

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 28, 2017

Henry Roybal, Chair - District 1
Anna Hansen, Vice Chair - District 2
Robert A. Anaya - District 3
Anna Hamilton - District 4
Ed Moreno - District 5

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 28, 2017

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:30 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Henry Roybal, Chair
- Commissioner Anna Hansen, Vice Chair
- Commissioner Robert A. Anaya
- Commissioner Anna Hamilton
- Commissioner Ed Moreno

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Jody Holmes, the State Pledge by Kenneth Quintana and the Moment of Reflection by Clarissa Medina of the Clerk's Office.

I. F. Approval of Agenda

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

CHAIR ROYBAL: Do we have any amendments or tabled or withdrawn items?

KATHERINE MILLER (County Manager): Yes, Mr. Chair. This is the seconded amended agenda. It was posted on February 24th at 3:51 p.m. Just a couple of items that were amended. We did withdraw the detention facility site visit from the original agenda and moved it to a special meeting agenda that we did this morning at 8:30 am. Also, on your Consent on page 2, we have the final order. We did need to correct that

case number, so you will see a change in the actual title of that item on the agenda.

Then on page 3, under Resolutions, Action Items, item IV. D. 5, a resolution supporting legislation adopting a Patient Safe Staffing Act. That item was added and that material was sent to you last week. Also, we added Matters from the County Attorney, those items to be discussed in executive session, items 1 through 6 as well as any possible action that may come from those items, and those are all the amendments that I have to the agenda.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the agenda with amended items.

COMMISSIONER HAMILTON: I second.

CHAIR ROYBAL: I have a motion and a second.

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

I. G. Approval of Minutes

1. Approval of January 31, 2017, Board of County Commissioner Meeting Minutes

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I have one change on page 5, where Commissioner Roybal called on me and it says, thank you, Commissioner Hansen, and then it says Commissioner Hamilton, which it was me, and it says, Chair Roybal: Thank you, Commissioner Hansen. So it's at the end of that section. So instead of Commissioner Hamilton I believe it should say Commissioner Hansen. I didn't see any other corrections.

CHAIR ROYBAL: Thank you for that. Any other corrections? Okay, what's the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve the minutes with the one correction.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: So we have a motion to approve and a second.

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

I. H. Employee Recognition

1. Recognition of New Santa Fe County Employees

MS. MILLER: Mr. Chair, Commissioners, in your packet under item H. 1 is the recognition of new Santa Fe County employees. At the end of every month at our meetings we do put a list of all the new hires for the previous month. You will note that we had about seven new people join us and the first three are the Commissioners. So welcome. But besides that, we have in Corrections, Roger Rivera. He's a case manager, and in Fire, Joseph Porter, Forestry Technician, in Public Works/Projects, Stephen Reese,

a Project Manager III, and in Public Works/Roads, Lawrence Imprescia, a heavy equipment operator. So I just want to welcome them to Santa Fe County.

CHAIR ROYBAL: Thank you and welcome.

I. H. 2. Recognition of Years of Service for Santa Fe County Employees

MS. MILLER: Mr. Chair, Commissioners, this is the second employee recognition item that we have on every month and it marks an anniversary for those employees in the month of February that hit either a five, ten, fifteen, 20, 25 years of service with Santa Fe County. As you know we very much appreciate those employees who dedicate a good portion of their career and professional lives to Santa Fe County and I just want to make sure that they are recognized for that dedication to the County.

In Finance, we have Accountant Senior with five years of service, Melissa Blaylock. In Public Works/Projects and Facilities, a Production Controller, Celeste Sanchez. In our Emergency Communications Center we have Christopher Flores, and Emergency Communications Specialist III. In Corrections, we have Daniel Solis, Sr. with ten years of service. In the Clerk's Office, Recording Clerk Senior, Ken Vaughn, and then Fire Lieutenant Robert Herrera in the Fire Department with 15 years of service.

So I just want to thank those employees publicly for their dedication to Santa Fe County and to committing a good part of their career with us.

CHAIR ROYBAL: Okay. Great. Do we have any comments from the Board? Was that it, Manager Miller?

MS. MILLER: Yes, Mr. Chair, Commissioners. That's all I have under Employee Recognitions for today. I took up a good hour and a half at the last meeting so I'm taking it easy this one.

CHAIR ROYBAL: Thank you.

II. Adult Detention Facility Inspection – WITHDRAWN

III. CONSENT AGENDA

A. Final Order

- 1. CASE #S 16-5270 Tessera 2 Final Plat Approval. Homewise Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request Final Plat Approval for the Tessera Phase 2 Residential Subdivision Consisting of 78 Lots on 69.56 Acres. The Property is Located Off of NM 599 North Frontage Road, Within the Tessera Planned Development District, Within Section 20, Township 17 North, Range 9 East (Commission District 2) Vicente Archuleta, Case Manager (APPROVED 4-0)**

B. Miscellaneous

- 1. Approval of County Health Care Assistance Claims in the Amount of \$67,405.31 (Community Services Department/Kyra Ochoa)**

2. **Approval of Amendment No. 1 to Lease No. 7085000149116 with the U.S. Department of the Interior, Bureau of Indian Affairs, and the Pueblo of Nambe for Land Located at 302 NM 503 (Public Works/Terry Lease)**
3. **Approval of Business Lease from the New Mexico State Land Office for 320 Acres of State Trust Land Adjacent to the Thornton Ranch Open Space (Public Works/Colleen Baker)**

CHAIR ROYBAL: Do we have any comments from the Board or what's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I move that we approve the Consent Agenda as presented.

CHAIR ROYBAL: Okay, we have a motion. Do I hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a motion and a second.

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

IV. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. **Request Reappointment of Two Members to the Santa Fe County Water Policy Advisory Committee**

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. Good afternoon, Commissioners. For a brief background, many of you are aware that the Board established the water quality advisory committee back in 2013 which basically set for an advisory committee that was to provide information and recommendations on various matters of water policy, water utility growth areas, wastewater areas, assist the County in addressing proposed aquifer storage, concept of a regional water authority, etc.

The Board established a 12-member committee in 2013 and we currently have a large number of vacancies based upon term limits of previous committee members. Today we're asking for the reappointment of two of those members, Ms. Martha Trujillo for the acequia position and Dr. Steven Rudnick for the District 5 position. Mr. Chair, just for the record I would like to – since the public is listening to this broadcast, if there are any interested members of the community that would like to serve on this committee then please contact the Public Works Department to put in their name for consideration. And with that, Mr. Chair, again, we're recommending Ms. Martha Trujillo and Dr. Steven Rudnick for those appointments today, and I stand for questions.

CHAIR ROYBAL: Are there any questions from the Board?
Commissioner Hamilton.

COMMISSIONER HAMILTON: A comment and a question and I strongly support these two recommendations. I worked with them myself before I was a Commissioner when I was on the Water Policy Advisory Committee. So that said, have there been other applications?

MR. FLORES: Mr. Chair, Commissioner Hamilton, this is one of those

committees, along with the Road Advisory Committee where we're lacking interested individuals coming forth and putting in an application. So I would urge us to have any of those individuals that we may know please contact my office or Public Works.

COMMISSIONER HAMILTON: I actually know of two people who I thought had applied who are highly qualified.

MR. FLORES: For this round, Mr. Chair, Commissioner Hamilton, we had three people apply. That was J. J. Gonzales, Ms. Trujillo and then Dr. Rudnick.

COMMISSIONER HAMILTON: That's odd and I'll recontact those people.

MR. FLORES: Thank you.

CHAIR ROYBAL: Commissioner Hansen, did you have a comment also?

COMMISSIONER HANSEN: No. I would like to move to approve.

CHAIR ROYBAL: We have a motion to approve.

COMMISSIONER HAMILTON: I'd second.

CHAIR ROYBAL: We have a motion and a second.

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

IV. B. 2. Appointment of Three Members to the Santa Fe County Ethics Board

MR. FLORES: Thank you, Mr. Chair. I humbly hope that this is my last time requesting members to the Ethics Board. We do have three current positions vacant, two for term positions and that Mr. Weinstein and Ms. Lara Katz decided not to seek appointment and then there was the resignation of Mr. Heimbach. We've gone through the list again and I've provided the names of those individuals that requested consideration with the exception of Mr. Chance who last week withdrew his name from consideration.

Based upon the review of the requirements and the interviews, staff is recommending the appointment of Mr. Mike "Rosey" Rosenbalm, Mr. Peter Dodds, and Ms. Linda Ramos be appointed to the Ethics Board for the two-year term. If the Board agrees with staff recommendations then we would have already noticed, actually, the first Ethics Board meeting of 2017 for next Tuesday [sic] I believe it's Tuesday, March 6th, to begin the process of reviewing the ordinance and the previously proposed revisions with the goal of bringing back recommendations to the Board for consideration late summer. With that, Mr. Chair, I stand for questions.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Flores, could you give like a really brief rundown on the kinds of criteria you were trying to fulfill in filling these positions? Their spread of expertise, etc.

MR. FLORES: Mr. Chair, Commissioner Hamilton, the ordinances that were adopted do not give specific qualifications as the Water Policy Advisory. They meet certain criteria. What staff looks at for bringing forward recommendations is some expertise either in the legal capacity or business or public capacities, whether it be private or public. And also in the case of Ms. Ramos, she's actually a trainer with the

Department of Transportation in certain fields that would be I think conducive for this committee to have. So it's a range. Nothing specific. But we do look for legal representation as well as those that are in the business fields. For instance last month, at the last meeting you appointed an individual that had been a retired law enforcement officer for over 20+ years, versed in ethics, ethics complaints and ethics matters. So that's what we look for when we're bringing forward recommendations.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Any other questions from the Board?

COMMISSIONER MORENO: Yes, from me.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Reading the accounts of the demise of the Ethics Committee, has there been any – have you looked into the structural problems of the organization itself?

MR. FLORES: Mr. Chair, Commissioner Moreno, could you expand on the structural – I'm at a loss what your reference is.

COMMISSIONER MORENO: Well, it seems to me that the process of the Ethics Committee lacked some specificity. Is there an issue like that in your opinion, and is it worth revising, reviving the committee with new definitions?

MR. FLORES: Mr. Chair, Commissioner Moreno, I do think, as I've stated on the record a couple of times now, the Ethics Committee now will be fully functional with respect to the board membership or committee membership. It provides us an opportunity – us being the Santa Fe County and ultimately the Board of County Commissioners, to take a look at the Ethics Ordinance, both the original and the rewrite, and to provide recommendations as a body to the Board. I would be remiss if I was trying to infer my own personal opinions on things but I think this does provide us an opportunity with a new committee seated today, or if the Board accepts my recommendations or others, that we would have that first organizational meeting next week. I hope that answers your question.

COMMISSIONER MORENO: Yes. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I went back and read the newspaper articles again and there was another article yesterday and from what I read in the article it sounds like maybe Commissioner Moreno or Commissioner Hansen have some specific recommendations they want to make, so Commissioners, if you have something you want to recommend let's bring it up and recommend it and let's talk about it, because I seem to be reading in between the lines in the newspaper and I'd much rather, if you guys have some changes you want to make, put this thing in front of us, tell us what you're recommending, let's talk about it. If they make sense, let's vote on it and move on. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Hansen.

COMMISSIONER HANSEN: Commissioner Anaya, Mr. Chair, I appreciate your comments and I have in the past mentioned at these meetings what I felt needed to be addressed in the Ethics Ordinance and some of it had to do with campaign

reporting at the very end of your campaign, because it's not very clear how you're supposed to close out your account, how you're supposed to – it has a whole section about a thank you party and that you move money from one account to another account and it's just confusing. I had mentioned that to Mr. Flores in the past and I just would like to see the Ethics Committee take a serious look at the Ethics Ordinance and make it clearer and clarify issues that are not clear. And I've had other people and lawyers who have read this ordinance and felt that it could use some clarity. So that is what I would like to see is clarity on the Ethics Ordinance and particularly around the closing of your account for your campaign and the dates and the time and making it match state law so that it's not confusing for people and people don't feel like, oh, my God, if I don't do this this second I'm going to be in violation.

I closed my account early so that I wasn't in any kind of violation because it was unclear in this Ethics Ordinance but it does not match state law. So that was one of the things I was interested in seeing done in the Ethics Ordinance, not because anybody has violated anything or because there have been any ethics ordinances or ethics issues filed but just to have some clarity.

COMMISSIONER ANAYA: On this point, Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: So Mr. Chair, Commissioner Hansen, there's a process, requesting to public title and general summary for an ordinance. Any Commissioner can make that request to public title and general summary, put the ordinance before us, make whatever recommended changes that anyone has, go to a public hearing, take public hearing or input on those proposed changes, close the public hearing and go to a vote. I'm not meaning any disrespect, in no way. I went back, read all the articles. I got clarity now. I understand if you guys want to look at it, let's look at it. Let's request title and general summary. Let's have whatever hearings we want to have based on whatever changes are proposed, and then make whatever changes the majority of the Commission wants to make and move forward, I guess.

In respect to the staff, I think they do what we ask them to do, so if we want them to do publishing title and general summary, let's tell them, let's publish title and general summary and let's move to those recommended changes. So I'm fine with looking at it, so let's just give them clear direction so they can do their job as well.

CHAIR ROYBAL: Thank you, Commissioner Anaya. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wonder if it's worth having – or at least just asking staff, because between the last meeting and this meeting I was approached and asked questions about the issue that the Ethics Board is only supposed to be focused on elected officials. And the question was did that make sense and why was it that the Ethics Board couldn't deal with County employees as well. So I think it clarified it, but it seemed pretty clear with me and this seems to have been an ongoing question. I have no idea if this is part of why the change-over in the board. So I guess my question to you is do you feel that that's been clarified to the new members, potential members of the Ethics Board and does that seem acceptable or does this seem to be an ongoing issue?

MR. FLORES: Mr. Chair, Commissioner Hamilton, just for a point of clarification, the Ethics Ordinance applies to three classes of individuals: appointed,

elected and volunteers.

COMMISSIONER HAMILTON: Yes.

MR. FLORES: So not just the elected officials are under the guise of the Ethics Ordinance or the Code of Conduct. Staff has a separate code or requirements that go through a different process as a protected class. These are my words, not a legal term. We've interviewed each of the individuals, even on this list, which was a rather exhaustive list of people. As I mentioned in January this was the largest pool of applicants we've ever received in my tenure back in the County. There is some misperception in the community that this was more than just an elected, appointed or volunteer board, that they had the ability to look at staff. So those points are clarified during their interview process before we are brought here.

Relative to the new board, once the board – if the Board approves the recommendations that we're bringing forth I will have a full complement of committee members with the first meeting March 2nd [sic] whatever day that is and we will run down these issues and the ordinance with each of them since they will all be – with the exception of one they'll all be new members.

CHAIR ROYBAL: Okay, do we have any other questions from the Board? Madam Clerk, you had some comments or questions?

GERALDINE SALAZAR (County Clerk): Absolutely, Chair Roybal, Commissioners. As an elected official, and beyond that running an office with personnel, I think we have to keep it the way it is now where County HR is responsible for the processes of what occurs with staff. They know what they're doing. They are trained. It's a whole different area of law and the protection of staff and managers and everyone else. I believe they need to be separate. Staff should not be part of this Ethics Ordinance.

This ordinance needs to be – I've been able to use it in the past. When people try to offer me something or ask me what will you do for me if I vote for you, I'm able to use this ordinance and state we have an ethics code. We have an Ethics Ordinance. I do not make deals and I do not make promises. You vote for me because you study the issues and you believe that I'm going a good job. So this is an important tool. So we have to keep that separate. So I share this with you because I run an office as an elected official and we have personnel there. And I understand a little bit more. We have to keep those separate.

As far as for elected officials, appointees and for volunteers, I think this is a great mechanism to ensure that we are conducting our business in an ethical manner. Thank you.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Thank you, Madam Clerk. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to say for the record that I asked the question for a reason but I completely agree it should be separate. I just was confused as to why it seemed like over time people on the board had this ongoing confusion, but I agree completely.

CHAIR ROYBAL: Thank you. Do we have any other questions?
Commissioner Hansen.

COMMISSIONER HANSEN: I'd like to make a motion.

CHAIR ROYBAL: Go ahead and make the motion.

COMMISSIONER HANSEN: I would like to make a recommendation to appoint Mike "Rosey" Rosenbalm, Mr. Peter Dodds and Ms. Linda Ramos to be appointed to the Santa Fe County Ethics Board.

CHAIR ROYBAL: Okay, we have a motion. Do I hear a second?

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Okay, we have a motion and a second.

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

IV. C. Miscellaneous

- 1. Policy Direction to Staff Regarding the Following Items Relative to the Implementation of the Aamodt Water Rights Litigation Settlement Agreement: (1) the Office of State Engineer Water Master Rules and (2) the Motion and Proposed Order to Show Cause Related to the So-Called Well Election in the Pojoaque Basin [Exhibit 1: Revised Packet Material]**

SANDRA ELY (Aamodt Project Manager): Good afternoon, Chairman, members of the Commission. It's a pleasure to be here today. We now have a power point presentation ready. With me today is Mr. John Utton, a water lawyer on contract with Santa Fe County representing the County.

So this afternoon we're seeking guidance from the Board of County Commissioners on a few items. Staff has been working with the parties per Resolution 2014-101 to implement certain elements of the Aamodt settlement agreement but we've come to a point in the road where we feel like we need to bring a few things before you all and ask for a decision on which direction you'd like us to go. First, it involves the water master rules. We'd like your direction on how to address some issues related to transferring water rights from well owners to the County. Also related to the water master rules are some issues around the Pojoaque Basin connection fee fund.

The second area of policy decisions we need from you is related to the well election and the order to show cause around the well election. The two items there are the opt out provision and the default for non-responders for water rights owners that don't respond to either objections or an election. And I'll go into each of those in a little bit more detail.

So just as a reminder to you all, you've all had at least some briefing on the Aamodt settlement but the basin is just north of here and runs from the Sangre de Cristo Mountains all the way down to the Rio Grande. It includes four pueblos of San Ildefonso, Pojoaque Pueblo, Nambe Pueblo and Tesuque Pueblo, and of course a fair amount of non-pueblo jurisdiction that belongs to the County.

In 2013 the Board adopted and signed the Aamodt settlement agreement and the cost sharing agreement. Since that time County staff has been working with the parties to implement several portions of those agreements, including working with reclamation regarding the design and plans for construction and operation of the regional water system, the transfer of water rights from the Top of the World Farm up near the Colorado

border down to the point of diversion at San Ildefonso for the regional water system, the joint powers agreement, which came before the Board in December and was approved by the Board at that time. The joint powers agreement, just to remind you forms the regional water authority under the settlement agreement.

The water master rules, which will govern the administration of the settlement by the Office of the State Engineer, and we're looking at issues right now related to the well election in which water rights owners will make a decision on whether to keep their well connected to the County utility. So we've been pretty busy working on each of these items. And in doing so we've come across a few decisions that we want to bring before you to help us with.

Related to the water master rules – let me back up a second. So the settlement agreement, the Aamodt settlement agreement requires that the Office of the State Engineer, the Pueblo and the US government agree on a set of rules. It also says that they will consult with counsel from other parties including the County. So the County's been at the table talking about these rules. The rules will include, among other things, how to meter wells for pueblo and non-pueblo residents, how to determine historic beneficial use for those wells in the basin, replacement procedures for the wells should your well go dry, and also it will include provisions for the transfer of water rights to the County water utility for those people that connect to the regional water system.

So under the water master rules the first thing I want to bring to your attention are the water rights transfers to the County utility. We need some guidance on that. The settlement requires domestic well owners who elect to connect to the County utility to cease the use of their well and transfer their water rights to the County utility. The settlement requires domestic well owners who elect to connect to cease the use of their well and transfer their water right to the County utility. The County utility will then use this water right to provide water to its customers.

Now, some residents in the basin have requested the ability to both connect to the County water utility and remain using their well at the same time and this could be accomplished through a partial transfer of their water rights in which not the full water right is transferred to the County water utility but only part of the – the County would only receive a portion of the water right. And if the Board of County Commissioners is supportive of that we would recommend the transfer of .3 acre-feet to the County water utility instead of the full amount. There are many residents in the basin that will receive the minimum of .5 – it's not a max, it's a presumptive minimum of .5 acre-feet per dwelling, and if those residents were to transfer to the County .3 acre-feet of that they would have a remainder of .2 for outdoor use.

We know that the average use in the basin, according to the State Engineer's Office is about .29 acre-feet for both indoor and outdoor use, so .2 would be a good amount still for outdoor use. So that's one of the proposals.

This map demonstrates where the wells in the basin are located.

CHAIR ROYBAL: We have a question.

MS. ELY: Yes, sir.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Just for clarify. So on the transfer now, it's .5 acre-feet that's in there now and you're suggesting we modify it to .3 and .2 to the

County? And just a thought, but our ordinance for our land use is usually .25, wouldn't it be possibly better to do .25 and .25, just to be consistent? Or what's the logic behind the extra –

MS. ELY: .05 acre-feet?

COMMISSIONER ANAYA: .05, yes. If you could. If you don't mind. I appreciate what you're trying to get at. You're trying to offset some of the frustrations that have occurred as a result of them having to transfer the full amount, so this provides a mechanism to retain partial for outdoor use, so I like that. I just want a little clarification on why not .25 and .25.

MS. ELY: Certainly, Chairman and Commissioner Anaya. As you pointed out, the SLDC requires for planning purposes .25 acre-feet per dwelling be set aside. There's also Resolution 2006-57 that requires an additional 20 percent in some circumstance to deal with leakage or an additional amount. So if you take .25, multiply it by that .2 – 20 percent, you end up with .3 and that's kind of where we ended up with the .3 acre-feet for a transfer.

COMMISSIONER ANAYA: Okay. I appreciate the – what the intent is, so thank you for that clarification. Thank you, Mr. Chair.

MS. ELY: So the map that you have before you and is up on the screen shows the path of the proposed regional water system and each of those dots is a well. We took the geographic locations from the Office of the State Engineer and plotted it out in relation to the proposed line. So the point here that I'm trying to make is that not all wells could take advantage of the partial transfer, only those that are close enough to the County utility could do that. Not all wells in the basin will be able to connect. An easy example is Chupadero or Tano Road. They are too far from the regional water system to make connecting economical. So I just wanted to point out that we're only talking about a subset of the wells in the basin that could take advantage of the partial transfer.

So possible outcomes of the partial transfer include more customers and more support in the basin for the Aamodt settlement and the regional water system and that's one of the reasons to do this. Another thing though that we looked at is whether the partial transfer would have an impact on the aquifer. Would we be drawing more water? Would we have a negative impact on the aquifer and adversely affect one of the goals of the settlement, which is to restore river health and allow the aquifer to recharge.

So we looked at those wells that were close to the regional water system, made an assumption on what their water right would be and how much they would transfer to the County, and determined that there wouldn't be a negative impact on the aquifer, that the amount of acre-feet that we're looking at is small. It's not a significant amount and that the difference between a full transfer of your water right and a partial is negligible, but of course it all depends on the subscription rate – how many people elect to connect. And we are assuming more people would connect under the partial transfer scenario.

The other thing we would have to do, if you all are supportive of a partial transfer is go back and amend the SLDC. Currently language in the SLDC does not allow county residents who use their well for domestic purposes to also be connected to the County water utility. So we'd have to make some amendments there.

So the staff recommendation to you all is to support language in the water master rules that would allow for the partial transfer or water rights to the County water utility,

and for the remainder to be used for outdoor use or other legal uses under the law. If the rules as promulgated by the Office of the State Engineer do allow for partial transfer of water rights we would then come back to the County Commission with consideration for changes to the SLDC that would make them consistent with the water master rules.

Chairman, would you like me to pause at this point or would you like me to go through the full presentation with each of the recommendations?

CHAIR ROYBAL: I think we could probably pause and maybe get some – I did want to make some comments myself and say that I would definitely support this. I think that promoting the partial transfer would be in the County's best interest, particularly in finding customers to make the water system viable with the settling parties, with not all of them in agreement. It could be – my fear is that the County will be left with a system where the operation costs will be high and we will not have enough customers so I think this will promote more customers so I definitely support it. Do we have any other comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, I support what you wish to do. I think this is a good solution for many people. I think that many people will feel much more comfortable hooking up, as you said, to the water system with being able to keep their water rights at the same time. So I think that this is a very acceptable solution.

CHAIR ROYBAL: Do we have any other additional comments from the Board?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Not to spend too much time but I'm sure you've heard a lot more directly from constituents but last year, as part of the Water Policy Advisory Committee, we definitely got a lot of input that supported this, and so I also feel this is a very good compromise and will be very beneficial. Just one really minor question and I think I know the answer to this, but you did the analysis where you looked at impacts on water and found that that wouldn't happen. There's the flip side, the other side of the coin which is would the County still be accumulating sufficient water rights to operate it. I assume that that's the case.

MS. ELY: Yes. We believe so.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you. We do have an answer from County Attorney Greg Shaffer.

GREG SHAFFER (County Attorney): Thank you, Mr. Chair, Commissioners. I believe that the hope was from the staff level that we would actually get this level of direction in the form of a motion because staff will be going forward and implementing the policy direction given by the Board, and so we were looking for a bit more formality.

CHAIR ROYBAL: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: I appreciate that. I'd like to make a motion that we accept this staff recommendation that we would encourage the staff to move forward looking at introducing partial transfer of water rights at the levels that you've recommended in our packets.

COMMISSIONER ANAYA: I'll second, Mr. Chair.

CHAIR ROYBAL: So we have a motion and a second.

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

MS. ELY: Thank you. The second item related to the water master rules is the connection fee fund, and let me give you a little bit of background on the connection fee fund. So well owners electing to connect to the County water utility may utilize this fund to cover the cost of connection. The County would cover actually 100 percent of the cost. The state will establish the \$4 million fund but it will be administered by the County. Funds not needed for connecting to the utility could be used to go towards construction if there's remaining funds left.

Let me give you a little bit of background on the – all well owners in the basin must install a meter on their well, and it is likely that OSE will require this meter installation in the near term. We know they have a metering order that will come out soon. If a partial transfer is allowed, and we will push for that now with your guidance, some well owners would connect of course and have a well that would need to be metered. There's been a suggestion that we might want to put on advanced metering infrastructure on those meters. AMI meters would enable us and OSE to read those well reports either remotely or through a hand-held device. The well owner would not have to go down in the well vault to read that, get that information and report it to the Office of the State Engineer.

