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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 8, 2011

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 8, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Valerie Huerta from the Housing Division.

CHAIR VIGIL: Thank you Larry and Valerie. I'd like to recognize from the Pueblo of Pojoaque Lt. Governor Tolache. You're in the audience. Would you please stand? Welcome very much. Thank you for joining us this afternoon.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

CHAIR VIGIL: Penny, are there any amendments?

PENNY ELLIS-GREEN (Deputy County Manager): Madam Chair, there are some amendments. On page 1, item IX. Special Presentations, we've added two captions, two

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items. A. Recognition of Dr. Michael Gzaskow for his dedication and service to the Santa Fe County Corrections Department, and B. Acknowledge the Santa Fe County juvenile facility leadership and staff for successful and exemplary completion of four separate audits.

On the second page, item XI. A. has been withdrawn. On the third page item number XIV. E. 1. a. i. we've added *Loya v. Gutierrez* under executive session and we also have added under XIV. E. 1. d, Discussion preliminary to collective bargaining negotiations.

And then on page 4, item number XV. A. 4, CDRC Case #MP/PDP 09-5300, UDV Temple, has been tabled.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: I'm sorry. Penny, did you say XI. A. 1 was removed.

MS. ELLIS-GREEN: XI. A on page 2 has been withdrawn. It's shown in blue.

COMMISSIONER ANAYA: Thank you, Penny.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Question, Madam Chair and Penny, on the CDRC Case with the UDV Temple, there was some mention in the newspaper that that item was tabled. It is this body's prerogative to table an agenda item, correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that's correct. That's what we will be doing and staff is recommending tabling this item.

COMMISSIONER MAYFIELD: Okay. Madam Chair, I just think that perhaps there has to be some different communication with our newspaper because they reported already that this item was tabled, and I did have a couple questions that I would like to ask if possible before that tabling motion is made. I believe there were some supplemental filings to the record. I don't know if Mr. Ross is available, but I'd like to know when those supplementals came in if possible.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I understand that the applicant submitted about an inch thick packet of information approximately a week ago and then late last week some neighbors had submitted possibly about the same amount of information. I believe that was last Thursday.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I don't know what staff's recommendation will be for tabling and respectfully [inaudible] at this table. I would ask maybe that we dedicate a special day to this meeting in the very near future, because it has been out there for a while and I think it's a matter that needs to be addressed timely.

CHAIR VIGIL: I'll take a poll here really quick. I know that the hearing is intended to be very long. Commissioner Anaya, would you be opposed to a special hearing?

COMMISSIONER ANAYA: No, Madam Chair. I would concur with the recommendation of Commissioner Mayfield.

COMMISSIONER HOLIAN: Madam Chair, I'm fine with an extra meeting but I would say that I think it's extremely important. This is a very complex case, that we get

all the details worked out in advance so that we truly understand all the issues that are involved.

COMMISSIONER STEFANICS: Madam Chair, I would oppose a special meeting. That sets a precedent for other cases to ask for a special hearing.

CHAIR VIGIL: Okay. I think I hear a majority of us in agreement with a special meeting. Any response, Penny?

MS. ELLIS-GREEN: Madam Chair, I have just heard from the Land Use Department that the applicant has stated that they would not be available next month and have asked to meet the following month.

CHAIR VIGIL: Okay. If we go to a regular meeting or a special – either case?

MS. ELLIS-GREEN: I believe they're stating either case.

CHAIR VIGIL: Okay. I think you have a couple of directions here, staff. The Commission is amenable to a special meeting. I think if in fact the applicant has a problem with that or would prefer to come or has scheduled themselves with witnesses or whatever for a regularly scheduled meeting I don't think we'd be opposed to that either. We just have to be really careful on the agenda how much time we put with other items because they are expected to be at least a three-hour hearing.

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

COMMISSIONER STEFANICS: I'll second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any items on the Consent Calendar that need to be withdrawn?

COMMISSIONER MAYFIELD: Madam Chair, I believe that under the Consent Calendar, and I'm looking at my initial agenda so I apologize, but the matter on the fourth amendment to a contract with Montgomery and Andrews is something I'd like to discuss.

CHAIR VIGIL: Okay, so you will be pulling item B.

COMMISSIONER MAYFIELD: B. 1, yes, ma'am.

CHAIR VIGIL: B.1. Anyone else?

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

COMMISSIONER STEFANICS: I'll second.

The motion to approve the Consent Calendar with one withdrawal passed by unanimous [5-0] voice vote.

XIII. CONSENT CALENDAR

A. Final Order

1. **CDRC Case # V 10-5410 Archie Perea Variance.** Archie Perea, Applicant, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow for a Second Dwelling Unit on 1.08 Acres. The Property is Located at 130 Camino San Jose, within Section 5, Township 15 North, Range 8 East, (Commission District 3) Jose E. Larrañaga, Case Manager, Approved 4-1
2. **CDRC Case # MP/PDP/DP 10-5330 Holy Family Praying Heart Portal.** Sons of the Holy Family, Applicant, Louis Martinez, Agent, Requested Master Plan Zoning, Preliminary and Final Development Plan Approval for an Existing Residence to Be Modified and Used as a Meditation Facility. The Property is Located at #2 Santo Niño Drive, within the Traditional Community of Chimayo, Via State Road 520, within Section 1, Township 20 North, Range 9 East, (Commission District 1) Jose E. Larrañaga, Case Manager, Approved 4-0
3. **CDRC Case # MP/PDP 10-5170 Santa Fe Southwest S.D.A. Adventist Church.** Texico Conference Association of Seventh-Day Adventists, Applicants, Jenkins/Gavin, Agent, Requested Master Plan Zoning and Preliminary Development Approval to Allow a 6,524 Square Foot Church Facility on Five (5) Acres. The Property is within the Community College District, at 62 A-Van-Nu-Po, within Sections 29 & 30, Township 16 North, Range 9 East, (Commission District 5) Jose E. Larrañaga, Case Manager, Approved 5-0
4. **CDRC Case # MP 10-5351 Rio Santa Fe Business Park.** Peña Blanca Partnership Applicant, Jim Seibert Agent, Requested Master Plan Zoning Approval for a 31.44-Acre Parcel as a Commercial/Industrial Use. The Property is Located at 54 Colony Drive, North West of N.M. 599, North of Paseo de River, within Section 10, Township 16 North, Range 8 East, (Commission District 2) Jose E. Larrañaga, Case Manager, Approved 5-0
5. **CDRC Case # MP/PDP/DP 10-5770 Santa Fe Brewing Company.** Santa Fe Brewing Company, Applicant, Brian Lock, Agent, Requested a Master Plan Amendment to Allow Outdoor Entertainment as a Permissible Use, Preliminary and Final Development Plan Approval for Outdoor Entertainment, for the Existing Restaurant and Brewery. The Property is Located at 35

Fireplace Road, Off Highway 14, within Section 25, Township 16 North, Range 8 East, (Commission District 5) Jose E. Larrañaga, Case Manager, Approved 5-0

B. Miscellaneous

- 1. Approval of Amendment No. 4 to the Professional Services Agreement with Montgomery & Andrews, P.A. for Legal Services**

VIII. APPROVAL OF MINUTES

A. January 4, 2011

CHAIR VIGIL: Are there any changes?

COMMISSIONER STEFANICS: Madam Chair, I'll move approval of January 4, 2011 minutes.

COMMISSIONER HOLIAN: Second.

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

VIII. B. January 11, 2011

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the January 11, 2011 BCC minutes.

COMMISSIONER STEFANICS: Second.

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

IX. SPECIAL PRESENTATIONS

A. Recognition of Dr. Michael Gzaskow for His Dedication and Service to the Santa Fe County Corrections Department (Corrections Department)

ANNABELLE ROMERO (Corrections Director): Thank you, Madam Chair, Commissioners and thank you for indulging me in this opportunity to recognize Dr. Gzaskow. We were blessed at Santa Fe County Corrections Department to have him with us for approximately 3 ½ years. He came to us with just a multitude of experience from a number of states, including New Mexico and was chief of psychiatry at the mental hospital. He is truly a leading psychiatrist in New Mexico and we were blessed to have someone of that caliber with us. He quickly earned the love and respect of the entire staff there and he took that facility which didn't have a credible psychiatric program at the time we were under the oversight of the Department of Justice, and that oversight could have led to litigation, possibly a consent decree and I probably, perhaps better than anyone understand the costs that would have been associated

with that and it would have been, I guarantee, into the millions for Santa Fe County.

Mental health, psychiatry, was approximately a third of the order that we were required to comply with and Dr. Gzaskow not only did what was required of him in the job description but went way above and beyond that and he worked every individual that he came in contact with and also in many cases with many of the staff. He became our friend, our confident. He also was able to pull together a team of providers in the community, of the mental hospital, Department of Health, and of the courts. He continued to work and developed a legal guardian program for us and training for legal guardians so we could do mitigation when it was absolutely necessary.

Jails, by default, have become in the United States the mental health institutions and our community is no different. That is where the truly mentally ill end up. I've heard in discussions with judges here in Santa Fe. I've heard a couple of comments I want to share. One was we used to be afraid to send the mentally ill to the jail, now that's where we send them. We'd actually never seen people stabilized at a jail but now they're stabilized there.

Often Dr. Gzaskow's work has been in dangerous circumstances, one to one with individuals who are seriously mentally ill and dangerous. He's never shirked from those responsibilities. He's there at 7:00 in the morning and if I called him in the middle of the night he was there. He's truly been a bright light at the facility and in my career, one of those individuals that you meet that is truly, truly special, truly gifted, truly brought a great deal of expertise and compassion to our facility.

I liken correctional facilities or prisons to pressure cookers or bombs. There is a tight perimeter and there's pressure continuously building inside. In those circumstances, in that city with all of that pressure you get to see people at their best and at their worst, both sides of the fence, and it's what's attracted me and many other correctional people to that service. In those moments what is truly special about Dr. Gzaskow is he worked with people in our community, in our facility who were truly at their worst moment and he was always at this best. I will miss him and so will most of our staff. Thank you. Dr. Gzaskow, I'd like you to come forward with.

CHAIR VIGIL: Dr. Gzaskow, what wonderful words to be said about you. Please step forward. And when you're done I'm ready to read the dedication to him. We will give you some time to respond and then we will go down, shake your hand and we're going to have you stay for pictures.

MS. ROMERO: Thank you. I'd also like to mention a distinguished guest who is here with us today to join us in honoring Dr. Gzaskow and that is Judge Michael Vigil. Thank you, Judge.

CHAIR VIGIL: Thank you for being here, Judge Vigil. A tribute to the work Dr. Gzaskow does, and you're welcome to speak to it if you'd like. Dr. Gzaskow, let me first of all let you know what we're dedicating to you today. The Board of Santa Fe County Commissioners recognizes Dr. Michael Gzaskow for dedication, outstanding compassion and unparalleled service to the Santa Fe County Corrections Department and to whom they serve. Treat people as if they are what they ought to be as you help them to become capable of being. Thank you very much for your service, Dr. Gzaskow. We really appreciate it.

DR. MICHAEL GZASKOW: Well, I think for the first time in my life in many years I've been rendered speechless. Thank you so much for those kind words, Annabelle, and I could not accept this award without recognizing my colleague for without them we would not have been able to build the strong team that we have at the County jail today. Ms. Romero's leadership, Warden Trujillo's coordination, Dr. Fresquez' leadership in the mental health field is something we should all be proud of. I've worked at the state hospital for 23 years in Las Vegas and I've seen good teams there as well, but trust me, you have the crew here in Santa Fe.

It's always with mixed emotions that one leaves, as time [inaudible] as I have, but it's also rewarding to know that you have someone to fill your shoes. And I'd like Dr. Greg Baca to stand up and be recognized. He will be taking my position at the County.

CHAIR VIGIL: Welcome.

DR. GZASKOW: And if I may, briefly, people used to ask me, what's it like to work at the County jail, and I said, think of MASH. They don't come in in helicopters; they come in in police cars. And it's a triage situation. Every time you look at the headlines in the newspaper I hope you know that these people that work with Annabelle and the warden are there helping the sections of our community in a professional and very kind manner. I also would like to highly recognize Judge Michael Vigil because he has created a drug court and mental health treatment court in Santa Fe that's among the finest in the nation. I had the privilege of working with the Judge for a couple of years so I urge the Commission, and I may write a letter to Governor Martinez as well, to support that program in any and every way possible. Thank you very much.

CHAIR VIGIL: Thank you. Judge Vigil, would you like to address the Commission and Dr. Gzaskow, thank you for being here.

JUDGE MICHAEL VIGIL: Madam Chair and Commissioners, I took time to come over here from the courthouse. I've got a hearing waiting for me over there because I thought it was real important to come over here and honor this man. This man has made a world of difference in how we treat mentally ill people that go through the jail system. It used to be – and I've been doing this long enough where I can make the comparison. I've been on the bench 16 years now and it used to be the jail was a place you did not want to send somebody with mental health issues because the deterioration that went on there was just shocking. The people – and expensive. Because it was not long before these people would deteriorate to a point where they were no longer competent to stand trial and they were required to make a trip to the state hospital to be treated to competency, at great expense to the taxpayer. Now we have a system in place at the Santa Fe County jail where people with mental health issues are identified upon booking and Dr. Gzaskow and the staff there have all become very familiar with our mentally ill population and immediately are able to start the process of treatment. Because many of these people end up in jail because they stopped taking their medication or they're experiencing a mental health episode. The jail is now able to identify and treat them, stop that deterioration, get them ready for my treatment court, so that when they come out of jail they're stabilized, on their medication, and they're ready to start working on managing their mental illness and paying their debt to society, whatever that may be as far as probation goes.

Dr. Gzaskow worked with us on our treatment court and was our psychiatrist and gave us advice and helped us with many of our clients who did not have a treating psychiatrist and who used Dr. Gzaskow's services. So it's really sad to see him leave but we're going to get Dr. Baca and we're going to make sure that Dr. Baca also works with us in our treatment court. I've heard good things about the doctor and so far our interactions with him have been really good. So I'm just glad to be here to honor Dr. Gzaskow, and too bad he's leaving.

CHAIR VIGIL: Thank you, Judge Vigil. If the Commissioners would join me in presenting this to Dr. Gzaskow.

IX. B. Acknowledge the Santa Fe County Juvenile Facility Leadership and Staff for Successful and Exemplary Completion of Four Separate Audits (Corrections Department)

MS. ROMERO: Thank you, Madam Chair and Commissioners and thanks for indulging me a little bit further. For us to come to town, it's a big trip. It requires a lot of coordination so I want to get several things done at one time.

The juvenile facility had an interesting situation in November. We ended up with four separate audits the same month. Some were unexpected; a couple were planned, but it was a lot for the staff to deal with at one time. The audits in each sense were comprehensive, they take up a lot of staff time, a lot of patience, indulgence and having visitors is always a trying time.

I want to tell you a little bit about each of those audits. The first audit I want to bring to your attention is the NCHCC audit and it's conducted by the National Commission on Correction Health Care. It involves 72 standards, 37 of which are mandatory. Failure of one of those standards would have resulted in our being able to be re-accredited. Accreditation by this organization is basically the gold standard for health accreditation in correctional facilities. It's nationally recognized. A very comprehensive audit. The audits were conducted by a psychiatrist and a doctor, one from Arizona and one from New York. And they were at the facility for approximately three days. The audit consisted of interviews with many of our staff, many of our children, a review of medical files, our policies and procedures, looking at the physical building and meeting with me. We got very high marks and we were re-accredited. It's really exemplary to have that accreditation. Not very many correctional facilities to. I'm very proud of that and very proud of the service the children receive in terms of medical care.

I'm going to mention different people's names as we go through these accreditation and ask them to come up at the end. I want to specifically recognize the medical unit at the juvenile facility and the re-accreditation effort was led by RN Rebecca Ortiz, and I'd also like to recognize the nurses in her unit, which are Veronica Crispin, Barbara Tubb, and at that time Melissa Gzaskow. They did a tremendous job. I'm very proud of them. And of course the entire medical department was part of that including the doctors and psychiatrists, Dr.

Gzaskow and Dr. Rolig and everyone else participated in one way or another. But the effort was led by Rebecca Ortiz. So thank you.

CHAIR VIGIL: Annabelle, if Rebecca and the names – mention them again just for introduction. Rebecca, if you could just raise your hand. We'll have you come up for pictures. Veronica. Thank you.

MS. ROMERO: The second thing, this was unexpected and it was a random audit. It was an audit by the State Student Nutrition Bureau. They look at two things. They look at our menus and the preparation of food but they're also looking, because we bill the student reimbursement program so that we can get money back into our budget, so they're also looking at our accountability in that sense. And we passed with flying colors. There were no discrepancies noted in our billing system. I want to recognize a couple of people in reference to that because without them, I have basically only two people that do finance in our facility and one of them does the inmate part of it and the other one's doing all of our purchasing and so forth, and he had to work pretty hard on this audit. So I wanted to recognize Dominic Aguino, and I'd also like to acknowledge Gary Barela, who was the food service director at the juvenile facility at that time. I think he's also back getting the next meal ready. Also Daisy Quintana. They worked very hard on this audit.

Third, we had an annual inspection but it was unexpected at that time of the US Marshal's Office. They come and inspect for conditions of confinement, programs and services, and the facility passed with flying colors. That's an important part for us because we wouldn't be able to house US Marshal children and have that income without being able to pass that accreditation. I want to recognize Ed Abreu and Robert Apodaca in reference to that audit.

CHAIR VIGIL: Ed, are you here? Robert? Okay.

MS. ROMERO: We have to keep the home fires burning. And the fourth thing I'd like to recognize is we had our inspection from the Children, Youth and Families Department. That happens annually and without that certification we can't continue to operate the facility. We passed that very successfully. We had an excellent audit, excellent review, and they check for conditions of confinement, quality of life, programming, services and medical care, food services, education process, due process, staff training, support staff training, pending and ongoing litigation. And I wanted to thank the entire facility for their assistance regarding that, and in particular I'd also like to thank the adult facility for their assistance. They assisted with training facility over at the juvenile facility.

All of these audits require a team effort of the entire department and certainly everyone working at the juvenile facility. We have fewer staff right now because of the crunch and everybody pitched in and did extra work and often uncompensated work. And I never had to ask twice and in fact I often didn't even have to ask once. That's one of the things that I really want to tell everyone here about the Corrections Department. That's the beauty of it. Some days when I'm working through lunch I'll look out and there's staff that won't leave, just because I haven't left and to make sure I don't need something. And that happens in the evenings also. And I never see it on their time sheets. That's the kind of

people working over there. I'm just so proud of them.

Finally, I want to recognize the warden of the juvenile facility, because it's under his leadership and his supervision that all of these four audits were conducted and he's done a fine job: Mark Caldwell.

CHAIR VIGIL: Mark, congratulations.

MS. ROMERO: I'd like to call everyone from the juvenile facility up front.

CHAIR VIGIL: Please come and join us for a group picture. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a few brief words. I heard many things in the presentation to Dr. Gzaskow and the staff for the audits. I want to also thank you, Judge Vigil for your presence. We all understand your heavy work load and appreciate your presence here to speak on behalf of Dr. Gzaskow and the work of the County facilities. I heard: team, leadership, partnership, care and support. And I think those all summarize the work that everyone is doing on a daily, 24/7 basis and I greatly appreciate those efforts and the partnerships in the County and outside of the County that make everything work. Thank you very much. Thank you, Madam Chair.

CHAIR VIGIL: Shall we join them. Juvenile detention staff, please step forward.

[Photographs were taken.]

CHAIR VIGIL: Annabelle, anything to add?

MS. ROMERO: I just wanted you to know how lucky you are I forgot my noted.

CHAIR VIGIL: Well, congratulations to everyone in our detention, juvenile and adult facilities who helps make it run. And I also have and will hand out to the Commissioners the letters that were give to the facility on the accreditation, and I will pass those out.

Before we move on to the next item I'd like to recognize from Senator Jeff Bingaman's office, Pablo Sedillo. Pablo, thank you for being here. Thank you for joining us.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: We are now under Matters of Public Concern. These are non-action items. Is there anyone in the audience who would like to address the Commission? Please indicate by raising your hand.

XI. MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. First of all, I

would just like for the Commission to know that I withdrew my resolution because there were no materials in the book, but I will be bringing that forward again. What it deals with is doing some budgeting with some performance measures and we will present that probably at our next meeting.

Secondly, Madam Chair, Commissioners, I'd like to recognize – and they're not here – but I recently was reading the newsletter for the Valles Caldera, and there is a board of directors for the Los Amigos of Valles Caldera, and these are not people appointed by the federal government; they are volunteers that actually help at the visitors center. And I'd like to mention all of them because many of them are Santa Fe County residents. Doug Fraser, Barbara Johnson, Jim Counce, Larry Icerman, Anthony Armijo, Ben Chavarria, Jack Crane, Peggy Gautier, and Steve Stoddard. And all of these people are donating their time to the Valles Caldera as part of the Los Amigos group and I truly appreciate their work. Many of those people again are from Santa Fe County.

The next item I'd like to bring up to the Commission, Madam Chair and Commissioners, is that from both Rancho Viejo and Eldorado I've had some concerns about solicitors going door to door, and when people are alone or vulnerable, they're a little concerned about who's knocking at their door. And apparently Santa Fe City has an ordinance that deals with permits for solicitors to show that they've registered somewhere so if they ever had a problem they could be tracked down, etc. So I will be studying this issue and I hope to bring it forward in the future, but since a couple of people in the county have brought concerns, both in different areas, I think we need to do something about recognizing their vulnerability or their request for more safety in regards to door to door solicitors.

I'd also like to bring up – I know many people went through quite an ordeal last week and I really hope it doesn't happen again, and I was speaking about any or our residents who lost their heat, who lost their water, who had burst pipes, frozen pipes, rolling blackouts. And in particular Highway 14 wasn't turned off but Highway 14 had a lot of rolling blackouts. And what it did do is affect the heat and the service to the people there. And it's nothing as bad as those individuals in the county who have been without heat for four or five days. And I really, truly feel for them.

I understand that just as this is happening the rate hikes were announced for PNM and I thought what a timing that this would happen. And I understand that rate hikes don't happen overnight. They have many months of hearings, if not a year or so of hearings before a determination is made. But when the people in our state are paying for something and paying more money there is an expectation that they will be looked after. Now that there's no doubt here that the weather here was totally unusual. I've only been in the state less than 30 years. Hadn't gone through a week like that in my 30 years and for those of you who were born here, I don't know if you went through a week like this before. But for those people who are going through all of this I'm sure that they're not happy to hear that they're also going to be getting a rate hike as early as May or June.

Now, I do understand that the PRC and members of the legislature are going to hold a hearing to determine if there's anything that can be done in the future to preclude some of

these problems and I certainly would encourage them to do so because we at the County level need to always be prepared. When this started happening about the icing, the weather, our senior centers were affected. And when our senior centers are affected it means that people don't either get meals in the senior centers or they don't get meals on wheels delivered to them.

Now, I know there are many, many people who have family members to depend upon but we have many people who don't have family members to depend upon. So I believe that as a County and our emergency preparedness we need to make sure that we have plans made, and I'm specifically speaking to our Fire Chief, to Martin Vigil, to anyone who might need to be drawing up any particular planned resources.

It also came to my attention that the Santa Fe Community College does heat many of their facilities with biofuel so the water and some of the heat – not the entire heat – can heat buildings. So the Santa Fe Community College did work with Martin Vigil to be a site, if necessary, for people in Santa Fe County to go to for warmth. Now, I think we have several things we have to think about. We have people who need warmth. We have animals who are out there – could be house pets, and we have food that needs to be dealt with. So let's make sure, Katherine and Stan, that we're really putting something into place in case this happens again this week or another week.

When you hear that the entire state of New Mexico is below zero, the entire state, that really throws of people's visions of coming to sunny, warm New Mexico for the entire year. I'm not making light, I'm just asking that we make sure that we take care of everyone who's out there. I think right now that's it. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Sorry, Madam Chair. I have several items. In this newspaper this weekend there was an article in relation to the discussion and tabling of the County Assessor's survey, and there were some questions that we raised in a letter that was provided to the County. I think we need to make sure that we get some more follow-up on that. I don't know if you have anything you want to add right now, Ms. Miller on that, or at minimum I want to set up a meeting between any Commissioners that want to participate, myself, you and Mr. Martinez to discuss the item. I still feel the same way I did when I made the motion but the looming question in my mind is was this a mandate from DFA or not. I guess I still don't know if it was a mandate or not, so could we at least answer that question?

MS. MILLER: Madam Chair, Commissioner Anaya, I actually spoke to the attorney at DFA that was present at that meeting and requested that he – according to the letter that was written, a well documented letter stating exactly what transpired at the meeting at DFA and it stated essentially that the County would work with the Assessor to put a contract forward at \$45,000. If it did not come in at that then the County and the Assessor would endeavor to look at something else. But I have not gone back and said in their legal opinion does that, what we've done at this point constitute that, although I would say that from Attorney Ross' perspective we have gone forward. It came in more than two times, almost 2 ½ times what was budgeted for it. And then you took the action to table that

additional increase. I've asked to actually have a meeting with the DFA attorney to get further clarification since I was not involved in that meeting and they said they would contact me to do so.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, if you could let me know when that's going to take place I may want to join you on that discussion.

Capital projects, Madam Chair, staff, Katherine, I know that staff's been working on assuring that we expend our capital resources. There is some question that's been raised associated with the amount of money that we actually have for the fairgrounds. I've had a discussion with Mr. Gutierrez and they're working through those issues. That may be an issue we want to approach our legislative Santa Fe delegation to see if we can get some support to make sure we keep those resources that we felt were still in the coffers of Santa Fe County. I don't know if you want to comment on that.

MS. MILLER: Madam Chair, Commissioner Anaya, I did actually talk to two of our legislators as has Joseph on that. There was one item that was planned. That was the purchase of a tractor for the fairgrounds. That's not an eligible item. The appropriation states that it's to plan, design, and equip, but the equipping does not mean equipment for the fairgrounds. And that was one of the items that the Board and staff had hoped to be able to purchase. I did talk to Senator Rodriguez and Representative Trujillo who have two of those appropriations and talked to them about that we would be coming up with a plan. And I think – I don't know if Joseph is here. He could address the situation if you'd like. And then also working with them to make sure that we do retain those appropriations if we need to change any language on them.

COMMISSIONER ANAYA: Madam Chair, if he wants to add anything – I feel comfortable that he's working with the legislators and specifically, there was about \$80,000 that we were essentially being told that we may lose based on some of the language and that's something that I want to assist the Manager and staff and maybe my fellow Commissioners can help encourage the legislators to keep that \$81,000. I don't know if you want to speak specifically to that.

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, we are working on that in terms of reconciling that balance for that appropriation. In terms of the fairgrounds, as we mentioned, we do have paving, we do have a sign and we have two culverts, so we're pretty confident that we will be able to expend the dollars that are available. We will work with you and the legislators to see if the balance that is in dispute, if they do make it available to the County to expend for commitments for projects that we have planned for the fair at this point. It's not a – the term of the contracts allow us sufficient time to complete the projects. It's what they feel is committed and what's not committed at this point. So we'll clarify that with the Commissioners and we'll work with the legislators on that.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, Ms. Miller, thank you.

Another item I want to key in off of, Commissioner Stefanics was talking about earlier is very serious situations that we encounter in our lifetimes and last week in the

Stanley area, there was one other city and that was Angel Fire that got to 34 degrees below zero. And we were the coldest place in the continental United States. Along with that comes serious issues and serious responsibilities. And I truly appreciate that staff is always working to make sure that we fall in line with the requirements of law and that we do not overextend what it is we are trying to do and in any way breach any of those laws. But I also, based on what you're saying, Commissioner, there are times when we need to do whatever we can within the bounds of our authority, to make sure that we're helping people.

La Bajada is a small community. I've been visiting with my fellow Commissioners on and staff that has a water line that dates back to the early 1900s that carries water off of the mountain on the top two miles down to the water system that serves the small community of La Bajada. And their system froze. And they haven't had water for seven days. And staff has been working very hard, the Manager and staff, to try and figure out how do we help these people. And through that process we've engaged the legislature, non-profit organizations, and just people in the community that want to help. Not always can we fit that square peg in a round hole when we're talking about law but the bottom line is that collectively, it's not always about direct money, it's not always about direct resources in money, but it's about how we coordinate those efforts and how we think beyond the box to essentially get those people water.

And staff is doing that, and the community is doing that, and I want to extend to the business community and other people that we also need to think of other ways to engage other partners in the process to help us along the way with the water truck and with other issues that come about when we come into a situation like this. We work together; we do our best, and we're providing a service to people and I think sometimes, sometimes we can get lost in the law or the parameters of our regulations. And I would say to staff, and this is something that I'll carry forward throughout my time as I sit up on this bench. I fully will respect our legal advice and our Manager and our other staff when they say, Commissioner, we just can't do that. We can't do that because of law. We can't because we're bound by these rules. I respect that and I want you to keep telling me that. But at the same time I also want us all, and I know the Commissioners do it day in and day out to also think of what can we do, what alternatives do we have, and how can we partner and do things beyond the rules, not to where we're doing illegal things, but how do we think out of the box to engage other partners to help us get things done.

La Bajada is getting water now in their tank and it's not a result of any one individual; it's a result of collective individuals like Pego and the Manager and staff and the community. That's just one example. There's still people up north that don't have heat. There's still people up north that don't have water. I know Commissioner Mayfield is going to speak to those, but Madam Chair, I thank you for that time and allowing me to bring forward some of those items.

