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STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 107

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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 8, 2011

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 8, 2011

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

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

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Ted Roybal from the IT Division.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, we have just a couple of changes or amendments. The first amendment is under item X. a, Matters from the Commission. It's just a change to the language on that. It's just a resolution to support

a joint memorial which was different from the language we initially had, but it is the same resolution.

Then on page 3 of the agenda, item XIII. C. 2, that's actually going to be tabled. It's not quite ready and we'll table it to the next meeting. Then on page 4 under Matters from the County Manager, I just added the items – some of the things that Commissioner Anaya had requested that we follow up on from previous meetings, and then a couple of items that I had to bring forward to you as well.

And then under Public Hearings, item XIV. a. 1 and a. 2 are tabled.

COMMISSIONER STEFANICS: So Madam Chair, could I just clarify?

CHAIR VIGIL: Please.

COMMISSIONER STEFANICS: It was on page 3, XIII. C. 2 was tabled?

MS. MILLER: Madam Chair, Commissioner Stefanics, item XIII. C. 2.

Originally it was amended but it's still not ready. It's tabled until the Affordable Housing meeting.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: on item XIV. a. 1, when are we going to bring that back in front of us at a special meeting? I think there might be some conflicting schedules. Or if we're going to do it at the regularly scheduled BCC meeting.

CHAIR VIGIL: I will let Katherine add to this but my understanding is that that hasn't been decided.

MS. MILLER: Madam Chair, yes. We had sent out a date – part of the issue is the applicant has some expert witnesses, and there's only certain dates that they're available. So we had put forward a date that we thought might work and that one doesn't work so we'll be sending you another couple of options that the expert witnesses are available and to see if you're available as well. I think, and maybe you could even tell me right now. The next date that we had was April 21st. It's a Thursday right before Good Friday, if that works. The witnesses are available that day if you're available.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I brought this up at the last meeting and I'm going to bring it up again. I do not believe we should be setting a precedent to hear land use cases on a different day than what is scheduled because it is setting a precedent for others to also request it. And we have never set a special meeting for the experts, witnesses for a land use case to come in front of us at their convenience. Thank you.

MS. MILLER: Madam Chair.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: the reason that that was the case is because it was the County that actually tabled it. The applicant had scheduled expert witnesses. They flew in. But what had happened was both sides in this particular case had submitted to the County within three or four days of the hearing about four or five-inch binders worth of additional information. So we couldn't hear it that day and have adequately reviewed that additional information. So we tabled it, but those witnesses had already gotten on planes and were on their way here. So normally I would agree. That was the only reason that we

had recommended some other times because we had tabled it to today but those expert witnesses were not available to come today.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I agree with Commissioner Stefanics and I guess based on her comments my recommendation would be to just leave it for the next land use meeting and that would dispel any need to have a special meeting. And understanding that if we needed to maybe start earlier or go later, either one of those options is something that I understood and accepted with I was elected to this Commission. So I would agree and I would suggest we put it on the agenda for the next land use meeting, Madam Chair.

CHAIR VIGIL: Okay. Katherine, I guess the direction is to check with the applicant to see if that is at all possible. If you have the communications that you can give us some feedback we can redirect if we need to. But as much as possible we can try to accommodate our next land use meeting with those expert witnesses.

MS. MILLER: Okay.

CHAIR VIGIL: Commissioner Holian.

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

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Any questions?

COMMISSIONER ANAYA: Madam Chair, I've gone back and looked at some of the prior meetings and some of the discussion and I think one of the things that I'm going to do more is – like on that issue we just had before us that Commissioner Stefanics raised and I made a comment – I guess I'd like to know how the other Commissioners feel on issues like that as they come up, whether they come up from any one of you, just so I can have a sense in my mind as to where the rest of the Commission feels on an issue. So Madam Chair, if I could, how do the rest of the Commissioners feel? Commissioner Mayfield, yourself and Commissioner Holian –

CHAIR VIGIL: Could I take this motion first? I don't think that's related to the motion. I have a motion and a second.

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

CHAIR VIGIL: Okay. I'm not sure if any of you care to respond to that question. Commissioner Anaya would like to know how you feel about having a meeting with expert witnesses at our next land use meeting.

COMMISSIONER MAYFIELD: Madam Chair, just my thoughts and my reasoning for asking that a special meeting be conducted on that is that I just view that any applicants or any individuals that are coming to our county to try to get something done, whether we approve it or don't approve it, that we don't indefinitely table something, that we expeditiously handle that matter and if that means that we do it at the first available special meeting, that's fine with me. If that means that we handle it at the next regular scheduled BCC meeting, that's fine with me. I just don't want to let these folks out there that are asking us to address an issue just kind of be in limbo land – when

are we ever going to address this issue and bring something off a table. That was my point on that.

CHAIR VIGIL: Okay. Commissioner Holian? I have no comment either. Okay with that I think we can move forward to approval of the Consent Calendar.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any items on the Consent Calendar that any of the Commissioners would like to hear?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Item number XII, under Consent Calendar, number 4, CDRC Case Z/DP 09-3132.

CHAIR VIGIL: Okay. These are the final orders. So you have a question on the final order?

COMMISSIONER ANAYA: Madam Chair, I have a question, a comment that I want to make relative to that item, unless, Madam Chair, Mr. Ross, is this an appropriate time to bring up the comments I had associated with that or is there a time that you think is better to do it than now?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Anaya, probably when we – after we approve the Consent Calendar then we'll hit that item and that would be probably the appropriate time to do it, in a couple minutes. So I think you're on the right track. Pull it from the Consent Calendar then we'll talk about it in a few minutes.

CHAIR VIGIL: Okay, so item XII. a. 4. What's the pleasure of the Commission on the Consent?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

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

COMMISSIONER STEFANICS: Second.

