

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 7, 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	Vice-Chairperson
Michael Nivison	Member
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Public Works Director
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.

**Presentation:**

Presentation of a Certificate of Appreciation to Mr. Monroe Curtis for his many years of serving on the Planning Commission, presented by Diane Romo, Planning Coordinator.

**Consent Agenda:**

- a. Bills Lists #48, #49, #50, #51, #52 and #53

b. Approval of Minutes

c. Health Care Services

Consider approving or denying claims to Gerald Champion Regional Medical Center.

**2. Personnel:**

Request approval to hire a Maintenance Custodian for the Buildings & Grounds Department, three weeks in advance to replace Pete Lucero, who has submitted his official retirement effective June 30, 2008.

**3. Purchasing:**

a. Request approval of Contract TS# 07-003 with Integrity Steel Works for the Detention Center for repair and upkeep of the Detention Center doors. This is the second year of a four year contract in the amount of \$10,165.

b. Request approval of Sealed Bid #07-024 for the containment Yard for the Detention Center, to Gentry Construction, in the amount of \$233,333, plus all applicable taxes.

Commissioner McGinn asked what was included in the bid of \$233,333 for the containment yard. Ms. Herndon, Purchasing Agent, stated this was for the dirt work and concrete. Ms. Blansett stated that her amount is less than original amount of \$280,000. Commissioner Moore asked if this also met the restrictions on the deed? Ms. Blansett stated we did talk to Mr. Shyne and he did agree to the drawings.

c. Request approval of Sealed Bid #08-013 for the Self Contained Breathing Apparatus (SCBA's) Maintenance Contract. This is a four year indefinite quantity contract for all county departments.

d. Request approval of Sealed Bid #08-014 for the Drug Screening Contract for Otero County to The Safety Institute, and BEH Drug Screening. This is a four year indefinite quantity contract.

Commissioner Moore has a question on the parameters of these drug screenings. Are these the parameters of the Department of Transportation? Ms. Herndon stated that, yes they are and it's the same contract we put out every year. Lisa Hall, Personnel Coordinator, stated that these meet not only the DOT requirements, they also meet the Federal requirements. BEH does our pre-employment screenings for our DOT and non-DOT. Ms. Hall is the only one to see the reports and she keeps them in a locked file cabinet. The only time they come to the attention of the Department Heads is when one of their employees test positive.

e. Request approval of RFP #08-15 Magistrate Court Compliance Court Program Contract for the DWI Department. This will be a four year contract with the option to renew yearly.

f. Request approval of RFP #08-016 Hazard Mitigation Plan for Otero County to Ecology & Environment for the amount of \$39,062 plus all taxes. This is a grant funded project.

Paul Quairoli stated that this was the \$40,000 grant that we received from Homeland Security and Emergency Management to create our Hazard Mitigation Plan Program. Once we have this program adopted by FEMA and the County Commission, it will allow us to ask for Hazard Mitigation money.

g. Request approval of Sealed Bid #08-027 for the erection of the Armed Forces Museum to Jack Wayte Construction in the amount of \$149,995.

h. Request approval of Sealed Bid #08-031 for the renovation of the lobby at the Flickinger Theater in the amount of \$58,950 to Native American Services Corp., \$55,160 will be paid from the grant and the balance of \$3,790 will be paid by the Flickinger Center.

Dan Bryant, County Attorney, stated that as an aside we are working on a process to use the lobby of the Flickinger Center for early and absentee voting for the November election. He doesn't know what the construction schedule is or whether it will be complete in time for the election or not. We are inside

an election year, in order to move that precinct, right after the Primary in June, Mr. Bryant will need to file a petition with the District Court to change the polling place for this precinct. We need to nail down the construction schedule to make sure this is a viable option.

i. Request approval of Sealed Bid #08-032 for a 2008 Etnyre two wheel drive Chip Spreader for the Otero County Road Shop in the amount of \$129,259 to Sierra Machinery, El Paso, Tx.

j. Request approval to renew the Legal Services Contract between Otero County and the firm of Daniel A. Bryant. This is the 2<sup>nd</sup> of a 4 year contract.

