

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., November 7, 2007; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSSA, KINN and KYEE.

Present:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Member
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Public Works Director
Lynn Estrada	Deputy Clerk

DRAFT

Dan Bryant gave the invocation. Commissioner Moore led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. Consent Agenda:

- a. Approval of Bills List #17, #18, #19, #20.
- b. Approval of Minutes.
- c. Health Care Services.

d. Purchasing:

a. Request approval of RFP 08-008 for providing Otero County with wireless broadband services, internet access and tower space for county antennas on the successful bidders tower, based on the evaluation teams recommendation.

Dr. Moore stated that on November 13th the bid will be opened. This is to accept the successful respondent. Commissioner McGinn stated that if we approve the RFP, is that also approving the contract language. Dan Bryant, County Attorney, stated with the approval of the RFP authorizes staff to negotiate the contract with the successful responder.

e. Resolutions, Contract, and Agreements:

a. Request approval of a contract between Otero County and Southwestern Wireless for the lease of a 60' x 70' tract in the southeast corner of the Otero County Road Shop for the purpose of erecting a communications tower.

Commissioner McGinn stated that there were some questions at the last Commission Meeting, there was a motion made to go out to RFP and bring this back to the next Commission Meeting contingent on a couple of things happening. One of them was with BLM, securing the lease agreement. Ray Backstrom stated that BLM is working thru the paperwork. The applications have been turned in and we are making a few language changes to our request, but it is in process. BLM has a 60 day window in which to respond. Commissioner Nivison stated that he can call up to the state level and have the paperwork done in a few days. Commissioner Moore stated that he would feel more comfortable if that were accomplished prior to the meeting. Mr. Bryant requested a language change from Southwestern Wireless to the successful responder in item 7. Mr. Backstrom stated that he re-visited the language in the contract per Commissioner McGinn for the out clause. Council has the contract for review and it

does give us the ability without cost to cancel the contract with a one year notification.

b. Request approval of Resolution No. 11-15-07/96-27, authorizing and approving a loan and intercept agreement for financial assistance and project approval to the New Mexico Finance Authority.

The purpose of this agreement is to allow the addition of an apparatus bay and perform renovations to the existing portion of the building.

Paul Quairoli stated that this is for the Oro Vista Fire Station. In July the Commission approved to go out for the loan and this is the second phase.

c. Request approval of Resolution No. 11-15-07/96-28, relating to Article 12 of the Otero County Subdivision Ordinance, establishing certain non-refundable administrative fees to defray the cost to the County of determining compliance with the New Mexico Subdivision Act and the Otero County Subdivision Ordinance while passing upon subdivision plats.

Commissioner Moore stated that this makes absolutely no sense on the last sentence. Ray Backstrom stated that when the Commission votes on accepting plats at the various levels, there are fees that are associated with that. Those fees are within our ordinance and set by resolution. This is the establishment of those dollar amounts that Mr. Backstrom and Commissioner Moore have been working on. Commissioner Moore instructed Mr. Backstrom to straighten up the language in this item.

D. Request approval of an agreement between Otero County and the Tularosa Public Library for the 2007/2008 fiscal year for \$4,500.

Dr. Moore stated this is the final agreement of those that were budgeted for in the 2007/2008 budget cycle. This is a new item to this budget.

2. Elected Officials, Department Heads, & Committee Reports:

a. Grace Gonzalez-Request that the Board of County Commissioners review a proposed Mobile

Home Ordinance and publish for public hearing. The purpose of this ordinance is to prohibit bootlegging of mobile homes and out of the county without the knowledge of the County Assessor or County Treasurer.

Ms. Gonzalez stated that people are moving mobile homes without paying the tax release. The majority of mobiles that are being moved without paying are down in Chaparral. We would like to issue stickers for the mobile homes that the taxes have been paid. Commissioner McGinn asked how would we enforce this? Ms. Gonzalez stated that if someone is caught by the Sheriff moving a mobile home without a sticker, it's a \$300.00 fine or 90 days in jail. Norbert Sanchez stated that a citation would be given and they would have to appear in court in violation of the ordinance. Dan Bryant stated that in the law that allows the county to do this kind of ordinance, the main enforcement tool is they come to the county, pay the taxes, they get the sticker. When the sheriff sees a mobile home going down the road with a big sticker, he knows it's done. When he sees a mobile home with no sticker, then he can pull that person over and secure the payment. That is the main enforcement tool, the local sticker that shows taxes have been paid. Commissioner Moore would like Ms. Gonzalez to gather the information of how many owners didn't pay their taxes and the mobile home had been moved. Commissioner McGinn stated that she doesn't see the difference between a new ordinance that says the same thing as the current statute. Ms. Gonzalez stated that she is talking about the mobile homes that are moved out of Otero County before paying the taxes.

b. Request approval of the City of Alamogordo Animal Control Services rate for Fiscal Year 2007/2008. The rate proposed by the City of Alamogordo \$24.50 per animal a day. According to the City of Alamogordo this is based on Fiscal Year 2006, animal care days. The Fiscal Year 2006 rate was \$14.00 per day.