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

XII. CONSENT CALENDAR

A. Final Orders

- 1. CDRC Case # VAR 10-5230 Charles Lujan Variance. Charles Lujan, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 3.6 Acres. The Property is Located at 9B Caminito de Pinon, within Section 7, Township 15 North, Range 11 East, (Commission District 4). John M. Salazar, Case Planner, APPROVED 5-0**

2. **CDRC Case # MIS 10-5450 David and Peggy Romero Land Division. David and Peggy Romero, Applicants, Request Approval to Subdivide 5.17 Acres Into Two Lots in a Previously Approved Subdivision (Pinon Hills). The Property is Located at 74 Calle Enrique, within Section 25, Township 17 North, Range 9 East, (Commission District 2). John M. Salazar, Case Planner, APPROVED 5-0**
3. **CDRC Case # MIS 10-5510 Rob Turner Variance. Rob Turner, Applicant, Linda Tigges, Agent, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 9.1 Acres Into Two Lots. The Property is Located at 32 Timberwick Road, within Sections 19, 20, 29, and 32, Township 16 North, Range 10 East, (Commission District 4). John M. Salazar, Case Planner, APPROVED 5-0**
4. **CDRC Case # Z/DP 09-3132 PNM Caja del Rio Substation. Public Service Company of New Mexico "PNM" (Jeanette Yardman), Applicant, Requested Master Plan Zoning/ Preliminary and Final Development Plan Approval for the Amended Location of the Caja Del Rio Substation on 1.6 Acres. The Substation is Needed to Serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping and Treatment Facilities, and Further Growth in the Area. The Project Will Consist of the Substation, Installation of Two Tap Structures Approximately 95 Feet in Height and Two Termination Structures Approximately 45 Feet in Height, and an Interconnection with PNM's Existing 115kV Transmission Line. The Property is Located at 11 W. Caja del Oro Grant Road, (County Rd. 62) within Section 22, Township 17 North, Range 8 East, (Commission District 2) APPROVED 5-0 Wayne Dalton **ISOLATED FOR DISCUSSION****

VIII. APPROVAL OF MINUTES

A. Approval of February 1, 2011 Special BCC Minutes

CHAIR VIGIL: Are there any changes? Do any member of the Commission have any changes?

COMMISSIONER STEFANICS: No. Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I move approval of the February 1, 2011 Special BCC minutes.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay.

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

VIII. B. Approval of February 8, 2011 BCC Minutes

CHAIR VIGIL: Any changes:

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the February 8, 2011 BCC minutes.

COMMISSIONER STEFANICS: Second.

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

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: We are now under Matters of Public Concern. These are non-action item. Anyone from the public who cares to address the Board of County Commissioners on any subject matter that is not on the agenda – I think there is somebody who is here who wants to address us on something that is on the agenda. Rebecca, I believe that's you. You actually made an earlier request. Please come forward and we're happy to listen to your statements at this time. is there anyone else in the audience that would like to address the Commission on any items? Both of you? Please state your name and address for the record, and Rebecca, how long will you need?

REBECCA FRENKEL: I've timed it to three minutes if I talk fast.

CHAIR VIGIL: Great. Thank you very much.

MS. FRENKEL: I'm doing it now because it's my understanding there will not be public comment on the item I want to address.

CHAIR VIGIL: Now is appropriate. Please proceed.

MS. FRENKEL: Good afternoon, Commissioners, and thank you for the opportunity to say a few words. I'm here because I want to speak to item 5 under Community Services that's on today's agenda, which includes – consider the reimbursement to St. Vincent's Hospital through what is called the sole community provider fund. This reimbursement is for the services provided to citizens of Santa Fe County who lack the funds to pay for the services they receive. The people of northern New Mexico are thankful to have a hospital which helps meet their needs for services requiring hospitalization.

The voters of Santa Fe County approved in the late 1970s a special indigent fund tax to be collected by the County in order to reimburse the hospital a given amount for these services as well as meet the other health care needs in Santa Fe County. State law governs the uses of indigent fund taxes. Indigent fund taxes can now also reimburse other county non-profit care providers for services to qualify Santa Fe County residents. This would include agencies like Women's Health Care and La Familia and programs for alcohol remediation.

The reimbursement amounts to the hospital are based on rates determined by the County and approved by the state. The claims submitted by the hospital, which are based on their operating costs, are then subject to review and adjustment by the County. After the County determines how much to pay the hospital it forwards this number to the State

Medicaid Department. The department amount is then multiplied by three. County, state and federal tax monies constitute the sole community provider funds that are then paid to Christus St. Vincent's. The results can be a net gain over the claims submitted by Christus St. Vincent's for services qualifying for Santa Fe County citizens.

For the past four years St. Vincent's has received between \$27 and \$30 million a year from County, state and federal taxpayer funds. Since Christus St. Vincent is a private, non-profit hospital they are not required to open their books to the public or to the County governing board. What have taxpayers been paying for? In a full-page ad by Christus St. Vincent in yesterday's *Santa Fe New Mexican* it is implied that more of their losses from federal and state medical programs could be helped with additional money from County taxpayers. I understand their wanting to maximize the County contribution to the sole community provider fund but the County has other medical services that are also supported by the indigent fund. Thank you.

CHAIR VIGIL: Thank you, Ms. Frenkel. Please step forward and state your name and address for the record.

JODY LARSEN: Jody Larsen, 107 Tierra Rica Drive, Santa Fe. And I like also to talk about the sole community provider item. Yesterday, I was dismayed to see a full-page ad in both the *New Mexican* and the *Albuquerque Journal* in which Christus St. Vincent seems to be appealing directly to Santa Fe County taxpayers for more funding. I hope that the members of the Commission will not be swayed by such an appeal to emotions as this ad puts forth.

This kind of appeal is at best a diversion from the real considerations before the Commission, and at worst, a kind of bullying actually. For example, there's a very real threat where the ad states if we incur a significant deficit in funding we are going to have to make decisions that reduce expenses from operations and services. And it goes on to say that they will reconsider funding that we provide to over 125 not-for-profit organizations in our community.

Well, the County is facing a significant deficit in funding and I see that it is looking at its fundamental obligations and identifying options in dealing with this. I don't doubt that Christus St. Vincent provides quality services to all of its clientele including its indigent persons and I believe strongly that we taxpayers must pay our fair share to compensate them for these services. However, there are local, state and federal laws that govern what qualifies to be reimbursed and the rates to be used to compute those reimbursements.

There's nothing in this ad that educates the readers on that account. Some of these unreimbursed costs – they need to remain just that – unreimbursed, at least with County revenues. The County taxpayers are not responsible for a private firm's decisions to expend its revenues even if that firm believes that it is investing in the community and acting in a market-driven way.

After talking with County Manager Katherine Miller about this I am very impressed with her knowledge of the County's legal obligations and her ability to identify options and recommend what is best for the community as a whole. Please listen to her and let your decisions today be rational ones. The County must remain driven by legal requirements. Public entities are not market-driven for good reason. Thank you.