These meters would not be mandatory and would be installed once we know what type of AMI infrastructure would go on the whole regional water system because we'd want them to be the same. And I just want to point out though that if AMI meters do go on these wells it would replace the new meter that has to be put on this year so that there could ultimately be two meters on that well.

Because of the added cost for the AMI meters some parties have proposed using the connection fund to cover those costs. If 600 wells elected to connect and were within reach of the regional water system it could cost \$300,000 that would come from the connection fee fund. It is for this reason that County staff proposes not to use the connection fee fund to cover the cost of these meters. Because these funds could be used to go towards construction we think that money should be saved for construction. In addition, these are voluntary; it's not mandatory. They're already going to have other meters placed on their wells this year. It would be wasteful to replace them. And so these well owners would simply have to follow the metering instructions by the OSE as they come out this year and not have an additional meter placed.

So the proposal is not to use the connection fee fund for AMI meters but to allow staff to consider alternative mechanisms for paying for these meters if we decide it's a good idea and to maybe seek grant funds to get that done.

COMMISSIONER HAMILTON: I have a question, Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Ms. Ely, what meters do other county consumers have? Are AMI meters typically installed?

MS. ELY: No. They're not. So when the Office of the State Engineer sends out a metering report which they will do soon, they'll direct people or include a list

of all the meters that would be acceptable. They don't have to put in AMI meters. And because meters are installed at the expense of the well owner, they'll go towards the cheaper, standard meter, which is about a \$60 meter, as opposed to the AMI meter which is about a \$220 meter. So it's not generally a requirement. It would just enable easier tracking of water from those wells that have them installed.

COMMISSIONER HAMILTON: Other county water consumers, what meters do they have that meter their houses when they're on the County system?

MS. ELY: So the County is moving towards 100 percent AMI meters where we read them with a hand-held –

COMMISSIONER HAMILTON: That's what I thought. Is that where the suggestion for the AMI meter is coming from?

MS. ELY: It's not coming from the County. It's coming from other parties that would like to ease the ability for those homeowners and well owners to read their meters and for the Office of the State Engineer to track that data.

COMMISSIONER HAMILTON: Okay. Thank you.

CHAIR ROYBAL: Any other questions from the Board. So do I have a motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, on this one I can see the intent. They're going to have to have two meters, is what you're talking about. Correct?

MS. ELY: Mr. Chair, Commissioner Anaya, no. Only –

COMMISSIONER ANAYA: If they have a partial, if they keep partial and they end up with using water for agricultural use, let's say, and then they have their home. Then they're going to have to have a meter for their home and for the ag use. That's what you're talking about, correct?

MS. ELY: That's correct. They would have to have a meter on their home and to pay for the water that they use from the County water utility, as well as a meter on their well. That's correct.

COMMISSIONER ANAYA: So – and the intent of what you're requesting is we want to give them the partial option but we're not ready to give them the resources for the two meters because that could get costly. In a nutshell.

MS. ELY: Mr. Chair and Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: So could there be an alternative that just has the one meter on the home, keeping in mind that the overall use is still going to be radiated, if you will, or metered, based on the overall use of the .5 acre-feet, and that additional costs associated with use beyond that is going to escalate based on whatever the rate base is for the ratepayers. Why, I guess, simply ask the question, why two meters? If you have one meter you know you have .5 or .3 allotment on residential use and the balance, .20 on exterior use, you're going to be able to capture overall consumption. That's a relatively easy proposition to know what's utilized. Help me understand why you want to segregate the two when you could segregate the data from the two and end up with the same end. I'm stuck on why do we want to impose the two meters?

MS. ELY: So why a meter on the residence, why a meter on the well?

Why both of those?

COMMISSIONER ANAYA: Right.

MS. ELY: So the County needs –

COMMISSIONER ANAYA: The fact that the .5 is still the same overall use.

MS. ELY: So the County would require a meter on the residence so that we can appropriately bill the customer. The Office of the State Engineer requires a meter on the well so they can keep track of diversion amount because wells are limited to a certain amount of diversion. So by state law they would have to have a meter on that well. Does that answer your question?

COMMISSIONER ANAYA: Kind of. Kind of.

CHAIR ROYBAL: I think I have one comment too, because I'm curious if we have the two meters, basically, I think the bottom line is somebody could use under .3 acre-feet but if we only have one meter we'd have to charge them for that .3 acre-feet for the entire year. If they use the .5 how would we differentiate? I know that in some studies you've shown that average households use a certain amount that's usually below .3, so if we don't have a separate meter then we could actually be overcharging what they use because we would be looking at what they use in the well as well, right?

MS. ELY: Mr. Chair and Commissioner Anaya, as John Utton pointed out, these need to be two separate plumbed systems, completely separate, so that we don't have contamination between the well water and the County water utility. It's important. And that would be drafted into the rules.

CHAIR ROYBAL: And the cost for these two meters would be paid by the well owner and the individual getting the service from the County?

MS. ELY: The cost of the meter for the household, for the dwelling, is paid by the County per the connection fee fund. We're proposing that the cost of the meter for the well be paid for by the individual.

CHAIR ROYBAL: Commissioner Hamilton, you have a question?

COMMISSIONER HAMILTON: Yes, I think just for clarity, there are two separate sources that are not connected.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: If we just took care of the residential piece it's the obligation of the State Engineer to take care of the other piece. That's what you're implying?

MS. ELY: Yes, sir.

COMMISSIONER ANAYA: So we're only wanting the extra funds to be used for our piece and we leave it up to the State Engineer for the other piece.

MS. ELY: That's correct.

COMMISSIONER ANAYA: Okay. I got it. My apologies. So Mr. Chair, I'd move for approval.

COMMISSIONER HAMILTON: I'd second.

CHAIR ROYBAL: We have a motion and a second.

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

MS. ELY: So just to let you know, for your information, the next steps on the water master rules are to finish drafting these rules. The parties are diligently working together to get these done and we hope to have a draft out next month for the public to review and to provide comment on. It will then go to promulgation. We hope that it will be promulgated by July of this year and then be administered by the Office of the State Engineer.

So the next item, the next set of policy decisions we'd like you to weigh in are related to the well election order. So the parties – meaning the pueblos, the state, the feds and the County, among others, will file a proposed order to show cause with the federal court providing some proposed direction on the well election, the election to determine whether they connect or keep their well. The settlement requires that the well election include at least three things: an option to connect to the County utility, an option to stay on their well with limited use, or an option to commit the next property owner to connect to the County water utility.

We're proposing that the well election include a fourth option and that's the option to opt out of the settlement all together, to not be a part of the settlement. Well owners that opt out would not receive the benefits of the settlement, including priority protection, but we feel that people should have the opportunity to voluntarily participate in the well election – or in the settlement, excuse me. And so the staff recommendation is that we advocate for language in this proposed order to show cause will go to the court because we believe some time this year allowing well owners to opt out of the settlement all together.

Now it's possible that the pueblos and the US and the state might be unable to support this opt-out language, and if that were the case staff could propose independently [inaudible]

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: This one's a little more complicated from my perspective. If we engage in building out a comprehensive system that's going to fulfill the obligations of the settlement but also create regional water users, and we open up the doors to opt out, I think that complicates our ability to have our system. If we invest all these resources and then we end up not – let's just say we get a lot of people that opt out or the majority then I think it defeats the purpose of the upfront build-out of the construction of the overall system. So I don't know that I'll be able today to be able to provide the direction on that here and now because of that. I don't – do we have any assumptions on how many might opt or how that might impact the system if we had a lot of people opt out and then we build a system way over capacity? So I guess I have bigger challenges in my head that are going on if we just open up the door and say anybody can opt out. And understanding what you just said, it has to be something that would be concurred upon by the federal government and the pueblos as well.

MS. ELY: Yes, Mr. Chair, Commissioner Anaya, we don't know how many people will opt out. We do believe that by making a few changes to the water master rules we would make staying in the system more attractive, like with the partial water rights transfer. We may get more people opting to stay in the settlement and opting

to connect, but we don't know how many people would opt out. The parties could move, certainly independently to request that the judge provide the opportunity for water rights owners to just not be part of the settlement and that may actually be something the court has been contemplating already. We just need to know if it's something that as staff we should be supporting in those discussions.

COMMISSIONER ANAYA: So, Mr. Chair and all of staff, I guess if we do that and then we're able to estimate based on feedback that we get what types of impact that could have to the number of people that would opt out and what design modifications might be in line with those opt-outs and we end up having a system that's designed to a smaller scale, for lack of a better word. I guess those are the pieces that I guess I'd like to hear from Legal and our Utilities staff as to the overall costs and the potential hookup. Those are all factors that we have to take into consideration as we're moving to those big decisions on total costs that we're going to have to allocate and County resources. Am I out in the woods or what? Help me understand.

CHAIR ROYBAL: County Attorney Shaffer.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, it's absolutely a great question. I think as a practical matter the notion of providing an opt-out avenue for individuals in my estimation isn't likely going to impact the number of potential customers, because the people who are opting out of the settlement are the people who are saying I want to keep my well. And so if you kept them in the settlement and they had a well election to make, the election that they would likely make in my estimation would be I don't want it; I want to keep my well; I don't want to be on the system.

So I think that the next topic that Ms. Ely was going to discuss about the default provisions for so-called non-responders is very much in line with and gets to the point that you're bringing up which is how will that impact the number of customers, but with respect I think on this particular issue I don't think it's going to negatively impact the County system because the folks that are going to opt out would be opting to keep their well.

COMMISSIONER ANAYA: Okay. Thank you. That helps.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Given that answer, could you just give a few words about why staff is recommending providing an additional opt-out period rather than – since we're sort of passed that and it would have to go before the courts, potentially? So it sounds like it's complicated. What the difference would be between that and selecting the option of just not participating?

MS. ELY: Mr. Chair, Commissioner Hamilton, the sense is that it should be voluntary to be part of the settlement. Under most settlements people voluntarily include themselves because they see a benefit or they don't. And then they opt out and opt not to be a part of it. We believe the courts may be thinking about this anyways in some of the language that came out for the partial final decree and so it might be helpful for us to provide the language we would like to see in the order to show cause to help guide the court in their decision making.

COMMISSIONER HAMILTON: Okay. Thank you.

CHAIR ROYBAL: I would support staff recommendation? Is there any other comments? Okay, seeing none, do we have a motion?

COMMISSIONER MORENO: I move approval.
CHAIR ROYBAL: I'll second.

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

MS. ELY: So the last policy decision we have before you this afternoon is related to the default for non-responding water rights owners. So there's a section of the settlement agreement that states that water rights owners that do not object to the settlement and do not accept the settlement simply ignore what they get in the mail or don't get in the mail. They just don't respond for whatever reason, that they would be considered non-responders, those well owners. And that these non-responders are deemed to be settlement parties, and the default for them is to connect to the County water utility. It's as if they made the election to connect, even though they haven't responded.

And so we think requiring non-responders to connect could be problematic for the County if we force people to join the County utility, that could be an issue down the road. And so we are recommending that we advocate for language in the proposed order to show cause that would allow non-responding well owners to keep their well rather than connect to the County water utility and to be deemed a settlement party, to be part of the settlement. If the pueblos and the US and the state are unable to support this the County could move forward with its own motion related to default to stay on your well rather than become a County utility customer.

CHAIR ROYBAL: Okay, do we have questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: Could you talk a little – I think we had some discussion of this last year and I just wonder, if there are – just for informational purposes – if there are non-responding parties that are not responding because they're not paying attention, because this actually makes quite a bit of sense to me. I'll say that. But would then there be – is there going to be any outreach, for example, to non-responding parties, so that if somebody really does want to connect, they just weren't paying attention, they might have that opportunity in the period where it's a benefit to them? You know what I mean. They can participate in the connection fund, etc., etc. Because there's a certain period of time after which that won't be available to people anymore.

MS. ELY: That's right. After the court deadline we don't think that that would be available. So I'm just trying to think through the practical aspects of that. So we use the OSE database to determine who has a water right in the basin, and we use their information regarding addresses and how to contact people. The County will certainly be doing a lot of outreach during the well election. We're gearing up for that so that we can help people make an informed choice about what they should be doing or they could be doing related to the well election. So there will be outreach.

I'm just not sure how to – I can think about this further, but how to identify those non-responders if we don't have information on those non-responders. Now, for those we have information on we can do follow-ups. But there could be folks out there we just don't have any contact information on.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So I'm very happy to see this recommendation in here. I think this is really important. I know that I've heard through the grapevine there are actually people in my northern part of the district who do not live in this state but own land and have not responded and would want to keep their wells. I've also heard there are many elderly people who are just afraid to respond and so therefore they have not taken the initiative and they think if they don't respond then they get to keep their wells. And so I think this is a really important amendment and I support it wholeheartedly.

CHAIR ROYBAL: I would ditto a lot of the comments that Commissioner Hansen has made and to say the same thing. I have had calls from constituents now that it's kind of getting late for them to move forward with even adjudicating their well that didn't respond. So I think they feel like they will end up keeping their well. So I think this is a great way to go. So thank you. Is there any other comments? Okay, so we don't have any other comments. I'd like to make a motion to approve.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: I have a motion and a second.

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

IV. D. Resolutions

5. Resolution No. 2017-17, a Resolution Supporting Legislation Adopting a Patient Safe Staffing Act Such as That Described in House Bill 288 and Senate Bill 281, as Introduced During New Mexico's 53rd Legislature's First Session, in Order to Address the Need for Safe Nurse Staffing Levels in Hospitals in New Mexico *[Exhibit 2: Staff Report and Resolution Text]*

COMMISSIONER HANSEN: I have brought this resolution forward because I am a strong supporter of safe staffing and our nurses and our community, and I have some guests in the audience who are here who are in support of this who are also working at the legislature and here is Diane Spencer, Reverend Blaine Wimbley and Janet McCormick and Reverend Holly Beaumont, and I'm grateful for them being here because I think safe staffing in our community is so important. It is what keeps nurse retention so the more safe staffing that we have the more retention that we will have and having retention at our local community hospitals is very important. So I ask the Commission to please support me in supporting this resolution.

CHAIR ROYBAL: Okay, any comments from the Board? What's the pleasure of the Board?

COMMISSIONER MORENO: I would move to accept this resolution.

CHAIR ROYBAL: Okay, we have a motion. Do I have a second?

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion and a second.

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

not present for this action.]

COMMISSIONER HANSEN: Thank you every body for being here.

[Clerk Salazar provided the number for this resolutions and those passed subsequently in the meeting.]

IV. D. 1. Resolution No. 2017-18, a Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, the purpose of this resolution fulfills the County's requirement to receive its share of the road maintenance funding from the state of New Mexico generated by gas and motor vehicle tax. The City of Santa Fe has annexed areas that have taken about a dozen roads that decreases our mileage from last year 2.94 miles, so this will amend our County road map for a total mileage of 560.27 miles. I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Okay, do I have a motion? Commissioner Hansen, I think she might have a question.

COMMISSIONER HANSEN: I move to accept the resolution amending the Santa Fe County road map.

CHAIR ROYBAL: Okay, and I think Commissioner Moreno will second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a motion and a second.

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

IV. D. 2. Resolution No. 2017-19, a Resolution Authorizing the County Manager to Negotiate and Execute Such Contracts as May Be Necessary or Appropriate to Support Construction of the East Mountain Health Clinic in the Town of Edgewood, Consistent with Available Funding Levels and Applicable Constraints Imposed by Law

MR. FLORES: Thank you, Mr. Chair. Just to draw the new Commissioners back a little bit. In 2015 the Board of County Commissioners passed Resolution 2015-70 which supported the construction and operation of a health commons complex in the Town of Edgewood, along with the support and cooperation of the Town of Edgewood and the federal, state and local governments. That set the stage for the resolution today. When the Town of Edgewood first looked at developing the health commons project within the town there were some discussions back and forth with the County on whether the County would play a role in the project. In the initial resolution it established what I consider the foundational document that then led to having the clinic,

now a clinic, be put our infrastructural capital improvement plan.

We received severance tax bonds from the state of New Mexico for infrastructure for the project and the Board also placed the clinic on the 2016 general obligation bond project listing, which the voters passed under the health facility component.

The document today basically confirms what we started back in 2015 but in a way that arranges it so that now Santa Fe County is more of the lead agency rather than the supporting agency for this project, and the resolution allows us, through the County Manager, the Board through the County Manager to basically negotiate and execute any and all contracts that may be necessary and appropriate, including the potential amendment to the State Land Office property lease that we have down in Edgewood. That would be with Santa Fe County and the State Land Office.

It would also allow us to look at the different requirements of the usage of the severance tax bond money, which is on the table right now that we would like to have some movement on so that we don't have any potential sweeps of that funding. It also allows us to negotiate and execute contracts for the operation of project management/construction management, etc. At the end of the day this is a public facility that will be owned by Santa Fe County and through some contractual documents and relationships we would have a provider that would take on the majority if not all of the operational and maintenance of that facility after it's built.

So this resolution basically starts drawing the picture to get us to that point and because we don't have the specific document yet, this authorizes the County Manager to do the work to actually negotiate and execute that. And with that I'll stand for any questions.

COMMISSIONER HANSEN: Any questions from the Board?
Commissioner Hamilton.

COMMISSIONER HAMILTON: So we've gotten to this point with this in a pretty progressive fashion. This is no surprise, and this makes a lot of sense to me. Is there anything that wasn't in the briefing package or anything that you have concerns or thoughts about that you want to bring forward? Are there issues going on with this? It's a leading question. Sorry.

MR. FLORES: That's okay. That's what I'm here for. Madam Chair, Commissioner Hamilton, there's always going to be questions about how we complete and undertake the construction and complete the construction, how we negotiate the terms of any type of operational agreement whereby the responsibilities would be placed back upon the operator. And actually Ms. Krista Kelley from First Choice is here today for any technical questions that you may have. So from my perspective of the leading question, we always run the risk of having those types of negotiations or questions but I think this just provides a roadmap to get us to a point. Those documents eventually, after the County Manager takes a look at them, we will have to bring back various things to the Board for approval – operation agreements, funding agreements, those types of things. So I don't have any reservations today recommending approval of this resolution.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I think this is a good model to be moving forward with First Choice and the County facility, having a non-profit be running a mental health facility. I think the first step, I think this is really important we move

forward with this and with that, I would like to move to approve this resolution.

MR. FLORES: Mr. Chair, if I can, just for a point of clarification. It's much more than behavioral health and I don't want to mislead the public. This is a health clinic that has behavioral health components built in.

COMMISSIONER HANSEN: Okay. Yes. The whole health clinic. But as a partnership I really like this idea. So I just wanted to support that concept of us owning the County facility and a non-profit running the health clinic.

CHAIR ROYBAL: Okay, we have a motion by Commissioner Hansen. Do we have a second?

COMMISSIONER HAMILTON: I'll second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have multiple seconds by Commissioner Moreno and Commissioner Hamilton.

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

IV. D. 3. Resolution No. 2017-20, a Resolution Requesting a Budget Increase to the General Fund (101), Indigent Services Fund (223), Alcohol Programs Fund (241), Fire Operations Fund (244), and Road Projects Fund (311) As a Result of Needs Brought Forward at the FY2017 Mid-Year Budget Hearings / \$363,962 [Exhibit 3: Revised Packet Material]

DON MOYA (Finance Director): Thank you, Chair Roybal, Commissioners, Manager Miller. What you have before you is in fact an increase to all of the funds you just mentioned as a result of the mid-year budget reviews. Most of them will fix deficiencies in the current budgets, as well as correct errors in the final budget, and make the current year budget accommodate predicted expenditures. We recommend approval and I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER MORENO: I move approval of this resolution.

CHAIR ROYBAL: So we have a motion. Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion from Commissioner Moreno and a second from Commissioner Hansen.

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

IV. D. 4. Resolution No. 2017-21, a Resolution Requesting an Increase to the Road Projects Fund (311) to Budget Three (3) Grants from the New Mexico Department of Transportation for the Pavement Rehabilitation/Improvements of Various County Roads in Santa Fe County/\$344,949

MR. MOYA: Thank you, Chair Roybal and Commissioners. This resolution is proposing to increase the budget for three local government road funds grants that were received this fiscal year totaling the \$344,949. We stand for questions, recommend approval.

COMMISSIONER HAMILTON: Question.

CHAIR ROYBAL: We have a question from Commissioner Hamilton.

COMMISSIONER HAMILTON: Is this applied to wherever it's needed or is this for specific road projects?

MR. MOYA: That I would defer to our Public Works Director, Mr. Robert Martinez who did tell me he would be standing by for just this type of question.

Commissioner Moreno: Mr. Chair, Commissioner Hamilton, the Public Works Department applied for these grants about a year and a half ago. The Board of County Commissioners adopted resolutions clarifying what road projects each grant. The LGIF is comprised of CAP, SB and SP grants. So the resolutions were adopted by the Board back in September that outline which road projects. The way the Public Works Department determines what projects are going to be submitted for pavement rehabilitation are based on our pavement evaluation. So it's a process that we use to keep our paved roads up to a certain standard.

COMMISSIONER HAMILTON: Absolutely. Thank you so much. Makes complete sense. Mr. Chair, I would move for approval.

CHAIR ROYBAL: Okay, we have a motion for approval. Do we have a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Okay, we have a motion by Commissioner Hamilton and a second by Commissioner Moreno.

The motion passed by unanimous [3-0] voice vote. [Commissioner Anaya and Commissioner Hansen were not present for this action.]

MR. FLORES: Mr. Chair, I would recommend we go to that item VIII. B. 1.

VIII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

B. Presentations

1. Presentation on and Recognition of the Tesuque Volunteer Fire District

J. D. DAMRON: Good afternoon, Commissioners. Thank you for your invitation to speak on behalf of the Tesuque Fire District. Thank you for your continuous

great support of the Fire/EMS services we provide for the citizens of Santa Fe County. I was there when they broke ground for the Santa Fe County Safety Complex with the gold shovels. I remember when this department began, seen the good, the bad and the ugly. Seen this Fire Department go through growing pains and triumphs. It's a difficult and challenging process to find balance and harmony on a combination fire department. Chief Sperling has continuously thanked and supported the volunteers for their responses and services.

This Fire Department has transformed into a reliable, professional and service-driven department made up of proud volunteers and regional staff. Tesuque is one of 13 fire districts that proudly represents Santa Fe County Fire Department. Tesuque Fire District was founded in 1969. Land was donated by Shidoni Foundry in 1971 and the Tesuque Fire House 1 was built. Gerald Peters was elected the first fire chief of the newly formed fire district.

In the first three years Tesuque members responded to a total of 23 calls. We now average about 650 calls a year, with 88 percent being EMS calls. We serve a population of about 3,800 residents, a casino – Camel Rock, the Santa Fe Opera, two five-star resorts – Encantado and Bishop's Lodge – Shidoni Foundry, restaurants, businesses, million dollar homes and the thousands of people traveling on one of the busiest corridors in the state, US 84/285. We primarily respond mutual and auto aid to the City of Santa Fe, Pojoaque, La Puebla, Chimayo, Agua Fria, but will respond to wherever we are needed. Tesuque is proud to have blazed the trail for being the first fire station with solar power in Santa Fe County, and the first to acquire and pay for annual physicals for its members. Now more stations are becoming solar and now Santa Fe County Fire has a program in place, thanks to District Chief Jean Moya spearheading the call to offer physicals for all volunteers.

In the early days, the members would respond to calls via the telephone. Trainings were often followed by the guys gathering at the station for a beer after the call. My, how times have changed. No beer at the station anymore. Tesuque has two additional substations, one in Chupadero and the other on the Tesuque Pueblo. Tesuque has three pumpers, two tenders, two brush trucks, one quick attack pumper, one rescue and one command truck. And yes, we can thank the founding Tesuque members for our Tampico yellow trucks. We are the only ones in the district.

The volunteer membership has been as low as six and as high as 38. I currently have 15 members on the roster, five of which are active responders. We are an aging department with the average age of 51 years old. It takes a very special person to be a volunteer EMT. It is dedication that drives us to be on call 24/7, attend hundreds of hours of continuous training for both firefighters and EMTs. At this time I would like to recognize any of my members that are here. Would you stand up? We have Assistant Chief John Mayer, he's an EMTI; he's been with the department for seven years. Most of my guys work in the daytime; that's why a lot of them couldn't attend this.

There's no real answer in recruiting and maintaining volunteers other than they have to be special. I thank you, Commissioners, for your continued support of the call reimbursement program. It means a lot to the volunteers. Recognizing volunteers and a job well done goes a long way.

My story begins 20 years ago as the executive chef of El Nido Restaurant for 24 years. I would drive by the fire station three or four times a day and often thought what it would be like to be a fireman. Then one day at the age of 35 I stopped and asked for information to join. The rest is history. I quickly absorbed the fire and EMS life and loved it. For six years I was a PRN for Santa Fe County as well as a volunteer for Tesuque. Between 2003 and 2013, ten years in a row, I was the number one responder in Santa Fe County. I remember during five years of that stretch spending \$600 a month to be a volunteer and put gas in my vehicle. That was before I bought the command unit I have now. I guess that could be called dedication.

I'm currently the longest tenured district chief serving my 16th year and I'm currently serving my third non-consecutive term as vice president of the District Chiefs Association. I have numerous certifications – firefighter II, EMTI, low-high angle rescue, hazmat ops, bomb threat and awareness, swiftwater rescue, wildland, incident command to name a few.

In conclusion I want to thank all of you for your support of the Fire Department. Thank you. Any questions?

CHAIR ROYBAL: I just want to say thank you guys. I also say that you can never recognize the Fire Department and what they do enough. We're extremely grateful for the work that you guys put through, both we have staff and volunteers. I've sat in some meetings, like I've said in the past and I'm just amazed by the work and the dedication that you guys put forward. So I really want to say thank you and thanks for being here today and giving us all the history. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you so much for your service. I'm so glad you stopped by that day, how many years ago? It's a great gift to our community and thank you. But I'm also really happy to hear that Tesuque was the first fire station to have solar panels and I look forward to the day when all of our stations have solar panels on them. And I hope that time is soon.

