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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 14, 2012

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 14, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, led by Paula Sanchez and State Pledge led by Darlene Vigil, roll was called by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. Moment of Reflection

The moment of reflection was led by Erle Wright from the IT Division.

VI. Approval of the Agenda

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- B. Tabled or Withdrawn Items**

CHAIR STEFANICS: Could we go over the amended agenda, please?
KATHERINE MILLER (County Manager): Madam Chair, we have a few amendments to the agenda. Items VIII. A and B were moved up from later on the agenda, but they are the same items. Item X. B, Agreements, Memorandum of agreement between Santa Fe County and the North Central Regional Transit District is an item that was added to the agenda. It should be handed out to you as well. Item XII. Public Hearings, number 1. That item was moved up. However, it is my understanding there is a request to table that item.

CHAIR STEFANICS: Is that request by Land Use or is it based by the community?

MS. MILLER: Madam Chair, I believe that Commissioner Anaya requested it but we did receive confirmation from the community today that that would be fine.

CHAIR STEFANICS: To table it until one month from now?

MS. MILLER: Till the 28th. One of the members of the community had jury duty, one was called out of town and two others indicated that they were fine with it being tabled.

CHAIR STEFANICS: So this will be heard on the 28th?

MS. MILLER: Madam Chair, yes.

CHAIR STEFANICS: Okay. Great. If you continue.

MS. MILLER: Under Staff and Elected Official Items, XII. C. 1, that item was added to the agenda, a request to publish – actually, Madam Chair, that should say publish title and general summary, as opposed to request title and general summary. That was added and that item should be handed out as well. Those are all the amendments to the agenda.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended and to table item XI. 1.

COMMISSIONER MAYFIELD: I'll second, Madam Chair.

CHAIR STEFANICS: Thank you. There's a motion and a second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Just on the point of tabling, I requested the tabling on the Galisteo Plan and had some discussions with the community, so it came from me.

CHAIR STEFANICS: Okay. I appreciate that, Commissioner Anaya. When something goes through the land use process, it's not usually sponsored by a Commissioner, it's sponsored by the department, so that was a surprise. So thank you very much.

VII. Approval of Minutes

A. Approval of January 10, 2012 BCC Minutes

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second.

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

VIII. Recognitions

A. Acknowledgement and Recognition of Members of the Santa Fe County Safety Committee for Completing the New Mexico Association of Counties Risk Awareness Program and Reducing Workers Compensation Claims By 16.8% (Commissioner Anaya)

CHAIR STEFANICS: Commissioner Anaya, you have the pleasure of doing the first one. Oh, and before we go on to recognitions, I would like to thank our liaisons for our holiday flowers, the Valentine flowers that have been provided to all of the Commissioners today. Thank you very much.

COMMISSIONER ANAYA: Madam Chair, Commissioners, having the actual before me that are being finalized. Madam Chair, members of the community, it's a pleasure that we're going to provide this award to our Safety Committee. We received this award from the New Mexico Association of Counties for being – let me just read it.

2011 RAP Year 3 Award presented to Santa Fe County for successfully completing the New Mexico Association of Counties Risk Awareness Program, reducing compensation claims by 16.8 percent. Let's give our team a round of applause, please.

We're going to be providing certificates to all of you that were on the team and I'm going to go through the team members right now. Administrative Services Division, Ken Baros, Administrative Services, Tila Rendon, Community Services, Ish Lovato, Community Services, Shelley Dimas, Corrections, Moises Gallegos, Fire, Victoria DeVargas, GIS, David Lucero, Sr., Health, Marie A. Garcia, Housing, Valerie Huerta, Housing Maintenance, Travis Shonrock, Human Resources, Margie Romero, Human Resources, Gigi Gonzales, Miguel Socorro Ojeda from Land Use, Miguel Romero from Land Use, Scott Caseman from Open Space and Trails, Lawrence Montoya from PFD, Joseph Martinez from Public Works, Nancy Calhoun from RECC, John Sanchez, Risk Management, Patrick Ortiz, Risk Management, Mark Lujan, our Risk Manager, Sgt. Richard Cisneros, Cpl. Diego Lucero, from the Sheriff's Department, Theresa J. Romero from the Treasurers, Leroy Catanach from the Treasurers and Information Technology Division.

Let's give them all a round of applause.

CHAIR STEFANICS: If any members of the Risk Management Safety Committee are here, would you please come forward. We are going to present the plaque. You will all get your certificates later, and we're going to take a picture so that all the Risk Management staff are here and the Commissioners up above. So how many Risk Management staff do we have here today? Nobody? Okay. Please come on up. If it's only a few we'll all be down with you. So maybe we'll go on to the second presentation and then we'll try to get the picture right after that. Okay. Thank you very much, Commissioner Anaya. I know it's the work of all these staff and these different departments that have helped us. I believe we got an award last year. I know you sit on the Workers' Comp Board for us at the Association of Counties. I'd like to thank you for your work and I'd like to thank all the staff for their work as well. So as soon as we do the next presentation, we'll make sure to get the photos with everybody.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, I do not want to take any credit from these folks. They did all the work. I was in the right place at the right time and happened to be on the board. Now I'm going to continue to work hard to represent the interests of Santa Fe County and work with this team that's done such a great job, but thank you, Madam Chair.

CHAIR STEFANICS: Thank you very much, Commissioner.

VIII. B. Acknowledgement and Recognition of Richard Varela, Bureau of Elections and Erle Wright, G.I.S., Santa Fe County Graduates of the New Mexico EDGE County College and CPM (Certified Public Manager) Programs (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. NMEDGE, which actually stand for New Mexico Education Designed to Generate Excellence, is an umbrella organization that sponsors a number of different educational programs for people who either serve or work in the public sector, and that would be people who serve or work in municipal governments, county governments, state agencies and other public-oriented organizations.

NMEDGE is actually an umbrella organization that is operated through the New Mexico Cooperative Extension Service, and it sponsors a number of educational programs. And one of those is the County College. Now, that was begun in 2002, and it was founded with the help of the New Mexico Association of Counties. And in fact it was the dream of the late Sam Montoya who was the executive director for a number of years for the New Mexico Association of Counties.

Also, NMEDGE sponsors the New Mexico Certified Public Manager Program. Now, I'm really pleased to say that we have a couple of members of our County staff who have taken advantage of these educational programs, and I would like to particularly say thank you to Erle Wright, County GIS specialist. He is now a New Mexico certified GIS specialist, and this is among the first in the state that has been named.

I would also like to say congratulations to Richard Varela, our elections administrator from the County Clerk's Office. He earned a designation as a Certified Public Supervisor. So we have some certificates of acknowledgement for these two individuals, and I would like to read them.

The Santa Fe Board of County Commissioners hereby acknowledges Erle Wright, GIS, in recognition of completion of the New Mexico GIS specialist program by the New Mexico Association of Counties and the NMSU Cooperative Extension Services, NMEDGE County College. Therefore the Board of County Commissioners present you with this certificate of acknowledgement on this 14th day of February, 2012.

And then, the Santa Fe Board of County Commissioners hereby acknowledges Richard Varela, Bureau of Elections, in recognition of completion of the New CPM, that is Certified Public Manager Program by the New Mexico Association of Counties and the NMSU Cooperative Extension Services, NMEDGE County College. Therefore the Board of County Commissioners present you with this certificate of acknowledgement on this 14th day of February, 2012.

So thank you, Richard Varela and thank you, Erle Wright. Congratulations.

CHAIR STEFANICS: Thank you. We're going to come down and present the certificates and take a photo.

IX. Approval of Consent Calendar

CHAIR STEFANICS: Are there any changes to the Consent Calendar?

COMMISSIONER MAYFIELD: Madam Chair, move for approval of the Consent Calendar.

CHAIR STEFANICS: Okay. Is there a second?

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: If I could I wanted to thank the work of staff, thank the Commission for approving in particular the item associated with a larger bus and some training that's necessary for NCRTD and the work they did with NCRTD. This item will essentially provide a bigger bus to the area that comes from Edgewood through Stanley, Galisteo, Lamy and into Santa Fe. So I just wanted to pass on thanks to the Commission, the Manager and staff, working with Tony and the NCRTD on making this happen.

CHAIR STEFANICS: Thank you very much, Commissioner.

X. Consent Calendar

A. Resolutions

1. **Resolution No. 2012-22, a Resolution Authorizing the County Manager to Execute All Grant Agreement Documents in Connection with the Rio Quemado Water Project Fund Loan Between the New Mexico Water Trust Board/New Mexico Finance Authority and Santa Fe County (Adam Leigland/Patricio Guerrerortiz/Public Works/Utilities)**
2. **Resolution No. 2012-23, a Resolution Requesting an Increase to the General Fund (101) to Budget Additional Funding From Cash Reserves in Support of the Los Alamos National Laboratory (LANL) Regional Coalition / \$5,000 (Finance/Teresa Martinez)**

B. Agreements

1. **Memorandum of Agreement Between Santa Fe County and the North Central Regional Transit District to Provide Increased Passenger Capacity Transit Buses for the NCRTD's Edgewood to Santa Fe Route (Commissioner Anaya)**

XII. Staff and Elected Officials' Items

A. Procurement

- 1. Request Approval to Award RFP # 2012-0086-UT/MS to Molzen Corbin for the Engineering Services for Water Transmission Line TL6S in the Amount of \$333,080.30, Exclusive of GRT (Maria B. Sanchez/Purchasing)**

MARIA SANCHEZ (Purchasing Division): Good afternoon.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Sanchez.

Excuse me just for one second. Just going back to the amended agendas really quick. I don't have a problem with the amended agendas, but if staff could put in parens what the old item numbers were that were amended out, that would be great. Because in our packets they still stay under the old Roman numerals. I think this packet item was item IX. A. 1, if anybody's following it.

CHAIR STEFANICS: Okay. Thank you. We appreciate that clarification and we'll work on that for the future. Thank you, Commissioner. So Ms. Sanchez.

MS. SANCHEZ: Santa Fe County Purchasing, along with the Utilities Department had put together the solicitation for engineering services for the design services of the water transmission line TL6. This was previously bid under the Rail Trail water design and in that process we had advertised with three locations – or two locations. One was the *Albuquerque Journal*, the other being the *Santa Fe New Mexican*, and we post all our solicitations on the Santa Fe County Purchasing website.

There was a pre-proposal held that was a mandatory pre-proposal that was held here in the chambers. We had 17 firms attended. Out of the 17 firms there were five companies that put in their bids for the RFP – I'm sorry. The proposals for the RFP. All proposals were deemed responsive. We had an evaluation committee members who had evaluated the five proposals, the members being Adam Leigland, Marla Doyle, Church Vigil, Mark Hogan and Sam Montoya.

At that time, based on the ratings of these five firms the highest rated firm was Molzen Corbin. The Utilities Department, along with myself and Roberta Jo from the Legal Department who met with Molzen Corbin on a couple of occasions to negotiate the price that we had, the \$330,080.30. And I stand for any questions.

CHAIR STEFANICS: Thank you very much. Let me first start with commending everyone who was involved in the committee. But I think one of the things that I am involved in and perhaps other Commissioners is that we move some of our procurement preferences to local vendors, and I understand that's something that's being worked on. Is that correct?

MS. SANCHEZ: I'd like to refer that to Steve Ross.

CHAIR STEFANICS: Thank you. Mr. Ross.

STEVE ROSS (County Attorney): Madam Chair, yes. A group of staff and myself have been working on that plus some other things that we want to address.

CHAIR STEFANICS: Thank you. I appreciate that very much.
Commissioners, comments, questions? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And on that point that you just brought up. A couple questions on the summary memo that was presented to us. On the last page of the summary memo I do see that there is one local engineering company as far as Santa Fe. The rest are out of Albuquerque or Rio Rancho. Within that paragraph after that, Mr. Ross of Ms. Sanchez, who can ever answer that, it says, the evaluation committee rated all five proposals and the proposals. The evaluation committee elected to go straight to negotiations with the highest rated offeror versus conducting oral presentations based on the score. Can somebody explain why that was the process?

MS. SANCHEZ: Madam Chair, Commissioner Mayfield, in the County RFP it does allow for the step of oral presentations, but based on our RFP process, the evaluation committee has that capability to go ahead and award a contract to the highest rated offeror. In the event that there's some clarification information that the evaluation team maybe wanted to ask the firms themselves, either information in the proposal was unclear or that they want to clarify some of the information that is in the RFP to make sure that the firms are understanding that they have that choice, to be able to call in the top three for interviews, which is oral presentations, or in this case the committee felt that they wanted to go straight with the highest rated offeror. In this case it was Molzen Corbin.

COMMISSIONER MAYFIELD: Thank you, Ms. Sanchez. And on that, what comprises the highest rated offeror? Is it dollar for value? Is it just a service with these companies?

MS. SANCHEZ: This is a qualification based competitive RFP. In that case, the cost is never an option for the evaluators, and the only reason for that is because when you hire a design company you want to make sure you're not hiring the cheapest designer. So in this case the qualifications were about seven items in the New Mexico State Procurement Code in which there's a mandate that we have to put out. And at the time we were working on the RFP they designate how many points are given. So you need five points. In this case the points that were given for this particular RFP are mandatory and by statute. One would be the relevant design and technical expertise. The second option or the second category is capacity and capability. The third choice is record of past performances, showing that they have the qualifications to design, in this case a water line, a water transmission line. Then there's another category, proximity and familiarity with the project. The fifth being volume of work done previously with the County and in that case the points are deducted if it's an engineering firm who has been doing a lot of work with the County, to ensure that the service, the award is going to various engineers and one engineer isn't getting the same work. And the last – that would have been it. The six items that we put in our RFPs is standard language and it's based on State statute.

COMMISSIONER MAYFIELD: Thank you. And again, just for my clarification, so price is never a component of the ratings?

MS. SANCHEZ: Never, sir.

COMMISSIONER MAYFIELD: Can we know what these five individuals bid on this project? Were they close to one another? Were they far off one another?

MS. SANCHEZ: Madam Chair, Commissioner Mayfield, again, we don't look at price. The way that the County produces, coming from the State procurement on other projects, they don't ever submit their costs affiliated with – once you find the highest rated offeror then the department, along with Purchasing, meets with that engineer. They turn

around and they look at what the services are required for this particular project. At that time they have to justify what their costs are. They have to tell us, well, it's going to be this many man-hours. There's interaction with either the NMDOT or other external stakeholders.

So that kind of gives you the breakdown on how they're costing. Plus there's also standard A&E fees that we look at that are in the State statute, depending on the bulk and the project budget. Then there is a percentage that we'll pay. And I think the County currently pays anywhere from six to maybe ten percent of the engineering fees off of the whole project.

COMMISSIONER MAYFIELD: And again, Ms. Sanchez, maybe I'm not understanding it, but the County I think should have some understanding of what the cost is going to be. Otherwise what do you do when you get into an approved contract for, I guess, an unapproved price, and there's cost overruns, there are different components that come in and say, that's not what we agreed on, because there has never been a definitive agreement on any cost with these contractors before they start work?

MS. SANCHEZ: Madam Chair, Commissioner Mayfield, the cost is established at the beginning of the negotiation. And whether that cost is with them – in this case this is Utilities Department and so we have Patricio Guerrerortiz, who is the engineer, was able to look at the project with his familiarization and his professionalism he is able to say that that cost that they're wanting – that charge that they're wanting to cost – I'm sorry. The cost that they're proposing is acceptable and is within the combines of what the work is going to be.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Sanchez. And what if it's not acceptable? Do you guys kick it out and go back to a second in line contractor?

MS. SANCHEZ: Yes, sir.

COMMISSIONER MAYFIELD: Okay. Thank you. And then, Madam Chair, please, as far as background information, I'm seeing in the summary memo that there are three easements that need to be negotiated. Who's going to pay for those easements?

MS. SANCHEZ: Madam Chair, Commissioner Mayfield, I'm going to defer to Adam Leigland from the department.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Mayfield, actually, the design includes three rights-of-way, three alignments and then the designer is going to make a recommendation. So we're not going to negotiate all three. It will be a recommendation and they'll bring the recommended alignment back to this Board for approval. Once that alignment is chosen then it's up to the construction contractor to actually negotiate and purchase that, depending on what kind of right-of-way is needed. Because actually, each of the three alignments has different right-of-way requirements. So it could follow a DOT, along the rail. It could follow the utility easement, for instance. So each one of those will have different requirements. So it's up to the construction contractor to negotiate and acquire those rights.

CHAIR STEFANICS: Ms. Miller had something to add.

MS. MILLER: Madam Chair, I just wanted to clarify. On price proposals, by law we can't actually ask for the price prior to the evaluation but we do request the vendors put their price in a separate sealed envelope so that they don't change it after they find out they're the first ranked one. And then the department and Purchasing negotiate with that vendor and with the number one ranked. If they cannot come to an agreement on price then

they go to the second ranked and open their envelope on their price submittal and negotiate from there. And I was just adding that to your question earlier about how price comes into play, but it comes after they've been ranked as the highest.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Ms. Miller.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I would really like to thank staff. I know that it was a lot of hard work to get to this point and I am really pleased that we are moving forward on this particular project. For one thing, the people in my district, Canoncito, they really need help with their water supply. There's no question about that. And I'm also really pleased to note that it appears that we are going to be hooking into the Eldorado water system and wheeling the water through there, and I think this is a very important step because I think it's important – not that we will necessarily be providing the water right away for Eldorado but that it can be an important backup supply for Eldorado. I know that this last summer Eldorado did have some problems with a couple of their wells because it was such a dry year.

And so I think it's just really a good security issue for Eldorado to be able to have this as a backup supply if they need it in the future. The question that I have is I wonder if after the engineering study is done, whether we might have a public meeting for the people in the area, for both Canoncito and Eldorado and so on, just to – and other people who might be affected by where the alignment goes, just to let them know what the three options were and what the pluses and minuses of each option and why the engineer will make the recommendation that he or she makes. Anyway, I just want to put that out there, that I think that it would be very useful to have a public meeting at that point.

MR. LEIGLAND: Madam Chair, Commissioner Holian, that's actually the current plan, to do actually that.

COMMISSIONER HOLIAN: Thank you very much, Mr. Leigland.

CHAIR STEFANICS: Thank you. Commissioner Anaya and then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian and staff, whoever might be the most appropriate to respond to this. I can't speak to the connectivity issues with the Eldorado utility, but I can speak to the fact that there's a huge need for Canoncito. This project, it came about as a result of the primary need of Canoncito only, is that correct? When it was initially approved?

COMMISSIONER HOLIAN: Commissioner, are you asking me? That was actually before my time.

COMMISSIONER VIGIL: I can probably respond. I think you have the perception accurate. I think the issue with Canoncito actually created the focus. It wasn't necessarily the entire impetus.

COMMISSIONER ANAYA: But the primary need was Canoncito I guess.

COMMISSIONER VIGIL: Because it came to us initially that became the focus for trying to expand the line. So I think you can make that assessment, yes.

COMMISSIONER ANAYA: Madam Chair, and thank you, Commissioner Vigil, for that. So on that point, associated with this agreement, from the time this agreement is started to some type of anticipated bidding and actual build-out, what are we looking at as

far as an overall timeline to get this project engineered and actually built out so these folks have some water?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, first I want to bring your attention to the fact that there are actually two separate projects. So the one under discussion today just brings the line south to Eldorado, and there's a second project that follows a similar procurement process. We're still in the process of negotiating with the design firm, that will be the tank and the line from the eastern edge of Eldorado across the I-25 to Canoncito. So there's two parallel efforts ongoing. They're fairly fast track so we anticipate construction starting in August and then the performance period – off the top of my head it's about a year so we're looking at maybe 18 months to 24 months from now before the project is being complete.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Leigland, when you say complete, you mean both phases of the project are running on parallel tracks, or just the phases of getting the line to Eldorado?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, well, if there are no other hiccoughs with negotiations on the second procurement, the Canoncito side of it, then that will be the whole system complete at that time, because what the plan was, the reason we broke it up into two separate procurements was so they could go on parallel, so that would speed things up, so yes. The plan is to have both of them completed at that time and the entire system complete by then.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Leigland and Ms. Miller and staff, I would hope that on the outside we're looking at a 24-month period because I know those residents – I've heard from them and I know this Commission has heard from them about actually getting to the point of actually having wet water that they can use. I am hopeful that we can tighten those timeframes and actually get it built out sooner. Thank you, Madam Chair, Mr. Leigland.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Leigland. Back to my question as far as the three easements, one of the three that are going to be negotiated by the contractor. The contractor negotiates this, who pays for it if there are costs involved?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, it's included in the price of the – it will be included in the final – so that during the design phase, so whatever right-of-way is identified, included in that design is also the estimated cost for acquiring that right-of-way. So then the designer will come up with a cost and then when we award the contract it will be based on that estimated cost. So it will be included in the construction, whatever the final construction cost is.

COMMISSIONER MAYFIELD: Thank you. And then as far as the funding for this, has this been through a bond or –

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. This is 2009 bond proceeds.

COMMISSIONER MAYFIELD: So all of the money from the bond will be coming for this?

MR. LEIGLAND: Yes.

COMMISSIONER MAYFIELD: Excuse me, Madam Chair. Let me just ask the question, and I don't know if you're the appropriate person for this so maybe Ms. Miller. Madam Chair, recently the sale of the water to Las Campanas, there was going to be some revenue coming in, is any of that money going to be used for this project?

MS. MILLER: Madam Chair, Commissioner Mayfield, no. This is coming out of the 2009 GO bond that was put up into two issues. So this is from – we're already received the proceeds and the repayment of that bond is from property taxes.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Leigland.

CHAIR STEFANICS: Thank you. What is the pleasure of the Commission?

COMMISSIONER HOLIAN: I move for approval.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Any further discussion?

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

XIII. B. Community Services Department

- 1. Approve Sole Community Provider Requests for Fiscal Year 2013 for Christus St. Vincent Regional Medical Center, Espanola Hospital, and Los Alamos Medical Center (Steve Shepherd/Community Services Department) [Exhibit 1: Staff Memo]**

CHAIR STEFANICS: Before we go further at this we'd like to let the public know that we started to hear this request in our Indigent Board meeting at the end of last month and we did refer it for discussion and study to our Health Policy and Planning Commission, and I believe today Mr. Shepherd's coming forward with a recommendation from that group.

STEVE SHEPHERD (HHS Director): Yes, Commissioner, you summarized the first part of what I was going to talk about. This did come as a recommendation from the Healthcare Assistance Board to the Health Planning Commission. At their meeting on Friday, February 3rd they made the following recommendations: Christus St. Vincent Hospital – and these are recommendations of total amounts, both local County match and as well as federal match.

Christus St. Vincent Hospital, \$6,301,479; Espanola Hospital, \$482,926; Los Alamos Medical Center, \$54,070. Espanola and Los Alamos are the maximum staff has estimated that the state will approve. For Christus St. Vincent, what was used were the estimated fiscal year 2012 claims plus an inflator of 3.2 percent. Staff has been conservative in estimating the two variables in the calculation. One is the market basket index or inflator. We've estimated that at 3.2 percent. It may come in a little lower. We've also estimated the FMAP percentage at 31 percent; we believe that's going to be lower. So the dollars that we're talking about will probably be in the match rate, will probably be lower. Right now the estimated match rate is estimated at \$2,186,000, which is \$77,648 higher than last year. I would stand for questions.

CHAIR STEFANICS: Thank you, Mr. Shepherd. Before we go to questions and comments from the Commission, would any of the representatives from the hospitals like

to come forward and say anything? I see representatives from Christus St. Vincent here. Is there anybody from Los Alamos or Espanola here? Hospitals? Okay, Mr. Valdez.

ALEX VALDEZ (Christus St. Vincent CEO): Madam Chair, members of the Santa Fe County Commission, good afternoon. A week ago, a little over a week ago we did have a very good meeting with the Health Policy and Planning Commission and we have since provided Judy, from the Health Policy and Planning Commission, the chairman, with some data that they have requested and we're going to keep those lines of communication open and probably hold some meetings outside of the formal HPPC meetings just so we can assure ourselves and work together to see how we go about dealing with this issue of uninsured and uncompensated going forward.

At the meeting of the Indigent Fund Board I provided you with our letter of request and I also provided you with the calculations that we use from a cost perspective to be able to define uncompensated care. We also provided you with a list of the community benefit or community contribution dollar that we put out into the community in the last fiscal year. I do have a worksheet for one of those amounts at the request of Commissioner Anaya that breaks down further one of those amounts. It's an amount of \$1.45 million that was listed as community benefits. I've gone into greater detail and I can make this spreadsheet available to you.

Once again we continued to see uncompensated care increasing in Santa Fe and throughout north central New Mexico. I had our staff do an analysis of what it looks like in terms of uncompensated care. We looked at over 6,000 indigent claims for this fiscal year, year-to-date, and we compared it to last fiscal year. We saw about 2,300 claims from this year that were people that we took care of last year also. So we looked at that segment of the population of approximately 2,300 people and interestingly enough, of that 2,300 people, 43 percent of them have lost insurance or some form of coverage over the last year. About 50 percent of that was a loss in Medicaid and Salud and the other 20 percent of about 850 to 900 claims is a loss of commercial insurance.

So that little analysis and study is showing that our rates of uncompensated care and our rate of uninsured is going up in our community and we've seen that throughout the fiscal year, and it is found troubling in both Medicaid and in commercial. That means our sole businesspeople are having a harder and harder time assisting their employees with insurance, or the employees themselves are having difficulty being able to afford the insurance that is made available to them.

As a result of that it hits the hospital. So I appreciate the recommendation from the HPPC. I know it is before the County Commission today, but I would ask that if at all possible, you provide the greatest amount of match possible for us so that we can take advantage of that federal leverage and continue to invest in our hospital and our region and the delivery of healthcare to our community. I would like to close and read – if I can find it here real quick – read a case analysis that we did, and I asked for staff to put a series of these together, but I only want to focus on one.

