

Regular Meeting

November 8, 2005

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 Chair person at 6:00 p.m., November 8, 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

Michael Shinaberry gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

Presentations: Safety Award presented to the Building and Grounds, Tony Rogers, for 9 months without accidents or injuries. Safety Award presented to the Detention Center, Nena Garcia.

1. Consent Agenda:

Commissioner Moore made a motion to approve by consent items A, Minutes, B, Bills Lists #16, #17, #18, C, Health Care Services monthly report for October, D, Personnel, E, Purchasing. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages Randy Horn, Convenience Center, stated that they will buy a new truck and go to auction for a used back hoe.

2. Resolutions, Contracts and Agreements:

Commissioner Moore made a motion to approve to approve Resolutions No. 11-08-05/94-14 through 94-28 budget increases and adjustments. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

3. Elected Officials/Department Heads:

- a. Consider approval of the service contract for Utility Audit Inc.

Commissioner Moore made a motion to approve for discussion. The motion was seconded by Commissioner Nivison.

Commissioner McGinn stated that we had discussion at the Work Session on the service contract. Donna Brandon, Financial Director, stated that the company had done an outstanding job in finding savings for Otero County. Dan Bryant stated that Mr. Mike Vigil is with us tonight from Utility Audit to answer any questions the Commissioners have. Mr. Vigil had a hand out for the Board that would answer a lot of their questions. Mr. Vigil gave a brief over view of the savings that Utility Audit had saved the County in 2000 and 2001.

Commissioner McGinn announced that we have a Public Hearing at 6:30 and we could come back to Mr. Vigil's presentation.

4. Public Hearing:

The time being 6:30 p.m. the Chair person recessed the Regular Meeting and called the Public Hearing on Ordinance No. 04-05 and liquor license transfer to order.

Commissioner Moore made a motion to recess the Public Hearing on the liquor license transfer until the conclusion of Ordinance No. 04-05. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

a. Consider approval of Ordinance No. 04-05 Franchise ordinance Otero County and Chaparral Cablevision Inc. This is Second Public Hearing.

Commissioner McGinn stated that the changes that were made in the Public Hearing for Chaparral Cablevision on October 12th was the change of the name through out the Ordinance to Chaparral Cablevision Inc., on page 5 paragraph 12, a paragraph was added that requires maintenance of a local business office and local telephone numbers. The geographic area has been extended to MacGregor Range Road.

Commissioner Moore made a motion to approve Ordinance No. 04-05 Franchise Ordinance Otero County and Chaparral Cablevision Inc. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

Commissioner McGinn closed the Public Hearing for Ordinance No. 04-05 at 6:33 p.m. and opened the Public Hearing of a liquor license transfer of location only.

The liquor license is being transferred from Chef Lupe's to Alamo Rosa.

Commissioner Nivison made a motion to approve the liquor license transfer from Chef Lupe's to Alamo Rosa location only. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

Commissioner McGinn closed the Public Hearing and returned to Regular Session at 6:35 p.m.

Mr. Vigil continued his presentation regarding Utility Audit Inc. Commissioner McGinn stated that some of the questions centered around the contract regarding the initial audits, itught forth some tax issues, federal excise tax on fuel, and what other possible savings could be recognized to the County by entering a contract with Utility Audit Inc. Mr. Vigil stated that back in 2000-2001, our only objective in the service agreement was to obtain refunds and credits only. Our goal is to obtain additional savings for Otero County.

Commissioner Nivison stated that he has several more questions and would like to table this item until staff can research and get the answers that he needs before making a decision on the contract.

Commissioner Moore withdrew his motion. Commissioner Nivison withdrew his second.

Commissioner Nivison made a motion to table this item to gather more information. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

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

Commissioner Moore made a motion to approve the MOU between the Department of the Interior and the County of Otero. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

c. Consider approval of Revision of Otero County DWI Planning Council By-Laws Article 5 to increase Planning Council Membership from 5 to no more than 9 members.

Commissioner Moore made a motion to approve the Revision of Otero County DWI Planning Council By-Laws Article V. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

d. Consider approval of the Agreement to Facilitate Video Arraignment between the Administrative Office of the Courts and Otero County.

Commissioner Moore made a motion to approve the Agreement. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

4. Citizen Communications:

a. Ed Hazlett/Louis Reynolds-Road work south and east of where county maintenance stops is getting dangerous with potholes and erosion.

Mr. Hazlett and Eric Wilson approached the Board to discuss the road going into Escondido Acres. There are about 10 to 12 families living in this area. There is also a children's home with about 8 children.. About 3 years ago base course was laid on the road and it has deteriorated. It has become very dangerous to travel for residents and emergency vehicles. Mr. Hazlett is requesting the County's help with Southland Road where County maintenance stops. Mr. Wilson stated that the road was deeded to the County in 1974. The road needs to be graded and have some oil put down on it. Mr. Hazlett is requesting the Board to confirm that this is a County road. Bill Parker stated that we maintain 1 mile on Southland Road. The occupancy isn't 100%, so that's why it was never accepted for County maintenance. The road was never brought up to County standards.

Dan Bryant stated that Southland Road has been discussed many times over the years. Dan has never heard of School Road. He will get with the Assessor's Office and see what information they have on this road and will get the information to the Board. Dan recommended to bring this item back to another meeting and in the mean time have staff research to see if it's a County road or not and why. If this is not a County Road, there are a number of mechanism's to bring it to County specs and bring it back to the Board for County maintenance. Commissioner Moore directed Bill Parker to go look at the road and get an

estimate for the property owners of what it would cost to bring it up to County standards.

5. Commission Discussion/Correspondence:

a. Commissioner McGinn stated that we have the Legislative Session coming up and directed staff to start putting together the Legislative items that are identified on our ICIP for a draft review to the Commission. She would like this prepared before the November 29th Meeting in order to allow the Commission to review and make any changes.

b. Commissioner Nivison attended an Agricultural Emergency Task Force Meeting that is under the State Land Office and he was asked to be the Chairman by the Governor. This committee was set-up by the Legislators.

6. 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 Detention Center. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

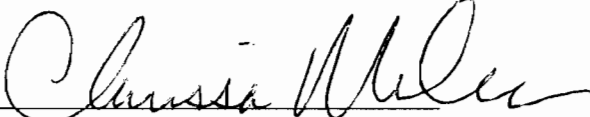
Commissioner Nivison made a motion to come out of Executive Session having discussed pending and threatening litigation only and made no decisions. The motion was seconded by Commissioner Moore.

Roll call was taken as follows:

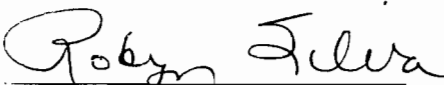
Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

There being no further business before the Board the Chair person adjourned the meeting at 8:00 p.m.

APPROVED:


Clarissa McGinn, Chair person

ATTEST:


Robyn Silva, County Clerk

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