

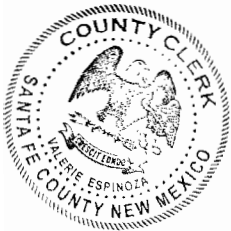
SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

February 15, 2010

**Harry Montoya, Chair – District 1
Kathy Holian – District 4
Liz Stefanics – District 5
Virginia Vigil – District 2
Michael Anaya – District 3**



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STATE OF NEW MEXICO) ss

BCC MINUTES
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SANTA FE COUNTY
SPECIAL MEETING
BOARD OF COUNTY COMMISSIONERS

February 15, 2010

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Harry Montoya, Chair
Commissioner Virginia Vigil, Vice Chair
Commissioner Kathleen Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya

Members absent:

[None]

III. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We have no amendments, tabled or withdrawn items on today's agenda. We have two items under Staff and Elected Officials and then a brief executive session with the County Attorney.

Commissioner Holian moved to approve the agenda as published. Commissioner Stefanics seconded and the agenda was approved by unanimous [5-0] voice vote.

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IV. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Division

1. Reconsideration of Approval of Santa Fe County Fiscal Year 2011 Sole Community Provider Match Contribution to the New Mexico Health & Human Services Department for CHRISTUS St. Vincent Regional Medical Center, Española Hospital, and Los Alamos Medical Center Sole Community Provider Funding.

MR. ABEYTA: Thank you, Mr. Chair. The first item is reconsideration of reconsideration of approval of SANTA FE COUNTY Fiscal Year 2011 Match Contribution to the New Mexico Health & Human Services Department for CHRISTUS St. Vincent Regional Medical Center, Española Hospital, and Los Alamos Medical Center Sole Community Provider Funding. On February 9, 2010 Santa Fe County Board of County Commissioners voted to approve the sole community provider payments in the amount of \$5,101,672. Of that amount, \$4.97 million would be allocated to CHRISTUS St. Vincent, \$113,540 for Española and \$12,012 for Los Alamos.

The first item on the agenda is whether or not the Board of County Commissioners would like to reconsider the approval that was given on February 9th. If the Board decides to reconsider, staff has a presentation in which we will provide different funding scenarios for the three.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we reconsider. When I made the motion last meeting I was making the motion for the entire \$5.1 for CHRISTUS St. Vincent and I did not include the other hospitals in my motion so I think it's appropriate to reconsider.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Stefanics and second by Commissioner Holian to reconsider. Is there any discussion?

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

2. Approval of Santa Fe County Fiscal Year 2011 Sole Community Provider Match Contribution to the New Mexico Health & Human Services Department for CHRISTUS St. Vincent Regional Medical Center, Española Hospital, and Los Alamos Medical Center Sole Community Provider Funding [Exhibit 1: SCP Match Scenarios; Exhibit 2: Benefit Package Comparison]

MR. ABEYTA: Thank you, Mr. Chair. Staff has brief presentation but before I get started with the presentation I do need to remind the County Commission that whatever is

decided today needs to be taken over to Health and Human Services Department by 5 p.m. and there are a few administrative things that are also needed: I would ask that we wrap up this discussion no later than 4 o'clock this afternoon to meet that deadline.

CHAIRMAN MONTOYA: Okay.

MR. ABEYTA: Again, Mr. Chair, on February 9th the Board decided to approve sole community provider payments for the three hospitals in the amount of \$5.1 million. There was discussion on the 9th regarding an increase amount and in order to increase that amount the County was requesting that certain health related services be taken over by CHRISTUS St. Vincent. What we have prepared are three scenarios to get the discussion started.

The first scenario would be to leave the \$5.1 million sole community provider payment in place and given that the County deficit would be \$9.3 million. We would continue to fund indigent fund services at \$1.8 million, Maternal Child Healthcare Support at \$180,000; the mobile health van at \$227,000; the Sobering Assessment Center at 879,000, Teen Court at \$73,000 and Health Administration at \$381,000. Other services that we would continue to fund would be Inmate Medical Care at the jail which is \$4.8 million; the Regional Communication Center at \$3.3 million; other health related services \$25,0000; Senior Services at \$881,000 and paratransit for \$91,000 for a total amount of \$12,775.606.

