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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 22, 2011

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 22, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:23 a.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Deana Lopez from the Housing Division.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, we have several amendments or tabled or withdrawn items on the agenda. Under Section IX, Special Presentations, we have withdrawn items A, D, E, F, G, and H, and we have tabled item I. And we moved item C; it was much further down on the agenda but we moved it up. The items that have been withdrawn will come at a later date. We're looking at doing a special meeting for recognition of County staff.

CHAIR VIGIL: Katherine, just for my clarification, did you say we did

something with item E? Or was that I?

MS. MILLER: Items A, D, E, F, G, H and I have all been withdrawn or tabled.

CHAIR VIGIL: Okay. Thank you. I just didn't hear that.

MS. MILLER: And then under Budget Adjustments under the Consent Calendar, item XII. C. 4, that item, just the caption has been amended. And then under Staff and Elected Official items, item XIII. E. 1, the ordinance, that's been tabled.

CHAIR VIGIL: Okay. Are there any other changes from the Board?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the agenda as amended.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Okay. Is there any questions?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any items the members wish to withdraw?

CHAIR VIGIL: Hearing none, what's the pleasure?

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

COMMISSIONER STEFANICS: I'll second.

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

XII. CONSENT CALENDAR

1. Final Orders

- 1. CDRC Case # MIS 07-5502 Apache Springs Subdivision Extension. Beverly Chapman, Applicant, Joe Ortiz, Agent Request a Two-Year Time Extension of the Final Plat Approval for the Apache Springs Subdivision. The Property is Located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East (Commission District 5) (Approval 5-0)**
- 2. CDRC Case # MIS 10-5550 Tessera Subdivision Extension. Northwest Villages LLC (Michael Hurlocker), Applicant Requests a Two-Year Time Extension of the Master Plan Approval for the Tessera Subdivision. The Property is Located on the North Side of State Road 599 at the Intersection of Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East (Commission District 2) (Approved 5-0)**

3. **CDRC Case # Z 10-5360 St. Francis South Business Park.**
J.O.E.B. LLC (David Gurule), Applicant, Jenkins/Gavin Consultant, Agent Request Master Plan Zoning Approval for a Mixed-Use Subdivision (Commercial, Residential and Community Service) Consisting of 22 Lots on 68.94 Acres and Approximately 760,000 Sq. Ft. of Buildings at Full Build-Out. The Development Will Be Completed in Four Phases. The Property is Located at the Southwest Corner of I-25 and St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Approved 5-0)

B. Miscellaneous

1. **Resolution No. 2011-16, a Resolution Adopting the Comprehensive Solid Waste Management Plan**
2. **Approve a New No-Cost Lease Between the Santa Fe County and the City of Santa Fe for use of One Office in the Santa Fe County Health & Human Services Building at 2052 South Galisteo Street, Santa Fe, NM to Be Used By a Part Time City of Santa Fe Employee Working with Domestic Violence Offenders.**
3. **Resolution No. 2011-17, a Resolution Amending the Santa Fe County Road System to Certify the 2011 Report of the Total Mileage of Public Roads Maintained in the County (Public Works Department)**
4. **Request Approval to Enter Into an Amendment to Extend the Term of Lease Agreement #M401523 with Wagner Equipment Co. for the Lease of (1) Caterpillar 140H Motor Grader (Public Works Department)**
5. **Request Approval to Enter Into an Amendment to Extend the Term of Lease Agreement #M401524 with Wagner Equipment Co. for the Lease of (1) Caterpillar 140H Motor Grader (Public Works Department)**
6. **Approve Amendment #1 to a Memorandum of Agreement Between Santa Fe County and the NM Department of Health That Constitutes a Budget Adjustment in Funding for the United Way Project Launch Program (Community Services/Health and Human Services)**
7. **Approve Amendment #1 to a Professional Service Agreement Between Santa Fe County and the United Way Project Launch Program (Community Services/Health and Human Services)**
8. **Resolution No. 2011-18. Approval of the Naming of County Roads 61A and 70B and Road Name Change of Montañas de Oro (Growth Management Department)**

9. **Request Approval for Amendment No. 3 to the Water Service Agreement By and Between the Board of County Commissioners of Santa Fe County and the Agua Fria Community Water Association (Public Works/Utilities)**

C. **Budget Adjustments**

1. **Resolution No. 2011-19, a Resolution Requesting an Increase to the Sheriff's Operations Fund (246). This Transfer Will Be Budgeted From General Fund (101) Cash and Will Reimburse the Sheriff's Operations Fund (246) Capital Package for the Purchase of a High Capacity Document Scanner to Digitize Volumes of Evidentiary Documents / \$10,369. (CMO/Finance)**
2. **Resolution No. 2011-20, a Resolution Requesting a Decrease to the Community Development Block Grant Fund (250). Grant Funding for the Valle Vista Waste Water Treatment Plant / \$500,000. (Utilities/Wastewater)**
3. **Resolution No. 2011-21, a Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Cash for a Medical Director and Pharmacist Consulting Services / \$35,000. (CSD/Fire)**
4. **Resolution No. 2011-22, a Resolution Requesting Approval for a Budget Increase to Fire Operations Fund (244) for Various Fire Districts to Budget the NM Fire Protection Grant Council Fiscal Year 2011 Grant Awards for the Agua Fria Fire District in the Amount of \$57,456, the La Cienega Fire District in the Amount of \$65,200 and the Stanley Fire District in the Amount of \$100,000 / \$222,656 (CSD/Fire)**
5. **Resolution No. 2011-23, a Resolution Requesting Approval for a Budget Increase to the Fire Operations Fund (244) to Budget New Revenue From an Event Standby to Reimburse Overtime Pay for Personnel to Provide Fire/EMS Protection at the "King of the Cage" Event / \$533 (CSD/Fire)**

VIII. **APPROVAL OF MINUTES**

A. **Approval of January 25, 2011 BCC Minutes**

CHAIR VIGIL: Are there any changes? Are there any changes from the Board?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the minutes of January 5, 2011.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Any questions?

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

IX. SPECIAL PRESENTATIONS

B. Recognition of Service for Members of the County Open Lands, Trails, and Parks Advisory Committee (COLTPAC) Whose Terms Recently Expired (Community Services Department/Open Space and Trails)

CHAIR VIGIL: Colleen, you have some volunteers here. Thank you for bringing them forth.

COLLEEN BAKER (Open Space Division): I do. Madam Chair, Commissioners, it's really my pleasure to be here today to publicly recognize and thank our volunteers, our advisory committee members that have served for the last two to four years and some of them have been around even longer than that. I want to take a moment. Santa Fe County really has a unique Open Space and Trails program. In the state of New Mexico, in the kind of landscape-wide endeavors we undertake to conserve land across the county, and it's really – I think our citizens have been really instrumental in the development, the creation and the development of this program since its beginning as a citizen advisory committee with a few staff, and it's developed over time. But these are the folks, our citizen advisory committee members, and their volunteer time and their expertise that they provide our program is really instrumental to how we function as a program, and it's really wonderful to have that generosity given to us, and guidance, and making sure that what we do really serves the public and serves Santa Fe County.

So I'd like to take an opportunity to thank the members that we have here and we have certificates. Beth Mills is also here with me. She's the liaison from staff to the committee. So the first –

BETH MILLS (Open Space Division): Today we want to recognize the contributions of these folks, some of whom who are not here today, but those who are here, I'd like to thank Matthew McQueen, Judy McGowan, Jan-Willem Jansens and Jack Frost. And the three members we'd like to recognize who couldn't attend today, Todd Brown, Brett Bonwell and Dr. William Johnson. Thank you.

CHAIR VIGIL: We'd like to shake your hands and give you an opportunity to address us if you'd like.

MS. BAKER: Thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to say thank you to the COLTPAC members. We've been so impressed with this particular committee. You've always been so conscientious and so thoughtful and always made great suggestions. And I just want to make note of the fact that it's really changed over the years and I think in the beginning the idea was people would come to you with, Oh, you should buy this great piece of property, but

what I really want to comment you for is bringing this forward and thinking about how we want to prioritize the properties we buy and also how we want to create connectivity and other issues like that. You have sort of changed the way we do things from being haphazard to being – we have a plan now, and I think that’s really important. So thank you.

CHAIR VIGIL: I want to say thank you very much, not only to those of you who are here today. You’ve provided excellent voluntary service but to all of the COLTPAC members in the past. This is the one committee that Santa Fe County really highlights in more ways than one. Even through our National Association of Counties, COLTPAC gets invited – staff has. I don’t know if under Colleen if they have but under other administrators, the National Association of Counties has asked staff to present to other counties throughout the nation what COLTPAC is doing, how they did it, how they’re making things happen. It’s a unique program, nationally. I applaud you for participating in this. I hope this is something we can continue and I appreciate all the work that you’ve put into it. Thank you so much. Appreciate it.

IX. C. Recognition of CDRC Members for Their Service to Santa Fe County

SHELLEY COBAU (Building and Development Services Manager): Thank you, Madam Chair, Commissioners. The Land Use staff in the County would like to thank four people who served on the CDRC for a long period of time. Those four people are Don Dayton – I don’t believe any of them are here today; they were unable to make it. Don Dayton, who served for ten or more years on the CDRC. He acted as vice chair to that committee on several different occasions over his tenure on that committee. Charlie Gonzales, who served for four years. Jim Salazar, who served for approximately ten years, and Jon Paul Romero, who served for ten years and acted as the chair for the last three years.

I’d just like to point out some of the milestones that those four members saw during their time on the CDRC. They saw the County through four County Managers, five Land Use Administrators, six Building and Development Services Managers – which is what I do. They attended approximately ten special meetings for the adoption of the sustainable land development plan, most recently, and also survived the adoption of the oil and gas ordinance where they provided a recommendation to the Commission on that rather heated ordinance that we recently enacted.

So the Land Development staff and the Building and Development Services staff – we’ve had many title changes over the ten-year period that these guys served on the CDRC – we’d really like to thank these four people. They offered valuable insight on cases. They always came to meetings. The CDRC always is one of the committee where we never have issues with attendance, though these are volunteers, and we really, really thank these four individuals for the time and energy they put forward for their service on the County Development Review Committee.

REC'D CLERK RECORDED 04/04/2011

I'm sorry none of them are here. We do have certificates that we will be giving them in their honor.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and I would like to thank all of them publicly for the work that they've done. But I'd like to bring attention to one of the members, Don Dayton, who decided to retire. Just so you know, he's probably at the legislature. He's a volunteer for AARP and he's lobbying over there. He never gives up his activism. But I wanted to mention that he has a really good story. He spent 35 years in the National Park Service, and during the time that he was at Glacier National Park he saved a man from death who was being mauled and eaten by a grizzly bear. And that was in 1959 and the man's name is Joseph Williams who did survive, and Joseph Williams and Don Dayton still meet up occasionally just to celebrate life. Thank you, Madam Chair.

CHAIR VIGIL: Great story. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I also would like to echo the public acknowledgement of all those individuals. I know them all and I appreciate them for their service. I've known Mr. Dayton the longest. I actually had the pleasure of working with him probably 20 years ago on County committees, so I greatly appreciate his work and the work of all of those members that were acknowledged today.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I would like to thank the members of the CDRC. As a matter of fact I know them personally since I served with them on the CDRC, and I know how hard working they were and I know how we always had a quorum. It's of course my favorite committee in the County. Also, I was wondering, where's my certificate?

CHAIR VIGIL: We'll have to get a belated certificate for Commissioner Holian. I hope that we are able to address the volunteers, not only through the Land Use Department but all the other departments that we do reappointments for. These folks come to us and they volunteer their time and they commit themselves to the mission that they serve in the committees that they are assigned to. I would like to recognize Charlie Gonzales and Jim Salazar who were appointees. I think Charlie Gonzales represented District 2 and Jim Salazar might have been at large. Jim's expertise, coming from the City's Code Enforcement Division, and Charlie, coming from the County and the City Code Enforcement Division, their backgrounds were very valuable to this process. I'm sorry that we couldn't reappoint a lot of these folks who served on this committee but they may be happy since they're going to have to be dealing with the code rewrite and that's going to be a huge challenge. So I look forward to working with the new CDRC members and want to express my appreciation for their willingness to participate too. Is there anyone else? Thank you, Shelley, for bringing that forward. I think it might be good to send those certificates with a letter that the Board of County Commissioners might be able to sign that personalizes our appreciation, if you could get that incorporated into the certificate when you send it.

MS. COBAU: Thank you, Madam Chair. We'll see that that gets done.

CHAIR VIGIL: Thank you so much.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: These are non-action items. These are items that any member from the public can bring forth should they like to address the Commission so long as they're not an item that's on the agenda, because the agenda item will take public input. Is there anyone from the public that would like to address the Commission? Please step forward. Seeing none, we can go into Matters from the Commission.

XI. MATTERS FROM THE COMMISSION

- A. Resolution No. 2011-24, a Resolution Directing the County Manager and County Departments to Develop the Fiscal Year 2013 Budget Utilizing Results Accountability or Another Form of Objective Based Budgeting. (Commissioner Stefanics)**

COMMISSIONER STEFANICS: Thank you Madam Chair. In consultation with the Commissioners and the County Manager I'd like to put forward this resolution, which asks the County Manager to work with staff during FY 12, the upcoming budget year, to train staff who might not know about objective based budgeting, and then in FY 13 to incorporate some of those objectives into our quarterly reporting. The County has participated in a transparency project but the county constituents continue to request that we put forward information to them on how we're spending money and how we're doing that in relation to objectives. And that's the purpose of my resolution.

CHAIR VIGIL: Thank you, Commissioner Stefanics. Anyone else on this? Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, Commissioner Stefanics, for bringing this resolution forward. One thing I would ask that we consider is us up here as a Board, as we look at these budgets, that we definitely take into consideration the protocols that we asked staff and elected officials and all entities to go through in developing that budget, if we can make that part of our decisions when we do approve their budgets.

COMMISSIONER STEFANICS: Thank you. And Madam Chair, I would have done it for FY 12 but I was convinced that the County Manager and perhaps the staff needed time to work together on developing some of those and that they would be ready a year from now, but it's not too soon to start talking about it. And Madam Chair, I would move Resolution 2011-24.

COMMISSIONER MAYFIELD: Second.

CHAIR VIGIL: I have a motion and a second. Further discussion? I'm going to support this only because although I think it's a huge endeavor and requires such a concentrated effort for staff and I think we're sort of overtaxing our staff now anyway, but

the resolution itself and the title of resolution does allow – and I appreciate Commissioner Stefanics providing this, another form of objective-based budgeting. And so that maybe we can come forth in steps towards results-oriented budgeting, and I appreciate that because I think it would create a huge focus. But I want to make sure that staff knows, despite the fact the resolution recognizes some of the materials that could be utilized for this, the objectivity of objective-based budgeting can be something that I think provides staff a little room to be able to work with what they currently have and not overtax staff. So that would be my only concern, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and I appreciate your comments. As I discussed this with the County Manager, we can start in little steps. Every department or division could have one to start with that they then work on. But I wanted to let people know that the results accountability that's mentioned in here is written by Mark Friedman, who actually happens to live in Santa Fe County. He as an author has provided the rights to the book and the materials free to local governments, so that if we decided to use that process it would not cost the County anything, and he would actually do some free consulting with us. But as I mentioned to the County Manager we can start in baby steps and grow the process. Thank you.

CHAIR VIGIL: Thank you, Commissioner Stefanics, Any other comments?
I'll take a vote on this.

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

XI. B. Resolution No. 2011-25, a Resolution Supporting the Banning of Inhumane Animal Trapping on New Mexico Public Lands Through the Use of Steel-Jaw Traps, Snare Traps, and Any Modified Version of Such Traps (Commissioner Holian)

CHAIR VIGIL: Commissioner Holian brought this forward and I know you have some guest speakers. I'll turn it over to you.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a resolution about particular kinds of traps, steel jar traps and snare traps which grab animals' body parts but do not kill them. These traps are needlessly cruel. We have laws in our state and county and everywhere else about animal cruelty and I think that these should be banned.

Not only are they cruel but they also are a threat to people and pets. For example I heard one story about a horseback rider who was out in the backwoods and his horse got his leg caught in one of these traps. The horseback rider was thrown and injured. I would like to ask Teresa Seemster who is here in our audience to come forward and give us a little bit more information about it from the point of view of concerns from people in the public. Teresa.

CHAIR VIGIL: Teresa, when you come forth, please state your name for the record and welcome.

TERESA SEEMSTER: I did send these to each of you and if you would like a hard copy I've got one for you. [Exhibit 1] My name is Teresa Seemster and I'm a resident here in Santa Fe County, and I also have to add my thanks to the COLTPAC people. I think I know every one of them, and they worked with our group for five years, out on 285 for the wonderful corridor plan. So thanks to Judy McGowan, Matt McQueen, Jan-Willem Jansens and the others. They're great folks.

I was going to give you a little bit of background. Trapping on public lands has not really been an issue for most of us in New Mexico. I think most people don't know that there is unlimited trapping that's allowed on most public lands and they don't know that steel jar traps, snares and body-gripping traps are still allowed. Most people assume that they've been banned because they've been banned in so many states. I'm going to try and summarize why citizens' resolutions like the one in front of you have been passed by councilors and commissioners in Doña Ana County, Silver City, Las Cruces, Mesilla, Reserve, and elsewhere in New Mexico. There are some other communities that are bringing forth this type of resolution because they have a real public concern about it.

First, steel jar traps, body-gripping traps and strangulation snares are really antiquated. There's a lot better technology out there that targets a specific species and is not needlessly cruel when it captures the animal. They're considered indiscriminate because they'll trap anything that steps in them, and they're considered inhumane in many states. They're banned in Arizona, Colorado, Washington, California and some of the states back east. They're banned in 89 countries around the world.

The first rule in hunting, and a lot of people enjoy hunting and trapping. This is not an issue about whether it's okay or whether it's enjoyable; it's about a specific type of trapping. The first rule in hunting is to be sure at what you're shooting at. Traps are hidden and they don't discriminate between a target species and a non-target species. It doesn't discriminate between males and females, juveniles, wild or domestic animals. Trapping is responsible for thousands of injuries and deaths of non-target wildlife – dogs, cats, other domestic pets, along with injuries to the owners to try to get them out of the traps. Trapping with non-selective traps is a proven leading cause for the decline of all species of fur-bearing animals.

New Mexico allows trapping every day of the year on National Forest, BLM land and other public lands, about 30 million acres in our state. There are no seasons and there are no bag limits. There's no supervision of the traps to see that they're properly placed or if the trapped animals have been released. On your handout there is an animal that was not released. By the time that the hikers that took that picture – and I think this is one of the reasons you're getting more and more concerned about this – more and more people have smart phones and they take photographs, and they report things, and they try to get them in the newspapers. This is the animal that was photographed about five days ago. By the time they got a game warden out there 12 hours later the animal had chewed herself free.

There's also an attitude among some trappers. Backpackers have been told to get off public land because the trappers say they're trapping there. Groups that are on outings have been told that there are dozens of hidden traps where they're going and it's "their fault" if

they get caught in them. Hikers have come across trapped wildlife that have been left so long in the trap that they've chewed off the limb.

These traps are antiquated, they're unnecessarily cruel, they're dangerous to anyone in their vicinity, and they're still very, very widely used in our state.

Finally, traps are placed near trails, campgrounds and water sources. Legally, traps can be hidden within 25 yards of a public trails, 50 yards from a water source and a quarter mile from rest stops, public campgrounds, boat launching areas and homes. It take a child or a pet just a few minutes to wander around that distance, and trappers are not required to mark where their traps are located.

I've been a kindergarten teacher for 16 years here in Santa Fe and with teachers and parents I've taken all kinds of groups up into the Santa Fe National Forest on hikes and field outings. All of us were completely unaware that traps capable of crushing a foot or a leg could be hidden that close to a public campground, a public trail, or a water source. My family and friends have hiked and photographed wildlife and tracked wildlife and camped in the Ojito Wilderness, Carson National Forest, Black Range. We had no idea, again, that traps were located that close to public services.

There are estimates from interviews with trappers that are reported in *Animal Welfare Institute Quarterly* that each trapper can routinely trap over 50 cats and dogs in their traps each year, along with many prohibited species like ducks, herons, owls, quail, javalina, bear and coati. The disappearance of these animals is usually blamed on coyote predation. It's also very hard to get actual and accurate yearly statistics from either Game & Fish or the Tourism Department that they work with. In 2010, last year, Rick Winslow, who's a biologist with Game & Fish reported that only 28 percent of trappers had filed their mandatory harvest reports. In 2004 there was some very accurate statistical information that there were 767 trappers in New Mexico and they trapped 7,344 target animals and an unspecified number of non-target animals, because no one is keeping track of those animals. At the same time there were almost 450,000 New Mexicans who are identified as wildlife watchers. There were also in same year 380,000 visitors to our state who listed wildlife viewing as their primary reason for coming.

Each trapper pays the state \$20 for an unlimited license to trap and it's estimated they generate about \$670,000 per year in the sale of equipment and the sale of pelts. By comparison, almost \$1 billion is generated in New Mexico by wildlife watching. In a poll that was commissioned in 2005 63 percent of New Mexicans supported the banning of leg-hold, snare or lethal traps on public land.

The reasons are really pretty simple. This isn't a highly scientific reasoning process that people are going through. They just read the statistics, they look at the public lands, they see what their value is and they say that this type of trapping is cruel, is dangerous to the public, it can be dangerous to all kinds of animals that wander around on the public land, and it's really unnecessary. Trappers have other options at their command.

COMMISSIONER HOLIAN: Thank you, Teresa.

CHAIR VIGIL: Are there any questions?

SFC DEB RECORDS BA/BA/2011

CHAIR VIGIL: Madam Chair, I would like to move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second. Any discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to say I respect your perspective and I respect Commissioner Holian's bringing this forward. I have actually family that are trappers that are good people, and I have people in my community and my neighborhood that are trappers that abide by the responsibilities set forth in law. So I appreciate what you brought forward but I'm going to respectfully vote no.

CHAIR VIGIL: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I want the record to reflect that I have received numerous emails regarding this and I'm going to forward them to our Legal Department so that they can be part of the record.

CHAIR VIGIL: Okay. I have a question for you. With the legislature in session, why has this not entered into state law? Or is it under the jurisdiction of federal law? Do you know?

MS. SEEMSTER: Maybe Commissioner Anaya can help me here because I'm not a hunter or a trapper, although I do know several hunters. Basically, all hunting and trapping is under the purview of our staff and specifically New Mexico Game & Fish. I think the reason there's a lot of interest in this right now is because for a long time trapping has not been open for public scrutiny. I think it's several years, maybe four years. They opened those rules for examination and stories started to appear. I think a lot of people feel that going to – and this is trying to answer your question; I'm sorry I'm taking some time. But I think people feel more comfortable coming and talking to elected representatives and I imagine that there will be a legislative – maybe not this session but there will be a legislative bill proposed, because people just feel statewide – most of this has come from the south where trapping has a huge impact, and I have to tell you, it's not just New Mexico trappers who are out there. There's some very unethical – very unethical trappers out there who are not maybe following our state laws.

And Fish & Game, if you talk with Rick Winslow he's the first to tell you they have real serious problem with any kind of supervision or oversight.

COMMISSIONER ANAYA: On that point.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point I think that the topic is worthy of discussion. You bring up many things in the resolution. You talked about, not so much in the resolution, but you talked about placement and where appropriate or inappropriate places are for traps and I think that part of the discussion is something that warrants conversation and more discussion on both sides of the issue. I think it was last year or the year before there was a bill that had a lot of discussion at the roundhouse that didn't pass, but there was a lot of discussion. So as one Commissioner, I would be very interested in discussions about abiding by the rules and placement and other tracking mechanisms that you

brought up in your discussion. So thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. One thing that I would just like to emphasize again is that this is only about two kinds of traps, which is the steel jaw and the snare, and they are cruel and they are indiscriminate. And I think that there are other options, as Teresa pointed out, for traps that are not cruel or are more species-specific. So that is why this resolution is just targeted towards those two kinds of traps.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, this is more of a procedural question for our attorney. Steve, this is not a land use case, so when we receive pro and con communication regarding ordinances and resolution, that's not an issue that we need to worry about. Is that correct?

MR. ROSS: Correct. This is a legislative act.

COMMISSIONER STEFANICS: Okay. Thank you very much. I just wanted to clarify that. Thank you.

CHAIR VIGIL: I have a question. I'm going to support this because I like the language. It really does just make the statement that we support the banning of it. It doesn't make any mitigating requirements, so that if you ever do go to the legislature this resolution might be something you could present to them. I would be concerned though if the state does allow these kinds of trappings that we might be pre-empting them. But I don't think this resolution does this. I think this resolution just pretty much states the intent and hopefully when you do go to the state with regard to this you can present this as support from Santa Fe County. So unless there's any other discussion I am going to go ahead and take a vote on this.

The motion passed by unanimous [4-1] voice vote with Commissioner Anaya casting the nay vote.

XI. C. Resolution No. 2011-26, a Resolution Providing for the Development, Operation and Maintenance of a Web-Based Sunshine Information Portal That Provides Public Access to County Government Budgets, Contracts, Expenditures, Revenue, Employee Data and Other Information (Commissioner Mayfield)

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and I just passed out a memorandum on this because I didn't know I needed to have one for resolutions until I saw your all's. So thank you for that indulgence. [Exhibit 2] Madam Chair, this resolution is in line with a policy that this Board adopted. That was back in 2009. It was 2009-205 establishing a County transparency policy. I've had the privilege of working with the County Manager and others with staff on this resolution and my point is I would like to establish a County Sunshine Portal for all business and transactions that are concerning our public interest and our public expenditures.

I have spoken with County Manager Miller and she indicated that there would be some dollars to establish such a portal to allow it to be a very user-friendly portal where there would be search capabilities, and basically that would be able to provide public access to County government's budgets, contracts, expenditures, revenues, employees' data and other public information provided for the development, operation and maintenance of the County's Sunshine Portal.

There will be no cost to the public for this as it will be free information they can obtain any time as long as they have access to the internet. There is some consideration that if something is not immediately available that we do have time to put that on there and/or they could ask us to put other information on there. Just in light of things that are reported in the newspaper that may or may not necessarily always be correct this information will be publicly out there at any time for anybody to see. And I think that could also reduce the workload on our staff where they will not always have to be providing and looking up this information on a regular basis as it will be out there for the public, and I just would respectfully ask for your support on this resolution.