MR. DAMRON: Thank you.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, as a co-volunteer I just can not say anything but what you do is so important to the county. I do want to say congratulations on serving your third term as assistant chief of chiefs, and in case anybody thinks there isn't a lot of connection between the volunteer fire departments, Assistant Chief John Mayer who is hiding in the audience, and my husband, who is assistant chief at Glorieta Pass did their EMT training together, so there is an awful lot of coordination across districts and that's incredibly valuable also. Thank you so much for everything you do.

MR. DAMRON: Thank you.

CHAIR ROYBAL: Thank you. Any other comments from the Board? Thanks a lot, you guys. Appreciate it.

MR. FLORES: Mr. Chair, if we can, before we get to item VIII. B. 2, if I could request a little housekeeping, that we move the executive session to the end of the agenda, as we're moving rather quickly through the items. So if there's any items that's needed by any of the department reports that are in the back, if you could let me know and I can make sure I have staff ready for that.

CHAIR ROYBAL: Okay.

MR. FLORES: So, Mr. Chair, I'd move that we'd go to VIII. B. 2

CHAIR ROYBAL: We don't need a motion for that. Is that correct, Attorney Shaffer? No? Okay.

VIII. B. 2. Approval and Presentation of a Proclamation Proclaiming the Day of March 3, 2017 as Patriot Wrestling Club Day

CHAIR ROYBAL: First, I'm going to ask that all the Commissioners read the proclamation into the record. Does everybody have a copy? Okay, we'll go ahead and read the proclamation and after that we'll get comments from the Commissioners and at the end I'd like to take pictures with all the wrestlers and anybody else that would like to join the picture. I know Coach Tapia loves taking pictures. Okay, I'm going to go ahead and start with Commissioner Hamilton and we'll work our way down.

COMMISSIONER HAMILTON: Whereas, the 2016- 2017 Patriot Wrestling Club finished as state runners-up at the 2017 NMAYW – New Mexico Athletic Youth Wrestling state wrestling tournament; and

CHAIR ROYBAL: Whereas, the Patriot Wrestling Club took 21 wrestlers to the state tournament and returned with eight state championships, five runners-up, five third place finishers, and one fourth place finisher; and

COMMISSIONER HANSEN: Whereas, Santa Fe County celebrates these student athletes and their coaches for their hard work and dedication during this wrestling season; and

COMMISSIONER MORENO: Whereas, the Patriot Wrestling Club consists of the following wrestlers:

COMMISSIONER HAMILTON: Andres Alvarado, third place at state.

CHAIR ROYBAL: Carlos Apodaca, state champion. Ray Cochorea, fourth place at state. Santiago Duran, state runner-up. Jennifer Guerra, state runner-up. Jaymison Leno, state runner-up. Jynoh, Leno, third place, state. Sevastian Madrid, state champion. Tomas Martinez, state champion. Abran Mendiola, state champion. Elias Mendiola, state champion. Angelo Padilla, third place at state. Jeremiah Padilla, state runner-up. Miguel Padilla, state champion. Jaden Schliening, state champion and third place. Mateo Tapia, state runner-up. Jonah Villegas, third place at state. Zeke Villegas, state champion. Jolenna Leno, Dominick Montoya and Adrian Padilla.

Whereas Santa Fe County is very proud of these wrestlers for the first-class manner in which they represented Santa Fe County community by showing enthusiasm, sportsmanship, great respect, excellent work ethic and a love of the sport; and

COMMISSIONER HANSEN: Whereas, the Patriot Wrestling Club was led throughout this season by their coaches: Johnny Tapia, Randy Waconda, Carlos Duran and Jason Tapia; and

COMMISSIONER MORENO: Whereas, the Santa Fe County Board of County Commissioners wishes to recognize the accomplishments and contributions of the citizens involved with the Patriot Wrestling Club.

COMMISSIONER HAMILTON: Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County hereby proclaims the day of March

3, 2017, Patriot Wrestling Club Day.

CHAIR ROYBAL: Okay, and this was approved and adopted and passed on this 28th day of February 2017 by all the County Commissioners, our County Manager, our County Attorney, Greg Shaffer, and our County Clerk, Geraldine Salazar. Thank you guys and congratulations.

We can get some word from the coaches unless you want us to talk first. Okay, Johnny.

JOHNNY TAPIA: I'd like to thank the Commissioners. Thank you, Commissioner Roybal, for having us here and acknowledging these young athletes' hard work. These guys put in countless hours during the wrestling season. We start October and go to April. These guys go longer than the high school season. They hit several national tournaments. A lot of these young men are nationally ranked. The hard work they put in is – you see it. We only have 22, 23 kids on the team and the teams we're wrestling against have 50-some to 80-some kids on the team. So again, thank you guys for having us here and thank you great kids for working hard and representing Santa Fe to the best of your ability.

CHAIR ROYBAL: Good job. Could we get another round of applause? And coach, how many state champions that have wrestled for the high schools locally have come out of your program? Do you know the number?

MR. TAPIA: I don't know the number off hand but every state champ that's come out of Santa Fe Public Schools in the last ten years has come out of the Patriot Wrestling program, and I would say eight out of ten St. Mike's have come out of the wrestling program. We've had two five-time state champions come out of the program for UNM. This year my son, Jose Tapia, we have another son who's here in the room, he's a two-time state champion. He won the state for Capital last year and he was the first state champion [inaudible] this year. We've had great success in the high school level. We've had Samuel Martinez who won state champion for Santa Fe High this year, a sophomore, state champion. So we've got a lot of success.

CHAIR ROYBAL: Great job. Thank you, Coach. And just to kind of say a little bit, to talk about wrestling, these athletes, they learn to overcome many challenges and obstacles when they are wrestling and it makes them very mentally strong. The skills they learn are self-confidence, self-discipline. They learn to develop sportsmanship and respect for their opponent. Every wrestler at least loses once, if not many times during their career. Losing teaches them to be good sports, respectful and humble. I have a great deal of respect for the sport and I commend all of you for participating and hope to see how you grown in the future. Do we have any other comments from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I really want to echo what Commissioner Roybal just said. It's an incredible undertaking, especially one to stick with for a long time. It's a real challenge and it's a real comment on your personal development and capabilities to have stuck with it and to keep doing it and to be such wonderful examples for the whole community. It's a real contribution to the county.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Congratulations, everyone. It's great to see the whole age range of participants in this sport and I want to congratulate all of you on

your achievements. Thank you so much.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. I myself had a very brief career as a wrestler in high school until I found baseball, but I applaud all of you and I can just only echo what our Chair said. The experiences that you have on the mat, they will carry on into your lives and make you successful in your life. Congratulations.

CHAIR ROYBAL: Thank you, guys and I just want to commend you guys again and look forward to seeing how you progress and you guys are our future leaders so remember to work hard and stay focused in school. Can I get one more round of applause and we'll go down and take photos.

[Photographs were taken.]

V. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Do we have anybody from the public that would like to address the Board today? Anybody from the public that would like to address the Board? Okay, we're going to go ahead and close Matters of Public Concern.

VI. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Mr. Chair, before we go to the legislative updates and any potential action you'd like to take on direction on bills, first I wanted to just remind you that as we site visit this morning for the adult detention facility, on March 28th we're going to have the site visit for the Youth Development Program and we're going to do a similar arrangement as today. We'll meet here and then call the meeting to order, then the Board will go out to the juvenile facility or youth development facility, have a tour and review of the facility and its programs and then come back here, and then we will go into – we'll probably have a break then go into the housing meeting and then into our regularly scheduled Board meeting.

Also, I wanted to let you know that in Cerrillos we will be having on this Saturday, March 4th at 9:30 am, the first preliminary schematic design meeting. It's a public input meeting on the senior center that we'll have there. It will be at the Cerrillos Hills State Park offices in Cerrillos at the visitors center, and this is a chance for the public to have an opportunity to meet with the project team and review the preliminary schematic design.

Also, I don't know of the Commissioners if you saw – I believe it was late last night and possibly this morning, there was a story on the Glorieta camps on the news. That is the previous Glorieta Baptist Retreat Center. I just want to let you know that staff is working with the management at the Glorieta Center to make sure that all issues relative to permitting are addressed and that no one uses facilities that have not been properly permitted. And they are working with us to establish a plan forward of how they will come into compliance and bring those things to the Board as appropriate.

So and then I think we also have an update on some contractual issues that are in executive session but I did want to note that we also are in conversations with Christus

St. Vincent Hospital relative to the sobering center that the County used to run and now that Christus St. Vincent's currently runs, there was an article in the paper, I believe it was last Friday that they were considering suspending the services at the sobering center at midnight on Thursday. However, they've reconsidered that and are still accepting appropriate clients and we are working with them as to how they plan to move forward and how the County plans to move forward in providing services in that area for the community. But I did want to just let you know that those are two things that came out recently that you may not have had an opportunity to talk to me about and we are in communication with both entities on those two issues and working forward.

And with that I'd like to turn it over, Mr. Chair, to Tony and Hvtce relative to the legislative matters.

VI. B. Legislative Update [Exhibit 4: Legislative Report]

1. Discussion of, Direction on, and Possible Vote of Support for or Opposition to Bills Introduced or Proposed for Introduction in the First Session of the 53rd Legislature of the State of New Mexico

HVTCE MILLER (County Manager's Office): So within this report I have divided it into three sections regarding the coverage of the legislation. That starts on page 4 if you would like to turn there and look at those items. Within this first section I have six different bills which I have isolated which are progressing through the legislature right now and may require some action by the Commission if they so desire.

The first item I have listed here on page 4 is Senate Bill 98, and we had discussed that item at the last Commission meeting and we had taken action on that to oppose the change in annexation state statute, which is regarding the section of Santa Fe County that the City of Espanola is also part of. Since the last meeting this bill has passed through the full Senate and is still waiting committee schedule. It's been assigned but it hasn't been scheduled for any committee meetings as of today, so we're still waiting on that.

The next item is a big item.

COMMISSIONER HANSEN: Can I ask –

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: You have Santa Cruz transfer from Santa Fe County to Rio Arriba. Is that –

MR. MILLER: Mr. Chair, Commissioner, that's just the title of the bill itself, so the location of the Espanola city limits is considered Santa Cruz.

MS. MILLER: Mr. Chair, Commissioner, yes. It's in the Santa Cruz Valley so that's just the title of the bill. But it is that portion of Espanola that is in Santa Fe County.

COMMISSIONER HANSEN: Okay. I just wanted to be clear. Thank you.

MR. MILLER: The next bill listed here is Senate Bill 511 and this bill was actually introduced as a dummy bill so it didn't have a title or any language to it and once it got to committee it became this particular bill here, which is that states requiring counties to provide public defender – their offices. So what I have here above the title is that it may require opposition because this bill right now, what the language in the bill is

requiring is that the counties provide the offices for the public defender offices, so that would be an additional cost to Santa Fe County and that is something that the County does not have a budget for at this time but the state would be requiring that as a cost-saving measure for the state's budget.

MR. FLORES: On that point, Mr. Chair, Commissioners, you did pass a resolution a couple weeks ago that allowed Santa Fe County to oppose any bill that would negatively affect our finances or our revenues. This bill here is an unfunded mandate. It's a loophole that they're trying to close in their budget constraints to have the counties now pick up the space for public defenders. This isn't the first time we've seen this. I think in my time back I've seen it twice and in my previous time here we saw it four times. So if the Board directs, this would be one of the bills that we would stand up in opposition to when it gets to committee, based upon the previous resolution that the Board passed.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So who is the sponsor? Is it Senator Mimi Stewart?

MR. MILLER: Originally it was introduced by Senator Papen and then it was transferred, sponsorship to Senator Stewart.

COMMISSIONER HANSEN: Okay.

MR. MILLER: If you like I can go ahead and finish through this first section of legislation. The next one is the bill related to the future LANL contract. That's House Bill 332 and this is a bill from Representative Garcia Richard and this would allow taxation even if the contractor of the Los Alamos National Laboratory was a non-profit. It wouldn't have that non-profit, tax-exempt status, and so this bill would target that contractor specifically so the state could collect its gross receipts taxes for that and that's a large chunk of taxes for his area, not just for Los Alamos County but for northern New Mexico. So currently, we don't have a definitive position on this. It is in the NMAC tracked legislation and they have taken a position on that and on page 7 the Board of NMAC was supporting this as a whole.

The next piece of legislation was property forfeiture. Senate Bill 22, and this bill is advancing with support from both parties at the legislature and it's currently passed in the House. Nothing is scheduled currently for House committees but it does seem that it would make it through the full legislature and get to the governor.

The next item is the whistleblower, Senate Bill 299 from Senator Candelaria, and this was a priority piece of legislation from the NMAC board of directors and it has currently progressed through one committee now and it was substituted in that committee because upon review it was thought that the original draft had limitations on those whistleblowers being able to report. So that language has been changed and it did receive a do-pass in Senate Public Affairs. So that would be moving on next to Senate Judiciary Committee.

Next item would be county Medicaid funding. This is House Bill 490, and this was a welcome defeat of a bill. This happened last Thursday and it was tabled in committee. This bill would have required the County to add an additional 1/16 tax to provide Medicaid funding to the state but what had happened, it was tabled in committee so essentially that piece of legislation is going to stop there and it's not going to proceed.

With that said though, there is always the possibility that this could arise in another piece of legislation or in perhaps the budget or a tax bill itself. So we still have to keep an eye out for this piece of legislation as it's a wanted piece of legislation from the Department of Health at the state level. So we have to keep an eye out for that.

So those were the six particular bills that are moving right now and if you wanted to take any specific action on any of those items those are recommended pieces of legislation to watch currently.

Going on in the report in the second part of legislation monitoring, on page 7 it lists all the pieces of legislation which the NMAC has taken action on and there's different levels there – priorities, board support, executive committee support, board opposition, executive committee opposition, no positions, and executive committee no positions. All these pieces of legislation are also being tracked by ourselves here at the County because they most likely in some way have an effect on our particular county here.

The last section here is budget legislation and this takes a look at the budget itself and kind of gives you a feeling of what's going on. And there has been movement for the budget of the state and what had occurred on the 23rd was that a proposed budget and a proposed tax package were passed in the House as a whole, but it did occur along a party-line vote. So what that's saying is that even though there's a proposed budget out there right now not everybody in the legislature is in favor of what's been proposed and is going out there now. It did make it through the House so its next stop will be at the Senate Finance where a lot of things are going to be reworked and put back into the budget or also put back into the tax package.

The two items that were passed were House Bill 2 and House Bill 202. The competing tax piece of legislation is House Bill 412 and that's introduced by a Republican, Representative Harper, and his tax package is more in line with the wishes of the Republican Party and also the governor's office. What would happen most likely is that some of the items within House Bill 412 will become part of House Bill 202 as it advances and becomes a part of the whole of the state budget. Within that last section there's just plenty more explanation of what's going on within those three bills and the different changes that have occurred as those bills have progressed. With that, that concludes the report. If you have any specific questions you can go ahead and ask me any questions. Thank you.

CHAIR ROYBAL: Do we have any questions from the Board?

COMMISSIONER HAMILTON: Yes, I have one.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Just from the earlier thing that Assistant Manager Flores was talking about, do you need any or request these specific guidance from us since some of the previous things you brought up kind of fall under the previous resolution.

MR. FLORES: Mr. Chair, Commissioner Hamilton, I don't believe so, based upon the previous action by the Board. I think these are more informational items to let you know there are certain things like this public defender unfunded mandate is a new one to close a loophole. And I do believe the previous resolution allowed us to stand up in opposition to those types of pieces of legislation.

COMMISSIONER HAMILTON: Great. I just wanted to make sure you had enough from us to support your doing that. But it sounds great.

MR. FLORES: Mr. Chair, the only other point I want to emphasize that Mr. Miller indicated is that even though the bill that we successfully defeated and it was a collective "we" last week, for the additional sixteenth, it does not mean that a piece of that legislation or that novel idea that the state has could not end up back in House Bill 202 as it works its way back through the process. So just because a bill dies in committee, especially a tax-related or a revenue-related bill for the state does not mean that a portion of it could not resurface as an amendment to one of the other pieces of legislation. So just a word of caution.

COMMISSIONER HAMILTON: Are you guys watching that already? That and other things that might get added in from the 412 into 202?

MR. FLORES: Mr. Chair, Commissioner Hamilton, absolutely. Hvtce doesn't get to sleep during the 60 days. I fortunately do.

COMMISSIONER HAMILTON: Sleep is overrated.

MR. FLORES: We're watching it rather well.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you guys for the report. Thank you, Hvtce Miller. Appreciate it.

MR. SHAFFER: Mr. Chair, it was brought to my attention by the County Clerk, it wasn't clear whether we had a motion to approve the proclamation for the Patriot Wrestling Club Day, so it might be in order to go to that item just to have a motion and a vote to approve it. Is that correct, Madam Clerk?

CLERK SALAZAR: Yes.

COMMISSIONER HAMILTON: I would love to so move.

CHAIR ROYBAL: So we have a motion to approve the proclamation for the Patriot Wrestling Team. Do I have a second?

COMMISSIONER MORENO: Second.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second by Commissioner Moreno and Commissioner Hansen, and the motion was made by Commissioner Hamilton.

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

CHAIR ROYBAL: Thank you for catching that, Madam Clerk.

VIII. B. 3. Presentation and Potential Direction Regarding the 2017 Community Development Block Grant (CDBG) Process and Schedule

PAUL OLAFSON (Planning Division): Mr. Chair, Commissioners, I'm here to present today just a brief outline of the upcoming 2017 Community Development Block Grant process that is just starting now. There is a kickoff training on March 15th.

We anticipate having two hearings before the Board for public input and suggestions on projects and then asking the Board through that preliminary process to select a process for application if there's one that the Board would choose. And in my memo I've briefly outlined some of the dates. The application workshop is the 15th, as I mentioned. There's a deadline on June 23rd for final applications. However, in order to meet all the application procedures we would need to have a decision on April 11th for a final selection of the project.

In short, the CDBG program is a federally funded program that allows for local municipalities and entities to request matching funds to support infrastructure projects and planning projects within the jurisdiction of that municipality.

COMMISSIONER HAMILTON: Question.

CHAIR ROYBAL: Okay, we have a question from Commissioner Hamilton.

COMMISSIONER HAMILTON: Just to clarify for the Board, you're looking for the Board to make a selection of a project to move forward by April, so that that's the application that gets put forward, the June 23rd deadline is for the County to submit to HUD? Is that –

MR. OLAFSON: Mr. Chair, Commissioner Hamilton, yes, that's correct.

COMMISSIONER HAMILTON: I don't think that was clear to everyone.

MR. OLAFSON: I'm sorry. I jumbled myself together too much. What we're going to ask is for two public hearings before the Commission to vet requests and prior to that we'll go and have press releases and put it on the website asking for project submissions or suggestions, and then at the two public hearings we'll discuss those submissions and ask the Board to make a final selection to direct staff to then proceed with that, whatever the project might be, to proceed through the application process and submit that then to DFA. DFA, the Department of Finance and Administration, and through that office they vet these programs of these proposals and select – I guess award winners.

COMMISSIONER HAMILTON: So do you have an estimate of when the public hearings are likely to be? Or need to be in order to fill this schedule? Because it's pretty tight, April 11th.

MR. OLAFSON: Mr. Chair and Commissioner Hamilton, yes. It's a very aggressive schedule. We do anticipate having a public hearing in March and then the final in April. So we would ask for one public hearing at the end of March and the final public hearing at the beginning of April.

CHAIR ROYBAL: Okay do we have any other questions? Commissioner Moreno.

COMMISSIONER MORENO: Yes. I would like to hear a brief description of the criteria for selecting projects and how would people from the community engage?

MR. OLAFSON: Thank you, Mr. Chair and Commissioner Moreno. The second part of your question first is what we would do is we would go through our normal channels of communicating through the press release as well as posting on the website and sending out emails to our known community groups that we work with outlining the process and the types of projects that are eligible and letting them know

how they can get involved and get informed as to what the projects are. And then we would take all those applications and at staff level, we would do an initial assessment and provide sort of an evaluation of the various proposals for the Board to look at and consider.

And I think some of the criteria, and I can't speak for the Board but some of the criteria staff would be looking for is: Are they project ready? Is it a fully developed project that's able to move forward within the timeframes of the HUD and the federal and state funding process? Does it provide – what level of impact does it provide to the broader community? Etc. so I don't have an exact list of criteria in front of me right now but I think those are the things we'd try and look at first in helping evaluate proposals which would then be brought to the Board for further discussion.

COMMISSIONER MORENO: Thanks.

MR. OLAFSON: And I wanted to note as well, this is just an informational presentation to let you know this is coming and is ongoing and we'll be bringing more back to you in the near future.

CHAIR ROYBAL: Okay. Great. Appreciate it. Is there any other questions of the Board? Okay. Thank you.

VIII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ROYBAL: Do we have any elected officials today that would like to bring something up?

CLERK SALAZAR: No, thank you, Chair Roybal.

CHAIR ROYBAL: Thank you, Madam Clerk.

2. Commissioner Issues and Comments

CHAIR ROYBAL: These are non-action items. Is there any Commissioners? Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, Commissioners, I would like to suggest that we as newly elected County Commissioners invite the City Council to have a joint meeting with us to discuss issues such as sustainability, tourism, regional issues that affect both the City and the County. And since there has not been a City-County joint meeting in a few years I think that it would be a great opportunity for us to discuss many issues that concern both bodies. So I'd like to know how the rest of the Commission feels about having a joint meeting.

CHAIR ROYBAL: I would be in support. Commissioner Hamilton.

COMMISSIONER HAMILTON: I would certainly support the idea. I wonder, is the hope that this will lead to a regular, institutionalized process where we can interact?

COMMISSIONER HANSEN: Well, that is my hope but I thought we should just start off by inviting them to a joint meeting to discuss these possibilities. I did speak with Mayor Gonzales and I did let him know that I would be bringing this forward

and he recognized that the two bodies had not met for a while and that it would be a positive thing.

COMMISSIONER HAMILTON: Can I make one observation?

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I think it's a great idea. I think it would probably be beneficial if we brought forward a goal for the first meeting, which might be something well articulated but a little bit overarching, like somehow discussing what our priorities are and what each body thinks they could achieve by working together. What things would – you mentioned a few things that are certainly things that both groups have in common or have common interests in, but perhaps that should be in fact the focus – could be one focus of the first discussion – which items do we think are worth pursuing and that would have benefit from ongoing interactions and see what the City's priorities are and the County's priorities are and how those would interact.

CHAIR ROYBAL: Commissioner Hansen, you had additional comments.

COMMISSIONER HANSEN: I would like to defer to Commissioner Moreno and let him comment also.

COMMISSIONER MORENO: The City and the County share a lot of things and I'm willing to participate in an activity with their leadership and our leadership. In the past there have been efforts to undergo joint planning and other formal decisions and procedures that become institutionalized. My desire is to have a good dialogue with the leadership of the City and let's see where it goes.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I think a joint meeting of the two bodies to discuss many issues that we face. In my area in District 2 I have City Councilors that represent District 1, 4 and 3. We share many perimeter issues, annexation issues. District 1 shares also areas of annexation and our District 1 with District 1 and District 2. Commissioner Hamilton shares District 2 with the City also. So we all have joint interests and so I think it's really important that as two bodies that share a tremendous amount of area that we communicate and develop a strong, positive working relationship. And with that I would like to request that the County Manager contact the City Manager and set up a meeting that we could have a minimum from the City of the Mayor and a Councilor from each district, preferably all of the City Council and preferably all of the County Commission, minimal three members from the County Commission so that we have a governing body of both boards. Five is a quorum for the City; three is a quorum for the County. And I think that that is really important for a joint meeting.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Do we have any other comments from the Board? So seeing none I'll go ahead and close that item. Since we're not quite at five o'clock the last item which is a public hearing, so what we'll do is move into executive session. Or instead, we'll go ahead and take a break for ten minutes and then what we'll do is we'll come back and we'll do the public notice. So we'll break for about ten minutes. Let's come back at about 5:05. Can I get a motion?

COMMISSIONER HANSEN: I move that we take a break for ten minutes.

CHAIR ROYBAL: Okay. Can I get a second?

COMMISSIONER HAMILTON: I'll second.

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

CHAIR ROYBAL: We're in recess.

[The Commission recessed from 4:50 to 5:10.]

CHAIR ROYBAL: Could I get a motion to come out of recess?

COMMISSIONER HAMILTON: I so move.

CHAIR ROYBAL: And is there a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: we have a motion and a second.

IX. PUBLIC HEARINGS

A. Land Use Cases

BCC Case # MIS 17-5040 Ojo Caliente Holdings, Inc. Liquor License. Ojo Caliente Holdings, Inc., D/B/A Sunrise Springs Spa Resort, Applicant, Linda Aikin, Agent, Request Approval for a Restaurant Liquor License. The Property is Located at 242 Los Pinos Road, Within Section 28, Township 16 North, Range 8 East (Commission District 3)

CHAIR ROYBAL: We're going to go ahead and move on to our public hearing, the only one that we have for this evening.

JOHN SALAZAR (Case Manager): As stated in the caption, the applicant is requesting approval for a restaurant liquor license. It's a new liquor license to be located at 242 Los Pinos Road. This property is zoned as a planned development district and has been built out in accordance with the previously approved master plan which includes a restaurant with incidental consumption of alcoholic beverages.

The previous restaurant located on this property was the Blue Heron Restaurant. This application was submitted on January 23, 2017. Staff recommends approval of a restaurant liquor license to be located at 242 Los Pinos Road and I'll stand for questions, Mr. Chair.

CHAIR ROYBAL: Do we have any questions from the Board?

COMMISSIONER ANAYA: I don't have any questions, Mr. Chair, but I would like to move it when we get to that point of order. Thank you.

CHAIR ROYBAL: I don't believe we have any questions so is your motion to approve?

COMMISSIONER ANAYA: Move to approve, Mr. Chair.

CHAIR ROYBAL: I'll second. So we're going to move on to the public hearing. Is there anybody here from the public that would like to speak in opposition or for this?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Respectfully, we may want to let the applicant speak if they choose to.

CHAIR ROYBAL: Sure. Would you like to speak?