The second scenario is based on CHRISTUS St. Vincent Hospital request. In scenario number two the total amount for sole community payment would be \$8,395.775. Of that amount, \$8.2 million would go to CHRISTUS St. Vincent for a match that would equal \$33.6 million. Española would continue to get \$133,540 which would result in a match of \$462,581 and Los Alamos would continue to get \$12,712 for a match of \$51,791. Should you fund scenario two, the County deficit would be \$9,018,849. In this scenario the County would no longer fund Indigent Services that would now be funded by CHRISTUS St. Vincent. We would continue with the Maternal Child Healthcare support at \$180,000. We would continue to fund the mobile health van at its current level of \$227,000. The Sobering Assessment Center would be taken over by CHRISTUS St. Vincent. Teen Court the County would continue to fund at its current level of \$73,000. We'd continue to fund the Health Administration. Inmate medical care at the jail would be reduced by \$847,000. We would continue to fund the Regional Communications Center but that would be at \$3,330,000. Other services would be \$25,000 and I believe that's a medical contract we have in place with the provider that would be the responsibility of CHRISTUS St. Vincent at \$25,000. We would continue to fund senior services at \$881,269 and the contract with the City of Santa Fe for paratransit would be taken over by CHRISTUS St. Vincent which is \$91,000. Again, that's the second scenario with CHRISTUS St. Vincent receiving \$8.2 million in sole community provider funding.

Staff prepared a third middle-of -the-road scenario in which case sole community provider payments to CHRISTUS St. Vincent would be \$6,650,000. Their match would be \$27,093.092. Española and Los Alamos' contribution would remain the same. Under this scenario the County deficit would be \$9,239,426. Indigent funded services, the County would continue to fund under this scenario at \$1.84 million. Maternal Child Healthcare support we

would continue to fund. The mobile health van we would continue to fund. The Sobering Assessment Center would be taken over by CHRISTUS St. Vincent. Teen Court would continue to be funded by Santa Fe County as well as Health Administration cost. Inmate medical care would be \$4,099,744 and the RECC would be funded at a level of \$3.3 million. We would continue to fund senior services and the other services, that is the medical contract for \$25,000 would be taken over by CHRISTUS St. Vincent and so would paratransit which is \$91,000 contract with the City of Santa Fe.

Those are three scenarios that staff developed since last week's meeting. In addition to preparing the scenarios we have had a meeting with some of the members of staff from the Sobering Assessment center to discuss the pros and cons and we have information on that if you would like that. And we have also been talking and working with the indigent funded services.

With that, Mr. Chair, I would welcome any question from the Commission.

CHAIRMAN MONTOYA: Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Roman, I would like to heard about those two items that you mentioned.

MR. ABEYTA: Sure. We'll start with the Sobering Center and I'll ask Bernadette Salazar to join us to talk about the information that she has put together regarding a potential takeover of those services by CHRISTUS St. Vincent.

BERNADETTE SALAZAR (HR Director): Good afternoon, Commissioners. We had five meetings with all the employees from the Sobering and the Assessment Center to receive feedback and input and to answer any questions that they may have if the decision is for them to transfer over to CHRISTUS St. Vincent. One of the main concerns that we heard throughout the meetings was the lack of benefits, the PERA benefits. The Sobering Center opened in November 2006 and for the employees that are employed with the Sobering Center and Assessment are not currently vested under PERA so we talked about that.

Other issues that came up were a lot of questions about the transition of the insurance benefits and things like that. So during this time we've also met with St. Vincent HR department and we did a comparison of benefits so the employees can see what the differences would be and those were distributed to the employees this morning. I have not received any calls so far. We also – during the meetings there was kind of a sense of release from the employees with this understanding that they would have additional resources – the medical expertise from the hospital and they also mentioned the security aspect because I believe that there is a St. Vincent hospital next door to where the Sobering Center is at and they said that there's security that kind of monitors that. So they thought that would be a good idea if they could have that service provided over there also.

I have for you the comparison of benefits if you would like to see that. And we also did an analysis as far as how many employees we have that are vested. There are a couple that transitioned into Sobering Center and the Assessment who had prior County service. There are 9 percent of our employees are actually vested and 91 percent are not vested through PERA. We talked about their options with PERA. They can do a recall of their money if they choose to do so right now. They can roll it into an IRA or roll it into the hospital's 403B if they choose to

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do that. I gave them information on what the percentage of an [inaudible] would be if they decided to withdraw that money. So we had good discussions with the employees and we were out there all week. They are a 24/7 operation so we were there early in the morning or late at night. I just basically told them that we would keep them in the loop as we gain more information.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I didn't hear the last part.

