

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., March 20, 2008; 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	Absent
Michael Nivison	Member
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Bill Lee Parker	Public Works Director
Pamela Heltner	Commission Liaison
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.

1. Consent Agenda:

Commissioner Nivison made a motion to approve items A1 thru F16 under the consent agenda removing E10, E15 and E16 from the consent agenda. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

a. Request approval of Resolution #03-30-08/96-51 and submittal of the 2008 Annual Certified

County Maintained Mileage Report to the New Mexico Department of Transportation.

Commissioner Nivison made a motion to approve Resolution #03-30-08/96-51. The motion was seconded by Commissioner Moore. Bill Parker stated he has all the information and it's ready to go. Commissioner Moore stated that last year the information was submitted and it was incorrectly totaled at the state level, so the funding was considerably less than we anticipated. Commissioner Moore requested that this be sent certified to the state so we know that they have received it, and call them to verify the total, that it is the same as ours. A vote was taken and the motion passed unanimously. See pages

b. Request approval to convert the old Road Shop, located at 409 Fairground Road, to NEU.

Commissioner Moore made a motion to consider for approval to convert the old Road Shop to NEU, for discussion. The motion was seconded by Commissioner Nivison.

Commissioner Moore stated that he knows the survey has been completed. There was also a request that the Sheriff get with Tony Rogers, maintenance supervisor, to develop a plan and get his input about whether there is adequate funds. Norbert Sanchez, Under Sheriff, stated that this has not been accomplished yet. We just received the survey back yesterday. We believe with our funds and the 50,000 from the State Legislators we will have enough to complete the project. Commissioner Moore stated that we have a motion on the floor, however we want to make sure that we have a plan and the funding. Commissioner Moore withdrew his motion and Commissioner Nivison concurred, until we have the rest of the information.

c. Request final plat approval for Elk Springs Estates Subdivision. This subdivision is located approximately 16 miles west of Mayhill and approximately 3 miles east of Cloudcroft. Commissioner

Nivison has recused himself from this item. We are going to get Commissioner McGinn on the phone for a vote. She has been called away for a family emergency.

Commissioner Moore made a motion to approve the final plat for Elk Springs Estates Subdivision. The motion was seconded by Commissioner McGinn.

Diane Romo, Planning Coordinator, stated that the preliminary was approved at the public hearing on October 18, 2007. The subdivider has submitted the final plat application and supporting documents. There have been some minor changes on page 7 under the water availability. The first change is in the first paragraph, 12.7 acre feet per year has been reduced to 12.3 acre feet, because we did reduce 43 lots to 42 lots. In paragraph 4, see attached water demand analysis, see attached has been added to the beginning of this sentence. In paragraph 5, water well users agreements, the actual title to that document is water well ownership and operation agreement. This has been changed to coincide with the title on the attachment and the word attached has been added. A vote was taken and the motion passed unanimously. See page

2. Commission Discussion/Correspondence:

- a. Commissioner Moore-appointments to Otero County Solid Waste Authority Board.

Commissioner Moore is seated on this Board as was our former County Manager, Martin Moore. We need to fill that seat so Commissioner Moore appointed Ray Backstrom to represent Otero County. Commissioner Moore introduced the Mayor of Alamogordo, Mr. Brockett.

3. Citizen Communications:

- a. Consider partnership with Children in Need of Services (CHINS) to apply for state capital outlay funding for the PreK program operating at the Full House Child Development Center.

Commissioner Moore stated that there is a new funding source available to Children in Need of Services. They needed to have a government to government exchange. Commissioner Moore had requested Ray Backstrom to find out if we could fill that gap. Mr. Backstrom stated that the funding for this is the same as funding that we have received for any state appropriation, which means the county has to own the property into which those funds will be flowing. At this time we have not heard back from CHINS if they are willing to enter into this type of agreement with the county.

b. Dr. Cheri Jimeno presented a power point program on the G.O. Bond Election for NMSU-A, to be held April 1, 2008.

