

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., September 12, 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:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Absent
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Road Superintendent
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.

Commissioner Moore stated that we have two action items that we need to attend to that are time sensitive. They are items 29 and 30 on the consent agenda.

a. Item 29 Dale Palkki, County Assessor, request approval to accept the 2007 Property Tax Rates.

Commissioner McGinn made a motion to approve the 2007 Property Tax Rates. The motion was seconded by Commissioner Moore for discussion.

Commissioner Moore stated that every year the state sends down to the counties the property tax rates. Once we receive them we have 5 days to approve them. Dr. Moore stated that he had talked with Mr. Palkki and in the letter that we received from the state they asked us to review the rates. Mr. Palkki could certify that the values are correct, but couldn't certify the rates from the state were correct.

Dan Bryant, County Attorney, stated that last year when we received the rate setting notification from the state, there was an error and we had to come back about a month later to correct it. The way the statute is written, it is drafted in mandatory non discretionary terms. Upon receipt of the rate setting notification from the state, the Board of County Commissioners shall initiate its order. The Board needs to issue its orders setting the rates. If there is a problem this year like last year, there is a mechanism in the regulations that will allow DFA to get it corrected. Mr. Bryant recommends that the Board approve the rates this morning. There is a process over the next 30 days where DFA re-verifies all its figures and makes sure that they got everything correct.

A vote was taken and the motion passed unanimously. See pages

b. Item 30 Dr. Martin Moore, request approval to pay a sole community hospital supplemental/UPL payment in the amount of \$221,734.40. This request would allow Gerald Champion Regional Medical Center to access \$789,933.72 in the supplemental indigent sole provider funding. Commissioner McGinn made a motion to approve the supplemental/UPL payment in the amount of \$221,734.40. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

New Business:

Proclamation: United States Air Force Day in Recognition of the 60th Anniversary of the U.S.A.F.

1. Consent Agenda:

- a. Bills Lists #5, #6, #7, #8, #9, #10.
- b. Approval of Minutes
- c. Health Care Services for the month of August 2007.

Commissioner Moore thanked Gloria Sainz, Health Care Coordinator, and her staff for the approval rating in the claims submitted. The program we have in place, is where we go to the hospital and get the claims attended to, is working out exceptionally well.

2. Personnel:

- a. Request approval to promote Steven Odom from Deputy Sheriff 1 to Deputy Sheriff 11.

Mr. Odom has recently met the criteria of law enforcement certification to advance to this position. His new salary of \$32,411.97 is in the Sheriff's Department budget for 2007/2008.

3. Purchasing:

- a. Consider approval of the yearly renewal of Contract PS-04-023 PNA with New Mexico P.C. Medical Services for the Otero County Detention Center for the amount of \$38,325.00
- b. Consider approval of Sealed Bid #08-005 Crusher Fines (rock) for Twin Forks MDWCA, in the amount of \$14.38 (5.75 per ton, \$8.63 per ton for delivery) to RD Blankenship. The rock will be used for bedding material for the laying of water pipe.

Commissioner Moore stated that Twin Forks received a grant and were able to acquire pipe. Dr. Moore stated that they have approximately \$303,000.00 for the project and about \$30,000.00 set aside for the rock. Commissioner Moore stated that he has to have a quantity here or otherwise what we will be approving is one ton of rock and an expenditure of \$14.38. If the wording isn't changed by

Thursday's meeting, when we take this action we will have approved the purchase of 1 ton of rock and this amount will not go very far.

c. Consider approval of the yearly renewal for Contract ICQ-06-003 with Matrx Medical and IQC-06-004 with Tri-anim for the EMS supplies for the County. There is a price increase on certain items which is reflected on the attached price sheet.

4. Resolutions, Contracts & Agreements:

a. Consider approval of a Memorandum of Understanding between Dona Ana, Luna, Grant, Hidalgo and Otero County to cross commission deputies, in order to effectively work on issues that concern border security. This agreement with agencies that are involved with Operation Stonegarden, which is a federally funded overtime grant that deals with human and drug smuggling along the border with Mexico.

John Blansett, County Sheriff, stated that if we needed some help here in Otero County we could call one of these counties to help us out and vice versa. We are using our resources to fight the battle along the border.

b. Consider approval of agreement #2008-3665 between Otero County, acting as fiscal agent on behalf of the Sacramento Mountain Senior Services and the New Mexico Aging and Long-Term Services Department for a \$35,000 legislative appropriation.

c. Consider approval of an agreement between Otero County and Luna County for the housing of juvenile prisoners. The daily rate is \$95.00 per day per juvenile prisoner.

d. Consider approval of the renewal of an agreement between Otero County and Western New Mexico University. Alex Thal is an independent contractor to provide consultation services on resource issues. This is a one year contract and the amount of this contract is not to exceed \$30,000.