CHAIR VIGIL: Thank you, Commissioner Mayfield. Questions?
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. I just want to thank you, Commissioner Mayfield, for bringing this forward. I think its time has come and also I like your point that it actually could reduce work for our staff. So thank you.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: What's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair, I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any further discussion?

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I'm going to harkens back, but when I was in the Senate, when you passed your first bill they took the opportunity to embarrass you. So I don't know if our new Commissioners want to be embarrassed but I'd like to congratulate them on their good work so far. Thank you.

CHAIR VIGIL: Okay. We'll spare you.

XI. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: I will start with Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have several items that I brought up in past meetings and I would just like to have the Manager and our next meeting,

next Tuesday, maybe we could just talk and get an update on those items that I've brought up that staff is working on, that you've been working on. Thank you very much.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Nothing at this time, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I would like to thank Robert Martinez, Chief Dave Sperling, and Corporal Rich for spending their valuable time to attend the Sunlit Hills community meeting that we had last week on speed control issues, and I would just like to say that whenever I have a community meeting it's really invaluable that Robert come to that meeting because practically anywhere in District 4 road issues are really top-most on people's minds. So again, I just want to thank him; he's always willing to come and spend time at our meetings and answer any questions that are put to him.

And also I would really like to give special thanks to Tina Salazar, the constituent liaison for District 4. She put together the meeting and got all the little details worked out and she also brought snacks to the meeting which was of course the most popular part of the meeting. So I owe her a really big thanks. Also, while I'm recognizing people I would like to have a special recognition and thank you to Amanda Hargis and our GIS staff and I actually finally have figured out how to pronounce her name, Hargis-GIS, so that's easy to remember. I received a letter from a constituent of mine and I want to read part of that letter. It says:

Dear Commissioner Holian, I want to compliment Amanda Hargis and her staff at the County's GIS office. As a real estate broker I often find myself in need of a special map to help clients better understand the look and feel of properties in which they may be interested. My first step is always the GIS Office where I never fail to receive courteous, professional, and responsive service. The County's GIS capacity is quite amazing and I hope that you and the other Commissioners appreciate the power of this new technology. I believe that the taxpayers' investment in this system has yielded great and enduring value for present and future decision making.

So, it goes on in that vein and I would just like to say that we here in Santa Fe County have a world class GIS Department so I would like to say thank you to them.

Also I would like to – I think this got sent around to everybody by email, but I just would like to comment on the article on emergency response to the record low temperatures that precipitated the natural gas crisis that appeared in the *New Mexican* this last weekend. Martin Vigil, who is our director for County Emergency Management was highlighted in the article and I would just like to emphasize that he was really out in front of the situation. He was listening to the news reports; he knew there was a chance – actually a probability that we would get record low temperatures and he went into action immediately when he found that out, even before the record low temperatures actually arrived in the state.

He contacted the Santa Fe Community College with whom he has a relationship on providing overnight shelter if it's needed. He also contacted the American Red Cross in advance, because if people did shelter in the Community College we would need cots for

them and they would have to send those from out of state. He also contacted the Food Depot in case they needed to provide food. So I would really like to say a big thank you to Martin Vigil, and I think that as a matter of fact Santa Fe County was probably the most prepared for this emergency of any local government or even the state government.

And one other kind of interesting thing in the article that I would like to highlight is that it's interesting to note that even with all that cold weather, only about 40 people did take advantage of going to emergency shelters, and I think what that says is a lot about our community. I think it says that we have a pretty self-reliant and pretty resilient community, so that's a compliment to all of us. So thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I've had a few meetings out in my community I'd like to bring the Commissioners up to speed on. Hvtce Miller and myself, along with Mr. Rios, we've had the pleasure of meeting with Pojoaque Pueblo, Tesuque Pueblo, San Ildefonso Pueblo, Nambe Pueblo and also Santa Clara Pueblo. At times we've met either with the governor and/or the full tribal councils just to discuss our ongoing relationships and working together and seeing if they had any ongoing concerns with any MOUs or JPAs that we have, and for the most part those discussions have been very fruitful and positive just to let you know that.

Also, I have had meetings with some of our community centers and/or senior centers and I'm also working with Mr. Ron Pacheco and Mr. Joseph Gutierrez, and I have briefly discussed it also with County Manager Miller about some concerns out in the El Rancho Community Center. Thank you.

CHAIR VIGIL: Commissioner Stefanics, on that point?

COMMISSIONER STEFANICS: No. When you are finished with yourself.

CHAIR VIGIL: Go ahead.

COMMISSIONER STEFANICS: I'm sorry, Madam Chair. I forgot. First of all Commissioner Holian reminded me that I do need to thank many staff that showed up at the San Marcos Homeowners Association meeting, and in fact the homeowners annual meeting gave most of the time to the County to talk. So we had Beth Mills from Open Space, we had our Fire Chief there, and Martin Vigil there, as well as Sgt. Pacheco to talk about public safety. And everybody at the meeting was very interested and very glad that we had so many people come and if I'd known I would have invited our County Manager but I thought it was going to be a meeting of four or five people, but it turned out to be a very healthy meeting.

CHAIR VIGIL: Thank you. I have no matters except that you will notice that a lot of the items on the agenda for recognition were pulled. That was based on my request, because had we not pulled them we'd still be on Special Presentations now at 12:15. I think Jennifer Jaramillo has sent out an email with regard to doing a poll. I have heard from Liz Stefanics and others, and Katherine, you may want to address this. We'll get a sort of accumulation of everyone's comments. I've heard individually from some of the other

Commissioners but I'd like to get everybody's feedback on this and then allow you to provide a direction to us on that. Did you want to address that, Katherine?

MS. MILLER: Madam Chair, I just wanted to say that after our discussion about this particular agenda it came up that the Commission used to have a special meeting for presentations once a quarter so we wanted to present that back to you to do that so that we can bring everybody in at one time to be recognized. Also, all directors, managers, have time to think about who should be recognized, because what tends to happen is somebody might think of something for one meeting but we don't get to look at it comprehensively. So I think making sure that it's at a particular designated time and people have the opportunity to think about who needs to be recognized on a quarterly basis would actually make our meetings a little more effective, plus making sure that we get people recognized that should be recognized.

CHAIR VIGIL: Thank you. So if those of you who have received the poll if you'd respond to Jennifer with what your preferences would be we'd have an idea of what direction we could go here. And with that I have no further matters. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I just want to let the Commission know that there is some proposed plans for the road, Richards Avenue for the Community College. And I'd like to let the Commissioners know that that might eventually come in front of us so that even if we are invited to some of their meetings that we probably should refrain. We do have several County staff attending a meeting tomorrow night with the community and the Community College but it will probably come to us for a decision later. Thank you.

CHAIR VIGIL: Very well. Thank you. Members of the Commission, I do believe we can do item XII. A very quickly and then take a break for lunch. Are you in agreement with that?

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Services Department

- 1. Request Approval of a Purchase Agreement with the A.J. Moellenbeck Professional Association Retirement Trust to Purchase Approximately 11.3 Acres on the Santa Fe River for the Purpose of Creating a Public Greenway and Trail (Community Services Department) [Exhibit 3:Area Map]**

CHAIR VIGIL: I know, Colleen, that you have probably met with all the Commissioners with regard to this because it is an item that we've all learned about earlier. So if you would just highlight it for us and we'll take action on item 1 and then item 2 is directly related to this.

MS. BAKER: Madam Chair, Commissioners, yes. I believe we did meet with everyone. Commissioner Anaya, we may have not covered this one completely but I hope

you've had a chance to review some of it. In background I'd like to give a brief recap of where we are on the Santa Fe River. The Santa Fe River Greenway has really been a vision of our local community since the mid-eighties and Santa Fe County has taken a very active role in accomplishing that vision since 1998 when the Open Space and Trails program was created. On the map in front of you in green you can see the properties that Santa Fe County has acquired as open space in the last approximately ten years.

We're working actively from the current city limits at Frenchie's Field in the east all the way down to La Cienega. The Santa Fe River Greenway, although it's primarily in District 2 has a real significance to the communities of La Cieneguilla and La Cienega in District 3, and also outside the county in La Bajada. It's also very significant to the pueblos of Tesuque and Kewa. It's nationally and internationally significant as part of the route of the El Camino Real de Tierra Adentro. So this has the potential of being a significant draw to our community as we build out this river greenway and trail system.

We have the pleasure today of presenting our latest acquisition. We've been working with Mr. Moellenbeck in different phases for several years now and they're now ready to sell and they have signed a purchase agreement. The appraised value of the property was \$915,000. Mr. Moellenbeck has agreed to sell the property for \$770,000, and donate five percent of the sales price back to the County for maintenance, which amounts to \$38,500, which is significant when we look at our maintenance budgets for the program. I think with that I'll stand for questions.

CHAIR VIGIL: Are there any questions? Seeing none, what's the pleasure of the Board?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I would move the approval of the purchase agreement with A.J. Moellenbeck Retirement Trust to purchase approximately 11.3 acres on the Santa Fe River for the purpose of creating a public greenway and trail.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and second. Any discussion?

XII. A. 2. Request Approval of Resolution No. 2011-27, a Resolution Authorizing the County Manager to Execute Closing Documents with the A.J. Moellenbeck Professional Association Retirement Trust for the Purchase of Real Property (Community Services Department)

MS. BAKER: I will stand for questions.

CHAIR VIGIL: Are there any questions on this?

COMMISSIONER HOLIAN: Madam Chair, I would just move for approval of the resolution.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Motion and second. And basically it just authorizes signatory to the County Manager. We appreciate you bringing this forth. Any further discussion?

COMMISSIONER STEFANICS: Madam Chair, I'd like to thank the owner for the cut in price and the donation of the funds to the County for maintenance.

CHAIR VIGIL: I'm glad you're working those kinds of things out, Colleen. Congratulations for keeping that as part of the negotiations.

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

[The Commission recessed from 12:20 to 2:00.]

CHAIR VIGIL: I'll call this meeting back to order. We are now under item

XIII. B. Finance Division

1. Review and discussion of the monthly financial report for the month ending January 31, 2011

TERESA MARTINEZ (Financial Director): This is the standard template financial report that we give. In the monthly report we basically summarize the revenues and expenditures. We make a comparison of activities in the previous year for that particular month and the year to date as well for the prior year.

Currently, right now we're doing fairly well. The property tax revenue budget or collections, pardon me, are better than budget. The gross receipt tax collection, the cumulative gross receipts for the countywide are just better than budget. Where we see a decline is the unincorporated part of the GRTs, they are 12 to 15 percent under budget depending on the month that you look at. We're doing good is the message that I want to send to everyone with regards to revenue collections. Through the month of January we had a budget on the current property tax amount of \$23.7; we actually collected \$26.9. A good part of that can be attributed to the delinquent tax collection efforts that are still ongoing in the Treasurer's Office. To-date they have brought in about 3.3 million which equates to about \$1.5 - \$1.6 million in County dollars. That has been a very successful endeavor.

With regard to the gross receipt taxes we have better than budget to the tune of about \$182,000 through the January collections. We had GRTs under budget for July, September and December and the remainder of the months are actually better than budget so we are probably looking at a recommendation of SLAP for next fiscal year again caution in that we have to wait to see a lot of the outcomes of the legislative session and what those impacts would have on the County. So we'll probably keep a flat budget for County wide GRTs and we'll recommend a 12 percent to 15 percent reduction relative to the unincorporated GRTs because they are significantly under budget. And the unincorporated GRTs are the

infrastructure GRT and the environmental GRTs and those two are currently used to support our solid waste and our wastewater operations. So if there's a shortfall there, than more than likely we'd be looking to the general fund or other funding sources to assist with the sustaining those operations.

CHAIR VIGIL: Okay, questions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Teresa, could you tell us or refresh our memories or Kathryn, the months or how the budget process is going to roll out and when you think we'll be getting involved again after the staff does some work.

MS. MARTINEZ: Yes, ma'am. Madam Chair, Commissioner Stefanics, we're actually having our budget kick-off meeting with staff tomorrow afternoon here in chambers. We'll distribute the directions, the access to the forms, the forms themselves and the justification. We did start to incorporate the community-based budgeting concept. So we've put some of that in and given them the heads up that this is the direction we're moving in. We had – and I'm not going to remember Carol, we had the budget hearings I think for mid-March, the third week of March if I'm not mistaken so we would have our interim deadline so we would probably looking for budget study session in April with the Board to discuss the strategic plans that we've come up and also have an idea about session if it has any impact on us at that time.

COMMISSIONER STEFANICS: Okay, and, Madam Chair, I've asked this before and this is a little bit different than the objective based budgeting or results accountability or anything but we had done a County survey about how people would like their money spent in the past and we've gotten some results. And, I would really like the staff to keep that in mind as we do any projections or recommendations for cuts or anything like that.

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we're currently putting together a chart similar to what we had done in some of the last budget study sessions where we summarized. We did it specifically for the employee survey but we're working on a similar item for the public survey and I don't know that we'll have it ready by tomorrow, but we intend to distribute that to the staff so that they can see how that survey ranked roads versus fire versus water. So they'll have that information before they have to turn in their final budgets to us.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Any further questions? Seeing none, this is only for review and discussion.

B. 2. The Santa Fe Finance Division is requesting BCC approval of the Fiscal Year 2010 audited financial statements which have been officially approved and released by the New Mexico Office for State Auditor
the

MS. MARTINEZ: Madam Chair, Commissioners, as you know part of the NMAC we have an annual audit requirement. We have fulfilled that for fiscal year 2010. We had to transit to new auditors in fiscal year 2010 and that was the audit firm Heinfeld, Meech and Company. Part of their auditor report included three pieces if you will: The independent auditor's report; the report on internal controls; and the report on compliance with requirements basically related to federal funds – OMB Circular A-133. For all of these they don't issue an opinion, if you will, they do testing and they identify whether or not if we are in compliance or present the data fairly. For all of those three factors we have presented our data fairly within our financial statements and there were no material weaknesses or instances of non-compliance noticed.

I will tell you that for this fiscal year we were on a very short time frame in terms of getting an approved contract from the State Auditor's office. So we focused on the federal funds quite heavily in light of the stimulus dollars and the ARRA requirements. A lot of the testing was done along those lines. I'm happy to announce there was nothing wrong with what we refer to as our schedule of federal awards and we had no material findings there. We received an unqualified or a clean audit opinion. They gave us a report on internal control and they identified no material weaknesses or areas of non-compliance. We will work with them in the next audit to do some more detail testing in light of recent investigations that we have going on. We're moving very much toward the training on internal controls and enhancing that training for our staff. A lot of standards have been adopted in having stronger implications with regards to internal controls so we'll continue to have our work groups and continue to do that training with staff as we ourselves become more and more educated on the new audit requirements.

I will summarize the findings. We had eight audit findings and of those several of those are repeat findings and –

CHAIR VIGIL: Will you reference the page you're at?

MS. MARTINEZ: I'm on page two of my memo. The first audit finding is a repeat audit finding from fiscal year 2006. With the transition in auditors some of the findings were lumped together if you will or reworded. This is an ongoing finding that we've had that basically relates to our decentralized accounting transactions: the recording of them timely and correctly. What they've suggested to us is that we really need to review and evaluate our balances and mainly our receivable balances and we need to continue training our staff and collaborating with our staff so that we get timely with the recording. We'll do that. We've been working on this finding for a couple of years now – evaluating the receivables, determining what is a valid receivable, determining what is uncollectable. Through this effort and along the lines of BCC initiatives we've had discussions about centralizing administrative staff. We've done that transition by moving the Housing accountant over to Finance. We have pending transfers possibly for Fire as well as Corrections. For those positions that it is unrealistic to transition we are looking at an accounting oversight committee that will be made up of the major components: accounting, budget, procurement, accounts payable and a senior account to cover cash and receivables.

This committee will – and we’ve already begun the work on this – enhance our procedures because we already have an accounting manual but come up with a training outline that we can give to all of these affected staff and then we’ll kind of control and keep an eye on good things and bad things. If there’s a procurement violation or if there is a late payment or a miscalculation on a payment those types of things. Then this committee would point that out to the individual and then that tool will also be used for the supervisor that they evaluate that employee. We’ll probably begin our training in March or April and start implementing that oversight committee.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, thank you for your presentation. Just on that point, I don’t necessarily feel that accountants need to be centrally located to have standardized protocols and systems. In fact, I think for some of our entities it is essential to their operation to actually have those accountants within those particular shops rather than bring them into one building. I like what you’re saying though to the committees and the protocols and the training but I do not think that just physically relocating everybody solves the problem. I think it’s more about training and making sure that people are in synch with those submittals.

I on this and other findings want to sit down with you and do some homework and get more into the details. But I did want to make that comment. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. This is a little opposite of Commissioner Anaya. Last year the Commission at that time did have a directive to centralize finances and the reason is because the different departments were coming in with different figures than what finance had for those departments. It was very distressing to sit in budget study committees and have a department head say their balance was X and for finance to say no, the balance is Y and for us to scratch our heads and go which way is it? And, in fact, we were not doing purchasing in a centralized manner. We were not adhering to the overtime polices. We were not adhering to many other financial practices. So we did take a very strong stand and regardless of what this new Commission does I’m kind of concerned we never accomplished centralizing all of the departments. Could I have an explanation of why?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, it wasn’t for lack of trying. The very issue the Commissioner Anaya expressed was part of the discussion. We talked about who could physically be moved and would it be beneficial to move them? The first one we moved was housing and it has been beneficial from the perspective of dealing with the federal requirements and reporting requirements. And, although I think the transition was difficult I think it has been successful. The other departments, sometimes these people will do a little bit more than just their finances so we recognized that we might cripple an operation if we take that person and bring them downtown. Then the direction was who physically moves and how we can have oversight over everyone. So they not physically be located in finance but maybe they will

still answer to finance. We need to fine tune the transition of that and for some departments it's difficult to adjust to that type of movement. Logistically we can't move everyone to finance and we know that right now but we talked about if an oversight committee will evaluate or do we physically say that you will be located at this particular department but you will now answer to finance and finance will evaluate you and be the core responsible party for the actions that are taken on a financial basis. That dynamic is still being worked out. Everything that has been recommended has been considered but it has been slow moving. We haven't lost sight of what we need to do we just haven't completely transitioned everyone over yet.

COMMISSIONER STEFANICS: Well, Madam Chair, the physical location of someone is not a concern to me. What is a concern to me is when our books don't match. We're talking about over eight months now that this directive was given and so we don't really even know that all of the figures are going to match up when we come down to budget study session again.

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we can guarantee the numbers I state to you are coming right off of the general ledger coming right off of the accounting system. It will be based on receipts and money that has actually been recorded through an official process and expenditures that we have issued and accounts payable check. So any number I bring before you I can totally account for. It's just a matter of communicating the data and understanding if we're communicating the same thing between myself and a director.

COMMISSIONER STEFANICS: So, Madam Chair, I want to reiterate that I do appreciate the work of our finance department and I think that probably I would just like to see it jump faster than perhaps where it is going and I'm just concerned that we not get into the same situation in terms of looking at overall budget and not truly having a correct picture. That's all my comments. Thank you, Madam Chair.

CHAIR VIGIL: I had a request from Commissioner Mayfield, but Commissioner Anaya has on the point, may I defer to him, Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I appreciate what you're after and I appreciate in particular your comment about them not necessarily to be physically relocated which I think over the years I can tell you that that's an item that has come up many times over the years and to me it's less about where they physically located but where they are most efficient in helping their respective departments and then having the appropriate leadership in place to make sure that you guys are communicating. I very much appreciate what your initiative was pushing I just have seen historically that the discussion gets pushed into physically that they have to be located there and I think that that does detract from efficiencies that are garnered with those accountants in the field so I appreciate what you're after and I just wanted to make that follow up comment. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. A point with Commissioner Stefanics and Commissioner Anaya, in a brief discussion that I had with Ms. Martinez I also believe that these individuals need to report to our finance division if they are detailed to other units and administratively attached for say another elected officials office or another department heads office just for these housekeeping issues I think that would be great but I do again believe that they have to be detailed to our finance department.

Also, in brief discussions with County Manager Miller and with Ms. Martinez also, a component of having a CFO for our organization and I don't believe that it's incumbent on local governments to have that, Ms. Miller. I know that there's a bill out there or at least a piece of state statute out there that was passed by Representative Varela that would ask that every state entity have an designated CFO for an organization and maybe that's where we could have some internal checks and balances as a local government to also have a CFO for this organization where they are fundamentally accountable by statute to any numbers that they would be putting on the books. That's something I would like to entertain for a discussion at a later time.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: Madam Chair, I just have a question. Teresa, on this finding, what department is this? This is at such a summary level, what department is it referring to?

MS. MARTINEZ: It's across the board. It's going to be relative mainly to accounts receivable in our timely grant reimbursement requests. So it's going to be grants and accounts receivable.

MS. MILLER: In every department?

MS. MARTINEZ: Housing, Fire and Corrections – and roads. The grants are relative to our road projects.

MS. MILLER: And how many of the field data that they looked at and tested how many occurrences were there for this finding?

MS. MARTINEZ: For this finding, I don't know I'd have to check. It's still all over the board. A lot of it too is going to be what they picked up from the previous audit and this has been a repeat finding. I don't know that I know that detail. I'll have to get back to you on that.

MS. MILLER: One more question, Madam Chair. So, from my perspective this is pretty basic. It's pretty basic. If you spend down a grant you should know what you've spent down and to be able to bill for the reimbursable.

MS. MARTINEZ: The issue for the grants is that we were not timely with collecting our money.

MS. MILLER: Because a department didn't do it?

MS. MARTINEZ: A little bit of everything, yes.

MS. MILLER: This goes to that somebody has a job and it's part of the job to do this then they need to do it. I don't think that this is a matter that we have Correction

in that but I really do feel that it's a matter of training and accountability for doing this. I'm going to commit to making sure that this gets wiped out of here. I don't know whether it's the centralization issue or a decentralization issue but this is a matter of people not actually doing their job.

I'm going to say it because there's no excuse for this finding as a four year repeat finding. There's just not. And I'll find out in whatever departments and I will commit to finding out who is not doing their job on doing their reimbursements and make sure that someone is accountable for doing their job.

CHAIR VIGIL: Thank you. What's the pleasure of the Commission on this?

COMMISSIONER STEFANICS: Don't we have several more items to go through on this? And then I have some other questions.

CHAIR VIGIL: Did you have further report on this?

MS. MARTINEZ: We have some further on the findings. The next one is relative to the Assessor's Office and particularly as it relates to property tax records. We had a specifically 7 of 12 where a file had not been updated with regards to a transfer of property and there was one out of 25 where the property was identified as a warranty deed in the system and it was actually a quit claim. So we have an appraisal cycle that had not been approved by the PTD, Property Tax Division, and then comments relative to quality control function. This was something that we met with the Assessor and discussed. We recognize that we have limited quality control functions and we're currently updating and implementing a canvas system which we think will help with resolving some of the timely recording of data. We also note that in the Management's response the quality control will be an ongoing issue. The recommendation was that we need to assess the financial needs of the Assessor's Office and we did identify that and had meetings with DFA and some of the negotiations that went on and what we were doing in an effort to resolve this particular finding.

The next finding is a – there is a finding that you will see probably in every audit and this is relative to disbursements and to procurement. They'll sample a couple hundred, and they sample the files and look at it for accuracy and the invoice calculation and whether or not the procurement process was followed completely. In this particular instance what we were noted that two quotes were obtained versus the three quotes that our policies require. In respect to previous year's findings this is probably the best in terms of this particular finding that we've received. Typically, you'll see that there was a GRT error. There was a late payment, things like that and this was has improved and is related to 2007 because there were disbursement findings in 2007 so they still lumped it in that.

This particular issue with regard to quotes, we've worked with purchasing and we're going to have senior buyers who will do monthly audits and that should hopefully rectify the lack of a third quote or sufficient quotes. So, hopefully, this particular issue with disbursement tests will be resolved.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, it's my understanding that procurement staff is also starting to do more trainings right now; is that correct?

MS. MARTINEZ: Yes.

COMMISSIONER ANAYA: I don't know whether Mr. Ojinaga wants to address that or –

CHAIR VIGIL: You can address it, Teresa.

MS. MARTINEZ: They have. And, in fact, we were one of the first ones to attend their training. Everything is very training oriented in light of the economy that we're in and in light of the issues that we have going on. So we did a training and they're doing them with other departments.

The next one is relative to the review of capital assets. This one I had some issues with in regards to agreeing with the auditors in the way that it was worded and the way that it was treated. A lot of it is the transition in auditors and how one auditor would record the depreciation and the financial statements and in particular with this auditor we're trying to move to the preparation with our own financial statements where staff completes them. They're helping us gear towards preparation of our own [inaudible].

So what we learned with this audit was that they actually gave us a finding for not having our roadway infrastructure assets as it's actually physically maintained on our database. We maintain them. We reconcile them, we just do it via a spreadsheet and then that's what the previous auditors would use to record it to a financial statement so this is geared in light to help us get to our own financial statements, our own CAFR.

We have always depreciated projects on an annual basis so we keep for instance a judicial center. That's a large project, so we keep a main master spreadsheet or lead sheet if you will you that records every expenditure that we incur in the year and then at the end of the year we record that as the asset for that fiscal year. They want us to transition that so that we do not record an asset until it is fully completed and we treat that annual stuff as construction in progress. We have already worked with them and that's how we're treating it for the audit for FY2010. That audit finding should be relieved.

We had a couple of donations that we were not made aware of so hopefully we have rectified this finding. We do have a policy that identifies how we treat donations so it's not for lack of knowing that could occur. We will do additional trainings with staff and we will coordinate better so that the notification of assets is brought to the attention of Finance so that we can number one recognize it and two bring it on to our fixed asset listings.

We had some recalculation differences that were not material and they make this final statement that I don't agree with: "There was not sufficient supporting documentation for prior year accumulated depreciation balances." We actually did have the documentation. We have never recorded the depreciation through our fixed asset module. That was something that the auditors did through the financial statements and again moving in the direction of preparing our own CAFR this is the direction that we have to move in to where we record our own depreciation. So we did a lot of reconciliation work this year and we are

ready to turn the flag on and move forward with depreciation so that portion of the audit finding should be resolved.

I'll move to the allegations of theft and fraud. This actually delayed our audit in terms of the investigations that the County has ongoing. They wanted it pulled back and a subsequent event note put in. So this is a catch-all if you will, in light of the fact that we have two investigations going on right now. This one is particular is related to the older investigation and we're working with the investigators. We've put some procedures in place already for dual signatures, additional documentation. We are going to do a training I believe probably in March relative to accounts payable and address these various issues. Right now we have to find buyers. We have to requestors. We have to find who receive who can set up a requisition and if it's a submitted and we can't compare that signature to what we have on file, then we reject that payment. So we've put procedures in place to hopefully rectify this.

