

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 Chair person at 9:00 a.m., November 2, 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:

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|------------------|--------------------------|
| Clarissa McGinn | Chair person |
| Doug Moore | Vice-Chairman |
| Michael Nivison | Member |
| Ruth Hooser | County Manager |
| Dr. Martin Moore | County Manager |
| Ray Backstrom | Assistant County Manager |
| Dan Bryant | County Attorney |
| Bobby Reyes | Department Assistant |
| Bill Lee Parker | Road Superintendent |
| Lynn Estrada | Deputy Clerk |

DRAFT

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 #16, #17, #18, #19

- c. Health Care Services for October 2005
- d. Personnel-New hires, promotions and transfers.

Sue Torian (Administration), new position/Personnel Coordinator created during Fiscal 05-06 budget. Employee being transferred into position.

Ruth Hooser stated that we will advertise for the new Personnel Technician. This position will be handling all the pay roll and County Insurance. Marty Moore, County Manager, stated that we will be looking into updates of the Personnel Policy, State and Federal laws, structure within the Administration that are going to occupy a good chunk of the new Personnel Coordinators time.

2. Purchasing:

- a. Sealed bid #06-07 Mobile Air Trailer for Alamo West VFD.
- b. Sealed bid #06-08 Roll-off Truck for the Convenience Center

Commissioner McGinn stated this is the new truck that was approved under Capital Outlay. She asked Ginger Herndon what was the total cost? Ginger stated that the cost will be 112,000.00. We budgeted 80,000.00. Ginger stated that she has 120,000.00 but Donna Brandon, Financial Director, stated that that amount is for numerous items in the capital outlay. Commissioner McGinn instructed Donna to check into this and give her the correct amount. Donna stated that for the roll-off truck it was 80,000.00 that was budgeted for and 55,000.00 for a back hoe. Commissioner Moore stated that we need to get with Randy Horn, Convenience Director, to see if he has changed his mind to get a new truck and a used back hoe instead of a used truck and a new back hoe. We need to have this discussion with him prior to buying a new truck.

- c. Sealed bid #06-09 Notice of Value forms for the Assessor
- d. Sealed bid #06-010 used water tender for Sac/Weed VFD

3. Resolutions, Contracts & Agreements:

Resolutions No. 11-08-05/94-14 through 94-28 budget increases and adjustments.

Commissioner McGinn requested that Donna to take us through the requests.

a. Budget adjustment for the D.W.I. Grant Fund.

Donna stated that under the D.W.I. Grant Program we have a program called the Misdemeanor Compliance Program. The revenues receipted from this 80% go to Linda Bird to administer this program, 15% goes to the D.W.I. Grant Program and the remaining 5% going into the General Fund for the County. We had been receipting the 15% for the D.W.I. Program into the General Fund and thru the audit that the State did, they felt it was more appropriate to have that money reported as the D.W.I. Grant Fund. This is a cash transfer moving the funds that have accumulated over the last two years from General Fund into the D.W.I Fund. The amount is \$10,355.00 being transferred.

b. Budget adjustment for the D.W.I. Grant Fund.

Donna stated that the Coordinator was having a difficult time compiling his information necessary for his quarterly reports, so changes were made. There are two major revenue sources for the D.W.I Grant Fund. One of which is the grant and the other is the distribution. What we have done with John Sena, D.W.I Coordinator, with his guidance, is create five different departments within the D.W.I. Grant Fund, so that each of the five funding sources thru that can be accounted for separately. The budget adjustment here is to spread the money among the 5 departments, the way it should be so Mr. Sena can take care of his grant distribution and other funding sources appropriately. These budget adjustments are going to make the County budget mirror the State budget. The screening fees have been accumulating for many years so Mr. Sena needs to get this money spent or it will hurt the department with grant funding. The primary thing that the money will be spent on is benefits for his employees. Commissioner Moore asked if this was an error

in the budget. Donna stated that was an accurate statement. The total budget increase for D.W.I. Grant Fund as far as expenditures is \$3,000. The other four items is moving the money between the five departments that are part of that fund. Commissioner Moore is fine with correcting the way the paperwork is being done so it's easier for verification for the state, but he would like to know more about the \$3,000 and to hurry up and spend money so we don't lose it. Mr. Sena stated that the screening fees should have been spent as they were generated, but what happened they were being saved like a savings account. The state found out about this massive accumulation of funds and they said that we had to spend the money down for this new fiscal year. If we don't spend the money we will be penalized for this new fiscal year. The programs are all being funded correctly now, where in the past they weren't.

c. Budget adjustments for the State & Federal Grants Fund.

Donna stated that Laurie Tillman, the Teen Court Coordinator, had secured a traffic safety grant in the amount of \$5,000. This money was used to conduct a statewide Teen Court retreat. When we have a grant, we spend the money and then get reimbursed. We periodically need some operating capital to make those expenditures pending reimbursement of the grant.

d. Budget increase for Boles Acres Fire Department

e. Budget increase for Data Processing (General Fund)

Ray Backstrom, Assistant County Manager, purchased a new web server to handle the Treasurer, and soon to be Assessor's Office on line.

f. Budget increase for Road Fund.

g. Budget increase for Indigent Fund

This was the increase necessary to fund the supplemental distribution that we bought into for the additional funding for Gerald Champion Regional Medical Center, sole community provider.

