



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
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## SANTA FE COUNTY

### BOARD OF COUNTY COMMISSIONERS

#### REGULAR MEETING

January 25, 2011

Virginia Vigil, Chair – District 2  
Liz Stefanics, Vice Chair – District 5  
Danny Mayfield – District 1  
Robert Anaya – District 3  
Kathy Holian – District 4

SFC CLERK RECORDED 03/10/2011

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**January 25, 2011**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:20 a.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance led by Jan Daniels and State Pledge led by Paula Sanchez, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner, Virginia Vigil, Chair  
Commissioner Liz Stefanics Vice Chair  
Commissioner Kathy Holian  
Commissioner Robert Anaya  
Commissioner Danny Mayfield

**Members Excused:**

[None]

**V. INVOCATION**

An invocation was given by John Michael Salazar from the Land Use Department.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**

CHAIR VIGIL: Ms. Miller are there any changes?

KATHERINE MILLER (County Manager): Madam Chair, there are a few changes to the agenda. First I'd like to go to item IX. A. Special Presentations, this we amended the agenda to move item A, which was previously somewhere else on the agenda further down and that's the acknowledgement and recognition of the paramedic students who

recently graduated. Then item D was also on the agenda but has been moved up. That's the Board reconvening as the as the Investment Board of Finance for a presentation of the County's investment portfolio and the Treasurer's investment plan. Then on item XI. C. Matters from the Commission, we added item C: NMAC Risk Awareness Program Award. Then under item XII items A and B those two items are tabled because we are not prepared for a presentation on that yet. And then item XIV. F. 2 and 3, Matters from the County Manager, item 2 was also on the agenda but we moved it from Matters from the County Attorney up to items from the Manager and then we added item 3 for discussion and approval of a budget adjustment. And, then, item XIV. G. Items from the County Attorney, G.1, that is tabled. Those are the changes to the agenda.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Thank you, Ms. Miller Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, Madam Chair, I would there are some staff here for the presentation and I'd like to move item XI. C. under IX. A. so it would become an A-1 or a new B.

CHAIR VIGIL: Very well. Are there any other requests?

COMMISSIONER HOLIAN: I move for approval of the agenda with amendments.

CHAIR VIGIL: I have a motion to approve the agenda with amendments.

COMMISSIONER STEFANICS: Second.

**The motion passed by unanimous [5-0] voice vote.**

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIR VIGIL: Are there any items on the Consent Calendar, Commissioner Stefanics, that you wish to hear?

COMMISSIONER STEFANICS: I don't believe so, thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Item number 8.

CHAIR VIGIL: Number 8. Commissioner Holian?

COMMISSIONER HOLIAN: None.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to move we pull them all off. Just kidding, just kidding, Madam Chair. I don't have any items.

CHAIR VIGIL: Okay, well can I have a motion on that?

COMMISSIONER STEFANICS: I move we accept the consent calendar as amended.

COMMISSIONER HOLIAN: Second.

The motion passed by unanimous [5-0] voice vote.

**XIII. CONSENT CALENDAR**

**A. Miscellaneous**

1. Resolution No. 2011-4. A Resolution Correcting Errors in Resolution No. 2010-239, a Resolution Rescinding Resolutions Nos. 1998-105, 1998-132, 2000-14, 2001-01, and 2001-46 and Creating the County Open Lands, Trails and Parks Advisory Committee (COLTPAC)(Community Services Department)
2. Resolution No. 2011-5. A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program (Community Services Department/Health and Human Services Division)
3. Resolution No. 201-6. A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Alcohol Detoxification Grant Program (Community Services Department/Health and Human Services Division)
4. Request Approval of Local DWI Distribution/Grant Application for Fiscal Year 2012 in the Amount of \$1,251,943 for the DWI Program and Its Related DWI Grant, Including the DWI Distribution Program Statement of Assurances with the New Mexico Department of Finance and Administration (Community Services Department/ Health and Human Services Division)
5. Request Approval of Application to Department of Finance and Administration for \$300,000 in DWI Alcohol Detoxification Funds to Provide Detox Services to Santa Fe County (Community Services Department/Health and Human Services Division)
6. Request Approval of Memorandum of Understanding Between Santa Fe County and the New Mexico Department of Finance and Administration for Fiscal Year 2012 for the DWI and Detox Programs to Submit with the Application for the DWI Grant and Distribution Program. (Community Services Department/Health and Human Services Division)
7. Request Approval of the New Mexico Department of Health (DOH) Assurances and Cooperative Agreement Between Santa Fe County and DOH for Fiscal Year 2012 for the DWI and Detox

**Programs to Submit with the Application. (Community Services Department/Health and Human Services Division)**

8. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2010 (Finance Division)

**ISOLATED FOR DISCUSSION**

9. Request Approval of Novation of the Cooperative Project Agreement with NMDOT Project Control No. L5050 for Road Improvements to CR 98 (Juan Medina Road) in the Amount of \$150,000 (Public Works Department)

**B. Budget Adjustments**

1. Resolution No. 2011-7. A Resolution Requesting an Increase to the General Fund (101) to Budget Cash for Landscaping at the Jacob D. Martinez Public Housing Neighborhood Complex / \$172,821 (Community Services Department/Housing Services)
2. Resolution No. 2011-8. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded Through the New Mexico Department of Transportation for the "Selective Traffic Enforcement (STEP)" Program / \$12,593 (County Sheriff's Office)
3. Resolution No. 2011-9. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Sub-Grant Awarded By the Department of Public Safety Through the New Mexico State Police for the 2011 Statewide Expanded Operations DWI (SEDWI) Agreement #11-SEDWI-SFSO the Purpose of Which is to Reimburse for Overtime Expenses Incurred By Sheriff's Deputies While Conducting DWI Warrant "Round-ups" /\$19,333 (County Sheriff's Office)
4. Resolution No. 2011-10. A Resolution Requesting an Increase to the General Fund (101) to Budget Revenue Received for Rental of the Sobering Center Building to Offset Expenses for Building Security Services / \$2,520 (County Manager's Office/Finance)
5. Resolution No. 2011-11. A Resolution Requesting an Increase to the Economic Development Fund (224) to Budget Program Proceeds Received By the Arts, Culture and Entertainment (ACE) Task Force/ \$600 (Growth Management Department/Economic Development)

**VIII. APPROVAL OF MINUTES**

- A. Approval of December 14, 2010 BCC Meeting

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the

minutes for the December 14, 2010 BCC meeting.

COMMISSIONER STEFANICS: I will second.

**The motion passed by majority vote with Chair Vigil, Commissioner Holian and Commissioner Stefanics voting in the affirmative and Commissioner Anaya and Commissioner Mayfield abstaining.**

**IX. SPECIAL PRESENTATIONS**

**A. Acknowledgement and Recognition of the Paramedic Students who recently graduated from the Santa Fe Community College Paramedic Program**

COMMISSIONER ANAYA: Madam Chair, it's exciting for me to have this privilege. I know all of us feel the same way on the Commission but I'd like to ask Mr. Chief Holden to come forward. I know there are several things that he's going to add relative to this very special program that we have in Santa Fe County. I'm going to let him go through that presentation and then I'll have some comments and ask the rest of the Commission to help me present some certificates to these valuable treasures we have at Santa Fe County and also some certificates to a couple of the instructors. Chief Holden.

CHIEF STAN HOLDEN: Madam Chair, Commissioners, thank you for this opportunity. If I could just give you a little bit of history. About seven years ago working in conjunction with the Northern New Mexico Fire Chiefs Council and the Santa Fe Community College we knew that we needed a paramedic program in our area of New Mexico. Because of the difficulty we had in recruiting and retaining paramedics to this area. Plus we also recognized that we needed to train our own and keep them home. And after several years we've been able to see the fruition of many years of work.

Initially it was very difficult working with Dr. McLaughlin who was the president of the Community College at the time to find an instructor capable of leading this type of program. And after almost a year's worth of looking nationally we found Eve Kwiatkowski who was then with the Pueblo Community College in Pueblo, Colorado. Eve, if you would just stand up so people can see who you are. She is a very humble individual but she works really, really hard. We had some difficulty finding an individual like Eve because it's a very difficult task putting together a paramedic program. She has not only put together a paramedic program for us, we now have one of the few nationally accredited paramedic programs in the country here at Santa Fe Community College. And, that is in large part due to Eve Kwiatkowski. So I'd like to recognize Eve for her contributions to the program thus far. Thank you, Eve. [Applause]

In most cases as there always is team is not a team of one: it takes many individuals and we have Dr. Julie Good who is the Dean of the program at the Community College who helps oversee our program and helps give us direction and keeps our program in mind when it comes to capitalized programs and getting legislative dollars into our program so that we can be

successful. So thank you, Dr. Good. We have our own Kimmet Holland who is our own Assistant Chief of Field Operations. Chief Holland serves as the chair of the EMS Advisory Committee a role that he took over from me almost six-and-a-half years ago and he has served extremely. Chief Holland if you would stand and be recognized.

And then of course the instructors of the program, people like Dave Huckabee. Dave is a retired paramedic from the City of Santa Fe who is the lead instructor for the program and has done an excellent job in leading the program. And then we have people from our own department like Captain Mike Mestas who is a lead instructor for the program and instructs in the paramedic program on our behalf as well.

After many years of trying and after many years of sending one or two Santa Fe County Fire Department individuals through the training program we have finally reached this point thanks in a large part to Project 48. Although it is not finished you are seeing some of the fruits of that labor of Project 48. We have these six individuals here today to be recognized for their huge accomplishment.

I think at that point, Madam Chair, Commissioner Anaya, I'll turn it back over to you so that you can have these individuals stand and be recognized since this was your thoughtfulness to bring these people forward and I appreciate it, Madam Chair.

CHAIR VIGIL: Thank you.

COMMISSIONER ANAYA: Madam Chair, Chief Holden, let's give Chief Holden first and foremost a round of applause for his work at Santa Fe County and also the president of the Northern Chiefs Council.

Madam Chair, I'm not doing this for myself. We're doing this because I have seen this Commission, probably Commissioner Mayfield and I coming onboard, acknowledge people for their good work and so this comes based on the lead this Commission has set in previous years. I'm proud to ask for some brief words – I'm going to put him on the spot but he did make some remarks at the Paramedics Academy – Mr. Nandino, if you could please come forward and say a few brief remarks about the program on behalf of your colleagues.

PEDRO NANDINO: This has been a very challenging endeavor for all of us involved. I know that we put a lot of effort into this and if it were not for the support of our department, the support of my classmates as well, and your support I know that none of us would be here right now. So, I would like to say thank you to the Commission for recognizing the accomplishments and the efforts that we put into this. And I would also like to thank the department once again for providing us with this opportunity.

We absolutely endeavor to provide the highest quality of care that we possibly can. Thank you. [Applause]

COMMISSIONER ANAYA: Thank you. My closing comment and I'm going to hand these certificates over to our esteemed Chair and let her read off the two lead instructors and the candidates. My closing comment is that when I got involved in the volunteer fire service in 1992 they handed me a radio, a two-way radio with a pager, because I was green and didn't know how to operate the thing early on I had the mike opened so I was hearing all of the calls in the entire Santa Fe County. And I stayed awake a long time before we figured out to

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turn it off and only page out our district. I truly understand what you do day in and day out and respect what you do day in and day out for the citizens of Santa Fe County. And, also congratulate your other colleagues from the City and the departments throughout northern New Mexico for their work so I'm going to hand these over to our Chair to read them out and then maybe we can pass them out, Madam Chair, and take a quick picture.

CHAIR VIGIL: Actually, if my colleagues would join me on the floor, we'll personally give them the certificate and be able to have the opportunity to shake each one of your hands. Please join me.

The following individuals were awarded certificates and photos were taken: Eve Kwiatkowski, Dave Huckabee, Steven Vogel, Jeffrey Matchison, Adam Quinn, Samantha Ramirez, Daniel Meyer and Pedro Nandino.

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR VIGIL: Please.

COMMISSIONER ANAYA: I would be remiss if I didn't acknowledge Mr. Adam Quinn was the valedictorian of the entire class. So, Adam, give a wave and let's give him a round of applause for that. And I'm also deeply proud and honored that my nephew Jeffrey Matchison was one of the graduates. Thank you, Jeff.

CHAIR VIGIL: Thank you, Commissioner Anaya, for bringing this forward.

## **XI. MATTERS FROM THE COMMISSION**

### **C. NMAC Risk Awareness program Award**

COMMISSIONER STEFANICS: Thank you, Madam Chair. I believe that there may be several people in the audience who are related to our Safety Committee. So when I call your name if you would come right up here and stand facing the audience and be put on the spot for a moment. We'll start with our County Manager Katherine Miller. Our County Attorney Steve Ross. Our Risk and Safety Director Jeff Trujillo. Our Fire Chief Assistant, Martin Vigil. Our Deputy Chief Fire Marshal alternate for the Safety Committee is Dave Sperling – I saw him her in the audience a minute ago. Now the people who are coming forward and the list is long so there's many more people. This is the Risk Awareness Program Safety Committee of the County.

Mark Lujan is a risk manager. Patrick Ortiz, risk management. John Sanchez, from Corrections. We need someone from the Assessor's office to get excited about this. ASD we have Ish Lovato. Please come up and move right over there, yes, please keep coming over. We have lots more people. The ASD alternate is Corky Ojinaga. From the Clerk's Office Richard Varela. The Clerk's alternate is Daniel Fresquez. The Community Services Department, Ron Sandoval. The Community Services Alternate, Shelley Dimas. Corrections Adult, Moises Gallegos. Corrections Adult alternate, Joey Garcia. Corrections Juvenile Detention, Eloy



Griego. Corrections Juvenile alternate, Gabriel Valencia. From Fire, Kimmet Holland. The alternate for Fire is Victoria DeVargas. Human Resources, Margie Romero. The HR alternate is Gisele Gonzales. Health, Marie Garcia. Health alternate, Steve Shepherd. Housing, Valerie Huerta-Giron. Housing alternate, Travis Schonrock. IT, Marlene Garcia, Bertram Keppel, and Sam Page. Land Use, Miguel Romero, Socorro Ojeda. Open Space, Scott Kaseman and Albert Lucero. Public Works, Joseph Martinez. Public Facilities, James Peterson and Phillip Montano. The RECC Mary Jangino and Nancy Calhoun. The Sheriff's Office, Lisa Dofflemyer and Judy Gurule. From Teen Court, Jennifer Romero and Sylvia Ortiz. And from the Treasurer's Office, Theresa Romero and LeRoy Catanach.

Now the reason I have called all of these people forward to recognize them, it was our pleasure at the New Mexico Association of Counties meeting to call forward with an award. And the award is the Risk Awareness Program Two-Year Award presented to Santa Fe County for successfully completing the Risk Awareness Program and reducing workers compensation claims by 14.6 percent. And it is this committee that deserves all of the credit so let's give them a big round of applause. [Applause] We know it might be boring at times but they really are helping the County very, very much.

[Photos were taken]

CHAIR VIGIL: Thank you employees for participating in a responsibility that is above and beyond but so necessary and an integral part of our operations. I thank you Commissioner Stefanics for bringing this forward.

**IX. B. Madrid Mining Landscape Plan of the New Mexico Abandoned Mine Land Program** [*Exhibit 1: NM Energy, Minerals and Natural Resource Dept Presentation*]

CHAIR VIGIL: Mr. Sabatini and I believe Robert, can you give me an approximate amount of time you will need for this presentation so that we can allocate it.

ROBERT GRIEGO (Planning Director): Madam Chair, they are requesting 15 minutes for the presentation and then time for questions.

CHAIR VIGIL: Okay, thank you very much.

MR. GRIEGO: Madam Chair, Commissioners, I just wanted to introduce the program manager for this his name is John Kretzmann. He's the program manager for the Abandoned Mine Land Program. I will also hand out the presentation. [*Exhibit 1*]

CHAIR VIGIL: Thank you very much. Please step forward Mr. Presenter. Are you Mr. Sabatini?

JOHN KRETZMANN: I'm John Kretzmann the program manager from the New Mexico Abandoned Mine Land Program.

CHAIR VIGIL: Thank you. Welcome, John. Please proceed.

MR. KRETZMANN: Thank you. I'd like to introduce the other people who are going to be presenting this morning. My colleague from Dekker Perich Sabatini, Ken Romig.

The program manager with the Abandoned Mine Land Program, Lloyd Moiola and a couple of people from Madrid, Lynn McLain and Steve Shepherd. There are other residents here from Madrid as well.

CHAIR VIGIL: Welcome. Is here from Madrid on this item? Please raise your hand so that we can acknowledge that you've arrived here for this purpose. Thank you.

MR. KRETZMANN: The New Mexico Abandoned Mine Land Program is a federally funded program within the Energy, Minerals and Natural Resources Department. In 1977 US Congress passed the Surface Mining Control and Reclamation Act which was the genesis of this program which started – which was set up in the state in 1981. Over the years we've done a lot of work in Madrid and in other coal fields and mining areas within the State of New Mexico.

The program has – still learning how to use this pointer, excuse me – the program has basically three mandates through the legislation that set this up. The first is to address the extreme hazards to public health and safety and the property caused by historic mining practices. The second priority is to address less than extreme hazards and the third mandate is to restore land and water resources that have been degraded by historic mining practices. About a year and a half ago the Abandoned Mine Land Program entered into a planning phase with the community of Madrid meeting with Madrid residents, holding conversations with them and holding three public meetings. With that I'm going to turn this over to Ken Romig who will talk about the planning effort in Madrid and what the findings and recommendations and projects that came to the surface out of that effort.

CHAIR VIGIL: Thank you. Welcome Ken.

KEN ROMIG: Thank you, Madam Chair and Commissioners. I appreciate the opportunity to speak to you. As John Kretzmann noted the AML has been in business for quite some time and in Madrid they have been involved since the 1980s correcting hazardous conditions such as open attics, subsidence issues and protecting the public basically from unsafe structures. The focus of this planning process was to address mineral mining issues holistically by developing a community-based plan that addresses the historic impact and secondary effects of past mineral mining and processing practices in Madrid.

It has three phases this project. Task one was documentation of existing conditions and that's complete. Task two was to conduct a planning process and that is also complete. We are currently right now writing the report in task three. The planning team is noted there, Dekker Perich Sabatini, Karpoff and Associates and Golder Associates. I'd like to move into our planning process and that's slide number four. This is the village of Madrid all the Gob piles which is coal waste piles. I might refer to Gob off the cuff because I am so used to doing it but if I do say Gob, it's coal waste piles. But they are all in gray in this exhibit. New Mexico 14 is in purple running north/south. And I'd like to draw your attention to the County-owned open space in green. Primarily it occupies the arroyo or bottomland of the village itself. There is also some auxiliary property on the mesa about 45 acres. But the arroyo property is important to the AML project.

Madrid is a unique community and they have invited us in and have been very nice

hosts to our planning team and the Abandoned Mine Land Program staff. As in any planning project there are, of course, some challenges. I'd like to draw your attention to two of them. The community plan with improvements on private property or the question is, how can we design a community based plan when nearly all the projects must be implemented on private land. The other challenge is the community consensus in an independent minded unincorporated community and the question we had to ask ourselves was how can create consensus on a plan in a community that values independent opinions and it has no official governing body. We developed a planning approach which developed multiple ways to participate and listening, including a website which you see at the bottom of the exhibits. We conducted email campaigns, individual interviews, and we've talked at length with specific Madrid groups. We also had to focus on substantial issues which were related to the priorities that AML articulated, that John Kretzmann articulated earlier. The priorities of correcting hazardous conditions and secondary effect of mineral mining and processing practices.

We found some significant community issues and concerns in our community based plan. First and foremost was water quality and supply. That has always been an issue in Madrid since the beginning of its history and there is only a portion of that which we can address. Stormwater and erosion which is very important to the community. Stormwater [inaudible] hurts public property, negatively affects private property and this is exacerbated by the Gob piles, the coal waste piles, which contribute to stormwater conditions. In addition, the stormwater brings sedimentation into historic structures, basements and homes and that sort of thing.

We heard from the community that the majority of them do not want Gob piles modified in any way. They are very proud of living in Madrid and their mining history. However, if a Gob pile or coal waste pile is negatively affecting private property then it is in fact suitable for modification or stabilization.

There were outstanding environmental questions as well. Primarily about the chemical composition of the coal waste piles. And Madrid, bar none, asked that we concentrate on the quality of life issues. Improve the quality of life for Madrid. AML opportunities and constraints – in the interest of time I might move forward.

Environmental findings, the physiographic characteristics of Madrid arroyo releases rapid accumulation of stormwater and the degradation of the arroyo property itself which has been modified due to mining practices, past mining practices. It's been filled in basically. The Gob piles are chemically benign. They do not contribute significantly to mineral or metal content in the soil nor do they contribute as a drainage as you would find in other states. Fugitive dust, there are some residents concerned with fugitive dust whether it will contribute to a black hole sort of thing. We did some research on this and found that coal particulates will not cause black lung – excuse me, did I say black hole? It will not cause black lung disease. It might exacerbate existing chronic conditions such as asthma, respiratory conditions, any dust. We know that dust is always a factor in New Mexico.

Additionally, we found that there is no connection between past mining practices and current water issues. That research is still to be done.

Community findings, we found that the civic groups provide Madrid a loose and effective governance structure and we've been working with them hand-in-hand. The civic groups can take a leadership role in implementing these community projects. And, the County may be an important partner in the project implementation.

We did come up with two projects. The community project number one, the east slope catchment project and community project number two, arroyo restoration. Community project number one the east slope catchment project, the project goals -- we wanted to restore watershed health by the east slope catchment. The east slope of Madrid has been disturbed pretty significantly by mining activity. We want to stabilize the slopes and infiltrate water, capture and convey water through the village so it causes less harm to private property. And detain and reuse water within the arroyo zone. We were asked to use low impact development techniques on the holes, reuse water for community food source development. Right now Madrid has the Madrid Cultural Projects Civic Group maintains a community garden and shares that food amongst the community. And, to improve village vehicular roadways for emergency access, stormwater and sediment control. Currently when it rains sediments and water keeps emergency vehicles from accessing homes. The next project is the arroyo restoration project. We would like to restore the hydrologic function of the arroyo by actively reconstructing the arroyo meander. If you've seen the -- it has been filled in with mostly coal waste and disturbed pretty significantly to allow the railroad grade to go through. We hope to lengthen the channel and create high flow channels and in the meantime create recreational trails for the community. Installing interpretational elements are important because of the fact that Madrid is within a historic district so we would put together a signage program, perhaps, to illustrate the history of Madrid. We would detain and reuse water for community food source development and maintain a wildlife corridor.

We are currently in month three of a three-year process. You can see that AML is currently hiring engineers to conduct drainage analyses, mapping and geotechnical studies. The planning team plans to support the AML efforts with continued community outreach and communication strategies. And, AML has invested \$1 million in profession services and will invest \$3 million in construction. AML is constrained by the one-time nature of its funding, however, AML can install projects but is not organizationally built to maintain utilities on a long-term basis. So AML has an opportunity to partner with organizations with complementary public service missions and reliable income streams and operations and maintenance budgets.

At this point I would like to turn over the microphone to Lynn McLain and Steve Shepherd who would like to say something in support of this project.

CHAIR VIGIL: Thank you. Please state your name for the record.

LYNN McLAIN: I'm Lynn McLain and I am happy to be here. I'm also a member of all the civic organizations listed except for the fire department. I'm currently the Madrid Landowners treasurer and I am on the water board. As you well know, the County of Santa Fe is a stakeholder in Madrid with the open space greenbelt going through town and we look forward to even more partnerships particularly since our beautiful new grandstand is almost complete at the Oscar Huber Memorial Ballpark. Since that is owned by Santa Fe

County I hope you all recognize what stakeholders you are in Madrid and wonderful partners we hope to work with. So we ask for your support on this wonderful project also – we were actually able to get a consensus from the residents for what they are proposing.

CHAIR VIGIL: Thank you, Lynn. Please state your name.

STEVE SHEPHERD: Steve Shepherd. I was here a couple of weeks ago so I won't go through all of that. I want to say two things: This really was a grassroots approach. They came in with a blank piece of paper and asked members of the community individually in small groups and in large meetings what is it that we can do for you. And then they took all of that information and then went to their superiors and said how much of this actually fits within the boundaries of what they can do. So they did an excellent job of integrating the community into.

From a Fire Department standpoint, the projects that they have come forward with are really important. There are homes on the east side of town that in essence we can't defend because of the erosion that cuts across the roads and we can't get equipment up to the houses. So these projects will definitely improve our ability to provide emergency services to the residents of Madrid. Thank you.

CHAIR VIGIL: Thank you, Mr. Shepherd.

MR. ROMIG: Thank you very much. Just a couple of more words. We've been working at length with the planning department, Robert Griego and Duncan Sill. And we have been working with the Open Space Trails Program of the County with Colleen Baker and Beth Mills. We would appreciate the opportunity to approach and continue to work with the County's Public Works Department as well as the Technical Review Committee as designs go through to comply with the County ordinances.

AML would like to establish an active partnership with the County of Santa Fe and we'd like your support to approach these agencies, the Public Works and Technical Review Committee. And, perhaps, even request a letter of support for the plan to include in the plan as it gets finalized.

CHAIR VIGIL: Fine, thank you very much for the your presentation. Questions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would recommend that before this project goes forward to the different departments here that there be some review of any financial or legal requirements that would need to be addressed. So it might mean meeting – and I would leave this to the County Manager to determine – but it might mean meeting with a representative of the County, passing it through the County Manager's office and then forwarding it to other departments as appropriate.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the comments of Commissioner Stefanics and was going to echo that there be a coordination through the Manager's office. I applaud the group on their work. The work of staff also, Mr. Griego and our staff that has been working with open space. I look forward to learning more about the project and getting more engaged myself. But as Commissioner Stefanics stated I also look

forward to making sure we understand what our future obligations could potentially be given the current circumstances of our financial status. But I do appreciate your work and thank you especially for your coordination with the community of Madrid.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you John and Ken for your interesting presentation. I want to thank Lynn and Steve for your comments from the community. I really liked to hear what you had to say.

Just a couple of questions came to mind when I was listening to your presentation. One you mentioned that almost all the restoration is on private land; are there a patchwork of owners of that private land or is there one major owner?

MR. ROMIG: In the first project we noted, the east slope catchment project, there are multiple owners that will have to be talked to and addressed. We will have to work out the details of how we enter their property and how we improve upon their property. That is certainly something that needs to be overcome. The County is the primary landowner, however, for the second project that we noted, the arroyo restoration project. There are many landowners along the length that we have talked to and approached and so far we have heard nothing but support. We have amazingly achieved consensus.

COMMISSIONER HOLIAN: That's good to hear. And, I also wanted to commend you on your arroyo restoration project to control erosion, that really is key, I always think. And, you had mentioned that you are trying to use the stormwater for some agricultural irrigation; correct?

MR. ROMIG: Yes. Madrid because of its water conditions would like to use whatever stormwater it can harvest off of paved surfaces, roads, and even off the surface of the earth – the ground, for reuse in agricultural purposes. And there might be series of let's say community gardens along the length of the arroyo. There's also the opportunity to utilize stormwater to feed the plants that might support animal habitat. So that's one of the community priorities that we hope to honor.

COMMISSIONER HOLIAN: And my question is, has anybody done any testing of the stormwater to see if there are significant contaminants in it like mercury or anything like that?

MR. ROMIG: In fact, yes. We recently took about I believe 18 samples and ran it through various tests primarily about utilizing rainwater. Replicating the effects of rainwater on coal waste and we did not find elevated metals or significant acids. So we feel at this point the coal waste piles are benign. Of course there are a significant depth of coal waste piles there but we at this point that there is no danger.

COMMISSIONER HOLIAN: That's good to hear. Thank you, Ken.

CHAIR VIGIL: Thank you very much gentlemen for your presentation. Thank you to staff and thank you for the work that you have put into this. I'm hearing that there's a vetted process that we're requesting at this point in time, and that be that a connection be made with our County Manager for her to vet the next process and the next step with regard to this and perhaps make recommendation to this Board. I appreciate the time you put into this and

appreciate you being here.

Yes, did you want to add to that?

COMMISSIONER STEFANICS: I just wanted to thank all the residents of the community for coming for this presentation as well, thank you.

CHAIR VIGIL: Thank you.

**IX. C. Presentation regarding Ordinance No. 2009-11, An Ordinance to Prohibit Excessive, Unnecessary and Unreasonable Noise and Public Nuisances**

CHAIR VIGIL: Robert, I will just tell you based on a public hearing that we had last Land Use meeting we were very well informed about the issue regarding the Noise Ordinance and the lack of apparatus that the Sheriff's Office has. With regard to that, I think there has been some information exchanged that that is a critical issue. We're aware of that and I'm hoping that your presentation really gives us – through the ordinance itself.

SHERIFF ROBERT GARCIA: We're not being able to enforce this ordinance as it is because of the apparatus that we need to meter it. They have to be calibrated meters and be able to provide a printout in case we enforce the ordinance.

CHAIR VIGIL: Right.

SHERIFF GARCIA: In the meantime we're able to enforce state statute without the ordinance. If we go out for a loud noise or of amplified music, for example, we're able to file under state statute for disturbing the peace under the disorderly conduct stats. Until meters are in place then we'll be able to enforce the County ordinance.

I came here today because I understood that you had questions about –

CHAIR VIGIL: Robert, I really appreciate you being here. I think Commissioner Anaya you had some first and then I'll go to Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair, Sheriff, thank you for being here today. We did have some conversations in our previous land use here and so I would just follow up with what the Chair said, and I asked a question in one of the hearings that was specifically to the equipment and we do have equipment housed in the Land Use Office, Madam Chair, Sheriff, but it's my understanding that it doesn't meet those calibration requirements; is that correct?

SHERIFF GARCIA: I understand that they have one meter but it's not – I don't know how old the meter is but it has to be calibrated and I understand that it cannot be calibrated. On top of that, you also require training to be able to go out with the equipment.

COMMISSIONER ANAYA: Madam Chair, Sheriff thank you for that. Madam Chair, Ms. Miller I would just ask that we between the three entities, Sheriffs, Land Use and yourself look at the costs associated with that equipment. One of the things that I brought up at the hearing was as we have ordinances that we put forth, even reviewing old ones that maybe didn't have anything to do with anybody sitting up here at the bench, that we're able to adequately carry those forward.



Madam Chair, Sheriff I would just ask do any come to mind other than this ordinance, any other ordinances that we might have that we have enforcement issues because of equipment or otherwise and if you don't have any off the top of your head, I think that that might be something that we all look at to see what ordinances we put into place and whether or not barriers in place either on our end or on your end for implementing them.

SHERIFF GARCIA: Madam Chair, Commissioner Anaya, right now I can't think of any right off. But the one thing that we do have to do is understand that if we pass an ordinance we're not repeating ourselves with state statutes that we now enforce. We enforce state statutes an the Sheriff's Office unlike a municipality, so we need to make sure – and this case is an example, if a deputy responds and find that they are disturbing the peace, we are able to enforce that. So here we have an ordinance with regards to decibel measurements so I just need to make sure that we don't repeat ourselves with regards to implementing laws that are already on the books.

COMMISSIONER ANAYA: Madam Chair, thank you and I appreciate the Sheriff's presence and working with us through these issues.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you and thank you very much for coming here. One of the reasons that we do enact ordinances though is because we get complaints and requests from the community and we don't usually just pass an ordinance the first time around. We hear the complaint repeatedly or we hear a serious issue underlying it. So, I do recognize that it has to be hand-in-hand with your training, your budget, etc. So in terms of the noise ordinance way before the Madrid Mineshaft Tavern issue came up. We dealt with the Santa Fe Brewing Company which is taking a little rest right now. But we have some other outside venues as well. The rodeo grounds, we get complaints from neighbors down in that area as well.

So I understand that training and equipment might be an issue so perhaps when you come forward with your budget request for FY12 we can make sure that that's included. I recently was contacted by one of the local newspapers about the budget specifically for the Sheriff's Department and I indicated that you would have the opportunity as we go through the next year to make your budget request and that while we, in fact, approve or trim or work with you on that, that is up to you to implement. So, I know that there might be some burdens that come down the way but maybe when we pass ordinances then we could work on implementation dates in the future that could accommodate the budget and the training that goes along with it so that we're appreciative of your workload but we can respond to our constituents. Because this happened – I mean, the issues around this came from all over the County it wasn't just one area. I think we had to respond in some way. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions? Robert, thank you so much. We really appreciate what you do and please our sheriffs know that we appreciate all that they do in regards to this issue.

SHERIFF GARCIA: Thank you.



CHAIR VIGIL: We're going to need a motion to go into the Board of Finance.  
COMMISSIONER STEFANICS: Madam Chair, I move that the Board of County Commissioners temporarily adjourn and reconvene as the Santa Fe County Board of Finance.

COMMISSIONER HOLIAN: Second.

**The motion passed by unanimous [5-0] voice vote.**

**IX. D. SANTA FE COUNTY BOARD OF FINANCE**

**1. Presentation of the County's Investment Portfolio**

**2. Presentation of the Treasurer's Investment Plan**

*[Exhibit 2: Treasurer's Portfolio Report; Exhibit 3: Santa Fe County Investment Plan & Policy]*

CHAIR VIGIL: Victor, please step forward and thank you for being with us today and we look forward to your presentation.

VICTOR MONTOYA (County Treasurer): Good afternoon, Commissioners. I guess Theresa Romero is passing out my presentation [*Exhibits 2 and 3*] and I realize that I did not make it available sooner to you and I apologize for that. However, it's pretty hard to put these numbers together and sometimes, you know, it takes awhile to get everything and make sure everything is correct.

Today I'd like to start by thanking Theresa Romero who helps me and she is my primary assistant when it comes to putting this information together. We've handed out two documents. One is my presentation and the other is our portfolio. So I'll start by letting you know that in compliance with Santa Fe County's investment policy resolution number 2007-102, as amended, this memorandum is submitted to give the County Board of Finance a status report of the County's investments and to present the County Treasurer's investment plan for the foreseeable future. Now, I have attached a copy of what our investments consist of and not only that but what our actual cash balances were on December 31, 2010. The portfolio report primarily shows the principal investment amount, the effective annual interest rate on the yield, the term and maturity date and how we receive the income from the investment.

The County's total portfolio on December 31<sup>st</sup> was approximately \$258,997,430 and change. That doesn't take into account any outstanding expenditures or encumbrances. It's just a snapshot in time. In terms of the County's investments we have not suffered any losses to date as we don't invest in equities, collateralized mortgage obligations, or mortgage based securities and other sub-prime lending instruments.

The County Treasurer recommended approval for the following four banks to be designated financial depository institutions and were subsequently approved by the county's Board of Finance. The reason I'm bringing this up is that we have two new Commissioners and they may not know what the process is regarding the creation or the process for creating the

financial depository institution. That primarily deals with any bank that would like to have funds in excess of \$250,000 they need to come before the Commission and make a presentation and submit an application and give us some sort of an idea as to how much money they would like to have from the County to invest. So I'll start out by talking about our custody bank which is Los Alamos National Bank since 2005 and just to show you a little bit of what is happening in the interim, on December 31<sup>st</sup> we had \$59,333,540 invested in CDs and savings accounts at LANB. These are fully collateralized at 102 percent by irrevocable letters of credit from the Federal Home Loan Bank in Dallas and by pledged government agencies. The cash balance in the account by December 31<sup>st</sup> was \$60,755,695 and that was after we had made the distribution to the County of Santa Fe's [inaudible] at the end of December. So kind of the net cash balance sort of speak.

LANB was approved as our custody bank effective March 30 of 2010. The months of April, May and June were devoted to planning and executing the transition from First Community Bank to Los Alamos National Bank. First Community Bank was our previous custody bank and there we have currently a \$20 million CD and this CD is collateralized at 102 percent and will mature July 7<sup>th</sup> of this year. The third bank to receive the designation of financial depository is Wells Fargo and what we do here is that we use this bank to invest in brokered CDs. Wells Fargo shops banks and their rate throughout the country and provides us with yields, maturity dates, and interest payments. Currently we have approximately \$2.566 million in these types of investments. The yields range from 1.35 percent to 4.25 percent. In October 2008, the federal government's bailout increased FDIC insurance to \$250,000 so that was recently extended through December 2013.

First National Bank was the fourth bank to receive the status of financial depository institution. The County had invested \$5 million with that bank, however, it had a yield of 1.7 percent, however, due to federal regulators concern with banks having too much this investment was rescinded by the bank and the principal and interest was returned to the County. Currently no funds are invested with First National at this time and you know they actually returned money and paid us the interest through the date that we had invested for. So we made money off of that investment but you know it's really hard to place funds nowadays so I just wanted to give you a little background there.

Now, the next time on here – oh, I think I'll stop here and just go over the portfolio for a short period. Starting on page one in the Treasurer's portfolio you'll see what we have in the local community here with credit unions, First Community Bank, Community Bank, Ironstone Bank, Charter Bank and that total is \$21 million with the bulk of it being the CD over at First Community Bank. The next items is of course Wells Fargo and following by Los Alamos National Bank and that investment well the subtotal for those three categories is \$83.496 million and change. And the next item of the portfolio deals with government agencies, treasury bills, and that type of investments. So starting on page 3, you will look – I put all of our brokers that we deal with on the next pages. We start with LF financial, mutual securities, Morgan Keegan, and then our newest one is Charles Schwab and Company and the Bank of Albuquerque. And if you will note the items highlighted in yellow are all new investments that

we made. The items here under Charles Schwab are all treasury bills and they have various dates of maturity. So they start somewhere around three months and they go up to the end of the year. And on this particular category between all of the brokers and Charles Schwab we have \$113 million on that page. Okay?