The next one was relative to an investment. We actually had an investment outside of the geographical boundary of Santa Fe County. That will materialize or mature if you will in March. We've been working with the Treasurer and we should rectify this finding this fiscal year as well.

And the last one simply we were not aware that we had to do this. New employees hired into positions that do not pay social security's so law enforcement have to sign an acknowledgement letter. We did not know this was a requirement and this was resolved before the auditors left. HR and Finance, payroll in particular, worked closely together and came up with a form and it's part of the regular orientation for new employees. So this finding should go away as well.

CHAIR VIGIL: I have a question from Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would rather wait until she's totally finished.

CHAIR VIGIL: You have one more then.

MS. MARTINEZ: We had a net loss in our utility fund and again I believe this one is directly related to the different opinions of auditors and how they handled the treatment of the depreciation expense and I will also note that the depreciation expense more than doubled relative to some of the capital projects that we have going on. So it's within reason. I'm meeting weekly with Pego and we're working on a rate study. We're working on new projects globally, infrastructure and increasing our customer base so this one may take a year or two to get through but we're definitely work on and, again, moving in the direction of preparing our own CAFR.

That is the best concise summary with regards to the findings we had.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have a few questions and I'll try and make them really short. On page 53, it indicates that the County's agreement with sole depository and I thought we had more than one depository.

MS. MARTINEZ: We do, Madam Chair, Commissioner Stefanics. We do have more than one. They maybe referring specifically to the fiscal agent.

COMMISSIONER STEFANICS: They're talking about custodial credit risk deposits and to me it meant all of our deposits but it only addressed \$180 million. So is that just the one bank?

MS. MARTINEZ: I'll have to clarify that – it may be referencing only one bank but we do have multiple bank depositories that we can work with.

COMMISSIONER STEFANICS: On page 56, it identifies in the receivables three types of delinquent property taxes. Just for my education, can you delineate?

MS. MARTINEZ: Commissioner Stefanics, you're on page 56 looking at the delinquent property taxes for general fund?

COMMISSIONER STEFANICS: Yes, general fund and then if you drop down delinquent property taxes for debt services, delinquent property taxes receivables non-major governmental funds.

MS. MARTINEZ: The general fund would basically be the property taxes that are received to the general fund and sustain operations. The debt service fund this would be the portion that is dedicated to all of the long term debt that the County has. So these would be relative to all of our bonds that we have pledged with property taxes. So we have a separate fund for that. It's a matter of how the funds are classified.

COMMISSIONER STEFANICS: Great. Next, question – I'm trying to make these quick – page 59, the landfill. Now, I'm reading throughout that we're suppose to depreciate and actually post over the years but this looks like it was posted all at once the \$1.965 million.

MS. MARTINEZ: That's correct – Madam Chair, Commissioner Stefanics, this \$1.9 million is actually reflecting the liability or the liability as told to us by the contractors. So there is an annual evaluation that goes on with the landfill closure and those requirement so we do depreciate annually but this particular \$1.9 million is the current outstanding liability for maintenance of that closed landfill station if you will.

COMMISSIONER STEFANICS: Okay, thank you. We actually have put out some bonds for other projects. Have we ever had any problems in repayment?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we have. The housing revenue bonds have had problems in the past and the repayment isn't on the County's part but it is on in that particular one on the developer and the operators if you will of that apartments. It does not go against our credit or it's not reflected as the County not making the payment. Typically when I get calls like that I'll try to work with them to coordinate a meeting or to get those people in communication so we can see at least what is going on financials. El Castillo we have never had a problem with.

COMMISSIONER STEFANICS: So, I guess, Madam Chair, Steve, what's our course of action if somebody stopped paying on their debt? Do we take over the facility?

MR. ROSS: Madam Chair, Commissioner Stefanics, I guess we'd have to look at the specific situation and figure out what we would do. But, yes, you're right.

COMMISSIONER STEFANICS: I would just think that we would need to be kept apprised of anybody who is not coming – you know, paying down. And then there was just one other thing. On the debit cards/procurement cards do we have procurement cards or do we intend to have procurement cards?

MS. MARTINEZ: Madam Chair, Commissioner Stefanics, we do not have Pcards. That is something that we continue to explore in the event of emergencies.

COMMISSIONER STEFANICS: Okay and that's all, Madam Chair. Thank you.

CHAIR VIGIL: Thank you. Any other questions?

COMMISSIONER STEFANICS: I'll move for approval of the audit.

COMMISSIONER HOLIAN: Second.

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

C. Public Works Department

1. Authorization to Publish Title and General Summary of an ordinance repealing ordinances number 1988-11 and 2002-7: The Road Advisory Ordinance

CHAIR VIGIL: Robert Martinez will be presenting this. And, Robert, just for clarification purposes the authorization to publish title and general summary is really the opportunity for us to give notice to the public that this will be further discussed by the Commission; correct?

MR. MARTINEZ: That's true.

CHAIR VIGIL: And how many hearings do we need on this? Just one, thank you.

MR. MARTINEZ: Madam Chair, Commissioners, the Road Advisory Committee was created by the Board of County Commissioners back in 1988 via an ordinance which was 1988-11 and then in 2002 the ordinance was amended because we amended the geographical areas of representation. In the map that I just handed out to you is the geographical areas of that ordinance 2002-7 and that is the same geographical boundaries that are proposed in a resolution to create the Road Advisory Committee.

The Road Advisory Committee has been crucial in planning road improvement projects and reporting maintenance issues to staff. Public Works was given direction from the BCC approximately a year ago with other departments to revisit committees and we were advised to revisit the structure of the Road Advisory Committee and update the purpose and the duties of the committee. The Commission also gave direction to repeal the ordinance that created the committee and create the committee through a resolution to be consistent with how other boards and committees were created here at the County.

At this point, the Public Works Department is requesting authorization to publish title and general summary of an ordinance repealing ordinance numbers 1988-11 and 2002-07. In your packet you see the proposed ordinance 2011 which isn't numbered yet, that is the ordinance that would repeal these two ordinances that created the Road Advisory Committee.

Also, in your packet you have a draft resolution and I stress it's still in draft that would recreate the committee via resolution and also this resolution would update the current duties and tasks that the Road Advisory Committee would be asked to perform on behalf of the County Commission.

CHAIR VIGIL: You know, Robert, before you move forward, does anyone have a copy of that resolution?

COMMISSIONER STEFANICS: It was given to us in our email but it's not in our books, Robert.

MR. MARTINEZ: Okay, I'm sorry. I thought it was in there.

CHAIR VIGIL: I don't have a copy of it. Do you Commissioner Anaya? Do you Commissioner Mayfield?

MR. MARTINEZ: I have a copy, Commissioner. Would you like me to print it up?

CHAIR VIGIL: Maybe we could give it to someone to print up for the remainder of the Commissioners and we can reference it as you proceed.

MR. MARTINEZ: Okay. And, at this time we're only here to request authorization to publish title and general summary at this meeting. At the March meeting is when we would have the public hearing to adopt the new ordinance that would repeal the Road Advisory Committee and the ordinance would still require 30 days after it is adopted by the Board to become effective. So there's still time to tweak this resolution with comments and suggestions that the Board may have.

CHAIR VIGIL: Okay.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a couple questions, Robert. Thank you for putting the work into this but the questions I have is first of all, we know, you and I know, that we had a little controversy on one of the County roads regarding the cutting of trees and the side pass and they've already told me that these live on another road and they don't want that one cut. So I suggested that perhaps our roads committee as it gets reconstituted could address some of these issues and the representatives could look at that. So that would be one of the purviews of this committee?

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, yes it would be. I did place that item on the agenda for the February Road Advisory meeting for discussion but we had to cancel the meeting because we did not have a quorum.

COMMISSIONER STEFANICS: Okay, and that leads me to my next question, Madam Chair. If we are not having a meeting or we didn't have a meeting in February and I think I saw an email that there wouldn't be one in March.

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, that is correct. I'm going to be out of town and we polled the committee to see if they wanted to meet in March even though I was not going to be present and they chose not to meet.

COMMISSIONER STEFANICS: Okay, well, where I'm going with this is that I think that some of the areas that are mine or overlapping with Commissioner Anaya might have some vacancies right now and even if we publish title and we move this along in March when would this take effect, Steve?

CHAIR VIGIL: Thirty days after.

COMMISSIONER STEFANICS: Like April 8th?

MR. ROSS: So it would be 30 days after we actually enact it.

COMMISSIONER STEFANICS: So if we did something March 8th to pass then --

MR. ROSS: Correct.

COMMISSIONER STEFANICS: -- we could have something in place April 8th but then you'd have to ask for applications for the committee; is that correct?

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, the public hearing would be the last meeting in March and I believe that's the 28th not the 8th.

COMMISSIONER STEFANICS: Okay, but even if it was the 28th then you would ask for applications for the roads committee?

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: And then we could have these applications ratified by the end of April and ready to go?

MR. ROSS: Madam Chair, Commissioner Stefanics, there is nothing that says we can't solicit the applications ahead of time and be ready so that on the date the thing becomes effective we can have a fully functioning road committee.

COMMISSIONER STEFANICS: Okay, well, the reason I'm asking this is that we would then have at least three months, February, March and April, without a roads committee meeting. And I just want to ask in terms of the business of the group and the oversight of the roads or any discussion will that hamper business?

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, actually we could conduct a meeting in April under the ordinance because if the ordinance is repealed at the March 28th meeting it would not become effective until the end of April so we would be able to have the meeting in April.

COMMISSIONER STEFANICS: Of the old group.

MR. MARTINEZ: That is correct.

COMMISSIONER STEFANICS: Okay, I think my questions were answered. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Robert, you had mentioned that you were advised to revisit the structure and duties of the Road Advisory Committee and my question is in what way are the duties changing?

MR. MARTINEZ: Madam Chair, Commissioner Holian, the duties that are being outlined in the draft ordinance and I believe you received a copy, under number three, letter D, review and make recommendations to the BCC on roads that are being requested for acceptance as County roads. And letter A review and annually – I’m sorry not that but I believe another item that I don’t see in here is that the Board is requiring the Road Advisory through this ordinance that was adopted back in – Ordinance 2002-7, the Board now requires the Road Advisory Committee to recommend to the annual road certification list. So those are the two major items that have been added. The one that has been eliminated is that in the original ordinance that created the Road Advisory Committee, the committee was tasked with coming up with design standards for roadways which is not something that the Road Advisory Committee should be doing.

COMMISSIONER HOLIAN: Okay, thank you, Robert. And then about the structure of the committee: it seems like we have the same number of districts that we did before. But am I understanding it correctly that there’s not going to be an alternate now?

MR. MARTINEZ: Madam Chair, Commissioner Holian, yes. Originally, it was discussed to cut down the number of members on the committee with possibly one for each Commission district. But due to the size of the County we felt it was impossible to have five members inspect the roads within the entire County with just five people. One thing that we did do was to eliminate in this resolution, eliminate the alternate members but also change the meeting frequency from once a month to once every other month.

COMMISSIONER HOLIAN: Robert, why do you think that it’s not a good idea to have alternates? It seems like it would be more likely that you’d get a quorum if you had alternates.

MR. MARTINEZ: Madam Chair, Commissioner Holian, the alternates would only count as a quorum in the event that the member was not present. So the member and the alternate could not count as the quorum. What I have found is that mainly the alternates would only attend in the event that the member did not attend. So if a member attended faithfully for nine months and then the alternate attended because the member wasn’t going to be present then the alternate member really wasn’t informed on what’s been happening throughout the course of the year other than through the minutes that we sent to each member and alternate.

COMMISSIONER HOLIAN: Thank you, Robert.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, having spent several years on that committee myself and even chaired it, I have a lot of respect for what those members do. I would like to keep the alternate members in the new ordinance. I also think they could meet every month based on need. So if bi-monthly worked but if they needed to have a monthly meeting then they should have the ability to do that. But I am fully supportive of

what they do. I like the expanded additional responsibilities for recommendation to us and I look forward to hearing more comment from the public and some of those road members.

I would echo the concerns raised by Commissioner Stefanics relative to keeping the group going. I think the message that I'm hearing is that we're absolutely going to keep the Road Advisory Committee intact and we're merely doing some structural clean-up and adding some additional responsibilities but I would suggest that we advertise immediately for recommendations for people to sit on it so that once we get through that period of 30 days that they're already on their way. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any other questions.

COMMISSIONER STEFANICS: Madam Chair. Steve or Rachel, do any of our other committees have alternates?

MR. ROSS: Madam Chair, it looks like there's a nod from back there. I don't know all of the details of all the various committees but some do and some don't.

COMMISSIONER STEFANICS: I thought we had – are we not standardizing the way we're setting up these committees?

MR. ROSS: CDRC does not –

PENNY ELLIS-GREEN (Deputy County Manager): Madam Chair, Commissioners, yes, we are and that's why we were using this same format for the resolution to try and standardize it. The Board did appoint an alternate for the Ethics Board. The only other one that I know of that has an alternate is the Protest Board and that's per statute that requires alternates. So we hadn't – we were not intending to do alternates. COLTPAC didn't do alternates. CDRC I don't believe did alternates.

COMMISSIONER STEFANICS: Okay. Thank you. I guess I could go either way on the alternates or not. But if we were trying to standardize and that's why I was asking the questions. And then your intention with the new ordinance, Robert, Madam Chair, is to have meetings every other month?

MR. MARTINEZ: Madam Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair.

CHAIR VIGIL: Thank you. I have a question Robert. I have been concerned about having a clearly delineated road acceptance policy and what we do in cases of emergency and you've been very helpful with regard to emergency situations that have come up and they're going to continue to come up. I think when we look at the possibility of road acceptance, policies for partial maintenance, for emergent maintenance and those kinds of things that maybe this Road Advisory Committee could take that task on. And I'm wondering whether that was the intent you had when you stated under 3.D. to review and make a recommendation of road that are being proposed for acceptance.

MR. MARTINEZ: Madam Chair, that is correct. Numerous times when we've had residents come before the Board for acceptance of private roads into the County inventory, individual Commissioners have asked me what is the feeling of the Road Advisory Committee on this particular application and at that time we did not forward these

applications to the Road Advisory Committee. Based on Commissioners asking for Road Advisory members input we felt that it was important to include it in this new resolution.

CHAIR VIGIL: And, I think I'm looking for more than their feelings or their input. I'd actually like for them to review some of the road acceptance policy that are available to them so that you, as a division, will be able to clearly know when you can be responsive under emergency situations or not. That's probably a narrower direction and maybe you're thinking in the same terms, I'm not sure.

MR. MARTINEZ: Madam Chair, that is correct. As a matter of fact, Steve Ross County Attorney and I are currently working on the road acceptance policy that designates the limited maintenance, shared maintenance, full maintenance but I believe our intent was also to get the Road Advisory Committee to adopt this policy before we would come to the Board for the Board's approval.

CHAIR VIGIL: Okay, and that was the purpose of my questions. Okay, are there any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Martinez what is and how did you guys decide the areas and how they would be drawn up?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, back in 1988 the geographical boundaries were pretty similar to what they are today. I'm not sure how they came about the geographical areas back in 1988 but in 2002 we amended the geographical boundaries because the representative from the Jacona area was also responsible for the area in the Hyde Park Estates up near the ski basin and we felt that that wasn't feasible so back in 2002 we tried to adjust the boundaries to make it easier for the members to be able to drive their areas and meet with different communities.

COMMISSIONER MAYFIELD: Thank you. And, Madam Chair, Mr. Martinez in particular Area 2, I think it is indicative of all of my areas up north, in some of these meetings that I've had with other sovereign governments is that they are indicating that there are various trespass issues and in meetings that I have had with my community members they're indicating that these trespass issues are non-existent. So have you ever thought of having any individuals from our local pueblos on these advisory committees?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, it's up to the Commission to appoint who they feel is best fit for these positions. We would more than welcome pueblo representatives on the board.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Martinez, and I guess this is for the full Commission, I don't want to give up any additional of my areas but I would also maybe like the opportunity to have some of the pueblo entities sit on this board also just if there are questions regarding trespass because I do not think, at least in the northern part where I'm at, that they have been fully addressed.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we could also entertain the possibility of the pueblo representatives attending the meetings and not necessarily being on a member status but attending these meetings regularly so they can bring to our attention any issues that they may have.

COMMISSIONER MAYFIELD: Thank you. And, Madam Chair, Mr. Martinez can you all just provide me an overview map of areas up there where there have been identified pueblo and non-pueblo for at least District 1 please. Of what the County has on the books.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we can do that.

COMMISSIONER MAYFIELD: And then a question and I'm just going to ask this publicly, are you familiar with a study called the Joyce study from that area?

MR. MARTINEZ: Madam Chair, I believe there was a study done but I don't recall the name of it. I don't know if Steve Ross is familiar with it.

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know about the Joyce study although I've heard the rumors of it also. We have the Hordes Study which is the more recent one from 2004 or sometime around that.

COMMISSIONER MAYFIELD: Thank you. Maybe, Madam Chair, somebody can help me put this rumor to rest if there is a Joyce study out there or not.

MR. ROSS: I think there is but it's a historic, it's been around for 50 or more years.

COMMISSIONER MAYFIELD: I think Mr. Garcia knows something there. Okay, I'll get it from you later, Rudy. Thank you.

CHAIR VIGIL: Further questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER STEFANICS: Madam Chair, I would move authorization to publish title and general summary.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and a second. Further discussion?

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

COMMISSIONER STEFANICS: so, Madam Chair, could I clarify?

CHAIR VIGIL: Sure.

COMMISSIONER STEFANICS: The draft ordinance we have today could be amended somewhat for the public hearing not?

MR. ROSS: Madam Chair, Commissioner Stefanics, absolutely.

COMMISSIONER STEFANICS: Thank you.

MR. MARTINEZ: Madam Chair, clarification: it's a resolution not an ordinance. And if I could ask that if any of you have any comments or anything that you would like me to incorporate in the resolution –

COMMISSIONER STEFANICS: Wait, excuse me. This says ordinance, we need to clarify.

MR. MARTINEZ: The ordinance that will be adopted – there's an ordinance that is going to be adopted by the Board that repeals the ordinances that created the Road Advisory Committee.

COMMISSIONER STEFANICS: Oh, I see. So we're doing publishing title and general summary of an ordinance to repeal. I'm sorry I should have put that into my motion.

CHAIR VIGIL: That is the subject that we were discussing and I think that will be part of the record. The resolution for the Road Advisory is a separate item.

MR. MARTINEZ: And I would bring this forward at the same meeting that we have the public hearing for the ordinance to repeal the road advisory ordinances.

COMMISSIONER STEFANICS: Thank you very much.

D. Matters from the County Manager

1. Legislative Update

[Exhibit 4: Legislative log]

CHAIR VIGIL: Kathryn, do you know how long this is going to take? How many items are you going to have?

MS. MILLER: How many questions are you going to have? [laughter]. No, Madam Chair, we have a couple of things. One is a real quick summary that Rudy has about the bills that are out and you can either ask about those or not. And, then we have Gary the Deputy County Assessor here to talk about the two proposals and not in a lot of detail that are in front of the legislature relative to the tax lightning. Now that both bills have been introduced we thought it was a good time for him to come and let you know the options that are out there because they actually could have a very significant impact on the County. One other discussion about the bill that is out there to remove the Surveyor's Office from the books across the state and the surveyor is here as well.

CHAIR VIGIL: Very well, and welcome. Rudy, why don't you give us a summary on those bills that have taken life that you think we will need to follow and not necessarily get to those that haven't.

RUDY GARCIA (Community Services): Good afternoon, Madam Chair and Commissioners. The legislative session has been relatively calm in my opinion. Recently in the last two to four days committees have been moving bills a lot faster than they had been for the last 30 days. The leadership met with the Governor we heard this morning. The Appropriation Act which is the budget bills for the entire state operations for the legislature which are 2, 4, 5 and 7 did go through the appropriations staff and were on the house floor after the meeting this morning with the leadership and the Governor. Those house bills got pulled from the house floor and are back in the house appropriations. We find that kind of interesting and hopefully good because now the session will start progressing forward.

Like Manager Miller said, I'm going to skim through these items that you have in front of you. If you have any questions on any of these please let me know. We did them in alphabetical order this time and these are the topics in a whole that the Commission has voted on to allow us to proceed forward and follow and look at these bills.

Affordable housing bills those bills are actually kind of moving slow through the process. We are looking at correction bills that do affect the County's correction department. The Energy Conservation bond on pages 2 and 3, we have been looking at SB 266 which is a bill introduced by Senator Wirth that Commissioner Holian has asked us to look at as a Commission as a whole as well. That bill seems to be relatively moving forward on a positive note for Santa Fe County. Page 3, the film initiatives, there's tons of film initiative bills that are out there in the Roundhouse. We definitely are looking at the bills that are looking at the film initiative programs which is SJM 16, SJM 15 which are on page 4. And there are a lot of bills out there that wanted to get rid of the film tax credit. Some of those bills have been tabled in committee or just made the agendas to the committee. Actually, Hvtch has also found out that the Governor that that was one of her main priorities this morning in the meeting with the leadership was the film initiatives and as we all know she's definitely looking at the film initiatives to either cut that tax incentive or get rid of the film tax totally, but we don't know the outcome of that.

On page 6, there are some franchise fees that are moving forward. Some bills are for franchise fees and some bills that are not. On page 6, the hold harmless provisions, that was something that the Commission had asked about the last time and on page 7 at the top Senator Smith has introduced SB 452 which gets rid of the hold harmless, the gross tax receipt over a 10 year period. That's something that we would definitely like to see the Commission today give some input on that.

Once again the immigration status of bills – there are bills to allow immigrants to keep driver's license and there are bills that eliminate the immigrant from having a driver's license. There's also a bill of Senator Martinez' that abandon the state and local agencies from enforcing federal immigration laws. We did get up and speak against a bill that was in one of the public affairs committees, house public affairs committee, which was recommending that immigrants do not have driver's license and that has been tabled in that committee.

Page 8, the liquor excise tax, obviously, the liquor excise tax there's three major bills that have been introduced, two house bills and one senate bill that would hurt the County's funding for liquor excise tax from our DWI funding and our RECC funding.

On page 9 we have the preference for New Mexico agricultural and fresh produce and the Commission did as a whole sponsor a resolution to that effect which is in support of SB 63 which is Senator Keller's bill. That bill seems to be moving, it was moving for a couple of committees and now is tied up in Senate Finance. Another notice seems that everything is getting held up in Senate Finance and it seems hopeful that after the meeting with the Governor and the leadership that we can determine whether or not bills are moving out of government finance or not.

On the per diem and mileage bill we have been talking internally with staff and with our County manager and attorney. We feel that we are going to move forward as to Santa Fe County creating our own ordinance or our own resolution to not allow a volunteer board member to be paid.

On the property valuation, there's tons of tax bills out there. The last time the County Commission asked to see if the tax lightning bill had been introduced and since then it has been introduced and as soon as we go through the remaining portion of my presentation Gary Perez the Deputy Assessor will get up and do a presentation on the tax lightning.

On page 13 –

CHAIR VIGIL: I have a question. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: You were going pretty fast and I was thinking of all what I wanted to say about the per diem mileage. If we could back up, Madam Chair. Just to clarify on that issue, I don't think that it was a matter of us saying we didn't want to pay but to clarify that we do not pay. And that we have volunteer boards that have been participating as volunteers for many years here at Santa Fe County and that the interpretation that I was getting feedback on specifically was that the somehow that legislation mandated that we pay. So what I'm hearing now and I would like Steve to comment on the record, is that the interpretation of the current per diem and mileage act relative to those volunteer boards is that we're not mandated to pay and we're going to clarify that potentially in some resolution or ordinance; is that what I'm hearing?

MS. MILLER: Madam Chair and Commissioner Anaya, Steve can add in on this, but one of the things is that there is a provision in the statute and I recall this from my time at DFA that allows the mileage reimbursement rate by local governing bodies to be set for certain categories of officials. But, the statute also has some conflicting language which is what Steve has also contended that part of the issue is that there's some conflicting language. I think what the statute does allow is for us to set our own mileage reimbursement rate for certain types of officials and that we just have never actually taken the action to do that. Therefore, what we have is we have mirrored state's mileage and reimbursement rate. But I believe that we can and this was a discussion that we had after this particular bill that you were reflecting – and Senator Eichenberg didn't want us to do an amendment to because he didn't think it was going to go anywhere. I believe that we could actually set policy set on volunteers in that we don't do reimbursements for mileage under certain circumstances. And, that a local governing body has the authority to do that and that we just have not actually gone forward to do that. That said, there is some conflict and it's the issue that Steve has always said in the statute that makes it unclear whether somebody would be able to challenge something like. But if our policy is that we don't pay to go to a meeting, mileage for a volunteer to go to a meeting, then that's our policy. I don't know if Steve you want to add to that. That's where we're headed and why I thought we could actually resolve this issue.

COMMISSIONER ANAYA: Madam Chair, and I think I had – and we can go back and look at the minutes, but I think it was, I thought it was pretty clear that what I heard at the last meeting was that we could offer some simple language to afford that in the law and that there were people willing to carry that for us. I guess, simply put, how come we didn't just prepare that simple language because Steve showed me the language and drop it as a bill?

MS. MILLER: Madam Chair, Commissioner, I believe it already exists in law for us to do it by policy so I don't know why we would go through trying to get a bill when the bill already allows for that latitude by policy at the local governing body level.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I thought I heard that at the beginning but then I thought I heard you say that it still conflicted or potentially could conflict. So if we do a policy there is no conflict with the law?

MS. MILLER: Madam Chair, Commissioner Anaya, I think there are portions of the law as Steve has contended that are not well written. However, there is a provision in the law that allows local governing bodies to set mileage and per diem rates for certain public officials which would include our volunteers or other officials at the County at a rate at the local level. And, that's the provision that we are looking to enact a policy by this Board at the local level.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, once that policy is enacted there won't be a conflict?

MR. ROSS: Madam Chair, Commissioner Anaya, the conflict is an inherent conflict in the per diem and mileage act and that's the conflict. So, what we can do is interpret it as we always have, we don't pay our volunteers either a daily rate or mileage rate or hotels or meals or anything like that pursuant to the act. We don't do that now and have never done it.

