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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 27, 2012

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

SFC CLERK RECORDED 04/25/2012

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 27, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:00 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

The Pledge of Allegiance, led by David Corriz and the State Pledge led by Rodney Martinez from the Housing Department followed the roll call by County Clerk Valerie Espinoza which indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. Moment of Reflection

Commissioner Holian remembered the life of Santa Fe County Firefighter Isaac Garcia and led the moment of reflection.

VI. Approval of the Agenda

- A. Amendments**
- B. Tabled or Withdrawn Items**
- C. Split Executive Session**

KATHERINE MILLER (County Manager): Madam Chair, if you look at your amended agenda, under item VIII, Presentations, we moved item C, which is just introduction of new employees from under County Manager up to Presentations since some of them are here right now. Also on item XI. F. 3, there's a change to the caption; it was incorrect. The resolution to amend the Health Policy and Planning Commission to increase the number of members from 11 to 13. It previously read from 7 to 11, but it's actually 11 to 13. And then also under item XVI. there's a caption that was added, which is the Commissioner Issues and

Comments, non-action items.

Also, Madam Chair, there was some discussion of splitting the executive session and I don't know if you would like to do that.

COMMISSIONER HOLIAN: Madam Chair, I would like to move to consider the part of the executive session that has to do with limited personnel issues to right after the Presentations.

CHAIR STEFANICS: Thank you. We will consider that as part of the agenda, then we will vote on the executive session when it comes time for that, and that will be specifically for limited personnel issues. Okay, any other changes to the agenda?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: As far as executive session being split, what are we all going to hear under executive session?

CHAIR STEFANICS: Under the first executive session for limited personnel issues will be consideration of the process for the evaluation of the County Manager.

COMMISSIONER MAYFIELD: Madam Chair, and I'm sorry, but I guess are we going to listen to on the second part litigation matters? I guess I don't see why we have to split it.

CHAIR STEFANICS: Okay. Mr. Ross, in the executive session, what were all the items that you had planned?

STEVE ROSS (County Attorney): Madam Chair, we had a brief executive session planned on litigation, pending or threatened litigation, and limited personnel issues.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, anticipating time-wise, if we split it, we're going to go in, come back out, go back in. I'm just thinking can't we accomplish it all on the front end? I guess that's just my point.

MR. ROSS: Madam Chair, Commissioner Mayfield, it matters not to me. I'll be here. So if it's convenient and helpful to do it all at once we can do that or we can split it up; that's fine too. I don't have much.

CHAIR STEFANICS: So Steve, for your portion, you would need 30 minutes?

MR. ROSS: Yes.

CHAIR STEFANICS: So I'm assuming, Commissioner Mayfield, we need 30 minutes for the limited personnel matters and another 30 minutes for the other items, so that would be an hour.

COMMISSIONER MAYFIELD: I'll defer to the pleasure of the others.

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

COMMISSIONER VIGIL: Having had the experience of going into executive sessions and questions being brought up and discussions going on I think the limited personnel issue should be the only item of discussion if we break earlier and then we can go into litigation later on. So I'm in agreement with the motion. Has it been seconded, Madam Chair?

CHAIR STEFANICS: No. I don't know that we have a motion for it. It's just part of amending –

COMMISSIONER HOLIAN: It's just part of the agenda.

CHAIR STEFANICS: So we'll be voting on whether or not we amend the agenda. Is that –

COMMISSIONER MAYFIELD: That's fine. Thank you.

CHAIR STEFANICS: Thank you. Any other discussion on the entire agenda? We're not dealing with Consent yet.

COMMISSIONER HOLIAN: Madam Chair, I make a motion to approve the agenda as amended.

COMMISSIONER VIGIL: I'll second it.

CHAIR STEFANICS: Thank you very much.

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

VII. Approval of Minutes

A. Approval of February 28, 2012 BCC Minutes

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the February 28, 2012 BCC minutes.

COMMISSIONER ANAYA: Second.

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

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

VIII. Presentations

A. Recognition of Alice Sealey, Teen Court Program Manager, for Her 16 Years of Service to Santa Fe County and the Teens and Families in the Community

CHAIR STEFANICS: Alice Sealey is our Teen Court Program Manager. She has had 16 years of service to Santa Fe County and the teens and families in the community, and she has decided to retire. So, Mr. Gutierrez.

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, members of the Commission, I've had the pleasure of working with Alice for the last five years. During those years Alice has always given 110 percent to the Teen Court Program. This program has often been referred to as the model teen program of the state. Alice has always demonstrated her commitment and passion for this program. During the last 15 years Alice has run a program that has touched lives in a positive manner for thousands of teens in Santa Fe County. I just personally want to thank Alice for the great job that she's done and congratulate her on her retirement, and I'd like to introduce to you Jennifer Romero who will be filling her footsteps or filling her shoes as the director of Teen Court and she has a few words on Alice's retirement.

JENNIFER ROMERO (Teen Court): Madam Chair, Commissioners, I've been working with Alice for the last five years, over five years now and we've become very close in that time. Alice is well known in the community for her hard work and dedication to

breaking the cycle of behavior leading to criminal activity and changing negative cultural norms here in Santa Fe County. Her continuous networking has paved the way for a strong program and she has met and kept many friends along the way. Alice has been a wonderful asset to the program in every capacity.

She has overcome the many obstacles that running a Teen Court encompasses and has found ways to avoid them in the future. Besides the daily business of changing lives of our youth from her educational background and upfront personality many have learned how to speak proper English and get the task at hand completed. She has never lowered the bar for anyone. If she felt that you could have done better or needed to change a certain behavior she would let you know and she would give you advice on how to do it.

I would like to recognize Alice for being a leader in the community and being an incredible mentor for myself and many others. Thank you. And we just want to present Alice with a certificate of recognition.

CHAIR STEFANICS: So, Alice, would you like to say a few words and then we're going to come down and we have a few words of our own and then we'd like to come down and have a picture taken with you too.

ALICE SEALEY (Teen Court): Thank you, I just want to thank you all for the opportunity to work here, for giving me the chance to do the work that I needed or wanted to do. It couldn't have happened without Santa Fe County behind me. I wanted to say that I'm very sad about leaving but I feel like I am leaving this program in the best of hands, in the hands of Jennifer Romero who is an amazing human being. And having seen her almost in tears just now, I want to tell you, I didn't know she could cry. I've never seen her cry. And it just touched me so much because Jennifer is a real professional and she's always very even keeled. So that just made me want to cry. So thank you all.

CHAIR STEFANICS: Thank you, Alice. And we'll start with Commissioner Vigil. No comments? Commissioner Holian.

COMMISSIONER VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Alice, I just want to say that whenever we go out to lunch that you know more people than any other person that I go out to lunch with. And what I figure that means is that you have touched more people's lives in our community than almost anybody else, and I know that you have touched them in a positive way. In fact I think we should make a special award for that: the person who's made the most difference in our community and I think you'd be a top contender for that.

And I just want to say that I'm going to really, really miss you but I know it's not going to be for long because you're not going to be able to stay away; you're going to come back. So thank you.

MS. SEALEY: That is true. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Alice, good luck to you in your endeavors, and I know, like I told you earlier that you'll come back to help the community. The one thing I would say to you and to the community listening in is that you didn't rely on any one person to do what was right to help your program and your kids. You took it upon yourself to educate people, to make people understand the importance of what you were trying to do, and you were very good at advocacy for the things that meant a lot to you and

the kids were at the top of that list. So you've been a mentor, you've been a professional, you've been a community leader, so thank you for your service. Have fun in your retirement and I know you'll come back and do some work and help us in the community as well. So thank you very much.

MS. SEALEY: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Ms. Sealey, we haven't worked that long together but I appreciate the short time we've had together. I think a testament to you was what I read in the newspaper this weekend, so whoever hasn't had an opportunity to read that I suggest you read it. I learned a lot about you in that article that I read and you are an advocate for all the children in New Mexico and especially Santa Fe County. I think you've put them on a better path, you've helped educate parents. I think that's a great thing. There was a quote, and I don't have it in front of me but something you said was really heartfelt and I wish you the best success in whatever your future endeavors are.

MS. SEALEY: Thank you.

CHAIR STEFANICS: Thank you, Commissioner. My comments, Alice, are that the program is – I don't want to use the word exquisite, because that describes something else, but it is cutting-edge. And I was sitting with some of the officers, the bailiffs at lunch who talked about – we were talking about the fact that some of they youth, the teens, sometimes didn't come when it was time, and I said, well, why? Why would they not show up? And they said, well, because they thought they could blow it off, or they hadn't completed their service yet or – and there were different excuses. But I think it is programs like this that can really turn around a person's life. And it gives them a chance to avoid adults, our juvenile detention center, our adult detention center, and your program and all of your colleagues in that program have spent so much time.

And I want to thank all the volunteers. I know that many people have volunteered from the city and the county to be a part of this and I think it's been great. All the friends that you have means collaboration for all parts of the community on this program. And we'd like to thank you very, very much and I hope you have wonderful travels before you come back to volunteer with us again.

MS. SEALEY: Thank you. I will.

CHAIR STEFANICS: Okay. Could we please give her a round of applause and then we're going to go down. We'd like to take a picture of you and Joseph and Jennifer together with us.

VIII. B. Santa Fe County Fair Board Update

COMMISSIONER ANAYA: Madam Chair, this is an item that I'm going to have on the agenda for the coming months and I have one of the board members, Mr. Dobesh here. Mr. Dobesh, if you could just come forward. We did this last year and I'm going to do it this year, but there's many things that the Fair Board is doing in preparation for August that have to do with our indoor exhibits, our youth animal programs, preparation at the fairgrounds, of which I know the staff is preparing for, so staff could give us an update on the progress for preparing for the fair from a maintenance aspect and working closely with our

fair board. And then Mr. Dobesh, if you could take back to the fair board that we'd like to have presentations like we did last year from indoor, from youth, and special projects, getting the public acclimated with what's going to happen in August but also encouraging people to participate in the fair. So the floor is yours, Mr. Dobesh and I look forward to hearing your comments.

MIKE DOBESH : Thank you, Commissioner Anaya, Madam Chair and Commissioners. My name is Mike Dobesh and I'm the current vice chair of the Santa Fe County Fair Board and I just wanted to give you a very brief update about the Santa Fe County Fair Board. Basically, at this time of year we're just busy planning for the fair and it's going to be Thursday, August 2nd through Sunday, August 5th. Basically we're just finalizing the details of our events out there and fitting everything into our budget.

First of all I'd just like to thank the County Commissioners for their support of the fairgrounds themselves. We've had some wonderful projects done out there in the last year. We had some paving to the parking areas and the driveways that were much needed and we had some drainage concerns that were addressed. It looks great out there. We had some safety concerns about some slopes into some drainage areas and some slopes and that and the County was quite responsive and mitigated all of our concerns quite quickly. Like everyone else we had a list of things and the County really stepped up on those and got everything done, so we're very pleased with all of that.

Secondly, I would like to thank the County Commission for their support of the fair itself. We have a lot of kids all around the entire county right now who are gearing up. It's springtime. They're working really hard on their projects and some of those include livestock projects, horses and chickens and rabbits. A lot of indoor projects that kids are working on – leather crafts, posters, baking projects and such. One thing that I'm particularly excited about, we have a 4-H dog show on Saturday and a small pet show on Sunday and I think these days it's harder for some kids, they live in small areas or economically to have a horse that they maintain all year, livestock. Most kids have a dog or at least a small pet and the kids are showing up and I think that is truly an area of the fair that has grown substantially in the years that I've been on the fair board.

Also, a lot of adult exhibits out there. It's an artistic community and I'm always amazed at what shows up at the fair from beautiful, beautiful quilts to woodcrafting and a lot of things out there. I don't have any firm numbers for you, Commissioners, but I really truly believe the fair is growing. We don't have good numbers because we still don't have a gate and everyone is welcome. But everyone involved feels it's a growing fair; it's just busier every year.

So in conclusion I'd like to thank you very much for all of your support and invite each one of you to come out and see what we have going on out there again, Thursday, August 2nd through Sunday, August 5th. Thank you very much.

CHAIR STEFANICS: Thank you. When you come back next month, or somebody else, maybe we could have a story from something that happened with one of the youths or one of the contestants – somebody who won something they never thought they'd win. But I think that a lot of people don't understand that they can participate in the county fair and it would be great to give them some examples.

MR. DOBESH: Thank you. We will do that. And yes, there's a lot of participation for kids and not just 4-H but there are open events for adults and kids in general in the community as well and we will have some stories next month. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya, anything else?

COMMISSIONER ANAYA: Madam Chair, I don't have anything else. I think that it's a process that we're going to get to August with and the more we encourage people to participate and like you said, tell stories, I think the better that will be. So thank you, Mr. Dobesh, very much.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Dobesh. Thank you for being here. One thing that I brought up, and I know, Commissioner Anaya, this is near and dear to his heart and he arguably brought me along saying, you know, Danny, you really need to come and look at the fairgrounds and what it means for our community. One thing that I wasn't aware of is just participation throughout all of Santa Fe County. This is open for all of Santa Fe County. One thing that I've been trying to work with our County Manager, also with our director of our Community Service and Senior Service program is to involve our senior centers with this, to let them know there are craft fairs that they can enter into. When I've been up north talking to my senior centers, they're really not aware of the opportunities they can have by participating with the involvement of our County fair. The one thing that I ask is coordination with our local youth programs, such as the Boys & Girls Club. There is phenomenal work that is produced with these youth and these local programs and I think if we extend that outreach to them and maybe a field trip, maybe asking if they have some general participation in some of these craft fairs you might generate some more enthusiasm in some of the livestock opportunities that are out there. And just for that I would ask that we try to extend as much outreach as possible. Whatever assistance you need from me for that outreach to take it to all of Santa Fe County I'd be more than happy to do that. So thank you for what you all do.

MR. DOBESH: Thank you.

CHAIR STEFANICS: Thank you, Commissioner Mayfield. And Mr. Pacheco is sitting here, so maybe he can get all the senior centers in competition with each other and do some kind of category, whether it's growing, whether it's arts and crafts, whether it's quilting, whether it's painting, etc. But thank you very much for sharing your time with us today. We really appreciate it.

VIII. C. New Employees

MS. MILLER: Madam Chair, Commissioners, I did just introduce in the Indigent Board meeting this morning Rachel O'Connor who is going to be our Health Division Director and I just wanted to make sure that she was introduced once again.

CHAIR STEFANICS: Rachel, where are you? Please come up from so they can see you.

MS. MILLER: And then we also – most of these individuals can't be here but I just want to let you know that we hired four ECF trainings in the Public Safety Department and an ECF III, and then also two volunteer firefighters, an animal control officer and a solid

waste maintenance worker. And unfortunately they're all out in the field but I just wanted to let you know that we did have those positions filled and I can send you around the names but if you can't put them to a face, I just wanted to let you know at least one of them is here today.

CHAIR STEFANICS: Thank you very much and welcome to Santa Fe County, Rachel and everybody else, and we're glad that the people are out in the field representing us and taking care of us as well. Thank you.

XIII. Matters From the County Attorney

A. Executive Session

2. Limited Personnel Issues

COMMISSIONER HOLIAN: Thank you, Madam Chair. I move that we go into executive session where we will discuss limited personnel issues.

CHAIR STEFANICS: Is there a second?

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: There is a motion and a second. We need a roll call.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2) passed upon unanimous roll call vote with Commissioners Anaya, Holian, Mayfield, Vigil, and Stefanics all voting in the affirmative.

CHAIR STEFANICS: Thank you very much. We will be in executive session for approximately 30 minutes. Thank you. So we are temporarily recessed.

[The Commission met in closed session from 1:30 to 2:30.]

CHAIR STEFANICS: Let's get started again.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move that we come out of executive session where the only items that were discussed were personnel issues. All present were Santa Fe County Commissioners and our attorney, Stephen Ross.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion and a second to come out of executive session.

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

IX. Approval of Consent Calendar

CHAIR STEFANICS: Before we go further, we have a couple of former County Commissioners that I'd like to recognize. We have former County Commissioner

Jack Sullivan in the audience and former County Commissioner Paul Duran was just here. So welcome and thank you for being here. Not sure why you're here, but if you're here to check up on us we are all dressed appropriately today. We are smiling. No, I know that some are here for the ordinances this evening; others might be here for public comment. So welcome very much. Thank you for coming. We really appreciate it.

So we are on Consent Calendar. Are there withdrawals?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER MAYFIELD: I would like to remove Consent item A. 1, Consent items B. 1 and 2, please.

CHAIR STEFANICS: Okay. Are there other Consent items to withdraw?

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

COMMISSIONER VIGIL: Second.

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

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

X. Consent Calendar

A. Miscellaneous

1. Review and Discussion of the Monthly Financial Report for the Month Ending February 29, 2012 **ISOLATED FOR DISCUSSION**
2. **Resolution 2012-43, a Resolution Authorizing the Disposal of Personal Property in Accordance with State Statutes**
3. **Resolution 2012-44, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded Through the Reverted 2009 American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Grant Program / \$3,331.98**
4. **Resolution 2012-45, a Resolution Requesting an Increase to the State Special Appropriation Fund (318) to Budget a Grant Awarded Through the New Mexico Aging & Long-Term Services Department for Improvements to the Edgewood Senior Center/ \$7,150**
5. **Resolution 2012-46, a Resolution Requesting an Increase to the NMFA Loan Proceeds Fund (340) to Budget a Loan/Grant From the NMFA Water Trust Board for Bank Stabilization on the Rio Quemado in the Amount of \$46,000. This Request is Also for an Operating Transfer From the Capital Outlay GRT Fund (213) to the NMFA Loan Debt Service Fund (403) to Pay Debt Service for the Loan in the Amount of \$4,600**

6. **Request Approval to Award RFP #2012-0104-CSD/MS to S&G Land and Cattle for Top of the World Agriculture Lease in the Amount of \$4,500.00**
 7. **Request Approval of Amendment #1 to Price Agreement #2010-0323A-ASD/TRV with Matthews Office Supply to Allow for a Price Increase Due to Increase in Manufacturer's Costs**
- B. Appointments/Reappointments**
1. Appoint Members to the Santa Fe County Road Advisory Committee **ISOLATED FOR DISCUSSION**
 2. Appoint Members to the El Rancho Community Center Advisory Committee **ISOLATED FOR DISCUSSION**
- C. Final Orders**
1. **CDRC Case # V 11-5270 Cuatro Villas Mutual Domestic Water Users Association. Cuatro Villas Mutual Domestic Water Users Association, Applicant, Kari Edenfield (Souder, Miller and Associates), Agent, Requested a Variance, of Article III, Section 4.4.4.C Development and Design Standards, to Allow a Proposed Water Storage Tank to Exceed the Maximum Permitted Height of Thirty Six Feet. The Project is Located at 51 Placita Road, within Section 4, Township 20 North, Range 9 East (Commission District 1) Approved 4-0**

Withdrawn Items

- X. A. 1. Review and Discussion of the Monthly Financial Report for the Month Ending February 29, 2012**

COMMISSIONER MAYFIELD: Madam Chair, I think this is important for our community to hear about and I'd like the review to be done publicly on the discussion of our finances within Santa Fe County.

CHAIR STEFANICS: Okay. Thank you, Commissioner Mayfield. And I asked the same question and I do want to remind everybody that we will do a formal presentation every quarter but this is totally within your purview of course. It can be brief.

CAROLE JARAMILLO (Finance Division): Good afternoon, Commissioners. This monthly report covers the month ending February 29, 2012. Just to briefly summarize, our recurring revenue is at approximately \$80.8 million at the end of February. The total expenses total about \$56.3 million, leaving excess revenue of \$24.5 million. I say excess revenue, that's the difference between revenue and expenses, a positive variance.

Our property tax collections through the end of February were \$2.6 million over budget, with that compared to last year at the similar timeframe of \$210,000. So we're in significantly better shape in our collections this year than last year.

Our gross receipts tax collections are \$336,886 over the budgeted amount, which is about 2.5 percent over budget. We have received some equalization funding from the state in the amount of \$512,000.

Non-recurring expenditures totaled \$34.5 million, and those are for capital expenditures which you see listed in your packet material.

We will of course continue to monitor our recurring revenues and our expenses as we do every month to make sure we remain lower than our budget and if we – just to give you an update we have started receiving our FY 14 performance-based budget requests from the divisions and departments in the County so we will be reviewing them and holding hearings on those two weeks in April, and I stand for any questions.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, thank you for this update. I'm just glad we're all hearing we're collecting more money than we're spending. I think that's a positive direction this County is moving in. Madam Chair, Ms. Miller, if we could just have this as a regular item, and if that needs to wait until the next meeting to put that on for an action by the Commission I would request that be done please.

MS. MILLER: Madam Chair, Commissioner Mayfield, this has always been on. What we did is we were asked to do a lot more reports from other departments so we have just reduced the Finance Department report to a quarterly report but the report is always in the packet. If it's the desire of the Commission that it's always as a presentation we could do that as well, but it's always in your packet. But we were going to do quarterly updates because there's not a lot of change from month to month. But if you want to have it as a presentation the only reason we switched it to being a quarterly presentation is we were trying to bring in other departments to do quarterly presentations as well.

COMMISSIONER MAYFIELD: Thank you. So, Manager Miller, it will always be at least on the Consent Calendar and we can pull it off every month.

MS. MILLER: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: And just a very brief update as Carole just provided I think is great. So thank you, Madam Chair. Thank you, Ms. Miller.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Jaramillo, could you restate property tax collections last year at this time and what they are this time again?