CHAIR VIGIL: Thank you, Ms. Larson. Is there anyone else in the audience that would like to address the Commission? Seeing none, we'll move on to the next item on the agenda.

X. MATTERS FROM THE COMMISSION

A. Resolution No. 2011-28, a Resolution Supporting Senate Joint Memorial 13 That Encourages the Development and Advertising of Outdoor Programs for Children (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. This Senate Joint Memorial which is referred to in the resolution is often called the Children's Outdoor Bill of Rights, and I really like that name for it. I think all of us suspect and maybe even know that children these days spend an awful lot of time indoors. They spend time texting or twittering or playing with their computer games, and I realize that computer games these days are very sophisticated and very realistic, but that's still no substitute for being outdoors.

Being outdoors is healthy for children, it's fun for children, and in a lot of ways it can actually be a way to build bonds with their parent or parents. I remember when I was a little girl when my dad took me fishing for the first time and I caught my first fish. It was such an incredible event in my life. And I remember when he took me backpacking when I was 16 or 17 and it opened up this whole new world to me. And I have to say that I don't have the best memory in the world, actually, but these events really stick out in my mind and they really built a bond for me with my father.

I think another important thing is that it teaches children about our natural world. And this is really important. Sometimes I think we think that money is what keeps us alive, but it isn't. It's the natural world that is keeping us alive. It's the air that we breathe, the water that we drink, the food that is ground on the land. So it's really important for people to have this understanding our connection with the natural world.

I won't read the whole resolution to you but I would like to read under the Now, therefore, be it resolved, that every New Mexico child should have the opportunity to play outside and explore freely, watch wildlife in the outdoors, wade in a clean river, lake or pond, catch a fish or hunt for food, camp out under the stars, plant a seed and visit farms and ranches, travel a trail, explore New Mexico's public parks, nature centers and wildlife sanctuaries, actively care for land, water and wildlife, and – my favorite – dig in the dirt and learn about the world from the ground up.

In our audience today we have Amy Roberts, who is the Environmental Education Specialist from the Randall Davey Audubon Center, and she helped me bring this to my attention and I would like to ask her to say a few words.

CHAIR VIGIL: Amy, how much time will you need?

AMY ROBERTS: Two or three minutes.

CHAIR VIGIL: Great. Please step forward and state your name for the record.

MS. ROBERTS: Madam Chair, Commissioners, thank you very much for the opportunity to speak. My name is Amy Roberts and I work for Audubon New Mexico

as the Environmental education specialist, and I see first hand the effects that nature has on children and it is tremendous. And I will support what Commissioner Holian has said. In this coalition that we developed, the Leave No Child Inside Coalition which was comprised of educators and teachers and activists and people all around this state who really believe how important it is to get children outside, and we even took comments from school children in New Mexico about what they believed about how important it is to get outside and experience the natural world.

We know that children spend a tremendous amount of time inside and actually the research shows that it's about 7 ½ hours a day that children are spending in front of screens, whether that's texting or watching movies or on video games – they're not outside. And what this does it has tremendous consequences on a number of fronts, one of them being that children are not experiencing this state's natural resources and wildlife. And by not experiencing it they're not having an opportunity to connect to it. And it's been shown that without a connection it's almost impossible to develop a stewardship or an ethic of care for the environment.

This will have a number of serious consequences for our state as we go forward with future generations who are becoming more and more disconnected with the environment, and the general lack of awareness will have an impact on our state's resources. In a time when we face grave environmental issues it's pretty essential that children are familiar with the environment, its ecology and the impacts of the environmental degradation and climate change that we're facing right now.

And on the health front, we have about a third of the children in New Mexico are overweight. We've got about a 40 percent increase in diabetes in the last decade. Research again shows that time spent in nature has tremendous impact on children's mental and physical health. Additionally, a couple of other points, research shows that young people who are environmentally literate have competitive advantages in both traditional and natural resource economic sectors.

And lastly of course we believe that all children, as Commissioner Holian said, have the right to be outside, to have these amazing experiences with their parents or their peers that really are very fundamental to their growth. Thank you.

CHAIR VIGIL: Thank you, Amy, and good luck getting this through the legislature. Any comments from Commissioners? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate any initiative that encourages kids to get outside. Just thoughts that I had as I was sitting here was it's about those activities that are fun but it's also about those activities that are work related and so I appreciate the resolution and would just add from my own thoughts, cut wood, dig a ditch and work on a ranch would be a few of the things that I would add, amongst others. But I appreciate the resolution and the work to get kids outside.

MS. ROBERTS: Thank you. And I'd just state that it has passed through the Rules and Education Committees unanimously and it's out on the Senate floor right now, so anything we can do to pass it, get it further along, we appreciate it.

CHAIR VIGIL: Amy, I just wanted to tell you one of the benefits of being the tenured Commissioner here is I know about a lot of these initiatives that have come before us. The Commission has always supported this kind of initiative. The last one we supported, and you may be familiar with it because it's a federal and national and state

initiative. It's called No Child Left Inside. It's an initiative that's highly supported by the Mountain Youth Center. That's how we got exposed to it. I think we've enacted resolutions and supported them, both infrastructure-wise through the state legislature and through our validation of the process that they're involved in. So we're all saying thank you very much for embracing this and I also want to say welcome aboard to an initiative that we supported long ago.

MS. ROBERTS: Thank you so much for your time.

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

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

X. B. Resolution No. 2011-29, a Resolution Supporting North Central New Mexico Conservation Modeling Initiative to Develop a Unified Conservation Model (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. It is important to recognize that we in the County have made protecting wildlife habitat a priority. It is in our Oil and Gas Ordinance and it is in our new Sustainable Growth Management Plan. In fact there is a whole chapter devoted to it. But how do you protect wildlife habitat if you don't know where it is and you don't have a plan for how to protect it? Well, fortunately, we have dedicated volunteers in our community and they are working on mapping wildlife habitat and migration corridors, and also building partnerships with other local governments, with other non-profits and other organizations throughout northern New Mexico to develop a unified conservation model. And in fact one of those people who's working on it, partially volunteering, partially working on it directly from the County is our own Arnie Valdez and so I would like to ask him to come forward to say a few words about this model.

CHAIR VIGIL: Arnie, if you would just step forward and state your name and your position with Santa Fe County, we'd appreciate that.

