

Work Session

July 11, 2007

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., July 11, 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:

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| Doug Moore | Chairman |
| Clarissa McGinn | Vice-Chairperson |
| Michael Nivison | Member |
| Dr. Martin Moore | County Manager |
| Ray Backstrom | Absent |
| Dan Bryant | County Attorney |
| Pamela Heltner | Commission Liaison |
| 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.

1. Consent Agenda:

- a. Bills Lists #58, #59, #60, #61

Commissioner McGinn stated that on item 1 in the Bills List there were some monies spent on treating the trees up in Cloudcroft. Commissioner McGinn would like to have a break down from Dr. Moore of what those expenses were.

Dr. Moore stated that the expenses that have occurred were related to the transition period before the

Commission established the perimeters for spending this money. The specific expenditures in question were for additional testing.

b. Approval of Minutes

c. Health Care Services, closing out the 2006/2007 fiscal year

Gloria Sainz, Health Care Supervisor, stated that all these claims that have been worked through the fiscal year as of July. These claims physically took place this calendar year and are not retroactive.

2. Purchasing:

a. Consider the renewal of Contract PS#-04-026 with Linda Bird, Misdemeanor Court Compliance Officer, for the DWI Department. This is the third year of an eight year contract.

3. Resolutions, Contracts & Agreements:

a. Consider approval of Resolution No. 07-19-07/96-01 adopting Otero County's Final Operating Budget for fiscal year 2007/2008.

This item was moved for discussion to the end of the agenda.

b. Consider approval of Resolution No. 07-19-07/96-02 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for renovations to the Oro Vista Fire Department and an addition for fire apparatus bays in the amount of \$500,000.

Paul Quairoli stated that the chief for Oro Vista would like to get this project started. He has received some quotes on the addition and would like to go forward with the majority of the work. He has money from the State Fire Marshall's Office to get started.

c. Consider approval of Resolution No. 07-19-07/96-03 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance

Authority for the purchase of new fire apparatus for the Far South Fire Department.

d. Consider approval of Resolution No. 07-19-07/96-04 regarding New Mexico Department of Transportation Contract and Cooperative Agreements for CO-OP, CAP and School Bus projects for fiscal year 2007/2008. This resolution enables Otero County to receive 75% funding from the state for our 2007/2008 projects.

e. Consider approving a rental agreement between the Otero County DWI Program and Otero County effective July 1, 2007 for a period of twelve months.

f. Consider approving the renewal of the rental agreement between Otero County and Adlea Wallace for the property located at 211 Tenth Street. The premises are used by the Juvenile Probation Department.

Dan Bryant stated that there is a small amendment to the agreement that is presented in the book. On paragraph 6, which deals with the care and maintenance, the parties have agreed to an additional sentence in that paragraph. This document that we have agreed to, splits the cost of the repair and replacement of a door at the facility. The total cost is \$3,485.63 each parties share will be about \$1,742.82. This language has been inserted into paragraph 6.

g. Consider approving the renewal of the professional service agreement with Presbyterian Medical Services for indigent healthcare services.

h. Consider approval of the grant agreement for a Community Development Block Grant Project No. 07-C-NR-I-01-G-30. The purpose of this project is to do flood improvement work in the Boles Acres and Oro Vista communities.

4. Elected Officials, Department Heads, Committee Reports:

a. Dale Palkki-Consider final plat approval for Spanish Trail Subdivision. The preliminary plat

was approved by the Commission at the March 6, 2007 Regular Meeting.

Commissioner McGinn stated that the preliminary was approved in March, what were the conditions that had to be approved before the final plat? Mr. Palkki stated that there were no conditions to be met. We were waiting on signatures.

b. Dale Palkki-Consider final plat approval for Desert Edge Subdivision. The preliminary plat was approved by the Commission at the March 6, 2007 Regular Meeting.