MS. JARAMILLO: Madam Chair, Commissioner Anaya, through February 2012 property tax collections totaled \$27,373,377 for the general fund. And for that same period in 2011 the total is \$37 million – excuse me. I'm sorry. Let me try that again. The total for FY 12 through February is \$37,545,228 and the total through February for FY 11 is \$37,369,978.

COMMISSIONER ANAYA: Madam Chair, I'm sorry. Say that again. There was a – I thought you represented there was a \$2 million increase from last year to this year. Did I hear that wrong at the beginning of your presentation?

MS. JARAMILLO: I may have misspoken. We are \$210,000 more than the prior year's collection for the same period.

COMMISSIONER ANAYA: So, Madam Chair, I'm looking at page 2 at the bottom of your presentation, it says property tax collections are \$2.6 million over the budgeted amount. Is that right or wrong?

MS. JARAMILLO: No, the \$2.6 million is over the budgeted amount, not the prior year actuals.

COMMISSIONER ANAYA: So we're \$2.6 million over projections. That's a good thing.

MS. JARAMILLO: Yes. That's a very good thing.

COMMISSIONER ANAYA: Very good thing.

COMMISSIONER ANAYA: So re-emphasizing the point of the last meeting, our Assessor, with existing staff, not new staff, are doing their job. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. And to also clarify, Ms. Jaramillo, at the top of page 4 you have actual property tax collections, so those are the correct amounts?

MS. JARAMILLO: These are the correct amounts. The amounts that I gave you for Commissioner Anaya include the debt service, property tax amount. This is for the operating amount.

CHAIR STEFANICS: Thank you very much. Any other questions? Commissioner Mayfield, we need a motion on this item.

COMMISSIONER MAYFIELD: I apologize. Madam Chair, I move for approval. Thank you for the presentation, Ms. Jaramillo. It was great.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay, there's a motion and a second for A. 1.

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

X. B. 1. Appoint Members to the Santa Fe County Road Advisory Committee

COMMISSIONER MAYFIELD: Madam Chair, thank you. Board appointments, I just would like to have them come forward. Mr. Leigland, the ones in my district, I have a name that came to me via email that I want to substitute and there was still a recommendation that you were looking for from one of my members, the Chimayo-Pojoaque-El Rancho area. Did you want to present the whole –

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, this is the long awaited by the Commission appointment of the members.

CHAIR STEFANICS: On that point, just on Commissioner Mayfield's point, Commissioner Mayfield, if you forwarded somebody by email, have they been vetted and done the background check, etc.?

COMMISSIONER MAYFIELD: No, Madam Chair. That's what I wanted them to receive. That's why I want to bring some names forward. Is the process to send you all an email? How do you all want that?

CHAIR STEFANICS: So do you need this entire report done or do you just have an issue about that one?

COMMISSIONER MAYFIELD: Well then, Madam Chair, I'll just ask to postpone District 1 appointments at this time until I can forward you those emails and you can do the vetting.

COMMISSIONER ANAYA: Madam Chair, on this point.

CHAIR STEFANICS: Certainly. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point. I apologize protocol. I have two people who have sent letters in, two emails with résumés that I had not told Public Works yet that I wanted to move forward but they absolutely did receive the emails. I'd like to add those two and fill all my appointments today. So I guess I'm curious about what you're saying about vetted. If they received them – is there some other process they're doing?

CHAIR STEFANICS: Yes, Commissioner. I'm going to look to Steve to talk about what the process is for all volunteers in Santa Fe County, when they apply, what application form they go through and what background check. Or maybe it's Penny. Ms. Ellis-Green, do you want to respond to what all volunteers go through when they apply?

PENNY ELLIS-GREEN (Deputy County Attorney): Sure, Madam Chair, Commissioners. The applicants send in a résumé and a letter of interest and then complete a conflict of interest form, a background check form, and then we have a few other questions that the County Attorney's office have created that we ask them to answer, and then those are reviewed by the County Attorney's office.

CHAIR STEFANICS: And Ms. Ellis-Green, this is set in one of our ordinances? This is the Ethics Ordinance?

MS. ELLIS-GREEN: I believe it is the Code of Conduct Ordinance, yes.

CHAIR STEFANICS: Code of Conduct. I'm sorry.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: I think Commissioner Anaya, you still have the floor. Then we'll go back to Commissioner Mayfield.

COMMISSIONER ANAYA: So, Madam Chair, my appointments that are before today have filled all those out and gone through that? Because I don't recall them telling me they did all that to be quite honest with you.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I believe so. Yes. Looking at the names right here for your district I believe they have.

COMMISSIONER ANAYA: They filled out a conflict of interest form and a background information and went through a review?

MR. LEIGLAND: Madam Chair, Commissioner, I believe so.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, or maybe this is better for Ms. Ellis-Green. Have every one of our committees gone through the same process where they've been arguably pre-vetted before their names have come to us to approve them?

MR. LEIGLAND: Madam Chair, Commissioners, I can't answer that question.

COMMISSIONER MAYFIELD: That would be for Ms. Ellis-Green.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, yes, I believe they have. We've done that definitely for CDRC, the Ethics Board, the Protest Board, HPPC, Maternal & Child Health. Yes. They've all done that.

COMMISSIONER MAYFIELD: Have we done that for our community center boards? Okay. That's great. So that will be my next question for Ron. Madam Chair, that's fine. I'm just going to withhold on appointing District 1 appointees until those résumés go to Adam Leigland's office and however they get vetted through HR is how they get vetted through HR.

CHAIR STEFANICS: So Commissioner Mayfield, I'm taking that as a motion to amend out District 1?

COMMISSIONER MAYFIELD: At this time, please, Madam Chair.

COMMISSIONER ANAYA: Madam Chair, I have a suggestion for the Commissioner if we could just talk about. In the interest of the Road Advisory Committee hasn't been meeting. I know that in the Commission, on the agenda I've asked that we get it done and I know that other Commissioners have said the same thing. So I'm going to ask for something. Mr. Ross, if you could weigh in on this from a legal standpoint.

MR. ROSS: Madam Chair, Commissioner Anaya, we're just discussing that right now and we wonder why you couldn't suggest some names, vote on them pending this investigation that we normally do.

COMMISSIONER ANAYA: I was just going to say that, because I would like them to – I'd like to – and I apologize for not giving these to you sooner. You received them, but you don't vet them until I from my district say these are the ones I want, I would assume. But I would like to do that so that these guys can meet. And I would like to, if I could, Commissioner, I would like to add to District 3, pending approval of the background, Caroline V. Moore from the Rancho Alegre area off of 14, and Charlie C de Baca from La Cienega. And I would just like to add those two pending that they fulfill their obligations so that the Road Advisory Committee can have a meeting.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, do you have names you want to add so that it's one motion?

COMMISSIONER MAYFIELD: Sure. Madam Chair, Adam, thank you for that, and again, pending the vetting that you all do through HR or where you do your vetting, for my representation from the Chimayo/La Puebla area for a three-year term I would like to – and I think you all have received the email so tell me if you haven't. Edward Medina.

MR. LEIGLAND: That name doesn't sound familiar to me but we might have received it.

COMMISSIONER MAYFIELD: I see Mr. Rios back there shaking his head that it's been forwarded to you all. My second appointment will be Mr. Levi Valdez from the Jacona area, pending what you all have to do, and the third will be a Mr. Robert Hirasuna from the Tano Road area please.

CHAIR STEFANICS: So, Commissioner Mayfield, you want to add Edward Medina and you want to remove Don Miller?

COMMISSIONER MAYFIELD: Well, I'm not saying I want to remove anybody but I would like, after looking at the résumés but I would like Mr. Robert Hirasuna to be my recommendation for the Tano Road area please.

CHAIR STEFANICS: You can't have two representatives from the Tano Road area. Correct, Adam?

MR. LEIGLAND: Well, I don't think we can, Madam Chair, Commissioner Mayfield, in there we don't designate in the districts how it can be distributed but you probably don't want to have two people. But we made a staff recommendation but it sounds like you're replacing our recommendation.

COMMISSIONER MAYFIELD: And that's fine. I like how you guys geographically spaced everybody out, so if we could have again, Edward Medina, Levi Valdez and Robert Hirasuna please.

MR. LEIGLAND: Okay.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER MAYFIELD: Okay, so that's a formal motion? And is there a second? I'll second. Any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I know we had a lot of discussion on the ordinance and this is going to allow us to move forward, but I still think alternates for this committee, not for every position we have but maybe at least one or two from each district might be helpful to maintain quorums. So I just put that out there for us to contemplate in the resolution. I brought that up during the ordinance I guess. It went from ordinance to resolution. Right? So that's my only other comment. Thanks.

CHAIR STEFANICS: Okay. We have a motion and a second. Any further discussion?

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

X. B. 2. Appoint Members to the El Rancho Community Center Advisory Committee

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I hope the vetting has been done on these three folks. I just want their names recognized, because I know I've been asking for some community member membership at my community centers. I'm very grateful that three individuals have asked to represent the El Rancho community, so I'm just looking for their names to be mentioned publicly.

RON PACHECO (Senior Services): Thank you, Madam Chair, Commissioners. Thank you for taking the time. I'm happy to let you know that out of the El Rancho area we have Gerald Catanedo, Gus Roybal and Bennie Gomez, who have all gone through the process of submitting the required paperwork and being eligible for approval as the committee in El Rancho, and Commissioner, we have agreed down the road, because we can go up to five members, that as other members come forward and we vet them through the same process, we'll be happy to confirm two more members up to five.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'd move for approval of staff's recommendation.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Thank you. There's a motion and a second for item B.
2.

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

XI. Staff and Elected Officials' Items

A. Finance Department

1. Discussion of the Capital Improvement Project Prioritization Process to Be Utilized for the Funding of County Projects with Available Capital Funds, Which Include Bond Proceeds and Gross Receipt Tax Revenues

MS. MILLER: Madam Chair, Teresa Martinez is out sick, so we're not going to do a complete presentation on the gross receipts tax bonding capacity. We'll save that to the next time, but I can give you just a general idea in capital outlay gross receipts tax, what's available and what's bonded against. Btu we're not going to do a complete presentation on outstanding bond issues and total available dollars till the next meeting.

CHAIR STEFANICS: Thank you, Ms. Miller.

MR. LEIGLAND: Madam Chair, Commissioners, earlier I left at your desk a color printout which is a project list of approximately 215 projects. This is our first draft of a new process where we prioritize the County's capital improvement process, coming up with a capital improvement plan. So the first thing I want to stress is this is a draft. This is really more of a test of our process and that's what I would like to discuss today is in fact the process, and come to the philosophy behind it and also a discussion about the scoring factors that go into this.

So speaking about the scoring factors first, this prioritization scheme is based on eight different scoring factors. Each one has approximately the same weight and the factor descriptions are included in the packet memo. The intent of this is to have some sort of objectivity in applying articulated County values, such as supporting the growth management plan, such as promoting economic development, such as minimizing life cycle costs, also meeting mandated or regulated project requirements, and putting those all together in one list and creating this list before you which is a statement of County capital needs.

I'd like to stress at this point that this list doesn't take into account how we plan to meet this need, which is to say what the possible funding sources are. That's in the step 2 of the capital planning process. This is just an articulation of need.

So what we do is we have these eight scoring factors, we apply points. The project manager, the subject matter expert about an individual project applies the points to each individual project. We put them in. We rank them. And then based upon how many points the project gets it produces this prioritized list that you see in front of you.

So I gave you this list because as I said it's still a draft and we're still fine-tuning it and I'm still working with each of you for your inputs. I wanted to give you an idea of the types of projects that you will see, how the scoring will work, and also to give you an idea, just to let you know, in the far right column you'll see the running total cost. That gives us a rough idea of how many projects we can execute based on the capital capacity the County will have through all of our different capital funding sources.

So just to give you an idea, the 20 projects on this list will cost about \$28 million. So I'm not saying that the County will execute if we get \$28 million of capacity we will execute projects one through twenty. That's not necessarily the case. But it does give us an idea of how far \$28 million go based on these County needs.

So I also note that this list is maybe incomplete because we created this list by scouring all previously existing lists, because that's the only thing we wanted to do with this is capture all County capital needs in one place, so we went to the ICIP list, we went to the MPO, we went to other lists and combined everything here. So this list is not complete that I don't imagine it's going to go much past maybe 230 projects total.

And 230 projects may sound like a lot for a need of about \$250 million, but that's fine because this is just a statement of need. We all know that we can't get everything we need all at once but we can plan for it in an orderly fashion until we put it on a list and we start to manage it. One of the strong factors is the project status. We identified five phases in a project's life, like identification, planning, program design, construction, and so the farther that a project is to executability, which is to say ready to send to procurement, it's going to get more points. Because one of the things we heard from you is we can't receive money and then fail to use that money because we weren't ready. So we really wanted to make that a priority.

But another thing that's nice about that is we can see projects rise on the list as we apply resource to get them from planning into design, into ready to be procured, and so projects will have a life on this list as well as we apply staff resources. So it's also a tool to help you prioritize staff resources.

So I don't want to talk too much further. I want to open it up for questions. This is a work in progress but I'm very excited about this. I think it's going to make our jobs a lot easier and we can be more effective. So with that I stand for any questions.

CHAIR STEFANICS: Thank you. Commissioners, I had a meeting with Mr. Leigland and one of the things I shared with him was that before I would want to prioritize I would want to know all the funding sources so that I could tell that there really was a possibility of doing a very large ticket item, and we discussed that. Now, Mr. Leigland, there are two items on here, on your memo that's in the book that do not carry equal weight. And the project leverage outside funds is only 5.88 percent. Now, it would seem to me that if the federal government or the state government was going to give us a large amount of money that that could bump a project up quite a bit, but yet it's carrying a low weight.

MR. LEIGLAND: Madam Chair, that's right. This is a work in progress. We struggled with the weighting of the factors and we settled on the factors that you see there which is 50 points out of the possible 100. So if it's decided that it's not – if we need to give more weight to that then we definitely can do so.

CHAIR STEFANICS: Well, my only comment about that is that it's not too often we get a gift, a large amount of money from other entities, so I wouldn't want that to be lost. That's my comment.

MR. LEIGLAND: Madam Chair, I understand.

CHAIR STEFANICS: Other comments? Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I don't have a bunch of comments. Mr. Leigland has been wanting to meet with me so I want to give him the benefit of a discussion before we get into too much detail. But I will say to you and publicly to the people listening and watching is that I really respect that you're trying to get your hands around what are some criteria and thresholds and resources that we can utilize to try and focus in on what we feel are priorities. But what I will say to my fellow colleagues sitting to my left is what their priorities are in their individual districts I fully respect, and those may fall as a 175 priority on this list but the reality for that respective Commissioner is it may be a number one. And so taken in that context and taken as I would expect we do as a governing body is that we're trying to create some parity of resources that we spend throughout different parts of the county.

And so because we have different needs it's going to be real hard to really get it down to a scientific analysis and in many ways I'm going to defer to my fellow Commissioners to determine what their priorities are and support those priorities, because those priorities are based on need within respective communities, taking into context resources and other items. So I wanted to say that publicly.

There are some in here that I see are way, way down on this list but way at the top of my list, and I think you know which those are and we'll sit down and talk more about those. But I think it comes down to parity of expenditure of money and that we're fairly distributing the resources that we have that we know are limited, based on those needs in those communities and those priorities that staff may have but that Commissioners have. Did you want to comment on any of those comments?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, first I'll say that, as I said to the chair earlier, I think we still need to tweak the factors a little bit because one of the things that we did, we've adjusted the factors probably three times then we'd run the list and say, does that make sense? Because we're still struggling with how to do the weighting and we're not exactly sure for instance if we have the lifecycle costs down exactly right. So what you might be seeing on this list – I don't want you to put a lot of faith on the priorities in here because I'm not sure we have it exactly right. Again, I just want you to know what the output will look like. There will be a prioritization based on the factors. And then another thing I want to say is the Commissioner input actually is very important, not only philosophically but actually we've already run some Commissioner inputs and the Commissioner input is turning out to be the most important factor.

So I think that once we get the Commissioner input in there that this will look a lot different and I think it will reflect closer to what the Commission actually wants.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, Mr. Leigland, and thanks for the time we met and spoke to me about this. I think it was yesterday or the day before. And I understand this is a draft, but one column I would like to see is which district these priorities are in. And I know we have competing needs in different districts and I understand the capital structure and sometimes one district may have more needs than another but even on this draft I think my district doesn't pop up until the 28th priority as far as any items within District 1, so that does cause me a little concern.

The second algorithm or computation that you're using here that I just want some definite explanation is the SDA area. So if an SDA-1, which I have none in District 1 receiving a higher importance than an SDA-2, I have some SDA-2 area. I definitely have SDA-3 areas, and also maybe for the public you can explain what an SDA area is and if we're going to put all our weighted resources towards an area that is an SDA-1 philosophically we can agree or disagree with that, but then that arguably shortchanges my district if I only have an SDA-2 area.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, a number of questions. Let me see if I can answer them. First, we can definitely put the district on there and actually the only reason I did was I was trying to put it on a printable page. But we have a number of fields I can put also information and we had it broken out by district, and that was the basis of the list that I gave you earlier. So that's easy.

The second one you asked about was the SDA or sustainable development area. The sustainable development areas are the identified growth areas in the Sustainable Growth Management Plan. So the SDA-1 is sort of the – I guess you would call it the metropolitan fringe or it's the more urban areas of the county. It's areas where the County wants to put most of its growth and that tends to coincide with the metropolitan boundary. Then SDA-2 is lower down and it is more of a rural type, and then SDA-3 is more agricultural. So that's the definition of the sustainable development areas. And you're exactly right. We broke those out into three categories so in this prioritization we gave SDA-1 100 points if it falls in SDA-1. If it falls in SDA-2 we gave it 66 points and if it falls in SDA-3 we gave it 33 points. So you're right. We prioritized SDA-1 as that factor because that's what's reflected in the Sustainable Growth Management Plan.

But if I'm not mistaken you do have some SDA-1 in your district, on the southern end of your district. So I think there is SDA-1 in all five of the districts. The northern part of District 3, the southern part of your district, for example. And then the second thing I'll mention is that's just one aid for the total scoring factor. So we felt that it was important to include but we didn't, just for the reasons you mentioned, we didn't want to make it the overriding category. But if the Sustainable Growth Management Plan says we need to focus resources then we felt we should acknowledge that in some way.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, have you all given weightings in here to areas of deficiencies within districts? I know I believe I have some very deficient areas as far as capital needs within District 1 aside from my prioritization for what I would like to see in District 1, and I'm respecting all of Santa Fe County. I'm sure there are areas that are deficient within all of Santa Fe County. So what weight are deficient areas receiving?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, actually there are two ways that deficiencies can be included. One of the categories we call mandatory/risk, and so those are projects that for instance – I can't think of any off the top of my head in your district but say Valle Vista lift station, which I believe in Commissioner Anaya's district. We had a write-up from the EPA. So we had a legal obligation to address that, so we wanted to give that more points. It doesn't necessarily have to be a write-up of that nature, but we wanted to have a specific category to address just what you're saying. It could be, for

instance, the Fire Marshal identifies there's a fire safety on a community center because the sprinklers are wrong. So that would give max points.

And the second category, one of the categories is is this project identified in another approved policy or plan. And so this would be an example of say, for instance, the Road Advisory Committee, through their process they come up with a list of projects, and so that essentially becomes – and so the Road Advisory is accepted by the board. That becomes the road policy. So since it exists in that it gets extra weight in this list because it's been identified as a special thing.

I'm trying to think of another. The conjunctive use plan, which is the County's most recent approved water plan. That has some deficiencies in there with regard to water, so we would pull those projects from the conjunctive management plan and pull them into this project and they'd get extra weight that way. So those are the two ways that deficiencies are identified.

COMMISSIONER MAYFIELD: Okay. Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other comments? Okay, so at this point you've received some of our recommendations and ideas. We will continue individually to look at this and to meet with you, and what's the next step?

MR. LEIGLAND: Madam Chair, well, first I would like to meet with everyone individually and not only continue to get your inputs but also just get your philosophy. Also, I'd like you to identify if there are any projects on here that are missing, because as I said I'm not sure that we captured all needs on here. Or vice versa, conversely, if there's something on here where you say, you know what? We don't need that anymore. That's an old thing. So we can kind of polish this list.

So once we have the list nailed down, by that I mean we've finalized the inputs and the factors, we will create what I call the financial planning aspect of it and that is I think what is most important to you, and that is where we start putting potential funding sources to each one of the projects. So we'll go down the list and every project, on a case by case basis and we'll say this is a good candidate for funding source x and this is a good one for funding source y, and then a project might be a candidate for multiple funding sources so you can double program a project. And then we'll match it. And that will I think answer your questions but will also give us a first straw man for if we do decide to go to a general obligation bond it gives us a straw man for what we can reserve. It gives us s straw man for our GRT capital plan, it gives us a straw man for next year's ICIP, so that's the next step.

CHAIR STEFANICS: So, Mr. Leigland, maybe you want to restate that some of these projects might be related to a future bond issue.

MR. LEIGLAND: Madam Chair, that's right. If the County decides to issue bonds the projects on here would be good candidates for that because that is a source, as we learned last meeting, a source of capital funding for the County. So many of the projects on here would be good candidates for a bond I believe.

CHAIR STEFANICS: Okay. Thank you. Any further questions or discussion? Thank you very much for your time today.