Going back to the written report on page 2, you have the State Treasurer's Local Government Investment Pool. I just want to point out here that the County's investments in the local government investment pool are not collateralized or secured by the State Treasurer. Now we have some exposure to losses caused by the State Treasurer's investments in the reserve primary fund. In January 2009, I received a notification from the State Treasurer that the LGIP investment in the Reserve Primary Fund had broke the buck as a result of the Lehman Brothers bankruptcy. All LGIP shares in the Reserve Primary Fund were frozen until funding liquidation could begin. At that time we had quite a bit of money at the State Treasurer's office. I had basically close to one-third of all of our funds were at the Treasurer's office and that's part of the asset allocation. Well, they wound up tying up over \$1 million of our money because of that and so by June 2 of 2009, the State Treasurer's office informed us that they were participating in lawsuits against Reserve Primary Bank. As of April – as of December 31, 2010 the LGIP reserve contingency fund holds still, we recovered most of the money but they still hold \$271,864,21 of our funds that probably we will lose. The last release of the contingency funds by the State Treasurer amounted to \$84,198.81 so that would mean that the County will probably lose the \$271,864.21 referenced above. The current balance at the LGIP on December 31<sup>st</sup> was approximately \$1,646,162 and change. We will be moving that amount from the LGIP to our custody bank in the near future. We will leave approximately \$711.21 in the accounts at the State Treasurer's LGIP and the reason that we're doing that is just in case we ever get any of that money that they're holding, if we get any further distributions we'll know where it belongs.

And, if you refer back to my portfolio on page 4, you will see what we have at the local government investment pool. It's broken down in detail and I tried to let you know how much by account and if you'll notice the majority of this money is all bond proceeds that we're invested with the State Treasurer.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I just want to clarify. Thank you very much.

On page five of your portfolio so that's not accurate, the date, the 12/30/2010 for the local government pool?

MR. MONTOYA: Yes – pardon me, I didn't hear you.

COMMISSIONER STEFANICS: We haven't taken out our money yet.

MR. MONTOYA: No.

COMMISSIONER STEFANICS: Okay, so I was just pointing out that the date that is on here for the balance is not correct. It says \$711 left but we haven't transferred that money.

MR. MONTOYA: Right and I stated that earlier that I would be moving it in the near future and that will leave \$700 and some dollars.

REC CLERK RECORDED 03/18/2011

COMMISSIONER STEFANICS: Okay, well I just wanted it to be clarified since it's going into the record.

MR. MONTOYA: Oh, okay.

COMMISSIONER STEFANICS: Thank you, very much.

MR. MONTOYA: Okay, then going back to now my investment plan for the near future and my primary objective as the treasurer is to insure the County's portfolio contains safe, liquid and diversified investments while earning a market rate of interest on all funds that are not immediately required to meet the County's cash flow needs. Basically my plan is to diversify the portfolio and invest in all the permitted authorized in the policy as follows, and those are interest bearing accounts held at our custody bank, certificates of deposits insured by the FDIC with limits up to \$250,000 or collateralized at 102 percent for anything over \$250,000, government agencies, bonds, well they are bonds but they're referred to as government agencies, treasury bills or other debt securities issued by and backed by the full faith and credit of the US. These investments are fully collateralized as provided for in our investment policy.

The Treasurer's plan for the near future is continue to look for investments that benefit our local economy here in Santa Fe County and that hopefully, you know, will assist banks and credit unions with the ability to provide mortgage loans, auto loans and construction financing to our county constituents. However, at present this has proved to be difficult with federal regulators monitoring banks that have too much capital on their books. So, as a result, by December 1<sup>st</sup> LANB notified me that that effective on December 1<sup>st</sup> the highest yield that they would pay on CDs or savings accounts would be .01 percent. And, additionally, they wanted us to move our CDs and savings to a Charles Schwab account to lower their capital balances to comply with federal regulator mandates.

Now, they have been very helpful to me because they helped me set up the accounts at Charles Schwab and they actually sponsor our investment over there. They let us use their primary account there. And they have also provided one of their trust officers to help me in setting up the accounts over there and we have, you know, good access. We know exactly how much money we have over there and when it's going to mature. They notify us in advance when a bond is being called and so we have a really good rapport and a lot of help from Los Alamos National Bank.

CHAIR VIGIL: I have a question from the Commission on that point.  
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Treasurer thank you for being here and your presentation. I think on that point I appreciate the fact that you noted it in your implementation plan and just looking at those investments it looks like we're probably over \$15 million is going to fall under that category of being reduced to that .01 percent. I believe and I respect your work and the work of the committee that the Chair on, but I think we should shop around and make sure that we're increasing that dividend. I respect that they're working with us and have been cooperative in providing their services but I also know that as an individual we shop around to make sure that we try to maximize our investment. And .01 percent at –

that's one area that I know you'll address it as a concern and I appreciate that. And I would just ask that we carefully review that and as necessary shop around to maximize our investment keeping in mind that we have a range of investments to maintain security and safety but .01 is pretty low, Madam Chair.

MR. MONTOYA: And that is the reason why we transferred all of these accounts over to Charles Schwab because we're earning a lot more than .01 over there. I guess what I didn't make clear and maybe I hope I can qualify it – the .01 is what LANB is paying. The reason for that is that is because, as they told me before, you know, we've done really well in the past and I still have some investments which show up on page 2 of the portfolio and you will see the yields that we are getting there that some are as high as 3.85 percent and some are as low as .01 percent. But, for example, the [inaudible] guaranteed sitting over there at LANB we're currently getting 2.5 percent on that and we're able to utilize that money right away. But what I'm talking about when I say .01 percent those are the savings accounts that I had there previously. So up through November it wasn't too bad but starting December 1<sup>st</sup> is when those yields had come down and just to give you an example the State Treasurer has gone to the point where they are doing the same kind of investing that I was doing and that's putting it in the bank but they're placing a lot more funds with banks throughout the state and so that's why I can't get the kind of yield – they're getting up to .25 percent on the investments that they have placed in banks and we're talking, you know, our total portfolio is about \$250 million but that's just – well, they put in like almost half of billion dollars in the banks throughout the state and they're very liquid now because they're afraid – or they're concerned, they're not afraid – but they're concerned that they do not want to have another investment like the Reserve Primary Fund because it didn't just affect Santa Fe County it affected the entire state and all the pool participants at that time.

So, yes, we're constantly striving to look for better yields. I don't like .01 percent myself especially after, you know, we're just not making any money and they're using our money and that's why they're down to \$59 million in those type of investments. As they mature we'll probably be – and that's what I planned to say in my report – but –

CHAIR VIGIL: I might just add to that, Commissioner Anaya, for your benefit and for Commissioner Mayfield. The Investment Committee which is comprised of the Treasurer, the County Manager, the Chair, the Finance Director, we have community input and community assistance in that, and does review this and meets on a monthly basis with regard with where our assets are, what the returns are and creates an advisory support system to the Treasurer's office with regard to looking and moving those investments. So that's a pretty active engagement through that investment committee.

I also would like to invite both of you to participate in those investment committee meetings because it's very involved, it's very intricate and highly technical so all of those of you who would like to come and visit with the investment committee I invite you to join us.

Victor, are we ready to wrap up here?

MR. MONTOYA: Yes, the only thing I wanted to say is that going forward we expect an increase of the category at Charles Schwab even more due to the federal regulator's

concern with the banks that are over capitalized. And, I just want to say that our County's investments are laddered to meet our cash flow needs as estimated by me in anticipation of when various projects might draw-down funds as they near completion.

I do want to stress that it is highly probable that higher yields might be obtained with a good cash flow analysis received in a timely basis from the parties involved. And, you know, yields are also dependent on how long I can invest the money for and so right now I'm investing and I have a plan for the worst and make sure that there's money available whenever we need it. And to do a better job of that I really need a good cash flow analysis on a timely basis.

CHAIR VIGIL: Victor, I have some questions. We'll go to Commissioner Mayfield and then to Commissioner Stefanics.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you Treasurer Montoya for the report. Two quick questions, Mr. Montoya. The \$5 million that was moved from First National Bank on simple interest earning CD that you had; where was that money moved to?

MR. MONTOYA: It's just you know invested in other investments. It could have been put into a government agency or it could have been invested with LANB after we got it three or four months ago.

COMMISSIONER MAYFIELD: So you don't have it in one lump sum?

MR. MONTOYA: No.

COMMISSIONER MAYFIELD: Thank you. And the second question as far as a third-party administrator that you're using for the County and investment counsel are they on a fee basis or a percentage basis?

MR. MONTOYA: Who is this?

COMMISSIONER MAYFIELD: Let's say Charles Schwab for example.

MR. MONTOYA: No, actually the bank is providing that to me at no charge. What they're also providing and where we're saying money is the safekeeping of all of those government agencies or bonds or T-bills, the safekeeping is at Charles Schwab. So the bank is still providing collateral on that money but the safekeeping is done over at Charles Schwab so we're saving money because the bank was previously charging us for safekeeping the assets now they're just sitting over at Charles Schwab and we're not paying for that.

COMMISSIONER MAYFIELD: Thank you. So we have no third-party that are receiving any finder fees for doing this business with the County.

MR. MONTOYA: They charge a fee to wire money to me or wire money from us to wire money to them and if I buy a government agency from Charles Schwab they have a fee of \$250 and that's it. So there's no other – but all brokers charge a fee for the purchase of the bond or to sell it and that's the other thing I just wanted to mention to you all. Even though the value of the bond may go down on paper, we are really a buy and hold investment so we hold until the bond is called or until it matures and we get 100 percent of what we paid for it.

So if we pay a million for a bond we get that amount even though on paper it might drop down to \$975,000, if I wanted to sell it today or if the County was short of cash and we needed to react quickly and yes, we could lose \$25,000. But that doesn't happen because we

buy and hold.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you, Treasurer Montoya for the work that you and all your staff do for our County.

CHAIR VIGIL: Let me just inform members of the audience that we're probably going to finish up with this particular agenda item. I'll take a poll from the audience from those who want to address us under Matters from the Public and then we probably will not get to Matters from the Commission until after lunch. So if anyone is waiting for any items under Matters from the Commission, I would suggest that you check in and come back perhaps around 2:25. That might be a good time to check in with us under those items. I don't want you waiting through here and then dismissed for lunch and then knowing you have to come back. I think that's the way we'll proceed unless I hear any objections.

COMMISSIONER ANAYA: Madam Chair, I think if what I heard was Matters of Public Concern would come forth because I know we had some community members that wanted to say a couple words from various communities, about six of you out there. If there allowed to do that I think that would be great.

CHAIR VIGIL: I think that's the way we'll proceed. We'll allocate some time for these folks so that we'll know that approximately 2:15, 2:30 we might be able to reconvene. So I have further questions for you, Victor, not knowing that this item was going to take so long. Commissioner Stefanics.

MR. MONTOYA: Madam Chair, I just want to say that concludes my portion of the presentation and thank you for your kind attention and I make myself available for questions.

CHAIR VIGIL: Actually, we've already proceeded. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and thank you very much for the continued work. Now, I want to clarify that the Finance Director and the County Manager sit on the Investment Committee, correct?

MR. MONTOYA: That's correct.

COMMISSIONER STEFANICS: Okay, so I'm reacting to the comment on page 4 of your report about the cash flow. I would have assumed, and the County Manager stepped out but I see Teresa in the back, I would have assumed we would have done a cash flow chart that would assist you on a quarterly basis or something.

MR. MONTOYA: Well, it might be presented to you guys, to the Commission, Madam Chair, Commissioner Stefanics, but –

COMMISSIONER STEFANICS: But you're not –

MR. MONTOYA: I'm not involved in it.

COMMISSIONER STEFANICS: Well, I'm wondering, and maybe Penny, you could forward this comment to the County Manager and Teresa, maybe that could be a more organized effort, at least quarterly so that there could be some planning as to maturity of the investments comes up. That's all. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Victor, for



your presentation and I really wanted to say how much I appreciate your conservative investment philosophy. It helps me sleep at night.

MR. MONTOYA: Me too.

COMMISSIONER HOLIAN: I wanted to ask about the Charles Schwab accounts. You mentioned that they can consist of government agencies, bonds, that is. Now, could some of those be muni bonds? Or would they all be from the federal government?

MR. MONTOYA: Well, I guess what I would probably get clarification from legal counsel that munis are something that I could buy. And the other thing that I'm concerned about is munis have been in the media lately and I'm concerned that unless they're very, very highly rated I do not think that I would want to make or recommend that kind of an investment to the investment committee. Unless we were buying our own.

COMMISSIONER HOLIAN: Well, in fact that's why I asked, because I'm concerned as well from reading that report.

MR. MONTOYA: To date we've not bought anything like municipal bonds and I don't anticipate purchasing any of those unless there's some sort of a guarantee beyond whatever the rating agencies give them.

COMMISSIONER HOLIAN: Thank you, Victor. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Are there any other questions? Victor, when is the next Investment Committee meeting? Do you have a date on that?

MR. MONTOYA: Well, normally it would have been now in January, but the next one will be in February and it's usually the third Thursday of the month.

CHAIR VIGIL: Okay.

MR. MONTOYA: And it's at 2:00 in the afternoon. And we usually meet up here in the Legal Conference Room.

CHAIR VIGIL: Okay. And when will the next report be made to us as the Board of Finance?

MR. MONTOYA: That would probably after the quarter ending March 31<sup>st</sup>, so I would imagine it would be the last meeting in April.

CHAIR VIGIL: Okay. Thank you very much for preparing and presenting this report. Really appreciate it, Victor.

MR. MONTOYA: Thank you all.

CHAIR VIGIL: I need a motion to come out of –

COMMISSIONER HOLIAN: I move that we recess as the Board of Finance and reconvene as the Board of County Commissioners.

COMMISSIONER MAYFIELD: Second.

**The motion passed by unanimous [5-0] voice vote.**



**X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS**

CHAIR VIGIL: I understand there are members of the audience that want to address us. Could I just have a show of hands of who that is? Seven. Are you all here on the same item? If you're here for an item that will be under Matters of Concern, and that's the resolution on the film initiative, the resolution on the driver's licenses, those will be heard separately. So with that matter, we'll be hearing those after lunch. Matters of Public Concern are for matters that are not on the agenda. So I assume that might be you, Rita, and you, Mayor. I'll start with you.

UNIDENTIFIED SPEAKER: Can members of the public speak to Matters  
[inaudible]

CHAIR VIGIL: Are you wanting to speak on one of the resolutions? That we won't be hearing until after lunch?

UNIDENTIFIED SPEAKER: Will we be able to speak to it then?

CHAIR VIGIL: Most definitely. Let's proceed with those Matters from the Public. Mr. Mayor. Welcome so much. We appreciate you taking the drive.

BOB STEARLEY: Madam Chair, thank you very much for that welcome and the introduction this morning, and Commissioners. I come today to thank the Commission for being great partners with the Town of Edgewood. Eleven years ago we incorporated the Town of Edgewood and one of our residents, Chief Holden, who I don't see back there anymore, came to us and said that well, gee, if you incorporate, why then the County would no longer receive the quarter cent tax for fire and EMS. You should do something about that. So the Town of Edgewood did impose a quarter cent gross receipts tax to replace the tax that you otherwise would have lost at the County, and to this day we're still providing that fund and it amounts to about \$250,000 to \$300,000 a year. So it's a substantial amount.

Of course we have an MOU, a legal document of course which provides for that. Thank you for providing us fire and EMS services to the Town of Edgewood. Also, again, in 2008 Chief Holden came forward again when we were negotiating an agreement, an MOU for dispatch of our police officers. So we now have an MOU with you for the RECC, the Regional Communications Center, for dispatching our officers. It's working very well. So now our officers work closely with your Sheriff's Deputies to provide public safety in southern New Mexico.

So we also of course have worked together with animal control. Our officers and your officers work together and those little animals go across the street [inaudible] go from dispatch to dispatch.

Another MOU we have with you is for our sewer system. Several years ago we decided that we needed a sewer system for economic development. And next thing you know Walmart says, well, they'd be interested in coming and so they did come, and we increased our gross receipts taxes by 60 percent. So it was a stimulus for economic development for the Town of Edgewood and you were partners with us in the sewer and we appreciate that.

We also partner with the library which opened two years ago. It averages 1500 visitors a

month. For a population of maybe 4,500, why 1,500 is a lot of people. We do have 12 computers and two full-time paid librarians. We've also partnered with you in a summer youth program, although this year I don't think we're going to have the money to have that summer youth program. Very sad. Our director also got a full-time job so I think we lost her.

There in 2007, 2008, the Town of Edgewood hosted a series of meetings concerning a regional animal shelter, so staff from the County and Bernalillo County and Taos County and the Town of Moriarty and Estancia, we met every month for over a year. Must have been a year and a half. And as a result the town was able to acquire some land. It's just across the street east from your planned fire station, there on 344. So we have land available. We also have a modular plan for the regional shelter, which can be expanded as we need to develop. Of course nothing was built until we have the money, but again, thank you for partnering with us on that and on all these other things. Thank you very much.

CHAIR VIGIL: Thank you. Rita.

RITA LOY SIMMONS: Commissioners, Madam Chair, thank you so much. Being part of citizen government has been a pleasurable journey. I've had the pleasure of working with a number of people in different capacities. I used to drive my mother to the Road Advisory Committee which Robert Anaya chaired. I shared the origination of COLTPAC with Commissioner Stefanics and was there when we purchased the park in Madrid, also the park area in Edgewood, near the Wildlife West. But I really appreciate an opportunity to come and primarily say ditto to what the mayor has said and hope that if any of you plan a journey down out way that you give us a call so we can host you. Thank you so much.

CHAIR VIGIL: Thank you, Councilor. There's other people that wanted to address the public. Can I see a show of hands? Carl, how much time do you need?

CARL DICKENS: Less than five minutes.

CHAIR VIGIL: Thank you very much. Please step forward.

MR. DICKENS: Thank you for allowing me to talk just a little about what we're doing at La Cienega. I also really want to thank you because your support and your guidance is going to be so pivotal in terms of what we're doing in our community. Those of you who have seen us along the road we have now established the La Cienega/La Cieneguilla Planning Committee. They've had their first meeting and I can tell you we have an incredible group of folks who will be working on planning in the committee. And it includes ranchers, farmers, commercial people. It includes people – representatives from The Downs, from our proposed commercial district, from Tres Rios Ranch, so we're very excited about the future. I really want to take this opportunity to thank Jack Kolkmeier and the Land Use staff because they have been so helpful in terms of what we're trying to achieve in our community. We are proactively working with large landowners to shape the future of our community by holding onto the traditions and history of our community which is so important to us. And so that is what our path is right now.

So we will be coming to you in the next few months, talking about successes, things that we've done. We will hopefully be coming to you with large landowners and together sharing ideas about master plans for our community. But the last thing I want to say, the vital part of all

this is water. We need your help in terms of protecting the water sources of our community. And I can give you a lot of details but one of the things we do as a community is we bounce between the City and the County about water planning. We can't do that. We would love to see at some point some sort of joint water authority that would oversee water in Santa Fe County. So that is something we are going to propose and push for and we hope we can get your support. Thank you, as always. Thank you very much.

CHAIR VIGIL: Thank you, Carl, and thank the community for all the work they do. Next person who'd like to address – if there's none, I will turn it over to Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I know that some of these individuals may have to leave to meetings, but I first and foremost want to thank you and thank you, Madam Chair, for indulging me to make these comments. Thank you, Mayor and Councilor Simmons for coming today. I appreciate the site visit you gave me the other day and the walk-through of things and I look forward to more continued ongoing communication. Hvtce has been going, participating in the meetings and I appreciate the hospitality extended to him.

I want to thank Carl for being here and saying his words. Ana Cardenas is here from the Village of Galisteo. I want to thank you very much for your presence. I'm going to come back to her real quick in a minute. Paul Dixon's here, also. Paul, thank you. Todd and Patricia Brown are also here from the Village of Cerrillos. I'm here as a Commissioner to represent the community. There will be challenging issues. There'll be sometimes conflicting issues that come about but I look forward to engaging you and the entire communities, the Town of Edgewood in those discussions. So I thank you very much for your patience and your presence.

I also want to just acknowledge our chair of our fair board. We have Sean here and also Tommy here and our extension agent, Pat Torres for their coordinated efforts and the work they do on an ongoing and regular basis.

I want to go back to Ana if I could, Madam Chair. The Village of Galisteo had a tough, tough, last several months. We lost three treasures to the Village of Galisteo. Ana's mother, Mela Montoya was one of them. Richard Griscom and Moira Walden. These were three individuals that demonstrated community service to the T. They helped the community for their entire lives and work in Galisteo, and to them I want to ask, Madam Chair, that we acknowledge them and their service, and all members throughout the county that have passed on as community leaders and if we could just provide a brief moment of silence for them and for their work and dedication, not only to their communities but the county and the region. If we could, Madam Chair, I would appreciate that very much.

CHAIR VIGIL: We'll take a few moments of silence in appreciate and recognition of those who have passed and provided service to Santa Fe County. Commissioner Anaya, anything further?

COMMISSIONER ANAYA: Madam Chair, once again I thank you and we will I know see these folks and others from throughout the district and the county more and sometimes on a more formal basis. But I thank you all and thank you Madam Chair, for

indulging me.

CHAIR VIGIL: Commissioner Anaya, is there anyone else that will want to address us. I want to make sure.

COMMISSIONER ANAYA: Ana, would you like to say a few words? From the Village of Cerrillos?

CHAIR VIGIL: And I do believe – is there anyone else? A show of hands right now. Okay. Then Ana, thank you for joining us today and thank you for your work.

ANA CARDENAS: Thank you very much and welcome to the new Board, Robert and Commissioner Mayfield. We're a very small village but we make a lot of noise. I guess you guys all know that. But it's with good intentions and it's because we did have leaders like Richard and Moira and my mom, because we have big concerns, and it's usually because of water so it's always because of that. But it's also to preserve our way of life, open spaces. So we'll continue to raise our concerns and we hope that you guys don't turn us out. We'll just get louder. But we definitely look forward to working with you and hope that you please address our issues. Thank you.

CHAIR VIGIL: Thank you, Ana. Appreciate your being here. I actually want to go ahead and we'll recess this meeting. When we get back at 2:30, if that works for everyone, we'll start with the film incentives.

[The Commission recessed from 12:50 to 2:40.]

CHAIR VIGIL: Okay, ladies and gentlemen, this meeting is reconvened.

**XI. MATTERS FROM THE COMMISSION**

- A. A Resolution Urging the New Mexico State Legislature to Maintain the Existing Film Tax Credit Incentive, Until Such a Time as a Complete and Thorough Economic Impact Study Can Be Done; and Supporting Senate Bill No. 2011- 44 and Opposing House Bill No. 2011-19 (Commissioner Vigil)**

CHAIR VIGIL: Duncan Sill is here who has been working on this for quite some time. I just brought forth this resolution because there is going to be an outcome at the legislature with regard to what happens to the film incentive. As you know, the executive has a recommendation to lower it to about 15 percent. There's a lot of bills floating around. The two most current bills that we're addressing today, one has specifically to do totally away with the film incentive, and the other one asks for a study on it. The resolution before us actually recommends that we move forward on the study before any action is taken, which is probably the most reasonable response, because actually what's happening to the film industry at this point in time is happening based on data that's received from a variety of sources.

So with regard to a statewide study as to the benefits and the data that's received for this and how it actually creates an economic vitality for our communities, both rural and urban is

huge. However, that data has not had a comprehensive review, so I think that is why I brought forth this initiative. And what you have received before you is an assessment on the film studio that was done before the Santa Fe County Commission took action on that. [Exhibit 4]

We have a highly invested program and initiative in our media district for the film industry through Santa Fe Studios. A lot of dollars have been dedicated through partnerships both with the state and the County and private. So to lose that initiative based on losing film incentives will create such an adverse impact to our community, because the film initiative, it has been my position, is the one clean industry that supports the entire state. And bottom line, from my perspective, you do away with the film incentive you do away with the film industry. So with that I will open it up to any questions and Duncan, if you can help fill in in areas that we can't respond to I'd appreciate it. Are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I'd like to relay a personal situation that occurred. I was traveling out of state, out of the country in fact, and was visiting Mexico and I was on an excursion and the gentleman next to me – I said, oh, where are you from? And he said, I'm from Utah. And he said where are you from? I said I'm from New Mexico. He said, Oh, I just finished filming a TV commercial in Roswell. And I said, Oh, that's interesting. And he said, Yeah, we really like your new governor because if she takes away the tax credit then we'll have more business back in Utah. And that to me was the perfect reason to keep the film tax credit. We are going to lose business. So I just think that when other people are saying we can't wait until you change so we can get our business, that's a message. That's a clear message. Thank you.

CHAIR VIGIL: Thank you, Commissioner Stefanics, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would, if it's okay, Duncan, could you come up and just give us an overview of some of the reasons that this makes sense, this resolution, and talk about the film industry and briefly give us a synopsis as to why, based on the work that the chair's already referenced and other items, this is a good thing? And then I have a couple follow-up comments after that. But I'd like you to go ahead and do that if you could, sir.

DUNCAN SILL (Economic Development): Madam Chair, Commissioner Anaya, I'll try to describe this in a fairly concise manner within the context of the overall economic impact that has been delivered to the state and then I have some references to the local Santa Fe County level that I would like to bring to your attention as well. Just in pure number amounts, in the dollars expended in direct expenditure related to film and media that's supported by some of these efforts since the middle of 2003 to the end of 2009, the actual expenditure in the state is over a billion dollars with the multiplier effects on the local economy, statewide up to three billion dollars.

Of that, approximately \$260 million has been documented. This is from data and information from the Film Office, on the local level. That's a significant dollar amount into the local economy in the previous years. And despite the economic downturn there is still a lot of production lining up. And I think Commissioner Stefanics hit the nail right on the head. Everybody's waiting for us to back away a little bit so that they can benefit from the impact.

Now, the context that we're looking at, there's now – it's not only unique to our investment called the Santa Fe Studios project, we have a significant number of folks who work in the industry in this region that have been very active in both the direct production as well as some other related ancillary activities such as carpenters and other folks that support the film industry. And I totally agree with Chair Vigil that this is one of the clean industries that can continue to make an impact in this region. Keep in mind that Santa Fe Studios is taking the initiative to acquire LEED certification, so they're paying close attention to the way that they're building this facility, looking at environmental impact and be very much a community asset over time.

So I have some detailed numbers that I could forward to each one of you for further reference in addition to the report that you I just handed out today. So I don't want to take up too much time but that's kind of the general context that I want to present.

COMMISSIONER ANAYA: Madam Chair, Duncan, thank you. I'm going to do something here, but I don't think my mom's watching today so please don't tell her when I do it, but I'm going to put my hat on, Madam Chair, and the reason I'm going to put my hat on for this issue is because echoing the comments of the chair and echoing the comments of Commissioner Stefanics, movies in New Mexico that originated the work of then Governor King to really advocate to create the Film Commission and bring movies to New Mexico, dating back to the Cheyenne Social Club in the early 70s, Wyatt Earp, Silverado, the Wild, Wild West, and lastly, but maybe one of the most significant people that was here was the Cowboys and John Wayne and his work that he did in New Mexico.

And I echo the sentiment of the chair and the sentiment of Commissioner Stefanics.

Before we remove programs and things that work in New Mexico we need to make sure there's a thorough analysis of what the work has done and the work is evident. You can see it, you can hear it in the community. So I support the resolution, aside from issues relative to Santa Fe Studios. That's an issue that I'm still becoming acclimated with that the Commission has done. But the industry on its own merits and the work of New Mexico and what the film industry has done has been excellent. So I appreciate your comments, I appreciate the resolution and I stand in support of the resolution.

COMMISSIONER STEFANICS: Madam Chair, unless you want to make the motion I would move the resolution.

CHAIR VIGIL: I appreciate that. There's a motion.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: And there's a second. I just wanted to add for the benefit of the new Commissioners that the agreement we have on the media district and the lease has a lot to do with creating jobs and there's quite a few jobs that can be created. Not only the jobs that can be created onsite for a film but the small businesses that become affected include small catering businesses, restaurants, hotels, medical businesses, personal services, clothing stores, the entertainment industry. The film industry is the one industry that survives a low economic downturn. It happened in the depression and it's certainly happening now with this economic downturn. So we are supporting an initiative here that creates a larger benefit for our state and

certainly has an incredible amount of impact for Santa Fe County. So I have a motion and a second. Let me just ask, is there anyone in the audience that wanted to address this issue at all? Seeing none, we'll go ahead and take action on the motion.

**The motion passed by unanimous [5-0] voice vote.**

**XI. B. Resolution No. 2010-13. A Resolution Urging the New Mexico State Legislature to Maintain the Existing New Mexico Driver's License Laws as They Relate to the Issuance of Driver's Licenses, Irrespective of Immigration Status (Commissioner Stefanics)**

COMMISSIONER STEFANICS: Thank you, Madam Chair, members of the Commission. I bring this resolution forward so that we can send a message to our state delegation from Santa Fe County that we perceive this as a public safety issue and one that should continue. This is not asking for anything new from the state legislature. This is supporting the driver's licenses irrespective of immigration status.

Attached to your materials is a copy of a newspaper article that talks about how many driver's licenses, the fiscal impact to the state, and how the rate of uninsured has dropped in our state. Beside this being reported in this report it's actually in the NILT, the National Institute Report. So that's where Kate Nash actually took her information from. We also in 2010 here at the County Commission supported immigration reform and we also talked about public safety in that resolution and I see all of them being very connected. Thank you.

CHAIR VIGIL: Thank you. Any questions for Commissioner Stefanics on this? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just had a comment. There are other public safety issues as well beyond just having less uninsured motorists, but I think that it's important to point out that before this law was passed we had a lot of situations where people would flee the scenes of accidents because they were afraid of being caught, so that's an important thing. Also, if we were to bring back, if we were to make it illegal for undocumented immigrants to have a valid driver's license in New Mexico we'd also be creating a huge black market in illegal driver's licenses and then we'd have all the problems associated with that. So I just want to reiterate what Commissioner Stefanics said, that this is really a public safety issue. So I am in full support of this.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I don't know – is the Sheriff in the hallway? Paul, if you could check. I have a few questions. I actually, when I saw this issue, I feel it's a very important issue to discuss and to understand. So I engaged Somos, who's here. I had a meeting with them. I've also had some discussions with – thank you, Commissioner Stefanics, for your information in the packet relative to the newspaper article. I had a conversation with the attorney general, Attorney General King. I also had a conversation with



Representative Rehm associated with this issue, and I also had a conversation with the governor's office.

If we could, Madam Chair, I'd like to ask you. Commissioner Stefanics, and any others who might be able to help address some of my questions. If you could indulge me. Madam Chair, Commissioner Stefanics, it's my understanding that there are – there were 12 states that adopted licenses in this fashion and that now there are four states left and possibly three. Could you clarify how many states currently have this type of law in place?

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya and Madam Chair. I'm going to refer to the newspaper article and the last paragraph of the newspaper article talks about New Mexico, Utah and Washington have the driver's licenses and in Utah the driver's license is good for driving only. We do have a situation here in our state where our driver's licenses are tied into a statewide database and that our local law enforcement can actually track individuals that have other law enforcement issues through their driver's licenses. So that's according to this particular article, it indicates three states.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, it's my understanding from the discussions that the licensure issue could have impacts associated with federal requirements or new ID requirements specifically related, for example that I was given is utilizing an ID to get on a plane, for example, and that they are in the process, the feds, as we all of us know that fly, of utilizing that as an ID. Is that something you're familiar with or you could provide some more information to us on?

COMMISSIONER STEFANICS: Well, Madam Chair, Commissioner, it's very interesting that New Mexico doesn't have the universal driver's license ID in place, and we've actually been criticized for that. But recently there was a legal case that came through at the local level about a young man who tried to get through security without an ID. And both the police, law enforcement and a TSA testified that he was not required to actually produce a picture ID. So I think that issue is going to have to go up through the courts and that is not decided yet about what is required for a proper ID through security at the airports.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, another issue that came up associated with this item connected to your comments and what's in the resolution, associated with how immigrants obtain the licensure and the process through taxation, that they get an ID number to get the license. Could you elaborate on that a little bit or if you're not comfortable with that I think there might be some people in the audience that could elaborate on how it is they actually can get the license through the law, through the tax ID number.

COMMISSIONER STEFANICS: Madam Chair, I would defer to someone else on that. The intent of my resolution was to encourage our state legislature to continue on with the process. I'm happy for someone else to answer the question if they have the knowledge.

CHAIR VIGIL: I would ask if anyone out there in the audience feels that they can respond to that question. Please come forward and state your name and address. And I do know there are people here in support of this. Would you raise your hands please? Is there anyone opposed to this at all. Okay. Thank you all for being here. I know you're a



spokeswoman for this. Please state your name and respond to the question.

MARCELA DIAZ: Thank you, Madam Chair. My name is Marcela Diaz, Commissioner, and I work for a statewide immigrants' rights organization called Somos un Pueblo Unido and we worked with law enforcement in 2003 to pass this law.

CHAIR VIGIL: Okay.

MS. DIAZ: Shall I –

CHAIR VIGIL: Please.

MS. DIAZ: Thank you for asking this question, Commissioner Anaya. There is a lot of misinformation about how people get driver's licenses. And the way that we wrote the law in 2003 is that it requires individuals, in addition to proving their residency with a combination of documents that is stipulated through or those requirements are made through regulation, the law requires that people have their individual tax identification number, which is given by the IRS, and in order to get an individual tax identification number individuals must file their income taxes, both at the state level and the federal level.

So these are the individuals that use the number in combination with other verifiable documents such as a valid passport or the matrícula consular, which is only allowed coming from the Mexican consulate in Albuquerque or El Paso, because they have a way of verifying the validity of those documents. With that combination of documents, individuals, in addition to taking the eye exam and the DWI course if they're under 25, the road test and the written exam, if everything checks out they can get a driver's license.

COMMISSIONER ANAYA: Madam Chair, if I could just ask a couple questions. Is that okay, Marcela?

COMMISSIONER STEFANICS: Madam Chair, if it's about the resolution, I think I should answer it. If it's something specific that she could answer, that's different.

CHAIR VIGIL: Okay. Stick around, Marcela. You can sit down.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, it's my understanding through the process that was just explained that there's a complete separation between what the Internal Revenue Service does for the ID numbers and anything that happens through immigration. Those are separate complete issues. Is that an accurate reflection of my understanding?

COMMISSIONER STEFANICS: Could you repeat your question? Before I hear you repeat it, the one thing I want to clarify, I guess, Madam Chair, is that this is a state issue and this is only a message to our state legislators. So the state legislators are really the ones who work through the issues with the federal government and the state. But I'm happy to hear your question again, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, and if I could clarify, let me make a few comments before I ask the question. As I told Marcela yesterday, I fully support that this country needs to have a path to citizenship. A legitimate path to citizenship for people that are undocumented in this country. I absolutely believe that and I believe that at some point I think the legislation may not come until after the next presidential election which I think is unfortunate but I absolutely support a path to citizenship. But I also, in the process of engaging

different perspectives on this issue have formed that it's a little more complicated than just the driver's license itself.

And so as one Commissioner, before I vote on it, I want to make sure that I have some understanding on some of those fundamental premises. But first taking into context that I fully support a path to citizenship that works. So my question was when you – before you – and this was just a logistical question. Before you can get a driver's license – and maybe it's just a yes or no question – it's my understanding you have to go to the Internal Revenue Service, you have to get a tax ID number, which essentially provides that you will engage in paying taxes. It's that number that is utilized when it's taken to the state to get the driver's license, Madam Chair, Commissioner Stefanics. Is that an accurate reflection of the process?

CHAIR VIGIL: My understanding is yes.

COMMISSIONER ANAYA: Okay. So Madam Chair, Commissioner Stefanics, there's many proposals I believe that are going to be addressed and I believe you said it most succinctly and appropriately by the legislature. I would just ask if you would consider having an amendment to your resolution that would allow for alternatives to be proposed that still fit the primary point made several times here today and that was that public safety be maintained. That if there was an alternative license issued, if you will, that provides public safety the tools they need to continue doing their job, would you consider adding language that would allow the legislature to deliberate that? If it still fit the public safety need. And my last comment associated with that – and I asked the attorney general. I said, General King, you tell me what you stated. And General King has stated publicly is that to eradicate the licensure issue would create a problem and could be a cost burden to the state and an administrative nightmare, to paraphrase. But that he did not discount that there could be alternatives proposed that could meet the intent and integrity to provide for public safety.

So with that being said, I ask you would you consider – and I don't know exactly what that language might be. I have some thoughts. But would you consider that as an amendment to your resolution to then allow the legislature to deliberate on it as a state issue?

COMMISSIONER STEFANICS: Madam Chair and Commissioner, I would prefer that there be no amendments because I believe that this is just a message to the legislature to maintain what we have in state law. I do believe that if this law is opened in the state legislature it will not be a friendly outcome. And I'm just speaking for my preference, so it would be up to the Commission to decide.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, then I would have a request of the Commission that if we could at least table this item until at least some more bills get introduced and we can all get some more background maybe, then have a conversation with more elected officials on both sides of the issue as well as more conversations with the attorney general. I would just ask for that consideration. If you would not like to do that I would respect that but I would ask for that consideration.

COMMISSIONER STEFANICS: Madam Chair, I would not support a tabling.

CHAIR VIGIL: If you'd like to find out what the outcome of that would be you're welcome to make a motion of that nature.

