

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 Chairperson at 9:00 a.m., September 21, 2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Clarissa McGinn	Chair person
Doug Moore	Vice-Chairman
Michael Nivison	Member
Ruth Hooser	County Manager
Dan Bryant	County Attorney
Ray Backstrom	Assistant County Manager
Bobbie Reyes	Department Assistant
Lynn Estrada	Deputy Clerk

John Blansett 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 #6, #7, #8, #10, #11
- c. Health Care Services for September 2005
- d. Personnel-New hires

2. Purchasing:

- a. Sealed Bid #06-005 EMS supplies
- b. Sealed Bid #06-006 for Fire Apparatus
- c. Otero County Road Shop building re-bid.

3. Resolutions, Contracts & Agreements:

- a. Resolution No. 08-27-05/94-10 regarding Eminent Domain for Otero County.
- b. Otero County Chaparral Solid Waste Transfer Station Grant Agreement.

Ruth Hooser stated that the Chaparral Transfer Station has received a grant for \$430,000.00. The land has been donated to Otero County and would like to have Otero County run the station. Commissioner Moore recommended staff and Randy Horn travel to Chaparral to look at the property and give us a cost estimate on construction. We will also need to speak with Randy about his ability with his current staff, will he be able to make runs to Chaparral.

c. Ratify Otero County's letter regarding transfer of rights-of-way on County roads North of Alamogordo, Mesa Verde Ranch Road and Martin Blvd. Dan Bryant stated that the City proceeded with their administrative steps on the annexation and appeal has been filed. The annexation will not be going through for some time.

d. Consider approval of Rental Agreement of Aces School Complex for Buggies to Bikes Day Care Center. Commissioner Moore stated that we had a local contractor put a roof on the building about 5 years ago. We have had continued problems with the roof and have not been able to get this contractor to respond to our concerns. Ginger Herndon stated that the work is outside the warranty now. Theda Harshey, owner of Buggies has called Mr. Klump to come fix the roof again so this voids the original work. Theda stated that Mr. Klump came to look at the work but didn't do any work. The

roof over the kitchen is leaking very bad. The Fire Marshall has inspected the building and has given her 30 days to fix the problems. If it's not done within the 30 days she will have 10 days and if not completed by then he will condemn the building. Commissioner Moore requested to see the documents where the Fire Marshall can condemn the building and have legal pursue this matter. In the meantime we will have Tony go look at the roof and get an estimate to fix it.

e. Agreement between Otero County and the Regents of NM State University. Dan Bryant is waiting for the language in the scope of work to capture what the appropriate work will be for the Sacramento Prickly Poppy, to add to the scope of work. Dan is waiting for Dr. Fowler to get the right language to him so it can be incorporated into the exhibit. If we don't have it back by Tuesday, this item will be pulled from the agenda.

f. 2005/2006 Grant Agreement for various Projects for a total of \$1,462,811.00. Ruth Hooser stated that the State sent down all the agreements on one contract for this year

g. Managed Pharmacy Benefit Services Agreement Consumer Card Program. Gloria Sainz, Health Care Coordinator, stated that the National Association of Counties is giving out these cards to people who have no insurance. There are no limits or eligibility criteria. There is supposed to be no cost to the county's that participate. The President of NACO, Leroy Garcia, is willing to come to the County to explain the program to the Commissioners. Commissioner Moore would like to have more information on this program. He fears that 2 or 3 years down the road, they start telling us how much money they are providing us for this program, then they want to start taking money from Indigent Fund or Medical Provider Fund to keep this program running. Dan Bryant stated that the County Attorneys are reviewing this program and have spoke with NACO with their concerns about the Public Records Act in New Mexico. NACO is preparing an amended approach to this program so that the counties will

sign up with NACO to participate in the program. The funding source is a private provider who is negotiating an agreement with NACO to provide the drug cards. Commissioner Moore is very skeptical about this program. Dan has a whole packet of information on the program for the Board to read before Tuesday night.

h. Sole Community Supplemental Allocation Payment requested from Gerald Champion Regional Medical Center. Carl Mantey was present from Gerald Champion to answer any questions the Commission had.

