

Regular Meeting

October 23, 2001

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in an Emergency Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid.

Meeting called to order by the Chairman at 9:00 a.m., October 23, 2001; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Holloman Sunburst, El Paso Times, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Tim McGinn

Vice-Chairman

Michael Nivison

Member

Ruth Hooser

County Manager

LaDonna Adams

Administrative Secretary

Robyn Silva

Deputy Clerk

Bill Parker

Assistant Road Superintendent

The Vice-Chairman called the meeting to order and gave the invocation. Bill Parker led those assembled in the pledge of allegiance and Commissioner Nivison led those assembled in the salute to the flag of the State of New Mexico.

1. Discussion was held concerning the request for "Herb Holcomb Day" in Otero County, which would be November 3, 2001. Randy Rabon, who is a direct descendant of Mr. Holcomb, discussed Mr. Holcomb's many endeavors and accomplishments in Otero County throughout his life.

Commissioner Nivison made a motion to declare November 3, 2001 "Herb Holcomb Day" in Otero County. Commissioner McGinn seconded the motion. A vote was taken

and the motion passed 2-0. See pages _____. Commissioner McGinn then read the Proclamation.

2. Commissioner McGinn introduced Representative William Boykin to discuss the adoption of Resolution No. 10-23-01/90-16 designating the New Mexico State Highway, US Hwy 70 between Alamogordo and Las Cruces, as the "Bataan Veterans Memorial Highway" in accordance with House Joint Memorial 18. Representative Boykin introduced Colonial Sugarman who had originally requested that the Highway be named as such. Mr. Gilbert Apodaca, Chairman of the Dona Ana County Commission stated that Dona Ana has already adopted this Resolution.

Mr. Jerry Johnson, who is a resident of Otero County, presented some history concerning the Bataan March to those present. He strongly requested that the Commission support this Resolution. He further stated that the cost for Otero County would be approximately \$4,000.

City Commissioner Easley strongly endorsed the passage of this Resolution. Under sheriff Dave Plotner also requested that the Commission approve this Resolution. City Commissioner Don Cooper stated that we have waited too long to do this and it should be done today. Commissioner Cooper read a letter of support for this Resolution from Representative Gloria Vaughn.

Mayor Don Carroll requested that the Commission pass this Resolution and fund it.

Commissioner Nivison made a motion to approve Resolution No. 10-23-01/90-16 designating the New Mexico State Highway, US Hwy 70 between Alamogordo and Las Cruces, as the "Bataan Veterans Memorial Highway" in accordance with House Joint Memorial 18. Commissioner McGinn seconded the motion. Commissioner McGinn amended the motion to include the funding for the road signs and the upkeep of those signs. Commissioner Nivison

seconded the amendment. A vote was taken and the motion passed 2-0. See pages _____ . Commissioner McGinn then read the Resolution to the public.

3. Commissioner McGinn reconvened the Public Hearing concerning the abandonment and vacation of the County easement of Lot 8 and 9B, Block 4, Twin Forks Ranch Estates, Unit 3, for Mr. Shiplett. Klad Zimmerle stated that Mr. Shiplet has been the only one who has maintained this road in the past and he will continue to do so. He further stated that Mr. Shiplett has built a carport into the easement and that is why he is asking for a portion of the easement to be abandoned. An easement that lies across the current road will remain.

Mr. Monroe Curtis, Chairman of the Planning Commission, stated that after a full evaluation, the Planning Commission recommends that this not be approved. Mr. Steinoff, also a member of the Planning Commission, stated that he has no proof that Mr. Shiplett has maintained this road up to this point.

Mr. Bill Parker, Assistant Road Superintendent, stated that this road is not on the County maintenance list and the only thing that he is aware of that the County has done is bladed snow from this road. The only property that this road leads to is Mr. Shiplett's house and Mr. Black's house.

County Attorney Dan Bryant was available on teleconference to give his suggestion concerning the request for an abandonment. Mr. Bryant asked Mr. Parker, Assistant Road Superintendent, if he thought the county will need this as a Right-of-Way in the next 15 to 20 years. Mr. Parker stated he did not feel that they would. Mr. Bryant stated that an alternative to abandoning the road is that the County enter into an agreement with the encroaching landowner. This solves the problem that the landowner has and they are relieved from the normal steps of the

law. Mr. Bryant stated that the County has entered into agreements in the past in the right situation and he feels it may work in this situation. Mr. Bryant suggested that Mr. Shipplet take some time to look over this agreement and show it to his title company and any other interested parties.

Commissioner Nivison made a motion to move forward with the encroachment and hold harmless agreement rather than an abandonment and vacation of the road.

Commissioner McGinn seconded the motion. Discussion was held with Mr. Hakanson, Mr. Shipplets Attorney, and he agreed to get with Mr. Bryant and work out the legality of the contract.

A vote was taken and the motion passed 2-0.

4. Commissioner Nivison made a motion to approve the Consent Agenda as presented. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0. See pages _____.

5. Teresa Van Winkle was present representing an organization called CAPPED requesting funding from Otero County to renovate a building for the Otero County Health Education Cancer Prevention Center. Ms Van Winkle presented a slide show to explain the need for this group in Otero County and the need for the funding.

