



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC MINUTES
PAGES: 40
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Deputy *Marcello* Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING

February 23, 2010

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

SFC CLERK RECORDED 03/10/2010

Santa Fe Board of County Commissioners
County Commission Chambers
County Administration Building

REGULAR MEETING
February 23, 2010 at 11:00am

Please turn off Cellular Phones during the meeting.

Agenda

- I. Call To Order**
- II. Roll Call**
- III. Pledge Of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval Of Agenda**
 - Amendments
 - Tabled Or Withdrawn Items
- VII. Approval Of Consent Calendar**
 - A. Consent Calendar Withdrawals
- VIII. Approval Of Minutes**
 - A. Approval Of January 26, 2010 BCC Minute
 - B. Approval Of February 9, 2010 BCC Minute
- IX. Matters Of Public Concern -NON-ACTION ITEMS**
- X. Consent Calendar**
 - A. Community Funds
 - 1. Approval For An Expenditure Of Community Funds For \$1,000 To The Santa Fe Business Incubator. (Commissioner Stefanics)
 - 2. Approval For An Expenditure In The Amount Of \$800.00 For The Santa Fe County ACE Task Force Calendar Featuring La Cienega And La Cieneguilla In District III. (Commissioner Anaya)

B. Budget Adjustments

- 1. Resolution No. 2010 – A Resolution Requesting A Budget Decrease To Various County Funds Due To A Recessionary Budget Reduction For The Entire County. (Finance Division)**
- 2. Resolution No. 2010 – A Resolution Requesting A Decrease To The Operating Transfer From The General Fund (101) To The Corrections Operations Fund (247) To Transfer An Accounting Technician Position From The Adult Facility To The Purchasing Division To Be Funded By The General Fund / \$29,752. (Finance Division)**
- 3. Resolution No. 2010 – A Resolution Requesting An Increase To The Law Enforcement Operations Fund (246) To Budget A Project Agreement Amendment Between Santa Fe County And the New Mexico Department Of Transportation For The Impaired Driving Demonstration Program / \$262,950. (County Sheriff's Office)**
- 4. Resolution No. 2010 – A Resolution Requesting An Increase To The Law Enforcement Operations Fund (246) To Budget A Grant Awarded Through The NM Department Of Transportation For The Selective Traffic Enforcement Program (S.T.E.P.) / 12,585. (County Sheriff's Office)**
- 5. Resolution No. 2010 – A Resolution Requesting An Increase To The Water Enterprise Fund (505) To Budget Capital Reserves For The South Meadows Water & Sewer Line Project And For Capital Equipment Expenditures / \$472,451. (Water Resources)**
- 6. Resolution No. 2010 – A Resolution Requesting An Increase To The Road Projects Fund (311) To Budget Cash Carryover With An Operating Transfer To The General Fund (101) For Road Improvements To Paseo Del Angel, Nancy's Trail, Quail Road (East) And Arroyo Alamo West / \$400,000. (Growth Management/Public Works)**
- 7. Resolution No. 2010 – A Resolution Requesting An Operating Transfer From The Fire Tax ¼% Fund (222) To The General Fund (101) To Reimburse The County Clerk's Office For Costs Associated With The November 17, 2009 Fire Tax Election / \$38,079.13. (Fire Department)**
- 8. Resolution 2010 – A Resolution Requesting An Increase To The Fire Impact Fees Fund (216) / Town Of Edgewood To Budget Cash Carryover For Capital Expenditures / \$100,000. (Fire Department)**
- 9. Resolution No. 2010 – A Resolution Requesting An Increase To The Economic Development Fund (224) To Budget A Grant Awarded Through The NM Economic Development Department For Their Certified Communities Initiative / \$4,000. (Growth Management)**
- 10. Resolution No. 2010 – A Resolution Requesting An Increase To The Fire Operations Fund (244) To Budget Cash Carryover From Movie Lot Stand-by Revenue Received To Reimburse The**

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Turquoise Trail And Galisteo Volunteers From The Not Forgotten, Doc West And The Keeper Movies (\$3,229) And To Reimburse The Hondo Volunteers For The Jacona Fire (\$44). (Fire Department)

C. Miscellaneous

- 1. Resolution No. 2010 – A Resolution Amending The Santa Fe County Road Map And Certifying A Report Of The Public Roads In Santa Fe County. (Growth Management)**
- 2. Resolution No. 2010 – A Resolution Requesting Participation In Funding Through The 2010/2011 Local Government Road Fund Program, SP Funding, Road Improvements On County Roads Verano Loop, Verano Court, Verano Drive, Verano Lane, Verano Place And Verano Way, New Mexico Department Of Transportation. (Growth Management)**
- 3. Resolution No. 2010 – A Resolution Requesting Participation In Funding Through The 2010/2011 Local Government Road Fund Program, SB Funding, Road Improvements On County Road Verano Loop, New Mexico Department Of Transportation. (Growth Management)**
- 4. Resolution No. 2010 – A Resolution Requesting Participation In Funding Through The 2010/2011 Local Government Road Fund Program, Cap Funding, Road Improvements On County Road Verano Loop, New Mexico Department Of Transportation. (Growth Management)**
- 5. Request Approval Of The Accounts Payable Disbursements Made For All Funds For The Month Of January 2010. (Finance Division)**
- 6. Review And Discussion Of The Accounts Receivables For All Funds For The Month Of January 2010. (Finance Division)**
- 7. Request Approval Of Amendment No.1 To Grant Agreement No. 09-AL-FTE164-091 Between The State Of New Mexico And The Santa Fe County Sheriff's Department In The Amount Of \$262,950.00 For The Impaired Driving Demonstration Program.(Santa Fe County Sheriff's Office)**
- 8. Request Approval Of Sublease Agreement Between Santa Fe County Assessor's Office And Bridget Jacober, Independent Contractor For Office Space Located At 128 Grant Avenue. (County Assessor's Office)**

XI. Staff And Elected Officials' Items

A. Finance Division

- 1. Review The Monthly Financial Report For The Month Of January 2010 Specific To The General Fund. (Finance Division)**

B. Community Services Department

- 1. Approval Of Resolution No. 2010 – A Resolution Adopting The Housing Assistance Regulations (Housing Department)**

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2. Endorse Maternal And Child Health Planning Council 2010-2014 Profile And Plan (Community Services/Health & Human Services/MCH)

C. Matters From The County Manager

1. Update on Various Issues

D. Matters From The County Attorney

1. Executive Session

A. Discussion of Pending of Threatened Litigation

B. Limited Personnel Issues

C. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

D. Collective Bargaining

XII. Adjournment

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 23, 2010

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 12:04 p.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members absent:

[None]

V. INVOCATION

An invocation was given by Valerie Huerta-Giron from the Housing Department.

VI. APPROVAL OF THE AGENDA

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

ROMAN ABEYTA (County Manager): Mr. Chair, staff has no amendments to today's agenda, other than Staff and Elected Official Items, XI. D. Matters from the County Attorney, an executive session may not be necessary unless the Commission feels so. But other than that there are no changes to today's agenda.

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COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian, second by Commissioner Stefanics. Any other discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN MONTOYA: Are there any withdrawals?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER HOLIAN: Mr. Chair, I have some.

CHAIRMAN MONTOYA: Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Mr. Chair, I'd like to request that we pull B. 1, C. 1, 5 and 6.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I was going to pull B. 1 and C. 1 as well.

CHAIRMAN MONTOYA: Okay. No others? Okay. Commissioner Vigil.

COMMISSIONER VIGIL: B. 5, and if I could get just a quick update on that I may not even need to talk.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya?

COMMISSIONER ANAYA: I'm fine.

CHAIRMAN MONTOYA: Okay. So with the withdrawals of B. 1, 5, C. 1, 5 and 6, all others being approved?

COMMISSIONER HOLIAN: I move for approval of the Consent Calendar minus with the withdrawals.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

X. CONSENT CALENDAR

A. Community Funds

1. **Approval for an Expenditure of Community Funds for \$1,000 to the Santa Fe Business Incubator (Commissioner Stefanics)**

2. **Approval for an Expenditure in the Amount of \$800.00 for the Santa Fe County ACE Task Force Calendar Featuring La Cienega and La Cieneguilla in District III (Commissioner Anaya)**

B. Budget Adjustments

1. Resolution No. 2010-__ A Resolution Requesting A Budget Decrease to Various County Funds Due to a Recessionary Budget Reduction for the Entire County (Finance Division) **ISOLATED FOR DISCUSSION**
2. **Resolution No. 2010-26. A Resolution Requesting A Decrease to the Operating Transfer From the General Fund (101) to the Corrections Operations Fund (247) to Transfer an Accounting Technician Position From the Adult Facility to the Purchasing Division to Be Funded By the General Fund / \$29,752 (Finance Division)**
3. **Resolution No. 2010-27. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget A Project Agreement Amendment Between Santa Fe County and the New Mexico Department of Transportation for the Impaired Driving Demonstration Program / \$262,950 (County Sheriff's Office)**
4. **Resolution No. 2010-28. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget A Grant Awarded Through the NM Department of Transportation for the Selective Traffic Enforcement Program (S.T.E.P.) / 12,585 (County Sheriff's Office)**
5. Resolution No. 2010-__ A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Capital Reserves for the South Meadows Water & Sewer Line Project and for Capital Equipment Expenditures / \$472,451 (Water Resources)
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6. **Resolution No. 2010-29. A Resolution Requesting an Increase to the Road Projects Fund (311) to Budget Cash Carryover with an Operating Transfer to the General Fund (101) for Road Improvements to Paseo del Angel, Nancy's Trail, Quail Road (East) and Arroyo Alamo West / \$400,000 (Growth Management/Public Works)**
7. **Resolution No. 2010-30. A Resolution Requesting an Operating Transfer From the Fire Tax ¼% Fund (222) to the General Fund (101) to Reimburse the County Clerk's Office for Costs Associated with the November 17, 2009 Fire Tax Election/ \$38,079.13 (Fire Department)**
8. **Resolution 2010-31. A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Town of Edgewood to Budget Cash Carryover for Capital Expenditures / \$100,000 (Fire Department)**
9. **Resolution No. 2010-32. A Resolution Requesting an Increase to the Economic Development Fund (224) to Budget A Grant Awarded Through the NM Economic Development Department for Their Certified Communities Initiative /**

