

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., December 10, 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 |
| Jacque Jaramillo | Administrative Assistant |
| Lynn Estrada | Deputy Clerk |

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

Presentation: Masonic Sacramento Lodge #24 to present the Board of County Commissioners with a ceremonial bible.

Commissioner Moore stated that he is a Mason and he had asked his Lodge if they would contribute a ceremonial bible to Otero County for swearing in ceremonies. The Sacramento Lodge presented the grand old book to the Commission.

1. Consent agenda:

- a. Bills lists #19, #20, #21, #22

b. Approval of Minutes

c. Health Care Services, approving or denying claims

2. Purchasing:

a. Request approval of sealed bid #09-020 Riata Road low water crossing, to Moore and Cowart Contractors, Albuquerque, NM in the amount of \$510,240 plus all applicable taxes.

Commissioner Moore stated that it is his understanding that the funding we have is short about \$155,000.00. The County has been working on these crossings for about 14 years. Mr. Smith, County Manager, stated that there is still an outstanding amount of \$48,000 to the engineers, so the total shortage is \$208, 000.00. The \$200,000.00 will be taken from the Legislative Grant and we will find the \$8,000.00.

b. Request approval of sealed bid #09-024 for the Self Contained Breathing Apparatus (SCBA's) total of 20 cylinders and 20 air packs for Jack Rabbit Flats VFD to NASCO, Colorado Springs, CO in the amount of \$64,441.60.

c. RFP #09-02 Fairgrounds Exhibit Building (place holder for the regular meeting).

3. Resolutions, Contracts & Agreements:

a. Request approval of Resolution #12-19-08/97-27 regarding the 2009 compliance with the New Mexico Open Meetings Act.

Commissioner elect, Ronny Rardin stated that on item A, page 46, it says a proposed agenda. At the Better Informed Elected Official Conference, they recommend to change this to a draft agenda so it can be changed. It is just a thought for the Board.

b. Request approval of Resolution #12-19-08/97-28 authorizing Otero County to submit an application to the Dept. of Finance and Administration, Local Government Division to participate in the

Local DWI Grant and Distribution Program for FY 2010.

Commissioner Moore stated that he sat in on the audit that the state did for our DWI Program. Those people were very complimentary of the program that we have in place and the works that we are doing. Commissioner Moore thanked H.R. Prather and his staff for the great job they are doing with this program.

c. Request approval of Resolution #12-19-08/97-29 authorizing and approving submission of an application for financial assistance and project approval to the NM Finance Authority for the purchase of new radio communication equipment for the Otero County volunteer fire departments in the amount of \$168,000.

d. Request approval of an agreement between Otero County and the New Mexico Office of the State Engineer/Interstate Stream Commission in consideration of a 2008 legislative appropriation of \$67,000 for flood control and storm drainage projects in the Nogal Canyon area.

Commissioner McGinn stated that this is the Interstate Stream Commission grant. It started out the first year with \$100,000 and this is the remaining \$67,000. Commissioner Moore asked if we are going to do anything in Nogal, because the property owners didn't want us on their property. Commissioner McGinn stated that there was one part that they didn't want us to do. They didn't want to provide a drainage easement for the engineers to go and improve the current ditch. So right now we are working to go above that where the retention dams were to do repair work there.

4. Elected Officials, Department Heads, Committee Reports:

a. Request approval to advertise and schedule a public hearing for January 15, 2009, regarding Appendices C and E of the Otero County Subdivision Ordinance 07-02.

Commissioner Moore stated that after we redid the Subdivision Ordinance and we started trying

to use it, there were a couple of areas in the appendixes that needed work. The first one was the requirement that if your subdivision main arterial road abutted or connected to a hard surface road, that main artery within the new subdivision would be required to be chipped sealed. The sub-dividers and the realtors will tell the buyer a variety of things, one being that the county will pave the roads and maintain them. This has created a lot of misunderstandings. Folks believe that once a subdivision reaches 20 percent occupied, the County will come and pave the roads and that has never been the case for Otero County. The challenge has been, if you put chip seal down on a road that has no traffic on it, it won't stay on there. The request from the building industry is that they be allowed 24 months to sell the lots, get some houses built so there is some traffic on the road before the requirement to chip seal it. The Planning Commission has also proposed some language changes in four different places, very minor, but we should consider those also.

b. Review and request approval of the draft Wage and Compensation Study.

Mr. Smith stated that Lisa Hall did a great job on the Wage and Compensation Study. What we are asking for is approval of the wage scale from the Board before we can move forward with this.

Lisa Hall, Human Resource Director, stated that she would like to go through the entire process to lay out how she came to the conclusions that she came to. The goal was to streamline and consolidate our job titles and job descriptions. We wanted a wage scale that was equal to the market value of the jobs that are held in the County and the ability to attract, hire and retain the most qualified personnel working for the people of Otero County. We also wanted to make sure that we were ensuring competitive salaries with the local and regional economy to be able to maintain the quality of work force that we want. We went with the Department of Labor Wage and Income Statistics. This is based on the market value for jobs throughout the nation. In the beginning we had job titles all over the place.