XI. A. 2. Resolution 2012-47, a Resolution Requesting an Increase to the Fire Operations Fund (244) to Realign the Fiscal Year 2012 Operating Budget with the Available Grant Balances for Grant Title 2010-EP-EO-0022-Santa Fe and Grant Title 2010-SS-T0-0011-Santa Fe County for the Emergency Preparedness Program/\$93,459

MS. JARAMILLO: Madam Chair, Commissioners, the Fire Department is requesting an increase to their budget. Essentially, what they are trying to do is to align their budget to account for the reduction in one grant and an increase or a carry-forward, rather, of grant balance in another grant for their emergency management program. I stand for questions.

CHAIR STEFANICS: Questions from the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Jaramillo, why wasn't the balance of the \$137,517 not carried forward?

MS. JARAMILLO: Many times at the end of the year we haven't quite found the actual balance of the grant. We haven't determined that in time to put it into the original budget, and so we have to make calculations and then rebudget any grant award that was not originally budgeted in the following fiscal year. It's a timing issue on the deadlines for submitting the budget.

COMMISSIONER MAYFIELD: That's a huge amount of money that wasn't identified in FY 11.

MS. JARAMILLO: It is a significant amount of money and I don't have the details as to why that amount was not better estimated.

COMMISSIONER MAYFIELD: Madam Chair, and I see Chief Vigil coming up. I think it's Chief Vigil. I apologize, Martin, if –

MARTIN VIGIL (Emergency Services): Commissioner Mayfield, that particular grant ended up in an extension and I think there was a timing issue that was a little bit out of alignment with our County processes. So I believe that's what one of the issues was.

COMMISSIONER MAYFIELD: And then Madam Chair or Chief, was this the grant where we were hopefully receiving some temporary employee assistance from Emergency Management or was that something else?

MR. VIGIL: No, this is a Homeland Security grant. This particular one had two large areas of work, scope of work. One was to complete our heavy rescue trailer. So it was more capital expenditures. And then we had a pot of money to cover overtime and backfilling to allow us to access radiological nuclear operations training for our career staff. So I know last year towards the end of the grant we had a lot of staffing issues. It really challenged us to be able to take advantage of that. That's why we asked for one of the extensions on that. But it took a while to get through that extension process.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Chief Vigil. And with the June date coming upon is there's not going to be an issue with procurement code or RFP code with getting this thing spent timely?

MR. VIGIL: The biggest challenge now – the capital is pretty well ready to go as long as from today. We're still working on some of our staffing issues and we're bringing in a mobile test site from the Nevada test site to actually do that training. So we've got some preliminary dates that are going to be probably in May. So it's going to be pushing it right up to the end of this grant, but I think it's do-able.

COMMISSIONER MAYFIELD: And on that point, Madam Chair, Chief, can we ask for an extension of the grant if you can't spend this money?

MR. VIGIL: I believe we can, but we're trying to get this grant spent down.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Chief. Thank you, Ms. Jaramillo.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR STEFANICS: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. This is Resolution No. 2012-47, a resolution requesting an increase to the fire operations fund to realign the fiscal year 2012 operating budget with the available grant balances.

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

XI. B. Administrative Services Department

1. Procurement

a. Request Approval of Amendment #2 to Professional Service Agreement #2010-0250-TR/TRV with Los Alamos National Bank to Extend Term

TILA RENDON-VARELA (Purchasing): Madam Chair, Commissioners, this is just an amendment requesting an amendment of the term. Los Alamos National Bank provides our bank depository and custody services, and we're just requesting to extend the term through March 30, 2013. I stand for questions.

COMMISSIONER VIGIL: Move to approve.

CHAIR STEFANICS: There's a motion for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a second. Questions, comments?

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

**XI. B. 1. b. Request Approval of Amendment No. 1 to the BI, Inc.
Contract for Electronic Monitoring Services to Increase
Compensation By \$308,000 for Total Contract Amount of
\$800,000 Exclusive of GRT**

PAMELA LINDSTAM (Purchasing): Madam Chair, I'm here to request approval of amendment 1 to the BI contract to increase the not-to-exceed amount, an additional \$308,000 for a total contract amount of \$800,000. The Purchasing Division solicited these services through the RFP process and awarded a two-year contract to BI in the amount of \$492,000 on November 17, 2010. This past December Purchasing conducted an audit on this contract and found that the not-to-exceed amount would be reached before the end of this contract term. So the expenditures against this contract from November 2010 to this past December were approximately \$442,305, which averaged out to about \$44,000 a month. Since it's not known at this time how much these services will increase or decrease between now and November it's believed that the \$800,000 not-to-exceed amount will be sufficient to cover these services until the end of the contract term.

CHAIR STEFANICS: Thank you. Questions, comments from Commissioners?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Pamela, thank you. I have a question with these monitoring devices. How much does it cost per person per day for those devices, and then how much reimbursement do we get?

MS. LINDSTAM: If I may, Madam Chair, Commissioner Holian, I'd like to defer that question to Tino Alva who is the program manager for the electronic monitoring.

COMMISSIONER HOLIAN: Thank you.

TINO ALVA (Corrections Department): Madam Chair, County Commissioners, I have a colored outline if I can pass them out to you. Is that possible? *[Exhibit 1]* County Commissioners, there are a number of devices that Electronic Monitoring offers out to the community. One of the devices is a regular bracelet that runs off radio frequency. That particular device is \$1.34 a day, plus the cost of the monitoring through the actual company. That is only the rental fee. And then also we offer the GPS which is a global positioning service that allows us to dictate their direction of travel, their locations in situations where there's victims, and there's also a TAD, which is a transmitter alcohol device, which reads the alcohol through the skin of the ankle. And then lastly, we also offer the equipment of a sobriator, which allows an offender to test within the home. The rental fee for the sobriator is \$1.05 a day. The regular bracelet is \$1.34 a day. The TAD is \$5.61 a day, and the GPS is \$3.95 a day.

So once again, those are the rental fees. There's also a fee that comes along for the manufacturer to also process the software and the data to us on a daily basis.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. And do the people who have these monitoring devices pay anything towards them?

MR. ALVA: Madam Chair, Commissioner Holian, there is a number of individuals who do pay, and the graphs on the second page, there is an outline of the offenders for February 2012, and the amount of people that paid from the district offenders was approximately 30 people out of a number of 247 offenders for that month. Magistrate cases that were paying were approximately 10. There are also people that were unemployed, magistrate unemployed is 15 and district cases that were unemployed were 58. So there is on the people that are employed, and obviously there is no charge according to the policy and procedure in reference to offenders that are Santa Fe Cause numbers that are not employed. And then there's also the factor that when the courts actually waive the costs of the offenders due to financial stipulations in their lives.

COMMISSIONER HOLIAN: And how common is it for people to destroy these devices so that they have to be replaced? And then who would pay?

MR. ALVA: It happens often, but ultimately we are covered under this new contract 100 percent insurance, as in the past where we were running a high bill based on the number of offenders that absconded or destroyed the equipment and we were unable to retrieve the equipment.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. On that point I have a couple questions, but what are the offenders that are paying, paying? How much money?

MR. ALVA: Based on the nature of the equipment, Commissioner Mayfield, for instance the GPS for a Santa Fe Cause number is \$10 a day. A regular bracelet for an offender that's employed is \$5 a day. A sobriety for employed is \$5 a day. A TAD is \$15 a day if the offender is working and employed.

COMMISSIONER MAYFIELD: Where are those funds being deposited?

MR. ALVA: They are deposited into the general fund.

COMMISSIONER MAYFIELD: Okay. And do you have a total dollar amount of what was paid over the last fiscal year?

MR. ALVA: Over the last fiscal year, no, but what I did is a comparison on page 1 for a number five-month period and the old contract from July to November 2010, there was approximately \$28,772 that were deposited. In 2011, from July to November there was another amount, \$44,306.21, which was an increase of 54 percent on deposits for electronic monitoring.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, I just have some general questions to the contracts so whoever can answer those questions I would appreciate. But on the issue that you all brought forward to me, I'm assuming that a two-year contract was awarded to BI, Inc. Did we – at the time that it was awarded there was language in there that it was not to exceed \$492,000. Now here we're asking to do an amendment and it's not to exceed \$800,000. So in a few months are we going to hear something, maybe now an amount not to exceed \$1.2 million?

MS. LINDSTAM: Madam Chair, Commissioner Mayfield, when the contract was originally awarded the department director had requested \$492,000 as a two-year not to exceed amount. I felt at the time that that probably wasn't enough money and I guess maybe she was feeling that she'd come back and have it amended. Because even on that year they were spending over \$300,000. So I think this amount was never really the true amount for the cost of the program.

COMMISSIONER MAYFIELD: Madam Chair, and Ms. Miller stepped out, but that's troubling to me. And the reason it's troubling to me is that if we're putting out an RFP to somebody and we say, look, give us your best price, and here's what we're scoping. But if somebody has insight that, ah, we're just going to let it overrun and we'll just come and ask for additional money, how are you fairly giving every vendor out there a true opportunity to bid on something. And I guess that's more a question for the director of Purchasing. If somebody could answer that for me I would appreciate it.

CHAIR STEFANICS: Ms. Miller, did you hear that?

MS. MILLER: Madam Chair, Commissioner Mayfield, there are provisions where you can increase a contract and as long as you're pretty much staying within the scope of the original contract you're probably not violating the spirit of the original RFP. There are concerns if you get too far away from that then have you given everybody an opportunity to bid on that. In this particular case it's the same; we're not changing the scope. We have increased the volume, but there is also the issue of we have an actual need for it and at this point it would be really difficult to cover the work we're currently having done. Now, if somebody were to come in and protest the amendment then we'd have to deal with it at that particular time. Most of the time when things work on kind of a quantity type thing and you're not adding on a major additional scope you're usually within the purview of your original RFP. But I do agree that if you get too far out and you're actually increasing a contract to a significant degree, and I talked to Pablo about making sure that we go to rebid this because I think we have gotten to a point where we've maximized this contract.

COMMISSIONER MAYFIELD: And Madam Chair, thank you, Ms. Miller on that. And that being said, let me just rethink this thought for one second please. How many people bid on this initial contract, if you have that information handy, back in 2010? Was it just the one person? Were there three, four bidders?

MS. LINDSTAM: Madam Chair, Commissioner Mayfield, I don't have it offhand but I believe there was about five or six vendors who did bid on this contract back in 2010. There was more than one.

COMMISSIONER MAYFIELD: Maybe not services offered, because I'm sure that played into the bidding, but as far as price, were people off because –

MS. LINDSTAM: No, we didn't give them a budget amount so we were asking for individual equipment type things. So it's not like they knew that we had a budget amount of \$50,000. It was just asking for individual pricing on each individual piece of equipment and the rental costs. So each submitted a price sheet.

COMMISSIONER MAYFIELD: So again, you're asking for the extension to \$800,000, and then I arguably heard from Manager Miller that we're going to rebid this so arguably those seven people have a fair shot at bidding on it again.

MS. LINDSTAM: It will go out to bid – we'll start on it probably this June, getting it together.

COMMISSIONER MAYFIELD: And what I also heard from Manager Miller is any of those initial five that were rejected for whatever reason have a right to protest this additional \$300,000 that's being awarded.

MS. MILLER: Madam Chair, Commissioner Mayfield, they could. I can say the basis of their protest would be evaluated if they did. But as this wasn't an IFB in a firm fixed price type contract, so they may not have a basis for a protest, but if one were, if they felt that we had gone out of the scope of the original intent of the RFP or something they have that ability to do so and then we address that at that particular time.

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

CHAIR STEFANICS: Thank you. Did you have further questions?

COMMISSIONER MAYFIELD: Mr. Sedillo wants to answer something.

CHAIR STEFANICS: Do you have a question for Mr. Sedillo? No. Okay. We're done with this. Any other questions or comments?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Okay. There is a motion and a second. Further comments and questions? Okay. This is request approval of amendment #1 to the BI, Inc. for electronic monitoring services.

The motion passed by majority [3-2] voice vote with Commissioners Anaya and Mayfield voting against the motion.

COMMISSIONER MAYFIELD: Madam Chair, for the reason that I believe we need to be more cognizant of when we rebid these contracts out for such dollar amounts and give everybody a fair opportunity.

XI. C. Public Works Department

1. Request Approval to Award RFP # 2012-0055-UT/MS to Molzen Corbin for the Engineering Services for Lamy Junction Water Transmission Line in the Amount of \$411,368.96, Exclusive of GRT

CHAIR STEFANICS: Ms. Miller, can we table this item?

MS. MILLER: Madam Chair, yes, you could if you would like to.

CHAIR STEFANICS: I move to table.

COMMISSIONER ANAYA: Second.

COMMISSIONER HOLIAN: Madam Chair, may I ask why?

CHAIR STEFANICS: A tabling motion is not debatable. So there's a motion and a second.

The motion to table passed by majority [3-2] voice vote with Commissioners Holian and Vigil voting against the motion.

CHAIR STEFANICS: Thank you very much. I will explain my tabling motion at this time. It's part of a larger plan that can be put off in terms of the water and the line. So that is my reason is that it might be a premature action. And I did not do this without having a conference with the director. Thank you.

XI. C. 2. Request Ratification of Change Orders No. 9, No. 10 and No. 11 to the Contract Between Santa Fe County and Bradbury Stamm Construction, Inc., for Construction of the First Judicial Courthouse Project in the Total Amount of \$279,531.32 Exclusive of Gross Receipts Tax

MR. LEIGLAND: Madam Chair, Commissioners, this is the first of two change order requests for the courthouse project, and since I'm not an expert I'll turn it over to Mr. Gutierrez who's been managing this project since its inception for any questions.

CHAIR STEFANICS: Thank you. Mr. Gutierrez.

MR. GUTIERREZ: Madam Chair, members of the Commission, the first item in front of you is the request to ratify change orders 9, 10 and 11, which is the contract between Bradbury Stamm for the first judicial project. The total of change orders 9, 10 and 11 is a total of \$279,531.32 and at the back of that memo I did a brief summary in terms of where we are the contingency and the budget funds. And this is a ratification. These are previously approved change orders by the County Manager which are in her authority to approve and now we're coming to you to ratify those approvals.

CHAIR STEFANICS: Thank you. Questions, comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, where does this put us in the context of the whole project if this amendment gets approved, as far as percentage of changes in the overall contract?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, I don't have the exact numbers but the original contract for construction was about \$38.5 million. The total amount of the contract, I believe is a little over \$44 million. The difference in the contract is all due to the remediation efforts. The soil removal, the dewatering, those types of things. On the actual construction, if you look at the construction, because we started this fiscal year with a \$2 million contingency. We actually have been doing a value engineering at the property or on the construction site and I believe our value engineering credits have exceeded the actual construction costs, which is about \$238,000.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Gutierrez, of the – and restate it, maybe you did and I just didn't get it. But of that \$2 million contingency, what have we spent of that amount?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, we have a contingency – we started this fiscal year with a \$2 million contingency. We received an

ARRA grant for \$382,000 for the courthouse project, so that gave us an amount of \$2,382,000 for our contingency. Today, what's been approved out of there is \$1,140,398.16, which leaves a contingency balance of approximately over \$1.2 million. Again, it's the last page of that memo.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, some questions as far as just the contingency budget, the track that we're on, and I've been looking at the courthouse out my window from my office, there's still some time. Are we going to meet the deadline of January to have this place turn-key?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, the completion date for this project I believe is about December 20th of this calendar year and the project is roughly about 60 – a little over 60 percent complete. And right now it's going very smoothly because we're able to process – one of the reasons is we're able to process some paperwork in a timely manner in dealing with the actual construction at this point. We're still dealing with some dollars or price increases based on the timeframe that we had to hold the project, but overall, the project has been going very smoothly just on the construction site. As you can see, just on construction matters alone that the cost to date is very low for roughly almost a \$40 million building at this point.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, I appreciate what you just stated to me. The price increases just because of the timeline of the project. Is that what this contingency money is used for, and if not, are we just blowing through this contingency money pretty fast. We have \$1.2 left in contingency money. Are you all going to come back to this Commission and say, guess what? We've expended that \$2 million now and we need more money again.

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we monitoring this very closely. We meet weekly with the contract and we have a pretty good view on the horizon in terms of the additional costs that are coming up at this point, and at this point it does look like the contingency will support this project. If it was later in the year I definitely could give you a better feel for that but right now, what we see on the horizon in terms of the other costs that may be coming up are not exceeding this contingency balance at this point.

COMMISSIONER MAYFIELD: Madam Chair, just a couple of the background summary memos. Wasn't transportation and delivery of mechanical equipment built into the initial contract? Why is it a request for a revised schedule just to talk about delivering of equipment? Wasn't that –

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, you're correct on that. They delivered – because of the timeframe for the project, it was a tier project and again the project was put on delay for two years. This cost is – we moved this equipment to our facility here in Santa Fe because the contractor, based on the timeframe, they were going to deliver the equipment. We had to put that on a two-year hold. They were going to charge us a fee to store that equipment. It was going to be quite expensive, so they moved it over to our facility. So they basically had factored in the cost to move that equipment at one time from probably Albuquerque to Santa Fe at that point and we stored it. Now this cost is just to move

it from the Galisteo area to the courthouse. But over all that project, that cost that you're seeing is much more lower than it would have been to store that equipment for basically 24 months by the contractor that was furnishing the equipment to the County.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Gutierrez, they're responsible if something happens in that move from our Galisteo station to the downtown courthouse?

MR. GUTIERREZ: That is correct, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Okay. Then Madam Chair, Mr. Gutierrez, there's an increased cost for landscaping materials. How could we have not built into that project what landscaping materials there were going to be? Why is there an increased cost for something like that?

MR. GUTIERREZ: Madam Chair, I could get back to you on that. I don't have that specific information in front of me because there's several costs associated with it. There are some changes here. Maybe Mr. Hogan with the Projects Department might have the answer to that at this point.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Hogan, are we ready to landscape that project.

MARK HOGAN (Projects and Facilities Director): Madam Chair, Commissioner, we're not at that point yet. The reason why this showed up as an escalated cost is that the original subcontractor that was responsible for the landscaping went out of business during the time it was on delay so the general contractor rebid the project and negotiated with the second party and that's what resulted in the increase in cost.

COMMISSIONER MAYFIELD: My last point Madam Chair and staff is I'm just working that you all are running up against the contingency budget, that we could anticipate some things that we have not anticipated that may be a little more meaningful than our landscaping issue out there and I just hope that you guys have some contingency plan in place if you come back and ask this Commission for more money for this project.

MR. HOGAN: As Mr. Gutierrez said, we're watching the project very close. The thing that we've been keeping an eye on that's really resulted in most of the line items in change orders 9, 10 and 11 has been cost escalations and so we really feel like we are very near the end of any opportunity for somebody to present any cost escalation. Everything else is pretty predictable in the new construction realm so we're not anticipating any surprises. We will get some no matter what we anticipate but I think we're in pretty good shape right now.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Hogan, I know I met early on and I know I mentioned it from this bench, one time I did meet with the chief judge and she had concerns with the contingency money. Are they sitting in and monitoring this also?

MR. HOGAN: Madam Chair and Commissioner, there is a member of the judicial that participates in our weekly project meetings.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Hogan or Mr. Gutierrez, of change orders 9, 10 and 11 that you're requesting ratification of, has any of the work been

completed on any of those? Obviously, the landscaping hasn't been completed but has any of the other items work already been done?

MR. HOGAN: In 9, 10 and 11 some of those change orders have been approved for some time. Again, we're ratifying them, so yes, there has been work done under those change orders.

COMMISSIONER ANAYA: So Madam Chair, Mr. Hogan, this is a question for the attorney. If we have a construction contract that the Commission approved and then we provide latitude for the administration of that contract which allows you to approve a change order and allows for the work to commence, why are you bringing it back for ratification if the work's already taken place? That's a legal question.

MR. ROSS: Madam Chair, Commissioner Anaya, these are in the nature of construction change directives which are part and parcel of our construction contract.

COMMISSIONER ANAYA: She's shaking her head no.

MS. MILLER: Madam Chair, no. These are – the ratification of change orders, I have authority of up to \$100,000 on a project of this size, but once I've signed change orders up to that, if you don't ratify those change orders or acknowledge it doesn't set the dollar amount back to zero so that I'm capable of signing other ones. So it's bring you all the way up to date. What I have signed under my authority and then any approvals of new ones and then to set that dollar amount back to zero.

COMMISSIONER ANAYA: So Madam Chair, Ms. Miller, and I'd like you to comment on this because this is your background and you've spent a lot of years working in contract management and purchasing. I was actually fine with the change orders but Commissioner Mayfield brought up some pretty good questions and one question I heard a response to relative to the landscaping contractor was that the landscaper that was on the job left the job and then the contractor had to find a new landscaper. With all due respect, why is that our problem? If we provided a contract lump sum for a general contractor, why is it my problem now to absorb the costs associated with the subcontractor that left?

MS. MILLER: Madam Chair, Commissioner Anaya, it's two-fold. One, the delay is our fault and two, any changes to subcontractors have to be approved and put through the process. So they actually have to go through the process. If the subcontractor has gone out of business such as this one then it is actually a requirement to go forward with a competitive process and replace that subcontractor and come to us for approval of that subcontractor. So the increase in cost is due to our delay and a change in subcontractor, it's required that they actually go through the process of a change of subcontractor.