- \$4,000 (Growth Management)**
10. **Resolution No. 2010-33. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Cash Carryover From Movie Lot Stand-by Revenue Received to Reimburse the Turquoise Trail and Galisteo Volunteers From the Not Forgotten, Doc West and the Keeper Movies (\$3,229) and to Reimburse the Hondo Volunteers for the Jacona Fire (\$44) (Fire Department)**

C. **Miscellaneous**

1. Resolution No. 2010-__ A Resolution Amending the Santa Fe County Road Map and Certifying A Report of the Public Roads in Santa Fe County. (Growth Management) **ISOLATED FOR DISCUSSION**
2. **Resolution No. 2010-34. A Resolution Requesting Participation in Funding Through the 2010/2011 Local Government Road Fund Program, SP Funding, Road Improvements on County Roads Verano Loop, Verano Court, Verano Drive, Verano Lane, Verano Place and Verano Way, New Mexico Department of Transportation. (Growth Management)**
3. **Resolution No. 2010-35. A Resolution Requesting Participation in Funding Through the 2010/2011 Local Government Road Fund Program, SB Funding, Road Improvements on County Road Verano Loop, New Mexico Department of Transportation (Growth Management)**
4. **Resolution No. 2010-35. A Resolution Requesting Participation in Funding Through the 2010/2011 Local Government Road Fund Program, Cap Funding, Road Improvements on County Road Verano Loop, New Mexico Department of Transportation (Growth Management)**
5. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of January 2010. (Finance Division)
6. Review and Discussion of the Accounts Receivables for All Funds for the Month of January 2010 (Finance Division) **ISOLATED FOR DISCUSSION**
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8. **Request Approval of Sublease Agreement Between Santa Fe County Assessor's Office and Bridget Jacober, Independent Contractor for Office Space Located At 128 Grant Avenue (County Assessor's Office)**

VIII. APPROVAL OF MINUTES

A. Approval of January 26, 2010 BCC Minutes

COMMISSIONER VIGIL: If no amendments I move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian.

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

VIII. B. Approval of February 9, 2010 BCC Minutes

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Discussion?

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

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN MONTOYA: Is there anyone who would like to address the Commission on items or issues that are not on the agenda this afternoon? Please come forward. State your name and address for the record please.

SOLEDAD SANTIAGO: My name is Soledad Santiago. I'm here to translate. I understand that the matter that the young lady is presenting is for Commissioner Stefanics, and we did speak to [inaudible] so we don't actually know if we're on the agenda.

CHAIRMAN MONTOYA: Well, these are issues that are not on the agenda.

COMMISSIONER STEFANICS: Mr. Chair, I am aware that this petition is going to be presented so we'd be happy to hear it.

MS. SANTIAGO: Thank you.

SARA FRANCO: Buenas tardes. My nombre es Sara Franco y vivo en la comunidad de Corral Blanco. Si, yo vengo acompañada de mi vecina porque estamos pidiendo ayuda para nuestra comunidad. En la actualidad, unos 20 niños de siete a 17 años de edad, cuando van a la parada de autobuses de su casa y de regreso se ven obligados a caminar sobre la carretera porque no hay espacio seguro para caminar. No hay aceras ni senderos de ninguna clase. Hay una curva y en esa area hace el camino más peligroso para los peatones.

Junto, tengo fotografías que ilustran el problema. Para la seguridad de nuestros niños, nuestro vecindario necesita con urgencia aceras o senderos para que los niños puedan ir de sus casas a la parada del autobús escolar en forma segura. Nuestro grupo está dispuesto y capaz a contribuir con la mano de obra del condado que el condado

necesita para hacer possible areas seguras en las cuales los niños puedan caminar de su casa a la parada del autobus para poder ir a la escuela. Igualmente, la seguridad del vecindario sería mayor si hubiese más alumbrado público.

MS. SANTIAGO: Good afternoon. My name is Sara Franco. I live in the community of Corral Blanco. I'm coming with my neighbor because we're asking for help for our community. in fact in our neighborhood 20 children aged seven to 17, when they get off the school bus they find themselves walking on the highway because there is no safe space for them to walk. There are no sidewalks or lights of any kind. Also there's a curve which makes the area where they're walking even more dangerous for pedestrians.

I have photographs that illustrate the problem. For the security of our community, our neighbor urgently needs lights [sic] and sidewalks so that our children can walk from their homes to the place where the school bus stops in a secure way. Our group would very much like to offer our labor in helping this project to come to completion if you could help us so that our children can walk in safety. Our entire neighborhood would also be safer if there were more lights.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'd like to thank the ladies for coming from the neighborhood for coming to talk to us and our liaison is going to work with them on getting this on the ICIP list, and working within their neighborhood about what they can do by themselves r with the County. Thank you very much for hearing them. Thank you.

CHAIRMAN MONTOYA: Thank you, Commissioner. Thank you.
Gracias.

MS. SANTIAGO: And may I ask what we do now to get on that list?

COMMISSIONER STEFANICS: Mr. Chair, I've asked Julia Valdez, who's standing over here in the corner to stay in contact with the neighborhood spokespeople about how they go through the process.

MS. SANTIAGO: Thank you very much, Commissioners.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I have nothing.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, just a couple. I really want to thank Public Works and all the work they've been doing amid such a terrific snow season. I know this has been a challenge and it continues to be. The next challenge I think we're going to have to face is all the potholes we're dealing with with regard to this and I'm not even sure we're budgeted for it. I heard a newscast this morning that the State of Virginia budgeted over \$1.8 million for their Public Works snow removal and they're well over that already. So as much of an update as you can give us because it really is an important issue, particularly with so many snowfalls.

I also wanted to express concern and reinforce to County employees that while we

are going through a budget decision making process, anything you hear or see in the paper is not a decision that has been made. The process that we're going to be going through in addressing the budget I think will be a huge focus in terms of keeping everything status quo as much as possible. There will have to be some decisions we make with regard to bringing revenues to the County. That, from my perspective does not mean the jobs will be lost. That is the furthest thing, I think from most of the Commissioners' minds. I think we've stated that and restated that many times.

I'm concerned because I'm hearing from employees at this point in time that there's a huge morale issue with regard to the issues we discussed at our previous budget session. Let me assure you County employees that you are all highly valued, that what you do in the County is of utmost concern for us. I think at the County what we've done is we've run and created services and responses to our constituents with lean staffing as it is. To consider that we would lean it more from my perspective is not necessarily an option. We will have a budget hearing coming up and I think we're going to have to make some tough decisions.

But the focus will not be with job loss as far as I'm concerned and I think some of the issues and discussions we've thrown around look at enhancing revenues in some way, trying to best make use of what revenues we currently have, and I think we have a lot of other options that we need to talk about before we even go there. So I want County employees to know that this Commission is not creating a focus that limits any kind of employment with regard to job loss but we're looking to do the best that we can do with what we have, and anyone who has been disheartened by any news reports or any statements that have been made with regard to that, please rest assured that that is not the focus of what this budget process is about. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'd like to thank Commissioner Vigil for her comments, and I'd like to take the managers back to a comment that I made at the last BCC meeting, just indicating that now is the time to look at whether or not there should be change in the way we do business, whether or not there is some activities that could be coordinated somehow differently, if we're duplicating services, etc. So I echo Commissioner Vigil's concern for all of our employees, but I also encourage the County Managers to look at how we're doing business. Thank you very much.

CHAIRMAN MONTROYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would also like to thank Robert Martinez and Public Works. I just got an email day before yesterday from the most outspoken member who lives on La Cueva and she was thrilled with how the roads have been taken care of. She was thanking me but you are really the ones who should be thanked, and I was just as pleased as could be.

I also wanted to bring up that I was contacted by Adair Waldenburg of the League of Women Voters. She is organizing a lunch discussion that is going to focus on future bond referenda, not that we actually have any in the works right now, but she just wants to gain an understanding of how local entities plan for referenda. I'm not sure that we actually have a specific plan of action but I think it would be really good to take part in this discussion. I know that she's invited Teresa Martinez and I would like to be there as

well.

But the point I want to make is that if we do have any future bond referenda that we involve the League of Women Voters early because they can be a real organization to help us educate people about what they're about and so on. That's they're job; that's what they do. They can also actually even take a position on it as well since they're not a non-profit. So I think that we should just keep that in mind if we do anything in the future.

I also wanted to give everybody an update on the renewable energy financing district program. You're probably really sick of hearing me give updates on this. Okay. At the March 9th meeting Duncan Sill is going to be presenting a number of decisions that we on the Board of County Commissioners will have to be making regarding regulations and requirements. So he will lay out those decisions that we have to make and then make some recommendations as to what he thinks is reasonable for those decisions. And there will be things like if we have an application fee, if we limit the amount we're going to loan per project, things like that. Just to give you an idea and a heads-up.

I made a presentation at the Energy Expo this last Saturday about the renewable energy program, and there were a lot of inquiries. There were a huge number of people there; I couldn't believe it. They had it in the largest side room in the convention center and it was completely packed. There is just a heck of a lot of interest out there. And another thing that I wanted to let you know that I think is really exciting is that Renew Fund – that's the entity who is helping us not only set up the program but also is providing funding for it, has promised us \$10 million for our start-up program. So we can do a lot of projects with that. Renew Fund, \$10 million. If you figure \$50,000 per project, that's a lot of projects.

