

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 Administration Building in Alamogordo, County and State aforesaid. Meeting called to order by the Vice-Chairman at 6:00 p.m., August 20, 2009; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSSA, KINN and KYEE.

Present:

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| Ronny Rardin | Absent |
| Doug Moore | Vice-Chairman |
| Clarissa McGinn | Member |
| Timothy Smith | County Manager |
| Ray Backstrom | Assistant County Manager |
| Dan Bryant | County Attorney |
| Pamela Heltner | Commission Liaison |
| 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. Public Hearing:

Commissioner Moore called to order the Public Hearings on the Otero County Hazard Mitigation Plan and the amendment to the Otero County Health Care Ordinance 01-04. The Vice-Chairman recessed the Public Hearing on the Otero County Health Care Ordinance 01-04.

We have solicited public comment from agencies that might be involved depending on the type of hazard. We are trying to build a strategic plan whereby we recognize some of the most hazardous conditions that exist in Otero County and prepare a plan to be prepared for those. This plan also will help us in an event of a natural disaster or a hazard in facilitating the rapid implementation of FEMA and federal agencies to come to our assistance and aid. This is the second of three public hearings. The last and final one will be in September at our Regular Meeting.

Paul Quairoli, Emergency Management, stated that we had a public hearing last month and we did get some public comment back that was adopted into the plan. The latest version of the plan was put on the website tonight.

There was no public comment on the plan tonight. Commissioner Moore closed the Public Hearing on the Otero County Hazard Mitigation Plan and opened the Public Hearing on an amendment to the Otero County Health Care Ordinance 01-04.

Tim Smith, County Manager, stated that there was one amendment that staff recommended to increase the annual cap from \$20,000.00 to \$30,000.00. When we submit money to the state it's reimbursed at three or four times back to Gerald Champion as the sole provider. What ever that amount of money is, Gloria Sainz, Indigent Coordinator and her staff qualifies folks as either indigent or not. We have to account for the money. What has happened over the years as the amount goes to Gerald Champion, there's money that isn't being accounted for, for indigent purposes. The hospital just gets to keep it. There is about \$410,000.00 that is not approved by Gloria and by folks that have gone over the cap. By raising the cap by \$10,000.00, that will take care of about \$300,000.00 of that amount. We have also changed how the applications are processed at the hospital to try and capture more folks to get them qualified. This is the recommendation.

Dan Bryant stated that for the record, we are amending section 13 D, page 21 of the material in the book and page 15 of Ordinance 01-04. We are changing the amount as reflected from \$20,000.00 to \$30,000.00.

Commissioner McGinn made a motion that we amend Otero County Health Care Ordinance 01-04 and adopting new as discussed which is, 09-01. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

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

1. Scheduled Citizen Communications:

a. Timberon Development Council-Discuss road improvements in Timberon and possible property purchase.

Commissioner Moore stated that we had a lengthy discussion with Everett Putney during the Work Session, about their desire to have more of their arterial roads chip sealed. Mr. Putney has some concerns about right of way on the airport and what he deemed to be a road that was created by travel rather than being a designated road. We had requested staff to give us some additional maps and research on this, which we just received. It will require a field trip for Commissioner Moore to have a clear understanding of the situation. Commissioner Moore made a motion to table this item until we can get a better look at it with staff and the folks at Timberon. Let's bring it back on the Regular Meeting in October for further discussion and decision. The motion was seconded by Commissioner McGinn. A vote was taken and the motion passed unanimously.

b. Otero County Community Health Council-Annual approval of Community Health Council Membership.

Lee Ann Looney thanked the Board for considering the Health Council Membership. Ms. Looney stated that we are funded through grants from the Department of Health. Our purpose is to share

information and bring community people organizations together to share information and work together so that we fill in the gaps in health care services and get what we need in the community. Ms. Looney would like to thank the Board for their support in the past. She has submitted her resignation to the Health Council last week. Ms. Looney stated that she will be going back to school. Commissioner Moore stated that it has been a pleasure working with Ms. Looney over the years and wished her the best.

