

Regular Meeting

March 8, 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., March 8, 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
Tim McGinn	Member
Virginia Fletcher	Assistant County Administrator
Linda Collins	Planning & Grant Coordinator
Dan Bryant	County Attorney
Frank Portillo	Road Superintendent
Kim Chavez	Deputy Clerk

Commissioner Rardin gave the invocation, Frank Portillo led those assembled in the pledge of Allegiance and Commissioner McGinn led the salute to the flag of New Mexico.

1. Commissioner McGinn made a motion to go into Executive Session to discuss personnel items, pending litigation, collective bargaining and real estate issues. The motion was seconded by Commissioner Rardin. Roll call was taken as follows:

Commissioner Rardin	yes
Commissioner McGinn	yes

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

Commissioner Rardin yes

Commissioner McGinn yes

2. John Lee, Otero County Sheriff approached the Board to discuss the possibility of filling a Dispatcher position. Sheriff Lee informed the Board that when his Dispatch Supervisor transferred to the Detention Department the position was never filled. By not filling the position the Sheriff's Department was hoping to save the County money, But eliminating the position has left the Department short handed. At this time, Sheriff Lee would like to request that the position be filled.

Sheriff Lee stated, as far as he knows the money is still in the budget for the position. Commissioner Rardin instructed Sheriff Lee to check the budget, to see if the money is still in the budget for the position. Sheriff Lee also discussed the additional need for a part-time position and that it is a good possibility of eventually making this a full time position. Commissioner McGinn informed Sheriff Lee that the budget needs to be checked before anything can be done. No other action was taken.

3. The Board discussed item A, the minutes of 2/15/99, item B, bills list 31,32,33,34, item C, Indigent items and item D, personnel under the Consent Agenda. Commissioner McGinn made a motion to approve item A, the minutes of 2/15/99, item B, bills list 31,32,33,34, item C, Indigent items and item D, personnel under the Consent Agenda. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously. See pages_____.

4. The Board discussed appointing Mr. R.A. Roberts as Otero County Centennial Chairman and also Resolution 3-8-99/87-30 budget increase for the City of Alamogordo E-911

Reimbursement. Commissioner McGinn made a motion to approve item A, appointing Mr. R.A. Roberts as Otero County Centennial Chairman and item B, Resolution 3-8-99/87-30 budget increase for the City of Alamogordo E-911 Reimbursement under the County Administrator's Reports . The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously. See pages_____.

5. The Board considered to approve the capital outlay request for \$1000.00 to purchase a new compressor for the Convenience Center. Commissioner McGinn stated that he feels that the last budget session the Commission took a hard line on capital outlay. Commissioner McGinn also stated that these small request for capital outlay keep coming in and he feels that if the Commission is going to now approve capital outlay during mid-term budget, it would be best suited somewhere else such as law enforcement for automobiles. Commissioner Rardin asked Frank Portillo why the compressor is so costly? Frank Portillo informed the Board that the reason for the high cost, is that the convenience center is looking at a compressor with a bigger air tank. Mr. Portillo stated that the convenience center needs a compressor on a daily basis to blow out air filters and to repair tires. Commissioner Rardin stated that his understanding is that the convenience center is not asking for a budget increase, they just want to move money from one line item to another to pay for this purchase. Commissioner McGinn asked if it would be possible to take this up during the budget hearings that are coming up and purchase after July 1? The Board tabled this matter until they could gather more information.

6. The Board considered to approve a lease agreement between the City of Alamogordo and Otero County for property located at 224 La Velle Road. Dan Bryant, County Attorney informed the Board that there are some minor discrepancies regarding who is providing employees and security. Mr. Bryant requested that the Board approve the contract subject to working out the

language with the City Attorney. Commissioner McGinn made a motion to approve the contract lease agreement between the City of Alamogordo and Otero County for property located at 224 La Velle Road, subject to the correction being made by the County Attorney and the City Attorney. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously.

7. The Board discussed the employment agreement for Ms. Velma Valles for DWI Grant Program. Commissioner McGinn made a motion to approve the employment agreement for Ms. Velma Valles for the DWI grant fund and allow the chairman to sign the contract. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously.