And the final thing is that Duncan and I will be planning a series of community outreach events. We're looking at a startup on Earth Day, but if we get things in place we can do a soft startup earlier and between now and then it's really time to get out into the community and let people know. So thank you.

COMMISSIONER STEFANICS: On this point.

CHAIRMAN MONTTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I really commend Commissioner Holian and Duncan for working on this. I've been at some townhall meetings recently where we've actually been talking about this. We should not assume that every person in the public has a computer. So I would request that staff do up a simple – not fancy or expensive – fact sheet or information sheet that we could hand people, because as we mentioned earlier they're talking to installers and producers and I'd like for them to have something that the County says as the official word. Thank you.

CHAIRMAN MONTTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: I just want to add, yes, I think that's a really good idea. And I think we should have a brochure, because oftentimes we go to these events, like the Energy Expo, and to just have something that we can hand people would be really nice. So thank you for that comment.

CHAIRMAN MONTTOYA: Kristine's working on it. I just had a couple of things. One thing I just wanted to put out to the Commissioners that I am meeting with the pueblos, so if anyone is interested you can check with Hutch or have the liaison check with Hutch. They're going very well thus far.

The Aamodt hearings, those are going to be – actually not the hearings but the meetings will be beginning this week, and again, we have Darcy Bushnell and Judge Michael Nelson that are going to be helping to facilitate those meetings and to answer any questions that residents who are involved with the Aamodt case, that they may have.

I also wanted to let the Commissioners know that regarding Cuatro Villas and Santa Clara Pueblo, the negotiations and the MOA that we're working on and Steve has been working on with Richard Hughes, who represents Santa Clara Pueblo are going well. I know you've been receiving some correspondence which is to the contrary of exactly what is going on from the City of Espanola. The issue at hand is that the City of Espanola does not have an easement from Santa Clara Pueblo, so for them to run any lines anywhere, any time soon they're going to need to get that and they've been at least negotiating with the pueblo as far as I understand but to this point do not have that agreement or the authorization to run those lines. So just so that clarifies any misunderstanding that there may be in terms of correspondence that we've been receiving from the City of Espanola.

And I just wanted to mention that the affordable housing meeting, we set it up prior. It will be on March 9th at 12:00. So we'll be discussing the request for information that was sent out and talking about the different proposals that we may be considering in terms of utilization of those particular funds.

And then regarding the snow removal, Robert and James, I want to thank you and your staff as well. People up north in my part of the district are happy as well and certainly we've gotten pounded the last couple of days so thank you for the work that you guys are doing out there in keeping our constituents safe.

And I just want to ask, where are we in terms of the green building code, Roman?

MR. ABEYTA: Mr. Chair, members of the Commission, what we have done today is we have just analyzed what CID has proposed and what the City of Santa Fe has, but we haven't gone much further because we're waiting for the Code rewrite to be approved, and then after the Code rewrite is done then we adopt a green building code.

CHAIRMAN MONTROYA: Okay. Something that I would suggest that maybe we consider putting in there and this is along the lines of Commissioner Holian's renewable energy district is that we look at maybe somehow creating maybe an incentive or helping to offset the cost in new buildings so that photovoltaic systems may be required or an option to put in at the time of new construction. My understanding is that that increases the cost about \$3 per square foot, which really isn't a huge cost in terms of the energy savings over the long term. So maybe when we get to that point, I just wanted to bring that up in terms of an option for the Code as well.

And then I just want to thank you, Roman and Steve, for the work that you guys have done. I really appreciate everything that you do for the County and represent us and make us look real good. So thank you.

X. CONSENT CALENDAR WITHDRAWALS

B. 1. Resolution No. 2010-39. A Resolution Requesting A Budget decrease to Various County Funds Due to a Recessionary Budget Reduction for the Entire County (Finance Division)

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, I would like to talk about this a little bit, about the budget decreases. The hold-harmless has not been revoked yet and probably would not be revoked until the next fiscal year starting July 1. So could you talk a little bit about why you are presenting this?

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Stefanics, when we conducted mid-year reviews it was early January so it was too early to know, so we made the decision that knowing that GRTs were potentially on the table and not knowing what the outcome would be that we would go ahead and proceed at mid-year. We conducted the mid-year hearings and worked with all the departments to come up with the decreases that would have represented half of what we could have potentially lost if the hold-harmless materialized.

So we knew that it may or may not get passed the session; we knew that it may or may not represent a decrease to the County, but also at that time our GRT collections for those months had been down below budget. The December collections which are reflected in the February receipts show that we were two percent better than budget, so that's good. But we went ahead and made the decision to go ahead and move forward with the cuts.

COMMISSIONER STEFANICS: So, Mr. Chair, Teresa, could you identify what the departments will be losing – not item by item that we have here on the paperwork, but what would the departments be losing right now if we approve this budget decrease?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, for the most part, again it did not affect people. There are some areas that chose to leave the positions vacant to try to come up with their savings and an example would be my type of budget. My budget is very small so in order to make the cuts, I'd have to leave a position vacant and I made that decision to do that for the remainder of this fiscal year. Most people lost travel dollars. A lot of people looking at where we were at with gas and oil and when we went out and planned last year's budget cycle we listed a dollar value I believe of \$388,000 for fuel and we've not been that high. So there were potential savings there. So we took from travel, we took from gas and oil, we took from supplies. We've had areas where contractual services had not materialized, so we took from those areas as well.

So mainly travel, seminars and workshops, gas and oil, and contractual services.

COMMISSIONER STEFANICS: So Mr. Chair, Teresa, if we're talking about contractual services and gas and oil, are we talking about a decrease in services to the public in the next few months?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, no, we are not. We went ahead and we calculated based on what they've spent thus far, mainly for travel and gas and oil, and ensured that they have enough to do for their service delivery. So we worked with Public Works, Robert, and fleet, and we looked at what they've spent thus far. We looked at the previous fiscal year's expenditures and we made sure to leave those

sufficient. And all of them were instructed as they have been with every cut that these would be put in a set-aside, if you will, and if we find that we proceed through the fiscal year where there are shortfalls then that set-aside is there and we will continue to support them to the level that they need support. So no services will be compromised.

COMMISSIONER STEFANICS: Okay, so Mr. Chair and Teresa, in your opinion, if we have items that we are cutting \$10,000 and \$15,000 in some line items, did we overbudget in those items in the first place?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, there may have been a little bit of overbudgeting but I think for the most part because of our cost-saving initiative a lot of people have been frugal and that's why we're experiencing the savings that we have.

COMMISSIONER STEFANICS: Okay. Mr. Chair, I'll wait for other people's questions before I would move approval.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Teresa. You had mentioned in your memo here that some of the departments are not dependent upon GRT revenue but some are. Which ones are and which ones aren't?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, GRT revenue dependent includes Corrections – they'll have Corrections GRT. You have Fire, who is completely reliant on gross receipts tax. Indigent, EMS services are reliant on gross receipts tax. We have general taxes that are used to support general operations or are either pledged to debt service. So for the most part general fund people are reliant on property tax. General fund budget has about \$9 million of GRT. A good portion of that goes towards the judicial center so that would not affect staffing our programs; it would affect the construction of that. So Fire, Corrections, Indigent, EMS, and there's a capital outlay GRT which can only go for capital projects, so I think that's it.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya or Vigil, do you have any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move for approval of this item.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics for approval, second by Commissioner Holian. Discussion?

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

COMMISSIONER STEFANICS: Mr. Chair, on that topic, there was an item this morning, Teresa that came up in one of our other meetings and it could come up, we could for it later, but in the past you developed some spreadsheets or worksheets on gross receipts taxes. And the question came up whether or not we have any gross receipts taxes that we could still enact that we have not met the maximum level. And also we were talking about mill levies as well. So do you have some kind of worksheet on this?

MS. MARTINEZ: I do, Mr. Chair, Commissioner Stefanics. I have one that is about a year old, so what we'll do is we'll go and confirm the FY 09 actual

amounts and then we'll show you where we budgeted for 10. But I had it broken down by collections, by fiscal year, the increments, and also what the County has enacted to date and what is available to enact, if anything.

COMMISSIONER STEFANICS: Okay. And Mr. Chair, we were discussing this in the Indigent Board meeting so we had some interest in talking about healthcare and how we were supporting not only our primary care providers but other health services and the hospital and everything, so we were bringing it up in that context. Thank you, Mr. Chair.

X. B. 5. Resolution No. 2010-38. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Capital Reserves for the South Meadows Water & Sewer Line Project and for Capital Equipment Expenditures / \$472,451 (Water Resources)

COMMISSIONER VIGIL: Thank you, Mr. Chair. I basically have a question about the budget transfer but if anybody's here to give me an update on this project I'd be happy to hear it. I know the most recent issue on it was that we needed to expedite some of the projects construction based on the Buckman Direct Diversion. Teresa, I don't know if you're the one that's familiar with it. Robert I know is here. Have timelines changed? Where are we with this project? And how well funded are we for it? Thank you, Robert. You probably get tired of me asking you about projects like this.

ROBERT MARTINEZ (Public Works Director): Never. Mr. Chair, Commissioner Vigil, currently the project is under construction and we are on schedule. We are looking to complete this project by the end of August of this year so the BDD line can be tested by October of this year.

COMMISSIONER VIGIL: Okay. And to what extent is the construction of the project? Is it just the bridge? Or will we be able to connect South Meadows with any other roads? Or with South Meadows?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, this project is inclusive of a bridge, roadway, sanitary sewer, BDD line and trails, all the way from 599 frontage road all the way to Agua Fria. So it will be a through-road to connect those two roads.

COMMISSIONER VIGIL: And it will be really a little bit south of Agua Fria because I think the South Meadows developer built a roundabout and then South Meadows is sort of a narrow road between roundabout and Agua Fria. Does our project include that little strip?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, no. That is south of Agua Fria. Our limits are Agua Fria at the existing traffic signal at Agua Fria and South Meadows going north to New Mexico 599 frontage road.

