

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 Chairman at 1:00 p.m., December 29, 2000; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

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| Richard Zierlein | Chairman |
| Timothy McGinn | Vice-Chairman |
| Ronny Rardin | Member |
| Ruth Hooser | County Administrator |
| LaDonna Adams | Executive Secretary |
| Dan Bryant | County Attorney |
| Frank Portillo | Road Superintendent |
| Kim Chavez | Deputy Clerk |

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Commissioner Rardin gave the invocation, Commissioner McGinn led those assembled in the Pledge of Allegiance and Commissioner Zierlein led the salute to the flag of New Mexico.

I. Public Hearing - Consider to approve a Preliminary Plat for Aspen Meadows Subdivision. Commissioner Rardin made a motion to approve a preliminary plat for Aspen Meadows Subdivision. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages _____.

II. David Townsend - Request Approval from Otero County Commission regarding an Agreement between Alamogordo/Otero County Centennial Celebration, Inc. Mr. Townsend stated that he represents the Alamogordo/Otero County Centennial Celebration, Inc., and he is here today to ask the Commission to renew the Resolution that was passed in 1920 to name the highway between Alamogordo and El Paso, the John D. Hutchins Memorial Highway. When the State Highway Commission met they informed the Committee that they needed to approach the County Commission to have the resolution approved. Mr. Townsend informed the Commission that the Centennial Committee is going out of business this year and they had some funds left over in their account. Mr. Townsend stated that the Committee would like to make a gift to the County of \$1,000.00 to help pay for the proposed of posting signs naming the highway. The signs will be purchased from the State Highway Department. Mr. Townsend stated that the cost for the highway to transport the signs is very high, therefore, he is going to make arrangements to have someone transport them. Commissioner Rardin stated he goes by the location where the State Highway makes the signs and would be glad to bring them back at no cost. Mr. Townsend stated there are strings that go along with the money. The first string is that the Committee will come back to the Commission and give a complete cost. String number two is the money is to be used for the signs for the highway only and the money must be encumbered by April 2001. Commissioner Zierlein stated he feels that the Centennial Committee has done a great job over the last four years. Commissioner McGinn stated he supports this. Commissioner Rardin made a motion to rewrite the resolution naming the highway the John D. Hutchins Memorial Highway and to accept the conditions and the check for a portion of the cost for the signs from the Centennial Committee. Commission McGinn seconded the motion. A vote was taken and the motion passed unanimously.

See pages_____.

III. Personnel:

A. Re: Pay Slips for New Elected Officials.

B. Betty McNeely - Requesting permission to refill the DWI Coordinator position.

C. Sheriff Department - Request permission to hire a part - time dispatcher.

D. Planning Commission - Request Permission to fill two (2) vacancies on the Otero County Planning Commission. Commissioner Rardin made a motion to approve all the personnel items as presented. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages_____.

Commissioner Rardin made a motion to allow the Sheriff to hire the part-time dispatcher without re-advertising the position. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

IV. Public Hearing - Consider to amend the Otero County Personnel Ordinance No. 98-01. Sheriff Lee asked about the recruitment portion of the Ordinance Section 10-3-C. Sheriff Lee stated that the current ordinance has an amendment, which allows the Sheriff to use senior staff personnel for the hiring process. The way this new ordinance is, the amendment is not attached. Mr. Bryant stated that the amendment will still stand. Commissioner McGinn asked Mr. Bryant if he wrote the Drug policy. Mr. Bryant stated that the County has a drug policy in place that is being used. The policy needs to be given to all the County Employees so they are aware. Mr. Bryant stated that he has a list of suggested changes and comments for the Commission to look