COMMISSIONER ANAYA: The competitive process we go through is for the overall construction project. So I understand your point on time delay. But associated with the subcontractor, then we're at the mercy of whatever the contractor deems appropriate as a competitive process? And granted, I'm asking this questions from a perspective of spending a large amount of my career doing bidding and awarding and contract management and oversight. So I'm not blind in asking these questions. Clarify that for me.

MS. MILLER: Madam Chair, Commissioner Anaya, Mark can probably comment on it as well, but a change in a subcontractor requires our approval and an increase in cost to that. As I said, the delay –

COMMISSIONER ANAYA: I get that the delay's our fault. The delay part I get.

MS. MILLER: There are several escalation factors in here in several of these change orders due to our delay. This one could have easily been one from that subcontractor if they were still in business. One of our escalation factors could have been that. But making sure that that component is included in the contract and the overall contract is just a process that you go through. I don't know if you want to add to that, Mark, from an architect's perspective.

MR. HOGAN: Madam Chair, Commissioner, I think that pretty much sums it up. The general contractor did rebid for the landscape component and negotiated on that as aggressively as they could and we supervised that process.

COMMISSIONER ANAYA: We're you in that negotiation?

MR. HOGAN: I was not in the negotiation but our interaction is with the general contractor and so we scrutinize their work fairly carefully on that. So we reviewed the bids, we saw what they were coming back with. The prices that we saw originally were not available and that's what led to the cost of this increase.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other questions or comments. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. There is a motion and a second to request ratification of change orders number 9, 10 and 11 to the contract between Santa Fe County and Bradbury Stamm Construction for construction of the First Judicial Courthouse project in the total amount of \$279,5331.32, exclusive of gross receipts taxes.

The motion passed by majority [3-2] voice vote, with Commissioners Anaya and Mayfield voting against the motion.

XI. C. 3. Request Approval of Change Order No. 12 to the Contract Between Santa Fe County and Bradbury Stamm Construction, Inc. to Include User Requested Changes to the Judicial Chambers in the Construction of the First Judicial Courthouse Project in the Amount of \$111,039.91 Exclusive of Gross Receipts Tax

MR. GUTIERREZ: Madam Chair, members of the Commission, in front of you is a request to approve change order 12, and basically, if you look at the cover memo, the second paragraph, I'm going to read that, because that's basically the core of the change. Staff has received changer order 12 from Bradbury Stamm totaling \$111,039.91 exclusive of gross receipts tax. The change order was reviewed by the construction manager and the project team has verified the cost and accurate and to represent the value of the project. The change order requested for the First Judicial District and the design of the building, two hearing rooms with associated office space are provided on the ground floor of the building.

SFC CLERK RECORDED 04/25/2012

SFC OLIVER RECORDED 04/25/2012

Due to the changes in the court process and the anticipation of additional judges being added to the First Judicial District the Court has requested that the two offices in the areas for each one of the hearing rooms be changed to serve as judges' chambers and support staff areas for the judges. The planned hearing rooms will serve as non-jury courtrooms with no need for modifications. The change from the office areas to the judges' chambers will allow for the use of these courtrooms immediately upon the opening of the new facility as soon as the new judges are assigned to the district.

Again, the courts brought this to the County and we researched the costs and the reasoning is that they anticipate that in the near future they will have two judges on board and the alterations are identical to what's available on the second and third floors for the judges' chambers.

CHAIR STEFANICS: Thank you, Mr. Gutierrez. Questions, comments from the Commission? And I believe – do we have a judge in the room?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. Is there any further discussion?

COMMISSIONER ANAYA: Madam Chair, did those judges actually get approved or did they get vetoed? Or do we know?

CHAIR STEFANICS: The Governor's request, the AOC's request was vetoed and Ms. Miller might speak to that.

MS. MILLER: Madam Chair, Commissioner Anaya, the bill for the three new judgeships did get vetoed by the Governor.

COMMISSIONER ANAYA: So, Madam Chair, Commissioners and staff, because that's not going to happen should that affect any recommendations staff might have? What are your thoughts, Ms. Miller?

MS. MILLER: Madam Chair, Commissioner Anaya, this is a request by the judges. I think one of the things we don't want to do is build a courthouse that's immediately outdated within two or three years. My experience was at the state that the judiciary asks for judgeships every year. They put bills through for judgeships every year. Sometimes when budget's available it will pass the legislature and be signed by the Governor; sometimes not. So I think from a perspective if you want to look at planning in the future those chambers can still be used as hearing rooms but they could also be a judge's chamber. So it's much cheaper to do it now than to retrofit it later.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Anaya, are you finished?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point, Ms. Miller, does our census population have anything to do with how many judges you should have in a district?

MS. MILLER: Madam Chair, Commissioner Mayfield, from my experience I don't know that it's census as much as it is caseload, and the judiciary actually requests their judgeships based on where they have the highest caseload.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair, I have one more question.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, do we anticipate other requests coming from the judges associated with the facility? I'd like to know that because I don't think we should continually add and change modifications to the building because that will drive costs up. So do we have anticipated – do they have other things they've already brought forward or are we done with additional requests for changes from the judges?

MS. MILLER: Madam Chair, Commissioner Anaya, I'm going to defer to the gentlemen but I'm also going to point out that they actually were the ones that met with us early on in the beginning when we finally started to bring this up out of the ground and said that they didn't want many change orders, didn't want to increase the cost of the project. So it will be interesting to see whether they hold to that request or that statement because that was one of the things that they did say. I don't know if they've asked for anything else and I don't believe so, but we did kind of remind them of that, that that was one of their particular requests that we keep those design changes down as much as possible.

Now I will say that there have been some conversations. They're concerned about the veto of the equipment and furnishings toward the facility, but state statute actually says that that is the judiciary's responsibility to equip and furnish the courthouses. So we're working with them right now to at least go to the State Board of Finance and look for other funding sources than the legislative appropriations for those items that they need in order to – the critical items that they need to get into the facility, like security cameras and I believe another one is video arraignment cameras, that type of system. So they're prioritizing that list so that we could actually know that any other potential items that they're very, very concerned about and going to work with them through the State Board of Finance in trying to get the state to fund that. And then other than that I don't know of any other requests and I don't know if they have talked to you about it but to me they have not indicated that they wanted any other change orders.

COMMISSIONER ANAYA: Madam Chair, just a follow-up. This County, with a prior Commission has gone above and beyond I think what many other places have done in the construction of this facility, and as it relates to other change orders it seems to make practical sense on this one, based on planning ahead on the space. But as it relates to furniture and those types of priorities, as a Commissioner I can respectfully say to the public and the judges that I think there may be other priorities that we would have to analyze before I would make those determinations towards furnishings, and I say that respectfully, but I wanted to say it publicly.

I kind of had an idea that that may be the case but I think that there should be some critical analysis and there absolutely will be a critical review from my perspective to assure that we're just dealing with or looking at critical items because of all the other things that we have to deal with as Commissioners. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'll be brief, and I'm going to support this expansion. The judges know best what their needs are within that internal courthouse. But in line with Commissioner Anaya's point and in line with my comments as far as the contingency money, I'd much rather support contingency use of

money if it's legally allowed to put in security cameras, to put in video conferencing, respectfully than landscaping a project right now. Maybe that's a discussion that needs to be had with the judges. Because if we can keep that contingency dollar base there and then if there are these security needs to address, hopefully, legally that money could be used for those security concerns. And that's just my thoughts on that. And with that, Madam Chair, I think there was a motion for this request.

CHAIR STEFANICS: There is. I have a comment as well. I have looked into this a little bit and the Administrative Office of the Courts has a great deal of responsibility for the judges throughout the districts. And in order to get us up and running as we need to I think it's appropriate to do those things, like you said – the security cameras, etc. And if the legislature can push forward new judges in the future I think that these new chambers would help. But the much larger ticket items I have to question, because we have other needs, like our water, some of our staff benefits, etc. So I have in fact had that conversation with our Manager that there is a statutory responsibility for somebody else to also watch out for this. And it's great that she's helping them with the Board of Finance, but the AOC is the one who would go forward to the Board of Finance.

So there is a motion, there is a second.

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

[Commissioner Anaya left the meeting.]

XI. D. Public Safety Department

1. Overview of the Emergency Management Division

CHAIR STEFANICS: Mr. Vigil, you've been waiting. We'd like to have an overview of the Emergency Management Division. Very timely discussion since we've already had an incident in the community. One of the things I'd like to let you know is that last year, this year, I'm sure years past, all of the Commissioners are very interested in how they are going to be notified of an incident in their district. So you might address that as you go through your presentation. Was that a directive, Steve?

MARTIN VIGIL (Assistant Chief): Thank you, Madam Chair and Commissioners. I'd first like to just acknowledge the Commission's attendance to Isaac's memorial. I know he had two families. He had his family that raised him and then he had his Fire Department family, and it was huge, just the acknowledgement there. And I want to thank you.

CHAIR STEFANICS: And do you have any guestimate of how many people attended that?

MR. VIGIL: I don't right now. We were going to pull some of that together. We've got some video. The entire event was also organized under this incident command system so we captured a lot of pieces of it.

CHAIR STEFANICS: And let me ask a question. Does every firefighter receive this?

MR. VIGIL: There are certain protocols for in-the-line deaths and active firefighter deaths, retired firefighter deaths, so it's a staged amount of activity.

CHAIR STEFANICS: Thank you. It was very impressive. It was very touching, and I am sure the family really appreciated it.

MR. VIGIL: Absolutely.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point and just me attending the memorial service, I was amazed and very impressed by the life that young man lived and he was definitely an asset to this County and his life will be missed and very valued. I was just amazed to hear what people had to say about this Mr. Isaac Garcia. Thank you.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: I was just going to say, he had another family and that was his family at the Santa Fe Community College. He's really an icon at the college. A lot of his training was taken there and many of these teachers and students were participants there, and I think somebody mentioned there was over 500 people there, but I don't know that they had an accurate count.

PABLO SEDILLO (Public Safety Director): Madam Chair, County Commissioners, I'd just like to piggy-back on that statement. Actually, the College of Santa Fe donated the gym. They donated a lot of resources for the community of Santa Fe. So we need to acknowledge that Santa Fe Community College really took an active part of our community.

CHAIR STEFANICS: Thank you. And I understand that the Community College was closed for spring break and they opened because this was one of their own, not just because it was a firefighter. Somebody who was an EMT, somebody who had gone through the process there as well as serving our community. And thank you very much to the Santa Fe Community College. So now, Martin, a presentation about the Emergency Management Division.

MR. VIGIL: Thank you. I was asked to actually give you a report on the event planning of the upcoming Santuario de Chimayo pilgrimage, and so that's what I'm going to focus my report on, and then I'd like to probably finish it with the event that occurred Sunday afternoon and tie in your request to that.

So I really would like to stress that we've been at this for a number of years and it really has become a model for intergovernmental cooperation. Santa Fe County, Rio Arriba County, the State of New Mexico, the Pueblos of Tesuque and Pojoaque as well as the City of Santa Fe are all at the planning table, all basically deploy assets to protect the walkers and do contingency planning and capabilities.

The core of this is pulled together between the Santa Fe County and Rio Arriba County Office of Emergency Management. Commissioner Vigil, you asked me a few weeks ago about the incident command system and we use that as a platform, the National Incident Management System, ICS and some of the tactical interoperability initiatives that are going on federally. We actually use this event to not only pull it together but also exercise how we would come together if something catastrophic would actually happen.

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We do publish an operations plan every year and I will make sure that you guys get a copy. Actually, I think in years past you have received copies. And the big issues there, we look at how we're going to actually operate. We have a mass casualty incident plan as well as our medical contingencies. We map out all of our landing zones throughout the entire route. We have our communications frequencies and phone numbers published in that, an evacuation plan for Chimayo itself as well as our ICS chart, our incident command chart.

Law enforcement is a big part of that. Santa Fe County Sheriff's Department is a big partner along with the New Mexico State Police and our tribal police departments. They have a parallel activity as far as saturation patrols and the DUI checkpoint every year. That's going to also come together. The fire/rescue aspect of it is large. We use within our department administrative staff, regional staff, volunteer districts of Tesuque, Pojoaque, Chimayo and La Puebla. The last couple years we've actually brought volunteers from throughout the county to actually help us in several areas.

We deploy these mini-ambulances and it's sometimes very challenging for us to actually get to emergency calls and those have proven to be absolutely invaluable on both county sides. One of the things that we have recognized and was very much illustrated over the weekend was the wildfire potential there, so we will have some dedicated specific wildland assets there. I'm really happy to report that just this year the Chimayo Fire District trained the majority of their firefighters in wildland and that's been a challenge and they really ought to be commended for giving up the two weekends to actually do that and we're getting them geared up. That's been a little bit of a gap in that area over the past few years.

Another new asset that's coming on board is Tesuque Pueblo has assembled an engine crew that will be available in the northern part of the county for us. Obviously, we pulled together a lot of mass casualty incident assets and forward deploy those. EMS is a big part of this and we partner with Rio Arriba County, Santa Fe County, Espanola EMS to do that, both at the paramedic level and intermediate and basic. We have bike teams from Espanola EMS that help us and actually have paramedics riding bikes throughout the crowd. The incident management aspect, we will have a command post. We typically use the Rio Arriba command post, however, we do have ours also available to forward deploy into an active incident that might take us away from the event command post is located.

Traffic management – Commissioner Mayfield, you spent about four hours with me last year. You saw first hand the challenges of the congestion. So we pulled together a meeting of stakeholders this year to really look at that Juan Medina Corridor. It was a really good meeting, a lot of good ideas, so our partners with Public Works, Department of Transportation, we're going to do some additional signage and possibly get our code enforcement to work with some of the vendors and really open that up. We saw some improvement on the 503 side last year but we really need to see the same addressed in the Juan Medina Road. So we're excited to see if some of those changes are actually going to make a difference for us.

Obviously, the 911 centers in both counties are involved, the Santa Fe RECC as well as the Espanola 911 center. Another new thing that we're hoping to accomplish this year is in the plan it talks about a joint information center, but we're actually going to try and physically bring some of our PIOs together and just do a face-to-face and see if we can't get some consistent messaging out of this event.

The Department of Transportation has really become a big partner of us and they're bringing in a lot of assets. They've already done sweeping. A lot of the signage, message boards, trash cans from both DOT as well as our Public Works Waste Management personnel will be there. They usually have a post-event cleanup using some of the Correctional assets that are available and it's just been really a pleasure to work with them.

We do have some other things – first aid stations, our mobile health van with our County nurse that was very effective last year will also be involved and I can't say enough about our public health initiatives and the porta-potties that will be deploying that Santa Fe County has provided as well as Rio Arriba County.

I'd just like to bring this basically to a closing point. Sunday, we had probably one of the worst if not the worst wildland fire in Santa Fe County. Although it wasn't large in scope the intensity of this fire, the amount of risk to humans as well as structures was just incredible. It was a wind-driven fire. Our first arriving crews were faced with just a lot of chaos. We had hundred-foot flame lengths pretty much towering over them, spot fires throughout the entire area and it required – we brought in 43 pieces of fire equipment, probably 75 to 100 firefighters, agencies from our county as well as Rio Arriba County, and we also had our state partners involved, New Mexico State Forestry. We had a crew that just happened to be coming through the area from the Bureau of Land Management as well as the US Forest Service and they just jumped in and helped us.

Again, a lot of what we invested in through the pilgrimage planning just had huge payoffs Sunday. Everybody just came together. It was a very fast-moving series of events and I just have nothing but positive things to say with all the agencies, how they work together, what difference they made. There were some structures lost but a lot of that valley actually could have been lost. It was pretty incredible what they were able to accomplish.

So one of the things is the whole chapter of what we call WEPI – Warning and Emergency Public Information. I'm happy to report that the upgrades to the Dialogic Reverse 911 system were used on Sunday. There is still the reality to that is because of our current lifestyle that's only going to have so much effectiveness. When people are either right next to their phones or they have answering machines or blocked lines, there's still some challenges there, but it did seem to work very effectively. I think there's a mechanism that if – and in my mind of you have the desire to be notified on things like this that we could build a special call group in that system so that you all get that message at the same time. That would probably be the quickest way to get that out.

CHAIR STEFANICS: Excuse me. If you're using Dialogic why couldn't you just also pass it over to Nixle?

MR. VIGIL: We could do that.

CHAIR STEFANICS: Because many people on cell phones are getting the Sheriff's notifications.

MR. VIGIL: Right. If you recall, when we first started to see Nixle it was basically advertised to the public as an emergency notification system, which was a little misleading in that unless we had a full-time employee that had the responsibility to enter that information – it is an effective means, it is a private sort of vendor-driven. It's really not been in my opinion something that should have been advertised like that because we have no guarantees that the information is going to be entered into that. I think the Dialogic is a better

system because it's based out of the RECC and we already have those message prompts. Now, could we also use that? Yes, but I'm a little uncomfortable unless we're ready to talk about maybe an FTE warning type officer to start bringing in these other layers of technology that we can't really 100 percent say that we're going to enter that information on.

But I think we could look at how we can use that a little bit better. The other side to that is in dispatch it is incredibly busy, and so just the little involvement that I had it took a little while because they were answering radios, they were having to do all kinds of other things. We were trying to go through a script. It went much better than last year when we used it. I also turned around and used the National Weather Service. I put out what is called a Fire Warning that was disseminated to all of the media outlets and should have seen some tickering at some of the bottom of some of the local channels. But that also could have been picked up on the National Weather Service alert radios.

CHAIR STEFANICS: So, Mr. Vigil, let me just clarify something. The Dialogic is only for a land line.

MR. VIGIL: Well, with the new upgrades we can start to basically have people subscribe to the wireless part of that. And I don't think we're quite there. I think we're trying to make sure what upgrades we actually have working well. And then I think we need to really come together and strategize how we want to solicit that information from the public. But I believe this new version has the wireless capability that we did not have prior.

CHAIR STEFANICS: So – okay. Without being – Steve, I want you to be the check and balance here – without being directive, we have discussed this many years. Right now, from the Sheriff we are getting Amber Alerts, we are getting escaped convicts, we are getting accidents on particular roads. Now, I don't know how widely spread that is but we do know in society quite a few people are letting their land lines go if they live in an area that can receive other wireless services. So somehow we need to, Ms. Miller, look at how we're going to get this information out and not exclude people, because they're not at their phone or they don't have a land line or something.

MR. VIGIL: Madam Chair, we clearly have been discussing this for many years and Steve, I think you and I had a pretty detailed discussion about there is no one technology that is going to address all of our lifestyles and the more layers we build into that the better. But I would like to make a comment that although you have received that information on Nixle I would bet there's a lot of stuff that didn't go out on Nixle that actually has been occurring in the county.

The issue is where can we get that sort of dedicated either mechanism or individual that will assure that all information is going out on those systems so that we can actually declare that it is an official emergency platform. Right now it's really not functioning that way, and I was really a little concerned that it was being kind of represented that way. The first time we missed an emergency – because nobody has been really tasked with actually putting that information in. I know the Sheriff uses a lot of their first-line supervisors to get some of that information out, but if the situation were that if they are busy or whatever I don't know that that might actually occur. I also know that there's a fair amount of time delay on some of the information that goes out on that system.

We really do need to look – because it is a gap and we've known that this emergency warning component really – it goes even back to community warning sirens. I've been trying

for years to get those back in. And that's not an answer in itself either. That might help warn people that are outside doing gardening or what have you, but if at night you're in bed asleep that siren is not going to do much for you. It's got to be a multiple layered technology.

CHAIR STEFANICS: Thank you. I'll stop and turn to my colleagues.

Commissioner Mayfield, did you have questions or comments you want to bring up?

COMMISSIONER MAYFIELD: Just a couple comments, and thank you, Chief, for what you're doing. We also happen to have a big constituency from the Chimayo community right behind you, so I guess the timing with this presentation was great. And on that, some concerns that have come to me with specifically the pilgrimage and this holy month that we're in is public safety within the valley. And I know, Chief, you and I have done other tours throughout Santa Fe County and you have contingency plans as far as like a rally point in case something happens. Have you identified a spot like that within the Chimayo Valley?

MR. VIGIL: We do not, and the reason is the most likely scenario, at least around the pilgrimage is a fire and so we saw it just illustrated on Sunday. We really never know what that fire is going to do. It's totally dependent on fuel loads, the wind direction, how much wind is behind it, and so we've really not wanted to predetermine either a muster point or even an evacuation route. We'll have to make that call during the actual event, because what we don't want to do is get everybody thinking, well, this is what I need to head for during a fire and yet push them right into the oncoming fire of that particular event.

So that's one of our concerns. We do have just a very general evacuation plan where we will involve law enforcement if we have to evacuate towards 503. We have trigger points and traffic control points that will help us do that, or let's say the fire starts in that direction, then we have other plans to go to the 76 side and just do a traffic split up and down. Again, getting our law enforcement involved in helping us do that.

I know that in our community meetings one of the survival strategies we've looked as identifying what are called safe zones, that are large, open areas that don't have the kind of fuels and the trees, and right now, when you bring in all that traffic and the parking lots are full, there really isn't many of those spots available. So we're kind of limited in some of our choices for that.

COMMISSIONER MAYFIELD: Thank you, Chief. And going back to the fire that happened this weekend, Santa Cruz, Sombrillo area. They called it the Chimayo fire, but with that being said, nobody was hurt in that fire, correct?

MR. VIGIL: We did have two, actually three small injuries. One of our firefighters took a fall and scraped up his knees pretty good. Another firefighter got hit in the face; we did have some hostile people. And I believe another one might have broken his finger, but no civilians that I know of, and when you saw that fire it's amazing that we're able to say that right now.

