

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 8:30 a.m., October 10, 2000; 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 |
| Ronny Rardin | Member |
| Ruth Hooser | County Administrator |
| Virginia Fletcher | Assistant County Administrator |
| Dan Bryant | County Attorney |
| Frank Portillo | Road Superintendent |
| Kim Chavez | Deputy Clerk |

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Commissioner Zierlein gave the invocation, Commissioner McGinn led those assembled in the Pledge of Allegiance and Ruth Hooser led the salute to the flag of New Mexico.

I. Executive Session:

a) 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 Zierlein seconded the motion. Roll call was taken as follows:

Commissioner Zierlein yes

Commissioner McGinn yes

Commissioner Rardin was absent from Roll call.

The Commission recessed executive session until later in the meeting.

II. Commissioner Rardin made a motion that forest road FDR 171L not be closed on the Forest Service list. Commissioner McGinn asked why not ask to leave all the roads open. Frank Portillo, County Road Superintendent stated that most of these roads do not exist and if they have to be open it would not be difficult. The FDR 171L would be the only road that would benefit the public to use. Commissioner McGinn stated if you give the Forest Service an inch they will take a mile. Commissioner Rardin stated he was under the impression that these roads did not even exist. Mr. Bryant stated that there is a motion on the floor and there has been no second. Commissioner McGinn seconded the motion for discussion. Commissioner McGinn stated that at one time the Commission made a motion not to agree to close any roads at all. Commissioner Zierlein stated there was no motion made the Commission directed Mr. Portillo to go out and look at these roads before they were closed. Commissioner Rardin withdrew his motion until he has a clearer understanding. No action was taken.

III. Consent Agenda:

A. Minutes

B. Bill Lists

 #10

 #11

 #12

C. Elected Official - Memo from Otero County Assessor's Office re: Promotion of Sheldon Compton.

D. Acknowledgment of Alamogordo Chamber of Commerce Committee's - Certificate of Appreciation Re: The 2000 Cottonwood Festival.

E. Personnel Items:

1. Other: Michael Vaughan

Ratify part-time position approved during the Commission meeting of 9-18-00. Hired for the Election.

F. Grant/Subdivision Coordinator:

a. Consider approving the Final Plat for Indian Trail Subdivision, Otero County.

b. Consider to Approve Cooperative Severance Tax Agreement SP-GA-7535 (209); between the NM State Highway and Transportation Department and County of Otero. Repair and construct the roadway between Panorama and Desert Lakes.

c. Consider to approve Cooperative Severance Tax Agreement SP-GA-7535 (210); between the NM State Highway and Transportation Department and County of Otero. Construction of a Section of roadway from Hwy 54 to Hamilton Road.

G. Indigent Fund:

Indigent Claims for August and September 2000.

Commissioner Rardin made a motion to approve items A - G under the Consent agenda. Commissioner McGinn seconded the motion. Commissioner McGinn asked to review the Final Plat for the Indian Trail Subdivision. Klad Zimmerle, Engineer for Burke and Associates informed the

Commission that there is access to the properties from the highway for the subdivision. A vote was taken and the motion passed unanimously. See pages _____.

IV. Terry Muller - Discuss expanding Oro Vista Fire District. Mr. Muller stated he had a request from property owners of the Sunbird Estates to come into his Fire District. Commissioner Zierlein stated that he spoke with the Dog Canyon Fire Chief and he has no problem with it. Commissioner Zierlein asked staff to have the boundary lines fixed before the next commission meeting.

V. Mr. John Marquardt - Discuss sand for the Alamogordo High School Baseball field. Mr. Marquardt stated that the Tiger Baseball field is in bad shape and a group of about nine people have got together to help fix the field. Mr. Marquardt stated that he is in need of 30 yards of Escondido sand. Mr. Portillo stated that the Road Department had some left over from doing the job on Scenic. Commissioner Zierlein stated that if the County has the sand and has no use for it he has no problem giving it to the High School. Commissioner McGinn made a motion to disburse 30 yards of red escondido sand to the Alamogordo School baseball field. Commissioner Rardin seconded the motion. A vote was taken and the motion passed unanimously.

VI. Inter-Departmental Items:

1. Purchasing Department:

A. Renew Contract #TS-98-011 for Maintenance, Repair, and Service on Communications Systems.

B. Renew Contract #TS-98-012 for Maintenance, Repair, and Service on Communications Systems.

C. Award Bid #01-007 for a 4X4 Pickup for the Assessor's

Office.

