

**Work Session**

**April 9, 2008**

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 Vice-Chairperson at 9:00 a.m., April 9, 2008; and she 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	Absent
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Member
Linda Dollar	Paralegal
Ray Backstrom	Assistant County Manager
Bill Lee Parker	Public Works Director
Pamela Heltner	Commission Liaison
Lynn Estrada	Deputy Clerk

**DRAFT**

Rex Wilson gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Commissioner McGinn announced that Commissioner Moore is out of town this week, but the Commission does have a quorum and we can conduct our Work Session this morning.

1. **Consent Agenda:**
  - a. Bills Lists #43, #44, #45, #46, #47
  - b. Approval of Minutes

c. Health Care Services

**2. Purchasing:**

a. Request approval of Sealed Bid #08-018 for 6000 feet of pipe and 6 fire hydrants installed for the 16 Springs VFD, to General Hydronics, for the amount of \$92,000 plus all applicable taxes.

Mr. Lou Wilkerson stated that he would like an addendum added that was missed in the original bid that the work has to be completed by June 1<sup>st</sup>. Ginger Herndon stated that they are giving a certain amount of time for the construction. The scheduled time frame and the current bid says 60 days, so nothing can be done. Commissioner McGinn instructed Ginger to check the language before the regular meeting.

b. Request approval of Sealed Bid #08-021, 50' x 60' metal building, for the Burro Flats VFD to Mueller Inc., for the amount of \$28,530.95.

c. Request approval of Sealed Bid #08-022 for the re-roof of the Flickinger Theater in the amount of \$38,000 plus all applicable taxes, to Cling Hicks Roofing, contingent upon all approved required bonding.

d. Request approval of Sealed Bid #08-023 for a used fire apparatus, for the Alamo West VFD, to the Phoenix Group, in the amount of \$25,000 for a 2004 McCoy Miller on a Ford F-450 chassis.

e. Request approval of Sealed Bid #08-026 for the new Oro Vista Fire Station addition, base bid and alternate 1 is \$406,200 plus all taxes to National Construction, Alamogordo. Total cost of the building will be financed through the New Mexico Finance Authority.

f. Request approval for the yearly renewal of Contract #TS-06-012 with State Wide Drilling for the Water Table Well Monitoring for Otero County in the amount of \$2,714.36 a year.

g. Request approval for the yearly renewal of Contract #PS-05-010 with Randall Auction

Services for the Administration Office in the amount of \$1,200 or 9% of the gross receipts of items sold for each auction held.

h. Request approval for the yearly renewal of Contract #TS-04-009, software maintenance for the Assessor's Office (GIS) in the amount of \$10,100 a year to ESRI, Redlands, CA.

i. Request approval for the renewal of the Legal Services contract between Otero County and the firm of Daniel A. Bryant. This is the 2<sup>nd</sup> year of a 4 year contract. The amount requested for approval is \$12,633 a month plus all applicable taxes.

Commissioner Nivison stated that we use other lawyers besides Mr. Bryant, and their fees come out of this fund for attorney fees. We have set some money aside in this fund for special needs.

Commissioner McGinn directed staff to get with Mr. Bryant and get his break down of his billable hours that he uses to propose the \$12, 633 a month rate. Break it down in the number of hours that he is saying he provides legal services and put in with their contract here with the county. Commissioner McGinn also wants an itemized list of the number of days spent at the courthouse and the average number of hours worked. She would like this information for next Thursday's meeting.

### **3. Resolutions, Contracts & Agreements:**

a. Request approval of Resolution #04-17-08/96-52, authorizing and approving submission of a completed application for financial assistance and project approval to the NM Finance Authority for the purchase of an addition to apparatus bays for the Sixteen Springs Canyon Fire Department. Estimated cost of the new addition will not exceed \$160,000 with necessary equipment.

Lou Wilkerson stated that we have several vehicles that can't be kept at the Fire Department because there is no place to put them. This addition is needed for our vehicles to have them secure.

b. Request approval of Resolution #04-17-08/96-53, authorizing the execution and delivery of a

loan and intercept agreement by and between the James Canyon Fire Department/Otero County and the NM Finance authority for the purpose of acquiring a fire-rescue apparatus. Estimated cost of the new apparatus will not exceed \$110,000.

c. Request approval of Resolution #04-17-08/96-54, reaffirming the dedication of the proceeds of each imposed increment of Gross Receipts Tax in response to House Bill 615.