Commissioner McGinn made a motion to accept the annual approval of Community Health Council Membership. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

c. Tierra Del Sol Housing Corporation-Requests the Board of County Commissioners provide letters of support for the Homelessness Prevention and Rapid Re-Housing Program (HPRRP) to be implemented in Otero County.

Dan Bryant stated that this matter is back on the agenda tonight because the Commission had requested that he conduct some due diligence to check out Tierra Del Sol and their track record. Mr. Bryant has given an executive summary of that work to each Commissioner. Tierra Del Sol was originally incorporated in New Mexico in 1973. It is a New Mexico domestic not for profit corporation. It qualifies under Federal IRS rules for 501C status. The corporation, as of this week is in good standing and has been in good standing with the Corporation Commission ever since it's incorporation. It's current certificate is valid through February of 2010. It has a Board of Directors that consist of twelve members, which are identified on your report. Their Executor Director is Rose Garcia, who has been with the corporation for 28 years. Since 1973 in terms of multi-family housing projects, they have built and operated 30. They are listed in the summary with all of the communities in and around mostly Southern New Mexico that these facilities are located in. One of their facilities is the Villa De Tularosa Senior Housing Center, in Tularosa

and it has 22 residents. In the most recent 3 years since January of 2006, they've invested \$177,000,000.00 in re-habing 57 housing units in that region. They have invested \$11,432,000.00 in home ownership programs, assisting low income families in becoming home owners for a total of 118 homes that have been created that way. They've also invested \$24,000,000.00 to create 239 units in various multi-family housing units.

Commissioner Moore stated that they will probably be fine if we give them a letter of support. Mr. Bryant stated that they are a stout business and this letter of support does not obligate the County for funding. There will be funding opportunities in the future, but this letter by itself will not create that obligation.

Commissioner Moore stated that we get from time to time a request for a letter of support and we just don't hand those out. To make sure that any entity or agency that we give our support, we want to know about them, what their motives are and are they financially capable of completing the task at hand.

Commissioner McGinn made a motion that the Board of County Commissioner's provide a letter of support for the Homelessness Prevention and Rapid Re-Housing Program to be implemented in Otero County. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

2. Elected Officials:

a. Dale Palkki-Appointment of one member and one alternate to the Otero County Board of Equalization.

Mr. Palkki stated that this Board hears the protests that advance to the formal stage. It is the duty of the County Commission to appoint the Board members. Mr. Palkki contacted all fee appraisers in Otero County that met the qualifications of being an elector of the County. Mr. Palkki stated that the names that we are submitting are willing to serve.

Commissioner Moore stated that the three names that were provided by staff are Kevin Germann, a

NM certified Appraiser, Caron Keller, Apprentice Appraiser and John Barber, NM certified Appraiser.

Commissioner McGinn made a motion that we approve John Barber as the member and Kevin Germann as the alternate to the County Board of Equalization. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

b. Tim Smith-Review applicants and appoint a County representative to the Alamogordo Public Library Board.

Tim Smith stated that in the packet there are 2 recommendations. The seat has been vacant since June the 30th. The 2 applicants are Maxine L. LaPlace and Patricia Trautman.

Commissioner McGinn made a motion that we approve Patricia Trautman to the County Representative on the Alamogordo Public Library Board. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

3. Consent Agenda:

Commissioner McGinn made a motion to approve consent agenda items 8 through 15 and 17 through 20. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

4. Request approval for the renewal of the Legal Services contract between Otero County and the firm of Daniel A. Bryant in the amount of \$12,633/month and all applicable taxes. This is the third year of a four year contract.