MS. SALAZAR: The meetings went really well and we told them that we would keep them in the loop and continue to have meetings with them depending on what the decision is today.

Commissioner Anaya: And last time you said we had 23 employees but how many employees are there now?

MS. SALAZAR: There are currently 25 positions and there are three vacancies right now. So we have 22 people.

COMMISSIONER ANAYA: Okay, so we have 22 people working there right now.

MS. SALAZAR: Correct.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I want us to clarify that, Roman and Teresa, that we're going to have a deficit regardless of how much we give CHRISTUS St. Vincent; is that correct?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay. I think that all of us are very concerned about our employees and all of us want as many health services available to the residents of our county as possible. But I think we also want some transparency and some conditions as we move forward. I realize that today we are not really making a decision about the larger deficit. And we're going to be taking care of that in future budget meetings or a budget retreat, Roman.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes, that would be sometime in March.

COMMISSIONER STEFANICS: Okay. I did have a lengthy conversation with Teresa last week and with the request that we really do reconsider the overall budget and make the decisions well before July 1 so that we don't run up to the fiscal year with a problem. I do have some ideas of what we could do once we land upon the number that we are interested in identifying.

My motion last week, Mr. Chair, was to give the hospital some extra money and so if I wasn't very clear about how I was doing it and so I realize that we might have different numbers that we'd like to land on but let me then ask a question. If we went with scenario three, besides the Sobering Center would this affect other employees in the County?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no it would only be the Sobering Center and the Assessment.

COMMISSIONER STEFANICS: So the other services?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, that's a contract we have right now for medical assistance. That contract would still remain in place. It would be renegotiated to where St. Vincent was responsible for the payments rather than the County.

COMMISSIONER STEFANICS: Mr. Chair, Roman, is that Project Access?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no that is a current contract we have for medical advice with the fire department.

COMMISSIONER STEFANICS: And then with the paratransit; that's a contract?

MR. ABEYTA: That is a contract with the City of Santa Fe that we have.

COMMISSIONER STEFANICS: So, Mr. Chair and Commissioners, I'm leaning toward – I'm not leaning toward scenario two as we discuss this or debate it. And I am concerned about employees but I am hearing that what we decide today will only affect the employees of the Sobering Center and we will come back in our budget retreat to discuss how to deal with the deficit and other issues later on.

So, when we're ready to talk about it I would like to put out some contingencies or amendments and I shared those with the Commissioners and they might have other ideas as well. So, I'd like to stop and let other people speak before I talk about any conditions.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. The \$91,000 of paratransit and that's to give seniors or anybody rides to the hospital?

MR. ABEYTA: Mr. Chair, Commissioner, that is a contract to give County residents primarily seniors rides to doctors appointments, hospitals and things like that. It's a contract with the City of Santa Fe and what we envision is that it would be the same contract but the contract would be between the City and CHRISTUS St. Vincent. We don't expect any of the services to change

COMMISSIONER ANAYA: So it deals with the hospital.

MR. ABEYTA: Yes.

COMMISSIONER ANAYA: Okay, and then the \$25,000 for other; what is that for?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, that's a contract we have with a medical doctor at our fire department that helps train us and gives us medical advice.

COMMISSIONER ANAYA: And the Sobering – okay. So the things that you took out on scenario three they all deal pretty much – it would make sense to put them with CHRISTUS St. Vincent.

MR. ABEYTA: Mr. Chair, Commissioner Anaya, yes. In regards to the Sobering Center the Assessment portion if done right this could result in an enhancement of that existing service. And like Bernadette said one of the feelings or the impressions that I got when I visited the staff at the Sobering Center, again, was if done right I think the employees

would feel much more comfortable having that kind of expertise to help them out that they don't have right now. And so there would be an impact to the employees, it would be minimal though and given the possibilities of enhancing that service I would support a scenario in which the Sobering Center is taken over by CHRISTUS St. Vincent.

COMMISSIONER ANAYA: Okay, because I too have a concern about our employees and I want to try and take care of them as much as we can and I'm glad you met with them and I feel comfortable that this will probably enhance that department and they feel comfortable if CHRISTUS St. Vincent were to take it over. Is that what I'm hearing?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, yes. There are certain specific things that we would like to work out with CHRISTUS St. Vincent but in discussions with Mr. Valdez I think those things could be worked out. Such as, whether or not the employees would have to fulfill another probationary period for example. Minor things like that. But as far as the overall benefit package besides our retirement plan, they probably have a better benefits package than we do.