ARNOLD VALDEZ (Senior Planner): Good afternoon, Madam Chair, Commissioners, Commissioner Holian. I want to provide you with a brief overview of how the New Mexico North Central Modeling Initiative came about. As Commissioner Holian mentioned it started out as a collaboration of various organizations. In 2005 the Galisteo Watershed Partnership was formed with federal, state, County and community partners. In 2008, as you know, the Oil and Gas Ordinance was adopted. That included provisions for wildlife habitat protection, migration corridors, protect biodiversity in rural areas of the county, to increase data on wildlife and habitat resources.

In 2009 we worked with the Center for Applied Spatial Ecology out of New Mexico State University and Wildlife Habitat of New Mexico to create our first initiative and GIS modeling and doing focal species for Santa Fe County. As a result of that effort other organizations and counties became interested in our initiative and so with the inclusion of Chapter 5 of the Sustainable Growth Management Plan we also recognize the importance of wildlife habitat and corridors, their need for protection and

preservation. The need to develop a conservation model goes beyond Santa Fe County. We have now brought on board a collaboration of eight different counties that surround us, that includes local government, tribal government, and so our effort is to collaborate with these other counties to share the work that we're doing, to bring together data from various state, federal and local organizations and combine our efforts, because we realize that singly we cannot afford conservation models but working together they can become affordable and collaborative.

So the Growth Management Department request your support and adoption of the resolution that will enable the Planning Division to proceed with the development of the unified conservation model. And I would also like to have Theresa Seemster say a few words in support of the model from the community perspective and local non-governmental organizations. And then I would also be available for any questions that you might have regarding this initiative.

CHAIR VIGIL: Arnold, thank you very much. Please proceed.

THERESA SEEMSTER: My name is Theresa Seemster. I'm one of the members of Wildlife Habitat of New Mexico. The person you really want standing here is my husband. He and Arnie have worked really closely together on this. He's the one with the PhD and can really explain the whole process, the whole GIS layering and what the data – how it's arrived at and why it's important and how it can be applied. But he's at work so you get me instead.

What I wanted to do, because this may be better to just show you a visual. I just grabbed these before I left home. What we're working on right now really arose out of a conversation with the National Forest Service people. We were looking at a lot of trail. We saw one map after another, after another, and we said, you know, what we really need is one map that has lots of layers on it and no boundaries on it. And what is really visually obvious, if you look at these maps – I'm really sorry they're so small – is that Santa Fe County is the center of North Central New Mexico. We're right here. And all of these eight counties that are working on this model with us – and I want to say model. It's not a map. It's one of many, many maps. You can generate thousands of maps off of this model. We're in the center.

We also have the resources. We have a fabulous GIS Department here and we've got people like Arnold Valdez who really support the process, and Commissioner Holian. What you see with this mapping, not only wildlife habitat, because wildlife habitat is kind of like the canary in the mine. It tells you that things are going bad. What you're really looking at here is prime habitat, whether it's for people, animals, in some cases for mineral exploration. for almost everything. You're looking at prime habitat. This map was taking all of the species of greatest conservation concern from our State agency, Game and Fish, modeling their habitat and putting it on the map, and then taking the 20 focal species from just our county. And these were determined by about 30 different biologists from federal, state and tribal agencies who looked at a list of – it looks like 681 species and they refined it down to 20. And they were rated on cultural importance, I think that was 50 percent. So that means cultural and economic importance as a species, 25 percent was their ecological significance, and then 25 percent – I just blanked out on that.

But [inaudible] there are 20 species and you can see how huge the cross-over between county boundaries is, going from something like this which really follows the watersheds and the riparian areas, to something like this which shows you the huge interconnectedness of our natural world. It really crosses all the boundaries of the different counties.

So looking at County planning in a regional context really makes a lot of sense and that's the primary reason we're really pushing this process.

COMMISSIONER HOLIAN: Thank you, Theresa.

CHAIR VIGIL: is there anything else you'd like to add to that? Seeing none, I turn it over to you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to move for approval.

CHAIR VIGIL: I'll second that. Any questions?

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

X. C. A Proclamation Declaring March 26th Through March 29th Battle of Glorieta Pass Days (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. It is important to remember that 149 years ago one of the most important battles of the Civil War occurred right here in our backyard in the Glorieta area, and I would like to read a proclamation commemorating that. This is almost a tradition now. I think it's the third time. But I think it's important to remember this every year and next year we should have a big party because it's going to be 150 years.

Whereas, during the Civil War New Mexico became a key arena for the West 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 the state government to retreat to Las Vegas. So 149 years ago this was not the capital.

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 Confederates prisoner, and killing an estimated 32 to 70 soldiers who remain buried at such battlefield today; and

Whereas, the US Battle at Glorieta Pass resumed on March 28, 1862 west of the village of Glorieta, and there the Confederates were defeated as a result of the rear-guard wagon train destruction at Apache Canyon; and

Whereas, the US victories of the Battle of 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 in an effort to finance the Confederate Army and secure seaports on the west coast; and

Whereas, for over 149 years the significance of the Battle of Glorieta Pass has gone unrecognized 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 never forget the highest sacrifices made by those soldiers buried 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 preserving the freedoms we all enjoy as citizens;

Now, therefore, be it resolved that we proclaim that we, the Board of Santa Fe County Commissioners do proudly hereby proclaim the 26th through the 29th day of March, 2011 as 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.

So I would also like to recognize Alfonso Sanchez. He owns quite a bit of the land that I believe the battlefields are on and I would like to with that move for approval.

CHAIR VIGIL: I will second that. is there any discussion on this?

Commissioner Anaya

COMMISSIONER ANAYA: Madam Chair, could we hear a couple words from Mr. Sanchez?

CHAIR VIGIL: I think that Mr. Sanchez could come forward and make a couple of statements. I know that you have some business transactions you're concerned about. That's my understanding anyway. I would recommend that you make an appointment with the Manager with regard to that. Are you in support of this proclamation?

ALFONSO SANCHEZ: Yes. as a matter of fact I'm the one that presented it to the County Manager's office for presentation here. on the 10th, that's in two days, that's the day Santa Fe government was moved to Las Vegas. I'm having a Confederate dinner here at the La Fonda Hotel. If you read what's there, the first thing the Confederates did in Santa Fe, they took over La Fonda to feed the troupes and took over that newspaper. When they were defeated that newspaper, that's a very historical monument that I spent a lot of time looking for it. I tried to again do it but I couldn't find it to make a better copy and one thing, we won the battle here before Gettysburg. Gettysburg – and I gave you some copies there – one million tourists visit Gettysburg every year.

