

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Work Session at the County Administration Building in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., March 11, 2009; 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:**

- |                 |                          |
|-----------------|--------------------------|
| Ronny Rardin    | Chairman                 |
| Doug Moore      | Absent                   |
| Clarissa McGinn | Member                   |
| Ray Backstrom   | Assistant County Manager |
| Dan Bryant      | County Attorney          |
| Pamela Heltner  | Commission Liaison       |
| Lynn Estrada    | Deputy Clerk             |

**DRAFT**

H.R. Prather gave the invocation. Tim McGinn led the Pledge of Allegiance and Commissioner Rardin led the Salute to the Flag of the State of New Mexico.

**1. Public Hearings:**

- a. Consider approval of the proposed issuance of liquor license #A -579789 to McGinn Enterprises, Inc. doing business as Arena Blanca Winery.
- b. Consider approval of the proposed issuance of liquor license #A -576312 to McGinn Enterprises, Inc. doing business as San Tomas Vineyards/Pistachio Tree Ranch.
- c. Consider approval of the proposed issuance of liquor license #A -576314 to McGinn

Enterprises, Inc. doing business as Arena Blanca Winery.

d. Consider approval of the proposed issuance of liquor license #A -576315 to McGinn

Enterprises Inc. doing business as McGinn Vineyards.

Tim McGinn, owner of Pistachio Tree Ranch, McGinn's Country Store, Arena Blanca Winery.

The purpose of the four liquor license issuances is a change of corporate structure. Mr. McGinn's father and business partner passed away in 2007. When this happens under the State Law you must be re-licensed.

## **2. Scheduled Citizen Communications:**

a. Mr. Franklin Herrera approached the Board to discuss an easement on his property. He purchased in the mid 60's some property that was once known as the Gerald Champion Airport. In the 70's, a grader operator knocked down one of Mr. Herrera's fences and continued on to make a road on his property. The operator stated that he was grading so there wouldn't be any erosion. Mr. Herrera presented several photographs of the erosion from the grading that has taken place. Mr. Herrera has been before the Commission in the 80's with the same complaints and nothing was done for him at the time. Mr. Herrera is requesting that the County repair the damage or at least put the road back where it once was. Commissioner Rardin remembers Mr. Herrera coming to one of the Commission Meetings. At the time the Commission had agreed with Mr. Herrera to move the easement to the east side if he would give the County the easement. Commissioner Rardin stated that we never received the easement. According to the Commission Minutes, the Board was going to pick 3 disinterested people to look at the property and report back to the Commission so it could be resolved. This was never done. Commissioner McGinn stated that Mr. Herrera is offering a solution that he has discussed with the County Manager, Assistant County Manager, the Road Department and

herself. The solution is to vacate the current prescriptive easement that goes through the middle of Mr. Herrera's property and move it along one of the boundaries of his property. In order to do this, Mr. Herrera needs to give an easement, because the public still has to be able to access the lands behind there. Mr. Herrera would just like to have the matter resolved. Commissioner Rardin stated that we are taking in the information and requested Mr. Herrera to be on the agenda for the April 8<sup>th</sup> meeting. We should have some answers for Mr. Herrera by that time.

**3. Unscheduled Citizen Communications:**

a. Jerry Johnson from the Chamber of Commerce Transportation Committee and Joe Hardin from Zia Therapy approached the Board to discuss the South Central Regional Transit District. Mr. Johnson stated that in 2006 the County joined the South Central Regional Transit District. The district has been approved by the state and is now a governing body. The County has a right to have a representative on the Board, but at this time we don't have any representation. The Transit District is getting ready to have a tax referendum. If it passes, Otero County will be included. Mr. Johnson and Mr. Hardin wanted to alert the Commission of what is coming. Mr. Hardin has been attending the meetings, but he isn't a voting member. Commissioner Rardin would like to have the Director come and speak with our County Manager to gather the information for the Commission.

**4. Elected Officials, Department Heads:**

a. Discuss commission meeting schedule.

Mr. Smith, County Manager, gave a list of different places to the Commission where they could hold their monthly Work Session around the County. Mr. Smith is recommending to hold the meetings at 6:00 p.m. on the Work Sessions rather than the Regular Meetings.

b. Solid Waste Proposal.

Mr. Smith stated that we only received one bid back from a private contractor. We didn't receive any from Green Tree. We are back to 4 options. We can run it, we can continue to contract with the Authority, we can join the Authority or go back for an RFP. Commissioner McGinn stated that she is interested in the County resuming the operation of the Convenience Center. Commissioner McGinn has spoke with Bill Parker, Public Works Director, to check into what it will take as far as what particular things require the most attention out there right now and staffing concerns. Commissioner Rardin feels that the County should take back the operation of the Convenience Center also.

c. Chaparral Health Clinic RFP.

d. Ethanol fuel Production and Wastewater Remediation Feasibility Study.

Mr. Smith stated that there are two proposals for the Commission's review. One is for Ethanol Fuel production and the second is to have New Mexico State University or another entity do a review of alternative energy processes that the County may be interested in.

e. Paul Quairoli gave an update on the PSAP (Public Safety Answering Point) Board Meeting.

Mr. Quairoli stated that the PSAP Board met on February 26<sup>th</sup>. The Chairman was voted in along with Board members. There was a resolution passed showing how we will be doing our notices and meetings. We have opted for 2 separate PSAP's, which will give us the best service for the County and the City.