COMMISSIONER ANAYA: And another thing that I am concerned about in the contract is that if this were to happen that they don't eliminate that service in a year. We need a long-term contract and a long-term contract with the employees so that if in a year or two years from now they might say that we don't need it anymore.

MR. ABEYTA: Mr. Chair and Commissioner Anaya, I agree with you and I think that's why we would like to hear some kind of conditions of approval placed on whatever we decide to fund. Plus, I also want to remind the Commission that CHRISTUS St. Vincent and Española and Los Alamos will have to come back to us this time next year to request the same level of funding. So there is also that assurance we have as a County so that if they aren't complying with any conditions of approval that we place on their funding today then their match would be affected next year.

COMMISSIONER ANAYA: So you'll be talking about those after we decide this, then that will be part of the contract. You'll have to go back and negotiate terms and employees?

MR. ABEYTA: Mr. Chair and Commissioner, yes.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Roman, could you also give us a summary of your conversation with the other non-profits.

MR. ABEYTA: Mr. Chair, Commissioner Holian, I'll ask Teresa and perhaps Joseph Gutierrez to talk about that because I wasn't involved in that aspect.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Holian, I didn't partake in the conversations but what I think I've heard in summarized statements relative to what occurred. I think quite honestly there was concern for the status of future funding and that the history of the funding as we've enabled the providers now to-date would continue in the future; I think that was the biggest issue; future funding, secured future funding.

MR. ABEYTA: Mr. Chair, Commissioner Holian, I think that depending on

who you speak with and what their past experience has been you would get different answers. And that's why in scenario three we have proposed that we leave the indigent funding service with us and we just continue to operate the way that we have been.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Can someone explain to me no matter what level we fund this at what it does to next year's funding request?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, as I understand it and I left a message with Anna Bransford but we had a one day retreat where we learned quite a bit and one of the things that was made clear at that retreat was that we could commit \$8 million today and that does not necessarily mandate that we will have to give \$8 million next year.

COMMISSIONER VIGIL: But without the mandate, and I understand that part, what does it do to the increase for the following year in terms of either the base or the supplemental?

MS. MARTINEZ: If I'm not mistaken, Mr. Chair, Commissioner Vigil, when next year's funding recommendation comes that would be the hospital requesting their funding it would be at the higher level. So they would submit the request to us. Let's say we gave them \$6 million this year, they would at least try to get that next year and they would also look at the prior year's indigent claim but it does not mean that we would necessarily have to fund it. So, I believe that it would obviously come in at the higher amount, the request would.

COMMISSIONER VIGIL: So there is a certain percentage of increase that would occur; is that fair to say?

MS. MARTINEZ: That is correct.

COMMISSIONER VIGIL: Okay, and do we know what that is from year to year?

MS. MARTINEZ: We don't. We do estimates. We did a blended rate this year and we were given percentages that are not set in stone by the State Department and what we did was we basically averaged them to come up with the County match of 24 percent. That could fluctuate anywhere between 1 and 3 percent in two or three years. So I would say, yes, definitely there would be an increased percentage for the next year.

COMMISSIONER VIGIL: And does anybody, and maybe Steve Shepherd is here, does anybody have the history of the amount of funding that we have provided since the beginning. If I recall correctly back in 1999/2000 we started with \$800,000 and now we're up to a request of \$8.5 million. I know, Steve, that you have provided that for us by chart, I'm just not recalling it right now and if you have that information available I would appreciate it.

STEVE SHEPHERD: Mr. Chair, Commissioner Vigil, the total amount in 2001 was about \$4 million.

COMMISSIONER VIGIL: But we provided –

MR. ABEYTA: Mr. Chair and Commissioner Vigil we do have a chart that shows that.

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, if I look back at fiscal year

2001 our total SCP match for the County was \$3.2 million and the highest that it has been at was in fiscal year 2009 at \$9.5 million. So we have gone from \$3 million to \$9 million.

COMMISSIONER VIGIL: In what time frame?

MS. MARTINEZ: From 2001 to 2009, so over the course of eight fiscal years.

COMMISSIONER VIGIL: A specific question with regard to the services. If I understood you correctly, Roman, one of these scenarios created a different scenario for the inmate medical care or are they all the same?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, in scenario one we would continue to pick up the bulk of the cost of the inmate medical care at the jail. Under scenarios two and three, we would – there would be some things such as our pharmaceutical contract that would be taken over by CHRISTUS St. Vincent. There is a couple of other medical invoices or contracts that would also be taken over by CHRISTUS St. Vincent.

