

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 12, 2006; 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-Chair person |
| Michael Nivison | Member |
| Dr. Martin Moore | County Manager |
| Ray Backstrom | Assistant County Manager |
| Dan Bryant | County Attorney |
| Pamela Heltner | Department Secretary |
| 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. Approval of Minutes.
- b. Bills Lists #54, #55, #56.
- c. Health Care Services sole provider for July 2006.
- d. Personnel-New hires, promotions and transfers.

Commissioner McGinn had a question about the Salary Increase for the employee in the County Clerk's Office. Was this an approved increase that was discussed during the budget? Sue Torian, Personnel Coordinator, stated that this item was not discussed during budget.

2. Purchasing:

a. Request approval of the following contract renewals for Engineer/Architect Services.

ASA
Bohannon-Huston
Engineers, Inc.
Wilson and Company

b. Contract renewal with Strategy 7 Corporation for imaging system support.

c. Contract renewal with Accounting & Consulting Group LLP for Auditor Services.

3. Resolution, Contracts and Agreements:

a. Resolution No. 07-18-06/94-91 for the Dog Canyon Landfill Closure/Post-Closure.

Dr. Moore stated that we can now get the proper cap shape on the top to meet State requirements.

There was some additional cost involved with this. Donna Brandon, Financial Director, stated that the amount was \$6,487.85. This resolution was missed in the year end closing, so will be in the 05-06 budget. Dr. Moore stated that Bill Parker will have the employees from the Road Shop do the grading in house. The only thing we have left after that is some attempt to get some native vegetation seeding embedded.

b. Resolution No. 07-18-06/95-01 approval of Fiscal Year 2006/2007 Final Budget Adoption.

This item will be discussed during the 1:30 Budget Session.

c. Resolution No. 07-18-06/95-02 approval of execution and delivery of loan and intercept agreements for Oro Grande Volunteer Fire Department.

d. Resolution No. 07-18-06/95-03 approval of execution and delivery of loan and intercept agreements for Pinon Volunteer Fire Department.

e. Maintenance Service Agreement between Qwest and Otero County for ATM mapping in support of the statewide E911 Services.

Dan Bryant stated that this is an ongoing relationship with Qwest to keep the computer mapping that will work in the PSAP system current. The agreement is already in existence and this is a renewal for the upcoming year.

f. Request approval of the work and financial plan between Otero County and the United States Department of Agriculture/Animal and Plant Health Inspection Service-Wildlife Services. Amount requested in exchange for services is \$25,000.

g. Request approval of the Memorandum of Understanding between Otero County Retired and Senior Volunteer Program and Otero County Administration.

Joe Quintana, RSVP Manager, stated that every 3 years we are required by our Federal agency to renew this agreement. We provide volunteers to Otero County at no cost to the County. Commissioner Moore thanked Mr. Quintana for all the volunteers and the good job that they are doing.

h. Request approval of the Memorandum of Understanding between the Department of the Interior, Bureau of Land Management and the County of Otero. The purpose of this MOU is to facilitate active participation in the Alamogordo Regional Water Supply Planning process.

This item was pulled from the agenda until the revisions on the draft are complete.

4. Elected Officials, Department Heads, Committee Reports:

a. Approval to accept a donation from the Friends of Upper Cox Canyon Volunteer Fire Department due to the dissolution of its corporation for use by the Upper Cox Canyon VFD. These

assets consist of \$5,529.78 and four 3,000 gallon black water tanks.

Dr. Moore stated that the Board is dissolving the corporation and would like to donate the money and the tanks to the county fire departments. Commissioner Moore requested staff to acquire a certificate of appreciation for this organization and present it to them at the next regular Commission Meeting.

b. Request approval to appoint Scott DeFoy as a replacement for Elaine Tucker on the County Valuation Protest Board.

Gonzalo Estrada, Chief Deputy Assessor, stated that we have two members on the Board, Brenda Barber, who will be re-appointed and Scott DeFoy to replace Elaine Tucker.

c. Approval to terminate the declared state of emergency for Boles Acres, in regards to the Boles Acres Water System in Otero County.

d. Request approval of the Canvass for the June 6, 2006 Primary Election nunc-pro-tunc to June 9, 2006.

Dan Bryant stated in the Election Code, Chapter 13, is the post election duties for the County Clerk's Office and the County Commission sitting as the Canvass Board. In this process we are required to convene the canvass within 3 days, review the election returns and make sure all signatures and certifications are there. Pursuant to 1-13-13, in the statutes, we certify that Canvass to the Secretary of State. This statute does not require the Board to make a motion, second and vote to certify the canvass, but when you examine the legislative function of a Board of County Commissioners, that is how they function. When you do a proceeding nunc-pro-tunc to a certain date, what you are saying as a matter of law, is we are going back and correcting an error in form so that the form reflects what happened in substance. In substance you completed the Canvass, it was signed and the results were certified, but nobody made a motion or a second or voted on approving the Canvass. It will be put in the minutes by

nunc-pro-tunc to reflect what we actually did.

5. Public Hearing:

Preliminary approval of a liquor license transfer of location for John R. Secrest and Olga M. Secrest, doing business as Secrest Market, 419 County Line Road, Chaparral, NM.

John Blansett, Sheriff, stated that we have enough problems in Chaparral with liquor, drunk driving and domestic violence to add another place for residents to purchase liquor. John would like to go on record of being against another establishment selling liquor.

Dan Bryant stated that the Board has a mandatory non discretionary duty to approve the transfer.

6. Executive Session:

Commissioner Nivison made a motion to go into Executive Session to discuss pending and threatening litigation the Walker appeal, personnel issues, PSAP JPA (Alamogordo, Cloudcroft), land and marketing of county property. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Nivison made a motion to come out of Executive Session having discussed land, marketing of county property, pending threatening litigation and contracts, PSAP JPA, having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

There being no further business before the Board the Chairman adjourned the meeting at 12:00 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Silva, County Clerk

Work Session July 12, 2006