Commissioner McGinn stated that we had discussed at the last meeting re-negotiating the fee structure. I believe we have some contracts to review that show an actual by the hour fee structure and the current flat fee structure. Dan Bryant stated that he has submitted three alternate forms of contract. One is the flat fee contract that is just like last years with dates corrected. There is a request in that contract for the establishment of a travel and per diem budget for travel outside Lincoln and Otero County. The second contract is a flat fee agreement, pay by hour for time used plus cost and expenses. The third contract is in response to the negotiation session that we had here a week ago concerning the contract, he put together a proposal that includes an hourly contract with a cap. There is also some language that allows for an "out from the cap" if things go really crazy in a particular month. Commissioner McGinn stated that her hope is going by an actual by the hour which will show us where we can more efficiently use legal services and where the cost isn't as steep as it has been in the past. Commissioner Moore stated that he has seen the bills that we receive and he doesn't believe the hourly is going to help us any unless we can get a handle on the services, it will actually cost more. Commissioner McGinn believes that if we go to an actual by the hour, we will start weeding out some of the things that we see on the actual billing that are not an efficient use of legal services.

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

a. Request approval of Resolution #05-15-08/96-59 for fiscal year end budget adjustments for the General Fund. The requested budget adjustments will increase revenues by \$167,566 and increase expenditures by \$169,300.

Donna Brandon, Financial Director, stated that she is getting a head start on year end resolutions for budget adjustments to clean up our affairs prior to the close out of the fiscal year. The additional expenditures are broken down by funds.

b. Request approval of Resolution #05-15-08/96-60 making budget adjustments to reflect the award of New Mexico Fire Protection grants for the Jack Rabbit Flats, \$181,981 and Burro Flats \$151,918 Volunteer Fire Departments.

Commissioner Nivison stated that he sits on the committee for the Governor's Office to award these grants. There were 20 fire trucks given out this year and he was able to secure 2 for Otero County.

c. Request approval of Resolution #05-15-08/96-61 making budget adjustments to reflect the award of three New Mexico Department of Transportation and Traffic Safety grants to the Sheriff's Department totaling \$22,469.

d. Request approval of Resolution #05-15-08/96-62 for a fiscal year end budget increase totaling \$21,735 for the Indigent Fund.

e. Request approval of Resolution #05-15-08/96-63 for a fiscal year end budget adjustment for the Environmental Fund. The requested budget adjustment increases revenues by \$104,000 and expenditures by the same amount.

f. Request approval of Resolution #05-15-08/96-64 setting the County License Tax for County

Liquor License for fiscal year 2008/2009.

Ray Backstrom stated that this is an annual fee that we charge for establishments that serve liquor in the County. The fee is \$250.00 a year. The Commission has the option to decrease or keep the same. Commissioner McGinn asked the purpose of keeping the fee when there are maybe two establishments that purchase this license. Dan Bryant stated that the conversation with the County Clerks Office, is that we have something on the order of six or eight establishments in the County. This fee has been in place for a number of years. We currently charge the maximum of \$250.00 per year, per establishment. It is a discretionary act of this Commission. Commissioner Moore stated that if we are going to collect this fee, we need to spend it on alcohol awareness education programs at schools.

g. Request approval of Resolution #05-15-08/96-65 regarding the ADA Grievance Procedure for Otero County for public posting.

Ray Backstrom stated this is a ADA requirement that we post the procedures that people have to follow if they have a grievance against the County for any perceived infraction of ADA. This is a federal requirement. Dan stated the resolution expresses the support of the governing body for ADA compliance and establishes what the policy of the governmental entity is.

h. Request approval of Resolution #05-15-08/96-66 in support of HR4598, removing inmate limitations from Medicaid, Medicare and SSI benefits for persons in custody pending disposition of charges.

Ray Backstrom stated that the law provides for an individual that is incarcerated that their Medicare rights are revoked and this is supporting the House Bill that will change this.

i. Request approval of an addendum to the Emergency Ambulance Service agreement between Otero County and American Medical Response. After AMR signed the addendum they asked if we

could add additional language.

