

Work Session

February 7, 2007

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 9:00 a.m., February 7, 2007; 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
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
LaDonna Perry	Department Secretary
Bill Lee Parker	Public Works Director
Lynn Estrada	Deputy Clerk

DRAFT

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

Presentation:

- a. Certificates of Outstanding Achievement in Safety.
- b. Debra Ingle-update on Lincoln County Solid Waste Authority.

Ms. Ingle read a report on their accomplishments up to this date. There are still two continuing

challenges, the pit at the La Luz Site is also in violation prior to LCSWA takeover and the agreement to clean the yard waste was beyond the original agreement. LCSWA found below the yard waste, metal, construction waste, household and commercial waste that had been collected there over time. Ms. Ingle stated that they were not responsible for cleaning up the non yard waste material, but we are using our equipment and personnel to remove the waste to the Otero County Landfill in order to bring the La Luz site into compliance. Commissioner Moore asked Ms. Ingle of the two challenges that she has, what led her to come to the conclusion that they are not her responsibility? Ms Ingle stated that there were four violations prior to LCSWA taking over and these were two of them. One was the metal which was not part of our contract and when we negotiated after the agreement, it was just for the green waste from the pit. Nobody expected to find what we did under the green waste. Commissioner Moore stated that it was his understanding that we had an operational agreement with LCSWA to run the facility with no exclusions. Ms. Ingle stated that we are doing all operations, but these were violations prior to our agreement. The metal will be cleaned up, but Otero County needs to be aware that the expense taking it to the regional landfill is not part of our responsibility. Dan Bryant stated that we are misunderstanding what Ms. Ingle is saying. I don't think we ever contemplated that what we call white goods, she is referring to it as metal, was ever part of her agreement. When LCSWA came in, our belief was we had an agreement with Larry Barry to remove the metal goods. Going into the agreement with LCSWA we all thought that the green waste pile was a green waste pile and we were working on various alternatives to get rid of this. What was found under the green waste pile is outside the scope of the agreement, because it was an undiscovered condition that nobody knew it was there. She is correct when she says, either one of those violates NMUD regulations for how the site is supposed to be operated, so we need to address this. Commissioner Moore stated that it was his expectations when we did the agreement, it

was whatever needed to be done to manage and maintain that site. Commissioner McGinn stated that when we contracted for the operations of the Solid Waste Transfer Station, that includes removing any problems. Ms. Ingle agrees, but she has tried to let Otero County know that our tipping fees are going to be more extreme than we predicted, because we are hauling to the regional landfill. The metal is being put all together so that contractor can address the metal issue versus hauling it to the landfill. The contract is with Basin Pipe and Metal. Commissioner Moore stated that there had been some problems with his equipment and would like an update in Executive Session.

c. Discuss a proposed revision of the Otero County personnel policy ordinance with a request for approval to hold a public hearing on March 6th regarding a vote for adoption of the proposed revised Otero County personnel policy.

d. Martin Moore-Update on Otero County flood control efforts.

1. Consent Agenda:

a. Approval of Minutes

b. Bills Lists #33, #34, #35, #36

c. Health Care Services, Sole Provider monthly report for January 2007.

Commissioner Moore requested the wording on the agenda from acceptance of the report to approving the report.

d.. Personnel-New hires, promotions and transfers

2. Elected Officials, Department Heads, Committee Reports:

a. Consider approving the 2007 Board of Registration; the purge process selection of the Republican and Democratic parties of Otero County and state statute for responsibility of the County Commission.

b. Consider approval of Sealed Bid #07-013 for the new La Luz VFD fire station building concrete and erection of building; low bid is \$330,900.00. This is also a grant funded project.

Paul Quairoli, Safety Coordinator, stated that \$10,000.00 will be coming out of the quarter percent fund to add to the grant money.

c. Consider approval of Sealed Bid #07-015 for the purchase of four 2007 4x4 Dodge Ram 1500 pick-ups, 5.7 Hemi V-8 for the Sheriff's Office in the amount of \$25,798.00 each.

Commissioner McGinn would like to see on the summary sheet that this purchase was approved in last years capital outlay budget for the Sheriff's Department. John Blansett, Sheriff, stated that these vehicles will be a switch out.

d. Consider approval of Sealed Bid #07-016 for a 2007 Rosenbauer Wild land Urban Interface Pumper for the Alamo West VFD in the amount of \$265,719.00. The amount of \$228,000.00 is coming from the FEMA Fire Act Grant and \$37,719.00 coming from the Alamo West fire funds.

e. Consider approving yearly contract renewals for annual maintenance on ARC IMSsoftware #TS-03-007 for the Assessor's office, annual maintenance on ARC GIS system software #TS-04-009 for the Assessor's Office and monitoring for the fire alarm system in the courthouse for building and grounds.

Commissioner Moore directed staff in the future to break these items up if they are different companies and a different department.

f. Consider approving the 2007-2008 CAP, CO-OP and School Bus projects; 1. School bus route projects-Sacramento Drive/Timberon and Heather Lane. 2. CO-OP projects- Laborcita Canyon Road and Aqua Chiquita Canyon Road. 3. CAP projects-Chaparral, 16 Springs Canyon Road, John Drive/Prell Drive, Moondale, Moonshine, Taylor & Owens, Round Mtn. Rd., Fog Seal, Paint Stripping

and Second Street & Rose Street. Also consider possible funded projects for the 2007-2008 season; La Luz Canyon Rd, Mayflower and Columbus, Southend Rd., Dirt Rd., Meadowlands and Coyote Canyon. This list is to be approved and forwarded to New Mexico Finance Authority.