The act itself has conflicting language in the first part of it and what was nice about Senator Eichenberg's was that he took that whole first part out of the bill and eliminated not only the conflict but all the other inherent problems in the bill. This problem is going to remain but what Ms. Miller is talking about is either continuing with the current practice and policy which is not paying volunteers per diem, mileage, food, whatever or writing it down explicitly either in a resolution or an ordinance and saying this is our policy. The conflict in the act is still going to exist and it would be nice if somebody would fix it sometime to eliminate that problem but it obviously is not going anywhere this year because Eichenberg's bill isn't.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, on this point, and Kathryn I'm going to ask you this. Does mileage and per diem show up in House Bill 2 anywhere?

MS. MILLER: Madam Chair, Commissioner Stefanics, no. There's actually a portion in the statute, well, it shows up in budgets for travel, in-state or out-of-state as line item, but it's the rate for per diem that are set in statute.

COMMISSIONER STEFANICS: Well, Madam Chair and Steve, I've actually been in the situation where I've gotten to conflicting AG opinions on the same statute while at the state. So I do think that this is very confusing and we might want to become a test case. We might want to do it informally and not put anything in writing or if we put something in writing and somebody decided to challenge it maybe we would become the test of the confusion of the statute.

MR. ROSS: Right.

SC CLERK RECORDED 04/04/2011

COMMISSIONER STEFANICS: So, do you recommend one way or the other?

MR. ROSS: Actually, I would recommend just to continue with the current practice because if we go out there and do something formal and somebody then takes us up on it it's a lot of extra work and a lot of uncertainty and what have you. And, what happens if a court finds against us then our whole – and that's what I was concerned with several years ago when this problem first came up that we might be exposed to paying wholesale \$95 a day per committee hearing and that's a big exposure.

COMMISSIONER STEFANICS: Okay, thank you, Madam Chair.

CHAIR VIGIL: Yes, Rudy, continue. But I just want to underscore this that there's really no really big push on this particular bill. It actually is DOA based on some of the initial language that included governing bodies. So there was a huge push to not do anything with this bill and I think it might be hard to get a bill that would amend the per diem and mileage act and this you can tell it has had two referrals and one hearing and only on one house, on the senate side. And, that's just my comment on that bill.

MR. GARCIA: Madam Chair, once again, pages 10, 11, 12 those are all as mentioned earlier property tax bills that Gary may comment on definitely one of them but he said he might comment on a couple of others. Page 14, the teen court funding was in the budget bill and after it gets back to appropriations today we'll research that and make sure that budget item remains in there. Other bills that were dropped since the last – since the deadline was SB 376 which is by Senator Sisneros which is the Indian Water Rights Settlement. That seemed like a good bill to us and takes a percentage off the top of capital outlay for the Native Americans and that goes to the Aamodt, Taos, Navajo Nations Water Rights Settlement.

On page 13 is the sole community provider bills. There's two bills that were introduced. One is by Senator Griego for assistance for the sole community provider fund, that's SB 562. Senate Bill 541 is a bill introduced by Senator Engle and Senator Jennings is the hospital provider fees act. Right now I believe that Steve Shepherd from our Community Health Department is looking into those bills.

Some of the other items that are bills we are looking into or having staff or departments analyze them to see how and if they definitely do affect Santa Fe County. The last page, we were requested to put in some capital outlay requests and this give you roughly the six or seven requests that we did put in. We did put in definitely the top five County priorities and a couple of others were asked by us to put in by us by either senators or representatives so we did include those as well.

CHAIR VIGIL: Okay.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry if I missed this. What's the update on the low-income property tax rebate?

MR. GARCIA: Madam Chair, Commissioner Stefanics, sorry for not mentioning that. We have been talking with the County Manager Miller and we are going to talk with Senator Phil Griego. He is going to utilize one of his senate bills to actually get that billed dropped and one of the things that we're working on is the actual chart that we need to submit to that or the actual language that we may need to make part of the existing law so we are dropping that bill through one of Senator Griego's bills.

COMMISSIONER STEFANICS: Well, Madam Chair and Kathryn, since we're one of only two counties that is utilizing that, I'm wondering if it could be language that just suggests that the County that have been active have the authority to use any or part of the scale.

MS. MILLER: Madam Chair and Commissioner Stefanics, my concern and what I had just talked to [inaudible] is to do both options of one saying a scale approved by the County Commission or a set table. We probably need to talk to Tax and Rev what I'm sure their concern will be is to whether this is a bunch of different schedules. Everyone of those schedules would be change to their software so I just was trying to keep in mind that we probably need one of each option to talk to them about whether they're going to oppose if we had it at any table and that we would then have some prepared tables because they would have to change their software to deal with that.

COMMISSIONER STEFANICS: Okay.

MR. GARCIA: Madam Chair, Commissioner Stefanics, just to let you know we have been talking with Pam Ray of the Council Services and she did relay those two messages down to us as to what County Manager Miller just stated but we do have language that we are going to ask Pam Ray about as soon as we're done here.

COMMISSIONER STEFANICS: Okay, and that language is?

MR. GARCIA: Madam Chair, Commissioner Stefanics, under 7.7-2-14 which is low income –

COMMISSIONER STEFANICS: That's not what I'm talking about. What are we going to ask for?

MR. GARCIA: We're going to ask her for her opinion because –

COMMISSIONER STEFANICS: No, what language – oh, you don't know yet what language you're going to ask for.

MS. MILLER: Madam Chair, Commissioner Stefanics, I talked about at lunch break to draft it two ways so that there were two possibilities. One was some actual proposed tables that were say maybe a third less than the ones that we had and two-thirds less and then the other of just a statement that says or a table approved by the local governing/County Commission. That would be the preferred one to the existing statute the way that it is with a table and then it says or an approved table per the local governing body, would be the preferred one but the concern was that if that didn't work that it would be tables that were a proportion and there would be one or two different tables that could be adopted.

COMMISSIONER STEFANICS: Thank you.

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CHAIR VIGIL: Are we done Rudy?

MR. GARCIA: Gary Perez would like to give a scenario on the tax lightning bill.

GARY PEREZ (Chief Deputy Assessor): I'm here to report to you on the bills that I believe could most affect us and the bills that probably have the most momentum right now.

The bill that probably has the most momentum in your packet, you have a packet in front of you [*Exhibit 5: SB108 information*]. What I tried to do was to take the essence of the bill and represent it mathematically to you. You can see that on the first page this is Senate Bill 108S, it's a substitute bill. It's Eichenberg's bill. This bill attempts to correct the problems that are associated with the tax lightning constitutional problems and first of all it would apply to all residential properties regardless of sale. That's where the problems have come from is properties that sell where the cap gets removed and the valuation goes up and it is those people who are experiencing tax lightning. So what the bill does is it applies to all residential properties including apartments and here's an example of what it will do. What the bill says is that it requires the assessors to go back to 2004 and look at all properties that either sold or newly constructed between 2004 and 2010 and recalculate their values as if they kept the cap value intact of 3 percent per year. In this example here, in 2004 assuming that our value was at \$200,000 on our books. In 2004 let's say that that property sold for \$300,000 we were under assessing that property, but we changed it to \$300,000 so that was the assess value in 2005. So that property experienced tax lightning for that year. We would have to go back and recalculate the value. We would go back to 2004 add 3 percent to 200,000 that would make the 2005 value at \$206,000 and you basically add 3 percent on top of that for each year's number and you come up to a value of \$245,975 for 2011. That's basically about a \$54,000 discount on their valuation. That's what would happen had the cap value not got removed. That's what this bill does to properties that sold.

If we can go to the next slide, this is how properties that are newly constructed would be affected. What the bills says is that we're to calculate the market value of a newly constructed property for each year that it was constructed and we're to apply a sales ratio to it. We have to determine what ratio we were assessing other existing properties at for that year that the property was constructed. So if we had existing properties within this neighborhood where this house is located and we were assessing them at 75 percent of market value then we would multiple that ratio, that factor there, times the .75 times the market value of the property. Again, this is just an example. So we would take the .75 times \$300,000 and we would have an assessed value of \$225,000 for that year. So let's say that new house was built in 2004 that would be the assessed value for 2004 revised and then thereafter the valuation would get capped at 3 percent per year unless the market value is not that market value of 2011, if it's higher than we would have to adjust it down below to what the market value truly is.

In this case, I just wanted to show you what the savings would be. The assessed value in this example is \$225,000 adjusted, divided by three, that becomes the taxable value of \$75,000 multiply that times the current 2010 tax rate for the City of Santa Fe and the tax bill is \$1,509.90 prior to the adjustment the tax bill would have been \$2,013.20 so that's a savings of almost \$500 for a person.

If you'd like I can go into the other tax bills. If you'll go to the next slide but let me first discuss House –

CHAIR VIGIL: I think we have a question on this particular item.

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you for coming back Mr. Perez. I'd like to if we could, Madam Chair, go over each bill because I have some questions and some concerns associated with each bill and –

CHAIR VIGIL: Do you want to address the ones you have on this bill?

COMMISSIONER ANAYA: Yes. On Senate Bill 108 first, just so I'm clear, as it stands now the only people impacted by tax lightning are those people who acquire the property that buy the property; correct?

MR. PEREZ: That's correct, Madam Chair, Commissioner Anaya. That's correct.

COMMISSIONER ANAYA: And then going back to kind of restate some of the comments from the earlier meeting where we had this discussion and we even had some discussion with some of the delegation, Speaker Lujan and others raised some comments and concerns about it. Senate Bill 108 if it passes in an area like Santa Fe County where the values of sales go high a lot of the long standing residents could be adversely impacted by this bill because it would automatically have a 3 percent increase to value if this bill passes where if tax lightning as it stands now stays in place that additional amount only affects the new buyer and doesn't translate to the rest of the neighborhood. Is that a fair summary?

MR. PEREZ: Madam Chair, Commissioner Anaya, that is a fair assumption. The other thing it would do is it would lower our tax base. We would back and probably lose millions maybe hundreds of millions of dollars, valuation dollars, and that would lower the tax base. What that's going to do is tend to increase the tax rates the way that you'll control works and the whole system works is that the tax rate would probably increase. I did some calculations here for estimate purposes but – so those people who would be getting an immediate adjustment on their value would probably see a tax decrease but those people who did not have a change in their property in the last seven years, between 2004 to 2010, they would probably see a rate increase, an over tax increase. It may not be much. We would have to find out exactly what that is but it may not be much. The other thing that it would do is what you are saying here. If a property was – if the value on our records was pretty much the same during this time period, we would be required to go back if the property sold or was newly constructed if it was the same, we would be required to go back and recalculate it and add 3 percent per year if we thought that the market value was not yet

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at its market value. So those properties would also see an increase in their valuation potentially.

COMMISSIONER ANAYA: Madam Chair, I'm only speaking for myself. I'm not supportive, I would rather see tax lightning as it stands now stay in place only affecting that individual buyer then to have a 3 percent increase potentially to other property owners in the community because of that one sale. So I just want to make it clear that on Senate Bill 108 that I do not support that change because I think that would guarantee, especially in Santa Fe County a high-cost area, that people's valuations would go up absolutely 3 percent every single year so I'm speaking for myself but I just wanted to make that clear. Thank you, Madam Chair.

And, on the second one, can you surmise on this newly constructed one more time. I'm not sure that I completely get that one.

MR. PEREZ: Madam Chair, Commissioner Anaya, do you mean on the newly constructed properties for Senate Bill 108?

COMMISSIONER ANAYA: Yes, that's tied to Senate Bill 108 as well?

MR. PEREZ: That's correct.

COMMISSIONER ANAYA: So then it doesn't have to sell but this bill would provide for assessment even before it sells right when it's built. Is this kind of into the disclosure portion where they would have to disclose – clarify it for me.

MR. PEREZ: Madam Chair, Commissioner, what this means is that you have two categories of properties that would be adjusted according to this bill. Properties that sold between 04 to 10 would need to be readjusted and properties that were newly constructed during that time period would need to go back and adjust their value. You may also have situations where there was a house that was newly constructed say in 04 and we go back and recalculate but then it sold again in 08 and we would need to do another calculation. So there could be many, many properties, we think there could be as many as 14,000 properties that we're going to have to, if this bill passes, we'd have to go back and recalculate. So it would be very intensive. It would require intensive work on our part and the bill also includes an emergency clause telling us to get it done for this year. We're supposed to be out with listed values on April 1 and that most likely will not happen. It could happen and we may make adjustments according to what the bill wants in the later months but it's a very difficult bill to implement. This bill is the one that has the most momentum right now. It virtually flew through its first committee and was passed in less than 15 minutes and I think it's only scheduled for one more senate committee and it's the one that is out in front.

CHAIR VIGIL: Gary, are the assessors supporting this bill?

MR. PEREZ: The assessors are, Madam Chair, Commissioners, the assessors are pretty much split on this bill right now. I don't have all the votes from the assessors. I do send them regular surveys whenever a new bill comes out. I don't have all their input but they're somewhat split on this bill. Some of them are in favor and some of them are opposed. The majority oppose and some want to remain neutral. Also to let you

know that the Association of Counties Board of Directors voted on Saturday morning to support this bill by a vote of 13 to 11, so they're pretty much split as well.

It would really benefit counties better, I believe, if this bill were to take out the roll-back provision because we definitely need a fix to this problem. If they were to take out the roll-back provision bill and simply say start capping everything in 11. Start capping the sales that sold in 10 and cap them at 3 percent in 11 and move forward; that would probably be the best fix. But Senator Eichenberg has his own thought on this.

CHAIR VIGIL: Okay and –

COMMISSIONER ANAYA: Madam Chair, if I could, just to make sure. If this bill passes, the first part not the roll-back piece, the first component of it would directly affect anybody in and around an area that had a sale. For example, in your example that you give, if a house sells at the \$300,000 mark that would create an allowance for the assessor in the surrounding properties to have 3 percent increments for not just the sale property but the properties in and around that sale property.

MR. PEREZ: Madam Chair, Commissioner Anaya, no, that's not true. It would only affect the properties that sold or were newly constructed. The only way it's going to affect any other property that don't fit in with those two categories is when the tax rates are calculated at the end of the year by DFA and those rates will probably tend to go up slightly. So the value of the property, if you owned our property between 2004 and 2010 and you didn't do anything with it, you held onto it, your value is going to be what it is today on our records but your tax rate might be slightly higher this year and the tax bill might be slightly higher. Otherwise --

COMMISSIONER ANAYA: And that –

MR. PEREZ: Otherwise, I'm sorry, otherwise it would not affect the values for those properties.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, is there anything in the bill that affects the cap that currently is in place in the existing place that this bill is purporting to –

MR. PEREZ: Madam Chair, Commissioner Anaya, no.

CHAIR VIGIL: Okay, there are ten bills here that one seems to be as you've testified to, taking life. Do you want to address a couple of others that may be taking life that you think is important for us to be on top of.

MR. PEREZ: Yes, Madam Chair. There's actually 16 property tax related bills that I'm tracking. Eight of them are tax lightning bills. Some of them are going nowhere fast and that includes the one that the assessors have proposed unfortunately. But first let me talk about House Bill 451 by Representative McMillan. That is very similar to SB 108 by Eichenberg whoever it rolls back to 2003 rather than 2004 and does not apply – there is no new construction provision in there so it would not – we would not have to do any adjustments to properties that were newly constructed in that time period between 03 to 10. This bill has not even been heard in one senate hearing at all. So that one is probably not going very far and that's another reason I say Eichenberg's is the frontrunner.

The other bill was the assessor's bill that Representative Sandoval is sponsoring and was introduced last week. That's known as House Bill 511 and I'm not sure that we need to really get into it. It's been assigned to three committees and it hasn't been heard not once yet. And I really feel that it's not going to go anywhere. We've heard that it probably won't go very far because it raises values and what we were attempting to do was to raise everybody to at least 85 percent of the market value in the first year and then recap everything thereafter so that we could level the playing field sort of speak and get everybody up to fair values for houses that are similar. Get everybody in line where they should be and then start capping again because the assessors are most concerned with the equity issues and all the inequities that are out there right now. You'll have a street lined with the same house and valuations are everywhere because of this cap law that has been in place for 10 years. So I'm not sure – if you'd like I could explain the bill but I don't think it's going very far.

CHAIR VIGIL: Okay, and I think we've got other bills that we need to review. Is there anything else that is glaring at you that need to –

MR. PEREZ: I put together some numbers so we're pretty much done with the slides but back to SB 108. I put together a few figures and I used a worksheet that I got from DFA because I was trying to see what potential impact it could be to Santa Fe County if the bill was passed. If we had to rollback all these properties we think that, you know we don't have an exact number, but it could be about 2,000 properties per year and over seven years that's about 14,000 properties we might have to adjust. Given the fact that a lot of values and residences and apartments here are pretty high, what I estimated was that if we had \$100,000 loss per property that we had to adjust downward on the average that would mean \$1.4 billion in full value to the tax base that we would be losing. When we divide that by three that becomes the taxable value or \$466 million almost half a billion. I input that into the worksheet and what it did was it did not lower the tax revenue to the County and here again I'm only looking at the County portion, but what it did do was raise the tax rate. Our current tax rate is 4.697 mills and what it would do is raise the tax rate to 5.118 mills. That's basically a difference of .421 mills. Again, this is only an estimate. This loss in revenue could be less. It could be more. But I just wanted to plug in some numbers here to see what kind of impact and I think is a pretty big impact and if it is what that would mean is basically .421 mills increase in the tax rate. Our current tax rate in the City of Santa Fe for properties that are located within the City of Santa Fe are 20 mills, so again, an increase of .42 mills would be about a 2 percent increase overall. Again, it could be much less. So the impact could be much less.

CHAIR VIGIL: Okay, further questions?

MR. PEREZ: So we'll continue to track the bills and hopefully I get more input from the assessors as which way to go on these so we can lobby either for or against most likely against these bills.

CHAIR VIGIL: The fact of the matter is, Gary, one of these bills is going to make it through the legislature because the tax lightning fix has to occur; correct?

MR. PEREZ: Madam Chair, that's the feeling of the legislators and most people that I talk to in the business.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: It would seem to me that some of the individual committees need to have some analysis ready at the quick to be able to say to our local legislators that this could mean a loss of this or an increase in the mills. I can remember as soon as I was elected one of our local legislators calling me up and saying do no raise my property taxes and it would seem to me that they would want to be apprised of what a bill would specifically mean not only for themselves but for their constituents.

MR. PEREZ: Madam Chair, Commissioner Stefanics, that's a very good point and the way that this bill is being promoted is that it fixes tax lightning but what's not being said is that the other people who were not affected by tax lightning would be affected by an increase in the tax rate most likely in every scenario. And it may not be much but it needs to be out there and people need to know because later on when we implement it and they get their tax bill that's when they'll be saying why didn't anybody say this.

I hope that this gets out so that we're giving some sort of disclosure should this bill pass. And, although it's not on our shoulders really, but ultimately it does fall on our shoulders because the assessors are the ones that implement it and the employees in the office are the ones that have to deal with it. They are the front line people.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, maybe if you could just give a brief historical perspective. But prior to the whole issue of tax lightning coming up in the first place there was not disclosure associated with sale; correct? And, it's interesting that now that disclosure was finally passed for sale properties for sale and at that time it was in the eyes of I believe the assessors at the time, was a good positive thing for assessors' offices because now that disclosure was in place on sale they would be able to capture those revenues associated with those realistic sales. That's the first point. But this bill actually goes at it a different way. Although the rate might go up they're going to propose it as a tax deduction overall essentially.

MR. PEREZ: Madam Chair, Commissioner Anaya, you are right. We did get disclosure I believe in 2004. The initial cap value bill was passed in 2001. It took us awhile to get disclosure and now this bill really makes disclosure obsolete. There's no need for it. We know when a property transfers and if we're going to cap everything we really don't need to know. I mean, we need to know in the fact that we still will be required to collect the data, sales information on residential properties, and attempt to come up with a full market value because without it we won't know what the market value is for new construction. What I showed you in the example is that we would still need to know what the real world market value is.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, overall statewide are there any numbers of fiscal impact on this bill? Because overall it could directly impact

more counties like Santa Fe that had higher margins when disclosure came in and we realized those increased values than it would on a more rural county which I'm assuming are the counties that probably voted in favor.

MR. PEREZ: Madam Chair, Commissioner Anaya, there is a fiscal impact report with information that is provided by the Property Tax Division but there's no real good numbers in that FIR. It does say that it would be a financial impact. I believe what it says is it is about a 5 percent impact on the average cost. But to really know, what I did today was fast and not very accurate. To really study the problem for us like I said could mean me looking at 14,000 properties or more and putting them in a spreadsheet or somehow to recalculate everything and that's going to take several months to do. It can't just be done right away. Other assessors are going to be in the same position.

CHAIR VIGIL: Thank you and good luck Gary. You have a challenge before you and hopefully there will be a resolution. As Tax and Rev zeroed in on an FRI on this?

MR. PEREZ: Tax and Rev or the property tax division of Tax and Rev?

CHAIR VIGIL: Property Tax Division DFA, how many FIRs I guess have you evaluated?

MR. PEREZ: Well, I look at FIR of all these 16 bills. I've looked at all of them. Property Tax Division actually participates and provides data for the FIRs. So they did provide data for this FIR.

CHAIR VIGIL: Yet they don't have any breakdowns in figures.

MR. PEREZ: I don't believe so.

CHAIR VIGIL: Okay, thank you very much, Gary, and good luck

MR. PEREZ: Thank you and have a good afternoon.

CHAIR VIGIL: Ms. Miller, I'll turn it over to you for any further legislative items.

MS. MILLER: Madam Chair, there is one other item that I wanted to bring forward and that was on Senate Bill 429 which is a bill to remove the County surveyor position from the books or from the statutes. What the bill does is that it actually does not remove the position from the books until 2012; December 31, 2012 which is actually our County surveyor is the only county surveyor across all 33 counties. As a matter of fact, Santa Fe County is the only county that has had an elected county surveyor since the 1980s. Previously, prior to that, I think a couple of other counties had them in the 60s. The main issue on this and I think it has been brought forward to the Commission before, the main issue is that the statute is outdated. It was written in the late 1800s and the purpose was when there was a lot of counties and when county boundaries were in question. So the statute on one hand is outdated just from the duties and whatnot that are in there. The bill is sitting there and hasn't moved to any committees. I did have a conversation with the former County surveyor, Allan Grace, and he indicated that he would be in opposition as would the Association of Surveyors because they believe it is a wanted position. I also had a very good conversation with our County Surveyor, Jeff Ludwig, who I asked to come and to also

give his perspective of it. We have not taken a position as a board or County staff has moved forward but the bill is there and could move forward. I wanted to make sure that you heard both sides of the issue before any action to move the bill were to happen or anybody from the County actually had any testimony for the bill.

I will state that the current statute allows for a local election to remove the surveyor that could be put forward, a question put forward by the County Commission on a ballot. We would not be eligible to do that until a general election unless there were a special election which would be \$45,000 to \$60,000 additionally it might be in conflict to be on the ballot at the same time potentially as a person who would want to run for it. So it could be four years before that could even happen and then it also might be an issue if somebody is in the office that this Commission wouldn't want to do anything to a person who is in the office. So those are some of the challenges relative to this issue. In my conversation with Jeff Ludwig which I said was very good. He had said that there are other counties that do have staff, they have surveyor staff. I did ask HR to follow up on that and I just want to say that we are the only county with an elected official and the annual salary is \$22,358. Bernalillo does not have surveyor. They have GIS staff. San Juan County didn't get back to us so we don't know. The Doña Ana County has one surveyor not elected. It's an at-will position and they're paid \$34.64 an hour or \$72,000 annually. Sandoval County does not have any staff but they contract out the services. Also I looked to see that we have four surveying companies that are on contract that we can do orders and year-to-date, this fiscal year, we have purchase orders totaling \$21,700 or so for surveying, separate surveying services than what the County surveyor does. I would just like to say that I think it would be appropriate for Jeff Ludwig to comment on what his thoughts are.

CHAIR VIGIL: Mr. Ludwig would you please step forward. Thank you for joining us today.

JEFF LUDWIG (County Surveyor): Madam Chair, Commissioners, thank you for allowing me to be before you. This is kind of short notice so I'm not totally prepared to justify my position at the moment. I guess one comment I have in my mind is what constitutional article or statute are we sending or this bill submitted to the current Senator Stuart Ingle on?

MS. MILLER: Madam Chair, Mr. Surveyor, I'm not sure I understood your question.

MR.LUDWIG: I'm sorry. You mentioned that no other counties have a county surveyor or an elected office and I was just wondering if in introducing this bill what law are you introducing this bill because as I read this statute it requires like you said to go out and get 10 percent of the County vote.

MS. MILLER: Madam Chair, one of the questions that came up is it a constitutionally created position. It is not a constitutionally created position. It is a statutorily created position and therefore it could be removed statutorily. As I did say the position exists on the books and says that counties, any county, can forward with a local

election if they want to remove it but it does not require a statewide election in order to remove the position from the statutes because it is not constitutionally created it would just require a legislative change. And that's the basis of which is drafted.

MR. LUDWIG: Okay, thank you for that clarification. I do appreciate it. In justification of my position I think it has been very difficult to change the mentality that this is a not needed position. And I feel that it's just been a long hard road for me to try and convince you Commissioners and staff, and I think people who have engaged in my office have recognized my worthiness and have appreciated what I have done for them. As far as a cost savings element to the County being in the financial situation that we're in, I would think that investing in the office and staff for the office overtime would save them an enormous amount of money in surveying of the County lands and surveying of road easements, working with the open space and trails department and all the work that they do with open space and trails. But I think if I sat down with a pencil I could show an enormous amount of savings. We went out and got three quality based surveying firms, I'm assuming and I may be wrong, but we've allocated \$200,000 for jobs that they may or may not get. So that's \$600,000 and I really feel that if invested wisely we could create a good survey department and that's not to take anything away from the public community and the private surveyors but I think the County could do an enormous amount of savings by investing in an office in a County surveyor's office.

I also believe that you would also enhance the GIS department because eventually they're going to have to have somebody certified in spatial accuracy. And if it's the leaderships choice to go out and get private firms to do that rather than have somebody in-house do it then that's their choice. But so, I'm open for questions.

CHAIR VIGIL: Questions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Not so much question, Madam Chair, as a comment. It would seem now that the elected surveyor position pays very little.

MR. LUDWIG: Yes, it does.