A 42-year old homeless male had 15 admissions in the Christus St. Vincent Center – that's the sobering center, eight admissions in the hospital, and had been incarcerated in the County detention center between January and March of 2011. In 2010, this gentleman had 30 ER admissions. So we can just see the cost of this occurring, not only in our hospital but for you the County administrators of our jail. In August of 2011 he had a brain aneurysm due to a

fall on the streets while heavily intoxicated. He had a successful surgery at Christus St. Vincent which was covered through the indigent fund; we came to you with the claim, because he did not have health insurance. This patient had been on the streets for 21 years.

After many admissions to detox, the patient finally agreed to detox at the center and we sent him for a 90-day detox. While there he improved to the point where he was assisting in the kitchen preparing food; he had formerly been a cook. The patient returned to Santa Fe after in-patient treatment and tried to locate a job with a restaurant but was unsuccessful. With the help of friends he moved to Seattle in October of last year. The detox coordinator maintained contact and speaks with him twice a month to continue to assist him in his recovery. He has an apartment, is financially stable, and has been sober since June of 2011.

The CARE Connection assisted with clothing, patient fees, bus passes, a cell phone to assist him in job hunting in Seattle, and personal items needed for in-patient treatment. The CARE Connection coordinated services between ourselves, St. Elizabeth's Shelter, Healthcare for the Homeless, the Interfaith Shelter, and the Salvation Army to assure that this individual did not fall through the cracks.

The reason I picked this is because this County Commission has been very invested in the sobering center and the CARE Connection. When it comes to the topic of discussing uncompensated care we spend a lot of time between us talking about the numbers. And this is an example of what it means to reach out and talk about an individual who's been served by our collective efforts.

So I want to thank the County Commission for your years of support. I want to thank the taxpayers of Santa Fe County for their years of support, and I'm going to ask the County Commission to try to put up as much match as you possibly can because it's only reinvested in our community and in services to our segment of our community that finds in many instances needing us on a second's notice. Thank you, Madam Chair and members of the Commission.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Could I hear from Ms. Williams first?

COMMISSIONER VIGIL: I just have a question for Alex.

CHAIR STEFANICS: Go ahead.

COMMISSIONER VIGIL: Alex, I've been at the legislature for the last almost 30 days, and I heard a couple of things from service providers and patients who actually receive services from service providers, and one of the things they're saying is that that partnership with St. Vincent's needs to be worked on. I assumed when I first hear that that it had a lot to do with reduction in sole community provider dollars, but that's not the message that I'm getting. Could you explain to me how you work with, let's say for example, La Familiar or Women's Health Services? The case that you bring before us is extreme and pulls out a lot of stops, but there's a lot of folks out there who can't afford also and have family systems and are on fixed incomes and are trying to make their health needs be known, and usually those are the kind of folks that go to La Familia or Women's Health or some of those organizations. And that's a whole other population that we need to be concerned about. Can you from your perspective give me your summary on how St. Vincent's is working with those service providers? Just briefly too.

MR. VALDEZ: Madam Chair, Commissioner Vigil, for fiscal year 2011, to La Familia Medical Center, we provided \$275,000 in financial support, primarily focused in

the area of OB services, because La Familia and their OB services provide about 40 percent of the births at St. Vincent's.

COMMISSIONER VIGIL: Is it just dollars that you provide for them? There's no shared services? Shared –

MR. VALDEZ: It is dollar, and the other area where we invest significantly is we are in partnership with La Familia for purposes of our residency program. We have historically had eight residents – let me get my numbers correct. We will be moving up to having a contingent of eight residents in our joint Christus St. Vincent-La Familia program. The resident gets their clinical experience through La Familia as well as at the hospital and some of the La Familia physicians also serve in the capacity of educators for these residents in family practice.

So we have those types of engagements, and quickly looking, I can't tell whether we have other engagements here with La Familia.

COMMISSIONER VIGIL: What about Women's Health, Alex?

MR. VALDEZ: Women's Health, according to the list I'm looking for, we provided \$50,000 worth of assistance to Women's Health, and from Nancy Adelshein, she's very good about reporting to us the utilization of that dollar, and I think we're in pretty good contact with her, particularly to Kathy Etre, but I'm happy to dig in deeper to find out more about Women's Health.

COMMISSIONER VIGIL: Okay. Could I also have an update on what's going on with the nurses' negotiations?

MR. VALDEZ: I'll be happy to. Pertaining to nurse staffing, we have a nurse staffing committee that is comprised of five nurses, who, I'm going to say, for the most part are in direct care. I think there was a requirement that they have to be in direct care, and we have fire of our management who comprise this committee. The committee has been meeting on a regular basis in my rounding last night in the hospital with our nurses there is still a lot of concern and consternation over where this staffing issue is going to go with nursing, so we need to continue to work to have an understanding that no one, no one, is going to compromise patient care or jeopardize patient care, so let's come to that mutual understanding.

COMMISSIONER VIGIL: Could you, Alex, tell me how long these have been going on? The nurses, these negotiations?

MR. VALDEZ: I think these discussions probably started in a November timeframe. I may be off a month, but I think it was a November timeframe. With the techs we established the same type of committee, with our technicians, and we have resolved the staffing pattern for our techs and staffing as it pertains to service and maintenance also, pretty well resolved. We just have to continue to work and look for common ground on which we can move the nurse staffing component a little further.

COMMISSIONER VIGIL: Just, I would encourage those negotiations to move forwards steadfastly because as you know, again, having been at the legislature for again, almost the next 30 days, I am hearing from legislators and nurses who are involved in this field that know there's no negotiation in sight. So that is a huge concern for this Commissioner and for others who express those concerns. So my statement, and I don't need a response, is that just move those steadfastly and make sure that you come to a resolution as soon as you possibly can. Thank you, Madam Chair.

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CHAIR STEFANICS: And Alex, if you'd just stay up front, because other Commissioners might have questions. And thank you, Mr. Aldridge, for coming today as well from the board. Judy, Ms. Williams, could we hear from you and the Health Policy and Planning Commission? And then we'll open it up to questions and comments from all Commissioners. Would you share with you anything you'd like to about the meeting in which this was considered?

JUDY WILLIAMS: Good afternoon, Madam Chair, Commissioners. We had a very interesting meeting last week. Among other things, we have three brand new members of the commission. It was their first meeting so it was quite an interesting time for them having to be on a really steep learning curve. So we had to juggle a lot of things. We talked about our responsibility – why we exist, which is basically to be responsible to the County for making recommendations, doing analyses, doing needs assessments and so on. And I think that kind of set the stage for what we thought we had to do.

We reviewed the budget. The County Manager was there, the Finance Director, Steve Shepherd of course and Greg Smith. And we looked at a bunch of figures, we looked at the FY 11 expenditures for various healthcare items in the County budget. In 2011 there was quite a deficit in terms of revenues and expenditures for all of the health-related services the County provides. We looked at that, realizing that some of that will probably level out for 2012, given the reduced amount going to Christus St. Vincent. We talked a lot about the needs of the hospital, but we also talked about the needs of the community based healthcare providers, basically the safety net.

As we did before we tried to balance what might be needed by them and what is needed by the other hospitals who serve county residents and realizing that we cannot meet all of the needs and requests of Christus St. Vincent. It's a huge hospital; they do a lot of service, and we're all grateful for that. But we ended up basically asking, recommending a pretty flat budget, based on 2012 expenditures and projected expenditures with a slight multiplier for a little bit of an increase. And that's what we did. I'd be happy to answer questions.

CHAIR STEFANICS: For clarification, was there any dissension in the recommendation?

MS. WILLIAMS: Any dissension?

CHAIR STEFANICS: Among the HPPC?

MS. WILLIAMS: Well, as I said, we had three new members and they had a very hard time getting – having to vote on this at their first meeting. And there was one vote against and basically, I asked her later why she voted against it. She's a brand new member. There was basically only one vote against and there were no abstentions. And she said that she didn't feel she had the information from the hospital to make a decision. On that line I'd like to mention I did send Alex Valdez a couple of spreadsheets last week and said it would really help the commission, our commission anyway and possible the County Commission if we could see some of the expenditure data, people served, by categories, by insurance categories, indigent care and so on. And they graciously provided some of that and we're continuing our discussion to make sure we get some of the things broken out the way we want them. So that's just been happening in the last several days.

CHAIR STEFANICS: Thank you very much. Okay, Commission, questions, comments, discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, for staff, Katherine, whoever would like to answer it. For the past – prior fiscal year 2012, base and supplemental – I’m looking at a spreadsheet – it as \$2,264,283 combined contribution from Santa Fe County. Correct? Is that correct, Steve?

MR. SHEPHERD: Could you say the number again, please?

COMMISSIONER ANAYA: \$2,264,283, base and supplemental.

MR. SHEPHERD: Madam Chair, Commissioner, that’s correct.

COMMISSIONER ANAYA: So right now we’re just looking at the base and any supplemental might come later in the year. Is that correct?

MR. SHEPHERD: That would be correct.

COMMISSIONER ANAYA: Madam Chair, Mr. Shepherd, what was that total contribution from Santa Fe County in 2011?

MR. SHEPHERD: Madam Chair, Commissioner, the local match was initially \$6.861 million, because of a receipt of ARRA funding by the state. The actual match was \$5,840,732.

COMMISSIONER ANAYA: So from that, there’s many reasons that I’m sure Commissioners and staff would offer us, the decline in the economy and others, but that was a pretty substantial decrease in funding from 2011 to base here 2012.

MR. SHEPHERD: That’s correct.

COMMISSIONER ANAYA: So, Madam Chair, members of the public and the community, that being said, I think that it goes without saying that we absolutely – last time I checked, I know that there was rumblings about another hospital that was going to potentially come into Santa Fe. Madam Chair, Mr. Shepherd, are you aware of any other hospitals that have expressed an interest in coming to Santa Fe and this region to serve this region? Or is the Health Planning Commission, for that matter, aware of any other hospitals that have expressed any interest in relocating to Santa Fe? I have not heard any. I’m just curious if there’s any discussion taking place.

MR. SHEPHERD: Madam Chair, Commissioner, not that I’m aware of.

COMMISSIONER ANAYA: Madam Chair, is our Health Policy and Planning Commission chair of any potential new hospitals coming into the area to serve this region?

MS. WILLIAMS: Madam Chair, Commissioner Anaya, not currently. There have been some discussions in the past I think, of Presbyterian coming in but I haven’t heard anything in at least a year, if not more.

COMMISSIONER ANAYA: And so Madam Chair, Madam Chair, thank you for that response, and Mr. Shepherd, thank you for that response. I think the point there, the operative point for me is that we have one hospital in this community and it’s our sole community provider and that’s why we’re here having this discussion. And that over the years I was completely entrenched in a lot of the discussions around sole community provider and the work that sole community provider hospitals, our hospital Christus St. Vincent does, but I think that – and I think that was Commissioner Vigil that just raised some questions that are valid questions about concerns that may exist associated with the negotiations with nurses and what other kind of community work we’re doing with Women’s Health Services and La Familia Medical Center, but for me, in addition to those comments and concerns, I think the concern is making sure we have an excellent working relationship and that we build that relationship better over time with the hospital.

And frankly, if you read the papers and you see what's happening with the media and the discussions, the relationship doesn't appear to be what it needs to be. So I'm happy to see that the chairman of the board is here. He came to our indigent fund meeting, and I'm happy that the Health Planning Commission has engaged in a broader dialogue, but I think we need to work on it even more. I think we need to have more information from the hospital back to us from the board and the hospital and from your staff, and we have to have a better relationship over all.

Without a doubt, the cut in funds that was provided by Santa Fe County had some impact on the hospital. Now, we're still working with you, Mr. Valdez, to understand the scope of that impact, but without a doubt we've got to work together.

So, Madam Chair, my question is relative to legislation and I don't know if it's you, Commissioner Vigil, or staff that can answer it. There was other questions or issues brought up that some legislation that was being considered that would allow other local entities to be part of this discussion and this process, primarily the City of Santa Fe, I think, for some of the discussions that we've had. Ms. Miller, is there any movement in that direction or did we make any headway? I think that in itself is one area that as a policy board we should be in lockstep working with the hospital and the Health Planning Commission to try and change that legislation to do that, so that maybe they can help us with that issue. Do you have a –

MS. MILLER: Madam Chair, Commissioner Anaya, yes, as a matter of fact, under legislative update I was going to bring that up. There is a bill, House Bill 323 on new sources of sole community provider hospital funds. It is moving. There was an amendment that actually changed it and narrowed what we were hoping for, but I'm trying to get that language right now to update you on that. But it is moving. It is one of the ones on our watch list and the Association of Counties has been working on making sure that that bill moves forward as well. But it would allow for a change in the certification date. It could be set by the HSD secretary and also allow for other public funds.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Mayfield, on that point.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, what's the status of that bill, please?

MS. MILLER: There are two – there's actually two bills, and Alex might know more because it's been moving, but there's a Senate Bill 258 with a Senate Finance Committee substitute and that's also the same as the House Bill 323, and it is – maybe, Alex, you could give the latest amendment because I know they substituted it.

MR. VALDEZ: Madam Chair, members of the Santa Fe County Commission, the two bills have crossed over to both houses, so the Senate Bill is now in the House, the House Bill is now in the Senate. The original bill had a very direct provision that would enable public bodies to certify the expenditure of public funds, and as a result of certifying the use of those public funds, be able to draw additional federal dollar.

For instance, Santa Fe County Commission provides direct dollar to Women's Health, for instance. Under the original bill you would be able to certify that you were using those public funds to further services to the uninsured and the indigent. You would go through somewhat of an elaborate process to get to that certification but you would then be able to draw down the federal match that could help you to further on that mission. The certification

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of public funds in the amended bill has been narrowed somewhat. I don't know to what extent it's been narrowed.

What is still very active in the current bills are the ability to go to other public bodies to look to see whether they are able to put a match for sole community provider. Public bodies could be the State of New Mexico, public bodies could be the Health Sciences Center, public bodies could be the City of Santa Fe, to look to see how we would best go about leverage.

The policy driver behind this is to say, before we find ourselves in a position where we are reforming Medicaid aggressively, such as California and Texas, let's make sure that we are able to secure as much of that federal dollar that we can in that policy shift that we may see occurring with Medicaid. Thank you, Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield, on that point, and then Commissioner Anaya still has the floor.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Valdez, do either of those bills have an emergency clause on them?

MR. VALDEZ: Madam Chair, Commissioner Mayfield, I do not believe that either of them has emergency clauses on them.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Valdez, they're not going to go into effect until the following July.

MR. VALDEZ: That's correct. July this year, and then if they go into effect, we'll try to capture the impact of those bills during supplemental discussion.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Anaya, you still have the floor.

COMMISSIONER ANAYA: Madam Chair, one more question. Madam Chair, Mr. Shepherd, the match that's been recommended by the Health Policy and Planning Commission here today, \$2,338,285.31, is that the max that they're eligible based on the reduction that occurred last year and based on adding market basket to last year's base?

MR. SHEPHERD: Can you give me that match number again. I apologize.

COMMISSIONER ANAYA: \$2,228,285 – is that the right one?

MR. SHEPHERD: No. We're estimating that the Health Policy and Planning Commission – the max amount that would be required for the recommendation from the Health Policy and Planning Commission is \$3.186 million.

CHAIR STEFANICS: For all three hospitals.

COMMISSIONER ANAYA: Okay. I was looking at all three. But if we just look at St. Vincent, you said it's \$2.183 million?

MR. SHEPHERD: I don't have that specific number.

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioner Anaya, if you look at page 2 of the letter, what I can clarify for you is the notated numbers down at the lower part of the paper identify – if we took the FY 12 claims, what they would be per hospital. What our SCP amount would be, in terms of a commitment by the County, and then the amount leveraged, what it would equate to for each hospital. Now, we also inserted a column that shows you what the state would approve at a maximum level. So for Espanola and Los Alamos, the amounts that make up that \$6.8 million leveraged amount, the \$482,000 and the \$54,000, that is the maximum the state will approve for them going into

next fiscal year. For Christus St. Vincent, that \$6.3 million is not the maximum but it is what is calculated based on the use of the FY 2012 claims, a 3.2 percent escalator if you will, and an FMAP or County contribution match of 31 percent.

COMMISSIONER ANAYA: Madam Chair, hold on a second.

MS. MARTINEZ: Okay.

COMMISSIONER ANAYA: You're losing me, Ms. Martinez, so let me get back and maybe break it down a little more so that I make sure that I get it. The amount of money that's being requested, recommended by the Health Policy and Planning Commission is what?

MS. MARTINEZ: \$6.8 million. It's the final recommended amount column.

COMMISSIONER ANAYA: Just the match amount.

CHAIR STEFANICS: Excuse me. Wait a minute. Commissioner Anaya, are you asking specifically for Christus or for all three hospitals?

COMMISSIONER ANAYA: Just for Christus.

MS. MARTINEZ: Oh, for Christus, our match requirement would be \$1,953,459.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, is that the max they're eligible, based on last year?

MS. MARTINEZ: No, sir.

COMMISSIONER ANAYA: What's the max that they're eligible for? What would it cost us as a County today to get them what they're eligible for for base? That's my question.

MS. MARTINEZ: Okay. Madam Chair, Commissioner Anaya, if you look at the second to the last column, the maximum the state will approve, if you look at that just over \$7 million would be what St. Vincent Hospital would be eligible for. So if we honored the maximum for St. Vincent and then the maximum that would be approved for the remaining two hospitals, the County would be looking at a match that the state would approve at \$7.5 million.

CHAIR STEFANICS: Ms. Martinez, I think that Commissioner Anaya is asking what County amount could be the max. Is that what you're asking, Commissioner Anaya?

COMMISSIONER ANAYA: Yes, how much –

CHAIR STEFANICS: Not the state's total with the feds.

COMMISSIONER ANAYA: What would be the max for the County if they were to meet that \$7.0 million.

COMMISSIONER ANAYA: Yes, Madam Chair. Thank you.

MS. MARTINEZ: One second. \$2,179,000.

COMMISSIONER ANAYA: Can you give me the difference between those two numbers: \$2,179,000 even and \$1,953,459?

MS. MARTINEZ: \$226,125.

COMMISSIONER ANAYA: So Madam Chair, Ms. Martinez, or maybe Ms. Miller on this question. In the spreadsheet that I'm looking at that you provided on January 25, 2012 we had a match request or a match amount that's represented on this spreadsheet right here, of the \$2,175,000 that's pretty close to that \$2,179,000, stopped by four bucks, or

\$4,000 I should say, not four bucks. A little over \$4,000. Was that staff's recommendation at the time, the – I'm looking at this spreadsheet right here. \$2,175,957.12, St. Vincent.

MS. MILLER: Madam Chair, Commissioner Anaya, staff recommendation during the Indigent Board meeting was estimated 2012 claims plus the escalator, but we provided a few different ones which were base, plus supplemental, plus the market basket rate, which is the number that – by the way, the slight difference is the difference in the figure we were given for escalation and I just want to point out that the number would change based on the FMAP or the escalation rate that the state does not give us until May. So we really go more by what you tell us you'd like to see in total dollars and then we back into it. Our match.

So that's the difference in some of these, because they don't actually finalize that figure until later. But back to your question, we were recommending, based on the same way we recommended it last year, taking estimated claims plus an escalator.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Miller, staff, general public, the hospital, I was prepared to come in here at minimum looking at the number we had at the Indigent meeting, \$2,175,957, and that a broader discussion needs to occur between – and continue between the Board, the hospital, the Health Policy and Planning Commission and all the parties we've already talked to. So I'll listen, but that's what I was prepared to do today.

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

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Shepherd, is February 15, tomorrow, the deadline date or did HSD extend that? Did we get an extension?

MR. SHEPHERD: Madam Chair, Commissioner, no. Tomorrow's the deadline.

COMMISSIONER MAYFIELD: Tomorrow is the deadline. Thank you, Madam Chair.

CHAIR STEFANICS: I just would like to remind the Commissioners that we do have a deadline and that we will have a request for a supplemental later in the year as well.

COMMISSIONER ANAYA: I'm prepared to make a motion, Madam Chair.

CHAIR STEFANICS: I think our other Commissioners who stepped away had questions. I apologize for that. Let's see if anybody comes back into the room. So, Mr. Shepherd, I would like to thank you and the Health Policy and Planning Commission. I would also like to thank the hospital for serving the community. There have been some recent communications in the hospital about people being happy with the quality of care and being happy with the services they received. And I'd like to remind the public that a lot of our discussion is not about whether people are receiving good quality medical care here; I don't think people should doubt that. It's more about the finances of the County and what we are prepared to do in terms of the statistics that are given to us in relation to the request.

So I'm not sure. Are the other Commissioners there?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval – and I'm going to have you give me the number back, Teresa. \$2,179,000 as a base for this year.

CHAIR STEFANICS: I have a motion.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: For \$2,179,000 as the base, made by Commissioner Anaya, seconded by Commissioner Mayfield, and it does differ from the HPPC's recommendation. This is in relation to Christus. But we have to make a decision on all three hospitals.

COMMISSIONER ANAYA: Madam Chair, I would move the balance of recommendations from HPPC on the other hospitals.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Okay. That was an amendment to the motion and accepted. So, Commissioner Holian or Commissioner Vigil, any comments before we go to a vote?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I am going to vote against this. I think that we should go with the recommendation of the HPPC. I feel that we can always later give a supplemental to the hospital when that comes up in September, and I think we need to not lose sight of the fact that we help out a lot of other healthcare organizations that are non-profits that provide healthcare to our community. Thank you.

CHAIR STEFANICS: Commissioner Vigil, anything?

COMMISSIONER VIGIL: Madam Chair, I'm not going to support this either. I think it comes to us too late in the process. We've gone through a long and studious process and also we have our Health Policy and Planning Commission who has gone through their own process to make their recommendation, and I want to protect that fidelity of that process. So I think it's really appropriate for us to try to protect that fidelity of that process and despite the fact that I would love to be able to give the hospital as much money as possible we're not at a place where we can, Madam Chair, so I'm not going to be able to support it.

CHAIR STEFANICS: Thank you. Commissioner Anaya, I have a question for you. If this motion, if this amended motion include, if your amended motion included that the amount would cover any supplemental requests and no further supplemental, would you accept that?

COMMISSIONER ANAYA: No, Madam Chair. The purpose of my motion, the cut of funding that occurred that was a decision by the Board of County Commissioners was quite drastic in the last cycle. When I was going through the iterations of how I got to the number I went off of – so it's not brand new – I went off of the spreadsheet and the information we went over in the indigent board on January 25th to do one thing: keep the market basket increase and last year's supplemental, keep the base at that level. That's it. And I did it off of data and information that all Commissioners are privy to and the discussions we had. That's it, plain and simple.

So I don't think – and I think that the broader question, there could be legislation that allows other governmental entities to be part of the process and the discussion with supplemental, so I wouldn't want to cut out any potential opportunity to look at supplemental at a later date.

CHAIR STEFANICS: Okay. Thank you very much. So we have motion to approve \$2.179 million for Christus St. Vincent, \$204,772 for Espanola, and \$27,724 for Los

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Alamos, which would be matched with federal dollars. Which of course would be in the millions for the public listening.

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

CHAIR STEFANICS: I believe it's 2-3, positive-negative, so the negatives did not approve this. Is there a second motion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a motion that we accept the recommendation of the Health Policy and Planning Commission for the sole community provider contribution to all three hospitals.

COMMISSIONER VIGIL: I will second that, Madam Chair.

CHAIR STEFANICS: Okay. Further discussion.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, I appreciate the work that our Health Policy and Planning Commission put into this. I also understand there were three new board members who relatively may not have understood the process, because I'm still trying to figure out the process here sitting on this Board for over a year. Madam Chair, again, I know that the Health Policy and Planning Commission did a great job. I see that Espanola Hospital received more money than the request that came to us on January 25th, which I'm very appreciative of. I also see Los Alamos Hospital receiving more money than what was requested at one of the presentations to us on the 25th. To me though it's troubling why St. Vincent is arguably taking the hit.

I would like to look at funding to be equitable for all the hospitals, including St. Vincent's Hospital. With that again, I do appreciate all the work. I do appreciate the funding that is going into the hospitals, but also would like to recognize the potential and the advantage of us taking the best of the match that we can get. With that I'm going to probably vote – not probably, I will vote no to this motion, but I do look forward to supplemental information coming to us. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. So the motion on the floor is to accept the HPPC's recommendation of a total of \$6,830,475 that combines County, state, federal dollars for the three hospitals. All those in favor please say aye.

[Commissioners Holian, Vigil and Stefanics voted aye.]

CHAIR STEFANICS: I'm sorry, Commissioner Anaya. Did you have a question?

COMMISSIONER ANAYA: Yes, I did. I had a question. Madam Chair, I'd like to call the chair of the Health Policy and Planning Commission back up if I could.

CHAIR STEFANICS: Steve, Mr. Ross, could you advise me. We're in the middle of a vote. Should we lay that vote aside for this or finish the vote?

MR. ROSS: Madam Chair, there's a motion and a second. It's at the call of the chair.

COMMISSIONER VIGIL: I think we've already accepted the yeas. I think you have to finish with the nays.

CHAIR STEFANICS: Okay, I think she's correct. I think we have to finish the vote and then we'd be happy to take the question to the chair. There were three people in favor of the motion. All those against the motion please say aye.

[Commissioners Anaya and Mayfield voted against the motion.]

CHAIR STEFANICS: Okay, now, the motion passed 3-2. Now Commissioner Anaya has asked the chair of the HPPC to come forward.

COMMISSIONER ANAYA: And Madam Chair, in the future, if I could have my discussion before the vote I'd appreciate it.

CHAIR STEFANICS: Certainly.

COMMISSIONER ANAYA: I'd like to just ask this question. And I'm very familiar with the process and very familiar with the complexities of sole community provider having dealt with it myself for several years. So I'm not asking this question blindly by any stretch of the imagination. That being said, did you knowingly, as the Health Policy and Planning Commission, did you understand my questions that I was asking relative to how the number was arrived at? And that all I was trying to do was hold the hospitals whole, based on market basket increase? Did the Health Policy and Planning Commission know that and say, no, we're going to go ahead and reduce it by the 200 and whatever thousand dollars that it was reduced by?

