

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 6:00 p.m., February 21, 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
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Bill Lee Parker	Road Superintendent
Bobbie Reyes	Department Assistant
Lynn Estrada	Deputy Clerk

**DRAFT**

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

**Proclamation:**

Proclaiming February 19 thru February 26, 2006 as National FFA Week in Otero County, for the Alamogordo, Tularosa, Cloudcroft and Mescalero FFA Chapters.

Commissioner Moore read the proclamation into the records. The FFA Chapters could not be present tonight.

Commissioner Moore stated that we have an emergency item that needs to be added to the agenda by motion.

Commissioner McGinn made a motion to add item #23 an emergency addendum to the County Commission Agenda, that would consider approval of agreement for \$47,500.00 in grant funding to Otero County for the preparation of a detailed narrative implementation plan for the proposed primary care clinic in Chaparral, New Mexico. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

**1. Consent Agenda:**

Commissioner McGinn made a motion to approve items A. Minutes, B. Bills List #32, #33, #34, C. Health Care Services monthly report for February, D. Personnel, and E. Purchasing. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

See pages

**2. Resolutions, Contracts & Agreements:**

a. Request approval of Resolution No. 02-21-26/94-51 budget adjustment for Health Reserve/Joint Ambulance Agreement.

Commissioner McGinn made a motion to approve Resolution No.02-21-06/94-51. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Request approval of Resolution No. 02-21-06/94-52 budget adjustment for General Fund/Law Enforcement.

Commissioner Nivison made a motion to approve Resolution No. 02-21-06/94-52. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

c. Request approval of 2005 Legislative Appropriations Construction Project Agreements in the amount of \$1,662,811.00 for grants for capital improvement projects.

Commissioner McGinn made a motion to approve the Legislative Appropriations Construction Project Agreements. The motion was seconded by Commissioner Nivison. Donna Brandon, Financial Director, stated that she would like to clarify that this \$1,662,811.00 is not new money. This is an amendment to the agreement that was signed several months ago for the 2005 Legislative Appropriations for Capital Projects. This is increasing the amount by \$200,00.00 for an additional appropriation for the Flickinger Center. Commissioner Moore stated that in these legislative grants a small portion comes off the top for artwork in public places. Commissioner Moore directed staff to find out the amount of money which it was reduced? If so, how much does Otero County have for the qualifications for art in public places and if in fact we have a resource there to provide art in our community. A vote was taken and the motion passed unanimously. See pages

d. Request approval of Amendment I and Resolution No.02-21-06/94-55 for the Financial Plan between Otero County and United States Dept. of Agriculture Animal and Plant Health Inspection Service Wildlife Services.

Commissioner McGinn made a motion to approve Resolution No. 02-21-06/94-55. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

e. Request approval of Resolution No. 02-21-06/94-54 regarding Planning Commission compliance with the New Mexico Open Meetings Act.

Commissioner Nivison made a motion to approve Resolution No. 02-21-06/94-54. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

f. Request approval of the Grant Agreement between the Department of Finance and Administration, State of New Mexico acting through the local Government Division and the County of Otero for the Enhance 911 Grant Program.

Commissioner McGinn made a motion to table this item until the March 14<sup>th</sup> meeting to receive an updated agreement from DFA, to reflect changes discussed during the Work Session. The motion was seconded by Commissioner Nivison. Commissioner McGinn stated at the Work Session we discussed including the numbers that would include Mescalero within the 911 grant, that would be extended until June of 2006. This is being prepared by DFA to be sent to us for approval. A vote was taken and the motion passed unanimously.

g. Request approval of the part-time Employment Agreement renewal for the Courthouse Security Officer Walt Boyle.

Commissioner McGinn made a motion to approve the part-time Employment Agreement renewal for Courthouse Security Officer Walt Boyle. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

h. Request approval of revised job description for Courthouse Security.

Commissioner Nivison made a motion to approve the revised job description for Courthouse Security. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

i. Request approval of Training/Certification Program for Courthouse Security.