COMMISSIONER ANAYA: Madam Chair, relevant to the motion made I would preface my abstention from the vote by saying I vote the intent by providing for public safety. I would like to have heard more of what the legislature was going to discuss on both sides of the issue and with utmost respect, if we move forward today I'm going to abstain from the vote.

CHAIR VIGIL: Okay. Any other questions, comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you for bringing this resolution forward. I, as an individual and also as an elected official I do view this as necessary to promote public health, safety and welfare without our community and within our nation. I believe with this resolution also that this will allow an ongoing dialogue with all leaders that reform is necessary and reform needs to be looked at. So with that being said I will support this resolution.

CHAIR VIGIL: Okay. Good. I do have a motion and a second. I just want to make a couple of comments, and not even speaking to the complications that this might mean to the recipients of the licenses. What this means to the system within our own community, what this means to the business community, what this means to the judicial community. What this means to County government, the state government. And speaking from personal experience as a prosecutor with the First Judicial District, while maybe [inaudible] weren't out there fully supporting this they fully do support it because part of the problem within the judicial system is not being able to notice people appropriately, not being able to track down, subpoenaing, not being able to get witnesses before them. It really creates an obstruction to our own system. And I can't even go there addressing what obstruction it creates for those people who try to cash a check when a requirement for a license is needed. So it's futile in my mind. And with that I'll take a vote on the motion.

COMMISSIONER STEFANICS: I move the resolution.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay, and it's 2011-13. There's a motion and a second. I think we've had discussion.

**The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya abstained.]**

CHAIR VIGIL: Thank you all. Thank you all for being here.

## **XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

### **C. Appointment of Santa Fe County Representative to Regional Economic Development Initiative Broadband Network Board ("REDI Net Board")**

JACK KOLKMEYER (Growth Management Director): Thank you, Madam

Chair and good afternoon, Commissioners. This appointment concerns the Santa Fe County representative to the Regional Economic Development Broadband Network Board, known as REDI Net Board, or even shorter, REDI Net. You have information in your packet. I'll just go over the salient features of our recommendation. It concerns a federal grant in the amount of \$10.6 million in support of the development of a middle-mile broadband infrastructure network known as the REDI Middle Mile Network or REDI Net.

There are two pieces of policy that have guided the creation and evolution of this group. One is Resolution 2010-46, which authorized Santa Fe County to be a sub-recipient of the federal funds associated with this project, and also a joint powers agreement that was agreed upon on December 14, 2010 at which the BCC approved this JPA which established both a management mechanism and a formal partnership, which includes the County of Los Alamos, Santa Fe County, City of Espanola, Rio Arriba County, the Pueblo of San Ildefonso, Okhay Owinge, Pueblo of Santa Clara, the Pueblo of Pojoaque and Tesuque Pueblo.

There are a number of conditions of governance related to this which are outlined in your memo that include membership, qualifications, responsibility, terms, purpose of the REDI Net meetings and meetings protocol. Based on these conditions Santa Fe County needs to appoint a representative to the REDI Net Board. Duncan Sill of the Planning Division of the Growth Management Department has been actively involved with this process and development of the regional broadband efforts for about four years on behalf of the County and possesses the background and expertise to continue to serve on the REDI Net Board and therefore it is a recommendation from our department that Duncan Sill continue as the County representative to the REDI Net Board. Mr. Sill is with me here and we'll be happy to answer any questions that you might have. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics, then Commissioner Mayfield.

COMMISSIONER STEFANICS: Madam Chair, I would ask that until the board activities are truly identified that we ask our County Manager or I don't know if a Commissioner is interested, but that we ask our County Manager to be involved until it's determined that there won't be some serious decision making involved.

CHAIR VIGIL: Okay. Thank you for that. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just thought I heard Jack say Duncan's been involved for 40 years and Duncan doesn't look like he's 40 years old. But that being said I do concur with Commissioner Stefanics. I would like to know what authority this Board would have and that we do at least have an individual on that board that can make those decisions for the Commission, and that Mr. Sill, if we go that direction that he still would be afforded the opportunity to assist in that board and to sit as an alternate as needed.

CHAIR VIGIL: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to emphasize though that under qualifications that someone should be there with expertise in telecommunications so I don't think it's sufficient to just have an elected official or just have our County Manager there. We need someone who really knows about the technical aspects of this as well and Duncan has been working on this issue for years. I'm sure that he knows more

about it than any other single person in the County.

CHAIR VIGIL: Ms. Miller, did you want to add anything to this?

MS. MILLER: Madam Chair, if it's the wish of the Board that I serve in the official capacity I'd be happy to do so but I do agree with Commissioner Holian that Duncan's expertise in this subject matter would be really useful, that I'd make sure that he does attend with me, or have the ability if I'm not available that I could designate him as my representative.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, did you suggest that Ms. Miller be the person, because I thought I heard something different. If you want to do it, I think that's another thing, but I think – this is kind of me – given your workload, is that another thing you want to take on? Or is that something that we have a policy maker do it, possibly you, Commissioner Mayfield, because of the broadband work in the north, and then have Duncan and Ms. Miller be there as necessary. That's a question to you. Do you feel that that's something you need to do or would you rather it be one of us and have Duncan present?

MS. MILLER: Madam Chair, Commissioner Anaya, I'd be happy to have one of you do that if you'd like but I am willing. I think it's a quarterly meeting. I think if it were monthly that would be difficult for me to ensure that I attended on a regular basis. If it's quarterly, I'm willing to, but if one of the Commissioners would like to serve with Duncan as staff and be there as backup I think that's appropriate as well.

COMMISSIONER HOLIAN: Madam Chair, I would like to move that Duncan be appointed to the board but that if there are any policy issues that need to be decided that he bring them back to us for those decisions.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Madam Chair, I would second for discussion.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: And I'd just ask the question of Commissioner Holian. I think the intent of keeping Duncan is well put forth by the Commission and staff. I think we want to make sure Duncan's there. I seconded your motion for discussion but I actually think it would be a good idea to have one of the policy makers represent the Commission on the board. But I would defer to the balance of the Commissioners. But I think Duncan, it goes without saying he's going to be there, but as the board voting person I think it might be helpful to have a Commissioner. But I'd defer to the balance of the Commission on what they prefer.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, I believe that this outreach though is going to provide service throughout the county and specifically the northern part because I believe we have a lot of northern participants with various pueblos and with Los Alamos National Laboratory. I have a bit of background with telecommunications and they've had some great staff that I've worked with at the Public Regulation Commission on these issues and I will say this for Mr. Sill, that I've recently just got to know him and I think

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that he would be an integral part of this and respecting Commissioner Holian's comments that it would be necessary that he remain on this board and he makes decisions in conjunction with the Commission's decisions. My reservation would be that this board may be making some fast decisions where Mr. Sill, Commissioner Holian, wouldn't have that opportunity to bring that back to us. And I don't know if that's the case or not. Maybe Mr. Sill could let us know that.

MR. SILL: Madam Chair, Commissioner Mayfield, the current situation with the work that's going on by the members that will be situated within this board is basically primarily compliance related to the federal grants to make sure that the construction and the development of the middle mile broadband network happen in the manner that the plan requirements dictate. Now, there will be other things that are broader issues that certainly within each one of the jurisdiction representations that they would have to respectively take back to their localities. As far as I know right now there has not been any elected official appointed to the board from any of the jurisdictions, so this was initially set up to be a working group. But it could certainly evolve into something that is more policy-driven when we have the network built out. So I certainly would defer to you guys to let me know the manner of engagement you would like. I hope that answers your question.

COMMISSIONER MAYFIELD: It does, Mr. Sill. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I want to refer back to the first page of the memorandum. It says at the bottom, pursuant to the approved JPA REDI Net will be governed by the parties through the REDI Net Board. And when I see the word governed I take pause to consider who should be representing us on a board. And I am not in any way disputing all the hard work that Duncan Sill has put into this project. I am suggesting that there be a visit to the board to determine – and that's why I suggested the County Manager. It could be a County Commission, to determine if it is a decision making group or a work group. When I see the word governing, that's where I was taking this. Thank you.

CHAIR VIGIL: I have a question that follows that kind of thinking. Duncan, since you served in this capacity, the outcome that I've seen from REDI is a grant that was submitted to the federal government that created funding for the broadband initiative, part of which is northern Santa Fe County. Is that correct?

MR. SILL: Madam Chair, that's correct.

CHAIR VIGIL: Okay. Thank you for that. Does the mission of this board change since that grant has been awarded? Is not one of the next steps they're going to take to be to build capacity on broadband and look to the federal government for further funding to expand on broadband?

MR. SILL: Madam Chair, that certainly will be a topic of discussion over time. The details of that would have to be developed over the next three years. And also if I may, just as a footnote, that because of the schedule that we need to adhere to the frequency of the meetings, even though the JPA referred to quarterly meetings, it would likely occur on a biweekly basis, at least for the next six to nine months until things are on track. So just keep

that in mind. There would be a time commitment that would be necessary as well.

CHAIR VIGIL: Okay.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Duncan, when is the next meeting for this board?

MR. SILL: Madam Chair, Commissioner Holian, it has not been officially announced yet because North Central, who is the lead agency and fiscal agent for the grant is waiting for all the appointments to take place prior to official notification of the first meeting. But there has been an ongoing working group. Barbara Deaux, the former executive director of North Central has taken staff from North Central and she and I are communicating on a regular basis.

COMMISSIONER HOLIAN: And can you tell me some of the other appointments from the other entities?

MR. SILL: Rio Arriba County is appointing its former County Manager, Mr. Valdez, to take on this because he was also active during the application process. He's been working closely with us and since his retirement from Rio Arriba County he can dedicate time to do this. So he's been active up north trying to help us with this. Then I know that Los Alamos is going to appoint another staff person. I think that's on the agenda this coming week or the next week. I'm not aware of anybody else at this point but I could follow up with North Central and get a complete list and give an update on that.

COMMISSIONER HOLIAN: Madam Chair, I would like to make a comment that it seems to me that we could appoint somebody now and then possibly one of the Commissioners or our Manager could accompany Duncan to the first meeting and just sort of evaluate the situation and if it seems like something else is warranted we could always modify what we do.

CHAIR VIGIL: My concern would be tying up our County Manager if you're going to have bi-weekly meetings from this point forward for a period of time. If it was only quarterly then I could see that. So with that, unless there's any other comments there is a motion on the floor. I have a motion to appoint Duncan Sill and a second.

**The motion passed by majority [4-1] voice vote with Commissioner Stefanics casting the nay vote.**

**XII. D. Appointments to the County Open Land, Trails, and Parks Advisory Committee (COLTPAC)(Community Services Department)**

COLLEEN BAKER (Open Space Manger): Madam Chair, Commissioners, I'm here to talk to the appointments to our County Open Land, Trails and Parks Advisory Committee. That's COLTPAC. COLTPAC has been our advisory committee from the



citizens of Santa Fe County since the beginning of our program. We did recently reorganize in December that committee to reflect the direction the County was taking for consistency of all County advisory committee. So COLTPAC is now a nine-member advisory committee. All nine positions are open for appointment.

The way we handle our appointments to the COLTPAC, to our advisory committee is to advertise and request applications, a letter of interest, a résumé or some kind of documentation of background or work experience and interests. We advertised immediately following the last Board of County Commissioners meeting for the nine positions that are available for COLTPAC. We received 15 applicants and staff has reviewed those applicants and is not ready to make a recommendation to the Board.

I'd like to do this in two steps. Because of the way we've reorganized COLTPAC there is one appointment per district and then there's four other committee members. So it seems to make sense and let's make the district appointments and then we'll talk about the recommendations for the other four positions.

CHAIR VIGIL: Okay, Colleen. I'd like to proceed to take action in that manner. Let's listen to your recommendations from each of our districts and we can take action on that.

MS. BAKER: Okay. There are five members of the last committee that are eligible for reappointment and of those we'd like to strongly recommend that some of those be retained to provide consistency and experience for the committee, and I'll note who those are as I move forward. So for the districts, our recommendations: District 1, Sandra Massengill, and she is an existing committee member; District 2, Scott Stovall, also an existing committee member; District 3, Sam Pallin, an existing committee member; District 4, Eliza Kretzman, she would be a new member; District 5, Jerry Rogers, an existing committee member.

So we would have four existing committee members that we would like to see reappointed of the nine.

CHAIR VIGIL: Very well. Thank you very much. Based on staff recommendation, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for appointment of those five members.

COMMISSIONER STEFANICS: I'll second, but I have a question.

CHAIR VIGIL: Okay. I have a motion and a second. Question.

COMMISSIONER STEFANICS: From what I understand then, four of these recommendations would have two-year terms and one of them would have a four-year term.

MS. BAKER: A three-year term. The four returning ones would have a two-year term and the one new appointment would have a three-year term.

COMMISSIONER STEFANICS: Oh, three. Okay. My question's been answered. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions?

COMMISSIONER MAYFIELD: Madam Chair.



CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: If I could ask – and I appreciate staff bringing this forward and making the recommendations that they did and the selections that they're advising the Commission on. But what are the requirements, say, for an ethnically background from individuals that we make sure that there's appointments from all communities of interest, that we make sure that there are appointments made from different ethnicities that may have different issues with open space or different concerns with open space. Can you tell me what your criteria was to make your selections forward?

MS. BAKER: Yes. We required that all the appointments showed some background in – well, we asked that they be from a very diverse background. We don't have an ethnic requirement. We do base ours on applications that come in so when we review based on their expertise. And we're looking for expertise that can advise the program. So we're looking at expertise in conservation, restoration, natural and cultural resources, community interests, education, trails, construction, hydrology, agriculture, wildlife, water, management and stewardship, public administration, finance. Any background that can really bring some kind of expertise to the kind of work we do. That being said, we don't have an ethnic requirement. We do try to look for diverse representation but it's based on the applications that we get in.

COMMISSIONER MAYFIELD: Madam Chair, thank you.

CHAIR VIGIL: Thank you very much.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think that what Commissioner Mayfield is bringing up is quite appropriate for our community and with respect to that, could we hear your second slate so we can consider the whole slate to determine whether or not we need to revisit?

MS. BAKER: Sure, if that's okay with you, Madam Chair.

CHAIR VIGIL: That would be fine.

MS. BAKER: Madam Chair and Commissioners, the one thing I would bring up is we do ask all members of the committee to consider the interests of the county at large and represent all as best they can. That's a tall order, but we do ask them to represent the county's best interest.

So for the second slate, the other four appointments that we're looking for – and for all of the appointments we're looking for expertise. But for the next four they're not based on district. So our top recommendations for the applications we received are William Hutchinson, Michael Patrick, Albert Reed and Judy Kowalksi.

CHAIR VIGIL: Would anyone like to – so those are the nine that would fill the slots.

MS. BAKER: And if you would like I'll repeat those names –

CHAIR VIGIL: I think I have them. Sandra Massengill, Scott Stovall, William Hutchinson, Sam Pallin, Michael Patrick, Eliza Kretzman, Jerry Rogers, Judy Kowalski and

Albert Reed.

MS. BAKER: Correct.

CHAIR VIGIL: Is there any – I guess the way to address the issue that you bring up, both Commissioner Stefanics and Commissioner Mayfield, and you may have a response to that. How would you like to address it?

COMMISSIONER STEFANICS: Well, Madam Chair, I'm wondering if the Commissioners from District 2 and District 4 know anything about their other –

COMMISSIONER HOLIAN: Madam Chair, I did read the résumés very careful and it was clear to me that the three who've been recommended by staff really do stand out in District 4. I think that there's a case to be made for going forward into the future that we really make an effort to reach out to all the communities and to try to get a more diverse slate of candidates. But just in reading the résumés I really have to go with the recommendations, at least for District 4 of our Open Space and Trails staff.

CHAIR VIGIL: And I will respond to District 2 on the same question, Commissioner Stefanics. Matthew Montoya, who I'm very impressed with, does have a wildlife science management degree. He is well educated and has a diversified background. However, he is an employee of Santa Fe County. I'm wondering if that creates – is that one of the reasons why he was eliminated?

MS. BAKER: Madam Chair, Commissioners, yes.

CHAIR VIGIL: Was that perceived as a conflict?

MS. BAKER: I believe it would be, yes.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I was going to ask for Mr. Montoya's conflict, why it would be a conflict.

MS. BAKER: I guess I'd like to ask for Legal counsel. It's been a citizen's advisory committee and granted we're all as staff citizens as well but we also work for the County. So that was a –

CHAIR VIGIL: So it defeats the purpose of it being sort of from the public and a citizen and – okay. That's the conflict. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if the individual is working in the County but not associated with that particular department I guess just as one Commissioner I think we should encourage our staff to engage in public service and volunteer work. I would defer to whatever the letter of the rule is but I tend to think that if you have people that are willing to serve and they have a background that could benefit a committee and their work assignment is completely segregated from the committee that I for one wouldn't think that would be unreasonable.

CHAIR VIGIL: Let me stop and ask if there's any legal concerns with the direction we're going on identifying this conflict. Are there, Mr. Ross?

STEVE ROSS (County Attorney): Madam Chair, I don't think it's a direct conflict. I think it's a potential problem through the chain of command, a perception problem, things like that but I don't think there's a legal problem.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think we should vote on the first five that were recommended and then take the second group as the next vote.

CHAIR VIGIL: Okay. And that's how I initially proposed we proceed. So we have as a first slate, Sandra Massengill, Scott Stovall, Sam Pallin, Eliza Kretzman and Jerry Rogers. Do I have a motion on that? I have a motion and a second for that slate?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Now we are acting on four remaining recommendations, being William Hutchinson, Michael Patrick, Albert Reed and Judy Kowalski. Potential Matthew Montoya substitute District 2 for William Hutchinson. What is the pleasure of the committee?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I'm not going to make a motion. I'm just going to point out that District 3 is the only district that had just one individual. That is Mr. Pallin, Sam Pallin. And I expressed to Beth and Colleen that in the future I will do what I can to help enlist other interested and volunteers. But having many boards and commissions in Santa Fe County I fully recognize that there isn't always going to be perfect parity across committees and that all these individuals understand that when they're serving the county they're representing the general interest. I think the intent is to try and have balance across the county as much as we can. But things are give and take and offset within other committees that we appoint on so I would defer to the balance of the Commission for the remaining appointments.

MS. BAKER: Madam Chair, I have one point of clarification I'd like to make right now, of the four that we're appointing now any of those names can be appointed so it doesn't have to be a substitution of Matthew Montoya in place of William Hutchinson. It can be in place of any of those four.

CHAIR VIGIL: That's correct. Thank you for clarifying that.

COMMISSIONER HOLIAN: Madam Chair, I'd like to make a motion.

CHAIR VIGIL: Please proceed.

COMMISSIONER HOLIAN: I'd like to make a motion to appoint Judy Kowalski, J. Michael Sisneros, Michael Patrick and Albert Reed.

COMMISSIONER STEFANICS: Could you repeat that? I'm sorry.

COMMISSIONER HOLIAN: Judy Kowalski, J. Michael Sisneros, Michael Patrick and Albert Reed.

COMMISSIONER STEFANICS: I'll second for discussion.

CHAIR VIGIL: Okay. I have a second for discussion. I have a slate of J. Michael Sisneros. What does he bring to this appointment, Commissioner Holian? He's a para-transit division supervisor.

COMMISSIONER HOLIAN: Colleen, perhaps you would comment on Mr. Sisneros' résumé.

MS. BAKER: If I may I'd like to bring Beth up. She's much more familiar with the applications.

BETH MILLS (Open Space Program): Madam Chair, Commissioner Holian, Michael Sisneros' background is with the City at the moment. Previously he has worked as an educator and so I think there is some strength and diversity that he brings with his background in education and also public service at the City. That's what I would pull out of his application.

The other thing, since I have the mike, that I'd like to add is that diversity means age and gender as well as ethnicity. And I think, although it doesn't look like we've covered the ethnicity issue very well here in terms of diversity, although somewhat, I think we really have covered the age and gender diversity question quite well. I just wanted to add that I noted that in listening.

COMMISSIONER STEFANICS: Madam Chair, I'm going to withdraw my second.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner.

COMMISSIONER MAYFIELD: I would like to make a recommendation of four additional if I may.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: I would like to make a recommendation of Judy McGowan, Matthew Montoya, Albert Reed, Judy Kowalski.

CHAIR VIGIL: I don't hear a second. Okay, there's no second on that. Is there another slate of recommendations? Commissioner Anaya.

COMMISSIONER ANAYA: I'll second. I'd like to hear –

CHAIR VIGIL: I hear a second for discussion. Any discussion on that slate?

COMMISSIONER STEFANICS: So, Madam Chair, it was Judy McGowan, Matthew Montoya, Michael Patrick?

COMMISSIONER MAYFIELD: No, ma'am. Albert Reed.

COMMISSIONER STEFANICS: Oh, Albert Reed. And Judy Kowalski. I think that, Madam Chair, after the discussion about the employee, I also probably would back off of that employee status. But that was my only comment about the group. I think that everybody who's applied is great for wanting to spend volunteer time with the County.

CHAIR VIGIL: Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. On the slate that Commissioner Mayfield proposed, from my district, I think that Michael Patrick has a very, very strong résumé and that we need the kind of expertise that he has. So I – that's how I feel about that particular nomination.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we might be here for a long time, so based on my earlier comment and your comment, Madam Chair, of Matthew Montoya, I think we have rules to protect the County from conflict of interest. But I think if there's a separation of responsibility and there's people that want to serve. But it sounds like you understand his background so, Madam Chair, I would support the ground and let's move on, I would suggest.

COMMISSIONER HOLIAN: Can I propose another slate?

CHAIR VIGIL: We have a motion and a second. Let me take action.

COMMISSIONER HOLIAN: Madam Chair, I made a mistake, actually in my motion and so I would like to restate it. I would like to withdraw that and restate it if I can.

CHAIR VIGIL: Okay. Hold on here. The last motion I had was from Commissioner Mayfield, correct. Seconded by Commissioner Anaya. We need to take action on that. If we do not want to take action on that or go forth with that slate we can vote it down. So would you restate the members that you recommended, Commissioner Mayfield. It's Judy McGowan, it's Matthew Montoya, it's –

COMMISSIONER MAYFIELD: Albert Reed.

CHAIR VIGIL: Albert Reed and Judy Kowalski.

**The motion failed by 2-3 voice vote with Commissioners Mayfield and Anaya voting in favor and Commissioners Holian, Stefanics and Vigil voting against.**

CHAIR VIGIL: So motion dies. Commissioner Holian.

COMMISSIONER HOLIAN: I would like to move for the following appointments: Judy Kowalski, Matthew Montoya, William Hutchinson and Michael Patrick.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Okay, I have another slate. Final slate, let's hope.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: My alternate motion was going to be that Commissioners who have other candidates just select another from their district. So if somebody felt that from District 1 that they wanted that other person that they should have the opportunity to say that. That if I, from my district wanted somebody that I should be able to say that. So that was going to be my next recommendation.

CHAIR VIGIL: Okay. Thank you for that. We do have a motion on the floor. Would you restate your slate, Commissioner Holian.

COMMISSIONER HOLIAN: Judy Kowalski, Matthew Montoya, William Hutchinson and Michael Patrick.

CHAIR VIGIL: Okay. And there's a second.

**The motion passed by majority [4-1] voice vote with Commissioner Stefanics**

**voting against.**

MS. BAKER: I have one more item I need to clarify.

CHAIR VIGIL: I hope that staff learns through this process that we probably have to have a stronger vetting process so that you come forth with strong recommendations on every position that's available.

MS. BAKER: We do. That we already had. The one particular item is that five of the items have to be appointed for a two-year term and four of the members have to be appointed for a three-year term. Now, the four that we appointed that were returning can be two-year. So we need to appoint one of those other five that are new to a two-year term. So we have to decide which of those five that are new appointments is a two-year term.

CHAIR VIGIL: Okay, you give us the name of the two-year term recommendations.

MS. BAKER: Well, it can be any of those new appointments. Any of the last five.

CHAIR VIGIL: Okay. Is there a recommendation from this Board?

COMMISSIONER STEFANICS: I would recommend that Mathew Montoya have the two-year.

COMMISSIONER MAYFIELD: Second.

CHAIR VIGIL: Motion and second.

**The motion passed by unanimous [5-0] voice vote.**

MS. BAKER: Madam Chair, Commissioners, thank you.

CHAIR VIGIL: Thank you.

COMMISSIONER HOLIAN: Madam Chair, may I just – thank you, Madam Chair. I just wanted to say thank you to all the COLTPAC members who have served and thank you to all the people that we've gotten résumés from. It seems like we always get way more résumés than members and this is a good thing. I think COLTPAC must be the most popular committee that we have. So thank you.

CHAIR VIGIL: Paul, before you leave, would you – is there anything we do to acknowledge their service? Can we bring them in and recommend certificates of appreciation?

PAUL OLAFSON (Community Projects Manager): Madam Chair, Commissioners, yes, in the past we have brought forward certificates for members who have retired or term-limited off. And so we will arrange that and bring that forward. Also, the next meeting that's planned for COLTPAC is an orientation for new members as well as a recognition for past members.

CHAIR VIGIL: Thank you very much.

**XII. E. Appointment of the Santa Fe County Ethics Board**

CHAIR VIGIL: This one is going to be straightforward.

PENNY ELLIS-GREEN (Deputy County Manager): Thank you, Madam Chair, Commissioners. Ordinance 2010-12 created the Santa Fe County Ethics Board. It consists of three members to be appointed by the BCC for two two-year terms each. We advertised in October. We received 27 applicants and one of those has withdrawn. All of the applications were sent to Common Cause for their review and their comment. The executive director and the board president recommended the top seven candidates and also suggested that it would be a conflict of interest for Santa Fe County employees to serve on the board.

So the top seven were interviewed by the County Manager's staff. The County Manager then interviewed the top four and the recommendation for the three people to be appointed to the Santa Fe County Ethics Board is Adair Waldenberg, Estevan Baca and Randy Forrester.

CHAIR VIGIL: Okay. Thank you. We have recommendations. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR VIGIL: I have a motion for approval of recommendations by staff.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: A second. Any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I appreciate the process that you all and staff has gone through, and also the League of Women Voters and Common Cause. My thoughts, when I read this, when it came to me, one question that I had is with the three names that were recommended, and knowing that there was a fourth and knowing there is already an ordinance in the books, would it be possible to afford a fourth person to serve as an alternate. Because I do believe that this board would benefit from an individual that has a law background. And I know that one candidate did have a law background that was vetted through the top four and I would defer to staff or Ms. Miller on that.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: Madam Chair, although the ordinance says appointment of three I think it would be beneficial, part of the reason we also looked at the fourth person. Because this committee has indicated they would like to meet and look at stuff, not just meet when there's actually a pending ethics violation. They'd actually like to meet and make recommendations. All of the top four were very enthusiastic about the fact that the ordinance was in place and wanted to participate in making recommendations to the Commission and the County on how we could even further what has transpired relative to the ordinance.

And then also there was some concern that if there isn't an alternate if one of the members is conflicted out, could the board appoint someone to serve in their capacity. So I think that that would be a useful tool to have the fourth person, who was David Mittle be appointed as an alternate.

CHAIR VIGIL: Okay.



COMMISSIONER HOLIAN: Madam Chair, I am willing to amend my motion to include David Mittle as an alternate.

CHAIR VIGIL: Is the seconder fine with that?

COMMISSIONER STEFANICS: Yes.

CHAIR VIGIL: Okay. Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a question of the Board. Do any of the Commissioners know any of these individuals? I don't know any of these individuals but I wanted to see if anybody else knew these individuals.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I know Adair Waldenberg from the League of Women Voters.

CHAIR VIGIL: Anyone else?

COMMISSIONER MAYFIELD: Madam Chair, I do know David Mittle with his work with the Commission as an associate general counsel for the Attorney General's office.

CHAIR VIGIL: I don't know that I don't know any of these people. The names don't ring a bell and neither do their résumés.

COMMISSIONER ANAYA: Madam Chair, members of the Board, just one other suggestion. I think as things progress over time continuity is a helpful thing. So I would suggest – Penny you said that they were all two-year appointments?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, that's correct. The ordinance has them all as two-year appointments.

COMMISSIONER ANAYA: Would it be a big problem to have them one, two and three-year appointments so we have some continuity over time and we're not potentially losing an entire slate of members at one time. Is that a major issue or is that something we can do?

MS. MILLER: Madam Chair, Commissioner Anaya, since the ordinance states the term we would have to amend the ordinance to do that. But one of the things this group did want to do was look at the ordinance in total and make a variety of recommendations so it's something that we can look at going forward.

COMMISSIONER ANAYA: Thank you, Madam Chair.

MS. ELLIS-GREEN: Commissioner Anaya, the ordinance does allow for reappointments so one or two members could be reappointed for a second term.

COMMISSIONER ANAYA: That's what I wanted to know, Madam Chair. Thanks.

CHAIR VIGIL: Okay, I have a motion on the floor for the slate that's presented to us as recommended.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Thank you very much. Thank you, Ms. Miller, Penny, and Common Cause and everyone who contributed to this vetting process. It sure made the appointments very straightforward and I appreciate the objectivity it brought forth.

**XI. OTHER MATTERS FROM THE COMMISSION**

CHAIR VIGIL: Commissioner Stefanics, do you have any matters:

COMMISSIONER STEFANICS: Very quickly, Madam Chair, I would like to recognize Jewel Pacheco. She works at the Eldorado Senior Center and for those of you who read the newspaper you know that she actually stopped a person who was driving the wrong – driving and swerving all over the road with a child in the car. And while the Sheriff did not think it was a safe thing for her to do, she and another person moved the person off the road until the Sheriff could get to them and verify that she should not be driving. So she actually probably saved some lives and I would like to thank her very much, and of course she's out there working at the Eldorado Senior Center and that's why she couldn't be here. Thank you.

CHAIR VIGIL: Thank you. Commissioner Mayfield

COMMISSIONER MAYFIELD: Madam Chair, thank you. I was honored and fortunate enough to be able to attend the Association of Counties meeting last week and that was very beneficial to myself and I want to thank you all and ask one question of staff, because one meeting came up in our affiliate membership of the BCC and maybe I didn't understand it the way it was presented to me, but are we current on our dues with the Association of Counties, or are we two years behind? I didn't understand how they had their x's in the black boxes.

MS. MILLER: Madam Chair, Commissioner Mayfield, Commissioner Stefanics brought that to my attention because I'm not familiar. We are looking into that. I've asked Jen to call the Association and find out if that's just an affiliate dues or what the history is on that because it looked like it was two years that there's something awry. So we're looking into that to make sure it's correct.

COMMISSIONER MAYFIELD: Thank you. And also I was fortunate to be able to attend some of the County College courses, and I don't know exactly what the policy is to afford training to our staff. If that is an opportunity for staff to take advantage of – and I don't want to say advantage. I think it would be a viable resource for any staff member including myself to try to get those certificates through the County College, and those classes are afforded here locally and I don't think it would take too much time if we could do that and I'd appreciate it. Thank you.

CHAIR VIGIL: Thank you, Commissioner Mayfield. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a few items. First I want to thank the Manager and staff on – Joseph and his staff on communications with the County Fair. I know they've been working through issues associated with the expenditure of capital money and I appreciate their work and those communications from you, Ms. Miller and Mr. Gutierrez,

Rudy Garcia. A lot of people involved. Corky Ojinaga as well, for working through those capital issues. That was something I brought up at the last meeting relative to getting those expenditures done and I know you're working through those issues. I appreciate that very much.

At the last meeting I brought up an item that I think we were going to get some follow-up on on capital fund expenditures so I look forward to that update. I don't know, Ms. Miller, if you want to do that now or if that's something you want to do under Matters from the Manager. I know you, Mr. Gutierrez were going to provide something, but Ms. Miller?

MS. MILLER: Perhaps you'd like to now, Joseph, bring forward any update he has on that. I don't have anything formal under Matters from the Manager.

COMMISSIONER ANAYA: Relative to legislative communications, I had requested a review and I know Mr. Ross has been working on it because he told me was relative to the Mileage and Per Diem Act to get clarification on the legislation and that's possibly something we would discuss under legislative issues, so we can defer to that.

Four things that I wanted to follow up on that were prior issues that Commissioner Anaya was working on and had been working on for quite some time. Code of the West, I appreciate his work and the support of the Commission on that initiative and I want to publicly acknowledge the County Clerk's Office. It's my understanding the County Clerk puts information on the Code of the West within your documents, so I want to give you a chance to respond and then after she responds, I was just wanting to know if we're doing anything else on Code of the West, to put it on our website or provide little pamphlets to people especially in the rural areas. But Madam Chair, if it's okay, if the Clerk could give us a little information.

MS. ESPINOZA: Madam Chair, Commissioners, yes, Commissioner Anaya, we did contribute to the new Code and I don't know if it's online. We did include our recording fees. We gave them a history of Santa Fe County, what we do, how we can assist voters and just provide general information as to what our office does.

COMMISSIONER ANAYA: Madam Chair, Madam Clerk, thank you for that. And Ms. Miller, I would just ask to see if you could evaluate with staff if we could put that on the web or what other things we have in mind. I think there's a lot of helpful information there, especially for those residents who live in the rural area. People that are buying property or building permits. I would defer to you but maybe that's something that staff can talk about.

COMMISSIONER STEFANICS: On this point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya, for that recommendation. I'm wondering if we just printed it up kind of cute, we could probably provide it to the Santa Fe Realtors Association so they could pass it on every time they have a sale. And I know that there's also a group in town that's like a newcomers group that actually welcomes people to the community and they get the names of people from the Santa Fe Realtors Association. So if we came up with some presentable document I bet they would include it. Thank you.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, thank you very much. I think that's a good suggestion so I'll look forward to feedback on that.

Another item for a future meeting and I don't even know all the players that were involved but I know that the County was working with the state, is my understanding, on some private owners of the shooting range in coordination with the Sheriff's Office. I know there was a planning effort going on associated with that. I believe the Sheriff's Department was working with Commissioner Anaya on that but if you could just maybe help me get up to speed on what that is and what that entails so I can try and follow up. Thank you, Ms. Miller.

And then, Madam Chair, Ms. Miller and Mr. Guerrerortiz, if you could – another item I know Commissioner Anaya was working on was County Road 42 transfer station. If you could provide us a brief update as to where that is at, that would be greatly appreciated.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, the design for that transfer station was initiated by the Firm of Gordon Environmental Engineering out of Albuquerque and that firm had designed the station at Stanley. There were some very serious issues that were associated with the design of the transfer station at Stanley that we had discovered only after the fact. But we're early enough to be able to prevent the same issues to be repeated at the transfer station at San Marcos.

When I joined the County in June I started working on that diligently trying to figure out what we can salvage from that design and what needed to be redone, because the firm was dismissed of course. When you're dealing with two engineering designs it really can become pretty rocky, so there was only one engineering firm who was willing to take over that preliminary work, if you want to call it, and that engineering firm is experienced in civil engineering and in my mind there's no specialty necessary for the kind of work that is associated with the transfer station as long as you don't deal with or you don't get into the areas where trash is being buried in the past.

So we're working on that and it has been a very difficult process, a lot more difficult than I had anticipated. When I started with the County I was optimistic enough to say that by the end of the year I would have something that I could bid; it didn't happen, unfortunately. We're trying to finalize the design now. It had to be redesigned altogether. There were some flaws in the design that were discovered most recently when we actually dug into it and we had some discussions with the engineer who was hired to do the job. Perhaps that's what is delaying us right now. I think that with the changes that we're making at this point we're going to deal with how the project is going to be the capital improvement cost is going to be lower. But we had to do a lot more work than we had anticipated in the redesign. So if you can bear with me and give me your patience on that I promise you that it is going to be built as soon as the season allows it. We're working on making sure that it is advertised so that we start work as the spring hits.

COMMISSIONER ANAYA: Madam Chair, thank you, Mr. Guerrerortiz and Commissioner Anaya was expressing to the community at large that that was going to get bid. I understand that you're making adjustments but as soon as that could be bid would be appreciated by the community very much. Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. At the last meeting I welcomed to the two new Commissioners but I forgot to welcome our new chair, and so I

would like to welcome Commissioner Vigil who is our new chair and I would just like to say that I have found it so rewarding working with you these last few years. You've been a mentor to me and even more important a friend to me. And I am really looking forward to your leadership as chair and are we going to have flowers all the time now?

CHAIR VIGIL: Yes, I insist and I welcome them. Thank you very much, Commissioner Holian. That's nice of you to say that.

COMMISSIONER ANAYA: On that point, Madam Chair, congratulations on being elected chair.

CHAIR VIGIL: Thank you.

COMMISSIONER HOLIAN: I had a meeting with Maria Padilla last week who works for the Northern Rio Grande National Heritage Area non-profit and I think that all of your Commissioners either have had a meeting with her or will have a meeting with her, so I'm bringing up this item for the benefit of the public. And I just wanted to reiterate to people that Santa Fe, Rio Arriba and Taos counties in 2006 were named a national heritage area called the Northern Rio Grande National Heritage Area. And what a heritage area is is it's a place that has a unique combination of cultures, languages, arts, crafts, customs and/or architecture. And I think that we qualify on all those counts.

What I think is really interesting is that while there are a number of heritage areas in the United States there's only a very few, and I don't remember the number, that are west of the Mississippi. So this is a real tribute to all the people who've been working since the nineties, I think it's the early nineties, to bring this heritage area about for us. And the reason that I bring this up is that the heritage area is – well, first of all I'll say that it is under the auspices of the National Park Service, but it is actually administered by a non-profit that is located in Espanola. They are working furiously to finish the plan for the heritage area, and once that plan is signed off by the Forest Service the heritage area will be eligible for federal funds. And this is what's exciting, because these federal funds can be applied for by different counties for grants, for different communities for grants for community projects.