County Attorney Ross knows I've had to file suit because the Civil War Preservation Trust wanted the property. We finally dismissed the lawsuit because I had to give [inaudible] title. So true. You look at me. I'm 83. I'm trying to get this property, not to the Civil War Preservation Trust, but hopefully, Santa Fe County. I've been in contact with Open Spaces, hopefully I'll continue helping Santa Fe County to get this historical property. I know find for all us Chicanos, the Mexican-American War in 1846 was also fought right there. It looks as if that little piece of property is a defense that has saved Santa Fe from being pillaged during war. Thank you.

CHAIR VIGIL: Thank you very much, Mr. Sanchez, and we have received the information that you have provided. We do have a motion and a second. I just want to thank Commissioner Holian for constantly being vigilant over the critical attention that this particular property needs to be given. I'm always conscientious of the fact that not very much of New Mexico history made the history books. So I think our

generation is due for constantly highlighting as much history as our state contributed, and particularly Santa Fe County. We're rich with a lot of that history. Thank you for bringing this forward.

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

X. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: I may just take the prerogative of the chairman and start with one matter that I'd like to bring to the attention of the Commissioners. I'd like for us to give a certificate or recognition to a really beautiful and honorable lady. She isn't present today but she is one of the few centenarians in our community. We have in the past tried to honor as many centenarians as we have in our community and have been able to make a big deal about them reaching 100 years. The last time I think we did this we actually had the lady, Valentina Ortiz, appear before us.

This particular lady could not appear before us today but I do have a certificate of recognition on her 100th birthday. Her name is Vicenta. Vicenta Josefa Ortiz Martinez was born on March 10, 1911 in Santa Fe, New Mexico. She was born to Emilio Ortiz and Florentina Baca Ortiz. Her siblings include Ignacio Ortiz, Remulda Ortiz Madrid, Guadalupe Ortiz Gonzales, Calita Ortiz Branford, and Laura Roybal Mendoza.

Vicenta attended St. Francis and earned a full scholarship to the Loreto Academy and she worked 17 years for the State of New Mexico as a legal secretary. She retired in 1973. She married Jose L. Martinez of El Rancho, New Mexico on March 4, 1946. She's a remarkable lady. She's maintained one of the best attitudes and outlooks throughout her life. She's a precious relative to all her family. The accomplishments of this resolute lady confirm her devotion to her faith, her love for God, our church, our Lady of Guadalupe where she worships, her family, her neighbors and her friends.

The arc of her life spans 100 years, one year prior to New Mexico becoming a state. You all may not know her in particular but she is the grandmother-in-law of City Councilor Ronald Trujillo and the grandmother of Amber Espinoza Trujillo. She isn't here to receive the certificate of recognition but I know that we will be delivering the certificate honoring her on her 100th centenarian birthday and this will be delivered to her via Ron and his wife Amber.

So I have no other matters. I'm going to turn to you all for your matters and I'll start with Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I believe the Manager and some of the staff are going to address the items I had put forth previously and I may have some additional comments tied to those items at that time. So no other items right now.

CHAIR VIGIL: Very well. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have a few comments I'd like to make. First of all we have a lot of activities going on across the entire country in relation to organized labor, and I would just like to make a general comment that we appreciate and I appreciate the organized labor here in Santa Fe City, in Santa Fe County and I hope that the states that are struggling about this will reach some resolution soon.

Secondly, Madam Chair, this Commission did pass a resolution supporting continuing the immigrant driver's licenses. Sheriff Robert Garcia and I had a conversation in the past two days about how important it was to continue this policy for public safety and that with the activities that went on in our State House of Representatives that he was concerned that it not go down in our State Senate. And I thank the Sheriff very much for contacting me about this. But I would like to thank our Santa Fe legislators in the House of Representatives who did support not only our resolution but support continuing the driver's licenses for immigrants, and I am requesting that our Santa Fe Senators will also support that continued activity. This has a major public safety component to it and without those driver's licenses we will lose touch with thousands of people who are driving on the roads.

The next item, Madam Chair, is I received an email that is complimenting our water staff, not only Karen Torres but also the employees that have actually had anything to do with the water shutoff in the county and cleaning the system. So thank you very, very much to our water staff.

And last, Madam Chair, it was brought to my attention by someone who does work in the field that the wildfire season is upon us with the winds and you've seen what's going on down south. And that oftentimes people will not clear around their homes. It's part of their property, it's part of what they appreciate, and yet it becomes the tinder that becomes the fuel for the fires that rage out of control. So I would like to ask people to consider going to the Forest Service website for prevention methods and to the Santa Fe County Fire Department to look at some fire prevention methods. But this is not something to take lightly. We've started our high winds. We're coming into the spring season and we don't want to have some tragedies in our community that are happening other places. So if you can affect your property or ask others to look at theirs we would truly appreciate it. Thank you very much, Madam Chair.

COMMISSIONER ANAYA: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Next week, believe it or not, is Santa Fe Fix-a-Leak Week. Actually I think it's National Fix-a-Leak Week. On March 17th, from 10 am to 4 pm at the Genoveva Chavez Center, the City, the County, the Office of the State Engineer and local vendors will be there with a wealth of information about water conservation and in particular about finding and fixing leaks. When I was reading over the flyer that they produced for this event I was amazed to learn that each year in the United States one trillion gallons of water are lost through leaks alone. So, also at the event there will be a frito pie fundraiser and the proceeds will benefit the Mayor's Holiday food drive. So I urge you all, especially if you have leaks, to check out this event.

I also want to make a few comments on collective bargaining. I know that there's a lot of controversy in the news these days around collective bargaining in Wisconsin, Ohio and Indiana and I want to emphasize that collective bargaining is a good thing; I support it. It can be long and arduous and painful but if it is entered into in a spirit of cooperation and negotiation by both sides I think that that is the best way to arrive at the most fair settlement. Due to budget problems in state and local governments around the country collective bargaining is being scapegoated and it's really being scapegoated by people who just don't want it. I think it's important to remember that our budget

problems are not being caused by collective bargaining. They are being caused by the economic downturn. So I feel strongly that we need to make sure that collective bargaining is not a casualty in New Mexico of our budget challenges. So thank you, Madam Chair.