COMMISSIONER VIGIL: Have those been negotiated yet, what would be taken over?

MR. ABEYTA: We have had preliminary discussions with CHRISTUS St. Vincent and I don't believe that they have any objections to the items that we have identified so far.

COMMISSIONER VIGIL: Okay. Now what about scenario three.

MR. ABEYTA: Scenario three has not been – that was just developed and I showed it to Mr. Valdez before this meeting.

COMMISSIONER VIGIL: Now under current arrangements, CHRISTUS St. Vincent is assisting with inmate medical care to what extent?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, I believe it's to the extent of a shared contract with our medical doctor at the jail.

COMMISSIONER VIGIL: And when you say shared contract does that mean we share expenses for paying that or –

MR. ABEYTA: Yes. It's 50/50, we cover half the cost of that contract and they cover the other half.

COMMISSIONER VIGIL: Okay, and with regard to the Sobering Assessment Center, the only scenario under which it remains with the County is scenario one?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: Could you summarize for me what kind of feedback you received from Sobering Center personnel?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, again, the feedback I received was that some employees they want to work for the County because it's the County and it's government. One individual said, "I just wanted to work in government whether it was for the city, county or state." We heard that from one or two employees but all of them said given the program that we're running and the support or lack of support that we currently have they felt that it would be better for the clients that are seen there if it was run by CHRISTUS St. Vincent because of obviously the medical component that we can't as a county government.

COMMISSIONER VIGIL: Is that that they can triage? What are the distinct

differences?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, there are some real practical examples. If we have a medical emergency there we're not capable of responding to it. We need to call 911 and get St. Vincent over there or an ambulance and the everyday expertise, the medical expertise that isn't there for training and support. The other thing that came up with a couple of employees is being under CHRISTUS St. Vincent if the medical field is something that you are interested in as a sobering tech we don't have any room for advancement in that field as a county because that's the only medical area that we work in as a county. So that was the feedback that I received. Overall, I think the majority of the employees it didn't matter that it would be taken over by CHRISTUS St. Vincent. What seemed to matter to them the most was that their clients be taken care of.

COMMISSIONER VIGIL: Would it be fair to say that the available medical expertise would be increased if St. Vincent took over the Sobering Center?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, that's the understanding, yes.

COMMISSIONER VIGIL: Okay, I think that's it, Mr. Chair. I would just comment that based on our last recommendation and the recommendation we have here I have heard from service providers and unless there are any service providers out there who have a different statement to make, what I've heard is that they prefer being recipients of the Indigent Fund through the County and I'm not sure, Roman, if that was your experience from your communication and I know that service providers were invited today so if anyone has a different perspective on that I'm happy to hear that. Do you want to comment on that, Roman?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, like I said, I wasn't directly involved but with some of the feedback and the emails I saw, again, we thought it would be most prudent that we retain that directly because as you said some service providers felt more comfortable with us retaining that.

COMMISSIONER VIGIL: And would that not lend itself to scenario –

MR. ABEYTA: Scenario three, yes and that's why we left it in there.

COMMISSIONER VIGIL: Okay, thank you, Mr. Chair.

CHAIRMAN MONTOYA: In terms of health insurance it appears that the employee will actually pay less with CHRISTUS St. Vincent. I'm looking at the frequently asked questions and comparing what they pay now; is that correct?

MS. SALAZAR: Mr. Chair, yes, that's correct. CHRISTUS St. Vincent medical coverage is based on the annual salary and we did an analysis of where we are with our employees and how much they make and the majority of them will be paying less in their medical coverage. That's correct.

CHAIRMAN MONTOYA: It's about half less according to these numbers.

MS. SALAZAR: Depending on the coverage that they have whether they have employee only or family coverage, it could be up to almost half, yes.

CHAIRMAN MONTOYA: And then regarding the leave to be paid out by Santa Fe County, how much is that going to cost us?

MS. SALAZAR: Mr. Chair, we're currently working on that spreadsheet to

determine how much leave the employees at the Sobering Center and the Assessment have right now. Being that both of them are fairly new programs the accrual rates are not going to be excessive so we don't have those exact numbers right now but I'm not too concerned that it's going to be a huge amount because they are fairly new employees.

CHAIRMAN MONTOYA: Okay. And then the Sobering Center will be staying in that same facility and is CHRISTUS St. Vincent going to pay us rent?