Ray Backstrom stated that this deals with our sole provider funds and how the state is looking at intercepting these funds. One of the requirements of this bill is that the Commission take specific action on that intercept. We are reaffirming the current dedication to insure that the dedications we have made need to stay in place. Commissioner McGinn stated that if she understands House Bill 615 correctly, it is talking about changing the way the funds are transferred. Mr. Backstrom stated that this is correct. This resolution is reaffirming how the currently imposed gross receipts tax is distributed, that goes towards indigent fund. Commissioner McGinn would like to change the way this is worded, where it says "reaffirming the dedication of the proceeds of each currently imposed increment." Provide a copy of House Bill 615 with the Commission Booklets for any discussion next Thursday.

d. Request approval of Resolution #04-17-08/96-55, for the State and Federal Grant Fund to reflect the receipt of a supplemental grant award from the New Mexico Department of Homeland Security in the amount of \$114,000.

Commissioner McGinn directed staff to change the wording on the very end to say, "for the purchase of the reverse 911 system."

e. Request approval of Resolution #04-17-08/96-56, banning burning in Otero County in order to protect the health, safety and welfare of the citizens of Otero County from increased fire danger.

f. Request approval of rate per day/per animal for housing of Otero County animals in the City

of Alamogordo Animal Control Facility. The current rate per day/per animal is \$24.50. The proposed new rate to be effective July 1, 2008 is \$17.60 per day/per animal.

Commissioner McGinn stated that she believed this would be a rate change within our current Memorandum of Understanding, (MOU), for housing animals with the City Animal Control Facility. Mr. Backstrom stated that this is correct. We are using the City when Dr. Staley's facility becomes to full.

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

a. Consider appropriations in the amount of \$35,000 from General Fund to offset anticipated shortfalls with the ongoing operations of Presbyterian Medical Services/Sacramento Mountain Medical Clinic.

Mr. Backstrom stated that a meeting was held with Presbyterian Medical Services, they indicated that the clientele that are using the facility in Sacramento aren't able to pay. This is a one time appropriation to keep them open.

Rex Wilson, the Southern Region Director for Presbyterian Medical Services, and Julie Baker, Administrator for the Tularosa Medical Center and the Sacramento Medical Center, approached the Board. We have tried to prepare for this meeting today to present the needs of the Clinic in Cloudcroft. This is a stand alone clinic and has operated at a loss for some time. Over time the deficit has increased to a point where we need some community help to continue to function. We are not asking the Board to make us whole, just to help close the gap some. Commissioner Nivison stated that he had the opportunity to meet with Mr. Wilson and Ms. Baker and the Board a couple of weeks ago. We only have one medical facility in the mountains. If we let this one go down, it will be ten times harder to get it back up and running.

b. Request from Mike Nelson to have Pueblo Del Sol and Pueblo De Luna added to the Otero County road maintenance list.

Bill Parker stated that he has completed the road inspection on these roads and they meet all the County standards. He sees very little maintenance on these roads for the next 10 years since they are already asphalt.

c. Request from Tom Braziel to have Old Mill Road added to the Otero County road maintenance list and enter into a CO-OP Agreement to chip seal said road.

Bill Parker stated that he inspected this road and the only thing on it is three businesses and runs south of our Road Shop. It is 100 percent occupied and Mr. Parker recommends the CO-OP Agreement to chip seal. The road will be heavily used this summer due to the filming of the several movies in that area and the buildings are leased to the movie industry.

d. Consider the easement vacation for Dusty Land Road.

Ray Backstrom stated that Tommie Herrell came to the Commission in the middle of 2007 requesting that Dusty Lane be vacated. The process of a public hearing has been changed by law. The County Attorney recommended that we use a process called using viewers, where individuals from that locality go and look at the easement to be vacated and come back to the Commission with their recommendation.

Susan Phillips stated that she was one of the viewers for Dusty Lane. She would like to give some information to the Board that was not in their report. The easement has already been blocked and that appears to have caused other people to use a utility easement on the property immediately on the east boundary of that easement. This might cause a problem. Ms. Phillips presented the pictures to the Commission for their observation.

**5. Citizen Communications:**

a. Everett Putney-Request for Otero County to take over the liability insurance for the Timberon Airport.