[Duly sworn, Linda Aiken testified as follows:]

LINDA AIKEN: Linda Aiken, 530 Harkle Road, and I'm the attorney for the applicant, and I'm glad to answer any questions that you might have.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you for being here. Could you just speak – this is a use that has been in place prior. Could you just speak to the involvement and discussions with the community or any feedback that you've received from them relative to the property and in particular this request?

MS. AIKEN: Mr. Chair, Commissioner Anaya, I know of no problems that they've had. They actually have already a restaurant license in some of the buildings out there and have had for a couple years with no problems, no violations, no citations. I don't know if any outreach was made on this particular application. The state required another application because there's another building much further away from this that they want to use as well and they're not close enough, under Alcohol and Gaming's rule to be under one license. So we're going to have two restaurant licenses on the property.

COMMISSIONER ANAYA: So Mr. Chair, there's already a license on the property. This just extends it to a different building.

MS. AIKEN: Correct. That's correct.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya and thank you for speaking. We're still in public comment. I don't see anybody here from the public to speak so I'll close public comment. We already have a motion and a second so we'll just go ahead and vote.

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

X. INFORMATION ITEMS

- A. Growth Management Monthly Report**
- B. Public Safety Monthly Report**
- C. Public Works Monthly Report**
- D. Human Resources Monthly Report**
- E. Administrative Services Monthly Report**
- F. Community Services Monthly Report**
- G. Financial Report [Exhibit 5: Additional Material]**

MR. SHAFFER: Mr. Chair, just as maybe a point of order. I know that there's staff still present so I don't know if the Board has any questions relative to the reports that are in the packet and if not then perhaps it would be in order to let staff know that.

CHAIR ROYBAL: Commissioner Anaya, do you have any questions?

COMMISSIONER ANAYA: Mr. Chair, I just appreciate the staff reports. I don't have anything else to ask at this time but I do appreciate those reports in our packets every meeting. Thank you.

CHAIR ROYBAL: I appreciate that as well. Do we have any other comments?

COMMISSIONER HANSEN: I would like to know if the staff reports are put up on the website.

CHAIR ROYBAL: Deputy County Manager Flores can answer that. I do believe they are and they're part of the packet.

MR. FLORES: Mr. Chair, yes. They're part of the original packet for printing. The only items that won't be on the website immediately is if we get late items, but they are included in the BCC packet material that's online.

CHAIR ROYBAL: Thank you, Deputy Manager.

VII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session: Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, Including the Following:

1. *The Board of County Commissioners of the County of Rio Arriba, et al., v. The Board of County Commissioners of the County of Santa Fe, State of New Mexico, First Judicial District Court, County of Santa Fe, Cause No. D-101-CV-2016-02243*
2. *Trujillo and Peperas v. Board of County Commissioners for the County of Santa Fe, State of New Mexico, First Judicial District Court, County of Santa Fe, No. D-101-CV-2014-01054*
3. **Potential Contract Breach by a Santa Fe County Contractor**
4. *IAFF Local 4266, Santa Fe County Firefighters Association v. Santa Fe County, Public Employees Labor Relations Board, No. 309-16*
5. **Impasse Arbitration Between IAFF Local 4266 and Santa Fe County**
6. **Violations of the Santa Fe County Sustainable Land Development Code and New Mexico Subdivision Act**

COMMISSIONER HAMILTON: So moved.

CHAIR ROYBAL: Could you give us some insight as to what we'll be going over in the executive session, Attorney Shaffer?

MR. SHAFFER: The items to be discussed in executive session are threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H) (7) NMSA 1978, including the following: *The Board of County Commissioners of the County of Rio Arriba, et al., v. The Board of County Commissioners of the County of Santa Fe*, a matter pending in the First Judicial District Court, County of Santa Fe, Cause No. D-101-CV-2016-02243; *Trujillo and Peperas v. Board of County Commissioners for the County of Santa Fe*, State of New Mexico, First Judicial District Court, County of Santa Fe, No. D-101-CV-2014-01054; potential contract breach by a Santa Fe County contractor; *IAFF Local 4266, Santa Fe*

County Firefighters Association v. Santa Fe County, Public Employees Labor Relations Board, No. 309-16; impasse arbitration between IAFF Local 4266 and Santa Fe County; and violations of the Santa Fe County Sustainable Land Development Code and New Mexico Subdivision Act.

CHAIR ROYBAL: Okay, and we did have a motion by Commissioner Hamilton. Does this motion include everything that has been indicated by the County Attorney Shaffer?

COMMISSIONER HAMILTON: Yes, it does.

CHAIR ROYBAL: Okay, do we have a second? So we have a motion and a second. Can we get a roll call?

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 5:20 to 7:36.]

Commissioner Moreno moved that we come out of executive session where the only things discussed were those on the agenda. Commissioner Hansen seconded the motion, which carried by 4-0 voice vote. [Commissioner Anaya was not present for this action.]

VII. B. Possible Action(s) with Respect to Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant Discussed in Executive Session.

Commissioner Hansen then moved to authorize the County Manager to negotiate an agreement to make available \$45,000 for the regional dispatch center serving the City of Española. Commissioner Roybal seconded the motion. The motion carried by 4-0 voice vote. [Commissioner Anaya was not present for this action.]

Commissioner Anaya raised the issue of the announcement by Christus St. Vincent Hospital that it was going to close the Sobering Center, which announcement was then retracted. He commended the Health Department staff and the County Manager for responding quickly to that announcement. He stated that the closure of the Sobering Center was a matter of grave concern. When the County lost its tax revenue stream which funded health care to the State of New Mexico, the hospital committed to maintaining the

Sobering Center and Santa Fe County committed revenue to support that commitment. In the past people were taken to jail regardless of any criminal misconduct when they needed sobering services. The sobering center, started by Santa Fe County, was a better solution to the need for sobering services. Commissioner Anaya asked that the Health Policy and Planning Commission get involved, even if it requires a special meeting, to evaluate the issue.

County Manager Miller provided a historical perspective on the Sobering Center and the communications which took place with Christus St. Vincent representatives before the announcement that services would be discontinued the next day. That statement was retracted and Christus is now evaluating what services will be provided. Staff is committed to having a sobering center and is evaluating how to move forward.

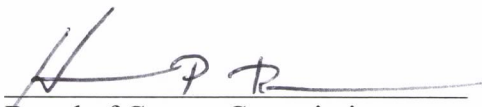
Commissioners Hamilton, Hansen, Moreno and Roybal supported the comments of Commissioner Anaya. Confirming that the service is imperative.



XI. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

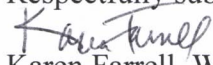
Having completed the agenda and upon motion by Commissioner Hamilton and second by Commissioner Moreno, Chair Roybal declared this meeting adjourned at 7:46 p.m.

Approved by:


 Board of County Commissioners
 Henry Roybal, Chair

 ATTEST TO:

 GERALDINE SALAZAR
 SANTA FE COUNTY CLERK



Respectfully submitted:

 Karen Farrell, Wordswork
 453 Cerrillos Road
 Santa Fe, NM 87501

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 119

Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of April, 2017 at 08:52:33 AM and Was Duly Recorded as Instrument # 1823313 of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

 Deputy _____ County Clerk, Santa Fe, NM
 Geraldine Salazar

IV.C.1

SFC CLERK RECORDED 04/18/2017

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

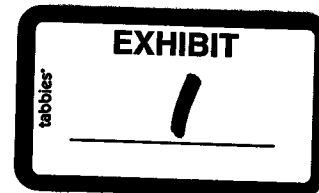


Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM



DATE: *February 14, 2017*

TO: *Board of County Commissioners*

VIA: *Katherine Miller, County Manager*

FROM: *Michael Kelley, Public Works Department Director*

ITEM AND ISSUE: BCC Meeting February 28, 2017

Action item on policy direction to staff regarding 1) the Office of State Engineer Water Master Rules, and 2) the Motion and proposed Order to Show Cause related to the well election in the Pojoaque Basin as required by the Aamodt Settlement Agreement. (Public Works Department/Sandra Ely)

SUMMARY:

The first issue involves whether to allow partial transfers of water rights from customers connecting to the County Water Utility (CWU) that will serve the Pojoaque Valley as part of the Aamodt Settlement Agreement (Settlement Agreement). The Settlement Agreement requires the Office of the State Engineer (OSE) to promulgate proposed rules to govern its administration of Pueblo and non-Pueblo water rights in accordance with the Settlement Agreement (Section 5.3). Santa Fe County staff have been involved in the development of the draft rules as they affect the County or its future customers in the basin.

The purpose of this memorandum is to request direction from the Board on whether OSE's rules should include a provision that allows for partial transfer of water rights to the CWU to enable water rights owners to connect to the CWU. In addition, if the Board favors the allowance of partial transfers, staff further requests direction on the use of the Pojoaque Valley Water Use Connection Fund (Connection Fund), which the Settlement Agreement and a related agreement require the State to establish and fund to cover the connections costs for those electing to connect to the CWU. The issue is whether domestic well owners who transfer only part of their water right to the County should have access to the Connection Fund to cover the cost of the meter on their well.

Second, the Settlement Agreement requires domestic well owners to make a "well election" in which they elect to (1) connect to the CWU when service is available, (2) continue using their well and not connect, or (3) commit subsequent property owners to connect to the CWU (Section 3.1.7). The Settlement further requires that the Pueblos, the United States and the State file a Motion and proposed Order to Show Cause (Order) with the Federal Court, which will include a simple check-

box election form and a recommended election deadline. Although not required by the Settlement, County staff will be involved in this process and are requesting direction from the Board regarding whether to propose language that would allow domestic well owners to “opt out” of the Settlement Agreement. Furthermore, for well owners that do not respond, staff recommends support for changing the default election from option #1 (connecting to the CWU) to option #2 (continue using their wells).

BACKGROUND

On March 14, 2013, the Board of County Commissioners approved and signed the revised Settlement Agreement and the Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement). These approvals launched efforts by the County, the State, the United States, and the Pueblos of San Ildefonso, Pojoaque, Nambe and Tesuque (the Parties) to implement the Settlement Agreement including the planning, design and construction of the Regional Water System (RWS) and negotiation of agreements necessary to own and operate the RWS.

Water Master Rules: Pursuant to Santa Fe County policy adopted under Resolution No. 2014-101, County staff have been working with the Parties to implement several aspects of the Settlement Agreement including drafting proposed Water Master Rules (Rules) to govern the administration of Pueblo and non-Pueblo water rights in accordance with the Settlement Agreement. The Settlement Agreement requires rules to be promulgated prior to Entry of the Final Decree, the final judgement adjudicating all water rights in the Aamodt case. Entry of the Final Decree is on schedule to occur July, 2017. The Rules will include provisions for, among other things, well metering, replacement wells, establishing historic beneficial use, and the transfer of water rights to the CWU for use in providing water to the its customers. The Settlement Agreement requires domestic well owners who elect to connect to the CWU to transfer their water rights to the County when service becomes available.¹ In most instances, the transfer from the customer to the County will be 0.5 acre-feet per year (afy). After transferring all of their water rights to the County, the Settlement calls for the customer to discontinue using their well so long as they are receiving water service from the CWU.

The rules may also address the Connection Fund. Well owners electing to connect to the CWU as soon as service is available, will have access the Connection Fund to cover the cost of connecting to the CWU. According to the Settlement Agreement and the Cost-Sharing Agreement (Cost-Sharing Agreement), the State will establish the Connection Fund and appropriate \$4,000,000 to the fund. The County will administer the Connection Fund. Any portion of the fund not needed for connections will be available for the County to pay for construction.

Order to Show Cause: The Settlement Agreement calls for a well election in which water rights owners in the Pojoaque Basin would elect to 1) connect to the CWU, 2) continue using their well, or 3) commit subsequent property owners to connect to the CWU (Section 3.1.7). In preparation for the well election, the Parties will file a Motion and proposed Order to Show Cause (Order) with the United State District Court for the District of New Mexico. The proposed Order is expected to recommend a date in 2017 for the well election and will include proposed language for the well election form. The Federal Court will consider the proposed Order and may adopt all or portions of the recommended language for the final Order.

¹ This is an exception to OSE’s general position that statutory domestic water rights are not transferrable to other lands or uses.

DISCUSSION:**Water Master Rules**

1. **Partial Water Rights Transfer.** Community members are requesting that the Rules provide for “partial” transfers to the CWU, which would allow customers receiving CWU service to continue using their well to the extent they retained part of their water right. Staff generally supports this position, because allowing partial transfers will likely increase community support and result in more customers for the CWU. However, staff would advocate that the Rules require a minimum transfer to the CWU of 0.3 afy.² For well owners with 0.5 afy, the minimum amount allotted by the Settlement Agreement, they would retain 0.2 afy (or more if their water right is more than 0.5 afy) for outdoor watering from the well.

Concerns have been raised by some Parties about whether partial water rights transfers would adversely affect the settlement goal of recharging the aquifer and promoting stream flows. To answer this question staff compare the amount of water rights involved in the transfer of a full water right to the CWU and a partial water rights transfer. Assuming a higher subscription rate for the partial transfer scenario, staff determined that it is unlikely that partial water rights transfers would negatively impact the aquifer.

It should be noted that if this recommendation is approved and staff successfully negotiates inclusion of the partial water rights transfer in the Rules such that well owners can connect to the CWU and use their well for outdoor purposes, the SLDC would need to be amended to allow County residence to use their well for domestic purposes on property supplied by the County water utility (7.13.3.7).

Recommendation: Staff will propose language for the Water Master Rules allowing for the partial transfer of water rights to the CWU and for the remainder of the water right for outdoor use. If the Rules as promulgated by the OSE allow for the partial transfer of water rights, staff will develop and propose to the BCC changes to the SLDC that are consistent with the Rules.

2. **Connection Fund:** All wells in the Pojoaque Basin are required to be metered and to report the quantity diverted to OSE regardless of use. It is anticipated that OSE will require meter installation sometime this year. Meters will be installed at the well owner’s expense.

The Parties have proposed that wells taking advantage of the partial water rights transfer (if available) would have Advanced Metering Infrastructure (AMI) meters to better enable OSE to track the diversion of water from these wells. AMI meters allow readings to be taken remotely or with a hand held device rather than climbing into the well vault. AMI meters for the wells would ideally be the same type as the AMI meter used by the CWU in delivering water to the residence. The cost of an AMI meter is approximately \$220, while the cost of a non-AMI meter is approximately \$60, not including installation. Because of the added cost of the AMI meter, the Parties have suggested that the cost of the well meter for well owners using the partial water rights transfer could come from the \$4 million

² The transfer of 0.3 afy represents the amount required for planning purposes under the SLDC plus the 20% add on required by resolution 2006-057

Connection Fund. The total cost to purchase and install AMI meters for 600 customers is approximately \$300,000.

The purpose of the Connection Fund is to cover the costs of connecting to the RWS; however, the Connection Fund may be used for the construction of the County Distribution System if the amount in the funds exceeds that needed to pay for service connections. Using the Connection Fund to cover the cost of AMI meters would decrease funds available for constructing the County's portion of the RWS.

Recommendation: Staff will not propose or support the use of the Connection Fund to cover the cost of AMI meters for well owners utilizing the partial water rights transfer. Staff may consider alternative mechanisms for paying for these meters including applying for and utilizing grant money.

Order to Show Cause

- 1. Opt Out Provision:** In April, 2014 water rights owners in the Pojoaque Basin had the opportunity to object to the Settlement Agreement. The Federal Court over ruled all the objections, and issued the Final Partial Decree last March. Well owners that filed objections are not required to be a party to the Settlement Agreement, but may accept the agreement and make a well election as described above. While the opportunity to object has passed, the Parties are considering language for the proposed Order that would allow water rights owners who did not previously object another opportunity to opt out of the Settlement Agreement. Generally, participation in any settlement agreement is voluntary. Well owners that opt out would not receive the benefits of the Settlement Agreement including priority protection. While the Settlement Agreement may preclude the Pueblos, the United States, and the State from proposing "opt out" language, the County could still propose language to the Court.

Recommendation: Staff will advocate for language in the proposed Order to Show Cause allowing water rights holders in the Pojoaque Basin to "opt out" of the Settlement Agreement. If the Pueblos, the United States, and the State are unable to support the "opt out" language, the County would propose it to the Court.

- 2. Non-responding Water Right Owners:** Section 3.1.9 of the Settlement Agreement considers water rights owners who did not file an objection or do not become a Settling Party by making a well election 'non-responding owners'. Under the Settlement Agreement non-responding owners will be deemed a Settlement Party and are required to connect to the CWU. Staff proposes that a better approach would be to not force non-responding owners to connect, but to deem them a Settlement Party and allow them to keep their well according to the terms of Settlement Agreement. While the Settlement Agreement may preclude the Pueblos, the United States, and the State from proposing the default language; the County could still propose the language to the Court (possibly along with other parties).

Recommendation: Staff will advocate for language in the proposed Order to Show Cause allowing non-responding well owners to keep their well and be deemed a Settling Party. If the Pueblos, the United States, and the State are unable to support the "default" language, the County would propose it to the Court.

ACTION REQUESTED:

Consideration and approval of proposed recommendations.



Aamodt Settlement: Water Master Rules and Well Election Order

Santa Fe County,
Board of County Commissioners

Sandra Ely, Public Works Department
February 28, 2017

Over View

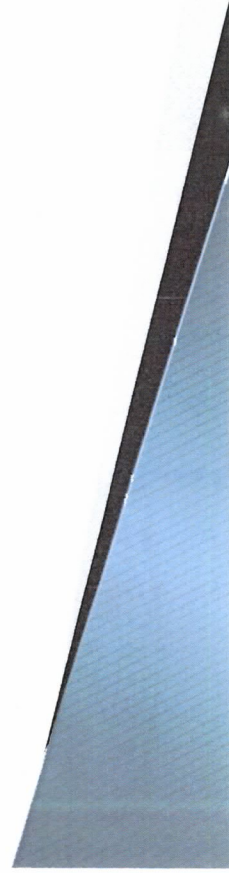
Seeking Policy Guidance on:

- ▶ **Water Master Rules**

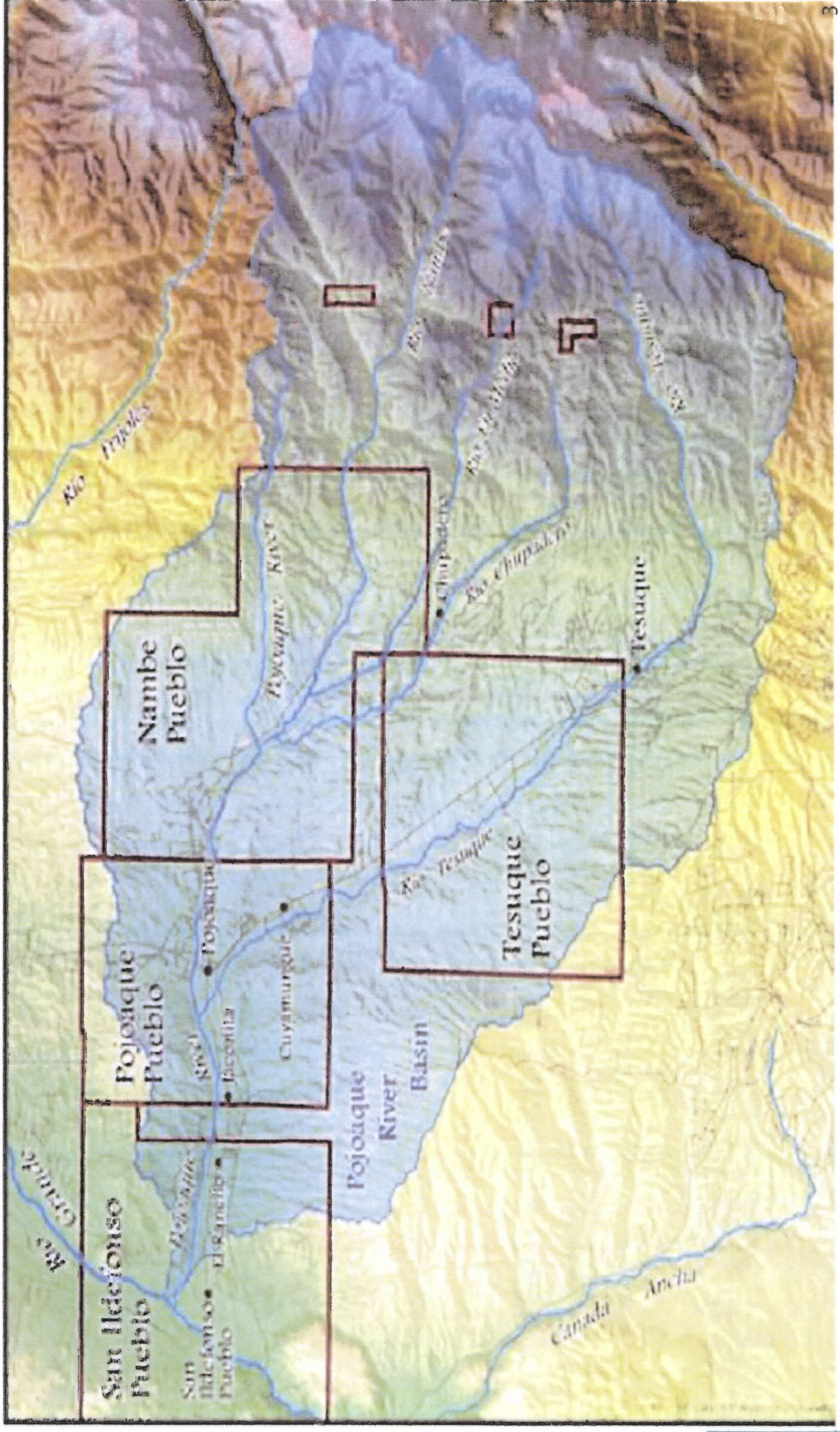
1. Water Rights Transfer
2. Pojoaque Basin Connection Fee Fund

- ▶ **Well Election– Order to Show Cause**

1. Opt Out Provision
2. Default for Non–Responder Water Rights Owners



Pojoaque Basin and Area of Aamodt Settlement Agreement



Background

- ▶ 2013: Board of County Commissioners (BCC) signed the revised Aamodt Settlement Agreement (Settlement) and Cost-Sharing Agreement.
- ▶ Staff have been working on implementing various elements of the these agreements including:
 - Working with Reclamation re: design, construction and operation of the Regional Water System (RWS)
 - Water rights transfer from Top of the World farm
 - The Joint Powers Agreement
 - The Water Master Rules to govern the administration of the Settlement Agreement by the Office of the State Engineer (OSE)
 - The Well Election in which water rights owners in the basin elect to stay on their well or connect to the County Water Utility (CWU)

Water Master Rules

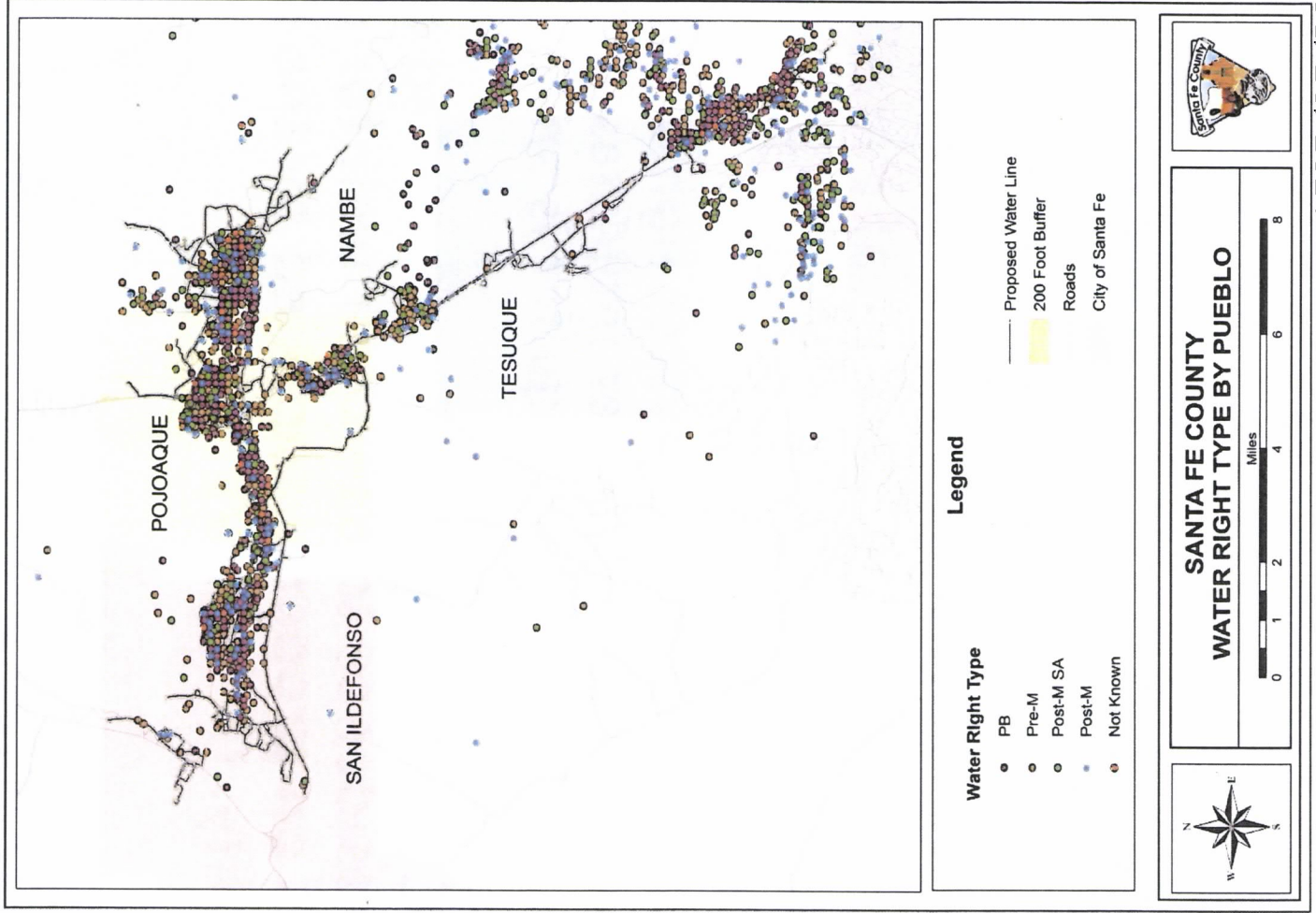
- ▶ The Settlement requires counsel for OSE, the U.S. and the Pueblos to consult with counsel for other Settlement Parties on the Water Master rules including County counsel
- ▶ Among other things, the rules will include:
 - Metering of Pueblo and non-Pueblo wells
 - Determining Historic Beneficial Use
 - Replacement well procedures
 - Transfer of water rights to the County Water Utility

Water Master Rules:

Water Rights Transfer to CWU

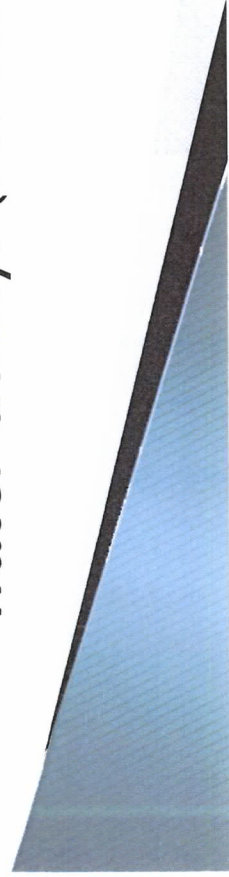
- ▶ The Settlement requires domestic well owners who elect to connect to the CWU to cease the use of their well and transfer their water rights to the CWU.
- ▶ The CWU will use the water rights to provide water to customers.
- ▶ Some residents are requesting the partial transfer of their water right to CWU, not the full transfer, to enable them to connect to the CWU and continue using their well.
- ▶ If a partial transfer is supported by the BCC, staff recommends the transfer of 0.3 afy to the CWU with the remainder available for outdoor use.
 - 0.5 afy – 0.3 afy (to CWU) = 0.2 afy (for outdoor use).