MS. WILLIAMS: Madam Chair, Commissioner Anaya, I think what we did – well, I know what we did. We looked at what they got in 2012 and we used that. What the claims for the last fiscal year were and recommended that they get the same amount with an escalator. And the escalator I think was 3.125 percent or something like that. I'm not sure what it is.

COMMISSIONER ANAYA: So Madam Chair, my point is, the Health Policy and Planning Commission, the questions I was raising and the points I was raising weren't adverse to the Health Policy and Planning Commission. They were merely comments to mathematically balance the spreadsheet, if you will, to show an equal gain. So you didn't knowingly reduce them by 200 and whatever thousand dollars I was just referring to?

MS. WILLIAMS: We didn't knowingly or willingly reduce anything. I think we based it on last year's claims and an escalator. I think it was pretty – a fairly simple calculation at that point. We looked at the County budgeting issues and what the hospital received last year based on claims submitted and paid.

COMMISSIONER ANAYA: And Madam Chair, Madam Chair, total members on the Health Policy and Planning Commission is how many?

MS. WILLIAMS: I think there are ten now. Ten, with one vacancy. And nine of us were there.

COMMISSIONER ANAYA: And Madam Chair, nine were present and of those nine, three were brand new?

MS. WILLIAMS: They were new. They're very well qualified and we talked about the sole community provider issue and we talked about the indigent care fund, and we had a pretty thorough discussion with the help of County staff.

COMMISSIONER ANAYA: Thank you, Madam Chair, Madam Chair. I wanted to make those comments because I respect the Health Policy and Planning

Commission at the same time it's a pretty difficult task and issue to grasp in a year's time, much less one meeting or one discussion's timeframe. So that being said, I would explain my vote as Commissioner Mayfield did that I believe we had a potential to maybe balance that spreadsheet a little better. So thank you, Madam Chair.

COMMISSIONER VIGIL: Madam Chair, on that point.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: You know I really want a clear understanding. I can certainly appreciate the advocacy for further dollars, both on behalf of our hospitals' part and our community's, but we do go through a budget process, so at this point in time, and if we do look at this again for any kind of an increase or adjustment we really need to look at where we're going to take dollars from to make that happen. So if we're starting to look at supplemental and there's a maximum amount of dollars that are going to be advocated for, we need to include that in our budget process; we need to identify where we're going to take it from. It makes it very difficult to make a decision in that category at this point in time, Madam Chair. That's all I wanted to say.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Anaya, and then we should probably wrap this up.

COMMISSIONER ANAYA: Madam Chair, this will be my last comment. I used – I pulled that number off of our spreadsheet provided by our staff. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I think Commissioner Vigil hit the nail on the head with this. It's hard to do our budgets, especially, we haven't even done our 2013 year budget yet and we are getting some commitment of dollars. Madam Chair, especially to the chair of the Health Policy and Planning Commission, was Teresa Martinez letting you know what our future projections are for 2013 at the last commission meeting?

MS. MILLER: Madam Chair, I'd like to comment. I actually was at that meeting, and I gave an entire overview for the last 11 years of what has happened from what the base used to be, how that base plus supplemental grew, what we have encountered, what the hospital has been accustomed to receiving over the last several years, and what items have caused this to come down, not just County revenues but also the federal match rate, our inability to have agreements for other services to be provided, and the fact that it does come in front of the rest of the budget process. So it's very difficult to make the commitment of an increase in this without knowing what the rest of the County budget is.

So I did give a probably 20-minute to 30-minute overview of all that and all the competing issues to the commission because there were new commissioners. So I just wanted you to know, I did go over – Teresa was there, and I wanted to make sure that the HPPC did understand a lot of the components even though they didn't have time to really dig into it for hours, but we did talk in quite a bit of detail about it.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Ms. Miller, on that note, and thank you for doing it. Are the two bills in place right now at the legislature, do

they address the date when the funding has to be done or is that done through the federal level, of when you can ask for this match money?

MS. MILLER: Madam Chair, Commissioner Mayfield, both bills have a provision in there – the date is currently set in statute, that it has to be done January 15th, and it allows, the bills actually say or a date set by the Secretary of Human Services, which would be very helpful not to have a set date so much in advance of County budget process.

COMMISSIONER MAYFIELD: And then, Madam Chair, Ms. Miller, when that would happen, if it happens, you could arguably apply for the match dollars to the federal government at any time or is there a date certain there?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't know what the federal cutoff is. I'm sure there is a point, but if you recall last year they did extend – HSD did extend all the way to April, and that was helpful to us because we were getting a better prospective on what our revenues would be. But it would be helpful if that could be pushed back from the January-February time frame.

COMMISSIONER MAYFIELD: I agree. Thank you, Madam Chair. Thank you, Manager Miller.

CHAIR STEFANICS: Thank you very much. Thank you all for your work. Thank you for coming today, Alex and Mr. Aldridge for your presentations and your support for the hospital, and to the HPPC and all their work.

XII. C. Public Safety & Sheriff's Office

- 1. Request Title and General Summary of Ordinance No. 2012-___, Establishing Policies, Procedures and Protocols for Compliance with Federal Immigration Law and the Immigration and Customs Enforcement Services of the Homeland Security Department, Concerning Undocumented Criminal Aliens Committing Serious Property Crimes or Other Felonies Incarcerated at the Santa Fe Detention Facility (Commissioner Anaya)**

CHAIR STEFANICS: I do not have any materials here at my desk or in my book regarding this matter. Do others?

COMMISSIONER HOLIAN: No, I don't either.

CHAIR STEFANICS: I know that we had it by email and I'm very sorry I did not bring it but nobody at this end has it. So, Commissioner Anaya, would you like to – this item is under XII. C. 1. I'm going to read it and then Commissioner Anaya will start to introduce it. I'd like to remind the Commission and the public that we do not take testimony on publishing title and general summary. The testimony comes at the time when we will actually hear a law to vote on. The vote today is only on whether to publish title and general summary for this bill. It's not voting on the bill. Commissioner Anaya.

COMMISSIONER VIGIL: Madam Chair, Commissioner Anaya, may I ask Commissioner Anaya to address this particular question on his presentation, because I was not prepared to action on title and general summary. I think when we last spoke to this we were looking at a resolution. So I was very surprised to see a title and general summary, but maybe you can explain that to me further.

COMMISSIONER ANAYA: Sure, Madam Chair. I could start with that. Madam Chair, members of the Commission, an ordinance is more binding. It's a law, if you will, for County government. So I felt that it's an important issue as a public safety issue. This meeting is for publishing title and general summary. It will afford the public an opportunity to come at every facet, whoever would like to come to provide feedback and input. But it's a serious enough issue that I felt it appropriate as an ordinance as opposed to a resolution.

COMMISSIONER VIGIL: Thank you, Madam Chair. Thank you, Commissioner Anaya.

CHAIR STEFANICS: Commissioner Anaya, to explain the title and general summary.

COMMISSIONER ANAYA: Madam Chair, I'll make a few brief comments. I'll read the proposed ordinance and then make some additional and final comments at the end. I believe, Madam Chair, members of the Commission and the public, it was October or November, I think it was October of this last year, that there was an issue of an individual who had killed his girlfriend and then took his son to the western part of District 3 in Santa Fe County. Killed his girlfriend and then kidnapped his son and then ultimately killed himself. And at that time, and in the Commission meeting, I had expressed that I had concerns associated with how we were dealing with undocumented individuals, especially those individuals who are committing serious and violent crime.

Subsequent to that, with through no direction from me, with no impetus from me, it's my understanding, based on hearsay – I don't know it as fact; I know it as hearsay, and what I read in the papers and what I heard on Target 7 news, law enforcement officials at the City level and some at the County and other members in law enforcement and other members of the community had concerns as to how Santa Fe County was handling undocumented individuals in our jail. I watched those news programs just like you did, my colleagues, Madam Chair and the rest of the Commission, and those members in the public, and immediately became frustrated again. So it doesn't matter how things come about but that they come about and that they're discussed and vetted in the public forum.

So I'm thankful to how it coming back about again. I'm thankful that the press picked it up. I'm thankful that Target 7 picked it up and published the story. I'm thankful that we're going to have a discussion. I'm hopeful about, if we have the votes, to take that discussion to the public and afford them an opportunity to comment. That being said –

An ordinance requiring the Santa Fe County Adult Detention Facility to honor detainers issued by the Department of Homeland Security/Immigration and Customs Enforcement, - otherwise known as ICE, requiring notice of release orders; requiring sharing of convictions of crimes with immigration authorities; requiring cooperation with immigration investigations and interviews undertaken to establish a person's immigration status or whether a person is deportable; and requiring cooperation with immigration authorities to interdict and detain persons charged or convicted with serious crimes.

Whereas, it is critical that the County detain offenders of serious crimes regardless of the color, race, ethnicity or immigration status of any person, within the scope of the law and policies and procedures applied to that law;

Whereas, the Sheriff of this and all counties in New Mexico is the chief law enforcement officer of the County, whose office and staff should be involved and treated as

such, and should be treated as the chief law enforcement officer of the County both inside and outside of the Santa Fe County Adult Detention Facility;

Whereas, there should be clear path to citizenship for illegal immigrants, but there should also be a clear path to jail and prison for those who commit crimes;

Whereas, as it relates to serious crimes and felonies, Santa Fe County needs more stringent policies that afford complete cooperation and coordination with Immigration and Customs Enforcement of the Homeland Security Department;

Whereas, persons who commit felonies or aggravated crimes in Santa Fe County are not welcome here, whether that person is lawfully here or unlawfully in the United States; and

Whereas, to assure the continued public health, safety and welfare, it is critical that the Santa Fe County Adult Detention Facility accurately track aliens consistent with the law, regulations and customs of the United States Department of Justice and Immigration and Customs Enforcement.

It is therefore ordained as an ordinance of Santa Fe County, New Mexico, as follows. Keep in mind this is just a request to publish title and general summary.

Section One. Detainers. The Santa Fe County Adult Detention Facility shall honor each detainer issued by Immigration and Customs Enforcement, Department of Homeland Security pursuant to 8 C.F.R. § 287.7 (1987, as amended).

Section Two. Release Orders. The Santa Fe County Adult Detention Facility shall advise Immigration and Customs Enforcement prior to release of an alien in custody who is subject to a detainer so that Immigration and Customs Enforcement may assume custody of that alien.

Section Three. Records of Convictions. The Santa Fe County Adult Detention Facility shall, no less than daily, provide documentary records, data, or other information that reasonably relates to an alien's status in the United States or that tends to show that an alien has been convicted of a crime or committed some other act that renders the alien inadmissible in the United States or removable from the United States.

Section Four. Interviews and Investigations. The Santa Fe County Adult Detention Facility shall cooperate with investigations by Immigration and Customs Enforcement concerning the immigration status of persons housed within the Santa Fe County Adult Detention Facility.

Section Five. Enforcement. The Santa Fe County Adult Detention Facility shall affirmatively work with Immigration and Customs Enforcement to interdict persons who pose a danger to national security, who are a risk to public safety, who are suspected of terrorism or espionage, who are convicted or charged with violent crimes or multiple crimes, convicted felons, persons who participate in organized criminal gangs, persons subject to outstanding warrants, persons who have been convicted of two or more crimes punishable by more than one year in prison, and persons convicted of three or more misdemeanors.

Section Six. Information Concerning the Immigration Status of Individuals. County employees and officials shall not prohibit or in any way restrict the sending to, or receiving from, Immigration and Customs Enforcement information concerning the citizenship or immigration status of any individual.

That's the resolution. That's the ordinance, I should say. Not being familiar and this being my first ordinance as a Commissioner bringing it forward by myself, I have several

people in the audience that I want to recognize that won't be able to speak today but I am sure will speak at another date. We have City and County law enforcement. We have a former retired State Policeman, Councilor of the Town of Edgewood, Mr. Chuck Lee in the audience that I wanted to acknowledge.

Madam Chair, I'd like to pose one question that I would like Mr. Ross to clarify for me in this public meeting. This ordinance, if it is adopted, Mr. Ross would this ordinance provide ICE, Immigration Customs Enforcement, the information and tools that they need that they have requested that they are not receiving now?

MR. ROSS: Madam Chair, Commissioner Anaya, as I said at the last meeting, ICE had a number of requirements that they would prefer the County meet before we became a participating county. I had a long discussion with them three weeks ago, something like that, to find out what those requirements were and those are set out here in the sixth paragraph on the second page of the ordinance.

COMMISSIONER ANAYA: Thank you, Madam Chair, Mr. Ross. With that I would move approval to publish title and general summary of this ordinance.

COMMISSIONER MAYFIELD: Madam Chair, I'll second for discussion purposes.

CHAIR STEFANICS: Okay. Thank you. First of all I'd like to thank everybody in the audience who came to listen to the discussion. This is not voting on the an ordinance; this is strictly a discussion about whether or not we would publish title and general summary for such an ordinance. Any other comments, questions? Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for Mr. Ross. Mr. Ross, when we enact an ordinance that has applicability to both state and federal law, do we in general run the risk of superceding that?

MR. ROSS: Madam Chair, Commissioner Vigil, I think you're referring to the fact that this is an immigration ordinance, as opposed to some other type of ordinance. Immigration ordinances are among the – well, immigration in general is a federal issue.

COMMISSIONER VIGIL: Right.

MR. ROSS: And has been since 1787 or something like that. And one must be extremely careful to avoid making immigration law at the state or local level as the State of Arizona is learning right now with its multiple injunctions and petitions to the US Supreme Court. And the reason you have to be careful when you're enacting a law that pertains to immigration is because of the Supremacy Clause of the Constitution, which says that federal law is supreme over state or local law to the contrary. I tried to be careful to avoid those issues, putting these six points together, but as the State of Arizona has shown us, you've got to be careful when you're dealing with immigration matters because it is a federal issue.

COMMISSIONER VIGIL: And Madam Chair, my response to that is I was perfectly willing to look at guidelines for our jail to look at how we dealt with these issues and I thought that we were going to do that by resolution. That's why I asked Commissioner Anaya why he decided to do an ordinance because in my mind that ordinance exposes Santa Fe County to liability and really strong civil liability. I am perfectly willing to consider guidelines as they get enacted through resolution and I think these issues can be addressed. I think an ordinance really is an inappropriate way to deal with this because it is, as Commissioner Anaya mentioned, it does have the weight of law. It does have more teeth, so

to explain.

I think we're going to be exposing ourselves to a challenge on this ordinance, but I do agree that perhaps as a Commission, we need to provide the leadership role for identifying the guidance for those, but I don't think it should be done in an ordinance form. I believe it should be done in a resolution. Perfectly willing to consider that, Madam Chair. So, for title and general summary, I'm sorry, Commissioner Anaya. I'd like to be able to support guidelines on this but I do not want to expose the County to any kind of civil liability.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Could we hear the other comments first?

COMMISSIONER ANAYA: Just on that one point.

CHAIR STEFANICS: Certainly.

COMMISSIONER ANAYA: Madam Chair, just on that one point, I asked a specific question of Mr. Ross as early as today again, associated with the complexities of federal law. In no way does this ordinance have any attempt or desire to supercede any federal law whatsoever. Rather, this ordinance would complement a partnership and working relationship with the federal government and ICE in particular. And relative to whether or not and a resolution again, I think it matters that much to me, anyway, speaking for myself as an individual Commissioner, that on matters of public safety that we should in fact be explicit and clear about the importance and direction. So that's the desire associated with the ordinance again.

CHAIR STEFANICS: Thank you, Commissioner Anaya. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I guess I have some questions on the ordinance itself and I guess I will direct these to Steve and our staff, but in – let's see. First of all, in Section 1, if we are actually required by federal law to honor a detainer, do we actually need an ordinance to restate that?

MR. ROSS: Madam Chair, Commissioner Holian, yes and no, I guess is the answer. If you want to make a very clear point that this county in particular understands its obligations under this regulation – there has been some discussion about whether that's a mandate as opposed to a suggestion. You could make the point through some document, ordinance, resolution or whatever, where we consider that an obligation.

COMMISSIONER HOLIAN: Okay. And then also, normally with ordinances there are penalties associated with not complying with an ordinance, or at least that's been my experience. So what would be the penalty for not following this ordinance? And who exactly is accountable? Who would be punished?

MR. ROSS: Madam Chair, Commissioner Holian, state law provides that violation of – upon conviction of violating a County ordinance is 90 days in jail, \$300 fine for the first offense and \$600 for multiple offenses. And who enforces that is the Sheriff or any state law enforcement officer.

COMMISSIONER HOLIAN: But in this case we're putting certain requirements on our Corrections facility or our Corrections Department, and so who would actually be responsible if something was not followed in here? In other words, would it be the head of our Corrections Department?

MR. ROSS: Madam Chair, Commissioner Holian, no. It would – you would still have to have a certified law enforcement officer enforcing the ordinance.

COMMISSIONER HOLIAN: Well, I'm just wondering though, if you are going to have the 90 days in jail and so on, who would be the person who would be serving that?

MR. ROSS: Madam Chair, Commissioner Holian, you mean a complaint for violation of the ordinance? It would be a Sheriff's deputy or a State Police officer.

COMMISSIONER HOLIAN: Who would be the one who would be violating the ordinance?

MR. ROSS: I misunderstood your question.

COMMISSIONER HOLIAN: What I'm trying to get it is who is the target of this ordinance? In other words, who has to comply with this, and then if that person doesn't comply with it, are they going to be punished for that?

MR. ROSS: Well, Madam Chair, Commissioner Holian, the persons who are responsible for complying with Section 287.7 are detention officers at the County Detention Facility. So those would be the targets, if you will, of a requirement like this.

COMMISSIONER HOLIAN: Okay. I understand that. So now also with regard to, let's see. In Section 2, so this has to do with advising the Immigration and Customs Enforcement prior to release of an alien. What would happen if ICE were advised and they don't come in to pick up their detainee? What would happen then? Would we then just have to keep detaining them indefinitely?

MR. ROSS: Madam Chair, Commissioner Holian, no. If the detainer expires then the person is released. Or the obligation to release the person ceases and the person is releasable if they're otherwise not subject to charges.

COMMISSIONER HOLIAN: Okay. It's not entirely clear in Section 2 whether the person would be released if ICE does not show up. So I'm just concerned that what might happen is that they could be advised and then nobody would come and the person would continue to remain in our jail.

MR. ROSS: Well, Madam Chair, Commissioner Holian, 287.7 though provides a detainer that expires after 48 hours, except if it expires on a holiday or weekend.

COMMISSIONER HOLIAN: Right. Right. So the way that you read this is the normal process would happen in that case as well. If ICE didn't show up the person would be released once they were eligible.

MR. ROSS: Yes. Section 2 only pertains – only says that ICE must be informed about an imminent release.

COMMISSIONER HOLIAN: Okay. Another question I have is in Section 5, it says that the Santa Fe County Adult Detention Facility shall affirmatively work with Immigrations and Customs Enforcement to interdict persons. "Affirmatively work" is not very specific, so how could you determine whether this ordinance was being followed? In other words, if you have sort of a vague thing like affirmatively work with ICE ...[audio difficulties]

MR. ROSS: ...involved local law enforcement officers being deputized with the authority held by Immigration and Customs Enforcement and those agreements also come with the reimbursement potential.

COMMISSIONER HOLIAN: Are we then now being reimbursed for all inmates who are being held on detainer?

MR. ROSS: Well, a certain percentage of them. Not all of them.

COMMISSIONER HOLIAN: Not all. And I was just wondering under what circumstances we are not, when we are not reimbursed. Is there any – is it sort of random?

MR. ROSS: I'm not completely clear on how that process works.

COMMISSIONER HOLIAN: Okay.

CHAIR STEFANICS: Ms. Miller, you have a comment?

MS. MILLER: Madam Chair, Commissioner Holian, we get reimbursed for those who are defined to as a criminal element under the federal program, and that is for individuals who have been convicted of more than two misdemeanors or at least one felony. They have to have been convicted – we hire a contractor who goes through and prepares all of the requests for reimbursement on any of the detainers and they go by what the different federal programs are that will reimburse and submit for reimbursement and we get some percentage on the holds, but we don't get it on all holds.

COMMISSIONER HOLIAN: So, Ms. Miller, are some people held that don't fall in that category of having a prior felony conviction or three or more misdemeanors?

MS. MILLER: Madam Chair, Commissioner Holian, if ICE places a hold, yes, we do honor that hold for the 48 hours, and the hold can be placed on any individual that ICE sends us the detainer for. And we don't make a determination of whether they've met that threshold or not, of a criminal alien.

COMMISSIONER HOLIAN: So we actually have no idea about what the statistics are about how many people are being put on detainer who are considered felons and dangerous criminals versus just ordinary people?

MS. MILLER: Madam Chair, Commissioner Holian, no, I do not believe we have the specific statistics of the type of individual that has been held. We have had holds on individuals that did not meet that level of criminal alien as defined by the federal statutes.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Commissioner Anaya, could we finish everybody's comments? Commissioner Mayfield has quite a few questions. I have some questions. You've had the floor a couple times.

COMMISSIONER ANAYA: Madam Chair, just on that point.

CHAIR STEFANICS: Okay.

COMMISSIONER ANAYA: On that point that's a very good question, and Mr. Ross provided me with some feedback and information that in fact if we have an ordinance that has these rules in place, that we will in fact aid in the process of making sure that they don't select people that shouldn't be detained, that in fact part of the people that get detained are detained because we're not coordinating with them like we should, and if we were coordinating with them we would mitigate that problem.

Commissioner Vigil brought that question up at the last meeting and I went and had discussions with Mr. Ross on that very specific issue. So what you'll find from those discussions, Mr. Ross, why don't you share, Madam Chair, Mr. Ross, why don't you share the perspective you provided to me where because we don't have coordination that's ongoing and regular and fitting within the parameters of this ordinance, ICE – but clarify. You said something to the effect they essentially go through a list and they pick, based on assumptions, where if we had given them information they wouldn't make mistakes, I guess. Could you clarify? Because Madam Chair, I think this is a very important question. Commissioner Vigil brought it up last meeting and Commissioner Holian brings it up now. I think it's a real

important point.

MR. ROSS: Madam Chair, Commissioner Anaya, that's true. In the conversations we had with ICE in 2008, when we had these discussions the last time, and three weeks ago when we spoke, when myself and Mr. Sedillo spoke with them again, that was the chief criticism that was levied upon us from Homeland Security was the fact that without information sharing between local jails and Immigration and Customs Enforcement they operate in a vacuum. They feel like they operate in a vacuum. They place detainers on people based on consulting three databases, comparing those against our database, and without any further information about the immigration status of persons who match on the two lists.

That is a large concern for them and the person we were speaking to said that that contributed to a larger number of holds, detainers, being placed on persons in jails that aren't cooperating because there isn't adequate information to determine whether the people who match the intakes and their three databases, how any discrepancies between all of that can be resolved. So that's exactly correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian, you have the floor.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for Ms. Miller. I think I have heard in the past that when ICE did go into the jail, and that was some years ago now, that it actually was a disruptive experience in the jail and I was wondering if you could comment on that.

MS. MILLER: Madam Chair, Commissioner Holian, when we started looking at this issue, one of the questions and actually this came up about a year ago when I came in. One of the questions was why I had asked staff at the detention facility why we no longer allowed them in to do interviews and the statement was that it was disruptive to inmates in the facility that were concerned about being deported, regardless of what their reason for being in the facility was. That it was a disruption in the facility. So that was one of the reasons it had – why Annabelle Romero, why she had recommended that they not just be going through our facility doing random interviews.

There are other facilities that have had that experience and there are some who allow it. We had a discussion at the Association of Counties meeting about this and there are some county facilities that do have that and some that don't. The discussion was kind of 50-50.

COMMISSIONER HOLIAN: Thank you, Ms. Miller. I am finished for how.

CHAIR STEFANICS: Okay. Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Ross, thank you. Madam Chair, this kind of goes back to the last, two weeks ago meeting. I did also believe the resolution was coming forward at the time and I guess we didn't have it noticed properly. But my reason for that is also just to have more discussion on this matter. I appreciate the presentation that Mr. Ross gave us a few weeks ago but I was I guess a little distraught that we didn't have more speakers on this. I would want to hear from Somos. I personally would want to hear from ICE. I'd like to hear from our local law enforcement on this. I'd like to hear from the public on these issues. And if this is a means to get to those discussions, as Commissioner Vigil pointed out, if it needs to be done through resolution, because I do echo her concerns if we are treading on some federal law or state law maybe that we shouldn't be treading on at a local level I'd hate to put the County in any position that

could cost us a lot of money.

With that being said though, Mr. Ross, I do have a few questions as far as a couple of sections in this ordinance. My first question is going to be kind of based on one of the whereases. The County needs more stringent policies. I kind of heard at the last presentation you gave us, Mr. Ross, that the Count – and when I say the County I'm not picking on anybody in particular or any unit, but do we have policies in place right now as far as our communication with ICE?

MR. ROSS: Madam Chair, Commissioner Mayfield, no, we have not. No written policies.

COMMISSIONER MAYFIELD: Mr. Ross, I don't know if you can answer this but why do we not have those policies in place?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know. I'm not sure that they were considered to be necessary.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I personally view them to be absolutely necessary. If this issue has been ongoing long before I came on this Commission, hopefully this matter, immigration, hopefully it will be addressed at a federal level, but it may be ongoing long after I leave this Commission. But for me, at a local level, we have to have in place some policies so that at least staff can be consistent with whatever message is going out, and united, arguably with what message is going out.

CHAIR STEFANICS: Ms. Miller, you had a comment?

MS. MILLER: Madam Chair, Commissioner Mayfield, on that issue, some counties have – we have policies at the facility. Some counties in their detention facilities have very specific references in their policy to ICE holds versus other holds. Santa Fe County has in its policies at the detention facility just a policy on holds. We honor other law enforcement entities holds. And so that is the provision which the detention staff has been honoring this hold as well as any other law enforcement entities hold, if it's an extradition to another state or something like that.