Commissioner McGinn stated that the County is meeting today with the City to see if we have any additional PILT funds available. At that time the County will look to see where their funds are and if we can support this program.

Mr. Dwight Harp approached the Board in support of Mrs. Van Winkle and her organization and stated that she is the perfect person for the job.

6. Mr. Ray Mitcham & Associates approached the Board with their presentation and update on the Federal Prison that they were selected to do the design work on. Mr. Mitcham presented several pictures of what the facility will look like.

Mr. Mitcham stated that the site where the prison will be located will be approximately 45 minutes from our Otero County Detention Center, six miles north of the Texas border, and is on approximately 93 acres.

Mr. Mitcham introduced Marshal Erwin who is the Chief of this district and she stated that this is designed as a medium security prison but the prisoners are pre-adjudicated prisoners that are minimum security. Once they have been arrested they have to be held before they are sent to a bureau prison. Several are illegal aliens and a large amount are from drug convictions. There are several prisoners that are housed away from this area because there is no room closer. If we do decide to house juveniles they will be located in a separate building. Mr. Mitcham stated that they will keep the County informed and will be back with an update.

7. Mr. Dale Palkki approached the Board to request that several roads be named and one be changed. He stated that he has mailed out letters to the residents concerned and has received no opposition.

Commissioner Nivison made a motion to approve the new road names as well as re-naming the county road as requested. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0. See pages _____.

8. Mr. Klad Zimmerle, Randy Rabon and Tim Rabon approached the Board to request approval from the Commission for improvement to Rainbow Road. They would like to chip seal and open up 4 miles of their road. The road would be open during regular work hours and upon request or for emergency vehicles. This road intersects the recently opened relief route, which has increased the traffic on that road considerably. Mesa Verde would like to enter into a Cooperative Agreement with the County stating that they will provide the chip seal if the county will provide the labor and equipment for the public side of the road. On the road that is located on Mesa Verde's

property, they will provide the materials and pay for the labor if the County will provide the equipment and the workers.

Mr. Bryant was on the phone with legal advice. He stated that this agreement with Mesa Verde would benefit the County because it will allow the public more access to this area. This will also provide additional access for emergency vehicles and fire departments in the event of an emergency. Mr. Bryant stated that there is no legal issue here. It would be a standard cooperative agreement to chip seal a road. Any privately owned property can be handled this way as long as it provides public benefit. This will allow relief on the base road and this provides the County with discretionary ability.

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The Commission decided that they will take a field trip and visit this area before any decisions are made.

9. Commissioner Nivison made a motion to approve the Purchasing Items as presented on the agenda. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0. See pages _____.

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10. Commissioner Nivison made a motion to approve the Administrator's Report as presented. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0. See pages _____.

11. Mrs. Virginia Blansett from the Detention Center approached the Board stating that they are having major problems with their control panels at the Detention Center. She stated that they have had two local electricians state that they were not trained to repair this kind of a system. The only company that is trained to repair this system is the company from California that originally installed it.

Commissioner Nivison made a motion to approve an emergency increase to

repair the control panels at the Detention Center and to allow it as a sole source. Commissioner McGinn seconded the motion. Discussion was held. Dave Plotner questioned why when this person comes from California he can't train someone from the County. Mrs. Blansett stated that they are looking into that. A vote was taken and the motion passed 2-0. See pages

12. Commissioner Nivison made a motion to go into Executive Session for the purpose of discussing pending litigation and collective bargaining. Commissioner McGinn seconded the motion. Roll Call was taken as follows:

Commissioner McGinn Aye

Commissioner Nivison Aye

Commissioner Nivison made a motion to return to Regular Session and stated that no decisions were made and the only thing discussed was pending litigation and collective bargaining. Commissioner McGinn seconded the motion. Roll Call was taken as follows:

Commissioner McGinn Aye

Commissioner Nivison Aye

Sheriff Lee stated that he is very understaffed because of the deputies that are quitting and also because of the anthrax situation and he is requesting that the Board allow him to have emergency hires.

Commissioner Nivison made a motion, based upon the facts that at this time that Johnny is speaking about we do have problems that need to be addressed immediately, that the Sheriff be allowed emergency hires subject to the approval of the administrator. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0.

13. Commissioner McGinn stated that we have an addendum for the meeting

today. He read a letter from our current Detention Center Administrator, Vick Jenkins, requesting that he be demoted to the rank of Detention Lieutenant and relieved from his position because of personnel reasons. Commissioner McGinn stated that we appreciate his service to the county for the past 4 years.

Commissioner Nivison made a motion to accept Mr. Jenkin's resignation as Detention Administrator. He stated that Mrs. Blancett is next in line and will make any decisions needed effective 10-28-01 until we can replace Mr. Jenkins. Commissioner McGinn seconded the motion. A vote was taken and the motion passed 2-0.

The time being 12:06 PM the Chairman adjourned the meeting.

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CHAIRMAN

ATTEST:

OTERO COUNTY CLERK