-kind services, self-help and donations. If the present location is going to continue to be used there will need to be some very expensive renovations done, such as roof repairs and other major renovations to the inside of the buildings. The other choice is to build a new fairgrounds facility. If the interest is there to do this then the fair board would start the research to determine the size and type of facility that would be needed. Mr. Rabon stated one of the major changes that needs to be done is to the Rodeo Arena. The present arena has a major shortage of seating. The present arena seats between 1000 and 1500. Mr. Rabon would like the new arena to seat ten times that.

Commissioner McGinn asked Mr. Rabon if it is more economical to build a whole new facility or renovate the present one. Mr. Rabon stated that based on hearsay there could be more money available to go out and build a new facility, not to mention the fact that there is not enough room at the present fair for growth. There is no way to add anymore seating for the rodeo arena and there is also a shortage of parking. Commissioner Zierlein feels that it would be a major expense to renovate the present fairgrounds. If a new fairgrounds is built it could be used not only for the fair but other events. Commissioner McGinn stated that he supports such a move. Commissioner Rardin asked the Fair Board to consider starting with a feasibility study. Mr. Rabon asked the Commission if the County would support the fair board in the search for property and funding to get the project done. Mr. Rabon feels that there are bussiness, organizations and private individuals that would be willing to give their donations and support to this project. Commissioner Rardin suggested that the Fair Board consider checking into grants. Commissioner Rardin informed the Fair board that the County has a Grant Coordinator that can help. Commissioner Zierlein made a motion to work with the Fair Board to do a feasibility study for the possibility of building a new fairgrounds facility to use not only for the fair but also as a multipurpose facility for all of Otero County. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

There being no further business before the Commission, the Chairman adjourned the meeting at 2:15 p.m.

**APPROVED**

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Chairman

**ATTEST:**

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Otero County Clerk