

Regular Meeting

July 10, 2000

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 8:30 a.m., July 10, 2000; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

- | | |
|-------------------|--------------------------------|
| Richard Zierlein | Chairman |
| Timothy McGinn | Vice-Chairman |
| Ronny Rardin | Member |
| Ruth Hooser | County Administrator |
| Virginia Fletcher | Assistant County Administrator |
| Dan Bryant | County Attorney |
| Frank Portillo | Road Superintendent |
| Kim Chavez | Deputy Clerk |

DRAFT COPY

Commissioner Rardin gave the invocation, Commissioner McGinn led those assembled in the Pledge of Allegiance and Commissioner Zierlein led the salute to the flag of New Mexico.

I. Executive Session:

a) Commissioner McGinn made a motion to go into Executive Session to discuss collective bargaining, pending litigation, personnel items, land acquisition, roads and the Detention Center. Commissioner Rardin seconded the motion. Roll call was taken as follows:

Commissioner Zierlein yes
Commissioner McGinn yes
Commissioner Rardin yes

Commissioner Rardin made a motion to return to Regular Session and stated all that was discussed was collective bargaining, personnel items, pending litigation, land acquisition, roads, and the Detention . Commissioner McGinn seconded the motion.

Commissioner McGinn yes
Commissioner Zierlein yes
Commissioner Rardin yes

II. Consent Agenda:

A. Minutes

06/26/00

B. Agreement between Otero County, State of New Mexico and the

Village of Cloudcroft for Dispatch Services for Fiscal year 2000/2001.

C. Bills Lists:

#57

#58

#59

D. Personnel Items:

I. Other:

Application for Pay Increase:

Norbert Sanchez - Sheriff's Department

Cruzito Mendez - Sheriff's Department

Contracts:

Amanda Wertz - Sheriff's Department

Hal B. Caldwell - Sheriff's Department

Jon Anderson - Sheriff's Department

Ray Bailey - Sheriff's Department

Charles De Wolf Sr. - Sheriff's Department

Perry Clarke - Sheriff's Department

Steve Garofano - Sheriff's Department

Mike Mata - Sheriff's Department

E. Grant/Subdivision Coordinator:

Request to approve Mission Santa Fe Final Plat.

F. Indigent Fund:

Monthly report of claims reviewed and completed for final report for

Fiscal Year 1999/2000. Commissioner Rardin made a motion to accept the Consent Agenda items A - F as presented. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

III. Administrator's Reports:

A. Discuss Participating Agreement between the County of Otero, State of New Mexico and the Forest Service and the U.S. Department of Agriculture. Commissioner Rardin made a motion to approve the Agreement between the County of Otero, State of New Mexico and the Forest Service and the U.S. Department of Agriculture. Commissioner McGinn

seconded the motion. Commissioner Zierlein stated that he disagrees with the agreement. Commissioner Rardin stated that he was under the impression that the County drew up the agreement. Commissioner Zierlein informed Commissioner Rardin that the Forest Service is the one that drew up the contract. Commissioner Zierlein stated he couldn't see paying the Forest Service money for doing their job. The Forest Service wants the County to pay for the fire because the Forest Service stated the fire was not their fault. Commissioner Rardin withdrew his motion. The motion died for lack of action.

B. Resolution No. 07-10-00/88-57, Budget Increase - Sheriff's Department. Commissioner Rardin made a motion to approve item B, Resolution No. 07-10-00/88-57, budget increase for the Sheriff's Department. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

C. Resolution No. 07-10-00/88-58, Budget Increase and Transfer from General to Corrections Fund (14). Commissioner Rardin stated that there is nothing the County can do about this because it is the actual cost of feeding prisoners. Two reasons for the increase are because now the County has a bigger jail to house more prisoners and the cost of food has also gone up. Commissioner Rardin made a motion to approve Resolution No. 07-10-00/88-58, Budget Increase and Transfer from General to Corrections Fund (14). Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2 - 1 with Commissioner McGinn voting against. See pages _____.

