

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., May 2, 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	Absent
Dr. Martin Moore	Absent
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Road Superintendent
Lynn Estrada	Deputy Clerk

DRAFT

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

Consent Agenda:

- a. Bills Lists #48, #49, #50
- b. Approval of Minutes

2. Purchasing:

a. Consider approving sealed bid #07-025 for the purchase of two (2) generators, transfer switch, and a tow-able light tower, in the amount of \$38,241.00 to Uptown Rentals, Alamogordo, and \$30,200.00 to Action Rental, Las Cruces. This purchase is made by Emergency Services, utilizing grant money from a Homeland Security Grant.

b. Consider approving sealed bid #07-027 for re-roofing of the Weed gymnasium in the amount of \$79,305.00 to Jack Wayte Construction, Alamogordo, per attached architects recommendation and bid tab.

3. Resolutions, Contracts & Agreements:

a. Consider approving Resolution No. 05-08-07/95-63 requesting a budget decrease of \$60,000 in General Fund/Fairgrounds and a budget increase in the same amount in the Road Fund for the purpose of conducting repairs to the Fairgrounds parking lot.

b. Consider approving Resolution No. 05-08-07/95-64 for the Fresno Canyon Rd. improvement project request for GRIP2. The GRIP2 amount is \$423,000 and a County 10% match of \$47,000 is required to see this project through. This will chip-seal the remaining 2.3 miles of Fresno Canyon Rd. Commissioner McGinn asked Bill Lee if this will complete the entirety of Fresno from High Rolls down to Laborcita. Bill Lee stated that yes this will complete Fresno Canyon and it will have chip seal all the way through.

c. Consider approving Resolution No. 05-08-07/95-66 requesting the adoption of the interim operating budget for fiscal year 2007/2008.

d. Consider approving agreement #2007-2364 between Otero County, acting as fiscal agent on behalf of the Sacramento Mountains Senior Services, and the New Mexico Aging and Long-Term Services Department for a grant in the amount of \$7,500. These funds will be used to perform the

needed improvements or purchase the necessary equipment in accordance with the terms of the agreement.

e. Consider approving a grant agreement between Otero County and the New Mexico Department of Finance & Administration/Local Government Division in consideration of thirteen projects totaling \$2,065,800 for General Fund appropriations funded during the 1st session of the 48th Legislature, 2007.

f. Consider approving the CO-OP agreement between the U.S. Department of Agriculture, Forest Service and Otero County. The Forest Service has \$10,000 to purchase material to be hauled on NFSR 228, (Walker Canyon) and NFSR 162, La Luz Canyon. The county will purchase the material, haul and spread it. The Forest Service will reimburse the County for the cost of the materials. Bill Parker stated that every year the Forest Service gives the County money to chip seal forest roads that the County maintains. At the last meeting, a co-op with the Forest Service was approved for the County to chip seal 122 miles of RS2477 roads. Bill Parker would like to complete those roads before he starts on these roads that are listed.

g. Request approval of an agreement between Otero County and the City of Alamogordo for the housing of city prisoners, which includes a daily rate of \$80 per prisoner. This rate is being changed for all non-state entities holding inmates at the Otero County Detention Center.

h. Request approval of an agreement between Otero County and the law firm of Daniel A. Bryant P.A. The agreed upon cost for retaining the services of the firm, including the lead attorney, back-up legal council and staff is in the amount of \$12,633.00 per month, plus applicable taxes. The agreement also includes a requirement that lead council establish office hours for himself one day per week and either himself or staff for an additional two days per week.

Commissioner McGinn stated that Mr. Bryant will have one day that he is in the office for any County Department Head or Elected Official to come and see him in his office. Dan stated that the contract language that has been drafted provides for up to three days. He is guaranteed that he will be on staff at least one of those days. Commissioner Moore stated that he has had staff look at how other counties provide access to counsel. We want to create a system by which we are going to format this access. If you are a department head you will be asked to inform Administration of the issue and they will make the decision on whether counsel is required and put forth the request and make an appointment with counsel. Dan stated that this provision will be added to the agreement.

i. Consider approving Resolution No.05-08-07/95-65 requesting a burn ban in Otero County.

Due to continued dry conditions, defoliation of the forest, significant growth of light/flashy fuels during the rain events of 2006, there is a potential for catastrophic loss.