Pojoaque Basin Regional Water System (proposed) and Pojoaque Basin Wells by Water Right Type



Water Master Rules: Water Rights Transfer to CWU, cont.

- ▶ Possible Outcome of Partial Transfer
 - More customers with the partial transfer of water rights than for the full transfer of water rights
 - Limited impact on the aquifer
 - A comparison of the full water rights transfer to the partial water rights transfer indicates that the hydrologic effect on the aquifer is small depending on the subscription rate.
- The SLDC would need to be amended to allow County residence to use their well for domestic purposes on property supplied by the County water utility. (7.13.3.7)



Water Master Rules: Water Rights Transfer to CWU, cont.

- ▶ **Recommendation:** Staff propose language for the Water Master rules allowing for the partial transfer of water rights to the CWU and for the remainder of the water right for outdoor use. If the rules as promulgated by the OSE allow for the partial transfer of water rights, staff will develop for BCC consideration changes to the SLDC that are consistent with the Rules.

Water Master Rules: Connection Fee Fund

- ▶ **Background:**

Wells owners electing to connect to the CWU may utilize the Pojoaque Valley Water Utility Connection Fund (Connection Fund) to cover the cost of connecting to the CWU.

The State will establish the \$4M Connection Fund.

The Connection Fund will be administered by the County.

Funds not needed for connecting to the CWU are available to pay for construction of the CWU.




Water Master Rules: Connection Fee Fund, cont.

- ▶ All well owners in the Pojoaque basin must install meters on their well. It is likely that OSE will require meter installation this year.
- ▶ If a partial transfer is allowed by the Water Master Rules, some well owners could connect to the CWU and continue the use of their wells for outdoor use.
- ▶ Placing AMI meters on partial transfer wells would better enable OSE to track the diversion of water.
- ▶ AMI meters would not be a mandatory and would be installed after we know the type of AMI system to be used by the RWS. AMI meters would replace meters installed this year.

Water Master Rules: Connection Fee Fund, cont.

- ▶ Because of the added cost to purchase AMI meters, some Parties have proposed using the Connection Fund to cover the costs.
- ▶ Total costs for purchase and installation of 600 AMI meters wells is approximately \$300,000.

Recommendation: Staff not propose or support the use of the Connection Fund to cover the cost of AMI meters for well owners utilizing the partial water rights transfer. Staff may consider alternative mechanisms for paying for these meters including applying for and utilizing grant money.

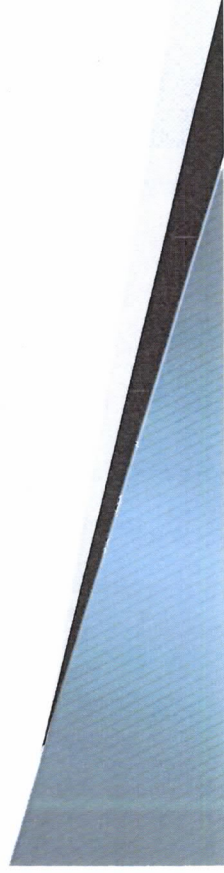


Water Master Rules

- ▶ Next Steps
 - Continue to work with Parties on draft language
 - Publish Rules
 - Public Comment and Review Period
 - Rules Promulgated by July 2017
 - Rules Administered by the Office of the State Engineer

Well Election Order: Opt Out Provision

- ▶ The Parties will file a proposed Order to Show Cause (Order) with the Federal Court regarding the well election
- ▶ The Settlement calls for a well election with the following options:
 1. Connect to the CWU
 2. Continue using the well and limit use
 3. Commit subsequent property owners to connect to the CWU

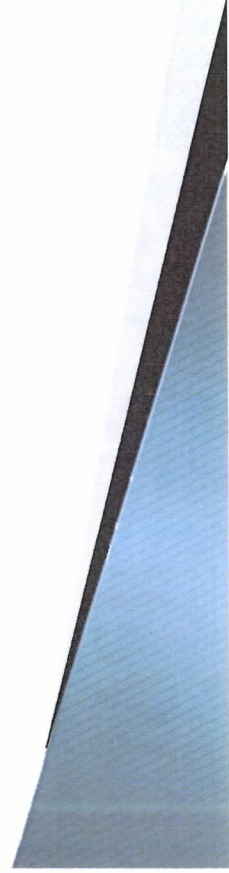


Well Election Order: Opt Out Provision, cont.

- ▶ The Parties are considering language in the Order allowing well owners to elect to 'opt out' of the Settlement
- ▶ Well owners that 'opt out' would not receive the benefits of the Settlement including priority protection

Well Election Order: Opt Out Provision, cont.

- ▶ **Recommendation:** Staff advocate for language in the proposed Order to Show Cause allowing water rights holders in the Pojoaque Basin to ‘opt out’ of the Settlement. If the Pueblos, the U.S, and the State are unable to support the ‘opt out’ language, staff would propose it to the Court.

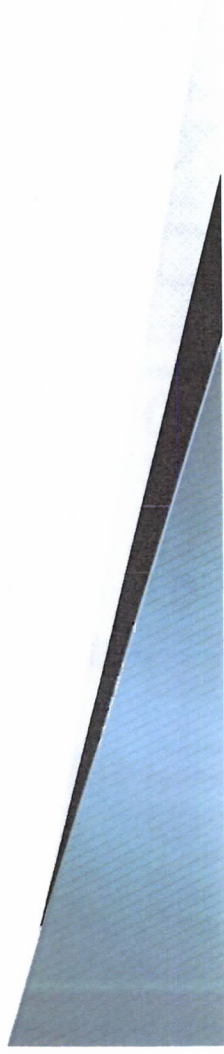


Well Election Order: Default for Non-Responding Water Rights Owners

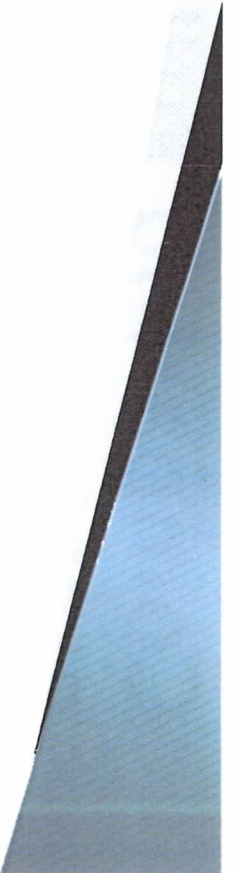
- ▶ The Settlement considers water rights owners that do not object to the Settlement and do not accept the Settlement and file a well election to be ‘non-responders’.
- ▶ Non-responders will be deemed a Settlement Party and required to connect to the CWU.
- ▶ Requiring non-responders to connect to the CWU could be problematic.

Well Election Order: Default for Non-Responding Water Rights Owners, cont.

- ▶ **Recommendation:** Staff advocate for language in the proposed Order to Show Cause allowing non-responding well owners to keep their well and be deemed a Settlement Party. If the Pueblos, the U.S., and the State are unable to support the default language, staff would propose it to the Court.



Extra Slides



Comparing Full and Partial Water Rights Transfer Scenarios

In Case A, pumping reduction is 183.8 AFY less in the partial transfer case

In Case B, pumping reduction is 30 AFY more in the partial transfer case

Case A

Case B

	25% Full Transfer	50% Partial Transfer	Difference	25% Full Transfer with No Pre-Basin Wells Connecting	50% Partial Transfer	Difference
AFY to CWU	359	175.2	-183.8	145.2	175.2	+30
AFY Remaining in Well	1077	1260.8	+183.8	1290.8	1260.8	-30
Number of Customers	292	584	+292	221	584	+363

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Ed Moreno
Commissioner, District 5



14. P. 5

Robert A. Anaya
Commissioner, District 3

Anna
Commis

Ka
Co



SFC CLERK RECORDED 04/18/2017

MEMORANDUM

DATE: February 23, 2017
TO: Board of County Commissioners
VIA: Katherine Miller, Santa Fe County Manager
FROM: Maria Rotunda, Constituent Services Liaison, District 2
RE: RESOLUTION 2017-____, A RESOLUTION SUPPORTING LEGISLATION ADOPTING A PATIENT SAFE STAFFING ACT SUCH AS THAT DESCRIBED IN HOUSE BILL 288 AND SENATE BILL 281, AS INTRODUCED DURING NEW MEXICO'S 53RD LEGISLATURE'S FIRST SESSION, IN ORDER TO ADDRESS THE NEED FOR SAFE NURSE STAFFING LEVELS IN HOSPITALS IN NEW MEXICO

SUMMARY

This resolution supports legislation adopting a patient safe staffing act such as that described in New Mexico House Bill 288 and Senate Bill 281, as introduced in New Mexico's 53rd Legislature's First Session, in order to address the need for safe nursing staffing levels in hospitals in New Mexico.

BACKGROUND

House Bill 288 and Senate Bill 281, introduced during the first session of New Mexico's 53rd Legislature, each address the need for safe nurse staffing levels in New Mexico hospitals by creating what they refer to as the Patient Safe Staffing Act which:

1. Requires hospitals to establish safe staffing levels for each hospital unit;
2. Authorizes nurses to refuse assignments that conflict with established staffing levels or that are not within the nurse's scope of practice, for which the nurse does not have the requisite education, training and skill, or which would require the nurse to abandon a patient;
3. Requires hospitals to post and report their daily hospital nursing unit patient census and staffing levels;
4. Requires the Department of Health to post on its website hospital reports;
5. Empowers the Department of Health to enforce compliance with the patient safe staffing act;
6. Requires the Department of Health to promulgate rules implementing the staff staffing act; and
7. Provides whistleblower protection to employees who file a grievance or complaint for violations of the Patient Safe Staffing Act.

ACTION REQUESTED

Commissioner Hansen respectfully requests the Board of County Commissioners support and approve this resolution.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2017-_____**

SFC CLERK RECORDED 04/18/2017

A RESOLUTION SUPPORTING LEGISLATION ADOPTING A PATIENT SAFE STAFFING ACT SUCH AS THAT DESCRIBED IN HOUSE BILL 288 AND SENATE BILL 281, AS INTRODUCED DURING NEW MEXICO'S 53RD LEGISLATURE'S FIRST SESSION, IN ORDER TO ADDRESS THE NEED FOR SAFE NURSE STAFFING LEVELS IN HOSPITALS IN NEW MEXICO

WHEREAS, there is a strong relationship between adequate nurse to patient ratios and positive patient outcomes within hospitals; and

WHEREAS, rising patient acuity and shortened hospital stays have contributed to diminished quality of health care; and

WHEREAS, finding an optimal and appropriate staffing to patient ratio within hospitals has been a national and state challenge; and

WHEREAS, according to the American Nurses Association, ensuring adequate registered nurse staffing levels within each unit of a hospital has been shown to: Reduce medical and medication errors; Decrease the frequency and severity of patient complications; Decrease mortality; Improve patient satisfaction; Reduce nurse fatigue; Decrease nurse burnout; Improve nurse retention and job satisfaction; and

WHEREAS, health care leaders have an opportunity to create innovative strategies to improve patient outcomes through development of optimal staffing patterns for hospitals, thereby creating a safer environment for patients and nurses; and

WHEREAS, staffing solutions require collaboration between hospital administrators and direct care givers to assure an appropriate number and skill mix of staff, including registered nurses, who are able to deliver safe quality patient care; and

WHEREAS, optimal staffing within a hospital is essential in order to provide optimal patient care; and

WHEREAS, innovative and collaborative strategies that focus on developing long-term solutions will improve the quality of patient care outcomes; and

WHEREAS, many states, including Connecticut, Illinois, Nevada, Ohio, Oregon, Texas, Washington, require hospitals to have staffing committees responsible for staffing plans and staffing policy; and

WHEREAS, at least 14 states currently regulate nurse staffing levels in hospitals through state law and/or regulation, including California, Connecticut, Illinois, Minnesota, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, Texas, Vermont and Washington; and

WHEREAS, House Bill 288 and Senate Bill 281, introduced during the first session of New Mexico's 53rd Legislature, each address the need for safe nurse staffing levels in New Mexico hospitals by creating what they refer to as the Patient Safe Staffing Act which:

1. Requires hospitals to establish safe staffing levels for each hospital unit;
2. Authorizes nurses to refuse assignments that are not within the nurse's scope of practice, for which the nurse does not have the requisite education, training and skill, or which would require the nurse to abandon a patient;
3. Requires hospitals to post and report their daily hospital nursing unit patient census and staffing levels;
4. Requires the Department of Health to post on its website hospital reports;
5. Empowers the Department of Health to enforce compliance with the patient safe staffing act;
6. Requires the Department of Health to promulgate rules implementing the safe staffing act; and
7. Provides whistleblower protection to employees who file a grievance or complaint for violations of the Patient Safe Staffing Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Santa Fe County urges the Legislature, during New Mexico's first legislative session of 2017, to support legislation that would accomplish the objectives of HB 288 and SB 281 by creating a Patient Safe Staffing Act to address the need for safe nurse staffing levels in hospitals in New Mexico.

PASSED, APPROVED, AND ADOPTED THIS ___ DAY OF _____, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:



Gregory S. Shaffer, Santa Fe County Attorney

Date: 2-24-17

SFC CLERK RECORDED 04/18/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 288

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Christine Trujillo and Linda M. Trujillo
and Elizabeth "Liz" Thomson and Harry Garcia
and Joanne J. Ferrary

AN ACT

RELATING TO HEALTH CARE; ENACTING THE PATIENT SAFE STAFFING
ACT; REQUIRING HOSPITALS TO ESTABLISH STAFFING LEVELS FOR
HOSPITAL NURSING UNITS; GIVING A NURSE THE RIGHT TO REFUSE AN
ASSIGNMENT THAT CONFLICTS WITH ESTABLISHED STAFFING LEVELS OR
THAT IS NOT WITHIN THE NURSE'S SCOPE OF PRACTICE; REQUIRING
HOSPITALS TO POST AND REPORT THEIR DAILY HOSPITAL NURSING UNIT
PATIENT CENSUS AND STAFFING LEVELS; MAKING THE DEPARTMENT OF
HEALTH RESPONSIBLE FOR POSTING HOSPITAL REPORTS ON THE
DEPARTMENT OF HEALTH'S WEBSITE FOR CONSUMERS; AUTHORIZING THE
DEPARTMENT OF HEALTH TO ENFORCE COMPLIANCE WITH THE PATIENT
SAFE STAFFING ACT THROUGH PENALTIES AND CORRECTIVE ACTION;
AUTHORIZING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES TO
IMPLEMENT THE PATIENT SAFE STAFFING ACT; PROVIDING
WHISTLEBLOWER PROTECTION TO EMPLOYEES WHO FILE A GRIEVANCE OR
COMPLAINT UNDER THE PATIENT SAFE STAFFING ACT.

.206162.1

underscoring material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Patient Safe Staffing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Patient Safe Staffing Act:

A. "ancillary staff" means a certified nurse assistant, a medication aide, an obstetric technician, a gastroenterology technician, an emergency room technician, an operating room technician, a behavioral health aide, a unit secretary, a nursing aide, an orderly and any other personnel who assist in the provision of nursing care;

B. "committee" means a nursing staffing committee;

C. "department" means the department of health;

D. "hospital" means any general or special hospital licensed by the department, whether publicly or privately owned;

E. "nurse" means a registered nurse or a licensed practical nurse; and

F. "unit" means a hospital nursing unit.

SECTION 3. [NEW MATERIAL] COMMITTEE REQUIRED.--A hospital shall have a committee composed as follows:

A. a majority of the members shall be nurses who provide direct patient care but are not hospital nurse managers or hospital administrators, at least one of whom provides

1 direct care in a nurse specialty unit; and

2 B. the other members shall be other qualified
3 persons as determined by the hospital.

4 SECTION 4. [NEW MATERIAL] DUTIES OF COMMITTEE.--A
5 committee shall:

6 A. develop a staffing plan for each of the
7 hospital's units;

8 B. select outcome indicators for each unit from
9 among the national database of nursing quality indicators,
10 hospital compare, patient satisfaction surveys and such other
11 appropriate standards as determined by the committee;

12 C. conduct an annual or more frequent review of the
13 staffing plan for each unit to update or modify the staffing
14 plan as determined by the committee; and

15 D. conduct an annual or more frequent review of
16 outcome indicators for each unit to update or modify the
17 outcome indicators as determined by the committee.

18 SECTION 5. [NEW MATERIAL] NURSING STAFFING PLAN
19 REQUIREMENTS.--Each unit's staffing plan shall:

20 A. specify the minimum number of nurses and
21 ancillary staff required for each shift on the unit based upon
22 the level of intensity of care required by patients and the
23 variability in the number of admissions, discharges and
24 transfers under existing conditions;

25 B. take into account conditions or circumstances

.206162.1

underscored material = new
~~[bracketed material]~~ = delete

1 specific to a rural, general or acute care hospital;

2 C. ensure that a nurse receives adequate
3 orientation before being assigned to a unit; and

4 D. specify circumstances, such as a declared state
5 of emergency, under which compliance with the staffing plan may
6 be waived.

7 SECTION 6. [NEW MATERIAL] NURSING STAFFING LEVELS.--

8 A. Nursing staffing levels shall take into
9 consideration:

10 (1) recommendations from the hospital's chief
11 nursing officer, direct patient care nurses, ancillary staff,
12 professional nursing organizations and other appropriate
13 resources as determined by the committee;

14 (2) the characteristics of patients in each
15 unit, including patient acuity as well as variability in the
16 number of discharges, admissions and transfers per shift;

17 (3) available medical and health information
18 technology and systems resources;

19 (4) the education, training and experience of
20 nurses who provide direct patient care for the purpose of
21 staffing a unit with an equal mix of more-experienced and less-
22 experienced nurses; and

23 (5) such other appropriate factors as
24 determined by the committee.

25 B. Nursing staffing levels for each unit shall be

.206162.1

1 determined by majority vote of the committee.

2 C. A hospital shall formulate and adopt an
3 algorithm for maintaining nursing staffing levels determined by
4 the committee, which may require the hiring of additional
5 nurses.

6 D. A hospital shall not achieve nursing staffing
7 levels with mandated overtime.

8 SECTION 7. [NEW MATERIAL] RIGHT TO REFUSE ASSIGNMENT.--A
9 nurse may refuse an assignment if:

10 A. the nurse lacks the requisite education,
11 training and experience to ensure patient safety;

12 B. the assignment is outside the nurse's scope of
13 practice; or

14 C. the assignment would require the nurse to
15 abandon a patient. As used in this subsection, "abandon a
16 patient" means a unilateral severance of an established nurse-
17 patient relationship that occurs without prior reasonable
18 notice to the patient or the patient's representative so that
19 arrangements can be made for continuation of nursing care by
20 another caregiver.

21 SECTION 8. [NEW MATERIAL] HOSPITAL POSTING AND REPORTING
22 OF NURSING STAFFING LEVELS.--

23 A. Within one hour of the start of each shift, a
24 hospital shall conspicuously post a daily report in each of its
25 units, next to posted patient rights, that contains the:

.206162.1

underscored material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1 (1) actual patient census for each shift in
2 that unit;

3 (2) staffing level for each shift, according
4 to the staffing plan for such unit; and

5 (3) actual staffing level for each shift in
6 that unit.

7 B. The daily report shall include nurses and
8 ancillary staff working in the unit.

9 C. On a quarterly basis, a hospital shall
10 electronically submit to the department for public disclosure
11 on the department's website, on a date and in a format and form
12 prescribed by the department, an accurate report containing
13 the:

14 (1) information required in Subsection A of
15 this section for each day of the previous quarter; and

16 (2) number of daily admissions, discharges and
17 transfers for each shift of each unit.

18 SECTION 9. [NEW MATERIAL] DUTIES OF DEPARTMENT.--The
19 department shall:

20 A. prescribe the format, form and due date for a
21 hospital's quarterly submission of the report required of a
22 hospital pursuant to Subsection C of Section 8 of the Patient
23 Safe Staffing Act. The department shall require information
24 contained in each hospital's quarterly reports to be reported
25 in a uniform and clearly understandable format that permits

.206162.1

1 consumers of hospital services to make meaningful comparisons
2 of nursing staffing levels;

3 B. promptly publish each quarterly report required
4 of a hospital pursuant to Subsection C of Section 8 of the
5 Patient Safe Staffing Act on its internet website for public
6 inspection;

7 C. periodically audit the information contained in
8 a quarterly report required of a hospital pursuant to
9 Subsection C of Section 8 of the Patient Safe Staffing Act;

10 D. enforce a hospital's compliance with the
11 provisions of the Patient Safe Staffing Act and with any
12 related rules promulgated by the department to implement the
13 provisions of that act through the imposition of penalties and
14 corrective action, which information shall also be published on
15 the department's website proximate to the quarterly reports
16 required pursuant to Subsection C of Section 8 of the Patient
17 Safe Staffing Act;

18 E. create a process pursuant to which:

19 (1) aggrieved persons may file complaints for
20 violations of the provisions of the Patient Safe Staffing Act;

21 (2) the department investigates the facts
22 alleged in these complaints;

23 (3) the department issues a report and makes
24 recommendations for the resolution of the matters that are the
25 subject of the complaints; and

.206162.1

underscored material = new
[bracketed material] = delete

1 (4) the department ensures compliance with the
2 recommended actions for resolving the matters that are the
3 subjects of the complaints; and

4 F. promulgate such rules as are necessary to
5 implement and enforce the provisions of the Patient Safe
6 Staffing Act.

7 SECTION 10. [NEW MATERIAL] WHISTLEBLOWER PROTECTION.--A
8 hospital shall not discriminate or retaliate in any manner
9 against an employee as a result of a grievance or complaint
10 initiated by the employee relating to:

11 A. a committee or plan;

12 B. the posting or reporting of, or the failure to
13 post or report, daily nursing staffing level information
14 required by the Patient Safe Staffing Act; and

15 C. the exercise of the right to refuse an
16 assignment pursuant to the Patient Safe Staffing Act.

17 SECTION 11. [NEW MATERIAL] ACTIONS FOR VIOLATIONS--
18 INJUNCTIVE RELIEF.--Whenever it appears that a person has
19 violated, is violating or is threatening to violate any
20 provision of the Patient Safe Staffing Act, the attorney
21 general or a party aggrieved or potentially aggrieved by that
22 violation may file in district court for injunctive relief to
23 restrain the person from continuing the violation or threat of
24 violation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 281

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO HEALTH CARE; ENACTING THE PATIENT SAFE STAFFING
ACT; REQUIRING HOSPITALS TO ESTABLISH STAFFING LEVELS FOR
HOSPITAL NURSING UNITS; GIVING A NURSE THE RIGHT TO REFUSE AN
ASSIGNMENT THAT CONFLICTS WITH ESTABLISHED STAFFING LEVELS OR
THAT IS NOT WITHIN THE NURSE'S SCOPE OF PRACTICE; REQUIRING
HOSPITALS TO POST AND REPORT THEIR DAILY HOSPITAL NURSING UNIT
PATIENT CENSUS AND STAFFING LEVELS; MAKING THE DEPARTMENT OF
HEALTH RESPONSIBLE FOR POSTING HOSPITAL REPORTS ON THE
DEPARTMENT OF HEALTH'S WEBSITE FOR CONSUMERS; AUTHORIZING THE
DEPARTMENT OF HEALTH TO ENFORCE COMPLIANCE WITH THE PATIENT
SAFE STAFFING ACT THROUGH PENALTIES AND CORRECTIVE ACTION;
AUTHORIZING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES TO
IMPLEMENT THE PATIENT SAFE STAFFING ACT; PROVIDING
WHISTLEBLOWER PROTECTION TO EMPLOYEES WHO FILE A GRIEVANCE OR
COMPLAINT UNDER THE PATIENT SAFE STAFFING ACT.