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

COMMISSIONER MAYFIELD: I know our County is currently going through some negotiations on collective bargaining but I would like to see where we are at that process and ask that our unions come forward and/or that the Commission meet on those negotiations timely. And I do thank Katherine for being on this because she has been working on that. And Commissioner, I guess I have a slew of communications I'd like to bring up.

One is Santa Fe County Resolution 2008-89 and that was a resolution amending the policies and procedures for County owned or leased community centers. I have been receiving some inquiries as to this resolution and to some of our community centers, specifically in my district, and I have had the opportunity to speak with staff on this. And Commissioners, I don't believe the County is fully in compliance with this ordinance. One thing that I would like to look at is bringing out a new proposed resolution regarding this, at least a draft resolution, and have your input on it. Put it out for input to our local community centers. We've acquired some new community centers that aren't included in this resolution and/or I don't believe again the County has been in full compliance with the community centers that are currently in this resolution. I think it's something that we definitely need to look at.

Also, as far as rights to organize I believe that's something I've addressed with Mr. Steve Ross and that we need to look at that as far as what entities we are allowing to use public buildings. So I will bring this resolution forward. The way I would like to, and I don't know what protocol will be with this Commission, but whenever I propose a resolution I will go through the chair and ask that we have it on the resolution, but when we bring a resolution I'm going to ask that we afford time for public comment on that resolution and that maybe we are not specifically approving that resolution on the day that I bring it. Because there may be pro or con positions to that resolution that I bring forward that folks may have not had an opportunity to look at because of the way that they're published. So just so you all will know, that's how I'm going to try to bring forward my resolutions.

CHAIR VIGIL: Thank you, Commissioner.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Anything else?

COMMISSIONER MAYFIELD: Yes, ma'am. And on that note – and I'm going to say that it's reflective of our senior centers because also in this resolution, it doesn't say it, but a lot of my northern community centers are also joint senior centers and I've been receiving a lot of complaints regarding senior centers in my area, and I've had the privilege of talking with Mr. Pacheco and Mr. Shepherd and Mr. Gutierrez on this and they've been doing a good job of trying to coordinate efforts out there. I also spoke with Manager Miller on this. But what I would like to know is we are in a transition right now with the City of Santa Fe. And there has been some direction I believe by the state of

what needs to happen with this transition plan. So I would like a full transition update from staff as far as what the plan is between the City of Santa Fe and us, what we're looking – what our expenses will be, how we are going to facilitate this move to be hopefully very seamless and without any interruption to the services that are being provided. I also again, Mr. Pacheco or Ms. Miller, if you can tell me what the status of those negotiations are. I know I received an email from you either this morning or yesterday, so thank you for that, that we're going to go out based upon state requirement and have local meetings throughout all the senior centers to get their input. And then also a plan for transition for us. And I would like to look at our transition plan from the County, once we take these over from the City, what is proposed for budget. Because I do believe that one of the reasons that the City is asking – or one reason that we've asked to take this over is that the City doesn't have enough money to support these from some of the stuff that I've read in the newspapers.

So I just want to make sure that the County is understanding that we may not be able to understand these centers with the monies that are afforded to us through the state or the federal government and there may need to be requests that are coming from our County in our budget requests that will ask for additional operation monies. And as long as that comes in front of this Commission, or if not this Commission, to me. I would appreciate that.

One other issue that I'd like to bring up is acequia assistance. I've received numerous inquiries, and I have some letters that I could read, of trying to help out our state and local political subdivisions that are recognized. And also our sovereign nations that are recognized. I know that that County has assisted in the past in these endeavors, specifically if it's the northern district or if it's throughout the County of Santa Fe, that I don't know. I did have the opportunity to meet with Mr. Ross and Mr. Robert Martinez and Ms. Miller and they did indicate that they would like to put together a plan of action for possible assistance, legal assistance that we are legally entitled to offer to these entities. But I would like to see that plan just because the spring runoff is arguably here, if there will be any runoff, but it's coming fast and these acequias have asked. They've also asked that the County make a presentation to their group, and I believe it's on the 14th and I have that email here. So with that, I would like to ask if it's Ms. Miller, our Manager, also our County Attorney, that they can send a representative to the northern and all acequias within our county, what assistance they will receive, or what assistance that we can offer to them. And I would like for that plan, please. And I'll stand for any comments on that now if you care to.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: Madam Chair, some of the issues, and I discussed it a little with Commissioner Mayfield and Robert Martinez in Public Works, is that there are entities, acequias and mutual domestics and that, that we can assist if they are governmental entities. But one of the issues too is prioritization. Obviously, there are lots of entities throughout the county that ask for our assistance that are not part of the County's government but could use our assistance and I think some of the things that we need to do is put together some policies and procedures and ways to help entities like the acequias and that when something comes up that they would request assistance and they have to be a qualifying entity to do so, and also that we budget for it.

We only have so many resources and in our Public Works Department there are a lot of entities that request assistance but I think we need to be a little bit clear about our limited resources as well because whenever we take our staff off of working on County roads and our County facilities and things that we currently have staffing for we're pulling them away from that work if we're doing something else. So I think what I'm going to propose during the budget process also was looking at putting some funding in the budget for these type of things and also for entities that come forward and request assistance, that they have to have some match funding and some in-kind contributions, particularly with acequias and that part of their whole culture and way of being is to work as a community on those and if it's just come in and backhoe something out all the time it messes a little bit with the culture of the acequia.

So I think we have to be mindful of that and as we go forward in time to address being responsive to some of these requests that we also look at balancing that with County needs and with how we might be able to put some funding aside and recognize it does have a cost and a resource issue and that those entities need to understand that from our perspective as well.

So I am working with staff to look at that and having a better way to address it in the future and recognizing that we probably will get more requests as we have spring rains and runoff. So I did have a conversation with Commissioner Mayfield about that and looking at some of these issues this also goes to some of our road adoption policies that we're working on and some of the other emergency assistance that we're requested from other entities about.

CHAIR VIGIL: I also heard a request for an update on senior services. Can that be a future item on the agenda?