Commissioner Moore stated that he has been working with staff and Sheriff Blansett has had several people working on analyzing the bill. I recommend that when we get around to this one, we instruct staff to begin the negotiation process with the City of Alamogordo. There needs to be new language put into the contract that gives the officer's the discretion to instruct the City of Alamogordo personnel how long to hold this animal. The City's facility is too small. As a Commission do we want to build our own facility and how do we man it or do we continue paying for the animals that we collect.

c. Virginia Blansett-Request for supplemental funds in the amount of \$80,000 for the Detention Center Containment Yard.

d. Presentation of the Otero County Detention Center Building Expansion Study.

Ms. Blansett gave a presentation on the Otero County Detention Center Expansion Study. The study included the population from 1997 to 2007. The highest number that has gone through the system is 319. If we did an expansion we would get revenue from the per diem rates for the inmates. Ms. Blansett isn't sure of the exact amounts, but she has estimated the amount of revenues with an expansion. Commissioner Moore stated that the Commission has to give direction of whether we are going to expand our jail or not. Commissioner McGinn stated that what this means to me is looking at the cost of transporting our prisoners to other facilities versus the cost of the expansion. Right now it looks like it's more cost feasible to transport. Commissioner McGinn stated that Ms. Blansett has provided us with a wealth of information, which will help us in making the decision.

3. Public Hearing:

Brenda Garcia-Request approval to name an easement located in Section 35, T14S, R9E, in the Jack Rabbits Flat Fire District. The proposed name is Desert Thunder Drive.

4. Project Progress Reports:

A status report will accompany each of these items and action may be taken on one or more of these items. Report for each item is attached.

- a. Animal Shelter
- b. Biomass
- c. Chaparral Clinic
- d. DA Office Space
- e. Dog Canyon Landfill Closure
- g. Federal Building
- h. Federal Prison
- i. Flood
- j. Jail
- k. LNF-Stewardship
- l. Ordinances
- m. Public Safety Answering Point
- n. Roads
- o. Surplus Land-moved to Executive Session
- p. Sacramento Mountain Thistle Delisting
- q. Vehicle Auction
- r. Wage & Comp. Scale
- s. Waste Connection Landfill Proposal
- t. Water Plan

5. Citizen Communications:

a. Janet White asked if there was anything new on the World Heritage Site application beside the press release that was put out by the National Park Service. Dr. Moore stated that the best course of action at this level is congressional. Commissioner Nivison stated that we need to send all our congressional leaders a letter telling them that we have an ordinance that is about to become law. We expect them to respond accordingly.

6. Managers Report:

Dr. Moore stated that he would like to take this opportunity to thank the employees of this County who worked with us on the insect spraying project. Commissioner Nivison would like to thank everyone that participated and made this project go so smoothly.

7. Executive Session:

Commissioner Moore made a motion to go into executive session to discuss items A, B, C, D, E, F, and G and to include under land all property described under #37 and the addition under contract to include Federal Prison Contract and E911 Grant. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore made a motion to come out of executive session having discussed items A. Through G. to include under D. lands item under #37 and under contracts, Federal Prison Contract and E911 Grant, having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore stated that he will recess for lunch and go back into Executive Session at 1:30 p.m. to discuss items under Personnel that are not listed on the agenda.

The time being 1:30 p.m. the Chairman called the meeting back to order.

Commissioner McGinn made a motion to go into Executive Session to amend the agenda under C. personnel to include the County Manager's performance and evaluation. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes

Commissioner Moore made a motion to come out of Executive Session having discussed under C. personnel the County Managers performance and evaluation, having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Nivison	yes
Commissioner Moore	yes


There being no further business before the Board, the Chairman adjourned the meeting at 3:40 p.m.

APPROVED:



Doug Moore, Chairman

ATTEST:



Robyn Holmes, County Clerk *Chief Deputy*

Work Session Nov. 7, 2007