So that's how the detention facility has viewed these holds as part of the written policy, that they are treated like other holds and honored. So that's where – so to say, they have not been added into the adult facility or juvenile facility policies specific provisions on ICE holds.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, thank you for that clarification. Again, I appreciate Channel 7 bringing this forward to us. Also there were a lot of comments made to the media, respectfully through our local City police department. I believe there were questions as far as the holds. That's one question that I do have that I would like to have discussed publicly so I have more information on that. Because hearing what you just said, Ms. Miller, and I appreciate what you just stated, but I believe that I heard different, at least from the media accounts, through some of law enforcement's positions as if we were just recycling and releasing a lot of these folks that are causing them trouble out in the community. And if we weren't honoring those 48-hour holds. Maybe I misunderstood it, but that's how I understood it in that media account.

MS. MILLER: Madam Chair and Commissioner Mayfield, these are issues of communication between our facility and law enforcement, but as I said we don't have specific policies relative to how – when to call ICE, how to handle those items. But it has been our practice and based upon the policies to honor detainees. If something else is going

on that might be a separate issue, if there is disagreements between individuals who work at our facility and different law enforcement entities then I think we're talking about a different issue.

COMMISSIONER MAYFIELD: Thank you. And Ms. Miller, what you stated again and I know you're trying to figure this out also. But from what I understood with that, that causes me some concerns. If we don't have equitable policies in place then it's very subjective as to who could be held or who could be released I believe, and what generates that discussion? Is it a phone call to somebody that says, hey, x-person got arrested. They're in your custody. They're doing great in the community. X y and z, let's thing about releasing them. Who makes that determination if ICE is going to be called or if ICE is not going to be called, if there's not a standard policy in place?

MS. MILLER: Madam Chair, Commissioner Mayfield, as I said, it's been reported to me from Ms. Romero that the County's policy, and in the facilities' policies that these holds are treated like other holds, that they are honored. Now, relative to communication, I think that that's been a management decision within the facilities as to when they communicate and when they don't. If the Commission desires that we actually put more specific policies in place, I think this is the point of this discussion, and whether those are more defined and more laid out to say, this is what individual staff members will do – when they will call, when they won't call. When they will honor a hold, when they might not honor a hold. That type of thing. So I think it's an appropriate discussion to have because it would be a policy issue for the Commission if you want to have more specific and stringent policies. We could either do that by, as Commissioner Anaya has proposed, by an ordinance, or by policies within the facility or a resolution with those policies attached to the resolution.

COMMISSIONER MAYFIELD: Thank you, Ms. Miller. Madam Chair, Mr. Ross, hopefully I don't tread over something that we've already discussed, but Section 1, detainees, as it's written, and I won't read it again, Mr. Ross. But is this being done currently at our County jail?

MR. ROSS: Madam Chair, Commissioner Mayfield, I assume so.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I appreciate that you assume, I just want to know if it's being done. And maybe – who do I ask that question of?

MR. ROSS: Madam Chair, Commissioner Mayfield, you have to ask Mr. Sedillo, Ms. Romero, the warden. Obviously in the Legal Department we don't know but we assume that people are following the requirements I laid out in my presentation last time.

COMMISSIONER VIGIL: Madam Chair, can I shed some light on that for Commissioner Mayfield?

CHAIR STEFANICS: Yes, and while you shed some light I'd like Ms. Romero to come to the front, and Mr. Sedillo.

COMMISSIONER VIGIL: This is from my prosecutorial and criminal defense background. First and foremost, I think we need to clearly understand that when an immigrant has been incarcerated he hasn't been incarcerated because there's a detainee or any kind of a statement that he is an immigrant. There's a criminal action that has occurred that's either a misdemeanor or a felony. Usually, that is what keeps the incarcerated in jail. So once that defendant, let's call him, is in jail, say it's for a misdemeanor for a felony, he is entitled to an arraignment, and that has to occur within a certain amount of time, weekends excepted.

That arraignment is part of that defendant's rights. At any point in time, if ICE has any sense that an incarcerated individual, a defendant is questionably [inaudible] to be detained, for whatever purposes that they have, I think those purposes need to be stated. At least that's how I understood the presentation before us. A probably cause statement has to be given and once that statement is given then our jail facility has the documentation to verify a hold. Then a 48-hour hold must be held. If ICE doesn't come and pick up the defendant within 48 hours, through the arraignment of that defendant he has been given a bond release or something of that nature then that defendant may leave unless ICE has come to question or follow up in whatever way they have.

I'm concerned because when we have individuals in our detention facility it is because a criminal act has occurred. Usually, that's what keeps them there. If they do not bond out or they're there because they violated probation or a judgment and sentence has been issued to them, they're going to stay in our jail according to what that judgment and sentence is, according to whatever timeline a judge has issued for that defendant.

So the whole issue of ICE holds doesn't really come into play unless ICE makes the recommendation or the request from our jail that a particular detainee needs to be detained for their purposes. We're usually holding them in jail for criminal actions. So [inaudible] confused, and I'm really concerned about the incident that was referenced with the young man who – I don't know, Commissioner Anaya, he killed his wife. I remember that incident. That particular man had no criminal background whatsoever. I think he may have something minor, a driver's license problem or something, but we have to realize that when we're dealing with criminal defendants it is our jail and the authority or our judicial system that keeps them there, and it's ICE's responsibility to let us know that that particular defendant is someone that for whatever reason needs to be questioned or held. If they suspect that there's a felony and maybe the felony's in another state or there's no understanding of what's going on, that's when ICE needs to assert themselves. But for our purposes we can only detain individuals if we have the judicial authority to do so.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair and staff, or Mr. Ross, I'm going to jump to Section 2 really quick, because I just kind of believe Section 2 should precede Section 1, and I'm going to read it out loud. Section 2 of this proposed ordinance. Again, it's a proposed ordinance. Release orders. It says, the Santa Fe County Adult Detention Facility shall advise Immigration and Customs Enforcement office enforcement prior to the release of an alien in custody who is subject to a detainer, so that the Immigration and Customs Enforcement may assume custody of that alien. One, I'm going to ask if that's being done, but two, again, it's the cart in front of the horse or the horse in front of the cart. Is ICE to let us know when there is a potential felon in our custody? Or are we to let ICE know that there is a felon in our custody based on whatever files you all have or the arresting officers have brought to you. Mr. Sedillo, I don't know if you could answer that for me.

PABLO SEDILLO (Public Safety Director): Madam Chair, Commissioner Mayfield, I'm going to go ahead and defer this to the day-to-day operations. But I just wanted to add one little thing that Commissioner Vigil had indicated, just to add on to Commissioner Vigil's statement with regards to the due process of every individual who comes into the facility. They do go to arraignment. They are go to bond, or no-bond in some cases, and at that time it is established. If ICE is notified in regards to that via the website where they're

looking at presently, the look at that and check to see on his background to see if there's anything else that may be there from other states or if there are other detainers on this individual.

Once the detainer is placed, the 48-hour detainer is placed on that individual, we'll enforce that, but if the individual is afforded a bond at that time and ICE does not pick him up, then he's just like any other individual who can bond out. So I think that might be a little discrepancy in what may be occurring.

COMMISSIONER MAYFIELD: Mr. Sedillo, on that point, if there was a detainer placed on an individual, and say we get that detainer 24 hours – I don't know if it's immediate after arraignment, but say we get that detainer 24 hours after arraignment. Is there then 48 hours from that 24 hours that we've kind of had the administrative lag? Or is that 48 hours inclusive of the 24 hours that already passed?

MR. SEDILLO: I believe that 48 hours is as soon as he gets – if he is afforded to leave then that 48 hours is in force.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Sedillo, so when then are you all calling ICE?

MR. SEDILLO: I'll just throw that to the Director of Corrections.

ANNABELLE ROMERO (Corrections Director): Madam Chair, we don't routinely call ICE. We do routinely enforce the 48-hour detainer. And that in some instances may mean that someone whose charges have been entirely dismissed is still held for 48 hours after those charges were dismissed. So whenever the individual is eligible to leave the facility and there's a detainer in place, that person is held for an additional 48 hours to afford ICE the ability to pick up that person. Sometimes they routinely come to the facility daily, sometimes they don't. But that's not part of what we can control.

COMMISSIONER MAYFIELD: Thank you. So, Madam Chair, Ms. Romero, so if ICE does come to our facility and they say, Ms. Romero, can you let us know your 48-hour holds? Do you provide them a list of the 48-hour holds?

MS. ROMERO: They frequently will have a list of their own, but as the individuals are there on the 48-hour list we give them that information and they do take those people.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Romero, as I understand it, again, as I understand it, there's some miscommunication between the notification of the 48-hour hold. That may be true, that may not be true and I would hope to hear from the other parties on this. But if that's the case, and I know you can't speak on behalf of ICE – Mr. Ross, maybe you can answer this, why aren't they just coming to the jail every day saying do you all have any 48-hour holds?

MS. ROMERO: Sometimes they do come to the jail everyday and then sometimes they don't for a period of time. And that's intermittent. It's hard to determine how they make that schedule. But sometimes they are there daily and they will ask for individuals or see who's waiting to be released or be on the 48-hour detainer, and those people are – they do take them away.

COMMISSIONER MAYFIELD: Thank you. So Madam Chair, Mr. Ross, with that being said, why isn't this then not ICE's responsibility? They have the option to come into our jail, and I didn't hear you say come into the jail. They have the option to inquire of our jail, do you have anybody on a 48-hour hold. And I'm hearing Ms. Romero

saying that they're not doing it sometimes. Why is that the County's responsibility to notify them?

MR. ROSS: Madam Chair, Commissioner Mayfield, they don't know when the person is going to be released.

COMMISSIONER MAYFIELD: But Madam Chair, Mr. Ross, if ICE came in every day at 5:00 or 3:00 in the afternoon and there's a 24-hour turnaround, do you guys have any 48-hour holds for today?

MS. MILLER: Madam Chair, Commissioner Mayfield, I'd like to answer, because I actually did meet with the individuals from ICE a few times. They said what they would like for us to call them and let them know and then they'll come up when it works for them. This is the issue. You're getting to the issue of whether that's their responsibility or we make it our responsibility. If this ordinance goes through as it's stated we would be taking on that responsibility. But we have no legal reason to take on – or mandate to take on that responsibility.

So we have not taken that responsibility on under our current practices. But if this ordinance were adopted then we would be saying we would be taking that responsibility on to notify them, to communicate with them. Whether a person meets a certain standard or not, but just that they have to hold. So I think that that is the question is to whether the County wants to take on that responsibility, but ICE, as I said, sometimes they send someone up on a daily basis and they indicated to me that sometimes they don't. It's just – I think it's a staffing issue, whether they have other priorities elsewhere or if they have someone available. So sometimes they do not come and ask to pick up people that they have put on those detainers, of their own admission.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, again, I'll just reiterate, and I appreciate the information that's coming forward and I know this isn't open for public discussion, but I would like to see at least a process where we could hear from ICE, the citizens, anyone who wants to speak on this matter. Definitely local law enforcement and definitely our Public Safety Director and our jail director. In regards to our Public Safety Director, respectfully, it's a newly appointed position that Katherine said was much needed within this Commission and Mr. Sedillo, you've been on the job less than two months, maybe two months, and I hope this is on one of your top priority things to do for the County. I won't give you that direction, because I can't, but I hope that it is.

One last question, Madam Chair, Mr. Ross. Section 6, and I'm not going to read the whole thing, but what implications might this have on a US citizen?

MR. ROSS: Madam Chair, Commissioner Mayfield, none. This is a requirement of federal law. We looked at this last time.

COMMISSIONER MAYFIELD: But Madam Chair, Mr. Ross, I'm sorry, but what if we err and we are holding a US citizen for more than 48 hours. Respectfully, I think Dona Ana or one of our southern neighbors held someone for 22 years [sic] without an arraignment.

MR. ROSS: Commissioner Mayfield, Section 6 doesn't concern that issue. Section 6 concerns prohibiting County employees from communicating with Immigration and Customs Enforcement. As we discussed last time that's a violation of federal law. It has nothing to do with the topic of whether somebody is held without proper justification.

COMMISSIONER MAYFIELD: And again, Madam Chair, Mr. Ross, we

currently are not prohibiting any employee from communicating with ICE, right?

MR. ROSS: Madam Chair, Commissioner Mayfield, not to my knowledge.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Romero, can I ask that question of you? Is any of your staff prohibited from communicating?

MS. ROMERO: No, sir.

COMMISSIONER MAYFIELD: Madam Chair, thank you. That's all the questions I have. Thank you, Ms. Romero.

CHAIR STEFANICS: Thank you. I have some comments regarding this. First, I had made a statement to the press when they were asking about the resolution that none of us want any violent criminals on the street. What is considered serious property crime, has been coming through in letters, has to be questioned. Some of our judges – and I think our judges do a great job – but some of our judges have actually let people go after 14 times of robbing a home, and they don't see that as a serious property crime. On the other hand we have people in our County jail who haven't paid their child support. Is that a serious crime? I would like to think they should be paying their child support.

We also had a situation a year or two ago where some neighbors in Santa Fe called on a very noisy party and a group of 18-year-olds were taken to the Adult Detention Facility, and all that was found were cigarettes. No alcohol. No drugs. But they were noisy. So they were taken to the Adult Detention Facility. I would like to suggest that not everybody in our Adult Detention Facility have committed serious crimes.

I also have some communication from one of the law firms in the state, and this has been an allusion to a lawsuit in one of the newspaper articles I read this morning, but I did receive some communication that from our County, our Adult Detention Facility, that there was a detention of a US citizen and a detention of a legal resident. Now, I feel that detention holds have to be honored, upheld. I do think that there's a 48-hour time period. And if ICE doesn't have enough staffing to accommodate that, they have an issue just like we have an issue with budget. But they have to honor that.

I think that this ordinance in this manner doesn't really serve some of our local needs, which could be done with a resolution, policies and procedures. I was prepared today to hear a resolution. So when I saw an ordinance, which I consider very serious. Some times we take two, some times we take three public hearings on an ordinance. When I saw that it was an ordinance it totally changed the flavor for me and this county.

So I would go back to some of the comments that were made by Commissioner Vigil, that I do think that we would have some liability concerns if we put an ordinance in place and we have some mishaps. If we want to talk about how we would like our policies and procedures to be developed, I think that's an appropriate venue. So I only had those comments. I don't require any responses to them. So are there any more comments, questions from the Commission before we go to a vote? We have Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I think that we actually do agree on some things. I think that we all pretty much agree that dangerous criminals should not be allowed out of the jail, whether they are US citizens or not. I think we also agree that the County should abide by federal law, for sure and that public safety should be number one for our priorities. I think it's also important to note that in this particular conversation judges play a role as well.

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So what I would like – and I do believe that we need policies and procedures as to how we are going to deal with this issue. So what I would like to recommend is that representatives of our Corrections Department, representatives of our Sheriff's Department, representatives of ICE, and also hopefully the judges as well, get together and talk about how we can deal with this issue. But I really feel that it's a policy and procedure issue more than anything else, and that it probably can be solved in a way that will satisfy everybody.

So I would like to see some discussion first among these different individuals, and then possibly bring us a proposed resolution if they can agree on what would be appropriate policies and procedures, that we can then discuss, and discuss with the people of Santa Fe County. Thank you, Madam Chair.

CHAIR STEFANICS: On that point, a week or two ago Commissioner Anaya and I had a conversation, and he had a recommendation that I thought we should pursue in the future, is that when we set up any special work groups or task forces, that we have two Commissioners involved in that so that they can bring back the activities and the discussions and be a part of that as well. So I hope that if that goes – if we proceed in that manner that we would involve some Commissioners in that. Commissioner Anaya, you had some more comments?

COMMISSIONER ANAYA: Yes, Madam Chair, Commissioners, I very much appreciate and respect each of your individual comments and perspectives and I would say, Madam Chair, I think your comments to me, actually define the reason why I did bring it as an ordinance and not as a resolution. I respect the individual votes, however they may fall, but it's my perspective, based on not just my own thoughts, but discussions with residents of Santa Fe County. But this is a very, very important issue and it's very, very serious by nature. And so if the flavor was changed I think it was done so intentionally. I without question feel the magnitude and the seriousness of this issue.

Relative to the public process this ordinance publishes title and general summary, provides a framework of which like any ordinance that we have as a governmental entity, those are subject to debate, discussion, review and amendment. I'm asking today that we continue the dialogue within the context of this ordinance because it is that important to me and more importantly than that, it's important to the public and it's important to public safety.

Relative to the comments associated with this is a policy and a procedure issue, we are the policy making board for Santa Fe County. The reason I was elected was to represent the constituents of District 3 and Santa Fe County, and set policy. So I don't think it's out of bounds. I don't think it's something that is set in stone and can't be amended. I absolutely think that it needs, as the Commissioners have suggested, input and more feedback from staff, from law enforcement, from the judiciary, from the general public, from everybody impacted and affected. And I don't think that publishing title and general summary in any way deters or takes away from any of the comments made by my colleagues. I respect all of those comments. And with that, Madam Chair, I will sit and listen for the vote.

CHAIR STEFANICS: Commissioner Vigil, more comments?

COMMISSIONER VIGIL: I would just like for Commissioner Anaya to consider doing this in the form of resolution. We are policy makers, but this is a law that we're putting into effect in an ordinance. And in effect, exposing us to this legal exposure which I think puts us in jeopardy. In effect, what this law does is it makes our detention

officers who violate it criminals. There's so many unintended consequences for an ordinance of this nature that I don't think meets what we're trying to accomplish here, and that's provide the policy and the guidelines for our detention facility to have something substantial. And that's not to say that we haven't been following substantive decisions, but to have it written, to have it drafted, to have everyone have a common understanding I think is a very good goal here. But to create an ordinance that creates criminals out of our own detention officers is inappropriate to me, Madam Chair. I would like Commissioner Anaya to know that I am perfectly willing to let our entire community and whoever the stakeholders are for as many public hearings as we think we need on this. Is not about not allowing that. It's about creating something that exposes the County and our County detention employees to something we really do not want. So with that, if it does get voted down, I'm still willing to look at some guidelines through a resolution. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other comments or questions before we go to a vote? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Just with the statements that have been made I just hope that staff can recognize the importance and the magnitude of this issue, and regardless of what takes place with this body in the next two minutes I personally would just ask that there are these working groups regardless of this outcome, if it's this ordinance that passes or if this ordinance does not pass, if there's potential for resolution to come forward, Madam Chair, Mr. Sedillo, I'm just going to ask you directly as a Public Safety Director that you pull in all these parties together, including Somos, and sit at the table and have some discussion of maybe what could be agreed on.

Madam Chair, I've also spoken with Somos. Somos, and I don't want to paraphrase anything that they've said. They're not here right now and if I do, I'm sorry. They can correct me. But in talking with Ms. Diaz, she's also indicated, look, she does not want, or at least the group does not want to see repeat serious felons on the street either. Am I correct on that statement?

So I do think that there is a means for people to come together and come to an agreement that's acceptable to all, to represent and to protect our citizens in Santa Fe County. And that's all I have to say, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. Okay, we are now on the vote to –

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Could I call for a voice vote please?

CHAIR STEFANICS: You mean a roll call?

COMMISSIONER ANAYA: Roll call.

CHAIR STEFANICS: Okay. There has been a request for a roll call on approving publishing title and general summary of Ordinance No. 2012-__, because we'd have to establish the number, establishing policies, procedures and protocols for compliance with federal immigration law and the Immigration and Customs Enforcement services of the Homeland Security Department concerning undocumented criminal aliens committing serious property crimes or other felonies incarcerated at the Santa Fe Detention Facility.

The motion to authorize publication of title and general summary failed by 1-4 roll call vote with Commissioner Anaya voting in favor and Commissioners Holian,

Mayfield, Vigil and Stefanics voting against.

CHAIR STEFANICS: Thank you. By a 4-1 vote the motion has failed. I think, Commissioner Anaya, that there has been interest expressed in a resolution and some work groups and some ongoing dialogue. So we'd be happy to hear your next step on this item.

XII. C. 2. Sheriff's Office Presentation (Sheriff Garcia) [Exhibit 2: Address]

CHAIR STEFANICS: Sheriff Garcia, thanks for joining us this afternoon. I told Sheriff Garcia in the hallway that we like handouts. So I think we got handouts. Thank you so much.

ROBERT GARCIA (County Sheriff): I was able to get that done. Madam Chair, Commissioners, thank you for the invite. I know that the invitation was for January. I wasn't able to make it then. I'm going to go through a few things that we've done in the Sheriff's office in taking office in January of 2011. Some of the things, and I'll go down the list here that I thought fairly important. The amount of deputies that we have with the Sheriff's Office, hoping that in the near future I will be working with each and every one of you to try to increase the numbers as we move forward in trying to address the – especially the property crimes that are taking place in this county.

The calls for service in 2011 were 51,304. Half of those are self-initiated calls and by that I mean that deputies out on patrol actually initiate the – whatever they come across. And the other half is what citizens call in to complain about that we have to respond to.

Burglaries – I have to say that I'm very pleased. I wish the number was a little higher and I was hoping for that. We were able to decrease the burglary property crimes throughout Santa Fe County to 12 percent from the year before that. With regards to this we've been able to target areas that are heavily hit and target it by burglars. And by this we're able to do it through overtime monies. Along with this I was able to get with Chief Rael from City Police Department and move forward in forming a Burglary Task Force or Property Task Force where our detectives are able to work together. Sometimes City Police can be working on the same individual that we are and that is very common, because they're combating the same burglars that we are in the county. So that is up and running and we're hoping to see – not immediate results but hoping to see some results as we move forward with that.

Violent crimes, and this is something to really target other than through education, but the violent crimes did increase by 8 percent in 2011 from 2010. One of the things that we've been working on is in the immigrant community, a lot of times they are afraid to report domestic violence is an example. We've been encouraging that. The fear is there that if they report it we're out there to target them and profile them and that's not the case. So I'm hoping that that is the case and seeing the reports coming forward and people not being afraid of law enforcement, thinking that we are out there to get them because of their immigration status.

Neighborhood Watch Programs are very active in Santa Fe County. We continue to push that program forward and they are working great with law enforcement. Commissioner Stefanics, in your district, Eldorado is one of the most active ones and anything that happens in there, it's actually one of the least crime problems in this whole county, so you can actually say that that program does help. One of the persons pushing that is Carolyn Walker. She's very good at that and keeps us on top of what we should be doing.

Security and limited access in our office. After taking office under not the best of circumstances in 2011 we moved forward and secured and had limited access and accountability in the Sheriff's Office. I welcome the Commission to come in and I'll show you exactly what we've been going through. Anyone entering that building right now has a key card that we can go back and log at what time who entered and anything to do with evidence, anything to do with property is fully under control under the one individual and a backup if need to in case that person is not around.

DWI's and forfeitures. DWI's in 2011 did go up. We had 302 DWI arrests, 68 DWI crashes. In 2010 we had 257 DWI's. So the problem is still there. We're continuing to target that. One of the ways that we do this and we're finding that we're finding more impaired drivers with saturation patrols where we're able to get nine to ten deputies out on overtime and target the county. We had nine DWI checkpoints and this will continue through this year and if something is available towards the end of the year with regards to overtime and salary savings we'll continue to target and increase those numbers.

Promotions. The first year, and I don't think this has ever happened in this county with regards to the Sheriff's Office, we were able to promote 18 people, and one of the things that you've been seeing here a lot in the last few years is people actually – deputies actually retiring from Santa Fe County. So we're able to move forward in promoting. It increases morale. I go around. I talk daily with my deputies and support staff and I sense morale is good. I know that you can't always have 100 percent on that but I have the feeling that I'm very close to that.

Community feedback has always been fairly well. We always have a few and you know as well that they'll go through you to come to us with some concerns, but I think that we've always been able to respond to those concerns throughout what I believe is satisfaction that we're able to get back to your constituents.

Descansos is a quarterly operation that we participate with several law enforcement agencies at the Sheriff's Office and we target repeat DWI offenders that have failed to appear in court that have outstanding warrants. In some cases we go out and find maybe two out of 25 to 50 warrants that we're working on. So we're continuing to work in that area.

Media transparency, I can assure you that I would think that Alana Greenfogel from Channel 7 can attest to this. We're very transparent and you can see in the media some times I get into trouble by other politicians for saying certain things that I think the public should be made aware of that does not compromise an investigation. So we're very transparent and we'll continue to do that.

We had two homicides in 2011 and we just started with two this year in January. Those two cases in 2011 were cleared. The case, this case here in January has been – we've made an address and you all heard in the media about that. We're just glad that no one else was hurt during the time that we were out there trying to find this individual.

We had 13 hires in 2011. Currently we have six openings. It's become a little hard to try and find good cadets. Laterals, again, we have to be very careful with who we hire with regard to laterals coming from other agencies because we don't want to pick up their problems. But we're working hard hoping that by July we will have these positions full.

Again, I want to not forget my animal control unit. You can tell by the number of impounds that they are busy. These are five individuals that are out there throughout Santa Fe County working hard. And you can see by the number of impounds in 2011, were 1,809 dogs

and cats. And you'll see I made a little note to the right. The rooster case is continuing. When will it go to court, I don't know but I can honestly say they're not in Santa Fe.

From there, I invite each and every one of you to participate in our citizens academy. It come around every three months so I urge you to contact me if you're interested and I'll get you hooked up to the right person. I stand for any questions. Thank you.

CHAIR STEFANICS: Sheriff Garcia, thank you so much for coming today and bringing some of your staff. Could you tell us, everybody, a little bit more about the citizens academy. I in particular had asked whether or not – I think it's several weeks or several months and I'm wondering if there's an opportunity for Commissioners to do one or two times to kind of get a feel. So why don't you just talk about the citizens academy.

SHERIFF GARCIA: The citizens academy gives individuals, and I think they allow for 20 openings, is my understanding. It's put on by the Santa Fe Police Department, New Mexico State Police and the Santa Fe County Sheriff's Office. We'll take – I don't want to call them average citizens, but any citizen that is not familiar with law enforcement and we'll take them through training. It's once a week, it's on Thursday and I believe it goes three months. You participate in criminal investigations, traffic accident investigations, gangs, burglary investigations. So they allow you to see, the average citizen to come in and see what kind of operations we go through. They'll take you through defensive driving courses where you learn to drive like we do. That's why we have so many accidents.