Commissioner McGinn made a motion to approve the Training/Certification Program for Courthouse

Security. The motion was seconded by Commissioner Nivison. Dan Bryant stated that we are expanding the pool of available Courthouse Security Officers, so we are not limited to just retired certified New Mexico Police Officers. We have put into place an appropriated training and certification program, so we keep these people to do the basic functions that are necessary to provide Courthouse Security. This is a chance at being able to use part-time retired personnel in those Courthouse security positions, without requiring them to keep their New Mexico Peace Officer Certification current. A vote was taken and the motion passed unanimously. See pages

**3. Elected Officials, Department Heads, Committee Reports:**

a. Gus Marker requested approval to extend Fire Ban Resolution No. 01-10-06/94-46.

Commissioner Nivison made a motion to approve to extend Fire Ban Resolution No. 01-10-06/94-46. The motion was seconded by Commissioner McGinn. Discussion was held on the process of agriculture burning. The Sheriff is notified first, then the Fire Chief from that district. There will be absolutely no slash burning in Otero County with the Fire Ban in effect. A vote was taken and the motion passed unanimously. See pages

b. Bill Lee Parker, 2006-2007 Otero County Road Shop project list for School Bus Route, Cooperative and County Arterial Projects.

Commissioner Nivison made a motion to approve the 2006-2007 Road Shop Project list. The motion was seconded by Commissioner McGinn. Commissioner McGinn stated that the Gripp 2 projects did not go through the Legislative Session. We discussed Fresnal Canyon, which is our top priority for an emergency egress route from the mountains to Alamogordo. Bill Lee has put together suggestion to include in this Road Shop project list. We have tried to get Federal funding for this project for the last 2 years. Bill Lee stated that 1 mile of chip seal has been completed on this road. This summer another

mile will be done. We didn't put in for another mile on the 06-07 projects because we thought the Gripp 2 would pass. Bill Lee has worked up an estimate for the project in Fresno Canyon, but recommends to take off a couple of other projects that are on the list. Under the cap projects we have Nogal Canyon and the Upper Rio Penasco, which could be pulled to add on Fresno Canyon.

Commissioner Nivison amended his motion to include Bill Lee's amendments to his work sheet to include Fresno Canyon. The amended motion was seconded by Commissioner McGinn.

Commissioner Moore stated lets not drop either one of these and just add Fresno. Bill Lee stated that with these being State projects, he is receiving about \$280,000.00 from the State for Cap Projects and he is requesting \$333,000.00. He is already requesting more than what the State is going to give us, if we add \$80,000.00 it will have to come out of the County budget. Commissioner Nivison stated that Bill Lee is cutting a little more than what Fresno Canyon will cost. This will offset some of the extra money Bill is expecting in the budget to get this project done. Commissioner Nivison made a motion to withdraw his amended motion. The withdrawal was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

Commissioner Nivison made a motion to add \$80,040.00 to include another mile of Fresno Canyon to the 06-07 Project List for Otero County. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

c. Sue Torian/Robyn Silva-Reclassify a temporary part-time position as a permanent part-time election clerk. Position will not exceed 19hours per week, PERA exempt and will be paid for with existing budgeted funds.

Commissioner Nivison made a motion to approve the temporary part-time position as a permanent part-time election clerk. The motion was seconded by Commissioner McGinn. A vote was taken and the

motion passed unanimously. See pages

d. John Blansett-Consider approval of new position (Evidence Technician). The estimated cost of the position is \$25,000 plus benefits.

Commissioner Nivison made a motion to consider a new position for Evidence Technician for discussion. The motion was seconded by Commissioner McGinn. Commissioner Nivison stated that during the Work Session this item was discussed and being a new position it should be brought at budget. John Blansett stated that this is the 3<sup>rd</sup> year in a row that they were told to bring this item to mid-year budget. Commissioner McGinn stated that we have had this discussion over the past two budget cycles and there were other positions that were needed that were a priority over this one. Discussion was made after budget, lets see where were at mid-year budget. We had our mid-year budget review last Wednesday. We are at fifty percent of expenses and our revenues are coming in where we projected them to be. Commissioner McGinn's concern is when we approve a brand new position that's not budgeted for outside the budget cycle, then we're not able to include the whole look at the budget at the same time. Commissioner Moore agreed with Commissioner McGinn to bring this item back at the budget cycle.

Commissioner Nivison withdrew his motion. Commissioner McGinn withdrew her second.

e. Donna Brandon/Martin Moore-Mid-year budget review.

