

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 Chairman at 9:00 a.m., April 11, 2007; 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-Chairperson         |
| Michael Nivison  | Member                   |
| Dr. Martin Moore | County Manager           |
| Ray Backstrom    | Assistant County Manager |
| Dan Bryant       | County Attorney          |
| Pamela Heltner   | Commission Liaison       |
| Lynn Estrada     | Deputy Clerk             |

**DRAFT**

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

1. **New Business:**

Proclamation: Proclamation and Certificate of Appreciation for the Retired and Senior Volunteer Program.

Proclamation: Meth Awareness Week.

Presentation: Presentation regarding the Upper Pecos watershed and Regional Water Planning.

**2. Consent Agenda:**

a. Bills Lists #44, #45, #46, #47

b. Health Care Services

Consider approving or denying claims for our Sole Community Provider, Gerald Champion Regional Medical Center. 109 claims are recommended for approval for a total of \$158,815.39 and 25 claims for denial totaling \$82,192.67 through March 27, 2007. 48 claims are recommended for approval for a total of \$79,868.48 and 11 claims for denial totaling \$21,772.49 through April 3, 2007. 4 claims are also recommended for approval submitted to the Otero County Detention RX Program for a total of \$440.14.

Commissioner Moore stated that he has discussed with staff if it would be possible to just give us the claims starting on the first and ending on the thirtieth. There has been some confusion the last couple of months about the dates. Commissioner Moore stated that if this is possible, will Mrs. Sainz, Health Care Coordinator, get with staff to work out the dynamics to help clarify this.

Commissioner McGinn asked why there were no Minutes listed on the Agenda. Pamela Heltner stated that Mr. Martin Moore had pulled the minutes from the agenda that had typographical errors. There were four sets of minutes that have been corrected by Lynn Estrada in the County Clerk's Office and given back to Ms. Heltner. Commissioner McGinn requested the minutes to be placed back on the agenda for Tuesday night.

**2. Purchasing:**

a. Consider approving sealed bid #07-018, Inmate Pharmacy Services contract for the Otero County Detention Center, to Lowe's Pharmacy, in Alamogordo. This will be a four (4) year contract with the option to renew yearly.

b. Consider approving sealed bid #07-022 for the purchase of four (4) self contained breathing apparatus to include four (4) extra cylinders and four (4) masks, in the amount of \$22,205.02 to NASCO, Colorado Springs, CO. This purchase is made by Emergency Services utilizing grant money from a Homeland Security Grant.

c. Consider approving sealed bid #07-024, plumbing supplies for Twin Forks MDWCA, contingent upon the New Mexico Environment Departments approval. Total cost for these supplies is \$210,805.91. This is a grant funded project with a budget of \$242,795.02.

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

a. Consider approving Resolution No. 04-17-07/95-59, execution and delivery of the loan and intercept agreement between Otero County and the New Mexico Finance Authority for the purpose of acquiring a fire emergency response vehicle. Funding for this vehicle has been approved by the New Mexico State Fire Marshal's Office using Fire Fund Allocation money.

Paul Quairoli stated that the New Mexico Finance Authority requires two resolutions. One for the application to be submitted and one to accept the loan and agreement terms.

b. Consider approval to purchase a new 2008 Ford F-350 pick-up truck under NM State Contract #70-000-00-04015 for use by the Emergency Services Coordinator. State Contract price is \$35,944.83.

c. Consider approving Resolution No. 04-17-07/95-60 for budget adjustments for the Upper Cox Canyon VFD, to reflect the receipt of a grant from the State Fire Marshal's Office in the amount of \$180,000. The purpose of the grant is for the purchase of a Class A Pumper.

d. Consider approving Resolution No. 04-17-07/95-61 for budget adjustments for the Legislative Grant Fund to reflect the receipt of a grant from the Environmental Department for the Twin Forks Mutual Domestic Water Consumers Association in the amount of \$103,000. This is a severance tax

bond.

e. Consider approving the agreement between Twin Forks Mutual Domestic Water Consumers Association and Otero County to permit grant funded (06-1169) work, replacing old water lines.

Donna Brandon stated that she mirrored the previous agreement between Otero County and Twin Forks for the first grant. Ms. Brandon requested that Dan Bryant review the new agreement to make sure all is in order

f. Consider approving Resolution No. 04-17-07/95-62, banning burning in Otero County.