COMMISSIONER VIGIL: Robert, I wonder if we could find out who is responsible for developing and constructing the road from the current development that exists there to south of Agua Fria. I don't even think it's a mile that we're talking about that is a strip of South Meadows Road.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, are you talking about

the portion that's already built?

COMMISSIONER VIGIL: No. My understanding on South Meadows right now from my traveling through there, the new construction as you just explained is north of Agua Fria up to 599. Just south of Agua Fria, South Meadows continues all the way to the Branch development, and I'm not sure what the name of it is. The last time I drove by there there was a roundabout and the road had not been constructed north of the roundabout that would connect to our construction north of Agua Fria. Now, they may have changed that. Have they?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, it is completely built from Airport Road north to the Agua Fria intersection.

COMMISSIONER VIGIL: So it is us that would continue that construction. Okay. Good to know that. The last time I was there from the turnaround there was no construction. I appreciate that. That's the update I needed. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Could I have a motion?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Stefanics. Further discussion?

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

X. C. 1. Resolution No. 2010-37. A Resolution Amending the Santa Fe County Road Map and Certifying A Report of the Public Roads in Santa Fe County (Growth Management)

COMMISSIONER STEFANICS: Mr. Chair, the one thing I was wondering is if there was a visual that you could provide us with this, like a map of projects so we can have it – not today, but to refer to. And then I think that Commissioner Holian has a similar interest to mine. Mine might be more general but when we were out in Eldorado recently people were interested in amounts of money that's spent on road improvements and maintenance, and I'm going to let Commissioner Holian ask her specific questions, but it's around that line of questioning that I had too. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Robert, so I was curious as to what is our total budget in a year for the entire county for road maintenance, and what is the total budget for road improvement?

MR. MARTINEZ: Mr. Chair, Commissioner Holian, our total budget for road maintenance is approximately \$3 million. And I believe it breaks down to if you divide our total maintenance budget in the number of miles that we maintain it's approximately about \$5,000 per mile per year that we have to maintain for maintenance purposes. As far as our improvement budget, our improvements aren't part of our maintenance budget. Our improvements are funded through either general obligation bond, capital outlay appropriations from the legislature, GRT. So it's hard to tell in a

given year what our improvement budget will be but they're all project-specific.

COMMISSIONER HOLIAN: Okay. Thank you. Another question I had is in this summary of the total roads, I notice that you have the subdivision roads separated out from the other roads. And so I was wondering what is a subdivision road, as opposed to another road? And why are they broken out that way?

MR. MARTINEZ: Mr. Chair, Commissioner Stefanics, the purposes for segregating them from subdivisions versus other roads, when the Commission accepts subdivisions entirely we group them in that particular subdivision. So if somebody calls and says, my road is in the Eldorado Subdivision we don't have to search through the individual roads. We just go straight to the subdivision classification and we can look up that road via that means. There's no difference in the type of maintenance that a subdivision road receives as opposed to a single road. The only difference may be for snow removal purposes we will focus more on major arterials, minor arterials and then move on to the local roads later on, which most subdivisions are.

COMMISSIONER HOLIAN: Okay. Thank you, Robert.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, Mr. Chair and Robert, I'd like to go back because one of the things I would like to understand and I would like the public to understand, the other evening when we were at a public meeting we indicated that \$17.20 of every \$1,000 in property taxes collected went to road maintenance. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner Stefanics, yes. That was developed from the 2008 fiscal year, so in 2008 that was the accurate amount.

COMMISSIONER STEFANICS: Okay. So for property owners, I'm going to drop it down from a thousand to a hundred, because for every \$100 it's \$1.72?

MR. MARTINEZ: \$1.79.

COMMISSIONER STEFANICS: Okay. I want to put this in perspective for all of our property owners out there, that \$1.79 for every \$100 of their taxes that they pay go to road maintenance. So when we look at all of the roads that need work on, I know there's an incredible list of needs but that puts it in perspective for the public.

MR. MARTINEZ: Mr. Chair, Commissioner Stefanics, that is correct. The money that's from the road maintenance is approximately 75 percent of our road maintenance budget. The other 25 percent comes from the DOT in the form of motor vehicle tax and gasoline tax and that is the reason why this resolution is before you today, because this certifies our road list, which in turn determines how much funding we'll get from those sources.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. When we're ready I have a motion.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move approval of Resolution 2010-37.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Stefanics, second by Commissioner Holian. Any further discussion?

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

MR. MARTINEZ: If I could just say thanks for the comments regarding snow removal, I'll make sure that it gets passed down to the guys that are out there.

CHAIRMAN MONTOYA: Thank you.

- X. C. 5. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of January 2010 (Finance Division)**
6. **Funds for the Month of January 2010 (Finance Division)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, I think that I was one of the people who had asked to see our monthly disbursements and payables and I hate to see us continue to put a lot of paper on this. So unless other members wanted to continue to receive these I would withdraw my request for having these every month.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I wasn't under the impression it was brought forth by a request from the Commission but I thought Finance prefers to have this reviewed by us. Is that correct?

MS. MARTINEZ: Mr. Chair, Commissioners, the Accounts Receivable was brought forward by a request but the Accounts Payable, statutorily, I have to communicate to the Board the checks that are written by Santa Fe County and they have to be approved by the governing body, and that was a finding we had about two years ago. So the payables I have to do. The receivables was a request.

COMMISSIONER VIGIL: Okay.

COMMISSIONER STEFANICS: So, Mr. Chair, one of the things I did indicate to Teresa is that I think that having monthly financial statement updates of how we're doing – if we're overspending, underspending, how the receipts are coming in – would be very helpful, especially as we build up to making any decisions on FY 11. And I know you have another section later on you're going to talk about. But I think that monthly we should be doing some financial statement updates.

Now, Teresa, on these payables, on the disbursements, could you update us on how we might be improving or consolidating our purchasing?

MS. MARTINEZ: Sure, Mr. Chair, Commissioner Stefanics. What we're currently doing is putting some of our smart buying practices into place, which coordinates mainly supplies, whether it be office supplies, janitorial supplies, the types of things we have control over and have an inventory idea of what we need to maintain on hand. So what we're doing is coordinating with all those department directors and telling them that they have to process such orders once a month. So rather than getting, for office supplies, you could get 50, 100 different requests in a week if each division does their own buying, so we're asking departments now to buy collectively for the entire department once a month, and then our hope is that would also be one P.O. instead of

many P.O.s, and also the check-writing process could be consolidated further by only writing one or two checks, depending on back orders. We're trying to do that so it's more of a coordinated effort. Less staff time and less P.O.s, less checks, and a more efficient process.

COMMISSIONER STEFANICS: Thank you. That's all. I'll move approval unless there's other questions.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Vigil. Further discussion?

COMMISSIONER STEFANICS: That's for 5 and 6.

COMMISSIONER VIGIL: Second on both.

CHAIRMAN MONTOYA: Okay. Any further discussion?

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

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Division

1. Review the Monthly Financial Report for the Month of January 2010 Specific to the General Fund (Finance Division)

CHAIRMAN MONTOYA: Teresa.

MS. MARTINEZ: This typically comes up under Consent, so I'll summarize it for you and stand for questions, and also let you know that we're preparing the draft financial statements that we'll hopefully have out for your review before we actually submit an official one at the next BCC admin meeting. So we'll have a draft financial statement for your review.

This is strictly the general fund information relative to the data of February 15th. It breaks down the revenues and breaks down the expenditures. We provide you with the budget and we provide you with the actuals and then show if we have areas where we're not collecting or areas where we're overspending. More or less we are right in line with our revenues. We have an \$83 million budget that is mainly comprised of property tax and gross receipts tax. We have small fees in there such as solid waste, County Clerk recording, investment income and grants, for a total budget of \$83 million, and through February 15th we had collected \$36 million.

Now, I want to remind everybody that property tax collections are cyclical so we still have two hefty months in May and June that we need property tax dollars and then the remainder of the fiscal year for the rest of the revenues.

So expenditures are broken out by our major expense categories. Our total budget is \$80 million. Expended to date is \$32 million, and again, that too can be cyclical depending on just payouts. We have certain times of years where expenditures are higher than others, so looking at the budget we have spent \$32 million and we have \$3 million sitting on encumbrances. So currently as of today, if we were looking at revenues versus expenditures, revenues are greater than expenditures by just under \$4 million. I will stand for questions.

CHAIRMAN MONTOYA: Okay. Any questions?

COMMISSIONER HOLIAN: I have one.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Teresa. Under the revenue summary, under budgeted cash, what exactly do you mean by that? Does that also include our savings? Is that all savings? What is that?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, budgeted cash will be several things. One of the things we do is we carry over balances on the previous year's purchase orders and the offset for that carryover is budgeted cash, so that's included in there. It could be any cash balances that are left over for big projects, like the judicial center, that are funded from that general fund source, as well as any grants or appropriations that are still authorized and running balances. And then the rest would be what we use basically to balance the budget.

COMMISSIONER HOLIAN: Thank you. And did you have an estimate for how much extra we are putting in there to balance the budget?

MS. MARTINEZ: Well, we set aside a contingency of \$5 million, and the general fund has to transfer probably anywhere from \$15 to \$18 million to support other funds, so I'd have to guess that with our recent savings of [inaudible] at least \$12 to \$15 million would be from savings.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Teresa, with regard to any particular item in there, which one would you identify as the one item that reflects the cost savings implementations that we've been underway?

MS. MARTINEZ: Okay. Mr. Chair, Commissioner Vigil, I would definitely look at the travel category. That's definitely under budget. And traveling this year is basically anything attached to a certified training program or a licensing requirement. Maintenance is down a little bit. Contractual is definitely down, and supplies are down. Operating expenses as well. So mainly our operational categories, travel that we can control. Maintenance that we can control, and operating expenditures. A lot of that can be witnessed to with some of the utilities and cell phones, trying to buy smarter plans, more efficient use of all County phones, and then the utilities, doing our best along with the energy efficiency initiatives that we put together. And then just contacting our vendors and trying to work with them if it seems a little high. So we've had savings in that area in particular.

