

**Regular Meeting**

**November 15, 2007**

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 6:00 p.m., November 15, 2007; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News and to Radio Stations, KPSA, KINN and KYEE.

Present:

- |                  |                          |
|------------------|--------------------------|
| Doug Moore       | Chairman                 |
| Clarissa McGinn  | Vice-Chair person        |
| Michael Nivison  | Not present              |
| 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.

**New Business:**

Mayor Venable approached the Board to publicly thank the Commission, staff and the U.S. Forest Service for all their combined efforts on the bug spraying project. Mayor Venable thanked the Board for all that they have done for Cloudcroft over the years. He gave a special thanks to Dr. Martin Moore and his staff

his staff for his professionalism and untiring work that they have done.

**1. Consent Agenda:**

Commissioner McGinn made a motion to approve by consent, items A. Bills Lists #17, #18, #19, #20, B. Minutes, C. Health Care Services, D. Purchasing, E. Resolutions, Contracts & Agreements, F. Elected Officials and Department Heads with the exclusion of items 6, 7, 12, 18 and 20. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

a. Request approval of RFP 08-008 for Communication Tower Services for Otero County to Southwestern Wireless for no charge to the County. This will be a twenty (20) year lease between Otero County and Southwestern Wireless.

Commissioner McGinn made a motion to approve RFP 08-008. The motion was seconded by Commissioner Moore for discussion. Commissioner McGinn asked Ginger Herndon, Purchasing Agent, what the process was in awarding the RFP. Ms. Herndon stated that it was mailed to requested vendors and also e mailed to requested vendors. There were 10 bids put out with 1 response. The vote was taken and the motion passed unanimously. See pages

b. Request approval of a contract between Otero County and the successful bidder of RFP 08-008 for the lease of a 60' x 70' tract of land in the southeast corner of the Otero County Road Shop for the purpose of erecting a communications tower.

Commissioner McGinn made a motion to approve the contract between Otero County and the successful bidder of RFP 08-008 for the lease of a 60' x 70' tract of land in the southeast corner of the Otero County Road Shop for discussion. The motion was seconded by Commissioner Moore. Commissioner McGinn stated that at our last meeting we had a discussion regarding this contract, not with in particular the company that bid on this tower to be placed at the Road Shop location. Her concern was to give every company who may have an interest

company who may have an interest in this the same opportunity. This was done in item 6 when it went out to RFP. Within the contract a termination clause that would allow any future Commission the opportunity to cancel this contract for any reason that may come up in the future. Commissioner McGinn stated that she sees this has been added to the contract under 7C. We have a permit application in with the BLM for permission to erect a communications tower at that site. We discussed the process by which we would receive that permit before approving the contract. Commissioner McGinn would like to know the status on the permit from BLM. Ray Backstrom stated the application has been turned into BLM. It has gone through two iterations where they have sent it back for more information. We have fulfilled that and word today is that they are satisfied with the language as it exists in the document. The representative that Mr. Backstrom has been working with will be here next week to take a final look at the site.

Commissioner McGinn stated that if there is a motion tonight to approve the contract, it will be contingent upon approval from the BLM. Mr. Backstrom stated that this is correct. Commissioner Moore stated that we are working with BLM to get the deed on this property. In 4 or 5 months this will be our property. Dan Bryant stated that he recommends that you indicate in the motion that the effective date of the lease will be the day after we have the BLM permit in hand. That eliminates any question about right of access to the site, until after that is in hand. Commissioner McGinn stated that we don't have zoning laws here, so there are residents that are going to be around a 180 ft. tower that could be some where near their house. Commissioner McGinn would like for them to have the information that the County has entered into this agreement that the tower is going to be erected in the near future and the purpose for which the tower will be erected. Commissioner McGinn stated that the letter that goes out to the residents, she would like the contact person to have some technical expertise. Commissioner McGinn requested that Mr. Backstrom put his name on the letter for residents to contact him with any questions. Commissioner McGinn would like the letter to go to residents within a mile of the tower.

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Commissioner McGinn amended the motion to state that the County Commission approve a contract between Otero County and Southwestern Wireless RFP 08-008 contingent upon BLM approval, with the effective date of the contract being the day after we have the BLM permit approved. The motion was seconded by Commissioner Moore. Dan Bryant stated that he had asked Steve Duttill, GIS Director, if he could give us a number of persons that we are looking at in a one mile radius. Mr. Duttill has gone down stairs to retrieve the information requested. Mr. Bryant stated that we could be looking at two to three thousand letters. Once we know the number, we might think about shrinking the radius back from the one mile. Commissioner Moore asked if this was part of the motion and Commissioner McGinn stated that this is staff directed. Commissioner Moore called the question on the motion. A vote was taken and the motion passed unanimously. See pages

c. Request approval of Resolution No. 11-15-07/96-28 to establish non-refundable administrative fees related to Article 12 of the Otero County Subdivision Ordinance. These fees are associated with costs incurred by the county during the process of establishing a new subdivision.