For example, one possible grant that I heard about is there's a farmers' market who wants to apply for a grant to build an horno on the site of where they have their farmers' market so that they can have various demonstrations using that horno. And communities can also apply for these funds for like creating maps describing their areas. They can use them to build trails. They can – just anything that they can think of that's community oriented. So I just wanted to make people aware that this opportunity is out there.

Then I'd also like to ask our County staff if possibly we could put a little information about this on our website and then have a link to the website that is administered by the Northern Rio Grande National Heritage Area so that people could get more information about these grants. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Holian.

**XIII. A. 8. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2010 (Finance Division)**

COMMISSIONER MAYFIELD: Madam Chair, thank you. And I had a brief discussion also with Manager Miller on this matter, and I apologize; I'm just trying to find it in my packet. Madam Chair and Ms. Martinez, what statute mandates that we have to approve every purchase within the County?

TERESA MARTINEZ (Finance Director): Madam Chair and Commissioner Mayfield, I don't know specifically the citation number but I can get it for you. I know it's Chapter 10. I want to say 10.7 something. But I can pull that for you.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, I also had a brief discussion with County Manager Miller. This is something I'd like to bring forward again in maybe a resolution in the future is about having a CFO designation for this organization, and not taking any of our responsibility away that's prescribed to us through statute. But that way there is some check and balances. If there is a purchase made out there that we as a Board are not aware of that is vetted through our Purchasing Department, our Finance Department and through the Manager's Department, that we won't be questioned everyday, what was this purchase for? Nor will I be, or any of my Commissioners asked, why do you keep asking about this purchase? Why are you asking about this purchase?

I do believe we have great staff on board with this County and I would like to afford them the opportunity to make those decisions, and I do not want to approve every single purchase transaction at this Commission unless I will be afforded time to ask questions of what all these purchases are for.

CHAIR VIGIL: Thank you, Commissioner Mayfield. Thank you, Teresa. Is there any action you'd like to take on this item? We do need to take action on it.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: I have a motion and a second.

**The motion passed by unanimous [4-0] voice vote, with Commissioner Mayfield abstaining.**

**IV. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Clerk's Office**

**1. Update on E-Recording (Clerk Espinoza)**

CHAIR VIGIL: Who will be giving that update? Will that be you?

MS. ESPINOZA: All of us. Thank you. First of all, I want to thank you for your interest in the e-filing and e-recording because we are presenting because you asked

about it and so thank you. Before we instituted the system we asked our title company across the street, and Cindy Delbrook is here to let you know how it's working out for the users and our constituents and the title companies. So first off, Marcella will present, and then Erika and Cindy. We'll be very brief.

CHAIR VIGIL: Thank you, Marcella. Appreciate you giving us some information on this.

MARCELLA SALAZAR (Clerk's Office): Thank you, Madam Chair Vigil and Commissioners. Before I get started with the update I would like to just say that the success of the e-recording project was a collaboration of efforts from multiple offices, so I would like to take the time to thank the Treasurer's Office, Finance staff, Legal and IT staff.

To bring the new Commissioners up to par, e-recording. E-recording is a process of receiving and processing documents for recording via Internet that would otherwise be sent to the County Clerk's Office by either a courier or express mail. We currently use two e-recording services and our vendors are Professional Document Systems and Simplifile. To clarify the process, the parties involved are the County, a third-party e-recording service provider which would be either PDS or Simplifile, and the transmitter, which would be a title company, a bank, or a high-volume recorder.

All services down via e-recording are done by a CH payment and as of today we have collected over \$63,000 in our recording services. We do have Erika Romero here today. She is one of our recorders and she will give you just a little bit more information.

CHAIR VIGIL: Thank you. Erika, please state your full name for our record.

ERIKA ROMERO: Good afternoon, Madam Chair, Commissioners. I just want to give you a little brief process on the e-recording. It's very simple. We have document transmitters who are our title companies, law firms, banks, or high volume recorders who scan relevant documents. They convert them into electronic images which then with just the click of a mouse they submit it to our County Clerk's Office electronically. Once the County Clerk then receives it, we review the documents for approval or if we need to reject that document. This process takes just a few seconds and the transmitter will then receive confirmation of the documents being recorded with their status. The documents recorded will get an affixed electronic Clerk's seal and recording information. I also just wanted to let you guys know that Valerie and myself will be attending the International Association of Clerks, Recorders, Election Officials and Treasurers this summer and we're going to be on a panel to go over this process with these people who are attending this conference.

CHAIR VIGIL: Thank you very much.

MS. ROMERO: And now I'd like to introduce Cindy Delbrook who's with our title company, Title Guarantee.

CHAIR VIGIL: Welcome, Cindy.

CINDY DELBROOK: Thank you, Valerie, Marcella, Erika. Good day, Madam Chair, Commissioners. My name's Cindy Delbrook. I'm with Title Guarantee Insurance Company. I have 34 years experience in the title industry. I moved to Santa Fe in 1989 and in my 22 years here I've worked with three County Clerks. And I must say that



Valerie is the most pro-active clerk we have had to date. When Valerie took office in 2005 she immediately started a Clerk's Task Force committee, which involved the title companies and people in the industry, industry leaders.

What we do in these meetings is we give feedback to find out what will better the community and the County on a whole. Two very important tools came from this task force. One, and the first one was the preserving of the documents in this office. The Clerk's Office has invaluable documentation as to the history in our county. She has taken the steps to preserve these documents via digitizing them, the indexes as well as the actual documents. Her staff is in the middle of this daunting task and each month we have documents that become available to us electronically. It's a valuable, valuable service.

The other thing that came out of this was e-filing. We started working towards e-filing in 2007 and on August 19, 2010 Title Guarantee is very proud to have been the first title company to electronically file in Santa Fe County with no errors, glitches, problems at all. This tool is a huge advancement for Santa Fe County in our ability to keep up with the demands of this electronic age we're in. It also brings us in line with other southwestern states that are using this system.

The convenience of e-filing is just one factor that we as a title company accept and agree is vital. The time that we would spend coming to the Clerk's Office from our offices, it takes manpower, time, energy. People in the Clerk's Office added additional people to deal with in the staff. E-filing eliminates that. We sit at our desk; we scan documents; we push the buttons; fill out the information. They verify we're right, it gets recorded and within five minutes I have documents back to my closers and we can disburse funds ten times faster than we ever could before. Therefore we're providing this community with a valuable customer service. That's what we do in the title industry. That's what the Clerk does; that's what her staff does, and I would like to just personally thank Valerie for her efforts in implementing this. And it has been a valuable tool and will continue to do so. And I really appreciate her taking the time to work with me and ask me to help her in assisting on this.

CHAIR VIGIL: Thank you, Cindy. Appreciate it. Thank you, Valerie, for that update. Appreciate it. Are there questions? Commissioner Stefanics, Commissioner Anaya.

COMMISSIONER STEFANICS: Yes, just a brief question. On e-filing, Valerie, I have asked our County Manager to identify what County services we could do through the web, for constituents. And I think this is great that this is happening through the real estate environment. So if you come up with any ideas of what services come out of your office that could be done web-based for the public, we'd be very happy to hear those ideas.

MS. ESPINOZA: Great. We'll do that. Right now those services are provided for mainly title companies, but our website does have all capabilities, forms, everything, that people might need on line already. But we will be happy to help you with that request.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Madam Clerk, Marcella, Cindy and Erika, I appreciate the presentation and the work that you guys are doing. I wrote down five things: community service, access to information, technology, partnership and

preservation. And I think those things are the things that you're doing and when you don't hear about things a lot of times that means really good things are happening, so I appreciate the work of yourself and your staff and your partnership with the private sector and providing service and work to the community. Thank you.

CHAIR VIGIL: Thank you. Any other questions? Thank you very much for bringing this forward.

**XIV. B. Assessor's Office**

**1. Resolution No. 2011-\_\_ . A Resolution Requesting Approval of a Budget Increase of \$67,148 From the Property Valuation Fund for an Organizational Evaluation of the Office of the County Assessor**

CHAIR VIGIL: Who will take a lead on this? Will that be you, Domingo? Please step forward and just state your name for the record.

DOMINGO MARTINEZ (County Assessor): Thank you, Commissioner. This adjustment to the budget is not general fund money; it is specific money that is held in the valuation fund for the Assessor. We have determined or DFA has determined that we need a study done, which I welcome. I've advocated that we needed to have a study done of the Assessor's Office at some point so this is a request by DFA for us to do this evaluation now so that they can ascertain and come up with if the budget of the County Assessor is appropriate, so that we can meet the statutory responsibilities of my office.

CHAIR VIGIL: Okay. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Assessor Martinez, thank you for coming. I do have some questions and forgive me as I'm a new Commissioner but I have some questions leading up to this very issue. I know based on our work study that a budget was provided to your office based on the normal budget process where all elected officials and department heads present their budgets and the request for justification and then those discussions are then held with staff, first the Manager and the Finance Director, and then those recommendations come forward to the Commission. And that based on those recommendations last year you expressed that you felt that you didn't have enough positions and budget within the approval that the Commission made and then you subsequently filed a request of DFA to review. I don't know if it's the right word, but a protest if you will to the budget that was allocated by the Commission. Is that an accurate summary of what's happened to date thus far?

MR. MARTINEZ: That's correct, Commissioner Anaya. In the statutes, in the property tax code, there are specific laws that dictate that the Commission is responsible to fund the Assessor's Office adequately in order for us to meet our statutory responsibilities. If that is not the case and I cannot do that then the statutes basically say that the Department of Finance and Administration can step in and take a look at it and see if they can come up with a decision as to what it is. At that point in time they couldn't; they asked for this evaluation

and that's where we're going to now. We're going to do this evaluation. The evaluation will then report to the County Commission and to DFA whether there are best practices that I can institute that will take place instead of additional FTE, or whether I really need the FTE or any other things that I need to comply with the statutes.

COMMISSIONER ANAYA: Madam Chair, if I could, Mr. Martinez, it's my understanding that there was a hearing of some type between yourself and the Department of Finance and Administration. What were the results of the hearing? What did DFA say relative to your protest on the actual budget?

MR. MARTINEZ: The hearing was conducted at DFA. At the hearing was the County Commission by way of – I think it was Penny was there because she was acting County Manager at the time. Finance was there. Your attorney was there. Taxation and Revenue was there with their attorney. DFA was there with their attorney who was the one that was conducting the hearing, and then you have the Assessor's Office which is myself and the deputy at the time. So we went through the information. They established there wasn't enough even though there were four years of audits and four years of evaluations from my oversight agency, the Tax and Revenue Department. They felt they needed even more information. So that's when they said and they basically sent a letter to all of us saying that this was the decision that we had all arrived at and that was to conduct this evaluation and ascertain from experts once and for all what the actual funding should be for the Office of the County Assessor.

COMMISSIONER ANAYA: Madam Chair, just for clarification because I want to make sure that I get it right. Did DFA mandate that this study be taken? Did they actually mandate and tell the County that this be done? I don't know if this is for your or for Legal. Did they tell us? Did they mandate it?

MR. MARTINEZ: There was a letter, Commissioner Anaya, there was a letter that was submitted to all of us that basically said that this was the decision of everybody in the room that this was the way we were going to go. We were going to have this evaluation and at that point in time they would decide whether we have enough funding.

COMMISSIONER ANAYA: Madam Chair, Mr. Martinez, with all due respect, maybe staff can help. Was it a mandate from DFA that we do this?

MS. MILLER: Madam Chair, Commissioner Anaya, my understanding – and I wasn't involved on either side of it, but that in the meeting, and there is a letter from DFA and I just asked if Rachel could get that, that it was – the outcome of the meeting was that the County would make a good-faith effort to get a study done up to \$45,000. \$45,000 was budgeted in the Assessor's fund. So we did an RFP and received proposals and the one whose qualifications are acceptable to the Assessor and to staff, their proposal is the \$45,000 plus this \$67,000. So it's actually \$103,000, \$104,000, and I do believe that's including tax. So I believe that the letter indicated that the County would try to work with the Assessor in getting an assessment done at \$45,000 and then look at it relative to the budget, if it was more than that. But I did ask Rachel if there was a letter or anything from DFA, how that was supposed to work.

But I do know we did budget the \$45,000. That was what was targeted and then this is what it's come back as, which is why it's in front of you.

COMMISSIONER ANAYA: Madam Chair, and I apologize for taking a little time, but Madam Chair, Mr. Martinez, when that discussion was taking place was it your desire to do the study or was it something that was suggested by others, just going back historically? Was it something that you had suggested or was it someone else suggested? Because what I've heard and I want to clarify it with you here was that you didn't suggest the study be done; somebody else did. Is that accurate?

MR. MARTINEZ: Commissioner Anaya, that's correct. About four years ago when I first took over the Office of the County Assessor I was asked by the County Manager at that point in time – two other County Commissioners were in the room at the time and they asked me what do you need as far as increases in budget, increases in staff, to get the work done. I told them that first of all what we need to do is I needed to go back into the office, take inventory of a lot of things that were in there and probably the best case scenario would be to implement a CAMA system, a system that should have been instituted 20 years ago in this County. And that would give us the vehicle to identify what we needed as we went along. And I was the one that said, and once we finish implementing that system and we get all the issues ironed out then I would request that an evaluation be done at the office, so that we can ascertain exactly what the level amount of staff and budget that it needs to carry on forward from there after all the backlogs and all the problems that we had inherited can be taken care of.

COMMISSIONER ANAYA: Madam Chair, Mr. Martinez, so you did request the review? It did come from you?

MR. MARTINEZ: At that point in time I made the comment at some point in time we would need a study. At the point in time that we went to DFA I did not request it but they said that that's what they needed, and I have no problem with it. I think a study is needed. I think it's a little bit premature at this point in time because we know what we need. But the problem is I can't get the funding and the staffing to take care of those issues that will hopefully either be recognized in the report by giving me best practices to institute different procedures or things of that nature so I can take care of that problem, or they can tell me, or they can tell us in the report that I need more staff or whatever the other issues might be.

COMMISSIONER ANAYA: Madam Chair, Mr. Martinez, and by no means am I picking on you in any way but it's my understanding and yourself or the Manager or Finance can clarify, but one of the few departments in the last budget cycle that did receive additional positions was the Assessor's Office. Is that an accurate statement?

MR. MARTINEZ: The past budget –

COMMISSIONER ANAYA: The past budget cycle, it's my understanding that you had received some additional positions to help in your office with the Assessor's work.

MR. MARTINEZ: The budget previous to this one that we're in now, yes, we did.

COMMISSIONER ANAYA: Okay. Madam Chair, Mr. Martinez, once again, with the utmost respect to your office, a couple more statements that I'll make and then I'll make a suggestion to the Commission. It's a tough challenge this Commission has. Prior to me sitting here and now myself as part of this Commission we're obligated by statute ourselves to provide for a review and then recommendations and approvals of budgets across both departments and elected officials across the board. And I know that this Commission is very diligent about making sure that we hear all the concerns of the elected offices as well as the departments. I think the testament to you, as the current Santa Fe County Assessor is that we just had an election that I am fortunate and humbled that I was elected, but that you also were elected as Assessor for Santa Fe County. I think that demonstrates from the public's perspective is that you and your office have done the work of the Assessor's Office and you got re-elected as such.

I am reluctant; I'll be quite honest with you, to support a separate review of your office. I think that we collectively, all of us, that put forth budgets and go through a review process, do the best we can collectively in partnership together. And I think that you also now have with you another deputy assessor that's supporting your initiatives that has background and experience directly as being a County Assessor. And so I would suggest to the Commission that we not move forward with an assessment that based on your expertise and the expertise of your deputy assessor and some analysis – I think I'd also like to see some analysis from other offices. Mr. Perez, you could enlighten us and the Board as to what the staffing patterns were at Dona Ana County as well as other counties of similar size and scope. I just don't think that extending a separate evaluation is a good idea. I think we can work together to hear the issues that you have as well as the other offices. So I respectfully would suggest that – and also financially, it looks like it's come in a lot more than maybe we anticipated. I would like to suggest and move to table this item at this time, Madam Chair.

CHAIR VIGIL: Is that a motion?

COMMISSIONER ANAYA: Yes, ma'am.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and a second. No discussion can be held on a tabled item.

**The motion to table passed by majority [4-1] voice vote with Commissioner Mayfield casing the nay vote.**

COMMISSIONER MAYFIELD: No, because I wanted discussion to still happen.

CHAIR VIGIL: Well, we had to take action on the table. I'm sorry, but the rules of order. So we have a table on this, Domingo, and I think –

COMMISSIONER ANAYA: Madam Chair, I didn't – I respect the parliamentary procedures but actually I didn't make the motion to discount comments..

CHAIR VIGIL: And I'm happy to take them.

COMMISSIONER ANAYA: So maybe before, if we could – could we recall the vote somehow? Because I don't have disrespect in my motion. Actually, Mr. Assessor, Mr. Martinez, I think as a Commission and as a body working with you and the rest of the elected officials we should collectively be able to work and discuss items and I want to learn from yourself and Mr. Perez and other areas throughout the state. So I don't want to come across as –

CHAIR VIGIL: Commissioner Anaya, we can have Mr. Mayfield make his comments. That's not a problem. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And I don't know if they're comments, but questions if I may, Madam Chair. Excuse me, Assessor Martinez, isn't there a mechanism in place that maybe we could ask the State Personnel Office to do an evaluation of desk assignments, of work load within the Treasurer's Office and the Assessor's Office. The Assessor's, excuse me. You are the Assessor.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, I believe that any Human Resources office is not going to be able to do that type of work that easy. The type of work that the Assessor's Office does is very specific. Our oversight agency, the Taxation and Revenue Department does an evaluation every year and they have basically said that we need some infusion of not only different ways of doing things but also some infusion of extra people in the office. Right now I believe we have enough people in the Assessor's Office on a day to day basis. The problem we have is that we have too many backlogs, too many problems, too many issues, too many properties that are not on the tax rolls. We don't have the people to do that part of it.

And we were trying to piecemeal it. Every year I would come in for extra people, for extra people As Commissioner Anaya said, two years ago, the budget before this one, the Commission gave me five new appraisers. The understanding was that those five new appraisers, that once we got past the backlog and we did this review, this assessment where people would come in and tell us how many people we needed, that those five, based on that study, that they might go away.

Now, that has been my understanding since the beginning. What the problem is we've got to get beyond this backlog and put all these properties on the tax rolls, correctly, the way the statutes say we're supposed to. And if I don't do that then I run the chance of being suspended and taken out of office to a certain extent. If you look at the property tax rolls, there are different ways of dealing with this. The first way was to go to DFA and let them make a decision whether we have an adequate budget. They have requested that this evaluation take place for them to make that decision. If the decision is from this Commission not to go forward with it then we go to the next step, and the next step might be that I go to the Property Tax Division and ask them to take over the functions of the Assessor's Office as it pertains to taking care of these backlogs.

COMMISSIONER MAYFIELD: Madam Chair and Assessor Martinez, would there not be an avenue maybe to use the property valuation fund to keep these individuals on place until all those adjustments are made as you have identified you have that need?

MR. MARTINEZ: We could do that. We could place more emphasis on the one percent money. The problem is that every year, a big portion of that money goes to fund my regular budget.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Martinez, what is the balance of that fund right now?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, what happens, every year when the Treasurer is collecting money, a penny out of every dollar is collected from that and is put into the valuation fund. At the end of the year there's an accumulation of about a million dollars. When we go to budget, they budget that million dollars for my budget for the following year.

COMMISSIONER MAYFIELD: And Madam Chair, the whole million dollars is budgeted for your operations or –

MR. MARTINEZ: Just about all of it. Yes, sir.

COMMISSIONER MAYFIELD: I didn't understand that. Madam Chair, thank you.

CHAIR VIGIL: Commissioner Stefanics had some follow-up questions.

COMMISSIONER STEFANICS: It's more of a comment. Thank you, Madam Chair, to explain my vote of a no, is I would suggest that, Mr. Assessor, that there be negotiation on how to use the \$45,000 and just start a study with the \$45,000. Because we're in the second half of the fiscal year and that something be done with what has been approved, and then maybe we could move to a second phase if the first phase suggests that there needs to be further. And I understand that the bidders didn't come in like that, but I am recommending that since we did approve the first amount of money to determine if there's something that could be done with that first amount of money. So that's the reason I voted no for the extra money. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Is there anything further?

COMMISSIONER ANAYA: Yes, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I want to clarify that the operative point is that I believe we, as a collective body, the Commission, all of the elected offices in the department, need to have ongoing and continued communication and dialogue. So I fully respect what Commissioner Stefanics is suggesting. It was a motion to table. I think we should have more dialogue and discussion, and also assessment of what other counties are doing. I think I would like to see, comparatively speaking, who's doing what in other parts of the state and where they have gaps that may be similar to your gaps. So with all due respect, Madam Chair, thank you for those additional comments.

CHAIR VIGIL: Thank you very much. Thank you, Domingo, for your presentation.

SEE CLERK RECORDED 03/18/2011



**XIV. C. Community Services Department**

**1. Request Approval of a Building Lease Agreement Between the County and Presbyterian Medical Services for a County Owned Building, Parking Lot and Playground Located at County Road 98 in Chimayo for a Headstart Program in Santa Fe County (Community Services Department/Community Projects)**

CHAIR VIGIL: Agnes, proceed. Or are you ready to take action?

AGNES LOPEZ (Community Services Deputy Director): Yes, I'm ready to take action. This is a facility in Chimayo. It's about a 2,300 square feet facility that Presbyterian Medical Services has been leasing for the past eight years, I believe.

COMMISSIONER STEFANICS: Madam Chair, I move approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR VIGIL: Motion and a second. Any discussion?

**The motion passed by unanimous [5-0] voice vote.**

**XIV. C. 2. DWI Program Status Report (Community Services Department)  
*[Exhibit 5: Comparative Data; Exhibit 6: Prevention Report]***

CHAIR VIGIL: Becky, welcome.

REBECCA BEARDSLEY (DWI Program Coordinator): Madam Chair, Commissioners, we have a presentation that will take about 30 minutes this afternoon. Just kidding. We're going to keep it very brief and then open it up for questions.

COMMISSIONER MAYFIELD: My questions will take 30 minutes.

MS. BEARDSLEY: We'll be here for 30 minutes or for as long as it takes to answer all of your questions. In 1993 the New Mexico Legislature enacted laws of 1993 Chapter 65. A portion of the law created the Local DWI Grant Program Act, compiled from sections 11-6-A-1 through 11-6-A-6, NMSA 1978 as amended. This imposes a liquor access tax on wholesalers who sell alcohol beverages in New Mexico. The money that is collected is distributed as follows: 41.05 percent goes to the counties for DWI programs and DWI related expenses. \$300,000 of that goes for ignition interlock indigent fund, \$2.8 million goes for detoxification grants to six counties ranging from \$150,000 to \$1.7 million. We are by the way one of the counties that receives a detoxification grant and we receive \$300,000.

There's also \$600,000 that goes for administration of the fund which goes directly to DFA, \$1.9 million for competitive grants, and then the remainder of the funding goes to the counties for their programs and is distributed via a formula which takes into account crash data, liquor sales and gross receipts tax. The other 58.95 percent goes into the state general fund.

Santa Fe County merged its DWI Task Force with the DWI Planning Council in 1997 in order to be eligible to receive funding and run the program. This advisory group has been in place ever since and we are currently soliciting applications for our DWI Planning Council. I will beg to differ that this is probably the most popular council as we have already received over 30 applicants and the closing date isn't until Friday.

There are three different LDWI funding streams which the County receives money for. One is the \$300,000 detoxification grant which I talked about. We are eligible to receive that via state statute. Prior to this fiscal year these services were provided to the CARE Connection and the Sobering Center. Since CHRISTUS St. Vincent's acquired these programs we are now subcontracting with CHRISTUS to provide these services, and you earlier approved an application for funding for FY 12 when you approved the Consent Calendar.

We were awarded a competitive grant in fiscal year 11 for \$150,000 to fund two law enforcement positions which had previously been funded through a federal grant which ended in fiscal year 10. We've again applied for the \$150,000 to fund these positions in FY 12 and that again was approved earlier in the Consent Calendar.

And finally, the main source of our department funding is the distribution, which this year, fiscal 11, equals \$1,198,437. This funding can be used on eight components: treatment, screening, compliance monitoring and tracking, prevention, alternative sentencing, law enforcement, domestic violence and coordination, planning and evaluation. We fund all the components except for domestic violence and our distribution for fiscal year for 12 is projected at \$1,101,943, and that was also approved on the Consent Calendar earlier today.

In looking at the issue of DWI and underage drinking, we realize these are issues that affect people from all walks of life and from all angles. Therefore we try to address them from all aspects by funding seven out of the eight components. Through this multi-faceted approach we feel that we've been able to heighten community awareness and begin changing the culture. Individuals are starting to realize that it is not acceptable to drive while impaired and that underage drinking is not acceptable or legal.

The main evaluator for our program is crash data. The latest published data shows that from 2005 to 2009 we saw a 33 percent reduction in alcohol involved fatalities, a 59.2 percent reduction in serious alcohol involved injuries and we continue to see a decrease in the percent of alcohol involved crashes in both adults and teens. In the last three years we've seen over a 50 percent reduction in DWI arrests on Friday and Saturday nights between 5:30 pm and 2:30 am, the hours identified as peak hours for drinking and driving.

Unfortunately, in June of 2009 we did experience four fatalities as a result of a crash involving alcohol and a teen driver. However, the driver was not impaired. We believe that we are still making positive strides with our youth since we have reduced serious injuries and crashes involving alcohol and teen drivers by 69 percent since 2005.

Let me give you some specifics about each of the components we fund. State statute requires that every convicted DWI offender be screened and tracked. In 2009 and 2010 we successfully administered administrative screening to 97 percent of all convicted DWI

offenders and referred them to the CARE Connection for a clinical screening. This is one of the highest compliance rates in the state. The compliance monitoring/tracking component of the Santa Fe County DWI program provides strength in tracking and follow-up efforts with the DWI offenders. Staff reviews and updates each active case on a monthly basis. We coordinate efforts with the court to ensure completion of sentencing requirements or the issuance of a bench warrant. We are also responsible for the date entry that is central for tracking DWI offenders through the system and ensuring accurate information is available when an individual re-offends.

Staff is currently tracking over 1,100 active offenders. We have an outstanding relationship with the magistrate court and have been able to establish practices with them and for our program that result in better than average compliance rates and are looked at as best practices throughout the state. We fund alternative sentencing, which consists of teen court. We provide financial support directly to the program as well as fund other contractual services, which support the program, including a contract for treatment for teens. At this time that is the only treatment that we are funding, primarily because we have found that between Medicaid, private insurance and the healthcare assistance program, which is our indigent fund, and the resources the CARE Connection is able to access for our clients, we found that most clients could obtain access to treatment on their own. We thought it was better for us to use our money on other components, which would be more beneficial for our community.

In 2010 we had 600 offenders who were sentenced to treatment and of those, 546 actually started it, so we feel that we made a good decision and we will continue to track this and if at any time we find that these needs are not being met we will look at this again and consider funding treatment once again.

We fund two law enforcement positions in addition to the two grant fund positions. This program has supported these two positions for the last six-plus years. New Mexico has some of the toughest DWI related laws on the books, but we know that it is imperative that adequate law enforcement dedicated to the issue be out on the streets in order to catch offenders.

In addition to funding these positions we work with all seven law enforcement agencies in Santa Fe County. The Santa Fe County Sheriff's Department, New Mexico State Police, City of Santa Fe Police Department, Pojoaque Tribal, Tesuque Tribal, BIA, New Mexico Department of Public Safety Special Investigations Division, and the New Mexico Mounted Patrol. We don't work independently. There's a great deal of collaboration with governmental agencies and advocacy groups, not only within Santa Fe County but also with our neighboring communities, because we know that this program crosses boundaries. At this time I'll turn it over to Frank Magourilos who will tell you about our prevention component and then he and I will both be available for questions.

FRANK MAGOURILOS (Prevention Specialists): Thank you, Becky. Good afternoon, Madam Chair, Commissioners.

CHAIR VIGIL: Welcome, Frank. Thanks for all the work you do.

MR. MAGOURILOS: Thank you. First I just want to say a very heartfelt thank you for allowing us to share with you some of the things that we're doing in Santa Fe in the different communities. You have a three-pager in front of you. [Exhibit 6] I will not go through everything but I'll be more than happy to answer any and all questions. I just want to highlight a few things. In the calendar year of 2010, my staff of 1-½ full-time prevention specialists and myself, we provided direct prevention services to about 5,500 youth in Santa Fe County, in all the different communities. I also want to really show some appreciation and gratitude to Commissioner Anaya because he really helped us do some Edgewood outreach and because of him we were able to start communicating with the superintendent out there and we're going to be doing some prevention services out there where the services are really needed.

The last thing that I want to mention that is extremely important, especially as a priority for this year and this is something that we started last year is the need to have a strategic plan and also an external evaluator because our prevention component is a very serious amount of money and we just really need to be transparent to make sure that what we're doing is evidence-based and although my staff and myself are all certified prevention specialists we really want some more objectivity and to have an evaluator because our expertise in evaluation, it's rudimentary. We have a basic knowledge but we're not experts in evaluation. So we feel and believe that with a strategic plan and an evaluator we could really be – to do even more things than what we're already doing.

CHAIR VIGIL: Thank you, Frank. Are there any questions? I believe Commissioner Stefanics had her hand up. Commissioner Anaya, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I believe that this Thursday at the legislature, press conference, walk, etc. at the rotunda?

MS. BEARDSLEY: Madam Chair, Commissioner Stefanics, this Thursday is DWI Awareness Day at the Roundhouse. We will have DWI prevention advocates in the rotunda the entire day starting at 8:00 am and there will be a press conference at noon. Immediately following the press conference there will be a March of Sorrows. We will silently file out of the rotunda and march around the Roundhouse in order to commemorate those who have lost their lives to DWI-related crashes.

COMMISSIONER STEFANICS: Thank you. And I want everyone to know from the public that we take this very seriously and when we had – we've had a series of deaths here, especially of youth in our community, and we put together a task force and every now and then I feel like maybe we're not quite doing enough but I really appreciate the continued efforts on DWO and other substance abuse as well.

Now, Becky, what I'd like to ask is what is your total FY 11 budget? The total revenue?

MS. BEARDSLEY: Our total FY 11 budget – are you talking about just LDWI or are you talking about CDWI as well?

COMMISSIONER STEFANICS: I'm talking about everything.

MS. BEARDSLEY: Everything in total is \$1,300,000, give or take.

COMMISSIONER STEFANICS: Okay. What I would like – because I don't see it in the materials that were handed to us – is I would really like to see a source of the revenue, and I tried to write them down as we went through them, and then how we're expending that money.

MS. BEARDSLEY: Absolutely.

COMMISSIONER STEFANICS: So if you could provide that to all the Commissioners, I think that would be very helpful. County Manager.

MS. MILLER: And additionally, what would also be interesting is some of those are capped or directed by the DWI Council Can you indicate on those as far as –

COMMISSIONER STEFANICS: Restricted or non-restricted.

MS. MILLER: Yes. Restricted or non-restricted. Because I think for instance like teen court or something, that that's a cap that's put on by the state DWI Council. So it would be good to know that too.

COMMISSIONER STEFANICS: Right. So Madam Chair, for example, you mentioned some grant that came through for law enforcement, so I'm assuming that's restricted. So that's what I'm asking to see is a budget of revenues that have come in, the total, and then our expenditures with the total so that we can see what's restricted that we have to spend it on and how we're spending the rest. Because as you know, we, this spring, in a month or so, will be starting to look at the budget for next year and I would just like for all of us to be aware of the funding sources and how it's being expended in this area.

MS. BEARDSLEY: Madam Chair, Commissioner Stefanics, we have actually started our budgeting cycle for next year through our LDWI funds because our application for funding is due on February 18<sup>th</sup>. That's what you actually approved earlier was our application. I just want to know – and I can meet with you later – I want to know how detailed you want this, because we actually have our budget by line item, by project, by component, or would you just like some overall categories? And then in addition to that we also have 54 pages of guidelines that specify how we can spend our money.

COMMISSIONER STEFANICS: Madam Chair, I'm not asking for the guidelines but if you have a detailed budget I think we'd be happy to see it.

MS. BEARDSLEY: Madam Chair, Commissioner, I'd be happy to provide that.

COMMISSIONER STEFANICS: And again, I appreciate the work. It looks like some of our data is showing that there's some improvements and so that is a good sign for Santa Fe County. Thank you.

CHAIR VIGIL: Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, on the previous point, Madam Chair, in the packet, not for all of the funds because these were the LDWI, the largest grant fund there's a lot of the particulars with actual budget line items, FTEs and other information in there as well, but I as well on the other grants in addition to the large grant would think it would be helpful to have additional information. But there's a lot of detail in the LDWI grant application that we approved under Consent, I believe it was. I just want to

say, Madam Chair, having worked directly with the program before, I want to commend the entire staff, Mr. Gutierrez, Mr. Shepherd, yourself, Becky, and Frank and your staff. As Commissioner Stefanics said, very serious issues, very difficult issues but issues that collectively, this County and the DWI Planning Council, who I want to give a shout out to them. They do a great job with the work they do and it's a multi-faceted group that represents the interests of the community. I want to thank all of you for your efforts.

Frank, I'll tell you as I told you many years ago, you have one of the best jobs in the County because you get to work day in and day out with our youth and so I appreciate everyone's work and thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair and thank you, Becky and thank you, Frank for your presentations and I stand corrected about the most popular committee. In looking at the data it really does appear that we have made slow but statistically significant progress, well, since 2005 at least and so I want to commend you and all the hard work of all the people who have made that a reality. I have a question. Do you keep any statistics on recidivism? In other words, people who are repeatedly arrested for DWIs and how that has changed over time?

MS. BEARDSLEY: Madam Chair, Commissioner Holian, we do keep statistics on recidivism, not only with the DWI offenders but from the treatment aspect through our Sobering Center and the CARE Connection. And some of those recidivism statistics are actually in the handout that you got with the charts. It will show you how many of those arrested for DWI were actually first time offenders and which were repeat offenders by year. And let me just let you know that the data that I reported on does go back to 2005, but we actually have data that goes back much further than that, and we have been seeing significant improvement for at least the last six years since I've been in this program that I know of. In some areas we have made more improvement than the state itself.

COMMISSIONER HOLIAN: Great. Well, congratulations and thank you. That's all, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and thank you for the outreach that you all do and the work you do and I believe educational outreach is one huge component to address the situation. And you may have brought this up and I apologize if I didn't hear it. But what is your interaction with our local courts as far as sentencing guidelines and maybe that these offenders can be put back into the community to have a better comprehension, understanding, of what they are doing to our community. Have you produced any white papers that you address to our local judiciaries on what needs you may have to have these offenders work with your program?

MS. BEARDSLEY: Madam Chair, Commissioner Mayfield, we actually in Santa Fe County work really well with our courts. The Santa Fe County DWI program works directly with the magistrate court offenders, and then the municipal court has their own compliance monitors. But we work parallel. What we do is we are actually in court at every

DWI sentencing. In Santa Fe County what we've started doing with the magistrate court is having a compliance hearing 90 days after sentencing for every DWI offender. So at that point every offender has to go back in and go before the judge and let them know whether they've actually complied with all the terms of their judgment and sentencing. And we've seen our compliance rates significantly increase since that happened about a year and a half ago. It's actually being looked at as a best practice, and our staff is very diligent about keeping up with the offenders on a month-to-month basis and sometimes more often to make sure they're doing what they're supposed to do.

COMMISSIONER MAYFIELD: Thank you. And same point, and I'm just trying to understand how legislation works through our body, but do you all take any provisions? I know Senator Muñoz has a bill out right now as far as I'm talking to the folks who don't want the interlock devices because they say they don't have a vehicle, and he's asking that they have an ankle bracelet placed on them to monitor potential alcohol consumption. Do you all take positions on that and present them to this Board?

MS. BEARDSLEY: Madam Chair, Commissioner Mayfield, we usually don't present them to the Board because they're usually happening on a day-to-day basis. However, we do stand often in committee and either don't necessarily take a position for or against but we try and educate the pros and the cons unless there is something that is detrimental. For example, there's a bill on the table right now that would completely eliminate the DWI programs in 2018. So of course at that point we would definitely oppose it. But because of our position we work directly with Rudy Garcia who is the main person that does the lobbying for Santa Fe County, and then I also work in conjunction with Rob Mitchell who is the DWI Affiliate chair and with the New Mexico Association of Counties before we take any firm stands on any of the legislation.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And my point is as long as you're working with our staff and they get that information to us because I would like to be an advocate for you folks across the street at the legislature. So thank you.

CHAIR VIGIL: Commissioner Anaya, on that point.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I think that's a good point and I think that our DWI Council, our Health Planning Commission and our many other advisory boards, I think as they bring up issues that they feel that we should take a stance on I think as soon as we need to that we should hear those. I think Commissioner Mayfield is spot-on on that and as necessary that we deliberate as a Commission and endorse those as a Commission if that's the will of the Commission and then carry those forward to the legislature. So I would concur with that.

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, I usually create a report every couple of days if not more often and provide that to Rudy Garcia, let him know which bills it is we're looking at and I try and do an analysis to go along with it. If there's another mechanism you'd like us to go through please let him know and he and I can work on something differently.



