

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 20, 2008; 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:

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| Doug Moore | Chairman |
| Clarissa McGinn | Vice-Chairperson |
| Michael Nivison | Member |
| Timothy Smith | County Manager |
| Dan Bryant | County Attorney |
| Jacqueline Jaramillo | Administrative Assistant |
| 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. Commissioner McGinn made a motion to approve items A1 thru E7, pulling item E8 and approving items E9 and E12 and pulling item F11 for discussion. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Request approval of Resolution #11-20-08/97-26, making a budget increase of \$379,937.00 in

the Environmental Fund. \$269,937.00 represents an increase in operating costs and \$110,000.00 is necessary for the purchase of a roll-off truck.

Commissioner Moore made a motion to approve Resolution #11-20-08/97-26. The motion was seconded by Commissioner Nivison.

Commissioner McGinn stated that she is voting against the increase in the Environmental Fund as discussed in the Work Session. Commissioner McGinn does not agree with the 45 percent increase in expenditures for Green Trees service at our Convenience Centers.

A vote was taken and the motion passed 2-1 with Commissioner McGinn voting against.

c. Consider appointing Bill Woltz as the Otero County Sheriff's Association member to the Otero County Labor Management Relations Board. In addition, consider the re-appointment of Bill Mershon as the management representative and Maurice Gutierrez as the common representative to the Otero County Labor Management Relations Board.

Commissioner McGinn made a motion to approve appointing Bill Woltz as the Otero County Sheriff's Association member and re-appointing Bill Mershon as the management representative and Maurice Gutierrez as the common representative. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

d. Request approval of the 2009 Holiday Schedule for Otero County.

Commissioner Nivison made a motion to approve the 2009 Holiday Schedule. The motion was seconded by Commissioner McGinn.

Commissioner Moore stated that he had asked staff to request input from the elected officials and department heads. We did receive that and it was a mixed bag. Mr. Smith, County Manager, recommends that we approve it as originally submitted.

John Blansett, Sheriff, stated that a better effort should be made in the future to get this schedule out to the elected officials and department heads sooner than what it was. Commissioner Moore stated that they will certainly do that. Commissioner elect Ronny Rardin stated that he has been studying his hand book and it states in there that the Holiday Schedule should be voted on in January. He has no argument with the Board, he just wanted the Board to know that someone could argue with them.

A vote was taken and the motion passed unanimously. See pages

2. Citizen Communications:

a. City Commissioner Joe Ferguson and City Manager, Matt McNeil approached the Board to discuss the lease of the northwest corner of the Aces School property to the City of Alamogordo to develop a park.

Commissioner Ferguson stated that there has been some discussion with staff about how we can go about doing this lease. The County has a lease with the City for the Fairgrounds and we discussed maybe combining the two leases. Matt McNeil stated that if the Commission is comfortable with this arrangement he can then take it back to the City Commissioners to see if they are comfortable with it also. If everyone is in agreement the City and County Attorney and the City and County Manager will finalize a lease agreement for both properties. Commissioner Moore stated that when we discussed this project at the Work Session he had asked staff to review the lease on the Fairgrounds, since it was done many years ago. We want to make sure it has all the components to meet all the current state and federal requirements for two governments to interface this way. Dan Bryant stated that we need to do mirror leases for the two properties, set up identical dates for the sunset clause and approve them both at the same time. We can have them ready for the next Commission meeting in December.

Commissioner Moore made a motion to accept the lease agreement based on staff input and reviewed by

both attorneys for compliance of all laws. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

3. County Manager Report:

a. Mr. Smith gave an update on the Federal Building. We are 90 percent complete with rewiring the building. All the interior rooms have been painted. We are looking at the 14th of December to start moving in. The State Representative will be down in December to give us an idea of what we can and can't do to the building and what we need to ask for permission for before we do something.

4. Commission Discussion/Correspondence:

a. Commissioner Moore stated that he has a meeting with BLM and Senator Bingaman's Office tomorrow in Dog Canyon at the Gravel Pit. There has been ongoing discussion on that BLM property that there is illegal activity taking place in the Gravel Pit by people shooting weaponry that is illegal for private citizens to hold or maintain. Law Enforcement has increased their patrols, but there is still concern that this illegal activity is still ongoing.

b. The petition to de-list the Thistle contained enough substantial information that it should be considered. The evaluation will be done prior to December 22nd to determine if this species has reached a population that it could be de-listed or downgraded.

c. Commissioner Nivison stated that on the Outstanding Natural Resource Water, the time line has been extended on this until May of 2009.

5. Unscheduled Citizen Communications:

a. Donald Homan, Chaparral New Mexico resident, stated that he is hoping that we can get the roads in Chaparral patched up soon. Some work has been done, but there is a great deal of work still to be done. Bill Parker, Public Works Director, stated that we have finished the parking lot at the fairgrounds and

we should be able to start next week with the patching project. Mr. Homan stated that this is very good news.

6. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss A. Collective Bargaining, B., Pending and Threatening Litigation, 1. Border Network for Human Rights v Otero, 2. Quinones and Monreal v Otero, 3. Joshua Sommers, 4. Sacramento Mountain Thistle, 5. Cassie Tyler, 6. Letter from Catron County on Wolf issues that was added, C. Personnel D. Land E. Roads F. Detention Center G. Contracts, 1. PSAP JPA/Board. The motion was seconded by Commissioner McGinn. 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 items A. Collective Bargaining B. Pending and Threatening Litigation, 1. Border Network for Human Rights v Otero 2. Quinones and Monreal v Otero 3. Joshua Sommers 4. Sacramento Mountain Thistle 5. Cassie Tyler 6. Letter from Catron County on Wolf issues, C. Personnel D. Land E. Roads F. Detention Center G. Contracts, 1. PSAP JPA/Board and having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Nivison	yes
Commissioner McGinn	yes

There being no further business before the Board, the Chairman adjourned the meeting at 7:56 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Regular Meeting Nov. 20, 2008