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MINUTES OF THE

SANTA FE COUNTY

DWI PLANNING COUNCIL

December 10, 2009

Santa Fe, New Mexico



This meeting of the Santa Fe County DWI Planning Council was called to order by Allan Wheeler, Chair at approximately 8:35 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

The following members were present:

**Members Present:**

Allan Wheeler, Chairman  
Sgt. Joe McLaughlin  
Yvonne Ortiz  
Donna Morris  
Sgt. Louis Carlos  
Shelley Mann-Lev  
Jon Paul Romero  
Diego Lopez

**Member(s) Excused:**

Marti Rodriguez  
Donna Bevacqua-Young

**Staff Present:**

Becky Beardsley, Program Coordinator

**Others Present:**

Sgt. Alan Mascareñas, Santa Fe PD

**AGENDA**

Chair Wheeler noted the minutes were not available and action would be postponed on that item until the next meeting.

By consensus the agenda was approved as amended.

**INTRODUCTIONS**

The participants introduced themselves.

**OLD BUSINESS**

**Juvenile DWI Report**

This item was postponed until the next regularly scheduled meeting.

**NEW BUSINESS**

Ms. Mann Lev announced that the Santa Fe City Council passed an ordinance that will prohibit the sale of alcohol at all city-owned property with the exception of the Convention Center, Marty Sanchez Golf Course, any building under long-term leases the Railyard property and the Airport. She said this ordinance will reduce the likelihood of what happened at 400<sup>th</sup> celebration will not occurring. She said the vote was unanimous and it was tremendous change.

Ms. Mann Lev said with the knowledge that DWI is based on the community norm related to alcohol this ordinance begins to acknowledge the community norm.

Ms. Mann Lev noted that the County already has this type of ordinance in place.

A discussion about the 400<sup>th</sup> anniversary organizers' reluctance to eliminate the alcohol component from the formal celebration which resulted in a liquor-related incident ensued. Ms. Mann Lev recalled the council's vote to permit the alcohol was a 4-4 tie with the Mayor casting the deciding vote allowing for liquor with a two-drink restriction.

Ms. Beardsley said with DWI in the public's eye and the magnitude of the city's problem she was not surprised there was no opposition for the city's liquor prohibition ordinance. She noted that Santa Fe has come out of the top 10 DWI communities. The retailers have become more responsible with the media attention.

Ms. Beardsley said she thought it was possible a bill to raise the liquor excise tax may come up during the session. Santa Fe representative Egolf and Bernalillo Senator Sanchez had bills during the special session which were tabled because they were not germane. She understood both the bills would be reviewed in light of the savings and revenue – food, alcohol and cigarettes.

The DWI Affiliate will support the bills if more money is generated to the communities provided the DWI Programs are held harmless. Also, increasing the cost of alcohol reduces the use of alcohol. However, the two previous bills contained a cap for the DWI programs holding to the 2009 distribution rate.

The DWI Affiliate will lobby the legislators to maintain the 41 percent without the 2009 rate. Ms. Beardsley pointed out that since the state is no longer in the top 10 there will be a reduction in federal funds. A cut in traffic safety funding is also anticipated.

Chair Wheeler suggested designating a special committee to work with the legislators.

Ms. Beardsley said three counties, Bernalillo, Santa Fe and Sandoval, may be eligible for a local excise option tax if the AG re-introduces the bill introduced at the special session. She said the original bill failed to guarantee where the funds would go and how they can be spent. Depending upon how they are written, there is no guarantee that the funds will go to the DWI programs and thus would not be regulated under DFA guidelines.

Mr. Lopez asked whether the Affiliate can get involved in the bill drafting. Ms. Beardsley said they do work in the drafting process but by the time the bill gets to the floor it is sometimes completely changed.

Ms. Beardsley said there are a couple of bills coming out of the Governor's office that will change fines, jail time and felony status. She said increasing the fines may move the DWI charges to magistrate court increasing Ms. Beardsley's staffing needs.

Ms. Mann Lev acknowledged the issues raised by Ms. Beardsley but pointed out that "raising alcohol taxes in any way will have a positive impact on our community." She said the prevention science for an alcohol tax is undisputed. The opposition Ms. Beardsley raises is internal financial concerns, quite different than the opposition voiced by the hospitality and alcohol industries.

Stating she appreciated the concerns raised by Ms. Beardsley, Ms. Mann Lev cautioned that the opposing industries will take advantage of the concerns raised by staff to kill any bill and they have proved their success in the past to stop an increase in alcohol tax.

The committee encouraged Ms. Beardsley to meet with Representative Egolf.

Mr. Lopez said the alcohol and hospitality industries appear as a united front and he said it was important that the prevention people stand united on a position. Sgt. Carlos agreed observing the liquor industry presents a well-orchestrated front.

Ms. Beardsley said the state will back the tax because it brings more money to the state but the state needs to be mindful of the counties' need to protect and grow their programs.

In light of the fact there hasn't been an alcohol tax increase since 1993, Chair Wheeler thought it might be beneficial to support the bill and modify the distribution in the future.

Ms. Beardsley said a meeting was scheduled before the year-end with the Governor's Office to discuss the financial problems with the interlock system. She said there had been an indigent fund established to pay for the installation of the apparatus, however, lacking criteria to determine indigence the fund has been depleted. The Traffic Safety Bureau has developed new measures to protect this fund. The goal was to have people use the ignition interlock mechanism on their vehicle.

**STAFF REPORTS**

**Coordinator's Report & Financial Report**

The report was included.

**Financial Report**

The report was is in the packet as an information item.

**Prevention Report**

The report was in the packet as an information item.

**Teen Court Report**

The report was included in the packet.

**ANNOUNCEMENTS**

**Prevention** – to be called for special topics

**Law Enforcement/Adjudication** – January 13, 2010 – 2 p.m.

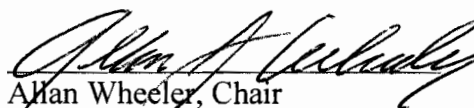
**Screening/Treatment** – to be called for special topics

**Next PC meeting** – January 14, 2010 – 8:30-10:30 a.m.

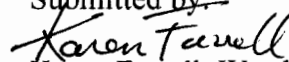
**ADJOURNMENT**

Holiday cheers were shared and this meeting was declared adjourned at approximately 10:00 a.m.

Approved by:

  
Allan Wheeler, Chair  
DWI Planning Council

Submitted by:

  
Karen Farrell, Wordswork