COMMISSIONER STEFANICS: And, as a professional surveyor in a county you could make a lot more money so I would think that that's one issue to consider here. That the respect for the profession at a valued level, not that we're not valued at our salaries, but if we take a professional surveyor that the statute is never going to adequately compensate that person. So I'm not sure why historically Santa Fe has remained the sole county electing and I don't know if anybody who has been around a long time has the historical perspective on that but that's just my comment in that I think that the value comes more with a full-time wage versus the elected small time wage. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would first ask for an action item for the next meeting for placing it on the ballot even if it is the next general election ballot and for discussion and action next meeting. And relative to the bill itself, I'd like to get a copy of the bill itself and any other thoughts that staff has, the manager and other groups that have worked with the surveyor. But I would like an action item to place – I

SCD CLERK RECORDED 04/04/2011

guess, Commissioner Stefanics, to what you said previously, I'm not sure why we haven't at minimum put it on the ballot so I'm not suggesting a special election but I absolutely think at minimum that I want to see the bill and what's going to transpire with the bill and maybe even provide more comment to that but I think at minimum as a secondary thought to make sure that the public has a chance to voice their thought one way or another if the bill was not successful. So those are my comments, Madam Chair.

CHAIR VIGIL: Let me understand this. So Commissioner Anaya you're okay with moving forward on the bill and should the bill not succeed then come forward with an action item to place it on the ballot.

COMMISSIONER ANAYA: Yes, Madam Chair, I want to see the bill. I want to see other feedback specifically from the Manager and other department heads who have worked around and with the surveyor and I would defer to the rest of the Commission if you want to make a determination up or down as to whether or not we would support the bill or not support the bill but I think at minimum we should make sure that there's an item on the next available ballot and I guess I would ask a legal question on that. If the bill would go forward and not pass if there was a general obligation bond election that we had or some other election, could we theoretically attach this to that election?

MR. ROSS: Madam Chair, Commissioner Anaya, I believe so. I don't see Denise here but I believe we can.

COMMISSIONER ANAYA: So, Madam Chair, I would ask that in that agenda item that we have the latitude within that item to not just recommend the general election but even say and/or the next available election.

CHAIR VIGIL: Yes, Ms. Miller.

MS. MILLER: Madam Chair, on that I think it would have to be an election that is countywide. In other words, it couldn't be a school board because it goes outside of the county and it couldn't be a primary. It has to be a countywide full election so it would either be a special election for possibly a GO bond if it were countywide or the general election, or a countywide GRT election.

But, Madam Chair, I would like to say that the surveyor, our meeting was very good. He was very candid about the issues that have surfaced in this. He has also been very agreeable. One of the things that as far as trying to work with the County staff in no way is this a reflection -- I think the bill was even drafted to reflect on the County surveyor or him working with the staff. It was more of an issue of efficiency and whether this was the best way to do it.

And as I said one of the things that he did recommend was if there was County staff that were a surveyor it would probably be beneficial to the County and he even provided a job description and had done a lot of research and background on that. I think there's a lot of merit in that. I think one of the struggles that we have is that the statute itself and the pay and what it outlines for duties of the elected office don't really mesh with what we do in the way of contracting for surveying services. So I just want to say that in no way was this a reflection of Jeff Ludwig. He's been very good and our meeting was good and he's been very

caring and we had a good conversation about the pros and cons of this and what actually be better for the County in the long run.

CHAIR VIGIL: Okay, very good. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I'm looking at the bill right now online, at least on my computer. There is some provisions, Madam Chair, Ms. Miller, Mr. Ludwig that are spelling out what the duties are; am I reading this wrong?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes but they don't really apply so well with the way that we do business and surveying businesses today. They're also a little bit unclear because they'll say surveying county land but that doesn't say whether that is county-owned lands or all lands of the county because the language at the time that was written, people talked differently and drafted differently than one would today.

COMMISSIONER MAYFIELD: Madam Chair, and Mr. Ludwig and Ms. Miller or whoever can answer my question. Let's say that we as a County were sued by another entity or an individual who had an issue with us on a land use and they asked that you do that survey. Who would be liable in that regard? Would it be the County or would it be you if you were contracting with them in an individual capacity?

MR. LUDWIG: Madam Chair, Commissioner Mayfield, I would be responsible for that survey. Liable for that survey personally under my license. The County I don't believe protects my surveying license. I would have to recuse myself from that but if the County asked me to perform the survey work I could perform the survey work under my license but I would recuse myself from any internal, further internal happenings. I believe that is correct.

COMMISSIONER MAYFIELD: Steve, can you answer; do you agree?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think we're having kind of a sidebar sort of speak of exactly what the question is. Are you saying that it was County-owned land and a dispute over that line or an individual in the County who had a lawsuit against the County on something else and the surveyor was asked to weigh in on it? He is responsible for his license but I suppose it would depend on whether he was taking a position for the County as to whether the County would defend it up to the point that it was negligence or something.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross and Ms. Miller, my question I guess is that right now you indicated or somebody indicated that we contract with some external surveying firms to provide work for us. My understanding is that our surveyor can also bid on those projects or no they can't bid on those projects?

MR. ROSS: Madam Chair, Commissioner Mayfield, if he's going to charge us for surveys, no, he could not because there's a constitutional prohibition and this goes back to what Commissioner Stefanics was talking about. There's a constitutional prescription on elected officials being paid more than their statutory salary. So he could do them for nothing but I don't think that he will so –

MR. LUDWIG: Well, I have, Mr. Ross.

MR. ROSS: He has. He's done a lot of free work and we know that.

COMMISSIONER MAYFIELD: So, Madam Chair, the question then. Let's say there's an individual who has a survey out there that has a lot adjustment that they want to get approved with us or with the City and they would contract with our surveyor in his individual capacity. But if that surveyor then by some chance is representing that they're the County surveyor, could the County be brought into that?

MR. ROSS: I mean we get brought into everything, but whether we would be liable for it is a question for sovereign immunity and a very complex one. Probably not.

MR. LUDWIG: Madam Commissioner, Commissioner Mayfield, if I may read you statute that requires and it may add more confusion, I don't know. But as far as election qualifications it states that the office of the County Surveyor is created in several counties. No person is eligible to hold the office who is not a practical land surveyor actually engaged in the business. That's statute. I would not do private work and also represent myself as the County Surveyor. I know it's kind of a thin line there because it's a public office but that's the nature of that beast.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: All right. Mr. Ludwig, you are in agreement for the County to create a focus for a professional surveyor is actually the direction that we need to go.

MR. LUDWIG: I'm in agreement and have been in agreement with that all along.

CHAIR VIGIL: Okay, so that if we went forth with the statutory language change there would be no opposition from you. Would there be any opposition from organizations that you represent? The statutory language, of course, saying to remove Santa Fe County surveyor, because that would be the first step that we would need to take before we actually created a position for a County surveyor.

MR. LUDWIG: Madam Chair, Commissioners, it is the surveying community's feeling as well as the citizens of Santa Fe County that a County Surveyor office be represented. That there is a professional surveyor on staff. That is what they're seeking. If you eliminate the position electorally then we would like to see an FTE position or even a part-time position.

CHAIR VIGIL: And that's basically I'm asking because the first step would be to when your term is over and then perhaps the structuring of the office would be created simultaneous to that. And that's what you're in agreement with. Frankly, that makes perfectly good sense to me. It seems to me that that is the direction most Class A counties have gone. Either that or they're just constantly contracting but it would be wonderful to have an in-house surveyor who had the County's interest in mind. So I'm in perfect agreement in moving forward in this direction. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, do you want a formal motion or do you just –

CHAIR VIGIL: I don't think we have an action item on this; do we? We were just getting an update because I think staff was given the direction to look into the possibility of this and I'm so glad that there's been opportunity to have discussion.

COMMISSIONER STEFANICS: But, Madam Chair, we have been taking positions on bills so that's what I think is –

CHAIR VIGIL: Can we take action on it, Steve Ross?

MR. LUDWIG: Madam Chair, before – Madam Chair, may I speak?

CHAIR VIGIL: Let me get an answer from Mr. Ross as to whether or not we can take action because I sense a motion coming forth if we can.

MR. ROSS: Madam Chair, we were just talking about this. You have a legislative update on the agenda but it's probably not specific enough to take a position, a concrete position on a particular bill. You can give direction to the County Manager, I think she gets it. But as far as taking a vote, I wouldn't do it.

COMMISSIONER STEFANICS: Madam Chair, then I'll make the comment that I believe that our County Manager should pursue this fully because by the time we come back to the next County meeting there will only be one week left of the legislative session. We don't have the opportunity very often to change statutes substantively, every other year, and this is the year. This is no way to reflect anything about our County Surveyor while in office so that I would see that if this was pursued it would be after terms had expired.

CHAIR VIGIL: Thank you. Is everyone in agreement with that direction?

COMMISSIONER ANAYA: Madam Chair, I'd actually like to see that action item that ballot question, on the next agenda.

CHAIR VIGIL: I wonder, Commissioner Anaya, if you would withhold that to see whether or not the legislation passes. If, in fact, the legislation passes we really don't have to go to a ballot; correct?

COMMISSIONER ANAYA: Madam Chair, I think I'm just trying to get ahead of the curve in case – so I just want to take action on it and see what the pleasure of the Commission is and then obviously if the legislation would go through then it would be moot, but I think I would just like to have it on there and take action in consideration of whatever might, may or may not happen with the legislature.

CHAIR VIGIL: Okay. Is that it, Ms. Miller?

MS. MILLER: I think the County Assessor has a quick comment. He just came back and said he had something that he forgot to tell you.

CHAIR VIGIL: Thank you and thank you very much Mr. Ludwig. We really appreciate your being here and your cooperativeness on this issue.

MR. LUDWIG: Madam Chair, Commissioners, I would just like to end with stating that I would highly look at the language in this bill before submitting it and having it approved.

CHAIR VIGIL: Thank you.

MR. LUDWIG: Thank you.

CHAIR VIGIL: Deputy County Assessor.

MR. PEREZ: Thank you, Madam Chair, Commissioners, I was discussing what I had told you with Mr. Martinez, the assessor, and I think it's important for me to state to you that when I was talking to you about the increase in the tax rate what SB 108 would

potentially do to the tax rate, and when I was talking about a 4.421 increase in the mill rate and that it would only be a 2 percent change based on the estimates that I came up with and that it wouldn't be much – that was only, and I want to clarify that, it was only the change in the County's portion of the total tax rate. I don't have the ability and I don't have the worksheet for other entities that collect taxes to work their worksheet. But a decrease in our tax base would affect them as well. The schools, the State, the City, the Community College, so it would probably increase their rates as well. So it would not be a mere 2 percent increase in the tax rate, it could be a lot more. So I wanted to make sure that I got that out there to you for your information.

CHAIR VIGIL: Okay, thank you very much. We appreciate that. Anything else on the legislative update?

MS. MILLER: Madam Chair, I don't think there was anything on the legislative update. There was a real quick update on –

COMMISSIONER STEFANICS: Madam Chair, I do have one thing.

MS. MILLER: Oh, sorry.

COMMISSIONER STEFANICS: On this tax issue, I would ask Rudy and our County Manager to make sure that they get to the Santa Fe delegation to talk about the impact of potential extra taxes if some of these bills go through. So that they are not at the end looking at us and thinking we can keep the taxes rolled back. I think everybody should be going into this with eyes wide open and if you could even prepare a written statement that you take to them so that we are not accused later on of this because I can just see this happening.

CHAIR VIGIL: And all those lines have you all been in touch with our Santa Fe delegation on this, Gary? Have you spoken to our Santa Fe delegation on this issue or are you just following the bill?

MR. PEREZ: Madam Chair, no I haven't spoken to the Santa Fe delegation. I have only acted on behalf of the Assessor's Affiliate. I am the vice chair of the Assessor's Affiliate and as part of my role as – I would only speak up on behalf of Santa Fe County if I need to in addition to speaking up for the assessors. But, no, I haven't spoken to any Santa Fe legislators.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: I concur with Commissioner Stefanics's comments and I just would ask that we utilize the Assessor and Deputy Assessor's help in assuring we have the right data and information and that we're working collectively to make sure that we convey that to the delegation, to the Santa Fe delegation.

MR. PEREZ: Madam Chair, Commissioner Anaya, so that I understand this, would you like for me to lobby on behalf of Santa Fe County against this bill?

CHAIR VIGIL: No, I think what we're trying to tell you is that our Santa Fe delegation needs to understand how we will be impacted by this and so the information that has been requested is that that be delineated and that our Santa Fe delegation know about it.

MR. PEREZ: I can do that. And, Madam Chair and Commissioners, I fully

intend to that on behalf of the assessors and I can certainly add comments on behalf of Santa Fe County. Whether the assessors are for it or against it we can still make comments, we can go ahead and make comments without saying we're either for it or against it and what the impact would be to us.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Where does our Santa Fe County Assessor stand on this piece of legislation?

MR. PEREZ: I think he, Madam Chair, Commissioner Mayfield, I believe he has mixed feelings about it. He understands that we need to fix the tax lightning problem because we have eight district court cases related to tax lightning from 2010. We have two from 2009 and the number could probably increase this year if there's nothing done legislatively. He is however concerned about raising the tax rates and the impact it would be to the other individuals who don't get a valuation decrease.

CHAIR VIGIL: Okay.

MR. PEREZ: He also stated to me just ten minutes ago that he believes that it could be a much higher impact than an average of \$100,000 decrease per property. Because when you factor in the value of new apartments that were constructed in that time period it could be a much higher adjustment to each property.

CHAIR VIGIL: Okay, and I think what this Commission is concerned about is what the impact will be to Santa Fe County residents so as much input as the Assessor can provide for Santa Fe County for our Santa Fe delegation I think would create the larger benefit.

MR. PEREZ: Madam Chair, and we will do that.

CHAIR VIGIL: Thank you so much, Gary. I think that was it for items on the agenda.

MS. MILLER: Madam Chair, that was the legislative updates but I had one other thing just to give you a real brief, brief update on the code because there's been some questions from outside entities of what are we doing? We passed a plan and been kind of silent on the code and we actually have been working and I just wanted Jack to give you a real brief overview. We don't have dates and schedules out but I just wanted him to tell you where we are.

CHAIR VIGIL: Thank you, welcome Jack.

JACK KOLKMEYER (Land Use Administrator and Director of the Growth Management Department): Thank you, Kathryn and good afternoon, Madam Chair and Commissioners. I'm going to give you a real quick update of how we're working on the drafting and the review and adoption of the code. But before I do that and after that last lengthy section we have a present for you this afternoon we finally have the completed draft of the Growth Management Plan and Robert is going to pass out a copy of it to you. We're extremely proud of it. It not only captured the concepts and all the hard work that we did last year but it's actually really beautiful. The photographs are gorgeous. The maps are very

clear and crisp and you're going to need that for the code so hold onto it. They're costly. They are available if people would like to buy them. And they also are available on line. And, again, thank you all for your hard work in adopting it with us last year. For the two new Commissioners as you have an opportunity to look through that in your final form, Robert Griego and myself and my staff would be happy to meet with you at any time and go over any questions that you might have about anything that is in the plan.

Having said that –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: Jack, how much are these?

MR. KOLKMEYER: Twenty dollars apiece.

COMMISSIONER STEFANICS: Thank you. This came up at the San Marcos annual meeting and many people down Highway 14 don't have internet and so they were asking about copies so this is very timely. We can let them know they are available for \$20 from your office; is that correct?

MR. KOLKMEYER: Madam Chair, Commissioners, that's correct and we'll also be distributing copies throughout the County so we'll have them in the libraries and different places so people can access them there as well.

COMMISSIONER STEFANICS: Thank you, and maybe Kristine can write a tiny blurb about how they're available for a cost. Thank you.

CHAIR VIGIL: Will these also be available on disc at all?

MR. KOLKMEYER: We can, yes. It will be on line and if people would prefer a disc we could do that and we probably end up doing that free of charge but we'll have to check on the cost of that.

Any other questions on that? Thank you.

Madam Chair, we have been working diligently for the last couple of months because we've got a lot of comments about when the Code is coming forward and we've put a lot of thought into how we'd like to proceed with doing that. And relative also to the plan process which was very complicated and lengthy with lots and lots of meetings. So we devised a strategy that we think will be very helpful and clear to everybody once we launch fully into this. This is sort of where we are right now and I'll give you an update of what we're doing. We'll give you a complete detailed briefing of how we finally decide to do this at the admin meeting next month.

The way that we are preparing to do this right now is that it will be a three-tier process that we'll be working on. The first tier will be actually the drafting of the code. The second tier will be a technical review process by staff that will be reviewing the draft that will come out of the code from the drafting group and the third tier will be a public review and comment process that will actually do two things. It will go back and look at some of the concepts from the plan and some decision points that need to be discussed because some of those things are still complicated and unclear to the public how they will translate into the code and then we'll have also have public review process and looking into the actual code

draft as well.

The first tier, the drafting of the code is a collaborative effort of the Legal Department, the County Manager's Office and the Growth Management Department. We're referring to them as the Code Draft Team. This team is working on drafting all elements of the code, drafts for specific sections and/or chapters of the code will be written and cleared for further review by the staff for the then moving onto the Technical Review Team. Some of you are already familiar that we do have what we call a TRT, technical review team, and this code drafting will be led by the County Attorney, of course, Steve Ross, and includes Penny Ellis-Green, and Robert Griego, our planning manager. And, that will be our Code Draft Team.

The second tier, as they write the code and agree that certain portions are ready for staff review, will go to the second tier which will be the technical review. And then once a portion of the code has been written and approved for review it will be turned over to the TRT and that team as I said is currently in existence and is comprised of members of the Growth Management Department including Planning, GIS, Affordable Housing and Building and Development Services, and also members of the Community Services Department, Public Works and Utilities, Fire and Legal staff as well – so we have a really good team that's capable of doing the technical review. The Technical Review Team will review sections of the code and make comments and suggestions and then send their review back to the Code Draft Team for further consideration. The TRT is currently under the director of our Building and Services Manager Shelley Cobau. So she'll be responsible along with myself to make sure that the technical review of the code gets done in a timely manner.

The third tier and really important is what we're calling the Public Input Process. Public review and comment will be undertaken through a formalized PIP or public input process as we're calling it and the PIP will conduct public meetings and workshops to review specific land use concepts that were adopted in our Growth Management Plan but that need further discussion, clarification and in some cases alternative solutions or recommendations. We're calling these decision points in this process. The results and the recommendations of the decisions points will then be reviewed by CDRC and yourselves so there's actually a fourth tier that will go up through the other two. There will be several times within this process that we'll engage you again in workshops and study sessions as we did with the plan to get your feedback on some things that are still complicated and need further discussion and then those in turn will also go back to the Code Draft Team if there needs to be changes and the Technical Review Team. So they'll be a constant sort of movement back and forth but it's particularly to look at these decision points because these are still concepts as I said that the community has some difficulty grasping or understanding how they're moving into the code. For example, family transfers, water requirements in the code, community district plans how they will be integrated into the code and base zoning requirements. For just a second to consider family transfers, that was originally in the 1980 plan and code and we've never really had a policy discussion about how family transfers have evolved and we know that we've had some problems with them. So we want to have a very focused time in this

process where we'll be able to take them apart again and look at family transfer and investigation what's good about them and what needs to be tweaked to make them work better. So we'll have those discussions with the public and an opportunity to engage you as Commissioners in discussion of those.

These decision points will be reviewed as I said by the CDRC and the BCC and then move back into the review process. In addition to the discussion of these decision points, the PIP will also be used to review and comment on specific portions of the code as they are drafted and come forward as well. The PIP will be conducted in different parts of the County and we'll also develop input and feedback systems available for the internet. We know we had a lot of problems with people who couldn't attend meetings so we're going to devise a really good technological solution to having all of our meetings available in some form online and available for comments back. We started with the Growth Management Plan up north, as you may recall, for the charrettes and workshops that we did. Commissioner Anaya, you'll be happy to know that this time we're going to start those meetings down south. You can alert everybody to the fact that we're going to be starting with them this time and not waiting until the end to give them their chance to be involved in the code process.

PIP will be devised, managed and implemented by a contracted facilitator. We are right now engaged in the process of putting together a scope of work and looking at who might be able to help us as the facilitator for this project. That person will also have staff assistance for all the meetings and public endeavors that we undertake.

A final code review process will be formalized between now and next month. I'll come back to you probably this time next month and give you the details of how all of this will work out. Our objective in this is and we're projecting at this point that we'd like to have a fully vetted final code draft available by December 31, 2011, the end of the year. I'll say that again, that will be a fully vetted draft of the code that has gone through all the reviews, the public review, so that immediately after the end of the year starting in January we'd be able to take it to a public hearing process for adoption. It could be sooner but that's what we're shooting for. We know that these things tend to get lengthier than shortened. We're looking to give you a draft of the code by December 31st.

I've been appointed as the coordinator for the whole set of tiers here starting with the code and the technical review and the public input process. I look forward to a really exciting year to pull this together and implement the portions of the plan that we've again presented you with the final draft today. So hopefully that's clear and I'll be happy to answer any questions.

CHAIR VIGIL: Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Jack. When you talked about contractor assistance what amount of money are you talking about and for what particular responsibilities?

MR. KOLKMEYER: Madam Chair, Commissioner Stefanics, we're looking for somebody who can actually run the public process of it for us this time. In other words, all of the public meetings, to help us to evolve a suitable technology by the internet so that

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people can access it through the computers. It gets a little bit entangled for us, as you may recall, with the plan process where we have to facilitate the meetings. We think we did a pretty good job but we are no longer in – we can no longer put ourselves in a neutral position because we really have County points of view and perspectives, again, particularly related to the plan that we need to take forward. So their work would be to run all of the public meetings, discuss these concepts with the public and with you and to clarify them so that we have actual alternatives so if there's policy that then needs to be considered and directed prior to the adoption of the code then that would be very clear.

They would be primarily responsible for the public process and we're trying to keep it under \$20,000.

COMMISSIONER STEFANICS: Okay. Depending upon what you're expecting in the public process; if you're expecting there to be a give and take about the code, that's one type of contractor. If you're just expecting people to come and comment on written portions of the code, then you're really looking at a public hearing officer who just takes comment and gets it recorded and brings it back to the staff. So, I guess what I'm asking here is what's envisioned? Is it envisioned that sections of the code are going to go out to the public at a time? Is it – what's the vision?

MR. KOLKMEYER: Madam Chair, Commissioner, the vision first of all is to go back and as we said look at certain conceptual decision points. Let's talk about family transfers for a moment. There's been a lot of controversy as to whether they're still valid, why we did them in the first place, how we might tweak them or change them. So that would be one thing that we would discuss in the public setting. This would be done by the facilitator and there would be give and take so that we could get feedback on what aspect of that might work. And when we get that information and that would also be vetted with the CDRC members and the BCC, we would discuss some of these points with you in a study session. And then when we say we need to change these six things about how we deal with family transfer right now, then that would go back up and be drafted into the code in some other manner than it is. It also might need policy direction from the Board.

COMMISSIONER STEFANICS: Madam Chair, I just want to make a comment. This is strictly myself and not reflecting the group. One of the comments that I heard from the public before is that it really was a luxury for those individuals who had the time to go a large amount of meetings. And that most working people in our community don't have that luxury. So that when we have these public meetings we really need to make them worthwhile, and, again, I am only speaking for myself, but to only go and deal with one topic won't really be a good use of someone's time. If I'm thinking of a mother and a father who have to get a babysitter and feed their kids before they come to an evening meeting, they want to get as much as they can from that evening meeting. They want to participate as fully as they can but not be asked to come back every month for the next six to twelve months. So, I'm just putting out that I think we should be cognizant that it was great that United Communities came together and that they really looked at every work but we have a lot of people out in the public who would like to participate in some way. Thank you.

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

COMMISSIONER ANAYA: Madam Chair, Jack, thanks. I wrote it down because I want to make it as explicit as I can because I've made a few comments before. The sooner more consistent and more ongoing input from the public the better as the plan is being developed not after the plan has been developed. I fully respected the role of the prior Commission and the decision, although I disagreed with the timeline, I fully respected the last Commission wanted to get the plan finished and wanted to adopt a plan and they did adopt it.

As a sitting Commissioner I would respectfully ask my four colleagues to my right and staff and the manager to reevaluate the game plan and to try and engage the public within your plan sooner. And, during the course of the discussion of the Growth Management Plan you noted a couple of things that were key points that were discussed throughout the County. You mentioned family transfers. You mentioned density. Those were concepts that were discussed but in every occasion that I was part of both in this chamber as well as out in the community, the comment was now is not the time to talk about those densities. These plans don't talk about the density. That will be an item for the code. Within the family transfer item, that's not an item that we should engage and talk about in the plan. Those are items that we're going to talk about in the code itself. Those are two examples and if I thought about it a few more minutes I could probably come up with at least four more.

So, given that point, I would ask once again, my colleagues to my right and staff including the manager to consider maybe what Commissioner Stefanics just said taking segments of the code providing the draft and then putting that out to the public through this process that you mentioned, getting that back and then moving potentially section by section which is in some ways kind of what was represented that there would be an opportunity afforded for constant and continuous feedback. So, I respectfully ask you, all of you, my colleagues, yourself and the manager to consider that because that is something that was publicly conveyed and that I constantly have publicly conveyed to the constituents in my district in particular. So with that I would ask you to mull that over and then provide some feedback on that specific request.

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

COMMISSIONER HOLIAN: Thank you, Madam Chair. Jack, first of all thank you for your hard work and this looks like a pretty good process. Now my understanding is that by putting in the online accessibility for the discussion that people will be able to participate in the discussion without actually being present at a meeting; is that correct?

MR. KOLKMEYER: Madam Chair, Commissioner Holian, yes. We're not sure how we're going to be able to do that and that's why we need about a month or so to be able to get started here because that will allow people who can't make the meetings to actually do it on line by their computer. We hope to have a lot more engagement by being able to do it that way. Because it is difficult to be able to attend a meeting and we understand that. We're trying to find some ways to do it through the internet. But, also, everybody doesn't have a computer and that then is a whole other issue. But we think if we try to attack

this from as many different angles as we can we can get the best participation that we can. So that is the idea that people could actually follow the meeting via their computer about what's going on and even be able to give us information during those meetings.

COMMISSIONER HOLIAN: Okay, and then on the whole decision point process do you envision that you will bring issues to us one at a time or all together or maybe in bunches?

MR. KOLKMEYER: Madam Chair, Commissioner, bunches is probably the best description and given what Commissioner Stefanics said if we do things one at a time it will take us forever again. We think that there's going to be groupings of certain things relative to examples of density and specific land uses and we can put those things together and deal with them in either a series of meetings or in a specific period of time. But we're not going to really know that until we get started. As Commissioner Anaya said we could probably name 20 of the things that you brought up. We're going to need to make sure that we can categorize them in a way that is understandable for everybody and efficient for us so that we can move through them but have the kind of discussion that everybody is expecting at this point.