We have 164 job titles for 220 actual positions within the County. This is one of the problems that we are trying to rectify. On page 93 are the proposed consolidated list of job titles based on the actual needs of the county. On page 106, Ms. Hall came up with a 7 tier level for each job description of salary. The proposed wage scale starts on page 111, with 11 levels for each job. Commissioner McGinn asked if we adopt this wage scale, the people that fall below the minimum would be pushed up to the minimum. Ms. Hall stated that this is correct. Mr. Smith stated that hopefully the department heads and elected officials understand this tool is for hiring. It's not for an employee to look at and say this is where I should be in 20 years. It is intended to give the department heads the latitude to hire someone with experience or right out of college. They can go to the wage scale to see what the allowable pay is for their experience. Commissioner Moore asked if we accept this pay scale, nobody gets their pay cut or nobody gets a pay raise, if we accept this draft in principal. Ms. Hall stated that this is correct. Commissioner Moore thanked Ms. Hall for all her hard work.

c. Consider accepting road maintenance of roads in the Tierra De Los Ninos Subdivision.

Mr. Parker stated that these roads are in La Luz and they do need some work before they meet County standards. In 1998 they were accepted as they were. Mr. Parker stated that 10 years is a long time. Commissioner Moore directed staff to pull the minutes of April 27, 1998. The Road Manager can not accept the roads, it takes Commission action. Once we accept the road for maintenance, the sub-divider still has to maintain it, in that integrity for a year. If it does not meet the standards, Mr. Parker needs to give the Commission a recommendation of what the requirements are to bring those said roads up to county standards. Once that is accomplished, then the clock starts ticking for a year. Once they have maintained that county standard for a year, then we take it.

d. Consider accepting road maintenance of Crossbow, which is located in Broken Arrow Estates

Subdivision.

Mr. Smith recommended pulling the roads in the Tierra De Los Ninos Subdivision and the maintenance of Crossbow off the agenda. We will contact the sub-divider and tell them what has to be done. Once the roads are completed Mr. Parker will bring it back to the Commission for approval. Unless they can get the roads done by next Friday, there is no sense in leaving it on the agenda.

Mr. Parker stated that once the 20% occupancy has been met for Crossbow which is located in Broken Arrow Estates Subdivision, that another road inspection be conducted.

Commissioner McGinn requested to leave on item 13, just the one street, Palo Verde. It can be pulled off the agenda, but if they finish it in time, she would like it put back on the agenda for Friday's meeting.

Commissioner Moore requested staff to pull the County Road Standards. There needs to be changes made to the culvert size requirements. The diameter of the culvert needs to commensurate with the size of the drainage. The standards need to be changed to reflect this. Mr. Parker agrees with Commissioner Moore.

e. Consider funding for completion of an RITF for the purposes of analyzing economic impacts of statewide ONRW designation.

Commissioner Nivison stated that when ONRW, (Outstanding Natural Resource Waters) goes to the Water Quality Control Commission, the testimony that carries weight in whether they say yea or nay on it, is based mostly on technical information. The Range Improvement Task Force has put a proposal together to do the work in providing the technical information that the County needs to give to the Water Control Commission. Commissioner Moore is requesting the cost of the state wide impact. We need to make sure that we don't let every dry creek bed in New Mexico become a burden that we can't

can't bear. Commissioner Nivison stated that this is a Forest Guardian request to the Governor.

5. Citizen Communications:

Donald Homan, Chaparral New Mexico resident is requesting the Commission to change our Junk Car Ordinance and Trash Ordinance from 1 mile complaint area to a 3 mile complaint area. The petition that was present had 11 signatures. Commissioner Moore asked Mr. Homan if the ordinances were changed, would he personally go file a complaint on every house that he believes does not comply with the ordinances in a 3 mile radius of his house. Mr. Homan stated if the ordinances were changed we would have a basic compliance of most of the folks rather than file a complaint. Mr. Homan has never filed a complaint. His neighborhood is pretty well kept.

Commissioner Nivison stated that based upon the questions the Chairman has asked and the amount of signatures, this is not right for an issue. There needs to be a lot more community out reach before we consider changing the ordinances. Commissioner Moore requested from Norbert Sanchez, Under Sheriff, to have the number of complaints that have been filed in Chaparral in the last 6 months to a year. Mr. Sanchez stated that he would have that information by the Commission Meeting.

Commissioner McGinn stated that when we first did the subdivision ordinance hearings, we discussed the best mechanism to control how the neighbors wanted there area to look was through subdivision covenants. We put the one mile rule in the subdivision so that if the neighbors were offended by how somebody was keeping their property, they could file a complaint with the Sheriff's Office. Why would we want 3 miles. Mr. Homan stated that in the community as a whole it has an effect. Commissioner Moore stated that if he changed the rule to 3 miles would that change anything. If the complaints aren't being filed in a one mile radius, Commissioner McGinn doesn't see the difference in a 3 mile.

6. Commission Discussions/Correspondence:

a. Commissioner Moore stated that he needs some money for the Poppy recovery plan. The Forest Service has earmarked \$45,000.00 and Commissioner Moore would like to match that. We are going to try the State Forest and other resources for match money too. Not a dime has ever been spent or earmarked for the recovery of this endangered species. We intend to change that, fund a recovery program and come up with an action item that will work within the current recovery plan.

Commissioner Nivison stated that at that meeting they are also talking about trying to re-list the Checkered Spot Butterfly.

7. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss item B. pending and threatening litigation/PCAP and D. land. 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 item B. pending and threatening litigation/PCAP, and item D. land having made no decisions. The motion was seconded by Commissioner McGinn. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes

There being no further business before the Board, the Chairman adjourned the meeting at 11:10 a.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holms, County Clerk

Work Session Dec. 10, 2008