over. Commissioner Zierlein stated that because of the law, random drug testing can only be done for safety sensitive jobs. Donna Brandon informed the Commission that there are problems regarding this Ordinance in the Payroll Department. Ms. Brandon stated that the problem is with the way employees are paid during a holiday week. This has been a big issue and is one of great significance in trying to develop the new payroll system. Commissioner Zierlein stated that the County goes from midnight to midnight. Ms. Brandon stated that that makes it even more complicated because of the Deputies who work from 3:00 p.m. to 3:00 a.m. or vice versa. If the employee goes to work at 3:00 p.m. on the holiday, then after midnight they don't get holiday pay. Ms. Brandon stated in her opinion if they go to work at 3:00 then the whole work day should be a holiday. Sheriff Lee stated that the Detention and Sheriff's office get holiday pay whether they work or not. Sheriff Lee stated his problem is when the employee is off on the holiday and is called out for an emergency on an overtime basis they don't receive any extra pay. Commissioner Rardin stated that if the employee goes to work inside the holiday they should get the full day for working the holiday even if they go past the midnight deadline. Commissioner Rardin stated that the way the policy is written is, if an employee is off on the holiday and is called in then he receives the holiday pay plus time and a half. Sheriff Lee stated this was discussed and it was decided that it needed to be left alone until collective bargaining. Ms. Brandon informed the Commission that the way employees are being paid presently is, if they work overtime on the holiday they are only paid straight time, if they work overtime any other day in that week they are being paid double-time. The reason is that the County treats holiday pay as actual time worked. Commissioner Rardin stated that he was under the impression that if an employee comes in on the holiday they get double pay. The employee receives holiday pay plus regular pay. Commissioner Rardin stated that the way he

understands the policy is that if you work on a holiday you should be paid double and if you work on any other day during that week overtime then the employee should be paid time and a half. Ms. Brandon stated that if employee A works eight hours, four days a week and then the fifth day is a holiday, he receives 8 hours holiday and make \$10.00 per hour he will receive \$400.00 pay. If employee B works the same days and four more hours on Saturday he will be paid \$460.00 for 40 hours at \$10.00 and 4 hours at time and a half. If employee C works the same days and four hours extra on the holiday he will be paid \$440.00 straight 44 hours. Ms. Brandon stated that presently this is the way payroll has been handling it. Mrs. Brandon stated that currently Otero County treats a holiday as a day worked even though they did not actually work. Commissioner Rardin stated it should be because that would give a 40 hour work week. Mr. Bryant stated that according to the County Ordinance Section 3.27 page 7, if a holiday falls within a work week and an employee works over forty hours they should not receive overtime pay until they have actually worked over forty hours. Ms. Brandon stated that is not how payroll is being done. Ms. Brandon stated that by doing it the way Mr. Bryant stated it will correct the problem. Commissioner Rardin made a motion to approve the recompilation of the amendment 98-01 into the main body of the Ordinance. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously.

See pages_____.

V. Commission Correspondence:

A. Richard Zierlein - Approve Jail Inspection Affidavit.

Commissioner McGinn made a motion to approve the jail inspection affidavit and that over all the jail is in good shape. Commissioner Zierlein seconded the motion. A vote was taken and the motion passed 2 - 0 with Commissioner Rardin abstaining from voting. See pages_____.

B. Timothy McGinn - Re: Eddy Drive.

Commissioner McGinn stated that this road goes by the Pepsi Company and with the construction of the bypass is being heavily used. The main problem is due to the unusually heavy traffic of the construction trucks and they are exceeding the normal gravel road speed making it dangerous for county residents. Commissioner Zierlein stated that this road is also in the City limits. Commissioner Zierlein asked if it is proper for the County to post speed limit signs on city roads. Mr. Bryant stated that Eddy Drive is on the edge of the City limits and by New Mexico Statute, Eddy Drive is within the City limits and if the County is still maintaining it they should not, they should have the City maintain it. Mr. Portillo, County Road Superintendent, stated that there was a meeting regarding Eddy Drive with the City and the City refused to maintain it. The City Boundary is four feet off the edge of the pavement and that is why the County has continued to maintain it. Commissioner McGinn spoke with the Sheriff's Department and was informed that they could not issue any citations because there are no speed limit signs posted. Commissioner Zierlein feels that the County should draft a letter to the contractors to have their employees slow down. Commissioner McGinn stated that he rejects this suggestion because the contractors are under a deadline and they will not help. Mr. Bryant stated that the Commission should put up the 35 mile per hour speed limit signs and send a letter to the contractors. Commissioner McGinn made a motion to approve putting up speed limit signs and sending out letters to the contractors working on the bypass to try and slow down traffic on Eddy Drive. Commissioner Rardin seconded the motion. A vote was taken and the motion passed 2 – 1 with Commissioner Zierlein voting against.

VI. Awards/Certificates - Distribute Awards/Certificates to Otero County Employees for years of Service. The Commission presented certificates to employees who have 1,

5, 10, 15, 20 and 25 years of service with Otero County.

There being no further business before the Commission, the Chairman adjourned the meeting at 2:20 p.m.

Regular Meeting 12/29/00

APPROVED:

Chairman

ATTEST:

Mary D. Quintana
Otero County Clerk