COMMISSIONER HOLIAN: And, then, Chair, I would just like to make one more comment. I think that it is important for us to keep the discussion at the level of actually looking at the issue and not getting bogged down in the actual words that are being written down because the way I see a code is that it is something that is drafted by our County attorney or that it is a legal document that has to be able to stand up in court. I want to, if at all possible, avoid people getting obsessed with wordsmithing in the document and to really concentrate on this as the issue that we're trying to solve, and how do we solve it, and what are the decision points, and what are our various options. That's just a comment I wanted to make.

MR. KOLKMEYER: Commissioner Holian, you're exactly right because if we get bogged down into the wordsmithing again the meetings get tremendously tedious. However, we think that there needs to be a point at which that can occur to some extent but that's probably way toward the end of this public process that we'll have. If we deal with the concepts it does a number of things. It really helps everybody understand them first of all. And it helps us to be able to know how we need to try and implement that into code. So we think we need to do a little bit of both but we think right now it seems to be heavier on the concept to make sure everybody understands what the concepts are and the issues and the problems and then the alternatives as well. We'll focus on that with some opportunities to be engaged in what the code actually says in its language and how it is structured.

COMMISSIONER HOLIAN: Great, thank you. I fully agree with that.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Jack, could I have a copy later of your presentation that kind of shows the roll out?

MR. KOLKMEYER: Certainly, I'll leave you one before I go.

COMMISSIONER MAYFIELD: Thank you. Also, how much of the code

has already been at least developed in draft form for public input?

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, I can't really answer that because I haven't been working with the Code Draft Team. But they have been working on sections for about a month and a half now in diligence in terms of trying to get it structured for the Technical Review Team and I don't have an update on what chapters have been completed if any or what the status of that might be at this point.

MS. MILLER: Madam Chair, Commissioner, I'll say none. From the standpoint of drafts, there are a lot of draft, but the whole issue is making sure that the document that has been drafted conforms to the plan and has the technical review before it is put out for the public. Otherwise it is putting something out that wouldn't even remotely be adopted at this point because it isn't consistent with the plan and because it hasn't had a technical review would really just be inviting a lot of debate over a non issue. So if we had something ready for public review we would put it forward but there is nothing ready at this point.

COMMISSIONER MAYFIELD: Thank you, and Jack on that point with Manager Miller your team will you start then, are you going to get the draft from I guess legal from the draft team and you guys are going to look at it for technical review because my thought is that you should be part of that initial draft team.

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, personally, as the Land Use Administrator I'll be involved in all three portions but from the Growth Management Department, Robert Griego is our planning manager and is directly involved in the daily discussions and drafting with legal. And then when it goes to the Technical Review Team there will be a lot of as staff and I'll be involved in that portion as well. And then also my staff will be working with the public review process as well. So we'll be involved in all of the tiers.

COMMISSIONER MAYFIELD: And then, Madam Chair and Jack, or I don't know if this is a question for Mr. Ross, during the development of the SGMP there were questions as far as some of it being established and I was looking for the ordinance and resolution, if somebody could help me in that, that it needs to be done in Spanish also; am I incorrect on that?

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, yes, there was. There was a little bit of a misunderstanding at that particular meeting. Part of it was that there was a comment that the whole growth management plan wasn't in Spanish. That would be very difficult for us to do and we haven't talked about that since that meeting. To do the code in Spanish would also be a rather large undertaking but when that came up what wasn't clear is that we translated quite a few part of the plan into Spanish and had even had some meetings set up to be conducted in Spanish. I think the last one was when it snowed and we didn't do that. But if you go down to the Planning Department we have at least six to eight documents that were prior to those comments already translated into Spanish. I think maybe the best way to proceed with this is at we get to these decision points and we have discussions on them publicly, those may be the sections that we want to have translated into

Spanish and we have the staff that is capable of doing that. So rather than making that a piece of work for the facilitator we'll probably handle that in-house with our Spanish capability. We also have Sam Adelo still under contract so he can help us out.

But that may be the better way to sort of start anyway to find out where we are for these really difficult things like family transfers which a lot of people who are Spanish speakers particularly like in your district might want to have that in Spanish, we'll make that available for them.

COMMISSIONER MAYFIELD: And, Madam Chair and Commissioners, again, I haven't seen that resolution so if somebody could direct me to that I believe Chairwoman Vigil was a champion to sponsor that. But at least on the onset when we're going to put these out asking for public opinion if we could at least have that initial dialogue communicated in Spanish through the PA announcements or over the radio or else from some other material for folks I would appreciate that.

CHAIR VIGIL: Okay, are there any further questions?

COMMISSIONER STEFANICS: Commissioner Anaya was first.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Jack, if we could be part of that first round draft us five Commissioners in getting that information sooner rather than later even if it's something that you're not ready to fully divulge to the public I would like to be part of that process and discussion of what those discussions are occurring and what's been drafted thus far. Madam Chair, thanks.

MR. KOLKMEYER: Absolutely .

CHAIR VIGIL: Anything to add, Jack?

MR. KOLKMEYER: No, Madam Chair, that's it. We just look forward to working on this with you again. It's going to be lively year in terms of the code and we look forward to working with all of you. Thank you.

CHAIR VIGIL: Thank you very much, Mr. Kolkmeier. Ms. Miller is there anything else?

MS. MILLER: Madam Chair, no, that's all the items, thank you.

E. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation 7**
- b. Limited personnel issues 2**

Commissioner Holian moved to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 2) to discuss the matters delineated above. Commissioner Stefanics seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Mayfield and Vigil all voting in the affirmative.

[The Commission met in executive session from 4:40 to 6:15.]

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

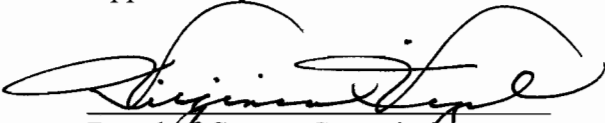
Commissioner Holian identified the following individuals as present in Executive Session: the five Commissioners, County Attorney, Deputy County Attorney, Deputy County Manager, and County Manager.

XIV ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 6:15 p.m.




Approved by:


Board of County Commissioners
Virginia Vigil, Chairwoman


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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

SFC CLERK RECORDED 02/24/2011

I would like to say thank you to all the Commissioners for examining this
**SUPPORTING THE BANNING OF INHUMANE ANIMAL TRAPPING ON NM PUBLIC
LANDS THROUGH THE USE OF STEEL-JAW TRAPS, KILL-TYPE TRAPS, SNARE
TRAPS AND ANY MODIFIED VERSION OF SUCH TRAPS**

Trapping on public lands is just becoming an issue for residents of New Mexico because most don't know that unlimited trapping is still legal on most public lands in our state or that steel-jaw traps, snares and lethal traps are still allowed. I'll try and summarize why citizens' resolutions like this have been passed by councilors and commissioners in Dona Ana County, Silver City, Las Cruces, Mesilla, Reserve and elsewhere in NM in the past several months.

1. First, steel jaw leg-hold traps, body gripping traps and strangulation snares are antiquated, indiscriminate and are considered inhumane in many states and have been banned in Arizona, Colorado, Washington, California as well as Massachusetts, New Jersey, Rhode Island and Florida. They are also banned in 89 countries.

2. The first rule in hunting is "be sure of your target." Traps are hidden and don't discriminate between target or non-target species, males, females, juveniles, wild or domestic animals. Trapping is responsible for thousands of injuries and deaths of non-target wildlife, dogs, cats and other domestic pets, along with injuries to the owners who try to free them. Trapping with non-selective traps, is a leading cause for the decline of all species of furbearing animals in the US.

3. New Mexico allows trapping every day of the year on national forests, BLM land and other public lands. There are no seasons and no bag limits. There is no supervision of traps to see if they are properly placed or if the trapped animals have been released.

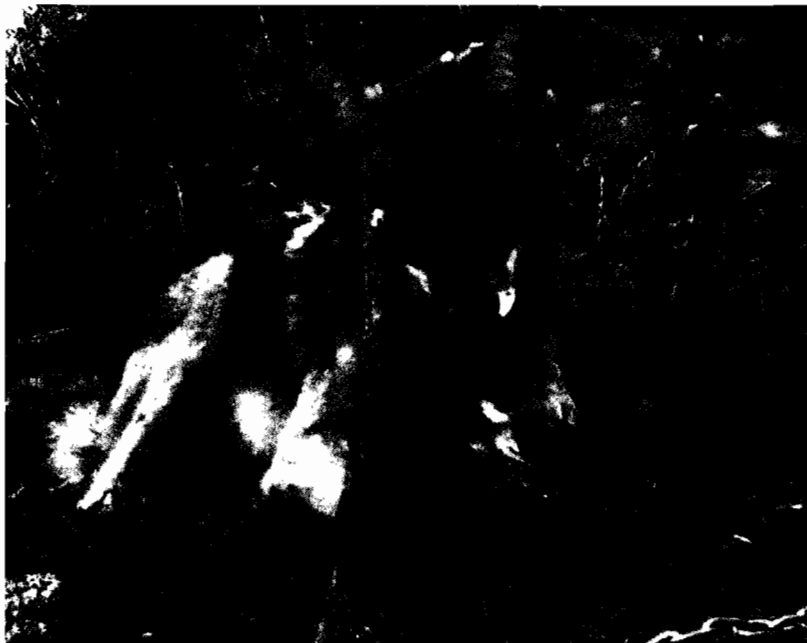


Photo taken February 18, 2011 by group of local hikers outside Winston, NM

Backpackers have reported being told to "Get Off" public land by trappers because they are trapping there. Groups on outings have been told that there are dozens of hidden traps where they are headed and that it's "their fault" if they get hurt. Hikers have come across trapped wildlife that have been left so long in a trap that they have chewed off the trapped limb in order to get free. These antiquated traps are unnecessarily cruel, dangerous to anyone in their vicinity and still widely used in our state.

Finally, traps are frequently placed near trails, campgrounds and water sources. Legally, traps may be hidden 25 yards from a trail, 50 yards from a water source, and ¼ mile from rest stops, picnic areas, public campgrounds, boat launch areas and dwellings. It takes a child or a pet a few minutes to wander that far to explore something. Trappers are not required to post any sign that traps are there.

I've been a kindergarten teacher in Santa Fe for 16 years and with teachers and parents have taken groups of up to 60 children at a time into the SF National Forest on hikes and field trips. All of us were completely unaware that traps capable of crushing a foot or leg could be hidden so close to public campgrounds, trails and water. My family and friends have hiked, photographed wildlife and camped in the Ojito Wilderness, Carson NF and in the Black Range and not known these types of traps were permitted there. Estimates from interviews with trappers in Animal Welfare Institute Quarterly are that each trapper can routinely catch over 50 cats and dogs in their traps each year along with many prohibited species like ducks, herons, owls, quail, javelina, bear, deer and coatis. The disappearance of these animals is usually blamed on coyotes. Accurate yearly statistics on trapping are hard to come by.

NM Game & Fish reports that only 28% of trappers have filed their mandatory harvest reports for this past year. However, in 2004 they reported that there were 767 trappers in NM that trapped 7,344 target animals and killed an unknown number of non-target animals. At the same time, there were 449,000 New Mexicans that were identified as "wildlife watchers" and 387,000 tourists that visited New Mexico with wildlife viewing listed as a primary reason for coming. Each trapper paid the state \$20 for the unlimited license to trap and an estimated \$670,000 (or less than \$875 per trapper) was generated through the purchase of equipment and the sale of pelts. By comparison, almost a BILLION dollars was generated in New Mexico by wildlife watching. A 2005 Research & Polling Survey commissioned by the local Sierra Club chapter, reported 63% of New Mexicans supported the banning of "leg-hold, snare or lethal traps on public lands in NM."

If trapping is going to be allowed in our state that strongly supports and benefits from the viewing and enjoyment of wild animals alive in the wild, then at the very least inhumane traps should be banned, animal suffering prevented and public safety on our public lands improved.

Teresa Seamster
104 Vaquero Road
Santa Fe, NM 87508

2004 Trapping, Wildlife, and Tourism Statistics (New Mexico Game & Fish)

- 767 estimated trappers in New Mexico (95% in-state)
- 7,344 target animals trapped (by-catch unknown)
- \$671,000 generated by trapping (licenses, equipment, pelt sales)
- 449,000 New Mexicans wildlife-watch
- 387,000 tourists visit New Mexico to wildlife-watch
- \$931,500,000 generated by wildlife-watching in New Mexico

Target Wildlife Legally Trapped: Badgers, Beaver, Bobcats, Coyote, Fox (Gray, Kit, Red, Swift), Muskrat, Nutria, Raccoon, Ringtail, Skunk (Spotted, Striped), Weasel(s)

Non-Target Animals Trapped include: Black Bears, Birds, Cats (domestic), Coati, Deer, Dogs (domestic), Javelina, Mountain Lions, Skunk (hooded and hog-nosed), Squirrels

New Mexico Trapping Regulations

Traps may be encountered year-round. There are no bag limits, trap limits, or game units. Trapping is allowed anywhere on public lands outside 25 yards of a public hiking trail or road; 50 yards of a livestock/wildlife watering area; one-quarter mile of dwelling, public campground, rest, picnic, or boat-launching area (*Exceptions: No trapping Los Alamos county; Rio Grande recreation area in Taos County; Valle Vidal; McGregor military range unit 28; Valles Caldera unit 6*).

State law requires that traps be checked every 24 hours by the trapper. Traps must be marked either with the trapper's name and address or a trapper ID number. The location of traps is not shared with Game & Fish wardens, nor is there any requirement that trappers post signs on public lands to inform the public of where traps are located to protect their pets and children.

New Mexico Trapping Survey, 2005

Poll conducted by Research & Polling, Inc.

Trapping on public lands has not been a hotly debated issue among the general population of voters in New Mexico. In fact, just 41% of voters statewide are aware that trapping is actually legal on public lands in New Mexico. Many voters (33%) believe trapping is illegal, while the rest are unsure (26%). Respondents were informed that trapping is legal on public lands in New Mexico and given a brief description of the different types of traps that are commonly used, as well as the rules trappers are supposed to follow.

Voters were also read some of the arguments that supporters have given to ban leg-hold, snare and lethal traps on public lands in New Mexico and arguments opponents to such a ban have given. Voters were then asked if they would support or oppose banning these types of traps on public lands in New Mexico. Overall, 63% of voters statewide say they either *strongly support* (41%) or *somewhat support* (22%) placing a ban on leg-hold, snare and lethal traps on public lands, while 22% are opposed to such a ban. Support for banning trapping is strongest among female and Anglo voters as well as those who participate in outdoor activities such as backpacking, bird/animal watching, and hiking.

A random sample of registered voters statewide was interviewed by telephone. Telephone numbers were generated from the Research & Polling, Inc. database. All interviews were conducted between August 16th and August 24th, 2005. A total of 398 registered voters statewide completed interviews, along with an oversample of 155 registered voters in Grant County. Thus, a total of 553 telephone interviews were completed.



Fur-Free Century™ is a consumer-driven, activist-oriented campaign designed to bring an end to the use of animal fur in the new century.

Materials Available from The HSUS

Trapping—The Inside Story
Caged Fur—The Inside Story
The Chart of Death
Flyer for Activists
The Decline of the Fur Fashion Industry

**THE HUMANE SOCIETY
OF THE UNITED STATES**

2100 L Street, NW, Washington, DC 20037
202-452-1100 • Internet: www.hsus.org

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SFC CLERK RECORDED 04/04/2011

Trapping *The Inside Story*



SAP/JANE CARO

Four million wild animals are killed in the United States each year by 160,000 part-time trappers supplying pelts to the fashion industry. A decade ago the situation was even worse: seventeen million wild fur-bearing animals were killed by 300,000 trappers. Urban sprawl and the public's revulsion to trapping and wearing fur are responsible for the decline.

Still, four million animals trapped for fashion is four million too many; it's a fact that puts the United States among the top three producers (along with Canada and Russia) of wild-caught animal pelts.

The Humane Society of the United States (HSUS) is strongly opposed to the commercial and recreational trapping of wild animals for their fur. Trapping uses inhumane devices to inflict pain and suffering on animals.

coyotes, raccoons, and other fur-bearing animals. The trap's two spring-powered, metal jaws slam shut when an animal steps on its trigger. Both the American Veterinary Medical Association (AVMA) and the American Animal Hospital Association have declared the steel-jaw leghold trap to be inhumane, yet it continues to be the most commonly used trap in the United States.

What does it do to the animal? Animals caught by the heavy steel jaws of the leghold trap suffer excruciating pain on impact; the trap can tear the flesh, cut tendons and ligaments, and break bones. When the animals struggle to free themselves, they aggravate their injuries. A trapped animal often chews or twists off the limb caught in the trap in an effort to escape—29 percent of the raccoons observed in one study did this. Some traps have "teeth" on the jaws, which add to the physical trauma.

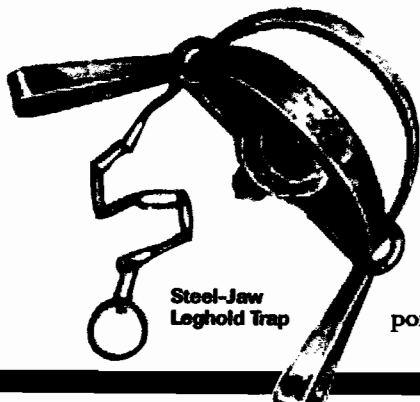
Trapped animals may struggle in pain for days. Dehydration, blood loss, hypothermia, and predation by other animals may claim their lives before the trapper returns. Standard methods of killing trapped animals in-

Beavers caught underwater in a leghold trap take ten minutes to die from lack of oxygen.

THE MOST COMMON TRAPS

The Steel-Jaw Leghold Trap

What is it? The steel-jaw leghold trap is a cruel, antiquated device designed to capture and hold an animal by a limb so as not to damage the pelt. Also called a foothold or restraining trap by its proponents, this trap is used to capture foxes,



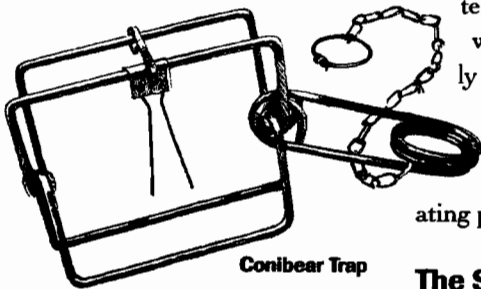
Steel-Jaw Leghold Trap

The steel-jaw leghold trap can tear the flesh, cut tendons and ligaments, and break bones.



PHOTOGRAPH BY RANDALL

In one study an average of 10.8 nontarget animals were trapped for each trapped target animal (coyotes).



Conibear Trap

It can take a beaver more than six minutes to die in a body-gripping trap on land and up to nine minutes underwater.

clude clubbing with a shovel or metal pipe and standing on the chest to cause suffocation. A number of state-issued trapping manuals aimed at young and novice trappers recommend these techniques.

Leghold traps are also set underwater or set so that the animal is pulled underwater. Traps set this way are referred to as *drowning sets*. The animals—mostly minks, muskrats, beavers, raccoons, and otters—struggle for several minutes before they die. The AVMA has declared death by drowning to be inhumane.

The Body-Crushing Trap

What is it? The body-crushing trap, also called a body-gripping or Conibear® trap, is used to trap beavers and muskrats underwater and martens, fishers, raccoons, and other fur-bearing animals on land. These traps are made of two metal rectangular jaws hinged at the sides with a spring affixed to one or both sides. When an animal walks or swims through the center of the rectangles and brushes up against the trigger, the trap's jaws close with a scissor-like action on the animal's body.

What does it do to the animal? It is designed to snap shut on the spinal column at the base of the skull for a "quick kill." However, the trap often misses this vital spot or does not close with enough force to kill the animal instantly or even render the animal unconscious. The trap's jaws frequently clamp down on the chest or pelvis, crushing bones, blood vessels, and nerves and causing excruciating pain and a prolonged death.

The Snare

What is it? Snares are the most primitive, indiscriminate, and inhumane traps used legally in the United States. A snare is simply a wire noose attached at one end to a stake or anchor; it catches an animal either by the neck, midsection of the body, or foot. Most snares today are made by the trappers themselves, either from wire or airplane cable. Snares are cheap, easy to make, easy to transport, easy to abandon in bad weather, and easy to replace if stolen or damaged.

What does it do to the animal? As a trapped animal struggles, the snare tightens. With leghold traps, animals caught in leg snares often injure themselves further as they struggle. Neck/body snares strangle their victims or crush their vital organs, leading to an agonizing and often prolonged death. These traps are particularly cruel to their primary targets—coyotes, foxes, and wolves—because the significant constriction around these animals' tracheas and common carotid arteries slows death.

PROBLEMS WITH TRAPPING

Traps Are Indiscriminate

Each year traps in the United States injure or kill millions of "nontarget" animals—domestic dogs and cats, rabbits, deer, songbirds, raptors, livestock, and even endangered species. According to a former professional trapper, at least one nontarget animal are trapped for each target animal. Referred to as "trash" animals, nontarget wildlife often are simply thrown away. Injuries from leghold traps are often so severe that the injured limb of a trapped companion animal must be amputated. Body-crushing traps, however, kill many of their unintended victims.

Trapping Is Poorly Regulated

Trapping is largely unregulated, and where restrictions do apply, they are poorly enforced. Most states require that a trap be checked every twenty-four hours, but eight states (Idaho, Montana, Nevada, Oregon, South Dakota, Washington, and Wyoming) allow a lapse of one or three days; five states (Alabama, Alaska, Kansas, Michigan, and North Dakota) have no trap-check requirements. It is not uncommon for an animal to be left in a trap for weeks because the trapper does not check the trap.



ROBERT BERRY

The jaws of a Conibear trap shut on the beaver's neck and face of a domestic dog.

few people trap full time; most trap in their spare time.) In most cases trappers do not leave identification on their traps, so trappers cannot be traced or fined for neglecting their traps. Many trapping regulations clearly benefit trappers. It is legal to set traps near schools, neighborhoods, and hiking trails, where they clearly are a safety hazard. In many states it is illegal to disturb a trap in any way, even to release a trapped dog or cat. Only fifteen states require any form of trapper education.

Trapping Does Not "Help" Wildlife

Supporters often claim trapping can be used for wildlife management and to control disease and "nuisance" wildlife. These claims are false.

Trapping is not wildlife management. It does not ensure stable, healthy wildlife populations. Trappers claim that they are simply "harvesting" those animals who would die anyhow. However, natural ecological factors such as weather and food supply, as well as wild animals' innate ability to limit their populations through natural means, are sufficient to create a balance between wildlife populations and their habitats. Nonetheless, trappers are permitted in some states to catch some species, such as the lynx and river otter, whose populations are low.

Moreover, there is some indication that healthy animals—who are more active than diseased or otherwise weak animals—are more likely to be caught by traps. Thus, trapping is harmful to animal populations because it removes healthy animals and leaves behind those who are sick.

Trapping does not control disease. It has never been shown to suppress rabies and may in fact actually facilitate the spread of the disease. Studies show that when trappers reduce the number of animals in an area, other animals fight to establish territories in that area, and fighting spreads disease. In addition, the World Health Organization and the Centers for Disease Con-

trol and Prevention do not support trapping as a form of disease control. The best way for humans to protect themselves against rabies is to make sure their companion animals are vaccinated and to use reasonable caution around wildlife.

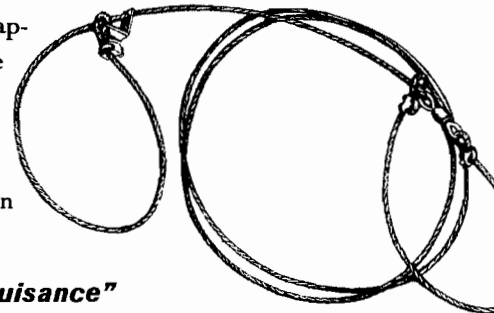
Trapping does not control "nuisance" wildlife. As the human population expands into wildlife habitats, our encounters with wildlife become more frequent. Tolerance and understanding for the animal members of our communities should be our guides in solving problems between humans and wildlife. Many types of nonlethal humane solutions are available; animal-proof trash containers, chimney caps, hardware cloth, one-way doors, and scare balloons are just a few. The indiscriminate nature of traps makes them dangerous to use in urban and suburban areas.

THE FUTURE OF TRAPPING

Trapping is truly a dying industry. Eighty-nine nations have already banned leghold traps, and a nationwide public opinion poll in 1996 found that 74 percent of Americans want leghold traps banned in the United States. Colorado, Florida, and Massachusetts ban both leghold and body-crushing traps. New Jersey bans the manufacture, use, and possession of legholds. Arizona prohibits snares and does not allow trapping on public lands, which make up 80 percent of the state. Oklahoma bans snares and body-crushing traps. Alabama, Connecticut, Hawaii, New York, Pennsylvania, Rhode Island, and Vermont prohibit snares.

YOU CAN HELP

- Don't buy clothing made of fur, lined with fur, or trimmed with fur. Don't buy fur toys or fur decorations.
- Solve wildlife conflicts in a humane manner. Encourage others to do the same.
- Urge your elected officials to support trap bans or restrictions in your state or community.



Snare

Animals killed in neck snares are often referred to as "jelly-heads" because of the thick, bloody lymph fluid that swells their heads and necks.

The fur trade has nearly caused the extinction of fishers, martens, and several species of wild cats.



LEON HEBRELY

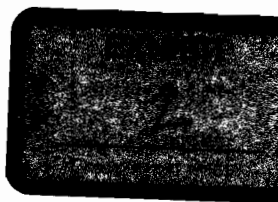
The steel-jaw leghold trap was declared inhumane by the American Veterinary Medical Association.

SFC DEER PHOTOGRAPHY

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3




Katherine Miller
County Manager

MEMORANDUM

DATE: February 22, 2011

TO: Board of County Commissioners

FROM: Juan Rios, Constituent Services Liaison 

VIA: Katherine Miller, County Manager

SUBJECT: A resolution to create a web-based county sunshine public information portal that provides public access to county government public information; providing for the development, operation and maintenance of the county sunshine portal.

ISSUE:

Presented for consideration by Commissioner Daniel Mayfield on February 22, 2011 during the regular session of the Board of Santa Fe County Commissioners is Item XI., C. "A resolution to create a web-based county sunshine public information portal that provides public access to county government budgets, contracts, expenditures, revenue, employee data and other public information; providing for the development, operation and maintenance of the county sunshine portal."