COMMISSIONER MAYFIELD: Well, thank you and to all your crew for what you did to prevent any fatalities. I think that was great. Just as part of the capital needs request, and I know I've brought this up with Manager Miller, I don't know if a ladder truck out there would be helpful because there's other things in high buildings where a flame shooting up 100 feet along those big trees out there where a ladder truck does benefit those areas. And I don't know, do we have a ladder truck in that area for those fires?

MR. VIGIL: We have access to the Espanola Fire Department. We've used Los Alamos Fire Department, however, those response times are going to be long, yes.

COMMISSIONER MAYFIELD: And then in line with Chairwoman Stefanics, VoIP is a big issue, voice over internet protocol, and I don't know how you do response but there are a lot of users out there on the voice over internet right now. And Chief, I know we spoke about, you and I, I'm thinking about the Hawaiian Islands, they have the tsunami horns and you kind of said well, maybe that wouldn't work because that might create – people aren't aware of those type of sirens and just how we can get the information out where people need to go to be safe.

MR. VIGIL: We've attempted for years to get some federal dollars to make those investments and I've not been successful in getting that accomplished, so I think maybe we could get some help in that arena. With that said, there's going to be a large requirement to basically tell the public what behavior we want from those siren activations. Anybody that lives in Tornado Alley, you pretty much know it's a severe storm warning, but here it may mean a little bit different. So we'll have to really think that through a start a really consistent messaging. Sometimes, some of the research I've seen, it actually requires an intergenerational change in behavior to respond to those sirens. So it's a big project but I think it's a huge investment that would have really major payoffs down the road. But Madam Chair, I hope you don't take my comments on the Nixle as being – I'm very interested in using that technology but with the assurance that we're truly going to get the message out 100 percent of the time. Because if people think, well, I've invested in this Nixle and I've got my information, they're expecting to get notified if something happens and right now that's the missing piece. We can't guarantee that somebody is going to enter that information 24/7. And once we can get that piece I think it's definitely worth using, as well as some other technologies.

CHAIR STEFANICS: On this point, I see that as a County responsibility. I don't see this as the public maybe getting in or maybe not. I see this as a County responsibility. Commissioner Mayfield, are you finished?

COMMISSIONER MAYFIELD: Madam Chair, Chief, thank you, and I'm glad you all are safe and I echo Chairwoman Stefanics' thoughts. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Chief. Thank you, Madam Chair. Thank you, Chief, for your presentation. A lot of good information there. You had mentioned there were improvements in the Reverse 911 system. Were the improvements mainly due to call volume or were there other things as well?

MR. VIGIL: Our Dialogic system was kind of first generation. We've had it for quite a while, and it did not have the wireless capability at all. Also, we were very limited. I believe we had only the ability to send out 22 30-second messages at any one time. So that really wasn't a mass notification system. With the newer upgrades it's got much more capability to blast that information out, as well as the wireless part of it. Now, I believe it's going to require kind of a subscription. People are going to have to enter their wireless number into the system and that's probably the next step is, okay, how do we get that information out to the public? How do we manage that information? And so I think that's probably the next step in that system.

CHAIR STEFANICS: I think you have somebody that's coming up to help you answer that. You want to come up, Ken? He called on you earlier and was looking for your help.

KEN MARTINEZ (RECC): Madam Chair, Commissioners, we have upgraded to a new version of our Dialogic Reverse 911 system; the chief is correct in saying that. The mass call-out function of that system is much, much better than what it was before. We can hit much larger numbers of the population with our outgoing messages and along with that we also now will have the capability of broadcasting to text message over cell phone and also by email. The portion that he mentioned about subscription by the public is going to be necessary. Now, at this point that has not been activated because the training and everything that I have internally is not complete and I don't want to put it out to the public if it's not actually ready to go forward. Middle of next month I'm going myself to receive training in how to get that subscription part activated and enabled. Once that's done we'll start a public information and education campaign that the Santa Fe County residents know about subscribing and giving us their information so that they can receive that notification by all those means – email, text messaging, cell phone and land line. So we're going to meet all of those that – we're trying to do or can be done by Nixle but will be used specifically for emergency notifications only.

So the RECC will put out broadcast messages that are only emergency for that time and not information or traffic or anything else.

COMMISSIONER HOLIAN: Thank you. I think that's a really important step forward for sure to be able to have cell phones accessible and so on. Pablo?

MR. SEDILLO: Madam Chair, County Commissioners, I think it's important to know that we can be pro-active in some of these steps here and some of these steps are that when there is a serious incident in each of your districts the RECC can now contact me immediately and I can shoot out a text message or an email to you if it's in your particular district or to all the County Commissioners as well as the County Manager to let you know that there is an incident in that area. So we can be pro-active in that stance right there.

COMMISSIONER HOLIAN: That would be great. And I just want to comment, Chief, that I think that the sirens are a great idea. I happened to be in southern Indiana about a year ago and there were a lot of really bad tornados going on. In fact there were deaths and they were serious tornados. But I was really impressed with the sirens and how that really gave you an idea of whether you were in the vicinity of where there was a tornado. But of course I can see in our area fire is probably the more major danger.

MR. VIGIL: In closing, I've got Director Sedillo for about four hours next week and I'm sure I'm going to give him an earful and get a chance to really show some of the challenges, and he's aware of a lot of it but I think it's a good opportunity to – what you saw out there. It's a big issue; it's our biggest event. So I'm excited about that.

COMMISSIONER HOLIAN: So I just wanted to take this opportunity to tell the public that I am hosting the first fire safety meeting in District 4 of the year. It's going to be at the Hondo 2 fire station from 6:00 to 8:00 pm and anybody is invited who would like to come and I believe Chief Vigil will be there as well as Mr. Sedillo, and what is going to be really exciting is we're going to have a sim table there, which is a great way of being able to

visualize in three dimensions how a fire moves through a neighborhood. It's very compelling. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. And on that point, the Governor just today put out a press release proclaiming March 25th through April 7th as Wildfire Awareness Week and urged residents and visitors to the state to be prepared that we're moving into the season. So I think that that's a message to the County that it's time for us to do whatever public service announcements, whatever kind of community meetings, any activities that we possibly can. I hope, even though you're going to the training in a month, I hope we have no fires before a month for this signing up. We can't control that. So this is what I'm a little concerned about. But thank you very much, Mr. Vigil. You and your group are always so professional in working through these emergencies and cooperation with other entities is good to hear, not only about the pilgrimage but also about our fire season. And thank you very much for continuing to work on that. Thank you, gentlemen.

Commissioner Anaya, are you on the phone? I understand that Commissioner Anaya will be joining us by phone.

XI. E. Growth Management Department

1. Resolution 2012-48, a Resolution to Authorize a Community Planning Process for the Chimayo Traditional Community

CHAIR STEFANICS: How many people in the audience are here for this? Just so we know? [Approximately 18 people raised their hands.] Okay. Great. Thank you for coming today and after Robert does the presentation we'll take comments.

ROBERT GRIEGO (Planning Manager): Good afternoon, Madam Chair, Commissioners. This request is from the Chimayo Citizens for Community Planning to authorize a community planning process for the traditional community of Chimayo. Included in your packet is some background information regarding the process. There's also some information regarding the project approach to develop a community plan in coordination with County staff to include a land use plan, a strategic work plan based on the community vision and goals, opportunities and constraints related to key issues. The process will be consistent with the County's growth management plan.

Madam Chair, Commissioners, included in your background information as Exhibit A is the traditional community boundary of Chimayo. Attached as Exhibit B is the letter of intent from the Chimayo Citizens for Community Planning, as well as the initial planning committee, which includes representation from a number of groups, business owners, acequias and the mutual domestic, the fire within the area. There's also representation from the residents of the area.

Planning staff supports the initiation of a community planning process for the Chimayo traditional community in accordance with the SGMP and the community planning process. There's a representative here from the Concerned Citizens for Chimayo Planning here, Raymond Ball, to address their issues.

CHAIR STEFANICS: Great. If you'd come up and introduce yourself please.

RAYMOND BALL: Madam Chair, Commissioners, my name is Raymond Ball. I'm a business owner in the Plaza del Potrero and my store is located next to the

Santuario de Chimayo. My family has owned a business in the plaza since in 1922 and before that my great grandfather, Victor Ortega ran his business in the Plaza del Cerro, the original fortified plaza. I'm here as the president of the Chimayo Citizens for Community Planning. The first time Chimayo tried to come together as a community group was five years ago. Now that Santa Fe County is in its final stages of finishing its Sustainable Growth Management Plan we see an opportunity to work with the County on a community plan for Chimayo.

Currently, COMMISSIONP has a membership of approximately 100 people living in Chimayo and a core working group of 13 residents. We have the support of the Chimayo History Museum, Chimayo's Domestic Water Association and businesses in Chimayo. Chimayo is a fast-growing bedroom community for Santa Fe, Los Alamos, and the surrounding regions and we are experiencing high demands on our resources. Right now, the Chimayo Water Association cannot meet the community's needs for water, although it is growing to meet future demands for clean water for residents.

Chimayo lacks a sewage treatment facility which has contributed to the poor water quality in the area. As a result, residents have been forced to abandon private wells and pay for hookups to the main water line. Traffic is on the increase. Much of the time it flows smoothly, but there are other times when it's backed up and parking is a problem. During the busiest times of the year people park wherever they can, either parking some distance away and walking in or parking in driveways and right-of-ways to residents who are inconvenienced by this.

Another major problem is access. During Holy Week the roads into Chimayo are dangerously congested with cars, people trucks and buses. On those heavy traffic days access of emergency vehicles to homes is problematic.

I want to stop talking about Chimayo's problems for a moment and thank Santa Fe County for having made Chimayo a better place to live. A few years ago Santa Fe County took a bold step by purchasing 40 acres of Los Potrerros pasture land, owned by my uncle and aunt, Orlando and Isabel Vigil, thereby preserving and protecting the fragile environment from development. Santa Fe County has also shown a commitment to the safety of tens of thousands of visitors and pilgrims to el Santuario by widening the shoulder on County Road 98, known as Juan Medina Road. And thanks to the County's recent expansion of the Chimayo Fire Station, the 20-acre wildfire last Sunday was contained and disaster was minimized. Thank you, Santa Fe County for these much needed improvements, and good job.

Chimayo's importance to the state of New Mexico cannot be underestimated. As a mecca for pilgrims and tourists it is a significant part of the state's economic engine, since tourism is one of the three largest industries in the state. However, it is critical that Chimayosos, many of whom are related to the founding families, not get lost in the mix. We do see the need for economic development but not at the expense of our character, our natural and cultural resources.

Right now, we need to work together to create a community plan that extends Chimayo's current designation as a traditional community, since the town has grown beyond that definition. Chimayo has much to offer. In return, we must try to preserve our rural setting so that our children and their children can be proud of their heritage in the beautiful valley. Thank you. I stand for questions.

CHAIR STEFANICS: Thank you very much. Before we go to questions or comments from the Commission, are there any members of the audience who feel like they need to speak something that has not been expressed? If so, we're happy to acknowledge you. Yes, sir. Please come up. Please identify yourself by name.

TOM MCINTOSH: Commissioners, my name is Tom McIntosh. I'm an archeologist of Santa Fe. I've lived in the area and can say that this request is of utmost importance from the cultural preservation point of view. This is because in the approximate one square mile area of the traditional community there are 14 registered sites with the state of New Mexico, seven of those sites are recommended eligible for listing on the National Register of Historic Properties. Three of the sites are on the state register, two of the sites are on the National Register. One of the sites is a national historic landmark.

Now these sites are the result of very minimal survey activity, so probably recommend a very few number of the real reality of number of site density that is in the area. I think with regulated oversight of development there that will bring in more surveys of the area, revealing more cultural resources in the area that would be protected as Santa Fe County is known to do, and I support this, not as a resident of Chimayo, but as a cultural preservationist of the state of New Mexico.

CHAIR STEFANICS: Thank you very much, Mr. McIntosh for coming. Okay, so we're back to questions and comments for Mr. Ball or just in genera.

COMMISSIONER VIGIL: This is for staff. Well, first of all, I really want to thank everyone who's here from Chimayo and recognize the initiative you're undertaking. It's not going to be easy. We've gone through a lot of planning processes but you've got a smaller community to deal with and a lot more precious resources to protect. So I think it will be easier for you to move forward on this. Fully supporting this, Chimayo does need the protection of a community plan. Robert, is Chimayo by statute a traditional historic village, similar to Agua Fria or is it a historic village?

MR. GRIEGO: Madam Chair, Commissioner Vigil, it is a traditional community, not a traditional historic community. The traditional community for Chimayo, it also – there's also a traditional community in Rio Arriba County as well that I'd like to make sure the Board is aware of. What we would like to do is try to work with Rio Arriba on parts of the intergovernmental coordination.

COMMISSIONER VIGIL: What is the community in Rio Arriba that's historic?

MR. GRIEGO: It's just traditional.

COMMISSIONER VIGIL: Oh, traditional. So through the community process, the community will learn whether or not they would be interested in becoming a traditional historic village. Is that correct?

MR. GRIEGO: Madam Chair, for this community they would go through a process to determine what it is they wanted to accomplish and identify those things and determine the most appropriate mechanisms to achieve their goals.

COMMISSIONER VIGIL: Okay. And one of the alternatives they will have through our staff is to be able to communicate to them the option of becoming a traditional historic village, which simply just allows them to not be annexed if they don't want to be annexed without a 51 percent vote. Correct?

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MR. GRIEGO: Madam Chair, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, and then Commissioner Holian.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Commissioner Vigil –

CHAIR STEFANICS: Excuse me. Commissioner Anaya, are you on the phone? Okay. Sorry. Go ahead.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I'd just like to recognize and thank all of you for being here. I also want to recognize Ms. Jaramillo, that if none of us have eaten at, which I would kind of like to think all of us have eaten at Rancho de Chimayo. We definitely need to get up there and have a Sunday breakfast or dinner sometime. Madam Chair, Mr. Griego, as far as Commissioner Vigil's point, I guess there's no possibility of anybody annexing Chimayo at this time or in the foreseeable future. That's pretty much the reason that it would be classified as a traditional historic community.

MR. GRIEGO: Madam Chair, Commissioner Mayfield, yes. According to the state statute that created the traditional historic community process there's the main rationale for becoming a historic community would be to prevent annexation and to be removed from the Extraterritorial Zoning Authority of the area, which at this time we do not have one with Rio Arriba County.

COMMISSIONER MAYFIELD: I don't think Rio Arriba even has an Extraterritorial Zoning Committee, do they?

MR. GRIEGO: Madam Chair, it would be with Santa Fe County and we do not have one.

COMMISSIONER MAYFIELD: The City of Espanola doesn't have one either but I don't think that matters. But as far as this, what they're bringing forward for the community plan, Mr. Griego, how many community plans do we have within Santa Fe County that are recognized?

MR. GRIEGO: Madam Chair, for clarification on that – how many traditional communities are recognized?

COMMISSIONER MAYFIELD: Let's go both. Traditional communities that are recognized and then just community plans that we have in Santa Fe County.

MR. GRIEGO: Okay. I believe there are approximately 26 traditional communities recognized by Santa Fe County, and there are 13 community plans that have been adopted by Santa Fe County.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Griego, staff has met with Mr. Ball and community members as far as explaining to them the process of becoming a recognized community plan that this Commission could move forward on? They've met all the pre-criteria, correct?

MR. GRIEGO: Yes.

COMMISSIONER MAYFIELD: And staff is supporting this recommendation also?

MR. GRIEGO: Yes. Staff does support the adoption of this resolution to adopt a community planning process for Chimayo.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Griego, how long typically does a community planning process take?

MR. GRIEGO: In the past it's varied significantly. With this process, what we did in the Sustainable Growth Management Plan was try to identify a clear process so we could streamline it. We've identified this process in three phases that we anticipate could take approximately a year to develop this plan. However, Madam Chair, Commissioner, we do recognize that we need to complete the Sustainable Land Development Code prior to this plan being adopted but we would hope the code would be adopted before this community plan goes forward.

COMMISSIONER MAYFIELD: Thank you. But they could run simultaneously, correct? Or if the community plan came pre-code the community plan could be adopted into the code. Correct?

MR. GRIEGO: In the resolution specifically there's some language that indicates the Sustainable Land Development Code should be adopted prior to the adoption of the Chimayo Community Plan. I believe that's in order to ensure consistency between the Chimayo Community Plan, the general growth development plan and the land development code.

COMMISSIONER MAYFIELD: Thank you, Mr. Griego, but with the 13 other community plans we have within Santa Fe County one is actually where I live, the Pojoaque Valley community plan. That community plan will be adopted into the new Sustainable Land Development Code. Correct?

MR. GRIEGO: The existing Pojoaque community Plan is currently part of the growth management plan that we have right now. We are going through the process on the code and the existing ordinances, the way that it's identified in the code draft as it is is those existing community planning ordinances will remain in effect until they are revised.

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

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to thank all of you from Chimayo for being here and for going forward with this process. I myself have been first on the County Development Review Committee and now on the Board of County Commissioners for a little over ten years and I know from personal observation is that one of the most important things a community can do is to come together to do a community plan. And I myself would like to see – well, I think it would be great for a couple of the areas in my district to go forward with community planning. Canoncito and Glorieta. I think it is an important way for a community to be able to protect what you love about your community. So it's just really an important process to go through and I couldn't be more supportive. So thank you. Thank you for being willing to go through the hard work to do this.

COMMISSIONER ANAYA [telephonically]: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I too support the efforts. I applaud the community and applaud Commissioner Mayfield for his support of the effort and look forward to watching it and having the process come back to the Commission and letting those folks help control their own planning and destiny. So I appreciate the efforts.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: I would like to make a comment before we go to motion. Thank you, as everyone said, for coming down. I've had several wonderful meals up in Chimayo, especially on Christmas Eve, which has been wonderful. But also the comments made about the cultural resources there that need to be protected. It's a unique community. My parents don't live here in the state; they live in Ohio and the couple times they've been well enough to visit, the Santuario has been very special for them. And they haven't been any other place like that. So not just for your community, but as you indicated, for the rest of the state and for other individuals that come from out of state, I believe it's very worthwhile and timely that your community come together and that you establish what it is you'd like to see for the future. So thanks again for putting the forethought into this. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Ball and community members. I appreciate you bringing this plan forward. Staff, thank you for working with these community members. And with that, Madam Chair, I would move for approval of resolution to authorize a community planning process for the Chimayo traditional community.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. We had several seconds. So we have a motion and a second for Resolution 2012-48, a resolution to authorize a community planning process for the Chimayo traditional community.

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

CHAIR STEFANICS: Now you have the hard work coming ahead. Thank you for being here and for waiting.

COMMISSIONER MAYFIELD: Madam Chair, if I could ask. Mr. Ron Pacheco is looking for a few members to serve on our community center up at the Bennie Chavez Center and also on our senior center at the Bennie Chavez Center. So now that we have a captive audience I'm going to put in a plug. If anybody has interest, please get him a letter.

MR. PACHECO: Madam Chair, we really still do need the Chimayo area to step forward if they can. Thank you.

XI. F. Community Services Department

- 1. Approve State of New Mexico Aging & Long-Term Services Department Agreement for Fund STB Capital Appropriation Project in the Amount of \$274,000 to Purchase & Equip Vehicles for the Senior Services Program on a Countywide Basis**

CHAIR STEFANICS: Is there a motion?

COMMISSIONER VIGIL: I move we approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. Now the reason there was a motion and a second was because we move right ahead with senior things, and we love our seniors.

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

- XI. F. 2. Resolution 2012-49, a Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Aging & Long Term Services Department to Purchase Vehicles for the Senior Services Program / \$274,000**

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion and several seconds.

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

- XI. F. 3. Resolution No. 2012-50, a Resolution Amending Resolutions 2010-240, 2011-2, and 2011-110 Which Created the Santa Fe County Health Policy & Planning Commission to Increase Number of Members From 11 to 13**

CHAIR STEFANICS: Ms. Rachel O'Connor, could you please explain it.

MS. O'CONNOR: Yes, good afternoon, Madam Chair, members of the Commission. This resolution extends the number of members on the Health Policy and Planning Commission from 11 to 13. It extends it actually in two ways. One in that it adds a member appointed by the Mayor of the City of Santa Fe. The second also adds an additional member on a countywide basis appointed by the BCC.

CHAIR STEFANICS: Okay. So one is from the City of Santa Fe Mayor and one is countywide.

MS. O'CONNOR: Madam Chair, that's correct.

CHAIR STEFANICS: And the countywide would just apply through an advertisement?

MS. O'CONNOR: Madam Chair, that's my understanding.

CHAIR STEFANICS: Thank you very much. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I know we discussed this or I broached this a little bit this afternoon at an earlier meeting we all had. As far as the appointment from the Mayor of the City of Santa Fe, does that need concurrence from this Board or can he just straight out appoint somebody to the Health Policy and Planning Commission?

CHAIR STEFANICS: Ms. Miller, this goes back to the vetting process, because they're not a volunteer. They are a paid staff of the City?

COMMISSIONER MAYFIELD: Madam Chair, would they also have to go through background checks?

CHAIR STEFANICS: Well, that's what I'm asking.

MS. MILLER: Madam Chair, Commissioner, it does not state that we approve. It's just a member appointed by the Mayor. We can add that if you want to. They've

done it on for instance the Library Committee, we provide them names and they approve or they recommend, I believe. So if you wanted to add that to it but at the moment it's not stated that way.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller or Mr. Ross, wouldn't that conflict with our Code of Ethics if they didn't go through that background vetting that we've required on everybody else?