Commissioner Moore stated that this will be a continuation of a bond that is already in place. The Board thanked Dr. Jimeno for her presentation on this worthwhile program for Alamogordo.

4. Public Hearing:

Commissioner Moore called the Public Hearing to order for the preliminary plat approval for Riata Estates #2 Subdivision. The Chairman recessed the Public Hearing for the preliminary plat approval for Riata Estates #2 Subdivision and called the Public Hearing to order for preliminary plat approval for Rancho Encantado Estates Subdivision. The Chairman recessed the Public Hearing for Rancho Encantado Estates Subdivision and called the Public Hearing to order for the Personnel Policy Ordinance 98-01 as amended by Ordinance 07-01. The Chairman recessed the Public Hearing on the Personnel Policy and opened the Public Hearing on approval for Riata Estates #2 Subdivision.

Commissioner Nivison made a motion to approve the preliminary plat for Riata Estates #2 Subdivision for discussion. The motion was seconded by Commissioner Moore.

Diane Romo, Planning Coordinator, and Klad Zimmerle, Surveyor, approached the Board.

Commissioner Moore stated that we have a new subdivision ordinance that everybody has worked on. These are the first two to come through under the new rules. Mr. Zimmerle stated that he is here representing Riata Estates #2 Subdivision. We have gone before the Planning Commission and had quite a discussion. We have addressed the concerns that were brought up. There is one item that was brought up, which is a product of our new subdivision regulations that we are asking the Commission for a variance. In the new requirements for the water, it asks for a geohydrologic report for every new subdivision that is built in Otero County. The area within the Tularosa Basin has had extensive study done on it. The County's four year plan and the City's four year plan. To require a geohydrologic study for every subdivision that goes in around the basin, when you can pull well logs from adjacent properties and show that the production is there. We know from the reports that the production and the replenishing of these waters is there. A geohydrologic report is above and beyond what would be required for a subdivision of the scope that we are presenting with Riata Estates and Encantado Estates. One is a 8 lot subdivision and one is a 18 lot subdivision. If these had been larger subdivisions, then Mr. Zimmerle believes a geohydrologic report would be warranted. With the size of these subdivisions, Mr. Zimmerle is requesting the Commission waive the requirement of a geohydrologic report. We received an estimate from a local engineer of what the study would cost that would satisfy the State Engineer. For our subdivisions it would cost 12,000, and that doesn't divide up very easily among the smaller numbered lot subdivisions. Mr. Zimmerle is requesting that portion of the subdivision regulations be waived.

Commissioner Moore stated that he doesn't have the recommendation from the Planning Commission. He has a cover sheet that says recommendations with conditions. What conditions are you

recommending? Hans Steinhoff, Chairman of the Planning Commission stated that we had 30 conditions and all have been complied with. The subdivider is asking for a variance, but there is a strict procedure for variances which have not been complied with. Variances apply to land division or a new town or community, not subdivisions. Commissioner Moore stated that he doesn't have the latitude to provide a variance on the geohydrological, nor will I provide a variance for the chip seal option. We worked long and hard on to create a new subdivision ordinance to remedy confusion about chip sealing and roads. Commissioner Moore withdrew his motion for approval. Commissioner Moore made a motion to not approve the preliminary plat for Riata Estates #2 Subdivision. The motion for denial was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

Commissioner Moore closed the Public Hearing on Riata Estates #2 Subdivision and opened the Public Hearing on preliminary plat approval for Rancho Encantado Estates Subdivision.

Commissioner Moore made a motion to deny the approval of the preliminary plat for Rancho Encantado Estates Subdivision. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

Commissioner Moore closed the Public Hearing on Rancho Encantado Estates Subdivision and opened the Public Hearing on annual leave accrual of the Otero County Personnel Policy Ordinance #98-01 as amended by Ordinance #07-01.

Commissioner Moore stated that staff was getting additional information on this subject from NMAC to give us some recommendation of how other counties achieve this portion of their Personnel Policies.