D. Resolution No. 07-10-00/88-59, Re: Otero County Disaster Declaration. Commissioner Zierlein stated that this was for the second flooding that washed away three houses. Commissioner Rardin made a motion to approve Resolution No. 07-10-00/88-59, Re:

Otero County Disaster Declaration. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

IV. Commission Discussions/Correspondence:

A. Richard L. Zierlein:

1. Travel and per diem

Commissioner Zierlein requested that the Commission direct staff to look into the amount of per diem around the State. Presently the County is paying .25 per mile and \$65.00 per day in per diem for County travel. Commissioner Zierlein stated that it is hard to find a motel for less then \$50.00 or \$60.00 now days. This leaves no money for a County employee for food. Commissioner Zierlein suggested that the Commission look into what the allowable amounts are and look at possibly raising the rates. Dan Bryant informed the Commission that the Department of Finance does a mileage and per diem rule every year and Villages and Counties can impose their own rules up to that level. Mr. Bryant suggested that the Commission take action stating that the County is going to use the current Department of Finance rule. Commissioner McGinn stated he does not think the current per diem is a problem. Commissioner Rardin stated he agrees with Mr. Bryant and the County should go along with the Department of Finance. The Commission directed staff to research the per diem in different Counties. Commissioner McGinn stated that by increasing the per diem and mileage it would encourage employees to be out of town more. The Commission directed staff to put this item on the next agenda. No other action was taken.

2. Discuss Funding for Code Enforcement:

Commissioner Rardin stated that the County needs to get a handle on the trash and the junked cars in the County. Commission Rardin stated that one-day the County is going to have to clean this up.

Commissioner Rardin feels that if the County has some preventative maintenance up front that will save money later on. Commissioner Zierlein asked that the Commission look over the actual cost and liabilities before any decision can be made. Commissioner Rardin stated that the City has four Code Enforcement Officers. Commissioner McGinn stated that because of the Code Enforcement Officers the City looks good. Commissioner McGinn stated that there is so much trash in the County something needs to be done. Commissioner McGinn stated that for the past five years that the junk car ordinance has been in effect he is unaware of any situation where anything has ever been taken care of by a complaint to the Sheriff's Office. Commissioner Zierlein stated that until the Commission can get the cost of a Code Enforcement Officer he is against doing anything. Dan Bryant, County Attorney stated that the existing ordinance has functioned on a number of occasions. There has been four or five times that the ordinance has come into effect and the County has cleaned up properties. The Commission directed staff to check into the cost of a Code Enforcement Officer.

B. Timothy McGinn:

1. Discuss berm at Gerstberger

Commissioner McGinn stated that the berm broke and did \$500.00 in damage to a County Road. Commissioner McGinn feels that this will continue to happen one or two times a year if the berm is not fixed. Commissioner McGinn asked the Commission if they want the berm fixed or leave it and let it continue to damage the road. Commissioner Zierlein stated that the County does not go onto private land to do any kind of work. Commissioner McGinn asked Mr. Portillo if the State goes on private land to do work. Mr. Portillo stated that they don't. Mr. Portillo stated that by fixing the berm the only thing that will happen is the property will get protected. Commissioner Rardin suggested that the Commission wait and see if it continues to be a burden on the County and if so

then take a look at the cost to fix it. Mr. Portillo stated that there are areas all over the County that get flooded but this particular road has been brought to the attention of a Commissioner where the other areas have not been brought before the Commission.

C. Ronny Rardin:

V. **Quarter Percent Committee** - Approve quarter percent recommendation to fund Jack Rabbit Flats Volunteer Fire Department with one equal share of the 1999-2000 distribution. Commissioner Zierlein stated that the quarter percent committee voted unanimously to approve the Jack Rabbit Flats Volunteer Fire Department to receive one equal share of the 1999-2000 distribution. Commissioner Rardin made a motion to approve quarter percent recommendation to fund Jack Rabbit Flats Volunteer Fire Department with one equal share of the 1999-2000 distribution. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously. See pages _____.

VI. **Mr. Alton J. Posey** - Request that the Bell Place road be removed from the Otero County Maintenance List. Commissioner Zierlein stated that Mr. Posey stated the road only goes to one home and the home has been burned down. Commissioner Zierlein stated that it needs to be published and notify the property owners before anything is done. Commissioner Zierlein stated that Mr. Posey feels that it is a waste of County money to maintain the road. Commissioner Rardin stated he just wants to make sure it is not a neighbor war or anything before taking it off the maintenance. Commissioner Rardin requested that it be looked into before a public hearing is published. No other action was taken.