.205619.3

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Patient Safe Staffing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Patient Safe Staffing Act:

A. "ancillary staff" means a certified nurse assistant, a medication aide, an obstetric technician, a gastroenterology technician, an emergency room technician, an operating room technician, a behavioral health aide, a unit secretary, a nursing aide, an orderly and any other personnel who assist in the provision of nursing care;

B. "committee" means a nursing staffing committee;

C. "department" means the department of health;

D. "hospital" means any general or special hospital licensed by the department, whether publicly or privately owned;

E. "nurse" means a registered nurse or a licensed practical nurse; and

F. "unit" means a hospital nursing unit.

SECTION 3. [NEW MATERIAL] COMMITTEE REQUIRED.--A hospital shall have a committee composed as follows:

A. a simple majority of the members shall be nurses who provide direct patient care but are not hospital nurse managers or hospital administrators, at least one of whom

1 provides direct care in a nurse specialty unit; and

2 B. the other members shall be other qualified
3 persons as determined by the hospital.

4 SECTION 4. [NEW MATERIAL] DUTIES OF COMMITTEE.--A
5 committee shall:

6 A. develop a staffing plan for each of the
7 hospital's units;

8 B. select outcome indicators for each unit from
9 among the national database of nursing quality indicators,
10 hospital compare, patient satisfaction surveys and such other
11 appropriate standards as determined by the committee;

12 C. conduct an annual or more frequent review of the
13 staffing plan for each unit to update or modify the staffing
14 plan as determined by the committee; and

15 D. conduct an annual or more frequent review of
16 outcome indicators for each unit to update or modify the
17 outcome indicators as determined by the committee.

18 SECTION 5. [NEW MATERIAL] NURSING STAFFING PLAN
19 REQUIREMENTS.--Each unit's staffing plan shall:

20 A. specify the minimum number of nurses and
21 ancillary staff required for each shift on the unit based upon
22 the level of intensity of care required by patients and the
23 variability in the number of admissions, discharges and
24 transfers under existing conditions;

25 B. take into account conditions or circumstances

.205619.3

underscored material = new
~~[bracketed material] = delete~~

1 specific to a rural, general or acute care hospital;

2 C. ensure that a nurse receives adequate
3 orientation before being assigned to a unit; and

4 D. specify circumstances, such as a declared state
5 of emergency, under which compliance with the staffing plan may
6 be waived.

7 SECTION 6. [NEW MATERIAL] NURSING STAFFING LEVELS.--

8 A. Nursing staffing levels shall take into
9 consideration:

10 (1) recommendations from the hospital's chief
11 nursing officer, direct patient care nurses, ancillary staff,
12 professional nursing organizations and other appropriate
13 resources as determined by the committee;

14 (2) the characteristics of patients in each
15 unit, including patient acuity as well as variability in the
16 number of discharges, admissions and transfers per shift;

17 (3) available medical and health information
18 technology and systems resources;

19 (4) the education, training and experience of
20 nurses who provide direct patient care for the purpose of
21 staffing a unit with an equal mix of more-experienced and less-
22 experienced nurses; and

23 (5) such other appropriate factors as
24 determined by the committee.

25 B. Nursing staffing levels for each unit shall be

.205619.3

underscored material = new
~~[bracketed material]~~ = delete

1 determined by majority vote of the committee.

2 C. A hospital shall formulate and adopt an
3 algorithm for maintaining nursing staffing levels determined by
4 the committee, which may require the hiring of additional
5 nurses.

6 D. A hospital shall not achieve nursing staffing
7 levels with mandated overtime.

8 SECTION 7. [NEW MATERIAL] RIGHT TO REFUSE ASSIGNMENT.--A
9 nurse may refuse an assignment if:

10 A. the nurse lacks the requisite education,
11 training and experience to ensure patient safety;

12 B. the assignment is outside the nurse's scope of
13 practice; or

14 C. the assignment would require the nurse to
15 abandon a patient. As used in this subsection, "abandon a
16 patient" means a unilateral severance of an established nurse-
17 patient relationship that occurs without prior reasonable
18 notice to the patient or the patient's representative so that
19 arrangements can be made for continuation of nursing care by
20 another caregiver.

21 SECTION 8. [NEW MATERIAL] HOSPITAL POSTING AND REPORTING
22 OF NURSING STAFFING LEVELS.--

23 A. Within one hour of the start of each shift, a
24 hospital shall conspicuously post a daily report in each of its
25 units, next to posted patient rights, that contains the:

.205619.3

underscored material = new
[bracketed material] = delete

underscored material = new
~~[bracketed material] = delete~~

- 1 (1) actual patient census for each shift in
- 2 that unit;
- 3 (2) staffing level for each shift, according
- 4 to the staffing plan for such unit; and
- 5 (3) actual staffing level for each shift in
- 6 that unit.

7 B. The daily report shall include nurses and
8 ancillary staff working in the unit.

9 C. On a quarterly basis, a hospital shall
10 electronically submit to the department for public disclosure
11 on the department's website, on a date and in a format and form
12 prescribed by the department, an accurate report containing
13 the:

- 14 (1) information required in Subsection A of
- 15 this section for each day of the previous quarter; and
- 16 (2) number of daily admissions, discharges and
- 17 transfers for each shift of each unit.

18 SECTION 9. [NEW MATERIAL] DUTIES OF DEPARTMENT.--The
19 department shall:

20 A. prescribe the format, form and due date for a
21 hospital's quarterly submission of the report required of a
22 hospital pursuant to Subsection C of Section 8 of the Patient
23 Safe Staffing Act. The department shall require information
24 contained in each hospital's quarterly reports to be reported
25 in a uniform and clearly understandable format that permits

.205619.3

1 consumers of hospital services to make meaningful comparisons
2 of nursing staffing levels;

3 B. promptly publish each quarterly report required
4 of a hospital pursuant to Subsection C of Section 8 of the
5 Patient Safe Staffing Act on its internet website for public
6 inspection;

7 C. periodically audit the information contained in
8 a quarterly report required of a hospital pursuant to
9 Subsection C of Section 8 of the Patient Safe Staffing Act;

10 D. enforce a hospital's compliance with the
11 provisions of the Patient Safe Staffing Act and with any
12 related rules promulgated by the department to implement the
13 provisions of that act through the imposition of penalties and
14 corrective action, which information shall also be published on
15 the department's website proximate to the quarterly reports
16 required pursuant to Subsection C of Section 8 of the Patient
17 Safe Staffing Act;

18 E. create a process pursuant to which:

19 (1) aggrieved persons may file complaints for
20 violations of the provisions of the Patient Safe Staffing Act;

21 (2) the department investigates the facts
22 alleged in these complaints;

23 (3) the department issues a report and makes
24 recommendations for the resolution of the matters that are the
25 subject of the complaints; and

.205619.3

underscored material = new
[bracketed material] = delete

1 (4) the department ensures compliance with the
2 recommended actions for resolving the matters that are the
3 subjects of the complaints; and

4 F. promulgate such rules as are necessary to
5 implement and enforce the provisions of the Patient Safe
6 Staffing Act.

7 SECTION 10. [NEW MATERIAL] WHISTLEBLOWER PROTECTION.--A
8 hospital shall not discriminate or retaliate in any manner
9 against an employee as a result of a grievance or complaint
10 initiated by the employee relating to:

11 A. a committee or plan;

12 B. the posting or reporting of, or the failure to
13 post or report, daily nursing staffing level information
14 required by the Patient Safe Staffing Act; and

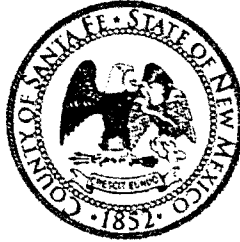
15 C. the exercise of the right to refuse an
16 assignment pursuant to the Patient Safe Staffing Act.

17 SECTION 11. [NEW MATERIAL] ACTIONS FOR VIOLATIONS--
18 INJUNCTIVE RELIEF.--Whenever it appears that a person has
19 violated, is violating or is threatening to violate any
20 provision of the Patient Safe Staffing Act, the attorney
21 general or a party aggrieved or potentially aggrieved by that
22 violation may file in district court for injunctive relief to
23 restrain the person from continuing the violation or threat of
24 violation.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Katherine Miller
County Manager

SFC CLERK RECORDED 04/18/2017

MEMORANDUM

To: Santa Fe County Board of County Commissioners

From: Don Moya, Finance Division Director *Edya DM*

Through: Katherine Miller, County Manager

Date: February 23, 2017

Re: Resolution No. 2017 – ____, A Resolution Requesting a Budget Increase to the General Fund (101), Road Fund (204), Indigent Services Fund (223), Alcohol Programs Fund (241) and Fire Operations Fund (244) As a Result of Needs Brought Forward at the FY2017 Mid-Year Budget Hearings / \$363,962. (Finance/Don Moya)

Issue

The Finance Division is seeking approval to adjust various funds' budgets (as listed above). Adjustments to these budgets are being requested as a result of needs brought forward by departments at the fiscal year 2017 mid-year budget hearings.

Background

Between January 20 and January 27, 2017 the Finance Division and County Manager's Office conducted mid-year budget hearings. Staff met individually with all Elected Offices and Department/Divisions to discuss the status of each budget and any needs or changes that were required. As a result of these hearings a number of adjustments are being requested to address those needs.

Additionally, a few adjustments are being requested to correctly budget items that were previously budgeted incorrectly or inadvertently not budgeted in the original budget.

A summary of the budget adjustments that are being requested can be found on the following spreadsheet:

FY 2017 MID-YEAR BUDGET RESOLUTION

FUND/DEPT/DIVISION		AMOUNT	DESCRIPTION
GENERAL FUND			
	PWD/Building Space Needs	\$ 9,600	Rent Increase - Pojoaque Satellite office
	PWD/Building Space Needs	\$ 32,100	Insufficient amount budgeted for water
	CSD/Pojoaque Satellite Off.	\$ 2,200	Water for Pojoaque Satellite Office not included in FY2017 budget.
	Operating Transfer Out	\$ 7,500	Correct error in Final Budget. Only budgeted \$7,500 transfer from General Fund to Teen Court when it should have been \$15,000
	PWD/Open Space	\$ 5,000	Insufficient amount budgeted for water (Romero Park)
	GMD/Planning	\$ 1,055	Increase for new Community Planner
	GMD/Building & Develop.	\$ 1,211	Increase for Building & Development Manager
	GMD/GIS	\$ 1,779	Increase for GIS Supervisor
	CMO/Admin.	\$ 3,604	Correct hourly for Administrative Assistant
	CMO/Commission	\$ 8,999	Increase for (3) new Commissioners
	County Treasurer	\$ 6,396	Increase for County Treasurer (new term)
	County Treasurer	\$ 1,489	Increase for Deputy Treasurer
	County Clerk	\$ 6,396	Increase for County Clerk (new term)
TOTAL GENERAL FUND		\$ 87,329	
INDIGENT SERVICES FUND			
	CSD/Indigent Services	\$ 8,821	Salary adjustment for Indigent Services Program Manager
TOTAL INDIGENT SERVICES FUND		\$ 8,821	
ALCOHOL PROGRAMS FUND			
	CSD/Teen Court	\$ 7,500	Correct error in Final Budget. Only budgeted additional \$7,500 when it should have been \$15,000
TOTAL ALCOHOL PROGRAMS FUND		\$ 7,500	
FIRE OPERATIONS FUND			
	PS/Fire	\$ 91,278	Increase ambulance revenues for Fire Training Shift Captain
TOTAL FIRE OPERATIONS FUND		\$ 91,278	
ROAD FUND			
	PWD/Roads	\$ 169,034	Rental of equipment/Increase transfer from General Fund
TOTAL ROAD PROJECTS FUND		\$ 169,034	
TOTAL BUDGET INCREASE		\$ 363,962	

Recommendation

The Finance Division recommends approval of the above FY2017 Mid-Year budget adjustments.

SANTA FE COUNTY

RESOLUTION 2017 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on February 28, 2017, did request the following budget adjustment:

Department / Division: CMO/Finance for Various Departments

Fund Name: General Fund (101), Road Fund (204) Indigent Services Fund (223) Alcohol Programs Fund (241) and Fire Operations Fund (244)

Budget Adjustment Type: Budget Increase

Fiscal Year: 2017 (July 1, 2016 - June 30, 2017)

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	General Fund/Budgeted Cash	7,500	
101	0000	311	0501	General Fund/Property Taxes-Current	79,829	
204	0000	390	0101	Road Fund Transfer In/From Gen. Fund	169,034	
223	0000	385	0000	Indigent Services Fund/Budgeted Cash	8,821	
241	0409	390	0101	Alcohol Prog. Fund Transfer In/From Gen. Fund	7,500	
244	0811	341	1700	Fire Operations Fund/Ambulance Charges	91,278	
TOTAL (if SUBTOTAL, check here)					363,962	

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	0730	412	7002	PW/Bldg Space Needs - Rent of Land/Buildings	9,600	
101	0730	412	7007	PW/Bldg Space Needs - Water	32,100	
101	7001	412	7007	CSW/Pojoaque Satellite Office - Water	2,200	
101	0726	434	7007	PW/Open Space - Water	5,000	
TOTAL (if SUBTOTAL, check here)					48,900	

Requesting Department Approval: [Signature] Title: Finance Director Date: 2/23/17

Finance Department Approval: [Signature] Date: 2/23/17 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2017 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here)						

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	0502	414	1022	GM/Planning – Classified Employees	810	
101	0502	414	2001	GM/Planning – FICA/Regular	50	
101	0502	414	2002	GM/Planning – FICA/Medicare	12	
101	0502	414	2003	GM/Planning – Retirement Contributions	166	
101	0502	414	2006	GM/Planning – Retiree Healthcare	16	
101	0514	412	1022	GM/Planning – Classified Employees	1,366	
101	0514	412	2001	GM/GIS – FICA/Regular	85	
101	0514	412	2002	GM/GIS – FICA/Medicare	20	
101	0514	412	2003	GM/GIS – Retirement Contributions	281	
101	0514	412	2006	GM/GIS – Retiree Healthcare	27	
101	0516	414	1022	GM/Bldg & Development – Classified Employees	930	
101	0516	414	2001	GM/Bldg & Development – FICA/Regular	58	
101	0516	414	2002	GM/Bldg & Development – FICA/Medicare	13	
101	0516	414	2003	GM/Bldg & Development – Retirement Contrib.	191	
101	0516	414	2006	GM/Bldg & Development – Retiree Healthcare	19	
TOTAL (if SUBTOTAL, check here X)					4,044	

SANTA FE COUNTY

RESOLUTION 2017 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here)						

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	0102	411	1001	CMO/Commission – Elected Officials	6,912	
101	0102	411	2001	CMO/Commission – FICA/Regular	429	
101	0102	411	2002	CMO/Commission – FICA/Medicare	100	
101	0102	411	2003	CMO/Commission – Retirement Contributions	1,420	
101	0102	411	2006	CMO/Commission – Retiree Healthcare	138	
101	1001	418	1001	County Treasurer – Elected Officials	4,913	
101	1001	418	1021	County Treasurer – Exempt Employees	1,144	
101	1001	418	2001	County Treasurer – FICA/Regular	376	
101	1001	418	2002	County Treasurer – FICA/Medicare	88	
101	1001	418	2003	County Treasurer – Retirement Contributions	1,244	
101	1001	418	2006	County Treasurer – Retiree Healthcare	121	
101	0901	416	1001	County Clerk – Elected Officials	4,913	
101	0901	416	2001	County Clerk – FICA/Regular	305	
101	0901	416	2002	County Clerk – FICA/Medicare	71	
101	0901	416	2003	County Clerk – Retirement Contributions	1,009	
101	0901	416	2006	County Clerk – Retiree Healthcare	98	
TOTAL (if SUBTOTAL, check here X)					23,281	

SANTA FE COUNTY

RESOLUTION 2017 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here)						

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	0101	412	1022	CMO/Admin. - Classified Employees	2,768	
101	0101	412	2001	CMO/Admin. - FICA/Regular	172	
101	0101	412	2002	CMO/Admin. - FICA/Medicare	40	
101	0101	412	2003	CMO/Admin. - Retirement Contributions	569	
101	0101	412	2006	CMO/Admin. - Retiree Healthcare	55	
101	0000	490	0241	Gen. Fund Transfer Out to Alcohol Programs Fund	7,500	
101	0000	490	0204	Gen. Fund Transfer Out to Road Fund	\$169,034	
101	0303	412	7090	Gen. Fund/Non-Department/Other Operating Misc		\$169,034
Subtotal General Fund					180,138	
204	0611	451	7001	PW/Road Maint. - Rent of Equipment	169,034	
Subtotal Road Fund					169,034	
223	0420	461	1026	CSD/Indigent - Term Employees	6,775	
223	0420	461	2001	CSD/Indigent - FICA/Regular	420	
223	0420	461	2002	CSD/Indigent - FICA/Medicare	98	
223	0420	461	2003	CSD/Indigent - Retirement Contributions	1,392	
223	0420	461	2006	CSD/Indigent - Retiree Healthcare	136	
Subtotal Indigent Services Fund					8,821	
TOTAL (if SUBTOTAL, check here X)					\$357,993	\$169,034

SANTA FE COUNTY

RESOLUTION 2017 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here)						

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
241	0409	464	5003	CSD/Teen Court – Contractual/Professional	7,500	
244	0801	421	1022	Fire/Admin. – Classified Employees	54,880	
244	0801	421	2001	Fire/Admin. – FICA/Regular	3,403	
244	0801	421	2002	Fire/Admin. – FICA/Medicare	796	
244	0801	421	2003	Fire/Admin. – Retirement Contributions	19,169	
244	0801	421	2005	Fire/Admin. - Healthcare	11,658	
244	0801	421	2006	Fire/Admin. – Retiree Healthcare	1,372	
				<i>Subtotal Fire Operations Fund</i>	<i>91,278</i>	
TOTAL (if SUBTOTAL, check here)					\$532,996	\$169,034
NET EXPENDITURE INCREASE/(DECREASE)					\$363,962	

SANTA FE COUNTY

RESOLUTION 2017 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Don Moya Dept/Div: CMO/Finance Phone No.: 986-6375

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.
 The purpose of this resolution is to adjust various funds' budgets based upon needs as discussed during mid-year budget reviews with Elected Officials and Departments countywide. Additionally, a few adjustments are needed to correctly budget items that were previously budgeted incorrectly or inadvertently not budgeted in the original budget. These changes include: rent increase for Pojoaque Satellite office, additional funding for water for various county facilities, increase to the operating transfer from the General Fund to Teen Court, salary adjustments for various employees, additional funding for rental of equipment for Road maintenance, and additional ambulance revenues received to fund a Fire Training Shift Captain.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclash, Overtime)	Position Type (permanent, term)	Position Title
101-0101-412	Incorrect hourly budgeted	Permanent	Administrative Assistant
101-0102-411	New salary for newly elected Commissioners (3)	Elected Officials	County Commissioners
101-0502-414	Salary adjustment	Permanent	Community Planner
101-0516-414	Salary adjustment	Permanent	Bldg & Development Manager
101-0514-412	Increase to hourly	Permanent	GIS Supervisor
101-1001-418	New salary for County Treasurer (new term)	Elected Official	County Treasurer
101-1001-418	Salary adjustment	Exempt	Deputy County Treasurer
101-0901-416	New salary for County Clerk (new term)	Elected Official	County Clerk
223-0420-461	Salary adjustment	Term	Program Manager

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
241-0409-464-5003	Additional funding for contractual/professional services for Teen Court	\$7,500

- 2) Is the budget action for RECURRING expense or for NON-RECURRING (one-time only) expense _____

SANTA FE COUNTY

RESOLUTION 2017 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Don Moya Dept/Div: CMO/Finance Phone No.: 986-6375

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? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - 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 _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.
There are no other funding sources to match this request.

SANTA FE COUNTY
RESOLUTION 2017 - _____

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 28th Day of February, 2017.

Santa Fe Board of County Commissioners

Henry P. Roybal, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

2/28/2017



SANTA FE
COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING LEGISLATIVE REPORT

2017 REGULAR SESSION SCHEDULE (60 Day Session)

- 01/17/2017 -- Opening day (noon)
- 02/16/2017 -- Deadline for introduction
- 03/18/2017 -- Session ends (noon)
- 04/07/2017 -- Legislation not acted upon by governor is pocket vetoed
- 06/16/2017 -- Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

2017 BILL STATISTICS

Bills Introduced	1394	100.00%
Bills Passed in 1st House	304	21.81%
Bills Passed in 2nd House	7	0.50%
Bills Sent to Governor	5	0.36%
Bills Signed into Law	5	0.36%

SANTA FE COUNTY LEGISLATIVE RELATED RESOLUTIONS

Resolution: 2016-15

IN SUPPORT OF THE NEW MEXICO ASSOCIATION OF COUNTIES RESOLUTION ADDRESSING THE SAFETY NET CARE POOL

Resolution: 2016-16

A RESOLUTION TO SUPPORT STATE LEGISLATION THAT WOULD MEET REAL ID ACT REQUIREMENTS AND ENSURE NM RESIDENTS DO NOT NEED TO OBTAIN A PASSPORT TO BOARD A COMMERCIAL US AIRLINE

Resolution: 2016-85

ADOPTING PROJECTS FOR INCLUSION IN SANTA FE COUNTY'S INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2018-2022; AUTHORIZING SUBMITTAL OF PLAN TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION; AND REPLACING RESOLUTION 2015-111

Resolution: 2016-106

ENDORING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO WHISTLEBLOWER PROTECTION ACT DURING THE 2017 LEGISLATIVE SESSION

Resolution: 2016-107

ENDORING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO ENHANCED 911 ACT DURING THE 2017 LEGISLATIVE SESSION

Resolution: 2016-108

ENDORING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO FORFEITURE ACT DURING THE 2017 LEGISLATIVE SESSION

Resolution: 2016-109

ENDORING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION SUPPORTING LEGISLATION DURING THE 2017 SESSION THAT WOULD PROVIDE COUNTIES CERTAIN RIGHTS AND PROTECTIONS TO NON-GOVERNMENTAL ENTITIES

Resolution 2016-138

A RESOLUTION IN SUPPORT OF THE APPROPRIATION OF FUNDS FOR THE "NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM" AND MAINTENANCE OF FUNDING FOR THE "DOUBLE-UP FOOD BUCKS PROGRAM" BY THE NEW MEXICO LEGISLATURE

FORWARD PROGRESS – SANTA FE COUNTY RELATED

FINANCE AFFECTING

HAS PASSED FULL SENATE. NOT YET SCHEDULED FOR HOUSE COMMITTEES. OPPOSITION TO BILL AUTHORIZED AT 2/14/17 COMMISSION MEETING.

Bill: SB98

Sponsors: Martinez, Richard (D5)

Title: SANTA CRUZ TRANSFER FROM SANTA FE COUNTY TO RIO ARRIBA COUNTY

Summary: Provides that where a municipality is located in two contiguous counties, and at least 15 percent of the municipality's population resides in each county, the residents in the county with the smaller share of the population maybe annexed to the other county through the petition process provided in statute. Seemingly addresses a proposed transfer of the town of Santa Cruz from Santa Fe County to Rio Arriba County.

Subjects: County Affairs; Courts and Civil Matters; Elections

Progress: 2nd House: Referred to Committee

Status: 02/17/2017 – House Local Government, Elections, Land Grants and Cultural Affairs Committee

History: 01/17/2017 – S Introduced and referred to Senate Rules.

01/17/2017 – S Also referred to Senate Judiciary.

02/03/2017 – S Reported Do Pass by Senate Rules.

02/13/2017 – S Reported Do Pass as amended by Senate Judiciary.

02/16/2017 – S Opened for floor debate.

02/16/2017 – S Passed 34-6.

02/17/2017 – H Received in the House and referred to House Local Government, Elections, Land Grants & Cultural Affairs.

02/17/2017 – H Also referred to House Judiciary

MAY REQUIRE OPPOSITION. PROPOSES AN UNFUNDED MANDATE FOR COUNTIES BY THE STATE.

Bill: SB511

Sponsors: Stewart (D17)

Title: REQUIRES COUNTIES TO PROVIDE PUBLIC DEFENDER OFFICES

Summary: This SPAC substitute for a dummy bill addresses budget shortfalls in the Office of the Public Defender by requiring counties to provide adequate facilities for them, separate from the District Attorneys' offices, including utilities and maintenance service for operation and upkeep of the facilities.

Subjects: County Affairs; Courts and Civil Matters; Criminal Code; Public Employees/Retirement; State Affairs and State Agencies; Public Finance and Budgets

Progress: 1st House: Referred to Committee

Status: 02/22/2017 – Senate Judiciary Committee

History: 02/16/2017 – S Introduced and referred to Senate Public Affairs.

02/20/2017 – S Reported Do Not Pass but Substituted without recommendation by Senate Public Affairs.

02/20/2017 – S Referred to Senate Judiciary.

02/20/2017 – S Also referred to Senate Finance.

02/22/2017 – S Note: Motion to change sponsor from Papen to Stewart adopted.

PARTICULAR LEGISLATION WOULD BE VERY IMPACTFUL TO SANTA FE COUNTY. POSITION RECOMMENDED.

Bill: HB332

Sponsors: Garcia Richard (D43)

Title: EXCLUDES NONPROFIT OPERATORS OF NATIONAL LABORATORIES FROM EXEMPTION

Summary: Excludes entities organized as 501(c)(3) organizations that operate a national laboratory in New Mexico from claiming the gross receipts tax exemption at 7-9-29 NMSA 1978 for receipts of certain nonprofits.

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Taxation, Fees and Audits; Public Finance and Budgets

Progress: 1st House: Reported from Committees

Status: 02/23/2017 – House Taxation and Revenue Committee

History: 02/06/2017 – H Introduced and referred to House Business & Industry.

02/06/2017 – H Also referred to House Taxation & Revenue.

02/23/2017 – H Reported Do Pass by House Business & Industry

PROPERTY FORFEITURE

MOVING. HAS BIPARTISAN SUPPORT.

Bill: SB202

Sponsors: Ivey-Soto (D15); Wooley (R66)

Title: PROPERTY FORFEITURE AUTHORITY BY LOCAL AND STATE LAW ENFORCEMENT AGENCIES

Summary: OVERVIEW. (Related to 2015 HB560) Extends provisions of the Forfeiture Act to apply to all seizures, forfeitures and dispositions of property subject to forfeiture in the state (except contraband, controlled substances and deadly weapons). “Property subject to forfeiture” means property declared to be subject to forfeiture by the act, a state law outside of the act, or a local ordinance. Expands the authority of state and local law enforcement agencies to seize and dispose of forfeited property. Deletes the prohibition of retention of the forfeited property by a law enforcement agency.