MR. ABEYTA: Mr. Chair, that's one of the details that would have to be worked out.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: With regard to the employee share and employer share on the retirement benefit, I think the clearest distinction I know from this is that when they work for the County they work for a defined benefit plan so in fact that annuity is quite predictable and employees can be able to based on their final average salary, be able to identify what that annuity and they have several options whether or not they want beneficiaries or not. And I believe the hospital is a defined contribution plan but I'm wondering knowing that that – and that there are distinctions between those two because defined contribution plans are more the norm than a defined benefit plan, although I know nothing about a defined contribution plan being a part of government. Bernadette, do you have any understanding of the distinction between those?

MS. SALAZAR: Mr. Chair, Commissioner Vigil, the little bit of time that I did get to spend with the HR department of CHRISTUS St. Vincent, basically, it's like a 401k. Employees are not required to contribute anything if they choose not to. If they choose not to, the hospital will still contribute approximately 4 or more than 4 percent depending on which unit you belong to but it's at least 3.75 percent that they'll contribute even if you decide not to contribute a portion of your salary into that plan. So it's like a 401k but they invest their money that way and that's the kind of plan it is.

COMMISSIONER VIGIL: So the annuity follows under ERISA guidelines that provides for what that annuity would be. It isn't as specific as a funding formula is it?

MS. SALAZAR: That's correct, yes.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I have a formal motion.

I would move that we approve **Scenario three with the following conditions:**

1. **That there be certification by the NM Human Services Department that any programs being transferred to the Hospital to enhance SCP funds is a legal process for the County in which the Hospital is increasing the federal financial allotment – we're all aware that there's a lawsuit going on and I want to make sure that we're not going to get involved with that.**
2. **Require assurances from the Hospital to include:**
 - a. **That all Santa Fe County fund and matching federal funds remain in the community for services to New Mexicans and not leave the state.**

- b. **That all programs transferred to the Hospital be continued until a negotiated return to the County with the associated funds**
 - c. **That a written plan be developed between the County and the Hospital for employment placement of related program personnel**
3. **Transparency efforts by the Hospital will include:**
- a. **A tag line in all public advertising indicating a significant financial contribution from the taxpayers of Santa Fe County**
 - b. **Specific service reports on the use of the SCP funds identifying clearly the use of the funds for the County and the public**

COMMISSIONER HOLIAN: I would like to add under transparency:

- c. **Santa Fe County is allowed to designate a representative to attend the CHRISTUS St. Vincent Board meeting.**

COMMISSIONER STEFANICS: Okay, that's my motion.

COMMISSIONER HOLIAN: And, I second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics and second by Commissioner Holian; discussion.

COMMISSIONER ANAYA: Mr. Chair, did we want to include anything in there regarding the building?

COMMISSIONER STEFANICS: Sure, and that would be a very friendly amendment. Are you talking about the negotiated rent?

COMMISSIONER ANAYA: Maybe we can get an appraised value of what rents are going for?

COMMISSIONER STEFANICS: I certainly consider that very friendly.

COMMISSIONER HOLIAN: I agree with that too.

CHAIRMAN MONTOYA: Okay, that would be the fourth condition then.

4. **Negotiate rent of the Sobering Center at an appraised value.**

COMMISSIONER ANAYA: Is there anything else that we might be missing, Steve or Roman, so that we can add it now and we don't have to come back?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, not that I am aware of but I don't know whether Steve has anything.

STEVE ROSS (County Attorney): I don't have anything. It seems pretty clear.

CHAIRMAN MONTOYA: Any further discussion?

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

B. Matters from the County Attorney

1. Executive Session

- a. Discussion of pending or threatened litigation 7**
- b. Discussion of possible purchase, acquisition or disposal of real property or water rights 8**

Commissioner Stefanics moved to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above. Commissioner Holian seconded the motion which passed upon unanimous roll call vote with Commissioners Montoya, Anaya, Vigil, Holian and Stefanics all voting in the affirmative.

[The Commission met in executive session from 2:45 to 3:35.]

Commissioner Stefanics moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Vigil seconded. The motion passed by unanimous voice vote.

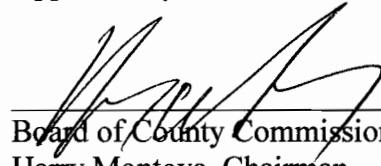
V. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 3:35.




VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:


Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


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