Ray Backstrom, Assistant County Manager, stated that the Association of Counties didn't have a basis or anything for doing those kinds of calculations. The Association recommended that each county

design their system the way they see fit. Commissioner Moore stated that he had several copies from different counties of their policies, and he thought that we matched their language. Commissioner Nivison stated that there should be a formula out there. For the audience, Commissioner Moore explained the situation. The issue is the way we accrue leave. When we changed our Personnel Policy, we chose days of annual leave per year. Internally, staff is having some difficulty dealing with that language. Some people need a part of the day off and in order for it to work, it needs to be broken down in hours. If you are a shift worker that works 10 or 12 hours, the way it's accrued puts them in a better position when it's converted to days.

Norbert Sanchez, Under Sheriff for Otero County, stated that 12 hour workers, work 5% more than the other workers and need to be compensated on a annual accrual leave every year.

Ray Backstrom stated that the way the program is in effect right now, the individual that work the 12 hour shifts are accumulating 50% more leave time in a year than an 8 or 10 hour worker. The changes that are proposed in the new language would grant them 5% additional over an 8 or 10 hour worker because they actually work 5% more.

Bill Parker, Public Works Director, stated that if it's left like it is right now, it is very unfair to the 8 hour workers.

Commissioner Nivison stated that he would like to see an impact on the money. Donna Brandon stated that this enhanced accrual method will result in approximately 4,000 hours more in annual leave accruals per year. The total cost of just over 56,000.

Commissioner Moore stated that we have batted this back and forth two or three times. We do need to cure it, but he believes that it is an interpretation problem of how we are applying the language that is

there. Ms. Brandon stated that this wasn't broken until we adopted the new Personnel Policy a year ago. Expressing annual leave accrual in days per year sounded like a good idea at the time until we came to implement it. We saw the impact to the employees as well as the County. Commissioner Nivison hit the nail on the head, we need to interpret what a day is, but it can't be 8 hours for one and 10 hours for another. Commissioner Nivison stated that it has to be some where that they have it all formulated and it's fair to everybody. Commissioner Nivison would also like to postpone until Commissioner McGinn can be here and for staff to gather more information. Commissioner Moore stated that we have looked at this at great length, when we were looking at the changes in the Personnel Policy. Based on what he is seeing it is inequitable the way it is done.

The Chairman closed the Public Hearing with no action taken. We will review information and reschedule another Public Hearing when all the Commission will be in attendance.

The Mayor of Alamogordo, Steve Brockett, thanked the Board for the welcome. In the weeks, months and year ahead we will be working together and Mr. Brockett looks forward to that. He thanked Commissioner Moore and Commissioner Nivison for their years of service and wished Commissioner Nivison all the best.

5. Executive Session:

Commissioner Nivison made a motion to go into Executive Session to discuss items B. pending and threatening litigation-Environment Department Grease Trap issues at Otero County Prison, C. Personnel-final review of County Manager applications and schedule interviews, D. Land, and G. Contracts-Professional Services Agreements. Dan Bryant stated that at the end of the day a collective bargaining issue arose that he needs to advise the Commission about.

Commissioner Nivison amended his motion to add item A. collective bargaining to B. pending and threatening litigation, C. Personnel, D. Land, and G. Contracts. The amended motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner Nivison yes

Commissioner Moore yes

Commissioner Moore made a motion to come out of Executive Session having discussed items A. collective bargaining, B. pending and threatening litigation, C. Personnel, D. Land, G. Contracts and made no decisions. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Nivison yes

Commissioner Moore yes

Commissioner Moore directed staff to begin the advertising process to hire an additional person in our Buildings and Grounds Department for the Federal Building.

Commissioner Moore stated that we have selected 8 names for interviews under item C. final review of County Manager applications. Staff will schedule interviews.

There being no further business before the Board, the Chairman adjourned the meeting at 7:47 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Regular Meeting Mar. 20, 2008