

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., June 28, 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:**

Clarissa McGinn	Chair person
Doug Moore	Vice-Chairman
Michael Nivison	Member
Ruth Hooser	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Bobbie 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.

**1. Presentation:**

Certificate of Appreciation for Roberta Hanneman, recipient of the 2005 Russ Richard I/C of the Year Award selected by the State EMS Bureau.

## 2. Consent Agenda:

Commissioner Moore made a motion to approve items A. Minutes, B. Bills List #57, #58, C. Health Care Services monthly report, D. Personnel, E. Purchasing, F7 and F8 Resolutions, Contracts and Agreements. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

a. Consider approving Medical Provider Agreement between The New Mexico Rehabilitation Center and Otero County.

Gloria Sainz, Indigent Coordinator and Dorothy Weeks, Rehabilitation Center, approached the Board. Gloria stated that she was directed to propose this as other providers under our Indigent Fund. The paperwork has been completed and Ms Weeks is present requesting the Board to approve the Medical Provider Agreement. If approved, the claims will be handled by claim per claim basis.

Commissioner Moore made a motion to approve the Medical Provider Agreement between The New Mexico Rehabilitation Center and Otero County. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

b. Consider approving agreement between Otero County and the City of Alamogordo for Animal Control cost.

Commissioner Moore made a motion to approve the agreement between Otero County and the City of Alamogordo for Animal Control. The motion was seconded by Commissioner Nivison for discussion. Commissioner Moore stated that our fees were \$11.50 per animal. He had asked for a list of how many animals the County has had in the center by month. Ruth Hooser stated that we had not received the list as requested. She will contact the center first thing in the morning. Dan Bryant stated that the Agreement that is currently in place is the same as last year. One concern is that we have determined in the existing fiscal

year we had been billed and paid less than the \$67, 808.98 that is reflected in the Agreement for fiscal year 2005 projected cost. We thought we were being billed 11.50 per animal but the agreement states that the party's will agree yearly on the annual amount that the County will pay for these services. It doesn't say on the agreement that the County will pay per animal. Dan recommends we table this item until we get our questions answered from the City.

Commissioner Moore withdrew his motion. Commissioner Moore made a motion to table this item until staff has had time to review the agreement with the City. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

3. Elected Officials/Department Heads:

a. Consider a final plat approval for the Kontiki Springs Subdivision.

Commissioner Moore made a motion to approve the final plat for Kontiki Springs Subdivision. The motion was seconded by Commissioner Nivison. Klad Zimmerle stated that the plat has been approved by the Planning Commission. A vote was taken and the motion passed unanimously. See pages

b. Consider other provider, indigent funding and budget issues.

Commissioner Moore made a motion to consider for discussion other provider, indigent funding and budget issues. The motion was seconded by Commissioner Nivison. Commissioner McGinn stated that at the Work Session it was requested that we bring back 2002-2004 fiscal year indigent claims to be paid. Gloria Sainz has provided the Board with the amounts for American Medical Response, Presbyterian and Alamogordo Home Care. Gloria would like the Board's consideration in taking care of these past claims since this is the first time money has become available to pay these claims. Dan Bryant stated the he spoke with Darlene Maras from DFA on paying these past claims. DFA is taking the position that as long as you had a Medical Provider Agreement with the hospital for the years that you are going back and paying and as

long as you carry those claims as a liability on our books, it is then appropriate for us to go back and pay the claims. Ms. Maras has set up a procedure with us where following the Boards action tonight, the county will put it in a letter and send it to Ms. Maras and she will return it with staff approval allowing us to pull the funds out of the Indigent Fund to pay these claims. The Board is free to pay 100% of the old claims if this is the Board's desire.

Commissioner Moore amended his motion to encompass the payment of other providers for fiscal year 2002-2003 and 2003-2004 only. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

c. Consider intent to hire letter from Sheriff Blansett regarding Mark Evans a fully funded H.I.D.T.A. position.

Commissioner Nivison made a motion to approve the intent to hire letter regarding Mark Evans as a fully funded H.I.D.T.A. position. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

#### **4. Public Hearing:**

The time being 6:30 the Chair person called the Public Hearing to order for the preliminary plat for Danley Ranch Estates #3.

Monroe Curtis, Dale Palkki, Klad Zimmerle and Hans Steinhoff approached the Board. Klad stated that the subdivision has been approved by all the State agencies. The State Engineer is again requesting a hydrology report. This is becoming a requirement for all the subdivisions.