MS. MILLER: Madam Chair, probably a more extensive one so we'll bring that back with all the detail that Commissioner Mayfield has been asking for. Some of that issue goes back and forth with getting the right data from the City, then working with the state. So it's kind of a work in progress. It wasn't so much as here's everything that you would be taking over and here's how much money we get from the state, etc. It's a lot more complex than that. We've had to go back and forth with the City, with the state, and recognizing that each bit of information that we get from the City we have to adjust what we believe the impact to our budget will be. We're getting closer and closer but I'll get Ron to give a more formal presentation at the next BCC meeting with all of those details, because I think we're getting closer to having the right information. We had a lot of difficulty in the beginning of trying to transition of getting the right information from both entities and what our funding will be from the state. We don't know. It's kind of one of those chicken or the egg type things. They want to know that you're going to provide the exact same services before they'll tell you. So it's a little difficult to pinpoint that number but we've been working and we're getting a lot closer to having a finalized plan and I'll have Ron bring a presentation to you at the next meeting that covers all of the concerns that you have, Commissioner Mayfield, and some of the others that have – also Commissioner Stefanics has brought up over time. Because it will come into play when we do the budget.

COMMISSIONER MAYFIELD: and Madam Chair, on that point and back to the acequias, but July 1st, and that's when I think the transition is coming from

the City or the County on our senior centers. That's a fast approaching date so that's just why I want to make sure that we are up to speed on that issue.

Back to the acequia associations. Commissioner, I know we're going to be going into some budget discussions. I don't know if it will be specifically today or if it's going to be over the course of a period, but that's one thing that I definitely will advocate out of the budget of how it's appropriated through this Commission is that we are providing services to all traditional communities and that we recognize that, or at least I will recognize that as one of my responsibilities on this Commission. So how we divvy up budget or how budget is set aside here I definitely want to make sure that any portion of my budget, if it can be allocated for acequia associations, traditional communities, I would like that to happen. If any portion of my budget can be directed towards the assistance of senior citizens and/or children and youth development I would definitely want that to happen also. So maybe that will be more of an appropriate time discussion when we go through our budget hearing.

But again, based on all these emails, it has been the past County practice in my discussions, arguably for the last – as far as history, that we have helped the acequias throughout our community. So I'm not going to advocate or ask that we just stop carte blanche today and I don't think that was said, and I respect that we need to meet with Mr. David Ortiz from the Real Pojoaque Acequia and Water Association and the Pojoaque Valley Irrigation District, because he may have some concerns as far as the impact on the river. So I want to make sure that we're doing that, working with the Corps of Engineers.

But again, I think that we have to address this, or I would ask that we address this very timely, and they have asked that we go and speak with them, and I think it will be on the 14th of March. So I'll forward that to Ms. Miller and Mr. Ross and I will be at that meeting also. They've also asked – and I'm just going to bring this up – that we give them an update on the Aamodt settlement, and I believe that multiple entities are asking for updates on the Aamodt. If it's not the pueblos it's the local communities. It may be very well this Board of Commissioners that are asking what we're doing with the Aamodt. So I would ask that we also tributary water rights association, the pueblos are asking for that, what the County is planning on doing on this. I would like to know. So I'm going to also ask that Mr. Ross and/or [inaudible] prepare some responses to them on that.

Thank you. Acequia assistance I brought up. The other thing, Commissioners, I received a letter and a request from a gentleman – that was David Ortiz' thank you. That was ditches that are emailing me and I will forward all these emails to staff.

Mr. Jose Varela Lopez, there with the Pojoaque Soil and Water Conservation District, again, in the past the Commission has assisted with the remediation of sediment in a lot of these flood retention ponds up in the northern area. The Commission has appropriated I believe \$5,000 for this fiscal year towards this effort and they're also asking for continued support. They are asking to come and make a presentation in front of this Commission. I believe Mr. Rios has tried to schedule that within our protocol as far as a presentation being made and they will be coming in and asking for some funding assistance. Again, I believe that this is something that we all need to look at as far as preventative flooding, something that may occur. There's a specific issue right now that I addressed with the County Manager in our El Rancho community that is on San Ildefonso

Pueblo where they also have a ponds that is totally covered over with sediment and it is causing some flooding. It's causing I believe flooding to our County roads that we have to maintain when it does get flooded out. I believe that they are going to look at this and work with the pueblo and also the BIA to see if there are any issues with removing that dirt and that sediment but I would ask that we continue forward with that.

The last thing that was brought to me, and I did go to this meeting, was with the Northern Rio Grande Resource Conservation and Development Council. I believe there was a fee that they asked for dues of \$75, if the County could pay for that. I don't know if it's been paid for in the past. They also asked if the County would like to have an appointee to that board as the northern representative from Santa Fe County, or the Santa Fe County representative – I shouldn't say it's northern – has elected to retire. With this board though, what they do is they receive federal money and they also – they receive an allocation from the feds and they also do a lot of federal grant writing, and that's to assist with daycare centers, Northern New Mexico health clinics, river and birds educational programs, historic grist mills reservation, Ghost Ranch Museum, Four Corners Sustainable Forestry Initiative, Taos County indoor arena and Rio Arriba County fairgrounds. They're asking if we can pay the fee o \$75 and asked if we could appoint a representative to that board, a community representative that can assist in securing some federal grant dollars.

A couple more. Thank you. One of the other ones I have is right now, also going back to the Pojoaque Nambe area, we are in the process of doing improvements on our community center there. I know that these monies are capital expenditure monies that will be expiring June of this year. I do not believe that there has been a reauthorization on these dollars. I know Mr. Rudy Garcia and Mr. Gutierrez' office is working on this. I would just like a status update, and I'm going to ask for it biweekly to make sure that this facility is on track with those dollars and if we have any other capital improvement money that may be expiring in June of this year I would also like an update on all those projects, just to make sure that we do not lose any of those dollars. One article, Commission, that I read this weekend that I just would like to inquire because it caught me a little off-guard and I don't know if it is – I just kind of read it and I said I don't think we want to be involved in this. But it was an article saying that Santa Fe County may have paid – I'll just read it.

CHAIR VIGIL: We actually didn't, and I think that's under Matters from the Manager and hopefully that retraction will be given to the paper. Do you want to address any of the questions he's brought up, and then I'll go to Commissioner Stefanics.

COMMISSIONER MAYFIELD: I have one more, Madam Chair.

MS. MILLER: Before I get behind. There was one on collective bargaining, an update that you requested, Commissioner Mayfield. We are still working. The only open contract we have open at the moment is AFSCME's. We are in mediation with them but we have been working with them and things are progressing along. I can't speak to how their members are receiving any of the discussions or whether they've been presenting them but we have had some successful meetings and we have another one scheduled next week, so I think that that's going pretty well as well.

Then you mentioned – I'm not aware of – what was the Northern Rio Grande?