CHAIR VIGIL: I would advise that you consult also with our County Manager who has set up a system for legislative reporting on that, so that would be beneficial. Any other comments? I just have a question. I represent a district in a rural area, in Agua Fria, Agua Fria Elementary School. And I noticed there's really no outreach going on to them. Most of the schools that have been outreached to, it's Pojoaque. Can you address that? Do you have to enter into long negotiations with them?

MR. MAGOURILOS: Madam Chair, there's a lot of different factors. For instance we do not have anything directly right now, program going there at that school, but if we're asked and if there's a need we always work through the Santa Fe Public Schools. We work with the Santa Fe Underage Drinking Prevention Alliance. And we also have as you can see in the handout there's other indirect ways of reaching this youth. For instance the radio show, the digital theater ads, and also the Santa Fe Public Schools right now, we do not have as large of a footprint as we have had in the past, and the reason for that is that currently, they, through the Student Wellness Department they have eight full-time employees that actually do prevention in the Santa Fe public schools. So they definitely have a much higher and larger capacity than we have, although whenever we're asked to help and participate and collaborate we're always available to do that.

CHAIR VIGIL: Okay. Thank you very much. Anything else? Thank you very much for all the work you do. Look forward to hearing how successful the legislative session might be for DWI prevention. We are going to take a ten-minute break. It is now 5:05. Let's meet back here at 5:15.

[The Commission recessed from 5:05 to 5:20.]

CHAIR VIGIL: I'm going to ask that we reconvene this meeting. We have several items on the agenda still, and I'm going to request, if it's all right with my fellow Commissioners that we look at two items next. It would be item XIV. F. 3 to start with and then F. 2. I will have to excuse myself for a while and hopefully come back for the remainder of the meeting. So with that, if there's no objection, Teresa, will you start with Resolution No. 2011-14?

- XIV. F. **Matters From the County Manager**
3. **Resolution No. 2011-14. A Resolution Requesting an Increase to the General Fund (101) to Budget Cash to Reimburse the State of New Mexico for Property Tax Rebates Claimed by Qualified County Residents for the Tax Year 2009/ \$331,103 (County Manager) [Exhibit 7: Staff Memo]**

MS. MARTINEZ: Madam Chair, Board of County Commissioners, we received a billing from the State Department of Taxation and Revenue for a property tax, a low-income tax property rebate that we approved via Ordinance 2009-2, back in April of 2009. So we received our first billing for tax year 2009 and it is \$331,103. So, not having this

as a budgeted item we are bringing it before you with a request to use cash balance to make this payment good to the State of New Mexico.

CHAIR VIGIL: Questions? Commissioner Mayfield, I believe I saw your hand.

COMMISSIONER MAYFIELD: Madam Chair, I would move for approval of this matter and I will stand for any discussion. And also I would ask if possible, could we maybe have our Assessor and our Treasurer post this on the website somewhere so other people know that this is available for their use. And I don't know if they do that in the mail-out when the property tax assessments go out or when the bill notices go out, if they provide this notification to residents that there is this opportunity.

CHAIR VIGIL: I think that's possible but I think that would be a direction we would give after we discuss this item. So is there a second on this?

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I hear a second. Further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: No discussion.

CHAIR VIGIL: Commissioner Stefanics? Okay, we have a motion and second.

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: On Commissioner Mayfield's comments, I think that when we discuss this next item we're really going to be discussing whether we want to repeal, keep the same ordinance or change it, and I think that's what the discussion on item 2 is.

**XIV. F. 2. Public Hearing for Annual Required Discussion Relative to Ordinance No. 2009-2, Low Income Tax Rebate (Legal)**

MR. ROSS: Madam Chair, exactly two years ago we enacted the low-income property tax rebate. How the tax works is that persons of low income have the option to claim a credit on their personal income tax form in the amount of their property taxes, up to \$350. And obviously, more people have taken advantage of the credit than was anticipated at the time the ordinance was enacted. There are a couple of possibilities. First of all there's a tax that's possible. The Board can create a very modest, small property tax to make up the difference in the budget from those folks who have availed themselves of the rebate. That's one possibility. And of course the second possibility is that which Commissioner Stefanics

just mentioned which would be to eliminate the tax rebate if we don't think we can sustain this level of commitment to it.

I will point out though that the original genesis of this ordinance was the annexation agreement with the City of Santa Fe. This was actually a request by the City and it's included in the annexation settlement agreement. The City requested that we create this low-income tax rebate, which we did. The reason they requested that that be in the agreement is because of the relatively higher costs that residents within the city limits incur for things like mandatory trash pickup, sewer and water charges, etc. And they were concerned that in the large annexations that are proposed in the settlement agreement that low-income people would get caught up in that and experience financial loss.

That being said, every two years in the odd-numbered years in January we are required to re-review or review the low-income property tax rebate program and have a brief public hearing on the subject. So that's what we should do now.

CHAIR VIGIL: Okay. I have a question from Commissioner Holian and then I'll go to Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Steve, on the suggestion about imposing a small tax on the county to make up for that difference, would that have to be voted on?

MR. ROSS: Yes. It is a mandatory referendum.

COMMISSIONER HOLIAN: Then the Commission would have to vote on whether to put that on the ballot, correct?

MR. ROSS: Correct. Mechanically, how it's done is we pass an election proclamation by resolution and then schedule an election, probably a special election on the question.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Teresa, what were we anticipating the rebate to be? First question, and the second question is what's the threshold for low-income status?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, I don't think when the analysis was done and when I went back and reviewed there really wasn't an expectation and it was one of those that they could quote the number of affordable housing that we have within the county, within the city, try to forecast. But it was difficult to determine the thresholds because they're based on a percentage, and obviously the lower one is if you make over \$12,000 but not over \$14,000, you get 60 percent of your property tax liability. And then it scales down all the way up to \$24,000 with that percentage being 35 percent. And again, the cap is at \$350 per taxpayer. So there was no solid recommendation, just a recommendation that they didn't have a solid number but they didn't think it would be that material in relation to our assessed value.

COMMISSIONER ANAYA: Madam Chair, just another comment and I'd like to hear the Commissioners. We're in a difficult economic time as we all know, but I

think I would commend the Commission at the time for their being associated with wanting to help the most challenged economic individuals that have the lowest pay and lowest economic status. I want to commend the Commission for taking an action in this matter. I think these are changing in the economy but I commend them for this effort. So I'd like to hear what the rest of the Commission have to say but did want to say that.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I think that when we passed this we all were very concerned about low-income people here in our county but we also didn't have any projections of what the amount would be. So, Steve, the actual ordinance doesn't say the range of adjusted gross income. Can we dictate that?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. That's in the state statute.

COMMISSIONER STEFANICS: So the range, Madam Chair, of \$8,000 to \$24,000 is in the state statute.

MR. ROSS: Well, the range, yes. That's right. \$8,000 to \$24,000 is in the state statute. There's a graduated scale of percentages of property tax liability that the credit applies to.

COMMISSIONER STEFANICS: And so Madam Chair and Steve, are you saying we cannot adopt a partial range; we have to adopt the entire range.

MR. ROSS: Madam Chair, Commissioner Stefanics, yes. I think I'm saying that. I did anticipate that question and looked at it and I don't think it's possible to change the state statute or adopt a new schedule for ourselves.

COMMISSIONER STEFANICS: Or a partial?

MR. ROSS: Yes, a partial, so there's less of an impact on our budget.

COMMISSIONER STEFANICS: So, Madam Chair, Steve, Teresa, Katherine, do we know if any other counties have implemented this?

MR. ROSS: Just Los Alamos County. We're it, with Los Alamos. That's a Class H county so the only normal county in that sense of the word is Santa Fe County.

COMMISSIONER STEFANICS: And Madam Chair, Katherine, is this \$332,103, is this a bill for the entire year or half of a year?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, it's for the whole year. Tax year 2009.

COMMISSIONER STEFANICS: Okay. So if the bill is for – the billing amount is for FY 10?

MS. MARTINEZ: The billing amount is for tax year 2009 and would more than likely overlap between the two fiscal years, given the tax year.

COMMISSIONER STEFANICS: Okay. So, Madam Chair, Teresa, can you project how much that \$331,000 would increase, for example, this year that we're in?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we could try but it would be difficult. We tried to work with Duncan Sill in the past, tried to determine the number of affordable homes. It was hard to pinpoint the number of low-income people, if you

will, the citizens that actually own the home. So I think that's where they struggled in the past. We could try. I don't know that we could come up with a solid number for you.

COMMISSIONER STEFANICS: Well, Madam Chair, what I'm asking is, and Katherine, you might be able to answer this too, is whether or not we could take the existing usage, project any minimal growth in numbers of people, project the increase and the amount and see where that takes us for the next three to five years. Because if we – let's just say, and I'm playing devil's advocate here because I care about our low-income people just as much as the next person, if we reached a million dollars in five years when we've already cut our County budget by several million dollars, that means that we're cutting more services. So I would like for us to have, and when we went into this we really didn't have any projection and I understand why. But Katherine, do you have a comment?

MS. MILLER: Madam Chair, Commissioner Stefanics, one of the concerns that I have, we would need to get data from Tax and Revenue. Because this is income levels and then a percentage off of property tax. So this is not really on our affordable homes. It's on income levels of families. So that determines eligibility. And then whatever that income is it determines the percentage off of the property tax bill in the amount of rebate they get from the state when they file their income taxes and then they hand us that bill. I don't know, and we have a request in for additional data to Tax & Rev, how many people this is. You could just have some large tax liability, potentially, property tax liability with a low income. So I don't know the number of people using this, and I'm not sure, because Tax & Rev has a lot of confidentiality issues. We need to see what detailed information we can get, and then also couple that with our property tax information in order to make some good projections for you, because we'd have to look at how many other eligible households, how many households are applying for the credit, and then how many other potential eligible households. It might, I think even next year it would be hard to project because we just don't know how many people knew about it even and how many eligible households have actually applied. So we need more data from Tax & Rev before I could give you an answer of whether we could make a good project.

COMMISSIONER STEFANICS: Well, Madam Chair, there is a different way then of doing it. You could look at census. The credit is capped at \$350.

MS. MILLER: That's correct.

COMMISSIONER STEFANICS: If you really look at the census you could identify the number of low-income people, you could look at the cap and you could project even at the maximum of what it would be and take an average. You could do a minimum, median – we could just do a little statistical formula and come up with the worst and the best scenario so that we are clear about this. My point, Madam Chair, is not that we repeal. My point is that we go into this with our eyes wide open about how much money we should be planning on next year, the year after, five years from now. Thank you very much.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Ross, Manager Miller, does this have any correlation with the tax lightening that's being proposed,

because that's how I kind of look at maybe why this ordinance was put in place in the first place.

MR. ROSS: Madam Chair, Commissioner Mayfield, no, not really. It is based on property values but it's not part of that whole tax lightening issues. If you qualify for the credit, let's say that you qualify in the 75 percent range, 25 percent of your property tax bill you can apply on your income tax form against your income, so it doesn't really have a whole lot to do except indirectly with property tax lightening. If you have an assessed value that's held down because of the application of the state statute that mandates a three percent increase and no more then you might be paying actually a lower property tax and therefore have a lower credit but you don't care because you're paying less on your property taxes. So there's only an indirect relationship between those two items.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, when did this come into place? Did someone say that? I apologize. Who enacted that?

MS. MARTINEZ: This was back in April of 2009. So it was too late for tax year 2008 but it had to be before September 1<sup>st</sup> for the first taxable year we could deal with this would be tax year 2009.

COMMISSIONER ANAYA: Okay. And Madam Chair, Mr. Ross, did you say that this was directly tied and correlated to the annexation plan?

MR. ROSS: Yes. The annexation settlement agreement with the City of Santa Fe has this as one of our required tasks, and we finally did it in 2009.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, and I don't think just associated with this discussion but for future discussions, there are things that we carried through on on the settlement agreement relative to annexation, but yet the City is not moving forward with annexation at this time? Are they or is there some delay associated with annexation?

MR. ROSS: Madam Chair, Commissioner Anaya, there's been some discussion from the City side of needing to delay the second set of annexations that's referred to in the settlement agreement, but they did the first set. So as far as I know they're fully performing thus far.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, associated with those negotiations we might enter into discussions and negotiations associated with what we move forward on? Because I know there are other services associated with the agreement that people are waiting for in line with that settlement that are City services. Have they followed through with items at any level associated with the annexation that are tied to the settlement agreement?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. We're in the latest – well, we're doing two things right now with City staff and County staff. Number one, we're finalizing the required water agreement. Remember that – well, you probably don't remember, but the settlement agreement creates a hard line, a hard city line, city boundary

between the city and the county that is essentially the boundary, the natural boundary around the City and the County formed by I-25 and 599. And the settlement agreement required that we conform the city and county water and sewer service areas to that boundary and take the customers that are in the wrong place. The City customers that are in the county and transfer those to the County and vice versa. That agreement is being vigorously worked on by City and County staff right now.

Then the second thing that's being worked on that's sort of the hot issue right now is the issue of solid waste. So I know that Pego and his counterparts over at the City are talking about how to prepare for the next annexation and do a better job of transferring over the responsibility for solid waste than was done in the first annexation. So there's stuff going on all the time at a staff level trying to administer the requirements of that agreement.

COMMISSIONER ANAYA: Madam Chair, members of the Commission, I guess a broader question but it ties into whatever the settlement agreement items are and there are timelines associated with those requirements. So I guess I believe we should have a review at some point to make sure there's a balance and a counterbalance to make sure one entity isn't providing additional fiduciary impact and one isn't. So if that makes sense. I think that maybe I see some of what Commissioner Stefanics is talking about relative to that aspect.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Steve, you mentioned that the range is fixed by state legislation. And that brings up one question. I'm assuming that people that make less than \$8,000 also get the credit but that it's calculated at the same rate up to \$8,000. Is that – am I reading that right?

MR. ROSS: Madam Chair, Commissioner Holian, zero to \$8,000 gets a 75 percent rebate.

COMMISSIONER HOLIAN: And are we allowed to change the cap? The \$350 cap?

MR. ROSS: No, that's also in state law. It's a very detailed statute unfortunately.

COMMISSIONER HOLIAN: Okay. Thank you, Steve.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one more question. What we have on the table is a discussion on repeal that we could entertain. But if we repealed it and it's in the settlement agreement would we repeal now and then as part of the settlement agreement we're going to reinstitute it? We would be required to reinstitute again at some later date? Is that what? We would have to have it it sounds like from the agreement. But are we suggesting that we implement it when it goes full force in effect with the rest of the agreement? Is that why this is on the agenda right now?

CHAIR VIGIL: I think it's just for discussion and I think we're probably, from what I'm hearing, needing some more information and I'm craving it myself also. So I'm not sure we're at a place, and it isn't noticed as an action item. We probably need to revisit it. I



think we do have to have discussions with the City in regards to this and the annexation agreement. Some of the data that I'd like to know is, yes, I could understand how the City would be concerned about implementing this but are most of the beneficiaries of this in the annexed area or are they in the city limits? So does it really adversely impact the annexation process itself? That kind of information is important to me.

The other thing is when I took action on this and voted for it my perspective was to do it for one year so that we can get the data. Because at the time we took action on it we really did not know, as Commissioner Stefanics said, what the outcome would be. I also think we need to look at this from an in-depth analysis because to some extent one of the alternatives we have is to go to the voters for a property tax increase. To a great extent what we're doing right here is bypassing the voters by us taking these dollars from the current tax base that we have.

So I think there's a more in-depth analysis that I would like to look at with regard to this. I think one of the requests that were made is to try to do some more informational gathering from Tax & Rev with regard to projections. We're going to need to know before we decide on repealing or not, because it seems like those are our two choices. There's no middle of the road. What kind of projection analysis we could have with this and then really answer some of the questions that have been brought up here. Because this isn't noticed as an action item perhaps we could revisit it at a time when staff has been able to gather the information. Is that possible or is there a timeframe that we have to make a decision on this, Steve?

MR. ROSS: Madam Chair, we don't have to make a decision for several months, on either the idea of having a mil levy, an election on a mil levy or terminating the rebate program. But we do need to have a public hearing now, in January. That is a requirement of statute. Every other year in the odd numbered years we have to have a public hearing. I don't know how extensive it will be but that will be an important step to get out of the way before we make all these other –

CHAIR VIGIL: I think we've heard enough then, Commissioners. So this is a public hearing. Is there anyone from the public that would like to address the Commission on this item? [There was no one from the public wishing to speak.] Do we have to have another hearing on this or just one public hearing?

MR. ROSS: Well, if the ordinance were scheduled for repeal of course we'd have the usual public hearing that's associated with that, but no, this is the public hearing.

CHAIR VIGIL: Okay. Ms. Miller.

MS. MILLER: Madam Chair, since we're the only Class A county or normal county as Steve put it, that uses it, there is a possibility of amending the statute and seeing if – the legislature's in session right now and perhaps we could quickly draft at least an amendment to the statute that allowed us some flexibility, rather than it being rate-set. I don't know who – I want to say it was somebody from Albuquerque, one of the legislators from Albuquerque who put this in but that's an option. It might just be adding some language for or as otherwise determined by a county commissioner percentages or something like that. So

I could look into that as well and if we're going to do a budget study session next week bring that back to you then.

CHAIR VIGIL: That sounds like some good alternatives to review. Is the Commission in agreement with that? Unless there's any other comments or questions on this item I'm going to excuse myself and turn the meeting over to the vice chair, Commissioner Stefanics, and I will return hopefully before the executive session. Thank you, Commissioner Stefanics.

[Commissioner Vigil left the meeting and returned during executive session.]

COMMISSIONER STEFANICS: Thank you. But I also think – are we in agreement to ask the County Manager to pursue a legislative fix for this to create a variable?

COMMISSIONER HOLIAN: I'm in agreement as to that thing being brought forward.

COMMISSIONER MAYFIELD: Madam Chair, I'll second that for agreement.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that I would like see – that she could pursue options but that we would have to vote on that at some point anyway. So, yes, I would say pursue options for consideration but not actually – but not actually carrying an option forward to the legislature immediately. I guess I'd like to see like what are we talking about. Are we going to utilize HUD standards on what the rate is, or – I guess that's kind of some information I'd like to see.

COMMISSIONER STEFANICS: Okay, I think that probably in order to bring this back for discussion we're going to need probably staff to find out who the original sponsor was, whether it was a Santa Fe legislator or not.

MS. MILLER: Madam Chair, Steve informed me it's a 1994 statute and it went for a while without being used.

COMMISSIONER STEFANICS: It's been around.

MS. MILLER: So I can find that out and see if we can't put something together rather quickly to get this information and talk to that sponsor if they're still in office.

COMMISSIONER STEFANICS: Well, the reason I bring that up is I knew it was an old bill and I think it was either the Speaker or the Pro Tem, or not even around, but for us to have implemented it means that's we have some major responsibilities in the future. And back to what Commissioner Anaya is saying. We're not required to do this. We could be challenged in court. And if the City is not providing the services the court might not uphold our requirement to do this. So I'm just putting out there that we do have options when it comes time to what we have in the City agreement. Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, let me clarify my comments. I think options for flexibility would be okay but it doesn't guarantee for any of us that we would exercise those options. But I think options are a good thing if we can get some latitude as a Commission. So that clarifies it.

COMMISSIONER STEFANICS: Great. Thank you very much. Anything else? Commissioner Mayfield.

COMMISSIONER MAYFIELD: I may be wrong but I believe it was House Bill 131 sponsored by Speaker Ben Lujan. I could be wrong.

COMMISSIONER STEFANICS: In 1994?

COMMISSIONER MAYFIELD: That's the year?

COMMISSIONER STEFANICS: Okay, so we'll pursue that and if you could look at the options. So do we want Commissioners to have this on the agenda to hear the options next time, a month from now, three months from now? The legislature will be over with by the middle of March.

COMMISSIONER ANAYA: Next month.

COMMISSIONER STEFANICS: So, Katherine, could we get this on the agenda?

MS. MILLER: Madam Chair, the last thing I would say is – Steve and I were just kind of talking that somehow the statute that allows for flexibility, bills have to be introduced by the 17<sup>th</sup> so I'd have to do it on the 8<sup>th</sup>. But I would even like to bring it back to you if we're going to do a study session on the 1<sup>st</sup>, bring it back for direction then. Hopefully, we'll have some options and some discussions already if it was Speaker Ben Lujan, if I need to talk to him about it. I'll have to do it somewhat quickly.

COMMISSIONER STEFANICS: Okay. Thank you very much. It will come back to us, Commissioners.

**XIV. D. Finance Department**

**1. Review and Discussion of the Quarterly Financial Report for the Quarter Ending December 31, 2010**

MS. MARTINEZ: Madam Chair, I gave you a very extensive quarterly report. I don't intend to go through every detail but mainly summarize the major notes if you will. I identified the major funds that I'd be speaking to. We have the general fund, the fire fund the corrections fund, and then more summarized we'll speak to our Health Division, our RECC and some additional programs that have recurring staffing expenditures, if you will, but not so much recurring revenue sources.

I'll begin with the general fund. Through December we had total revenue collections of \$20.7 million and expenditures of \$12.5 million. So we had a positive operational variance of \$8 million. The lion's share of revenue comes from property taxes at \$13.8 million and GRTs at \$4 million. The lion's share of our expenditures through December are obviously salary and benefits that make up 46 percent of our total general fund budget. We are right on if you will, we're at .9 percent of budget or just better than budget for GRT collections, that's within the countywide GRTs, and our unincorporated GRTs are down about 12 percent. So we'll have some recommendations for you as we head into the 2012 strategy with regard to additional possible cuts to next year's planning. I will caution that any cuts that we make with

regards to a percentage of income will mean corresponding cuts on the expense side in order to obtain a balanced budget.

I'll then move into what we call troubled funds. And I want to make very clear that the troubled funds was a status – this is for the new Commissioners – that we as a County, both Finance and Management at the time decided to give to certain funds within the County, not because of poor management but mainly because they're heavily reliant on a funding source that has seen a downturn in this economy. So with regard to our fire fund, we had total year-to-date revenue collections of \$6.9 million and expenditures of about \$5.5 million. So we had a positive operational variance of about \$1.4 million. The Fire Department has done really well in going out and attaining grants and that has obviously helped the County's picture and requires less use of cash to balance the Fire's budget.

With regard to the corrections fund we had a total year-to-date revenue collection of \$3.7 million and expenditures of \$8.2 million. Obviously resulting in a negative operational variance of \$4.4 million. But I will caution that the corrections fund is one that is reliant on the GRTs and also reliant on operating transfers from different funds and a couple of years ago, rather than transfer everything at the start of the fiscal year we moved to doing transfers at midyear and then transfers at the end of the year and only transferring the funds they need to balance their activities for that fiscal year. So once we do that transfer of funds we'll have a positive variance of \$2.3 million.

The caution with the corrections fund is that we budgeted the care of prisoners revenues and it does not look like they're going to materialize at the level that we thought, so we're currently working with the Corrections Director to try to pursue agreements with other entities and any potential increase in paying population if you will.

With regard to our Health Division and our RECC, we spoke to you, if you will, at a summary level and for the new Commissioners, we spent most of last year on this very issue. We've been very focused on the bigger funding ticket items if you will, knowing that we have GRT at a total of \$8.4 million to sustain a sole community provider payment, to sustain our health operations, our Regional Communications operations, assist with our inmate medical component and we have just reached the point where the GRTs are no longer sufficient to carry life as we know it, our services as we know it today. And we've also reached the point where there's no longer sufficient cash balance to sustain it at the same level. So much of the strategy for 2012 will be to focus on the County's division. Do we cut some of our programs and services? Do we cut our SCP commitment? How do we balance with minimal impact, if possible?

I gave you some specific details with regards to the Health Division. I gave you the RECC's budget which is currently at \$3.4 million. I spoke specifically along all of these with regards to amount of FTEs they have, how many are funded and how many are frozen. We have the jail medical component, which has a budget of about \$2.9 million, or which \$2 million is transferred in from the indigent fund to sustain that current operation. So that's something we have to discuss as we proceed into 2012.

SCP commitment will be approaching us sooner. We'll have to deal with that before or on February 8<sup>th</sup> for the February 15<sup>th</sup> deadline and a good part of our next budget study session will provide you more information on this.

We have a couple of other troubled programs, if you will, troubled from the point that they have recurring staff expenditures and no recurring or reliable revenue source. So we're noting that we have an Affordable Housing program and an Open Space program. Affordable Housing has two FTEs, Open Space program is supported by both the general fund and the wildlife, mountains, trails fund. The general fund supports FTEs and the trails fund, if you will, supports three FTEs. And the wildlife, trails fund can no longer be relied upon to sustain that level of staffing, so that's a huge issue for the County to face next fiscal year, either transitioning to the general fund and how is that accommodate if that is the decision that is made.

I always give you an update of the budget cuts made by the County Manager's office as of June 8<sup>th</sup>. We're a little bit better than I had earlier forecasted on the hard freeze positions. We had several positions that we had frozen that we had to fill. Our earlier predictions showed that we would probably have a variance of \$330,000. That is currently noted at \$160,000, because we haven't filled some of those positions. We stayed on task for the most part. We're showing that formal actions taken by the previous County Manager show a variance. We said at that time we could save just over \$3 million. Our revised estimated savings is at \$2.6 million, so we're forecasting that at about \$400,000 in savings that may or may not materialize, depending on the timing of the expenditures.

We also have some Board directives, some of which we've already acted upon. With regard to the Board directives we will also give you an update at the study session relative to the leasing of space and some things that have been done to save money, and that is still being worked upon. We currently again stand strong about not recommending any additional cuts. We'll do our midyear budget study session on February 1<sup>st</sup> and we'll stand for further direction with regards to planning 2012.

COMMISSIONER STEFANICS: Thank you, Teresa. Questions, comments from the Commission? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Teresa, thank you for the presentation and I'm happy to see that at least with this fiscal year it seems like we're keeping our spending at least slightly below budget. So at least we don't have to make any more drastic cuts this year. I just had a couple of questions about – on page 1, in the net activity on the general fund, when you say that our revenue collections year-to-day – I think that's year-to-date, are around \$20.7 million. My understanding is our revenue collections for the entire year should be around \$60 million, right? And even though this is half the year it's quite a bit less than half of that. So is that because we're always kind of a little bit behind as far as collecting GRTs as well as our property taxes didn't come in the way we thought in December?

MS. MARTINEZ: Madam Chair, Commissioner Holian, it definitely is because the data is only through December and you have to remember that December and

January are very high months. We're talking like \$10 to \$12 million worth of forecasted property tax revenue collected. So you'll see this jump significantly when we get into the third quarter report, and also a reminder that May and June always have about a \$4 to \$7 million budget as well for property taxes.

COMMISSIONER HOLIAN: Okay. Thank you. And then on page 3, on the bottom of page 3, it says here that for general fund expenditures there's been a total of 20.1 percent of expenditures, and again, you'd think it should be closer to 50 percent. Is that sort of the same reasoning?

COMMISSIONER HOLIAN: Madam Chair, Commissioner Holian, I think a lot of that could be relative to a lot of the cost savings we have put into place but I do think a lot of it is relative to a cycle if you will and I think you'll probably see that come more in line. But I was really surprised countywide we were under the 50 percent mark for midyear review, so I think it's a combination of several things.

COMMISSIONER HOLIAN: Okay. Thank you, Teresa.

COMMISSIONER STEFANICS: Commissioner Anaya was next, but Commissioner Mayfield, do you have anything?

COMMISSIONER MAYFIELD: Thank you, Ms. Martinez. I'm fine.

COMMISSIONER STEFANICS: I think, Teresa, that when we do the budget study session it would be good to have a little historical chart just for revenues and expenditures over all so that we can see how much we've cut this year, year prior, etc. before we go into another cycle of making decisions, or studying how to make the decisions. And I would agree with Commissioner Holian. That 20 percent on page 3, that really is off. At the bottom paragraph.

MS. MARTINEZ: When you look at all the categories that's what it comes to. I will double-check it to make sure but based on the summary I have in front of me we had \$12.5 million expended, and you compare that to a \$60.5 million total general budget. We have operating transfers out to support other funds at \$22 million, and those are done at midyear so you'll see those reflected in March when we report that. Because we do that in the month of January.

COMMISSIONER STEFANICS: Thank you. Commissioner Holian, do you see Commissioner Anaya? Because he wanted to ask some questions. We're taking a pause.

COMMISSIONER MAYFIELD: Madam Chair, may I ask that we move back to Matters from the Commission for one quick second?

COMMISSIONER STEFANICS: Certainly. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just a quick observation. Is there anyway that we could be networked into a printer and maybe have a printer in here, if we need to do any printing? Of if there's one in that office there? That's all I had. Thank you.

**XIV. E. Growth Management**

**1. Resolution No. 2011-15. A Resolution Authorizing Santa Fe County Water Conservation Program to Apply for Grant Funding From the US Bureau of Reclamation-Upper Colorado Region Water Conservation Field Services Program for Development, Implementation and Outreach of the Water Conservation Plan**

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioners, this resolution is to authorize staff to submit a grant to the US Bureau of Reclamation. The grant application is anticipated to be approximately \$25,000 to \$75,000. There is a 50 percent cost share. This cost share can include in-kind contributions such as staff time. The application would include the staff salaries, the time spent on the project and staff anticipates the grant match to be met. The grant proposal is to implement the water conservation program and the implementation of the water conservation plan that has been submitted to the Bureau of Reclamation.

The grant is specifically to identify areas to conserve water. It is also to implement the water conservation plan. This would be for both the Utility and the areas of the county that are not on the County utility. Staff is working in close coordination with the Utilities Department on this grant application.

COMMISSIONER STEFANICS: Okay, so let's stop for questions.

Commissioner Anaya, we moved on but we will move back to your questions if you want in a minute. Are there questions, comments from the Commissioners? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Griego or Ms. Miller, staff does have the time if we apply for this grant?

MR. GRIEGO: Madam Chair, Commissioner Mayfield, staff does believe that this is part of the water conservation program that staff is currently working on, so this would be part of staff's implementation of this program.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Okay. Anything else from the Commissioners on this item?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER MAYFIELD: Second.

COMMISSIONER STEFANICS: We have a motion and a second. Other discussion or questions? I'd just like to clarify something. Did you indicate that the grant would actually pay for one staff?

MR. GRIEGO: Madam Chair, no. This grant submittal will be a grant for water conservation activities and water implementation of the water conservation plan. The funding amount that will be submitted for and there will be a requirement for a match which would be in-kind.

COMMISSIONER STEFANICS: That's what I heard. Thank you so much



**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

COMMISSIONER STEFANICS: Going back, Commissioner Anaya. Teresa is still here if you have questions on the budget.

COMMISSIONER ANAYA: Madam Chair, I apologize for that. Teresa, Ms. Miller, I know we're going to be having a lot of discussions on budgetary issues. Very tough issues to deal with. Some of the comments I made earlier to the Assessor I think go to the entire County as we all know it, so we have some tough challenges ahead and we're just going to have to buckle down if you will and work together as a team to get through them. But I appreciate your efforts, the Manager's efforts and the efforts of the team. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you, Commissioner.

**XIV. F. 1. Legislative Update** [*Exhibit 8: Staff Memo; Exhibit 9: Power Point Presentation*]

MS. MILLER: Madam Chair, I just want to say we put together a team with Rudy Garcia, Hvtce Miller and Lisa Roybal and Rudy and Hvtce are going to go through the process that we've developed and we're open to suggestions and ideas. We had a process that's detailed and intense to try to follow legislation and provide information to you and County staff on a detailed basis. So it's a little bit of a work in process but I think they've done a good job formulating the process and hopefully you will appreciate that and also be open to the process and we're open to ideas to improve it as well.

COMMISSIONER STEFANICS: Okay. Well, before we start I read an email today from Lisa Roybal, today or yesterday, whenever it was, indicating something about reports on the T-drive. I think that as Commissioners we would like to receive something maybe once a week that is a summary of the bills that the County is following and if not more, but at least once a week rather than going to the T-drive. Some of us are challenged with the T-drive, and I received an email saying that everything on the T-drive was being wiped out the other night. So I think that can be cleared up sometimes too.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

COMMISSIONER STEFANICS: Yes.

COMMISSIONER MAYFIELD: Mr. Garcia, Ms. Miller, also, once we are – and I think we are paid up to the Association of Counties, they indicated to me in our study session that we have access to NMLR. That's a pretty invaluable resource that we can use and utilize and that would do all of our tracking for us, to have a report prepared for us and each have a report prepared for us and we can just go to it ourselves if we were given a password.

COMMISSIONER STEFANICS: Well, on that point, we have had NMLR in the passed and shared passwords. Are we doing that again?

RUDY GARCIA (Community Services): Madam Chair, Commissioners, yes we actually do have NMLR. We have five passwords. We were actually going to give the County Commissioners that they could actually share and utilize among yourselves. Just keep in mind that whenever you are on it to somehow notify each other because once somebody else gets on it the person that's there before gets knocked off.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Thank you. So without further ado let's hear it

MR. GARCIA: Madam Chair, Commissioners, as Manager Miller mentioned, we have created a legislative team. Our legislative team will actually meet every Monday, Wednesday and Friday from 8:30 to 9:30 in the County Manager's Office. On a daily basis we actually do go through the locator and find any bill that we feel affects the County in any way. We then will actually put that bill on the T-drive. Once it does get on the T-drive we will forward that bill to the appropriate department staff to actually give us an analysis on that bill within hopefully a 24-hour period. Once that bill comes back to our team we will sit down with County Manager Miller and determine whether that bill is a high, medium or low priority based on the opinions that we're looking and determine from the analysis that the department gives us.

Then at that time we will actually contact and follow the bills through the different committee hearings and as Commissioner Stefanics stated we will definitely give you an update once a week of the bills we're tracking and we will also give you hopefully a day or two in advance as to when those bills will actually be heard in what committee and what rooms.

So actually, that's kind of – this handout here [*Exhibit 8*] and the power point presentation [*Exhibit 9*] is kind of what I just talked about, kind of in a nutshell. If you have any questions on that I will stand for questions.

The next memo is actually the memo dated January 25<sup>th</sup> to the Board of County Commissioners. At our last meeting we had looked through several initiatives, several items brought forward where we had heard were going to be brought forward and feel that the County would actually like to be interested in as we move through the legislative process. Once again, as you all know a bill can be dropped today, tomorrow and it may or may not affect Santa Fe County. However, in sitting with the team and working with senior staff we definitely feel that these items are items that we are actually going to follow through the legislative process. Once a bill comes in, for instance on the property tax solutions we will actually identify that bill and definitely follow that because that is one of our high priorities.

So what I'm saying is these are actually our high priorities right now as we move forward and as the session progresses forward. I don't know, Madam Chair, Commissioners, if you want me to go through these individually or –

COMMISSIONER STEFANICS: I want to bring up something that Commissioner Anaya brought up at the last meeting. We were handed a packet of legislative priorities from the New Mexico Association of Counties. And Commissioner Anaya and

others inquired as to whether or not – what was the process for supporting these or not supporting these and what process we were going to be involved in. Now, there are times when some counties and Santa Fe County don't always agree on items. So I would like to know how we're going to vet the priority list from the New Mexico Association of Counties. Because this Commission may or may not be in full support of those items.

MR. GARCIA: Madam Chair, I don't know how to do that actually and I would actually like to somehow take some sort of guidance or suggestions from you all and how you want to do that.

COMMISSIONER STEFANICS: Well, for example, there was some election bill that we asked for further clarification about and I don't know what it still says or what it's going to do. It was something about – you gave us a whole packet at the last meeting. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you for bringing that up. The one item that I recall we talked about and that I asked Ms. Miller about was the Assessor's tax lightening item, which he gave us a preliminary summary of a bill and then my expectation was he was going to present more and based on what I heard from Ms. Miller she's going to wait until the bill is actually dropped and then I think, just as a suggestion, Madam Chair, members of the Commission, that I think we should just have an open agenda item on all of our BCC meetings, whether they're special meetings, regular meetings from now until the end of the session that has legislative priorities and/or action. This goes if there are items that are coming up; some of them are going to be quick. And then on that particular bill if they actually are seeking our support or if we have concern about it we're going to defer to staff to let us know the issues where you see concern or items that we may want to deliberate on, that you bring those forward in these next few meetings and quickly give a presentation. Then we as a Commission can provide some direction as to whether we support, don't support or remain neutral on.

That would be my suggestion and I think there's other bills, Madam Chair, if I could, that ties in the Per Diem and Mileage Act and volunteers that I think are maybe not as complicated. I don't think they are as complicated, but that we have some discussion on and take some action on. So that would be a suggestion, Madam Chair, Mr. Garcia, to bring forward. Let's hear the background and then if need be invite the Association of Counties to present and then we take action.

COMMISSIONER STEFANICS: Thank you, Commissioner. Katherine, did you have something you wanted to add before I go to Commissioner Mayfield?

MS. MILLER: Madam Chair, on the issue of – one of the reasons we're doing our own thorough analysis and not just handing you something that's coming from, say, DFA, or T and R, or the Association is that we want to actually do an analysis of what are the pros and cons for Santa Fe County so that you'll have that information. Obviously, every time a bill is dropped and get some analysis we can't call a meeting on it, but we do want to provide you the information and when we have meetings make sure that if there is something that we

need to take a position on, particularly if the bill looks like it's moving rather rapidly, that we would do that along the lines of what Commissioner Anaya said.

COMMISSIONER STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Garcia, Ms. Miller. The FIR process as it comes to our County, because I am seeing that it may roll up through the Association of Counties, they're asking us to join on with the Association of Counties. Are we individually as a County responding to that FIR process within 24 hours or is this bill analysis just an internal document for us?