5. Public Hearing:

a. Martin Moore-Consider approval of the proposed issuance of a liquor license #A-515105 to Robert E. Dunn, doing business as Dos Viejos Winery, located at 69 Pecos Road, Tularosa, NM. Dr. Moore stated that the type of license being applied for is a master wine growing liquor license. It has been submitted to the state and has come back with preliminary approval.

6. Citizen Communications:

a. Diana Bustamante, Ph.D., Colonias Development Council Director, Chaparral New Mexico, gave a power point presentation of the survey results that were taken in Chaparral between June 2006 thru February 2007 about community needs. All questions were open ended.

Commissioner McGinn stated that this survey was a lot of work and the Council did a great job.

Summary wise "What did Ms. Bustamante think the key points were from the survey"? Ms. Bustamante stated that we were finding out the concerns of the citizens of Chaparral. Some of the main concerns were abuse from law enforcement, the landfill, and environment concerns. Communication is a big problem in the community also.

Dan Bryant stated that this might be a good time to announce that at 1:00 p.m. yesterday afternoon, all of the parties to the landfill application and the Hearing Officer conducted a hearing to consider a

stipulation to postpone the July 19th hearing on the landfill at Chaparral. The purpose for the postponement is to give the parties an opportunity to consider the potential movement of that landfill from its currently proposed location to a location that is about 6 miles north, much more distant and remote from the community. It is about 21/2 miles off highway 54 coming up into New Mexico. Dr. Bustamante's leadership and the CDC, the leadership of this Commission are the things that Mr. Bryant credits for making this happen. The parties now have an excellent opportunity to work with New Mexico Land Office and find a win win situation by providing for the distancing of this landfill facility from the community of Chaparral. The bottom line credit goes to the folks sitting out in the audience that have been coming to our meetings for most of the year and letting us know that they are interested in their community. This was a great move for Chaparral and a great victory for this Commission's policy efforts to protect the community and to help the community grow into a vital neighborhood in Otero County.

John Blansett, Sheriff, stated that he was taken back by the comment of abuse by law enforcement. Dr. Bustamante stated that she had affidavits of abuse by law enforcement. Mr. Blansett would like to have copies of them.

b. Tommie Herrell-request to vacate Dusty Lane Road in Otero County. This is not a County maintained road.

Mr. Herrell stated that this road has never been built or maintained and would like to vacate this easement. Commissioner Moore is concerned with the people down on Moon Lane if this is their access into their property. Mr. Herrell stated that the property owners never travel this easement. Commissioner Moore requested his staff to send out letters to the adjacent property owners. Dan Bryant stated that Dale Palkki, Gonzalo Estrada, and himself, are going to take a look at Angel Lane,

because on the map it doesn't show as a road. We can look at aerial maps and GIS information to determine if there is a road there. Commissioner McGinn stated that if it's a private road, "What involvement would the County have"? Commissioner Moore stated that Dusty Road is a recognized county easement with no maintained road on it. Dan Bryant stated that there is time to gather the information for Thursdays meeting in order for the Board to make the preliminary decision, of starting the process of a public hearing.

7. Consider approval of Resolution No. 07-19-07/96-01 adopting Otero County's Final Operating Budget for fiscal year 2007/2008.

Donna Brandon, Financial Director, stated that she has cost out utilities per department and has moved the money that was appropriated for utilities to the necessary departments. Ms. Brandon stated that she had failed to make a \$24,000 appropriation for the PERA contribution for returned to work retirees. The County is now required to pay 100 percent of those PERA contributions. Ms. Brandon stated that the Assessor has received his request for proposals on his software and she put back the \$150,000 that he intended to use as a down payment on the software. In June Ms. Brandon had come to the Board for a budget increase for the environmental fund to cover the estimated increase in environmental gross receipt taxes, so that we could remit this to the City. Based on the most liberal projections of what those revenues could have been, is what she had asked for the amount of the budget increase to be. The actual amount came in at double of the projection. There wasn't enough budgetary appropriation in that fund to remit the gross receipt taxes in June to the City, so this was carried over and will be remitted to the City in fiscal year 07/08.

