

Janet White stated that her father was the Superintendent at White Sands and in the 70's all Parks were required to do a General Management Plan. Ms. White asked if Mr. Schneider has done a Plan and if so, is it available on the website for White Sands.

Mr. Schneider stated that we have not produced a General Management Plan since about 1979. Last year we did a Management Strategy Plan. It's a document that helps us identify priorities for the next 3 to 5 years. A General Management Plan for White Sands would cost about half a million dollars and take many years to complete. He would rather put half a million dollars into things that would tangibly benefit visitor services.

The Board thanked Mr. Schneider for his report and look forward to another tour this summer.

3. Consent Agenda:

- a. John Blansett-Mid-year budget adjustments.
- b. Paul Quairoli-Request approval of a public utility easement on county property at the Otero County Emergency Operations Center.

Mr. Quairoli stated that this is our new acquisition, which is the Emergency Operations Center. There are some issues with the existing power lines, they will need to be relocated before we install the new communications tower.

Commissioner Moore asked if we are having to pay the power company to relocate this line for us. Mr. Quairoli stated that this is correct. Three poles will be installed with some down lines. The cost is about \$13,000.00 to \$14,000.00.

4. Resolutions, Contracts & Agreements:

- a. Request approval of Resolution #02-18-10/98-36, reflecting the funding changes in NM Department of Transportation amended Cooperative Agreement Contracts for CAP-CO-OP and School Bus

projects for fiscal year 2009/2010.

Bill Parker, Public Works Director, stated that we were cut about \$140,000.00 all total. Commissioner Moore asked how many miles of road improvements is that going to restrict us from being able to get accomplished. Mr. Parker stated that he believes that we will still be OK in our budget. We are trying not to cut anything.

b. Request approval of Resolution #02-10-10/98-39, supporting HB269 and SB256, both relating to utilities; providing for local right-of-way access fees; amending and enacting sections of NMSA 1978.

Commissioner Rardin made a motion to approve Resolution #02-10-10/98-39. The motion was seconded by Commissioner Moore for discussion.

Ray Backstrom stated that PRC recently ruled that the charging of franchise fees was illegal. This is affecting Dona Ana County and Otero County through El Paso Electric. The resolution is saying that we support these two bills in the House and the Senate.

Commissioner Moore stated that his understanding was that some of the public utilities were passing the franchise fee straight through to their customers as a line item on their bill. The amount of monies being collected was in excess of the actual franchise fee. His understanding of the PRC ruling was that they were telling the utility companies they could not bill that franchise fee as a pass through cost. Mr. Backstrom stated that municipalities can't charge a franchise fee. Commissioner Moore stated this has been a long held custom, as far as he knows we have always done it. These two bills will put the action back in place where we did have the authority to charge utility companies a franchise fee to cross through our boundaries. Mr. Backstrom stated that yes this is correct until the State Supreme Court has made a determination.

Commissioner Rardin asked if this will be retroactive or are we going to have to pay this back. Mr.

Backstrom stated that there has been no ruling on us paying it back. As part of the PRC ruling, El Paso Electric is going to be required to refund all of those fees back to 2004. The final outcome will be determined by the State Supreme Court and their appeal of that decision.

A vote was taken and the motion passed unanimously.

b. Discuss and consider approval of, or action to be taken regarding a contract agreement for Veterinary Medical Services providing Otero County with housing and medical care for Otero County animals.

Commissioner Moore stated that he will withdraw this item until we have our Executive Session.

c. Request approval of the 2010/2011 CAP, Co-OP and School Bus projects.

Mr. Parker stated that that is for next summer projects. We are putting in for the same amount of money that we normally do, because we don't know what will happen next year.

5. Commission Discussions/Action Items:

a. Commissioner Rardin introduced David Kirby, Helen Wood and Bob Wood who sit on the newly formed Environmental Committee. Commissioner Rardin gave a brief description of what this committee will be doing. The next step will be for the Commission to approve this committee to work with staff to get some actual cost figures of what this will cost the County.

6. County Manager Report:

a. Ray Backstrom stated that with the June Election coming the Clerk is requesting to use one of the rooms at the Administration Building for early voting. We have plenty of time and would like the Commission to keep it mind.

b. The Chaparral Clinic will have it's final CID Inspection and will be making a few minor changes to the building itself. The electrical is ready to turn on. A walk through will be done some time next week.

7. Executive Session:

Commissioner Rardin made a motion to go into Executive Session to discuss items listed on the agenda A. Collective Bargaining, B. Pending/Threatened 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 Rardin	yes
Commissioner Moore	yes

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

Commissioner Rardin	yes
Commissioner Moore	yes

Commissioner Moore stated that we have 2 remaining action items #6 and #16.

Agenda item #6-Request approval of legal opinion concerning a contract issue.

Commissioner Rardin made a motion to approve Ray Backstrom's contract as proposed and the effective starting date would be January 1, 2010 and all pay would reflect to that. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

Agenda item #16-Discuss and consider approval of, or action to be taken regarding a contract agreement for Veterinary Medical Services providing Otero County with housing and medical care for Otero County animals.

Commissioner Rardin made a motion that due to some misunderstanding in our RFP's that we put those services out to bid on a new RFP per the Sheriff's suggestion to clear up some confusion. The motion

was seconded by Commissioner Moore.

Commissioner Moore stated to Doctor Staley, that we appreciate the services that he has given us and look forward for you to bid those services again. Our RFP originally was confusing and until we lived with it for a year we didn't realize how confusing. We know that it has put Doctor Staley in a difficult position and he has tried to administer the RFP. All we are doing is rewriting the RFP and get some clarification on the County/City stuff and clean up some of the time frames. We will have a better picture based on our experience now, so it will be clear to us and to the vendor what our desires are.

Doctor Staley stated that over the past two years we have handled in excess of 18,000 animals for the County. That does not include a lot of owner impounds that have come in and the County doesn't get billed for. Out of those 18,000 animals, so far we have only had to euthanize about 23. Out of the remaining ones, about 250 were returned to owners. The County is not contracted with his clinic, we are contracted with the charity that is associated with Staley Clinic. The County paid us \$49,521.00 over the course of the year and what that money went to was \$47,921,00 to spaying and neutering animals for people who couldn't afford it. We performed 301 canine neuters, 231 canine spays, 452 feline neuters and 322 feline spays. This is where the County's money is going.

Commissioner Moore stated that we appreciate what Doctor Staley has done for us. The confusion lays in our RFP, the language is very confusing. We want to correct that for us, you, the people and animals in the County.

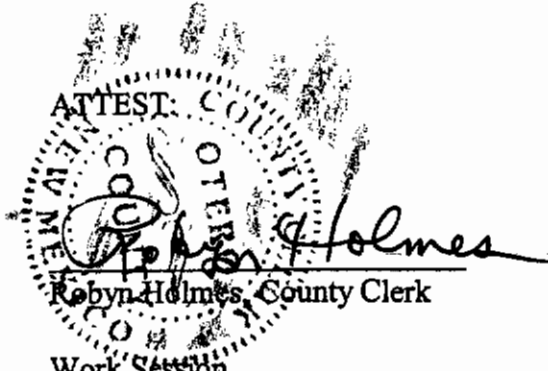
We have a motion on the floor to put Veterinary services out for re-bid with new language. A vote was taken and the motion passed unanimously.

There being no further business before the Board, the Chairman adjourned the meeting at 10:55 a.m.

APPROVED.



Doug Moore, Chairman



ATTEST: COUNTY CLERK
Rebyn Holmes, County Clerk
Work Session
February 10, 2010