Dr. Moore stated that Dr. Thal's contract expires at the end of September. Commissioner Moore stated that he would like to include an hourly rate in this contract.

e. Consider approving the agreement between Otero County and the Zia Therapy Center/Transportation Services for the 2007/2008 fiscal year for \$6,000.00

f. Consider approving the agreement between Otero County and the Zia Therapy Center for the 2007/2008 fiscal year for \$11,104.00.

g. Consider approving the agreement between Otero County and the Civil Air Patrol for the 2007/2008 fiscal year for \$1,000.00.

h. Consider approving the agreement between Otero County and The Counseling Center for the 2007/2008 fiscal year for \$40,060.00 (Mental Health) and \$7,324.00 (Home Detention).

Commissioner Moore would like to have more clarification on this item.

i. Consider approving the agreement between Otero County and Sacramento Mountain Historical Society for the 2007/2008 fiscal year for \$798.00.

j. Consider approving the agreement between Otero County and South Central Mountain Resource Conservation & Development Council/Secretary salary for the 2007/2008 fiscal year for \$1,940.00.

k. Consider approving the agreement between Otero County and Otero Soil & Water Conservation District/Secretary salary (\$20,953.00) and Office Expenses (\$5,966) for the 2007/2008 fiscal year.

l. Consider approving the agreement between Otero County and Otero Soil & Water Conservation District/Conservation Aide for 2007/2008 fiscal year for \$30,000.00.

m. Consider approving the agreement between Otero County and the Village of

Cloudcroft/Ambulance Services for the 2007/2008 fiscal year for \$46,000.00.

n. Request approval to enter into a Memorandum of Understanding between the New Mexico Department of Health and Otero County to provide First Responder level training to all school bus drivers, firefighters (VFD or wildland) or any other emergency responder. The amount of this grant is \$25,532.21.

o. Request approval to enter into a Memorandum of Understanding between the New Mexico Department of Health and Otero County to provide basic and advance life support training related to trauma type incidents. The amount of this grant is \$12,000.00.

p. Request approval of a letter of agreement to modify the previous Memorandum of Understanding between the Bureau of Land Management (BLM), Bureau of Reclamation and Otero County. The agreement changes the Bureau of Reclamation status in the Alamogordo Regional Water Supply Project from co-lead to cooperating agency and designates the BLM as sole lead agency.

Lorraine Salas, BLM and Hector Garcia, Bureau of Reclamation, stated that the City of Alamogordo has applied for a right-of-way for the infrastructure of a pipeline. The Bureau of Reclamation has chosen to be a cooperator and BLM has decided to take the lead in this project. Mr. Garcia stated that there is a possibility of federal funding coming through and the Bureau would be the agency that the funding would come through.

q. Recommend to deny a requested price increase from Canteen Correctional Services. Canteen provided this request for an increase in food service during the month of August. This increase is not budgeted in the 2007/2008 budget cycle. During the 2006/2007 Canteen Food Service was given an increase of two cents per meal per inmate.

r. Request approval of a Co-op agreement between the residents in Mayhill Subdivision and the

Otero County Road Department to chip seal .2 tenths of a mile on Pine Dr. The approximate cost of materials is \$8,000.00, which the residents of Pine Dr. are willing to pay.

Bill Parker stated that we can't get this done this year, but if it's approved we can plan to do it next summer.

s. Request approval of a multi-agency detention services inter-governmental agreement issues by the United States Marshal Service. This agreement replaces previous temporary detention services agreements that address the housing of U.S. Marshal Service prisoners at the facility located at 10 McGregor Range Road in Chaparral, NM. The agreement establishes a \$54.00 per diem rate and a \$15.28 guard hour rate.

Dr. Moore stated that Warden Frawner is here representing MTC, Management Training Corporation. We had requested a representative from the U.S. Marshal Services be present, but nobody is here. Warden Frawner stated that when we started four years ago we dealt with the U.S. Marshal Service, since then, Homeland Security has gotten involved. They have created the office of the Federal Detention Trustee, which now oversees the Bureau of Prisons, the Marshall Service, Detention and Immigration and Customs Enforcement. It negotiates for all of these entities. Commissioner Moore stated that he has some problems with this contract. As I look through this agreement I don't see the old agreement or the old rates. The Warden stated that the old rates were \$60.29. In June, when we did the expansion we could offer better rates of \$57.57. At the time Homeland Security didn't respond to the offer of reduction of the rates. Dr. Moore stated that when they did respond, they said they would go \$50.00 and no higher or they would pull all their prisoners out. The Warden believes they are trying to standardize the rates through out the country. Commissioner Moore stated that he wants to see the old contract, he needs to know the dynamics of the contract. I have federal people that signed the

contract with me, that said they would consider my cost when we re-negotiate. Commissioner Moore doesn't know what they would do with those 1,200 federal prisoners if they pulled them out of the prison. He instructed staff to look into what other facilities are available where they could accommodate them. Commissioner Moore stated that he might just call their bluff. When does the current contract expire? Dr. Moore stated that we have been operating under extensions. We anticipated your action and hoped for this reaction from you. It gives us additional weight coming back to the Marshal Service directly in Santa Fe with a rebuttal that has already been prepared.