Commissioner Nivison made a motion to approve the preliminary plat for Danley Ranch Estates #3. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages.

The time being 6:35 the Chair closed the Public Hearing and returned to Regular Session.

**5. Citizen Communications:**

Consider reversing the decision of the Planning Commission and approving the Jay Dee Eight subdivision. Mr. Johnson approached the Board and stated that the Planning Commission disapproved Jay Dee Eight because there is no road, only a driveway. Commissioner Nivison stated that he would like Gus Marker, Fire Coordinator, to go out and look at the access for emergency vehicles. Mr. Johnson has no problem with putting a 44 ft. radius easement at the end of the driveway for emergency vehicles. Commissioner McGinn would like it stated in the Disclosure Statement that the driveway doesn't meet the County standards of being 50 ft. to be considered for County maintenance.

Commissioner Moore made a motion to amend reversing the decision of the Jay Dee Eight denial to meet the conditions that were discussed. Those conditions being in the Disclosure Statement that it doesn't meet County Standards to be accepted for county maintenance and that a 44 ft. radius cul-de-sac will be implemented within lot 2 and 3 for turn around emergency access. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

**6. Public Hearing:**

The time being 7:00 p.m. the Chair person called the Public Hearing to order to consider approving the preliminary plat for Sagebrush La Luz Subdivision.

Commissioner McGinn stated that the Planning Commission has approved with conditions regarding an issue with a road easement to the north of Willow Bend. Klad Zimmerle stated that we have addressed the traffic issue thru Tom's Lane and provided a cul-de-sac for emergency vehicles turn around on the property. This will be limited to emergency vehicles ingress, egress and also to allow the connection of the water line, which will improve the water in the entire area. This will also provide fire hydrants in the proximity of

the McWilliams and Martinez's as well as the lots that it will be serving. There will be no through traffic. There will be no wells, water will be provided by the Village of La Luz thru a pipe system and septic tanks that are there will be removed.

Mary Ellen Porter, representing Marjorie McWilliams, approached the Board. Marjorie McWilliams is the owner of the property that is in question. Gilbert Martinez and Regina Martinez are the property owners of the property on the other side of the easement. Mary Ellen Porter stated that on the deeds of McWilliams and Martinez; have the 40 ft. easement mentioned. Their concern is that they want this particular lane used solely for the two properties that are living there so they can access their property. It has been mentioned that this easement will be used for utility easement, which is a water line and emergency vehicles. If something should happen to this water line, who is responsible? Klad stated that the water line is the La Luz Mutual Domestic Water Association and they will be responsible for repairs. The other concern is the access of the emergency vehicles. There is a gate at the end of Willow Bend and Tom's Lane. Ms McWilliams concern is if an emergency vehicle knocks down the gate, who will be responsible for the gate. Commissioner McGinn stated that within the disclosure it will say that this is only for emergency vehicle access. The Fire Departments will be responsible for the gate.

Paula Whinan, Ms. McWilliams daughter stated that when they moved in there in 1964, on that easement there was a cesspool. She didn't know if anyone was aware of the cesspool being there. This could cause some problems if they want to run a water line thru there. The main concern is the access easement for the emergency vehicles. This easement is used by the property owners to access their property. Klad stated that this easement was created for egress and ingress. This piece of land is not owned by anyone, it remains in the C.H. Hanes Estate. The estate owns the dirt and the property owners own the easement. Commissioner Moore stated that if the property owners question this they will need to hire an attorney.

Commissioner McGinn asked Ms McWilliams if her questions had been answered on the easement and her access. Ms McWilliams stated that she was satisfied.

Commissioner Moore made a motion we approve the preliminary plat for Sagebrush La Luz Subdivision. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. See pages

The time being 7:40 p.m. the Chair closed the Public Hearing and returned to Regular Session.

**7. Executive Session:**

Commissioner Moore made a motion to go into Executive Session to discuss personnel and pending and threatening litigation. The motion was seconded by Commissioner Nivison. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

Commissioner Nivison made a motion to come out of Executive Session having discussed pending and threatening litigation and personnel issues and made no decisions. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner McGinn	yes
Commissioner Nivison	yes

There being no further business before the Board the Chair person adjourned the meeting at 8:30 p.m.

APPROVED:

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Clarissa McGinn, Chair person

ATTEST:

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Robyn Silva, County Clerk

Regular Meeting June 28, 2005