Paul Quairoli stated that the resolution now has a date that is extended out further. If we continue to get rains we can extend that date even further. Commissioner McGinn stated that we have a Work Session on May 23rd and we could have an item on this agenda to take action if needed. The State of New Mexico has gone to their level 1 preparedness for fire protection and fire banning. Bill Robbe, New Mexico State Forestry out of Capitan, stated that the State encourages the counties to go through these processes before the State Forester has to step in either geographically or state wide to impose these higher fire restrictions. Mr. Robbe is here from the Capitan District in support of getting this all going before the fires are started.

4. Elected Officials, Department Heads, Committee Reports:

a. Discussion regarding proposals for the 2007/2008 budget.

This item will be discussed at the Budget Work Session at 1:30 today.

b. Request approval to amend the Otero County Commission Meeting Schedule for the remainder of calendar year 2007.

Commissioner McGinn stated that she has looked at the proposed schedule which would change after the May 29th meeting. Starting in June the Work Sessions will remain on Wednesdays at 9:00 a.m. and the Commission Meetings will be Thursdays at 6:00 p.m. This will let the public know that on every 3rd Thursday of the month there will be a Commission Meeting. Commissioner Moore asked what the purpose of the change is. Commissioner McGinn stated that it is recommended that it's held the 3rd Thursday of each month, so the public knows that on the 3rd Thursday of each month there is a County Commission Meeting. By moving the meetings to Thursday, it will no longer conflict with Tularosa, Cloudcroft and City of Alamogordo Commission Meetings.

5. Public Hearing:

a. Consider approval to vacate an easement located in Lots 13 & 14 of Government Subdivision. Approximately four miles south of Alamogordo on Hwy 70, located on the property formerly known as Emporium Furniture.

6. Citizen Communications:

a. Request from Charles Walker for Otero County to notify the U.S. Forest Service, the Bureau of Land Management and the NM Game & Fish Department that county property owners and public land ranchers are experiencing excessive elk damage and need to be compensated.

Mr. Walker approached the Board to present his case to the Commission. He stated that he will also be presenting his case to Lincoln, Chaves and Eddy County, because they are also allotment owners in Otero County. Mr. Walker told a history story of their elk problems and how the grazing allotments were established. Mr. Walker stated that the Forest Service and the BLM have been doing

some things through regulations that are not legal. We found out through recent litigation that the ranchers own the foliage, water and the right-of-ways on their grazing allotments. In owning these things this is where the Board can help us. Mr. Walker has spoken with the Forest Service about the elk problem and nothing has been done as of today. He stated that they have come to the Board to ask them to back them up and do something about this problem, because they feel that it is time to do something. Commissioner McGinn stated that we are in support and we are currently working on a draft elk ordinance to address this situation. Commissioner Moore stated that there are three or four ordinances that we are putting together as a package that addresses this situation and a few others. It will not be on this agenda, but will be up for adoption in the next 30 days.

Mr. Walker thanked the Board for their time today.

7. Commission Discussion/Correspondence:

a. Commissioner Moore stated that a County has been successful at litigation requiring the state to pay the housing cost for their probation or parolees, state violators. That decision was appealed to the State Supreme Court and they upheld the initial decision and also stated that the amount of money earmarked for those prisoners is irrelevant. The State has a fiduciary responsibility to pay for the detention of those prisoners. In light of this decision, the legislators, previously had provided 1.5 million to retain those prisoners statewide, injected another 5 million into this program. This is encouraging that the State Supreme Court sees the unfunded mandate and the requirement for the detention of these state prisoners. There is also a move in the northern part of the state to try a test case on the other half of those prisoners, parolee versus probation.

8. Unscheduled Citizen Communications:

a. Mr. Fred Flores approached the Board and read a letter that he has written to the Game and

Fish Department about the elk.

The Board thanked Mr. Flores for his comments.

Commissioner Moore returned to item 14 regarding the proposals for the 2007/2008 budget.

Donna Brandon, Financial Director, stated that she and Mr. Moore were directed to cut the budget by about \$600,000, which they have attempted to do. They have met with all Elected Officials and Department Heads and made further cuts to their budgets. Ms. Brandon gave an update of the budget after the recommended cuts were made by staff. The Board made further cuts to the department's capital outlay and will discuss the cuts with them at the Budget Work Session at 1:30 today.

Commissioner Moore stated that he would like to put some capital outlay back in and consider some salary increases. He is looking real hard at capital outlay to condense the amount of 1 million.

Commissioner McGinn requested that the Board look at the community services. The Commission made changes to some of the funds that were requested.

There being no further business before the Board, the Chairman adjourned the meeting at 12:25 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, County Clerk

Work Session
May 2, 2007