COMMISSIONER VIGIL: Madam Chair, and let me just interject here. I don't think there was any understanding that they have a special appointment and they bypass any of our processes. I think just by nature of the fact that it's appointed by the Mayor, that person would go through the vetting process once the appointment occurred. There's absolutely no reason why we would treat this member any differently than any other. The only difference is that the appointment comes from the City of Santa Fe.

MS. MILLER: Madam Chair, one of the things that could resolve this is just instead of saying appointed put nominated by the Mayor and then that would leave it to you to approve it.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, I know that just from looking at the history this board has kind of moved up and down with membership. There could be a wait from the City of Santa Fe because I think all us arguably touch the city areas. But this would be specifically within annexed areas of the city boundary areas. Correct? This appointment?

MS. MILLER: Madam Chair, Commissioner Mayfield, it doesn't state that. What it's actually after is getting a City staff person more than anything, so that they're actually involved from an administrative –

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, can we say City staff person in here?

CHAIR STEFANICS: It doesn't say that.

MS. MILLER: I think that was the intent. Steve, am I correct? The basis for this? So, yes, we could say, City staff/employee, nominated by the Mayor.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: So that would be an amendment. One City staff member nominated by the Mayor of the City of Santa Fe.

MS. MILLER: Yes.

CHAIR STEFANICS: And the member nominated down below where it says the member appointed. Okay.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield, are you finished?

COMMISSIONER MAYFIELD: Yes. Thank you very much.

CHAIR STEFANICS: Okay. Commissioner.

COMMISSIONER HOLIAN: I move for approval with the suggested change.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: Okay. There's a motion and a second, with the amendment.

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

COMMISSIONER VIGIL: This means we have 13 with an additional countywide appointment.

CHAIR STEFANICS: The 13 includes the countywide. That's correct. Thank you very much for that clarification, Commissioner.

XII. Matters From the County Manager

A. Ongoing Capital Projects

MS. MILLER: Madam Chair, I hope Commissioner Anaya is still on the phone because this goes to one of the requests he had. Adam was going to do an update on how we were going to provide more comprehensive reporting to you.

MR. LEIGLAND: Madam Chair, Commissioners, if you recall we were going to include some data in a pre-existing database that we already had, so I modified it to include all those fields. Actually we just finalized that today. My intent is, once that's populated then we can just print that out and provide that on whatever kind of basis is needed. So I don't have a specific project update but I just wanted to give an update on the overall update status.

CHAIR STEFANICS: Thank you. Are there questions or comments for Mr. Leigland?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, when do we think we'll actually see status updates, just so we can see where we're at?

CHAIR STEFANICS: Mr. Leigland or Ms. Miller?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, if you heard me, we just finished the tool today. I've been working with IT, so now it's just a matter of populating it. And we have, off the top of my head, about 50 ongoing projects. So I think that by the next meeting we should have a good product.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Mr. Leigland, you plan on presenting it to the total body as opposed to one on one with us?

MR. LEIGLAND: I think what I was imagining to do is just print out the report and just distribute it to this body during the meeting and then if there are any questions during matters from the County Manager I would answer questions at that time.

MS. MILLER: Madam Chair, on that point, what we're trying to do is build up some standard reports that you get, just like you get the financial report, and employee data report and project reports in your packets at the admin meeting at the end of the month. It would give you either the prior month or through a certain date close to the prior month, depending on for instance, HR stuff has to go by previous month, so does the financial report. So that you have a constant set of reports of things throughout the County. So we're developing those by department and then they're also going to tie into our performance based budgeting. So you'll start to see all this come together. But this was one of the ones that we've been trying to get a much better reporting project to you by getting all of the projects in one database.

CHAIR STEFANICS: Thank you. Commissioner Anaya, did you get your answer or did you have further questions?

COMMISSIONER ANAYA: I guess just an additional comment that if on our agenda, similar to the financial report, that we have project update submittals that it sounds like we're going to be getting on a regular basis. Then if Commissioners have questions on those submittals that we receive we can raise those as appropriate. Does that sound reasonable?

MS. MILLER: Madam Chair, Commissioner Anaya, that's exactly what we had planned, that those reports would be in there. You get them when you get your packet. You'll be able to look at it, if you have questions you can bring up questions then it they would be in your packet and we'd be available to answer questions concerning those reports at those meetings.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, would you see that as a mechanism that Commissioners could use to raise questions on projects, the state they're in in the entire report?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. That would be appropriate.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other questions or comments? Thank you very much, Mr. Leigland.

XIII. Matters From the County Attorney

A. Executive Session

- 1. Discussion of Pending or Threatened Litigation**
- 2. Limited Personnel Issues**

CHAIR STEFANICS: Mr. Ross, could you tell us for what purposes we need to go into executive session?

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

CHAIR STEFANICS: And Mr. Ross, do you think that would be 30 minutes?

MR. ROSS: Madam Chair, yes. I think it would be 30 minutes.

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

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Okay. There's a motion and a second. Could we have a roll call please?

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

CHAIR STEFANICS: We are on a temporary recess. We will be back for Matters of Public Concern at approximately 5:30. Thank you very much.

[The Commission met in closed session from 4:55 to 6:00]

CHAIR STEFANICS: Could I have a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we come out of executive session where we discussed pending or threatened litigation, as well as limited personnel issues. Present were the five Commissioners, Commissioner Anaya by phone, and our County Manager, our County Attorney and our Deputy County Manager.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

XIV. Matters of Public Concern (Non-Action Items)

CHAIR STEFANICS: Is there anyone in the audience who came for a non-action item? We'd love to hear from you. Okay, the Matters of Public Concern is closed.

XV. Matters From the Commission

A. Proclamations

1. A Proclamation Declaring March 26th through March 29th Battle of Glorieta Pass Days

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is the fourth time I've brought this proclamation forward; it's sort of like a tradition. And I thought just to be a little bit different I would give some interesting historical context of that time. I'm not sure that everybody knows but at that time, just before the Battle of Glorieta Pass, the Confederates briefly occupied Santa Fe and in fact I will note that it is 150 years ago this month, which is the Sesquicentennial. In any event, even at that time the Santa Fe *New Mexican* was being published, as well as a couple of other newspapers, but during the period the Confederates were occupying Santa Fe, the papers were not published. They were shut down at that time.

However, about a month later, after the occupation ended there was a brief account of what it was like and I thought I would tell you what they had to say about it. So on March 3rd the Union sympathizers who lived in Santa Fe left Santa Fe and in fact they took with them 188 wagons of supplies – food, winter clothes and ammunition and left Santa Fe for their safety, but they left the women and children behind at that time. It was just the men. On March 8th all the newspapers suspended publication and the Gazette said that they suspended publication due to “the disturbed condition of public affairs.”

Then on March 11th, eleven Texans made their appearance in the city and I think that's an interesting point because as a matter of fact in the Southwest the Confederates were not called Confederates they were called Texans or Texas Rangers. So even then it sort of had a pejorative connotation to it.

Then on March 13th the Confederates actually offered the Union supporters amnesty, but they were gone. And then on March 14th, 70 more Texans entered the city, and then 200 more on March 20th. And then the battle occurred on March 26th. Now, what's interesting is actually the Confederates technically won the battle, but the Union forces were able to completely burn all their supplies – their clothing, their food, everything was gone. So in essence that was the end of the campaign for the Confederates. And they were actually planning on not only taking over the Southwest but their ultimate goal was to go to California and take over the seaports there. So this is considered a very important battle actually in the war between the Confederates and the Union forces.

Another kind of interesting thing is that for a while after the occupation ended there was a rag-tag band of Confederates that hung around Santa Fe and they had nothing; they had no food, no clothes. But they did finally manage to purchase some supplies from Felipe Delgado with three promissory notes that amounted to a little over \$2,000. Now the interesting thing is that they never paid off those promissory notes, and in fact Joseph Valdez who was the Mayor of Santa Fe from 1972 to 1976 and is the great grandson of Felipe Delgado still has those Confederate promissory notes.

So I just wanted to put it into context of how Santa Fe itself fared. And now I would like to read the proclamation recognizing March 26th through March 29th as Battle of Glorieta Pass Days.

Whereas, during the Civil War, New Mexico became a key arena in the war as the Confederate Army advanced northward through the state, gaining ground in battles from Las Cruces to Santa Fe, and on March 10, 1862, forced the seat of state government to retreat to Las Vegas; and

Whereas, on March 26, 1862, the courageous Colorado volunteers and New Mexico soldiers stood together against the Confederate Army in the Battle at Apache Canyon, just 13 miles from Santa Fe, losing only five Union soldiers, taking 71 Confederate prisoners and killing an estimated 32 to 70 soldiers that remain buried at the battlefield today; and Whereas, the battle resumed on March 28, 1862, west of the Village of Glorieta at Glorieta Pass, and there the Confederates were defeated as a result of the rear guard wagon train destruction at Apache Canyon; and

Whereas, the victory of the Battle at Glorieta Pass occurred one year seven months and 13 days before Gettysburg and became a turning point in the Civil War by preventing the Confederates from taking control of gold mines from Colorado to California; and

Whereas, for over 150 years, the significant of the Battle of Glorieta Pass has been inadequately recognized, and the battlefield, known as the "Gettysburg of the West" remains among the top ten most endangered Civil War battlefields; and

Whereas, it is our duty to remember the highest sacrifices made by those soldiers who died on the battlefields in the battles of Glorieta Pass and Apache Canyon, and recognize their crucial role in ensuring the future union of our great country and in preserving the freedoms we all enjoy as citizens; and

Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners do proudly proclaim the 26th through the 29th of March as the Battle of Glorieta Pass Days in commemoration and honor of those who gave their lives for the victories won at Glorieta Pass and Apache Canyon.

Madam Chair, I move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. There's a motion and a second for this proclamation. Thank you very much. Is there anybody in the audience that came for this? Because we don't want to overlook you. Okay.

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

XV. B. Resolutions

1. Resolution No. 2012-51, a Resolution to Recognize the Galisteo Basin Conservation Initiative Plan as a Model for Watershed, Natural Resources and Green Infrastructure Planning

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all I would just like to start off by thanking Arnie Valdez. I know that he is gone now but I also know that he worked on this quite a bit and he put this packet item together and did a lot of work on it and I just want to – I don't know if Arnie's listening, but if he's out there I'd like to wish him good luck in his new endeavors and thank him for all of his hard work. We are really going to miss him at the County.

So anyway, I believe that this Galisteo Basin Conservation initiative plan is a real model of a way to do planning for things like watershed preservation, conservation of natural resources, protecting our heritage areas, and I will just say that the Galisteo Basin in particular is a real historical repository of many important sites in our past, and it's really important for us to protect those.

I think it's important with this plan that was done to note how many people and organizations came together to make this a reality. The Office of the State Engineer, the Interstate Stream Commission, the Santa Fe Conservation Trust, the UNM School of Architecture and Planning, the National Park Service, of course the Santa Fe County, and also Earth Works Institute which was the non-profit organization which really kicked this off and was behind getting this initiative going in the first place.

I think it's also important to note that one really important thing that came out of this planning effort was the concept of a land suitability analysis. And in fact, this land suitability analysis is the real foundation of our very progressive Oil and Gas Ordinance, and it also figures prominently in our Sustainable Growth Management Plan. Now, I'm not going to read the resolution but I would just like to read the goal of this resolution which is expressed in the Now, therefore, be it resolved part of the resolution. And it's that the Board of County Commissioners of Santa Fe County hereby approves the recognition and utilization of the Galisteo Basin Conservation Initiative as a model for watershed, natural resources and green infrastructure planning throughout Santa Fe County. And I would like to first move for approval, and if there's a second I would like to ask Jan-Willem Jansens who is the former director of Earth Works to come forward and say a few words.

SFC CLERK RECORDED 04/25/2012

CHAIR STEFANICS: Second. So let's have the presentation. Come on ahead. I know you've been waiting for this a couple weeks, a couple months. If you'd introduce yourself for the record.

JAN-WILLEM JANSENS: Madam Chair, Commissioners, I'm Jan-Willem Jansens. So I presented to you copies of the report. I must say they are my only copies so I hope I can take them back. But there are several copies here at the Planning Department here at the County that you may look at and I think Robert Griego can help you find them probably in the office. *[Exhibit 2]*

Thank you very much for being able to say a couple of words about it. The resolution presented to you today proposes the recognition of the Galisteo Watershed Conservation Initiative Plan prepared by Santa Fe Conservation Trust with Earthworks Institute and Earth Analytic, Inc. It was prepared between 2005 and 2011. The project was funded through a state appropriation of \$50,000 sponsored in 2004 by State Representative Max Coll and Senator Phil Griego. The project was managed for the state by the Office of the State Engineer, and implemented under the responsibility of the Santa Fe Conservation Trust.

From its start Santa Fe County has also been very actively involved in the development of this plan and the planning process has already had many positive impacts on the natural resources and livelihoods we value in the county. The initiative was completed last December 2011 with the presentation of this final report, Galisteo Watershed Conservation Initiative, Quality of life at a crossroads, and the study is based on the unique and probably first ever compilation of GIS data layers for water resources, ecological habitat values, archeological resources and scenic values for the Galisteo Basin. The report describes in detail the many treasures of this landscape and outlines strategies for its conservation and restoration.

The concept plan was realized with many participants and many forms of expert and public input, like Commissioner Holian already explained. The initiative has already provided important input to open space and trail conservation, wildlife habitat and connectivity protection, and stream and wetland restoration in the Galisteo Basin and beyond. The plan also serves as a model and data source for the Santa Fe County Oil and Gas Ordinance and the Santa Fe County Sustainable Land Development Plan. Most recently, the study has received interest from wildlife conservation interests at a national and international level and will live on to guide economic opportunities to the already preserved cultural and natural treasures of the area. And I suspect and believe that your passion to serve as elected officials in Santa Fe County is connected to your love of our beautiful land with its splendid scenic beauty, its famous and inspiring cultural resources, and its scarce but vital springs, streams, and all the water resources, and its natural beauty.

All these resources have been the foundation for the livelihoods of people who lived here in the past and the people who continue to live here in the present, and those who will follow us in the future. These resources constitute the identity of our community and will nourish our future economic pulse. Knowing that we have helped, knowing what we have helps us plan better for the future and this Galisteo Watershed Conservation Initiative just does that. Therefore I would like to express my enthusiastic support for your adoption of this resolution, and I'm available further to answer any questions you may have about this initiative. Thank you.

CLERK RECORDED 3/27/2012

CHAIR STEFANICS: Thank you for coming tonight, Mr. Jansens. Are there any questions or comments? Okay, we have a motion and a second.

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

XV. C. Commissioner Issues and Comments (Non-Action Items)

CHAIR STEFANICS: Commissioner Vigil, we'll start with you.

COMMISSIONER VIGIL: Could I withhold my comments till later?

CHAIR STEFANICS: Yes. I'll provide mine. They're very brief. First of all, I believe Sunday is April Fools Day. I hope our entire community will be safe about their April Fools activities.

The second thing I'd like to bring up is that tomorrow evening the Santa Fe Farmers Market Institute is having a film, it's an entertaining and educational state of the art documentary on issues that relate to foods, sustainable communities, green growth, the environment, and it's entitled *Bag It*. And their comment is: Is your life too plastic? This is a free event. It's 7:00 pm. It would be great for not only our community members who are very much into recycling but also for families who would like to teach their children a little bit more about recycling. So with that I'll pass it on. Commissioner Holian, do you have anything?

COMMISSIONER HOLIAN: Thank you, Madam Chair. I think I've already mentioned the two items that I had earlier.

CHAIR STEFANICS: Okay. Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. We're having a grand opening, Santa Fe County, at the Rio en Medio Community Center up there in Rio en Medio, past Chupadero. So that's tomorrow at 11:00 am. I encourage and welcome everybody to attend if they can make it. Commissioners, I think it was hopefully properly noticed in case three of us make it. But that's going on.

And then just, I guess I'm going to bring up a matter of what I've been reading in the newspaper and I'm not directing staff, I'm just asking some questions for some input from staff. But I know, at least this Commission has brought up time and time again, issues with annexation of what's going on with the City of Santa Fe and Santa Fe County, and here I have articles, a slew of articles. My thoughts or my question, I know we've asked to meet with the Mayor. We've asked to meet with City Councilors on this issue. For whatever reason we haven't met. My question is do we need to put a formal resolution forward to ask that we have this meeting regarding annexation? Do we not need to put a resolution forward where we have these meetings timely?

There's a lot of concerns, I believe and one of my concerns is law enforcement of how we're going to address that. Steve, I guess what I would like, because I wasn't here, and again, I'm not directing, I'm just asking questions, so help me out here. I wasn't here when this annexation – whether there was a lawsuit that went through but I hear there were like five different maybe suits that were pending. There were some settlements. There were conditions of those settlements and maybe those conditions of those settlements haven't been met. I

don't know if we could ask for a working group, just so I can get brought up to speed on everything that's happening regarding annexation. If you can write me a white paper on it, but I would like to understand it a little more of what is going on and I definitely would like to hopefully have some time to sit with the City of Santa Fe and talk to them about this. Any thoughts you all to share with me I'd appreciate.

CHAIR STEFANICS: Thank you, Commissioner Mayfield. I'll first respond and let Mr. Ross respond. My initial conversation with the City of Santa Fe was to wait until the newly elected City Councilors were in place, and they indicated that they would be happy to set up a meeting with that. The County is trying to identify two issues and the City two issues that would be in discussion at that meeting. I think we've identified annexation and the RECC as topics. They haven't identified issues yet. We haven't moved to any proposed date, but I certainly will do some follow up on that.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, just a follow-up because one issue that causes me some thought is under the agreement, and I know Santa Fe County right now is having to come up with some cash to offset some property tax rebates that have been given to income eligible citizens and I thought that was part of the annexation agreement also that maybe the City of Santa Fe would have to offset some of those costs. But right now, all county residents are absorbing those costs. Am I wrong on that?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. That was one of the items in the settlement agreement that settled the five lawsuits was that the County agreed to implement the low-income property tax rebate.

MS. MILLER: Madam Chair, Commissioner Mayfield, and we have now had that in place. We'll be in our third year and we have rebated the most, I think it's about \$900,000 under that. So we have followed through with that commitment.

CHAIR STEFANICS: On this point, our agreement was not for an indefinite period of time. Is that correct?

MR. ROSS: Madam Chair, I think it was for an indefinite period of time.

CHAIR STEFANICS: Was or was not?

MR. ROSS: I believe it was.

CHAIR STEFANICS: Okay.

COMMISSIONER VIGIL: But, Madam Chair, for me, on that point, what that means is that we can reconsider that at any particular time and I will bring forth a resolution to reconsider it.

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

COMMISSIONER MAYFIELD: Thank you. Again, Madam Chair, I just would like to have more of an understanding of all the settlements I guess that were put in place. Madam Chair, Mr. Ross, I would hopefully like to bring a resolution. I'll draw it up and bring it to this Commission about having a formal meeting with the City. Again, Madam Chair, Ms. Miller, you've been trying to do this for the last eight months, if I'm not mistaken.

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. We put this address in at the direction of the Board since we did our study session retreat back in August. We were met with, well, tell us why. We gave them specifically the things that we did want to discuss and those were primarily the JPAs we have and the annexation agreements. The

response was that basically they would like to wait till after the election. I think that we agreed to that but also, we said there are a lot of agreements we could still work on on phase 2 which had to do with moving utility customers over to us. They have not done that in the unincorporated area of the city. Those are supposed to be ours and we've been waiting for them to transfer those customers over. And then we have some issues on roads and we've talked about putting those agreements together but we've not made a lot of progress on either of those accounts recently.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, just again, as far as recently, I guess today's article in the paper there are Councilors that are wanting to sit down and at least speak with us and anybody can read the quotes that were in today's papers. So that's what I have on annexation, Madam Chair. I don't know if anybody else wants to comment but I do have one other thing I'd like to bring up.

CHAIR STEFANICS: Please.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Ross, I guess this kind of goes around the annexation issue, but the RPA – I'm going to ask this. We haven't met with an RPA committee since I think last December. I know there were some thoughts again of what's going on with the RPA, what's not going on with the RPA, I think we've even asked, well can we discuss annexation in the RPA? One meeting's already been cancelled this year. I think two meetings have been cancelled this year. What is the status of the RPA between the City of Santa Fe and Santa Fe County?

MS. MILLER: Madam Chair, Commissioner Mayfield, there's probably three of us that could provide a little bit of information on that. First of all, the administration of the RPA is supposed to move each year, rotate back and forth between City and County. So at the end of the year it should have moved over to the City. However, at the last meeting it was not – there was a request – the meeting that we had in December it was requested that we have kind of a session to discuss and a facilitated discussion of what's the future of the RPA. So a new chair was never appointed from the City side. So one issue is who would even call the meetings at this point. Commissioner Holian is still the chair and has committed to do that and she can probably discuss what has and has not happened on that front. And then in addition we were pretty much completely out of compliance with the JPA itself from the standpoint of many of the things that were written in the JPA, about five conditions in the JPA, we really no longer do.

So the RPA itself definitely needs a new mission and revamping.

COMMISSIONER MAYFIELD: Thank you, Katherine. Well, I'll just comment on it a little bit. Actually, our last meeting was in November of the RPA. I called a meeting in February where we were going to discuss the future of the RAP and there was not a quorum so the meeting had to be cancelled. I just sort of got the feeling that the City was not that interested in it anymore and so in a way, right at this moment I am waiting to hear from the City to see if they still think it's worth going forward. So also let me get your feedback. I could call another meeting and we could sort of open up a discussion again.