Commissioner McGinn would like to have before the next meeting the actual cash carry over comparison for the past five years. Ms. Brandon stated that she could do that before Thursday.

8. Unscheduled Citizen Communications:

a. Janet White approached the Board and stated that she has provided Dr. Moore with some documentation that shows that White Sands National Monument is on the tentative list to be proclaimed a World Heritage Site. The documentation lays out the articles of what happens with a designation of a World Heritage Site, and what could happen to White Sands Monument. Ms. White has a couple of things that she would like the Commission to look at. The first is "What is the timing on this proposal"? It is imperative that we make a decision whether or not the County is in favor of this designation before it's listed. Once it is listed the chances of getting off are basically nil. If we could have some public meetings with Cliff Spencer before this happens. Commissioner Nivison stated that he has followed these sites over the years and they are affected by decisions in the international community. Ms. White stated that the United Nations would be the umbrella telling White Sands Missile Range and Holloman Air Force Base when they could fly and where, bombing practices and just about anything to do with the base. If it goes beyond the monument, the only place that it can go is into the Missile Range and Holloman. Commissioner Nivison stated that we could consider an ordinance against any World Heritage Sites in Otero County. Ms. White agreed after some public meetings. Ms. White would like to hear from Superintendent Cliff Spencer on this subject. It is her understanding that in order for this to happen, it is typically the Superintendent that does this nominating. Commissioner Nivison stated that the concept here is that this becomes a world preserved site as opposed to the United States.

Commissioner McGinn would like to direct staff to find out the information on the timing of this proposal and contact Mr. Cliff Spencer regarding public hearings and information be brought to the Commission on this issue. Commissioner Moore requested to be provided to him information on the

ramifications of this designation. His understanding as well, once it receives this designation, it technically becomes collateral for our international debt. There could be a set of circumstances where if our global debt were ever called or foreclosed upon, the United States could lose control of all these land masses. When it receives this designation, it goes into the asset list as United States collateral on global debt. If this is in fact right, a foreign nation such as Japan gets a hold of the world economy, they could very well call our loans.

9. Executive Session:

Commissioner McGinn made a motion to go into executive session to discuss items B. pending threatening litigation, C. personnel-Assessor's Office, organizational restructuring, D. land-land acquisition or disposal, and G. contracts-detention center construction and architect plans. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore made a motion to come out of executive session having discussed items under B., C., D., and G. having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows.

Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner Moore stated that we have some additional comments for Resolution No. 07-19-07/96-01, consider adopting Otero County's final operating budget for fiscal year 2007/2008.

Commissioner Moore stated that they will attempt to direct the Finance Director in some areas that she

needed additional input. Ms. Brandon stated that she needed direction for the Special Project Funds. There is \$600,000 that is used for the L Grants and also from this fund it is farmed out to three other funds. Commissioner Moore asked Ms. Brandon how much we have in emergency reserve. Ms. Brandon stated that we have over a million. Commissioner Moore stated that he wanted Ms. Brandon to reduce emergency reserve to \$900,000, capture the \$500,000 under projected revenues and move all of it into the Legislative Grant Fund. Earmark as much as \$200,000 for equipment to go along with our L Grant for the clinic and earmark \$300,000 to bolster the Riata Road Phase I culverts L Grant, and earmark the other \$100,000 as to bolster the Phase I construction of the District Attorney's Office here. Ms. Brandon stated that the only thing that she wants in fund 62 is the Legislative Grants. The extra money that is being thrown at the projects, this money will be put in the Capital Improvement Fund to augment those projects. Commissioner Moore would also like to put an extra \$34,000 in full time salaries in Administration. This is not dedicated to any position yet.

Commissioner Moore requested Dr. Moore to see what it would take to consolidate what we have between Finance and Purchasing and bring that whole group of people together in one place. Tell me logistically how we would create the hierarchy and can we accommodate those people in this building. There being no further business before the Board, the Chairman adjourned the meeting at 1:33 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

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