

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 Administration Building in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 9:00 a.m., October 7, 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:**

- |                    |                        |
|--------------------|------------------------|
| Ronny Rardin       | Chairman               |
| Doug Moore         | Vice-Chairman          |
| Clarissa McGinn    | Absent                 |
| Ray Backstrom      | Interim County Manager |
| Dan Bryant         | County Attorney        |
| Pamela Heltner     | Commission Liaison     |
| Lynn Estrada       | Deputy Clerk           |
| Wrangler Yarbrough | Otero County 4-H       |
| Lyle Danley        | Otero County 4-H       |
| Trey Rogers        | Otero County 4-H       |
| Shawna McNatt      | Otero County 4-H       |
| Danielle Mendoza   | Otero County 4-H       |

**DRAFT**

Commissioner Rardin gave the invocation. Shawna McNatt led the Pledge of Allegiance and the salute to the Flag of the State of New Mexico.

**Proclamation: Proclamation designating the week of October 4-10 as National 4-H Week.**

Commissioner Rardin read the Proclamation into the records.

**1. Scheduled Citizen Communications:**

a. Colonel Jeffrey L. Harrigian, Commander of the 49<sup>th</sup> Fighter Wing, gave a presentation on the happenings at Holloman Air Force Base. Colonel Harrigian touched on the capabilities of the F22 fighter plane, the MQ-9 Reaper and the MQ-1 Predator. Colonel Harrigian spoke about the infrastructure that is continuing out at the base, the housing units that are being upgraded and the new homes that have been built. Colonel Harrigian thanked Alamogordo and the Commission for their support of Holloman Air Force Base. The Commission thanked Colonel Harrigian for his presentation and they are looking forward to the Open House at Holloman on October 24<sup>th</sup>.

b. Tammy Bean & Mark Lautman-Discuss a proposal for funding for information gathering to explore and determine the feasibility of "3" Bedroom'.

Tammy Bean, Community and Economic Development and Mark Lautman, Economist, approached the Board for a presentation on a new program for Economic Development. It isn't being done any place in the country as of yet. There have been six places chosen in New Mexico to test the pilot program. The program takes people from the community who are educated, able to work, willing to work, but are homebound for either physical reasons, caring for children, no transportation, or the job is to far away. There are hundreds of companies who have figured out how to find people, train them and manage them at home. This is what the program is about.

Commissioner Rardin stated that when he attended NACO in Nashville this year, a speaker echoed what Mr. Lautman is saying. Without the economy there is no employment. Commissioner Rardin stated that this will be a joint effort with Lincoln County. The Lincoln County Commission is supporting this test program. The cost from each County is \$4,000 for the study.

Commissioner Moore stated that the heart of what you are here today for is to ask for financial support to conduct the survey. Ms. Bean stated that is correct. Commissioner Moore stated that with the demographics that currently exists, so that we as a community would better understand the folks that we have in our community, which might have the education and computer to join that work force. Ms. Bean stated this is correct. Commissioner Moore stated that the jobs are market driven. Do you have national information that tells him that there is a need for labor in this arena? Mr. Lautman stated yes there is.

Commissioner Moore stated that he believes in the program, but thinks you are wasting time on the survey. Let's just make the assumption that there is a work force here that is capable of doing a certain level of a job. What is the job and what are the training requirements? Let us start developing that training and move forward.

The Commission thanked Ms. Bean and Mr. Lautman for their presentation.

c. Ernie Byers-Discuss a proposal on re-design and change of operations of the Otero County Solid Waste Management Program.

Mr. Byers gave an overview of the time it is taking the trucks to make their pick-ups and take it to the landfill. The receptacles that the county is using are not full in volume or by weight. Mr. Byers presented an operational plan that would save the County \$20,000 to \$30,000 a month and increase the services.

Commissioner Moore stated that based on Mr. Byers analysis, the way to make his project work would be capital outlay of a million dollars with a savings of \$200,000 a year, it will take us 5 years on the capital outlay just to break even with our current operations. At that point, "What is the depreciation of our equipment in 5 years?" At the end of the day, am I saving any money by moving to

the modified plan and are we serving the community better. Mr. Byers stated that these are all good questions. He has given the Commission a copy of his proposal and he would be happy to come back if there are any questions.

The Board thanked Mr. Byers for his presentation.

d. 4H-Otero County 4-H members to demonstrate problem solving techniques, public speaking skills and presenting a meeting. These 4-H members will represent New Mexico at the Western National 4-H roundup in January in Denver, Colorado in Parliamentary Procedure, when they compete against other state winning teams.

The 4-H members put on a demonstration for the Commission and the audience.

## **2. Resolutions, Contracts & Agreements:**

a. Consider approval of an agreement between Otero County and NM Clerks, LLC to provide technical assistance services to the County Clerk in the area of Recording and Filing, Bureau of Elections and other items as listed. This is a four year contract in the amount of \$8,000 plus all applicable taxes.

Commissioner Moore stated that he has the Clerk's recommendation to approve, but he would like staff to go through the appropriate channels. He directed Ray Backstrom to review the agreement, bookkeeping to review to make sure that it meets the budgetary requirements, Dan Bryant, County Attorney to review because it's a legal agreement and Ginger Herndon, Purchasing, to review it to make sure it's not in violation of procurement. There is some concern at the state level that the formation of the Clerk's LLC, may be challenged by the Attorney General.