Mr. Putney stated that a couple of years ago the Timberon Development Council had received a \$250,000 grant from State Forestry to be used for the Timberon property owners that lived within Timberon to thin their properties. Before the end of 2007, we were notified by State Forestry that the \$250,000 wasn't being used fast enough by property owners in Timberon. State Forestry took away the money and is using it at the Circle Cross Ranch for larger acreage of thinning. This took away our administrative fees to do many things such as pay the liability insurance. Property sales are also down in Timberon. The airport does belong to the County and we have a contract with the County to maintain and operate the airstrip. We don't have any equipment to maintain it except for a tractor that we mow the grass with. Bill Parker, Road Department, has double chipped and sealed the runway over a year ago. The final seal will be put on this year. The insurance that we are asking the County to take over runs about \$25,000 a year.

Commissioner McGinn directed staff to look into the current liability insurance adding on this particular organization to that for us for next Thursday.

**6. Unscheduled Citizen Communication:**

a. Lou Wilkerson thanked the Commission for the chip sealing that has been done in Sixteen Springs for last year and what's going to be done this year. Two miles were done last year and a little over a mile this year. Mr. Wilkerson would like to include for next year an additional mile going west from Sara Joe's property, up to the boundary of the National Forest, the entire amount of Sixteen Springs will have been chipped sealed. All of the County roads outside of the National Forest will have

been chip sealed if this mile is included in next years projects.

b. Everett Putney stated that July 5<sup>th</sup> there will be a picnic for the community of Timberon being held at the Mary Glover Park. Mr. Putney invited the Commission and looks forward to seeing them at this event.

**7. Commission Discussions/Correspondence:**

a. Commissioner McGinn stated that on the March 20<sup>th</sup> meeting we discussed cost estimates for remodeling the old road shop. This item was tabled for further information. Norbert Sanchez, Under Sheriff, stated that the asbestos testing has come back and we have had Tony Rodgers do an estimate for the remodel. The total cost of the remodel is \$59,977.00 and we have a total amount of \$70,000 to finish the project. Commissioner McGinn directed staff to get this item back on for the April 17<sup>th</sup> meeting.

b. Commissioner Nivison stated that he sat on a committee where the Fire Marshall gives away grant money. There are 2 appointments on there from the Governors office and we will be getting some benefit from that. We should be getting some apparatus for our fire departments.

**8. Executive Session:**

Commissioner Nivison made a motion to go into Executive Session to discuss items A. collective bargaining, B. pending and threatening litigation and G. contracts. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes

Commissioner Nivison made a motion to come out of Executive Session having discussed items A. collective bargaining, B. pending and threatening litigation and G. contracts, having made no decisions.

The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn                      yes

Commissioner Nivison                      yes

9. Donna Brandon-verbal presentations by County Departments for the 2008/2009 Budget.

The following Department Heads and Elected Officials gave a verbal presentation:

- a. Tony Rodgers-Buildings and Grounds
- b. Bill Lee Parker-Public Works, Road Fund and Environmental
- c. Jay Frost-Rifle Range
- d. John Blansett-Law Enforcement
- e. Gloria Sainz-Indigent
- f. Ginger Herndon-Purchasing
- g. Becky McFarland-Fairgrounds
- h. Virginia Blansett-Corrections
- i. Robyn Silva-County Clerk
- j. Paul Quairola-Emergency Services
- k. Yvonne Boyle-Probate Judge
- l. Dale Palkki and Gonzalo Estrada-Property Assessments and Property Valuation
- m. Grace Gonzalez and Cathy Prather- Collections
- n. Ray Backstrom-Commission, Administration, Data Processing and DWI

Commissioner McGinn directed Ms. Brandon to leave all the operating changes as submitted. For salary request, pull all merit, leave promotions and put in a cola of .75. All these changes will be completed for the May 7<sup>th</sup> Budget Work Session. Commissioner McGinn directed Ms. Brandon to have

all the changes from today, give the difference in the total amount requested in expenses from the old book to what we did today.

There being no further business before the Board, the Vice-Chair adjourned the meeting at 1:38 p.m.

APPROVED:

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Clarissa McGinn, Vice-Chairperson

ATTEST:

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Robyn Holmes, County Clerk

Work Session April 9,2008