COMMISSIONER MAYFIELD: Madam Chair, I respect – and I know Commissioner Anaya he may be on telephonically. I know he's had a request that maybe we meet as joint bodies regarding annexation. But I thought, look, RPA would be a great venue for us to talk about annexation. I arguably think that's what the Regional Planning Authority

should be discussing. That's just my thoughts. My other thoughts though, respecting our budget process, and I know Ms. Miller we had a meeting on that I think yesterday. We have so many meetings. But are we planning on funding money into the RPA in this new budget cycle? If not, that's something I would like to discuss before the budget is let out to us. Madam Chair, maybe we need – Madam Chair of the RPA, maybe that's what we need to have discussions about also.

MS. MILLER: Madam Chair, Commissioner Mayfield, we have it as kind of a holding point but clearly we'll need to make some decisions as to whether we have any – whether we put it into the budget and to what degree it's in the budget because at the moment, with no meetings and it's not even on our staff at this point for this year. We're going to get through most of the year and it will be back on the County side again. So a lot of those things need to be actually discussed and determined by the RPA or the individual bodies.

COMMISSIONER HOLIAN: Madam Chair, can I just make a comment on that? There are four City members of the RPA as well, so they have to be willing to move forward with it. It isn't just a matter of us deciding what the RPA should do. So they would have to agree, or at least one of them would have to agree to taking on the annexation issue. Because it's not really in the purview of the RPA to do that at this point.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Ross or Ms. Miller, would you all advise that maybe a letter go to the City of Santa Fe just asking, look, we want to sit down and talk about annexation. I would hope all five Commissioners would be signatories if they don't to or just suggest we do something like that in resolution form.

CHAIR STEFANICS: On this point, since I have already discussed this once with the Mayor, I prepared a letter under the chair indicating that the Board of County Commissioners had asked for a dialogue, to start a dialogue with the City Council. And I have no objection to a resolution. I think a resolution only strengthens a letter, so I'm totally open to that.

COMMISSIONER MAYFIELD: Well, I appreciate that and maybe I'll try and get a resolution for the next meeting. Thank you. Thank you, Madam Chair. Thank you, staff.

CHAIR STEFANICS: Thank you. So, Commissioner Vigil.

COMMISSIONER VIGIL: Does Commissioner Anaya have anything?

CHAIR STEFANICS: Commissioner Anaya, did you have anything? Maybe he'll come back. Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to report that I did participate with Shoot Santa Fe in the film festival portion of South by Southwest to promote films in Santa Fe County and actually northern New Mexico, and that's why I actually wasn't here at the previous meeting. I did it on my own dime, just so you all know that and it doesn't come back to haunt me by third party people. So – because I believe in it. I believe we actually need to move forward on promoting films in Santa Fe and northern New Mexico.

The Shoot Santa Fe initiative is really taking wonderful shape. Taos is involved in it, Los Alamos, Rio Arriba, Española, Santa Fe. The private sector has really stepped up to the plate and the events that we promoted while we were there, I was very impressed by the folks that were there from the private sector. We had the Santa Fe Cooking School, Santa Fe Wine and Spirits were there. I wish I had the list before me because there were so many participants. And it's really an unprecedented public-private partnership that's blossoming

because of that because the hospitality industry, the restaurant business, they're all wanting to be a part of promoting films and I think that the next promotional tour will be to Los Angeles and I think it's July, June or July. I'm not sure.

This is just another venue for marketing the promotion of films. What the film union, IATSE, has done is they have this mobile truck that has all of the logos of those of us participating in it. The City of Santa Fe, Santa Fe County, IATSE, Santa Fe Studios, Garson Studios, all of the participants are part of that traveling truck when we were in Austin but I didn't realize that the South by Southwest Festival included a film component and it is at the front part of the music festival. And of course all of Austin – it amazes me because the whole city creates a focus on promoting both film and the music.

We actually drove the van around, parked the van in front of a home that was rented, that provided hospitality for a breakfast and a reception, I think a couple of nights. I only stayed for a couple of nights. I did not stay for the final night I don't believe. I can't remember, to be honest with you. The final day I know I stayed for part of that and that was a joint effort with MTV Latinas, which was sort of a display area in the back of a museum. It just – it's a festival that does a lot of promoting and I was very pleased to be a part of it and I'm really glad that Shoot Santa Fe is taking that kind of initiative to promote films in New Mexico and I hope that we can continue to do that because Santa Fe received a wonderful response when we're out there promoting ourselves.

So I'm not sure who would be a part of the Los Angeles traveling troupe but I think we need to be a part of it. That's all I had to report.

CHAIR STEFANICS: Great. Thank you very much, Commissioner.
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point, Madam Chair, Commissioner Vigil, I was listening to KSFR and I heard your remarks and they were great as far as what's going on with the film initiatives out there. They were great. And on that note I'm just going to ask because I know we asked, at least I asked about this in the past, because there is a subcommittee, Madam Chair, I haven't been to the meeting but Commissioner Vigil, you and I sit on that with Duncan Sill. But there was one question that came up in there and again, I just want to ask to revamp our code or revamp anything else, but it was the permitting process. And I just – I do think in the County there are some things we need to address and maybe they might contradict other things we're doing in the County but they sometimes do rise to a level that they need some immediate attention. Maybe everybody else won't agree with it; maybe everybody will agree with it. But I think that permitting process that was brought up, that they pull a permit in the city but they can't pull a permit in the county, but the city may not want the shooting to happen in the city and the County wants the shooting to happen in the county for the film, to me I would hope that that was something we could look at for what it's worth.

MS. MILLER: Madam Chair, Commissioner Mayfield, on that issue. Actually, Duncan Sill and I, he was explaining that issue to me and so I've got him working with our Land Use staff looking at ways to improve that entire process to see what we can do to make it – show that we are open for business relative to film in the county. Because I think there have been some issues with that.

COMMISSIONER VIGIL: On that point.

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CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: Thank you for bringing that up, that issue. I think there was a desire to have the permitting processes mirror each other to the greatest extent possible because it seemed awkward for the movie industry to follow some rules of the County and different rules for the City. So I think one of the factors that need to be looked at with this is just how well we complement each others' permitting process.

COMMISSIONER MAYFIELD: That was on her point so I'm good.

CHAIR STEFANICS: Thank you. Anything else? Commissioner Anaya? Okay. He's not on the phone anymore. So we are finished with Commissioner issues and comments. Thank you very much.

XVI. Public Hearings

A. Ordinances

- 1. Ordinance No. 2012-___, an Ordinance Establishing a Five Percent Santa Fe County Procurement Preference; Requiring a Santa Fe County Preference Certificate to Establish Eligibility for the Preference; Establishing Application Requirements; Providing for Protest of Denial of Certificates; Establishing Penalties** FIRST PUBLIC HEARING

CHAIR STEFANICS: For the public, we did decide that these two ordinances would have two public hearings because members of the public could let us know what changes they'd like to see and that we could have time to incorporate them into the second hearing. So this ordinance establishes a five percent Santa Fe County procurement preference requiring a Santa Fe County preference certificate to establish eligibility for the preference, establishing application requirements, providing for protest of denial of certificates, and establishing penalties. Mr. Ross, and you might let us know any changes you made from our first one too.

MR. ROSS: Madam Chair, thank you. This is the ordinance we discussed I believe it was a few weeks ago for the first time that would create a Santa Fe County local preference in procurement specifically procuring services for the County. I have made some changes since the ordinance was proposed for publication. I'll just go through some of those. But first I'll just describe that the ordinance describes a five percent preference for Santa Fe County businesses. That's in addition to the five percent preference that New Mexico businesses are eligible for under the procurement code, new amendments to the procurement code.

The ordinance describes how a local business certificate from our Procurement Department. It mirrors the process used by the state to develop, to approve a state preference certificate. There have been some changes to the original draft ordinance. We added an applicability section to make it clearer in response to Commissioner comments of the last meeting that the ordinance does not apply to anything that's governed by the federal acquisition regulations. In other words, a federal grant that requires us to use the FARs, this wouldn't apply to it because it would conflict with the federal preference system.

The second major change was in Section 3. You'll see some language is added in paragraph A. That is in response to an inquiry of Commissioner Holian whether we couldn't limit the application of the preference to foreign corporations who have paid New Mexico gross receipts tax. The language there is a little strange because of the way the state taxes apply. It requires the use of a unitary return and that's how you nail a foreign corporation with local or state taxes. So that language is right out of Senator Wirth's bill, which unfortunately still doesn't seem to be able to get through the legislature, but there's the language right there. Foreign corporations, if they do not pay state taxes do not get a County preference.

Then the remainder of the changes that are shown there are cleanup type changes, improving the language of the first ordinance. You'll see there's a definition of a Santa Fe County business certificate. We thought that was needed, then cleanup language and clarifications throughout.

The large deletion in Section 4.b is also – it looks significant but it's not. It's just cleaning up some extra verbiage that appeared in the original. And with that, Madam Chair, I stand for questions.

CHAIR STEFANICS: Thank you. We'll take Commissioner questions about this right now, any language. Then we'll go to the public hearing, and then we'll take questions again. So Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Steve, on this Section 3 with the definition. What do you mean by a foreign corporation? Would that be a corporation that's based in some country besides the United States? Or it means just a non-local?

MR. ROSS: A corporation that's not incorporated in the state of New Mexico.

COMMISSIONER HOLIAN: Okay.

MR. ROSS: So they are licensed to do business in the state of New Mexico as a foreign corporation, like most of them are in Delaware. So that's what that means. Okay. Thank you, Steve.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I recognize the need for Senate Bill 9 and this corporation – I'm trying to sort of connect what corporation may be responding to an RFP. Because when I think about what corporations are affected by Senate Bill 9 at least, I can't think of any response to RFPs that we would put out there. Is there someone you've thought about?

MR. ROSS: Madam Chair, Commissioner Vigil, yes. It's common to incorporate in Delaware even if you're primary place of business is here in New Mexico. That's how you would attack that sort of situation. I agree with you; it's going to be a rate situation where a Delaware corporation doing business in New Mexico will not be paying some sort of tax in New Mexico, but Commissioner Holian's suggestion was let's make sure that if they're getting a business preference that they also pay taxes in our state. So this will take care of that.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: Any other questions for Mr. Ross at this – yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Ross, how will this be incorporated if we're piggy-backing on a contract? Let's say we're going to go buy some hybrid vehicles and we piggy-back on DOT's contract but yet maybe – I don't know Capitol Ford or Ford is a local Santa Fe business. Do we have to take into consideration the piggy-backing in our contracts or no?

MR. ROSS: Madam Chair, Commissioner Mayfield, it wouldn't apply to a so-called piggy-back contract or a contract where we purchase from a contract developed by another governmental agency, because they're the ones that would initially write the contract under their rules and if they have preference rules that apply to that particular contract they would apply them at the time they award the contract.

COMMISSIONER MAYFIELD: Madam Chair, and I appreciate this ordinance coming forward, but is there something we could look at when we decide to use a price agreement out there, a piggy-back versus, say, let's put it out there for RFP and give some of our local businesses the opportunity to bid on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, we do have requirements about that and limits the extent we can use outside contracts and actually some of that stuff is set out in the next ordinance we're going to look at.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner. Mr. Ross, my concern still remains, which has had its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least three consecutive years. And the reason I continue to have concern is that I think that local companies are constantly shifting and changing, and they could have different principles, they could change the name of their company, etc. So for example, I recently met a company that had filed in 2008, but had either changed their name or were considering to change their name. So I have concern and I would like to know if we had other requirements in place that would secure their suitability and their standing, whether or not that might replace the number of years.

MR. ROSS: Madam Chair, this language is right out of the state statute and it could be whatever makes sense. We could reduce the number of years that are required for somebody to establish residency in the county to one year or even a lesser time. Anything you might – I agree with you that businesses are shifting and have things happen all the time and maybe this is too high a bar to establish. I'm open to suggestions.

CHAIR STEFANICS: Well, one of the things might be that they hold a Santa Fe County business license and they have some attachment to property taxes in our community. Then we'd know they truly are invested here somewhere. And I understand that many people don't pay property taxes, but I'm just putting out some ideas. So let's move to public hearing, and I'm sure we'll have other questions and comments. The public hearing is now open and I think some individuals have come, and we'd love to hear from you. So former Commissioner Jack Sullivan was here earlier and I believe you've come to comment. Thank you. Come on up. So would you identify yourself for the record please.

JACK SULLIVAN: Thank you, Madam Chair. My name is Jack Sullivan. I'm here today as a registered professional engineer and one who submits proposals for engineering work throughout the state to counties and municipalities and to the state. First let me say thank you for considering this concept of a local preference. I think it's important.

The City of Santa Fe has done it for a number of years and the result is that more local firms are given consideration but many out of city firms get work with the city as well, depending on their particular qualifications. So it seems to be a fair and reasonable approach to doing a local preference.

One important comment that I wanted to bring forward concerned the items that are required in the new Section 6, which is to obtain the new preference certificate. This appears to be rather onerous and I'm just wondering if we might be able to streamline that a bit. It requires three sworn statements, a variety of information and then copies of your most recent state and federal tax returns. Now, I know of no other entity in New Mexico that requires that including the state, that you submit your tax returns. What you have here is an instance where local Santa Fe County firms would be required to submit their tax returns and Albuquerque and other statewide firms not required to submit their tax returns.

I brought along for your review a copy of the application that's used in the state and if it's all right, Madam Chair, I'd like to pass those out. [Exhibit 3] This is the application that is now required by the State of New Mexico Taxation and Revenue Department. Previously, the local certificates for resident business certification were issued by the State Procurement Office and the change in the law in 2011 shifted that for some reason over to the Taxation and Revenue Department. But nonetheless, in either case it wasn't a very onerous – or isn't a very onerous process. What it simply involves is you have categories of whether you're an existing business, a new business, a relocated business, which was brought up previously, or a previously certified business. There are certain requirements that you meet here. You check the boxes, and then, rather than submitting tax returns of things of that nature, which of course for many corporations are proprietary, you have it certified by your accountant that you meet these requirements. So you have an accountant who is familiar with your company's business and can certify that you meet the requirements outlined here for residency for whatever time period you select. I think three years is a good time period but that's not my main focus here; my main focus is to streamline the process and to not make the requirement that tax returns be submitted as a part of that process.

So that I think in your deliberations if you would like to kind of consider some form that would be similar to that. That is the only form the state has. It's one page and then the second page I gave you are the instructions for filling that form out. The State of New Mexico, it's an amazing leap in simplicity that we were pleased to see from the Taxation and Revenue Department. It's all submitted and they send you back a certificate. You have to pay them some money but aside from that it's relatively simple.

So that's the primary thing I would bring up on this particular ordinance. I have one comment on the next one that's coming up but I hope this provides some assistance and if there are any questions I'm certainly open to that.

CHAIR STEFANICS: Thank you, Mr. Sullivan. Are there any questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Sullivan, former Commissioner Sullivan. Thanks for bringing this forward. Madam Chair, Steve, I know this is a New Mexico State form but regardless of what this County elects to do with

Santa Fe County businesses can we ask that this New Mexico State form also accompany whatever they're submitting to us? It's a great form that we should have on file.

MR. ROSS: Madam Chair, Commissioner Mayfield, not the way it's written because the state has a requirement that a CPA execute an affidavit, that's at the bottom of this.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, after whatever business has already filed this with the State of New Mexico. I'm just asking for a copy of it to be filed with us, this precise form. It's already on file with the State of New Mexico. They just give us a Xerox copy of it.

MR. ROSS: Well, I suppose that could help. The problem is it contains no information about whether the business is located in Santa Fe County.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Ross, I hear you. That's whatever this Commission decides to go with that, but I just think this as an accompanying form.

MR. ROSS: That would be helpful. Sure.

COMMISSIONER MAYFIELD: That's just my suggestion. Thank you.

CHAIR STEFANICS: Thank you.

MR. SULLIVAN: Madam Chair.

CHAIR STEFANICS: Yes.

MR. SULLIVAN: Just one comment on Commissioner Mayfield's suggestion. If – my understanding is that if the entity submitting the proposal wants a New Mexico state preference, that first five percent, as it were, then you will require them to submit a copy of that certificate. So with this – following this form you receive a certificate, suitable for framing, and you can then submit that certificate, and you should submit that certificate, if you want that state preference. Now, if you then in addition want a Santa Fe County preference you will need to submit whatever form Santa Fe County requires. And so I think this certificate from the state will come anyway. You will have that understanding that that firm is eligible for the statewide preference. Then your next question is, are they eligible for the Santa Fe County preference.

And so this form, I'm not suggesting that this form would replace a form that the County would develop, because as Mr. Ross has stated, it would need information that the requirements that you have for residency in Santa Fe County, not the state of New Mexico. But I'm just suggesting it as a format that you could use to simplify the process and also just as an example that there's no requirement in the state that you submit that. Now, the only place, if you're dealing with the question that Commissioner Holian brought up about foreign corporations, you may want under Paragraph 7 of the new Section 6 requiring state and federal tax returns, you may want to indicate that if they're a foreign corporation and they wish this preference then they should submit those returns to satisfy the concern that Commissioner Holian has that we'll give them a preference if they're paying their fair share of taxes in New Mexico. I think that would be appropriate in 7 but to require all others who are doing business in Santa Fe County seems not to give you any information other than what you would get otherwise from other ways.

CHAIR STEFANICS: Thank you. Any other questions for Mr. Sullivan?
Thank you, Mr. Sullivan, for coming.

MR. SULLIVAN: Thank you.

CHAIR STEFANICS: Any other members of the public that would like to comment on this? Okay. The public hearing is closed. Commissioners, are there any other issues that you would like to address to our County Attorney? Okay. So Mr. Ross, why don't we go on to the second one?

XVI. A. 2. Ordinance No. 2012-___, an Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions of Ordinance No. 2010-8 and Making Appropriate Amendments; Reforming the County's Procurement Practices with Respect to Road and Building Construction Projects to Ensure That the Public Trust is Maintained, That Projects Are Properly Designed and Constructed and Completed within Budget, That Projects Are Contracted Only After a Fair and Transparent Procurement Process; Providing for Training, Auditing and Confidential Reporting FIRST PUBLIC HEARING

MR. ROSS: The second one is a proposed ordinance that will make changes to the emergency ordinance that was first passed in 2010 and I think revised once since then, concerning special rules for procurement. Now, there have been relatively few changes made to the ordinance as proposed, so I can describe some of those changes. I think we're all aware of what the original ordinance did. It instituted some reforms and some guidelines in the procurement process in the hopes of avoiding some of the issues that the County experienced in June of 2010.

So moving down through the ordinance there's relatively few changes. There's one in Section 3 which was a typo in the ordinance as proposed. The requirement there, if this ordinance becomes law is that any construction project undertaken by the County whose budget exceeds \$20,000 must be included in the CIP that Adam was describing to you earlier.

Aside from that we added two definitions on the third page of the ordinance. A definition of the term "engineering" which is proposed to have the meaning provided in the Engineering and Surveyors Practice Act and also a definition of the term "architecture" from a similar act that pertains to architects. The biggest change in this ordinance from the prior ordinance is in the addition of Section 7, Pre-auditing, which requires that at the inception of a project we inform – we designate people with signatory authorization for all the various types of documents that are normally used in construction, including the contract change director, CCDs, change orders, amendments and any other sort of construction document that obligates the County to the contractor. And that is intended to be done at the inception of the project and communicated to all bidder and of course to the contractor subsequently. That's the biggest change in this ordinance from prior ordinances.

So with that, I think I'll stand for questions.

CHAIR STEFANICS: Thank you. Let's take questions for the attorney first.
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Steve, in Section 1 it talks about contracts in total value exceeding \$250,000 must go through a competitive bidding process. What happens when we have smaller contracts? I assumed that we also had

competitive bidding processes for those as well, but how do we decide when we do competitive bidding?

MR. ROSS: Well, Madam Chair, Commissioner Holian, the first thing we have to consult is the procurement code, which requires competitive bidding under certain circumstances. This requirement limits the application of Section 129 of the Procurement Code which permits us to buy in an unrestricted manner from a contract that another agency has so long as the agency approves of the contract and so long as the contract doesn't have some sort of limit, like a dollar limit, a not-to-exceed limit that would be exceeded by the County contracting. So this says that anything above \$250,000 would not be subject to that unrestricted format. Anything under we could just buy off it without getting specific authority from this body.

COMMISSIONER HOLIAN: Thank you.

MS. MILLER: Madam Chair, this is where we bring to you, for instance, a waiver to procure a fire truck off of a price agreement where the apparatus might be \$400,000 or \$500,000. Also, we did it on the Sheriff's vehicles just recently. It was about \$300,000 to procure those off of the state contracts. So we bring those – so what this is saying is anything over \$250,000 must come to you for that waiver. And then everything under that could be procured off of a contract or would be procured per the Procurement Code based upon the limits: professional services, \$50,000 – it's still competitive but formal competitive processes, anything over \$50,000. Professional services, I think Public Works projects over \$20,000, that kind of thing. We actually – you have different levels of informal to formal procurement procedures.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Thank you. Other questions for Mr. Ross. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Ross, Section 3, all construction projects – does that include maintenance projects? And how far will \$20,000 stretch?

MR. ROSS: Madam Chair, Commissioner Mayfield, no it does not include maintenance projects. And as far as the second question, \$20,000 isn't a big project for a construction project.

