

**Regular Meeting**

**July 31, 2001**

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 9:00 a.m., July 31, 2001; 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
Michael Nivison	Member
Ruth Hooser	County Administrator
LaDonna Adams	Administrative Secretary
Dan Bryant	County Attorney
Frank Portillo	Road Superintendent
Kim Chavez	Deputy Clerk

**DRAFT**

Commissioner Zierlein gave the invocation, Commissioner McGinn led those assembled in the Pledge of Allegiance and Commissioner Nivison led the Salute to the Flag of New Mexico.

**I. Consent Agenda:**

- A. Minutes
  - 07/10/01
  - 07/16/01

07/17/01

07/24/01

07/27/01

B. Bill Lists

#1

#2

#3

C. Indigent:

Monthly report for July 2001

Commissioner McGinn made a motion to approve items A, B and C under the Consent Agenda.

Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously.

See pages\_\_\_\_\_.

**II. R.L. Posey** - Requesting Approval to use the Weed School as a branch library. Mr. Posey stated that there is a desire to establish a branch library in Weed. Commissioner McGinn made a motion to approve the use of Weed School as a branch library of the Cloudcroft Library and directed staff to address a letter to the State Library Board to that affect. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

**III. Inter-Departmental items:**

1. Purchasing Department:

A. Consider renewal of the following contract:

Ps-99-005 - Engineering/Architectural Services with

Engineers Inc.

B. Consider renewal of the following contract:

PS-99-004 - Hardware Maintenance Services with IBM.

C. Consider Approval of Resolution No. 07-31-01/90-034 re:

Otero County changes to the Purchasing procedure to be updated in compliance with New Mexico State Purchasing Statutes #13-1-125.

D. Consider approval of Resolution No. 07-31-01/90-04 re:

Changes to Fixed Asset Policy procedure to reflect Section 13-6-2, NMSA. Commissioner Nivison made a motion to approve items A, B, C and D under purchasing. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

2. DWI Department

A. Consider Approval of Passing a Local Option Excise Tax of

5% (user fee) on alcohol in Otero County. Mark Gentry approached the Board and stated that the time frame he is looking for is around the first part of December. Commissioner Nivison stated that all the Commissioners had met with the people from the DWI Program and he has addressed some concern about the County having to address the possibility of having to pass the last 1/8% tax that is an option for the Commission to have go to the tax payers for a vote. Commissioner Nivison did not want this to be a conflict and he would like to discuss both issues at the same time. Mr. Gentry stated that this excise tax would also have to go before voters and he would like to have this voted on at least by December 15, 2001. Commissioner Nivison stated he did not want this to conflict because of the status of the County budget. Commissioner Nivison stated that passing the 1/8% is critical right now. Commissioner Nivison stated that his feeling is that issue needs to be addressed

first. Mr. Gentry stated that he was hoping to get this item passed and put before the general public before the first of the year. Mr. Gentry stated that he does not want to have the Local Option Excise Tax of 5% during the same election as the County's 1/8% tax. Sharon Hodges stated that due to the data that came out of the 2000 census Otero County is in the position to put forth a Local Option Excise Tax of 5% on alcohol. This money would come back to the County for the County to use in any way it deems for alcohol substance abuse issues. Mrs. Hodges stated that the reason December was picked is that traditionally that is the time that people really use alcohol. Mrs. Hodges stated that the County Commission has to approve of this before it can go for a vote. Mrs. Hodges stated that this needs to be looked at so that a plan can be made so the money can be spent in the best possible way. Commissioner Nivison stated he does not want to create anything between the 1/8% issue and the Local Option Excise Tax. Mr. Bryant asked how much money is the County spending on alcohol abuse issues? Mr. Gentry stated that it is about \$1,200,000 annually. Taxes provide for this at about \$678,000 so there is a \$600,000 short fall. Commissioner McGinn asked what type of election is being considered. Mr. Gentry stated that it would be a mail ballot election. The cost of the election is \$24,000 and that cost can be paid for the first year out of the tax. Commissioner Nivison made a motion to postpone this item until the next Commission Meeting. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

**IV. Jerry Miller** - Requesting that Miller Road in Mayhill, New Mexico stay maintained by the Otero County Road Department. Frank Portillo stated that the road has been maintained for the last 22 years. Commissioner Zierlein stated that since the County has been maintaining the road what has been happening is that if the County can get the easements the maintenance will be continued. Commissioner Nivison made a motion to continue the maintenance on the Road

providing that there are proper easements. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages

**V. Eddie Livingston** - Discuss Reverse Osmosis for Oro Grande water situation.

Mr. Livingston stated that the purpose for setting this unit up would be to get the residents of Oro Grande water. This would keep the County from having to haul water to Oro Grande. At the same time a feasibility study could be done that would identify the long-term option of getting Oro Grande off the pipeline and putting them on a full-scale treatment. Commissioner Nivison stated that the Commission needs to get an update from Oro Grande and see how things are going and what work has been done on the pipeline and then sit down and discuss this project. No action was taken.