COMMISSIONER VIGIL: And Teresa, with regard to our cost savings plan, I know we had different phases. Where are we? What phase?

MS. MARTINEZ: Mr. Chair, Commissioner, we are I think at the tail end of phase 2 and ready to go into phase 3. So we haven't officially announced phase 3 as of yet.

COMMISSIONER VIGIL: Okay. Thank you very much. Thank you, Teresa.

CHAIRMAN MONTOYA: Okay. Any other questions? Do I have a motion?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any discussion?

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

XI. B. Community Services Department

1. Resolution No. 2010-40. A Resolution Adopting the Housing Assistance Regulations (Housing Department)

DARLENE VIGIL (Affordable Housing Administrator): Mr. Chair, Commissioners, we request authorize approval of a resolution that will be adopting the Housing Assistance Regulations. The Housing Assistance Regulations 2010-37, authorizing Santa Fe County to donate land, invest in building for conversion or renovation into affordable housing, pay the cost of infrastructure necessary to support affordable housing projects in Santa Fe County, or make housing assistance grants. Part of the background here is the Ordinance 2009-14 allowed for the County to provide such funding sources. The Housing Assistance Regulations will provide direction and address certain matters identified in the ordinance to allow for these donations and assistance. Staff does recommend priority funding. At this point in time we are seeking approval for down payment assistance not to exceed \$10,000 to assist homebuyers that are learning less than 100 percent of the area median income to obtain a prime mortgage to purchase an affordable home located in the County of Santa Fe, and secondly, developer subsidy not to exceed \$10,000 per unit. The assistance would provide an offset to the cost of building affordable homes as required by Santa Fe County Ordinance 2006-02, serving again families that are earning less than 100 percent of the area median income. I stand for any questions.

CHAIRMAN MONTOYA: Okay. Questions for Darlene? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, thank you, Darlene and thank the affordable housing staff. This was a lot of work to put this together and you did a terrific job, so thank you. I have a couple little questions. On either of these subsidies, does any of this money come back to the County later on if – is there a lien on the property so that some of the money does come back when the property is sold?

MS. VIGIL: Mr. Chair, Commissioners, absolutely. The down payment assistance will have a due upon sale clause. If the family should sell, transfer title, refinance or vacate the property, the money would come back. There will be an affordability lien placed on the property at the time of closing.

COMMISSIONER HOLIAN: And what about the developer subsidy?

MS. VIGIL: At this point in time that would not be something that would be paid back.

COMMISSIONER HOLIAN: Okay. And one of the questions I had was

on the down payment assistance do you always allocate \$10,000? Or do you sometimes adjust that, depending on circumstance?

MS. VIGIL: Mr. Chair, Commissioner Holian, absolutely. It will be based on need and the application will show what is deemed necessary for that transaction. So it is up to \$10,000, not just a flat \$10,000.

COMMISSIONER HOLIAN: Okay. Thank you, Darlene.

MS. VIGIL: You're welcome. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Darlene, from the Housing Board meeting this morning what I learned was \$10,000 may not be sufficient, I think because we're moving forward we need to approve this, but I didn't get a response from you when that statement was made, is \$10,000 going to be able to assist these down payment first-time homeowners?

MS. VIGIL: Yes, Commissioner Vigil and Mr. Chair, at this point in time if in fact we are layering some of the liens that are associated with the homes that are built per Ordinance 2006-02, some of this subsidy is already on these liens will range anywhere from \$30,000 up to \$100,000. If those developers are in fact utilizing and tapping into or following that ordinance, those subsidies along with the \$10,000 may be just enough money. When we're taking a look at properties that are outside of that ordinance that may cause an issue with \$10,000 being too little of a down payment, outside of the developments that are not participating in the 2006-02 ordinance.

COMMISSIONER VIGIL: So what would that mean to homes that are available for resale?

MS. VIGIL: Mr. Chair, Commissioner Vigil, they could fall short. They very well could fall short.

COMMISSIONER VIGIL: Okay. Do we know what the figure is? That's part of the information we want to get going on.

MS. VIGIL: Mr. Chair, Commissioner Vigil, yes. If in fact we can meet with the not-for-profits, the Board of Realtors, next week, by all means. More of that data and research will allow us to make a more informed decision.

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

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Where does the \$10,000 come from?

MS. VIGIL: Mr. Chair, Commissioner Anaya, the \$10,000 – the fund itself was derived from funding sources from the Las Campanas money that was paid in some of the water rights back in I believe 1991. In addition to that some folks have actually paid off some of their affordable housing liens and those monies have been deposited into this account, in addition to fees-in-lieu-of, are basically what comprises the fund.

COMMISSIONER ANAYA: And how much money do we have in there to help with payment assistance?

MS. VIGIL: Mr. Chair, Commissioner Anaya, it appears we have approximately \$2 million.

COMMISSIONER ANAYA: And how many people have applied for the

\$10,000?

MS. VIGIL: Mr. Chair, Commissioner Anaya, we have not had a formal application process. The only items that have been researched at this point are facilitation of homebuyer orientations to get a read or a pulse on how many County employees may possibly be interested in purchasing a home. And at this time we have two qualified employees.

COMMISSIONER ANAYA: And how many do you think well be, or could come forward?

MS. VIGIL: Mr. Chair, Commissioner Anaya, I believe that there are families that have gone through several of the not-for-profits. Santa Fe Community Housing Trust, Homewise and Habitat for Humanity that are probably just waiting to see if in fact a home is available. But again, as Commissioner Vigil had requested earlier, we really need to pull those parties together to get an idea of exactly how many families are in line.

COMMISSIONER ANAYA: And if we were to increase this to \$20,000 we would help people out faster.

MS. VIGIL: Mr. Chair, Commissioner Anaya, I believe so.

COMMISSIONER ANAYA: How does the Board feel about increasing it to \$20,000? And is there an issue? We have \$2 million to help people get in homes. I'm just throwing it out.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I could go for upping it maybe. I guess the question is legally have we had to do any public hearings on the amount? Or would we need to go back to public hearing?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Stefanics, sure. Yes, we have an ordinance, a 2009 ordinance that we passed does have a limit of \$10,000, so we'd have to amend the ordinance, which would take a couple months. We could do that.

COMMISSIONER ANAYA: We can't do it here?

MR. ROSS: We can't do it today. You can't amend the ordinance just by enacting some regulations.

COMMISSIONER STEFANICS: Well, Mr. Chair, on that, could we not amend this regulation? I guess it's like what comes first. We have this ordinance, if we make our intent known today by changing the regulation to make it a higher amount, can a regulation be changed before we go back and change an ordinance?

MR. ROSS: Well, Mr. Chair and Commissioner Stefanics, you could change the regulation. It wouldn't be valid until you got the ordinance changed. But that would save some time. Or we could amend the ordinance and bring an amendment to the regulations at the same time as we amend the ordinance so then we could increase the limits as of that date. We could probably get the ordinance amended pretty quick if we got right on it.

COMMISSIONER STEFANICS: I'm sorry. I didn't know Commissioner Anaya still had the floor. I'm sorry to interrupt.

COMMISSIONER ANAYA: Just don't do it again. No, you didn't

interrupt. I just would like to see that happen, if it's going to help people, better than \$10,000, give them \$20,000. I know it would help me.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. On that point, I would like to see that we pass this today and then amend it, because otherwise it will stop everything from happening for a couple of months and the whole thing about getting this out there was so that people could take advantage of an \$8,000 credit. So we don't want to slow it down to the point where they don't have that opportunity. But I'm all for increasing it. Passing it today and then increasing it.

COMMISSIONER VIGIL: I move to approve.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Anaya. Any discussion? I guess that I'll just add that I would be in favor of proceeding today as well. We've been trying to get this thing going for the last seven years and we're finally at this point where we're starting to do something so I would like to see something happen here within the next couple months.

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

CHAIRMAN MONTOYA: Thank you, Darlene.

MS. VIGIL: Thank you. And Mr. Chair, with all due respect, there are a couple of corrections to the regulations and an Exhibit B that was not in your packet that I will be handing out. Just the application itself, just to match and mirror the actual regulations. These are the exhibits that are attached in your packet. But the donation agreement must also be included in the regulations.

COMMISSIONER VIGIL: Do these application forms need to be approved formally?

MR. ROSS: Mr. Chair, Commissioner Vigil, they are referred to in the regulations. So they should be a part of the motion.

COMMISSIONER VIGIL: I would amend my motion to include that.

COMMISSIONER ANAYA: Second.

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

MR. ROSS: And Mr. Chair, the way the meetings fall in March, we could do title and general summary of an ordinance changing and amending the 2009 ordinance on the 9th and enact the ordinance on the 30th.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Perhaps, if we're going to work quickly to amend it do we have a feeling here about if we want to go to \$20,000 or \$15,000? If we're going to propose changing the ordinance.

COMMISSIONER ANAYA: We just approved \$20,000, right?

COMMISSIONER STEFANICS: No, Mr. Chair, Commissioner, we just approved the \$10,000 to keep it moving. But if they're going to bring back an ordinance

with changes, that's what I'm asking, is if we have enough support to go to the \$20,000.

COMMISSIONER VIGIL: I would support considering that.

COMMISSIONER STEFANICS: Okay. I just want to make sure the staff has a clear notion of what we'd like to have put in the change. Thank you.

MS. VIGIL: Thank you, Mr. Chair. Thank you, Commissioners.

CHAIRMAN MONTTOYA: Thank you.

XI. B. 2. Endorse Maternal and Child Health Planning Council 2010-2014 Profile and Plan (Community Services/Health & Human Services/MCH)

STEVE SHEPHERD (Health & Human Services Director): Mr. Chair, I'd like to introduce Kim Straus, our Maternal and Child Health Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I had asked that this be pulled from Consent last time and we can hear a presentation or I can just ask my specific questions.