Those are some of the things you see within the citizens academy. It's a good program. Again, I encourage you to attend. If you're not able to make all classes I'm sure I have some influence in trying to get you into the classes that you are interested in, so I'd be willing to work with you there.

CHAIR STEFANICS: Great. Questions, comments for the Sheriff?
Commissioner Vigil.

COMMISSIONER VIGIL: Thank you very much for being here. I'd like you to introduce your wonderful staff. They all look like they'd be very helpful if I was ever in trouble.

SHERIFF GARCIA: My new staff, command staff again is my Undersheriff Ron Madrid, my new major, Kenny Johnson, and my new captain Adan Mendoza. I'm surrounded by the best and I can count on these individuals to make sure that we move forward positively, aggressively in doing what we have to do for Santa Fe County.

COMMISSIONER VIGIL: Thank you, Robert, and thank you, gentlemen for being here. You are part of a team that I always consider first responders. I know just looking at you because some of you I even knew when I was a prosecutor and that was a long time ago. We have a volume of experience with the gentlemen in front of us and I'm so glad to know that, because there's nothing that fares well in the fair treatment through law enforcement than experience.

So thank you all for being here and thank you for the report.

SHERIFF GARCIA: Thanks.

CHAIR STEFANICS: I have Commissioner Holian, Commissioner Mayfield and Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Sheriff, and I want to thank all your deputies for all you do for the county, but also I want to especially thank you. You have always been so good and your deputies have been so good

about being willing to come out to community meetings, any place, any time, to talk to people about how they can make their homes safer and be safer in general. I've sponsored a couple of those community meetings and I was just so appreciative of how the deputies were willing to give their time. I've gotten a lot of really positive feedback from the people in my community about how much they appreciate that and how much they learn. So I just really appreciate your responsiveness to the people of Santa Fe County when they have concerns and issues. Thank you.

SHERIFF GARCIA: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Sheriff Garcia, I just want to echo everything that was said. Thank you guys for your responsiveness. I know we had a situation out in El Rancho not too long ago and you all have been out there with some of the community meetings with different homeowners out there concerns. I know you stepped up some patrols in that area. For that I thank you also. I want to assure you, and Ms. Miller can hear this, that I will do everything possible to help your budget come whole so that you can have more boots on the street. So thank you again, Sheriff, and all your officers and please be safe. And again, I know the Commissioners mentioned it, but the job you all did out there on South St. Francis, that was a phenomenal job and thank you for addressing that situation.

SHERIFF GARCIA: Thanks.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Sheriff, thank you for the presentation. I have one specific question that I know is something you and I have had conversations about as well as I've had conversations with some of your officers and staff. What else can we do as a county to help you, number one, but to help try and get our hands around the property crime issues that are ongoing and very prevalent? What else can we do to collectively work on issues that help you to deal with that very pressing issue that seems to keep on raising it's head in this community and across the state?

SHERIFF GARCIA: Away from the manpower and the resources, I know that it's a major discussion that we just went through that we observed, and I understand. We are targeting all criminals with regards to property crimes. We're not targeting the illegals. We're targeting all. We do have some that are committing crimes that are here illegally, and that's a discussion that I'm sure we will be having here in the near future, I hope, sooner rather than later, so that we can address some of that. But again, Commissioner Stefanics mentioned the courts. We do have good judges but for whatever reason some of those burglars can continue to – it's like a revolving door where we're continuing to have to deal with them over and over again, and that has to stop.

I think if we're able to get a hold of that I think you would see that the property crime rates in the county would drop. The other big issue behind this though is the drug problems that we have. A lot of people don't think that we have a drug problem and we do and it will get worse. Cartels – mentioning the word cartels, people don't like to hear that. They are in New Mexico. They are in Santa Fe County. So those are issues that we have to deal with.

With regards to what you can help me, with regards to resources, with regards to the Sheriff's Office hasn't grown much with regards to the deputy or manpower size, according to the population size that I see, such as Las Cruces where they have 250 deputies, and I

understand that their population is not much greater than that of Santa Fe. So we're working, and I have great detectives back here. I have great patrol officers. And we're able to do that but working together with your concerns and your constituents' concerns is to bring things forward so that we know about it and we're able to address it.

So there, in that area I would ask for your support.

COMMISSIONER ANAYA: Madam Chair, Sheriff, thank you and I look forward to more discussions and more actual work, specifically with the courts and others in trying to help with those issues. I would just comment by saying that your administrative staff is always open but your entire staff is very open. Your union is strong and your representatives therein are very strong as well as all of the officers. And I think one of the groups that many times gets left out is those administrative support staff that help make things tick for the deputies and animal control and administration. And so I look to build on the good relationship that I have with you and your office and look forward to really trying to get our hands around some of those larger issues that continually keep coming back up again and again. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Sheriff, there's one or two things. The first is that in some parts of my district there continues to be a request for substations. So I'm just going to put that out for you to chew on and have a ready response later on. But when you mention drugs and cartels, could you talk a little bit about gangs? And what have you already discerned in our community? What might be some things that we could look out for? Are you concerned about gangs of all ages, or mostly young adult ages? Could you talk about gangs for a minute?

SHERIFF GARCIA: In Santa Fe County your average gang member more than likely would start at the age of 15, 14, so they're not, so you're not talking of gang members being in the mid to late twenties. These are young kids that are out there committing what they call adult crimes. I don't know why they call them adult crimes; a crime is a crime. And we're having to deal with those. There is a point system in place in New Mexico that if an individual commits a burglary, as an example is a gang member. He may be a gang member but we can't hold that against him. We cannot hold their affiliation as a gang member against them; it's not a crime.

But if you commit burglaries, and we see this, they have to meet a point system before we are able to incarcerate these kids, and if we don't incarcerate, they're back out there after they're released to parents, and they're back out there. Gang members are involved in the property crime problem and in the drug problem. They have to either support habits or support their operation. And it's how it happens.

Substations: I had a –

CHAIR STEFANICS: I think that's a financial issue. I'm just asking you to think about that. You don't have to go on record today about it. I'm just saying I know it's a financial issue. I know it's about people. I know it's about resources, so I'm just going to ask you to think about it so don't feel like you have to go out on a limb. I'm more interested, as I was mentioning, when you brought up drugs and cartels, in what we need to be aware of in terms of gangs and how they flow into that. That's what I'm asking primarily.

SHERIFF GARCIA: I would probably want to sit with you one on one to let you know more or less what's going on in the region with regard to operations.

CHAIR STEFANICS: Okay. That would be great. And I think that I would

encourage all Commissioners to perhaps do some kind of briefing. We do briefings with other staff on other issues – Public Works, roads, etc. and we shouldn't forget Public Safety in our briefings as well. And we really appreciate your coming today. Anything else? Thank you for your time and thank you for coming today.

[Commissioner Anaya left the meeting.]

XIII. Matters From the County Manager

B. Introduction of New Employees

MS. MILLER: Madam Chair, could I interrupt one second?

CHAIR STEFANICS: We have introductions of new employees, but two of them have to catch a ride right now. Could I just introduce them really quickly, from the Clerk's Office. We have two new employees in the Clerk's Office. Celeste Sanchez, who's a Voter Information Specialist.

CHAIR STEFANICS: Please stand up. Great. Welcome.

MS. MILLER: And Melissa Anaya who is a Voter Registration Clerk. And I just wanted to get that in real quickly because they need to catch a ride.

CHAIR STEFANICS: Thank you very much for joining Santa Fe County. Okay, Ms. Salazar, you're on.

XIII. A. In Recognition of Santa Fe County Employees and Santa Fe Police Officer/Resident Officer Ben Chavarria in Appreciation of Their generosity and Contributions to the Joshua Tree Project (Dodi Salazar/Housing)

DODI SALAZAR (Housing Coordinator): Good afternoon, Commissioners. First of all I would like to introduce the following staff from Housing. Lorraine Fede Can you stand? She is our Housing and Self-Sufficiency Specialist; Valerie Huerta, she is also a Housing and Self-Sufficiency Specialist; and Deanna Lopez. Deanna Lopez is our Housing Administrator. All three of these individuals have worked very hard on this presentation with our housing residents. Can I please have our housing residents stand up?

CHAIR STEFANICS: Welcome. Thanks for taking the time to come today.

MS. SALAZAR: And with that I would like to have Valerie come forward to move forward with the presentation.

[A slide show accompanied Ms. Huerta's presentation.]

VALERIE HUERTA (Housing and Self-Sufficiency Specialist): Madam Chair, County Commissioners, I'm here today to present certificates of recognition as Dodi had mentioned. Four years ago Housing staff began a project, a project that would not only impact resident use but County staff as well. The Joshua Tree project involved distributing public housing youth names on several Christmas trees throughout County departments. The idea was to have the tags picked and a gift given. For many, this gift would be the only gift they would receive. Over 200 tags were distributed between five trees. Those tags were individually picked by County staff and elected officials. Tags turned into gifts and gifts turned into the smiles we hope will come up in the slide show here pretty soon.

Housing staff was fortunate to take part in witnessing resident children receive their gifts. Their amazement and their appreciation was evident in their reactions. It has often been said that it takes a village to raise a child. This phrase does not describe who raises our children but that our communities, our village, our county, all play an important role in the lives of our children. The generosity given my Santa Fe County staff has impacted the lives of our resident youth tremendously. County staff not only gave Christmas gifts, they also gave the true meaning of Christmas. Before I present this certificate I'd like some of the housing residents would like to come up and express their gratitude as well.

MELISSA: Hello. My name's Melissa and I appreciate the program. It helps my kids. The community, it's brought us together and it's a great thing that you guys do or the County does for the kids. There's been some times my kids haven't had – or I haven't had money to really help them. Thank you.

COMMISSIONER HOLIAN: Thank you, Melissa. Is there anybody else who'd like to come forward?

MARIA NAJERA: I'm one of the kids from Valle Vista and I want to say thank you very much.

COMMISSIONER HOLIAN: Thank you. And your name is?

MS. NAJERA: Marian [inaudible] Najera.

COMMISSIONER HOLIAN: Thank you. Is there anybody else who would like to come forward?

LORRAINE FEDE (Housing and Self-Sufficiency Specialist): I want to just express my gratitude and thank you, and thank you, Katherine, and to all the County employees, a big shout out.

ROSA: Me and my family would like to thank everybody.

MS. HUERTA: I'd like to thank the County Manager, Katherine Miller, in recognition of Santa Fe County employees for their generosity and continued support of the Joshua Tree Project benefiting the Santa Fe County resident youth. We also have a plaque, and the kids made cards.

[Pictures were taken and the certificates presented.]

CHAIR STEFANICS: We'll make sure that we post the pictures on the website. Ms. Salazar still has a presentation to make.

MS. HUERTA: Madam Chair, County Commissioners, if I may proceed to our next recognition. In 2007, the Housing Authority implemented the resident officer program at each of our housing sites. Requirements of the officer are simple: interact with the residents, patrol the site, respond to criminal activity and meet with Housing staff regularly. The Housing Authority has been very fortunate to have awesome and involved resident officers at all of our sites.

Officer Ben Chavarria of the Santa Fe Police Department became our resident officer at the Valle Vista housing site in April of 2010. Officer Chavarria quickly met all requirements of his lease agreement. He attended monthly resident council meetings, provided needed police reports, and he met with Housing staff on a regular basis. For the last two years Officer Chavarria has helped Santa Fe County residents far beyond any of our expectations. Every year when his department hosts the annual Shop with a Cop event Officer Chavarria is quick to include as many of our residents as possible.

This past Thanksgiving he helped over 50 of our residents. He had donations from all

three Albertsons for Thanksgiving meals. This was not your average frozen turkey donation. Our residents were given a cooked turkey, stuffing, mashed potatoes and gravy and bread rolls. Officer Chavarria is always quick to offer his help with resident events. Last summer he gave free snow cones to the Camino Jacobo residents. He has also provided guidance on implementing a neighborhood watch program for all three sites.

Officer Chavarria has gone above and beyond his requirements of being a resident officer. He includes one very important thing in all that he does: heart. It is my privilege to present this award to Officer Benjamin Chavarria in recognition of his continued support for the Santa Fe County public housing residents.

[There was a round of applause for Officer Chavarria.]

CHAIR STEFANICS: Thank you very much.

BEN CHAVARRIA: Madam Chair, I want to thank all the Commissioners, the County Manager, Ms. Miller, all the housing residents and all the Housing administration because my job is to help the general public understand that police officers aren't here just to enforce the law. We're also here because we care and we want to do things for our community. Thanks to Mayor David Coss and his administration, Chief Ray Rael and his administration, we were able to help over 50 families and well over 100 children this year over the holiday season, less fortunate families. So thank you guys and I hope to continue working with you all.

CHAIR STEFANICS: Thank you. Having a dedicated officer right in the midst of the residents I'm sure makes people feel better too. A little safer. Thank you so much for all your work for the residents, for going outside your duties and helping make everybody have a wonderful holiday. Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I too want to thank the Housing staff and our County Manager for putting this together. I have to say that was the funnest gift that I bought this year. I had the most fun buying that present. But who played Santa Claus?

MS. SALAZAR: That was the real Santa Claus.

CHAIR STEFANICS: I'm sure that they were Santa's helpers. Because Santa was really busy and I'm sure he's dependent on some of our people locally to help distribute presents. So great. Thank you. Thank you all for coming today.

XIII. B. Introduction of New Employees

MS. MILLER: Madam Chair, actually, we have the introduction of new employees. I just grabbed the two that had to catch their ride, but I have two others that are here, I hope. Or did they have to leave too? Sorry. We did have two others that we were going to introduce. Is Valerie Romero from Housing still here?

CHAIR STEFANICS: Is that Valerie over there. Ms. Valerie Romero and she's with Housing?

MS. MILLER: Yes. She's a clerical specialist and new employee in Housing. And then we had one other who was here, Meghan Bayer from Open Space and she's an

Open Space River Coordinator but she also had to go and catch her ride, so sorry about that. We missed her.

XIII. C. Legislative Update (Rudy Garcia) [*Exhibit 3: Legislative Report*]

MS. MILLER: Rudy and Hvtce are handing out a report. The report that you're receiving, the first page are the House legislative items that Rudy, Hvtce and Lisa have been tracking. These are bills that have been indicated as relevant to resolutions that the Commission passed or items that you had indicated you were interested in tracking, or bills that have an impact on the County. Those in yellow are ones that are still moving through the legislative process. I see House Bill 2, the general appropriations. I would like to say that staff was successful in getting the Santa Fe County teen court back into House Bill 2 for \$50,000, and it has gone through the House and the Senate. There were amendments in the Senate so it will have to go back to the House for concurrence, and I don't know if that's happened yet today. It did happen? Okay.

CHAIR STEFANICS: They concurred? I thought they went to conference.

HVTCE MILLER (Constituent Liaison): Madam Chair, yes. They already brought forth House Bill 2 earlier this afternoon and they did concur.

CHAIR STEFANICS: Okay. Thank you.

MS. MILLER: The next item on there, the House Bill 35, public meeting agendas. This is one that we are tracking. It has a 72-hour posting requirement of the agenda. We have – we typically do try to firm up our agenda on the Thursday prior to our Tuesday Commission meetings, however, this would require posting of that agenda. We have amended our agendas up to 24 hours before but I believe this though would mean 72 hours for agenda amendments.

Then – oh, by the way, the ones that are not highlighted in yellow are ones that are basically no longer moving.

On the next page, House Bill 188, that is counties' salaries for elected officials. It has proposed changes and increased in all the salaries and it does affect Class A counties so we would be impacted by that. For all incoming – it would change for all incoming, or the ability to increase salaries. I believe it then takes Commission action to implement any of those changes.

Then House Bill 323 is the bill I was referring to earlier when we were talking about sole community. It was substituted on both the House and Senate side taking out the areas that Alex Valdez was referring to about using other certified expenditures, but it does allow for both of the bills, we did check – both bills do allow for other entities to contribute money to the County but the funds do have to come from the County to the State, and it does allow for the HSD secretary to postpone the annual January 15th date.

Then as you can see, the next few pages give the detail of what has happened on those bills that are still moving, and then when you go to page 9, it is the Senate legislative items of interest and those that are moving are the ones that are highlighted. Senate Bill 9, that was one where we did pass a resolution supporting on the corporate income tax and mandatory combined with a tax rate cut. The PERA Senate Bill 52, the PERA employees employed as election poll workers, and Senate Bill 145, that's the one that Deputy Assessor Gary Perez

presented details of that bill to you at the last meeting. That one is moving as well. And then Senate Bill 235, this is the driver's license bill that is moving. And then Senate Bill 258 is the Senate version of the House Bill that I mentioned earlier.

So those are the bills that are still active and we can give you additional updates, providing those as they've come in. Staff has been emailing you on what is happening with those bills. Then on the capital outlay side, we did get in the capital outlay bill the funding for the First Judicial District Court Complex equipment and improvements. They have some, I believe in House Bill 2 as well as in the capital outlay bill. There's \$270,000 in the capital outlay bill right now. Canoncito, \$73,300; Eldorado, for dirt roads improvements, \$150,000; the Ken and Patty Adam Senior Center, \$100,000; Glorieta, mutual domestic improvements; \$50,000; La Bajada Community Ditch Association tank and well, \$50,000; Madrid Ballpark, \$663,000; Nambe Community Center, \$118,000; the Santa Fe Corrections facilities, \$110,000; La Tierra road improvements, \$100,000; and Romero Park, \$75,000.

So that's what we are currently in the capital outlay bill, House Bill 191, the Tax and Rev substitute for House Bill 191. And with that, that is the most recent update for what's happening at the legislature relative to Santa Fe County. I stand for questions, or Rudy and Hvtce.

CHAIR STEFANICS: So back to the House Tax and Rev substitute for House Bill 191, isn't Santa Fe County the first and second page for \$15.6 million?

MS. MILLER: Madam Chair, those are entities within Santa Fe County. It does not mean that funding will come to Santa Fe County. This is always an issue where people believe, because they break it down by county in the bill in their spreadsheets, in their database. But that doesn't mean that we're the entity that will receive the grant agreement. The grant agreement can go directly to – like for acequias usually goes to the State Engineer's Office and then they do grant agreements directly with the acequias or they might go through us. Boys and Girls Clubs, for instance, might, if it's in the City of Santa Fe, it might go through the City of Santa Fe. Pojoaque Pueblo would go to Pojoaque Pueblo through Indian Affairs. So, yes, there is \$15 million there but the ones I highlighted are ones that we put in for or will probably come directly to Santa Fe County in the form of a grant agreement.

CHAIR STEFANICS: Okay, so perhaps what we could do for next meeting is just pull out exactly the funds that are going to come to the County, just so we're clear about that. Because –

MS. MILLER: And Madam Chair, it will depend specifically in how it is written in the bill and whether the entity that is written in here has the ability to have a direct agreement and what agency it goes through. So for instance, some of these will go through DFA/Local Government, some of them will go through State Engineer, some of them could go through the Environment Department or the Department of Health. If it is a statewide facility they still put the county but may only go directly to the state agency and they will contact for it. So for instance, in the very last one for \$6 million, the Manuel Lujan Building, that's a state building, so that's improvements that would be done by ASD for the state. But it's located within Santa Fe County so it comes up on their database spreadsheet this way. Otherwise, we would have to go through the entire bill and search through it for the wording in the bill as to how it is worded in the individual bill, which is several hundred pages. This was the quickest way that we could provide this information to you today.

CHAIR STEFANICS: Okay. Thank you very much. Questions, comments

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from Commissioners?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and staff thanks for the work you guys and ladies are doing across the street at the legislature. Madam Chair, Ms. Miller, and I'm sure you have a policy in place. I know Santa Fe County. I'm very appreciative and feel very fortunate that we are receiving some capital dollars. It's not a lot. There's not a lot in the state to be had. But are we definitely going to have a plan in place so these dollars are not reverting by the end of next fiscal year?

MS. MILLER: Madam Chair, Commissioner Mayfield, first of all they will probably make the appropriation good for three to four years and what we did when we provided the recommended list to you we also requested funding based on projects that we knew were – if for instance it was a non-profit where we've already gone through all of that process to have agreements in place that allow us to work with that entity. So for instance, the Madrid Ballpark. I will say, the Madrid Ballpark appropriation is awful high. That was not what we asked for. It's \$663,000, so that one might be a little bit of a challenge because it was more than we requested.

However, we do have the ability to work with an entity like that, based upon the groundwork we did before. So one of our issues was actually trying to make sure that we only requested things where we wouldn't have anti-donation issues or where we didn't have major issues with working with them. We'll have to still go look, because there are a couple on this list that we did not request and they could potentially be for instance a private road. That creates – we have to go back and inform that legislator that we would not be able to do the work. We don't have that specific detail yet, but most of these, I would say 90 percent of what's on here or 95 percent were ones that we did request and knew that we could work with.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you very much to the staff and to Ms. Miller for this report. Ms. Miller, do you have anything else under the Matters from the County Manager?

MS. MILLER: Madam Chair, no I don't, unless you have questions.

CHAIR STEFANICS: Matters from the County Attorney, before I go to that, Commissioners, do you want to move into executive session or do you want to postpone that until later? If we do keep going we will take a little break. All of us need to use the restroom, etc. but what is the pleasure? To either go into executive or to take a break and keep going?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: The question I would have with that is if we don't go into executive now we would be going into public hearings, correct?

CHAIR STEFANICS: People are waiting in the hallway.

COMMISSIONER VIGIL: so if the people are here I'm perfectly willing to keep moving on the agenda and wait on executive session.

CHAIR STEFANICS: Okay. Other Commissioners? It is now 5:30. Let us take a break until 5:45 and come back. So that's time for phone calls, restrooms, cold drinks, whatever, then we will start with Matters from the Commission. We will do executive at the

very end. Thank you.

[The Commission recessed from 5:30 to 5:50.]

[Commissioner Anaya joined the meeting telephonically.]

CHAIR STEFANICS: We have a quorum present. We are now on the – Commissioner Anaya, we have postponed the executive session so we could keep going. We are now under Matters from the Commission.

XV. Matters From the Commission

A. Appointments/Reappointments

1. Appoint Member to Santa Fe County Ethics Board (Penny Ellis-Green)

PENNY ELLIS-GREEN (Deputy County Manager): Thank you, Madam Chair, Commissioners, this is for the appointment of the fifth position on the Ethics Board. We advertised. We got 14 applicants. We did send the applications to Common Cause New Mexico. They didn't specifically give us a recommendation but they did provide us with general lists of concerns. We reviewed the résumés and conflict of interest forms. We conducted interviews and we came up with three applicants. From those we recommend Leon Young be appointed to the Ethics Board due to the extensive experience and background in ethics training.

COMMISSIONER VIGIL: Move to approve.

CHAIR STEFANICS: Okay, so I'll second, but let's go through them verbally so that those people listening know who we're appointing or re-appointing please.

Peg: The appointment would be for Leon Young. It would be a new appointment. There are four current people on the Ethics Board.

CHAIR STEFANICS: Okay, so let's repeat the new member. Leon Young. Okay. And the other members?

Peg: The existing members on the board are Randy Forrester, who is the chair, Adair Waldenberg Who's the vice chair. Estevan Baca and David Mittle.

CHAIR STEFANICS: Okay. Are there any questions or comments on the new appointment?

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

XV. A. 2. Appoint Three Members to the County Development Review Committee, (District 2 (1), at Large (2)) (Shelly Cobau/Growth Management)

SHELLEY COBAU (Building & Development Manager): We have as your staff report says, we have three members of the CDRC whose terms have expired as of January 2012. Two of those members are at-large members, and they are Susan Fry Martin and J.J. Gonzales, and one is a District 2 appointment and that is Maria DeAnda who is the current CDRC chairwoman. All three of these members have requested re-appointment. We

also advertised and received two responses and the résumés from these two applicants are in your packets, and they have agreed to a background check and done the disclosure forms that are required by the County.

Also in your packet are the listings of who appointed whom and when they were appointed, and that is inside Exhibit C, where it shows where each person resides within the county and Exhibit D is the new members and where they reside. And I will just stand for questions, Madam Chair. We just need a recommendation.

CHAIR STEFANICS: Ms. Cobau, please read the names of all the people being appointed or re-appointed for all the members of the public who cannot have the materials.

MS. COBAU: Okay. Requesting re-appointment are Susan Fry Martin, member at large, J.J. Gonzales, member at large, Maria DeAnda, CDRC chairwoman, District 2. New applicants who are interested in serving on the CDRC are Mr. Bruce Larson and in District 2, Mr. Robert Lehrer.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, I would move for the appointment of J. J. Gonzales as one of the at-large members.

CHAIR STEFANICS: I think we're taking the entire group, Commissioner Anaya. Is that correct, Shelley?

MS. COBAU: Actually, Madam Chair, you have five people to select from. You have the three serving members on the CDRC and the two interested parties. So you need to pick three.

CHAIR STEFANICS: Okay, so let's take this really clearly. This is becoming very confusing for the public and for me. Could you identify what recommendations you have and then we'll go to appointments. Just one minute, Commissioner Anaya, and then I'll come back to you.

MS. COBAU: Madam Chair, we recommend from District 2, that Maria DeAnda be reappointed for a two-year term expiring in 2014, and we recommend that the remaining two at-large members be chosen for two terms, serving until January 2014 and that you select from Susan Fry Martin, J.J. Gonzalez, Robert Lehrer and Bruce Larson for those two at-large member positions.

CHAIR STEFANICS: Okay. Thank you. Commissioner Anaya, you had a motion?

COMMISSIONER ANAYA: Motion to re-appoint J.J. Gonzales.

COMMISSIONER HOLIAN: I'll second that.

CHAIR STEFANICS: Okay. There's a motion and a second for J.J. Gonzales.

COMMISSIONER VIGIL: I would ask the maker of the motion and the seconder if they would also include Maria DeAnda and Susan Martin in that motion.

COMMISSIONER HOLIAN: I would.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'm fine with that.

CHAIR STEFANICS: Okay. So there's a motion and a second for three individuals, Maria DeAnda, Susan Fry Martin and J.J. Gonzales. Any questions or comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, and just a couple quick questions for myself. Madam Chair, Ms. Cobau, I don't know if Juan asked you but also last year there was another individual who came in front of this Commission. I believe she was an engineer. She had great qualifications. I think the Commission even said well, all being said, maybe we could keep this person in mind for the next appointment. I guess they didn't reapply because her application is not here, her résumé. Do you know who I'm speaking of?