Paul Quairoli stated that the Commission is aware of the situation in the forest with the bugs that are killing the trees, which makes it a very high fire danger. There is significant growth of grasses and light flashy fuels generated during the rain events of 2006.

Dan Bryant stated that over the years you have included in this resolution, a mention of your ability to do firework bans under the state fireworks code. Over the years our meeting dates didn't coincide with the time limits that are in the fireworks statute, about how soon before a holiday you can impose a ban and how you have to renew that once it's been imposed. We have included reference to that here in this resolution, so we wouldn't have to call a special meeting to do a special resolution for the fireworks.

g. Consider approving the Joint Powers Agreement between Otero County and the Mescalero Apache Tribe to provide support as Emergency 911 (PSAP) fiscal agent. In addition, this agreement identifies Otero County as the back up for the Mescalero PSAP. All equipment purchased under this agreement becomes the property of the Otero County Sheriff's Office.

Mr. Martin Moore stated that he had spoken to Mr. Apodaca, the local government director in Santa Fe this morning. The agreement between Otero County and the Village of Cloudcroft is under

attorney review. Mr. Apodaca is waiting for the final review to decide whether or not to sign on that document. He is aware that Otero County is continuing our discussions with the City of Alamogordo. Commissioner Moore stated for clarification that Mr. Moore said that we are working with the City of Alamogordo and I don't believe that this is the City's perception. I believe their perception is that we have abandoned them and we will continue on by ourselves. Mr. Martin Moore stated that this is a fair assessment of the issue. Commissioner Moore stated that the State is giving us until May 1<sup>st</sup> to have a plan in place and all the documents signed.

h. Consider approving a CO-OP agreement between Otero County and Colquitt Company to chip seal 2.8 miles of Angelina Blvd. in Chaparral. Angelina Blvd. is already a county maintained road. Colquitt will furnish all the materials and Otero County will furnish all labor and equipment.

i. Consider approving the renewal of a CO-OP agreement between the U.S. Department of Agriculture, Forest Service and Otero County to continue county road maintenance on 122.27 miles of U.S. Forest Service roads.

Commissioner Moore directed staff to get an accurate map of all the roads, and make sure our GIS people can process that data. Color code the roads that we have descriptive maintenance on and the balance that qualify as RS2477 roads and how many miles that is. What is the County's control if we say every road in the forest is an emergency egress route? Do we have the ability to modify the land to protect this as an egress route? Commissioner Moore would like to have this information in 45 days from staff.

j. Consider approving the Pledge Agreement between Otero County and the Otero County Hospital Association, d/b/a Gerald Champion Regional Medical Center. The Otero County Hospital Association pledges \$58,324 specifically for the purpose of providing health care services to inmates of

the Otero County Detention Center and to provide a medical director for emergency medical services.

k. Consider approving the Business Associate Agreement based on the need of HIPAA compliance by both parties, regarding information on medical records supplied by both parties involved in this agreement. This agreement will allow staff to work claims at the hospital in hopes to cut down on our denial of claims.

Commissioner Moore stated that our claims process is cumbersome and not user friendly. We end up denying a lot of claims that would be eligible for payment simply because the recipient doesn't make a follow up trip to the courthouse to validate their claims. Our next step is to have our staff on site at the hospital, so that we can attempt to approve claims while they are there and do away with the follow up visit.

l. Request for approval of the project agreement between USDA Natural Resources Conservation Service and Otero County to restore the floodway channel of the Upper Rio Penasco by removing cobble and rock from the river channel and adjacent fields within the floodway. This project is similar to the one approved for the Abbott Street project. It is projected to cost \$24,090.00. NRCS will provide \$18,067.00 of the cost with a non-federal match of \$6,023.00 from Otero County in the form of equipment or labor.

Commissioner McGinn stated that we had a similar project for the La Luz Creek, with erosions near private property and residences. What have we received from Natural Resource Conservation Service in the form of a contract? Mr. Martin Moore stated that NRCS confirmed that they have submitted a request for funding for the La Luz Creek area, the request was denied for funding. Our response back to them is that we need to do something in there, we have received assurances from Dan Abercrombie, staff member of NRCS that they will work with the Public Works Director to take a look

at the creek area to see what needs to be done.

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

a. H.R. Prather-Request approval of the Otero County Teen Court Bylaws to establish a 10 member Advisory Board.

**5. Public Hearing:**

Dale Palkki-Review the preliminary plat approval for the Creekside Estates Subdivision, Unit 1. This property sits along the Tularosa Creek approximately 5 miles northeast of Tularosa, on the north side of Highway 70.