The County's Sunshine Portal will be the official transparency and accountability portal for Santa Fe county government. This portal will provide the public access to county government public information regarding county government spending, budgets, revenues, employees, contracts and more.

REQUESTED ACTION:

Commissioner Mayfield respectfully requests the Board of Santa Fe County Commissioners support and approval of this resolution.

SFC CLERK RECORDED 04/04/2011

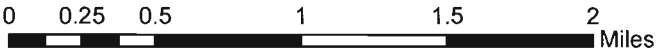
Santa Fe River Greenway

SANTA FE COUNTY OPEN SPACE

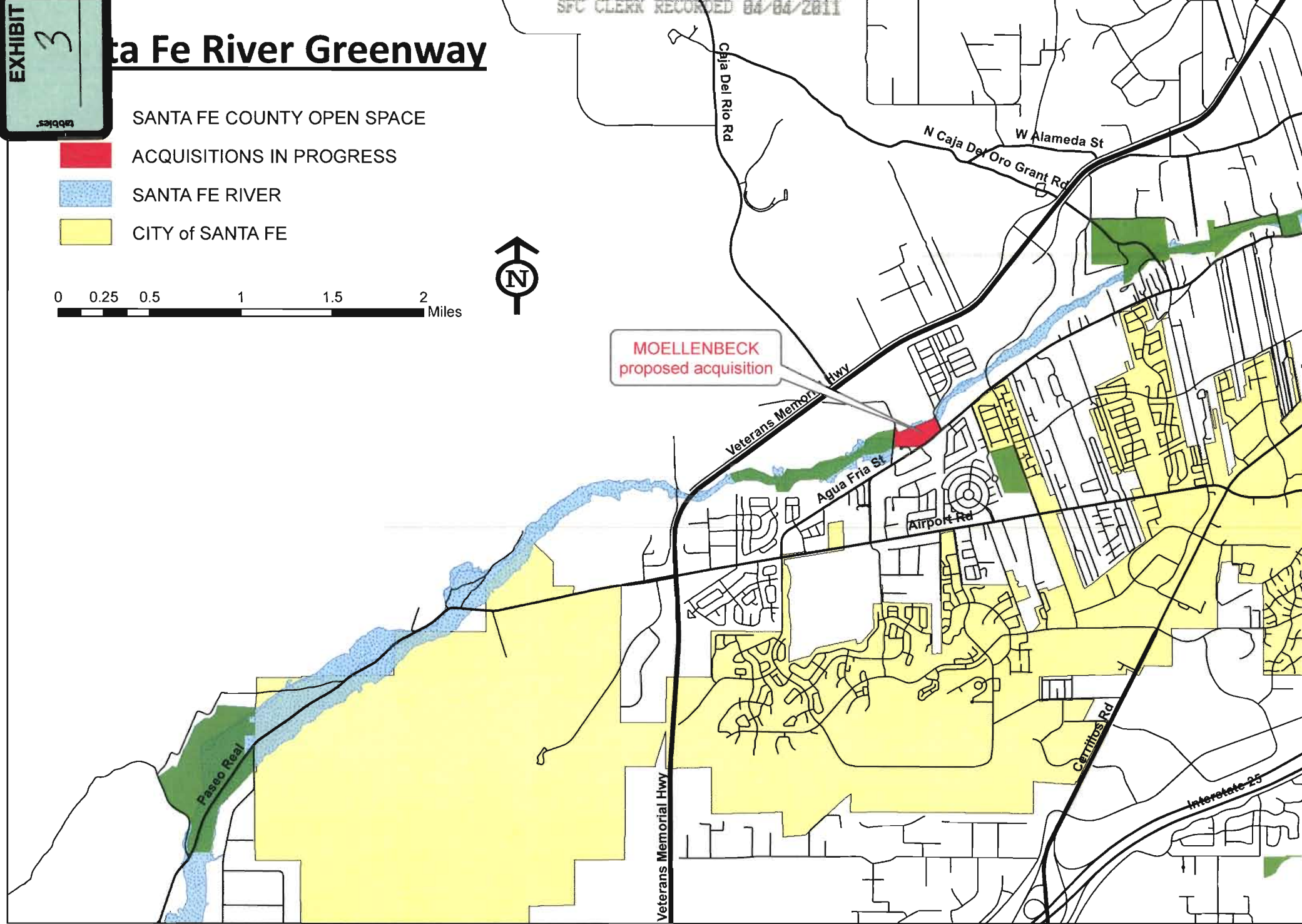
ACQUISITIONS IN PROGRESS

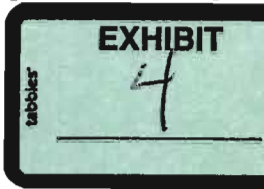
SANTA FE RIVER

CITY of SANTA FE



MOELLENBECK
proposed acquisition





PRIORITY SUBJECTS (LISTED ALPHABETICALLY)

AFFORDABLE HOUSING

SB177, HB441

Bill: SB177
Sponsors: Ortiz y Pino (D12); Papen (D38); Lopez (D11)
Title: MUNICIPAL AND COUNTY AFFORDABLE HOUSING ACT
Summary: Enables municipalities and counties to provide housing assistance grants pursuant to ordinance to qualifying grantees. Allows imposition, subject to referendum, of a property tax rate up to \$2/\$1,000 in net taxable valuation to support affordable housing for eight years.
Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/03/2011 – Senate Finance Committee
History: 01/20/2011—S Introduced and referred to Senate Corporations & Transportation.
01/20/2011—S Also referred to Senate Finance.
02/03/2011—S Reported Do Pass as amended by Senate Corporations & Transportation.

PASSED ONE SENATE COMM. NEXT COMM NOT SCHEDULED.

Bill: HB441
Sponsors: Gutierrez (D33)
Title: EXPANDING THE DEFINITION OF AFFORDABLE HOUSING
Summary: As used in the Development Fees Act, defines “affordable housing” to mean any housing built primarily to benefit persons of low or moderate income (current law specifies that affordable housing must be built for those persons whose income is at or below 80 percent of the area median income; this bill provides the possibility that some part of a development can be dedicated to persons whose income is above this threshold).
Subjects: Human Services; Land, Housing and Real Estate
Progress: 1st House: Referred to Committee
Status: 02/10/2011 – House Health and Government Affairs Committee
History: 02/10/2011—H Introduced and referred to House Health & Government Affairs.
02/10/2011—H Also referred to House Consumer & Public Affairs.
Scheduled: 02/24/2011—House Health and Government Affairs Committee, 8:30 a.m., Room 309
Meetings: HHGAC Committee Meeting On 02/24/2011 8:30 a.m., Room 309

SCHEDULED FOR FIRST SENATE COMM.

CORRECTIONS

SB463, SB465, HB347

Bill: SB463
Sponsors: Lopez (D11)
Title: CITY AND COUNTY JAIL INSPECTIONS
Summary: (Identical to HB426) Proposes to repeal Sec. 33-3-4, a statute dating from 1865 that requires the governing bodies of municipalities and counties to inspect jails under their jurisdiction at least twice a year and report to the local district court.
Subjects: County Affairs; Municipalities/City Government; Public Safety and Corrections; Courts and Civil Matters
Related: 2011:HB426
Progress: 1st House: Referred to Committee
Status: 02/09/2011 – Senate Public Affairs Committee
History: 02/09/2011—S Introduced and referred to Senate Public Affairs.
02/09/2011—S Also referred to Senate Judiciary.

NO COMMS SCHEDULED.

SFC CLERK RECORDED BA/BA/2811

Bill: SB465
Sponsors: Lopez (D11)
Title: LOCAL GOVERNMENT CORRECTIONS FUND
Summary: Provides that the Local Government Corrections Fund would now be distributed only to counties, meaning that the City of Albuquerque would no longer receive a distribution. Increases the Metropolitan Court corrections fee, applicable only to Bernalillo County, from S10 to S20.
Subjects: County Affairs; Courts and Civil Matters; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 02/09/2011 – Senate Judiciary Committee
History: 02/09/2011—S Introduced and referred to Senate Judiciary.
02/09/2011—S Also referred to Senate Finance.
Scheduled: 02/23/2011—Senate Judiciary Committee, 2:30 p.m. or 1/2 hr. after floor session, Room 321
SCHEDULED FOR FIRST SENATE COMM.

Bill: HB347
Sponsors: Miera (D11); O'Neill (D15)
Title: MODIFICATIONS OF JUVENILE DETENTION REQUIREMENTS
Summary: Modifies existing statutes pertaining to juvenile detention, including detention options in adult facilities, hearing requirements, warrants for technical probation violations and reporting requirements.
Subjects: Family and Juveniles; Public Safety and Corrections; State Affairs and State Agencies; County Affairs; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 02/04/2011 – House Consumer and Public Affairs Committee
History: 02/04/2011—H Introduced and referred to House Consumer & Public Affairs.
02/04/2011—H Also referred to House Judiciary.
NO COMMS SCHEDULED.

E-911 TRANSFER TO DPS

HB54

Bill: HB54
Sponsors: Varela (D48)
Title: HOMELAND SECURITY, EMERGENCY MANAGEMENT SERVICES AND FIRE MARSHAL TO DPS
Summary: (For the Government Restructuring Task Force) A reorganization and substantive law measure that consolidates state homeland security and emergency management functions in the Department of Public Safety (DPS) effective July 1, 2011. Three new divisions are created in DPS: the Homeland Security and Emergency Management Division, the Fire Marshal Division and the Enhanced 911 Division. Personnel, equipment, appropriations, records and other property of the entities now responsible for these functions are transferred to DPS.
Subjects: Public Safety and Corrections; State Affairs and State Agencies; County Affairs; Municipalities/City Government; Health and Medical Practice; Indians; Information Technology; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/17/2011 – House Appropriations and Finance Committee
History: 01/11/2011—H Pre-filed in the House.
01/19/2011—H Introduced and referred to House Health & Government Affairs.
01/19/2011—H Also referred to House Taxation & Revenue.
01/19/2011—H Also referred to House Appropriations & Finance.
02/01/2011—H Reported Do Pass as amended by House Health & Government Affairs.
02/17/2011—H Reported Do Pass as amended by House Taxation & Revenue.
Meetings: HHGAC Committee Meeting On 02/01/2011 8:30 a.m., Room 309
HTRC Committee Meeting On 02/04/2011 1:30 p.m., Room 317
PASSED TWO HOUSE COMMS.

ENERGY CONSERVATION BONDS

SB266, SB431, 461

SFC CLERK RECORDED 02/24/2011

Bill: SB266
Sponsors: Wirth (D25)
Title: ENERGY CONSERVATION BONDS ✓
Summary: Proposes a process for allocating and issuing qualified energy conservation bonds pursuant to Section 54D of the federal Internal Revenue Code.
Subjects: County Affairs; Municipalities/City Government; Energy Resources and Chemicals
Progress: 1st House: Referred to Committee
Status: 02/18/2011 – Senate Finance Committee
History: 01/25/2011—S Introduced and referred to Senate Conservation.
01/25/2011—S Also referred to Senate Finance.
02/18/2011—S Reported Do Pass by Senate Conservation.
PASSED ONE SENATE COMM. NEXT COMM NOT SCHEDULED.

Bill: SB431
Sponsors: Munoz (D4)
Title: RENEWABLE ENERGY FOR COUNTIES
Summary: (Identical to HB284) Expands the purposes for which revenues derived from the County Environmental Services Gross Receipts tax may be used to include renewable energy facilities and systems.
Subjects: Environment and Pollution; County Affairs
Related: 2011:HB284
Progress: 1st House: Referred to Committee
Status: 02/08/2011 – Senate Conservation Committee
History: 02/08/2011—S Introduced and referred to Senate Conservation.
02/08/2011—S Also referred to Senate Finance.
NO COMMS SCHEDULED.

Bill: HB461
Sponsors: Stewart (D21)
Title: EXPANDING AND INCREASING ENERGY EFFICIENCY AND RENEWABLE ENERGY BONDS
Summary: Amends the Energy Efficiency and Renewable Energy Bonding Act to extend its provisions to include municipalities and counties and to increase the maximum amount of outstanding energy efficiency bonds from \$20 million to \$150 million.
Subjects: Energy Resources and Chemicals; County Affairs; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 02/11/2011 – House Consumer and Public Affairs Committee
History: 02/11/2011—H Introduced and referred to House Consumer & Public Affairs.
02/11/2011—H Also referred to House Taxation & Revenue.
NO COMMS SCHEDULED.

FILM INITIATIVES

SB44, SB169, SB455, SJM16, SJM15, SB568, SB555, HB479 *nd*

Bill: SB44
Sponsors: Keller (D17)
Title: FILM PRODUCTION TAX CREDIT ACCOUNTABILITY
Summary: (For the Revenue Stabilization and Tax Policy Committee) Substantially overhauls the film production tax credit, mainly to measure effectiveness of the tax credit.
Subjects: Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Reported from Committees
Status: 02/21/2011 – Senate Calendar
History: 12/29/2010—S Pre-filed in the Senate.
01/18/2011—S Introduced and referred to Senate Corporations & Transportation.
01/18/2011—S Also referred to Senate Finance.
02/10/2011—S Reported Do Pass as amended by Senate Corporations & Transportation.
02/21/2011—S Reported Do Pass as amended by Senate Finance.
Scheduled: 02/22/2011—Senate Calendar, 10:30 a.m., Senate Chamber
SCHEDULED FOR SENATE FLOOR

FILED CLERK RECORDED 04/04/2011

Bill: SB169
Sponsors: Smith (D35)
Title: FILM TAX CREDIT CAPPED
Summary: Limits the maximum allowable film production tax credit for any film to \$2 million for production expenditures in New Mexico plus another \$2 million for postproduction expenditures in New Mexico after June 30, 2011. Also, in order for wages paid to qualify for the tax credit, the wages must be paid to a person who has been a New Mexico resident for at least six months previous to employment.
Subjects: Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 01/20/2011 – Senate Corporations and Transportation Committee
History: 01/20/2011—S Introduced and referred to Senate Corporations & Transportation.
 01/20/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SB455
Sponsors: Jennings (D32)
Title: LOCAL GOVERNING BODIES TO SHARE COST OF FILM PRODUCTION TAX CREDIT
Summary: Requires municipalities and counties with populations greater than 30,000 to share in the costs of the Film Production Tax Credit; authorizes reductions in certain distributions to those municipalities and counties; and limits the annual aggregate film production tax credit.
Subjects: Municipalities/City Government; Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/09/2011 – Senate Corporations and Transportation Committee
History: 02/09/2011—S Introduced and referred to Senate Corporations & Transportation.
 02/09/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SJM16
Sponsors: Griego (D39)
Title: EVALUATE THE NEW MEXICO FILM INCENTIVE PROGRAM
Summary: Requests the State Investment Council to evaluate the performance of the New Mexico Film Incentive Program, with particular emphasis on the loan component, and make recommendations for improvements and accountability measures to the appropriate legislative interim committee by December 2011.
Subjects: State Affairs and State Agencies; Cultural Affairs; Interim Studies and Interim Committees; Business, Manufacturing and Economic Development; Banks, Securities and Loans
Progress: 2nd House: Referred to Committee
Status: 02/16/2011 – House Business and Industry Committee
History: 02/03/2011—S Introduced and referred to Senate Rules.
 02/03/2011—S Also referred to Senate Corporations & Transportation.
 02/07/2011—S Reported Do Pass by Senate Rules.
 02/10/2011—S Reported Do Pass by Senate Corporations & Transportation.
 02/15/2011—S Opened for floor debate.
 02/15/2011—S Floor amendments failed Fla 1 (Boitano) 11-20.
 02/15/2011—S Passed Vote 28-0.
 02/16/2011—H Introduced and referred to House Business & Industry.

PASSED SENATE. HOUSE COMM NOT YET SCHEDULED.

Bill: SJM15
Sponsors: Griego (D39); Keller (D17)
Title: REVIEW FILM TAX CREDITS AND INVESTMENTS
Summary: Requests the New Mexico Legislative Council to appoint an Interim Film Investment Committee to review and analyze evidence of the advantages and disadvantages of the state's film tax credits and film investments, and make recommendations to the Governor and the Legislature by December 1, 2011, for revisions to existing policy.
Subjects: Cultural Affairs; Taxation and Fees; State Affairs and State Agencies; Interim Studies and Interim Committees
Progress: 2nd House: Referred to Committee
Status: 02/16/2011 – House Taxation and Revenue Committee
History: 01/31/2011—S Introduced and referred to Senate Rules.
 01/31/2011—S Also referred to Senate Corporations & Transportation.
 02/07/2011—S Reported Do Pass by Senate Rules.
 02/10/2011—S Reported Do Pass by Senate Corporations & Transportation.

02/15/2011—S Opened for floor debate.
 02/15/2011—S Floor amendments adopted Fla 1 (Payne) Voice Vote.
 02/15/2011—S Passed Vote 29-3.
 02/16/2011—H Introduced and referred to House Taxation & Revenue.

PASSED SENATE. HOUSE COMM NOT YET SCHEDULED.

Bill: SB568
Sponsors: Smith (D35); Jennings (D32)
Title: CAPS FILM PRODUCTION TAX CREDIT—MONEY TO RETIREE HEALTH CARE FUND
Summary: For the period July 2011 through June 2016, no more than an aggregate amount of \$45 million may be awarded in film production tax credits. If a film production company is otherwise eligible but may not receive a credit because of the limit, its claim will be moved to the head of list for the following year.
Subjects: Health and Medical Practice; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/17/2011 – Senate Education Committee
History: 02/17/2011—S Introduced and referred to Senate Education.
 02/17/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SB555
Sponsors: Rue (R23)
Title: REPORTING OF EXPENDITURES FOR FILM TAX CREDIT
Summary: Requires eligible film production companies seeking the film production tax credit (Sec. 7-2F-2) to report all direct production and postproduction expenses to the Film Division of the Economic Development Department.
Subjects: Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/17/2011 – Senate Corporations and Transportation Committee
History: 02/17/2011—S Introduced and referred to Senate Corporations & Transportation.
 02/17/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: HB19
Sponsors: Kintigh (R57)
Title: REPEALS FILM CREDIT
Summary: Repeals the film production tax credit, effective July 1, 2011. Also restricts investment of Severance Tax Permanent Fund balances in film projects in several ways. The amount investable is reduced from 6% of the Fund to 3%. Only loans at market rates of interest may be made; equity investments are no longer permitted. Investment Council continues to have approval authority.
Subjects: Business, Manufacturing and Economic Development; Banks, Securities and Loans; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 01/19/2011 – House Labor and Human Resources Committee
History: 12/17/2010—H Pre-filed in the House.
 01/19/2011—H Introduced and referred to House Labor & Human Resources.
 01/19/2011—H Also referred to House Taxation & Revenue.
Meetings: HLC Committee Meeting On 01/27/2011 1:30 p.m., Room 317

NO COMMS PASSED.

Bill: HB479
Sponsors: White (R20)
Title: REDUCING THE FILM PRODUCTION TAX CREDIT
Summary: Reduces the amount of the basic Film Production Tax Credit from 25 percent of eligible expenditures to 15 percent; for productions also receiving the federal New Markets Tax Credit, the amount of the state Film Production Tax Credit is reduced from 20 percent to 10 percent.
Subjects: Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/14/2011 – House Business and Industry Committee
History: 02/14/2011—H Introduced and referred to House Business & Industry.
 02/14/2011—H Also referred to House Taxation & Revenue.

NO COMMS SCHEDULED.

FIRE

SB201, HB395

Bill: SB201
Sponsors: Munoz (D4)
Title: LESS MUNICIPAL FIRE PROTECTION FOR RESIDENCES
Summary: Specifies that local fire prevention code ordinances may only be applied to use and maintenance of commercial buildings and must not include one- and two-family dwellings and multiple single-family dwellings such as townhouses. Prohibits municipalities and the Construction Industries Commission from requiring fire sprinklers in noncommercial dwellings. Specifies that State Fire Board rules shall not apply to noncommercial dwellings. Gives authority for administration and interpretation of construction-related sections of the fire prevention code to the chief building official of the authority having jurisdiction.
Subjects: Land, Housing and Real Estate; Public Safety and Corrections; Municipalities/City Government
Related: 2011:1B167
Progress: 1st House: Passed
Status: 02/21/2011 – Passed in the Senate
History: 01/20/2011—S Introduced and referred to Senate Corporations & Transportation.
01/20/2011—S Also referred to Senate Rules.
02/01/2011—S Reported Do Pass as amended by Senate Corporations & Transportation.
02/18/2011—S Reported Do Pass by Senate Rules.
02/21/2011—S Opened for floor debate.
02/21/2011—S Passed Vote 36-0.

PASSED SENATE. NO HOUSE COMMS SCHEDULED.

Bill: HB395
Sponsors: Miera (D11)
Title: EXPANDED JURISDICTION FOR FIRE DEPARTMENTS
Summary: Amends the Fire Protection Fund Law to authorize a municipal fire department to service an area adjacent and contiguous to its corporate limits but within the corporate limits of another municipality or a county, provided the other municipality or county consents to the service by resolution. Similarly authorizes counties to service areas adjacent to a county fire district but within a municipality. Requires plats showing the geographic boundaries of the additional areas to be serviced to be filed with and approved by the State Fire Marshal.
Subjects: County Affairs; Municipalities/City Government; Public Safety and Corrections; Appropriations
Progress: 1st House: Referred to Committee
Status: 02/21/2011 – House Appropriations and Finance Committee
History: 02/08/2011—H Introduced and referred to House Health & Government Affairs.
02/08/2011—H Also referred to House Appropriations & Finance.
02/21/2011—H Reported Do Pass as amended by House Health & Government Affairs.
Meetings: HHGAC Committee Meeting On 02/19/2011 9:00 a.m., Room 309
PASSED ONE SENATE COMM.

FRANCHISE FEES

HB269

Bill: HB269
Sponsors: Sandoval (D17); Gutierrez (D33)
Title: COUNTY FRANCHISE FEES
Summary: Enables counties to impose franchise fees similar to the manner in which municipalities impose them.
Subjects: Taxation and Fees; County Affairs; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 01/31/2011 – House Health and Government Affairs Committee
History: 01/31/2011—H Introduced and referred to House Health & Government Affairs.
01/31/2011—H Also referred to House Business & Industry.
Meetings: HHGAC Committee Meeting On 02/12/2011 9:00 a.m., Room 309
NO COMMS PASSED.

HOLD HARMLESS PROVISIONS

SB452

Bill: SB452
Sponsors: Smith (D35)
Title: PHASES OUT MUNICIPAL./COUNTY SAVE-HARMLESS DISTRIBUTION
Summary: Eliminates over ten years the state's distributions to municipalities and counties of amounts equivalent to what the municipalities and counties would have received had the gross receipts deductions at 7-9-92 (retail sales of food) and 7-9-93 (certain medical services) not been enacted in 2004. Cuts the amount of the make-up distribution by ten percent each July 1, beginning July 1, 2012 until it reaches zero on July 1, 2021.
Subjects: County Affairs; Municipalities/City Government; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/09/2011 – Senate Corporations and Transportation Committee
History: 02/09/2011—S Introduced and referred to Senate Corporations & Transportation.
02/09/2011—S Also referred to Senate Finance.
NO COMMS SCHEDULED.

IMMIGRATION

SB152, SB419, SB518, HB261, HB346, HB401

Bill: SB152
Sponsors: Martinez, Richard (D5)
Title: BANS STATE AND LOCAL AGENCIES FROM ENFORCING FEDERAL IMMIGRATION LAW
Summary: (For the Courts, Corrections and Justice Committee) Unless otherwise specifically required to do so, prohibits state and local law enforcement agencies from detecting or apprehending persons whose only violation of law is their presence in the United States.
Subjects: Public Safety and Corrections; State Affairs and State Agencies; County Affairs; Municipalities/City Government
Progress: 1st House: Reported from Committees
Status: 02/17/2011 – Senate Calendar
History: 01/20/2011—S Introduced and referred to Senate Public Affairs.
01/20/2011—S Also referred to Senate Judiciary.
02/04/2011—S Reported Do Pass by Senate Public Affairs.
02/17/2011—S Reported Do Pass by Senate Judiciary.
Scheduled: 02/22/2011—Senate Calendar, 10:30 a.m., Senate Chamber
PASSED TWO SENATE COMMS. SCHEDULED FOR SENATE.

Bill: SB419
Sponsors: Griego (D14)
Title: LAW ENFORCEMENT: INQUIRY INTO IMMIGRATION STATUS PROHIBITED
Summary: Prohibits a law enforcement agency or officer of the state or a political subdivision of the state from inquiring into a person's immigration status, or enforcing federal civil immigration laws. "Immigration status" means whether a person is a U.S. citizen or a citizen of any other country; whether a person has the legal right to reside or be present in the U.S.; or information pertaining to the time or manner of a person's entry into the U.S.
Subjects: Public Safety and Corrections; Criminal Code; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 02/07/2011 – Senate Public Affairs Committee
History: 02/07/2011—S Introduced and referred to Senate Public Affairs.
02/07/2011—S Also referred to Senate Judiciary.
NO COMMS SCHEDULED.

Bill: SB518
Sponsors: Ryan (R10)
Title: DRIVER'S LICENSES AND ID CARDS FOR FOREIGN NATIONALS
Summary: (Related to HB 447, HB 346, and HB 78) Limits issuance and duration of driver's license and ID cards issued to foreign nationals; provides for the cancellation of a driver's license issued without a social security number.
Subjects: State Affairs and State Agencies
Related: 2011:HB447; 2011:HB346; 2011:HB78
Progress: 1st House: Referred to Committee

Status: 02/15/2011 – Senate Public Affairs Committee
History: 02/15/2011—S Introduced and referred to Senate Public Affairs.
 02/15/2011—S Also referred to Senate Judiciary.

NO COMMS SCHEDULED.

Bill: HB261
Sponsors: Rehm (R31)
Title: LIMITED DRIVING PERMIT FOR UNDOCUMENTED FOREIGN NATIONALS
Summary: Prohibits the issuance of a driver's license to a person who is not a citizen of the United States and does not have valid documentation issued by the federal government authorizing the applicant's presence in the United States. However, sets out the conditions by which an undocumented foreign national may obtain a driver's permit, not a license.
Subjects: Transportation; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 01/31/2011 – House Labor and Human Resources Committee
History: 01/31/2011—H Introduced and referred to House Labor & Human Resources.
 01/31/2011—H Also referred to House Consumer & Public Affairs.
 01/31/2011—H Also referred to House Judiciary.
Meetings: HLC Committee Meeting On 02/10/2011 1:30 pm, Room 317
NO COMMS PASSED.