MS. COBAU: Yes, I do, Commissioner Mayfield. In fact when we had CDRC member Pato who resigned in August I believe – yes, he resigned in August, I contacted her and asked her if she would be interested in reapplying and she is no longer living in Santa Fe County.

COMMISSIONER MAYFIELD: Okay. Great. And Madam Chair, and I appreciate the work our CDRC does. I know they do a great job and I they do hard work. I do know that there was also a case where there was an issue where something was remanded to us because of lack of a quorum, lack of attendance. So how is the attendance with our current CDRC attendance?

MS. COBAU: Regarding the attendance question, I have prepared an exhibit that shows who's attending and who's missed. [Exhibit 4] X indicates when they were there and O indicates when they were absent. So if I could approach I'll hand you that exhibit.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: So we have a motion and a second. Is your vote going to depend on this chart?

COMMISSIONER MAYFIELD: No, I just want to ask some questions and maybe for process for next time.

CHAIR STEFANICS: Do you want to continue?

COMMISSIONER MAYFIELD: If you don't mind.

CHAIR STEFANICS: Sure. I see some members. If you're on the Ethics Committee we already voted you in. So now we're on to CDRC.

COMMISSIONER MAYFIELD: Madam Chair, Shelley, I'll wait until you get back to the podium. But also, I know coming on new to the Commission we appointed members arguably the beginning of the year, but Madam Chair, Commissioners, just for discussion, and I'm going to support the recommendations that came, just so everybody knows, but are we going to look at maybe I guess a cycle period where we can have new folks that become members of the CDRC? Is there going to maybe be a potential time limit? And then my second point to that, and you kind of answered it, Shelley, by saying that one individual lady no longer had an interest because she moved out of the county, but my concern is maybe lack of quorum, or respectfully maybe no attendance, that we could maybe look at having an alternate member appointed so we would not have these quorum issues if they do come up in the future. That's just all I'd ask the Commission to consider for the future.

CHAIR STEFANICS: Thank you. And Ms. Cobau, do you want to answer?

MS. COBAU: I don't believe in the code, the code section that I have provided you, which is from Article II, Section 1.2 regarding appointments. That section of the code doesn't mention alternates. So I don't know if the code would need to be revised in

order to allow the appointment of alternate members. I think that we have had absenteeism on the CDRC as you can see by the exhibit that I gave you but we've only had one month out of 12 where we didn't have a quorum; that was unusual. So I think the CDRC's functioning primarily pretty well.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Cobau, but we are going through the code rewrite right now, right? And we could ask that we have some amendments to the code as far as allowing for an alternate.

MS. COBAU: I think that would be a question for the County Attorney.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, have we gone through that chapter of the code yet?

MR. ROSS: Madam Chair, Commissioner Mayfield, that is one of the chapters that's out for public comment right now.

COMMISSIONER MAYFIELD: Madam Chair, will you take mine as public comment from this bench?

MR. ROSS: Okay.

COMMISSIONER MAYFIELD: That we have an alternate or two appointed to the CDRC.

MR. ROSS: I'm not sure what it currently says but we'll take a look at it.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Ross. Thank you, Shelley.

CHAIR STEFANICS: Thank you. So we have a motion and a second. Any further discussion?

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

XV. B. Commissioner Comments

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: None.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Happy Valentine's Day.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I just want to ditto the Happy Valentine's Day. Thank you, staff for these lovely bouquets we have up here. I appreciate that. And also, Madam Chair, I do have one matter, and it's more so for maybe Mr. Ross. I just don't have my memo in front of me. But Mr. Ross, I received an email from one of my constituents asking about a resolution that you – again, I don't know what's going on with it or not, but a resolution that's being worked on regarding Aamodt? Is there one out there?

MR. ROSS: Madam Chair and Commissioner Mayfield, it's coming up at the next meeting.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and can you just – I'm going to ask some questions, but is this individual being able to participate in this discussion. It's my understanding that these negotiations or this discussion with this resolution are being talked with some public members and maybe not all public members. I'll

forward you the email.

MR. ROSS: That would be helpful. We have our resolution being worked on with the implementation team and with the PVSD – Pojoaque Valley – the group that represents well owners in the Pojoaque Valley. And the resolution is to outline a process to get answers to the questions that they submitted about a year ago that are still out there, because we don't have the technical information to answer them yet. So that the resolution outlines a process to get to the point where those questions will be answered. So it's coming to you in two weeks.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, also, is that resolution going talk about public meetings?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't believe so. I think it outlines a process to get from point A to point B. I don't think it's very specific.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I'm going to ask for an amendment today, or I'll ask for it in two weeks, not seeing the resolution, that we do afford public meetings regarding the outreach. Just so you know that if you're drafting that resolution.

MR. ROSS: Madam Chair, Commissioner Mayfield, it's not about outreach. It's about a technical process to get answers to largely technical questions.

COMMISSIONER MAYFIELD: And thank you, Madam Chair, Mr. Ross. I appreciate that. I only spoke about this arguably last year, that there was some – and if I have a name wrong please tell me. But there was some budget issues with Darcy Bushnell – I may have the name wrong – but she was going to try to do – have some ongoing outreach meetings with the public. I don't know whatever came about with that but I would hopefully hope that especially within District 1, this does have a huge impact on the community that I represent. I know a lot of folks are in favor but there are definitely some folks that are opposed to this. But if there could be some more public outreach, I would appreciate that.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's another issue that's still out there.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: The Pojoaque – the PVSD – I wish I could remember the name of that group right now – indicated to us that they would prefer that the public outreach occur after the settlement agreement is amended and the cost-sharing agreement is entered into by all the parties to inform the public about their choices after that. They prefer not to waste the money now but to use it in a targeted fashion, get people information closer to the time when they're going to have to answer questions that are put to them by the court.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Ross. I'll wait to see the resolution. Do you have at least a working draft that you could forward to me?

MR. ROSS: Madam Chair, yes, Commissioner Mayfield, sure. I have a draft that I think is pretty much in final form, so, yes, I'll forward that to you.

COMMISSIONER MAYFIELD: Thank you. And I did find the email so if you could also forward it to Mr. White I would appreciate that.

MR. ROSS: Mr. White? Okay.

COMMISSIONER MAYFIELD: Thank you. And I'll give you this email. Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya. I'm sorry. Forgive me.

COMMISSIONER ANAYA: That's okay. Madam Chair, a few issues. I want to say that I support the concept or alternates that Commissioner Mayfield was referring to, not only on CDRC but we had this discussion relative to alternates on the Road Advisory and possibly others. Any time we can get other input or we're able to keep a quorum or action moving I support. I think it makes sense on Aamodt to make sure for the water settlement that we should have an opportunity for some feedback. I've heard concerns on that issue as well as concerns that Commissioner Mayfield keeps raising.

Madam Chair, could you provide any feedback as to what we know relative to our Water Trust Board application for La Bajada, for the well and the tank?

MS. MILLER: Madam Chair, Commissioner Anaya, we have – we are included in the bill for the projects that we did submit, that this Commission approved by resolution, so we are included in that bill for those projects. I don't know at the moment the status of that bill. I know it was moving but I can check with staff. The La Cienega project, La Bajada and there was another watershed project in there. Those three are in there.

COMMISSIONER ANAYA: Excellent. Then just two other comments and I'll listen to your feedback, Ms. Miller. We had a good meeting in La Bajada – in La Cienega relative to La Bajada Ranch and I know that there's a desire to try and move to some of the short-term objectives and needs of the community and do some cleanup work and engage the community. Could you comment on that and other plans to bring that item back to the Commission.

And then the last item I wanted to get some feedback from you is for bonding. I know that [inaudible] heavily support us putting forward a bond project for roads is one of the priorities and I know the other Commissioners have expressed an interest in roads and bonding, and I know we're fast approaching that timeframe. Could you provide some feedback on that as well?

MS. MILLER: Yes. Madam Chair, Commissioner Anaya, on the meeting in La Cienega with the community on La Bajada Ranch, there were quite a few things that the community brought forward and staff brought forward that we have common ground on. We're working with the – the staff is now working on putting a plan together on how – on some of the things we need to request relative to the budget. Several people have from the community expressed to the staff after that meeting their desire to volunteer and to help, so we're going to look for ways that we can incorporate those individuals in the community in doing cleanup and any kind of work. Obviously, we have to be cognizant of what type of structural things would need to be done by contractors and having bonding and that type of thing, but there's quite a bit of just general cleanup that the community can help with and staff is working on a plan on how we can incorporate their assistance, as well as a budget. They're putting together – we'll call it kind of a budget request of the things that are going to be immediately needed and that they would bring forward. We're getting some pricing on it right now and then they're going to bring that forward to me to discuss a little bit and then we'll bring that in with regards to the entire budget process.

On the GO bonds, I've been working with our financial advisor on what we anticipate our bonding capacity to be, based on growth. We're also watching the tax lightening bill, because that can have an impact on what our capacity will be, and the financial advisors

might have to revise what we would have. We've actually revised the bonding capacity down right now, just based on the trends of appraised values and assessed values in the county. They're going to be bringing a presentation forward to you on what we believe that capacity will be, as well as staff is working on an overall capital improvement plan, and I believe that they've been showing you the process that they're going through in general, but we're going to bring an entire presentation to you to populate the algorithm and the database that show here's the projects, here's where they are, here's what's ready to go forward if it's with planning and design or the next phase of actual construction, and what we would recommend go towards GO bond versus quarter-cent gross receipts tax. So all that's going to be coming to you in the next couple of months in different pieces. So that will be – you'll have plenty of time to make a decision on what you want to put to the voters in a GO bond question. And that timeframe, by the way, Commissioner Anaya, is that we would probably want to now narrow down what's actually in the question in the July-August timeframe for the November election.

COMMISSIONER ANAYA: Excellent. Thanks for the information. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, also Ms. Miller, on hearing Commissioner Anaya's comments, as far as Canyon Ranch, La Bajada Ranch, when will you be bringing that back to us again for discussion?

MS. MILLER: Madam Chair, Commissioner Mayfield, I was hoping we would have something February 28th. That agenda is really full as it stands right now, but what we're trying to get is some cost estimates for certain things before we bring it back to you, so I would say it will be on one of the next few meetings, that we'll bring back for you the recommendation of how to put a working group together and what type of things the staff and the community are proposing to do as next steps.

So I don't want to commit for sure to the February 28th meeting, but if not that meeting it will definitely be in March.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Miller. I was just going to ask – I would assume that there has been a reappraisal done on that property.

MS. MILLER: Madam Chair, Commissioner Mayfield, as I said previously, we have not – unless the Commission actually wants to move forward with selling the property doing an appraisal would not have much significance to us, because if we were going to sell you have to do one at the time within 90 days of the sale, so if the Commission were to request that we sell the property then that would be the appropriate time to do one.

COMMISSIONER MAYFIELD: Madam Chair, I won't bring up my concerns again, but Madam Chair, Ms. Miller, you and I can just describe them privately and you know what they are. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

XVI. Matters of Public Concern – NON ACTION ITEMS

None were presented.

XVII. PUBLIC HEARINGS

A. Growth Management Department

- 1. BCC Case # MIS 12-5030 Babaluu's Cocina Cubana Restaurant Liquor License. Amaury Torres and Mary Kline D/B/a Babaluu's Cocina Cubana, Applicant, Request Approval of a Restaurant Liquor License to Serve Beer and Wine with Meals. The Property is Located at 3810 Highway 14, within Section 35, Township 15 North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Commercial Development Case Manager): Madam Chair, Commissioners, Amaury Torres and Mary Kline D/B/A Babaluu's Cocina Cubana, Applicant, request approval of a Restaurant Liquor License to serve beer and wine with meals. The property is located at 3810 Highway 14, within Section 35, Township 15 North, Range 8 East, Commission District 5.

The Applicant requests approval of a Restaurant Liquor License. Babaluu's Cocina Cubana will not have a bar however they intend to serve beer and wine with meals. The issuance of a Restaurant Liquor License will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The property is acknowledged by the Land Development Code as a legal non-conforming commercial property for restaurant and/or food service use. On September 14, 2004, the Board of County Commissioners granted approval, of a zoning statement, to allow beer and wine to be served on this site as a permitted use.

Babaluu's Cocina Cubana is current with the Santa Fe County business license requirements. The restaurant consists of 2,100 square feet with approximately 832 square feet of dining area and a patio area of 400 square feet to be utilized to serve beer and wine with meals.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a Restaurant Liquor License at this location.

Staff has reviewed this request and has found the facts presented support this application: the property is acknowledged by the Land Development Code as a legal non-conforming commercial property for restaurant and/or food service use; the Board of County Commissioners granted approval, of a zoning statement, to allow beer and wine to be served on this site as a permitted use; the Applicant's request complies with the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools and Churches; therefore staff recommends approval of the Applicant's request. Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Does this replace C.J.'s?

MR. LARRAÑAGA: Madam Chair, yes.

CHAIR STEFANICS: Thank you. So, questions, comments, from the

Commission before we go to public hearing? Okay, is there anybody – is the applicant here? Yes. Do you have anything else you'd like to add? Okay. We are in the public hearing. Is there anybody here who would like to speak in favor or against, or question this application? The public hearing is closed. What is the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of BCC Case #MIS 12-5030, Babaluu's Cocina Cubana liquor license.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. There's a motion and a second. Any further discussion?

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

CHAIR STEFANICS: Congratulations. Well, I should ask. What kind of food are you going to serve? Are you going to serve Cuban food? Okay. And what hours? Are you going to be open morning, noon, night or just the evening? Okay. So a free advertisement here. This new Cuban restaurant is going to be open at lunchtime and then the evening, on Highway 14. Good luck.

- XVII. A. 2. **CDRC CASE # DP 11-5370 Desert Academy Preliminary and Final Development Plan Phase 2. Desert Academy, Applicant, Courtenay Mathey, Agent, Request Preliminary And Final Development Plan Approval For Phase II of the existing school facility which will include 2,300 square feet of office space, a 9,000 square feet classroom building, a 10,000 square feet gymnasium, an all-weather (synthetic) athletic field and running track, interior remodeling of existing structures, and related site improvements on 25.86 acres. The property is located off County Road 67, within Section 7, Township 16 North, Range 10 East (Commission District 4) [Exhibit 5: Residents' Correspondence]**

VICKI LUCERO (Residential Development Case Manager): On January 19, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request.

On July 29, 1997, the EZA granted master plan zoning approval for the New Mexico Academy for Sciences and Mathematics which included an administration building, swimming pool, cafeteria and visual arts building, two classroom buildings, and tennis courts totaling 99,400 square feet of actual building space and up to 450 students. At that time the EZA also granted preliminary development plan approval for Phase I, which consisted of 133 students and faculty and 54,900 square feet of facilities.

On September 11, 1997, the EZC granted final development plan approval for Phase IA.

On September 29, 1998, the EZA granted approval of a master plan amendment to add an equestrian use, to modify the building placement and increase the total square footage to 106,700 square feet for all phases and to increase the number of allowable students and

faculty from 133 to 138 for Phase I.

Currently on site there is an existing administration/classroom building and pool/equipment building along with a modular classroom building totaling 13,300 square feet. All of these structures will continue to be utilized.

The Applicant is now requesting preliminary and final development plan approval for Phase II which will add 20,000 square feet of building area and related improvements as follows: Phase II-A, to remodel interior of existing structure and enclose 1,000 square feet of existing portal for new offices; add a new 9,000 square feet classroom structure; remodel existing 1,300 square feet portable building for offices; additional gravel drive and parking; replace existing propane service with new gas line connection; tie the existing septic system into the public service line available along Old Las Vegas Highway; related improvements to utilities, lighting, and landscaping.

Phase II-B will consist of a new 10,000 square feet gymnasium and support spaces; new all-weather, synthetic athletic field and running track; related improvements to utilities, lighting, landscaping, etc. and additional gravel parking spaces.

The proposed development plan will increase the existing permitted population to 250 students and 50 staff members for a total of 300 people.

This application was reviewed for access and parking, water, fire protection, liquid and solid waste, terrain management, signage and lighting, and archeology.

Recommendation: This application is in accordance with Article III, Section 4.4, Development Plan Requirements, of the County Land Development Code, and is consistent with the use and scope of the previously approved master plan. Staff recommendation as the decision of the CDRC is to grant preliminary development plan approval for Phase 2 with final development plan approval to be handled administratively subject to the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes.

[The conditions are as follows:]

1. Engineering plans for the left turn deceleration lane off of Old Santa Fe Trail ~~or an acceptable alternative~~ to be approved by Public Works must be submitted for review and approval prior to Final Development Plan approval. Consideration must be given to using El Gancho Way as an entrance to the property. [Modified in discussion.]
2. Signage details shall be submitted for review and approval prior to Final Development Plan approval.
3. A lighting plan showing locations of proposed lighting, details of light poles and cut sheets shall be submitted prior to Final Development Plan approval.
4. A detailed parking plan meeting Code requirements shall be submitted prior to Final Development Plan approval.
5. Water use for this tract shall not exceed 2.43 acre-feet per year. Any decrease in the size of this tract will require a new evaluation of water availability. This shall be noted on the Development Plan
6. Connection to the County wastewater collection system is required. If regional water comes within 200 feet of the property boundary the owner shall connect to the water system. This shall be noted on the Development Plan.
7. Monthly meter readings from well RG-66448 shall be recorded and submitted to the

Santa Fe County Utilities Department. This shall be noted on the Development Plan.

8. Roadways and driveways shall meet the minimum County Standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon Fire Marshal's approval.
9. The water delivery system supplying the fire hydrants and automatic sprinkler systems shall be designed to meet the minimum standards of the Santa Fe County Water utilities to allow for future required connection to such systems as they are provided.
10. Automatic Fire Protection Sprinkler systems shall be required as per submitted development plans and 1997 Uniform Fire, Article 10 Section 1003.2 in accordance with the Building Code as adopted by the State of New Mexico and/or the County of Santa Fe.
11. All gates shall be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System).
12. No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

MS. LUCERO: Thank you. And I also just wanted to state that I handed out a couple of letters from property owners within the area who had some questions and concerns. *[Exhibit 5]*

CHAIR STEFANICS: Okay, before we go to questions of staff, are the applicants here? Would you like to add anything to the presentation? If you would be sworn in please.

[Duly sworn, Arthur Berger testified as follows:]

ARTHUR BERGER: Madam Chair and Commissioners, my name is Art Berger. I'm the president of the board of trustees at Desert Academy. I just want to take a moment to comment briefly. We first of all want to thank the members of the Santa Fe County staff. They have worked diligently with us to get this project to this point. We are literally bursting at the seams at our current facility and plan to occupy this facility beginning with the fall of this coming school year. We want you to know that Desert Academy is an independent, college preparatory middle and high school that values academic and personal excellence. In addition, Desert is the only secondary school in New Mexico that offers the international baccalaureate program in grades seven through twelve. International baccalaureate is recognized as the standard of excellence in secondary education worldwide.

Desert serves about 170 students today throughout Santa Fe County and some of the outerlying communities. About 40 percent of our students receive some level of tuition assistance, including need-based and merit scholarships. As I indicated, we have pretty much outgrown our current facility. We selected this campus after an exhaustive three-year search including an effort you may have heard about in which we attempted to reach an arrangement with Santa Fe Public Schools that was not a successful effort. We returned to this campus as the choice. We were able to make this happen due to a very generous gift from the seller, Mr. Frank Matthews of Omaha, Nebraska. He has really worked hard to make this – to allow this property to continue its legacy as a center of educational excellence in Santa Fe.

We've also had the support of the Frost Foundation here in Santa Fe and our own

community to make this happen. We have worked with the staff to ensure that the school will fulfill the vision of the master plan. We have met with the neighbors in the area and are very pleased with the widespread support we've received. We envision this campus continuing to be a center of quality education. We intend to build out the facilities sufficient to host academic and cultural affairs for the entire community and part of our vision for our facilities you heard described, including the gymnasium and the sports fields, etc., we intend to share. There's a huge shortage of facilities available to public and private school students in our community and Desert Academy looks forward to hosting some of those events at our new facility. I appreciate your taking the time to consider our offer today and I do want to say we are available to answer questions should you have them. I have with us Terry Passalacqua, our head of school, Courtenay Mathey, our architect, and Morey Walker, our project engineer. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. And it's Mr. Berger, right?

MR. BERGER: That is correct.

CHAIR STEFANICS: Okay. Questions for staff and the applicant?

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I guess my first question is what is the current status of the plans for the left turn deceleration lane and the entrance to the school? I know that there was – in my packet there was some different proposals put forward. So I just wondered what the current thinking is.

MR. BERGER: Yes. We worked extensively with the County staff on this issue. As you know that is a stretch of highway in which there is no stoppage in either direction for quite a distance. We did our own speed study, we examined a wide variety of options, including at one time a potential four-way stop. We want to be clear that the agreement we've reached with the County staff is not to do a four way stop. We are agreeing to put in a left-hand turn lane and will work with County Public Works to ensure that that meets the expectation. In addition, we will be posting school zone signs and using lights to enforce a 15 mile an hour zone.

Our primary concern was obviously safety of our students and staff and parents, and then of course as well the convenience to the neighborhood. So as of today I believe we have reached that agreement with the County staff.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Berger. And you're okay with that, right?

MR. BERGER: Yes. We have concurred that we will do that.

COMMISSIONER HOLIAN: Okay. And is there – did you ever consider doing the entrance off of El Gancho Way instead?

MR. BERGER: Yes. We asked our own engineer to explore that. Subsequently, we discussed it with County engineering. The concern – I would let them speak to that – is that the visibility is not sufficient at that location to add that sort of a traffic egress and exit and that road is in fact even smaller and it would be pretty difficult to put that in at that point.

COMMISSIONER HOLIAN: Okay. And also, this is on a different topic, but I understand there's actually a swimming pool onsite and I just sort of wondered what your future plans for that are. I understand that now it's being used as a water storage system for firefighting but do you plan to actually use it as a swimming pool?

MR. BERGER: The facility you're speaking of was installed for the purpose of providing a reservoir for the fire suppression sprinkler system on the property and that is

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because of course at this time water is well-based and the well cannot produce sufficient capacity to respond to a fire emergency. So the original development of the campus, they put in this water reservoir. They built it in such a manner that it can be finished out as a swimming pool. It is of sufficient dimension to meet the requirements of the New Mexico Athletic Association and could be used long term as a sports facility, and we would like to have that happen potentially. However, that is not part of this proposal. It is not now a swimming pool. It would take considerable investment to make it a swimming pool. And we would not anticipate even entertaining such a notion until we in fact are on City water.

COMMISSIONER HOLIAN: And so that leads to my next question. Do you have long-term plans to get on to City water? How close is it, by the way?

MR. BERGER: City water, we did have that examined for us. It's approximately one mile away. It, again, would be cost-prohibitive for us to by ourselves extend water to the property. We have determined the well and water rights are sufficient for our current use. We are determined – we will in fact move to City water when it becomes available to us.

COMMISSIONER HOLIAN: And, right now, are your plans for all outdoor watering to be from collected rainwater, or will you be using some of your well water for that?

MR. BERGER: That is correct. We are not having any architectural features or athletic features that would require any sort. And as you see in the plan, the only plan we have for any significant outdoor facility would be a track and field and that would be a non-water using, using an artificial surface. We are expanding the water catchment in cooperation with the County planning folks but we do not intend to add any additional water use whatsoever.

COMMISSIONER HOLIAN: Okay. And then I have one final question, just out of curiosity; it wasn't in the packet. But do you have any plans for any energy efficiency measures in the new buildings that you're putting on there?

MR. BERGER: The initial building is to get us there, and it is a building that is being built as efficiently and expeditiously as possible. We do have long-range objectives to improve the energy efficiency. We in fact have some families in the school that can help us do that. We would like to, over time, certainly improve the energy efficiency.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Berger.

MR. BERGER: Thank you.

CHAIR STEFANICS: Thank you. Any other questions for staff or the applicant before we go to public hearing?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this is a question for staff, and recommendations, I may not be seeing it. But where is that deceleration lane in your recommendation prior to final County approval?

MS. LUCERO: Madam Chair, Commissioner Mayfield, it's actually condition #1.

COMMISSIONER MAYFIELD: One. Okay. And Madam Chair, is this the same concerns as on the left side as these letters that we received?

MS. LUCERO: Madam Chair, Commissioner Mayfield, one of the letters was regarding the stop sign and didn't want the stop sign, but yes, both of those did speak to the traffic on Old Santa Fe Trail where the deceleration lane will be constructed.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, Ms. Vicki Lucero,

do you want to address the stop sign issue real quick?

MS. LUCERO: Madam Chair, Commissioner Mayfield, I think at this point the applicants have decided against the stop sign so that all that will be done will be the installation of a deceleration lane. So that's what the County was requiring and that's what the applicants have agreed to.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Ms. Lucero.

CHAIR STEFANICS: Thank you. Okay. We are now at the point of a public hearing. Is there anyone in the audience that is here to speak in favor of or against this project? Sure, come on up. You'll need to be sworn in and give us your name and address after you're sworn in, and we'd love to hear from you.

[Duly sworn, Anthony Rivera testified as follows:]

ANTHONY RIVERA: Anthony Rivera – they call me Tony. I'm at 7313 Old Santa Fe Trail, just across the street from the school. I was disappointed to hear that everybody agreed on the turning lane but you win some you lose some. My only question is how would it affect the winding of the highway on my property.

CHAIR STEFANICS: Okay, so Mr. Baca, are you hear for the roads? Do you want to come up and address and help us understand this? Do you have anything else you want to add?

MR. RIVERA: No.

CHAIR STEFANICS: Okay. So why don't we wait, see if there's anybody else who wants to speak, and then we'll have Mr. Baca come up and answer that for us as well. Is anybody else here in favor of or against or have any comments? Okay. So the public hearing is closed. Mr. Baca, we would like to know your comments or answer about this please.