One closing item, I'll take this lesson from Councilor Ron Trujillo from the City Council the other day, did something that I really appreciated. He acknowledged that his kids made the honor roll. And I want to acknowledge that my two daughter, Jolin and Raylin also

made the honor roll at South Mountain Elementary and Moriarty High School. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. I just want to announce that I received a note from Senator Bingaman's representative, Pablo Sedillo, who identified that there is help for many of the problems we're experiencing now through USDA, a \$7,500 grant. There's a \$20,000 loan available at one percent interest. Is there anything you'd like to add to that, Mr. Sedillo?

PABLO SEDILLO: Thank you, Madam Chair, members of the Board of County Commissioners. First of all I do want to extend on behalf of Senator Bingaman congratulations to Commissioner Mayfield and Commissioner Anaya for your election. Hopefully, your next four years will be interesting and challenging. On that issue we just got notice today that there is going to be monies available for this freeze that we had. As you indicated, \$7,500 would be a grant and up to \$20,000 loan, one percent. So if you need any further information I extent that to all of the Commissioners to contact me and I'd be happy to provide you with additional information.

I know Commissioner Mayfield will probably have some issues on what happened in his county and in the north but we also have some more current information on that as well.

CHAIR VIGIL: Thank you very much, Pablo. And would you want to just state your contact number for anyone that would like to reach you?

MR. SEDILLO: Sure. My best contact number is (505) 263-8847, but I'll give you my email because that's also a good, quick reference. It's Pablo_Sedillo@Bingaman.senate.gov.

CHAIR VIGIL: Thank you very much, Pablo. Appreciate that. With that I turn it over to Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Sedillo and Senator Bingaman. Thank you very much for that offer that you're extending to us and that's going to at lead me into what I would like to discuss and that is the natural gas outage that happened within our state and that has affected numerous residents up in the northern part of our county. One thing, I would just like to thank all of our staff who went above and beyond and I really appreciate your efforts. In particular I'd personally like to thank Mr. Narvaiz and also thank Mr. David Coriz, who I think is our only certified plumber with the County who has been out there diligently working to restore all of our facilities such as the housing center at the Abedon Lopez Center. So thank you for that.

I'll quickly defer to our Madam Clerk Espinoza. I believe she has one individual, Richard, and I believe it's Martinez, who has been deployed with our National Guard to go out and do some assistance up in the state of New Mexico and I'll defer to Valerie on that.

VALERIE ESPINOZA (County Clerk): Thank you, Commissioner. His name is Richard Varela, and yes, he was deployed yesterday for a good two weeks.

COMMISSIONER MAYFIELD: I would like to thank him for his service. One thing I would like to ask, Commissioner, because I have received numerous calls from constituency, from friends and from family members, just what the County can do to assist and what the County can – if the County can be there. And one thing I'd like the County to do

– and I took a lead from a phone call that I received that recognized the City of Espanola and the Rio Arriba County as far as what they did on their website. As far as putting general information on that website and making sure that it was an emergency response of saying, folks, this is what you need to do, this is what you should do, these are the services that are offered for you and these are the services that could potentially be offered to you in the future.

So that's one thing I will be asking our County Manager and – I haven't met him and I apologize – Mr. Vigil with our emergency management team, that we can establish something on our website that can at least give some outreach communication to our residents who are in dire need. We are on our sixth day without natural gas. We had a heads-up about this potential gas outage. I know I received a phone call from Congressman Lujan himself. I received a phone call from New Mexico Gas Company, and I also received a phone call from Commissioner Jason Marx with the PRC as soon as they found out the information of what was going on, that this could potentially be a critical, and which it was, situation for the state of New Mexico, where they were going to start asking that we do some voluntary shutoffs just to hopefully keep as much gas into that system that we could. I believe that when we receive communications such as that we need to act on them immediately. We need to verify those communications and we need to act diligently to make sure that our people are protected and that all people are protected.

So I would ask that we get that information on the website. If you need a lead of how it's being done I would suggest that we look at Rio Arriba's website and also the City of Espanola and the City of Taos for some of that information. And Mr. Sedillo, I just want to thank you because I believe now, with the gas situation we experienced a lot more issues are going to be coming, such as the water issues that are coming. And I think Santa Fe County is experiencing some of those issues in their own right with some of their facilities. So if there is money out there, I believe there has been at least an inquiry from the governor's office to the federal government. At least I know that – Congressman Lujan brought this up, if we could look at some FEMA funding for this. I don't know what dollar threshold needs to be met. I believe it's a little over \$2 million for the state, where we can ask maybe that some FEMA dollars become available. And again, that's what I'd like to coordinate on our website.

And I appreciate again all the staff. Thank you. And I'll stand for any questions on that or any comment. But one thing I would like as far as comments, Commissioner, is a report back from our staff of what we did, what we can do in the future, and what mechanisms are in place to hopefully prevent, or at least to communicate outreach if such an occurrence would ever happen again.

CHAIR VIGIL: Thank you.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, and I guess Chief Holden, on the point that Commissioner Mayfield makes about information and availability for assistance, we still have people without gas, is my understanding. We still have an emergency situation. In your opinion, have we done everything we can do? What else can we do? What other communications have we had with the state, EOC, what else can we

do to make sure that we are helping our people?

CHIEF HOLDEN: Madam Chair, Commissioners, as always, I think the critical piece is always communication, and the emergency manager of Santa Fe County, Martin Vigil, very early on communicated with County leadership regarding potential fallout as a result of the gas shortage, and plans began to be put in place about what we would do as far as housing personnel that may have been impacted as a result, who could not, as we say in the emergency business, shelter in place, or find some other way of accommodating their needs short term during that outage. We probably did fall short in not getting that information on the website in particular and following Commissioner Mayfield's comments, I made notes to myself to contact Martin and Kristine to find out how we can do that going forward.

COMMISSIONER ANAYA: Madam Chair, Chief, what direct communication do we have with the state? The EOC? I would assume we're in constant communication with them?

CHIEF HOLDEN: Chief Vigil is in constant contact with the State Emergency Operations Center and we provide them information and we provide them information. So it goes up and comes back down. The direction they're taking, the actions that they have taken to mitigate and actions that we are contemplating taking – the best circumstance that I can give you that we've experienced lately was the snowfall from about four or five years ago when the county basically came to a standstill as a result of about 8 to 10 inches of snowfall in less than 24 hours. We mobilized at that point. We do have an emergency plan of action that calls for the opening of the Emergency Operations Center. At that time we opened the Emergency Operations Center. We were in contact with the state Emergency Operations Center, conveying our needs and also conveying what we could provide to the State Emergency Operations Center in support.

Our focus at that point, obviously, was on the citizens of Santa Fe County, first and foremost, and their public safety needs, and we put together all the department heads that were needed in the Emergency Operations Center, responded there. We communicated back and forth and communicated with County leadership at the time about the actions that we were taking and those actions were consistent with the declaration of emergency that had been declared by the governor at that time. That's always the key that we're typically operating under, is a governor-declared emergency.

We take specific action to address the immediate critical need that we may be confronted with as the Fire Department to take care of the needs of the public, but I must stress that that's an individual need. So for instance, when we get into those situations where snowfall is so deep that we cannot respond to a grandmother who's having a heart attack then we coordinate with the Public Works Department. They will send a blade in front of our unit so that we can respond in and address that. Or we may have a sno-cat which we did at that point and respond the sno-cat in to take care of that immediate need. But in the absence of a declared emergency by the governor, our specific action by this Board, the action that we can take is limited to those specific individuals that call 911 on a priority basis to address their immediate needs.

COMMISSIONER ANAYA: Madam Chair, coupling off of Chief Holden's comments and the comments of Commissioner Stefanics and Commissioner Mayfield, I think the level of where we go is always up to the expertise of our staff, but we're not out of this emergency, and I think that's what I'm hearing from Commissioner Mayfield. And it's not next week, it's now. So what I would ask you, Commissioner Mayfield, Madam Chair and my fellow Commissioners is shouldn't we think about at some scaled down version or whatever is recommended by staff in the north in particular, because that's kind of where the biggest emergency as I've seen it and heard it from yourself and others. Should we do something about that now? And Commissioner Mayfield, I'd defer to you. I would support us providing some support to staff and direction as necessary to mobilize our EOC in the northern part of the county to make sure we're fully communicating and make sure we have the resources. It might not be the full-blown version that we've had in the past but I think that's where we defer to your expertise.

Commissioners, I think it's now that we need to consider these things. And there is a declared state of emergency by the governor for the whole state of New Mexico. So the foundation has been laid. I would defer to you, Commissioner Mayfield, but I would be supportive of that if that's what you deem is necessary in the north.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Anaya, thank you, and Chief Holden. I definitely would like to have as much information to put on our website immediately, if there is any outreach we need to do to our community members, any assistance that we can offer from this body as far as just helping folks figure out where to find a blanket if they need that and how to address any of their plumbing issues which they will be experiencing. It's a given. They're already experiencing it. I believe our County is experiencing it, that we put those resources where they're needed and I will stand in full support. I will be here 24/7 if you need that. You have that commitment from me. I can try to coordinate in outreach with any agency that we need to, be it federal, state or local. I will do my part with that. And Chief, I will just stand to yours and Martin Vigil's direction and for your guidance and your assistance in that, to make sure all our people in this county are getting the services that they need today. Because as Commissioner Anaya stated, this emergency is far from over.

CHAIR VIGIL: Just for the benefit of those people in the audience who are hearing all of this if there is an emergency, 911 is the number to call. For those non-emergent numbers we do have Martin Vigil who can be reached for any questions that folks out there in the county may have with regard to this emergency. Would you state how he can be reached?

CHIEF HOLDEN: There's two ways to get in touch with Martin. One of them, they can go directly to the County Managers Office, at 505-986-6200. the other number is 505-992-3070, and that will take them directly to the Fire Department administrative offices.

CHAIR VIGIL: Thank you very much. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Chief, those numbers are only daytime numbers, correct?

CHIEF HOLDEN: That's correct.

COMMISSIONER STEFANICS: So I do think that what we're asking for is

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something different. We're really asking for a plan, some outreach, when an emergency like this happens. And we don't have the emergency very often. But for example, if Martin knows where people can go to get heaters or blankets, or go to sleep warm for the evening, we need to put that out somehow. Whether that's a public service announcement through a radio station, or whether it's the tweet system that the former sheriff had, we need something. And that's what I think we're asking for, not a daytime phone number. And I can remember back, I'm thinking back to the Los Alamos fire. Now, I don't know that the Red Cross would do much in this situation. Will they?

CHIEF HOLDEN: Madam Chair, Commissioner Stefanics, the Red Cross will step in at certain levels. Specifically, they and the emergency management team work hand in hand together to find those types of resources. Again, unless it's a large-scale incident where we had a number of people calling in and saying, I have no heat. I have no way to take care of my family. Where should I go? Then we would, as Martin did, relocate them to the Community College. That was Martin's effort that was put into place. The first difficulty of course was finding a locale that had a secondary heating source, a primary heating source that was other than natural gas.

COMMISSIONER STEFANICS: Well, Madam Chair, as of last night we still had residents, and they might not have been Santa Fe residents, but we still had residents on TV talking about the government didn't care about them, and that they were sleeping cold for the fifth or sixth night. Now, I think that what some of us are asking for is some way – and I applaud his efforts in getting to the Community College and doing that, but then how are we going to let people know. If you are cold and you need a warm place to sleep call us or go there. How are we going to let people know?

CHAIR VIGIL: Let me let Katherine Miller respond to all these questions.

MS. MILLER: Madam Chair, Commissioner Stefanics, thank you. With all due respect, Stan was actually out of town last week so we did do a lot of this and I think that there's a little misinformation that we didn't provide any information on where to go and what to do. We had several updates on the website giving phone numbers on websites where places were listed of where to get shelter. We also had all of our staff for senior centers went out to individuals that we serve and either called them or went to see them to make sure that they had meals, to make sure that if they didn't have meals if they needed meals or not, that we would bring them meals for any of our sites that were closed down. Also in the housing in Santa Cruz where gas was shut off in that area we went door to door to talk to residents there, went and shut off gas and shut off water so that none of their properties would be damaged. We had staff out all over the county.

Obviously, we can't get individually to everybody in the county. We have 850 employees total and hundreds of thousands of residents. However, we did constantly update. We did facebook, we did twitter. We had emergency numbers and non-emergency numbers. RECC had instructions of if they did get a non-emergency call, where to refer people, where they could go. We also had the sites for a reference given by New Mexico Gas. They also had all of the places throughout this state and the county where there was shelter or alternate sites

where they had shut off gas. So we did do quite a bit of coordination, and as a matter of fact we had all EOC up and ready to run before anybody else did.

Martin had it on standby ready to go and that if any additional gas had been shut off in the county we were ready to activate our emergency shelters with the City at the convention center and at the Community College. So I just want to say that we do have a plan and we did follow that plan and we did provide information through our website and referenced several other places that they could get information. And we did go out where we had individuals that we provide service to, we did go out to those homes and contact those residents.

Obviously, there could always be more if we have more staff and more time but I think we did quite a bit and we will revisit all of this and look for ways to do additional things and I would like any suggestions. But I would like to actually commend that a lot of the staff went – because we also had in our own facilities a lot of water line breakages, things shutting off, and staff was out all throughout the county dealing with all of this and when I get to my updates for you you'll see that we had a lot of facilities that were affected as well, so we were dealing with that and dealing with residents. I think considering the number of staff we have we got a lot of information out pretty quickly and we got to a lot of residents quickly. And anywhere that we didn't, I appreciate any feedback where we could improve upon that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Katherine, for pointing out the efforts made by the County staff. I really appreciate hearing that several people did step up to the plate. The one thing that we want to make sure though – well, there's two things. One is there are many people who do not have computers or computer services. So we need to always do the old fashioned radio stations, something that people listen to in cases of emergency. The second thing is the people today who are still in a bind, who can they call or where can they go to have a warm night's sleep and a shower? We have people today. So what's the answer to that one? Stan or Katherine?

MS. MILLER: Madam Chair, Commissioner Stefanics, as I said, where we could contact somebody or contacted us, we did give them the information of what we knew was available. Also we were prepared, we had on standby staff run our vans and things like that if [inaudible] was shut down. To my knowledge we did not get calls of people requesting that at the RECC, that they were not able to get somewhere where they had heat. But we did have – we had several meetings where we all discussed how would we respond, where would we turn people, we said, obviously, first option if you have family members. So RECC and Ken had a lot of instructions on how the dispatchers would handle those types of calls, first instructing them to turn to friends and family. If they did not have a resource then to call us back and we would see if we could do something.

I don't know if there were people who fell through the cracks and I would venture to say in any emergency there always is. But – and I think the points of putting in on the radio station and TV and other conventional means is a good idea if we didn't do that. But I know that we did have instructions. We did go through how to handle those sorts of calls and where to refer people when we got the calls. And so I don't know that – we don't have the resources to call

everybody in the county.

COMMISSIONER STEFANICS: No, I don't think I'm suggesting that either, but thank you, Madam Chair. We still might have some individuals in need. Thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I also would like to make a few comments about the extreme cold that we had last week. I think that this may be something that we see actually more of in the future. I read a scientific explanation of what was happening and paradoxically, in the arctic regions the temperature about 20 degrees higher than they normally are in the winter. What that means that normally, when they have very cold temperatures up in the Arctic it creates a high-pressure system which then traps that cold air. That high-pressure system is weakening, and that's what's causing the cold air to flow into the lower 48 states, and in fact it flowed into even Mexico, as I understand it.

So this could be a harbinger of climate change. We may be having things like this happen more. We know that we've had extreme weather conditions and we've had more extreme weather conditions than we have had in the past. In fact I read an interesting statistic the other day that we are spending a lot of money on emergency situations and if this trend keeps up by 2060 our entire gross national product will go towards fixing extreme conditions.

So I think that we need to take lessons from this, that we need to make our community more resilient, because that can only help us in the future no matter what happens and that will not be wasted effort. I have talked with Martin Vigil at length for actually a couple of sessions about our emergency preparedness plans and so on, and I am really impressed. We have plans. We have a lot of plans, but one thing that we are lacking is equipment and supplies and things like that. So I think that it would be well worth our while to have a conversation with Martin Vigil about where we are lacking things, where we need to beef up our supplies, where we perhaps need to beef up our manpower. I think that we did respond to this particular crisis very well, but I think that there will be more crises in the future and it doesn't hurt to pay attention to this, take lessons from it, and improve our resilience in the future.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to make some clarifying comments. I will put up the Santa Fe County staff against anybody in the state of New Mexico as it related to responding to emergencies. The Cerro Grande fire is a prime example of what this County did to make sure people had services. I think, if I could sum it up, I think, and I agree with you, Ms. Miller, I was sitting in the conference room with you when you had your team of people discussing what to do in the event of a mobilization of the EEOC. And I know we have the capacity, I know we have the skills and I know we have the team to get it down. I think the step that I am suggesting is that we go ahead and engage that EEOC at some down-scaled version based on recommendations from you and from the Chief. I think it's not a matter of what we didn't do last week in preparing but I think we're still in an emergency and I think what I'm hearing and what I'm just going to flat-out suggest is that we go ahead and open that EEOC at some version based on recommendations from Mr. Vigil, yourself and Chief Holden.

I don't think – and maybe it's my words, and I apologize for that, but I'm not critiquing

the effort that the staff made to prepare, but we're still in an emergency, I think is what I'm saying, and I think that's what I'm hearing from my fellow Commissioners. So let's go ahead and I would suggest talk about exercising that EEOC to make sure that we've communicated and down everything we can. It doesn't mean we're mobilizing anything; it means we're opening a center. Correct, Chief? And making sure that we're gathering the appropriate information after hours and then dispersing that information. So that could be a down-scaled version but I think it's important that we do that. So I think it's a compliment to the planning of the County. We talked about it last week. Well, we should maybe go ahead and roll out and open up the EEOC. Could you comment on that specific item, Chief?

CHIEF HOLDEN: Madam Chair, Commissioner Anaya, we could certainly do that. To a certain level I think the EOC, we need to know that it's not a dedicated Emergency Operation Center. What we do when we open the EOC is we actually functionally bring all the equipment into the multipurpose training room at the Public Safety Complex which has all the electronic connections that are necessary to bring it up and begin running. All those functions occurred. What we did not do was staff the Emergency Operation Center. So we did not mobilize all the department heads and relocate them to that center. But from the standpoint of a – from a cognizance standpoint the County Manager and the emergency management director, the two key individuals for such a deployment began that process simply by their communication. And there's been ongoing communication.

So I – in my sense that has happened and it's very similar to what occurred during the Cerro Grande fire. We never opened our own Emergency Operations Center, but there was so much communication going on and we sent so many resources to Los Alamos that we stood up our Emergency Operations Center and began providing the services that we thought were necessary at the time. There are trip points that are monitored by the emergency manager to make the determination of when it's actually necessary to have people in that room communicating on a minute-by-minute basis, and those trip points have yet to be reached. Now, perhaps we need to go back and relook at what those trip points are and lower those trip points. But functionally, it becomes almost an exercise in futility if you will to have all these people in the room with nothing to do, because the information is not flowing in.

And I want to point out that it's not just communication that comes from the public. It's also information that comes from the field providers who are actually out there running the calls or responding to the calls, who are talking to the people who are in the community. So we will relook at it and I appreciate your comments and support and the other Commissioners, your commitment and support. We certainly as public safety officials do not want at any time the public to believe that we're not doing what we can do to support them. We are there for them. That's our entire career. That's our life. That's what we do. So if we have failed at some point to meet their expectations within the confines of the law I apologize and we'll do more to try and address their needs.

CHAIR VIGIL: Thank you, Stan, very much.

MS. MILLER: Madam Chair, could I make one suggestion? Actually Ken has something that possibly might work in response to Commissioner Anaya's request and it would

be along the line – and we’ve done it before, but kind of a dedicated line specific to these issues where we can then get kind of more like a hot line and maybe you could just speak to that, Ken.

KEN MARTINEZ (RECC Director): Thank you, Madam Chair. What I wanted to address the Commission and everybody in the public about is things that we’ve done in the past, and to answer your concern, Commissioner Stefanics, what can we do and what can we put out so that the public knows what action to take or who to look to for resources when they’re in need. What we’ve done in the past is under different circumstances that have required our attention on a public safety level we’ve set up a hot line and we’ve put out communication to the public that if you are in need of services as a result of the harsh weather or this occurrence or that occurrence, whatever the situation was, dial this number and we can contact you back or we can direct you to what do to at that point in time.

So what I suggest to you and the Manager is that we set up a line, and it doesn’t have to be a dedicated hot line, but rather even one of the non-emergency numbers at the center. Then we create what we call a Unicode in our CAD, so that we can identify that call really as related to the situation – the weather, no gas, no food, whatever it may be. And then we compile and have that information on hand by pulling the report from the CAD and then we can then give it to Chief Martin Vigil or whoever it is that we want to task with returning the phone calls, getting back to these people and seeing how we can help. If there’s not a specific shelter set up or a place where they can go we can at least contact them back as a result of their call in and address their need whatever it may be.

So we could do that within the center, have a line set up where they can call in, create a code call for the CAD so that it’s tracked and retained in our records. Then we can pull it up after the fact or as we need to and respond to those calls as they come in. That’s just one option that maybe we can do. We’ve done that in the past.

CHAIR VIGIL: Thank you very much. Very well. Commissioner.

COMMISSIONER MAYFIELD: Mr. Martinez, thank you very much. That would be great, and also, if I can be put on this, myself and my assistant on this EOC team when there is ever a crisis or management issue within our county, specifically to my district but also at the county, and I would defer to any other individual Commissioner if it’s specifically pertaining to their area, maybe I could be one of the first individuals called also and just not to direct the situation but to be brought in so they can understand and they can help get that message out, where that message needs to be.

A couple other matters that I have under Matters if we’re off this subject. One question I have is, I had a meeting this morning with Mr. Ross and Mr. John Utton with the Tributary Water Association. Steve, am I right? With the Tributary Water Group? With the pueblos, with the BOR and other individuals. Some of it’s our specific communications and that’s why I was late, Commissioners, so you all know, was directly towards the Aamodt communication. One thing that I would like to do, Commissioners, and I would ask one, is I was prepared a great briefing book by Mr. Ross and I don’t believe that any of this information, Steve, is still under any gag order and I would ask that this information could be at least directly linked to my website. We can help create that with my office and/or if we can just create maybe a specific

website for the Aamodt issues, I would appreciate that, so we could have this communication pushed out to all residents in that basin and any other individual who needs to see it. Because I do believe it will have an impact on all of our county. For the good, I want to say that. So I do believe that.

Also, what I would like to do, Madam Chair and Ms. Miller, or Steve, however this communication needs to go, is start working with some public meetings and outreach on our water system and the potential wastewater system issues that we have within our county. I think that's vital and that's something that we need to communicate to our public. So Steve, if you can help give me some direction or some guidance of how we need to coordinate that, but from what I heard from today's meeting is that that needs to happen pretty soon, based on some obligations that we're required to meet under federal law, with the new signing. So that's on that.

My other –

CHAIR VIGIL: Commissioner Mayfield, I believe Commissioner Holian had the floor under Matters, so I think I had picked you. Go ahead.

COMMISSIONER MAYFIELD: I was going to vote for [inaudible]

CHAIR VIGIL: Okay. You were finishing up your statements.

COMMISSIONER HOLIAN: Well, I had one other completely different item.

CHAIR VIGIL: Go ahead. We're still under Matters.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, this is an update on the Renew Santa Fe program, which you're probably thinking that I'm obsessed with, but I like to think that I'm just being persistent. I think I mentioned before that the residential part of our program is on hold until certain issues are solved at the federal level, but we are going forward with the commercial part of our program. Duncan Sill, in partnership with Renewable Funding did a feasibility study on the commercial aspect of our Renew Santa Fe program. The feasibility was both in a financial sense and a logistical sense. Sort of the bottom line of what came out of the study was that for commercial properties it makes most sense for them to put solar electric on. There are several other options but solar electric will have the fastest payback time because there are a lot of incentives that are related to solar electric in this state as well as the federal level.

The recommend that we start with a small pilot project with perhaps 20 small commercial installations, six medium size, and medium size is commercial property that is anywhere from 5,000 to 40,000 square feet, and then one large project. And that would be for a very large institution that had more than 40,000 square feet. Now the total financing, they estimate for this pilot project will be around \$3 million. Our next step is in fact to talk to local banks because that's where the money is going to have to come from for this and in fact Duncan Sill and I have talked to LANB and they're very interested in this. So I think it can go forward in the medium term.

In the longer term if this pilot project is successful we will be looking for funding in other places like using various bonding mechanisms, and there are things that are called qualified energy conservation bonds, which are very tempting because they have low interest

rates, around three percent, and the County could tap into that. In any event, the next thing that we will do is to get the word out, start getting feedback from various institutions that might like to apply and set up our pilot project. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. And I know we got off this for one second, but if there are any folks without heat tonight if they can just have a general number that was given by Chief Holden and just make sure we make accommodations to assist them tonight or hopefully we won't have to, but there might be issues with the water and if we can just make sure that there is assistance for them tonight readily available I'd appreciate that. And thank you for reminding me, Commissioner Stefanics. I appreciate that.

Also, though, just general for me, and I guess I need to read our HR policy book, and I respect all staff members and how the County operations is here, but just what we're doing with our communications as far as if there is a snow delay, if we're not going to come to work, because I did receive some calls. Are you guys open on Friday? Are you not open on Friday? And this was some internal members. That if we can maybe – and we might have a general number that our internal staff can call into. And I know that Ms. Miller probably makes those decisions with I guess our Public Works Department. I know she explained that to me and I will support her on how she makes those decisions, but I think as we can readily get that information out to our staff that we can do that in a timely manner, and also take into consideration again that some of our staff may be also impacted and they may need a few hours to do some tidying of their personal issue, such as if we had a lot of staff members addressing this natural gas crisis that they may have to make some personal accommodations for their own family, and we also need to recognize that and maybe accommodate them a couple different hours during the day so that they can tend to those personal needs.

The last question I had, Commissioner, on a totally different subject, and I believe it would be our FY 10 audit. Does that come to us? When do we receive that audit?

CHAIR VIGIL: Teresa, you're here. You have the specific dates. You're the person to address this. Thank you.

TERESA MARTINEZ (Finance Director): We just received word from the State Auditor that they are releasing it so we will be putting it on the agenda for your approval at the end of this month. And it's done.

COMMISSIONER MAYFIELD: Thank you. And could I get an advance copy of it if you have it?

MS. MARTINEZ: I need to get a waiver for release and it actually has to be approved by the Board of County Commissioners before I can release it.

COMMISSIONER MAYFIELD: Then I move for approval.

MS. MARTINEZ: It's not on today's agenda. It will be before you at the end of the month.

COMMISSIONER MAYFIELD: We can't have a precursory review of it? Because I believe that our former – at least the way I'm understanding it, two Commissioners would have sat on that conference.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, you're correct. They sat in on the exit interview and at the end of that meeting we pulled back all the draft copies. They're very careful. I'll call and question whether we can at least show it to you.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, and Ms. Miller may be able to answer this better than I do, but I believe, at least in the state there was an exception for boards and commissions to go ahead and have the whole body look at the audit findings. And I know we have to respect the quorums but I do believe that is a document that can be disseminated amongst everybody. But again I would defer to say, Mr. Ross and/or Ms Miller on that.

CHAIR VIGIL: I would just suggest that unless you have the answer to that question that you could look it up and since there's a request to look at that, and if it's possible to contact Commissioner Mayfield on that.

COMMISSIONER MAYFIELD: That's all I had, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry, Madam Chair. I forgot one announcement. I had the opportunity to meet with the Santa Fe Animal Shelter and talk about some items that I think the Animal Ordinance Task Force is going to be dealing with. But I wanted to let the public know that on Thursday, February 17th there will be a free spay clinic. The first 100 people who arrive at Camino Entrada, at the low cost veterinary clinic will receive free spaying or neutering of their cats or dogs. The first 100. They have to be eight weeks to five years old. They have to be over two pounds and the people should plan to arrive between 6:00 am and 8:00 am. And usually they can do 100+ a day, so the first 100 people will have a free spaying and neutering, and I talked with them about possibly doing some other things with the County in the future around this. Thank you very much.

CHAIR VIGIL: Thank you. Is there any update on the RTD, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, they postponed the meeting last week as a result of the storms and we're going to be meeting on Friday. So I can provide an update at the next meeting.

CHAIR VIGIL: Thank you very much. Thank you all, fellow Commissioners, for bringing up a very serious concern in our community.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

C. Appoint Board of Registration (Clerk Espinoza)

CHAIR VIGIL: I've had a request to move up item C. Denise needs to leave a little early. She's got a distance to drive and I believe it's still snowing out there. We want you to get home safe, Denise. I'm going to turn the floor over to you.

DENISE LAMB (Elections Bureau Director): Thank you. I have the four-year old to think about too as well. It's not just me. Madam Chair, Commissioners, I'm here on a matter for the appointment of the Board of Registration. Just really quickly, before I get to

that item I would like to let you all know that we received a report from the state recently on turnout on our Native American precincts throughout the state of New Mexico and I thought you'd all be really pleased to know that Santa Fe County's three Native American precincts were the top three turnout in the state of New Mexico. Nambe Pueblo, which as you may recall, we created Precinct #87 just last year had a turnout of 64 percent, which is really outstanding. Tesuque Pueblo was at 63 percent and San Ildefonso at 60 percent. And those were the top three turnout precincts in the state of New Mexico.