Bill: HB346
Sponsors: O'Neill (D15)
Title: ADDITIONAL ID REQUIREMENTS FOR DRIVER'S LICENSE FOR FOREIGN NATIONALS
Summary: In addition to a Social Security number, individual tax identification number or other document required as an acceptable substitute, an applicant for a driver's license must also present a proof of identity, two independent forms of proof of New Mexico residency and a declaration under penalty of perjury that the documents provided are genuine and accurate.
Subjects: Transportation; State Affairs and State Agencies; Criminal Code
Related: 2011:SB518; 2011:HIB447; 2011:HIB78
Progress: 1st House: Referred to Committee
Status: 02/04/2011 – House Consumer and Public Affairs Committee
History: 02/04/2011—H Introduced and referred to House Consumer & Public Affairs.
 02/04/2011—H Also referred to House Judiciary.
Meetings: HCPAC Committee Meeting On 02/19/2011 9:00 a.m., Room 317
NO COMMS PASSED.

Bill: HB401
Sponsors: Chavez, David (R7)
Title: GUEST DRIVER'S PERMIT FOR IMMIGRANTS
Summary: Amends the Motor Vehicle Code to authorize the Motor Vehicle Division to issue a guest driver's permit to an "undocumented guest," defined as a resident of New Mexico over 18 years old who has passed a drug and alcohol test; has not been convicted of a felony; is not a U.S. citizen and does not possess a Social Security card or valid documentation authorizing presence in this country; and possesses a taxpayer identification number or a valid substitute.
Subjects: Transportation; State Affairs and State Agencies; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/08/2011 – House Consumer and Public Affairs Committee
History: 02/08/2011—H Introduced and referred to House Consumer & Public Affairs.
 02/08/2011—H Also referred to House Judiciary.
Meetings: HCPAC Committee Meeting On 02/19/2011 9:00 a.m., Room 317
NO COMMS PASSED.

LIQUOR EXCISE TAX

SB258, HB23, HB421

Bill: SB258
Sponsors: Sanchez, B. (D26)
Title: INCREASED LIQUOR EXCISE TAX: MENTAL HEALTH
Summary: Increases the liquor excise tax and creates a distribution of 25.26 percent of net receipts from the tax to the newly created, nonreverting

Mental Health and Substance Abuse Fund. Reduces the liquor excise tax distribution to the Local DWI Grant Fund from 41.5 percent of its net receipts to 15.3 percent.

Subjects: Alcohol, Firearms and Tobacco Products; Health and Medical Practice; Appropriations; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 01/25/2011 – Senate Corporations and Transportation Committee
History: 01/25/2011—S Introduced and referred to Senate Corporations & Transportation.
 01/25/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: HB23
Sponsors: Garcia, Mary Helen (D34)
Title: LIQUOR EXCISE TAX HIKE FOR PUBLIC SCHOOLS
Summary: Increases the Liquor Excise Tax; reduces the level of distribution to the Local DWI Grant Fund from 41.5 percent of the tax to 15.3 percent; and earmarks 63.16 percent of the net receipts of the tax for the Public School Fund.
Subjects: Alcohol, Firearms and Tobacco Products; Schools and Teachers; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 01/19/2011 – House Business and Industry Committee
History: 12/17/2010—H Pre-filed in the House.
 01/19/2011—H Introduced and referred to House Business & Industry.
 01/19/2011—H Also referred to House Taxation & Revenue.
Meetings: HBIC Committee Meeting On 01/27/2011 1:30 p.m., Room 309
 HBIC Committee Meeting On 02/01/2011 1:30 p.m., Room 309

NO COMMS PASSED.

Bill: HB421
Sponsors: Vigil (D70)
Title: LIQUOR EXCISE TAX INCREASE
Summary: Increases the liquor excise tax on various alcoholic beverages as follows: spirituous liquors, from \$1.60 to \$4.98 per liter; beer, from 41 cents to \$1.85 per gallon; wine (except that produced by an in-state small winegrower), from 45 cents to \$1.46 per liter; and on fortified wine, from \$1.50 to \$2.77 per liter.
Subjects: Alcohol, Firearms and Tobacco Products; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/09/2011 – House Business and Industry Committee
History: 02/09/2011—H Introduced and referred to House Business & Industry.
 02/09/2011—H Also referred to House Taxation & Revenue.

NO COMMS SCHEDULED.

PREFERENCE FOR NM AGRICULTURE FOR FRESH PRODUCE

SB63, SB487, HJM20,

Bill: SB63
Sponsors: Keller (D17)
Title: GOVERNMENT LOCAL FOOD PRODUCT PURCHASE REQUIREMENTS
Summary: Requires the Purchasing Division of GSD to establish a procurement requirement that sets a minimum percentage of the total expenditure for food purchased by state agencies and local public bodies to be food that is produced or processed by those whose principal place of business is in New Mexico.
Subjects: State Affairs and State Agencies; Agriculture and Ranching
Progress: 1st House: Referred to Committee
Status: 02/02/2011 – Senate Finance Committee
History: 01/04/2011—S Pre-filed in the Senate.
 01/19/2011—S Introduced and referred to Senate Public Affairs.
 01/19/2011—S Also referred to Senate Finance.
 02/02/2011—S Reported Do Pass by Senate Public Affairs.

ONE SENATE COMM PASSED.

Bill: SB487
Sponsors: Rodriguez (D24)
Title: SFCC: SUPPORT FOR COMMUNITY FARMS

Summary: Provides \$100,000 (GF, nonreverting) to the Higher Education Department for operating a program at Santa Fe Community College to support community farms in Santa Fe County that teach farming skills and donate produce to low-income people.

Subjects: Appropriations; Higher Education; Agriculture and Ranching; Human Services; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 02/15/2011 – Senate Public Affairs Committee

History: 02/15/2011—S Introduced and referred to Senate Public Affairs.
02/15/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: HJM20

Sponsors: Lujan, B. (D46)

Title: REVITALIZING REGIONAL AGRICULTURE

Summary: (For the Water and Natural Resources Committee) Resolves that revitalization and development of local and regional food systems be recognized as critical to the health, well-being and economic vitality of rural and underserved urban communities. Urges state agencies and other government entities to support local and regional food system development efforts.

Subjects: Water; State Affairs and State Agencies; Indians; County Affairs; Municipalities/City Government; Agriculture and Ranching; Business, Manufacturing and Economic Development

Progress: 2nd House: Referred to Committee

Status: 02/09/2011 – Senate Rules Committee

History: 01/25/2011—H Introduced and referred to House Agriculture & Water Resources.
02/04/2011—H Reported Do Pass by House Agriculture & Water Resources.
02/04/2011—H Placed on House Calendar.
02/09/2011—H Opened for floor debate.
02/09/2011—H Passed 65-0.
02/09/2011—S Received in the Senate.
02/09/2011—S Introduced and referred to Senate Rules.
02/09/2011—S Also referred to Senate Conservation.

Meetings: HAGC Committee Meeting On 02/04/2011 8:30 a.m., Room 310
House Calendar for 02/07/2011 11:00 a.m.
House Calendar for 02/09/2011 11:00 a.m.
House Calendar for 02/08/2011 10:00 a.m.

PASSED HOUSE. SENATE COMMS NOT YET SCHEDULED.

PER DIEM AND MILEAGE

SB107

Bill: SB107

Sponsors: Eichenberg (D15)

Title: PER DIEM AND MILEAGE RATE UNIFORMITY AND ELIMINATION

Summary: (For the Government Restructuring Task Force.) Makes uniform the per diem and mileage reimbursement rates for public officers of the state, state board and commission members, state agencies, state agency advisory board members, local governing bodies, public post-secondary educational institutions, whether salaried or unsalaried, and their employees.

Subjects: Public Employees/Retirement; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 01/19/2011 – Senate Public Affairs Committee

History: 01/14/2011—S Pre-filed in the Senate.
01/19/2011—S Introduced and referred to Senate Public Affairs.
01/19/2011—S Also referred to Senate Finance.

NO COMMS PASSED.

PROPERTY VALUATION

SB108, SB189, SB310, SB316, SJR13, HB451, HB511, HJR13, HJR14, HJR22

Bill: SB108

Sponsors: Eichenberg (D15)

Title: RESIDENTIAL VALUATION LIMIT

Summary: Makes two changes, effective for tax year 2011, to the three percent limitation on increases in valuation of residential property for property taxation purposes. First, the limit will apply only to residential property which the owner occupies as the owner's permanent primary residence, instead of to all residential property. Second, the limit continues to apply even when the property changes hands (if the new owner occupies the property).

Subjects: County Affairs; Municipalities/City Government; Land, Housing and Real Estate; Family and Juveniles; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/15/2011 – Senate Finance Committee

History: 01/14/2011—S Pre-filed in the Senate.
01/19/2011—S Introduced and referred to Senate Corporations & Transportation.
01/19/2011—S Also referred to Senate Finance.
02/15/2011—S Reported Do Not Pass but Do Pass as substituted by Senate Corporations & Transportation.

ONE SENATE COMM PASSED.

Bill: SB189

Sponsors: Neville (R2); Boitano (R18)

Title: PHASING OUT THE LIMIT ON ANNUAL INCREASES IN VALUE

Summary: (Revised 1/24/11) Requires county assessors to revalue all residential properties annually, starting with 2012. Changes and temporarily phases down the three percent limit on annual valuation increases. By 2016, the property's value should be its current and correct value except that the 3% limit is revived for owner-occupied residences (only). The three percent limit will continue to apply when an owner-occupied residence changes hands. Directs the Property Tax Division of the Taxation and Revenue Department to certify that all residential values in a county are current and correct before the county assessor may mail notices of value.

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Land, Housing and Real Estate; Family and Juveniles; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 01/20/2011 – Senate Judiciary Committee

History: 01/20/2011—S Introduced and referred to Senate Judiciary.
01/20/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SB310

Sponsors: Boitano (R18)

Title: VALUING RESIDENTIAL PROPERTY ON SQUARE FOOTAGE FORMULA

Summary: The value of each residential property for the current year is found by multiplying the area of the residence in square feet by a factor expressing the value in dollars per square foot of residential property in the county or portion of the county. The factor is derived by the prior year's assessed value of all residential property (including multifamily properties) in the county or portion of the county by the total square feet in the county. To take effect for 2011 through an emergency clause.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 01/31/2011 – Senate Corporations and Transportation Committee

History: 01/31/2011—S Introduced and referred to Senate Corporations & Transportation.
01/31/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SB316

Sponsors: Boitano (R18)

Title: SPECIAL METHOD OF VALUATION FOR RESIDENTIAL PROPERTY

Summary: Effective for the 2012 and subsequent property tax years, retains the existing three percent cap on annual increases in the valuation of residential property but requires that new construction be valued by multiplying the sales price of the property times the prior values median ratio in the county for the tax year. Also mandates a revaluation of all residential properties first valued for property tax purpose between tax years 2002 and 2011 by adjusting the current valuation to be consistent with the county's prior values median ratio.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Construction and Materials; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 01/31/2011 – Senate Corporations and Transportation Committee

History: 01/31/2011—S Introduced and referred to Senate Corporations & Transportation.
01/31/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: SJR13
Sponsors: Sanchez, B. (D26); Lopez (D11)
Title: CA: REDUCTION IN RESIDENTIAL PROPERTY TAXES
Summary: (Identical to 2010 Senate Joint Resolution 17) Proposes an amendment to Article 8, Section 1 of the N.M. Constitution that would reduce state and local residential property taxes by five percent when the property has been owner-occupied continuously for at least 15 years by the same individual as the principal residence. For each additional year of continuous occupancy, the amount of the reduction is increased by an additional five percent, up to a maximum reduction of 25 percent.
Subjects: Taxation and Fees; Land, Housing and Real Estate; Constitutional Amendments; County Affairs; Elections
Related: 2010:SJR17
Progress: 1st House: Referred to Committee
Status: 02/04/2011 – Senate Rules Committee
History: 02/04/2011—S Introduced and referred to Senate Rules.
 02/04/2011—S Also referred to Senate Judiciary.
NO COMMS SCHEDULED.

Bill: HB451
Sponsors: McMillan (R37)
Title: LOWERING RESIDENTIAL PROPERTY TAXES
Summary: Extends the three percent limit on annual valuation increases of residential property for the 2011 tax year and beyond and abolishes the current provision that properties may be revalued upon change of ownership, providing instead that the valuation of all properties that have experienced a change of ownership since 2003 shall be retroactively revalued according to a new formula.
Subjects: Land, Housing and Real Estate; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/10/2011 – House Consumer and Public Affairs Committee
History: 02/10/2011—H Introduced and referred to House Consumer & Public Affairs.
 02/10/2011—H Also referred to House Taxation & Revenue.
NO COMMS SCHEDULED.

Bill: HJR13
Sponsors: Garcia, Miguel (D14)
Title: CA: PROPERTY TAX EXEMPTION FOR THE DISABLED
Summary: Proposes to amend Art. 8 of the Constitution to provide a property tax exemption for a person who is 100 percent disabled and whose modified gross annual income is less than \$15,000. Burden of proof of proving eligibility is on the person claiming exemption.
Subjects: Land, Housing and Real Estate; Taxation and Fees
Related: 2011:HJR22; 2011:HJR14; 2011:HJR24
Progress: 1st House: Referred to Committee
Status: 01/26/2011 – House Voters and Elections Committee
History: 01/26/2011—H Introduced and referred to House Voters & Elections.
 01/26/2011—H Also referred to House Taxation & Revenue.
Meetings: HVEC Committee Meeting On 02/01/2011 8:00 a.m., Room 305
NO COMMS PASSED.

Bill: HJR14
Sponsors: Garcia, Miguel (D14)
Title: CA: PROPERTY TAX EXEMPTION FOR THE ELDERLY
Summary: Proposes amending Art. 8 of the Constitution to exempt from property taxes persons over 75 years of age whose annual incomes are equal to or less than \$15,000, provided the person occupies the property as their principal residence.
Subjects: Constitutional Amendments; Elections; Taxation and Fees; Land, Housing and Real Estate; Aging
Related: 2011:HJR22; 2011:HJR13
Progress: 1st House: Referred to Committee
Status: 01/26/2011 – House Voters and Elections Committee
History: 01/26/2011—H Introduced and referred to House Voters & Elections.
 01/26/2011—H Also referred to House Taxation & Revenue.
Meetings: HVEC Committee Meeting On 02/01/2011 8:00 a.m., Room 305
NO COMMS PASSED.

Bill: HJR22
Sponsors: Garcia, Miguel (D14)
Title: CA: LIMITED PROPERTY TAX EXEMPTION FOR THE ELDERLY

Summary: (Related: IJR13 and IJR14) Proposes amending Art. 8 of the Constitution to exempt from taxation \$2,000 of the assessed value of the property of a person 75 years of age or older, including the community or joint property of a husband and wife, whose annual modified gross income is \$15,000 or less if the person occupies the property as their principal place of residence. The amendment is subject to voter approval.

Subjects: Constitutional Amendments; Elections; Land, Housing and Real Estate; Taxation and Fees; Aging

Related: 2011: IJR13; 2011: IJR14

Progress: 1st House: Referred to Committee

Status: 02/21/2011 – House Voters and Elections Committee

History: 02/14/2011—H Introduced and referred to House Taxation & Revenue.
02/14/2011—H Also referred to House Voters & Elections.
02/21/2011—H Reported Do Pass by House Taxation & Revenue.

Meetings: HTRC Committee Meeting On 02/18/2011 1:30 p.m., Room 317

ONE HOUSE COMM PASSED.

Bill: **HB511**

Sponsors: Sandoval (D17)

Title: RESTRUCTURES TAXATION OF RESIDENTIAL PROPERTY

Summary: A 30-page bill replaces, starting with tax year 2012, the existing caps on the annual increase in the valuation of residential property with a new system featuring a “valuation adjustment” which performs essentially the same function as the caps.

Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Land, Housing and Real Estate; Family and Juveniles; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/15/2011 – House Consumer and Public Affairs Committee

History: 02/15/2011—H Introduced and referred to House Consumer & Public Affairs.
02/15/2011—H Also referred to House Taxation & Revenue.
02/15/2011—H Also referred to House Judiciary.

NO COMMS SCHEDULED.

SOLE COMMUNITY PROVIDER

SB562, SB541

Bill: **SB562**

Sponsors: Griego (D39)

Title: ASSISTANCE FOR THE SOLE COMMUNITY PROVIDER FUND

Summary: Proposes a temporary provision to require that during FY2012 the following amounts are appropriated to the Sole Community Provider Fund, notwithstanding a contrary disposition directed by Sec. 27-10-3:

Subjects: Health and Medical Practice; County Affairs; State Affairs and State Agencies; Appropriations

Progress: 1st House: Referred to Committee

Status: 02/17/2011 – Senate Public Affairs Committee

History: 02/17/2011—S Introduced and referred to Senate Public Affairs.
02/17/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

Bill: **SB541**

Sponsors: Ingle (R27); Jennings (D32)

Title: HOSPITAL PROVIDER FEES ACT

Summary: The Hospital Provider Fees Act recognizes that hospitals within the state incur significant fees by providing health care to those eligible for Medicaid in return for payments less than the cost of care, and to low-income and uninsured populations without receiving any compensation. The intent of the bill is to provide an additional payer source to hospitals, reduce the need to shift the cost of uncompensated care to other payers, and expand access to affordable health care.

Subjects: Health and Medical Practice; Appropriations; Interim Studies and Interim Committees; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/16/2011 – Senate Public Affairs Committee

History: 02/16/2011—S Introduced and referred to Senate Public Affairs.
02/16/2011—S Also referred to Senate Finance.

NO COMMS SCHEDULED.

SURCHARGE 911
SB422, HB328

Bill: SB422
Sponsors: Rodriguez (D24)
Title: SURCHARGES FOR ENHANCED 911 SERVICES
Summary: (Identical to HB328) Amends the Enhanced 911 Bond Act, which was originally established in order to provide 911 service to (and authorize a related surcharge upon) commercial radio operators, to apply to users of modern telecommunication devices in addition to users of commercial radios. The bill contemplates existing technology as well as possible future advances.
Subjects: Telecommunications; Taxation and Fees
Related: 2011:HB328
Progress: 1st House: Referred to Committee
Status: 02/21/2011 – Senate Finance Committee
History: 02/07/2011—S Introduced and referred to Senate Judiciary.
 02/07/2011—S Also referred to Senate Finance.
 02/21/2011—S Reported Do Pass as amended by Senate Judiciary.
ONE SENATE COMM PASSED.

Bill: HB328
Sponsors: Gonzales (D42)
Title: SURCHARGES FOR ENHANCED 911 SERVICES
Summary: Amends the Enhanced 911 Bond Act, which was initially established in order to provide 911 service to (and authorize a related surcharge upon) commercial radio operators, to apply to users of modern telecommunication devices in addition to users of commercial radios. The bill contemplates existing technology as well as possible future advances.
Subjects: Telecommunications
Related: 2011:SB422
Progress: 1st House: Referred to Committee
Status: 02/21/2011 – House Taxation and Revenue Committee
History: 02/02/2011—H Introduced and referred to House Business & Industry.
 02/02/2011—H Also referred to House Taxation & Revenue.
 02/21/2011—H Reported Do Pass as amended by House Business & Industry.
Meetings: HBIC Committee Meeting On 02/20/2011 1:30 p.m., Room 309
ONE HOUSE COMM PASSED.

TEEN COURT**OTHER****SB376, SB406, HB280, HB343, HB515**

Bill: SB376
Sponsors: Cisneros (D6)
Title: INDIAN WATER RIGHTS SETTLEMENTS
Summary: SIAC substitute for SB376 relates to Indian water rights; temporarily allocates a portion of the severance tax bonding capacity to implement the state's share of the Aamodt, Taos and Navajo Nation water rights settlements; makes an appropriation.
Subjects: Water; Indians; Appropriations
Progress: 1st House: Referred to Committee
Status: 02/17/2011 – Senate Conservation Committee
History: 02/02/2011—S Introduced and referred to Senate Indian & Cultural Affairs.
 02/02/2011—S Also referred to Senate Conservation.
 02/02/2011—S Also referred to Senate Finance.
 02/17/2011—S Reported Do Not Pass but Do Pass as substituted by Senate Indian & Cultural Affairs.
Scheduled: 02/22/2011—Senate Conservation Committee, 1:30 p.m. or 1/2 hr. after floor session, Room 311
ONE SENATE COMM PASSED.

Bill: SB406
Sponsors: Sanchez, M. (D29)

Title: MORTGAGE FAIR FORECLOSURE ACT
Summary: Proposes the Mortgage Fair Foreclosure Act, which provides notice requirements to and requires loss mitigation efforts on behalf of homeowners allegedly in default.
Subjects: Banks, Securities and Loans; Land, Housing and Real Estate
Progress: 1st House: Referred to Committee
Status: 02/15/2011 – Senate Judiciary Committee
History: 02/04/2011—S Introduced and referred to Senate Corporations & Transportation.
 02/04/2011—S Also referred to Senate Judiciary.
 02/15/2011—S Reported Do Pass by Senate Corporations & Transportation.
ONE SENATE COMM PASSED.

Bill: HB280
Sponsors: Ezzell (R58); Kintigh (R57); Espinoza (R59)
Title: INVESTMENT CHANGES TO LOCAL GOVERNMENT PERMANENT FUNDS
Summary: Provides that local government permanent funds of less than \$40,000,000 shall be invested as other funds of the local government; funds over this limit may be invested the same as funds of class A counties are invested (current law specifies the division for investment authority at \$10,000,000).
Subjects: County Affairs; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 02/15/2011 – House Business and Industry Committee
History: 02/01/2011—H Introduced and referred to House Health & Government Affairs.
 02/01/2011—H Also referred to House Business & Industry.
 02/15/2011—H Reported Do Pass by House Health & Government Affairs.
Meetings: HHGAC Committee Meeting On 02/15/2011 8:30 a.m., Room 309
ONE HOUSE COMM PASSED.

Bill: HB343
Sponsors: Lujan, B. (D46); Alcon (D6); Jeff (D5); Lundstrom (D9); Begaye (D4)
Title: LOCAL TAX BASE CONTINUITY
Summary: Declares legislative intent that, once the Legislature has granted a political subdivision authority to tax based upon the subdivision's geographic area, population, net taxable base or other criterion, the political subdivision may continue to levy the tax even if the area's population, net taxable base or other criterion subsequently changes.
Subjects: County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 02/17/2011 – House Taxation and Revenue Committee
History: 02/03/2011—H Introduced and referred to House Health & Government Affairs.
 02/03/2011—H Also referred to House Taxation & Revenue.
 02/17/2011—H Reported Do Pass by House Health & Government Affairs.
Meetings: HHGAC Committee Meeting On 02/17/2011 8:30 a.m., Room 309
ONE HOUSE COMM PASSED.

Bill: HB515
Sponsors: Madalena (D65)
Title: AAMODT, TAOS AND NAVAJO NATION WATER RIGHTS SETTLEMENTS
Summary: Authorizes the issuance of severance tax bonds from FY2012 through FY2021 to pay the state's portion of costs necessary to implement the Aamodt, Taos and Navajo Nation water rights settlements. Up to six percent of the estimated bonding capacity must be allocated for this purpose by the Board of Finance Division of the Department of Finance and Administration.
Subjects: Water; Indians; Appropriations
Progress: 1st House: Referred to Committee
Status: 02/15/2011 – House Taxation and Revenue Committee
History: 02/15/2011—H Introduced and referred to House Taxation & Revenue.
 02/15/2011—H Also referred to House Appropriations & Finance.
NO COMMS SCHEDULED.

RECREATION FACILITIES IMPROVEMENT PROJECTS

RECC upgrades to computer etc	\$300,000
Youth/Adult Facilities upgrades	\$350,000
Youth/Adult Facilities upgrades to master control	\$500,000
Romero Park, (Agua Fria Park)	\$75,000
Madrid Grandstand Renovations	\$150,000
Edgewood Senior Center	\$75,000
Pojoaque, Nambe Community Center	\$200,000

Senate Bill 108- Substituted

Senator Eichenberg

Applies to all Residential Properties Regardless of Sale

2004
\$ 200,000

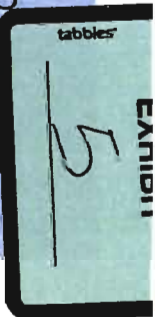
Assessor's Value

2005
\$300,000

Sale Price in 2004 & Assessed Value in 2005

2005	2006	2007	2008	2009	2010	2011
\$206,000	\$212,180	\$218,545.40	\$225,101.76	\$231,855	\$238,810	\$245,975

SFC CLERK RECORDED BA/BA/ZB11



Newly Constructed Residential Properties

$$\begin{array}{rcccl} \$ 300,000 & \times & .75 & = & \$225,000 \\ \text{Market Value} & & \text{Sales Ratio} & & \text{Assessed Full Value} \end{array}$$

$$\begin{array}{rcccl} \$225,000 & \div & 3 & = & \$75,000 \\ \text{Full Value} & & & & \text{Taxable Value} \end{array}$$

$$\$ 75,000 \times .020132 = \$1,509.90$$

$$\$ 100,000 \times .020132 = \$2,013.20$$

House Bill 511, Rep. Ed Sandoval

	House 1	House 2	House 3
2011	\$110,000	\$75,000	\$95,000

True Market Value in 2011 was \$ 100,000

2012	full value	\$85,000	\$85,000	\$85,000
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2013 5% cap on taxable value begins on all owner occupied properties

Assume in 2013 market value is \$102,000 for same houses then:

**Tax Year
2012**

**Tax Year
2013**

**Market
Value**

\$85,000

\$102,000

(assessor's full value)

Taxable Value

\$28,333.33

\$34,000

Valuation Adjustment Calculation:

step 1

\$ 28,333.33 x 1.05=

\$29,750

step 2

\$ 34,000 - \$29,750=

\$4,250

**Valuation
Adjustment**

Adjusted Taxable Value calculation:

\$ 34,000 - \$ 4,250=

\$29,750

Information printed on notice of value for 2013

Full Value		\$102,000
Taxable Value (33.33%)		\$34,000
Valuation Adjustment		-\$4250
Adjusted Taxable Value		\$29,750
Last Yrs. Taxable Value		\$28,333.33
Percentage Change		5.00%
Exemptions	Veterans	-\$4,000
	Head of Family	-\$2,000
2013 Net Taxable Value		\$22,333.33