Subjects: Alcohol, Firearms and Tobacco Products; Courts and Civil Matters; State Affairs and State Agencies; Public Safety and Corrections; Appropriations

Related: 2015:HB560

Progress: 2nd House: Referred to Committee

Status: 02/24/2017 – House Judiciary Committee

History: 01/25/2017 – S Introduced and referred to Senate Public Affairs.

01/25/2017 – S Also referred to Senate Judiciary.

02/10/2017 – S Reported Do Pass as amended by Senate Public Affairs.

02/21/2017 – S Reported Do Pass as amended by Senate Judiciary.

02/22/2017 – S Opened for floor debate.

02/22/2017 – S Passed 40-0.

02/24/2017 – H Received in the House and referred to House Judiciary.

02/24/2017 – H Also referred to House Appropriations & Finance.

*WHISTLEBLOWER***COMMITTEE SUBSTITUTE PASSED 2/24/17****Bill:** SB299**Sponsors:** Candelaria (D26)**Title:** CHANGING DEFINITIONS, REPORTING REQUIREMENTS, REMEDIES AND EXHAUSTION OF ADMINISTRATIVE REMEDIES REQUIREMENT OF THE WHISTLEBLOWER PROTECTION ACT.

Summary: (Related to 2015 HB532) Changes the definitions of “retaliatory action” and “unlawful or improper act.” Changes to whom the public employee may report unlawful or improper acts. Changes reinstatement from a mandatory to a discretionary remedy and limits it to classified non-supervisory employees. Requires the employee to first exhaust all available grievance and other administrative remedies before being entitled to relief under the Whistleblower Protection Act.

Subjects: Labor; County Affairs; Courts and Civil Matters; Municipalities/City Government; Public Employees/Retirement; State Affairs and State Agencies

Related: 2015:HB532

Progress: 1st House: Reported from Committees

Status: 02/27/2017 – Senate Judiciary Committee

History: 02/01/2017 – S Introduced and referred to Senate Public Affairs.

02/01/2017 – S Also referred to Senate Judiciary.

02/27/2017 – S Reported Do Not Pass but Do Pass as substituted by Senate Public Affairs.

*COUNTY MEDICAID FUNDING***TABLED IN COMMITTEE 2/16/17.****Bill:** HB490**Sponsors:** Hall, J. C. (R28)**Title:** FUNDS TO COUNTY-SUPPORTED MEDICAID FUND

Summary: Mandates that, in addition to other required contributions, every county must transfer to the County-supported Medicaid Fund in quarterly installments, beginning March 2017, an amount equal to one-sixteenth of the taxable gross receipts reported for the county for the prior fiscal year. Declares an emergency.

Subjects: Health and Medical Practice; County Affairs; Appropriations; Public Finance and Budgets

Progress: Introduced

Status: 02/16/2017 – House Local Government, Elections, Land Grants and Cultural Affairs Committee

History: 02/16/2017 – H Introduced and referred to House Local Government, Elections, Land Grants & Cultural Affairs.

02/16/2017 – H Also referred to House Taxation & Revenue.

NMAC LEGISLATIVE POSITIONS

NMAC Priorities

- HB32** Amend Enhanced 911 and 911 Bond Acts (Gonzales)
- SB46** Expands Enhanced 911 Act and Related Surcharges (Neville)
- SB202** Property Forfeiture Authority by Local and State Law Enforcement Agencies (Ivey-Soto/Wooley)
- SB299** Changing Definitions, Reporting Requirements, Remedies and Exhaustion of Administrative Remedies Requirement of the Whistleblower Protection Act (Candelaria)

Board Support

- HB174** Local Election Act (Smith/Ivey-Soto)
- HB321/SB317** Deputy Sheriffs (Gallegos, D)(Kernan)
- HB332** Excludes Nonprofit Operators of National Laboratories from Exemption (Garcia Richard)
- HB401** Manufactured Home Definition Expanded (Sweetser)
- HB457** Tax Administration Act Confidentiality Revision (Ely)
- SB16** Health Care Provides: Opioid Overdose and Reversal Counseling (Soules)
- SB84** Interagency Behavioral Health Purchasing Collaborative Membership (Ortiz y Pino)
- SB277** Releasing Pregnant of Lactating Incarcerated Women (Ortiz y Pino)
- SB315** EMS Personal Licensure Interstate Compact (Rue)
- SB352** Construction Industries Licensing Act (Muñoz)
- SB364** Procedure of Transferring Jurisdiction over Land, Particularly National Monuments (Ingle)
- SB394** Industrial Revenue Bond Act (Neville)
- SB433** Hospitals Taxed for Two Years (Cisneros)

Executive Committee Support

- HB63** County and Municipal Fuels Tax Act (Crowder)
- HB85/SB187** Licensure and Enforcement of Board and Care Facilities (Armstrong)(Papen)
- HB98** Paper Ballot Access for Blind Voters (Salazar, T.)
- HB235** Peace Officers' Survivors Supplemental Benefits Act (Ruiloba)
- HB259/SB234** Allows Another County Local Option Gross Receipts Tax to be Bonded (Powdrell-Culbert) (Sapient)
- HB266/SB254** Applies Occupancy Tax to Certain Short-Term Rentals (Carl Trujillo)(Sapient)
- HB290** Requesting Absentee Ballots Online (Small)
- HB352** State Engineer's Advanced Mapping Fund (Rodella)
- HB428** Motor Vehicle, Motorboat and Littering as Penalty Assessment Misdemeanors (Maestas)
- HB478** Metropolitan Redevelopment Code Changes (Dow)
- HJM4** Study Public Infrastructure Funding Systems (Ely)
- HJM7** Health Care Repeal Task Force (Thomson)
- SB143** Long-Term Public and Private Infrastructure Investment Partnerships (Padilla)
- SB155** Workers' Comp Conditions for Denial of Disability Benefits (Candelaria)
- SB156** Employer's Rights against Injured Workers' Third-Party Claims (Candelaria)
- SB262** Permanent Interim "Public Works Committee (Cervantes)
- SB264** Gross Receipts Tax on Internet Sales (White/Trujillo, C.)
- SB392** Capital Outlay Reform Act (Campos, P.)

- SB419** Multi-Source Design Contract Limits (Cervantes)
SJR4 CA: Qualifications for County Sheriffs (Padilla)

Board Oppose

- HB175** Restricting the Use of Solitary Confinement in Correctional Facilities (Maestas)
HB242/SB185 Restricting the Use of Solitary Confinement in Correctional Facilities (Thompson)(Papen)
HB359 Workers' Compensation Changes-Partial Disability Claims (Ely)
HB490 Funds to County Supported Medicaid Fund (Hall)
SB153 Ends Enhanced Distribution to Local DWI Fund by One Year (Smith)
SB451 Excluded Certain Local Governments from Hold Harmless Distributions (Muñoz)

Executive Committee Oppose

- HB157** Firefighters Occupational Diseases (Armstrong)
HB236 Death Benefits to Spouse of First Responder Regardless of Remarriage (Ruiloba)
SB511 Requires Counties to Provide Public Defender Offices (Papen)

Board No Position

- HB308** County Flood Commission Staff (Gallegos, D)
HB412 Tax Reform-Sales and Use Tax Act (Harper/Smith)
SB415 Bars Local Government Regulation of Private Sector Employment (Muñoz)

Executive Committee No Position

- SB95** Raises Gasoline and Special Fuels Taxes (Sanchez, C.)
SB131/132 Gasoline and Special Fuels Tax Increase (Smith/Gonzales)

BUDGET LEGISLATION

THE STATE BUDGET IS PROCEEDING FORTH NOW THAT HB2 HAS PASSED THE FULL HOUSE ON A PARTY LINE VOTE THAT OCCURRED THE EVENING OF 2/23/17. THE PROPOSED BUDGET IS DEPENDENT UPON THE PROVISIONS IN HB202 TO TAKE PLACE SO THAT EXPECTED REVENUES CAN BE GENERATED WHICH ARE ALREADY INCLUDED IN THE BUDGET (HB2). THAT IS, THE CURRENT PROPOSED BUDGET (HB2) AND TAX CHANGES (HB202) MOST OCCUR TOGETHER. OR SOME FORM OF A TAX PACKAGE MUST OCCUR TO MEET EXPECTED REVENUES.

THE GOVERNOR IS OPPOSED TO ANY NEW TAX INCREASES AND WILL MOST LIKELY VETO ANY LEGISLATION THAT IS PERCEIVED TO BE AN IMPLEMENTATION OF A NEW TAX.

THIS WILL RESULT IN MORE NEGOTIATIONS TO OCCUR TO A BUDGET BILL AND ANY ACCOMPANYING TAX CHANGE BILLS AS A FINAL BUDGET IS DEVELOPED.

HOUSE BILL 2

HB2 HAFC(HOUSE APPROPRIATIONS & FINANCE COMMITTEE) SUBSTITUTE 02/20/2017 FORMULATED TO WORK IN CONJUNCTION WITH HB202 PASSED FULL HOUSE 2/22/17 37-32(PARTY LINE VOTE)

HAFC Substitute for HBs 2 and 3 appropriates money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY18 for the operations of state government including the Judiciary, Legislature, state agencies, higher education and public schools.

Provides \$6.087 billion in General Appropriation funding, an \$8 million increase over the current spending level. Public schools funding level is \$2.69 billion, an increase of 1.3 percent in the per-pupil guarantee. For higher education, the funding level is \$779 million, down by approximately 1 percent. For public safety, the funding level is \$2 million with a special appropriation for corrections to contract for private prisons and inmate health-care costs. For the Judicial Branch, a 2.5 percent increase; the package provides \$2.5 million for jury costs and magistrate court leases and \$1.1 million for the Public Defender (a related bill attempts to shift responsibility to the counties to provide office facilities for Public Defender offices).

Most agency general fund appropriations were reduced; however, notable increases include the Public Defender Department, Attorney General, New Mexico Corrections Department for increased incarceration costs, and funding for jury, witness, and interpreter costs in the Judiciary. Appropriations for special, supplemental, and deficiency items totaled \$60.5 million, including \$50.4 million from the general fund and \$10.1 million from other revenues. Notable recurring general fund appropriations include \$25 million for public schools, \$10 million for the Job Training Incentive Program (JTIP), \$7 million for the Local Economic Development Act (LEDA), and \$2 million for inmate incarceration costs. Nonrecurring appropriations included \$1.7 million to defend the state in various lawsuits, \$1 million for emergency supplemental funding for school districts in need, \$1 million for jury and interpreter costs, and \$524 thousand for information technology (IT) appropriations.

(A bill drafting error did not identify \$44 million of recurring general fund special appropriations were for expenditure in

FY18. The items include \$25 million for public schools, \$10 million for JTIP, \$7 million for LEDA, and \$2 million for the Corrections Department. The bill will be corrected with a Senate amendment.)

HOUSE BILL 202

BECAME DEMOCRATIC PROPOSED TAX PACKAGE BILL TO ACCOMPANY THE BUDGET BILL (HB2)

PASSED FULL HOUSE 2/22/17 37-32(PARTY LINE VOTE)

HB202 CONTAINS CONDITIONS FOR ELIMINATING COUNTY AND MUNICIPALITY HOLD HARMLESS PAYMENTS AND REDUCING AMOUNT OF LOCAL OPTION TAXES THAT MAY BE IMPLEMENTED BY A LOCAL JURISDICTION

HB202 HTRC Committee Substitute 02/20/2017

HTRC substitute for HB202 retains everything in the original bill and lifts several new components from other bills to create a tax package.

Also adds to the weight distance tax a permit fee of \$90 per annum, the proceeds of which go to the General Fund, and caps the administrative fee, the rate of which is determined by rule of the Taxation and Revenue Department, at \$10.

1) From SB457:

(a) Cuts back food and medical hold-harmless provisions for local governments:

Allows small municipalities (under 10,000 in population) and small counties (those under 48,000) to continue receiving an undiminished hold harmless distribution (that is, a “maximum distribution”) from the state if the municipality or county has not imposed a hold harmless gross receipts tax. All other municipalities and counties will receive a hold harmless distribution equal to the applicable maximum distribution reduced by the phase-out percentage for the period.

Defines “maximum distribution” as the sum of the total gross receipts deductions under Section 7-9-92 (food) and 7-9-93 (medical) reported by taxpayers from the municipality or county plus for municipalities the 1.225 percent distribution under Section 7-1-6.4 multiplied by the municipality’s or county’s current gross receipts tax rate (for small municipalities or counties) or the municipality’s or county’s gross receipts tax rate in effect January 1, 2007 (for large municipalities or counties).

(b) Adjusts the gross receipts tax exemptions and deductions for health care providers so that more is subject to either the state and local gross receipts taxes or governmental gross receipts tax. Changes distribution of some revenues.

● Gross receipts tax:

Defines “net patient care revenue” as revenue a nonprofit or governmental hospital generates from treating patients, less any amounts from contractual adjustments, bad debts and charitable treatment of patients.

Removes (i.e., makes taxable) net patient care revenue from the exemption for receipts of 501(c)(3) organizations.

Increases the deduction at 7-9-73.1 from fifty to sixty percent of the receipts of entities licensed by the Department of Health principally engaged in providing health care services.

Cuts from 100 to sixty percent the deduction at 7-9-93 for receipts of a health care practitioner for services in the scope of practice of the practitioner but extends the deduction to all receipts of the health care practitioner.

● Governmental gross receipts tax:

Includes net patient care revenues in the tax base, leaving exempt revenues other than net patient care revenue of entities licensed by the Department of Health and principally engaged in the provision of health care services.

Instead being divided among the Public Project Revolving Fund, the Energy, Minerals and Natural Resources Department and the Cultural Affairs Department, governmental gross receipts tax revenues attributable to net patient

care revenue from government licensed hospitals will flow to the state General Fund.

Repeals gross receipt deduction at 7-9-77.1 (receipts of health care practitioners from performing health care services) and credit 7-9-96.1 (credit against state tax rate for hospitals).

TRD to evaluate the impact of the health-care-related changes and report by December 31, 2017 to the LFC or Revenue Stabilization and Tax Policy Committee.

2) From HB412:

Restores entities licensed by the Department of Health to the governmental bodies subject to the governmental gross receipts tax, canceling an exemption granted in 1992. Repeals gross receipts and governmental gross receipts deduction at 7-9-60, receipts from selling tangible personal property to 501(c)(3) organizations.

3) From SB353:

Increases the rate of the motor vehicle excise tax from three to four percent on July 1, 2017.

HB202 House Floor Amendment 02/22/2017

House Floor Amendment to HB202 (Rep. Carl Trujillo) restricts the gross receipts deduction at 7-9-73.1 to the receipts of hospitals (the term used in the present deduction) instead of “entities licensed by the Department of Health principally engaged in providing health care services.” (According to the sponsor, this brings “parity” to the healthcare industry where today hospitals are being taxed differently.)

Cuts the authorization for county and municipal hold harmless gross receipts taxes from 0.75 to 0.50 percent, except those local governments imposing a rate of 0.75 percent on July 1, 2017 may continue to impose that rate until such time as the local government reduces the rate.

Restores the deduction for sales to 501(c)(3) nonprofits organizations, instead repealing an obsolete distribution instruction.

THE REPUBLICAN BACKED VERSION FOR TAX REFORM THAT IS TO ACCOMPANY A STATE BUDGET. IS THE REPUBLICAN ALTERNATIVE TO HB202 WAS DISCUSSED AS SOLE TOPIC IN HTRC 2/25/17

Bill: HB412

Sponsors: Harper (R57); Smith (D35)

Title: TAX REFORM--SALES AND USE TAX ACT

Summary: (For the Revenue Stabilization and Tax Policy Committee) This 347-page bill restructures many components of the state’s tax system, but centers on reforming and renaming the gross receipts and compensating taxes.

Subjects: Insurance; Labor; Alcohol, Firearms and Tobacco Products; Health and Medical Practice; County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Banks, Securities and Loans

Progress: Introduced

Status: 02/14/2017 – House Taxation and Revenue Committee

History: 02/14/2017 – H Introduced and referred to House Taxation & Revenue.

Additional Tax/Budget Related Legislation**INTROUCED MULTIPLE TIMES WITHOUT MUCH PROGRESS. NOT CONSIDERED AS A VIABLE TAX REFORM MEASURE.****Bill:** SB123**Sponsors:** Sharer (R1)**Title:** TAX REFORM PACKAGE

Summary: (Similar to 2016 SB145, 2015 SB346 and 2013 SB365) 186-page bill continues the sponsor's effort to reform the state tax system by greatly expanding the gross receipts base to replace the motor vehicle excise, leased vehicle gross receipts and boat excise taxes (which are repealed); lower the state gross receipts tax rate from 5.125% to one percent and governmental gross receipts from five to one percent; provides for a flat-rate personal income tax; repeals the compensating tax, corporate income tax, corporate franchise tax, estate tax and several tax credits; consolidates local option taxes, reducing the maximum permissible rates to 0.5% for municipalities and 0.5% for counties; revises statutes dealing with revenues local governments may pledge to repay indebtedness. All this is effective January 1, 2017.

Subjects: Labor; Alcohol, Firearms and Tobacco Products; Health and Medical Practice; County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Agriculture and Ranching; Telecommunications

Progress:1st House: Reported from Committees

Status: 02/23/2017 – Senate Finance Committee

History: 01/19/2017 – S Introduced and referred to Senate Corporations & Transportation.

01/19/2017 – S Also referred to Senate Finance.

02/23/2017 – S Reported without recommendation as amended by Senate Corporations & Transportation.

IS INTRODUCED INCASE OF THE NEED TO DEVELOP A SENATE VERSION OF BUDGET BILL. NEED ORIGINATED WHEN HOUSE WAS CONTROLLED BY A REPUBLICAN MAJORITY.**Bill:** SB130**Sponsors:** Smith (D35)**Title:** GENERAL APPROPRIATION ACT OF 2017

Summary: (Related to HB2) This represents the Legislative Finance Committee's version of the state budget for FY2018, for which a comprehensive bill will emerge later in the legislative session, usually as House Bill 2. It contains the LFC's recommendation for the 2017-2018 year and recommends \$6.052 billion in recurring appropriations from the general fund. It assumes \$123.3 million in new revenue, additional spending reductions or both, based on projections that income in the 2018 fiscal year will be close to \$100 million less than spending in FY17.

Subjects: Appropriations; Public Finance and Budgets; State Affairs and State Agencies

Related: 2017:HB2

Progress:1st House: Referred to Committee

Status: 01/23/2017 – Senate Finance Committee

History: 01/23/2017 – S Introduced and referred to Senate Finance.

HAS NOT HAD ANY MOVEMENT THUS FAR**Bill:** SB199**Sponsors:** Smith (D35)**Title:** DELAYS CORPORATE INCOME TAX RATE CUTS

Summary: Delays the corporate income tax cuts scheduled for tax years 2016 through 2018. Also delays the increase in the weight of the sales factor in formulary income apportionment for those same tax years.

Subjects: Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; Telecommunications; Taxation, Fees and Audits

Progress:1st House: Referred to Committee

Status: 01/25/2017 – Senate Corporations and Transportation Committee
History: 01/25/2017 – S Introduced and referred to Senate Corporations & Transportation.
01/25/2017 – S Also referred to Senate Finance.

INTERNET SALES ARE NOW INCLUDED AS A COMPONENT OF HB202

Bill: SB264

Sponsors: White (R19); Trujillo, Carl (D46)

Title: GROSS RECEIPTS TAX ON INTERNET SALES

Summary: Makes three changes to the gross receipts tax treatment of vendors with no physical presence in New Mexico to encourage voluntary reporting of gross receipts from sales within New Mexico.

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Taxation, Fees and Audits

Progress: 1st House: Reported from Committees

Status: 02/23/2017 – Senate Finance Committee

History: 01/30/2017 – S Introduced and referred to Senate Corporations & Transportation.

01/30/2017 – S Also referred to Senate Finance.

02/23/2017 – S Reported Do Pass by Senate Corporations & Transportation.

HAS NOT HAD ANY MOVEMENT THUS FAR

Bill: SB343

Sponsors: Griggs (R34)

Title: NEW STATE AND LOCAL TAX SYSTEM

Summary: A substantial re-ordering of the state and local tax system, among other things creating new separate taxes on receipts from selling food and health care services and a recordation (real estate transfer) tax.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Veterans and Military Affairs; Taxation, Fees and Audits; Public Finance and Budgets

Progress: Introduced

Status: 02/07/2017 – Senate Corporations and Transportation Committee

History: 02/07/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/07/2017 – S Also referred to Senate Finance.

HAS HAD LIMITED MOVEMENT

Bill: SB344

Sponsors: Tallman (D18)

Title: INCOME TAX INCREASES

Summary: (Similar to HB311, HB324 and SB50, 2016 SB145 & SB276, 2015 HB137 and HB50) Adds a new bracket to the top of the personal income tax rate tables. A bracket rate of 8.2 percent will apply to taxable incomes over \$250,000 for married individuals filing separate returns, \$150,000 for heads of household, surviving spouses and married persons filing jointly and \$166,667 for single persons, estates and trusts. Effective for taxable years beginning on or after January 1, 2018.

Subjects: Insurance; Schools and Teachers; Business, Manufacturing and Economic Development; Family and Juveniles; Taxation, Fees and Audits

Related: 2017:HB311; 2017:HB324; 2017:SB50; 2016:SB145; 2016:SB276

Progress: 1st House: Reported from Committees

Status: 02/13/2017 – Senate Corporations and Transportation Committee

History: 02/07/2017 – S Introduced and referred to Senate Education.

02/07/2017 – S Also referred to Senate Corporations & Transportation.

02/07/2017 – S Also referred to Senate Finance.

02/13/2017 – S Reported Do Pass as amended by Senate Education.

NO MOVEMENT THUS FAR**Bill:** SB416**Sponsors:** Munoz (D4)**Title:** EXCLUDES JUNK FOOD FOR GROSS RECEIPTS FOOD DEDUCTION

Summary: Excludes “minimal-to-no nutritional value food” from the deduction at 7-9-92 for receipts from selling food (as defined for the federal SNAP purposes). Effective January 1, 2018.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Family and Juveniles

Progress: Introduced

Status: 02/15/2017 – Senate Corporations and Transportation Committee

History: 02/15/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/15/2017 – S Also referred to Senate Finance.

PUTS CAP ON TIME ALLOWED FOR HOPITAL TAX TO OCCUR. HB202 HAS NO TIME LIMIT FOR PROPOSED HOSPITAL TAX.**Bill:** SB433**Sponsors:** Cisneros (D6)**Title:** HOSPITALS TAXED FOR TWO YEARS

Summary: Subjects hospitals to the state (but not local) gross receipts tax and the governmental gross receipts tax for the period July 1, 2017 through June 30, 2019. Distributes the tax proceeds from hospitals during the two-year period to the Medicaid Trust Fund.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development

Progress: Introduced

Status: 02/15/2017 – Senate Corporations and Transportation Committee

History: 02/15/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/15/2017 – S Also referred to Senate Finance.

PROPOSES HOSPITAL TAX. NOW A COMPONENT OF HB202**Bill:** SB448**Sponsors:** Ortiz y Pino (D12)**Title:** EXCLUDES CERTAIN LOCAL GOVERNMENTS FROM HOLD HARMLESS DISTRIBUTIONS

Summary: (Similar in part to SB433) Subjects entities licensed by the Department of Health principally engaged in providing health care services to the state gross receipts tax and the governmental gross receipts tax effective July 1, 2017. Distributes to the Medicaid Trust Fund 2.4 percent of the net receipts attributable to the gross receipts tax.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Appropriations; Taxation, Fees and Audits

Related: 2017:SB433

Progress: Introduced

Status: 02/16/2017 – Senate Corporations and Transportation Committee

History: 02/16/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/16/2017 – S Also referred to Senate Finance.

DIFFERS FROM HB202 IN THAT IT DOESN'T REDUCE BUT INSTEAD ELIMINATES HOLD HARMLESS PAYMENTS ENTIRELY**Bill:** SB451**Sponsors:** Munoz (D4)**Title:** EXCLUDES CERTAIN LOCAL GOVERNMENTS FROM HOLD HARMLESS DISTRIBUTIONS

Summary: (Similar to 2016 HB233 and similar in part to 2015 HB421 and 2014 HB132) Denies food and medical hold harmless distribution amounts to municipalities and counties that have imposed a local option hold harmless gross receipts tax.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Appropriations; Public Finance and Budgets

Related: 2016:HB233; 2015:HB421; 2014:HB132

Progress: Introduced

Status: 02/16/2017 – Senate Corporations and Transportation Committee

History: 02/16/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/16/2017 – S Also referred to Senate Finance.

PROPOSES HOSPITAL TAX. NOW A COMPONENT OF HB202

Bill: SB457

Sponsors: Smith (D35)

Title: OVERHAULING STATE TAXATION OF HEALTH CARE PRACTITIONERS AND INSTITUTIONS

Summary: (Similar to SB433, SB448 and SB451) Adjusts the exemptions and deductions for health care providers so that more is subject to either the state and local gross receipts taxes or governmental gross receipts tax. Changes distribution of the revenues.

Subjects: Health and Medical Practice; County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Family and Juveniles; Interim Studies and Interim Committees; Taxation, Fees and Audits

Related: 2017:SB433; 2017:SB448; 2017:SB451

Progress: Introduced

Status: 02/16/2017 – Senate Corporations and Transportation Committee

History: 02/16/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/16/2017 – S Also referred to Senate Finance

HAS NOT SEEN MOVEMENT THUS FAR

Bill: SB460

Sponsors: Cisneros (D6)

Title: KILLS DOZENS OF TAX EXEMPTIONS, DEDUCTIONS AND CREDITS

Summary: (Similar to 2016 HB324) Prohibits the claiming on or after January 1, 2018 of over a dozen individual and corporate income tax deductions and tax credits, and repeals the authorizing statutes on January 1, 2019. Repeals as of July 1, 2018 over 30 gross receipts exemptions, deductions and tax credits.

Subjects: Higher Education; Alcohol, Firearms and Tobacco Products; Health and Medical Practice; County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Utilities; Energy Resources and Chemicals; State Affairs and State Agencies; Taxation, Fees and Audits

Related: 2016:HB324

Progress: Introduced

Status: 02/16/2017 – Senate Corporations and Transportation Committee

History: 02/16/2017 – S Introduced and referred to Senate Corporations & Transportation.