2. Detention:

Requesting County Commissioners to hire replacement of (1) full-time employee. Commissioner Rardin made a motion to approve items 1 - 2 under Inter-Departmental items. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

VII. Administrator's Report:

A. Follow-up letters from City of Alamogordo Re: Continuing efforts to provide speed control on Hamilton Road.

B. Ratify Amendment Number One (1) Agreement between the Children Youth, and Families Department and Otero County. Purpose of this Amendment: To extend the term of Agreement from September 30, 2000 to March 30, 2001.

C. Requesting County Commissioners to hire replacement for Administration Personnel Technician.

D. Discuss scheduling a Special Meeting to Canvass the General Election on Thursday, November 9, 2000.

E. Social Programs Agreements for fiscal Year 2000/2001.

Commissioner Rardin made a motion to approve items B, C, D, and E under Administrator's reports. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

VIII. The Commission returned to executive session.

The Commission recessed from executive session.

IX. Public Hearing - Consider new road name Pinos Verdes in James Canyon Fire District. Dale Palkki approached the Commission to discuss the road names and he informed the Commission that there are no objections to the road name. Commissioner McGinn made a motion to approve Pinos Verdes as the new road name for the road located in the James Canyon Fire District. Commissioner Rardin seconded the motion. A vote was taken and the motion was passed unanimously. See pages _____.

X. Commissioner Discussions/Correspondence:

A. Commissioner McGinn

1. Discuss Courthouse Fire Alarm System.

Joe Bailey, Fire Marshall for the City of Alamogordo, approached the Board and informed them that there are two main problems with the Courthouse and they are the fire alarm system and the electrical systems. Mr. Bailey stated he has been working on this for three years. The fire alarm system in the old jail looks like it was put in the 1950's. There has been nothing but problems with the current fire alarm system. The first step is to replace the system in the jail area. Commissioner Rardin recommended that the Chairman get a committee together to fix these problems. Mr. Bailey stated he will get the County a list of things that need to be done. Commissioner McGinn thanked Mr. Bailey for bringing this to the attention of the Commission. No action was taken.

B. Richard L. Zierlein:

1. Approval of Grant Agreement Amendment No. 4 - Re: E-911

Project No. 93-T-NR-J-12-N-17: Network and Database Grant. Commissioner Rardin made a motion to approve the Grant Agreement Amendment No. 4 - Re: E-911 Project No. 93-T-NR-J-12-N-17: Network and Database Grant. Commissioner McGinn seconded the motion. A vote was taken

and the motion passed unanimously. See pages _____.

2. Public Notice - City of Alamogordo/Otero County Airport Zoning Board; Re: Vacancy for (1) County Representative Volunteer Position. No action was taken.

3. Discuss Forest Legacy. Commissioner Zierlein stated that the County received an extension until December 31. Commissioner Zierlein feels that the Commission needs to send a letter from the Commission stating that if they do take the \$40,000,000.00 to buy up conservation easements that they have a full disclosure to anyone that might be selling the land because the seller will still have to pay taxes for the easements and the land will be tied up forever. Commissioner Rardin stated he would like more information on this before taking action.

4. Discuss the Intersection at Hamilton Road and Eagle Drive. Commissioner Zierlein suggested that the County notify the City that this road is for the City to maintain and not the County and the County has no control over it. Commissioner Rardin feels that the County should stay out of it because it is a City road. Mr. Bryant stated that there is a State statute that is designed to protect Counties from being put into the position where a municipality comes in and annexes all the land around the road, thereby getting all of the property tax benefit from that land and leaving the road the County's responsibility to maintain. The statute is real simple, it states that when a City or Village annexes land up to a road that is directly adjacent to the annexed land by operation of law the road is also included in the annexation so that the responsibility of the maintenance and care of that road will pass from the County to the City because the City is now getting all the property tax benefits from the development that is occurring in the area. Mr. Bryant stated that the County cite the statute and Quitclaim the road to the City of Alamogordo. John Lee, Otero County Sheriff stated that his personal feeling is that the stop sign is the best

option. Commissioner Rardin made a motion to allow the Commission to issue a Quitclaim to the City for the road and citing the statute that gives the County the authority to do this and also inform them that the County is concerned about the design of the road and creating more of a hazard by trying to make people slow down on the road. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

5. Discuss End of Probationary Employees. Commissioner Rardin made a motion to approve the end of probationary raises for those employees who were hired and promised a raise and never received one. Commissioner Rardin asked if this will clear up all those employees hired under the impression that they would receive a raise once they got off of probation. Jeanie Abney, Personnel Technician stated it would. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