VII. **Inter-Departmental items:**

1. Purchasing Department:

A. Award Sealed Bid #00-036 for Sunspot Volunteer Fire Department.

B. Award RFP #00-034 for Watershed Study for Administration Department.

C. Award Sealed Bid #00-037 for Bunker/Wildland Gear for Bent, Flats, Jack Rabbit Flats, and James Canyon Volunteer Fire Departments.

D. Gas Cards with Wright Express.

E. Orogrande Volunteer Fire Department to buy off of a GSA contract for an 1800 Gallon Tanker. Commissioner Rardin made a motion to approve items A - E under purchasing. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

F. Commissioner Rardin made a motion to approve the amended item to the agenda, a lease purchase agreement No. 00-033 for a power hawk for the Oro Vista Fire Department. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

2. Road Department:

A. Recommendation for April Lea Lane in the Cielo Vista West Subdivision and Quail Run Road to be changed to Moonlight Trail, located in the Quail Trail Subdivision. Mr. Portillo stated that when it was plated the road was named Quail Trail the request is to rename the road Moonlight Trail. Commissioner Zierlein stated that all the Commission is voting on is accepting the road for County maintenance and the road name change. Commissioner McGinn made a motion to approve Quail Trail Road be changed to Moonlight Trail and the road be

accepted to County maintenance. Commissioner Rardin seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

VIII. Public Hearing - Consider new Road Names in Burro Flats Fire District.

1. Dale Palkki, approached the Board to request that Kokopelli Trail in Burro Flats Fire District as the new road name. Commissioner Rardin made a motion to accept Kokopelli Trail in Burro Flats Fire District as the new road name. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

IX. Mr. Richard Smith - Discuss Berm at end of Ute Trail cut by a property owner north of him. Commissioner Zierlein asked if there is an easement where the berm was cut. Mr. Bryant stated that he can't tell unless a survey is done. On the plat the road goes all the way to the property line and the berm is between the end of the road and the property line. Mr. Bryant stated that pursuant to the plat the berm is on private property and runs into a County easement. The berm is not located on Mr. Smith's property according to the plat. Commissioner Zierlein stated that the official plat of record shows that the road goes all the way to the berm which runs up to the private property. Mr. Bryant stated that the property owner may have altered the flow of water that exists on the ground. The Commission needs to look at what is in the best public interest. Mr. Bryant stated that as a member of the public the property owners has the right to use the public easement for the purpose for which it is intended. Commissioner McGinn stated that for the best interest of the public the berm needs to be there and protect four people and the property owner use the other access available to him. Mr. Bryant stated that what the property owner has done is cut a driveway into an existing public right away. Under the Counties road cut ordinance the County has

the ability to require the property owner to put in a culvert where the driveway access the public road. The County needs to send someone out and inform the property owner of what size culvert he will need to have put in. Mr. Bryant stated that because it is a public road the County can't prevent the property owner from having access to it even if he has another access. The County can require him to put in a culvert where he accesses a County road because there is a County Road Cut ordinance that governs that issue. The Commission direct the County Attorney to direct a letter to the property owner requiring a culvert to be installed. No other action was taken.

X. Calle De Paz Property Owners Association - Request Calle De Paz Road to be chip sealed. Commissioner Rardin made a motion to allow Calle De Paz to be chip sealed as long as they can meet the requirement under a coop agreement. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

XI. Final Budget Hearing:

The Commission table until next week.

XI. Administrator's Reports, continued:

E. Dan Abercrombie from the USDA Natural Resources Conservation Service to discuss removing 75% in Debris Removal. Tabled until County Attorney can negotiate a contract with USDA Natural Resources Conservation Service.

Regular Meeting, July 10, 2000

There being no further business before the Commission, the Chairman adjourned the meeting at
11:30 a.m.

APPROVED:

Chairman

ATTEST:

**Mary D. Quintana
Otero County Clerk**