MS. MILLER: Madam Chair, Commissioner Mayfield, it's just for us. We don't respond to them on that 24-hour turnaround.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, would there be – maybe you would let me know why we would not want to.

MS. MILLER: Madam Chair, Commissioner Mayfield, one, they probably won't wait for our input to having been a part of that process. It's pretty tense; it's pretty fast. Obviously, if there's something, an FIR that's inaccurate or that is completely misstated we can put in for an amended FIR and give an input to say, DFA or Tax & Rev, or whoever's putting in on it, but the reality of how quickly those are done, by the time we even see them almost, those FIRs are written and back. But I think that it would, just from the logistics perspective it would be very hard to make sure that every bill that might affect us gets input into the analyst, because that's the other [inaudible] you don't know at say, DFA or Tax and Rev, or LFC, who the analyst is. That's how the FIR comes out.

Obviously, if there's something, once it comes out that's egregious and needs some additional information we would request that they amend that FIR, but I think it's kind of unrealistic that we would be able to get our information in as an individual county.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Ms. Miller, maybe we can discuss this a little further because typically, where I came from, we had a DFA and LFC analyst assigned to us and they would be doing that request of us for an FIR to have that turnaround within 24 hours, and that's where I was able to push my thoughts for my former commission and also to all my former commissioners saying, look, do you all want to weigh in on this? Do it now because I need that kind of a 24-hour turnaround time. And then if I needed to bring it back to a scheduled meeting when we were as an open body, deliberating body, I had that opportunity to do that. I just don't know if that's the same process.

MS. MILLER: Madam Chair, Commissioner Mayfield, the problem is for us that it is to the DFA, I've seen it would have specific state agencies that have analysts. Counties don't. Now, they will go to the Association of Counties and then quite often the Association of Counties will quickly ask us for feedback to include in their response to the analysts writing DFA [inaudible] because they do the 24-hour turnaround. Usually that stuff doesn't get in right away. It usually gets put in through an amendment process to DFA.

COMMISSIONER STEFANICS: Before I go back to Commissioner Anaya, the other thing, Commissioners, today we already took positions on two bills or two topics,

not just bills. But we did resolutions around the film credits and immigrant driver's licenses. I would suggest that if Commissioners want to take a position on something that we start identifying them and bringing them up at each meeting to actually support up or down, and that will give a very clear sense to not only our staff and our County Manager but then for them to pass on that we're going to support it or not, as you hear of things. Commissioner Anaya, then back to Commissioner Mayfield.

COMMISSIONER ANAYA: On that point, Commissioner Mayfield, because I know you had the floor. I would just say that I appreciate where we're headed. It raises the bar of our tracking, so I appreciate what staff and yourself are doing and Commissioner Mayfield, specifically to your point, experience tells me and Senator Stefanics, correct me if I'm wrong, but the entities – and we're a Class A county. You said that several times and that's important. I think in a lot of ways counties look to Santa Fe County as a Class A county to see where they're headed. So on your point I think it's good for us to provide the information. We're not part of the formal process but I know that as we provide feedback and our team is working at the session and we're all present at the session, working on initiatives, that that information becomes very helpful to individual legislators. So I think it will be useful and maybe over time we'll establish a stronger relationship as a county with not only LFC but the Council Service and the other entities that work in the session.

So I appreciate your comments, Commissioner Stefanics. I also appreciate what you said. I think if we can as Commissioners bring up issues and have a discussion and then as you say, up or down on whether or not we all support it, that's also very helpful as we work to work at the session.

COMMISSIONER STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: And Madam Chair, you brought up a great point on the two resolutions that we passed earlier this afternoon, and specifically to Chairwoman Vigil's resolution. That was an opportunity for us as a County to also have an amended FIR going into those pieces of legislation to let them know of our resolution but let them know what we discussed up here, what we believe the potential impacts to our County could be with the deduction of that 25 percent to 15 percent. So I as one would like to see us kind of involved in that FIR process, getting back to our local legislative body and deferring to former Senator Stefanics, I do believe that those legislators do look at those FIRs at some point or another when they're brought to them in those committees.

COMMISSIONER STEFANICS: One of the things, Commissioners, I would think that today we could easily take another position on is the hold-harmless fund, that we don't want any funds to be taken away by the state that are coming to the County and the cities right now through the tax fund. And Katherine, do you want to say a couple words about that at all?

MS. MILLER: Madam Chair, Commissioners, yes, I think that's a critical issue if there are any bills that are put forward in any tax discussions with the legislature, if at any point they try to remove the hold-harmless provision in the gross receipts tax distributions. When the state took gross receipts tax off of food or when they exempted food

from gross receipts tax they also increased the over tax on other items, yet there was still a disparity as to the net amount the local governments would get. So taxes that were in place at that time were held harmless in that loss of revenue. And at the time the State's Tax & Rev estimated that liability to be something like \$3 to \$4 or \$5 million and it has significantly increased to something more like \$58 million. I believe. This is all from memory.

So that has been a little bit of concern – or a big concern to some of the legislators who last special session to do the budget wanted to try to put the exemptions on gross receipts tax on food at the local level, so remove that, and get rid of hold-harmless. There may be a move to do that again. That was an item that the governor could line-item veto out of the bill. I don't think that the legislature if they made that move again would make it something that could be line-item vetoed. It's definitely in the way a bill is drafted as to whether that's possible, and I don't think that that was something that was considered at the drafting of that bill.

That said, it was a very controversial issue to begin with but the impact to Santa Fe County if that provision were removed from current legislation or statute would be about a \$4, \$4.5 million impact across all funds.

COMMISSIONER STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on the issue relative to the volunteers, Mr. Ross, did you have anything you'd like to add? Because I would like to ask the Commission to support – there is some language that Mr. Ross could speak to that essentially said there was some – it could be interpreted mandates to pay our volunteers for mileage and per diem, and that that was one of the factors that would discourage people from participating or reduce potentially the amount of people we have on an advisory board at the County. So I wanted to see if the Commissioners would support, if there is that clear language, that we solicit support, and there's already legislators that have expressed an interest in carrying it to clarify that language so that there isn't any mandates for per diem and language for volunteers. So I would ask the Commission for the support on that.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya. I believe a bill has already been introduced to eliminate per diem and mileage, because the community colleges have come out against that bill, because it would take away per diem for elected officials and various entities. So we could have, rather than taking a position on a bill, we probably want to take a position on a policy statement, like we would like flexible per diem and mileage, or we would support doing away with it, or support keeping – a policy issue rather than a particular bill, because I think we'll have a variety of bills.

COMMISSIONER ANAYA: Madam Chair, my interest isn't to penalize entities that are utilizing per diem and mileage. My interest is to remove any mandate that a local government pay per diem and mileage and that being one of our justifications for reducing our volunteer committees. So I in no way want to hurt existing entities that are using the per diem and mileage act for travel and related business expenses, I just want us to assure that we don't take that language or have language that would discourage us from seeking volunteers because of a possibility we would have to pay per diem and mileage.

I think the people that volunteer on our Road Advisory Committee and our Health Planning Commission and our DWI Council and our Fair Board, and I could name them all, do so because they have an interest to serve the community and the public, not because they receive or potentially per diem and mileage. And that's the clarifying language that I would like to pursue if we can get support.

COMMISSIONER STEFANICS: Okay. So I'm going to make a suggestion and see what the Commissioners think. We have a meeting on February 1<sup>st</sup> for the budget. It's a study session but we could put legislation on at the end. We have a meeting in two weeks, I believe, on February 8<sup>th</sup>, so we could have legislation on again. So if Commissioners have specific topics that you want to take positions on, perhaps we could get that to the Manager so she can get it listed underneath legislation and we can vote on things. If that's acceptable.

COMMISSIONER ANAYA: Madam Chair, that's fine, and at that time Mr. Ross can bring back his information on the last item.

COMMISSIONER STEFANICS: Great. And for example, if we had that topic on then the staff could let you know, Katherine, if there's one bill or five bills or whatever there is around it and all the nuances. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point, and working in conjunction with Manager Miller, maybe some of our division directors may see something such as our Fire Chief there, that may have a potential impact on Santa Fe County, our Utilities Director. There maybe be a piece of legislation that could potentially have an impact on Santa Fe County and if that could be rolled up through the Manager's Office then those also could be brought to us every time that we meet under legislative matters. Thank you.

COMMISSIONER STEFANICS: Thank you. Commissioner Holian, anything? Rudy, Hvtce, anything else you'd like to add?

MR. GARCIA: No, Madam Chair. Just as Manager Miller stated, this is just actually a work in progress and she has gotten direction or she's given definitely me direction that we're going to go to a whole different level, and legislative issues that we've done in the past such as possibly working year-long on legislative stuff, as so many Commissioners have mentioned is that we have a very strong Santa Fe delegation. We're here in town; we're blocks away from the office and so on and so forth, so we do have clear direction on that and we definitely will get you the items at the next two meetings and any bills that we feel need to be brought forward to you we will bring them forward and put them on the agenda. And if there's any items that you have or the emails that we're sending you don't make sense, or if you want more detail or whatever, please reply back and let us know.

COMMISSIONER STEFANICS: And Commissioners, and Rudy, I'm not suggesting we stop at the end of the next two meetings because the legislature will go fast paced at the end. But thank you very much for your time and presentation today.

MR. GARCIA: And Madam Chair, Commissioners, also, this list that we handed out, I feel that it's important. These are definitely some of the things that Santa Fe County is interested in and we do need to keep an eye on. As I mentioned earlier it's not that I didn't know but the New Mexico Association has five priorities and they have sponsors for



two of their priorities. The other two or three they still don't have a sponsor. They still haven't dropped the bill, so it's kind of hard to say whether we're for it or not. As Commissioner Anaya mentioned, Gary Perez is helping working on the legislation with the Associates Assessor's Affiliate and they still don't have a full bill that they want to drop yet. So it's kind of hard as you can see whether we can take a position yet. As I said, they don't have a sponsorship yet.

But all of these on this list are definitely going to come forward through the session. We just need to keep an eye on them, anywhere from the 911 surcharge, right-of-way fees, the procurement code modifications, our capital outlay. We will be submitting that, and the liquor excise tax. So this list is very important as we move forward and we will keep an eye on this stuff as well as any new information that comes for you all.

COMMISSIONER STEFANICS: And also this morning in the Indigent Board meeting we brought up the fact that Paul Gutierrez is talking about something around sole community provider, so that would be important to all of us. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Rudy, I wonder if you could also keep an eye on any bills that have to do with counties being able to levy franchise fees. Thank you, Rudy.

COMMISSIONER STEFANICS: I can tell our agendas are going to be really long for a while. Thank you very much.

**XIV. G. Matters From the County Attorney**

**2. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

COMMISSIONER STEFANICS: Mr. Ross, what are the things that we need to discuss in executive session?

MR. ROSS: Madam Chair, just pending and threatened litigation.

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session where we will discuss pending or threatened litigation.

COMMISSIONER STEFANICS: Thank you. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER STEFANICS: Thank you.

**Pursuant to NMSA Section 10-15-1-H (7) the Commission voted by unanimous roll call vote to meet in closed session to discuss the matter delineated above with Commissioners Anaya, Holian, Mayfield, and Stefanics all voting in the affirmative.**

[The Commission met in closed session from 6:35 to 7:20.]

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation.

2011 JAN 25 PM 05:10  
CLERK RECORDED 03/10/2011

COMMISSIONER STEFANICS: I'll second.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Are there any other items of discussion?

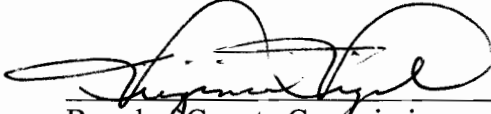
COMMISSIONER STEFANICS: Madam Chair, we said that from now through the rest of the session we're going to have legislation on the agenda.

CHAIR VIGIL: Very Good. Then that will be followed through by an agenda item.

**XV. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Vigil declared this meeting adjourned at 7:20 p.m.


Approved by:

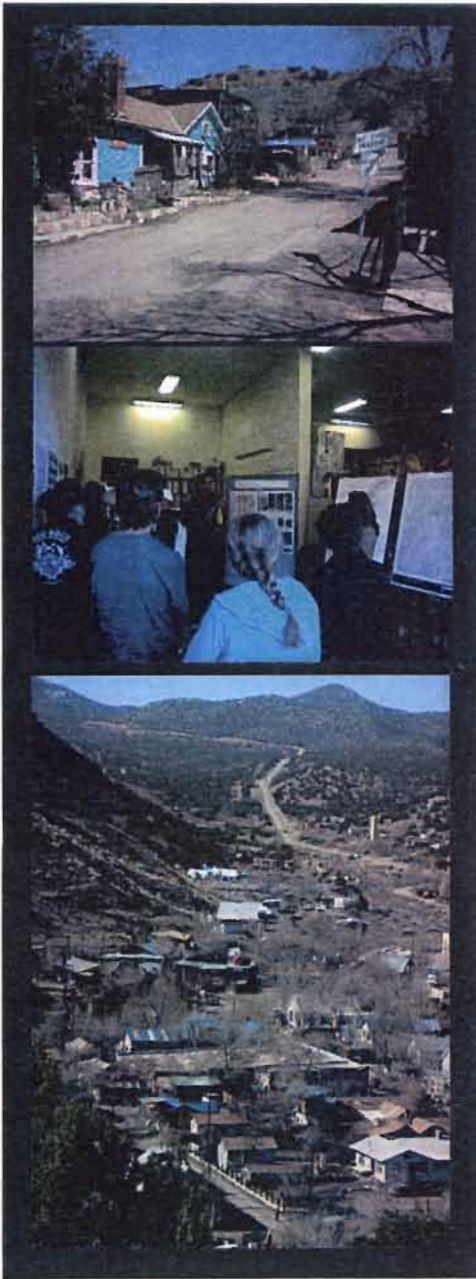
  
Board of County Commissioners  
Virginia Vigil, Chairwoman

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501



# MADRID MINING LANDSCAPE

A New Mexico Abandoned Mine Land (AML) Program  
A Community-Based Planning Project

## Presentation Purpose:

Inform the County Commission of  
AML's work in Madrid and ask for support.

## Agenda

- Introductions
- Abandoned Mine Land Program Overview
- Project Overview
- Planning Efforts and Community Projects
- Partnerships



John Kretzmann, P.E., AML Program Manager

The New Mexico AML Program, part of the New Mexico Energy, Minerals, and Natural Resources Department, addresses the reclamation of abandoned mines throughout the state on both public and private property.

- AML is a federally-funded state program, formed through the passage of the Surface Mining Control and Reclamation Act.
- Lands are eligible for AML reclamation activities if they were mined for coal or affected by coal mining processes.
- AML is the recipient of additional federal funds to address abandoned coal mine lands throughout New Mexico, making this an ideal time for AML to be working in Madrid, NM.
- AML program funding sunsets in 2021.

## The New Mexico Abandoned Mine Land (AML) Program



### Three New Mexico AML priorities:

Priority 1: *The protection of public health, safety, and property from extreme danger of adverse effects of coal mining practices.*

Priority 2: *The protection of public health and safety from [other] adverse effects of coal mining practices.*

Priority 3: *The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices.*



## Project Purpose

**AML leaders are addressing mineral mining issues in Madrid holistically, by developing a community-based plan that addresses the historic impact and secondary effects of past mineral mining and processing practices.**

*The project has three tasks:*

- **Task 1:** Documentation- Completed
- **Task 2:** Conduct the planning process and development of the community plan- Completed
- **Task 3:** Produce report- *Task in Progress*

### Contact Information:

John Kretzmann, Program Manager  
(505) 476-3423

## The Project Purpose, Team and Tasks



### THE PLANNING TEAM

**Dekker/Perich/Sabatini**

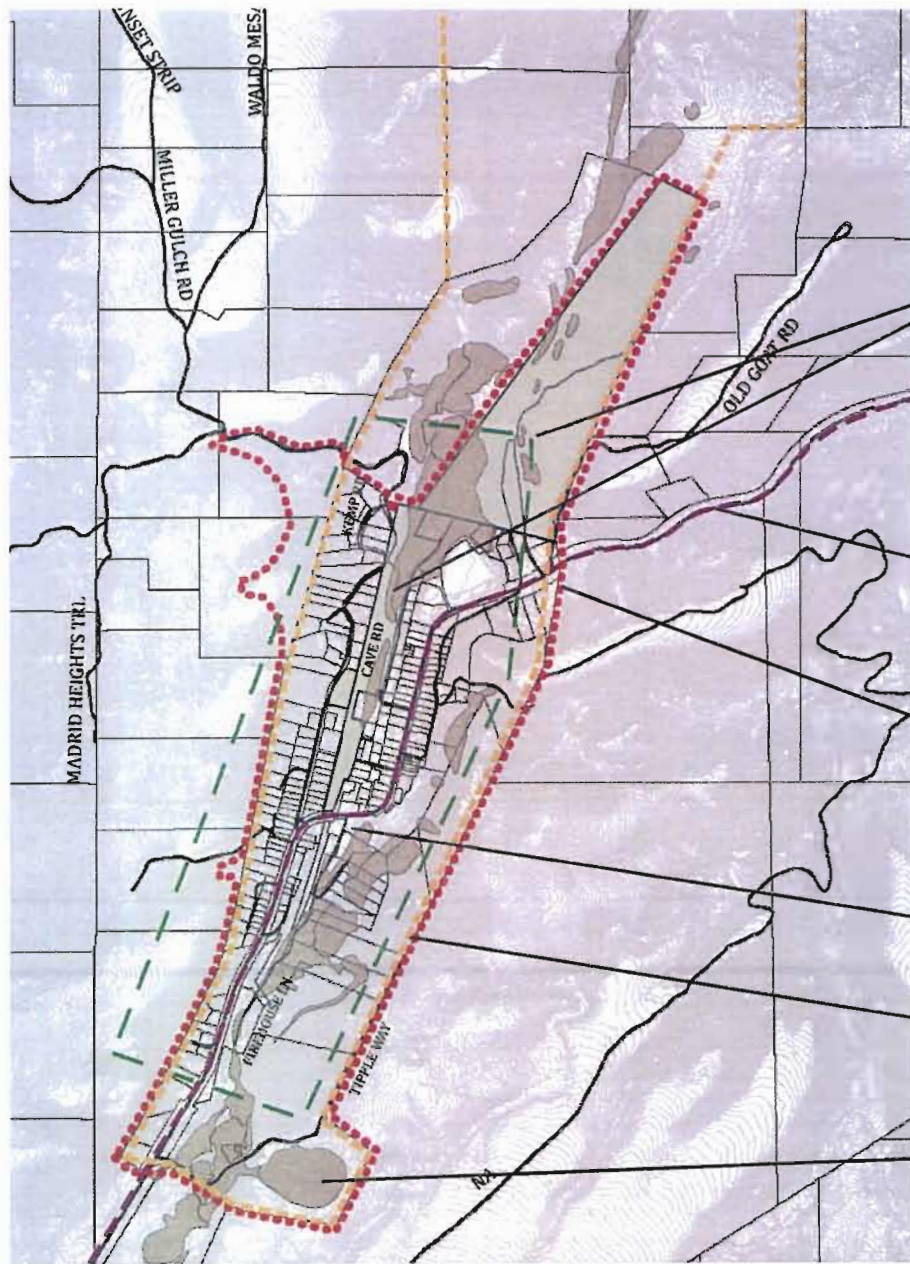
Planning, and Landscape Architecture

**Karpoff and Associates**

Community Facilitation

**Golder Associates**

Environmental Science



Context

County- owned Open Space (green)

New Mexico 14 (purple)

County Community Plan Boundary (red)

Mineshaft Tavern

AML Community Projects Boundary (yellow)

Gob piles (grey)



## Challenges

Community Plan with improvements on Private Property

Community consensus in an independent-minded, unincorporated Community

## Approach

Develop multiple ways to participate and listen

Focus on substantive issues

## Planning Context



**COMMUNITY MEETING #2**  
Madrid Mining Landscape Project  
Wednesday, July 28, 2010  
6:30 - 8:30pm

Open House 6:30pm  
Presentation and Discussion 7:00pm

Model Fire Station  
5:00pm - 6:00pm

The Farm Museum (Madras) Open Land Program (MOLP) is  
committed to transparency and public access to  
information. All project-related information is available  
on the Internet. You are invited to visit the project website  
at [www.madridmininglandscape.org](http://www.madridmininglandscape.org)  
to learn more about the project and to provide  
input. We will accept suggestions and  
comments on project-related issues.

[www.madridmininglandscape.org](http://www.madridmininglandscape.org)  
[info@madridmininglandscape.org](mailto:info@madridmininglandscape.org)





### Community Issues and Concerns

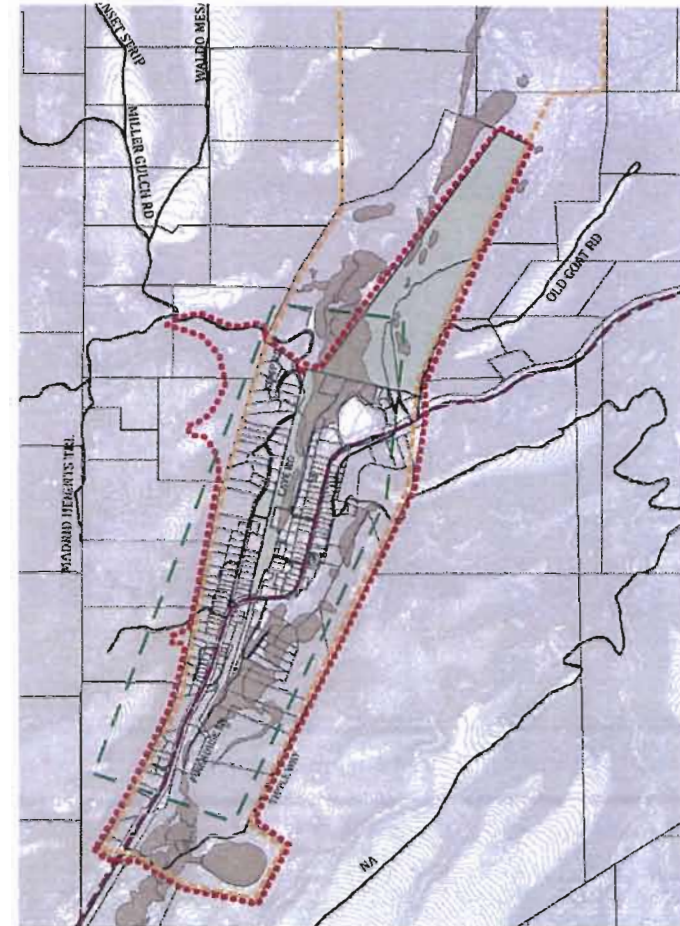
- *Water Quality and Supply*
- *Erosion and Sedimentation*
- *Stormwater*
- *Gob Pile Removal*
- *Environmental questions*
- *Quality of life issues*

### AML Opportunities and Constraints

- *Address high-priority Community concerns.*
- *Partner with other organizations and agencies*
- *Constrained by the OSM funding interpretations.*
- *Facilities that offer longer-term solutions to the community*



## Planning Context



### **Environmental Findings**

- Rapid accumulation of stormwater.
- Madrid Gulch degradation
- Gob piles are chemically benign
- Gob piles are difficult to revegetate
- Fugitive dust
- No connection between past mining practices and current water issues

### **Community Findings**

- Civic groups provide Madrid a loose but effective governance structure
- The civic groups may take a leadership role in implementing community projects
- The County may be an important partner for project implementation and maintenance

## Planning Context



## Community Goals and Strategies

### Community Project #1 East Slope Catchment Project

### Community Project #2 Arroyo Restoration

#### *Goals*

1. Restore Watershed
2. Protect Private Property
3. Improve Public Open Space
4. Support Community's History and Identity
5. Secure Long Term Community Water Supply

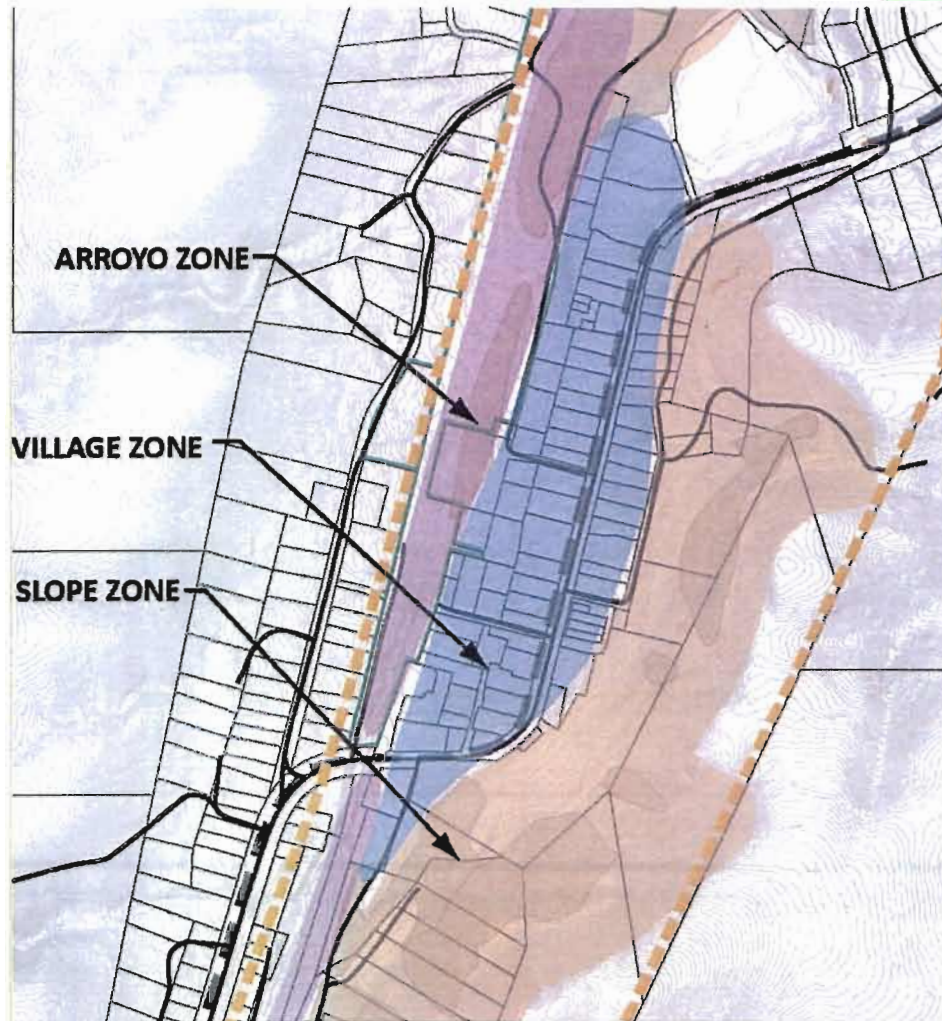
#### *Strategies*

- Reclaim/Stabilize Some Gob Piles
- Stabilize and Naturalize Drainage
- Assure Long-term Sustainability of Improvements
- Utilize Stormwater is a Community Resource
- Develop Recreational/Interpretative Elements





## Community Project #1 East Slope Catchment Project



### *Project Goals:*

Restore health to the watershed by:

- Stabilizing slopes and infiltrating water
- Capturing and conveying water through the Village
- Detaining and reusing water within the arroyo zone

Use Low Impact Development Techniques

Reuse water for community food source development

Improve village vehicular roadways for emergency access, stormwater and sediment control





## Community Project #2 Arroyo Restoration

### *Project Goals:*

Restore hydrologic function of arroyo by:

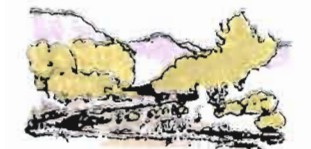
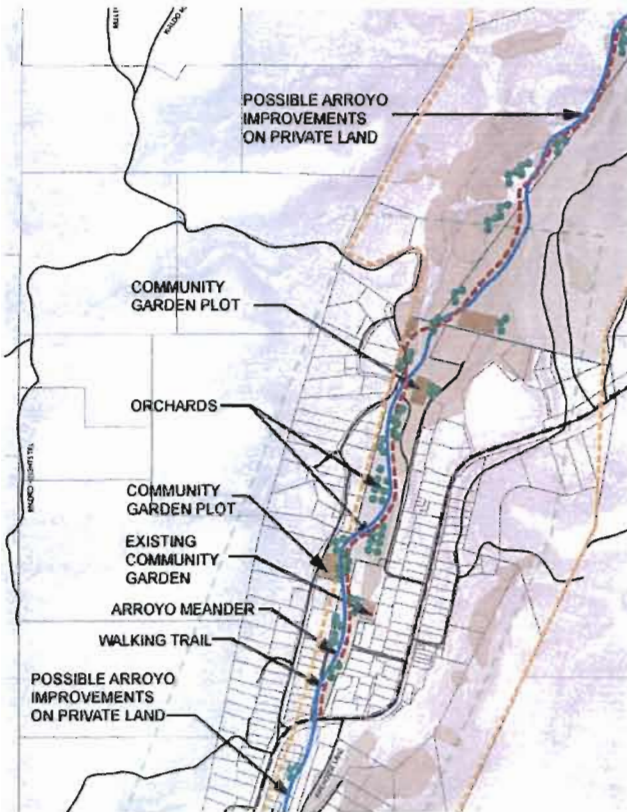
- Actively reconstructing the arroyo meander
- Lengthening channel
- Creating high flow channels

Create recreational trails for community use

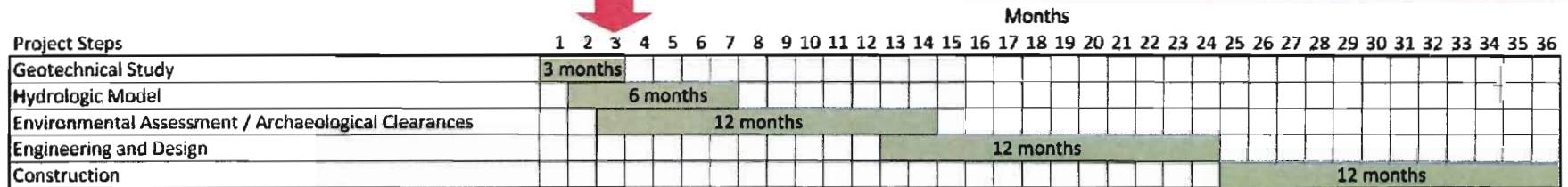
Install interpretative elements

Detain and reuse water for community food source development

Maintain wildlife corridor from the Galisteo River to the Ortiz Mountains



## Implementation Timeline



AML is committed to the implementation of the Community Projects and **has initiated contracts with engineering firms** to perform preliminary engineering, mapping, geotechnical studies and drainage analyses. The Planning Team will support implementation efforts with **continued community outreach** assistance and communications.

AML has invested \$1 million in professional services, and may invest up to \$3 million in construction.





### The Abandoned Mine Land Program's Limitations

AML is constrained by the "one-time" nature of its project funding: **AML can install projects but can not engage in long-term maintenance of utilities.** AML has an opportunity to partner with organizations and agencies with complementary public service missions, reliable income streams and operations and maintenance budgets. AML would like to establish an active partnership with the County of Santa Fe.

#### AML Established Partnerships:

##### **The Village of Madrid**

- Madrid Landowners Association
- Madrid Volunteer Fire Department
- Madrid Cultural Projects
- Madrid Water Cooperative
- Madrid Merchants Association

##### **County of Santa Fe**

- Planning Department
- Open Space and Trails Program

##### **Office of Surface Mining**

##### **New Mexico Department of Transportation**

- District Five Office

##### **New Mexico State Historic Preservation Office**



#### AML Potential Partnerships:

##### **Galisteo Watershed Partnership**

##### **County of Santa Fe**

- Public Works
- Technical Review Committee

##### **County Extension Service**

##### **National Park Service Trails Program**

##### **Natural Resource Conservation Service**



THANK YOU!

QUESTIONS?



Contact Information:

John Kretzmann, Program Manager  
(505) 476-3423



The Village of Madrid

2/27/11

11:28 AM 1/24/2011

**SANTA FE COUNTY  
TREASURER'S PORTFOLIO REPORT**

**CERTIFICATES OF DEPOSIT**

<u>Security Description</u>	<u>Renewal Date</u>	<u>Invested Amount</u>	<u>Effective Annual Interest Rate</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Interest Check to be Paid</u>
Guadalupe Credit Union - CD, #11034009	1/1/2010	\$ 250,000.00	1.83%	13 Months	2/1/2011	Monthly
First Community Bank - CD, #4650468967	11/7/2009	\$ 20,000,000.00	2.25%	19 Months	7/7/2011	Monthly
MarqBank - CD Acct #000000108090 (renewal of #105343 above)	5/1/2010	\$ 99,000.00	1.20%	12 Months	5/1/2011	Monthly
Community Bank - CD # 701477-Santa Fe	7/1/2010	\$ 250,000.00	0.86%	7 Months	1/1/2011	Monthly
Ironstone Bank - CD # 009471010396-Santa Fe	1/12/2010	\$ 250,000.00	2.00%	18 Months	7/12/2011	Monthly
Charter Bank - CD # 61032161-Santa Fe	9/23/2010	\$ 250,000.00	1.26%	18 Months	3/23/2012	Monthly
Del Norte Credit Union - CD # 964029-Santa Fe	9/23/2010	\$ 249,995.00	1.30%	12 Months	9/22/2011	Monthly
New Mexico Bank & Trust - CD #	10/18/2010	\$ 248,000.00	0.75%	18 Months	4/18/2012	Semi-Annual

**Sub Total Miscellaneous Certificates of Deposit \$ 21,596,995.00**

**BROKERED CERTIFICATES OF DEPOSIT**

Wells Fargo - CD, Wachovia Bk FSB Houston Tx Cusip #92979HBGO	4/9/2008	\$ 97,000.00	4.25%	5 yrs.	4/9/2013	Semi-Annual
Wells Fargo - CD, Choice Financial Group, Cusip #17037TDA2	4/16/2008	\$ 97,000.00	4.00%	4 yrs.	4/16/2012	Semi-Annual
Wells Fargo - CD, Florida Tampa Primary Cusip #340559AFO	2/17/2010	\$ 98,000.00	2.75%	5 yrs.	2/17/2015	Semi-Annual
Wells Fargo - CD, Barclays Bk Delaware Wilmington Cusip #06740KDN4	2/24/2010	\$ 98,000.00	2.75%	5 yrs.	2/24/2015	Semi-Annual
Wells Fargo - CD, Libertyville Bk & TR CO IL Cusip # 531554BN2	2/24/2010	\$ 98,000.00	2.75%	5 yrs.	2/24/2015	Semi-Annual
Wells Fargo - CD, State Bk of the Lakes Antioch ILL Cusip #856428AH0	2/24/2010	\$ 98,000.00	2.75%	5 yrs.	2/24/2015	Semi-Annual
Wells Fargo - CD, GE Money Bk Cusip #36159SLS8	4/23/2010	\$ 240,000.00	2.00%	3 yrs.	4/23/2013	Semi-Annual
Wells Fargo - CD, CFG Community Bank Baltimore MD Cusip #12527CAL6	4/26/2010	\$ 250,000.00	1.85%	3 yrs.	4/26/2013	Monthly
Wells Fargo - CD, The Brand Banking Co.Cusip #105245CQ5	4/30/2010	\$ 250,000.00	2.00%	3 yrs.	4/30/2013	Monthly
Wells Fargo - CD, Medallion Bank UT Cusip #58403BRD0	4/30/2010	\$ 250,000.00	1.85%	3 yrs.	4/30/2013	Monthly
Wells Fargo - CD, First National Bk Eagle Cusip #32107BAL4	6/16/2010	\$ 250,000.00	1.35%	3 yrs.	6/17/2013	Monthly
Wells Fargo - CD, Standard Bk & TR Co. Hickory Hills ILL Cusip #853117KU2	6/22/2010	\$ 240,000.00	1.55%	3 yrs.	6/24/2013	Semi-Annual
Wells Fargo - CD, Midland States Bank Effingham IL Cusip #59774QDB5	6/22/2010	\$ 250,000.00	1.50%	3 yrs.	6/21/2013	Monthly
Wells Fargo - CD, Mutual Savings Assn. F Cusip # 62835RASO	6/30/2010	\$ 250,000.00	1.35%	3 yrs.	6/28/2013	Monthly