CHAIRMAN MONTTOYA: Okay. Do you mind just answering questions, Kim?

KIM STRAUS: That would be fine, Mr. Chair.

CHAIRMAN MONTTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, and thank you for coming, Kim and Steve, for this presentation. I wanted to find out what the process was, because I was a little concerned that we were turning something in to the state before we had it approved here. The second question I had is is there anything new in the plan from previous plans, and will there be any additional cost to implement any new initiatives. So those are the questions I had and that's why I pulled it from Consent last time.

CHAIRMAN MONTTOYA: Okay. Kim.

MR. STRAUS: Mr. Chair, Commissioner Stefanics, we go through a fairly lengthy process of conversations and research to assess the critical issues in the county concerning maternal and child health. We held quite a number of meetings of the council with guests of the council to come up with our priorities. Then our coordinator, Lisa Garcia pulls together data to put the profile together of the information from a number of different sources. So we then came up with the priorities. The change that you mentioned, Commissioner Stefanics, are the priorities that we have for the years 2010 to 2014. These differ from the previous priorities. The previous priorities were advocating for increased breastfeeding and support for increased home visiting in Santa Fe County. This year the council proposes to the Department of Health that our priorities be in better connecting families to services, in part through connecting providers to each other better, so they can better serve families, and also to try to improve the availability and access to quality affordable infant care for families in Santa Fe County.

COMMISSIONER STEFANICS: So Mr. Chair and Kim and Steve, is this primarily a planning document or is this something that the County implements?

MR. STRAUS: Mr. Chair, Commissioner Stefanics, it's a working

document to guide the council's work as an advocacy council on behalf of young children and families in the county. So our work is simply to advocate for improvements in access to services for families. I don't think it is something that the County actually implements.

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

CHAIRMAN MONTOYA: Okay. Any other questions? Do I have a motion?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

XI C. Matters From the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, the only thing I have today is I've asked Rudy Garcia to give us a brief wrap-up of the legislative session and he has prepared a summary of bills that are awaiting the governor's signature. So if Rudy can just give us a brief update.

CHAIRMAN MONTOYA: Could you particularly highlight the ones that will impact us. Rudy, I know that there's a whole bunch that will, but the ones that you think are going to be critical.

RUDY GARCIA (Community Services): Mr. Chair, I'll definitely try, but let me just hand this out. *[Exhibit 1]*

CHAIRMAN MONTOYA: Okay. And thank you for all your work during the sessions, Rudy.

MR. GARCIA: Good afternoon, Commissioners. As you know the session is temporarily over. I've actually passed out a copy of the bills that I feel that have made the governor's desk that will affect the County one way or another. Some of those bills in there are tribal infrastructure, cost of severance tax bonds, etc. I'll go through those actually. Keep in mind there's been no action taken on any of these bills. The governor has up until March 10th to act on anything that reaches his desk, and once again, these are the bills I feel will affect the County one way or another.

Commissioners, Mr. Chair, I don't know how you want to go through these but they definitely affect the County one way or another. A good example is the first page here which has the different House bills and Senate Bills in red and blue. For example, House Bill 162, severance tax bonds for tribal infrastructure. What they want to do is take five percent of the severance tax bonds starting in 2012, five percent right off the top would go to tribal infrastructure issues. I know we're not a tribal government but we do have a lot of tribal governments within Santa Fe County. I think there's six or eight of them that we can possibly pair up with them to do a water system, sewer system, a community center or County roads. So I don't know how you want me to go through these but that's a good example and it doesn't really affect the County but in one way or another we can actually work with them to, like you said, get some infrastructure then we

could partner together.

On the Senate side, on the blue side there, on the first page also, Senate Bill 182 is a capital outlay reversions for solvency. That's a bill that actually takes all the capital outlay away, which is roughly about \$150 million that they needed to balance the 09/10 budget. The next page, there's a lot. House Bill 233 on the second page, Commissioner Holian here brought up the issue of solar panels, I believe, or yourself, Mr. Chair. And House Bill 233 is no solar panels as property tax improvements. If you have solar panels on your property or on your building they actually can be taxed as an improvement to your property.

On the Senate side, the Senate joint memorial is a missing persons reporting and communication. That's actually having to do with our law enforcement. But now they'll have to go through some sort of a training with the State Police in order if there is a missing person, such as the Adler Alert Act. So there's training that the sheriffs will have to go through. SJR 5 is the extension of County official term limits. That definitely affects you all, if that is signed by the governor.

CHAIRMAN MONTOYA: Has it been signed?

MR. GARCIA: It has not been signed yet. None of these bills have been acted on.

COMMISSIONER VIGIL: That has to go to the voters.

MR. GARCIA: Right. As you all know, the session will actually start tomorrow at 12 noon. We'll still be looking at the budget and I actually did go by the roundhouse about an hour ago before the County Commission to see if there's a proclamation that the governor's office has issued out. There is no proclamation yet. As you all know, the proclamation outlines what the governor would like to hear in this special session. There's no proclamation for that.

As you know, we do have some interest in this House Bill 2, which is the operating budget for the state. At the beginning we had our Teen Court funding, about \$63,000 that was in there. It has some potential possibility of getting cuts. We had the DWI funding. They wanted to reduce the DWI dollars that the state receives which the County does receive money from that for applying for grants. The E-911 money was in jeopardy. We actually talked with the leadership and some legislators and actually got the E-911 out of the House Bill 2 as well as the Teen Court.

In rewriting the budget once again, as you all know there were some bills that wanted to raise taxes, such as House Bill 119, which actually would raise the gross receipt tax from approximately about 50 cents for every hundred dollars that the taxpayer would spend. A lot of these bills actually – they didn't get passed in one house or another and in my opinion those three or five tax bills needed to get passed in order to balance the state's budget. But like I said none of those passed or made it up to the governor's desk.

CHAIRMAN MONTOYA: So Rudy, what do you think they're going to focus on? Or maybe Commissioner Vigil or Stefanics who have been there about every day, what do you think they're going to – do you have any idea what may be on the call? Or what we'll be looking at?

COMMISSIONER VIGIL: Well, Mr. Chair, House Bill 2 is in conference committee. That conference committee has currently not been appointed. What has happened with the legislature is conference committees now have to be public.

COMMISSIONER STEFANICS: On that, Commissioner Vigil, when the session ends, everything ends at that session, so they really have to start over.

COMMISSIONER VIGIL: Right. So what I'm saying is no conference committee has been appointed or was appointed during the last session. House Bill is on a concurrence calendar as it's posted, so my hope is that the leadership is meeting at this point in time to come to a compromise so that when the gavel opens the session for special that house bill has been compromised and can come forth for a vote. So I'm not even sure it even necessarily has to go to conference committee if negotiations have been made and if they have, it's really House Bill 2 how that is actually going to come out and whether or not the compromise will require revenue enhancements.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER STEFANICS: Mr. Chair, to add to that, besides the expenditures for the state the disagreement is on revenue enhancements. There was a – the Speaker had a bill on gross receipts tax increase. The Senate had a bill on a tobacco tax increase, and they both voted each other's bills down. So there is no agreement on the tax increase. And my understanding is the leadership still didn't have any agreement about that.

The House Bill 2 actually as it went through, while both the Senate and the House like it, it had a \$300 million hole. So there has to be some kind of tax increase somewhere if they're going to go with that budget. And they just don't have any agreement.

COMMISSIONER VIGIL: Or didn't. Hopefully they will.

MR. GARCIA: Mr. Chair, Commissioners, one thing interesting, I was over there, like I said a little before the Board of County Commissioner meeting and I guess the leadership on both sides are actually going up to the governor's office to meet with him to postpone the session until a little bit further out. As to what those dates will be, I don't know why or if they're going to do that, but that's kind of something I just heard roughly about an hour and a half, two hours ago.

Another thing is regarding Senate Bill 182 which cuts all of the capital which like I said earlier is going to – I don't know if save is the right word, but \$150 million. They didn't put an amendment on that bill which allows local government entities, counties or cities to actually once again submit their information if they feel that their projects meet the criteria that DFA has. DFA is to review these projects within a 30-day time limit.

One of the fortunate items is that our movie studios did make that bill 182 that was actually added by the Senate at the last minute. I have been talking with the Manager and the Attorney and Duncan on that and they have put together a letter and an email to be going to the governor's assistants to hopefully take a very close look at that when it does reach his desk and hopefully he can do whatever the powers of his pen has to remove that though. We definitely are working on that.

CHAIRMAN MONTOYA: You said that it was added to that bill?

MR. GARCIA: Mr. Chair, yes, it was added to that bill at the last minute. Like I said we are working together with the governor's staff to look at that portion of the bill. And with that, Mr. Chair, Commissioners, I stand for questions.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil, Commissioner Stefanics.

COMMISSIONER VIGIL: Rudy, on Senate Bill 182 was it your

understanding that based on the old criteria that DFA provided on these projects that despite the fact that perhaps local government received a letter of rejection based on that previous criteria that the new language in Senate Bill 182 provides for a 30-day appeal? Or what is your clear understanding of that language?

MR. GARCIA: Mr. Chair, Commissioner Vigil, that's my understanding in regards to the amendment that was added to Senate Bill 182 is that local governments do have the ability within 30 days once the governor signs it to resubmit the projects that they feel meet the criteria of DFA.

COMMISSIONER VIGIL: Okay. One of the issues of contention in that bill that affects all local government was that the original criteria from DFA was in fact the requirement of a third party contract. My understanding is that the new language in this bill eliminates that specific language and will allow for contractual arrangements, not necessarily what was arguably a misunderstanding on what a third party contract was. Do you have any comment on that?

MR. GARCIA: Mr. Chair, Commissioner Vigil, no I don't. I'll have to look into it and maybe go talk to some analysts and see exactly how they interpret the bill.