B. Timothy D. McGinn:

3. Discuss 2000/2001 Budget. Commissioner McGinn stated that the budget needs to be adjusted for a total of \$453,000.00 this equals the short fall of the budget for this year. Commissioner McGinn made a motion to reduce the following line items, Capital Outlay Fund 84, for \$200,000.00, Capital Outlay Fund 78, for \$200,000.00, Postage Fund 1001206, for \$10,000.00, Redistricting Fund, for \$15,000.00, Jail Road Fund 1001416, for \$20,000.00, and the Gym Fund 1001420, for \$8,000.00 for a total of \$453,000.00. Commissioner Rardin seconded the motion. Commissioner Zierlein stated that this will equal what the short fall in the budget for this fiscal year, however, it will not correct it for the next fiscal year. A vote was taken and the motion passed unanimously.

2. Discuss Gross Receipts Tax - Highway Construction Projects.

Commissioner McGinn asked if the County would consider using the gross receipts revenue tax that the State pays out to be kept in a fund for the City and the County to use for the connectors for the bypass, otherwise the relief route will be a by pass. Commissioner McGinn stated that the Mayor of Alamogordo spoke with him about this issue and stated that he would be willing to give the Cities Gross receipts if the County would give theirs. Commissioner McGinn asked that the Commission look at this within the constraints of the County's budget. Commissioner McGinn stated that without the connectors the County will lose a lot more gross receipts tax revenue. Commissioner Zierlein stated that the County can't afford to commit their budget for the connectors, and by committing would make it impossible for the County to do a budget. Commissioner Zierlein agrees that the connectors need to be built but to make a commitment to destroy the County budget he could not do that. Dan Bryant asked Commissioner McGinn if the Mayor is going to put the City's gross receipt tax aside for the same connectors? Commissioner McGinn stated that is correct. Commissioner McGinn asked that the staff try and asses what the projected gross receipt revenue is for the Highway 54 project, the Bypass and any other rural projects that the State is doing within Otero County. Commissioner Rardin stated that as tight as the budget is he could not commit anything. No action was taken.

C. Ronny Rardin:

1: Discuss Personnel Policy regarding closing date for hiring.

Commissioner Rardin stated that he never realized how long it takes to hire someone. Commissioner Rardin asked why the County has to wait ten days after advertising has taken place. Commissioner Rardin stated he is not looking at changing the process just at changing the time it takes to hire someone. Sheriff Lee stated that it takes a minimum of two months to hire someone. Commissioner

Rardin feels that ten days is more than enough time. Commissioner Zierlein stated that he would like to direct staff to work on it for the next Commission Meeting. Commissioner Rardin stated that the Commission has worked with purchasing to cut out time for purchasing items for the County and it has worked out great. Commissioner Rardin feels that there needs to be a slot for the County Manager to make a decision whether the elected official can hire after all the requirements have been met instead of having to wait for the next Commission Meeting. Commissioner Rardin stated if the manager approves it, the Commission should not have to get involved. Sheriff Lee suggested that the Commission put a committee together to work on the Ordinance and make any changes they feel need to be done. Commissioner Rardin asked that a Public hearing be advertised for the next Commission Meeting. Commissioner Rardin made a motion to advertise amendments to the personnel ordinance for the purpose of streamlining the hiring process and for the purpose of addressing other issues to increase efficiency with respect to how the personnel ordinance operates. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed unanimously.

D. Commissioner Zierlein (continued):

Commissioner Zierlein asked that the ten-day time frame be waived for the Administration Personnel Technician. Sheriff Lee suggested that the Commission do the hiring as an emergency situation. Commissioner Rardin made a motion to declare an emergency hire for the Administration Personnel Technician position and that the ten-day hiring period be waived. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed 2 -1 with McGinn voting against.

6. Discuss Eight-percent Gross Receipts Tax.

No action was taken.

Commissioner Rardin 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 McGinn seconded the motion.

Commissioner McGinn - yes

Commissioner Zierlein - yes

Commissioner Rardin - yes

Commissioner Rardin made a motion to allow the final payment on the closure of the land field be made. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

There being no further business before the Commission, the Chairman adjourned the meeting at 12:25 p.m.

Regular Meeting October 10, 2000

APPROVED:

Chairman

ATTEST:

Mary D. Quintana
Otero County Clerk