**Wells Fargo Brokered Certificates of Deposit \$ 2,566,000.00**

SFC CLERK RECORDED 03/18/2011



**SANTA FE COUNTY  
TREASURER'S PORTFOLIO REPORT**

**CD & SAVINGS ACCOUNTS AT LOS ALAMOS NATIONAL BANK**

	Los Alamos National Bank-Acct #0030489173	8/6/2008	\$ 106,634.74	3.85%	36 Mo.	8/6/2011	Monthly
Old	Los Alamos National Bank-Acct #0030489177-GRT Judicial Rev. Bond-Matured	10/31/2008	Trans to 0118081920	3.65%	26 Mo.	12/31/2010	Monthly
	Los Alamos National Bank-Acct #0030489181	12/31/2008	\$ 5,283,097.91	3.30%	30 Mo.	6/30/2011	Monthly
	Los Alamos National Bank-Acct #0111883820 Universal Savings Acct. Pool Cash	5/4/2009	\$ 2,808,090.75	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0116706520-GRT 2009 Water Rights Cap.	10/21/2009	\$ 1,694,479.87	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118076220-Fire Protection Revenue Bond	12/3/2009	\$ 85,312.37	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118077020-Road Projects Account	12/3/2009	\$ 7,138.19	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118078920-GOB Open Space	12/3/2009	\$ 562,888.19	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118079720-GOB Series 2005 A	12/3/2009	\$ 631,944.11	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118080020-GOB Series 2007 B	12/3/2009	\$ 298,060.19	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118081920-GRT 2008 Judicial Rev. Bond	12/3/2009	\$ 242,596.17	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118082720-SF Affordable Housing Fund	12/3/2009	\$ 1,579,020.05	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0121009220-GRT Cap. Series 2010 A&B Buck	3/12/2010	\$ 2,066,729.35	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0111883857 Pool Cash Acct. # 2	1/31/2010	\$ 10,069,051.39	0.75%	12 Mo.	1/31/2011	Monthly
	Los Alamos National Bank-Acct #123866320-GOB 2009 Series	7/1/2010	\$ 10,978,744.95	0.50%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #030489190-Pooled Cash CD	7/27/2010	\$ 1,046,434.82	0.50%	6 Mo.	1/23/2011	Monthly
	Los Alamos National Bank-Acct #0111883821-Fac. Bond 1997 Proc.-Savings Acct.	8/30/2010	\$ 519,597.54	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0111883822-GOB Series 2001 A-Savings Acct.	8/30/2010	\$ 1,933,998.20	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0111883823-GOB Series 2007 A-Savings Acct.	8/30/2010	\$ 12,059,849.75	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0118081921-GRT 2008 Jud. Rev. Bond-Sav.	8/30/2010	\$ 784,174.33	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0127419820 Ph.II 2008 GOB Buckman	11/1/2010	\$ 75,697.38	0.01%	N/A	N/A	N/A
	Los Alamos National Bank-Acct #0128128330 SFC Studios Guarantee	10/26/2010	\$ 6,500,000.00	2.50%	318 Mo.	4/26/2037	Quarterly

**LANB Certificates of Deposit & Savings Accounts**

**\$ 59,333,540.25**

**Total Certificates of Deposit & Savings Accounts**

**\$ 83,496,535.25**

**SANTA FE COUNTY  
TREASURER'S PORTFOLIO REPORT**

**INVESTMENT IN GOVERNMENT AGENCIES (BONDS) AND T-BILLS**

**LF FINANCIAL**

	Federal Home Loan Bank -Cusip #3133XTWAO	6/30/2009	\$	1,998,000.00	2.05%	5 Years	6/30/2014	Semi-Annual
	Federal Home Loan Bank-Cusip #3133XXQ34	4/16/2010	\$	999,906.25	1.64%	2 Years 9 mo.	1/7/2013	Semi-Annual
	Federal Home Loan Bank-Cusip #3133XY5Z4	4/29/2010	\$	500,000.00	1.45%	2 1/2 Years	10/20/2012	Semi-Annual
	Fannie Mae Bond-Cusip #3136FMB60	6/30/2010	\$	690,000.00	2.00%	6 Yrs	6/30/2016	Semi-Annual
	Freddie Mac Bond-Cusip #3134G1KL7	7/12/2010	\$	1,000,000.00	1.50%	3 Years	7/12/2013	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPAD9	8/24/2010	\$	1,000,000.00	2.00%	5 Years	8/24/2015	Semi-Annual
	Federal Home Loan Bank-Cusip #313371E28	10/25/2010	\$	999,750.00	1.05%	3 1/2 Years	4/25/2014	Semi-Annual
	Federal Home Loan Bank-Cusip #313371S64	11/26/2010	\$	1,000,000.00	2.00%	5 1/2 Years	5/25/2016	Semi-Annual
New	Freddie Mac Bond-Cusip #3134G1B88	12/16/2010	\$	1,000,000.00	1.12%	3 Years	12/16/2013	Semi-Annual

**MUTUAL SECURITIES, INC.**

	Federal Home Loan Bank-Cusip #3133XSXG8	2/17/2009	\$	2,487,500.00	3.75%	7 Years	2/17/2016	Semi-Annual
	Fannie Mae Bond-Cusip #3136FHJM8	4/21/2009	\$	1,000,000.00	2.25%	7 Years	4/21/2016	Semi-Annual
Called	Freddie Mac Bond-Cusip #3128X9RG7	12/30/2009	\$	1,000,000.00	2.25%	4 Years	12/30/2010	Semi-Annual
	Fannie Mae Bond-Cusip #3136FMCG7	2/26/2010	\$	2,015,000.00	2.25%	2 Years 10 mo.	12/26/2013	Semi-Annual
Called	Fannie Mae Bond-Cusip #3136FMXJ8	6/23/2010	\$	999,000.00	1.20%	5 Years	12/23/2010	Semi-Annual
	Fannie Mae Bond-Cusip #3136FMQ64	7/13/2010	\$	1,000,000.00	1.50%	5 Years	7/13/2015	Semi-Annual
	Freddie Mae Bond-Cusip #3134G1PX6	8/25/2010	\$	1,000,000.00	1.75%	5 Years	8/25/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPHC4	9/24/2010	\$	849,000.00	1.50%	5 Years	9/24/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPHC4	9/24/2010	\$	1,000,000.00	1.50%	5 Years	9/24/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPPK7	10/15/2010	\$	1,150,000.00	1.50%	5 Years	10/15/2015	Semi-Annual
	Freddie Mae Bond-Cusip #3134G1XD1	10/28/2010	\$	750,000.00	1.15%	3 Years 9 mo.	7/28/2014	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPRS8	10/29/2010	\$	750,000.00	1.12%	3 Years 9 mo.	7/29/2014	Semi-Annual
	Federal Home Loan Bank-Cusip #313371X35	11/29/2010	\$	1,000,000.00	1.00%	3 1/2 Years	5/29/2014	Semi-Annual
	Federal Home Loan Bank-Cusip #313371WT9	12/3/2010	\$	1,000,000.00	2.05%	5 Years	12/3/2015	Semi-Annual

**MORGAN KEEGAN**

	Fannie Mae Bond-Cusip #3136FM6Z2	8/13/2010	\$	1,000,000.00	1.38%	5 Years	8/13/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPAB3	8/18/2010	\$	1,000,000.00	2.00%	5 Years	8/18/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FM6R0	8/25/2010	\$	500,000.00	1.55%	5 Years	8/25/2015	Semi-Annual
	Fannie Mae Bond-Cusip #3136FPJP3	9/28/2010	\$	925,000.00	2.00%	5 1/2 Years	3/28/2016	Semi-Annual
	Federal Farm Bond-Cusip #31331JX57	10/28/2010	\$	1,000,000.00	1.54%	5 Years	10/28/2015	Semi-Annual
	Fannie Mae Bond-Cusip #31398A6E7	11/23/2010	\$	997,968.75	1.50%	5 Years	11/23/2015	Semi-Annual
New	Federal Nat'l Mtg.-Cusip #3136FPYL5	12/10/2010	\$	990,690.97	1.26%	3 Years 9 mo.	9/2/2014	Semi-Annual



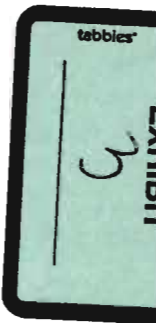
**SANTA FE COUNTY  
TREASURER'S PORTFOLIO REPORT**

<b>CHARLES SCHWAB &amp; CO., INC</b>		Purchase Date	Purchase Amount	Interest Rate	Term	Maturity Date	Pay Date
	Federal Farm Bond-Cusip #31331JS38	10/21/2010	\$ 999,500.00	1.85%	5 Yrs 9 Mo.	7/21/2016	Semi-Annual
New	US Treasury Bill-Cusip #9127952L4-LANB Pooled Cash Account #3820	12/10/2010	\$ 4,997,712.50	0.046%	Approx. 4 Mo.	4/14/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952U4-LANB Pooled Cash Account #3820	12/10/2010	\$ 9,991,347.30	0.087%	Approx. 6 Mo.	6/9/2011	Maturity Date
New	US Treasury Bill-Cusip #912795X63-LANB Pooled Cash Account #3820	12/10/2010	\$ 9,987,231.30	0.128%	Approx. 7 Mo.	7/28/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952P5-LANB Pooled Cash Account #3820	12/10/2010	\$ 4,987,758.35	0.245%	Approx. 11 Mo.	11/17/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952H3-LANB GRT 2010 A&B Account #9220	12/20/2010	\$ 4,998,385.40	0.032%	Approx. 4 Mo.	3/24/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952N0-LANB GRT 2010 A&B Account #9220	12/20/2010	\$ 4,997,751.11	0.045%	Approx. 4 Mo.	4/28/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952R1-LANB GRT 2010 A&B Account #9220	12/20/2010	\$ 4,996,792.35	0.064%	Approx. 5 Mo.	5/19/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952V2-LANB GRT 2010 A&B Account #9220	12/20/2010	\$ 4,995,771.65	0.085%	Approx. 6 Mo.	6/16/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952H3-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 3,998,485.00	0.038%	Approx. 4 Mo.	3/24/2011	Maturity Date
New	US Treasury Bill-Cusip #912795VE8-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 3,997,616.68	0.052%	Approx. 4 Mo.	5/5/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952R1-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 2,498,707.50	0.060%	Approx. 5 Mo.	5/19/2011	Maturity Date
New	US Treasury Bill-Cusip #912795X22-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 7,493,188.00	0.091%	Approx. 6 Mo.	6/30/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952F7-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 4,990,959.50	0.181%	Approx. 6 Mo.	9/22/2011	Maturity Date
New	US Treasury Bill-Cusip #9127952T7-LANB GRT 2008 Judicial Rev. Account #1921	12/10/2010	\$ 4,985,591.65	0.288%	Approx. 12 Mo.	12/15/2011	Maturity Date
<b>BANK OF ALBUQUERQUE</b>							
	Fannie Mae Bond-Cusip #3136FPVC8	11/19/2010	\$ 750,000.00	1.25%	5 Years	11/19/2015	Semi-Annual
	Federal Home Loan Bank-Cusip #313371N93	11/22/2010	\$ 750,000.00	1.70%	5 Years	11/23/2015	Semi-Annual
New	Federal Home Loan Bank-Cusip #3133723L6	12/21/2010	\$ 1,000,000.00	2.20%	5 Years	12/21/2015	Semi-Annual
<b>Total Government Agencies (Bonds) AND TREASURY BILLS</b>			<b>\$ 113,018,614.26</b>				

**SANTA FE COUNTY  
TREASURER'S PORTFOLIO REPORT**

LOCAL GOVERNMENT INVESTMENT POOL	Balance	CURRENT LGIP BALANCES	12/30/2010	Last	STATE	REMAINING BALANCE AT LGIP 12/30/2010
			POOL CONT. RESERVE FUND	CONTINGENCY RESERVE RELEASED	TREASURER LGIP TRANSFERS TO LANB	
Santa Fe County Treasurer-Account #7081-1326 Pool Cash	12/30/2010	\$ 324,245.79	\$57,452.40	\$18,388.86	\$324,100.00	\$ 145.79
Santa Fe County Treasurer-Account #7574-2902 Fire Protect Rev. Bond	12/30/2010	\$ 1,407.62	\$249.21	\$79.76	\$1,400.00	\$ 7.62
Santa Fe County Treasurer-Account #7579-2971	12/30/2010	\$ 88,210.45	\$3,845.83	\$1,230.94	\$88,170.00	\$ 40.45
Santa Fe County Treasurer-Account #7580-2972	12/30/2010	\$ 36,382.48	\$1,593.84	\$510.14	\$36,360.00	\$ 22.48
Santa Fe County Treasurer-Account #7724-4186 SFC 2001A GOB	12/30/2010	\$ 57,739.59	\$10,230.58	\$3,274.51	\$57,700.00	\$ 39.59
Santa Fe County Treasurer-Account #7765-5257	12/30/2010	\$ 89,294.79	\$3,909.53	\$1,251.33	\$89,260.00	\$ 34.79
Santa Fe County Treasurer-Account #7813-9104 SFC 2005A GOB	12/30/2010	\$ 78,305.12	\$13,868.25	\$4,438.83	\$78,270.00	\$ 35.12
Santa Fe County Treasurer-Account #7832-10580 SFC 2007A GOB	12/30/2010	\$ 374,686.70	\$66,394.77	\$21,251.05	\$374,550.00	\$ 136.70
Santa Fe County Treasurer-Account #7864-11172 SFC 2007B GOB	12/30/2010	\$ 74,051.73	\$14,129.08	\$4,200.43	\$74,000.00	\$ 51.73
Santa Fe County Treasurer-Account #7885-11608 SFC Affordable Housing Fund	12/30/2010	\$ 25,652.05	\$4,544.70	\$1,454.63	\$25,640.00	\$ 12.05
Santa Fe County Treasurer-Account #7904-12031 2008 GRT Judicial Rev. Bond	12/30/2010	\$ 496,044.89	\$95,646.02	\$28,118.33	\$495,860.00	\$ 184.89
Santa Fe County Treasurer-Account#7908-12101Phase II GOB Buckman Proj.	12/30/2010	\$ 141.53	\$0.00	\$0.00	\$141.39	\$ -
<b>Total LGIP Investments as of December 31, 2010</b>		<b>\$ 1,646,162.74</b>	<b>\$271,864.21</b>	<b>\$84,198.81</b>	<b>\$1,645,451.39</b>	<b>\$ 711.21</b>
<b>Deduct Called Bonds &amp; Matured CD's</b>		<b>\$ (1,999,000.00)</b>				
<b>Add Charles Schwab Government Money Market 12/31/2010</b>		<b>\$ 2,066,122.11</b>				
<b>Grand Total All Investments as of December 31, 2010</b>		<b>\$ 198,228,434.36</b>				
<b>First Community Bank Cash Balance</b>	12/31/2010	<b>\$ 62.32</b>				
<b>Los Alamos National Bank Cash Balance</b>	12/31/2010	<b>\$ 60,755,695.81</b>				
<b>Grand Total All Investments &amp; Cash Balance December 31, 2010</b>		<b>\$ 258,984,130.17</b>				

January 25, 2011



# Santa Fe County's Investment Plan & Portfolio

Presented January 24, 2011

Good Afternoon Commissioners:

In compliance with Santa Fe County's Investment Policy (Resolution No. 2007-102), this memorandum is submitted to give the County Board of Finance a status report of the County's investments and to present the County Treasurer's investment plan for the foreseeable future:

I have attached a copy of "**Santa Fe County Treasurer's Portfolio**" which shows the County's investments in CD's; Government Agencies (Bonds) including our Charles Schwab accounts; the Local Government Investment Pool; and demand deposits we currently have through December 31, 2010. The portfolio report shows the principal investment amount, the effective annual interest rate (yield), the term, and maturity date and how we receive the income from the investment. The County's total portfolio as of December 31, 2010 was approximately \$258,997,430.17 and doesn't take into account any outstanding expenditures or encumbrances. It's a snapshot in time.

In terms of the County's investments, we have not suffered any losses to date, as we do not invest in equities, CMO's (collateralized mortgage obligations), MBS (mortgage backed securities), and other sub-prime lending instruments.

**The County Treasurer recommended approval for the following four banks to be designated Financial Depository Institutions and were subsequently approved by the County's Board of Finance:**

**Los Alamos National Bank:** This bank received Financial Depository Institution status from the County Board of Finance in August 2005; as of December 31, 2010 we had \$59,333,540.25 invested in Certificates of Deposit and Savings Accounts fully collateralized at 102% with an irrevocable letters of credit from the Federal Home Loan Bank in Dallas and by pledged government agencies. The cash balance in the account for December 31st was \$60,755,695.81.



January 24, 2011

LANB was approved as our Custody Bank effective March 30, 2010. The months of April, May and June were devoted to planning and executing the transition from First Community Bank to LANB. LANB continues to hold the majority of the County's investment portfolio; investments may be viewed in the Santa Fe County Treasurer's portfolio.

**First Community Bank:** This bank was our previous custody bank we currently have \$20.0 million invested in a Certificate of Deposit that yields 2.25%. This CD is collateralized at 102% and will mature on July 7, 2011 at which time we will receive the return of our investment.

**Wells Fargo:** This is the third bank to receive Financial Depository Institution status from the County Board of Finance. We use this bank to invest in brokered CD's all insured by the FDIC up to \$250,000. Wells Fargo shops banks and their rates throughout the country and provides us with the yields, maturity dates, and interest payment dates. Currently we have approximately \$2,566,000,000 in these types of CD's with yields ranging from 1.35% to 4.25%. In October 2008, the federal government's bailout increased FDIC insurance to \$250,000 and was recently extended through December 2013.

**First National Bank:** This is the fourth bank to receive a Financial Depository Institution status from the County Board of Finance. The County invested in a \$5,000,000.00 CD with a yield of 1.70% that's was scheduled to mature on December 1, 2010. Due to federal regulators concerns with banks having too much capital, this investment was rescinded by the bank and the principal and interest was returned to the County. No funds are invested with First National Bank at this time.

### **State Treasurer's Local Government Investment Pool**

**The County's investments in the LGIP are not collateralized or secured by the State Treasurer and we still have some exposure to losses caused by the State Treasurer's investment in the Reserve Primary Fund.**

In January 2009, the County Treasurer was advised by the State Treasurer that the LGIP investment in the *Reserve Primary Fund* had broke the buck as a result of Lehman Bros. bankruptcy. All LGIP shares in the Reserve Primary Fund were frozen until the funds liquidation could begin. The Reserve finally published a liquidation plan for shareholders on December 3, 2009; this plan estimates a loss of 1.5% of invested funds. Until the final distribution is made, the actual loss remains unknown.

On June 2, 2009, the State Treasurer's office informed us that the STO was participating in a lawsuit against the Reserve Primary Fund on behalf of STO's portfolios and LGIP participants. As of December 31, 2010, the LGIP Reserve Contingency Fund holds hostage \$271,864.21 of

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Santa Fe County funds. Most of these funds consist of bond issues approved for various projects within the county. The last release of contingency funds by the State Treasurer amounted to \$84,198.81 and it appears that will be the final distribution; that would mean that the County will lose the \$271,864.21 referenced above.

The current balance at the LGIP on December 31, 2010 was approximately \$1,646,162.74. We will be moving \$1,645,451.39 from the LGIP to our Custody Bank (LANB) in the near future; this leaves approximately \$711.21 in the accounts at the State Treasurer's LGIP. (See page 5 of the Portfolio)

### Treasurer's Investment Plan

**As discussed previously in other meetings with the County Board of Finance, the Treasurer's primary objective is to insure the County's portfolio contains safe, liquid and diversified investments while earning a market rate of interest on all money that is not immediately required to meet the County's cash flow needs.**

The County Treasurer's investment plan is to diversify the portfolio and invest in all permitted investments authorized in the policy as follows:

- ✚ Interest bearing accounts held at our Custody Bank;
- ✚ Certificates of deposit insured by the FDIC (with limits up to \$250,000), or collateralized at 102% for CD investments over \$250,000;
- ✚ Government agencies (bonds), treasury bills, or other debt securities issued by and backed by the full faith and credit of the United States. These investments are fully collateralized as provided for in our investment policy.

The Treasurer's plan for the near future is continue to look for investments that benefit our local economy here in Santa Fe County that will assist banks and credit unions with the ability to provide mortgage loans, auto loans and construction financing to our county constituents. At present this task proves to be difficult with federal regulators monitoring banks that have too much capital on their books. As a result, LANB informed us the highest yield they could pay the County on our funds effective December 1, 2010 would be .01% on CD's and Savings Accounts and they wanted us to move our CD's and Savings to a Charles Schwab Account to lower their capital balances to comply with federal regulator mandates.

The County's securities at Charles Schwab consist of Government Agencies (Bonds) and Treasury Bills: our holdings currently stand at \$113,018,614.26 million. Going forward, we expect to increase this category even more due to federal regulators concerns with banks that

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are over capitalized. These types of investments are laddered to meet our cash flow needs as estimated by the Treasurer trying to anticipate the County's various project timetables. Our County's investments are laddered to meet our cash flow needs **estimated** by the Treasurer in anticipation of when various projects might draw down funds as they near completion.

It is highly probable that higher yields might be obtained with a good cash flow analysis received in a timely basis from the parties involved.

The Treasurer has invested County funds in CD's in local banks and credit union :

- |                            |   |
|----------------------------|---|
| A. Guadalupe Credit Union  | \$250,000.00 Secured by FDIC Yield 1.83%; |
| B. Community Bank          | \$250,000.00 Secured by FDIC Yield .86%;  |
| C. Ironstone Bank          | \$250,000.00 Secured by FDIC Yield 2.00%. |
| D. Charter Bank            | \$250,000.00 Secured by FDIC Yield 1.26%  |
| E. New Mexico Bank & Trust | \$248,000.00 Secured by FDIC Yield 0.75%  |

The County Treasurer's Investment Committee meets regularly on a monthly basis. We present an agenda to the Committee each month that includes investments made; the investments that matured; and minutes from the prior month meeting. We monitor the bank's rating through the use of bankrate.com and other web sites which provide a rating and analysis on financial condition of our county banks.

I want to thank the Investment Committee for their commitment to attend these monthly meetings. I know they have many meetings and obligations they have to attend to on behalf of the County.

Mr. Chair and Commissioners that concludes my portion of the presentation, thank you for your kind attention and I make myself available to any questions you might have.



County Treasurer

**ADDENDUM TO AN  
ASSESSMENT OF A FILM STUDIO  
AT  
SANTA FE COUNTY MEDIA PARK**

**Prepared for:  
Santa Fe County  
P.O. Box 276  
Santa Fe, NM 87504-0276**

**Prepared by:  
Bruce Poster  
Southwest Planning & Marketing  
3600 Cerrillos Road, Suite 107  
Santa Fe, NM 87507**

**February 10, 2010**

In March 2008, Southwest Planning & Marketing (SWPM) conducted an assessment of the Santa Fe Studios project, which is to be located at the Santa Fe County Media Park. The purpose of the assessment was to examine the benefits and costs of the projects and to assist the County in making an informed decision about whether to support the project and grant the requested approvals.

With the passage of two years since that study was completed, certain factors have changed, necessitating a reassessment of the project. The purpose of this study is to provide an addendum to the original report. The balance of this addendum includes:

- A summary of the author's qualifications
- A discussion of what has changed in the past two years
- A statement of findings regarding project feasibility and the benefits and costs to the County
- An appendix containing the author's resume and the methodology utilized in conducting the study

## **QUALIFICATIONS OF THE AUTHOR**

Bruce Poster is the President of SWPM, a company he established in Santa Fe in 1977. Mr. Poster has a B.A. in Economics from the University of Chicago and a Masters in City & Regional Planning from California State University at Fresno. Mr. Poster has taught economics at the college level and research at the graduate level. During his 32 years in New Mexico, he has conducted numerous projects for public, tribal, and private sector entities, some of which have been relied upon by the NM Finance Authority. Examples include:

- Benefit-cost analysis of the Lensic Performance Center and Santa Fe Business Incubator (under LEDA) and of a new convention center for the City of Santa Fe
- Feasibility study for a hotel at Santa Clara Pueblo
- Contribution to the Ernst & Young study on the economic and fiscal impacts of the NM film tax credit
- Studies of the economic impacts of cultural resources on the State of New Mexico (for DCA) and of New Mexico community colleges

For a complete resume, please refer to the appendix.

## **CHANGED CONDITIONS**

In this section, we identify those changes that have occurred since the initial report was submitted in 2008. Changes can be grouped into the following categories:

- Changes in the marketplace
- Changes to the project
- Changes to the deal
- Changes in infrastructure costs to the County
- Changes in tax rates



Each of these is discussed below.

### **Changes in the Marketplace**

The nation has just experienced the worst recession since World War II. This has dried up capital markets, making financing for new projects very difficult.

The film industry has remained relatively healthy in the face of the recession, a reminder that the film industry weathered the Great Recession of the 1930's quite successfully. Both domestic and worldwide film box offices increased during each of the years 2005 through 2008 (data for 2009 are not yet available), based on data from the Motion Picture Association of America. A total of 2,322 movies and TV productions were filmed in the U.S. in 2008, including 47 productions that were shot in New Mexico.

According to the New Mexico Film Office, spending on films in New Mexico in FY 2009 was **\$265.4 million**, down slightly from the record figure of \$274.2 million in FY 2008. During 2003-2010, 57 major productions were shot wholly or partially in Santa Fe County, generating spending of \$261 million within the County. One of these, *Crazy Heart*, is currently nominated for three Academy Awards.

Productions planned for Santa Fe in early 2010 include *Passion Play*, *True Grit*, *Knockout*, and *Manhattan*. We understand that three pictures are currently shooting at the Old St. Vincent's Hospital, which is not even a studio and does not have adequate parking for even one production. There is a major production utilizing the small space at Greer Garson Studio. Another company wanted to use this space, but was forced to split their activity between the old White Swan building and a hangar at the airport, which is a very poor location for shooting due to aircraft noise. Another major picture is planned for March and has not yet secured production space. According to a representative of IATSE Studio Mechanics Union Local 480 "the biggest picture to shoot in North America this year" may be lost to the State because there is no studio available for them.

New Mexico was recently rated by industry insiders as the third best location for filmmaking in North America. According to *Variety*, New Mexico trailed only California and New York, while beating out Chicago, Louisiana, and other domestic locations. Albuquerque was recently rated by *Moviemaker* as the number one location to make movies. This is partly due to the opening of Albuquerque Studios, where the \$200 million *Terminator Salvation* was shot.

While New Mexico was once known largely as a place for shooting Westerns, with the creation of post-production facilities at Albuquerque Studios and Santa Fe Studios, New Mexico will be able to garner a larger share of the lucrative and growing post-production market. While some have expressed concern that there may not be room for two major studios in New Mexico, it must be remembered that New Mexico currently accounts for only 2% of all domestic productions, allowing considerable opportunity to grow its market share.

11/02/01/08 RECORDS MGMT. CO.

In response to the growth of the movie industry within the state, a number of New Mexico educational institutions are offering programs to train the future workforce for this industry. These include the College of Santa Fe, Santa Fe Community College, the University of New Mexico, and New Mexico State University. Several of these programs were created since we did our initial assessment.

### **Changes to the Project**

Phase IA of the project has been down-sized to two 18,000-square-foot studios and 50,500 square feet in offices. Construction and infrastructure costs are now projected at \$21 million.

Annual payroll for permanent studio employees is now estimated at \$704,969, with total operational costs at \$3,333,000.

The changes to the project will still allow for the production of two medium size motion pictures each year at a cost of roughly \$100 million (including \$21.9 million in local production payroll), as assumed in the original study.

### **Changes to the Deal**

Because of the changes in the capital markets, Santa Fe Studios has found it difficult to obtain private financing for the studios. This has led to a restructuring of the deal with Santa Fe County. The County will provide a construction/permanent loan of up to \$6.5 million (currently estimated at \$6 million) to finance the project. The permanent loan will be repaid over a period of ten years, with a balloon payment at the end. The County Infrastructure Gross Receipts Tax will be used to repay the bonds which will fund the loan.

Santa Fe Studios will make five installment payments of \$524,000 to purchase the land underlying the studios. At an interest rate of 6.5%, the total investment will be \$3,045,750. Payments will be made as each 100,000 hours of labor has been provided, but no later than December 14, 2015.

Under the revised agreement, the County would no longer provide an industrial revenue bond (IRB), as had originally been proposed. This means that there will not be an abatement to gross receipts or property taxes payable to the County.

### **Changes in Infrastructure Costs to the County**

The County is responsible for certain infrastructure costs that were identified in the original assessment. The following changes have occurred since 2008:



- The estimate of roadway improvement costs has been reduced from \$1,389,646 to \$1,261,754
- There is a new cost for relocating a transmission power line, at \$150,000.
- The other costs (for water, wastewater, water rights, and telecommunications) remain the same
- Total estimated costs (assuming that telecommunication costs are fully at the cap of \$1 million) are now \$3,671,954, an increase of \$22,108 from the figure of \$3,649,846 utilized in the 2008 assessment

### **Changes in Tax Rates**

We have adjusted gross receipts and property tax rates to reflect the current applicable rates within both the County and the City of Santa Fe.

### **FINDINGS**

In this section, we summarize our findings regarding feasibility, costs, and revenues related to the project.

#### **Feasibility of Project**

We believe that the project is currently just as feasible as when we conducted the initial assessment, if not more so. New Mexico has gained prominence as a location for moviemaking, which will increase the potential success of Santa Fe Studios.

As evidence of the likelihood of success, we have reviewed nine confidential letters of intent from potential tenants and suppliers. These letters indicate strong support for the studio from those within the industry and the prospect of tenants leasing office space. For example, Arclight films states its interest in using the facilities; and an executive with Twentieth Century Fox indicates his interest in making films at Santa Fe Studios, stating that "If you build it, we will come."

We have also been provided information from IATSE Studio Mechanics Union Local 480 regarding current and planned movie making within the County and the need for more adequate production facilities for the four movies that will be produced in Santa Fe in early 2010, not to mention other movies that could be shot in Santa Fe if there were adequate facilities, including "the biggest picture to shoot in North America this year."

Finally, we do not believe that the project will adversely impact other production facilities within New Mexico, e.g. Albuquerque Studios and Greer Garson Studio. With New Mexico accounting for only 2% of domestic production, there is plenty of room to grow the industry within the state without taking business from other studios.

While there are no guarantees that a business will succeed, we believe that the County is making a prudent investment in backing the development of Santa Fe Studios. In fact, the film industry, which is a green industry, is one of the few businesses that has a comparative advantage in Santa Fe and also meets County economic development goals.

**Costs to the County**

The only direct costs to the County are the infrastructure costs, as shown below:

- Water and wastewater--\$755,000
- Roadway improvements--\$1,261,754
- Broadband infrastructure—maximum of \$1 million
- Water rights--\$505,200
- Relocation of electric transmission line--\$150,000

The total of these costs is \$3,671,954 (compared with the earlier estimate of \$3,649,846), for an increase of \$22,108. To finance these costs in a bond over 30 years at 5.25% interest would result in annual payments of about \$253,000.

Santa Fe County would not provide any property tax abatement to the project, since an IRB is no longer under consideration. The County would provide a loan of \$6 million to the project, which would be repaid with interest as employment is provided, but after no later than ten years.

**Revenues to the County**

The County would receive one-time revenues from the sale of the property and on construction gross receipts tax, as well as ongoing revenues from gross receipts and property taxes related to the project, employee housing, and employee spending. (Please note that we are only considering those impacts related to the initial phase of the project that is under consideration at this time; this does not include the future leased space on the Override Parcel on which the County would receive profit-sharing.)

***One-Time Revenues***

Sale of the property	\$2,620,000
Construction GRT on the studio	240,000
Construction GRT on employee homes	1,147,965
Multiplier on construction GRT	<u>902,177</u>
<b>Total</b>	<b>\$4,910,142</b>

***Ongoing Annual Revenues***

GRT on studio revenues	\$ 50,001
GRT on other production	274,530
GRT on employee spending	297,226

Multiplier on operational GRT	404,142
Property tax on the studio	126,868
Property tax on employee homes	<u>108,157</u>
<b>Total</b>	<b>\$1,260,924</b>

**Net Benefits to the County**

The net benefits are the difference between the revenues and costs shown above.

***One-Time Benefits***

Revenues	\$4,910,142
Costs	<u>0</u>
<b>Net Benefits</b>	<b>\$4,910,142</b>

***Annual Benefits***

Revenues	\$1,260,924
Costs (payments on bond)	<u>253,000</u>
<b>Net Benefits</b>	<b>\$1,007,924</b>

In summary, the County would realize one-time benefits of \$4,910,142 and annual benefits of \$1,007,924, just based on the initial phase.

## **APPENDIX**

### **I. Resume of Bruce Poster**

### **II. Methodology**



## I. RESUME OF BRUCE POSTER

*Bruce Poster is an economist and planner who specializes in impact assessment, economic development, real estate research, financial analysis, and strategic planning. He has over 35 years experience as a consultant and 3 years as a city planner. Mr. Poster has directed his own consulting practice in Santa Fe, New Mexico since 1977.*

*Mr. Poster brings a wide range of technical and organizational skills to his consulting assignments. He has managed a number of complex projects, coached entrepreneurs, led negotiating teams, testified as an expert witness, and facilitated meetings. He has expertise in demographics, survey research, land-use planning, impact assessment, finance, economics, sociology, strategic planning, marketing, management, and business development.*

*Mr. Poster interacts with his clients to create a vision and identify their goals. His excellent analytic and communication skills enable him to identify key issues at an early stage. Mr. Poster is a strategist, who enjoys difficult challenges. He is only satisfied when his client achieves the intended result.*

*Past assignments include the following:*

- ◆ *Determining the economic and fiscal impacts of community colleges in New Mexico*
- ◆ *Determining the economic and fiscal impacts of cultural resources in New Mexico*
- ◆ *Determining the economic impacts of the Cumbres & Toltec Scenic Railway*
- ◆ *Determining the economic and fiscal impacts of the National High School Rodeo Association Finals in San Juan County*
- ◆ *Doing benefit-cost analyses of Santa Fe Studios, BTI, and the new Santa Fe Farmers Market for the County pursuant to the Local Economic Development Act*
- ◆ *Assessing the social impacts of a proposed destination resort in Taos*
- ◆ *Determining the economic and social impacts of the arts in Santa Fe*
- ◆ *Conducting real estate research and financial analysis*
- ◆ *Doing cost-benefit analyses for the Santa Fe Business Incubator and the Lensic Performing Arts Center for the City pursuant to the Local Economic Development Act*
- ◆ *Assessing the economic/fiscal impacts of expanding the old Sweeney Convention Center*

*Prior to moving to Santa Fe in 1977, Mr. Poster was a Senior Associate with Resource Planning Associates in Cambridge, Massachusetts and Washington, D.C., a Planner for Wilbur Smith Associates in San Francisco, and a Principal Planner for the City of Fresno, California.*

*Mr. Poster has B.A. in Economics from the University of Chicago, a Masters in City & Regional Planning from California State University at Fresno, and a Certificate in Group Facilitation Methods from the Institute of Cultural Affairs. He has taught Economics at the college level and Quantitative Methods at the graduate level. Mr. Poster is the former Chairman of the Board of the Tri-Area Association for Economic Development (TRADE).*

## II. METHODOLOGY

The methodology for the county-level cost-revenue analysis is relatively straightforward and utilizes a traditional approach to measuring economic impacts. Tax revenues are calculated on construction activity, business activity, and employee expenditures, with a multiplier added on to capture the circulation of dollars within the local economy. Only those tax revenues accruing to Santa Fe County were measured, i.e. the analysis does not include additional revenues accruing to the City of Santa Fe, Santa Fe Public Schools, Santa Fe Community College, and the State of New Mexico. Nor does the analysis include any benefits that will accrue from future phases of the project, including the County's share of revenues on the leased space in the Override Parcel.

Revenues were calculated for one-time construction-related activities and for ongoing operations.