5. Elected Officials, Department Heads, Committee Reports:

a. Bill Lee Parker-Request approval to accept South Gate Drive as a County maintained road.

This road is located in the Dog Canyon area off of Oliver Road. An inspection of this road has been done and it meets Otero County standards.

b. Stephan Dutill-Requesting that the County does not participate in the 2010 Local Update of Census Addresses Program, due to insufficient staff and security concerns.

Mr. Dutill stated we have an option to participate or not to participate in this program. We have chosen not to participate, due to not enough staffing to complete this task. They require us to have the information stored in a locked office and Mr. Dutill stated that his office doesn't even have a door. This unfunded federal program is strictly voluntary. We have chosen not to participate.

c. Dr. Martin Moore-Request designation of the attached inventory of roads and trails as R.S. 2477 rights-of-way.

Dr. Moore stated that the information provided for the Board are roads that are existing up to 1956. The map that is displayed is also an inventory of R.S. 2477 roads. Commissioner Moore stated that by verbiage within our list, he needs the descriptions of all roads and trails in Otero County that

have been used for human passage or herding of animals prior to 1976. Any modification or proposed closure would require the approval of the Otero County Commission. All of the trails that the Forest Service is proposing to close, the whole purpose of this deal is to stop that from happening. Dan Bryant, County Attorney, stated that it has been a number of years since I have seen the books that I am about to describe. Mr. Bryant had to use them in court in an easement litigation about 15 years ago for the County. In the 1960's, Virginia Yearley, then County Manager, was tasked by the County Commissioners with going back through the old records of the County and putting together copies of the minutes, maps and backup documentation that the county had used through time to declare the existence of various public roads in the county. The books go all the way back to the 1900's. Ms. Yearley used these as a tool so we would know what the status of a road was. Dr. Moore stated that what we have here on the table are the books copied into one book. Commissioner Moore stated we have been dragging our feet on the 2477 roads for too long. The Lincoln National Forest going to come and close all the roads and trails and have our comments attached to the back and the deal will be essentially done. Then we will have to go back and challenge them in court. We are going to get in front of the Lincoln National Forest finalizing their new travel plan and be a stumbling block for them when they decide they want to close these trails. This is the whole purpose here of what we are doing. Commissioner Moore stated that this is to finally do it, encompassing county wide all the roads and trails.

d. Dr. Martin Moore-Request approval of letters to state and federal elected officials seeking their support of House Resolution 308 (R.S. 2477 Rights-of-way Recognition Act) that was introduced into Congress on January 5, 2007.

e. Dr. Martin Moore-Request approval to publish a public hearing regarding an ordinance for

predators of the *Canis*, *Ursus* and *Felis* genera. Efforts to reintroduce predators such as the Mexican Wolf continue to concern Otero County. This ordinance would place restrictions on those introductions.

f. Dr. Martin Moore-Request approval to schedule a public hearing for the purpose of adopting an ordinance that addresses World Heritage Site applications and designation in Otero County.

6. Public Hearing:

a. Dora Batista-Report on past CDBG program activities and to receive public input on community development needs and suggestions for future CDBG projects.

7. Citizen Communications:

a. Lee Ann Loney-Consider approving the annual Community Health Council membership.

8. Manager's Report:

a. County accomplishments.

b. Courthouse Security. Dr. Moore stated that we have received money from the legislature to improve the security here at the courthouse. We have had several meetings with our elected officials and the District Court Judges. We have come up with a preliminary list of issues. Some can be accomplished now and move on in phases. Commissioner Moore stated that based on some challenges that we have had in the courthouse, we have been considering what additional measures we need to take. There will be one controlled front door access. All other doors will be locked down.

9. Unscheduled Citizen Communications:

a. Paul Quairoli, Safety Coordinator, presented a Mutual Aid Agreement between Cloudcroft EMS and Otero County. This agreement will allow Cloudcroft to use our medical director to help cut cost for them. Mr. Quairoli would like to have this item added to the agenda for Thursday nights Commission meeting. It has been reviewed by Dan Bryant and will be reviewed by the EMS Director

in Cloudcroft today. Commissioner Moore recommends that this item be added to the agenda for Thursday night.

10. Executive Session:

Commissioner McGinn made a motion to go into executive session to discuss item B. pending threatening litigation, Sacramento Mountain Thistle, PSAP/DFA, Animal Shelter, item C. personnel, time sheets and Finance Department. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn yes

Commissioner Moore yes

Commissioner McGinn made a motion to come out of executive session having discussed items under B. pending and threatening litigation as listed 1 through 3 and C. personnel as listed 1 through 2.

The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn yes

Commissioner Moore yes

There being no further business before the Board, the Chairman adjourned the meeting at 1:30

p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Work Session
September 12, 2007