**VI. Administrator's Reports**

A. Consider Approval of Agreement between the Southeastern New Mexico Economic Development District/COG and the County of Otero re: Active Membership in the District. (SNMEDD)

B. Consider Approval of Resolution No. 07-31-01/90-01 re: Annual Membership in the District for 2001/2002 fiscal year. (SNMEDD). Commissioner McGinn made a motion to approve items A and B under the Administrator's Reports. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_,

C. Requesting permission from the County Commission to approve a transfer of the Subdivision Coordinator vacant position to the Assessor's Office. Commissioner Nivison made a motion to approve the transfer of the Subdivision Coordinator vacant position to the Assessor's Office. Commissioner McGinn seconded the motion. Commissioner Zierlein stated that the County is deleting a position and giving the job to the Assessor's Office to help save money. A

vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

D. Consider Approval of Resolution No. 07-31-01/90-05 re: Relating to Highway 70 Improvement Plans. Commissioner McGinn made a motion to approve Resolution No. 07-31-01/90-05 re: Relating to Highway 70 Improvement Plans. Commissioner Nivison seconded the motion. Commissioner Nivison stated that he has spoken with several residents in the area and would like to amend the motion subject to the amended version of Lincoln County’s Resolution #2001-02. A vote was taken and the motion passed unanimously. See pages \_\_\_\_\_.

**VII. Kevin Powers**, a representative of Dain Rauscher Incorporated, discussed authorizing the issuance and sale of Otero County, New Mexico General Obligation Jail Refunding Bonds, Series 2001. Commissioner McGinn asked how much money the County will save by refinancing the Jail Refunding Bonds. Mr. Powers stated that the savings is about \$226,000. Commissioner Nivison asked what the difference in the annual payment will be. Mr. Powers stated it is a reduction of about \$30,000 a year. Commissioner Nivison made a motion to pass a resolution authorizing the issuance and sale of Otero County, New Mexico General Obligation Jail Refunding. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

**VIII. Executive Session:**

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 Nivison seconded the motion. Roll call was taken as follows:

- Commissioner Zierlein        yes
- Commissioner McGinn        yes

Commissioner Nivison        yes

The Commission recessed from the executive session.

**IX. Commission/Discussions Correspondence:**

- A. Richard L. Zierlein:
- B. Timothy D. McGinn:
- C. Michael Nivison:

1. Consider Approval of a Declaration for the Local Agricultural Emergency. Commissioner Nivison asked that this items be postponed until the next Commission meeting.

**X. Bill English** - informed the Commission that he has been asked to be here by the Libertarian Party to request that the Commission place on their next Regular Commission Agenda a Resolution in show of support for Thomas Moore. No action was taken.

**XI. Final Budget Hearing** - Commissioner Zierlein stated that instead of discussing the budget here the County Administrator is going to get with each department head and discuss what is going to be cut out of the budget. Commissioner Zierlein stated that the Commission recessed the final budget until Thursday at 4:00 p.m.

**XII. Personnel Items:**

- 1. New Hire:
  - Vacancy - DWI
  - Sheriff - Rusti Henderson (part-time)
  - Sheriff - Maria Counts (part-time)
  - Sheriff - Walter Spear (part-time)

Sheriff - David Netzer (part-time)

Sheriff - Eugene Rayhart (part-time)

Convenience Center - Charles Carpenter

2. Longevity:

Sheriff - Robert K. Virden

Sheriff - Teddy W. Eldridge

Sherriff - William Powell

Sheriff - Mary I. Bowman

Sheriff - Bruce P. Patton

Sheriff - David S. Henley

Employment Contract Renewals for Law Enforcement:

Sheriff - Hal B. Caldwell - H.I.D.T.A.

Sheriff - Ray Bailey - Courthouse Security

Sheriff - Perry Clarke - Courthouse Security

Sheriff - Chuck De Wolf Sr. - Courthouse Security

Sheriff - Mike Mata - Courthouse Security

Individual Contract Agreement for:

Sheriff - Jon Anderson

Commissioner Nivison made a motion to approve all the personnel items as presented on the agenda.

Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

See pages \_\_\_\_\_.

**XIII. Executive Session**

Commissioner McGinn 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 Nivison seconded the motion. Roll call was taken as follows:

Commissioner Zierlein        yes

Commissioner McGinn        yes

Commissioner Nivison        yes

There being no further business before the Commission, the Chairman recessed the meeting at 1:50 p.m.

**APPROVED:**

\_\_\_\_\_  
**Chairman**

**ATTEST:**

\_\_\_\_\_  
**Mary D. Quintana**  
**Otero County Clerk**