COMMISSIONER VIGIL: Okay. And the bill actually still has to be signed by the governor. But in its current language it would be good to know what the specific language is of previous projects that got cut off.

MR. GARCIA: Mr. Chair, Commissioner, I will definitely look into that. I'll send you guys all an email on that.

CHAIRMAN MONTOYA: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, my only other comment was that some of the bills that are waiting for the governor to sign, in my estimation he can't really make a decision on until the budget is passed as well as revenue sources. So some of these things around capital and gross receipts, etc. is all tied in with what has not yet been passed. So that could hold up some of the bills for the 20-day veto or approval.

MR. GARCIA: Mr. Chair, Commissioner Stefanics is exactly right. There is a bill that kind of died because the budget wasn't moving forward. That was a GOB bill which has all the senior centers, community centers in that. That actually has died because of the budget bill. The STBs, which is millions of dollars for statewide projects, that actually is – I guess it's dead. So she's actually correct that some of these bills are awaiting the budget in order for all of it to balance out. But hopefully they can do that.

CHAIRMAN MONTOYA: Thank you, Rudy. Again, good job. Appreciate your short hours at the legislature.

COMMISSIONER STEFANICS: Mr. Chair, I also appreciated every now and then receiving a little summary from Rudy about what was going on. So if we could not be there we were at least informed. So thank you very much.

CHAIRMAN MONTOYA: Okay. Roman.

MR. ABEYTA: That's all I have, Mr. Chair. Thank you, Rudy.

CHAIRMAN MONTOYA: Roman, could I ask you to do one other thing and that's in relation to County buildings. It came up after the discussion that I had earlier in terms of looking at photovoltaics on County buildings. Can we begin to look at that?

MR. ABEYTA: Yes.

CHAIRMAN MONTOYA: Or are we looking at that? Duncan is?

MR. ABEYTA: We're doing, Mr. Chair, an energy audit and assessment on all of our buildings, and so I'll make sure that's included in that.

XI. D. Matters From the County Attorney
1. Executive Session

MR. ROSS: Mr. Chair, we can either have an executive session or not. I've got a number of matters but they can all wait until the next meeting. There's nothing time sensitive.

CHAIRMAN MONTOYA: Okay. What are the wishes of the Board?

COMMISSIONER ANAYA: Adjourn.

CHAIRMAN MONTOYA: Adjourn? Anyone opposed to that?

XII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 1:25 p.m.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

[Signature]
Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:

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

EXHIBIT
1

Legislative Bills Awaiting Governor's Signature

HOUSE BILLS

HB 12 *Health Insurer Service Reimbursement*
HB 16 *Retirement Beneficiary Deselection Option*
HB 30 *Capital Outlay Gross Receipts Restrictions*
HB 38 *Public Project Revolving Loan Fund Projects*
HB 56 *NMFA Water Fund Projects*
HB 79 *Tobacco Settlement Fund Distribution*
HB 108 *Drinking Water System Financing*
HB 114 *Postpone Fire Protection Fund Distribution*
HB 120 *Tax Withholding Changes*
HB 127 *Qualified Minors on Precinct Boards*
HB 144 *Unemployment Contribution Schedule*
HB 162 *Severance Bonds For Tribal Infrastructure*
HB 165 *Whistleblower Protection Act*
HB 181 *Public Utility Def. Cost & Recovery*
HB 197 *Severance Fund Investment in Renew Energy*
HB 198 *Voting System Maintenance & Storage*
HB 216 *Medical Insurance Pool High Risk Programs*

SENATE BILLS

SB 6 *Create Additional Judgeships*
SB28 *State Contractor Contribution Disclosure*
SB 32 *DWI Chemical Test Fee Increase*
SB 47 *Economic Development Tax Incentive Changes*
SB 55 *Missing Persons & Amber Alert INFO & Training*
SB 60 *Hazardous Duty Officers Employee Relations*
SB 66 *Economic Dev. Revolving Fund Projects*
SB 77 *State Agencies Credit Card Processing Fees*
SB 96 *Whistleblower Protection Act*
SB 100 *Fire Protection Grants As Volunteer Stipends*
SB 112 *Severance Tax Bond Projects*
SB113 *GO Bond Projects*
SB 144 *Affordable housing Tax Credit Use/Vouchers*
SB 148 *No Use of Gender for the Health Insurance Rating*
SB 162 *County Gross Receipts for County Projects*
SB 182 *Capital Outlay Reversions for Solvency*

Legislative Bills Awaiting Governor's Signature

(Cont.)

HOUSE BILLS

HB 233 No Solar Panels as Property Tax Improv.

HB 261 Solar & Wind Energy Equip. Gross Receipts

HB 269 Utility Right-of-Way Access Fees

HJM 19 Repair State Park Roads, Bridges/Parking

HJM 20 Native American Voting Rights

SENATE BILLS

SB 186 Natural Heritage Conservations Act

SB 190 Public Utility Def. Cost Recovery

SB 200 Public Building Energy Efficiency Standards

SB 201 Electric Generating Facility Gross Receipt

SB 207 Public Employees Returning to Work

SB 209 Disabled-Accessible Parking Changes

SJM 34 E911 Committee Testimony to Legislature

SJM 49 Missing Persons Reporting/Communication

SJR 5 Extend County Official Term Limits

SJR 6 Modernize Election Language

SJR 7 Veterans Organization Property Tax

Bills That May Affect Santa Fe County

House Bills

HB 12 Health Insurer Service Reimbursements

Mandates direct services reimbursement by health insurers at a rate of not less than 85 percent of premiums collected on all health product lines over the three years preceding 2010.

HB 16 Retirement Beneficiary Deselection Option

Amends the Public Employees Retirement Act to provide a retired PERA member with a one-time irrevocable option to deselect a designated survivor pension beneficiary—other than the member's spouse or former spouse.

HB 30 Capital Outlay Gross Receipts Restrictions

Dumps the requirement that, to be eligible to impose the municipal (or county) capital outlay gross receipts tax, a municipality (or county) must have enacted all authorized increments of certain other local option gross receipts taxes. Also allows counties to use proceeds from a county capital outlay gross receipts tax for any infrastructure purpose.

HB 38 Public Project Revolving Loan Fund Projects

Authorizes the New Mexico Finance Authority to make loans from the Public Project Revolving Fund to 53 cities, counties and other public entities for hundreds of infrastructure projects.

HB 56 NMFA Water Fund Projects

Authorizes the New Mexico Finance Authority to make loans from the Public Project Revolving Fund to 53 cities, counties and other public entities for hundreds of infrastructure projects.

HB 79 Tobacco Settlement Fund Distribution

Continues for FY2011 the practice of distributing part of the money received by the Tobacco Settlement Permanent Fund to the Tobacco Settlement Program Fund.

HB 108 Drinking Water System Financing

Appropriates \$2.6 million from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund to provide state matching funds for federal Safe Drinking Water Act projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act.

HB 114 Postpone Fire Protection Fund Distribution

Postpones for one year the scheduled FY 2011 increase (from 13.4 percent to 20.1 percent) in the distribution from balances in the Fire Protection Fund to the Fire Protection Grant Fund. This effectively increases the amount transferring to the General Fund.

HB 120 Tax Withholding Changes

This 30-page bill substantially reorganizes and refines tax withholding provisions. Requires employers of 50 or more employees but who are not required to file an unemployment insurance tax form to file a quarterly withholding information return to Taxation and Revenue Department. Requires New Mexico pass-through entities to withhold and remit on a quarterly basis from each nonresident owner's interest.

HB 127 Qualified Minors on Precinct Boards

Amends the Election Code to allow the appointment of qualified minors to precinct boards.

HB 144 Unemployment Contribution Schedule

Raises the unemployment compensation contribution by employers having a positive balance in their reserve account of at least one percent. The contribution increases by two-tenths percent of payroll for the period July 1, 2010 through December 31, 2011.

HB 162 Severance Bonds For Tribal Infrastructure

Amends the Severance Tax Bonding Act by authorizing DFA's Board of Finance Division to allocate 5 percent of the estimated severance tax bonding capacity each year for tribal infrastructure projects

HB 165 Whistleblower Protection Act

Prohibits retaliation against public employee whistleblowers; creates a right to civil action.

HB 181 Public Utility Def. Cost & Recovery

Declares that customers of a public utility may generate electricity using renewable energy and will not be deemed to be a public utility so long as the generation facility is located on property owned by the customer or leased by the customer on a contiguous site. The customer must share a common point of connection with the electric utility and is allowed to sell electricity generated by renewable energy to the utility. The generating capacity of facilities must be limited to 120 percent of the average annual consumption of electricity by the customer

HB 197 Severance Fund Investment in Renew Energy

Directs the State Investment Officer to invest a minimum of three percent of the Severance Tax Permanent Fund, and up to ten percent if investments in accordance with the Uniform Prudent Investor Act are available, in New Mexico renewable energy. Investments are subject to the approval of the Investment Council after review by the Energy, Minerals and Natural Resources Department, the Economic Development Department and (if the investment is in a private equity fund) review by the Private Equity Investment Advisory Committee.

HB 198 Voting System Maintenance & Storage

Same purpose as the 2009 bill, but carries no appropriation. Sets forth responsibilities regarding the custody and maintenance of voting systems purchased from state and federal funds in 2006. Specifies that these systems are owned by the state and that the state is responsible for all the hardware, software, firmware, maintenance and support, but that the counties will have custody of the systems and pay for their storage

HB 216 Medical Insurance Pool High Risk Programs

Authorizes the N.M. Medical Insurance Pool to offer eligible individuals the ability to purchase or enroll in a federal insurance program that provides expanded coverage for state high-risk pools

HB 233 No Solar Panels as Property Tax Improv.

Solar energy system installations are not to be considered "physical improvements" to residential property. This means the value of the installation will not be added to the assessed valuation of the residential property as an exception to the three percent cap on annual increases in valuation.