COMMISSIONER MAYFIELD: And on a construction project, because we do have our local Santa Fe County Public Works who do various construction projects throughout the county, are you going to include their hourly wage in that? Is it going to be equipment drive time, equipment diesel? How is that \$20,000 going to be computed?

MR. ROSS: Madam Chair, Commissioner Mayfield, the ordinance currently uses the words "construction budget" which means the budgeted construction, not the actual costs of construction. The amount set aside for the job.

COMMISSIONER MAYFIELD: So it wouldn't include hourly wages of staff who are out there working on it.

MR. ROSS: Well, I suppose if it was an in-house project that's correct.

COMMISSIONER MAYFIELD: Madam Chair, and I see the amount before. It was \$100,000, and I know there's various, at least in District 1, there's various water projects that they work on up there. Just to try to prevent erosion, to prevent flooding, and I

could just arguably see that \$20,000 with staff time and equipment time would be used up really, really quick.

MR. ROSS: I agree.

COMMISSIONER MAYFIELD: I'm not saying I wouldn't want to, but to bring it back through a formal CIP process when earlier today I got a list that was that long and so a simple project may never be seen for 20 years. And granted, I respect that there's an emergency provision in there but I think that could kind of be subjective too, of what's deeming what an emergency is.

MS. MILLER: Madam Chair, Commissioner Mayfield, I think you make a really good point. I don't think the intent was to capture maintenance so I think we need to work on this language here, because I think the idea was we have to, by statute, on a Public Works project, bid it out. So then I think they were thinking, well, if we have to go – if we have to put that into the budget and we have to do a procurement process we should have that on our ICIP. But I think you bring up a really good point that maintenance – that just wouldn't fit this. So I think we should work on the language on that paragraph.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And Madam Chair, Mr. Ross, Section 4, and maybe this is in line with Section 3, Madam Chair, Ms. Miller, that the road maintenance shall be performed only on a County maintained road. I agree with that, but I guess my caveat to that or what I'm going to ask, I know I brought a resolution forward in the past where we help out with some of our local acequias at their presas. Would that be then – hopefully we would not be doing \$20,000 worth of work, but would something like that require that it go through our Road Advisory Committee and everything else? Because some of these acequias are adjacent to County roads and they're coming off the same waterway. Also, Madam Chair and Mr. Ross and Ms. Miller, I know Mr. Robert Martinez isn't here, but when we formulated the idea of the Road Advisory Committee I did have some objections. I think you all heard those, but I was just told that you don't have to worry about every single project in your district has to go through the Road Advisory Committee. And I'll look back at the minutes if I have that wrong, but that's what I believe I was told. And this is just how I'm kind of reading Section 4 and maybe I'm reading Section 4 wrong?

MR. ROSS: Madam Chair, Commissioner Mayfield, Section 4 just says that we can't perform maintenance, routine road maintenance of any sort, on private roads.

COMMISSIONER MAYFIELD: Okay. Well, I agree with that. But why, Madam Chair, then, help me out, Madam Chair, Mr. Ross with – let me just reread this really quick. I'm sorry. Okay. Let's look at the second sentence, Mr. Ross. All road maintenance work shall be placed on a list developed by staff and recommended by the Road Advisory Committee and approved by the BCC.

MR. ROSS: Madam Chair, Commissioner Mayfield, remember the list we approved in the very last meeting? That is the County's road list that's submitted to DOT annually. That's what that sentence describes. And so if it doesn't appear on that list it's not a County-maintained road and it's a private road for our purposes.

COMMISSIONER MAYFIELD: Okay. Madam Chair, I'm just going to ask this and hopefully I'm not opening a can of worms, but let's say that there are roads in District 1, maybe in other districts, that are arguably in dispute if the County really owns that

road or if a pueblo owns that road and we still maybe have some maintenance components to that road, but I also do see a lot of signs up in District 1 where it says County maintenance ends here, but arguing that after discussions with you, that while the rest of the road may arguably never been approved by the BIA to be the County's road.

MR. ROSS: Madam Chair, Commissioner Mayfield, I think Robert was very carefully about signing the roads and capturing the roads on the list that are actually maintained by the County currently. So I think that even though a dispute could arise subsequently with a pueblo for example in that area over whether the road is actually owned by the pueblo, whether the ground it's on, the fact remains that it is maintained by the County and that's enough to allow the road to be placed on the road list legally for DOT to reimburse us for those maintenance costs.

COMMISSIONER MAYFIELD: Okay. Thank you. And Madam Chair, Mr. Ross, maybe you said it but just for clarification again. All these roads, specifically District 1, that are arguably County roads, pueblo roads, they are already on the list with the Road Advisory?

MR. ROSS: Yes. They are already on the list. Right.

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

CHAIR STEFANICS: Thank you. We are now opening the section of the meeting which is a public hearing. Mr. Sullivan, you had some comments?

MR. SULLIVAN: Thank you, Madam Chair. My name is Jack Sullivan. The ordinance that you're discussing right now, the proposed ordinance, the one inquiry I would have is in Section 5 and I believe and this may be already checked, but I believe that the Engineering Practice Act requires a licensed professional engineer to design a public works project in excess of \$100,000. It used to be \$50,000 and then I think it got bumped up to \$100,000. I think that's the current number. I did not have a chance to check it today, so I would just flag that and ask if legal counsel would check that.

And again, I would commend the Commission on formalizing and putting some reasonable controls on these contracts. The only other question I had was at your last meeting when you had the title and general summary, you had a third ordinance rescinding resolutions 2006-114 and 2009-102, concerning the County's procurement practices. Is that coming later?

MR. ROSS: Madam Chair, Commissioner, yes, that's going to come at the third meeting. Resolutions don't require public hearings so in the next meeting when these two ordinances are considered we'll have the resolution back on the agenda so they can be considered as a package.

MR. SULLIVAN: Oh, okay. Well, then let me just slip in a comment on that, which is a very quick one because it will come back to you I guess at the next time. And that would be – I see conflicts in there between the term "pre-proposal meeting" and "pre-bid conference." For example, under the term pre-bid conference it goes on to talk about an invitation to bid requiring a pre-bid conference and so forth and then in the body it mentions, it describes it as a pre-proposal meeting. So I think we just want to be very clear that a pre-bid conference is for the bidding of a public works contract. A pre-proposal conference or a pre-proposal meeting is for a professional services contract or a professional services

proposal. Because that does get confusing sometimes. So if that comes up in your reviews at the next meeting I would ask that that be clarified. Other than that, if there are any questions I would be glad to respond to them.

CHAIR STEFANICS: Well, thanks for bringing that to our attention so we can make that clearer. Any questions, comments, for Mr. Sullivan. I'd like to thank you for persevering and sticking with us so that you could make your comments. I think some of the information you provided will assist us very much.

MR. SULLIVAN: Well, I'm glad that Jan had to wait too, and I'm sure some of you know but maybe not all of you as you reported on the Galisteo Basin Initiative is that he's a very accomplished trumpet player. You probably know that, but he is. So thank you very much for your consideration.

CHAIR STEFANICS: Thank you, Mr. Sullivan. Seeing no one else to make any public comments, the public hearing is now closed. So, Steve, at this point you need no formal action from us, correct?

MR. ROSS: Madam Chair, that's correct. We have this advertised, I'm not sure if it's for the next meeting or the meeting following, but it's been in the paper and everything.

CHAIR STEFANICS: Okay. I think I was concerned that the public have enough time to comment. If we had not received emails or had individuals come we could probably move forward with this taking into account the comments we heard tonight. So anything else from the Commission before we move to adjournment.

XVII. Adjournment

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 7:17 p.m.

Approved by:

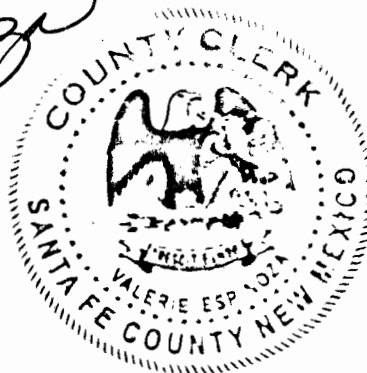


Board of County Commissioners
Liz Stefanics, Chairwoman

ATTEST TO:



VALERIE ESPINOZA
SANTA FE COUNTY CLERK

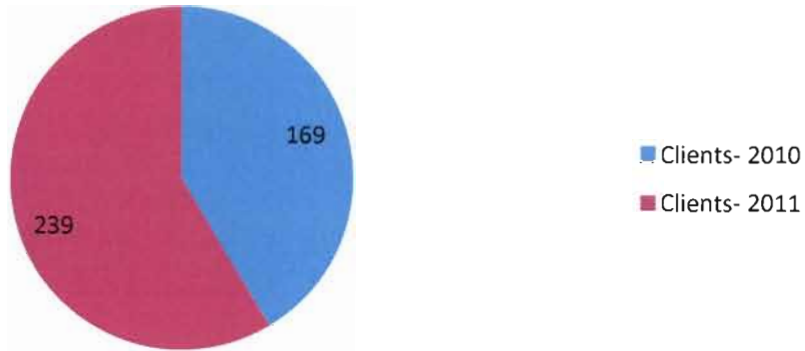


Respectfully submitted:

Santa Fe County
Board of County Commissioners
Regular Meeting of March 27, 2012
Page 71

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

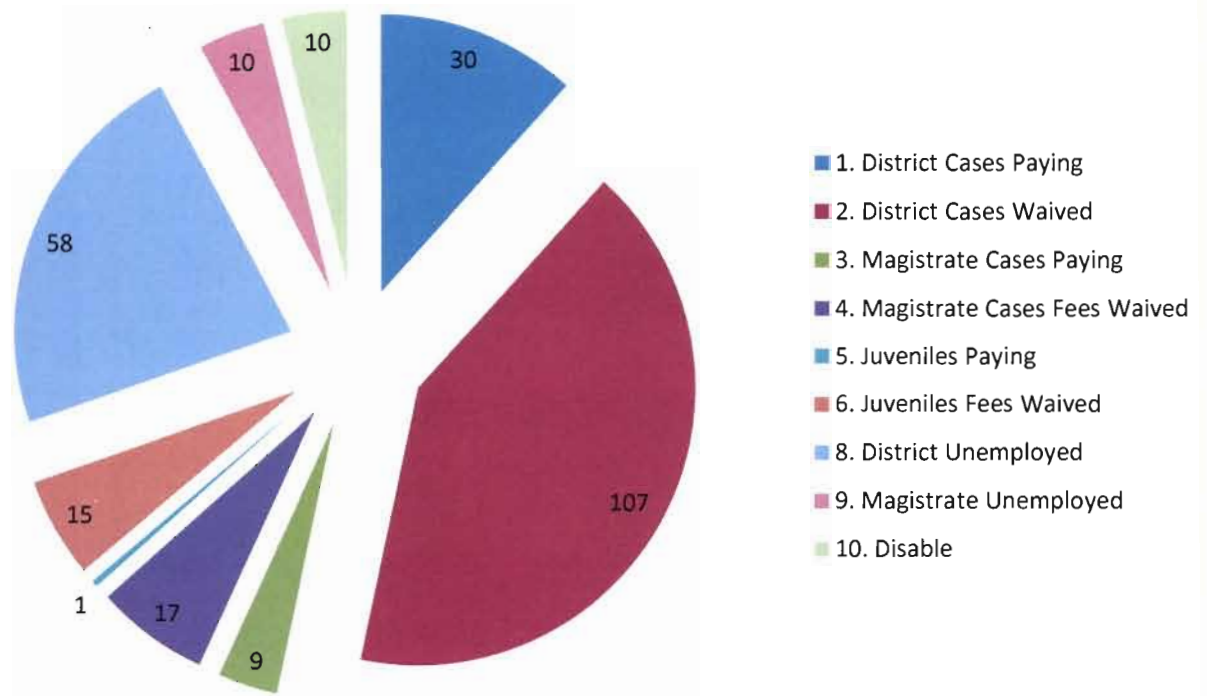
Comparison of 41.4 % Increase of Offenders Monitored in July 2010 & July 2011



Comparison for Deposits from July to November for 2010 and 2011- 54% Increase



247 OFFENDERS FINANCIAL OBLIGATION PER EACH PIECE OF EQUIPMENT- February 2012



247 Types of Equipment Used in February 2012:

1. Regular Bracelet- 58
2. GPS Bracelet- 122
3. TAD- 23
4. Sobrietor- 51

Sum shows 254, not 247. This is due to equipment being changed out due to expired or malfunctioning equipment.

Why is EM requesting increase in contract?

- The amount was under estimated- there has been an average of \$35,000.00 per month.
- There has been an increase of population- more than 41%
- Billing comparison from July in 2010 (old contract) and July 2011 (new contract). Amount increased from \$20,131.20 to \$34,517.48- 71%.
- Two new technologies, GPS and TAD, cost more. Each type is the combination of two pieces of equipment.
- The new contract was an increase of 100% insurance coverage (amount?).

Proactive Approach:

1. Created agency for immediate access to remove inventory to reduce spare charges the end of December 2011.
2. Set up meeting with BI Staff to brain storm on ideas to reduce cost 2/6/12
3. BI came to office to inventory lost equipment 2/8/12 and train on inventory, found 24 items that were lost but were still being charged as spare equipment (bill was \$29,663.28).
4. Did a training with staff to implement procedure 2/16/12.
5. Two BI representatives came to office again to discuss billing 2/22/12 and follow up. BI also assisted in creating a set amount of spares on the shelf to help eliminate cost of spares.
 - GPS- 9 on the shelf
 - TAD- 4 on the shelf
 - Regular bracelets- 11 on the shelf
 - Sobrietors- 11 on the shelf
6. BI contract expires November 17, 2012. There will be an RFP done to solicit for cost savings and quality technology.
7. Meeting with Judges to implement fewer waivers of payments for EM and more accountability for lost equipment.

Dear Commissioners,

The resolution presented to you today proposes the recognition of the Galisteo Watershed Conservation Initiative plan prepared by Santa Fe Conservation Trust, Earth Works Institute, and Earth Analytic, Inc. between 2005 and 2011. The project was funded through a State appropriation of \$50,000, sponsored in 2004 by State Representative Max Coll and Senator Phil Griego. The project was managed for the State by the Office of the State Engineer and implemented under the responsibility of the Santa Fe Conservation Trust. From its start, Santa Fe County has also been actively involved in the development of this plan. The planning process has already had many positive impacts on the natural resources and livelihoods we value in the County.

The initiative was completed last December 2011, with the presentation of the final report **“Galisteo Watershed Conservation Initiative – Quality of Life at a Crossroads.”** The study is based on a unique, and probably first ever, compilation of GIS data layers for water resources, ecological habitat values, archaeological resources, and scenic values for the Galisteo Basin. The report describes in detail the many treasures of this landscape and outlines strategies for their conservation and restoration. The concept plan was realized with many participants and many forms of expert and public input.

The initiative has already provided important input to open space and trail conservation, wildlife habitat and connectivity protection, and stream and wetland restoration in the Galisteo Basin and beyond. The plan also served as a model and data source for the Santa Fe County oil and gas ordinance and the Santa Fe County Sustainable Land Development Plan.

Most recently, the study has received interest from wildlife conservation interests at a national and international level, and will live on to guide economic opportunities related to the already preserved cultural and natural treasures of the area.

I suspect and believe that your passion to serve as elected officials in Santa Fe County is connected to your love of our beautiful land with its splendid scenic beauty, its famous and inspiring cultural resources, its scarce but vital springs, streams and other water resources, and its natural beauty. All these resources have been the foundations for the livelihoods of people who lived here in the past, and of people who continue who live here in the present, and of those who will follow us in the future. These resources constitute the identity of our community and will nourish our future economic pulse.

Knowing what we have helps us plan better for the future! The Galisteo Watershed Conservation Initiative does just that. Therefore, I would like to express my enthusiastic support for your adoption of this resolution. I am available to answer any questions you may have about the initiative. Thank you!

Jan-Willem Jansens
Ecotone
(505-470-2531)

- The concept for the Galisteo Watershed Conservation Initiative (GWCI) dates back to 2001 when Earth Works Institute began searching for approaches to a watershed restoration prioritization method in support of the Galisteo Watershed Restoration Project.
- In 2003, the Trust pledged to protect 50,000 acres in the Galisteo Basin. This commitment inspired Santa Fe Conservation Trust, Earth Works Institute, and Earth Analytic, Inc. to begin collaborating on the development of a conservation and restoration planning and prioritization program for the Galisteo Basin
- Through the mediation of the Trust, in early 2004, State Representative Max Coll and Senator Phil Griego successfully sponsored a bill in the New Mexico Legislature that allocated \$50,000 for a GIS-based conservation and restoration plan for the Galisteo Basin, named the Galisteo Watershed Conservation Initiative (GWCI).
- After officially receiving the grant, in early 2005, Santa Fe Conservation Trust contracted with Earth Works Institute and Earth Analytic, Inc. to implement the initiative. In early 2006, we, the project team presented a preliminary report for feedback from expert groups and stakeholders in the Galisteo Watershed Partnership.
- A year later, we submitted a final draft to the Office of the State Engineer/Interstate Stream Commission which served as the State's project office.

STATE OF NEW MEXICO
Taxation and Revenue Department



APPLICATION FOR RESIDENT BUSINESS CERTIFICATION

General Information

For questions please call (505) 827-0951

Name of Business:	Doing Business As (DBA):		
Mailing Address:			
City:	State:	Zip:	
New Mexico Combined Reporting system (CRS) Identification Number:		FEIN/SSN:	

Choose one of the following business statuses and check the appropriate boxes that apply to your business. If any statement in this application is not appropriate to or does not otherwise describe your business, your business may not qualify for this preference.

Existing Business

- The business is licensed to do business in New Mexico **and**
- The business has paid property taxes on real property in New Mexico in each of the last three years **or** the business has paid rent on real property in New Mexico in each of the last three years **and**
- The business has paid another New Mexico State tax in each of the last three years

New Business

- The business is licensed to do business in New Mexico **and**
- Property Taxes on real property in New Mexico have been paid in each of the last three years by the owner or majority of owners **or** the owner or majority of owners have paid rent on real property in New Mexico in each of the last three years **and**
- The owner or majority of owners have paid another New Mexico State tax in each of the last three years **and**
- The business has not applied for a Resident Business Certificate or Resident Contractor Certificate during the last three years.

Relocated Business

- The business is licensed to do business in New Mexico **and**
- The business has leased property in New Mexico for the last ten years **or** the business has purchased real property in New Mexico valued at over \$100,000 **and**
- Eighty percent or more of the business employees in the prior year were residents of New Mexico.

Previously Certified Business or Purchased, Reorganized, Name changed Business

- The business is licensed to do business in New Mexico **and**
- The business is a previously certified business or was previously eligible for certification **and**
- The business has reorganized into one or more different legal entities **or** the business was purchased by another legal entity, but operates in the same commercial enterprise **or** the business has merged with another legal entity, but operates in substantially the same commercial enterprise.

AFFIDAVIT FROM CERTIFIED PUBLIC ACCOUNTANT

STATE OF NEW MEXICO)
COUNTY OF)

I hereby swear, under oath that the statements in the application for Resident Business Certification are true and complete to the best of my knowledge.

Name:	Signature	CPA License #	State	Phone #
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Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

Signature of Applicant

Date

Send completed application **Taxation and Revenue Department**
along with \$35.00 to: **PO Box 5374**
Santa Fe, NM 87502-5374

SEE CLERK RECORDED 84775/2012



STATE OF NEW MEXICO
Taxation and Revenue Department



APPLICATION FOR PREFERENCE

GENERAL INSTRUCTIONS PLEASE READ BEFORE COMPLETING

Sections 13-1-21 and 13-1-22 NMSA 1978 authorize and set forth the criteria required for a business to qualify as a Resident Business or Resident Contractor. It is important to note, a resident preference is applicable to contracts, which typically call for, but are not limited to, the furnishing of tangible personal property, i.e. goods, supplies, materials, equipment, printed materials and certain services.

A "resident preference" is applicable only to procurements made pursuant to a formal bid process or formal Request For Proposals (RFP) process in accordance with Sections 13-1-21 and 13-4-2 NMSA 1978. Additionally, any person, firm, corporation, or other legal entity must have all required licenses at the time the application for preference is submitted to the Taxation and Revenue Department for consideration.

Please note: All certifications are subject to revocation in accordance with applicable rules. A certification merely establishes that the Taxation and Revenue Department has determined based upon the information provided in the application, as of the date of issuance, that the holder was entitled to treatment as a resident business and/or contractor by state agencies and local public bodies.

The attached application for preference is required by Section 13-1-22 NMSA 1978 as amended during the First Special Legislative Session of 2011. The application includes an **affidavit from a certified public accountant** setting forth certain eligibility criteria for businesses or contractors, as required by Section 13-1-22 NMSA 1978. The completed **application along with payment of Thirty Five (\$35) dollars** must be submitted to the Taxation and Revenue Department prior to issuance of a resident business preference or a resident contractor preference certificate.

In addition to the application, the Taxation and Revenue Department may require submission of additional information to ensure eligibility.

A certificate is valid for three (3) years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a resident business or resident contractor shall reapply.

For questions concerning the application process please call (505) 827-0951. The application along with payment should be sent to:

New Mexico Taxation and Revenue Department
Santa Fe District Office
PO Box 5374
Santa Fe, NM 87502-5374

SFC CLERK RECORDED 04/25/2012