I'd like to give credit where credit is due in this, which is to Hvtce Miller. Hvtce has been diligent over the last six years in working with our office to make sure that our tribal governors and our tribal voting people have all the information about our upcoming elections, about early voting, absentee voting, the dates, times, places. He really goes above and beyond the call of duty and as a result of that, some of you may recall that about six years ago the Department of Justice was about a hair's breadth away from putting Santa Fe County under a consent decree, and that did not happen. And it's certainly not likely to happen now with these kinds of numbers. So I'd just really like to thank Hvtce for making us such a success in that regard.

The second item that I have here, which is the item on the agenda is appoint Board of Registration. The Board of Registration is really a pro forma appointment that is made by the County Commissioners every two years to carry out the list maintenance activities of the National Voter Registration Act and the Election Code. I've put a number of citations in your packet and an explanation of how voters get put on an inactive status and how after four years of us not hearing from them and them not appearing to vote in any election they're removed from the voter file. They do receive a final notice and have 60 days to respond.

The party chairs submit lists to us of voters in preference that they would prefer to have them appointed, and the statute directs you to accede to that preference wherever possible. The names of the people submitted by the Democratic Party Chair are here in your packet as well as the Republican Party Chair. In the past the appointments have been made two of one party and one of another, with one each of the alternates from each of the two parties. And that concludes my presentation, if you have any questions.

CHAIR VIGIL: Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: So Madam Chair, I understand we need to select some of these candidates and unless there's other beliefs I think we should take the first two of the Democratic Party and the first one of the Republican Party. And that's a motion.

CHAIR VIGIL: Okay. Do we need an alternate, Denise?

MS. LAMB: We also need two alternates, one from each party.

CHAIR VIGIL: Would you want to include alternates in your motion?

COMMISSIONER STEFANICS: The alternate would be the third member of the Democratic Party and the second member of the Republic Party.

CHAIR VIGIL: Okay. I have a motion. Is there a second.

COMMISSIONER HOLIAN: I second.

CHAIR VIGIL: Any questions?

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

[The appointments were as follows: Board - Jennifer Garcia and Maria D. Salazar, Democrats, and Christine Williams, Republican. Alternates: William Mee, Democrat and Asenath M. Kepler, Republican.]

CHAIR VIGIL: Thank you, Denise.

MS. LAMB: Thank you, Madam Chair and thank you for all the support you give your Election Officer in Santa Fe County. I really appreciate it.

CHAIR VIGIL: Thank you for all you do.

XII. A. Appointment and/or Re-Appointment of County Development Review Committee (CDRC) Members [*Exhibit 1: Revised Memo; Exhibit 2: Additional résumés*]

SHELLEY COBAU (Building & Development Services): Madam Chair, Commissioners, Article II, Section 1.2 of the Land Development Code, which is in reference to the County Development Review Committee gives the Board of County Commissioners the authority to appoint members of the CDRC. Section 1.2 states that the Board shall appoint the County Development Review Committee consisting of not less than seven members, and it goes on to state in the next section that one of the members must reside within the city limits of Santa Fe. And that referenced section of code is included in your packet as Exhibit A.

The terms of all seven of the current CDRC members expired on December 31st and with the exception of Don Dayton all have requested reappointment to the CDRC. In October and November of 2010 and recently we issued press releases and received a number of applicants in response to those press releases who are interested in serving on the CDRC. The majority of those applicants have completed a conflict of interest form and additional questions and consented to a background check.

The applicants are listed in your packet by district. I won't go through the names. They're listed in the memorandum that Penny just handed out. The names that are in bold are the ones that we received subsequent to the recent press releases and subsequent to the preparation of your packet. Otherwise all résumés are included in your packet material. The are stacked in your packet in Exhibit B by Commission District and alphabetized by Commission District.

The recommendation is, for District 1, that Sef Valdez be appointed for a two-year term expiring in January of 2013. For District 2, that Maria DeAnda who is a city resident and current CDRC member be appointed for a single year term expiring in January of 2012.

That Filandro Anaya for District 3 be appointed for a two-year term expiring in January of 2013. That Frank Katz for District 4, who is also a city resident be appointed for a two-year term expiring in 2013, and for District 5, Ivan Pato be appointed for a two-year term expiring in January of 2012.

Additionally, because we do have a seven-member committee, we recommend that two members at large be chosen for one-year terms expiring in January 2012 from the following list of applicants: Susan Fry Martin – she’s an existing CDRC member, J.J. Gonzales, he’s an existing CDRC member, Tamara Haas, a professional engineer, Don M. Nye, and Levi Valdez.

Thank you. I’ll stand for questions.

CHAIR VIGIL: Thank you. Are there any questions of Shelley? Seeing none, what’s the pleasure of the committee?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: First of all, I would like to say thank you to all the people that applied. I was really impressed with how many people applied and I know that it’s a great commitment. I myself have a little bit of familiarity with the CDRC and so I know how much time is actually required for this. I would like to make a motion that we accept the recommendations of staff for the positions for districts 1 through 5, and then I would like to make a further motion that for the two at-large members that we chose Susan Fry Martin and J.J. Gonzales, primarily because of the reason that they provide a certain continuity. Most of the first five applicants are new to the board and I think it’s important to also have continuity from existing members, so that is why I would like to put forth Susan Martin and J.J. Gonzales for the at-large members.

COMMISSIONER MAYFIELD: I second that motion, Madam Chair.

CHAIR VIGIL: I have a motion and second. Are there any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, under discussion, I think the CDRC is one of those committees that there is a lot of interest in and I appreciate the public interest. I would also like to note that Filandro Anaya is no immediate relative of mine. He’s a former school board member from the southern part of Santa Fe County, which he will be the only person representing that part of the county. And I would just also comment that if this motion passes there’s another individual here that won’t be appointed and that’s Tamara Haas. She’s a Native American. She’s a professional engineer, district engineer for the Department of Transportation. She lives in your district off of 14, Commissioner. A very valuable person. I know her personally and her professional work and it’s somebody that I would ask the Commission to keep in mind as a good person to consider. I’m not familiar with some of the others. I’m sure they all have good qualifications but I did want to make that note.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I think Tamara Haas would be a great addition but I also would agree that we need the existing CDRC members to continue, and they will only have one-year terms. So I will request that Tamara Haas be brought up when those one-year terms are over with.

CHAIR VIGIL: Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, if appropriate, I would like to make an amendment to the motion if at all possible, that we could ask that Ms. Tamara Haas be appointed as an alternate to this committee.

CHAIR VIGIL: I don't – does the CDRC allow for an alternate?

MS. COBAU: Madam Chair, Commissioners, the code doesn't have any provision for alternates serving on the CDRC.

CHAIR VIGIL: So they require a quorum and whatever is a quorum that's how they move forward, correct? They don't need an alternate.

MS. COBAU: That's correct, Madam Chair. We need four members for a quorum so three people can be absent at a time. We have never in my five years of working at the County not had a quorum at the CDRC.

CHAIR VIGIL: Okay. Thank you. There's a motion and a second on the floor.

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

XII. B. Appointment and/Or Re-Appointment of CDRC Members to the Extraterritorial Land Use Commission (ELUC)

CHAIR VIGIL: Shelley, will you be doing the next item?

MS. COBAU: Yes, Madam Chair. We have Ordinance No. 2008-17, that requires that the BCC appoint five members of the County Development Review Committee to serve on the Extraterritorial Land Use Commission. For this Commission we do require two alternates which would be the remaining two members of the CDRC. So we request that you select five members of the newly appointed CDRC for appointment and name the remaining members as alternates to serve on this Commission. And I'll stand for questions. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I would move that the residents from districts 1 through 5 that have been appointed be the ELUC and that the two one-year members be the alternates.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Those are the same members that we appointed to the CDRC.

MS. COBAU: That's correct, Madam Chair. That would mean that serving on the ELUC would be Sef Valdez, Maria DeAnda, Filandro Anaya, Frank Katz, Ivan Pato, and that Susan Fry Martin and J.J. Gonzales would be serving as alternates.

CHAIR VIGIL: Does everyone understand the motion? Are there any other questions or discussion?

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

XIII. B. 1. Approval of Amendment No. 4 to the Professional Services Agreement with Montgomery & Andrews, P.A. for Legal Services

COMMISSIONER MAYFIELD: Thank you, Madam Chair. One question that I had, I guess at one of the initial meetings that I was at with the Commission is that we would have a contract review brought to the Commission I believe at the next administrative meeting. And I understand with things that have been going on in our county that that may not be the most pressing at this time, but I still would like for that review to come in front of the Commission of how we do engage with any contracts who will work for the County.

I also am seeing what was presented to me. I would ask to see the initial contract in the first three amendments because we're asking for a fourth amendment on this contract and I would like just a little explanation because I think we went over the initial contract price by a couple hundred percent. Mr. Ross?

CHAIR VIGIL: Is Rachel here to explain that? Rachel, please proceed.

RACHEL BROWN (Deputy County Attorney): Good afternoon, Madam Chair, Commissioner Mayfield. The amendment that's before you today is to address two departments' needs for legal services under this contract. Our courthouse project requires the expertise related to the environmental issues that have come up in that project and there is an attorney from Montgomery and Andrews that is handling those issues. A portion of this increase is related to that. There's a small portion of the increase related to the condemnation related to the South Meadows project, and that is almost completed and this is the final increase related to that project.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Ms. Brown, when the initial contract was let out for proposal, what was the duration of that contract? Was it a one-year contract? Was it an indefinite amount of time for this law firm?

MS. BROWN: This is a four-year contract.

COMMISSIONER MAYFIELD: So these have been just financial amendments to the four-year contract.

MS. BROWN: That's correct.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Brown, were there other law firms that bid on this contract when it was initially let out?

MS. BROWN: We have several law firms under contract as a result of the procurement that was run in 2009.

COMMISSIONER MAYFIELD: But for the specific work under this contract?

MS. BROWN: For this specific work this is the only law firm completing these projects.

COMMISSIONER MAYFIELD: Again, Madam Chair, I would like to see the initial contract, the first three amendments. Also at this time I'd also ask Mr. Ross, and just, I guess because I've been going into your office here and there, that you now have a full complement of attorneys in your office. At any time are folks introduced to the Commission of new employees? On that note, and then also, Mr. Ross, on that I would ask are your attorneys looking at picking up some more of this case work internally where we may be getting away from some of this contract work, expending more taxpayer dollars?

MR. ROSS: Madam Chair, Commissioner Mayfield, we certainly can bring our two new attorneys by, maybe even later today and introduce you to them. On the second issue, yes. We've planned for a while to take over the condemnation cases. It's sort of a specialized area but we think we've developed the expertise in house to deal with that. The only other areas that we have outside counsel on are in very specialized areas like water law and relative to this contract, we have an environmental law specialist who's helping us with the courthouse project, and of course we have Mr. Franklin doing the bonds and tax matters.

So those areas that we can't – we'll never be able to cultivate internal expertise in we contract out but everything we can bring in we do, and we're planning on taking in the condemnation stuff so you won't see us contracting for that in the future. We'll do that in-house.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield for bringing those up. I too think it's helpful, maybe because we're new on the block that we can have a full scope of what external contracts we have. I know you provided me with quite a bit of contracts. I don't know if it's in my packet or not but I agree that understanding what those external contracts are and what we could do internal and what we, I suppose, have to do external is an important piece of information. I also didn't realize that we've hired two new attorneys. I also would like to know who they are and I think historically, Madam Chair, the Commission used to have staff at least tell us – they maybe can't be present every time but I would like to know when the County hires new people, regardless of what department they're in and to welcome them to Santa Fe County. Like I said, they don't always have to be physically here but I think it would be good to acknowledge when we have new employees that join the County. So I appreciate those remarks, Commissioner Mayfield.

MR. ROSS: Madam Chair, I actually just looked out and noticed we have one of our attorneys sitting here. Roberta Jo is here and we'll fetch Linda Trujillo and bring her down.

CHAIR VIGIL: Thank you. Welcome, Roberta.

COMMISSIONER MAYFIELD: Madam Chair, on that point. Steve, I'd like to be introduced to all the attorneys in your office. I would appreciate it.

MR. ROSS: Come on by. I'll introduce you.

CHAIR VIGIL: One of the other suggestions that is possible too, because there is an influx of employees that come in – not that many these days as you know, but they do go through an orientation on a regular basis and we could ask that those of you who are interested in knowing who they are and perhaps welcoming them be advised of when those orientations are.

Okay, we are now needing a motion on this. Are you done with your questions?

COMMISSIONER MAYFIELD: Madam Chair, I am done. Thank you.
Madam Chair, Commissioners, I'm going to be voting no against it.

COMMISSIONER STEFANICS: Okay. I'll move approval.

COMMISSIONER ANAYA: Second.

The motion passed by majority 4-1 voice vote with Commissioner Mayfield voting nay.

II. Staff and Elected Officials' Items

A. Public Works Department

Request Approval to Enter Into a Memorandum of Understanding to Collaborate in Order to Discuss and Address Regional Issues Related to Safe Drinking Water Services. (Utilities Department)

CHAIR VIGIL: Who will be taking this on? Okay, why don't we find out who that will be and move on.

XIV. B. Finance Division

1. Review, Discussion and Approval of the Proposed Sole Community Provider Commitment for Fiscal Year 2012 (County Manager's Office/Finance and Community Services Department/Health) [Exhibit 3: Power Point Presentation]

MS. MILLER: Madam Chair.

CHAIR VIGIL: Yes. Ms. Miller.

MS. MILLER: Madam Chair, I just wanted to say, we did the study session last week. We had a couple requests from the Commissioners to go back and present kind of our entire budget issues. Also to go back and look at where we could cut within our current program, have discussions with the City. Alex Valdez and I did talk to the Mayor and City Manager and explained some of the issues that have come up with this. Also, I've done some further legal review relative to what's required of the County for sole community provider contributions. And we also have talked to Alex Valdez about the challenges we're facing and he's conveyed his challenges as well back. He is here. I would, after Teresa comments, I

would like to make sure Alex can discuss the hospital's side of this.

Also, we've come up with some additional recommendations, different from the last time and they are conservative but I have some concerns and I think you'll see when you look at the overall budget situation that just from a recurring revenue to recurring expenditure across all funds we have some serious issues that we need to address, and making commitments now on a recurring basis is really difficult for us at the levels that we've had them without seeing some improvements in our revenues.

So I just want to preface this presentation that Teresa is going to give that these are the things we're all taking into consideration after our study session last week, that we went back and tried to come back to you what we feel like we know that we could commit to at this time, and also there's a couple of others things relative to trying to go back to the State and requesting an extension on the February 15th deadline. You don't have to make a decision on this today but as it stands right now we do have to get something back, so we'd have to have a special meeting by the 15th to give something to the State. We also asked as well if we made a commitment and didn't have the funding, could we pull back on that commitment? They said no. So this recommendation does reflect that it's conservative but if we could go further it's better to do that to the supplemental than it is to do it up front and then not be able to sustain that.

Also, we're looking at trying to balance our budget from recurring revenue to recurring expenditure picture, because we do have cash, but anything that we're throwing into this area that we've looked at over the last two weeks that we've discussed this with the Commission, we are funding with a non-recurring stream. So I am trying to get us back into balance of what we can actually sustain over the long term.

So I just want to preface that before Teresa speaks and also I did, Madam Chair, want to make sure that Alex Valdez had an opportunity to speak.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we had a tough week last week with the snowstorm and we had our planning discussion. But I know as one individual Commissioner I asked to be part of the discussions leading up to this presentation. And I think that based on everything that's been going on we haven't been able to do that. I haven't been able to engage in that discussion. I know the Manager has been diligently working through this issue and trying to come to resolution. Since then I've been getting a lot of feedback and input from legislators and other community members about the whole issue. So Madam Chair, I'm going to suggest as one Commissioner that this is the first time that we'll see this latest proposal. It's a built proposal based on what the proposal was last time. But I'm going to suggest even before we start that we maybe as a Commission have a chance to absorb this document individually and have questions for staff individually, and that we go ahead and forgo a long explanation today and actually, Madam Chair, if it's the desire of yourself and the rest of the Commission, actually schedule another meeting. I too want to hear from Mr. Valdez but I think there's others. There's other legislators that have expressed some concern. I think in the interest of completeness and the benefit of us absorbing this

document I would suggest that we maybe postpone this discussion until we've had a chance to absorb this document and schedule a special meeting.

And I would actually make that in the form of a motion to table the item and set a date, if there's a desire from any of the other Commissioners to do the same.

COMMISSIONER STEFANICS: Madam Chair, question.

CHAIR VIGIL: Question.

COMMISSIONER STEFANICS: Katherine, is not February 15th, one week from today, the deadline for the state and the federal government to have our commitment?

MS. MILLER: Madam Chair, Commissioner Stefanics, it is. And we did ask about an extension. We have not got one. HSD at this point, the state has said this is the deadline, but we were going to request formally and I believe the Mayor is going to as well, with Alex, ask for an extension to that. But I want to make sure that we are prepared to submit something. So I would just respectfully ask that you hear what we have come up with so far, but I also agree that it might be appropriate to have another more in-depth conversation about it.

COMMISSIONER STEFANICS: Alex, you were trying to say something about the deadline?

CHAIR VIGIL: Let me just – are you willing to withdraw your motion? Just to hear a little bit more information on that?

COMMISSIONER ANAYA: Madam Chair, I'd be happy to withdraw it, but I am going to be real, real hard-pressed as one individual to vote on anything today.

CHAIR VIGIL: Very well. So it's sounding like everyone here is wanting to at least have some information submitted to us, including Katherine Miller, so let's go ahead with as much as you've prepared for today and then we'll go to Alex or any other members in the audience. Teresa, please proceed.

MS. MARTINEZ: Okay. What you have before you is hopefully a concise presentation but presenting the entire budget issues for Santa Fe County. The first slide –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: Rather than rehashing all the budget issues for Santa Fe County could we not just hear the options for the sole community provider? We spent an entire morning, three hours, listening to all the issues about the budget deficit, and I'm sorry Commissioner Holian wasn't here, but I think we're here today just to talk about sole community provider, not to rehash our budget deficit.

COMMISSIONER HOLIAN: Madam Chair, since I wasn't present, I just want to say that I've actually had conversations with our County Manager and I have pored over the material. So I don't need to have our budget picture rehashed either. So I'm in agreement with that.

CHAIR VIGIL: Okay. Perhaps you can summarize, Teresa, with regard to the proposals that you have before us and summarize it in terms of why those proposals.

MS. MARTINEZ: Okay. I will point out, Madam Chair and Commissioners,

that we did give you – last week’s presentation was focusing on the sole community provider and the relative funds. We did give you a slide in there that you can review relative to the general fund, so that you would have as big a total picture as you possibly can. So the purposes of today’s discussion we will go to page 8.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Ms. Martinez, what slide is that, for the general fund?

MS. MARTINEZ: For the general fund, I believe it’s page 3, identifies the general fund issues.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, one point I would also like to make at the onset is the point that Commissioner Stefanics made at our study session, and that’s that independent of having our full budgetary scope in front of us that making decisions that would predetermine issues with the budget is going to be a difficult item. So I just want to make that point in the onset, because that’s an item that Commissioner Stefanics brought up that I believe there was consensus from the Commission on.

COMMISSIONER STEFANICS: Well, on that point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair and Commissioner, I didn’t want to leave the impression that I didn’t want to make a decision on sole community provider in a timely manner that was required. So I just didn’t want to give too much and then decimate decisions that we had to make later.

CHAIR VIGIL: Okay. Let me turn this over to Ms. Miller on this.

MS. MILLER: Madam Chair, I just spoke to Alex and we were with the Mayor at about 5:30 last night which is why we have been trying to do as much as we could before today’s meeting. Alex believes that the state – they’ve indicated to him verbally that they would give us another 30-day extension. I’d like to see that in writing from them, but I don’t think that you need to make a decision today, and that’s why I said initially. If we could get that, either way we’re not going to have the entire budget solved but what we did try to do without going into a whole lot of detail about the entire budget was give you just the overall recurring revenues to recurring expenditure picture of all funds, and cash balances of all funds combined, so that you understood how far, without additional cuts, how far the cash would go. So we’ll try to keep it at a very high level on this and we don’t have to go through that today but it was in trying to respond to what Commissioner Stefanics was referring to that it’s hard to look at just a couple funds at once. So that’s what is in front of you in general, is how much all funds combined cash balances are and all funds combined recurring expenditures are, in excess of recurring revenues.

CHAIR VIGIL: Thank you. Teresa, please proceed with the proposals.

MS. MARTINEZ: Okay. Madam Chair, Commissioners, page 8 of this presentation is the current scenario that we are in relative to fiscal year 2011. And I'll just point out that our total SCP commitment was \$6.8 million, and that resulted in us making cuts as well as using cash reserves to the tune of \$6.1 million.

Now we'll move to page 9. These are suggestions for SCP, Option 1. Again, across the board on all of these we are forecasting a three percent downturn in GRT, so we made respective cuts, three percent for the programs, with the exception of cutting in its entirety the MCH program. We also reduced the mobile healthcare van down to \$190,000. So I'll just tell you that we have total revenues at \$9.2 million. We have health related expenditures at \$6 million. The RECC with a three percent reduction at \$3.3 million, and an SCP commitment in this scenario of \$1.1 million.

The scenario for SCP is inclusive of the request for CHRISTUS St. Vincent Hospital, Espanola and Los Alamos. We based the SCP number, if you will, and the \$1.1 million truly based on the indigent claims we processed in fiscal year 2010. And what we did is we leveraged that at the percentages indicated by the state. So in this particular scenario you would have a shortfall of \$1.2 million. If we commit \$1.1 million to SCP that translates into the following amounts for each hospital: CHRISTUS St. Vincent would see a \$3 million total base funding. Espanola would see \$475,000, and Los Alamos would see \$53,000, for a total of the \$3.6 mentioned above.

In this scenario additionally we will pick up paratransit at a cost of \$91,000, and we also increased our jail medical to include the cost for pharmaceuticals, the doctors and outstanding invoices to St. Vincent's to the level of \$150,000.

Option 2. In Option 2 the revenue remains the same, three percent downturn. The programs remain the same. We added paratransit at \$91,000. We added the jail medical component, the additional costs of pharmaceutical, doctors, and \$150,000 worth of invoices. We have SCP at \$2.1 million. And the difference in this scenario is that is based on fiscal year 2011 indigent claim, and that's forecasted 2011 for the remainder of this fiscal year. That translates to each hospital getting a base funding, CHRISTUS St. Vincent, \$6.3 million, Espanola, \$475,000 and Los Alamos \$53,000. So that would result in a shortfall of \$2.2 million.

Option 3. Again, the revenue is three percent downturn. Respective cuts to the programs in this particular scenario we have jail at the flat \$2 million. We have not factored in the \$91,000 for paratransit. We have an SCP commitment of \$2.8 million. That SCP commitment is based on the fiscal year 2011 forecasted indigent claim and direct services currently provided by the hospital of \$2.5 million. So we leveraged those amounts. So again, we took the claims and we said at the current percentages dictated by the state what would we need to fund for each hospital to get to the leverage of indigent claims at \$3.1 million and direct services at \$2.5 million. So per hospital, CHRISTUS St. Vincent would receive a total base funding of \$8.8 million, and again, Espanola and Los Alamos will remain status, because theirs has been attached to the processing of claims - \$475,000 for Espanola, \$53,000 for Los Alamos, resulting in total base funding of \$9.4 million.

Option 4. Revenues again are three percent down. Respective programs are three percent down. We are adding paratransit at \$91,000. We are adding jail medical at \$2,541,000, and we have the SCP commitment at \$2.6 million. SCP commitment in this scenario is based on the forecasted 2011 indigent claims. The direct services provided by the hospital, \$1.6 million, and medical invoices of \$150,000. So these again were leveraged at the percentages mandated by HSD. So that results in a total SCP Commitment of \$2,639,670. If you break that down by hospital, CHRISTUS St. Vincent base funding would result in \$8.1 million, Espanola would remain at \$475,000 and Los Alamos at \$53,000 for a total base funding of \$8,644,000.

CHAIR VIGIL: Teresa, Thank you very much. Are there any questions on any of these options?

MS. MARTINEZ: One more option, ma'am.

CHAIR VIGIL: Oh, one more.

COMMISSIONER MAYFIELD: Real quick, Madam Chair. The last option you gave us for Los Alamos, you said \$53,000 or the same \$75,000?

MS. MARTINEZ: \$53,191, and that's been consistent across the board. \$53,191. And then the last option, Option 5, again, revenues, three percent downturn. Programs, three percent downturn. MCH was eliminated. The mobile healthcare van stayed at \$190,000. Jail is still flat at \$2 million. Paratransit is not added in, and this is on the assumption that the SCP would be at a value of \$3.9 million. SCP was calculated on the fiscal year 2011 indigent claims, and the direct services provided by the hospital were leveraged and dollar for dollar. So this was a hybrid, if you will. With regard to the direct services provided by the hospital, we leveraged the medical component plus the paratransit, which totals about \$632,000, and we did a dollar-for-dollar on the remaining \$1.6 million, which is attached to the Sobering Center. So that gives them a total SCP of \$3.9 million. Breakdown by hospital: CHRISTUS St. Vincent would be total base funding of \$12.2 million, Espanola \$475,000, and Los Alamos the \$53,191, resulting in total base funding of \$12.776 million. Those are the options.

CHAIR VIGIL: All the options. Do you want to go with management recommendations, Katherine?

MS. MILLER: Madam Chair, as I said in prefacing this discussion that this was obviously conservative and because we didn't present the slides at the beginning of it, this is based on the fact that when we are looking at these programs we are using cash for all this, to the tune of a total of about \$14 million across the County. So I do separate these funds out because of RECC, the jail medical and all this stuff is so intertwined, and have separated that out, but if you go back to one of your slides earlier it does show what our cash balances are in total and that we support a lot of other programs from our general fund. So our recommendation at this point is to look at something that I know we can sustain and that we can start to chip away at the recurring deficit that we have as far as recurring revenues to recurring expenditures.

Additionally, the conversations with the hospital and the Mayor revolved around

looking at how the City – this is a community program. This is not just a county program. Although statutorily it might say that counties make the match, the issue for us at the County is that we are providing this match for the entire community and not just Santa Fe County but the whole region. So we see this as a community issue. The fact that we support the RECC 100 percent, that's a community program as well that the city benefits greatly from. This is a community program, the whole community and the city benefits from.

So one of the approaches, because I don't have the ability to recommend to you at this stage, not knowing what the City could do relative to the RECC, I can't say, oh, well, let's just split that up. There's a whole lot of things involved. We have a JPA. We have the public safety issues to deal with. So one of the approaches with the City was, well, if you could revisit our JPA on the RECC, that would help us contribute more to the sole community provider program. Or if you would be willing to be a community – if not on that area, to be a community effort on this one in matching our revenues that we're dedicating towards this program if the City would come in and match those.

That's what we approached the City with, because if we were able to do that, obviously, we could get it up more of the level of funding with recommendation 4 or 5, what the hospital, St. Vincent's in particular, has become accustomed to and what they build into their budget and the services they provide with that funding.

So I want to make sure they understand that that, in our recommendation, not to leave that off the table. As a matter of fact that's where we really need to work together is as two governing bodies and two entities because I do believe this is a community issue. This is not something that the County can just bear the whole brunt of this itself with the revenues that we currently have and the downturn in those revenues, and the fact that we have picked up the entire RECC cost.

So those are the things that we discussed with the Mayor, and, as Commissioner Anaya said, it was just very limited. We had initially hoped to meet Friday; that didn't work. Alex was able to get a meeting with the Mayor yesterday at 4:00 so I ran over to meet with him and then meet with the Mayor as well. That was the best we could do before today. But I did want to let you know that because this comes out of where we are today based on all of those discussions and also why, if we could get an extension I think there's a lot more to be visited with with the City on that issue, which could change the overall. But that said, this recommendation is based on what I believe the County can sustain.

CHAIR VIGIL: Alex, did you want to address us briefly? And Alex, could I just interrupt you for a second. There was an earlier request from one of the Commissioners that newly hired County attorney staff be introduced, so I'm going to turn it over to Steve Ross and give you the opportunity to introduce your new attorneys.

MR. ROSS: Madam Chair, thank you very much. You already met Roberta Jo and this coming up is Linda Trujillo. She's our second latest person that we've just hired in the office. And a few months ago we hired Ana Maria Ortiz who was sitting in the back but she took off. So these are our two newest attorneys hired in the last few weeks.

CHAIR VIGIL: Thank you. I was concerned that we were monopolizing your

time over here. Thank you all. Welcome. Is there any questions? We wanted to see faces. Thank you for joining us. Alex, thank you. Please proceed.

ALEX VALDEZ: Yes, Madam Chair and members of the Santa Fe County Commission. Thank you so much for providing an opportunity for me to be able to present briefly for you. As I was sitting here, I want to take just a few minutes to really acknowledge and thank the Santa Fe County Commission. The Santa Fe County Commission for a well over a decade has worked together with St. Vincent Hospital and now with CHRISTUS St. Vincent to see that we're able to receive County funding and federal funding and leverage those dollars to try to do the best job we possibly can in taking care of our indigent population. I don't think we've taken enough time to sit back and really think about the accomplishments we've done for our community over the years in terms of being able to do that, because this dollar has been just vital for our operation.