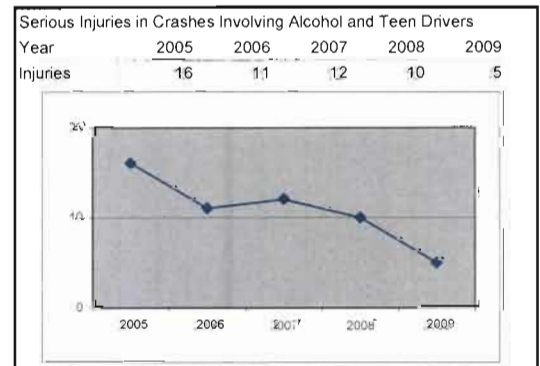
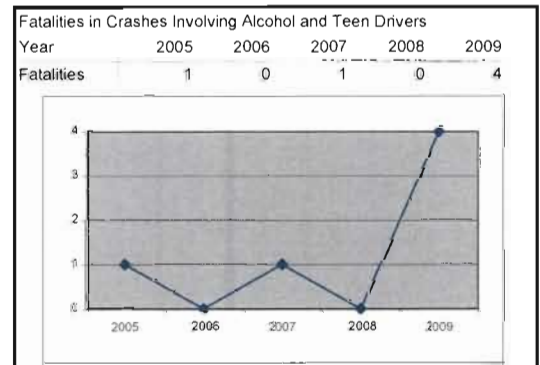
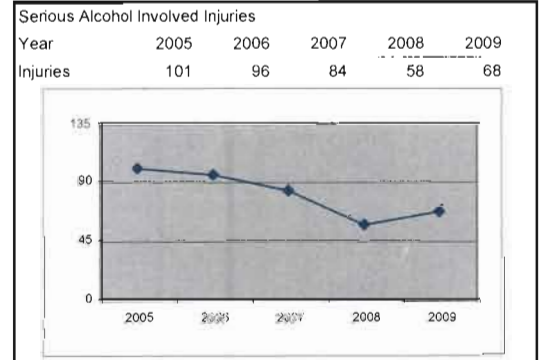
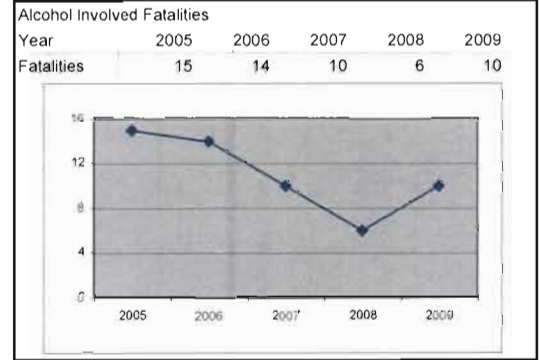
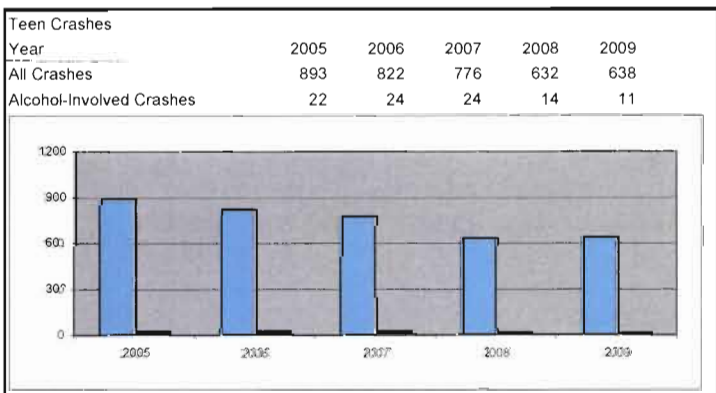
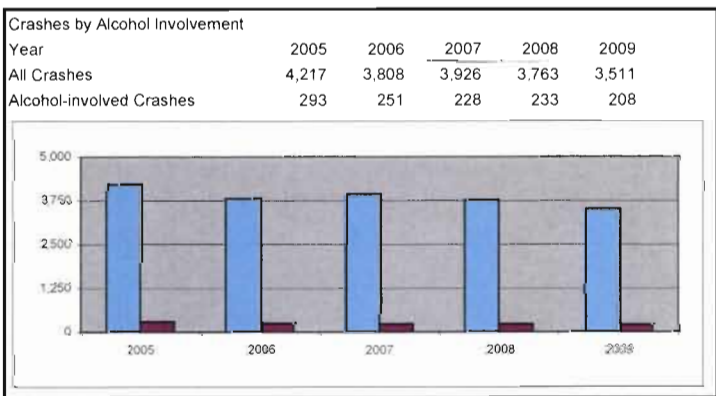
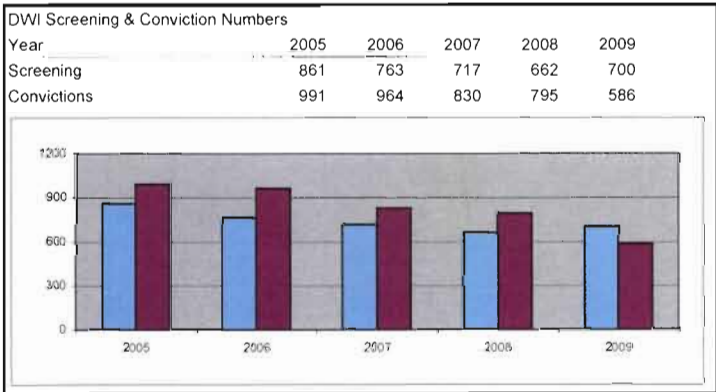
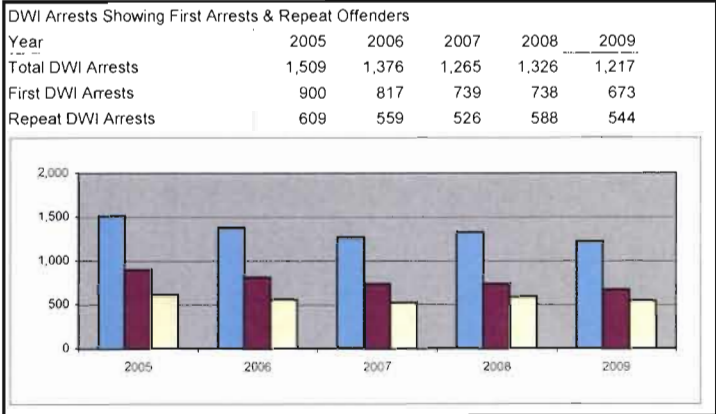
The only costs that entered the analysis were the annual costs to the County of financing a bond issue to pay for the infrastructure. While the County would also be loaning money to the project, this was not considered a cost to the County in that the loan would be paid back with interest.

Some of the assumptions used in the analysis were as follows:

- A conservative multiplier of 1.65 was used, i.e. for every dollar of spending on construction, operations, and employee expenditures, it was assumed that another 65 cents of spending would be generated
- It was assumed that half of the new employee housing would be located within the City of Santa Fe and half outside of the City within the County
- It was assumed that 80% of the local employee expenditures would occur within the City of Santa Fe and that 20% of the expenditures would occur outside of the City within the County.



# SANTA FE COUNTY



SFC CLERK RECORDED 03/19/2011

## SFC DWI Prevention Component

## -2010 Highlights-



- **Change Your Reality Youth Conference**— Santa Fe County=152 + Rio Arriba County=138
- **Student Wellness Action Team (SWAT)**—9 Teams consisting of 145 High School Members served over 1,500 Peer Students, in addition to poster campaigns and social networking.
- **Curriculum Infusion Project**—SFCC; during the last semester there were 287 students in 9 classes that participated in the program through various prevention projects.
- **Media Literacy**—1,400 students from SFPS and Teen Court participated, in addition to counter ads shown on Cable TV throughout SFC and New Mexico (7,000 spots).
- **Envision Your Future**—149 5<sup>th</sup> Graders at Pojoaque Valley Schools and 30 5<sup>th</sup> Graders at Ortiz Middle School participated.
- **Protecting You Protecting Me**—300 Pojoaque 4<sup>th</sup> & 5<sup>th</sup> Graders participated.
- **Bullying Prevention**—300 Pojoaque 4<sup>th</sup> & 5<sup>th</sup> Graders participated.
- **Keep A Clear Mind**—150 Pojoaque 4<sup>th</sup> Graders participated.
- **Random Acts of Kindness**— 1,000 Pojoaque Valley School youth participated.
- **United Artists Digital Theater Ads**—8 rotating ads shown twice at beginning of every movie in 14 screens, seven days a week, 365 days a year (2,300 hits per day).
- **SF Trails Bus Ads**—1 ad on the driver side bus and 1 ad on top of Van (16,000 hits per day).
- **Radio Show**— KDCE Radio 950AM; Hour, “live” on air program, one time per week, Wednesday mornings at 10 plus 15-30 second spots at all school sports broadcasts.
- **Community Events-Cross-Agency Collaboration- Technical Assistance**— DFA/DWI Prevention Programs; NMPN; State.
- **Edgewood Outreach**—with the help of Commissioner Robert Anaya, we made inroads for our evidence-based programs to Superintendent Dr. Karen Couch and all the School Principals in Edgewood/Moriarty School District.

- **Initiated development of a Strategic Plan**— Prevention staff began development of a strategic plan with consultation from New Mexico Prevention Network (NMPN) colleagues to improve implementation of evidence-based prevention policies and programs.
- **Frank Magourilos**— our Sr. Certified Prevention Specialist is one of 10 International nominees for the Prestigious Prevention Professional of the Year Award from the International Certification & Reciprocity Consortium, <http://internationalcredentialing.org> to be announced in March, 2011. Magourilos also worked in the Santa Fe County strategic plan for the DWI Program as part of his Master's program through the University of Oklahoma.

**-2011 Priorities-**

**Along with continuation of all our 2010 programs listed above, two major areas need to be addressed:**

1. **Strategic Plan**— although not a requirement by DFA, we strongly believe in creating a Strategic Plan that will better allows us to measure progress in implementing evidence-base policies and programs, and more objectively provide accountability for our Prevention Programs.
2. **External Evaluator**— along with the Strategic Plan, an External Evaluator is vital and key to measuring the progress of the Goals, Objectives, and Activities of the Strategic Plan. Some of the critical duties that an external Evaluator would have include: a) The Evaluator will lead in the development of the Needs Assessment, Capacity Building, Strategic Planning, and overall evaluation of the SFC DWI Prevention Program, and support all the implementation stages; b) The Evaluator will be responsible for designing, reviewing, and carrying out process and outcome evaluation activities of the SFC DWI Prevention Program, including evaluation instruments, gathering relevant baseline and follow up data, tabulation and analysis of data, and producing evaluation reports; c) The Evaluator will be responsible for collecting data and developing Needs Assessments to include Santa Fe, Pojoaque, Edgewood, Moriarty, and Tribal SFC Communities; d) An Evaluation Manual consisting of 4 parts: Programmatic Information, Evaluation Tools, Program

Documentation, and Administrative Information, will be developed by the Evaluator to ensure that program staff have all the necessary tools to implement the program, ensure quality evaluation processes are maintained, and prepare the program for audits, site visits and other scrutiny.

**Additionally, Parent Education is very difficult to implement and lacking statewide; the projects below address this need:**

- **Let's Talk Santa Fe: Countywide Public Prevention Education Campaign for Parents, Students and Community Members**—This is a program of the Santa Fe Public Schools and Women's Health Services launching in April. The focus is on substance abuse and violence prevention that includes community education focused on: parent education in the workplace and community, professional development for healthcare providers and school staff supported by a web-based learning management system, online courses, and a small media campaign. Our prevention staff will be working with Women's Health Services to support promotion of the Let's Talk program at 14 movie theaters in the city.
- **Web-based Information and Education:** Our program is researching new ways to use our Website to promote community education, interactive forums, sharing of educational pod casts and updates on implementation of evidence-based policies and programs.

Frank G. Magourilos, SCPS  
Sr. Certified Prevention Specialist  
Santa Fe County DWI Program  
[fmagourilos@co.santa-fe.nm.us](mailto:fmagourilos@co.santa-fe.nm.us)



## Memorandum

**To:** Santa Fe Board of County Commissioners

**From:** Teresa Martinez, Finance Director

**Thru:** Katherine Miller, County Manager

**Date:** January 25, 2011

**Re:** *Requesting a budget increase to the General Fund \$331,103*

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### ISSUE:

The County Manager's Office Finance Division is requesting approval of an increase to the General Fund budget to reimburse the State of New Mexico for property tax rebates claimed by qualified county residents under County Ordinance 2009-2.

### BACKGROUND:

In November, 2007, then Administrative Services Department Director, Pete Garcia, provided analysis in reference to the Property Tax Rebate Option pursuant to the City/County Settlement Agreement on Annexation. Section 7-2-14.3 NMSA 1978 allows for the BCC to impose a low income property tax rebate by adoption of an ordinance. This rebate would provide tax relief (not to exceed \$350) for property owners with modified gross income levels between \$8,000 and \$24,000 by reducing their State income tax liability. Section 7-2-14.4 NMSA 1978 allows for a County that has imposed the low income property tax rebate to bring forward a ballot question to impose a tax of 1 mil (\$1.00 per 1,000 of taxable value) to fund the program. The analysis did not provide an estimated cost of the low income property tax rebate if imposed. Further, a ballot question to impose a property tax increase to fund the program was not brought forward.

On April 14, 2009, the Board of County Commissioners adopted Ordinance 2009-2: An Ordinance Creating the Low Income Tax Rebate; Establishing the Tax Years to Which the Rebate Applies; Providing for Repeal Following the Public Hearing Provided For in NMSA 1978, Section 7-2-14.3 (2003). The Ordinance provided for the rebate to apply to the 2009 tax year and subsequent years until repealed.

Section 7-2-14.3-I NMSA 1978 provides for the means by which the State can collect its lost revenue from any County that imposes the low income property tax rebate. It states:

“... the department (Taxation and Revenue) shall certify to the county the amount of the loss of income tax revenue to the state for the previous taxable year attributable to the allowance of property tax rebates to taxpayers of that county. The county shall promptly pay the amount certified to the department. If a county fails to pay the amount certified within thirty days of the date of certification, the department may enforce collection of the amount by action against the county and may withhold from any revenue distribution to the county, not dedicated or pledged, amounts up to the amount certified.”

In a letter dated January 3, 2011 Taxation and Revenue Department Secretary Designate Demesia Padilla informed Santa Fe County of the amount to be paid to the State for the low income property tax rebate, however, no documentation as to the number of tax payers or individual amounts was provided. The amount due to the State is \$331,102.22. Supporting documentation has been requested, however, Santa Fe County has just 30 days from receipt of the letter (until February 7, 2011) to remit payment.

**SUMMARY:**

Please approve the attached budget resolution to budget cash to increase the General Fund budget by \$331,103 for the purpose of reimbursing the State of New Mexico for claims made in the tax year 2009 for low income property tax rebate provided by Ordinance 2009-2.

SFC CLERK RECORDED 03/18/2011



# SANTA FE COUNTY

## RESOLUTION 2011 - \_\_\_\_\_

**A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM**

**Whereas, the Board of County Commissioners meeting in regular session on January 25, 2011, did request the following budget adjustment:**

Department / Division: CMO/Finance Division Fund Name: General Fund

Budget Adjustment Type: Increase Fiscal Year: 2011 (July 1, 2010 - June 30, 2011)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0000	385	0100	Budgeted Cash	\$331,103	
<b>TOTAL (if SUBTOTAL, check here )</b>					\$331,103	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0121	412	7090	Miscellaneous Operating Expenses	\$331,103	
<b>TOTAL (if SUBTOTAL, check here )</b>					\$331,103	

Requesting Department Approval: Carole H. Garamella <sup>Interim</sup> Title: Budget Administrator Date: 1/24/11

Finance Department Approval: Cathie [Signature] Date: 1/24/11 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

**SANTA FE COUNTY**  
**RESOLUTION 2011 - \_\_\_\_\_**

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

DEPARTMENT CONTACT:    Name: Carole Jaramillo                      Dept/Div: CMO/Finance                      Phone No.: 505-986-6321

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 1) Please summarize the request and its purpose.

*This Budget Resolution is to increase the General Fund utilizing budgeted cash to reimburse the State of New Mexico for property tax rebates claimed by qualified county residents in the tax year 2009 as authorized by Santa Fe County Ordinance No. 2009-2.*

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense x\* or for NON-RECURRING (one-time only) expense \_\_\_\_\_

*\*This expense may or may not be recurring. The rebate is revisited annually by the BCC and may be rescinded.*



**SANTA FE COUNTY**  
**RESOLUTION 2011 - \_\_\_\_\_**

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

DEPARTMENT CONTACT:      Name: Carole Jaramillo                      Dept/Div: CMO/Finance                      Phone No.: 505-986-6321

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 3) Does this request impact a revenue source? **YES** If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following: **General Fund**
  - a) If this is a state special appropriation, YES \_\_\_\_\_ NO x  
If YES, cite statute and attach a copy.
  
  - b) Does this include state or federal funds? YES \_\_\_\_\_ NO x  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
  
  - c) Is this request is a result of Commission action? YES X NO \_\_\_\_\_  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).  
  
*Ordinance 2009-2*
  
  - d) Please identify other funding sources used to match this request.

**SANTA FE COUNTY**  
**RESOLUTION 2011 - \_\_\_\_\_**

Page 4 of 4

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

**Approved, Adopted, and Passed This** 25th **Day of** January, **2011.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Virginia Vigil, Chairperson

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, County Clerk



**New Mexico**  
Taxation and Revenue Department

STATE OF NEW MEXICO  
**Taxation and Revenue Department**  
An Equal Opportunity Employer

January 3, 2011

DIVISIONS

- Office of the Secretary (505) 827-0341
- Administrative Services (505) 827-0369
- Audit and Compliance (505) 827-0900
- Information Technology (505) 827-2292
- Motor Vehicle (505) 827-2296
- Property Tax (505) 827-0870
- Revenue Processing (505) 827-0800
- Tax Fraud Investigations (505) 841-6544

**Susana Martinez**  
Governor  
**Demesia Padilla, CPA**  
Secretary Designate

Ms. Theresa Martinez, Financial Director  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87501  
Certified Mail: 7000 1530 0003 8913 9362

Dear Ms. Martinez:

Please let this letter serve as the required billing from the New Mexico Taxation and Revenue Department for tax year 2009 property tax rebates paid to Santa Fe County residents whose income was under \$24,000. In April 2009, Santa Fe County adopted Ordinance No. 2009-2 authorizing Santa Fe County to provide a property tax rebate for county residents with modified gross income levels between \$8,000 and \$24,000. Provided in the ordinance and in the authorizing statute, Section 7-2-14.3 NMSA 1978, Santa Fe County must reimburse the Taxation and Revenue Department for the property tax rebates paid to those taxpayers.

The property tax rebate amount claimed by qualified county residents was **\$331,102.22**. Accordingly, Santa Fe County has thirty (30) days from the receipt of this billing to remit payment to the Taxation and Revenue Department. If payment is not made within this time period, Section 7-2-14.3 NMSA 1978 grants us the authority to deduct the amount due from any amount to be transferred or distributed to Santa Fe County.

Please make payment to the NM Taxation and Revenue Department to the attention of Renee Sandoval, Financial Services Bureau, PO Box 2788, Santa Fe, NM 87504-2788. If you have further questions, please contact me at (505) 827-0341.

Sincerely,

Demesia Padilla, CPA  
Secretary Designate

SFC CLERK RECORDED 03/18/2011

SANTA FE COUNTY FINANCE DEPARTMENT

FAX COVER SHEET

TO: ITA

DATE: JANUARY 18, 2011

COMPANY:  
TAXATION & REVENUE  
ATTN: PAMELA CHAVEZ

FROM  
TERESA MARTINEZ  
SANTA FE COUNTY/ACCOUNTING  
P.O. BOX 276  
SANTA FE, NM 87504-0276

PHONE NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER: 2

FAX NUMBER:

(505) 827-0782

RE:

LOW INCOME PROPERTY TAX REBATE

PHONE NUMBER:

(505) 995-2780

FAX NUMBER:

(505) 986-6277

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Attached is the letter I referenced for the billed amount of \$331,102.22. This is relative to County Ordinance 2009-2 creating a low income tax rebate. I was just looking for additional supporting documentation as to how the dollar amount was arrived at or calculated. Thank you and if you have additional questions, please feel free to call me. Thanks...Teresa

SFC CLIENT RECORDED 03/18/2011



SFC CLERK RECORDED 04/16/2009  
SFC CLERK RECORDED 03/16/2011

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2009-2

AN ORDINANCE CREATING THE LOW INCOME TAX REBATE;  
ESTABLISHING THE TAX YEARS TO WHICH THE REBATE APPLIES;  
PROVIDING FOR REPEAL FOLLOWING THE PUBLIC HEARING  
PROVIDED FOR IN NMSA 1978, SECTION 7-2-14.3 (2003)

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY,  
NEW MEXICO:

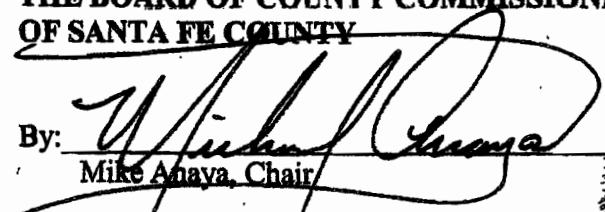
**Section One. Creating the Low Income Tax Rebate.** The low income tax rebate provided by NMSA 1978, Section 7-2-14.3 (2003) shall be and hereby is adopted in Santa Fe County for the 2009.

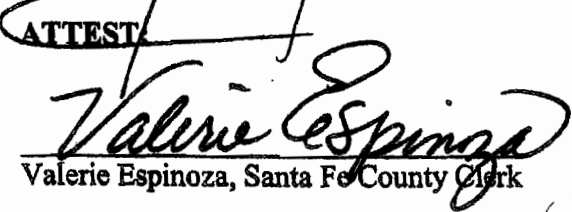
**Section Two. Tax Years to Which Rebate is Applicable.** The Low Income Tax Rebate created in Section 1 of this Ordinance shall apply to the 2009 tax year and to subsequent tax years until repealed as set forth in Section Three of this Ordinance.

**Section Three. Repeal.** Repeal of the Low Income Tax Rebate may be accomplished by ordinance, following the biannual public hearing described in NMSA 1978, Section 7-2-14.3.

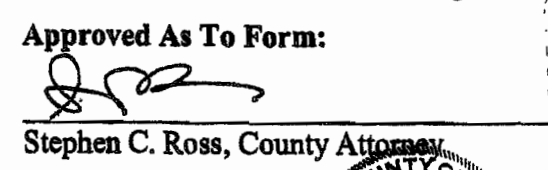
PASSED, APPROVED AND ENACTED this 14th day of April, 2009, by the Board of County Commissioners of Santa Fe County.

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

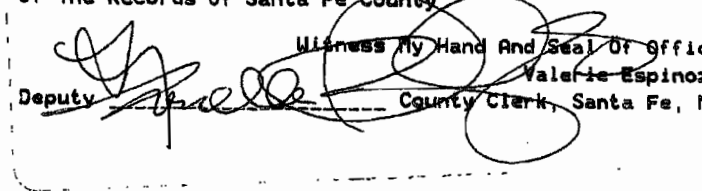
By:   
Mike Anaya, Chair

ATTEST  
  
Valerie Espinoza, Santa Fe County Clerk



Approved As To Form:  
  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
BCC ORDINANCE  
PAGE: 1  
I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of April, 2009 at 09:22:26 AM  
And Was Duly Recorded as Instrument # 1559323  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
  
Valerie Espinoza  
Deputy County Clerk, Santa Fe, N

**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Virgina Vigil**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**DATE:** January 25, 2011  
**TO:** Board of County Commissioners  
**FROM:** Rudy Garcia, Community Services Department  
Hutch Miller, Lisa Roybal, Managers Office  
**SUBJECT:** 2011 Legislative Session

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**ISSUE:**

The Legislative Session began January 18, 2011. There will be many bills Santa Fe County will be reviewing in order to determine any impacts that affect the County. I have listed items that the Commission has mentioned some interest in or the Manager or Legislative Team has deemed important.

If you have additional information, please contact me and I will proceed from there.

Thank you,

Rudy Garcia  
Community Services Department

SFC CLERK RECORDED 03/18/2011

# LEGISLATIVE SESSION 2011

- **Property Tax Solutions** - Address property tax issues in terms of equity, constitutionality, and revenue adequacy. (Assessors) This is the bill that will be introduced to address the tax lightning issue by placing a cap on the overall valuation. The bill has yet to obtain a sponsor, but has been explained to the Tax and Rev. Stabilization Committee.
- **Affordable Housing / Local Option** – Relating to Housing; enacting the municipal and county affordable housing act to implement affordable housing programs permitted pursuant to subsections of the Constitution of New Mexico. Providing authority to municipalities and counties to impose a property tax to fund housing assistance grants in New Mexico.; Declaring and Emergency
- **911 Surcharge** - Ensure that all technologies utilizing 911 services are contributing equally to the state 911 Fund. Currently there is a .51 cent surcharge on all landline and wireless telephones for the E-911 DFA grant fund. The money is currently used for training, network and equipment costs related to E-911 services. This bill is meant to expand and include voice over internet protocol (VOIP) and pre-paid wireless telephones and phone card services that currently do not contribute to the 911 fund.
- **Right-of-Way Fees** - Authorize County collection of rights-of-way fees for use of County public highways, streets and alleys. Currently the law authorizes municipalities to enter into right-a-way agreements for the purpose of construction and operations of a public utility where as Counties are authorized to enter into a right-of-way agreement to permit public utilities use of public highways and streets to locate various fixtures, appliances and structures. This bill will allow the County to collect right-of-way fees from utility companies, corporations or other right-of-way users for the use of County public highways, streets and alleys.
- **Continuity of Hold Harmless Provisions** - Protect local governments by retaining full hold harmless protections from the effect of removing gross receipts taxes from food and medicine. There will be bills introduced regarding the Hold Harmless Provisions which will impact County governments by approximately \$27 million and Santa Fe County would be impacted by approximately \$4 million dollars.
- **Film Tax Credits and Initiatives** – Potential effects related to state film tax credit and /or initiatives to file media industry and impact on economic and community development.
- **Return to Work / PERA** - Amend the Public Employees Retirement Act (PERA) language to (1) repeal the requirement that retired elected officials pay into the PERA system, (2) provide an exemption for seasonal poll workers and (3) clarify policy of grandfathered undersheriffs.
- **Procurement Code Modifications and Correction Initiatives** - Bernalillo County has adopted Resolution No. AR 2010-83 as amended which adopts several changes to correction initiatives dealing with revenue reductions, funding sources, penalty assessment fees, and correction fund distribution by the A.O.C.

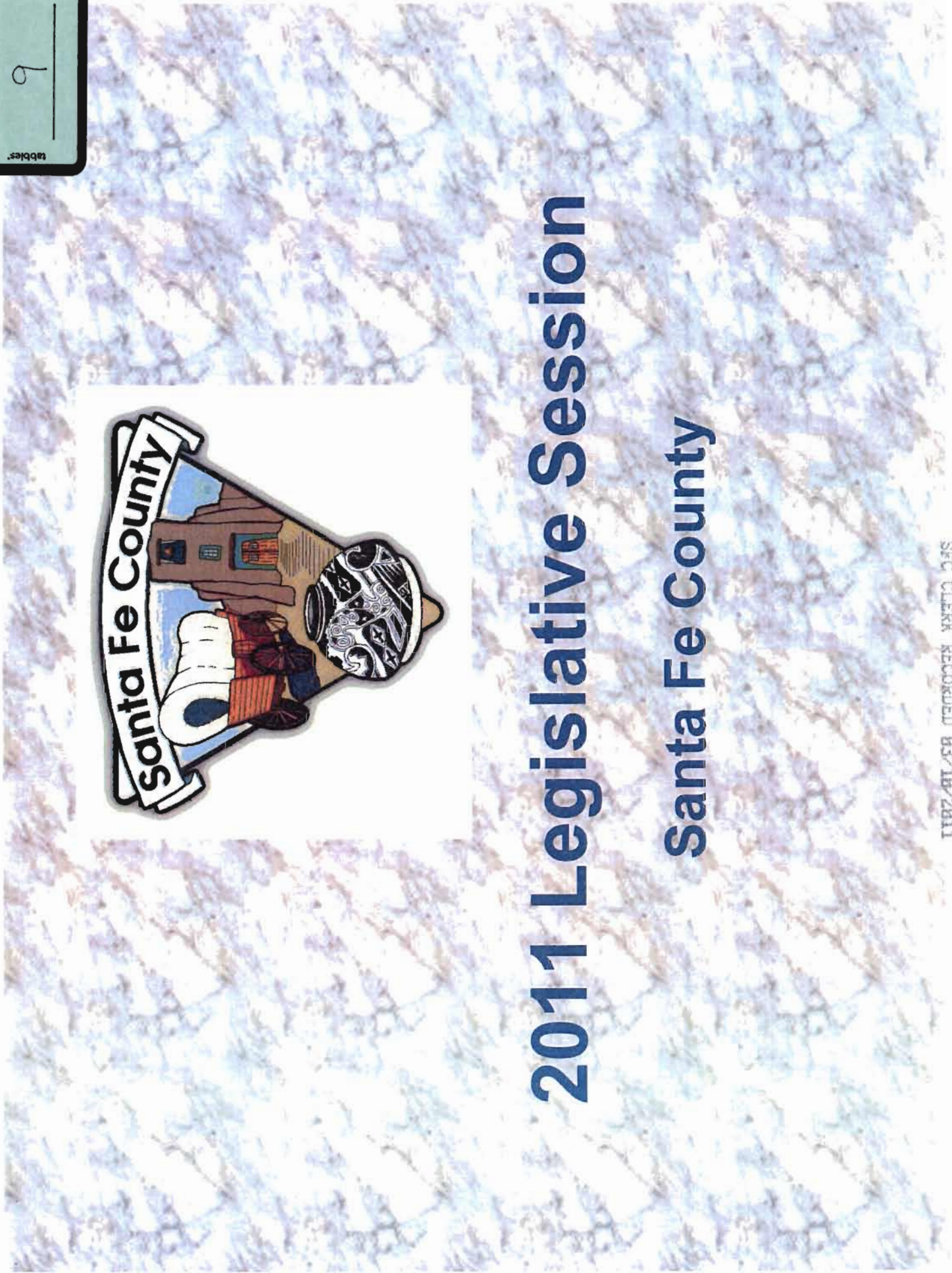
- **New Mexico Food Producers/Processors** – Legislation would increase the preference advantage for the New Mexico Agriculture Sector for both New Mexico fresh produce and processed food products when available purchased by government, public, and private entities.
- **Qualified Energy Conservation Bonds (QECCB)** – Allows reauthorization authority to maximize use of potential funds to create viable financing mechanisms to support local and regional renewable energy improvements. Process will permit State to full utilize the Federal allocation.
- **Teen Court Funding** – This appropriation is current located in HB 2. We will continue to monitor this bill to make sure this allocation remains I the bill.
- **Capital Outlay Funding** – Santa Fe County will continue efforts to negotiate with DFA/LFC regarding ongoing projects. Santa Fe County will also submit capital outlay request for the County's top five ICIP priorities based on a Resolution No. 2010-161 which was approved on September 14, 2010.

<b>Santa Fe County Fire Equipment</b>	<b>\$3,000,000</b>
<b>RECC Facility Expansion &amp; Equipment</b>	<b>\$2,750,000</b>
<b>Santa Fe County Public Works Equipment</b>	<b>\$3,500,000</b>
<b>Santa Fe County Corrections Facility Improvements</b>	<b>\$4,800,000</b>
<b>Santa Fe County Public Housing Sites</b>	<b>\$1,500,000</b>

Santa Fe County will continue to review and track the following and any legislation that is introduced which might impact additional areas of the County:

- Unfunded mandates that affect Santa Fe County
- Housing Issues – Long Term Affordability and Foreclose Prevention Initiatives
- Sole Community Provider Legislation
- Ability for Counties to Change Franchise Fees
- Countywide Self Contained Breathing Apparatus Project
- Liquor Excise Tax
- Uniform Per Diem and Mileage
- Correction Facilities Initiatives





# 2011 Legislative Session

## Santa Fe County



## **60-day Session begins January 18, 2011**

### **Rudy Garcia, 490-2274**

Will coordinate Capitol Process- scheduling testimony, meetings with legislators, committee hearings and floor presentations if needed.

### **Lisa Roybal 995-2761 and Hvtce Miller 986-6276**

Will coordinate bill tracking, committee calendars, agency bill analysis.

Team meets on MWF at 8:00-9:00 in County Manager's Conference Room. Starting Tuesday, January 18.

Attendance at meetings: varies depending on bill assignments. Senior Staff is asked to attend on a regular basis.



## Bill Introduction process

- Bills are introduced (dropped) daily and are logged and assigned to staff at SF County for impact verification.
- Bills are assigned to a committee(s) for advancement. A bill can be amended or tabled in any of the assigned committees. Legislative Committees meet continually and which will be monitored on a regular basis.
- Once a bill has passed one House (Representatives or Senate) it moves to the other House- it can be amended or tabled at any of these junctures.
- Having passed both the House of Representatives and the Senate, a bill then goes to the Governor where it is signed into or vetoed. There is a 3 day requirement for signature during the session and 21 days after the session.



## Daily Assignments for Bill Analysis

- Each morning multiple sources of information are reviewed and relative bills are identified that might have implications/impact to Santa Fe County. These bills could have an impact on Santa Fe County such as unfunded mandates, budgetary implications and/or employment conditions.
- These relative bills are then added to the daily log and assigned to Departments to determine any impacts.
- Many of these bills may have no direct impact to Santa Fe County. We assign them to Departments to verify whether or not they could affect Santa Fe County.
- When a bill has no direct operational or financial impact to the County, please send an email stating the bill number and a brief reason for "no impact" and it will be marked off the log.
- When a bill does have an impact- Assigned staff are required to complete the "Agency Bill Analysis" form and submit it electronically to Lisa Roybal on that same day- the rules are 24 hour Department turnaround.
- Staff analysis is then edited, approved and distributed to a variety of individuals, County Manager's Office/ County Commissioners.
- This same process is required for amendments to bills previously analyzed.



## Log and Calendar

- Daily we will email out a log and calendar/ or update on T drive
- The log is set up so that we can sort and manage a large amount of information quickly-
  - Analysis Required: this column tells whether analysis is required- the codes are Y for Yes, N for No.
  - Date In: this begins the clock for returning information
  - Bill No., Title and Sponsor: these are the primary locator information- note that the title in the log may not be accurate to the “official short title” as the log is gathered early.
  - Analyst: Internal staff asked to review bill and provide analysis
  - Action/ Comments

• TO FIND A BILL: <http://legis.state.nm.us>

- **Calendar-** a calendar/committee agenda will be reviewed daily.. At the daily meeting, Rudy Garcia will determine appropriate attendance at committee meetings. Rudy will then contact appropriate staff to attend hearings. The general rule is don't go unless asked- and ask if you feel a need/interest to attend.



## Completing the Bill Analysis Form

- The County Bill Analysis Form – sometimes referred to as FIR (Financial Impact Report) is a requirement from the County Manager.
- Because the legislative process is dependent on information, departments are expected to comply with the 24 hour review/analysis.
- Bill analyses are to be factual and should address all information requested on the form. Please do not submit only a summary of the bill.
- Statements of opinion as to whether a bill is a good or bad piece of legislation are not to be included in the analysis.
- Technical or substantive problems and areas of concern should be noted in the analysis in the form of suggestions and questions, but not in the form of opinions.
- If you perceive a bill has serious problems and you want to express an opinion- see Rudy, Lisa or Hvtce for direction.
- The Bill Analysis Form has three sections:
  - Section I- General Information:
  - Section II- Fiscal Impact
  - Section III- Narrative



## Naming Bill Analysis and completing Section I- General Information

Please use the following abbreviations when naming the agency bill analysis file:

<b>HB</b> House Bill	<b>SB</b> Senate Bill
<b>HCR</b> House Concurrent Resolution	<b>SCR</b> Senate Concurrent Resolution
<b>HR</b> House Resolution	<b>SR</b> Senate Resolution
<b>HJR</b> House Joint Resolution	<b>SJR</b> Senate Joint Resolution
<b>HJM</b> House Joint Memorial	<b>SJM</b> Senate Joint Memorial
<b>HM</b> House Memorial	<b>SM</b> Senate Memorial

For “Short Title”, use the short title from the bill locator, or use the title of the act.

The “Bill Number” , “Short Title”, and “Author” should be your electronic file name:

Examples:

HB 2- General Appropriations Act- R. Baca  
HM 35- Transportation Funding Study- R. Ortiz

Analysis should be returned **ONLY** to [rgarcia@co.santa-fe.nm.us](mailto:rgarcia@co.santa-fe.nm.us), [lroybal@co.santa-fe.nm.us](mailto:lroybal@co.santa-fe.nm.us) **AND** [hmillier@co.santa-fe.nm.us](mailto:hmillier@co.santa-fe.nm.us) because we have a review process that will be coordinated with the County Manager.

**PLEASE USE 10 Point Times New Roman**



## Section II: Fiscal Impact

Section II provides a brief overview of a bill's fiscal impact.

1. Actual dollar amount.
  2. NFI for no fiscal impact.
  3. In cases where a bill has a fiscal impact, but the firm dollar amount cannot be provided, terms such as minimal, substantial and indeterminate may be used. However, every effort should be made to determine an actual dollar amount of the estimated fiscal impact.
- Appropriation Contained: Under the appropriate fiscal year, insert the amount actually appropriated by the bill.
  - Recurring and Nonrecurring: If a bill provides for a one-time capital expense (e.g., construction of a building), the expense is considered to be nonrecurring.
  - Fund Affected: fund from which the expense will come (e.g., General Fund, Road Fund, Severance Tax)
  - Estimated Additional Operating Budget Impact- This section requires the agency provide information regarding the impact of a proposed appropriation. If a program activity is mandated in the legislation and the amount proposed is considered inadequate to effectively implement the program, enter only the amount needed in addition to the appropriation.



## Section III: Narrative- the following are examples of good narratives:

- **Bill Summary:**

SB 227 repeals the requirement for the bonding of subcontractors, but, more significantly, amends the act to allow an out-of-state contractor unlicensed in New Mexico to submit a bid on a state-funded public works project if: (1) the contractor is licensed in another state for the same type of work being bid; and (2) the contractor certifies that, if he is awarded the project, he will obtain the appropriate New Mexico license before commencing work. This contrasts with an existing provision of the Bill which forbids an unlicensed New Mexico contractor to bid on any project.

- **Fiscal Implications:**

The appropriation of two hundred fifty million dollars (\$250,000,000) contained in this bill is a NON-RECURRING expense to the Severance Tax Bond Fund. Any unexpended or unencumbered balance remaining at the end of FY2012 shall revert to the Severance Tax Bond Fund.

The bill provides funding to integrate the state and local transportation network. The transportation projects listed therein were identified and proposed as critical projects for safety, economic development and mobility by local and tribal governments. Severance Tax revenue will be used to fund identified local government transportation projects.



### Section III: Narrative- the following are examples of good narratives :

- Significant Issues:

- Creates the Severance Tax Transportation Fund and authorizes the State Board of Finance to issue and sell two hundred fifty million dollars (\$250,000,000) in severance tax bonds at a rate of no more than fifty million dollars (\$50,000,000) per year from FY 2007 to FY2012. The proceeds of bond sales and earnings are to be deposited in the Severance Tax Transportation Fund. The purpose of the bonds is to provide funding for Local Government transportation projects identified in the bill.
- The local match for these projects depends on the total project cost. Match will follow these guidelines: a project of one million dollars (\$1,000,000) or less requires a ten percent match; a project greater than one million dollars (\$1,000,000) but less than or equal to six million dollars (\$6,000,000) requires a twenty percent match; and a project with a total cost greater than six million dollars (\$6,000,000) requires a 30% match. Local match may be in-kind services, federal funds, local government road fund appropriations, grants, or loans.
- The bill includes funding up to twenty-five million dollars (\$25,000,000) to develop transportation access to the spaceport in Sierra and Dona Anna Counties without requiring local match.