Commissioner McGinn made a motion to approve Resolution No. 11-15-07/96-28 for discussion. The motion was seconded by Commissioner Moore.

Commissioner McGinn stated that the discussion at the Work Session was to bring some numbers forward that demonstrated that these are the cost to Otero County. Mr. Backstrom stated that he hasn't received those numbers back yet.

Commissioner McGinn amended her motion to table item #12 until information is received. The amended motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

d. Request that the Board of County Commissioners review a proposed Mobile Home Ordinance and

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

Commissioner Moore made a motion to table item #18 until we have further information. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

e. Request approval of the City of Alamogordo Animal Control Services rate for Fiscal Year 2007/2008. The rate proposed by the City of Alamogordo is \$24.50 per animal 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 McGinn made a motion to approve the City of Alamogordo Animal Control Services rate for discussion. The motion was seconded by Commissioner Moore.

Dr. Moore stated that we have had communication with the City Manager, Pat McCourt. We have asked Mr. McCourt for more detailed information than what we had previously received. We have done a basic analysis of what they were doing as far as cost and what the reflecting cost increase is over the 2006 request that the City had. The primary increases are in salaries, supply and maintenance, utilities and insurance. Dr. Moore stated that they have presented billings to us and the rate was at \$24.50 per day. Recommendation from the Sheriff's Office to staff was to pay them at the rate of \$14.50 per day, due to the fact that we don't have direction from the Commission to go above that. John Blansett, Sheriff, stated that he wants to go on the record that he strongly encourages the Commission not to pay \$24.50 per day. The City of Alamogordo is holding the County hostage and he believes we need to look at taking our animals some place else or build our own facility. Commissioner McGinn asked where do we have to take them tomorrow? Commissioner Moore stated that we received this contract in April and it is now November. We should have tended to this long before now. Commissioner Moore stated that there are some services that the City out sources, euthanasia and medical services. This makes

out sources, euthanasia and medical services. This makes for a better work environment for the employees as the euthanasia is a very difficult job to do. Commissioner Moore has read the document that we have with the City and it is 4 or 5 years old. We need to update the Memorandum of Understanding to give our staff the authority to determine how long an animal is kept. Our staff is qualified to make some decisions on our behalf that would minimize some of our exposure cost wise. A vote was taken and the motion passed unanimously. See pages

**2. Public Hearing:**

Commissioner Moore called the Public Hearing to order to request approval to name an easement in Section 35, T14S, R9E in the Jack Rabbits Flats Fire District. This easement is located off of Galicia Road at the 96 Galicia entrance. The proposed name is Desert Thunder Drive.

Steve Dutill, GIS Supervisor, stated that this is an actual right-of-way that is a road and utility easement that has been actually platted. It has been unanimously approved by all the property owners.

Commissioner Moore made a motion to approve the name of the easement located in Section 35, T14S R9E, the proposed name is Desert Thunder Drive. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

The Chairman closed the Public Hearing and returned to Regular Session.

**3. Managers Report:**

Dr. Martin Moore gave a brief update on the items listed.

**Flood Projects:**

- a. Corp of Engineers
- b. Riata Road- We have requested engineers fees and budget justification. We have not received this back yet.

- c. Nogal Canyon- This is a property by property situation.
- d. Alamo Canyon

**Jail**

- e. Containment Yard-This is a time sensitive issue. The money from the Legislature for this project expires in June of 2008. The approval tonight will take care of this issue.
- f. Expansion

**Ordinances**

- g. Oil & Gas- This is a renewal of the application that was made a year and a half ago. Our comments from 18 months ago should be the same for this application. Commissioner McGinn directed Mr. Moore to put this item on an agenda to request permission to publish.

**Vehicle Auction**

**Water Plan**

**4. Executive Session:**

Commissioner McGinn made a motion to go into executive session to discuss C. personnel, annual leave and evaluate County Manager's performance, D. Land, Aces School, Hospital Lot, Dewey Lane and G. Contracts, Federal Prison Contract, E-911 Grant and United States Marshall's Service Agreement and ASA Architects. Commissioner Moore asked if Commissioner McGinn would add items A. and B. Commissioner McGinn amended the motion to include A. collective bargaining and B. pending threatening litigation. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Moore	yes

Commissioner McGinn made a motion to come out of executive session having discussed items A.