I'm always pleased to say that over the last seven years that I've been there we've been able to have a positive net margin at the end of each of those years except one, and I think that it's because of the support that we've received from Santa Fe County that we're able to meet our obligations and we're able to invest in our community and we're able to invest in our hospital. I think that probably over the past three years we have been the only entity in the community that is significantly creating construction jobs, because of the amount of construction that we've done and it is because of your efforts and our efforts and the efforts our taxpayers and everyone else that we've been able to make these type of investments and grow. And we're prepared to continue to grow and prepared to make those investments, because our community demands it and our community deserves it.

Over the course of – several years ago or I should say before we entered this fiscal year the amounts that we would have received from Santa Fe County was approximately \$33 million. It went down by \$5 million for this current fiscal year, and those are dollars that we're never able to recoup into our community. The amount of base funding that we are eligible for at this time – and when I say base funding we work that into our base budget. Base funding has been budgeted by us is \$28 million. And the amount of match that we would need, and we know that the state's share or the County's share has gone up to 30.5 percent now, so we know that there's additional burden on governments to come up with the match. But the amount of match that we would need is approximately \$8.4 million to be able to draw down the entire \$28 million.

And I see the County's options here and I appreciate all the work that Katherine and the County staff have put in. In my conversations with the Human Services Department we were able, in conversation anyway, to obtain an extension until March 15th and I intend to take full advantage of that extension to work not only with you but work with the City and work with others, because while statutorily the obligation is one of the County, when we think about losing this type of dollar for our community, I think of it as a community obligation. I think of it as a community responsibility. Something that we all have to work tirelessly to figure out. And yet it would not be wise of me to expect that CHRISTUS St. Vincent is going to get fully funded. I understand that. I know the burdens that all of our

government entities are under at the federal, state and local level. But it is my responsibility to minimize that loss as much as possible. I hope that you do grant an extension and that we are able to work aggressively to do as good a job as we can working together with you, the City, and possibly others to figure out how best we can minimize that loss.

Once we lose this dollar it does not come back into our community. \$28 million can get turned in a community three times. It provides significant base, significant purchasing power. Good wages, good growth for our community. And we are all going to be vigilant in trying to figure out how best we can keep as much of that intact as possible. So thank you all very much for the time and I'm happy to answer any questions you may have. I do want to, provided that you do go with an extension, sit with staff and work on the issue around indigent claims for FY 11 because my numbers are far different from the numbers here, but that's something we can take off line and work with staff on what the understanding is there. Thank you, Madam Chair and members of the Commission.

CHAIR VIGIL: Thank you, Mr. Valdez. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Alex. A couple of questions for you though. Last year we had quite a spirited discussion about things that we'd like to have or see back from the hospital. And one of the issues was that we wanted some assurance that the money that we were setting up and providing from the taxpayers would be recognized as taxpayer contributions and you have done that, and I really appreciate that. In your printed materials and publications. We also asked that we receive some assurance that the money that we were appropriating would not be sent out of state and that it would be accounted for here in our community. And I don't know that we've received specific documentation about that.

Now, this morning in the newspaper – or yesterday morning, because I'm sometimes behind on my newspapers, there was a article about the hospital, perhaps purchasing Physicians Plaza. And it's when I see things like that that I wonder how the money is kept separate. And I understand that that might be a capital expense, but how the hospital either commingles or separates their funds. I have been concerned along with a change in services in the community when the hospital changed hands and I've been very open about that and I also saw that the article this morning alluded to that as well.

So I'm just wondering if you could comment on the funds that might stay here in the community, first of all.

MR. VALDEZ: I'll be happy to, Madam Chair and Commissioner Stefanics. All of the funds that we receive regardless of source go into a general fund budget and it gets appropriated for whatever needs we may have, either wages, supplies, whatever may be through our operating budget of the institution. We purchase services from CHRISTUS Health just as we would purchase services from other entities for other purposes, some of whom may be in the state and some of whom are out of the state, but no money leaves CHRISTUS St. Vincent without the purchase of services attached to that.

For instance, I'm an employee of CHRISTUS Health as is the senior executive team. CHRISTUS Health has the management agreement for CHRISTUS St. Vincent Regional

Medical Center. We purchase a number of services pursuant to that management agreement and that is a payment that is made to them but it is a payment that could be made to any of the team regardless of whether they're in the state or out of the state, if you purchase services.

If you're a for-profit entity it's very possible that you may see money leaving your institution, going to another institution for purposes of them making, let's say stockholder dividend payments. We are not a for-profit entity. We are a not-for-profit entity. Our revenue stays within our organization so that we can continue to make the type of investments that we're able to make in our organization. So I don't know if that gets to your question as specifically as you would like, but if you think of for-profit entities as having corporate headquarters where they send a certain amount of their proceeds to on a yearly basis that ultimately gets to stockholders in the form of dividends, we are not that type of entity. We are a not-for-profit that keeps our revenue, with the exception of those services that we purchase in our community.

COMMISSIONER STEFANICS: Madam Chair, recently I had some individuals approach me that had been long-term nurses at the hospital and do to some reorganization or realignment several long-term nurses are being let go. I appreciate the fact that new construction brings new jobs but we also have a quality of care at the hospital that I would not want to lose by losing experienced nurses to replace with perhaps lesser paid newer nurses. And I'm wondering if there's something going on with the reorganization that you might want to comment on.

MR. VALDEZ: Madam Chair, Commissioner Stefanics, there is nothing taking place around any reorganization in the hospital that is jumping out at me at this point that I can speak to, that I can think of. There is nothing going on regarding any form of reorganization. All of us confront any number of personnel challenges. We place the issue of patient safety at the top of our agenda. There are times when just as in the County we too have to take personnel actions, and I don't know whether the conversation you had was initiated as a result of a personnel action when I cannot think of any type of reorganization that may be crafted differently. But we have taken a number of personnel actions and they are driven by those legitimate patient safety issues that we have that we're going to address, and that's not any different than what accounting may find themselves doing with their own personnel at times that they confront.

COMMISSIONER STEFANICS: Madam Chair, I certainly respect personnel matters but this – after a few people mentioned it and then the union came forward as a concern, that's what brought it to my attention. I'll stop at this point and let other people ask questions.

MR. VALDEZ: On that point, Madam Chair, we are getting prepared for labor negotiations a little later now in the spring also.

CHAIR VIGIL: Commissioner Mayfield.

CHAIR VIGIL: Madam Chair, in line with Commissioner Stefanics' questions, Mr. Valdez, couldn't the hospital set up a specific budget strictly to the SCP funds, and then there could be budget adjustments done to those funds so they could be accounted for

on how they're being expended and not just jumped into your general fund dollars pool?

MR. VALDEZ: Madam Chair, Commissioner Mayfield, I would want to do a little bit of research into that matter. There is something that is telling me that as a result of federal law we would prefer that it go into a general fund account. But I'll be happy to look into that further. We've never done that. That has never been our practice. Our funds go into our general fund of the organization.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Valdez, and maybe this would be a question for Ms. Martinez. What are our obligations as a county when we're audited on our dollars of where we're expending these revenues if there has to be an audit mechanism of exactly how those dollars were expended? Is it sufficient enough for the County to say that these monies were give to, say, the various hospitals, and that is sufficient for that audit, or will they be asking for direct invoices to those expenditures?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, for purposes of the previous audits it has been sufficient in that they'll go and look at the statutory obligations. We do receive invoices fro HSD. We do do the purchase orders and we cite the statutory requirements. So they're all there from an audit standpoint, but it also has been a point of contention or discussion for Santa Fe County staff in the past to have some accounting of it.

COMMISSIONER MAYFIELD: Thank you. And then Madam Chair, Mr. Valdez, what are the audit mechanisms in place for the hospital? Do you have a private auditor that looks at the funds? Do you coordinate with the County on these funds?

MR. VALDEZ: We do, Madam Chair, Commissioner Mayfield. We use E&Y. E&Y is our auditor. It does the audit for the entire corporate system, as well as the individual regions, and we historically have produced very clean audits in that process. But it does not specifically audit only sole community provider proceeds.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Valdez, and I don't know what the pleasure of the Commission will be, but if we do have a little bit of time to bring this matter back before this body, Mr. Valdez, would it be possible to see then if you could set up a separate account just for the SCP funds and if there would be a possibility to do some auditing.

MR. VALDEZ: Madam Chair, Commissioner Mayfield, I'll look at that. I will consult with counsel though because I want to make sure that we are doing all of that correctly as a matter of federal law. That's where our greatest concern is over the operation of this program. And then unfortunately, the County Manager and I have not had the time yet to sit down and talk about reporting mechanisms that would be adequate for or that would be appropriate for all of you, but we have that on our agenda to one day just sit down and get that done for all of you. I do try to do as good reporting as I can when I speak to the CARE Connection, the Sobering Center, jail medical director, paratransit and some of those programs. And then you also have your accounting mechanisms of how many claims you have approved for the hospital. So there are some mechanisms in place but they're not as broad I'm sure as you would otherwise like to see.

CHAIR VIGIL: Thank you. Can I turn this over to Ms. Miller? The floor is

yours.

MS. MILLER: Madam Chair, Commissioners, one issue, and I haven't even had a chance to talk to Alex about it, but Steve just brought it up, but I don't know whether the potential extension would apply to the other hospitals that we have on the sole community. We don't have any issue – our recommendation is the same on those, and one of the things that I'd like to state why they're different, we pretty much do those claim by claim and they go based upon the actual claim that's submitted by the hospital against those dollar amounts at our rates. As Alex said, there are differences between the way the County accounts for them and the way St. Vincent's accounts for claims so we do have different numbers than he does on claims, but with the other hospitals that are recommended we don't have that issue. So what I would respectfully request since I don't know what HSD's commitment is to the extension and because that's also not an amount that we have a difference between the request and our recommendation is that we at least approve the other two hospitals today. Then you don't have to come back necessarily by next Tuesday if HSD does grant us an extension.

CHAIR VIGIL: Steve, did you want to address that?

STEVE SHEPHERD (HHSD Director): Madam Chair, Commissioners, if it would be your pleasure we'd ask that you approve the request for Espanola Hospital in the amount of \$475,075.40, and the amount for Los Alamos Medical Center in the amount of \$53,190.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: But that's with the match, Madam Chair.

MR. SHEPHERD: That's correct.

COMMISSIONER STEFANICS: That's not our portion.

MR. SHEPHERD: No, but I can –

COMMISSIONER STEFANICS: So our portion, if I'm correct, would be \$145,065 for Espanola.

MR. SHEPHERD: That's correct.

COMMISSIONER STEFANICS: And \$16,242, for Los Alamos. And I would move that.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and a second. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Shepherd, what was the request of us? Were these the dollar amounts that they had initially requested, these two hospitals?

MR. SHEPHERD: Those are their requests. We thought they were reasonable.

CHAIR VIGIL: Any other questions?

COMMISSIONER ANAYA: Madam Chair, the primary issue that we're dealing with is CHRISTUS St. Vincent associated with the difficulties for the reasons noted I would concur with the motion.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Valdez, could I ask you a couple questions, and maybe some feedback. I guess I would make a comment and then ask the question because I don't want to make it appear that I'm asking a loaded question in any way. As a Commissioner, an individual Commissioner and a Commission, I believe that it's the County Commission's responsibility to in the best interest of our citizens evaluate the programs that we have internally that we serve those programs and that we do our best to sustain those programs and when we can, augment those programs. And I see that being a primary responsibility of myself and the Commission. My question to you is is your primary responsibility – it's not to the County, it's to the hospital, correct? To the hospital to the services that you provide to the citizens under the auspices of St. Vincent Hospital?

MR. VALDEZ: Madam Chair, Commissioner Anaya, my fiduciary duty is to the organization that serves 306,000 people in north central New Mexico. So when I look at hiring a fourth neurosurgeon for instance for our hospital that is employed by us, understanding that they are probably the most expensive physicians at all, knowing that because of our mission, that is a mission-driven investment, to ensure that we can offer to not only Santa Fe but to north central New Mexico, 24/7 neurosurgical coverage. So the legal fiduciary duty is to the organization, but the organization happens to serve north central New Mexico.

COMMISSIONER ANAYA: Madam Chair, Mr. Valdez, I would say that you were more eloquent with your explanation that I was, but I would concur that the same responsibility that Ms. Miller has as our Manager, our department heads is very similar by nature and service to the citizens. In the discussion session, the study session we had the other day I expressed that our primary responsibility is those services that we provide and those services to the citizens in the forefront. Along with that I said that the Commission has constantly over a long term, a decade plus I guess, has been working with you, and you said, to use your words, it's a burden that we have at times but we try and create a benefit associated with the dollars that we receive.

The community and legislators and otherwise come to the Commissioners and the Commission and say it's a benefit of \$30+ million that we get. It appears to be a no-brainer that the Commission would approve it. And my response back is taken in the context of the other responsibilities that we have as a county that's one piece of the responsibility that we have. My question to you is, would you agree – and I feel this way, but would you agree that the relationship that we've established with St. Vincent's is a relationship that we've built of expectations of services that we provide to the community on both sides of the equation, at the hospital and the County? Would you agree that we've built expectations and services in the community based on this decision that we make on an annual basis?

MR. VALDEZ: Commissioner Vigil, Commissioner Anaya, I believe that's a

correct statement. We have worked together for years now in accessing sole community provider funding to the best interest of our community and how we go about managing that and investing that and assuring that the indigent segment of our population is able to access and our hospital is able to use that dollar as a form of reimbursement and that we're able to do work out in the community. And there's been mutual expectations throughout the years of what we see each entity doing.

The challenge we find ourselves in now is when the County or any government body, because the state is going through the same issue, does not have a dollar to put up for match. At the provider level it hits us to the tune of about \$3.50 today. So going up, what a benefit. Rolling back the other way, what a burden to try to figure out how to accommodate the reduction in base funding that you otherwise have. And what are the implications of that going forward, not only for your hospital but for your community? What's the message going to be within the hospital to the labor force, even if we were able to go with Option 5, which would result in over a \$16 million base budget reduction for the hospital? What are the implications of those issues?

I'm not here to elaborate in terms of what those expectations would be. I'm here to say we've got more work to do and I look forward to doing that.

COMMISSIONER ANAYA: Madam Chair, a few more questions. We now, not just Santa Fe County but every other governmental entity in the United States and every other private and non-profit entity are all faced with difficult financial decisions. More and more the level of scrutiny, keying in off of the comments made by Commissioner Stefanics and Commissioner Mayfield is not less accountability for each penny we spend but rather more accountability for each penny we spend. Associated with this agreement we had a memorandum at one time that was an item that was broached as inappropriate, I guess would be the best word, and we've evolved to a point where now we have provided in recent years a max payment to the hospital with less accounting, if you will, on the full benefit of those resources. It's a constant discussion. You just expressed that at some point in the near future we're going to discuss it more with the Manager and try to figure out better mechanisms, potentially doing what Commissioner Mayfield suggested in isolating revenue streams.

But that's a hard challenge. We're being asked by the public, tell us more what you're doing with our dollars and our pennies, not less. That being said, where I'm going with this is where the Manager started this presentation, and I think it's way overdue. The sole community provider funds and the matching result is a benefit to the entire community. It's not an individual benefit. The citizens that reside within the county outside of the city limits, the benefit, as you said and as you've articulated many times over the years and as legislators and others are articulating goes into the northern region or the region of the entire area in and around Santa Fe County.

So I would ask you to continue with us as a partnership but to engage our City Council and our Mayor as you have, and that we as a Commission will continue to do that, but not only them, but whoever else we can engage that's receiving a direct benefit as a result of this match payment. If we're isolating alone, the dollars and pennies, if you will, that this

SFC CLERK RECORDED 05/10/2011

Commission is being asked to provide to the residents, now they're asking us be accountable for every penny. So that's where our priority seems to be resting. So those relationships, we can't have a quid pro quo; I know that. But those relationships and those partnerships between us and you and the rest of the city and other residents in the region is really what's going to help us get some resolution. Because we're no longer in a time where we historically were where we have the resources to be able to do this on our own. We can't do it any longer.

So I would ask for a response to some of those.

CHAIR VIGIL: If you could keep it really brief, I'm getting ready to ask Katherine – it seems like we do have a direction here, so if your response would be brief.

MR. VALDEZ: Madam Chair, Commissioner Anaya, yes. A couple of things. First of all, at the last Indigent Fund Board meeting Commissioner Vigil asked me to let you know if there was going to be any action from the Hospital Association regarding this issue during the legislative session. And yesterday the New Mexico Hospital Association had a board meeting and there are now at least, at least nine hospitals in nine counties that are unable to make the full match. Last year we were the only county that found ourselves in that position. Now there are nine hospitals and nine counties that find themselves in that position, and the New Mexico Hospital Association directed Dan Weeks to work together with Jeff Dye and work together to figure out how best we can advocate and make this issue more of a statewide issue now than just a county issue.

So I wanted to bring that to your attention, Commissioner Vigil, because you asked for that. And Commissioner Anaya, that reflects on the approach of a need for us to think about this at a county level, a city level, a state level, and figure out how best we can go about packaging a leverage to be able to minimize for the state the financial impact of this. Because yesterday when we were talking as an association the dollar amount that I quickly put together is probably \$45 million impact at this point. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Valdez, do you all have the ability to go to any of our, I guess surrounding counties and ask for SCP money from them?

MR. VALDEZ: Madam Chair, Commissioners, yes. San Miguel has fully funded. I don't know what Rio Arriba County is going to do. Because Espanola Hospital is one of those hospitals that's taking a hit in base funding also out of Rio Arriba, and I don't know what Taos is going to do. Los Alamos has always been very supportive of CHRISTUS St. Vincent.

COMMISSIONER MAYFIELD: And Madam Chair, what about Torrance County?

MR. VALDEZ: No. Our county areas to go to are Taos, Rio Arriba, Los Alamos, San Miguel.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Thank you very much. I think we're ready for direction. It's seeming to me that I'm hearing a consensus that first and foremost, based on the information

SCF CLERK RECORDED 02/10/2011

that we have that a 30-day extension has been granted, the negotiations do need to continue. Is that correct, Ms. Miller?

MS. MILLER: Madam Chair, I have not heard from the state that they have given us a 30-day extension. Alex had indicated that they gave him a verbal extension. The last thing I want to do is to miss the 15th and somehow miss the federal match and then we would not have access to the federal dollars. So I do want to make sure that we do get something from them in writing that says that we have until March 15th. If we don't get something in writing from them then I would request that we come back and have a meeting before the 15th. And I would state that the recommendations that were given, though directly to what Commissioner Anaya was alluding to was our recommendation comes from an obligation to the County and what the County is required to provide, and what this Commission has said is important to them. The request from Alex Valdez is based upon what is important to serve the hospital. That's the disparity between the two and that's the area that we're trying to focus on: who can we get other community participation into that. That is what I would focus on if we do have this 30-day extension over the next five weeks, this week and a 30-day extension if we get it, how we would actually get those dollars leveraged.

So I just state that. That's how we came from these two different angles. It's also what we've been trying to work toward resolving and we will continue to do that. If for any reason I couldn't get any confirmation of a 30-day extension I would request that we have a special meeting before the 15th or on the 15th and that we move forward with something that we could sustain and then we also work towards finding something towards supplemental.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, clear, I guess, maybe one of the last points is based on everything you've done to this point in coordination with staff and the hospital, if we had to vote today we would have a cut to existing programs and services, and the hospital would sustain a cut to existing cuts and services.'

MS. MILLER: Madam Chair, Commissioner Anaya, that's true.

COMMISSIONER ANAYA: Thank you Madam Chair.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Do you want a formal motion or just a recommendation?

CHAIR VIGIL: The way it has been noticed we can give or a direction. It's review, discussion and approval. We can actually take a motion.

COMMISSIONER STEFANICS: Okay. Madam Chair, if we have to make a decision by February 15th, I move that we have our special BCC meeting on Tuesday, February 15th.

CHAIR VIGIL: Will that work? Is there a second?

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: Katherine, thank you for all the work you've put on this. I think you've really provided an additional perspective to how we can work out and look to alternatives for funding this. I think as Alex pointed out this Commission has always been supportive and probably last year we didn't fit into that category, Alex, because we started out at a larger place. We actually matched you at maximum level.

III. Staff and Elected Officials' Items

A. Public Works Department

1. Request Approval to Enter Into a Memorandum of Understanding to Collaborate in Order to Discuss and Address Regional Issues Related to Safe Drinking Water Services (Utilities Department)

CHAIR VIGIL: How long will this take?

HVTCE MILLER (Intergovernmental Coordinator): Very brief.

CHAIR VIGIL: Okay.

MR. MILLER: This MOU is an item that was brought to the attention of Santa Fe County from the New Mexico Environment Department, and the reason for it is the state wanted the local water systems in the Santa Cruz River Valley to begin cooperating by just sharing information between one another so that they can eventually collaborate where it's necessary to complete their water systems for the areas that they serve. This MOU, there's no financial responsibility related to the MOU and it's only for information sharing purposes currently.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and thank you, Mr. Miller. I had the pleasure recently, I guess within the last month to visit a couple of these facilities. One was the Cuatro Villas and the other was the Greater Chimayo Water Association. Madam Chair, and Mr. Miller or Mr. Ross. Currently, aren't there some JPAs also that we have with these two water entities and maybe any of the other water entities that are asking that we sign on to this MOU?

MR. ROSS: Madam Chair, Commissioner Mayfield, I know we have a JPA with the Chimayo Mutual Domestic and with the Cuatro Villas Mutual Domestic. Santa Cruz - I'm just looking to see who else is on this list. I don't think we have JPAs with any of these other entities on this topic.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Miller, Mr. Ross, I don't know if this is an appropriate time to bring this up but I do believe that there are some requests for funding or there have maybe been some commitments that the County has engaged in with potential funding within these JPAs. I would just ask that we also look at that

and I don't know if it would be appropriate to include this in this memo of understanding but I would just ask that we do that. If there are no other questions I would just move for approval on this MOU.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Is there any discussion?

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

XIV. C. Community Services Department

- 1. Request Approval of a Building Lease Agreement Between Santa Fe County and Burro Alley, LLC for Office Space Located at 142 West Palace Avenue, Santa Fe, New Mexico in the Amount of \$666,963 Over a Three-Year Term (Community Services Department) [Exhibit 4: Supporting Material]**

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, members of the Commission, you have a handout on the numbers, the situation, in terms of the lease, and I'm just going to go over that quickly. The current environment that we're in, it says Bokum Current. We have office space of 13,373 square feet. It's \$22 a square foot. The annual cost is almost \$295,000. You can see all the people that are in the Bokum Building now, and that three year cost is \$883,278.

In going out and visiting buildings and looking at numbers I put something together that will show a comparison in terms of where all these leases rate, basically. So the Bokum Proposed, we would enter into a situation where we would reduce our square footage. That's really reducing square footage on the first floor where we don't really efficiently use that space, so we would have about an 1800 square foot reduction on the first floor. The cost per square foot of office space is \$19.50, but then you have to factor in all the common areas, which is a common practice. The cost per square foot is \$16.50. The total square footage of the lease would be 13, 474. The annual proposed cost is \$22,321. That's a 25 percent increase over the current lease right now.

We would have a small reduction in spaces. We would move people around that were on the first floor. The only people that would be retained on the first floor is teen court. We have a plan that doesn't really disrupt any services. The three-year lease cost is \$666,963 for a three-year savings of \$216,315.

The next location is Marcy, and this is 10,000 square feet, because we looked at different places. And this place is very comparable. We were entertaining numbers from the people that are leasing the Marcy Building. Their cost per square foot is \$20.35 for office space. Then when you put the common areas and everything else in there, that's 12,232 square feet, so the cost per square foot is \$17.67. The total annual cost is \$216,000; it's a

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little bit less. There's a few more spaces. You can see the people that would be moving over there – Finance, Purchasing, IT and teen court. But there's costs associated with the move, okay? IT hookup, to get basically adequate services would be about \$25,000. Moving costs, because we would move just to one location, would be \$10,000. This is an open concept, so I'm estimating \$50,000 for furniture because we would have to put partitions there. They need to carpet it and they need to paint it, but it is a nice facility. And you can see over all when I factor in the moving costs – and one thing to take into consideration, when we moved into Bokum we invested, in terms of making sure our IT hookups would be adequate in terms of communicating to this building right here, we invested \$96,000 in wiring and the point to point communications. So we have excellent communication right now in terms of Bokum to this building and other County offices.

So you factor these other things in there. The three-year savings would be \$34,000. So there isn't really going to be savings, not with factoring in the whole process of moving, bringing IT connections and those things.

We looked at a little bit smaller space with is the Fiske Building on Don Gaspar. That is 6,700, 6,800 square feet. So we needed more space. So there's another location on Peralta that has 2,600 square feet. So the total of that is almost 9,500 square feet. The annual cost of that, as you can see is significantly less. There would be 36 spaces. We could probably get most of the staff there. The same cost for IT hookups. Moving costs would be more because we're going to two locations. The three-year cost is less, but we're probably going to need some more square footage because you can see 9,400 compared to the 10,600 or 11,600 is a little bit low, so I factored in a couple thousand more square feet, the total moving cost, and again, the investment there is \$660,000. So the savings is comparable, but this building right now is not ADA. The landlord of Don Gaspar said that they would put an elevator in that will go from the first floor to the second floor. It has a basement; that would not be ADA accessible. But to put the elevator in, they need to go to the City and run this through the H-Board, so there would be a holdup.

It's difficult to assess the cost of the unknown factor, but just to give you some comparisons, I've put these three up there because in terms of office space they look comparable. On the second page, I can tell you the requirements to be downtown, the square footage, estimated about 10,000 square feet, IT connections – we're a public entity so we want to make sure that we move into a building that's ADA accessible, parking. Other locations that we looked at, there's Marcy Plaza that was only 5,000 square feet. We looked at a place right next to the new courthouse which is Sandoval and Montezuma. It's a purple building, three story, that would not work. It's not ADA and it's not really that functional. There was the Luna Building, they gave us a proposal, but that's buying it. The railyard property was more expensive. They prorate facilities. Being right down town on Lincoln was actually more dollars per square foot. Sandoval was only 3,500.

So on a number of these combinations I tried to get something that was comparable and actually received a proposal right before I walked into the BCC from another – Alan Branch from the railyard. And they have a facility that's 20,000-some square feet. They

would rent us 11,000 square feet for \$17 a square foot. It's not finished; it needs to be built out. So there's a delay in terms of the cost. But to get the \$17 we would have to enter into a ten-year lease.

I just want to mention, the term that we're looking for leasing is three years, again, because we expect the courthouse to be finished in December 2012. One year to renovate the district courthouse and be able to move County offices into that facility.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I understand that you're looking for a stop-gap measure, but for that amount of money I'm wondering why we wouldn't just go ahead and buy a building. And buy a building that's not downtown and buy a building that has free parking, and buy a building.

MR. GUTIERREZ: Madam Chair, we could look at that. The last building that we bought was the HR Building, which is at the Casa Solana shopping center, and that I believe was approximately 6,000 square feet. And that point I believe we spent \$1.2 million. So we could probably buy a building. I don't know that we could get a building in the \$600,000 range to get 10,000 square feet. And again, once we buy the building we would have to invest in the infrastructure to do that, which would be IT costs, the delays in terms of moving and those types of things. So in terms of actual savings, I'm not sure we would get there. In terms of the long-term investment for the County maybe that would be a good thing.

COMMISSIONER STEFANICS: Well, Madam Chair, I'm just think that with the economy the way it is that there are spaces available for sale. And I'm just wondering if we've had any help from a broker to look at a comparable for-sale property. No matter where we go we're going to have IT costs.

MR. GUTIERREZ: That's correct.

COMMISSIONER STEFANICS: And so if we're going to invest this much money in a lease I'm just putting that out as an option, unless there's something prohibiting us from doing this why would we not take \$600,000 and invest it in something we would own. Thank you.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I really appreciate Commissioner Stefanics' thoughts on that. And also what I'd like to know, Mr. Gutierrez, is – and I understand we do not have to for the circumstance but is there a reason why we decided not to go out for an RFP just because of today's economic times and there may be a lot of potential folks out there who would want to give us a pretty good lease deal?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we did not go out to RFP. We did the research ourselves and again, there were several people who contacted the Manager's Office. We went and visited other buildings that we saw. We didn't do the formal RFP. You're correct in terms of it's not required by the procurement code. If it's the wishes of the Commission we could do that. Again, the lease expires at the end of February, so the potential to start saving money is immediate, but again, to save that money we would have to make a decision. But we can go out to an RFP for leasing proposals. Again, I don't

know that there's anything much different than I presented. There's probably different variations, but in terms of the cost we're still looking at pretty much \$18 to \$20 in the downtown area. The building proposal is definitely something we didn't consider, so that's something we could look at.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, you had indicated that there was a company or an individual who had approached you just before this meeting saying there might be another potential option. So I think that there could be other options out there. I do believe that if we're going to stay a core nucleus with the infrastructure that you've put in the next-door building that that may definitely make some sense and that definitely should be considered, but I also recently received from the Manager's Office a listing of all the properties that we currently own and maybe the properties that we're leasing or renting out, and/or if there are any of our current vacant properties. Have we considered any of the County's vacant properties that we currently own and that we're currently doing the OMR&R on that we might be able to house some of our employees in?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we don't have properties of that size that would be vacant now, and in terms of leasing properties, we actually only lease properties to non-profits at this point which don't really provide revenue to the County at this point. Their services are a substitute for that revenue. The buildings that I'm aware of in terms of what we own are fire stations, community centers, buildings for non-profit. We have the old Public Works Building but the old Public Works Building is pretty much full. It's an old building and it's full of voting machines right now. That's where the inventory is kept right now for the voting machines. And the square footage is not that substantial at that building.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Gutierrez, our Manager indicated some of the buildings we're currently leasing to non-profits, are those buildings being fully utilized? Because I believe there are some vacant spaces in some of those buildings. I don't know if we could realize some of that space that may not be being used right now for our office staff.