- h. Budget increase for State & Federal Grants Fund
- i. Budget increase for Sheriff's Department-General Fund

The Sheriff received a grant for traffic safety DWI enforcement grant.

- j. Budget increase for Assessor & Property Valuation Fund

The equipment that was destroyed from the leaking roof. This is to reflect the insurance payment.

- k. Budget adjustment-EMS Fund
- l. Budget increase for Wal-Mart Grant Foundation
- m. Budget Adjustments for General Fund/Bureau of Elections
- n. Consider approval of the service contract for Utility Audit

Commissioner McGinn stated that this item was tabled from our last meeting to gather more information.

The utility audit refunds were \$168,759.45. Commissioner Moore requested to know how much we had to pay for these savings? Dan Bryant stated at our last meeting the question was raised, what did Utility Audit do for the County last time and how much did we pay them. Dan contacted Mr. Vigil, President of Utility Audit, and had him provide the account statements that reflect what occurred. His cover letter reflects that Utility Audit was paid \$24,453.39 and the total 2001 audit refunds were \$168,759.45. This is not a one year number. This is a number that covers three years of looking back and two years of looking forward at projected savings. The way the audit functions is it goes back 3 years and they work out an agreement with the utility company's that the corrections will go forward in time as well. Then the utility audit steps out for a couple of years then they come back with another proposal, that is where we are at today. Since the negotiations the Utility Audit is willing to take a 40% commission of whatever is collected instead of 50%. The Commission must decide to either go with Utility Audit Company or hire someone in house to do the job.

4. Elected Officials/Department Heads:

a. Consider approval of MOU between the Department of the Interior, Bureau of Land Management, Las Cruces Field Office and the County of Otero as a Cooperating Agency.

Dan Bryant stated that BLM submitted a MOU to us. Dan put in some real easy read language, certain additional requirements and concerns that he wanted addressed. Essentially the goal that he was trying to accomplish was to get the County membership on the inter-disciplinary team that actually defines the scope of the project. BLM essentially agreed with this process, although they did specify that the County can have one member on the team and in order to change that person all the parties would have to agree. This is for consistency. Commissioner Nivison stated that this is a very important thing that Dan has gotten us on the inter-disciplinary team.

b. John Sena-Consider approval of Revision of Otero County DWI Planning Council By-Laws to increase Planning Council Membership from 5 to no more than 9.

c. Dan Bryant-Discuss Subdivision ordinance.

Commissioner McGinn stated that originally we had this item to approve subdivision amendments but we aren't there yet. The Planning Commission has been putting together some changes according to statutes and recommended changes in the process of the subdivision ordinance. The draft has been sent to the State agency review. Monroe Curtis, Planning Commission, stated that we have received the draft back from all State agencies except the Environmental Department. Dan stated that we need to take one more opportunity to take more recommendations. Commissioner McGinn requested to have copies of all the State agency comments for all 3 Commissioners so we can review the comments before we publish for a Public Hearing. Commissioner Moore would like the Planning Commission to review the State's comments and give us a comment of their opinion. The Planning Commission will get together before the Nov. 23rd Work Session

for their comments.

5. Citizen Communications:

- a. Cassie & Dennis Tyler-Storm drainage problems on property at 20718 Hwy.70.

Cassie Tyler approached the Board to discuss her property in the Government Subdivision lots 21 and 22. The historical flow of the storm water has been changed due to construction on lot 22, which is causing flooding on Ms. Tyler's property, lot 21. The manager of the Trailer Park has created a road which has caused the flooding. Ms. Tyler is requesting information of what the correct agency is that she should go to. Commissioner McGinn stated that she believes this is a civil matter. Dan Bryant stated under the circumstances presented here today this matter will have to be heard before a District Judge.

- b. Ed Hazlett/Louis Reynolds-Southland Road, south and east of where county maintenance stops is getting dangerous potholes and erosion.

This road will need to be brought up to County standards before the County can do any maintenance. Bill Lee will contact the property owners to let them know that the road will have to be brought up to County standards. Gus Marker stated that the road is in really bad shape and is tearing up their fire trucks. We have responded to a couple of brush fires out there recently and the road is in very bad condition.

6. Unscheduled Citizen Communications:

- a. Mark Turnbough-Rhino Solid Waste. Dan Bryant introduced Mark Turnbough to the Board. He is an engineer who works with Waste Connections Incorporated. Mr. Turnbough gave a short presentation on the Solid Waste Permit application.

7. 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 Nivison. Roll call was taken as follows:

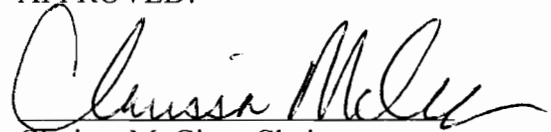
Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

Commissioner Moore made a motion to come out of Executive Session having discussed collective bargaining, pending and threatening litigation, personnel issues, land, roads and the Detention Center and made no decision. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

There being no further business before the Board the Chair person adjourned the meeting at 1:43 p.m.

APPROVED:


Clarissa McGinn, Chair person

ATTEST:


Robyn Silva, County Clerk

Work Session Nov. 2, 2005