4. Elected Officials/Department Heads:

a. Capital Cooperative Agreement for 2005 Legislative Appropriations for Otero County to construct improvements at the Timberon Airport. Ray Backstrom stated that we are still waiting for the court procedure on some land in Timberon to determine whether or not we will be able to purchase some additional land around the airport. This will determine how the money will be spent.

b. Capital Cooperative Agreement for 2005 Legislative Appropriations for Otero County to purchase and install culverts at arroyo crossings on Riata Road. Bill Lee, Road Superintendent, stated that he is working on getting a Hydrology Survey to see how much water comes through the arroyo so we can purchase the appropriate size culvert. Commissioner McGinn asked Bill what kind of time frame we are looking at. Bill stated he felt that the work could be done by this winter. Gonzalo Estrada, Chief Deputy Assessor, stated that we have been waiting since 1987 for something to be done with this road.

c. Selection for the Community Development Block Grant Project. There were 3 applicants for the Grant. La Luz Domestic Water Association, Twin Forks Water Association and the Red Brick School House. A 10 percent match has to be met for whatever amount it asked for. Only 2 entities

were able to meet the criteria.

d. Discussion of Court House security. Sheriff, John Blansett stated that we had a meeting with Elected Officials, staff and the Judges. The meeting went well with a lot of good ideas. The consensus from the meeting was to have some one come in and do an assessment of the Court House.

Commissioner Moore stated that this Court House should be accessible to the public. We understand the need for security but we can go over board with it. Commissioner McGinn directed staff to put together a Work Session with the judges, the Sheriff, the Commission and staff.

5. Citizen Communications:

a. Greg Groth, change the name of his current Franchise from Chaparral Cable Co. to Chaparral Cable Vision Inc. Dan Bryant stated that our ability to regulate, particularly telecommunications entities, phone companies, cable companies are highly limited by federal law. The issue that local governments are having to deal with when these ordinances come up for renewal, is that the large cable companies are gobbling all the little local companies up. The reason this is on the agenda is so we can discuss, as you renew this, do you want to put some requirements in that the local offices maintain. The Commission does have the abilities to make those kind of requirements.

6. Unscheduled Citizen Communications:

a. La Luz Mutual Domestic Consumers Association for Phase II of their water system improvements gave a power point presentation for the new water lines for Phase II. They are hoping to be the recipients of this years CBDG Grant. They have their matching money, preliminary plans, archeologist and biological studies all in place.

7. Commission Discussion:

a. Discussion on Ditches in Boles Acres. Commissioner Moore stated that from the last big rain

a lot of that water flooded into Boles Acres. The residents believe that the County is responsible for the maintenance of these flood ditches. Staff has researched the subdivisions when they were approved and how do we intend to proceed. Some of the documentation found discussed ditch maintenance in the flood channel, but we don't find those routes designated on the plats. What we have got from legal is that the County isn't responsible for the maintenance in the flood channels. In the past when it has been presented as a threat to health, life and safety, the County has cleaned them. Commissioner Moore believes with volunteer firefighters and the assistance of the Road Department we need to go in and clear the two ditches to protect health, life and safety. Commissioner Moore stated that we need to get this issue on the ballot and let the citizens of Otero County decide they want their County Government to begin the process of maintaining the flood ditches.

Tom Burns, Boles Acres resident, discussed putting culverts in the ditches and the County maintaining the ditches.

Dan Bryant stated that there are a number of issues to deal with in this situation. We don't have appropriate easements in place where they need to be to do the maintenance that needs to be done. Dan is unable to tie the information together from the acceptance certificate that's in the records that were signed by the Commission. There is correspondence from Barry Burke about specific easements on specific lots that were going to be obtained and constructed by the developer and then there is the certificate of acceptance. What's not clear by looking at these two documents is, does the certificate of acceptance refer to everything that was on the plat or does it refer to the contents of the Barry Burke correspondence and the agreement that was worked out with the sub-divider in the 1987 time frame. Which essentially is drainages along the lot lines of lots 6 and 7 in Western Subdivision and nothing else. There was an apparent acceptance of some drainage in that subdivision, but Dan can't tell from

the reading what it was. The minutes from that time frame where not very helpful. Commissioner Moore stated that we talked about this last year but didn't do anything about it at that time. He would like to pursue the idea of having this item on a ballot.

8. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss collective bargaining, pending and threatening litigation, personnel issues, land, roads and the detention center. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Moore yes

Commissioner McGinn yes

Commissioner Moore made a motion to come out of Executive Session and stated all that was discussed was collective bargaining, pending and threatening litigation, personnel issues, land, roads and the detention center and no decisions were made. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Moore yes

Commissioner McGinn yes

There being no further business before the Board the Chair person adjourned the meeting at 11:40 a.m.



APPROVED:

Clarissa McGinn
Clarissa McGinn, Chair person

ATTEST:

Robyn Silva Deputy Clerk
Robyn Silva, County Clerk

Work Session September 21, 2005