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, maybe you could refresh my memory, because I can't think where we would have vacant space in a building. I'm not saying that we don't; I just can't – we did make one move – in addition to this, I just want to mention in terms of the fire – Commissioner Stefanics brought up the idea and we actually vacated the property where the Fire Prevention Division was. They moved into where the Corrections lease was. Corrections moved into the juvenile facility, and we're saving \$3,300 a month there.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Gutierrez, maybe I don't know if it's vacant or not but there was the volunteer La Puebla fire station that was on 285/84 on the highway. Is that – currently I believe we have some of our County equipment stationed out there. I don't know if that's vacant or if that's being utilized for fire equipment.

MR. GUTIERREZ: Is that La Cienega? I'll let Stan –

COMMISSIONER MAYFIELD: La Puebla Substation.

STAN HOLDEN: Madam Chair, Commissioner Mayfield, I believe you're referring to the Arroyo Seco Station.

COMMISSIONER MAYFIELD: Thank you.

CHIEF HOLDEN: It is housing volunteer equipment. There are fire engines, a rescue squad and a tanker located in that facility.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think I'm going to go back after the meeting and watch the meeting again so I can see what Commissioner Stefanics say what she said earlier. I agree with Commissioner Stefanics relative to her point where she says we should look to places that have free parking, that are easier access, that help the public. And I know I paraphrased a little, but the essence of what she's saying I agree with. The chair, at a previous meeting, suggested to Commissioner Mayfield and I that we as new Commissioners have more interim discussion with our manager to make sure we can vet some of these issues. And on this issue I actually had a conversation with the Manager and some of the staff and I just want to make sure I understood it correctly so that I'm on the right page. But I agree, Commissioner Stefanics, with your comments relative to access.

We have jail, Public Works, Fire, Sheriff, Healthcare, Community Services and Building Services, all of which are not located downtown. Is that accurate? Is there any others I left out, Mr. Gutierrez?

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

COMMISSIONER ANAYA: So the vast majority of all County employees that work for Santa Fe County do not work in the downtown area of Santa Fe. Is that correct?

MR. GUTIERREZ: As far as I know, Commissioner Anaya, that would be correct.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, I think that would be an interesting piece of information to see and know the actual number. Maybe that's something you could bring at a later meeting. But going to this core issue, Madam Chair, Ms. Miller, it's my understanding that the proximity of the Bokum Building, the fact that the information systems and the market analysis and the proximity to your office, because you work directly with those staff people on a daily basis, that is one of the factors that you took into consideration associated with this recommendation. Is that accurate?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. The Treasurer's Office and Finance work every day together, so there's constant interaction between them. Finance and several others work with me on a regular basis. IT serves this building constantly. We looked at several other options. If we start to get too far out everybody's just on the road all day, coming back and forth between all the buildings. This has been an issue that we don't have a large enough admin building for a long time. It's also been an issue – it was an issue when I was here before as Finance Director. The Commission has always desired to stay downtown. So a lot of what has transpired has evolved over those core priorities of trying to stay downtown and trying to keep the core services and support services

you've presented. Now, the landlord is out of town and he will not return until the 25th. So if you make this motion, and I'll ask Steve about this. If you make this motion and you approve it and I'm able to negotiate that term then I believe we could just sign it and we wouldn't have to come back. Now, if there's any modification to obviously the financial terms of this then we would come back to you for tweaking whatever that would be. But I definitely would attempt that. I just wanted to let you know that he's out of town for two weeks. I know that he's very willing to work with the terms and this Commission on this lease. And in terms of – I just wanted to make one statement in terms of Commissioner Anaya, that we are going to be starting a planning process this summer in terms of the buildings, because the County will own district court and it will be vacated. So at that point what is the best thing to do and the best use of that. And again, the previous Commission and plan was to develop it and build office space there for the County and make our County services easier access to the public, but also look at maybe some revenue income, because we don't need the whole building. But again, we can approach that and if it's more satellite and more outreach then we can look at that also.

CHAIR VIGIL: Okay. I have a motion on the floor. Any further discussion?

The motion passed by majority [4-1] voice vote with Commissioner Mayfield casting the dissenting vote.

CHAIR VIGIL: It is now approximately 5:30. I do believe I see some people trickling in with regard to the public hearings. I need to let you know that we will be taking a break and going into executive session after we have a review and discussion of legislative items. So I would imagine that the public hearings, being that it's 5:30 now – Rudy, how long will your presentation take?

RUDY GARCIA (Community Services): Five minutes, ten minutes.

CHAIR VIGIL: Okay. We probably will not be back here until at minimum 6:30. So for those of you who are here for public hearings that were to begin at 5:00 they will not begin any earlier than 6:30.

XIV. D. Matters From the County Manager

MS. MILLER: Madam Chair, actually there's other items that I have before we do the legislative items real quickly. I just want to update you on a couple of things.

CHAIR VIGIL: Please.

MS. MILLER: Number one, we had a discussion previously about satellite offices. We have been struggling a little bit with the satellite offices from a staffing standpoint. As you know, we've previously used liaisons to staff them, or initially we had temporary employees, then we had liaisons, now we've had a water line break in Edgewood so that's been closed. We have two new liaisons who weren't prepared to staff it. So that

said, I just wanted to say that we are trying to get some part time employees at 20 hours a week in Edgewood and Pojoaque so that when Edgewood opens back up we have a part-time person there. It will be open three days a week as we have planned. The same with Pojoaque and we will deal with changing anything at those centers through the budget process. So I just wanted to give you an update; we're going to try to keep it the same and deal with temporary, part-time term employees until we can get to dealing with the satellite offices in the budget session. They will continue having three days of service at those. We may have to adjust the hours a little bit because we did not have budget for that but we're going to work to finding some budget to make sure that both of those offices continue to be open three days a week after Edgewood opens back up. So I do want to let you know that.

Then the gas crisis, we already talked about what we have been doing on that and I did want to just let you know we will continue and look at putting the line in place for anything we can do to continue to provide services to the community and I'll take the suggestions that you have brought forward today and incorporate them into what we're doing.

Also on senior centers, I wanted to give you the status, because we did have a lot of water line breaks in our facilities and had to close other County facilities as well. El Rancho is open. Chimayo has heat and the water will probably be turned on Wednesday and we will observe the pipes and make sure we don't have any breaks there. Rio en Medio and Chupadero are open. They never lost heat; they run on propane, so they've been open. Eldorado, we had water heater – the water heater pipes broke. The meals on wheels are being delivered or we're contacting individuals that do get meals as to whether they need them or not, and we hope to have the Eldorado Center open by Friday. Edgewood we hope to have open next Tuesday and the same thing with – we've been providing meals on wheels while the center has been done, providing frozen meals and heating up stuff or providing them with a frozen meal they can heat up if they have the ability to do that, and we'll continue to deliver those for when we open. If you have any additional questions Ron is here for senior centers.

And then I have stuff on other County facilities, so do you have any questions on senior centers?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Ms. Miller, for the work at Edgewood. As Commissioner Stefanics brought up earlier in the meeting the senior program and meals on wheels is a lynch pin for a lot people in the community that many times don't have family or support structures. Relative to meals on wheels or contact with those seniors, what contact have we had with those seniors that I know very much frequent the Edgewood Senior Center?

RON PACHECO (Senior Services): Madam Chair, Commissioner Anaya, I can tell you that in Edgewood specifically, the city has been continuing to deliver meals. As the Manager noted they're frozen in many cases because of the situation there. But I was in Edgewood recently, Commissioner, and I met a bunch of the ladies over at the Walmart, because that's where they're hanging out now and the McDonalds there, and I explained to

them the situation about trying to get back on line by next week. They were very understanding. I've been getting calls from people on a regular basis from that area, Commissioner, and I've notified them of what we're trying to do. I know that the city has been in contact with many of those clients and let them know where we're at.

So in terms of our high at-risk seniors, those who are home-bound, those have been taken care of. And it's really important for us because often we're the only people they see in many cases. So I know the city has maintained especially the meals on wheels services. In terms of congruent services we've notified the people in the community, Commissioner, that we plan on being on line by next week so in terms of having a place to congregate and share a hot meal, we hope it will be up and running next week. And we have notified those seniors. But I can tell you that our priority has been the at-risk seniors. Those are the home-bound and they are continuing to receive services on a daily basis.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you.

CHAIR VIGIL: Okay. You had other programs? Thank you, Ron.

MS. MILLER: Then other County facilities: Nancy Rodriguez Community Center in Agua Fria was closed also due to a water line break. We hope to have that reopened in about two weeks. The County fairgrounds had frozen water pipes as well. Repairs are done and open. Santa Cruz housing I mentioned earlier. That was one of the ones where gas – because of New Mexico Gas shutting off gas, that gas had been shut off, but now gas is back as of yesterday afternoon, and we've been going back into those housing units relighting pilot lights and making sure that residents there are taken care of. And then the kitchen for the senior center will be running tomorrow, and then meals were delivered while it was down in that area.

And then Public Works, we've also had problems at our Public Works Facility. The water tank pumps had caused us to shut down. We had real problems. We had to shut down the water and that also shuts down the heating system. So we had to turn off heat. We had done some makeshift heating in some of the fleet bays. We hope to resume normal business across the whole facility, although we have had staff there working in some kind of makeshift areas, but we hope to have full, normal business there tomorrow.

And then Public Safety Building, we also had problems with the heat there, and that is now back up and running. So as I said we've had quite a few incidents with the cold weather with gas pressure being so low. A lot of our facilities went down. We did go out and around to all our facilities to try to make sure that they did have heat. If they didn't have heat we shut off water, but then that meant we had to go back around as the temperatures have gone up and down to try to address these. I just wanted to let you know that you have staff going to all of them and checking on all of them on a continuous basis and we'll probably continue to do so tonight as we're anticipating zero degree weather again this evening.

So we're kind of busy with water line breaks but we've been getting to those as quickly as possible. Some of these, by the way have not even been because of the temperature in the facility but water lines coming into the facility. So we've had all kinds of issues that everybody has dealt with as well and I just wanted to give you an update on where we are in

all of our facilities. And that's all I have other than the legislative update.

CHAIR VIGIL: Thank you, Katherine and be sure and thank staff on behalf of the Board of County Commissioners for all the additional work that this has required of them. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, can you kind of keep a running tab on how much we have had to expend out of the County's pocket to address this natural gas issue as far as staff time, wages lost, having to turn off water, turn it back on? Because we may want to send a bill to the appropriate entity.

MS. MILLER: Okay. Yes.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, on that point, I was just reading that there was a news release and I couldn't open it that had – that the gas company has a million dollar fund for claims. So if some of our housing units have some problems we might want to look at that. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just on the note of leases, I agree with Commissioner Mayfield that when we in advance know that there's going to be an upcoming lease that we have that – I appreciate the marketing analysis, the market analysis that staff did but I also think it doesn't hurt to put out a public notice and give people a chance to bid on those leases or maybe they'd bring up something as part of that notice that we weren't aware of. So just for future reference I think that's something to consider. Thank you, Madam Chair.

XIV. D. 1. Review, Discussion and Possible Action on Legislative Items
[Exhibit 5: Legislative Items]

CHAIR VIGIL: Rudy, thank you, and thank you for giving us these additional updates. Could you just highlight – we still have several other updates. Some of these have taken flight. Maybe you could just highlight the ones that have taken flight, because some of these may not. So please summarize those that have.

MR. GARCIA: Madam Chair, at the last Board of County Commissioners' meeting the Board as a whole took some actions on resolutions or actions supporting certain bills. One of them was the Municipal-County Affordable Housing Act, a resolution opposing the E-911 program transfer, the driver's license for immigrants, the preference for New Mexico agriculture and fresh produce.

So this handout that we actually handed out to you has all the bills. The first page has previous items that you approved. The first one is film initiatives. As you can see there's Senate Bill 44, Senate Bill 169, Senate Joint Memorial 15, and Senate Joint Memorial 16, House Bill 19 – those all deal with film credits for bills that have been introduced up to this date at the session. We can go through these bills item by item or what would you prefer?

CHAIR VIGIL: It's just fair to say that those resolutions that are moving forward and have passed committee that ask that the state step back and study the 25 percent film credit are moving forward and the appeal film credit did not pass committee. Is that correct?

MR. GARCIA: That's correct, Madam Chair.

CHAIR VIGIL: I think you can keep us updated on that. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, at the study session the Commission supported my request to try and address the Per Diem and Mileage Act issue. I know that Eichenberg's bill was tabled and it's for all intents and purposes dead. But I did ask Mr. Ross if we could provide some simple language in a bill that would give local entities the ability – not taking anything away from the Per Diem and Mileage Act but give the local entities latitude for committees within the County structure to achieve the same objective. I'd like the support of the Commission to go forward with that. I know Mr. Ross had a simple suggestion, a couple words that could achieve that. Could I get the support of the Commission to continue that effort, Madam Chair, members of the Commission?

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so Commissioner Anaya, you're looking for – just to clarify – you're looking for flexibility for local governments.

COMMISSIONER ANAYA: Correct. Correct. To do essentially the same thing that Eichenberg's bill would have done. But Eichenberg got into very detailed specifics and deleting sections of the Per Diem and Mileage Act, that school boards and other entities had frustration with.

COMMISSIONER STEFANICS: I would support that, Madam Chair.

CHAIR VIGIL: Okay. I hear one statement of support. Commissioner Mayfield, we can't take action on it.

COMMISSIONER MAYFIELD: I support it also, Madam Chair.

COMMISSIONER HOLIAN: I support it also, Madam Chair.

MR. GARCIA: Thank you, Madam Chair. We'll take direction. Kind of on a different note, it's actually my and staff's opinion that at the session it's actually going, for lack for a better term, it's actually going really slow. At this time last year, just for instance, some of the cases, Senate Judiciary had roughly about 25, 30 bills on there. At this date they actually have three to five bills. So it's really slow.

As we had our breakfast the other morning it seems like some of the local delegation actually brought forward that they don't know where the administration is going, where the governor's office is going, and it seems like they have limited themselves to introduction of bills on the Senate side as well as the House side so it's very quiet over there. So we are definitely looking at the bills that the County has brought forward or as Commissioner Anaya has indicated he would like to move forward on, and I know we haven't actually emailed you all as to when these specific bills come forward to committees but as the chairwoman has said we're actually waiting and strategizing to see how and when the appropriate time is to go

speak in favor or against these bills. So like I said, it's a little quite over there.

But if you look at the sixth page here, which is additional legislation, these are some of the bills that have actually come forward and we would like to see if the Commission would like to – it's actually the sixth page I believe. We mentioned to you all earlier that as soon as property tax solution or 911 surcharge bills came forward, or liquor excise tax came forward, sole community provider came forward, we would actually ask to see how the Commission wanted us to move forward with these bills. But the surcharge is actually two bills – it's House Bill 328, sponsored by Representative Gonzales and Senate Bill 422 by Senator Rodriguez. We would actually recommend that the Commission move forward in supporting these two bills. What these two bills actually do is they allow for – it amends the Enhanced 911 Act, which basically authorizes a surcharge for commercial radio operators for modern telecommunication devices and commercial radios. We actually feel that that would help out our E-911 program.

CHAIR VIGIL: Is there any objection to not supporting it? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think that what I would rather have is that Rudy request that we support a concept. The bill can change at any time and once we support a bill it could be a negative bill for us. So if you could just put out the concept that you want us to support, that would be a lot cleaner.

CHAIR VIGIL: I think that, Rudy, the direction would be that any bill that enhances surcharges for 911 services we would support. If it adversely impacts it then we wouldn't. Okay?

COMMISSIONER STEFANICS: That's correct.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would also like to request from the Commission support for the Energy Conservation Bond bill.

COMMISSIONER STEFANICS: Can we finish this one?

COMMISSIONER HOLIAN: Oh, sorry.

COMMISSIONER STEFANICS: Do we need to take some kind of formal action on this?

CHAIR VIGIL: No, I think the direction would be sufficient on the concept. Okay, now franchise fees?

CHAIR VIGIL: Madam Chair, I would like to request that the Commission support the concept that the County would have the ability, if they so chose, to impose franchise fees.

COMMISSIONER STEFANICS: I would agree.

CHAIR VIGIL: Okay. I think you have direction and support on that.

MR. GARCIA: Madam Chair, Commissioners, the next topic is the liquor excise tax. As you all know the bills can go one way or another depending on what amendments are placed on them. But I think the concept of the liquor excise tax is to keep the

percentage that comes to the counties at the same level where it's at. These two next bills actually take a portion of that liquor excise tax, a percentage of it, and funnel it into schools or funnel it to different funding mechanisms throughout DFA so I think the concept to keep the liquor excise tax and the percentage that comes to the counties be kept where it's at.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: We have an Alcohol and DWI Task Force that ran for almost a year, and we would not want our DWI funds to be decreased. So I think we should support a no-decrease or a hold-harmless.

CHAIR VIGIL: Okay. And I want to make sure that as we're giving you a sense of direction that our DWI Planning Commission is going to go in and testify against, so whenever we give you the sense of direction, if in fact there's going to be a conflict internally I would ask that you withhold any advocacy and come back to us.

MR. GARCIA: Understood, Madam Chair. Madam Chair, the next one is the energy conservation bonds. Commissioner Holian, would you like to speak to that?

COMMISSIONER HOLIAN: Yes, and I would like the Commission's support if possible on this. This just allows us to be able to access any unused energy conservation bonds that are not accessed by other entities in the state.

CHAIR VIGIL: I think I see a consensus and agreement on that. Municipal fire protection.

MR. GARCIA: Madam Chair, municipal fire protection is actually a good example of a bill that was introduced. Our Fire Marshal and well as our deputy fire marshal was there and got the bill amended and now the County Fire Department is for this bill. I would hope that the consensus of the Commission would be in favor of this, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Garcia, what was the amendment that our local Fire Department got into this bill?

MR. GARCIA: Madam Chair, Commissioner Mayfield, I believe it was actually – I don't know if Chief Holden is here. I don't know exactly. I don't want to be mistaken and give you the wrong answer but I could get back to you and email you or the Commission as a whole.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Garcia does it change the crux of the bill and how this would apply to residential properties?

MR. GARCIA: Madam Chair, Mr. Holden will actually answer.

CHAIR VIGIL: Stan, there was an amendment that was proposed to this bill. Initially we did not support it. We are informed that the amendment allowed us the opportunity to consider supporting it. Can you address that?

CHIEF HOLDEN: Madam Chair, I'm sorry. I am not prepared to answer that at this time. If you'll give me just a few minutes I'll review what the latest amendment is and get back to you.

CHAIR VIGIL: Okay. That's fine.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, does this have to do with the sprinklers? We've had a lot of conversations previous to Commissioner Mayfield and I joining the Commission. I know there was some conversation, but at almost every meeting, I think the three meetings – it hasn't been that long – I've brought up as one Commissioner and I think other Commissioners have expressed some concern over it as well, that the requirement of residential sprinklers is something that I haven't as one individual Commissioner expressed support for. I feel I need more background information. It was expressed in the study session, so I really want to make sure on this item that I have the information if it's tied to the sprinkling of residential construction. Because I know there has been concerns raised and I have one. So if it's not, it's not and it's something else. But with all due respect, Chief, it's something that I've gotten a lot of feedback on from homebuilders and otherwise. So do you want to respond to that?

CHIEF HOLDEN: Madam Chair, Commissioner Anaya, I can't respond to that. Santa Fe County today specifically requires sprinklers in residential areas that are within the wildland and urban interface code. There are very few of those areas. We do require sprinklers in some areas where we're not able to deliver the required water for fire suppression, because it's less expensive for the developer or the residential owner than installing a true fire suppression system. This particular bill, when it was originally introduced was removing the counties' or local jurisdiction's ability to even consider implementing any type of fire sprinkler code at a local level. And that was specifically what the fire service is opposed to. We believe it's this Commission's opportunity to make those decisions based on our local needs. Having just a broadly stated statement like was in the original bill that was introduced, which is the only thing I can refer to at the moment – the original bill was not something that the fire service statewide could support. We want that ability at the local level, based on the Commission's determination.

COMMISSIONER ANAYA: Madam Chair, Chief, I can appreciate that clarification on the bill to make sure that we have the latitude to make those determinations. Relative I think to the International Fire Code and the discussions associated with the Growth Management Plan we still have some other things that we wanted to vet with the public. Thank you for that clarification. Madam Chair, thanks.

CHAIR VIGIL: Thank you. So what is your recommendation on this, Stan? Have you read it enough to let us know this is something that your department would support?

CHIEF HOLDEN: Madam Chair, specifically, what we were asking for was a statement from the Commission in opposition to the bill as it was currently worded. If there has been an amendment, and that's what I was speaking to previously. If there has been an amendment I'm not aware of it, which strikes that requirement. So at this present moment I'm not prepared to answer that question.

CHAIR VIGIL: Then I would just suggest, and let me turn it over to you in a

second. I would just suggest, knowing we don't have the amendment in front of us, that if that amendment addresses your concerns then in fact we can probably, as Commissioner Stefanics said, conceptually support it. Otherwise, we oppose it. Is that it?

CHIEF HOLDEN: That's correct.

COMMISSIONER MAYFIELD: Madam Chair, I apologize. I misunderstood Mr. Garcia. I thought it was our Santa Fe County fire delegation that had an amendment placed on this bill. If I heard it wrong I apologize.

CHAIR VIGIL: There's a lot of legislation happening and I think this is a good summary. Thank you to the legislative team for giving us the updates as they do by email and unless, Rudy, there's anything else you need to tell us that us glaring at you I think you have enough direction on ones that we have discussed previously and on the ones you brought to us.

MR. GARCIA: Madam Chair, the only other thing is the property valuation, the sole community provider, as Mr. Valdez mentioned earlier. Did he say the hospital association was going to come forward? We'll actually keep an eye on the hold-harmless provisions. They haven't dropped a bill on that yet. We'll keep an eye on that. And there's about 18, 20 different bills that affect the PERA retirement which will definitely affect the amount the County puts in, the amount the employer puts in. So we didn't want to list all 15 or 20 of those but we will definitely keep an eye on them as they move forward to the committees, as they get momentum or if they don't. We'll update you as necessary.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, depending upon the way the sole community provider hold-harmless is written, we would not want to lose the flexibility of the County, increasing or decreasing our contribution, so that probably the intent is to mandate that the County provide a higher amount. So we really need to watch that bill.

CHAIR VIGIL: I agree. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Garcia, did the Deputy County Assessor, the Association of Counties, drop a bill on the property tax issue? Because I want to clarify that we haven't taken a position as a Commission yet. We wanted to see what that bill was and then have a presentation and get some feedback because there were some issues that could raise taxes on people and I would concur and even go back to the comments of Speaker Lujan at our meeting that we want to be careful about that. So I would just ask that first. Is the bill dropped and if so, I think we need to get a presentation from the Assessor, Deputy Assessor I guess, who was working on it.

MR. GARCIA: Madam Chair, there has not been a bill dropped. Representative Sandoval was going to carry that bill. He was supposed to drop it this week but before we take any action on that we'll bring it to the full Commission and you guys can decide.

CHAIR VIGIL: Okay. Sounds good. Thank you very much, Rudy.

XIV. E. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending of Threatened Litigation

i. *Loya v. Gutierrez*

b. Limited Personnel Issues

d. Discussions Preliminary to Collective Bargaining Negotiations

CHAIR VIGIL: We're going to need to go into executive session. Steve, how long do you think we'll be needing for that?

MR. ROSS: Madam Chair, I would hope we could hold it to an hour.

CHAIR VIGIL: An hour. Okay, I'll need a motion to go into executive session.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we go into executive session to discuss pending or threatened litigation and discussions preliminary to collective bargaining negotiations, and anything else?

MR. ROSS: Madam Chair, actually, Commissioner Stefanics, all we need to do is discuss pending or threatened litigation and that case, *Loya v. Gutierrez*, and limited personnel issues.

COMMISSIONER STEFANICS: So not the collective bargaining? That's on the amended agenda.

MR. ROSS: We could do d. also.

CHAIR VIGIL: I have a motion. Do you have a question? I'll second the motion.

COMMISSIONER MAYFIELD: I was going to second but I still have a question. Mr. Ross, is it possible to remove items we aren't going to discuss from the agenda.

MR. ROSS -- [inaudible] sort of a work in progress. The reason B is highlighted on this is that we're trying to work on this. I discussed your request with the manager and so we're working on it and trying to refine it.

CHAIR VIGIL: I would just add to that that there has been a previous request that we keep this on there because there are Commissioners who want to discuss limited personnel issues that have come up the day of the Commission meeting and so if we remove them and they're not noticed we're in trouble. To balance that is what the challenge of what our legal department has. I do have a motion and a second. We need a roll call on this.

By unanimous [4-0] roll call vote with Commissioners Vigil, Stefanics, Anaya, and Mayfield voting, the Commission moved into Executive Session.

[The Commission met in Executive Session from 6:00 to 7:35]

CHAIR VIGIL: I'll call this meeting back to order. Could I have a motion to out of executive.

COMMISSIONER MAYFIELD: Motion to come out of executive and all that was discussed in executive was potential litigation. [See page 85 for additional information]

COMMISSIONER ANAYA: Second.

[The motion passed by [3-0] unanimous voice vote: Commissioners Holian and Stefanics were not present for this action.]

XV. PUBLIC HEARINGS

A. Growth Management

2. **CDRC Case # MP/PDP/DP 10-5520 Creative Daycare, LLC
Katrina Lujan, Applicant, James Siebert & Associates, Agent,
Request Master Plan Zoning and Preliminary Development Plan
Approval for an Existing Two-Story Structure Consisting of
2,760 Square Feet, to be Utilized as a Community Service
Facility, on a One-Acre Parcel. The Property is Located at
17661 US 84-285 West Frontage Road, within Section 28,
Township 19 North, Range 9 East, Commission District 1**

JOSE LARRAÑAGE: Thank you, Madam Chair. Jose Larrañaga, Building Development Services.

On December 16, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Master Plan Zoning/Preliminary Development Plan with Final Development Plan to be processed administratively for Creative Daycare as a Community Service Facility. The Applicant under separate cover requested a variance to create a local or small scale district outside a designated commercial node. The decision of the CDRC was to recommend denial of the variance. The Applicant has withdrawn the request for a variance.

The Applicant requests Master Plan Zoning/Preliminary Development Plan approval to allow an existing 2,760 square foot residence to be utilized as a day care center consisting of 24 children. The subject property takes access via the US 84-285 west Frontage Road and is located outside of the Traditional Community of Cuyamungue. The proposed use, as a day care, is acknowledged by the code, as amended by Ordinance 2010-13, as a Community Service Facility. The Applicant also requests the Final Development Plan be processed administratively. Ordinance 2010-13, Section 7 states: "Community Service Facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches." Section 7.1 of Ordinance 2010-13 states: "Community Service Facilities are allowed anywhere in the County, provided all

SFC Clerk Recorded 02/18/2011

requirements of the Code are met, if it is determined that: the proposed facilities are necessary in order that community services may be provided for in the County; the use is compatible with existing development in the area and is compatible with development permitted under the Code; a Master Plan, Preliminary and Final Development Plan for the proposed development are approved.” Article V, Section 5.2.1.b states: “A Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval.”

Article V, Section 5.2.1.c states: “The Master Plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a Master Plan map, a Master Plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.” Article V, Section 7.1 states: “A Preliminary Development Plan may be only a phase or portion of the area covered by an approved Master Plan, so long as the Preliminary Development Plan substantially conforms to the approved Master Plan.”

The Application was reviewed for the following: existing conditions, adjacent properties, parking, access, signage, architectural standards properties, water, fire protection, liquid waste, terrain management, landscaping, and archaeology.

Recommendation: Staff has reviewed the Applicants request for Master Plan Zoning/Preliminary Development Plan for Creative Daycare and has found that the facts presented support this request: Ordinance 2010-13 recognizes a day care as a Community Service Facility; Community Service Facilities are allowed anywhere in the county; the proposed facility has demonstrated to be necessary as a Community Service Facility by operating a successful day care as a Home Occupation Business; the adjacent property is vacant and the land use in the vicinity has not been established therefore compatibility with existing development cannot be measured; the Application satisfies the criteria set forth in Ordinance 2010-13, Section 7; the Application for Master Plan is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Preliminary Development Plan substantially conforms to the proposed Master Plan; the Application satisfies the submittal requirements set forth in Article V, Section 7.

The review comments from State Agencies and the Building and Development Services Department has established findings that this application is in compliance with Article III, Section 4.4, Design Standards and Review Criteria, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code. Staff recommends Master Plan Zoning/Preliminary Development Plan

approval, with Final Development Plan to be processed administratively for an existing 2,760 square-foot residence, to be utilized as a day care facility, on a one acre parcel located at 17661 US 84-285 West Frontage Road, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR VIGIL: You may.

Conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal and Public Works.
3. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk.