DONNY BACA (Traffic Manager): Madam Chair, Commissioners, in regards to the question by Mr. Rivera, Tony, I understand that the engineering that Morey Walker has proposed would in essence widen the road to provide for this left dedicated turn lane. Okay? I would have to ask that Morey respond to that question, being that he is the engineer who actually looked at the taper and so on and so forth, and how it would affect the adjacent property. So if I may defer that question to Morey.

CHAIR STEFANICS: Okay. We'll do that. Mr. Rivera, what I understand your question is, how it will affect your property. Correct? Okay. So let's hear from the engineer. And you'll have to be sworn in, please.

[Duly sworn, Morey Walker testified as follows:]

MOREY WALKER: Morey Walker with Walker Engineering, 905 Camino Sierra Vista, Santa Fe. Madam Chair, what we – we walked the length of the whole improvements on Old Santa Fe Trail and we looked at the edge of the road versus where we think the right-of-way is. We have not done a complete study of where the right-of-way is but we did find some property corners and we were able to get all the improvements within the right-of-way of the County Road right now. There are some –

CHAIR STEFANICS: So to be clear, are you saying it's not going to affect these properties?

MR. WALKER: No, it would not. It would affect his driveway. There are some rocks and some address signs and some culverts that need to be relocated, but as far as we can tell, the best information we've had out there it will be all within the County right-of-way.

There are some pretty large rocks out there that people have used for, I guess landscaping that will need to be moved but they are in the right-of-way, so we will have to move them.

CHAIR STEFANICS: Okay. So it sounds like this is an offline discussion. It's in the County right-of-way. And you agree, Mr. Baca? Okay. So it seems like you're going to need some discussion with the owner. Okay?

MR. WALKER: Yes. We'll do some coordination as far as moving some of those landscape rocks around.

CHAIR STEFANICS: Okay. Thank you very much. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on this point, sir, and maybe you can answer this, Ms. Lucero. As far as the recommendations from staff, it says "or acceptable alternatives." Are there acceptable alternatives in the works or are we just talking about the deceleration/acceleration lane?

MS. LUCERO: Madam Chair, Commissioner Mayfield, at this point – that was a condition that was added by CDRC They changed the condition to include other alternatives, but since the CDRC meeting the applicants have met with County staff from Land Use and Public Works and the agreement is that they will complete the deceleration lane.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Lucero. So can we scratch then "acceptable alternative" if that's okay with the Commission, if that's not an option anymore? That way the public knows what's happening and the applicant knows what's happening.

MS. LUCERO: Madam Chair, Commissioner Mayfield, I think that would be appropriate to strike the rest of that sentence and just stick with the deceleration lane.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Ms. Lucero.

CHAIR STEFANICS: Okay, we're now on consideration of the matter. They public hearing is closed.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval of CDRC Case #DP 11-5370, Desert Academy preliminary and final development plan, Phase 2, which staff conditions, but with the change in condition #1 to strike the – well, I guess just to simply say engineering plans for the left-hand deceleration lane off Old Santa Fe Trail. That should be sufficient.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Okay, there's a motion and a second. Further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, maybe I should have asked this question earlier. The cost for this deceleration lane is on the applicant? The County's not bearing any cost for this?

MS. LUCERO: Madam Chair, Commissioner Mayfield, that's correct.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Okay, any further questions, discussion?

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

XVII. A. 3. CDRC Case # MP/PDP 11-5350 Parker Construction Cuyamungue. Paul Parker Applicant, Jim Siebert, Agent, Request Master Plan and Preliminary Development Plan Approval for Phase I, Phase II and Phase III on 5.63 Acres to Be Utilized for Storage of Equipment and Construction Material. The Request Also Includes Final Development Plan to be Approved Administratively. The Property is Located at 17690 US 84-285, on the Frontage Road Between Exit 176 and Buffalo Thunder Road, within Section 28, Township 19 North, Range 9 East (Commission District 1) Jose E. Larrañaga, Case Manager

MR. LARRAÑAGA: On April 8, 2008, the Board of County Commissioners approved a variance of Article III, Section 4 to allow the 5.63-acre site to be eligible for commercial zoning. On December 15, 2011 the County Development Review Committee recommended approval, with staff conditions, of master plan, preliminary development plan for phase 1, 2 and 3, and final development to be approved administratively for Parker Construction Cuyamungue, case number MP/PDP 11-5350.

The applicant is requesting master plan for commercial zoning on the 5.63-acre property. The commercial use on the property will consist of storage of material, equipment and equipment maintenance. The zoning would also allow for three metal structures and a caretaker's residence. The proposed use is consistent with conditions imposed on the site as a component of variance approval.

The applicant also requests Phase 1, Phase 2 and Phase 3 preliminary development plan approval. Phase 1 will consist of a 1,920-square foot module structure to be utilized as a caretaker residence, and a 4,000 square foot metal building to be utilized for maintenance and storage of equipment. Phase 2 will consist of a second 4,000 square foot metal building to be utilized for maintenance and storage of equipment. And Phase 3 will consist of a third 4,000 square foot metal building to be utilized for maintenance and storage of equipment.

The request also includes Phase 1, Phase 2 and Phase 3 final development plan to be approved administratively.

Article III, Section 4.4.1a) states: "To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted.

Article V, Section 5.2.1b states "A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval."

Article V, Section 7.1.4 states, that criteria for development plan phase development approval shall conform to the approved master plan.

Article V, Section 7.1.3a states: "A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan."

REC'D CLERK RECORDED 03/15/2012

The application was reviewed for the following: approved variance, parking, signage, lighting, existing development, adjacent property, access, terrain management, water, liquid and solid waste, fire protection, landscaping and rainwater harvesting, and archeological.

Recommendation: Staff has reviewed this Application and has found the following facts presented to support this submittal: a variance was granted, by the BCC, to allow this site to be eligible for commercial zoning; the proposed use is consistent with conditions imposed on the site as a component of the variance approval; the proposed Master Plan is comprehensive in establishing the scope of the project; the submittal for Preliminary Development Plan phase development conforms to the proposed Master Plan; the Preliminary Development plan substantially conforms to the proposed Master Plan.

The review comments from State Agencies and Building & Development Services has established findings that this Application is in compliance with Article V, Section 5.2.2 Master Plan Submittals, Article V, Section 7 Development Plan Standards and Article III Section 4.4 Design Standards and Review Criteria of the Land Development Code. Staff recommends approval of Master Plan Zoning for the proposed development, Phase I, Phase II and Phase III Preliminary Development Plan approval and approval of Phase I, Phase II and Phase III Final Development Plan to be processed administratively for Parker Construction Cuyamungue, subject to the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR STEFANICS: Yes, you may.

[The conditions are as follows:]

1. All Fire Marshal, Public Works and Staff redlines shall be addressed prior to recordation of Master Plan and Preliminary Development Plan for Phase I, Phase II, and Phase III.
2. Automatic fire protection sprinkler systems shall be required as per 1997 Uniform Fire Code for all proposed structures.
3. Applicant must provide Santa Fe County with an approved access permit from NMDOT for the proposed development.
4. Applicant shall provide a minimum of thirty (30') feet departure sight triangles at entry of development.
5. Applicant shall install a R1-1, 30x30 diamond grade stop sign at the exit of the development.
6. Applicant shall install a Thermo Plastic STOP BAR at the exit of the development.

Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Is the applicant here? Do you have anything further you'd like to add, Mr. Siebert? And we need to swear you in.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe. Just to be very brief, when we came before the Commission for the variance, there were some understandings with the neighbors about how we'd develop the site and what we've done is prepared the master plan, preliminary development plan in accordance with those understandings.

For those of you who might not be aware of the site, it's just north of Gabriel's on the frontage road and you really can't see it because the highway had material they had to waste

and they built a berm about 10 to 12 feet tall. It's really right along the front of the property. We did have one meeting – we've had three meetings with neighbors, one in the Pojoaque Fire Station and two actually on site. We think we're in agreement with their issues and we are in agreement with the conditions as stated by staff.

CHAIR STEFANICS: Thank you very much. Are there any questions for staff or the applicant?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I have a few questions. I'm going to start off with one question. When did you submit for this master plan approval?

MR. SIEBERT: The actual application?

COMMISSIONER MAYFIELD: Yes.

MR. SIEBERT: I don't know. I'll have to look it up. October 7th.

COMMISSIONER MAYFIELD: Of 2008?

MR. SIEBERT: 2011. The actual variance or this application?

COMMISSIONER MAYFIELD: I think I read through the file and I think I'm understanding the variances. I'm just – I'm going to ask staff a follow-up question too of how timely a master plan gets approved. October 8th and here we are February of 2012. But that's not my question yet for staff. Based on what I see here, and Mr. Larrañaga, on your initial memo to us, and I went through some of the minutes and I want to point out some comments from Commissioner Vigil and also Commissioner Sullivan at the time. In 2004 there was an application to have this property rezoned? Or was there already construction being done on this property?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I believe it was not for zoning. It was to be eligible for commercial use. A variance to be outside of a commercial zone. The variance came in because it was outside of that, so they could be eligible for commercial zoning. The master plan that they're applying for now would actually give the zoning for the property, for commercial.

COMMISSIONER MAYFIELD: Thank you, Mr. Larrañaga. But I read in 2008, when they came in for the variance and the variance was approved, there were staff conditions that were put on on that 2008 variance. Were those conditions of 2008 met?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, they were to be met when they came in for zoning. The variance did not give them development rights or zoning.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, I think in 2008, if I read through this packet, there was a specific condition as far as any materials, any storage, anything on that equipment was going to be out of sight. Not out of sight from a berm on a highway that was being developed, but actually with buildings out of sight. I personally drive by that property often. There's a lot of equipment on that property. So why is it from 2008 to 2011 that that property was being used without being in compliance with the variance request that you all requested, the conditions?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, actually the property in all honesty shouldn't have been used until they got approved for the master plan and preliminary development plan. The applicant did get, I believe a notice of violation. They

came in and that brought it to our attention that they hadn't come through for the master plan. So now they're trying to comply with the master plan. As part of the master plan the material and equipment in those 4,000 square foot structures that they're building in Phase 1, Phase 2 and Phase 3, that equipment and maintenance of equipment and material will be store in those structures and be out of sight.

COMMISSIONER MAYFIELD: So, Madam Chair, let me ask you a question. If staff puts conditions, and we've just approved one before this case, and if an applicant feels fit not comply with those conditions, and then a notice of violation goes to the applicant, they say, oh, wait, let's get our master plan and now be amenable to even more conditions, what assurances do we have that they're going to even comply with the second set of conditions if they haven't complied with the first set of conditions?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the conditions were put on there as part of the variance to be applied in the master plan process.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, they went arguably two or three years without even a master plan. What I believe I heard from Mr. Siebert and then from you is that it took a notice of a violation to get somebody in the door to file a master plan.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that's correct.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, typically how fast – and I'm grateful that it moves fast at the master plan, but is that the norm for a master plan to get to your office within a few months?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes. When the applicant applies it does go out to reviewing agencies. They have 30 days to review it. Then they have to notice 21 days prior to going to CDRC, and then approximately 30 days after they go to CDRC it comes to the Board. Given that we don't get any negative comments from reviewing agencies and we have to figure out what we need to fix on the master plan.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and staff, and I guess just a general question, Steve. I want to work with applicants, but if an applicant, again, is in violation for many, many years on an issue, and they get the violation for whatever reason, the County puts these requirements or the County doesn't put these requirements, what are we to do? Just kind of turn a blind eye to it? Just say come into compliance today? Do we have any other type of enforcement?

MS. COBAU: Madam Chair, Commissioner Mayfield, if I may I'll take that question and then if the County Attorney would like to add anything. Typically, with a case such as this when we have someone with a notice of violation, they come in and they're going forward for a CDRC board action, we grant them some additional time. If they hadn't come in with this type of submittal we would have given them 30 days to clear the property and then cited them into court.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Shelley. I'm just having a hard time understanding though. Again, they can come for a master plan whenever they want to come for a master plan I guess. There's not a date certain on that, once they approve the zoning approval, correct? Back in 2008?

MS. COBAU: That's correct. Were there any time restrictions on that?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, there wasn't any time restrictions on the variance. In reality they should have come in prior to using the

property for storage of construction and material. They should have come in for the master plan. The variance just gave them the right to be eligible for commercial zoning. Then the master plan would come in and that would give them the zoning, and then the preliminary development plan would come in. The final development plan is when they construct a building and place the caretaker's office is when they should have been using the site itself.

COMMISSIONER MAYFIELD: Right.

MR. LARRAÑAGA: Unfortunately, people used – maybe they got the variance – I don't know why the reason. Maybe the applicant can answer that, why they started using it right after the variance or I don't know how long they've been using it. But they should have come in for the master plan as soon as that, and they still didn't get the right to use the property for storage of equipment or anything. It's the final development plan, a recording of that, building permits for the structures on there, and then they could use the site itself. Unfortunately, we didn't catch it until just recently, back in – before October anyway, that this was a violation. They didn't have the proper zoning to use the property and they were using the site already.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, maybe this is a question for the applicant. Is there any mining going on on this property? Are they extracting any minerals, any aggregate from this property right now? If anybody can answer that. And if they are, that's great if they're permitted for that, but if they're not permitted for that, do you know if that's happening on this property?

MR. SIEBERT: Madam Chair, Commissioner Mayfield, there is no mining going on on the property. They have brought in – if you notice it on the bank in front of the property is kind of crushed gravel, a kind of golden-colored crushed gravel. They have brought that in to place it on the banks, so there's no mining going on on the property. In terms of what's happened in the past is this property has not been used since 2008 for commercial. It has been used in the last year or so for storing material. And the issue there was the applicant thought that by getting the variance that the variance granted him commercial use. He didn't understand that it did not.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, it did grant it, but it granted it with conditions, as far as those buildings being built, and none of that construction material would be seen. You may not be able to see it from the highway but you definitely can see it from the community residents that reside behind that property.

MR. SIEBERT: And that's the intent of what we're doing now is to clear all that up and get it into the buildings.

COMMISSIONER MAYFIELD: Mr. Siebert, how long will it take for Phase 1, 2 and 3 with the amount of construction material that is on that property? There's a significant amount of construction material on that property.

MR. SIEBERT: Well, some of that material actually is going to be used to build the buildings, so that's the reason for it being there.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, and maybe it's right to have so, but they have a lot of semis parked there, semi-trailers parked, or at least ocean containers parked on that building also.

MR. SIEBERT: Yes, let me tell you what happened there is that within about the last three, four months he had been storing a lot of that material up in Los Alamos. Los Alamos told him to remove it and get it off site. He moved it down there temporarily. What

he's doing is a lot of that that's there now is going down to Albuquerque for auction but it's not auction time yet.

COMMISSIONER MAYFIELD: And Madam Chair and staff, it's his property but can he store that type of material on his property at this time?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, right now he is not permitted to store that equipment there. So until he gets the master plan and preliminary and final development plan approved and recorded and building permits, that's when he can store of course inside the buildings. Right now we have not issued a permit to even temporarily store that material there. As Shelley said earlier, usually on a notice of violation, we have a lot of them out there, we try to work with the applicants as long as they come in and submit for what they're doing, whether it's a home occupation, whether it's a business like this, we work with them until they get all the stuff done. Obviously, you can see in the photos that are in your exhibits that there is a lot of equipment out there that's stored outside, which wasn't part of the conditions that were implemented in the variance to be implemented in the master plan.

COMMISSIONER MAYFIELD: Sure. And Madam Chair and staff, it's not so much I have a problem with this project; I want that to be clear. I just want consistency applied. If there's other folks out there who are in notice of violation for two or three years, that we don't come in and put the hammer down on them, because there has been a notice of a violation. Or, respectfully, we enforce notices of violations that we issue. That's something that I guess we're going to have to develop within this county, but it's just not equitable or at least a balancing out in my mind of what we're seeing.

A couple questions to the master plan that was submitted to us. I believe it was a master plan. Did there need to be an archeological study done on this property and if it was waived, why was it waived? This is adjacent to the pueblo land, correct?

MR. LARRAÑAGA: Yes. Madam Chair, Commissioner Mayfield, I'm looking for my exhibits of reviewing it.

COMMISSIONER MAYFIELD: I think it was Exhibit 5; I might be wrong but I think it was Exhibit 5.

MS. COBAU: Jose, it's Exhibit F

COMMISSIONER MAYFIELD: Thank you, Shelley.

MR. LARRAÑAGA: Actually it is Exhibit F, NB-D 47, the review from SHPO. What it states is they just have my original letter to them requesting a review and sending in the set of plans and so on, and it was stamped 11/15/11 that no historic property is affected. So that was the survey required.

COMMISSIONER MAYFIELD: Okay. So it is a non-issue. Thank you. And then, Madam Chair, Mr. Larrañaga, as far as the liquid waste disposal on that property, what's currently going on? The property is arguably being used, right? Are they on a septic system out there?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I don't believe they have the caretaker there so there's no occupancy on the site as is. As part of the master plan they would have to get a septic permit and get permitted through the ED Department.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, there are no office buildings on this property right now?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, not at this time,

no.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, Mr. Larranga, as far as the conditions of the new request, with commercial trash, household trash disposal, do we – and maybe I should get Mr. Guerrerortiz out there; this will help me just with a different question. Can they take this to our transfer station? Do they have to truck this into Santa Fe? The SWMA? What are they doing with the trash that they are generating on this construction site?

MR. SIEBERT: Madam Chair, Commissioner, they're really not generating trash. What they are doing is there is salvage material that they're taking down for recycling. The trash that would be generated in the future, because Mr. Parker is from Los Alamos, would be taken to the Los Alamos landfill.

COMMISSIONER MAYFIELD: Thank you. As far as again, Madam Chair, thank you for all the questions you're indulging me with. I just have more and more after reading this. What about the property owners behind. Were the initial conditions in 2008 met where they were going to have those fences built, where retaining walls were going to be built, so they were out of obstruction from those folks behind them?

MR. SIEBERT: As part of the master plan there will have to be a fence that's erected on the properties to the east.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, that was part of the conditions from the 2008 variance before any of that material was even stored on that property. Was that not also a condition back then?

MR. SIEBERT: Well, as Mr. Larrañaga pointed out, the conditions were something that would go on to the master plan, so that condition is really part of the master plan. It will be implemented with the master plan, development plan.

COMMISSIONER MAYFIELD: Thank you. And then my last question I guess would be as far as coming into that facility, are they going to come in off the frontage road off of 284/85? I know I've seen that there. Or are they going to go and what is it? Barquenos Road that loops around the back side. Is there access through that back side. I know there was something at least for fire protection. Are they going to afford that?

MR. SIEBERT: Madam Chair, Commissioner Mayfield, the only vehicular access would be off the frontage road. There was a concern about whether the roads that were kind of to the east of this property were sufficient for fire access and the determination was – because there was an agreement that they would provide for fire access through this property, but after meeting with the fire department and the neighbors they felt that they would be better off to come in through the existing roads to the east, and the reason for that is there would be a gate. We'd probably have to gate both sides and that would actually slow down the fire trucks going to the fire.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Again, I'm just going to say it is a little disappointing that if we do go and make a variance change to allow something to happen back in 2004, and then there's additional variances that are requested in 2008 with staff conditions put on something, and then arguably an applicant just ignores those for lack of knowledge, respectfully they're employing professional help and that professional help needs to at least relay that message to them. And then because they get issued a citation, which wasn't disclosed to us, now they're saying, okay, well we want to play by the rules. And again, that's fine. But you have to make that consistent across the

board with everybody who's doing business within Santa Fe County. That's all I ask for.

With that, Madam Chair, I'm done with my questions. And if this does move for approval, I just would ask that there is some definite timelines put on this approval, and also that there are routine inspections to see if they are in compliance or not, and if they could somehow address all this material they have on this property, which they initially agreed to have it within these buildings. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Before we move to public hearing, could you comment on the timeline, the required timelines? Is it indefinite? Two years? He'd have to come back for reapproval?

MR. LARRAÑAGA: Madam Chair, commenting on the variance, the variance runs with the property, so if they take years and years to come in for the master plan the variance was already there. The master plan of course, if it gets approved, once it gets approved and recorded they have five years before it expires. This particular case I believe the applicant is willing to move on forward because they are asking for preliminary for Phase 1, Phase 2 and Phase 3 and as soon as we record, meeting all the requirements, the screening and everything else, requirements of the variance and they record, then they will come in for final development plan for Phase 1 and building permits for Phase 1, which would be the caretaker's structure and the first 4,000 square foot structure. And from there then we could start weeding out the storing of the equipment and everything else in the structures.

CHAIR STEFANICS: So did that answer your questions, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, yes, it did. Thank you.

CHAIR STEFANICS: Five years. Okay. We are now at that point of a public hearing. Is there anyone here to speak for or against this proposal? Hearing and seeing no hands, the public hearing is closed. Okay, we're back to questions, comments, pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair, I know I'm the one that had all the comments and I do appreciate the applicant coming forward and trying to address this situation. Again, I'll ask staff, and this is more for staff. Just – and I'm not saying you are not consistent, just if we're going to go out there and issue a citation, either we follow up with those citations. If we're going to go out there and issue a citation we follow up on those variances and that way we can work with the applicant, saying, look, guys. You have some time lines of what you've agreed to do, because you are affecting other people's households. I do appreciate the project that I believe the applicant is trying. It does promote some economic development in the area. It will provide jobs, and with that, Madam Chair, thank you for indulging me and hearing me out and I would move for approval, with the condition that they get this project moving and that they do some site cleanup on that property please.

CHAIR STEFANICS: Thank you. There is a motion.

COMMISSIONER HOLIAN: Madam Chair, I'll second it. And do you mean with other staff conditions as well?

COMMISSIONER MAYFIELD: Oh, Madam Chair, thank you, Commissioner Holian. Definitely with other staff conditions. And the original conditions that were put in in 2008.

CHAIR STEFANICS: Okay. Any further discussion, comments?

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

XIV. Matters From the County Attorney

A. Executive Session

1. Discussion of Pending or Threatened Litigation

CHAIR STEFANICS: We are at that point in the meeting to ask our County Attorney what we have to discuss in executive session.

MR. ROSS: Madam Chair, we need a brief executive session to discuss pending or threatened litigation.

CHAIR STEFANICS: Okay. Thank you.

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

CHAIR STEFANICS: Is there a second.

COMMISSIONER VIGIL: Second.

The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Mayfield, Vigil and Stefanics all voting in the affirmative. [Commissioner Anaya was not present for this action.]

[The Commission met in closed session from 7:05 to 7:45.]

Upon motion by Commissioner Mayfield and second by Commissioner Stefanics, the Commission voted unanimously [3-0] to return to open session. [Commissioners Anaya and Vigil were not present for this action.]

XVIII. Adjournment

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 7:45 p.m.



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

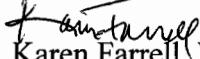
Approved by:

Liz Stefanics

Board of County Commissioners
Liz Stefanics, Chairwoman

Santa Fe County
Board of County Commissioners
Regular Meeting of February 14, 2012
Page 76

Respectfully submitted:


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

SFC CLERK RECORDED 03/19/2012



MEMORANDUM

TO: Board of County Commissioners
FROM: Katherine Miller, County Manager
DATE: February 14, 2012
SUBJECT: Sole Community Provider Recommendation

ISSUE:

Santa Fe County must review and approve a Sole Community Provider (SCP) commitment for the local hospitals by the State mandated deadline of February 15, 2012.

BACKGROUND:

At the last Indigent Board meeting, the Board instructed staff to take the requests made by the local hospitals, as well as the County's recommendations for the Sole Community Provider program to the Health Planning and Policy Commission (HPPC) for consideration. The HPPC were presented with the requests of the local hospitals and the County's recommendations on February 3rd.

A detailed discussion occurred; new members of the commission had a huge undertaking, as this was a first meeting for several of them. Staff presented a historical background to assist in the understanding of both the County's and the local hospital(s) needs, and the complexity of the SCP program.

The HPPC members discussed keeping the recommendation within existing resources. The HPPC clearly understood the needs of the local hospitals and recognized the need to balance such requests with available county resources.

Additional information was requested of Christus St. Vincent hospital relative to the uncompensated care and community benefit information that was attached to their request. The requested information included that a copy of the hospitals Form 990 and data relative to the charity events that raise funds that are administered by the hospital foundation be provided to the HPPC members. The members expressed a need for a more thorough reflection of all sources and uses. They also requested the percentage of budget that results from charitable donations.

SFC CLERK RECORDED 03/15/2012

RECOMMENDATION:

The SCP options that were presented to the HPPC for committed funding by Santa Fe County were based on the following. The numbers noted below represent the leveraged funding total for all participating local hospitals:

1. The number of FY 2011 Indigent Claims processed and approved - \$5.6 M
2. The projected number of FY 2012 Indigent claims - \$7.1 M
3. The level the State HSD would approve - \$7.6 M

The majority of HPPC members recommended that the County's commitment to the SCP program be within available resources. The HPPC also recommended that if possible, the County consider additional resources when the opportunity for supplemental funding occurs in September. The HPPC recommended using the indigent claims as projected for fiscal year 2012 with the escalator of 3.2%.

County staff also supports the recommendation of the HPPC with the known information to date. Unknown to staff at this time, are the following:

- The impact legislative action may or may not have on gross receipt taxes specific to the hold harmless component.
- The final match percentage that the State will prescribe for the SCP Commitment. This percentage is not finalized until May.

Based on the above-mentioned information, the County supports the recommendation of use of the FY2012 indigent claims extrapolated for each hospital based on six months of activity. Use of the FY12 indigent claims, an escalator of 3.2% (known) and a match percentage of 31% (unknown, and a conservative estimate) will result in the following commitment for each hospital:

↓

<u>HOSPITAL</u>	<u>FY2012 CLAIMS</u>	<u>SCP AMOUNT COMMITTED</u>	<u>AMOUNT LEVERAGED</u>	<u>MAX. STATE WILL APPROVE</u>	<u>RECOMMENDED AMOUNT</u>
Christus	\$6,106,084	\$1,953,459	\$6,301,479	\$7,030,916	\$6,301,479
Espanola	\$ 640,071	\$ 204,772	\$ 660,554	\$ 482,926	\$ 482,926
Los Alamos	<u>\$ 86,658</u>	<u>\$ 27,724</u>	<u>\$ 89,431</u>	<u>\$ 54,070</u>	<u>\$ 54,070</u>
Total	\$6,823,813	\$2,185,955	\$7,051,464	\$7,567,912	\$6,838,475

The amounts may change slightly when the State Human Services Department completes the final calculation. The recommendation of the HPPC members and County staff totals \$6,838,475. Staff respectfully requests approval of an SCP County commitment impacting the

FY2013 budget for a total of \$6.8 M. The recommended commitment equates to a \$2.186 M County match, and this amount is \$77,648 greater than the prior year's commitment of \$2.108.