02/16/2017 – S Also referred to Senate Finance.

APPEARS TO BE A NEEDED PIECE OF LEGISLATION RELATED TO STATE BUDGET COSTS. HAS HAD MOVEMENT THROUGH 1 COMMITTEE

Bill: SB511

Sponsors: Stewart (D17)

Title: REQUIRES COUNTIES TO PROVIDE PUBLIC DEFENDER OFFICES

Summary: This SPAC substitute for a dummy bill addresses budget shortfalls in the Office of the Public Defender by requiring counties to provide adequate facilities for them, separate from the District Attorneys' offices, including utilities and maintenance service for operation and upkeep of the facilities.

Subjects: County Affairs; Courts and Civil Matters; Criminal Code; Public Employees/Retirement; State Affairs and State Agencies; Public Finance and Budgets

Progress: 1st House: Referred to Committee

Status: 02/22/2017 – Senate Judiciary Committee

History: 02/16/2017 – S Introduced and referred to Senate Public Affairs.

02/20/2017 – S Reported Do Not Pass but Substituted without recommendation by Senate Public Affairs.

02/20/2017 – S Referred to Senate Judiciary.

02/20/2017 – S Also referred to Senate Finance.

02/22/2017 – S Note: Motion to change sponsor from Papen to Stewart adopted.

HAS HAD MOVEMENT BUT IS NOT CURRENTLY A COMPONENT OF HB2 AS PROPOSED

Bill: HB192

Sponsors: Ely (D23)

Title: BOOSTS FILM PRODUCTION TAX CREDIT LIMIT

Summary: Increases the limit on aggregate annual tax credit claims authorized under the Film Production Tax Credit Act from \$50 million to \$53,768,000 for fiscal year 2018. Indexes that limit each year thereafter by the change in the consumer price index. Applies to film production companies commencing production on or after July 1, 2017.

Subjects: Labor; Business, Manufacturing and Economic Development; Taxation, Fees and Audits

Progress: 1st House: Reported from Committees

Status: 02/06/2017 – House Taxation and Revenue Committee

History: 01/21/2017 – H Introduced and referred to House Business & Industry.

01/21/2017 – H Also referred to House Taxation & Revenue.

02/06/2017 – H Reported Do Pass as amended by House Business & Industry.

HOUSE VERSION OF SB130. PLACE HOLDER BILL

Bill: HB238

Sponsors: Dodge (D63)

Title: GENERAL APPROPRIATION ACT OF 2017

Summary: (Duplicate of 2017 SB130; related to HB2) This represents the Legislative Finance Committee's version of the state budget for FY2018. It contains recommendations for the 2017-2018 year and recommends \$6.052 billion in recurring appropriations from the general fund. It assumes \$123.3 million in new revenue, additional spending reductions or both, based on projections that income in the 2018 fiscal year will be close to \$100 million less than spending in FY2017.

Subjects: Public Finance and Budgets; State Affairs and State Agencies; Appropriations

Related: 2017:SB130; 2017:HB2

Progress: 1st House: Referred to Committee

Status: 01/25/2017 – House Appropriations and Finance Committee

History: 01/25/2017 – H Introduced and referred to House Appropriations & Finance.

WOULD CHANGE TAX CODE BUT IS NOT A CRITICAL COMPONENT OF CURRENT PROPOSED STATE BUDGET. HOWEVER NEEDS TO BE INACTED BEFORE LANL CONTRACTOR IS CHOSEN.

Bill: HB332

Sponsors: Garcia Richard (D43)

Title: EXCLUDES NONPROFIT OPERATORS OF NATIONAL LABORATORIES FROM EXEMPTION

Summary: Excludes entities organized as 501(c)(3) organizations that operate a national laboratory in New Mexico from claiming the gross receipts tax exemption at 7-9-29 NMSA 1978 for receipts of certain nonprofits.
Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Taxation, Fees and Audits; Public Finance and Budgets
Progress: 1st House: Reported from Committees
Status: 02/23/2017 – House Taxation and Revenue Committee
History: 02/06/2017 – H Introduced and referred to House Business & Industry.
02/06/2017 – H Also referred to House Taxation & Revenue.
02/23/2017 – H Reported Do Pass by House Business & Industry.

TABLED. THIS BILL WILL NOT PROCEED IN CURRENT FORM BUT YET MAY REAPPEAR

Bill: HB490

Sponsors: Hall, J. C. (R28)

Title: FUNDS TO COUNTY-SUPPORTED MEDICAID FUND

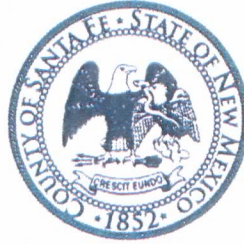
Summary: Mandates that, in addition to other required contributions, every county must transfer to the County-supported Medicaid Fund in quarterly installments, beginning March 2017, an amount equal to one-sixteenth of the taxable gross receipts reported for the county for the prior fiscal year. Declares an emergency.
Subjects: Health and Medical Practice; County Affairs; Appropriations; Public Finance and Budgets
Progress: Introduced
Status: 02/16/2017 – House Local Government, Elections, Land Grants and Cultural Affairs Committee
History: 02/16/2017 – H Introduced and referred to House Local Government, Elections, Land Grants & Cultural Affairs.
02/16/2017 – H Also referred to House Taxation & Revenue.

X.G

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3




Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



Memorandum

To: Santa Fe Board of County Commissioners
From: Don Moya, Interim Finance Division Director 
Via: Katherine Miller, County Manager
Date: February 22, 2017
Re: *Financial report for the month ending 1/31/2017*

ISSUE:

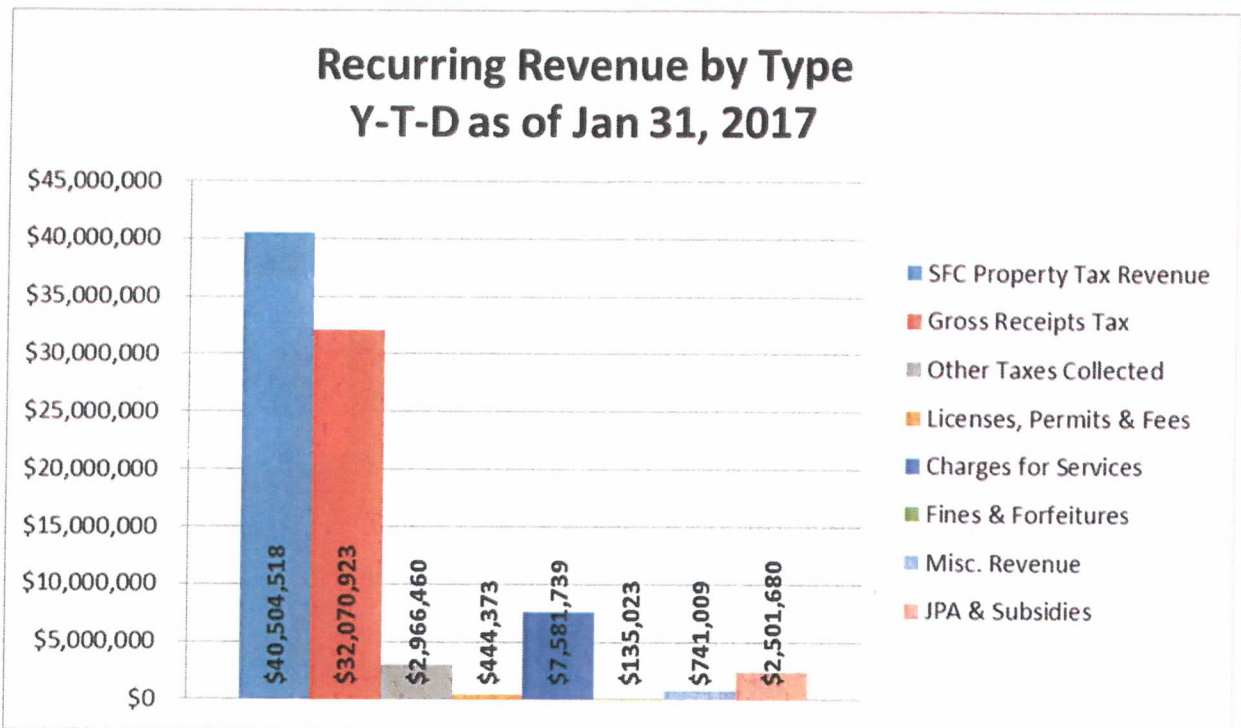
Presented herein, is a report summarizing the financial activities of the County through the month ending January 31, 2017.

BACKGROUND:

This report presents a comparison of recurring revenues and expenditures and highlights various capital expenditures which are non-recurring. Also highlighted are major sources of revenue: property taxes and gross receipts taxes, with year over year comparisons to fiscal year 2016.

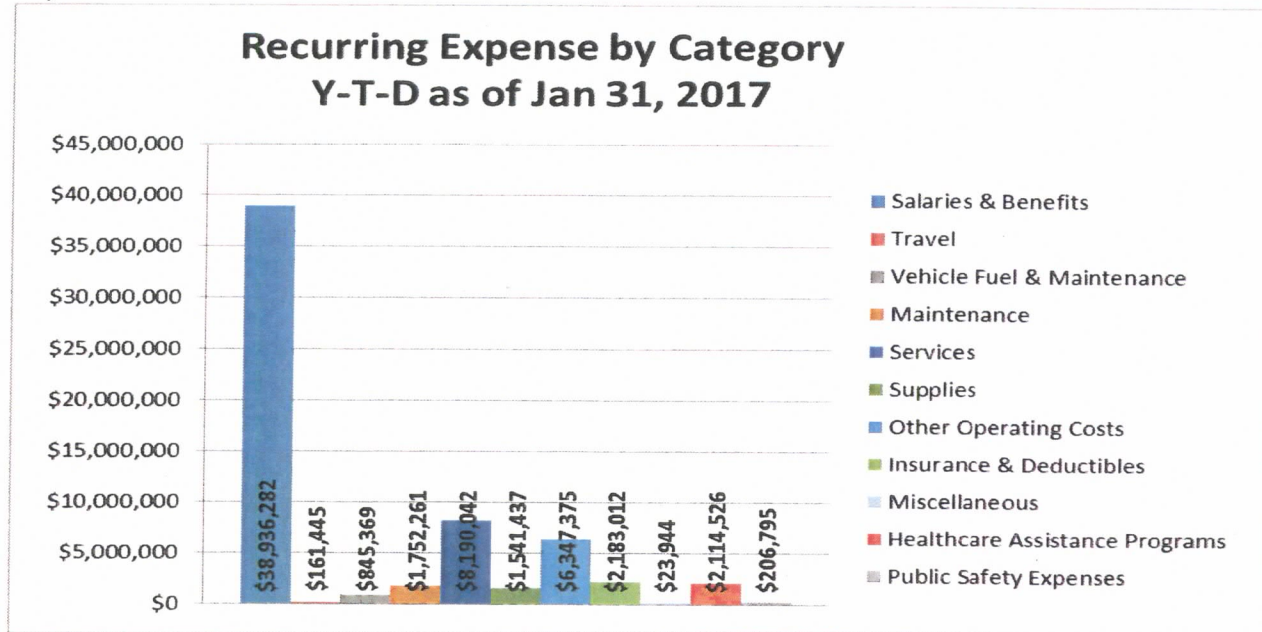
Recurring Revenue

Through the month of January, 2017 the recurring revenues collected totaled \$106.7 million. The revenue collections were \$2.4 million higher than the prior year's collections for the same period. Although total recurring revenue is higher there are differences within the various categories of recurring revenue. Collections of gross receipts taxes are higher than in FY 2016 by \$1.7 million for this period. Property Taxes were higher than in FY2016 by \$448k JPAs and subsidies were higher by \$560K and miscellaneous revenue was higher by \$63K. Charges for Services, Fines and Forfeitures were lower than the same period in FY16 by \$500k.

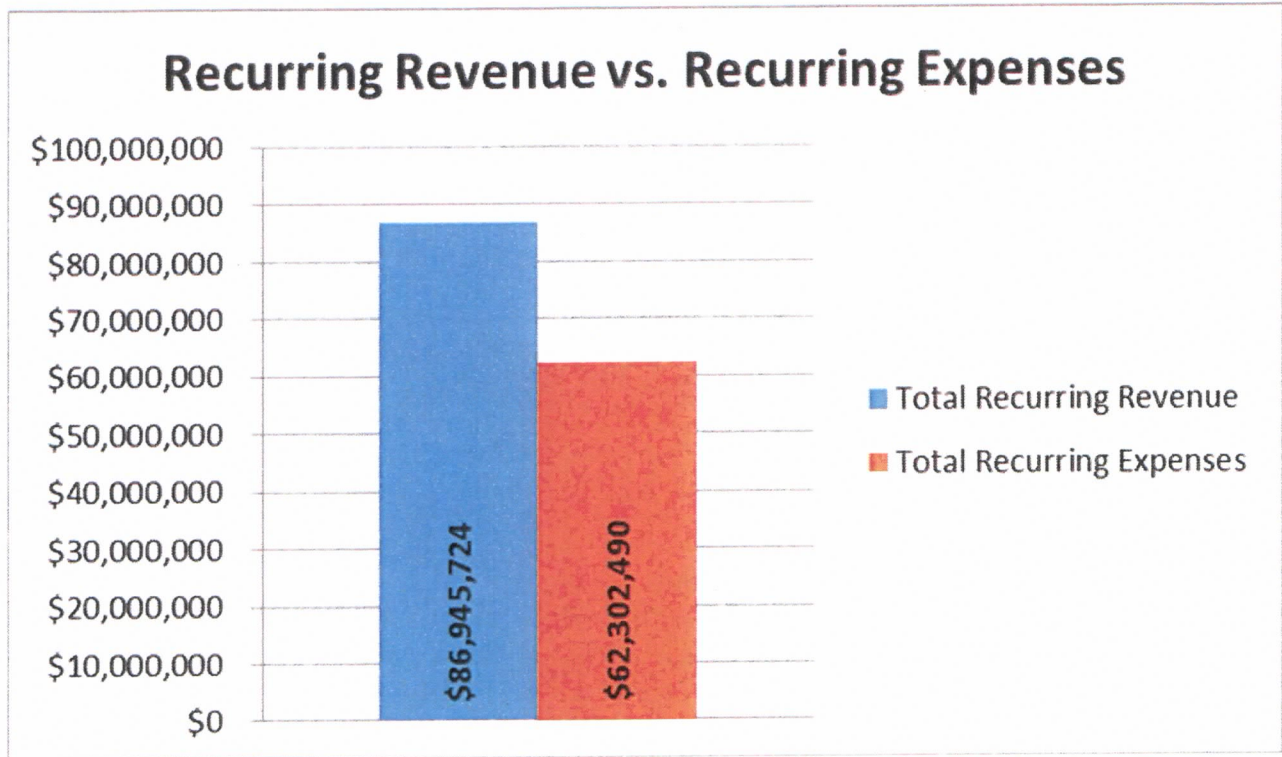


Recurring Expenses

Through the month of January, the recurring expenditures total \$62.3 million. This exceeds the prior year expenditures of \$60.4 million for the same period by \$1.9 million or 3.2%. This increase is due to a large increase in insurance premiums and deductibles of \$561k over FY16. There were also small increases in services, supplies and other operating costs and decreases in travel, maintenance and public safety expenses as well as miscellaneous expenses. The chart below represents the amounts expended for the various categories of recurring expenses through January 31, 2017.



In the month of January, 2017, recurring revenue exceeded recurring expenses by \$24.6 million. Typically expenditures will exceed revenue collections at the start of each fiscal and equalize later in the year as property taxes are collected. This condition is caused by the cyclic nature of property tax collections where the months following when bills are sent and when payments are due see the highest revenues. These are the months of December, January, May and June. In the early months of the fiscal year, it is the budgeted cash that balances the budget.



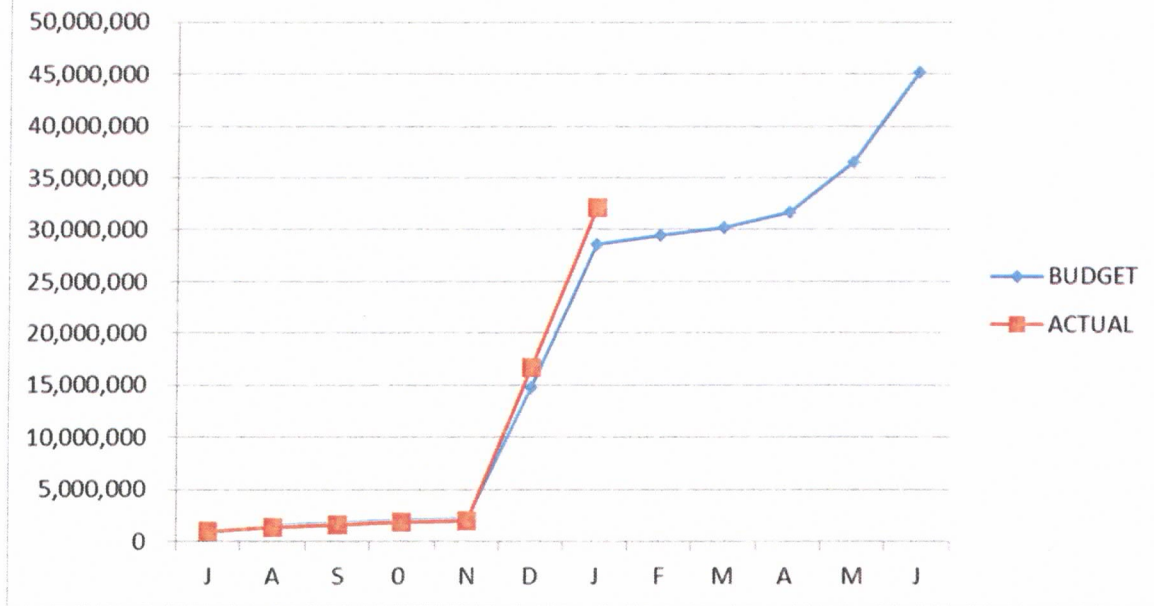
Below are charts reflecting the primary sources of recurring revenue for Santa Fe County year-to-date through October 31, 2015.

Property Tax Revenue

Property tax is recorded monthly and compared to the actual monthly budget forecasts. Property tax revenue budget estimates are conservative, as a significant shortfall in property tax receipts would have a serious impact on various County operations. Property taxes are the primary source of revenue for the County's General Fund.

Actual property tax collections of \$32.1 million through the end of January were more than the budget of \$28.6 million by \$3.5 million (operational only). The total collections are \$448k more than the prior year's collections for the same time period. The trend for the last four years has been for collections to shrink year over year during the early part of the year and the December and January collections have been much larger than in previous years. It is anticipated that the first several months of the fiscal year will have very low property tax collections and then the months of December and January collections are significantly higher as illustrated below.

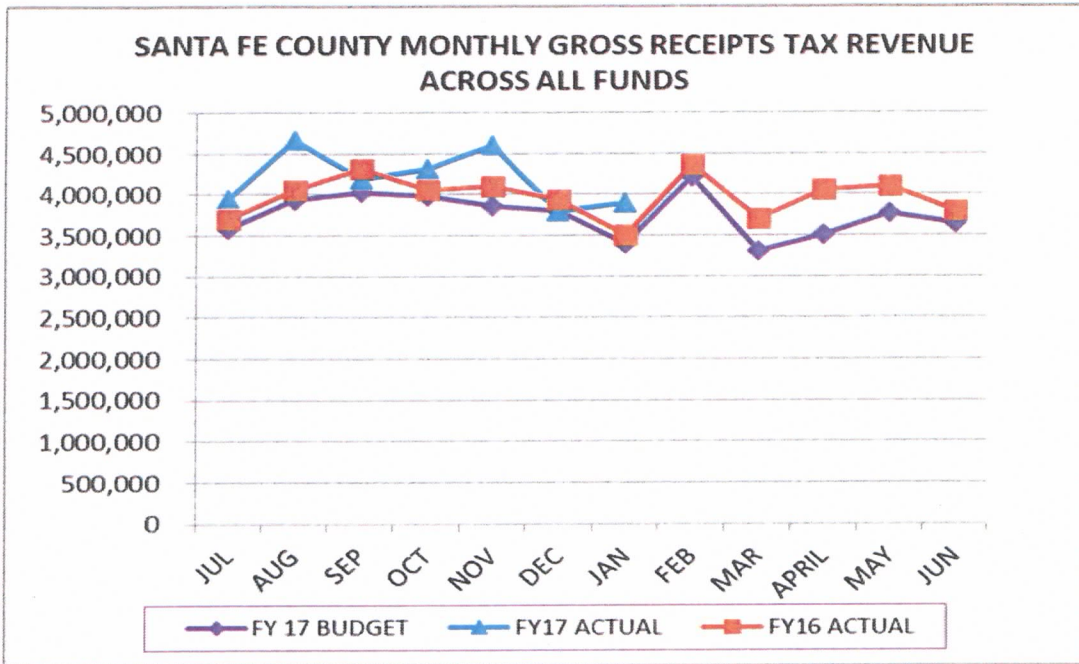
General Fund Property Tax FY17 Cumulative Collections-Budget to Actual



Gross Receipts Tax Revenue

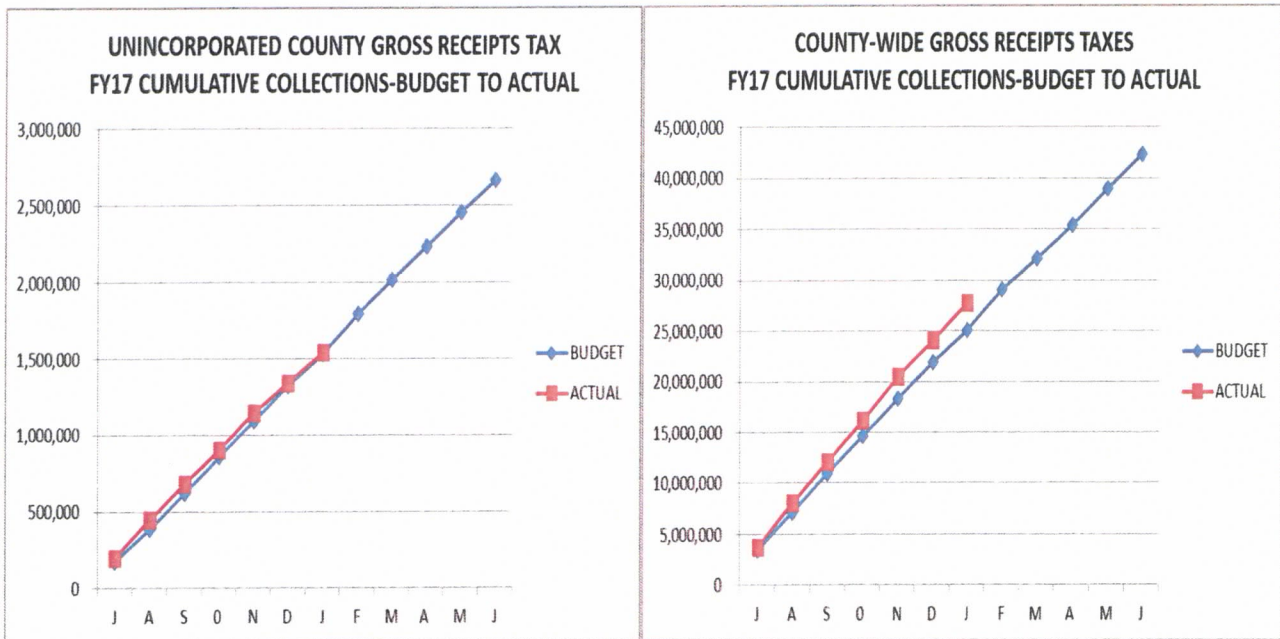
The gross receipts taxes are estimated from trend data taking into account economic factors that impact various business activities such as construction, wholesale, retail and service sectors. Combined, both the county-wide and the unincorporated gross receipt tax revenue through January total \$29.3 million and is \$2.7 million more than the budgeted amount of \$26.6 million. Total year-to-date collections were above the collections of the prior year by \$2.7 million for the same time period. These amounts exclude the Regional Transit District GRT which is passed through in its entirety to the North Central Regional Transit District. Fiscal year to date that tax has raised \$2.7M.

The unincorporated GRT collections total \$1.54M through the month of January and are \$11K above the budgeted amount of \$1.53M. The collections are \$11K above the prior year collections. Combined Countywide and unincorporated GRT revenue is 6% above the same period in FY 2016, primarily attributable to the collection of Hold Harmless and Capital Outlay GRTs. This tax was new in FY 2016 and the County did not receive revenue from it during those months. Excluding the Hold Harmless GRT collections we are currently up on GRT revenue by \$163K. The chart below shows our current revenue to date over budget as well as prior year.



Non-Recurring Expenditures

Capital expenditures are considered non-recurring expenditures and may be funded by recurring or non-recurring sources. Non-recurring sources include bond proceeds, special appropriations, grants and cash balances from excess revenues of prior years. Recurring sources used for capital include the capital outlay gross receipts tax.



Finance Division Activities

FY2018 Budget Kickoff occurred on February 21, 2017. Budgets are due to the Finance Department on March 17, 2017 and Budget hearings will begin on April 3, and go through April 14. The BCC meeting on April 11 will include a Revenue outlook and more details on what to expect in FY2018 from a budget perspective. The Interim Budget is due to the Department of Finance and Administration – Local Government Division on June 1, 2017. This date has been carefully considered in planning the Budget Calendar to allow adequate input and review of Santa Fe County Commission. The Santa Fe County Finance Department has volunteered to participate in the piloting of a new database/on-line reporting application called the Local Government Budget Management System (LGBMS). The new web-based reporting system will automate and streamline many of the current reporting requirements as well as budget submission and budget management.

On February 1, 2017, the Office of the State Auditor announced a change in the audit rule moving the deadline for submission from November 1 to December 1. The change of the due date is greatly appreciated and will allow for the a better quality audit.

SUMMARY:

In summary, Santa Fe County continues to enjoy a healthy financial position. Recurring revenue and recurring expenses are at anticipated levels for this stage of the fiscal year and there is adequate funding to support capital project priorities. There are no areas of concern in the financial outlook at this time.