MR. LARRAÑGA: Thank you, Madam Chair, and I stand for questions.

CHAIR VIGIL: Are there any questions of staff? Seeing none, is the applicant here? Mr. Siebert are you in agreement with the conditions? Is your client in agreement with all the recommendations?

[Duly sworn, Jim Siebert testified as follows]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. Yes, we are in agreement with the conditions as stated by staff and I'll answer any questions you may have?

CHAIR VIGIL: Okay, are there any questions for the applicant?

COMMISSIONER HOLIAN: One.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Siebert, will all the landscaping be watered by collected rainwater?

MR. SIEBERT: Yes, we modified the plans to indicate that there are now two 360 gallon cisterns that are capturing the roof water that will provide for the irrigation of the landscape.

COMMISSIONER HOLIAN: And those will be sufficient then?

MR. SIEBERT: Yes, it's a very drought tolerant landscape.

COMMISSIONER HOLIAN: Thank you. And I just had a question and this is exactly relevant but I am curious about the horses. Will the horses be used in the business?

MR. SIEBERT: They will. I have an interesting story. I ride my bike back and forth to Pojoaque quite often and I used to go by and it said "Equestrian Counseling" and I always wondered why do horses need counseling? But in reality what it is is Katrina Lujan is the owner of both the building and the Creative Day Care and uses horses in the counseling, therapeutic counseling, of her clients.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Any other questions? Seeing no other questions for the applicant, this is a public hearing; is there anyone who would like to speak in favor or

opposed to this case? The public hearing is therefore closed. What's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Chair, I move for approval.

CHAIR VIGIL: I have a motion for approval –

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: – and a second.

COMMISSIONER HOLIAN: Is that with staff conditions?

COMMISSIONER MAYFIELD: Yes, with staff conditions.

CHAIR VIGIL: We have a motion and a second with all conditions by staff.

All those in favor signify by saying aye.

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

2. **CDRC Case # MP/PDP/DP 10-5470 Santa Maria El Mirador Santa Maria El Mirador, Applicant, Atkin, Olshin, Schade Architects, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval for a Two-Story Structure Consisting of 21,179 Square Feet, to be Utilized as a Community Service Center, on a 6.68-Acre Parcel. The Property is Located at 178 Avenida del Sur, on the Southeast Corner of A Van Nu Po Road, within the Community College District, within Sections 29 & 30, Township 16 North, Range 9 East, Commission District 5**

MR. LARRAÑGA: Thank you, Madam Chair. On December 16, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of Master Plan Zoning, Preliminary and Final Development Plan for a two story structure consisting of 21,179 square-feet, to be utilized as a Community Service Center.

Santa Maria El Mirador provides a community service to Santa Fe County and Northern New Mexico through its mission to promote and maintain an array of quality supports for individuals with developmental disabilities in community integrated environments. Santa Maria El Mirador has been providing these services to the community since 1988, and is recognized throughout the state as a leader in providing services to the developmentally disabled community.

The Applicant requests Master Plan Zoning, Preliminary and Final Development Plan approval for a facility to house administrative offices, a training center, nursing and case manager offices, multi-purpose activity rooms, meeting rooms, in home service, a community service room and a behavioral therapy area. The 21,179 square-foot two-story structure will be sited on a 6.68-acre parcel within the Rancho Viejo Subdivision. The site is within the New Community Center Village Zone of the Community College District.

Ordinance No. 2000-12, Land Use Table identifies shelters, public buildings, medical offices and clinics as eligible uses within the New Community Center Village Zone. Article V, Section 5.2.1.b states: "A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval."

Article V, Section 5.2.1.c states: "The master plan submittal will consist of both plans and written reports which include the information required in Article V, Section 5.2.2. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included."

Article V, Section 7.1 states: "A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan." Article V, Section 7.2 states: "A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required."

The Application was reviewed for the following: existing conditions, adjacent properties, parking, access, signage, architectural standards, water, fire protection, liquid waste, terrain management, landscaping and archaeology.

Recommendation: Staff has reviewed this Application and has found that the facts presented support this request: the Community College District Land Use Table identifies shelters, public buildings, medical offices and clinics as an eligible use within the New Community Center Village Zone; the use is compatible with uses allowed within the New Community Center Village Zone; the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Preliminary Development Plan substantially conforms to the proposed Master Plan; the Final Development Plan conforms to the proposed Preliminary Plan; the Application satisfies the submittal requirements set forth in Article V, Section 7.

The review comments from State Agencies and The Building and Development Services Department has established findings that this Application is in compliance with

Ordinance No. 2000-12, Community College District Land Use and Zoning Regulations, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code.

Staff recommends Master Plan Zoning, Preliminary and Final Development Plan approval, for the Santa Maria El Mirador, to allow a 21,179 square foot facility on 6.68 acres located at 178 Avenida del Sur within Rancho Viejo, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR VIGIL: You may.

Conditions:

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan.
2. The Applicant shall comply with all requirements of the County Fire Marshal, Public Works, County Utilities Department and Building and Development Services.
3. Master Plan and Final Development Plan, with appropriate signatures, shall be recorded with the County Clerk.

CHAIR VIGIL: Are there any questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The water – do we have County lines down to that road already?

MR. LARRAÑGA: Madam Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Jose, in your staff conditions, number two says that the Applicant shall all requirements of the County Fire Marshal, Public Works, County Utilities Department and Building and Development Services; does that mean then that the conditions on the top of page four about the inclusion of two 5-foot bike lanes and the inclusion of the sidewalk or trail that those would be part of the conditions then?

MR. LARRAÑGA: Madam Chair, Commissioner Holian, that is correct.

That is in the Community College Ordinance.

COMMISSIONER HOLIAN: Okay, thank you.

CHAIR VIGIL: Any other questions for staff? Seeing none is the applicant here?

[Jennifer Jenkins, Colleen Gavin and Mark Johnson were duly sworn]

JENNIFER JENKINS: Good evening, Madam Chair, Commissioners.

CHAIR VIGIL: Good evening, Jennifer. Is your client in agreement with all the conditions?

MS. JENKINS: All but one, Madam Chair.

CHAIR VIGIL: Do you want to state that?

MS. JENKINS: Yes, I would.

CHAIR VIGIL: Please, would you right away so that we can discuss it.

MS. JENKINS: Absolutely. I think that the project itself is fairly straightforward. We're here on behalf of El Mirador that has been serving the developmentally disabled in our community for the last 23 years. This new facility is really so critical to their ability to upgrade the provision of those services and we have some people here who are going to speak to you a little more about that. But with respect to the staff conditions, the only condition that we are not in agreement with is for the provision of bike lanes along A Van Nu Po and I would like to approach, if I may, with some visual aids to discuss that. We would also like to address how we do intend to comply with the condition for either sidewalk or trail improvements.

CHAIR VIGIL: Okay, please proceed.

MS. JENKINS: This is the subject property, right here. This is A Van Nu Po. This is the IAIA, the APC Charter School, and this is Avenida del Sur which right now dead ends at this intersection. This is a stop controlled intersection. The 6.68-acre parcel, the driveway access will be off of A Van Nu Po and our concern about the addition of bike lanes in this area on both sides of the road, when of course the property across the street is Rancho Viejo open space, our concern is that these bike lanes don't connect to anything. And if this sounds a little familiar to some of the Commissioners it's because in December we were here before you for the Adventist Church on this 5-acre parcel here that had a similar condition that was requested to be imposed and it was the decision of this Commission to remove that condition with the understanding that based upon the activity that has been bike lanes were not imposed on the other users along A Van Nu Po so to impose the financial burden of maybe \$100,000 worth of bike lanes improvements on a community service facility that don't connect to anything and do not assist with the overall circulation plan in this area, we find that somewhat untenable. We do recognize based upon the Community College District circulation plan that trail improvements in this area are appropriate and is something that is envisioned for the future which we would like to address shortly.

But our concern is about a consistent application of the Code and it's curious because in the staff report for the Adventist Church, A Van Nu Po was described as either a living priority or a mixed-priority road which bike lanes are not even required for living priority roads and they're actually optional for mixed-priority roads. But, yet, in the staff report for El Mirador down the street, A Van Nu Po is identified as a traffic priority road. So somehow between December and February the designation of A Van Nu Po went up. And, so, if the staff can't even figure out what this road designation is then I'm uncomfortable with imposing very expensive improvements that don't serve the big picture in terms of how circulation is happening in the Community College District in Rancho Viejo. So, with that we respectfully request your approval this evening but we do ask that that condition for the very costly bike lanes to nowhere be removed. But we would like to address how we do intend to comply with the condition for sidewalk or trail improvement at the property.

[Previously sworn, Colleen Gavin testified as follows]

COLLEEN GAVIN: Madam Chair, Commissioners, just very briefly I just

wanted to point out that one of the requirements is to provide either sidewalk or trail. We did a lot of research on this. We met with staff and really tried to consider what was appropriate for this property. As the aerial showed you, this property is in a very – it's very rural. There are a lot of very large parcels here and currently there aren't any sidewalks along the roadway. But, you can see here at the Santa Fe Community College District map that identifies the trail network that is being proposed for this area which is in the very early stages. Rancho Viejo has done a wonderful job of putting trails throughout their development and there are some informal trails that connect to the rail trail. But I can show you here – this is the intersection here, above Avenida del Sur and A Van Nu Po, our client's property is right here at this intersection and you can see this green dash line is the conceptual trail network that the County has invested a lot of time in and we appreciate the fact that they're showing a north-south connection here then it goes to the west and it appears to kind of be intersecting here at the roadway intersection and we've got a branch coming to the west and then to the east.

What we're proposing in lieu of a sidewalk that doesn't make any sense in this situation – we've got some severe terrain here along the roadway and again there are no sidewalks adjacent to us. But providing for a trail along this alignment here that we have studied carefully as far as the topography, working very gently with the terrain and providing for not more than a 5 percent grade and allowing for a future connection when this trail network is codified, when it's been formalized and both the County and the community have come together and provided for a system that really works.

Right now we don't want to be providing for a trail that kind of goes to nowhere. We want to propose that this trail is built and maintained at the point when the Community College District and the County have formalized where this trail network and what it's going to be. And, so, we would propose that that is identified on our development plan that we provide for this trail at that time.

CHAIR VIGIL: Thank you very much.

MS. JENKINS: And with that, Mark Johnson the executive director of El Mirador has a few words.

CHAIR VIGIL: Thank you.

MS. JENKINS: Thank you very much for your time and attention.

[Previously sworn, Mark Johnson testified as follows]

MARK JOHNSON: Thank you, Madam Chair, Commissioners. Thank you. First of all I'd like to thank you for the opportunity to tell you a little bit about our organization. And I'd like to acknowledge some of the people in the audience here that have waited patiently to be a part of this.

CHAIR VIGIL: We will, since this is a public hearing, and we'll give them an opportunity if they wish to speak.

MR. JOHNSON: Thank you and also, Madam Chair and Commissioners, we had close to 100 people with disabilities and families that wanted to participate in this but

unfortunately due to the weather and the timing tonight it didn't happen. Some are medically fragile so they had to get back to their residences.

First, what I wanted to say about this project is that it's been a wonderful collaborative effort with a lot of people who have been involved in this. Number one, Rancho Viejo Corporation, they donated some property to us so that was a wonderful gift for our dream here of trying to make a new facility. In a down turned economic time we got a loan from Iron Stone Bank that's here in Santa Fe. It was a wonderful deal.

We had two state legislators that participated in some capital outlay appropriations specific for this project: Representative Jim Trujillo and Senator Nancy Rodriguez. So they all contributed toward this project.

We also had some Santa Fe County officials in the community services department who helped this project for some of the schematic design and processing of that so that we could plan for this facility. Also, recognize and acknowledge some of the Santa Fe County staff here that have been working collaboratively with us to try and resolve some of these issues.

And, finally, we have a foundation, a representative of the foundation of the Nights of Templar that contributed over \$300,000 in cash to make this project a reality.

You know, I've been associated with this organization for 32 years. It's a non-profit organization that has been around for 40. We're celebrating our 42nd year. This is more than a job for me: this has become a ministry for me. It's been a passion and we had some very humble beginnings. We started as a small little tiny community-based program with the dream of helping five young mentally retarded children that had come from our state institutions to bring them back into the community and try and reconnect with their families. And that small dream has really taken off and today we serve several thousand people with developmental disabilities and families in their home communities. We also provide services to about 700 individuals' children that have severe emotional disabilities in therapy and behavior management et cetera. We also serve seniors in our community that otherwise without our help would be forced to serve nursing home residences rather than staying in their home communities. We have a training institute that affect about thousand people a year in terms of staff development and training and community education.

So this entire dream that we've had over my tenure of 32 years is now hopefully on the cusp of the reality of being able to serve and affect more people in our community. I can tell you on the developmental disability side we have 5,500 people on a waiting list that are in dire need of some type of support service in our community. And I'll mention on that note that one of our flagships is that we were instrumental in taking people out of our state institutions, state-run institutions here in New Mexico, and because of our efforts in pioneering this along with other community-based programs we have no more state facilities, we have no more state institutions in New Mexico and we're one of three states in this country that can say that. So we're completely community-based and I think that's a flagship.

In terms of behavioral health services, we have about 650 people on a waiting list trying to access some type of support. In our senior program, in the disabled and elderly

waiver, it's about 2,000 people on a waiting list. So you can see there are lots of people that are in dire need of our support and services in the community.

I will just tell you right now that we are asking for your support with these conditions as outlined by our people here. One hundred thousand dollars in today's economy and today's business, especially from a non-profit, we have to watch all of our pennies, and \$100,000 could go toward serving an additional 75 to 100 children with severe emotional disabilities. It could go toward serving some people with severe developmental disabilities off of our waiting list. It could go help additional seniors in our community stay home and receive in-home care rather than makes those tough decisions to go to a nursing home.

I would ask, again, for your support and we appreciate it very much and thank you very much.

CHAIR VIGIL: Thank you. Are there any questions thus far? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like to just hear staff's response to comments made associated with the trail and the bike lanes.

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioners, I'm Jack Kolkmeier, Land Use Administrator. As you know we've had now there have been a couple of cases before you and now even going back to IAIA which is in the same neighborhood across the street, that wasn't required to do any of these things because they were a BIA project. Then we had the ACT school and then recently the 7th Day Adventist Church and our challenge and our issues is that we have a trail plan that started and was shown on this circulation map some 12 years ago and the heart of it has built out in the Rancho Viejo area, some of Oshara across the street on the Petchesky ranch but it's really changed somewhat from the original delineation on the circulation plan that we adopted in 2000. With some of these projects coming in in the very southern portion of the Community College District we're kind of stuck in a way between a rock and a hard place because we don't know where some of the trails are going. We don't even know where A Van Nu Po is even going to connect to continue past the intersection.

We know we need trails in the future. We know we're going to need connections to the Rancho Viejo Trail which goes all the way over the rail trail but it's a little difficult for us to say it has to go exactly in this particular place right now because we don't know how that will evolve. But we do have a way, we think, to work this very carefully. We want them to commit to a trail plan. The Community College District Code has a provision in it that says, "...modifications to these standards may be considered and approved administratively by the Code Administrator if sound technical evidence demonstrating effective alternatives is provided." So as the Code Administrator, I believe this is a really good solution to the problem for the moment. We're still not sure exactly where it's going to connect but they know where they can put it on their property the best way that they can and we feel then that this is going to help us to be able to guide the trail system over the next couple, five, ten years.

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We would like to propose that we're in agreement with altering that condition a little bit but they have to provide us with a plan that demonstrates that this alternative really works and then I will approve it as the Code Administrator. So I think that's probably the best solution to the problem that we can come up with, Commissioner.

COMMISSIONER ANAYA: Madam Chair, Jack, that deals with the trail. Dealing with the bike lanes, my general thought is that it sounds like there were bike lanes that were asked for in previous conditions but those conditions were waived on developments up the street so I think in the name of consistency I would like to hear what our thought is because I think the transportation planner, if Andrew was here, he'd probably say that well, at some point we'd like to see bike lanes throughout the entire area. So I think the Commission has already taken previous action up the street and I think we have to think about consistency.

With that being said, I think we also need to weigh into the initial intent of the district to have adequate bike lanes throughout the district and that every month or every other month we don't see cases coming forward where we're just going to be asked to remove those and then we end up with no bike lanes which I think is a good thing if we can do it consistently and in a professional and appropriate way. So can you respond to that?

MR. KOLKMEYER: Madam Chair, Commissioner, again, thank you. Here's another interesting aspect of this with the trail system in Rancho Viejo those are multi-use trails. They're for horses. They're for bicyclists. They're for pedestrians. So what we're seeing actually through a large portion of Oshara, Rancho Viejo, and the really built-up denser areas where these multi-use trails are also accommodating bicyclists. Plus, in the areas where it's built-up and there is higher density they do have to do sidewalks. So this is an area again that sits out mostly with institutional uses that's really the character and the nature of the development and the use is quite different. We think maybe what happen over a five or 10 year period is that these trails will become the bike trails as well. Again, it's hard to say but if we're having these little patches of trails built everywhere and they ultimately don't connect, then I think the point that was made before, we're asking for financial commitment and development things that are costly to people right now when we're trying to keep the cost down on developments as best we can as well. So I think the answer is that they may become the bike trails.

COMMISSIONER ANAYA: Madam Chair, I'd just like to hear I guess the comprised condition alternative.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I believe that the other entities that are along that road have not participated in the bike trails and there will be a moment in time when the traffic should have the bike trails. I don't think that at this point we should be requiring this entity to put in the bike paths along the roadway when we just waived it for a church, when ATC doesn't have it and IAIA doesn't have it.

Now, I do think that the MPO which is conducting a bike trail study in our metropolitan area could consider this as a project to put on its future plans which would then allow us to apply for some federal funding and state funding as the appropriate time comes

along. It also might mean that the entities on the road in the future might need to contribute to something as we have some partners with grant money.

But I do think that since we have not required it of some entities and waived it for others that that would be my position tonight as well.

CHAIR VIGIL: Thank you. This is a public hearing. Is there anyone out there that is in favor of this project? Is there anyone that is opposed to it? Seeing none, I'm feeling a consensus being built. Is anybody ready to make a motion and the reason I am moving this along faster and we would love to hear from everyone of you is that I just learned that the road conditions are something we should be concerned about. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, along the lines of what Commissioner Stefanics suggested I would just ask within the right-of-way if you will, it wouldn't do us any good as a Commission or even the MPO to think about alternatives if we don't have the adequate right-of-way and area to be able to accommodate that. So if we basically took your recommendation to allow the trail to suffice as a condition but then taking into consideration what Commissioner Stefanics just said, I guess I would want us to be careful to make sure we have the adequate right-of-way if that in the event in the future we have resources that could be augmented by other entities as well as MPO or the County. So I guess that would be my concern, that if we truly want to have bike trails at some point that we make sure we have the space adequate to that not only on this approval but any approvals going forward. And, did we do that in the past, Madam Chair, Jack?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, I think it comes back to a discussion of how much right-of-way there is, and there's 86 feet for this particular project. That's more than adequate to do anything in the future. I don't recall the previous cases but I think the right-of-way was in that same neighborhood, 86 to 90 feet. I'm sorry, we need 58 total for the –

CHAIR VIGIL: Yes, thank you and we're well over that. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, even though I'm going to make a motion I'm happy for discussion to continue. I would like to move approval of CDRC case #MP PDP/DP 10-5470 Santa Maria El Mirador with staff conditions but waiving the bikeways and incorporating the trail.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and a second. Is there any future discussion? Seeing none, we'll take a vote on that.

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

CHAIR VIGIL: Motion passed unanimously, congratulations. Wonderful project. Thank you public for being here. We appreciate your support and I'm sorry we didn't get to hear all of your concerns but I think you're going to be home happy. Thank you.

3. **CDRC CASE # Z/DP 09-3132 PNM Caja Del Rio Substation Master Plan/Development Plan Public Service Company of New Mexico "PNM" (Jeanette Yardman), Applicant, requests Master Plan Zoning/Preliminary and Final Development Plan approval for the amended location of the Caja Del Rio Substation on 1.6 acres. The substation is needed to serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion water pumping and treatment facilities, and future growth in the area. The project will consist of the substation, installation of two tap structures approximately 70 feet in height, and two H-frame termination structures approximately 45 feet in height, and an interconnection with PNM's existing 115kV transmission line. The property is located at 11 W. Caja Del Oro Grant Rd., (County Rd. 62) within Section 22, Township 17 North, Range 8 East, (Commission District 2).**

[Exhibit 6: PNM Amended Submittal Caja del Rio Substation Project document]

WAYNE DALTON (Building and Development Services Supervisor): Thank you, Madam Chair, Commissioners. On December 14, 2010, this case was tabled in order for staff to work with PNM and the BDD on moving the substations current location which was 700 feet from the intersection of Caja Del Rio and County Road 62 further northwest down County Road 62 approximately 1,500 feet or 500 yards, which would put it below a rise that exists in the natural topography closer to the landfill and mostly out of site from the community that has been affected by this Application.

The Applicant requests Master Plan Zoning/Preliminary and Final Development Plan approval for the amended location and to allow the construction of a substation on 1.6 acres. The project will consist of a new electric substation along County Road 62 approximately three miles north of New Mexico 599 and approximately 1,500 feet, 500 yards northwest of the previous location and will also be situated approximately one-half mile south of the Water Treatment Plant.

Two transmission tap poles will be installed adjacent to the substation within the existing transmission right-of-way. The poles are needed to tap both of the transmission lines and connect with the substation. The poles will be Corten steel and approximately 70 feet in height. Madam Chair, Commissioners, right now the design is very conceptual and after further assessment PNM has advised me that the two tap structures will have to be 95 feet in height. One will be replacing an existing structure and one will be a new structure. The existing transmission structures are approximately 90 feet in height.

COMMISSIONER STEFANICS: I'm sorry, Madam Chair. Could you repeat that what you just were saying about the height of the structures?

MR. DALTON: The two tap structures they were originally supposed to be 70 feet in height. Right now, after further assessment those two tap structures will be approximately 95 feet in height.

COMMISSIONER STEFANICS: Thank you.

MR. DALTON: You're welcome. Two H-frame line termination structures will be located inside the substation and will be galvanized steel, approximately 45 feet in height that will connect with PNM's existing 115kV transmission line.

For public safety, the project will be designed and constructed to meet all applicable requirements of the National Electric Safety Code, as required by the New Mexico PRC. The substation electrical equipment and control unit will be surrounded by a graffiti resistant, fluted block wall and entry gates, which are approximately 12 feet in height. The substation footprint is approximately 138 feet by 138 feet 7 inches.

Letters of support from members of the Camino Del Rey Road Association and Paseo de Estrellas Association are attached as Exhibit J. These letters thank PNM for the willingness to consider an alternate location of the substation and support moving the location of the substation to the alternate site.

Recommendations: Staff has reviewed this Application amendment and has found the following facts to support this submittal: uses permitted under Ordinance No. 1998-15 which amended Article III, Section 8.1, Other Development, specifies all uses otherwise not regulated by the Code are permitted to locate anywhere in the County provided a request for zoning approval is granted per Article III. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries provided the development standards, criteria and submittal requirements set forth in Subsection 4.4 and 4.5 are met. A development permit is required.

This amended Application is in compliance with Article V, Section 5, Master Plan Procedures, Article III, Section 4.4, Development Plan Procedures, of the Land Development Code. Staff recommends Master Plan Zoning and Preliminary Development Plan approval with Final Development Plan to be approved administratively for the Caja Del Rio Substation on 1.6-aces subject to the following condition. Madam Chair, may I enter that into the record?

CHAIR VIGIL: Yes.

Condition:

1. PNM must obtain the necessary easement for the substation from the City of Santa Fe. Confirmation from the BLM that this Application meets the conditions of the patent and the current environmental documentation, and agreement with the BDD as to an appropriate amendment to its Service Agreement, including revised cost.

CHAIR VIGIL: Are there any questions of staff? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, these two poles that are being replaced, are they going to need to replace all those poles on that utility corridor or is it just these two to accommodate the new substation?

MR. DAYTON: Madam Chair, Commissioner Mayfield, it is my understanding that only one existing pole will have to be replaced with a 95 foot pole and one additional pole will have to be added.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Further questions of staff? Seeing none, is the applicant here?

[Duly sworn, Jeanette Yardman testified as follows]

JEANETTE YARDMAN: Good evening Madam Chair, members of the Board of County Commissioners. Jeanette Yardman, Regulatory and Public Coordinator with PNM. In the interest of time, Madam Chair, and because of the road conditions we do have a presentation; however, what is the favor of the Commission as far as how much time you would like for me to spend on this?

CHAIR VIGIL: Is the presentation you have except for the new site, anything different than we've heard before?

MS. YARDMAN: Madam Chair, in the interest of the two new Commissioners I did have some information regarding the last year and a half and the practice that we've been through and the approval that we've gone through the City Council, however, that information may already be available to you and you may not deem it necessary for me to repeat that.

CHAIR VIGIL: Jeanette, why don't you just briefly highlight that for that benefit and if you could just abbreviate it as much as possible.

MS. YARDMAN: Good evening, as it was earlier mentioned we have been in this process since November 2009. The site was selected, the original substation site was selected as part of the BLM approval in their Record of Decision for the Buckman Direct Diversion project. This site was actually closer, the original site was closer to Caja del Rio Road. As part of the Environmental Impact Statement this was the approved site. The BLM also agreed that the City had their permission to allow for the substation to be on this site. I would like to make a point of saying that the new site, which is 1.6 acres, is still on that same-patented piece of land that has been through all of the approvals including the Record of Decisions and the Environmental Impact Statement.

Basically what we're doing is taking the original site which was 2.4 acres and we're moving it 1,500 feet northwest and we're asking for a 1.6-acre easement from the City of Santa Fe.

On February 28, 2007 the City Council did approve this location and we have full intentions of going back before the City Council, actually tomorrow evening, for their conceptual approval of the new site. In the City's March 7, 2007 letter from Frank Archuleta who was the community facilities manager to the BDD they did approve that this site was compatible with the recreational use of the MRC in the area. And like I said, the City of

Santa Fe granted the easement to us back in 2008. So we basically starting going forward with the permitting process through Santa Fe County at that point.

As many of you may know we have received opposition from the neighborhood and at the last BCC meeting in December of 2010, the Board of County Commissioners asked that we go back to the table and just basically try to work with the neighborhood to try to find a compatible solution that worked for everybody. And we have done that. So consequently we are proposing the new site.

I can just give you a brief description of the map. As you can see on the right here we've got Caja del Rio Road and CR 62 roads along west and east so the original site was 2.4 acres in size. The blue lines represent the existing overhead transmission line and this is the new site, the 1.6-acre site that we are proposing this evening.

We are currently working with the City of Santa Fe on receiving approval for the new easement. It is anticipated that the Bureau of Land Management will support its March 2008 written confirmation to the City of Santa Fe that the patent may be used for the anticipated purpose without any revised environmental documentation in the near future.

Again, we will be planning to go before the City Council tomorrow evening to receive conceptual approval for this site. We've also been working very closely with the Buckman Direct Diversion who is our customer and we have given them a cost breakdown of the additional 1,500 feet installation of the new feeder lines. PNM will be absorbing part of those costs. Four new feeder lines will be installed in County right-of-way and PNM will be absorbing the cost for one of the feeder lines and we will also be absorbing all of the transmission costs. So BDD, as our customer and as the driving force with this project, will be paying for three of the feeder lines and this is completely consistent with the original line extension agreement that we've had with them throughout the whole project.

As Mr. Dalton said there are several letters of support. We received a letter from Andrew Leyba who represents the Camino de Rey Road Association. We received a letter from Caroline Simone who represents the Paseo de la Estrellas Road Associates and also Diego and Doreen Sisneros who are residents. And I believe all of these folks are with us this evening. And if you will recall the residents did give a verbal commitment at the December 2010 BCC meeting in support of the alternative site and agreeing to drop all opposition of the project if we agree to work with them and move the site.

In conclusion, PNM is requesting master plan zoning, preliminary and final development plan approval for this alternative site contingent on PNM obtaining the necessary easement from the City of Santa Fe, confirmation from the Bureau of Land Management that this proposal meets the conditions of the patent and current environmental documentation and agreement with the Board of Buckman Direct Diversion as to an appropriate amendment to its service agreement. We have met all of Santa Fe County land use requirements for permitting of this site and we just believe that this amended site reflects all of our efforts to work together and come to a compromise.

Thank you and I'll stand for questions.

CHAIR VIGIL: Are there any questions for the applicant? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just logistical to get me to this point but 2007, City-owned property, the City had a process, was it a public meeting that you went through the City to seek approval of the site and was there opportunity for public comment at that meeting of the City of Santa Fe in 2007 before they approved the site for the initial location?

MS. YARDMAN: Madam Chair, Commissioner Anaya, the property is actually Bureau of Land Management property patented over to the City. As part of the Environmental Impact Statement and the Record of Decision for the Buckman Direct Diversion there was opportunity for residents to comments at that point on the substation site as the site was part of the Record of Decision. And then the City Council also noticed and publicly noticed the meeting and no opposition was received to the original site at that time.

COMMISSIONER ANAYA: Okay, and Madam Chair, the community initially raised concerns to the City of Santa Fe on the site after the site was approved. When did the concerns from the community come up as a result of the 2007 approval from the City of Santa? All I'm trying to understand is that the City has patented property from BLM and maybe this is a question to staff before you answer the question, does the City of Santa Fe come to us for approval on all issues associated with patent property that are outside the jurisdiction of the City of Santa Fe? Is this normal on any parcel that the City of Santa Fe has a patented BLM land have they deferred to the approval and recommendations of the County?