Ms. Holmes stated that there are several counties within the state that have approved this agreement. We haven't had any protests from anybody on this so far.

Commissioner Moore stated that his main concern as a County Commissioner is, that we put the money aside in the budget because technically this was to hire an outside lobbyist to represent solely the Clerk and Clerk's Affiliate. Ms. Holmes stated that being a lobbyist is a very small portion of what this gentlemen is doing for the clerks. Commissioner Moore stated that next year when he considers these funds, will the Treasurer, Assessor and Probate have the same desire to have outside professional service like this. Ms. Holmes stated that she felt that it would be worth it. Commissioner Moore stated that he has encouraged New Mexico Association of Counties, who we pay substantially to be a member of and who are supposed to embrace our lobby effort via a priority list. Perhaps they should expand their services and capabilities to include what you desire from this independent contractor. Ms. Holmes stated that the reason why we went to this one man was because of the fact that NMAC misrepresented the Clerks on bills that were on the top priority list. They misrepresented our feelings and the way we did support it, and they represented that we did not. There were a lot of issues and that is when the Clerks found this one person who could represent us as a whole as Clerks for the State. Commissioner Moore stated what he has always liked about the Association of Counties is that when we stand together the Counties voice is stronger at the State level. Commissioner Moore stated that we approved it in the budget and he knew that it was coming. Commissioner Moore stated that it is his understanding that the Attorney General and the State has a problem with this contract. He would like to have it clarified before approving it.

b. Request approval to reappoint Larry C. Drake to the Alamogordo-Otero County Airport Zoning Board as the County Representative.

Mr. Backstrom stated that Mr. Drake was the past representative to the Airport Board and would like to remain in this position.

c. Discuss a request from the Timberon Development Council in regards to a right-of-way on the airport.

Ray Backstrom stated that there is a right-of-way for the runway at the Timberon airport. There have been folks that have been using this right-of-way within 65 ft. of the centerline of the runway as a road. This is presenting a hazard to the aircraft that are using the runway. Timberon is asking that the County put some signs up.

d. Consider approval of Resolution #10-07-09/98-16, authorizing the purchase of real property.

Ray Backstrom stated this is authorizing the purchase of real property that is going to be used as emergency operation center for the County.

Commissioner Moore made a motion that we approve Resolution #10-07-09/98-16. The motion was seconded by Commissioner Rardin. This property is also known as the Pepsi Building located on Eddy Drive. A vote was taken and the motion passed unanimously.

### 3. Executive Session:

Commissioner Moore made a motion to go into Executive Session to discuss items as listed on the agenda; A. Collective Bargaining, B. Pending Threatening Litigation, C. Personnel, D. Land, E. Roads, F. Detention Center, G. Contacts-Professional Service Agreements. The motion was seconded by Commissioner Rardin. Roll call was taken as follows:

Commissioner Moore	yes
Commissioner Rardin	yes

Commissioner Moore made a motion to come out of Executive Session having discussed items A. thru G. as listed on the agenda and having made no decisions. The motion was seconded by Commissioner Rardin. Roll call was taken as follows:

Commissioner Moore                    yes

Commissioner Rardin                    yes

a. Ray Backstrom, County Manager, stated that he met with the folks at the ACES School and they are still interested in purchasing the building. They would like to have a lease purchase agreement with the County, but she would entertain an outright purchase of the building. Mr. Backstrom recommended that we move forward with an outright purchase of the building.

Commissioner Rardin stated that he had heard the Commissions wishes on that. They weren't interested in a lease purchase, but would rather sell it outright. Commissioner Moore stated he isn't looking for a long term relationship if we can avoid it. What we need to be clear on is, has she made us an offer? We have to evaluate that to make sure it's a fair market value from her to be compliant with procurement laws of the State.

Commissioner Moore directed staff to have her make us an offer whether it's an outright purchase or a lease purchase. We have a metal building on the same lot and have made a contractual agreement with the City to develop a park. The City block may need to be re-platted and potentially rezoned for the park.

b. Ray Backstrom stated that the last item he needs direction on is, the District Attorney is moved into her new offices and she has stuff stored on the third floor. She is laying claim to everything that is up there and Mr. Backstrom has received calls from the courts not wanting her to have everything that is up there. Mr. Backstrom is ready to move forward with the remodeling of that floor. We have 65,000.00 left in Administrative Grants that can be spent on this floor. We have a commitment from DWI for another 30,000.00 to help in the remodel. Mr. Backstrom needs direction from the Commission of what they would like to do.

Commissioner Rardin stated that our plan with H.R. Prather, Director of DWI, was to get the floor remodeled and let them move up there. Commissioner Moore stated that the District Attorney needs to vacate the third floor. Mr. Backstrom will send them a letter to have them remove everything from the floor.

There being no further business before the Board, the Chairman adjourned the meeting at 1:00 p.m.

APPROVED:

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Ronny Rardin, Chairman

ATTEST:

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Robyn Holmes, County Clerk

Work Session  
October 7, 2009