HB 261 Solar & Wind Energy Equip. Gross Receipts

Expands the existing gross receipts deduction for selling wind energy generation equipment to also cover solar energy generation equipment. Defines "solar generation equipment," "wind generation equipment" and "related equipment".

HB 269 Utility Right-of-Way Access Fees

Authorizes municipalities and counties by ordinance to impose a right-of-way access fee on a public utility as compensation for use of public streets, roads, alleys and other places for the construction, installation, operation and maintenance of the utility's equipment on, above or under the public right of way

HJM 19 Repair State Park Roads, Bridges/Parking

Requests the State Transportation Commission to require the Department of Transportation to fulfill its statutory duty to repair and maintain the public roads and highways that provide access to state parks and recreation areas.

HJM 20 Native American Voting Rights

Recalls the history of Native American voting rights following the grant of citizenship status to Native Americans in 1924, and the struggles of Native Americans to obtain full participatory rights in the electoral process. Resolves that county commissions and county attorneys be urged to comply with the letter and spirit of monitoring agreements made with the federal government to prevent discrimination, and make voting accessible to all of the eligible 200,000 Native Americans living in New Mexico even after monitoring is lifted

Bills That May Affect Santa Fe County

Senate Bills

SB 6 Create Additional Judgeships

Increases the number of judges in the First Judicial District from seven to eight and the number of magistrate judges in Dona Ana County from five to six. The district judge will be appointed by the governor, and the magistrate judge is subject to election at the 2010 general election to begin serving on January 1, 2011 until the 2012 general election.

SB28 State Contractor Contribution Discloser

Requires all state and local contractors, as well as prospective contractors, with annual contract values over \$50,000, to register with the Department of Finance and Administration (DFA). Prohibits a contractor or prospective contractor from making a gift or loan to, or on behalf of, a state or local public officer. Information must be updated quarterly and published by DFA on its website

SB 32 DWI Chemical Test Fee Increase

Raises from \$65 to \$85 the fee to defray costs of testing imposed on a person convicted of driving while under the influence of intoxicating liquor or drugs

SB 47 Economic Development Tax Incentive Changes

Requires every statute enacting an economic development incentive (a credit, deduction, rebate, exemption or other tax benefit for the primary purpose of promoting economic development) to include seven specified provisions, including standards of eligibility, reporting requirements for the incentive recipient and legislative review every seven years. The Economic Development Department must publish annually an aggregate list of the economic development tax incentives used by each taxpayer

SB 55 Missing Persons & Amber Alert INFO & Training

Combines statutes pertaining to missing persons and to missing children into the Missing Persons Information and Reporting Act. Requires missing person and AMBER alert training to be included in the curriculum of basic law enforcement training and as a component of in-service training for certified police officers

SB 60 Hazardous Duty Officers Employee Relations

Cited as the Hazardous Duty Officer's Employer-Employee Relations Act, the bill provides protections for hazardous-duty officers and requires that certain procedures be followed when undertaking an investigation that may result in an administrative sanction against the officer. Applies to the interrogation and investigation of a full-time firefighter, emergency medical technician, or paramedic, by the state or a political subdivision. Provides for the award of a civil penalty up to \$25,000 plus attorney fees if an officer's rights under the act are maliciously violated by an investigator

SB 66 Economic Dev. Revolving Fund Projects

Authorizes the New Mexico Finance Authority to assist in the financing of 33 economic development projects around the state (listed below). Assistance would be in the form of loan participations with private lenders. The NMFA portion of a loan could be up to 49 percent, not to exceed \$5 million of the project cost

SB 77 State Agencies Credit Card Processing Fees

Authorizes state agencies and local governments to charge a fee for payments made by credit cards or electronic transfers. Amounts collected are appropriated to the agency to defray processing costs

SB 96 Whistleblower Protection Act

Cited as the Whistleblower Protection Act, the bill prohibits public employer retaliatory action when an employee discloses an employer's unlawful act or provides information of such as part of an investigation. Creates a right to civil action for actual and special damages payable by employer, along with reasonable attorney's costs and fees. Notice of the law must be placed in a conspicuous place on employer's premises.

SB 100 Fire Protection Grants As Volunteer

Requires the Fire Protection Grant Council to develop criteria for awarding stipends to volunteer firefighters in underserved areas. The council must define "undeserved area," ensure that the proposed stipend will comply with federal requirements, set a basic level of training, consider whether a district should require a service commitment in exchange for a stipend and weigh applications for stipends against other criteria or requirements determined by the council.

SB 112 Severance Tax Bond Projects

Authorizes the issuance of severance tax and other bonds, with proceeds appropriated to various state agencies for the purposes listed below. The bill also imposes time limits for utilizing the funds that are appropriated

SB113 GO Bond Projects

SB 144 Affordable housing Tax Credit Use/Vouchers

Allows the affordable housing tax credit to be taken for housing projects in counties with a population of at least 100,000 (currently, Bernalillo, Dona Ana, San Juan and Santa Fe). Also expands coverage of the tax credit to include 50 percent of the investment in materials.

SB 148 No Use of Gender for the Health Insurance Rating

Strikes language in the Insurance Code which allows health insurers to charge up to 20 percent more on the basis of gender for persons in the same age group. Provides that gender shall not be used as a rating factor for policies issued or delivered on or after January 1, 2014. Rates charged on the basis of gender cannot exceed rates for other persons in the age group by more than 15 percent in calendar year 2011, ten percent in 2012 and five percent in 2013.

SB 162 County Gross Receipts for County Projects

Grants counties permission to pledge the proceeds of the one-sixteenth increment of county gross receipts tax for the payment of principal and interest on gross receipts tax revenue bonds.

SB 182 Capital Outlay Reversions for Solvency

A 218-page bill that provides for the reversion of General Fund balances for capital projects authorized from 2004, 2005, 2006, 2007, 2008 and 2009 General Fund appropriations and provides for the cancellation of authorization to spend balances remaining from severance tax bond proceeds authorized in Laws 2004, 2005, 2006, 2007, 2008 and 2009. (See, also, SFC Substitute)

SB 186 Natural Heritage Conservations Act

The purpose of the act is to protect the state's natural heritage by establishing a funding process for the purchase or acquisition of land, conservation easements and other property interests, and for land restoration. Its further purpose is to protect forest land and water, watersheds, natural areas, wildlife and its habitat, working farms and ranches and outdoor recreation and trails. Creates the Natural Heritage Conservation Fund to be administered by the department for project funding, but the bill does not contain a startup appropriation. The fund would consist of appropriation, gifts, grants, donations and bequests.

SB 190 Public Utility Def. Cost Recovery

Declares that customers of a public utility may generate electricity using renewable energy and will not be deemed to be a public utility so long as the generation facility is located on property owned by the customer or leased by the customer on a contiguous site. The customer must share a common point of connection with the electric utility and is allowed to sell electricity generated by renewable energy to the utility. The generating capacity of facilities must be limited to 120 percent of the average annual consumption of electricity by the customer

SB 200 Public Building Energy Efficiency Standards

Requires that any new public buildings or building additions containing more than 3,000 square feet, or renovations of building heating, cooling, insulation systems, meet an energy performance standard of 50 percent or less of the national average energy consumption for comparable structures as established by the U.S. Department of Energy and attain the "energy star" qualification of the U.S. Environmental Protection Agency. Applies to buildings financed to any extent with legislative appropriations of general fund revenues or severance tax or general obligation bond proceeds. Building owners must evaluate the cost-effectiveness of alternate designs and track energy consumption

SB 201 Electric Generating Facility Gross Receipt

Grants a gross receipts deduction for receipts from selling tangible personal property or services to someone holding an interest in a qualified generating facility. An equivalent compensating tax deduction is also proposed. If either deduction is taken, the same receipts may not be counted as qualified expenses for the purposes of the advanced energy tax credit at 7-9G-2 or the deduction for sales of wind energy generation equipment at 7-9-54.3 (revised in SB202 to cover solar as well as wind generation equipment).

SB 207 Public Employees Returning to Work

Suspends upon commencement of employment the pensions of PERA retirees (other than elected officials, chiefs of police or undersheriffs) who return to work. Pensions resume at the suspended rate upon termination of re-employment.

SB 209 Disabled-Accessible Parking Changes

Provides accessible parking training for law enforcement, changes the disabled parking placard expiration period, describes more explicit marking of accessible parking spots and specifies penalties for unauthorized vehicles parked in those spots

SJM 34 E911 Committee Testimony to Legislature

Requests that the Local Level E911 Advisory Committee and the State E911 Coordinating Committee work with DFA, Taxation and Revenue, Homeland Security, the Department of Information Technology, the State Police, Public Safety, PRC and the Department of Health and others to review relevant statutes or rules to identify conflicts, overlaps or uncoordinated policies and funding considerations

SJM 49 Missing Persons Reporting/Communication

Requests that the Department of Public Safety convene a task force to study the issue of improved communications, reporting and coordination among law enforcement agencies with regard to missing persons and incidents of domestic violence. The group will also evaluate law enforcement compliance with the Missing Persons Information Act and recommend sanctions for future noncompliance. The task force will include representatives from state and local law enforcement agencies, the sheriffs' and police officers associations and numerous organizations involved in the prevention of domestic violence. Findings and recommendations will be presented to an interim legislative committee by November, 2010.

SJR 5 Extend County Official Term Limits

Proposes a constitutional amendment permitting county officers to serve three consecutive four-year terms instead of two.

SJR 6 Modernize Election Language

Proposes a revision of Art. 7, Sec.1 of the N.M. Constitution to modernize language on qualified voters by removing language denigrating persons with developmental disabilities, adopt federal requirements to vote, define mental incapacity for voting purposes and restrict felons from voting except as restored by statute

SJR 7 Veterans Organization Property Tax

Proposes an amendment to the state Constitution to provide a property tax exemption for the property of a veterans' organization chartered by the U.S. Congress