MR. ROSS: Madam Chair and Commissioner Anaya, yes. For example, the MRC just next door was zoned by the County five or six years ago. So, yes, we have jurisdiction over certain types of City-owned property that are out in the County – land use jurisdiction.

COMMISSIONER ANAYA: Okay, so Madam Chair, this process is provided as part of the normal process that the County undertakes, Madam Chair, and the Commission in December asked for some discussion with the community and PNM, that's taken place and everybody is agreeable with what's taken place thus far; is that correct?

MS YARDMAN: Madam Chair, Commissioner Anaya, yes, that is correct. And if you would like, as I mentioned before, some of the residents are in the audience and if you'd like to call them up to speak I'm sure they would be happy to.

COMMISSIONER ANAYA: This is the last question. How much is this going to – how much more is this going to cost to move the location to the new site?

MS. YARDMAN: Madam Chair, Commissioner Anaya, the total cost for the Buckman Direct Diversion are \$210,000 and the additional costs that PNM are absorbing are \$170,000.

COMMISSIONER ANAYA: So, Madam Chair, there's no additional cost that the Buckman Direct Diversion is going to absorb as a result of this change?

MS. YARDMAN: Madam Chair, Commissioner Anaya, that is correct and I would like to add that I do have an email Rick Carpenter who could not be here this evening, however, he does state his support for the additional cost and has stated that they are willing to absorb the cost and they have no problem with the additional costs.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and thank you for being here. Going back to the BDD meeting I thought that you stated it was \$70,000 that PNM was absorbing for that additional feederline.

MS. YARDMAN: Madam Chair, Commissioner Mayfield, I did state that the \$70,000 was for the additional feeder, distribution feederline; however, PNM is also absorbing transmission costs and that is \$100,000 so that is where the \$170,000 comes up.

COMMISSIONER MAYFIELD: Okay, and Madam Chair, I would just say this I haven't heard from the community but I think any time that the community and other entities can work things out for the betterment of everybody and I'm glad that this process was slowed down a little bit.

I don't know and I will try not to intermingle other committees that we're sitting on, I don't think the BDD has totally approved that cost yet and I am an alternate member of the BDD and I may – not may, I will have some questions when this gets back in front of the BDD as far as the cost. I don't believe as far as the siting location of this if this is a proper time to discuss this but at the BDD meeting I will be bringing up some questions regarding the additional costs.

MS. YARDMAN: Madam Chair, Commissioner Mayfield, you are correct the additional costs do need to go back before the Buckman Direct Diversion Board. However, I did state that they are supportive of the new location and understand the costs and agree with them.

COMMISSIONER MAYFIELD: And, Madam Chair, I don't know if this is appropriate to ask at this time, but there were some figures that you indicated that the BDD would be receiving as far as some rebates or Mr. Carpenter indicated that there were some rebates we would be receiving from PNM based on the building and incentives and they were going to put those back in the general budget and I don't know whether those could be used offset the cost but I guess that would probably be more appropriate to discuss at the BDD.

MS. YARDMAN: Madam Chair, Commissioner Mayfield, I do not have any information on those numbers.

CHAIR VIGIL: Thank you. I think you made reference to it but you are in agreement with the condition as stated by staff that requires you to go before the City of Santa Fe for their approval.

MS. YARDMAN: Madam Chair that is correct. We will be going before the City Council for final approval of the easement.

CHAIR VIGIL: Okay, thank you very much, Ms. Yardman. This is a public hearing; is there anyone who would like to address the Commission?

[Duly sworn, Carolyn Semon testified as follows]

CAROLYN SEMON: Madam Chair and Commissioners, we were sent from the December meeting and told to work something out with PNM and I believe this is what we have done. I support the compromise and I support moving the substation to the new location. And I also want to thank PNM and all involved and respectfully I ask that you approve this amended site and amended case.

CHAIR VIGIL: Thank you Carolyn. Anyone else? Commissioner Mayfield then Commissioner Holian.

COMMISSIONER MAYFIELD: Madam Chair, just as far as disclosure. I may have had conversations with one or two community members just of some concerns and they were more general procedural concerns of the siting and that could have been well before I became an elected Commissioner. And they directed me to look at the record, and I have been reading up on the record, just so everybody knows that and I disclose that.

CHAIR VIGIL: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Are you done with the public hearing?

CHAIR VIGIL: Is there anyone else in the public that wants to speak? Public hearing is therefore closed.

COMMISSIONER HOLIAN: Madam Chair, I have to admit I am one of those Commissioners who had concerns about the original siting of the facility because of the concerns that I heard from the community who lived there and I know that this has taken a long time and we've had a number of tablings but I feel very good that we did take our time and we did do it right and the community is now onboard with this.

Therefore, I would like to move approval of CDRC Case Z/DP 09-3132 PNM Caja del Rio Substation master plan, development plan, with the staff condition.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: With a second. Further discussion. I just really want to thank everyone who put a lot of energy and effort into making this happen. It sounded so simple, Jeanette, from how you explained it but in effect there's been a lot of hearings involved with this. PNM actually went out to the community and had several hearings and that's when the issues started surfacing. During that process we actually enacted our Ethics Ordinance and I was very much in touch with my constituents with regards to this and then after we enacted the Ethics Ordinance I no longer was. I'm not sure if that's where the land use case prohibition type thing came up but I want my constituents to understand that I really advocated for them throughout the process and I think that they know that. I think PNM knows that through the conversations that we've had.

This is such a win/win situation. I am so proud of the community. I am so proud of the utility company that we have that was willing to negotiate this. It could have been a whole different outcome and I'm pleased.

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


COMMISSIONER MAYFIELD: Madam Chair, when we came out of executive session I did indicate that we spoke about litigation but I also wanted to disclose that we had a brief comment as far as the status of negotiations with our union and they're going well from what was stated to us.

XVI ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 8:35 p.m.

Approved by:

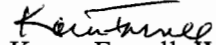



Board of County Commissioners
Virginia Vigil, Chairwoman

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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

Daniel "Danny" Mayfield

Commissioner, District 1

Virgina Vigil

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy
Commissioner

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager



Amended
MEMORANDUM

DATE: February 8, 2011

TO: Board of County Commissioners

FROM: Shelley Cobau, Building and Development Services Department Manager

VIA: Jack Kolkmeier, Growth Management Planning and Development Division Director

REF.: County Development Review Committee Appointments/ReAppointments

SUMMARY:

Article II, Section 1.2. (County Development Review Committee) of the Code, gives the BCC the authority to appoint members of the CDRC. Section 1.2 states: "The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members" Article II, Section 1.2.1 of the Code requires that one member of the CDRC reside within the limits of the City of Santa Fe (Exhibit A).

The terms of all seven members of the CDRC expired in December 2010. With the exception of Don Dayton, all CDRC members have requested reappointment.

In October and November of 2010, the County advertised for applicants and received 19 responses. Applicants have completed a conflict of interest form and additional questions and consented to a background check.

The applicants are:

District 1

Jon Paul Romero (Existing member since June 2001)

David Dogruel

Andrea Fiegel-Roybal

Paul Duran

Sef Valdez

Levi Valdez, P.E.

John M. Nye

District 2

Charlie Gonzales (Existing member since January 2008)

Susan Fry Martin (Existing member since September 2008)

Maria DeAnda (Existing member since September 2008) – City resident

DorLisa Berg

Charles Bleche

Dan Pava – City resident

SFC CLERK RECORDED 03/18/2011

District 3

Jim Salazar (Existing member since June 2001) – City resident
 JJ Gonzales (Existing member since October 2002)
 Filandro Anaya
 Darlene Guerro
Patrick Garrity

District 4

Frank Katz—City resident
Dominic Mandel

District 5

Jim Garton
 Tamara Haas
 David Harwell
 Ivan Pato
 David Pfeifer

Resumes for all applicants are included in Exhibit B. Note that applicant names shown above in bold italic are resumes received subsequent to recent press releases.

RECOMMENDATION:

- **District 1 – Pending review of final applications -Two year term expiring Jan 2013**
- **District 2 – Maria DeAnda (City resident, existing CDRC member) - One year term expiring Jan 2012**
- **District 3 – Filandro Anaya -Two year term expiring Jan 2013**
- **District 4 – Frank Katz -Two year term expiring Jan 2013**
- **District 5 – Ivan Pato -Two year term expiring Jan 2013**

Staff recommends that the remaining two members at large be chosen for **One year terms expiring Jan 2012** from the following:

- Susan Fry Martin (Existing CDRC member)
- JJ Gonzales (Existing CDRC member)
- Tamara Haas, P.E.
- John M. Nye
- Levi Valdez

ATTACHMENTS:

Exhibit A—Referenced Code

Exhibit B – Resumes in order of Commission District



6733 CAMINO ROJO SANTA FE, NM 87507
PHONE (505) 570-0474 E-MAIL PGLACASA@AOL.COM

PATRICK M. GHARRITY

Land Use Department
Attention Shelley Cobau
PO Box 276
Santa Fe, New Mexico 87504-0276

Re: County Development Review Committee Volunteer

February 4, 2011

To whom it may concern:

I am a resident of District 4 and I am interested in participating on the County Development Review Committee. I have been a resident of Santa Fe for eleven years. My wife was born and raised in Santa Fe. I am a homeowner of 4 plus years and my children were both born here. I would like to be a part of this committee to participate in the development of Santa Fe County. I believe in the importance of participating in civic activities and I feel I would be a great asset to this committee. Please feel free to contact me with any further questions.

Thank you for your consideration,

Patrick Gharrity

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6733 CAMINO ROJO SANTA FE, NM 87507
PHONE (505) 570-0474 E-MAIL PGLACASA@AOL.COM

PATRICK M. GHARRITY

SKILLS AND QUALIFICATIONS

- 22+ years experience in fine dining and upscale casual restaurants.
- Worked under several CIA graduates early in career
- Have proven menu and recipe development and implementation
- Motivated, fast paced, and well organized.
- Began as dishwasher and progressed to Chef
- Created, produced, and had great response to multiple wine dinners; including Ridge, Joseph Phelps, Neil Rosenthal
- ServSafe Certified.
- Team leader and motivator
- Involvement in multiple community culinary programs

WORK EXPERIENCE

May 2005-Present Executive Chef	La Casa Sena, Santa Fe, NM
<ul style="list-style-type: none">▪ Daily tasting menus, monthly wine dinners▪ Innovative Southwestern-American cuisine menu development▪ Management duties include invoicing, training, budgets, ordering▪ Oversee three separate kitchens in restaurant with 150+ seats▪ Supervise staff of 35 including three sous chefs and pastry chef	
February 1999-May 2005 Executive Sous Chef	La Casa Sena, Santa Fe, NM
<ul style="list-style-type: none">▪ Assist Executive Chef in menu development▪ Assist in staff supervision	
July 1998-February 1999 Executive Pastry Chef	La Casa Sena, Santa Fe, NM
<ul style="list-style-type: none">▪ Develop pastry menu, including daily tasting desert▪ Supervise pastry assistant and baker	
November 1997-July 1998 Sous Chef	Zia Diner, Santa Fe, NM
<ul style="list-style-type: none">▪ Menu development▪ Train and supervise staff of 20	
November 1996-June 1997 Executive Sous Chef	White House Bistro, Powell, OH
November 1994-October 1996 Sous Chef	Merlot Restaurant, Hilliard, OH
March 1995-October 1996 Sous Chef	55 Grille, Worthington, OH

COMMUNITY ACTIVITIES

2003-Present Santa Fe, NM
Santa Fe Wine and Chile Fiesta Restaurant Committee

2001-Present Santa Fe, NM
Art Feast

1999-Present Santa Fe, NM
Girl Scouts of America "Great Cookie Caper"

1999-2005 Santa Fe, NM
Buckaroo Ball

EDUCATION

August 1985-May 1991 Ohio Wesleyan University, Delaware, OH
Bachelor of Fine Arts

- Concentration in printmaking and drawing

References on request.

LEVI J. VALDEZ, P. E.
34A COUNTY ROAD 101B
SANTA FE, N. M. 87506
505-920-5068

Ms. Shelly Cobau
Santa Fe County
P. O. Box 276
Santa Fe, N. M. 87504

RE: Submittal of Resume for "Development Review Board"

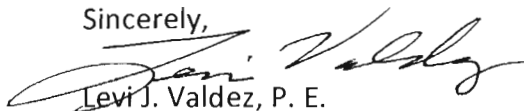
Dear Ms. Cobau:

Attached is my personal resume for your review. I wish to be considered for a vacant position on the Santa Fe County "Development Review Board". I have over 37 years experience as a licensed professional engineer and I will be well suited to serve on the "Development Review Board". In the past I have served on the "Pojoaque Valley Planning Committee" and the Open Lands and Trails Committee for Santa Fe County and I am accustomed to a consensus type board or committee.

Please call me at 505-920-5068 if you should have any questions or require additional information.

Thank you for your consideration on this matter.

Sincerely,



Levi J. Valdez, P. E.

2/3/11

PROFESSIONAL EXPERIENCE
FOR
LEVI J. VALDEZ, P. E.

CONTACTS

Address: 34A County Road 101B
Santa Fe, New Mexico 87506

Telephones: Home-505-455-3380
Cell Phone-505-920-5068

[E-mail-lvaldez@nambepueblo.org](mailto:lvaldez@nambepueblo.org)

PROFILE

Objective: I wish to be considered for a position on "Development Review Board" for Santa Fe County from District one.

Availability: I am available for service to Santa Fe County at any time.

Reside in Pojoaque, N. M. since 1972

Served on the "Pojoaque Valley Planning Committee" and Santa Fe County "Open Lands and Trails Committee"

EDUCATION

Graduate of Espanola High School

Graduate of New Mexico State University with a Bachelor of Science degree in Civil Engineering

Graduate level courses at UNM and UNLV

Numerous seminars and conferences on design of roads and wastewater systems

PROFESSIONAL LICENSES AND CERTIFICATIONS

Registered Professional Engineer in New Mexico

Registered Professional Engineer in Nevada (Lapsed)

Certified to inspect wastewater systems (NAWT certified)

PROFESSIONAL EXPERIENCE

Present

I am a semi-retired professional engineer currently employed part time by the Pueblo of Nambe as "Engineering Manager". My duties include: Prepare the Tribal Transportation Improvement Plan; Oversee road and building construction projects; Review design plans for construction projects; Provide expertise in the engineering field to the Tribal Council and the Governor of the Pueblo and coordinate capital improvement projects with other government agencies.

I am also employed part time with the Pueblo of Pojoaque as "Project Superintendent" on road and street construction projects.

Levi Valdez, P. E.-Professional Experience (Continued)

PAST PROFESSIONAL EXPERIENCE

Retired from the Federal Government work force. Served as Highway Engineer for Federal Highway Administration for 3 years at various locations throughout the United States as project engineer on highway construction projects; Served as Supervisory Highway Engineer for the Bureau of Indian Affairs overseeing design of roads, construction of roads and bridges and as Transportation Planner. I supervised engineers and road maintenance workers.

Served as "Engineering Systems Specialist" for the Clark County Building Department in Las Vegas, Nevada. I supervised engineers and inspectors conducting structural inspections on large casino/hotel construction projects such as Luxor, Excalibur, Treasure Island, MGM Grand, Rio, etc.

Served as Geotechnical Engineer for Albuquerque Testing Laboratory-Oversaw construction materials testing and completed geotechnical reports for building and bridge foundations.

Principal engineer of a consulting firm completing plans, specifications and engineers estimates for various types of civil engineering projects throughout N. M.

PERSONAL

Married to Isabel Valdez with three grown children. I have three dogs, a Chocolate Lab, a black lab/pit bull mix and a Chihuahua. I have and Andalusin Stallion. I like to play golf, paint, listen to good music and watch movies on my giant screen HD TV.

Shelly Cobau

From: Nick Mandel [newmexicopublicstrategy@gmail.com]
Sent: Friday, February 04, 2011 1:58 PM
To: Shelly Cobau
Subject: Letter of Interest / County Development Review Board, District 4.
Attachments: Nick Mandel -Updated Extended Resume[1].rtf

Ms. Cobau:

This is a letter of interest in serving on the County Development Review Board, District 4.

First, I was unable to ascertain from the county website map, if my current residency at 2335 Camino Pintores (near the intersection of Camino Carlos Rey and Zia) is within the District 4 boundary.

I did call your number but was unable to reach you and assume offices are closed due to the extreme weather.

As a retired state employee, now employed with the Santa Fe School district and part-time in management consulting services, my primary interest in serving is my interest to use my skills and knowledge from my years of experience in the public sector. Attached is my resume.

Thank you,

--

Dominic Mandel
505 490 2489 (M)
505 473 1109 (HM)

SFC CLERK RECORDED 03-18-2011

Résumé

Dominic R. Mandel

Dominic R. Mandel or Nick in his career with the State of New Mexico served in leadership and managerial positions of Quality Manager, Public Information Officer, Project Manager, and Central Administrator for diverse agencies including the Department of Finance and Administration, Children, Youth and Families, Corrections and most recently the New Mexico Department of Transportation.

In his tenure with state government he brought an emphasis on strategy, government accountability, performance management and change management for the public sector.

2335 Camino Pintores
Santa Fe, NM 87505
505. 490.2489
505.473.1109
promandel@aol.com

Experience, Competencies and Accomplishments

- I am librarian for the Santa Fe Public School District, Sweeney Elementary School. As librarian, I administer, manage and instruct grades K to 5 to improve reading and literacy skills. Position responsibilities also include the exploration of what we can do to improve overall student performance. That activity includes the exploration of the Baldrige Criteria and other performance improvements systems.
- I was Research Staff Manager for the New Mexico Department of Transportation, where I explored available research funding at the federal level, prepared proposals for possible research projects to be funded, performed a variety of additional administrative activities and provided advice and counsel to the research director. During my tenure in the position, I contributed to furthering a number of possible research projects to be submitted and communicated the value and benefits of research in the agency. I participated in national committee work and study panels including leadership practices of high performing organizations and performance measures under the Transportation Research Board a quasi-government transportation policy group based in Washington, D.C.
- I served as lead for the Quality Office of the New Mexico Department of Transportation. Activities of the office include working with all staffing levels in a diverse organization of 2600 plus employees and providing them direction and assistance in understanding the need and requirements of the Office of the Secretary, Executive and Legislative Branches for accountability in government, quality management, and overall performance. I provided leadership and support for the department's Baldrige effort resulting in the DOT being the first state agency to receive the state's highest quality award.
- Other responsibilities included the development and execution of performance measures including the New Mexico Accountability in Government Act, the Governor's Contract with New Mexico, internal performance measures within the agency and other performance indicators and measures intended for public sector review. I led the department in compiling its quarterly reporting document, "Good to Great" and the

department's compilation of data for Governing Magazine's "Governing the States" in 2006.

- Our office served as a resource, providing recommendations and consultation on the sharing of knowledge, information and transparency to and for the Office of the Secretary and Deputy Secretaries. We provided support and advice on processes involving major change, new initiatives and approaches. The department deployed the Baldrige Criteria for Performance Excellence, Accountability in Government Act, and other management system approaches. We led the effort to recruit DOT employees to serve as Baldrige examiners, an intensive time consuming project, in addition to their regular responsibilities.
- I provided administrative support to the Office of Secretary on the department's participation in professional transportation and industry associations, including representing the Office of the Secretary on various national transportation committees. Served as vice chair communication person on the Standing Committee on Quality and received the Rich Harris recognition award in 2007.

Professional Affiliations

- Past vice-chair of the Communications and Information sub-committee under the Standing Committee on Quality, American Association of Highway & Transportation Officials. Washington, D.C.
- Current member, Strategic Management Committee, under the Transportation Research Board, Washington, D.C.
- Current member and Communications Coordinator of the Management and Productivity Committee, under the Transportation Research Board, Washington, D.C.
- Current member of Quality New Mexico, a non-profit organization using the national Baldrige Criteria on Performance Excellence in the state.
- Past member, National Partnership on Highway Quality. Austin, TX.
- Participating panel member of a number of National Cooperative Highway Research Board Projects and AASHTO, studying various management topics including performance measures, leadership practices, and quality management approaches in state DOTs.
- Presenter for the Performance Institute, a Washington D.C. non-profit organization involved in training, research and workshops to improve government performance at the federal and state level.
- Presenter for the Business Improvement Process Institute, a non-profit group based in Nedham, MA, on business improvement processes for business and government.

Other Professional Interests and Competencies

- Serve as examiner and instructor for Quality New Mexico, Baldrige Criteria for Performance Excellence.

- Contributor and columnist on management and leadership topics for Round the Roundhouse a New Mexican publication and I have had op-ed columns published in the Albuquerque Journal, Santa Fe New Mexican and other professional trade journals.
- Part time instructor for the Santa Fe DWI School and past Santa Fe Community College instructor.
- Facilitator, presenter and speaker at national trade and government conferences.

Education and Career History

Education: B.S. Psychology, Illinois State University

Selected graduate level courses in Public Administration – University of New Mexico.

Selected training and workshops on an on-going basis on current transportation and public sector topics.

Career State Employee with experience and responsibilities in the following state agencies:

- Department of Transportation, 2000- 2008
- Department of Finance & Administration, 1995- 2000
- Children, Youth & Families Department, 1992-1995
- New Mexico Youth Authority, 1989- 1992
- Corrections Department, 1982-1989

Positions above involved a wide-range of assignments including Public Information Officer, Training and Staff Development Specialist, Website Project Manager, Capital Project Coordinator, Special Assistant to the Office of the Secretary, and Correctional Administrator.

Santa Fe County Board of County Commissioners February 8, 2011

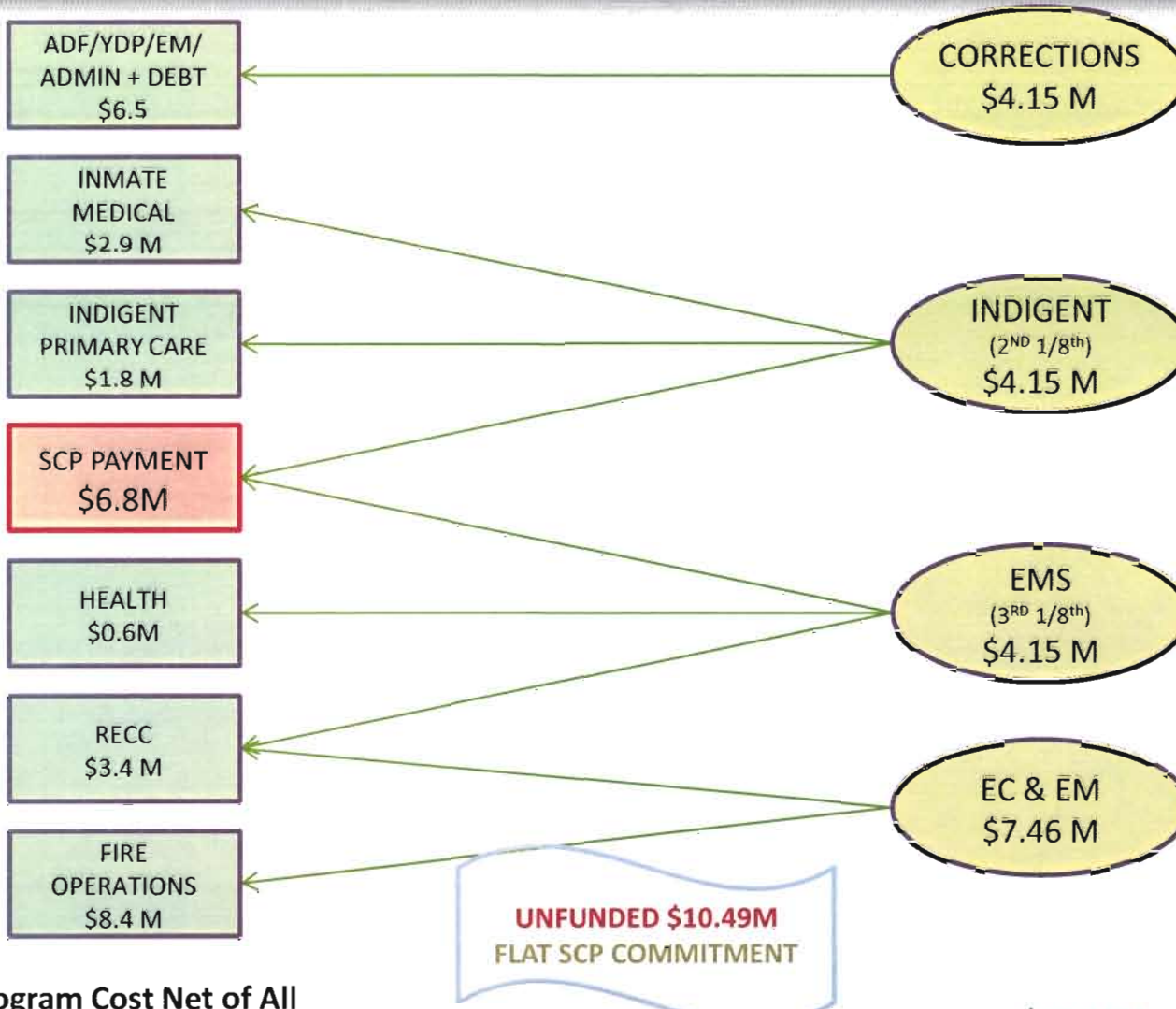


Sole Community Provider Commitment
and
Related Budget Issues





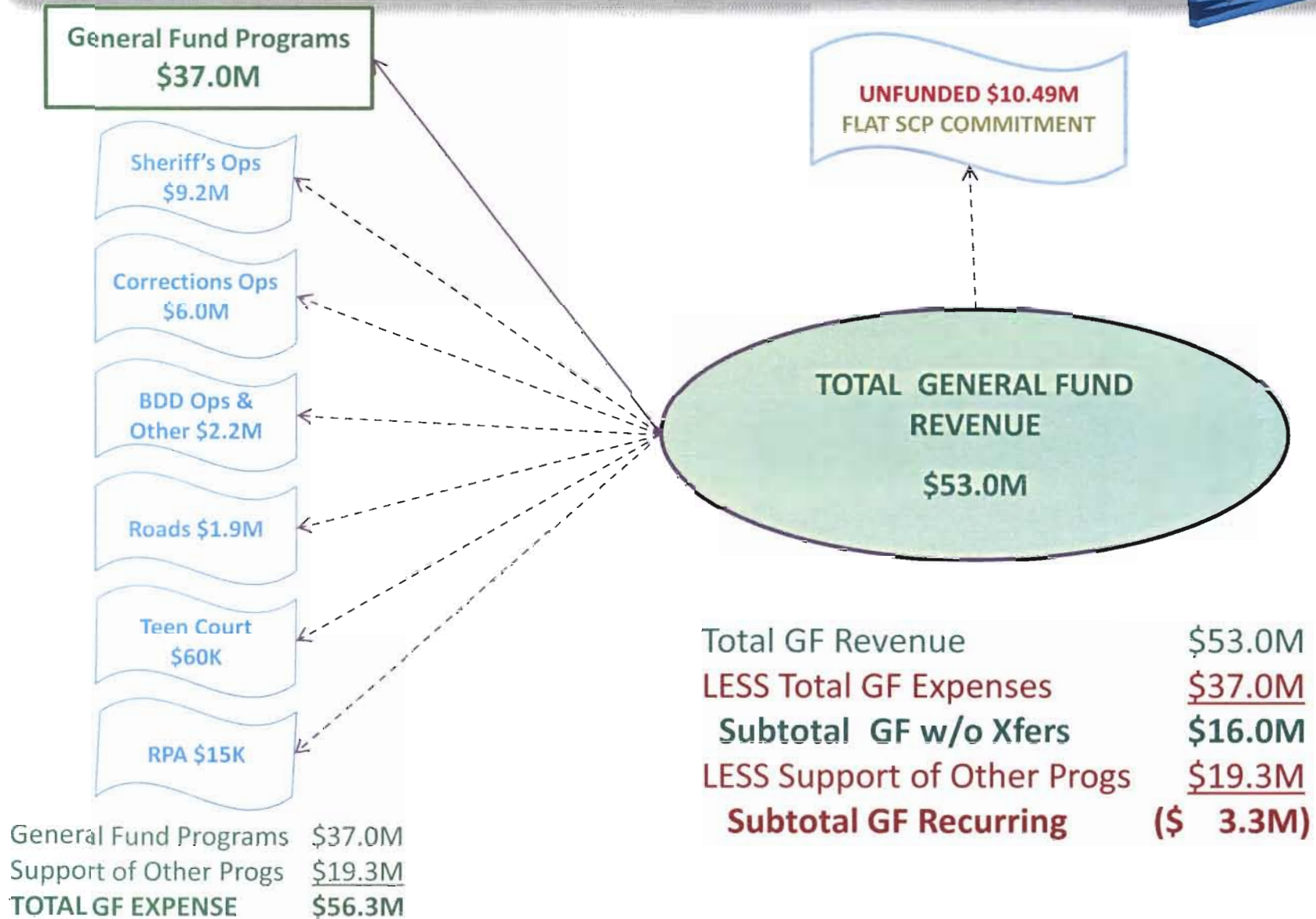
Competing Priorities



Program Cost Net of All Other Sources - \$30.4M

GRTs- \$19.91M

Competing Priorities



Competing Priorities – Summary

SCP RELATED

(Recurring)

Total Revenue	\$19.91
Total Expense	<u>(\$30.40)</u>
SHORTFALL	(\$10.49)

GENERAL FUND

(Recurring)

Total Revenue	\$53.0M
Total Expense	<u>(\$37.0M)</u>
EXCESS	\$16.0M
Support of Other	<u>(\$19.3M)</u>
SHORTFALL	(\$ 3.3M)

COMBINED GF & SCP RELATED (Recurring)

TOTAL REVENUE	\$72.91M
TOTAL EXPENSE	<u>(\$86.70M)</u>
COMBINED TOTAL SHORTFALL	(\$13.79M)

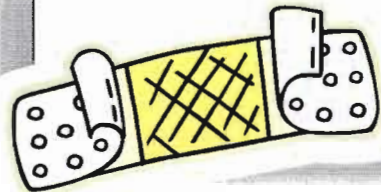
Cash Balances – The Whole Picture



FY 2012 Estimated Beginning Cash Balances

	Cash Balance	Reserve Req.	Usable Balance
Corrections Fines & Forfeitures	\$ 260,686	\$ 22,917	\$ 237,769
Correctional GRT	\$ 656,438	\$ 356,250	\$ 300,188
Indigent Funds (1/8 GRT & Prim. Care)	\$ 816,818	\$ 432,129	\$ 384,689
Fire Excise Tax (sunsetted)	\$ 431,102	\$ 284,373	\$ 146,729
EMS Funds (1/8 GRT & Health Care)	\$ 644,453	\$ 338,638	\$ 305,815
RECC (unrestricted portion)	\$ 314,244	\$ 283,877	\$ 30,367
EC & EM GRT* (1/4 cent)	<u>\$ 3,939,498</u>	<u>\$ 774,675</u>	<u>\$3,164,823</u>
Subtotal SCP Related	\$7,063,239	\$2,492,859	\$4,570,380
Road Fund	\$ 313,413	\$ 190,051	\$ 123,362
Sheriff's Operations	<u>\$ 733,152</u>	<u>\$ 732,621</u>	<u>\$ 532</u>
Subtotal GF Supported	\$1,046,565	\$ 922,672	\$ 123,894
TOTAL SPECIAL REVENUES	\$8,109,804	\$3,415,531	\$4,694,274
GENERAL FUND (less obligated Infrastructure Funding)	<u>\$30,414,926</u>	<u>\$20,754,896</u>	<u>\$9,660,030</u>
TOTAL GF & SCP RELATED	\$38,524,730	\$24,170,424	\$14,354,304

* Known as Fire Operations.