**5. Consent Agenda:**

a. Bills Lists #32, #33, #34, #35 and #36.

b. Approval of Minutes

c. Health Care Services, approving or denying claims for the month of March 2008.

**6. Purchasing:**

a. Request approval of sealed bid #09-034 for wild land gear to National Fire Fighter Wildland Corp. for \$17,287.24 for the James Canyon VFD.

b. Request approval of sealed bid #09-036 for the purchase of two used trucks, a 2005 Peterbilt 357 and a 2005 Kenworth T800 for the Otero County Road Shop for \$98,000 to Inland Kenworth. Mr. Parker stated that the 2005 Peterbilt was sold. We did find another truck and it's a 2003 Peterbilt 378.

**7. Resolutions, Contracts & Agreements:**

a. Request approval of Resolution #03-19-09/97-49 making budget adjustments to reflect the receipt of a Wal-Mart Foundation grant in the amount of \$2,500 for the Sheriff's Department.

b. Request approval of Resolution #03-19-09/97-50 making budget adjustments to reflect the donation of \$23,695.41 from the Otero County Fair Association for the purchase of a tractor for use at the Otero County Fairgrounds facility.

c. Request approval of Resolution #03-19-09/97-51 making a budget adjustment to reflect the receipt of \$45,061 more than was anticipated for Otero County's FY 08/09 State Felony Prisoner distribution.

d. Request approval of Resolution #03-19-09/97-52 making a budget adjustment to reflect the award of a Department of Health Trauma Grant in the amount of \$3,365.30 to the Timberon EMS Department.

Donna Brandon, Financial Director, stated that the amount needs to be changed to \$4,694.10. With the budget constraints on the State level the Governor has requested five percent reductions in all the funding outside of legislative funding. When we received the amount of \$3,365.30, we were under the impression that this would be the grant award. Since the development of this resolution we have

received communication from the Department of Health that the disbursement would be made in two amounts and that the funding had been reduced to 95 percent of the original amount.

e. Request approval of Resolution #03-19-09/97-53 making budget adjustments to reflect the award of a New Mexico Department of Homeland Security grant to the Sheriff's Department in the amount of \$266,911.

f. Request approval of Resolution #03-19-09/97-55 to reflect the receipt of legislative funding for undercover operations totaling \$5,000.

g. Request approval of Resolution #03-19-09/97-54 setting the administration fees for 2009, relating to Article 12 of the Otero County Subdivision Ordinance.

Commissioner McGinn stated that we had discussed changing the fees and decided to keep it the same as it's always been. Commissioner McGinn does not want the fees to change. Mr. Backstrom stated that by resolution we have to renew those fees once a year. The fees are the same as last year, we are just renewing them.

h. Request approval of Resolution #03-19-09/97-56 appointing the Otero County Manager, or their designee, as coordinator for the International City Management Association Retirement Corporation-457 Plan.

i. Request approval of Resolution #03-19-09/97-57 for submittal of the 2009 Annual Certified County Maintained Mileage Report to the New Mexico Department of Transportation.

#### **8. Commission Discussion/Action Items:**

a. Commissioner Rardin stated the Forest Service has to come up with a Resource Advisory Committee, ( RAC). The County needs to push them to complete this committee. As of now, New Mexico has no RAC's. Mr. Smith stated that he has a meeting set up with the Forest Service on the 16<sup>th</sup>

16<sup>th</sup> of March and the County Manager of Lincoln County. Commissioner Rardin would like to attend this meeting also.

b. Commissioner McGinn stated that Engineer Inc. has been working on the Nogal Canyon Flood project. They will be meeting with the tribe to go up there and work on the dams to help alleviate some of the flooding issues in Nogal Canyon.

The Riata Road Project, we have an extension from BLM for the road that will go around, where they will be under construction on the culverts. They have to get special equipment to put the box culverts

in. **9. Budge Work Session:**

Donna Brandon, Financial Director, stated that the primary objectives that we have here today was to give the Commission an idea as to what kind of cash carry over we are looking at and what the projected revenues are. The estimated ending cash balance for 2008/2009 is \$10,535.964.43. The projected revenues are \$20,161,185.00. This is a flat budget void of all capital outlay except lease purchase payments.

The Chairman asked if there were any questions from the departments that were present. The Board thanked Ms. Brandon for her presentation.

**10. Executive Session:**

Commissioner McGinn made a motion to go into Executive Session to discuss items A. Collective Bargaining, B. Pending Threatening Litigation, C. Personnel- status report misconduct investigation, D. Land-acquisition and Disposition, E. Roads, F. Detention Center and G. Contracts-PSAP. The motion was seconded by Commissioner Rardin. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Rardin	yes

Commissioner McGinn made a motion to come out of Executive Session having discussed items under Personnel and Land Acquisition and Disposition, having made no decisions. The motion was seconded by Commissioner Rardin. Roll call was taken as follows:

Commissioner McGinn	yes
Commissioner Rardin	yes

There being no further business before the Board, the Chairman adjourned the meeting at 11:08.

APPROVED:

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Ronny Rardin, Chairman

ATTEST:

\_\_\_\_\_  
Robyn Holmes, County Clerk

Work Session March 11, 2009