Commissioner McGinn stated that per our minutes on August 3<sup>rd</sup> on this particular Subdivision, we did recommend that it go back to the Planning Commission to review and also to comply with any ordinances within the Village of Tularosa and their extra territory planning jurisdiction. Item number 19 needs to go back to the Planning Commission, as we originally directed at our special hearing back in August. Commissioner Moore directed staff to remove this item from the agenda for Tuesday night until all the required concerns have been met.

**6. Commission Discussion/Correspondence:**

a. Commissioner Moore stated that we have had some real challenges with the Forest Service. There has been some on going banter since we declared a state of emergency. The Forest Service has some concerns with our declaration and they have received some less than professional communications from their staff based on the reporting in the newspaper. Commissioner Moore has been out of town and has been unable to provide a timely response, but there will be a response forthcoming. Commissioner Moore would like to clarify, he was misquoted in the newspaper. When he said in the emergency meeting that we have planes on contract and available insecticide, I said we in

the context with our partnership with the Forest Service. Otero County does not have any airplanes, nor do we have any stored insecticide. I did say those words in the meeting, but when I said we, I should have clarified that I was referring to our partnership with the Forest Service as having access to those resources. We will find out shortly how much control Otero County has with Senate Bill 1.

Commissioner McGinn stated that she was just going to ask that. We had a meeting in Cloudcroft and took a look at what's going on up there with the deterioration and the fire danger. We have enacted Senate Bill 1 within our Emergency Declaration. Mr. Martin Moore stated that we have had initial consultation with the State Forester and the second section or part of Senate Bill 1 requires us to have consultation with the regional forester also. Our consultation with the regional forester will be in the form of here's our plan, here's what we plan to do. Commissioner Nivison stated that the issue is divided into two parts. There are things that the Forest Service can do under the law that exists. In the meetings we've had we have pointed out several things that they can do beyond what they are doing, and what we have requested that they do, which is seek emergency powers under the CEQ.

b. Commissioner McGinn stated that we will receive some funding for the completion of the Fresnel Canyon emergency egress route from the top of the mountain down to the bottom. We do have to provide a ten percent match for that project. We are receiving the money from the State, the Governor signed the legislation last week. Mr. Martin Moore stated that the process now is that we work with the Department of Transportation.

#### **7. Unscheduled Citizen Communications:**

Joe Schwartz stated that he has been before the Commission twice before with his concerns with a home on 52 Alamotero. The roof is blowing off the building into the road with nails. Do we pick it up or is the County going to come pick it up? It has an old trailer and junk all around it. Two years Mr.

Schwartz went to court on this matter and nothing has been done as of yet. Commissioner McGinn asked that when it went before the Magistrate Judge, they did issue a Judgment against the person who owned the property? Mr. Schwartz stated that yes at that time they did and then the gentleman who owned the property passed away and it was sold for back taxes. Commissioner Moore stated that the complaint from two years ago was remedied, now that gentleman has passed away and the property has changed hands and there is an additional issue or a continuing issue? Mr. Schwartz stated that with this property, nothing has ever been done to clean it up. A gentleman from Tularosa purchased the property and he has been notified by the Sheriff's Office to clean up the property. Dan Bryant stated that he was not aware that the original property owner had died. He was not aware of this issue prior to this morning, except for quite some time ago when Mr. Bryant and Mr. Schwartz did go look at the property originally. We have some processes in place that can get this on the table, get it looked up and get it addressed, we will proceed to do that.

**8. Executive Session:**

Commissioner McGinn made a motion to go into Executive Session to discuss items B. pending and threatening litigation, Forest Guardians vs. U.S. Forest Service and Thistle de-listing, item C. Personnel, organizational restructuring and personnel contracts and job duties for new managers, item D. Land, disposal and acquisition of land and Aces School, item F. Detention Center, discuss additional prison facilities in Chaparral, item G. Contracts, extend County Attorney contract until June 30, 2007. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of Executive Session having discussed items B, C, D, F and G as listed having made no decisions. The motion was seconded by Commissioner Moore.

Roll call was taken as follows:

Commissioner McGinn                      yes

Commissioner Moore                      yes

There being no further business before the Board the Chairman adjourned the meeting at 12:36 p.m.

APPROVED:

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Doug Moore, Chairman

ATTEST:

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Robyn Silva, County Clerk

Work Session  
April 11, 2007