8. Eddie Vigil and Debbie Carner, on behalf of the Otero County Fair Board, approached the Board to discuss an agreement between the Otero County Fairgrounds and Otero County, this agreement is for Otero County to provide fiscal agent services and to approve an Employment Agreement with Debbie Carner as Fairgrounds Manager. Commissioner McGinn made a motion to approve item G, to approve an agreement between the Otero County Fairgrounds and Otero County for Otero County to provide Fiscal Agent services and item H, to approve Employment Agreement with Debbie Carner as Fairgrounds Manager contingent upon the Fair Boards approval of the language in the contract. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously.

9. The Board consider to approve Resolution No. 3-8-99/87-32 for miles of road maintained for 1999. Commissioner McGinn made a motion to approve Resolution No. 3-8-99/87-32. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously.

10. The Board discussed County Road Bill No. 023 regarding Snake Tank Road. David

Christopher, owner of the ranch off of Snake Tank Road expressed his desire to close the gate located next to his ranch. Mr. Christopher wants to close off the road and have the public use the BLM access road as entry to the BLM land located behind his home. Frank Portillo informed the Board that he does not have a problem with Mr. Christopher closing the road. Mr. Portillo informed Mr. Christopher that he did not have any problems with what he is doing, but that Mr. Christopher needs to contact BLM because where Mr. Christopher want to relocate the road, is not under County maintenance so the BLM would have to improve the road so that the County would take the road for maintenance. Mr. Christopher informed the Board that he has received BLM's blessing. Dan Bryant informed Mr. Christopher on what procedures he will need to follow to have the road closed. Mr. Bryant stated that there needs to be an advertisement for 30 day to request to abandon and vacate a section of County road. The next step would be to bring it before the County Commissioner's then prepare a statement of abandonment and vacation. Mr. Bryant informed Mr. Christopher that he will need to let the Commission know where he want County Road No. 23 to stop. The Board directed staff to start the process of vacating the easements.

11. The Board considered to approve the inspection of Kingbird Road in the Jaydee Six Subdivision. Commissioner Rardin made a motion to approve Kingbird Road in the Jaydee Six Subdivision once the 20% occupancy has been met. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

12. The Board discussed the request to upgrade or replace the file server for the GIS Department with the money from their Grant. Commissioner McGinn made a motion to approve the request to upgrade or replace the file server for the GIS Department with the money from their Grant. The motion was seconded by Commissioner Rardin. A vote was taken and the motion passed unanimously.

13. The Board held a public hearing to consider the approval of the Proposed Ordinance No. 99-01 to adopt an ordinance providing a low income tax rebate pursuant to the Income Tax Act on a County by County option basis. Dan Bryant, County Attorney informed the board that this is a law that provides a tax rebate for low income property tax. Mr. Bryant stated this rebate is on a County by County option basis. Mr. Bryant stated that the way the rebate works is if the County chooses to adopt it, the low income person is to mark the box on the State income tax return form which states that this is a County that participates in the refund. Then the State gives the individual a credit dollar per dollar on their income tax the amount of their local property tax on their income tax. The State would then, on or before July 1st of every fiscal year send the County a bill stating that they sent residents in Otero County refunds and in turn, it would be the Counties responsibility to pay the State back within 15 days. Mr. Bryant informed the Board that the County is actually funding the rebate. Commissioner Rardin stated he can not see giving a rebate to the low income and having to raise taxes to fund the rebate. Commissioner McGinn stated that this would be a targeted tax cut with a tax increase to cover it. No action was taken.

14. Commissioner McGinn informed the Board that the BLM representative informed him that there will be a public hearing on the New Mexico Environmental Impact Statement on standards and guidelines with regard to BLM policies on March 23, 1999 from 2 - 9 p.m in the County Commission Room 253.

15. Commissioner Rardin discussed a letter of disclosure regarding Transcon. Commissioner Rardin read his disclosure to the public regarding a conflict of interest and stated he will not participate in any voting regarding Transcon and the Otero County Detention Center. No other action was taken.

The Board recessed until 11:30.

16. Commissioner Rardin made a motion to go into Executive Session to discuss collective bargaining. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Rardin yes

Commissioner McGinn yes

Commissioner McGinn made a motion to return to regular session and stated all that was discussed was collective bargaining. Commissioner Rardin excused himself from the collective bargaining because of the conflict of interest disclosures, therefore Commissioner McGinn conducted the negotiations on his own. No action was taken.

There being no further business before the Commission, the Chairman adjourned the meeting at 1:03 p.m.

APPROVED:

Chairman

ATTEST:

**Mary D. Quintana,
Otero County Clerk**