State of the Sheriff's Office Address



- Calls for Service – **51,304**
- Burglaries / Fencing Ops – **12% Decrease in 2011 from 2010**
(748) (848)
- Burglary Prevention / OT
- Violent Crimes – **8% Increase in 2011 from 2010**
- NHWP's
- Security / Limited Access
- DWI's / Forfeitures – **302 DWI Arrests; 68 DWI Crashes,**
66 Vehicles Seized
- Saturation + DWI Checkpoints per year – **20 Saturation Patrols;**
9 DWI Checkpoints
- Number of DWI Arrests – **302 DWI Arrests in 2011; 257 in 2010**
- Promotions / Morale – **18 Promotions**
- Community Feedback (- +)
- Descansos – **Quarterly Participation**
- Media Transparency
- Homicides / Cleared (2) ?
- Hires / Positions – **6 Openings; 13 Hires in 2011;**
Cadets = 1 year to be out on their own/trained
- Animal Control – **Impounds for 2011 = 1,809 (Roosters?)**

Santa Fe County Animal Control Division
Yearly Stats

2011

	<i>Jan.</i>	<i>Feb.</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug.</i>	<i>Sept.</i>	<i>Oct.</i>	<i>Nov.</i>	<i>Dec.</i>	
<i>Citation(s)</i>	28	17	16	4	21	0	9	20	10	11	6	29	171
<i>Impounds</i>	141	147	149	153	223	171	200	163	145	126	118	73	1809
<i>Close Patrols</i>	62	62	55	15	28	69	16	25	12	33	36	28	441



20 Sat. Patrols
6 + 9 Check Points

FOR IMMEDIATE RELEASE
January 20, 2012
2011 DWI Crashes Increase in Santa Fe County

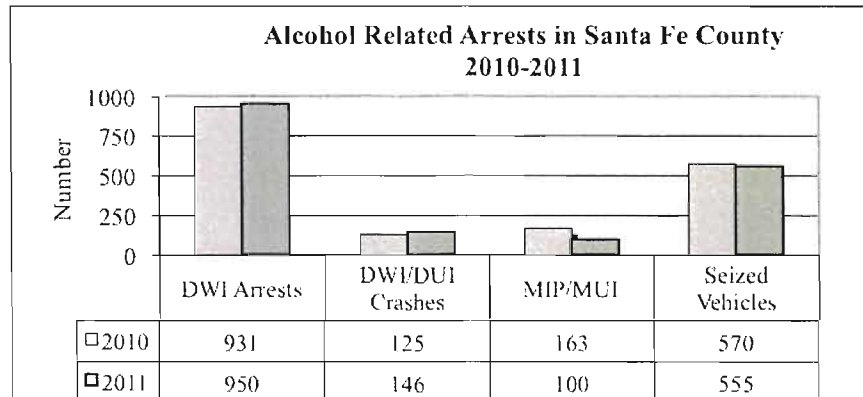
Contact: Cynthia Delgado
 Community Liaison
 Santa Fe Underage Drinking Prevention Alliance
 Cell Number: 505-670-3002
 Email: cmdelgado@att.net

For the past year the Santa Fe Underage Drinking Prevention Alliance in cooperation with the Santa Fe Police Department, Santa Fe Sheriff's Office and the New Mexico State Police have been tracking and publishing a variety of key indicators that provide a picture regarding the status of people driving and drinking in our community.

Alcohol Abuse Report for Santa Fe County
2010 through 2011

Type of Arrest	Sheriff		SFPD		State Police		Total	
	2010	2011	2010	2011	2010	2011	2010	2011
DWI Arrests	257	302	318	364	356	284	931	950
DWI/DUI Crashes	59	68	61	74	5	4	125	146
MUI/MIP	39	19	97	61	27	20	163	100
Seized Vehicles	83	66	487	489	N/A	N/A	570	555

MUI/MIP: Minors Under the Influence/Minors in Possession of Alcohol



SFC CLERK RECORDED 03/15/2012

2010

BURGLARY UNLAWFUL ENTRY
BURGLARY (RESIDENTIAL)
BURGLARY (COMMERCIAL)
BURGLARY (AUTO)
BURGLARY (ATTEMPTED)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
4	3	5	2	2	1	5	5	6	4	2	7	46
35	30	41	44	61	54	46	64	48	30	37	32	522
4	2	3	3	4	3	4	3	3	2	5	3	39
20	12	17	20	20	32	21	13	18	10	5	12	200
3	2	3	2	4	7	4	4	1	4	3	4	41
66	49	69	71	91	97	80	89	76	50	52	58	848

2011

BURGLARY UNLAWFUL ENTRY
BURGLARY (RESIDENTIAL)
BURGLARY (COMMERCIAL)
BURGLARY (AUTO)
BURGLARY (ATTEMPTED)

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
0	1	1	3	0	3	1	2	2	1	1	1	16
38	20	29	40	54	39	49	70	60	51	22	39	511
6	5	5	7	3	4	4	9	4	0	2	2	51
11	4	7	8	12	6	18	18	15	19	9	16	143
2	0	2	3	3	2	2	5	3	3	0	2	27
57	30	44	61	72	54	74	104	84	74	34	60	748

Increase By Month								17%	11%	48%	3%	
Decrease By Month	14%	39%	36%	14%	21%	44%	8%			35%		12%

BURGLARY UNLAWFUL ENTRY
BURGLARY (RESIDENTIAL)
BURGLARY (COMMERCIAL)
BURGLARY (AUTO)
BURGLARY (ATTEMPTED)

2010	2011
46	16
522	511
39	51
200	143
41	27
848	748

Legislative Report

2012

Regular session



Santa Fe County
County Manager's Office

February 14, 2012 Board of County Commissioners Meeting

HOUSE LEGISLATIVE ITEMS

HB2 - General Appropriations Act of 2012

Last Action 02/13/2012 - S - Passed 34 - 6

HB9 - Appropriation for Wildfire Assistance

Last Action 01/24/2012 - H - Reported Do Pass as amended by House Health and Government Affairs

HB35 - Public Meeting Agendas: 72-Hour Posting Requirement

Last Action 02/13/2012 - S - Reported Do Pass as amended by Senate Public Affairs

HB36 - Drug Courts: Liquor Tax Distribution

Last Action 01/18/2012 - H - Introduced and referred to House Business and Industry

HB38 - Liquor Excise Tax to Drug Courts

Last Action 01/27/2012 - H - Reported Do Pass by House Business and Industry

HB61 - Wildlands Fire Prevention Fund

Last Action 01/18/2012 - H - Introduced and referred to House Business and Industry

HB75 - Restores Cigarette Tax Distribution to Local Governments

Last Action 02/04/2012 - H - Reported Do Pass by House Health and Government Affairs

HB85 - Repeals Annual Limit on Film Production Tax Credits

Last Action 02/03/2012 - H - Reported Do Not Pass but Do Pass as substituted without recommendation by House Business and Industry

HB95 - Water Projects

Last Action 02/13/2012 - S - Passed 40 - 0

HB102 - Assessors to Issue Notice of Estimated Property Tax

Last Action 02/09/2012 - S - Reported Do Pass by Senate Corporations and Transportation

HB103 - Social Security Number Required for Driver's License

Last Action 02/11/2012 - S - Received in the Senate and referred to Senate Judiciary

HB117 - Phases out Film Production Tax Credits

Last Action 01/19/2012 - H - Introduced and referred to House Business and Industry

HB143 - Foreclosure Fairness Act

Last Action 02/06/2012 - H - Referred to House Business and Industry

HB171 - Restrictions on Issuing Drivers' Licenses

Last Action 02/01/2012 - H - Referred to House Judiciary

HB188 - Counties: Classifications, Salaries

Last Action 02/12/2012 - S - Reported without recommendation by Senate Public Affairs

HB191 - Capital Project Funding Changes

Last Action 01/25/2012 - H - Introduced and referred to House Taxation and Revenue

HB224 - State Fees on Distribution of GRT to Local Government

Last Action 02/04/2012 - H - Reported without recommendation as amended by House Health and Government Affairs

HB244 - Guest Driver's Permits for Undocumented Persons

Last Action 02/01/2012 - H - Referred to House Judiciary

HB323 - New Sources of Sole Community Provider Hospital Funds

Last Action 02/12/2012 - S - Reported Do Pass by Senate Public Affairs

SB35 - Appropriation for County and Tribal Health Councils

Last Action 01/27/2012 - S - Reported Do Pass by Senate Indian and Cultural Affairs

Details of HB2, HB35, HB188 & HB323

HB2 - General Appropriations Act of 2012

Sponsors Rep. Henry Kiki Saavedra (D)

Summary SFC amendment to HB2 substitute provides a funding capacity of \$5.7 billion, about a 4.7 percent growth from the prior fiscal year. The growth factor contains about \$221 million in recurring expenses, leaving some \$36 million for reserves in anticipation of reduced revenues from the natural gas industry.

Complete 01/17/2012 - H - Introduced and referred to House Appropriations and Finance

History 02/06/2012 - H - Reported Do Not Pass but Do Pass as substituted by House Appropriations and Finance (Substitute for HB2, HB3, HB4, HB5, and HB6)

02/08/2012 - H - Opened for floor debate

02/08/2012 - H - Passed 70 - 0

02/08/2012 - S - Received in the Senate and referred to Senate Finance

02/13/2012 - S - Reported Do Pass as amended by Senate Finance

02/13/2012 - S - Opened for floor debate

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Rod Adair (R)) Roll Call 15 - 23

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Rod Adair (R)) Roll Call 12 - 28

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Rod Adair (R)) Roll Call 18 - 22

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Rod Adair (R)) Roll Call 8 - 32

02/13/2012 - S - Passed 34 - 6

HB35 - Public Meeting Agendas: 72-Hour Posting Requirement

Sponsors Rep. James E. Smith (R)

Summary SPAC amendment to HB35 would require a public body that meets more than once a week to post a draft agenda at least 72 hours prior to the meeting, and a final agenda at least 36 hours prior. Bill moves on to SJC.

Complete 12/27/2011 - H - Pre-filed in the House

History 01/18/2012 - H - Introduced and referred to House Rules

01/24/2012 - H - Committee referrals changed

01/24/2012 - H - Referral withdrawn from House Rules

01/24/2012 - H - Referred to House Consumer and Public Affairs

01/24/2012 - H - Also referred to House Health and Government Affairs

02/03/2012 - H - Reported Do Pass as amended by House Consumer and Public Affairs

02/07/2012 - H - Reported Do Pass by House Health and Government Affairs

02/09/2012 - H - Opened for floor debate

02/09/2012 - H - Passed 57 - 9

02/09/2012 - S - Received in the Senate and referred to Senate Public Affairs

02/09/2012 - S - Also referred to Senate Judiciary

02/13/2012 - S - Reported Do Pass as amended by Senate Public Affairs

HB188 - Counties: Classifications, Salaries

Sponsors Rep. Al Park (D)

Summary HHGAC amendment to HB188 specifies new annual salaries for officials in Class H counties (Los Alamos). The salaries are:

Complete History 01/25/2012 - H - Introduced and referred to House Labor and Human Resources
01/25/2012 - H - Also referred to House Health and Government Affairs
02/03/2012 - H - Reported Do Pass by House Labor and Human Resources
02/07/2012 - H - Reported Do Pass as amended by House Health and Government Affairs
02/09/2012 - H - Opened for floor debate
02/09/2012 - H - Passed 68 - 0
02/09/2012 - S - Received in the Senate and referred to Senate Public Affairs
02/09/2012 - S - Also referred to Senate Judiciary
02/12/2012 - S - Reported without recommendation by Senate Public Affairs

HB323 - New Sources of Sole Community Provider Hospital Funds

Sponsors Rep. Thomas C. Taylor (R)

Summary House Floor Substitute to HB323 retains the intent of the original bill. The substitute strikes the definition of "certified public expenditure" and specifies that the Sole Community Provider Fund shall consist of funds provided by counties through intergovernmental transfers from counties, other public entities or other public funds or expenditures allowable to match federal funds for Medicaid sole community provider hospital payments. Goes to the Senate.

Complete 02/01/2012 - H - Introduced and referred to House Rules
History 02/03/2012 - H - Committee referrals changed
02/03/2012 - H - Referral withdrawn from House Rules
02/03/2012 - H - Referred to House Health and Government Affairs
02/07/2012 - H - Reported Do Pass by House Health and Government Affairs
02/10/2012 - H - Opened for floor debate
02/10/2012 - H - Note: Floor Substitute 1 - Adopted Representative Taylor

02/10/2012 - H - Passed 66 - 0

02/11/2012 - S - Received in the Senate and referred to Senate Public Affairs

02/11/2012 - S - Also referred to Senate Finance

02/12/2012 - S - Reported Do Pass by Senate Public Affairs

SENATE LEGISLATIVE ITEMS

SB1 - Mortgage Fair Foreclosure Act

Last Action 02/12/2012 - S - Postponed on third reading

SB5 - Fireworks Regulation

Last Action 02/01/2012 - S - Reported without recommendation by Senate Public Affairs

SB9 - Corporate Income Tax—Rate Cuts—Mandatory Combined

Last Action 02/13/2012 - S - Passed 28 - 13

SB38 - Foreclosure Mitigation Counseling and Homebuyer Education Program

Last Action 01/25/2012 - S - Reported Do Pass by Senate Public Affairs

SB52 - PERA Retirees Employed as Election Poll Workers

Last Action 02/12/2012 - H - Passed 66 - 0

SB65 - Severance Tax Bond Appropriations, State Agencies and Statewide

Last Action 01/23/2012 - S - Reported germane by Senate Committee on Committees

SB66 - 2012 Capital Projects Bonds

Last Action 01/23/2012 - S - Reported germane by Senate Committee on Committees

SB70 - Foreclosure Maintenance Act

Last Action 02/01/2012 - S - Reported Do Not Pass but Do Pass as substituted by Senate Public Affairs

SB75 - Foreclosure Mediation Act

Last Action 01/25/2012 - S - Reported germane by Senate Committee on Committees

SB79 - PERA Retirees Employed as Election Poll Workers

Last Action 01/25/2012 - S - Reported germane by Senate Committee on Committees

SB145 - Property Tax Valuation of Residential Properties

Last Action 02/13/2012 - H - Also referred to House Judiciary

SB165 - Santa Fe Teen Court

Last Action 01/30/2012 - S - Reported Do Pass by Senate Judiciary

SB168 - Film Production Tax Credit Changes

Last Action 02/02/2012 - S - Reported Do Not Pass but Do Pass as substituted by Senate Corporations and Transportation

SB200 - Land Conveyance for Conservation Tax Credits

Last Action 01/26/2012 - S - Reported germane by Senate Committee on Committees

SB235 - Limits Issuance of Driver's Licenses to Immigrants

Last Action 02/13/2012 - S - Passed 27 - 15

SB247 - Heavy Rail Mass Transit System Excise Tax Act

Last Action 01/30/2012 - S - Reported germane by Senate Committee on Committees

SB258 - New Sources of Sole Community Provider Hospital Funds Funding

Last Action 02/13/2012 - S - Passed 40 - 0

SB271 - Phases Out Municipal and County Save-Harmless Provisions; Road Funds

Last Action 02/07/2012 - S - Reported without recommendation by Senate Corporations and Transportation

SB300 - Authorizes Forestry Division to Ban Fireworks Sales

Last Action 02/02/2012 - S - Reported germane by Senate Committee on Committees

SB308 - Freezes Property Tax Rates for One Year

Last Action 02/06/2012 - S - Reported Do Pass as amended by Senate Corporations and Transportation

SJM30 - County Home Rule

Last Action 02/11/2012 - S - Reported Do Pass by Senate Judiciary

SJM41 - Alternative Traffic Offense Adjudication

Last Action 02/11/2012 - S - Reported Do Pass by Senate Judiciary

Details of SB9, SB52, SB145, SB235, SB258

SB9 - Corporate Income Tax—Rate Cuts—Mandatory Combined

Sponsors Sen. Peter Wirth (D)

Summary Senate floor amendment (Sen. Peter Wirth) to SFC substitute for SB9 restores the provision that was struck in the original bill from current law Sec. 7-2a-8.3(C). It is a technical cleanup amendment necessary to reconcile the bill with changes made since originally introduced (e.g. making the bill applicable to big box stores). Restores language that allows the filing of separate returns since they are not being completely eliminated by the bill in its substituted form.

Complete 12/15/2011 - S - Pre-filed in the Senate

History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees

01/18/2012 - S - Also referred to Senate Corporations and Transportation

01/18/2012 - S - Also referred to Senate Finance

01/23/2012 - S - Reported germane by Senate Committee on Committees

02/02/2012 - S - Reported without recommendation by Senate Corporations and Transportation

02/12/2012 - S - Reported Do Not Pass but Do Pass as substituted by Senate Finance

02/13/2012 - S - Opened for floor debate

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Eric G. Griego (D)) Roll Call 5 - 37

02/13/2012 - S - Floor amendments adopted (Amendment 1) (Sen. Phil A. Griego (D)) Voice vote

02/13/2012 - S - Floor amendments adopted (Amendment 2) (Sen. P. Wirth (D)) Voice vote.

02/13/2012 - S - Passed 28 - 13

SB52 - PERA Retirees Employed as Election Poll Workers

Sponsors Rep. Luciano Varela (D)
Sen. George K. Munoz (D)

Summary Authorizes a retired member under the Public Employees Retirement Act to be employed temporarily as a precinct board member for a municipal election or an election covered by the Election Code without affecting pension benefits. Those employed as precinct board members are designated as seasonal employees for purposes of determining eligibility for membership in PERA.

Complete 01/12/2012 - S - Pre-filed in the Senate
History 01/18/2012 - S - Introduced and referred to Senate Committee on Committees
01/18/2012 - S - Also referred to Senate Rules
01/18/2012 - S - Also referred to Senate Judiciary
01/26/2012 - S - Reported germane by Senate Committee on Committees
02/01/2012 - S - Reported Do Pass by Senate Rules
02/04/2012 - S - Reported Do Pass by Senate Judiciary
02/06/2012 - S - Opened for floor debate
02/06/2012 - S - Passed 41 - 0
02/07/2012 - H - Received in the House
02/07/2012 - H - Received in the House and referred to House Voters and Elections
02/09/2012 - H - Reported Do Pass by House Voters and Elections
02/12/2012 - H - Opened for floor debate
02/12/2012 - H - Passed 66 - 0

SB145 - Property Tax Valuation of Residential Properties

Sponsors Sen. Tim Eichenberg (D)

Summary (Similar to 2011 SCORC/SB108) Changes the rules for valuing residential property for property taxation purposes, both for newly-constructed properties and existing properties.

Complete 01/23/2012 - S - Introduced and referred to Senate Committee on Committees

History 01/23/2012 - S - Also referred to Senate Judiciary

01/23/2012 - S - Also referred to Senate Finance

01/25/2012 - S - Reported germane by Senate Committee on Committees

01/30/2012 - S - Reported without recommendation by Senate Judiciary

02/11/2012 - S - Committee referrals changed

02/11/2012 - S - Referral withdrawn from Senate Finance

02/12/2012 - S - Opened for floor debate

02/12/2012 - S - Passed 24 - 9

02/13/2012 - H - Received in the House and referred to House Taxation and Revenue

02/13/2012 - H - Also referred to House Judiciary

SB235 - Limits Issuance of Driver's Licenses to Immigrants

Sponsors Sen. Timothy Z. Jennings (D)

Summary SJC amendment to SB235 reduces the period of validity of a driver's license issued to a foreign national without a social security number from two years to one year and provides a procedure for cancellation of the licenses of those who move out of state. Goes on Senate Calendar.

Complete 01/26/2012 - S - Introduced and referred to Senate Committee on Committees

History 01/26/2012 - S - Also referred to Senate Public Affairs

01/26/2012 - S - Also referred to Senate Judiciary

01/30/2012 - S - Reported germane by Senate Committee on Committees
02/03/2012 - S - Reported Do Pass by Senate Public Affairs
02/09/2012 - S - Reported Do Pass as amended by Senate Judiciary
02/13/2012 - S - Opened for floor debate
02/13/2012 - S - Floor amendments failed (Sen. William E. Sharer (R)) Roll Call 12 - 30
02/13/2012 - S - Passed 27 - 15

SB258 - New Sources of Sole Community Provider Hospital Funds Funding

Sponsors Sen. Phil A. Griego (D)

Summary Senate Finance Committee Substitute for SB258 is in large part identical to the original bill that amends the Indigent Hospital and County Health Care Act to provide for certain funds to be counted in the county contribution for support of sole community provider payments. Like its counterpart HB323 (see identical House Floor Substitute to HB323), SFC's substitute strikes the definition of "certified public expenditure" and specifies that the Sole Community Provider Fund shall consist of funds provided by counties through intergovernmental transfers from counties, other public entities or other public funds or expenditures allowable to match federal funds for Medicaid sole community provider hospital payments.

Complete 01/27/2012 - S - Introduced and referred to Senate Committee on Committees

History 01/27/2012 - S - Also referred to Senate Public Affairs

01/27/2012 - S - Also referred to Senate Finance

02/02/2012 - S - Reported germane by Senate Committee on Committees

02/08/2012 - S - Reported Do Pass by Senate Public Affairs

02/12/2012 - S - Reported Do Not Pass but Do Pass as substituted by Senate Finance

02/13/2012 - S - Opened for floor debate

02/13/2012 - S - Floor amendments failed (Amendment 1) (Sen. Timothy Z. Jennings (D)) Roll Call 14 - 26

SFC CLERK RECORDED 03/19/2012

02/13/2012 - S - Passed 40 - 0

tabbler
EXHIBIT
4

2011 ATTENDANCE RECORDS, CDRC

MEMBER NAME		FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER			
DeAnda	Special Mtg. 2/17/11 for new member introduction	x	x	x	x	o	NO QUORUM	x	x	x	x	o		
Martin		x	x	x	x	x		o	x	x	o	o		
Gonzales		x	x	x	x	x		x	x	x	x	x	x	
Pato		x	x	x	x	x		x	o	member resigned				
Valdez		x	x	x	x	x		x	x	x	x	x	x	x
Anaya		x	x	x	x	x		o	x	x	o	o	o	x
Katz		x	x	x	x	x		x	o	o	o	x	x	x
Drobnis	member appointed										x	x		

TO: Santa Fe County Development Division

RE: DP-11-5370, Review on 2/14/12

To Santa Fe County:

As a long time residence within ¼ mile radius of the school building at Old Santa Fe Trail and El Gancho Way, it has come to our attention that development permits of the school requires the addition of a stop sign at Old Santa Fe Trail and Star Vista Road. I do not think that the neighbors or the residences at Star Vista Road have been informed about this intent. While I realize that traffic studies have been submitted, I can say that at 7:15 am the amount of cars stopped behind a school bus is significant. A stop sign at Star Vista Road would likely back cars up past the El Gancho Way intersection, especially with the increased traffic flow that the school would draw from that direction. For many residences south on Old Santa Fe Trail, that intersection is the only possible route into town, and such a bottleneck would create considerable commuting and safety issues. I hope that the Public Works Review will address this issue before approving such a development.

Several years ago a study was conducted on the traffic flow of Old Santa Fe Trail between Zia Road and Old Santa Fe Trail, and the results of the report showed that Old Santa Fe Trail had significant enough traffic at that time to warrant a wider road with a shoulder. As this is a popular route for bike commuters, including older children and teens, residents in this area are unsure of why this has not been done. Does the county have plans to change this road within the timeframe of the development that will add over 100 cars per day to the area?

While the residents of the area welcome a fancy and expensive school, it is imperative that the safety of the current drivers, bikers and pedestrians, including school age children, be addressed.

Thank You,

Kendall McCumber
19 B Pinon Jay Trail
Santa Fe NM 87505

Vicki Lucero

From: mike perraglio [mperraglio@gmail.com]
Sent: Monday, February 13, 2012 12:12 PM
To: Vicki Lucero
Subject: Fwd: case # DP 11-5370 Desert Academy

----- Forwarded message -----
From: mike perraglio <mperraglio@gmail.com>
Date: Mon, 13 Feb 2012 12:09:29 -0700
Subject: case # DP 11-5370 Desert Academy
To: vlopez@sfccounty.org

Regarding Case #DP 11-5370
Desert Academy Proposal

To whom it may concern:

As a resident located directly across from the campus in which the applicant, Desert Academy, is requesting a Preliminary and Final Development Plan Approval for Phase 2 of the existing school facility located in the 7300 block of Old Santa Fe Trail, it is my opinion and experience, that there will be an immediate concern for a traffic mitigation study to be required and then implemented before any approval shall be granted.

We have lived at this location for 6 years and in that time have witnessed, excessive speeding, in excess of 70 miles per hour, exceptionally dangerous drivers, passing school buses stopped to pick up children, substantial increase in traffic and numerous other offenses that go unreported due to the lack of proper police presence.

This particular straight stretch of road is being used as an acceleration zone for cars going either direction on Old Santa Fe Trail. It is used as a shortcut for people coming from Eldorado and parts south to bypass the traffic that is now building up on the interstates intersection of I-25 and Old Pecos Trail.

It is our suggestion, that a traffic calming circle, in addition to school crossing 15 mile per hour lighting be installed as part of the Countys approval process and no approval should be granted until this very serious concern has been addressed.

Very Sincerely,

Mike Perraglio and Cynthia Perraglio
7315 Old Santa Fe Trail
Santa Fe, New Mexico 87505

505.660.9999

REC CLERK RECORDED 02/13/2012