Donna stated that our revenues are slightly over 50 percent, but very comfortable with where we are at on our revenues. Expenditures are below 50 percent. We are spending less than what we are receiving, which is good.

f. Martin Moore- Reclassification of Bill Lee Parker from Road Shop Superintendent to Public Works Director, with additional duties and a subsequent salary increase from \$54,467.05 to \$57,190.41.

The purpose of this request is to facilitate planning for the reorganization of departments, with an expectation to improve and streamline County services.

Commissioner Nivison made a motion to consider the reclassification of Bill Lee Parker. The motion was seconded by Commissioner McGinn for discussion.

Martin Moore, County Manager, stated that one of the things he was instructed to do when he took this position was to restructure the organizations that are under Administration. One of these areas is Roads and Public Works. We have several one man departments in the Road Shop that need to be brought under one umbrella for accountability and efficiency. We have spoken with Bill Parker about this and he has agreed to take on extra responsibility. One of these additional duties would be to put together a Public Works Department. Commissioner Nivison stated that this position would be a reclassification and do we have money in the budget for this increase. Mr. Moore stated that we do have the funds for the increase. Commissioner McGinn stated that this is a budgeted amount and needs to be considered at this year's budget cycle. Commissioner Nivison stated that since we have the money in the budget for this reclassification, he is in favor of acting on this item tonight. Commissioner McGinn stated that the reclassification can take place without the increase in pay until the budget. Commissioner Moore stated that he likes this plan, but will he take the title without the increase until the budget cycle.

A vote was taken and the motion failed 2 to 1 with Commissioner McGinn voting no, Commissioner Moore voting no and Commissioner Nivison voting yes.

#### **4. Citizen Communications:**

a. Otero County Cattleman's Association-presentation regarding the National Animal Identification System.

R.L. Posey presented a Resolution to the Board for their support in opposing the proposed National

Animal Identification System. Mr. Posey gave a brief report of what the Department of Agriculture is going to try and implement by 2009. Their main intent is to monitor and control animal health by a computer chip implanted in the animal. The Grazing Board will also be opposing this action for Otero County. Dan Bryant stated that he has found a Veterinarian, Dr. David Fly, who knows what New Mexico's part of the plan is and how it's going to work in New Mexico. He wanted to attend the meeting but couldn't come on such short notice. He would like to come in March, if he can to let us know the things they have done with the draft plan to change it. Dan recommends the Board bring this item back on the meeting of March 14<sup>th</sup>, and he will have Dr. Fly attend the meeting or some of his representatives.

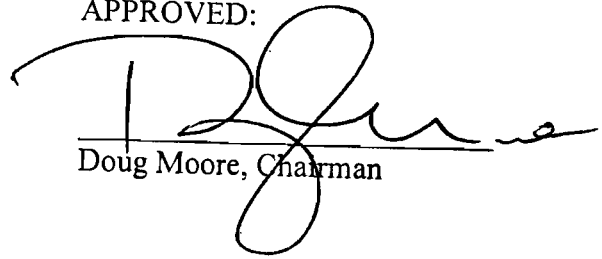
Commissioner Nivison stated that under the protocol of National Environmental Policy Act, anytime there is a federal government action that is significant, they are supposed to notify local government, state agencies and all other federal agencies. They have failed to do this at this time. Commissioner Moore would like to have all the agencies involved be present at the March Commission Meeting.

5. Consider approval of Agreement for \$47,500.00 in grant funding to Otero County for the preparation of a detailed narrative implementation plan for the proposed primary care clinic in Chaparral, New Mexico.

Commissioner Nivison made a motion to approve the Agreement for the primary care clinic in Chaparral, New Mexico. The motion was seconded by Commissioner McGinn. Dan Bryant stated that the \$47,500.00 is the grant money to get the plan written and approved. A vote was taken and the motion passed unanimously. See pages

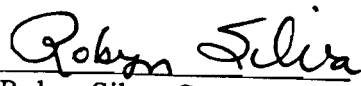
There being no further business before the Board the Chairman adjourned the meeting at 7:21 p.m.

APPROVED:



Doug Moore, Chairman

ATTEST:



Robyn Silva, County Clerk

Regular Meeting Feb. 21, 2006