Lou Wilkerson, Fire Chief from 16 springs, approached the Board to put in a word for getting as much work done as possible on the 16 Springs Road. We have lost our school bus service because of the poor roads and the condition of the roads for emergency service vehicles. The roads are not chipped sealed so the holes and dust are quite a hazard. Bill Parker stated that his department will be doing 2 miles this year. The year before 1 mile had been done. Mr. Parker stated that the next 2 miles that will be done this year is where the majority of the property owners live.

3. Citizen Communications:

a.Scott Key/David Ceballes (District Attorney Office)-discuss District Attorney space shortage and construction issues.

Mr. Ceballes stated that we have established a committee to address future needs for the District Attorney's Office. We have found that there is inadequate square footage in the jail to meet our long term needs. There are immediate needs for storage for the DA's Office. We are looking to develop, as a temporary fix, room 253 B for storage space, grand jury room and a few clerical offices.

Commissioner Moore was unaware that the jail doesn't have adequate space for the DA.

Commissioner McGinn stated that her concern is the immediate concern for storage. Over the long term we will have to have Administration find, build or renovate some other space outside the Courthouse. I foresee the DA's and the courts within the courthouse and perhaps over the long term that it would encompass the whole building. Mr. Key stated that it makes logical sense to do this, but where and when is the County going to go. Commissioner Moore is not interested in doing anything

temporary, he is interested in doing permanent. Downstairs is 7,000 square feet and the DA doesn't have that much space in any given place anywhere. Commissioner Moore's desire was for the DA to be priority number one and he was putting the DA's Office first to try and develop the downstairs space. He might not be able to get everything there, but he can bring a lot of the employees that are scattered around the County back to the Courthouse. Commissioner Moore would like to get the ground floor done and get the personnel moved into the old jail, so we can get the 3rd floor renovated. Commissioner Moore would like to have a meeting with everyone involved and the architect to take a floor plan of the ground floor and get conceptual agreement for whatever the DA feels that he needs. But in the meantime, Commissioner Moore isn't going to wait for anymore concepts, because we have had three. He is going to proceed with the space in the jail and begin construction with one of the plans that the DA has provided. Commissioner Moore would like to get the personnel from the 3rd floor down to the 1st floor and remodel the 3rd floor to eventually bring the whole team from the DA's Office to the Courthouse.

4. Commission Discussion/Correspondence:

a. Doug Moore-Discuss Animal Shelter.

Commissioner Moore stated that we presently have a contract with the City to house our animals. Commissioner Moore directed staff to get him some information on how much it would cost to build an animal shelter capable of housing all the animals that are currently housed at the City of Alamogordo, minus the City animals. Staff was also directed to find some non-profit groups around the nation that run these types of facilities or any grants that are available.

Commissioner McGinn stated that we need to get in contact with the Animal Rescue Mission, Jean Schaffer, and find out at this point how many animals they could accommodate from the County and

how we could help fund the facility for that usage.

b. Commissioner McGinn

Commissioner McGinn discussed the repairs that we are making from this seasons floods along our roads. Bill Parker stated that the Pinon Crew is working on the Sacramento River Road. FEMA has contacted Mr. Parker about the culverts that will be installed on Panorama Road and Dog Canyon Road. Mr. Parker is in the process of filling out a permit from the Forest Service for Laborcita Road where the bank is caving off. The road is still there, but the bank is eroding.

The Board thanked Mr. Parker for his report.

5. Unscheduled Citizen Communications:

a. Jim Childers, Chief Financial Director from Gerald Champion Regional Hospital, approached the Board on behalf of the hospital to request consideration by the Commission for our annual Indigent Care Medical Services fund request. Mr. Childers is here to answer questions or attend the Executive Session. Commissioner McGinn asked why the Indigent Fund request would be in Executive Session. Dan Bryant stated that this issue is appropriate here in an open meeting, but there are two other issues that are tied with this that we are in discussion with the hospital over. They are the medical director services for the EMS program and the negotiation of an agreement concerning medical care at the Detention Center. These negotiations need to be discussed in Executive Session.

Commissioner Moore stated that the Sole Provide agreement is usually discussed in October and November. Why did the hospital wait so long to bring it to the meeting? Mr. Childers stated that the process of claims have been changed, so this resulted in a change in the ordinance that helped change the way we are working with the County staff as well as the reception that we are getting from the community. We have had discussion with the County staff about what we have been experiencing and

what claims have been resulting. I accept responsibility for not having had discussion with the Commission about those results. Commissioner Moore stated that to get this on the agenda requires action. When we come out of Executive Session we are not opposed to make a motion to try to get your request for sole provider funding, included on the final agenda even though the deadline was not met.

6. Executive Session:

Commissioner McGinn made a motion to go into Executive Session to discuss pending threatening litigation, update on Rhino Landfill, discuss duties of new managers and organizational restructuring, land-discuss negotiations on acquisition and disposal of property, roads- FEMA cost reimbursements, Detention Center-jail expansion, overcrowding concerns and jail containment yard and Contracts- Gerald Champion Regional Medical Center and Chaparral Clinic. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore recessed the Executive Session in the Work Session and called the Budget Work Session to order at 1:30 and recessed the Budget Work Session until such time that we can conclude our Executive Session. Commissioner Moore called the Work Session back to order and went back into Executive Session.

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

Commissioner Nivison absent

Commissioner Moore yes

There being no further business before the Board the Chairman adjourned the Work Session at 3:48 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, County Clerk

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The time being 3:48 p.m. the Chairman reconvened the recessed Budget Hearing that started at 1:30 p.m.