

**Regular Meeting**

**May 18, 2004**

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., May 18, 2004; 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:

Michael Nivison	Chairman
Clarissa McGinn	Vice-Chair person
Doug Moore	Member
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
LaDonna Perry	Department Assistant
Bill Parker	Road Superintendent
Lynn Estrada	Deputy Clerk

**DRAFT**

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

1. Commissioner McGinn made a motion to move Resolution No. 05-18-04/92-48, authorizing the issuance of a series of jail project revenue bonds for the Otero County Prison Project in Chaparral, NM. Also consider approving a form of notice for consideration of an ordinance authorizing the issuance of Otero County, NM Jail Project Revenue Bonds Series 2004, to the beginning of the agenda.

The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

2. Consider to approve a Memorandum of Understanding between the Board of County Commissioners of Otero County, U.S. Department of Agriculture, Forest Service, and Lincoln National Forest Service, regarding the National Forest County Partnership Restoration Program.

Commissioner Moore made a motion to approve a Memorandum of Understanding between the Board of County Commissioners, U.S. Department of Agriculture, Forest Service, and Lincoln National Forest regarding the National Forest/County Partnership Restoration Program. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

3. Dan Bryant, County Attorney, stated that Resolution No. 05-18-04/92-48 that is before them is to authorize the publication of draft amendments to the bonding ordinance so we can expand the Chaparral Detention Center for 400 to 600 beds. If the Resolution is approved, staff will publish and the Resolution will be presented at the June 8<sup>th</sup> meeting for adoption.

Commissioner Moore made a motion to approve Resolution No. 05-18-04/92-48 authorizing issuance of a series of jail projects revenue bonds for the Otero County prison project for Chaparral. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages.

4. **Old Business:** Update on EMS/Medical Director for VFD'S.

Commissioner McGinn stated that we have been working on the EMS Medical Director question for a couple of months. The EMS Medical Director is a State mandate to have a licensed physician act as Medical Director for our EMS Departments in regards to training, consulting and prescribing medicines. The number of training's required has been increased along with the medical malpractice

rates are rising where the Medical Director, who is a volunteer, can't sustain this expense out of their own pockets. The New Mexico Insurance Authority is addressing the issue of whether they can fund the medical malpractice insurance through UNM Medical Center to help absorb the cost for the Departments and the Counties.

Terry Mueller, Fire Chief, stated that the Departments would be able to help with the insurance. The quarter percent funds can be used for the insurance. State Funds or EMS Funds can't be used for wages, but the Departments want to help out financially where they can in order to continue to keep their doors open.

**5. Consent Agenda:**

Commissioner Moore made a motion to take by consent all minutes listed under A and all Bill Lists under B. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

**6. Administration:**

Commissioner Moore made a motion to approve Resolution No. 05-18-04/92-49 regarding a budget increase for General Fund. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

**7. Detention:**

Commissioner Moore made a motion to approve a Medical Service Agreement/Contract #PS04023 between Otero County and Vernon Farthing, M.D. for medical provider for the Detention Center. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

**8. Personnel:**

Commissioner Moore made a motion to accept everything under New Hire, Promotions and Transfers. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

**9. Purchasing:**

Commissioner McGinn made a motion to accept all items 1-9 under Purchasing. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See Pages.

10. **Roads:** Requesting permission to purchase a tractor and a mower using left over capital outlay funds.

Commissioner Moore made a motion to approve the purchase of a tractor and mower using unappropriated capital outlay from this fiscal year. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages

11. **Indigent:** Monthly report for May 2004.

Commissioner Moore made a motion to accept the monthly report for May under Indigent. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages.

12. **Citizen Communications:** Charles W. Murrell- Consider passing an ordinance regarding jake brake specifics, ½ mile east of Tularosa, NM along US 70. The trucks come through here using their un-muffled jake brakes and nearly blow the windows out of Mr. Murrell's home.

Dan Bryant stated that he has drafted a proposed ordinance that bans un-muffled jake brakes or engine re-tarder or engine brake devices. Section 5 of the draft ordinance has an exception that says the ordinance does not apply to those areas where the New Mexico Department of Transportation has

issued a regulation or an order that requires the use of these devices. This draft has been sent to Sgt. Mydock from the Department of Public Safety, and Dan has also invited him to attend the June 8<sup>th</sup> meeting for his input on this issue. No action was taken at this time.

**13. Public Hearing:**

The time being 6:30 p.m. the Chairman recessed the Regular Meeting and called the Public Hearing to order.

The Public Hearing is to approve new road names; Marble Heights located in the Marble Canyon Estates Subdivision, Melody Avenue located off of Fleetwood Circle in the Dungan Fire District, Sam's Court located off of Section Road in the La Luz Fire District. Brenda Garcia, Rural Addresser, stated that there is no opposition with the road names.

Commissioner Moore made a motion to approve the new road names as listed. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages.

Commissioner Nivison closed the Public Hearing at 6:45 p.m. and called the Regular Meeting back to order.

**14. John C. Cooper:** Requesting Indigent Medical assistance for citizens of Otero County treated at New Mexico Rehabilitation Center in Roswell, New Mexico. Estimate for services ranges from \$700.00 to \$1,230.00 per day. Dan Bryant stated that he is putting together the necessary information to do this. This item will be placed on the June 8<sup>th</sup> agenda under Old Business.

**15. Ray Backstrom,** Assistant County Manager, gave a brief report on the seminar that he attended in Roswell for illegal dumping. The topic was how the County's and municipalities can address the issue in their areas.

**16. Doug Moore:**

Commissioner Moore addressed the issue of it being extremely dry and would like to have the Ordinance ready for banning fireworks ready for the June 8<sup>th</sup> meeting.

There being no further business before the Board the Chairman adjourned the meeting at 6:40 p.m.

APPROVED:

---

Michael Nivison, Chairman

ATTEST:

---

Mary D. Quintana, County Clerk

Regular Meeting May 18, 2004