Plan for Using Cash



What if:

Spend down cash reserves over 2 years:
 $\$14.4 \text{ million} / 2 \text{ years} = \underline{\$7.2 \text{ million} / \text{year}}$

Recurring GF Shortfall	\$ 3.3M
FY12 Critical Capital Needs	\$ 2.0M
SCP Rel. Support Needed	<u>\$10.49M</u>
Total Cash Needed	\$15.79M

Planned Use of Cash (\$7.2M)

**Reduced Expenses/Increased Revenue
Needed in FY 12 \$8.59M**

**General Fund Cash Reserves Depleted
in Fiscal Year 2013**

What if:

Spend down cash reserves over 3 years:
 $\$14.4 \text{ million} / 3 \text{ years} = \underline{\$4.8 \text{ million} / \text{year}}$

Recurring GF Shortfall	\$ 3.3M
FY12 Critical Capital Needs	\$ 2.0M
SCP Rel. Support Needed	<u>\$10.49M</u>
Total Cash Needed	\$15.79M

Planned Use of Cash (\$4.8M)

**Reduced Expenses/Increased Revenue
Needed in FY 12 \$10.99M**

**General Fund Cash Reserves Depleted
in Fiscal Year 2014**



Plan for Using Cash



PROS

- 👍 Would reduce the amount of cuts needed to balance the budget.
- 👍 Would reduce the need to cut/eliminate programs.
- 👍 Would reduce the impact to staff.
- 👍 Would allow time for planning should major reductions be needed.

CONS

- 👎 Depends on the economy improving by the time the cash runs out.
- 👎 Still requires some cuts to programs many of which can not sustain additional cuts without impacting services.
- 👎 A major expense or revenue downturn would derail the plan.

Suggestions for SCP

Sole Community Provider Commitment and Related County Operations

Current Commitment & Use of Cash

		FY2011 Current
Special Revenue (GRTs)		\$ 8,550,000
General Fund		\$ 1,167,529
Total Revenue		\$ 9,717,529
Health Adm	EMS	\$ 283,822
Indigent	Indigent	\$ 1,835,548
MCH	EMS	\$ 58,206
Mobile Health Van	EMS	\$ 209,828
Seniors	GF	\$ 898,219
County Fair	GF	\$ 207,610
Jail Medical	Indigent	\$ 2,000,000
Teen Court	GF	\$ 61,700
Subtotal Health Related		\$ 5,554,933
RECC	EMS	\$ 3,406,525
SCP		\$ 6,861,795
Total Expense		\$ 15,823,253
Cash-Surplus/Need		\$ (6,105,724)

● Reflects current
**\$6.861M SCP
Commitment**

● Reflects use of cash
totaling \$6.1 M

Suggestions for SCP – Option 1

		Option # 1 FY2012
Special Revenue (GRTs)		\$ 8,122,500
General Fund		\$ 1,132,654
Total Revenue		\$ 9,255,154
Health Adm	EMS	\$ 275,307
Indigent	Indigent	\$ 1,780,482
MCH	EMS	\$ -
ParaTransit	EMS	\$ 91,000
Mobile Hlth Van	EMS	\$ 190,000
Seniors	GF	\$ 871,272
County Fair	GF	\$ 201,382
Jail Medical	Indigent	\$ 2,608,000
Teen Court	GF	\$ 60,000
Subtotal Health Related		\$ 6,077,443
Subtotal RECC	EMS	\$ 3,304,329
SCP		\$ 1,106,807
Total Expense		\$ 10,488,579
Cash-Surplus/Need		\$ (1,233,425)

- ▶ Reflects an SCP Commitment of \$1.1 M resulting total base funding of \$3.6M
- ▶ Programs were cut by 3%, reduced the Van to \$190K and cut the MCH Program
- ▶ Increased Jail Medical to \$2.6M + Paratransit at \$91K
- ▶ SCP based on FY'10 Indigent Claims

Breakdown by Hospital:

Christus St. Vincent	\$945,500
Espanola	\$145,065
Los Alamos	\$ 16,242

Suggestions for SCP – Option 2

Special Revenue (GRTs)		\$ 8,122,500
General Fund		\$ 1,132,654
Total Revenue		\$ 9,255,154
Health Adm	EMS	\$ 275,307
Indigent	Indigent	\$ 1,780,482
MCH	EMS	\$ -
ParaTransit	EMS	\$ 91,000
Mobile Hlth Van	EMS	\$ 190,000
Seniors	GF	\$ 871,272
County Fair	GF	\$ 201,382
Jail Medical	Indigent	\$ 2,608,000
Teen Court	GF	\$ 60,000
Subtotal Health Related		\$ 6,077,443
Subtotal RECC	EMS	\$ 3,304,329
SCP		\$ 2,108,307
Total Expense		\$ 11,490,079
Cash-Surplus/Need		\$ (2,234,925)

- ☞ Reflects an SCP Commitment of \$2.1M resulting in total base funding of \$6.9M
- ☞ Programs were cut by 3%, reduced the van to \$190K, cut MCH program
- ☞ SFC funds Jail Medical at add'l \$608K and ParaTransit at \$91K
- ☞ SCP based on FY'11 Indigent Claims

Breakdown by Hospital:

Christus St. Vincent	\$1,947,000
Espanola	\$ 145,065
Los Alamos	\$ 16,242

Suggestions for SCP – Option 3

		Option # 3 FY2012
Special Revenue (GRTs)		\$ 8,122,500
General Fund		\$ 1,132,654
Total Revenue		\$ 9,255,154
Health Adm	EMS	\$ 275,307
Indigent	Indigent	\$ 1,780,482
MCH	EMS	\$ -
Mobile Hlth Van	EMS	\$ 190,000
Seniors	GF	\$ 871,272
County Fair	GF	\$ 201,382
Jail Medical	Indigent	\$ 2,000,000
Teen Court	GF	\$ 60,000
Subtotal Health Related		\$ 5,378,443
Subtotal RECC	EMS	\$ 3,304,329
SCP		\$ 2,870,807
Total Expense		\$ 11,553,579
Cash-Surplus/Need		\$ (2,298,425)

- ◆ Reflects an SCP Commitment of \$2.87M resulting in total base funding of \$9.4M
- ◆ Programs were cut by 3%, reduced the van to \$190K, cut MCH program
- ◆ Reflects Jail Medical at \$2.0M
- ◆ SCP based on FY'11 Indigent Claims + direct services provided by the hospital of \$2.5M

Breakdown by Hospital:

Christus St. Vincent	\$2,709,500
Espanola	\$ 145,065
Los Alamos	\$ 16,242

Suggestions for SCP – Option 4

		Option # 4 FY2012
Special Revenue (GRTs)		\$ 8,122,500
General Fund		\$ 1,132,654
Total Revenue		\$ 9,255,154
Health Adm	EMS	\$ 275,307
Indigent	Indigent	\$ 1,780,482
MCH	EMS	\$ -
ParaTransit	EMS	\$ 91,000
Mobile Hlth Van	EMS	\$ 190,000
Seniors	GF	\$ 871,272
County Fair	GF	\$ 201,382
Jail Medical	Indigent	\$ 2,541,000
Teen Court	GF	\$ 60,000
Subtotal Health Related		\$ 6,010,443
Subtotal RECC	EMS	\$ 3,304,329
SCP		\$ 2,639,670
Total Expense		\$ 11,954,442
Cash-Surplus/Need		\$ (2,699,288)

- Reflects SCP Commitment of \$2.6M = total base funding of \$8.6M
- Programs were cut by 3%, reduced the van to \$190K, cut MCH program
- SFC funds Jail Medical at add'l \$541K and ParaTransit at \$91K
- SCP based on FY'11 Indigent Claims, direct services provided by the hospital \$1.6M and Medical invoices of \$150K

Breakdown by Hospital:

Christus St. Vincent	\$2,478,363
Espanola	\$ 145,065
Los Alamos	\$ 16,242

Suggestions for SCP – Option 5

		Option # 5 FY2012
Special Revenue (GRTs)		\$ 8,122,500
General Fund		\$ 1,132,654
Total Revenue		\$ 9,255,154
Health Adm	EMS	\$ 275,307
Indigent	Indigent	\$ 1,780,482
MCH	EMS	\$ -
Mobile Hlth Van	EMS	\$ 190,000
Seniors	GF	\$ 871,272
County Fair	GF	\$ 201,382
Jail Medical	Indigent	\$ 2,000,000
Teen Court	GF	\$ 60,000
Subtotal Health Related		\$ 5,378,443
Subtotal RECC	EMS	\$ 3,304,329
SCP		\$ 3,901,207
Total Expense		\$ 12,583,979
Cash-Surplus/Need		\$ (3,328,825)

- Reflects an SCP Commitment of \$3.9M resulting in total base funding of \$12.8M
- Programs were cut by 3%, reduced the van to \$190K, and cut MCH program
- SCP based on FY'11 Indigent Claims + direct services provided by the hospital \$2.4M (leveraged \$632K & \$ for \$)

Breakdown by Hospital:

Christus St. Vincent	\$ 3,739,900
Espanola	\$ 145,065
Los Alamos	\$ 16,242

Management Recommendation

Option 4

This is a conservative recommendation based on the circumstances as they are known today. If an additional deadline extension is granted by HSD, Option 5 could be considered.



- Simplifies funding of health related programs
- Hospitals receive total base funding of \$8.6M
- Reduces SCP commitment from its current level by \$4.2M
- A reduced commitment reduces the use of cash reserves by \$4.2M (however, cuts will still be necessary)

Supplemental SCP funding to be considered if:

- Revenue increases, or
- City of Santa Fe enacts a 1/8th GRT and funds a portion of SCP (which benefits the whole community), or
- City of Santa Fe funds a portion of Regional Emergency Communication Center operations.



	<u>Bokum/Current</u>	<u>Bokum/Proposed</u>	<u>Marcy</u>	<u>Don Gaspar/Peralta</u>
Office Square footage:	13,373	11,608	10,624	Don Gaspar/6794 sq. ft.
Cost per Sq. Foot:	\$22.00	\$19.15	\$20.35	\$17.00
Office +Common Area Sq. Ft.		13,474	12,232	Peralta/2628 sq. ft.
Cost per Sq. Ft.		\$16.50	\$17.67	\$18.00
Total Sq. Ft.		13,474	12,232	9,422
Annual Cost:	\$ 294,426.00	\$ 222,321.00	\$ 216,198.00	\$ 162,802.00
Utilities	Included	Included	Included	Included
Parking	36 spaces	32 spaces	35 spaces	36 spaces
Computer jacks	Yes	Yes	Yes	Yes
Staff:				
Finance	19	19	19	19
Purchasing	6	6	6	6
IT	13	13	13	13
Teen Court	3	3	3	3
Probate	1			
Surveyor	1			
Ish	1			
GIS	2			
City of Santa Fe	1			
Other Costs:				
IT hook ups & other			\$25,000est.	\$25,000est.
Moving Costs			\$10,000est.	\$15,000est.
Furniture			\$50,000est.	
Three Year Lease Cost	\$ 883,278.00	\$ 666,963.00	\$ 668,247.00	\$ 488,406.00
Additional sq. ft. 2000 x \$18.00				\$ 36,000.00
Moving Cost			\$ 85,000.00	\$ 40,000.00
IT initial investment at Bokum			\$ 96,000.00	\$ 96,000.00
	<u>\$ 883,278.00</u>	<u>\$ 666,963.00</u>	<u>\$ 849,247.00</u>	<u>\$ 660,406.00</u>
3 year savings		\$ 216,315.00	\$ 34,031.00	\$ 222,872.00

Bldg. not ADA accessible



Building Requirements:

***Downtown Location**

***Sq. Footage (10,000 EST.)**

***It connections**

***ADA accessible**

***Parking**

Site Locations:

Marcy Plaza (listed on spreadsheet)

Fiske House (listed on spreadsheet)

Paseo De Peralta (listed on spreadsheet)

Marcy plaza 5,000 sq ft.

Sandoval & Montezuma 6,000 sq. ft.

Luna at the corner of Manhattan and Cerrillos purchase at \$235 sq ft.

Rail yard Property \$21.50 sq ft pro rate utilities

Lincoln Ave 8,365 sq. ft. \$23.50 sq ft.

Sandoval St. 3,500 sq. ft. \$24.00 sq. ft.

PREVIOUS ITEMS

FILM INITIATIVES

Bill: SB44
Sponsors: Keller (D17)
Title: FILM PRODUCTION TAX CREDIT ACCOUNTABILITY
Summary: (For the Revenue Stabilization and Tax Policy Committee) Substantially overhauls the film production tax credit, mainly to measure effectiveness of the tax credit.
Subjects: Business, Manufacturing and Economic Development; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 01/18/2011 – Senate Corporations and Transportation Committee
History: 12/29/2010—S Pre-filed in the Senate.
 01/18/2011—S Introduced and referred to Senate Corporations & Transportation.
 01/18/2011—S Also referred to Senate Finance.
Scheduled: 02/09/2011—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session, Room 311

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

Bill: SJM15
Sponsors: Griego (D39); Keller (D17)
Title: REVIEW FILM TAX CREDITS AND INVESTMENTS
Summary: Requests the New Mexico Legislative Council to appoint an Interim Film Investment Committee to review and analyze evidence of the advantages and disadvantages of the state's film tax credits and film investments, and make recommendations to the Governor and the Legislature by December 1, 2011, for revisions to existing policy.
Subjects: Cultural Affairs; Taxation and Fees; State Affairs and State Agencies; Interim Studies and Interim Committees
Progress: 1st House: Referred to Committee
Status: 02/07/2011 – Senate Corporations and Transportation Committee
History: 01/31/2011—S Introduced and referred to Senate Rules.
 01/31/2011—S Also referred to Senate Corporations & Transportation.
 02/07/2011—S Reported Do Pass by Senate Rules.
Scheduled: 02/09/2011—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session, Room 311

Bill: SJM16
Sponsors: Griego (D39)
Title: EVALUATE THE NEW MEXICO FILM INCENTIVE PROGRAM
Summary: Requests the State Investment Council to evaluate the performance of the New Mexico Film Incentive Program, with particular emphasis on the loan component, and make recommendations for improvements and accountability measures to the appropriate legislative interim committee by December 2011.
Subjects: State Affairs and State Agencies; Cultural Affairs; Interim Studies and Interim Committees; Business, Manufacturing and Economic Development; Banks, Securities and Loans
Progress: 1st House: Referred to Committee
Status: 02/07/2011 – Senate Corporations and Transportation Committee
History: 02/03/2011—S Introduced and referred to Senate Rules.
02/03/2011—S Also referred to Senate Corporations & Transportation.
02/07/2011—S Reported Do Pass by Senate Rules.
Scheduled: 02/09/2011—Senate Corporations and Transportation Committee, 2:00 p.m. or 1/2 hour after floor session, Room 311

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

IMMIGRATION

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

02/04/2011—S Reported Do Pass by Senate Public Affairs.

Bill: HB261
Sponsors: Rehm (R31)
Title: LIMITED DRIVING PERMIT FOR UNDOCUMENTED FOREIGN NATIONALS
Summary: Prohibits the issuance of a driver's license to a person who is not a citizen of the United States and does not have valid documentation issued by the federal government authorizing the applicant's presence in the United States. However, sets out the conditions by which an undocumented foreign national may obtain a driver's permit, not a license.
Subjects: Transportation; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 01/31/2011 – House Labor and Human Resources Committee
History: 01/31/2011—H Introduced and referred to House Labor & Human Resources.
 01/31/2011—H Also referred to House Consumer & Public Affairs.
 01/31/2011—H Also referred to House Judiciary.
Scheduled: 02/10/2011—House Labor and Human Resources Committee, 1:30 pm or after floor session, Room 317
Meetings: HLC Committee Meeting On 02/10/2011 1:30 pm, Room 317

PREFERENCE FOR NM AGRICULTURE FOR FRESH PRODUCE

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

E-911 TRANSFER TO DPS

Bill: HB54
Sponsors: Varela (D48)
Title: HOMELAND SECURITY, EMERGENCY MANAGEMENT SERVICES AND FIRE MARSHAL TO DPS
Summary: (For the Government Restructuring Task Force) A reorganization and substantive law measure that consolidates state homeland security and emergency management functions in the Department of Public Safety (DPS) effective July 1, 2011. Three new divisions are created in DPS: the Homeland Security and Emergency Management Division, the Fire Marshal Division and the Enhanced 911 Division. Personnel, equipment, appropriations, records and other property of the entities now responsible for these functions are transferred to DPS.

Subjects: Public Safety and Corrections; State Affairs and State Agencies; County Affairs; Municipalities/City Government; Health and Medical Practice; Indians; Information Technology; Taxation and Fees

Progress: 1st House: Referred to Committee

Status: 02/01/2011 – House Taxation and Revenue Committee

History: 01/11/2011—H Pre-filed in the House.
01/19/2011—H Introduced and referred to House Health & Government Affairs.
01/19/2011—H Also referred to House Taxation & Revenue.
01/19/2011—H Also referred to House Appropriations & Finance.
02/01/2011—H Reported Do Pass as amended by House Health & Government Affairs.

Meetings: HHGAC Committee Meeting On 02/01/2011 8:30 a.m., Room 309
HTRC Committee Meeting On 02/04/2011 1:30 p.m., Room 317

AFFORDABLE HOUSING

Bill: SB177

Sponsors: Ortiz y Pino (D12); Papen (D38); Lopez (D11)

Title: MUNICIPAL AND COUNTY AFFORDABLE HOUSING ACT

Summary: Enables municipalities and counties to provide housing assistance grants pursuant to ordinance to qualifying grantees. Allows imposition, subject to referendum, of a property tax rate up to \$2/\$1,000 in net taxable valuation to support affordable housing for eight years.

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

Progress: 1st House: Referred to Committee

Status: 02/03/2011 – Senate Finance Committee

History: 01/20/2011—S Introduced and referred to Senate Corporations & Transportation.
01/20/2011—S Also referred to Senate Finance.
02/03/2011—S Reported Do Pass as amended by Senate Corporations & Transportation.

PER DIEM AND MILEAGE

Bill: SB107

Sponsors: Eichenberg (D15)

Title: PER DIEM AND MILEAGE RATE UNIFORMITY AND ELIMINATION

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

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

Progress: 1st House: Referred to Committee

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

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

TEEN COURT

SFC has met with Rep. Varela. We explained the importance of teen court and he assured us he will do what it takes to keep in place the funding

ADDITIONAL LEGISLATION

(POSSIBLE ACTION)

SURCHARGE 911:

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

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

FRANCHISE FEES

Bill: HB269
Sponsors: Sandoval (D17); Gutierrez (D33)
Title: COUNTY FRANCHISE FEES
Summary: Enables counties to impose franchise fees similar to the manner in which municipalities impose them.
Subjects: Taxation and Fees; County Affairs; Municipalities/City Government
Progress: 1st House: Referred to Committee
Status: 01/31/2011 – House Health and Government Affairs Committee
History: 01/31/2011—H Introduced and referred to House Health & Government Affairs.
01/31/2011—H Also referred to House Business & Industry.

LIQUOR EXCISE TAX

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

Bill: SB258
Sponsors: Sanchez, B. (D26)
Title: INCREASED LIQUOR EXCISE TAX: MENTAL HEALTH
Summary: Increases the liquor excise tax and creates a distribution of 25.26 percent of net receipts from the tax to the newly created, nonreverting Mental Health and Substance Abuse Fund. Reduces the liquor excise tax distribution to the Local DWI Grant Fund from 41.5 percent of its net receipts to 15.3 percent.
Subjects: Alcohol, Firearms and Tobacco Products; Health and Medical Practice; Appropriations; Taxation and Fees
Progress: 1st House: Referred to Committee
Status: 01/25/2011 – Senate Corporations and Transportation Committee
History: 01/25/2011—S Introduced and referred to Senate Corporations & Transportation.
 01/25/2011—S Also referred to Senate Finance.

ENERGY CONSERVATION BONDS

Bill: SB266
Sponsors: Wirth (D25)
Title: ENERGY CONSERVATION BONDS
Summary: Proposes a process for allocating and issuing qualified energy conservation bonds pursuant to Section 54D of the federal Internal Revenue Code.
Subjects: County Affairs; Municipalities/City Government; Energy Resources and Chemicals
Progress: 1st House: Referred to Committee
Status: 01/25/2011 – Senate Conservation Committee
History: 01/25/2011—S Introduced and referred to Senate Conservation.
 01/25/2011—S Also referred to Senate Finance.

FIRE

Bill: SB201

Sponsors: Munoz (D4)

Title: LESS MUNICIPAL FIRE PROTECTION FOR RESIDENCES

Summary: Specifies that local fire prevention code ordinances may only be applied to use and maintenance of commercial buildings and must not include one- and two-family dwellings and multiple single-family dwellings such as townhouses. Prohibits municipalities and the Construction Industries Commission from requiring fire sprinklers in noncommercial dwellings. Specifies that State Fire Board rules shall not apply to noncommercial dwellings. Gives authority for administration and interpretation of construction-related sections of the fire prevention code to the chief building official of the authority having jurisdiction.

Subjects: Land, Housing and Real Estate; Public Safety and Corrections; Municipalities/City Government

Related: 2011:HB167

Progress: 1st House: Referred to Committee

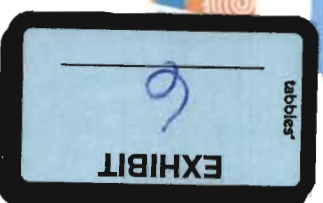
Status: 02/01/2011 – Senate Rules Committee

History: 01/20/2011—S Introduced and referred to Senate Corporations & Transportation.
01/20/2011—S Also referred to Senate Rules.
02/01/2011—S Reported Do Pass as amended by Senate Corporations & Transportation.

PROPERTY VALUATION**SOLE COMMUNITY PROVIDER****HOLD HARMLESS PROVISIONS****PERA**

Amended Submittal Caja del Rio Substation Project

The power to make life better. Together.

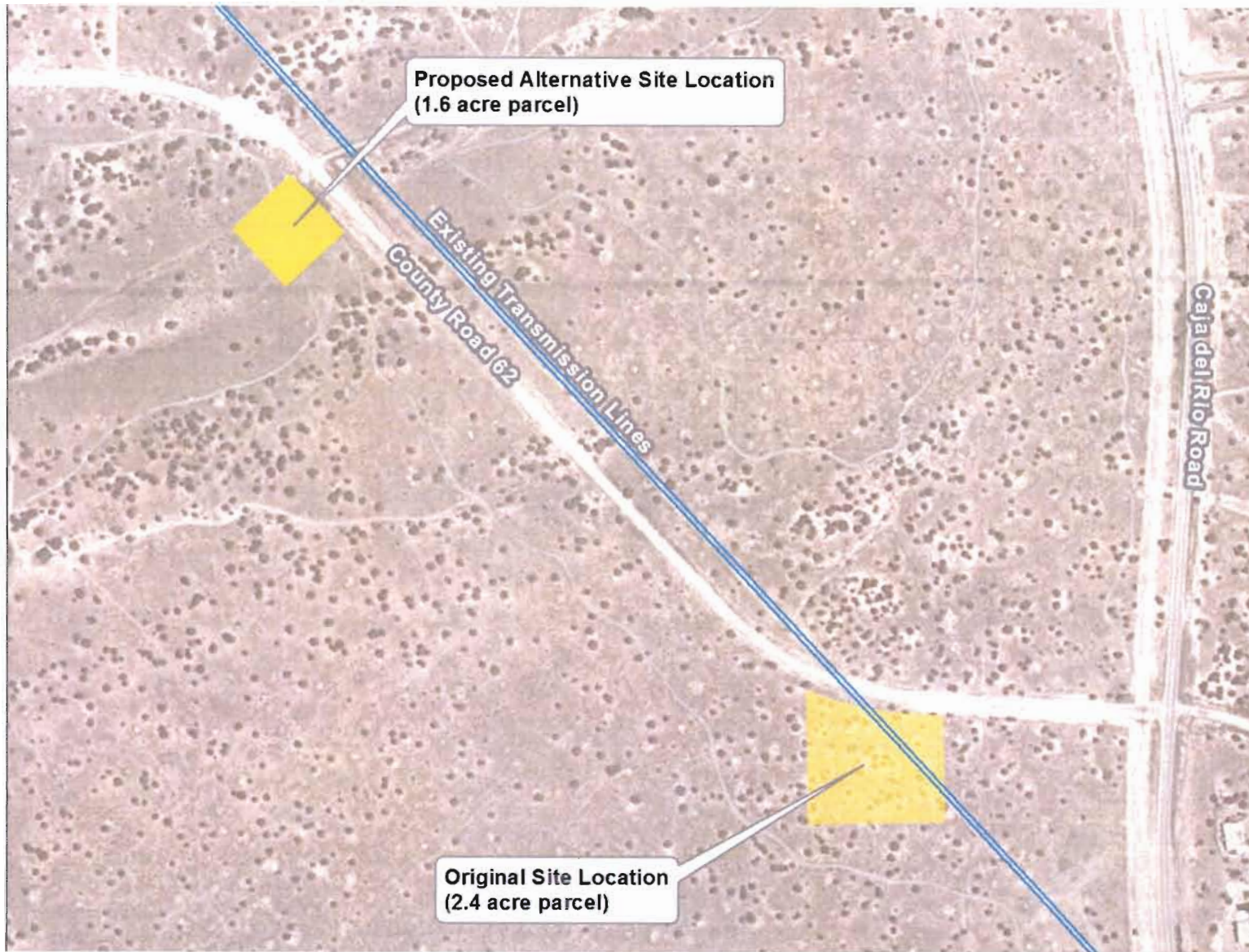


Project Update

- *The Caja del Rio Project has been in the County review process for over a year*
- *PNM has responded to concerns from the Commission and the community*
- *An alternate substation site is being brought forward to address these concerns*

The power to make life better. Together.





The power to make life better. Together.

Site Location Comparison



Easement Activity

- **Currently working through the City of Santa Fe process to acquire an easement at the alternative substation site.**
- **Going forward Feb 9th for conceptual approval.**
- **Contingent upon Santa Fe County BCC approval.**

BDD Activity

- **Currently working with the BDD Board for approval of the alternate substation site.**
- **Amendment of Service Agreement.**
- **Contingent on Santa Fe County approval.**



Caja del Rio Substation Project

Site Plan Map

- Proposed Transmission Pole
- Existing Transmission Lines
- Parcel Boundary
- Station Footprint
- Driveway
- Aerial Photo: Microsoft Bing World Imagery



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Letters of Support

- *PNM has received several letters of support for the alternative substation location.*
- *Residents gave verbal commitment at December 2010 BCC meeting in support of the alternative site and dropping all opposition to the project.*

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Request for Approval

- *Alternative site location is located on same parcel of land as original site.*
- *PNM has complied with the County process and has met all requirements.*
- *Amended submittal reflects effort to work with residents and the BCC.*

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