Commissioner Moore stated this agreement is for the firefighters and emergency response people, so they don't get charged for transport if they are in their commission of their duty.

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

a. Request approval to appoint one member and two alternates to the Otero County Board of equalization, per the New Mexico tax code, NMSA 7-38-25, requiring the County to create a County Valuation Protest Board.

b. Request approval of the appointment of Jerry Johnson as both the Policy and Technical Committee member to represent Otero County on the Southeast Regional Planning Organization (SERPO).

Ray Backstrom stated that Mr. Johnson has been on as our policy representative and Bill Parker has been our technical representative. Most counties have one individual that serves in both capacities. We had conversation with Mr. Parker and Mr. Johnson and it was felt that having one individual representing our county was a better way. Mr. Johnson will serve in both capacities and Mr. Parker will be his alternate.

c. Request approval of the Tariff Increase Application for Otero County/Alamogordo granted to American Medical Response. Otero County has not had any increase in fees in five years.

d. Update on the Grip 2 Project (Fresnal Canyon Road).

Bill Parker stated that last year he had filled out an application for easement an on Fresnal Canyon. It was submitted to the Forest Service on June 6, 2007. The Forest Service requested a resolution and the Board approved a resolution to give to the Forest Service on June 21, 2007. Mr. Parker drafted a letter last week to the regional district engineer and regional supervisor for any kind of response to this

application. Mr. Parker requested that the Commission draft a letter to the Forest Service, if he doesn't get any response again. Commissioner Moore instructed Mr. Backstrom to verify if this Fresno Canyon Road is a RS2477 designation. If the RS2477 designation and the width that it encompasses will serve, we will then send the Forest Service notice that we no longer need an easement from them. We will exercise our RS2477 rights.

**6. Public Hearing:**

a. Consider amending Section 9.2 dealing with annual leave accrual of the Otero County Personnel Policy Ordinance #98-01 as amended by Ordinance #07-01.

Commissioner McGinn asked what information we were waiting on for this item. Mr. Backstrom stated that we have all the information back that was requested and will have it ready for the Thursday night meeting.

**7. Unscheduled Citizen Communications:**

a. Wes Colvin approached the Board to voice his disapproval of the Security Barrier in the lobby of the Courthouse. He believes it is wrong that the public is searched before conducting their business in the Courthouse. This is not the America that he wants his son to grow up in. It violates the constitution and violates the oath that everyone took. He believes that.

b. Veronica Carmona from the Chaparral Colonias Development Council, gave an update on the gas line project completed in Chaparral. The first phase of a pilot project to supply gas to households is allowing residents to apply for a grant or 1 percent interest loan. This would be to hook up to the 2 lines installed on the Otero County side of the community.

The Board thanked Ms. Carmona for her update.

**8. Commission Discussion/Correspondence:**

a. Commissioner Nivison stated that we have had 2 significant fires this month. He would like to thank the Sheriff's Department, EMS, all the Fire Departments, Emergency Services and the Forest Service for all their help with these fires

b. Commissioner Moore requested to add on to the agenda, the spaceport question.

Commissioner McGinn asked what the question that Commissioner Moore is proposing to be on the agenda. Commissioner Moore stated that the question will be permission to advertise for a public hearing on June 19<sup>th</sup> to review and adopt a resolution and ordinance, relating to the Otero County Spaceport Regional gross receipt tax.

**9. Interim Budget Final Review:**

Donna Brandon, Financial Director, went through each department changes that were requested by the Board. There were some additional changes made by the Board. The last item to be considered is merit. Commissioner McGinn does not want to give merit until we have an evaluation system in place.

Commissioner Moore is good with the .75 cola. Ms. Brandon will have a final re-capp sheet with the changes that were made today for the Thursday night meeting.

There being no further business before the Board, the Chairman adjourned the meeting at 1:23 p.m.

APPROVED:

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Doug Moore, Chairman

ATTEST:

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Robyn Holmes, County Clerk

Work Session May 7, 2008