Commissioner McGinn made a motion that we table this item for further discussion and negotiations. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

5. Commission Discussion:

a. Commissioner Moore announced that the Chairman, Commissioner Rardin is at a Game and Fish Meeting tonight with our elk and wolf concerns.

b. Commissioner McGinn stated that there were two things that she would like to bring up. The first one is the Oro Vista Volunteer Fire Department. Chief Muller is here tonight and few others from Oro Vista and some of the people that were involved in the construction of the project. When we completed this project as a new addition to Oro Vista Volunteer Fire Department, there were some things that were brought up that needed to be fixed. We are all aware of them because we went out and took a look. Commissioner McGinn wants to provide some kind of direction, some kind of progress as to what's going on to address those issues. Chief Muller is the manager of the Oro Vista Volunteer Fire Department as the Chief. We are the County, that's a County building, a tax payers building. She wants to know with the issue of the roof leaks and the issue of the leech field, holding tank, flood waters on that side, what progress have we made from the staff level after we've given that direction. Mr. Smith stated that with respect to the roof, we have been in contact with our architects and they have met with the general contractor. The contractor has agreed to go back and replace the panels. The contractor said to replace the faulty panels and the architect agreed, after the rainy season. The holding tanks and the sink holes, there is nothing on that until after the rainy season for compaction. Mr. Smith met with Bill Parker and Bill will be able to re-work the drainage on the North lots. This has not been completed yet.

Commissioner McGinn has some issues with that as well. She feels that a job was bid out to be done and if there is an issue, the County staff doesn't need to go back in there and correct the issue. The contractor or the architect needs to take a look and compensate for that error. Mr. Smith stated that the contractor will go back and fill in the sink holes. Commissioner McGinn stated that we were working with that issue with Bohannon Houston, and they were supposed to return some information to us about how they were going to

correct this. Commissioner Moore stated that what he is hearing is as far as the field compaction and sinking around the concrete that will be handled by the general and his sub-contractor. It will be an on going issue with getting water in that tank, in that we installed it at a bottom of a hole. Once the hole fills up to the top of the clean outs, the tank itself is going to take water. The re-routing of the off site flood water should take care of that. The storm drain coming off the roof will be re-routed so it doesn't run into that hole and hopefully that will remedy the continued rainwater entry into the tank.

Commissioner Moore stated that we will say that October 1 is officially the end of rainy season and work will commence forthwith from this point. By November we should have made great progress to everyone's satisfaction for a successful completion of a great facility.

Commissioner McGinn stated that the second issue is the Convenience Center. In April the County Commission made a motion to resume operations at the County Convenience site. What progress has been made? We are supposed to start on October 1st. Mr. Smith stated that we have backed up the date to take over September 26th. We are in the process of talking to the Lincoln County Solid Waste Authority of taking over their equipment and paying off leases. Mr. Parker is ordering the roll-off containers and Lisa Hall is working with the Authority on transferring the personnel. As of right now, we intend to keep all the personnel and then re-evaluate.

6. County Manager Report:

Mr. Smith stated that he has given the Commission a detailed activity report of the last month of all his travels around the Southwest. There is a large packet from the Coalition of Counties with a highlighted article that Mr. Smith would like the Commission to read.

The Wing Commander will be visiting at the October 7th Work Session to give us a briefing of what is going on at Holloman Air Force Base.

The Warden from MTC, the processing center and the prison would like to meet with the Commission in November to give them a briefing of what's going on.

7. Executive Session:

Commissioner McGinn made a motion to go into Executive Session to discuss items A. Collective Bargaining, B. Pending Threatening Litigation, C. Personnel, D. Land, E. Roads, F. Detention Center, G. Contracts. 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. through G. listed under Executive Session, having made no decisions. 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 direct staff to precede with the purchase of the real property and office building as discussed in Executive Session. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

There being no further business before the Board, the Chairman adjourned the meeting at 7:55.

APPROVED:

Doug Moore, Vice-Chairman

ATTEST:

Robyn Holmes, County Clerk

August 20, 2009