

are looking at the properties outside of this area to see that if we allow this request, would it land-lock anyone. Dale stated that it doesn't look like it would affect anyone. Dan stated that the letters will go out next week and he feels that we should notify the Bureau of Land Management and the City of Alamogordo of our intentions to vacate the easement. Once the letters go out we can publish in the newspaper for a Public Hearing at the June 28th meeting.

2. Consent Agenda:

- a. Approval of Minutes
- b. Bills Lists - #47, #48, #49, #50
- c. Health Care Services- Monthly Report for April/May 2005

Dan Bryant stated that on the Health Care Services he is happy to report that on Monday afternoon he approved a dismissal with prejudice of the two million dollar claim from Memorial Medical Services. The lawsuit is over and they can't come back and make any claims prior to this year.

- d. **Personnel-** New hires and replacements

2. Purchasing:

- a. Consider approval of Sealed Bid #05-028, to elevate and re-roof the Burro Flats Fire Station.
- b. Requesting signatures on the renewal of the pharmacy services agreement, between Otero County Detention Center and Lowe's Pharmacy.

3. Contracts, Resolutions & Agreements:

- a. Consider filling vacancy for the Alamogordo Public Library Board.

Commissioner McGinn stated that she would like to have this vacancy advertised again. It was only advertised one day and she would like to give it one more chance since we received only 1 applicant. Also clarify in the advertisement the position is for someone who lives outside city limits.

b. Consider approving an agreement between Otero County and Southwest Ambulance of Las Cruces, NM regarding indigent hospital claims/medical provider services.

Jeff Sargent and Jenny Fisher were present from Southwest Ambulance to answer any questions. Mr. Sargent stated that when the ambulance service is utilized, it is one flat fee and not per claim. If the patient is already eligible for indigent they don't have to go through the process again if the ambulance service is used.

c. Consider approving a service contract between Otero County and Utility Audit, Inc.

Ruth Hooser explained that about 3 years ago a utility audit was done for Otero County. The auditors went through all our utility bills, phone bills, waste removal, sewer, water and gas. They found that we had paid these companies too much. They recovered about \$48,000.00. Out of this money we had to pay them 50 percent and we kept 50 percent. This is a contingency contract. Dan stated that the contingency fee that is proposed in the agreement is 50 percent of all funds recovered. He suggests that we negotiate this number.

d. Consider approving Resolution No. 05-03-05/93-48 regarding support of the Federal Program payments in Lieu of Taxes. (PILT)

Dan Bryant stated that the President's budget proposes a one third reduction in actual PILT payments for the next fiscal year. For Otero County that would be around \$400,000 less money received from PILT. The New Mexico Association of Counties is conducting meetings right now to ask Congress to make the full payment of PILT at \$331,000,000 for all the Western States.

e. Consider approving Resolution No. 05-03-05/93-48 regarding opposing the Strengthening America's Communities Initiative, which would eliminate the Community Development Block Grant Program.

Commissioner McGinn would like to pull this Resolution from the agenda until the Board has time to read it. It's quite lengthy and she doesn't want to sign this until they have more information.

Dan Bryant stated that he will get more information on this item before Tuesday night for the Board.

4. Discuss Planning Commission Denial of Tularosa Farms Unit A.

Klad Zimmerle approached the Board to discuss this denial. Klad stated that the Planning Commission denied the subdivision based on an off site civil matter. The easement that was going to be used for access to the subdivision off of Sainz Lane. When the original deeds came out only 1 25 ft. easement was reserved. Rather than having a 50 ft easement reserved as access we have a 25 ft. easement. The attorneys and owners are working on this issue. The Planning Commission should not even be involved.

Commissioner McGinn stated that to be clear on this matter she understands that the Planning Commission wants the County Commissioners to decide whether we go forward with this item or not. Dale Palkki, County Assessor, stated that it has 30 days from the appeal, which would be May 12th, to have a decision made by the County Commissioners. Klad stated that he is also not planning on doing anything with the subdivision until the civil suit is resolved. Dan Bryant would like to communicate with both lawyers on the case so he can report to the Commission their findings.

5. Public Hearing:

Consider approval of Ordinance No. 01-05 amending the Otero County Subdivision Ordinance regarding the Sacramento Mountain Checkerspot Butterfly Conservation Plan.

The changes were made from the April 12th meeting. Dan stated that US Fish & Wildlife will have a representative at the Commission meeting on Tuesday night to talk in greater detail and provide more facts how it actually works and how much of a disruption there may or may not be with peoples ability to develop.

6. Citizens Communications:

Randy Rabon/Mesa Verde Ranch, requesting permission from the Board of County Commissioners to let the Otero County Road Department take over the maintenance of the Mesa Verde Ranch Road.

7. Commission Discussions:

- a. Clarissa McGinn- Discuss revisions to the Red Brick School House License Agreement.

The Foundation was present to discuss the License Agreement. Rental value and fair market value were discussed. Dan stated that he will correct the errors in the Agreement and have it ready for signatures for the Tuesday night meeting.

8. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss personnel, acquisition of real property, pending and threatening litigation and collective bargaining. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

Commissioner Moore made a motion to come out of Executive Session having discussed personnel, acquisition of real property, pending and threatening litigation, and collective bargaining and no decisions were made. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes

There being no further business before the Board the Chair person adjourned the meeting at 11:48 a.m.

APPROVED:

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk

Work Session April 27, 2005