COMMISSIONER MAYFIELD: I'll get a copy. I think the notice went around, floating to a bunch of the departments here, but it was the Northern Rio Grande Resource Conservation Development Council. I'll get you a copy of this invoice, Katherine and see what your thoughts are.

MS. MILLER: Because I'm not familiar with that. You did mention the Pojoaque Valley Soil and Water Conservation, I do believe we had budgeted for that and are moving forward with that. an item, I spoke to Lisa about it this week about moving that forward. I'm not exactly sure what the history is on that but she's following up on that item. And then on capital appropriations, I've asked Joseph to speak to that under Matters from the Manager, not just the fairgrounds but other appropriations we have and the status on those, so he'll be presenting that. I'll also be speaking to the article that you brought up as well.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, I had an opportunity of visiting and the privilege of going to teen court this past week with our staff, including Ms. Romero and Ms. Ortiz. I just want to say they do a phenomenal job and I think the program is a viable program for our community and to assist the children who may have went the wrong way on one issue or another. I think it also is a benefit for our community as it will hopefully encourage or discourage any further incarceration from any of these folks. I know again I would like to have a whole gamut on talking of what we think, or at least what this Board feels is appropriate for budget development. I will go out into my communities and ask my communities what they believe our expenditures should be for the next coming fiscal year. I do believe that that's something that we need to do to get that input for our community, respectfully, and I'm learning this process here at the County, but I don't want myself to be in a position where budget wrecks come to me and I'm saying, oh, we can't afford this. We can't afford this. I would like this Board to basically give the direction, or at least I would like to give the direction where I would like to see our money expended throughout the budget process.

One thing that I would say that if we could look at is continuing education for all of our employees. I think that is one thing that we may have pulled back from one time or another, but I think that's something that could be a great benefit to afford our employees.

And then on my last note, Commissioners, the ceremonial 400th anniversary is coming up on Saturday, March 12, 2011 and that is at 12:00 pm on the historic Santa Fe Plaza, so I would encourage all residents and individuals to participate, recognizing our history in our community as it was recognized a little earlier by Commissioner Holian. And thank you for the time today.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I can wait until everybody's finished. I remembered one or two things.

CHAIR VIGIL: I think everyone is finished.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair. Just a question. I know that Ron Pacheco has started setting up meetings at the different senior centers, and I wondered if staff will track quorum attendance if more than two of us decide to attend the same hearings at the senior centers. Thank you.

And then the last thing is that I had a meeting with several staff and our County Attorney to talk about setting up some public information on special assessment districts and public assessment districts. And in thinking about this I know that more than one Commissioner has talked about projects in their districts. And so Madam Chair, I just want to throw out a potential study session that wouldn't need to last more than an hour or so on that topic, if the Commissioners are interested in that. And I'll leave that for people to get back to you individually. Thank you very much, Madam Chair.

CHAIR VIGIL: Thank you.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

a. Appoint Members to the Santa Fe County Health Policy and Planning Commission

CHAIR VIGIL: Welcome, Rebecca.

REBECCA BEARDSLEY (DWI Coordinator): Good afternoon, Chair Vigil, Commissioners. A new enabling resolution for the Santa Fe County Health Policy and Planning Commission was passed by the BCC on December 14, 2010. The new resolution requires that seven members be appointed by the BCC to make up the Commission. Fourteen timely and complete applications were received by the deadline and there were two potential applicants that did not respond and one application that was received late.

Of the 14 applications staff recommends the following persons: in District 1 one application was received. Staff makes no recommendation to appoint at this time and recommends that we solicit additional applications for this district.

In District 2, staff is recommending Dr. Kathleen Rowe.

In District 3, one application was received and staff is recommending that we either appoint Anna M. Vigil or solicit additional applications. This is at the discretion of the Commission.

In District 4 we're recommending Dr. Judith K. Williams.

In District 5, Ms. Deborah Armstrong.

And for the two positions at large, Dr. James a. Bond and Dr. George Gamble.

CHAIR VIGIL: Thank you very much, Rebecca. Appreciate the work you had to spend on this. Commissioner Anaya, I did have the opportunity to ask Commissioner Mayfield if he would like to hold off based on staff's recommendation to get further applicants for his district. The recommendation for your district is either to appoint Ms. Vigil or to hold off. I would defer to you on your recommendation for that.

COMMISSIONER ANAYA: Madam Chair, I would like to hold off and I do have some questions relative to the Health Policy and Planning Commission's structure and make-up. I do know there's some history associated with that. Do you want me to ask those questions now or do you want me to wait?

CHAIR VIGIL: Why don't we take action on this if you all are ready to. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, Madam Chair, if the questions are relative to –

CHAIR VIGIL: Are they relevant to the appointments?

COMMISSIONER ANAYA: Well, Madam Chair, I structurally have some questions. I went back over the résumés and the applications last night and I guess one word to summarize the capacity of the people that applied is the word Wow. There's a wealth and volume of knowledge there. I guess my concern is that when you look down the litany of applicants with the utmost respect to each and every one of them, there's a lot of doctors on there, which makes sense to have doctors on your Health Policy and Planning Commission. People with PhDs. But I also want to ask, and I think Commissioner Stefanics – Madam Chair, Commissioner Stefanics, you've had some work in the re-evaluation of the Health Policy and Planning Commission along with the other members, but it used to be a larger policy commission and it used to incorporate as broad a representation as we possibly could, including people that are lay people in the community that take in health services, including nurses, including people from behavioral mental health.

And I guess my initial reaction – I'm not going to suggest we stop the appointments, but I would like to know and get some feedback from you, Commissioner Stefanics, and others if they'd like to, as to why seven and why not more? I think that fundamentally the more broad we are with feedback from people in the community that are directly involved with health planning as well as people that access those services and everything in between is much more beneficial than just a smaller group. So my first question is why just seven? It just seems like a small number of people to encompass all of the issues associated with health. So help me understand.

COMMISSIONER STEFANICS: I believe that the entire Commission voted on the new resolution and the number of people, but I think, to answer your question, Commissioner Anaya, I think it was also positioned that there would be work groups on specific topics that would involve more than just the members of the HPPC. So for example, if we needed to have a work group on jail health that there would be group constituted for that. That there would be a work group on behavioral health or on enrolling indigents in some kind of health service, that there would be some specific work groups that wouldn't necessarily be the HPPC. And I would leave it to the other Commissioners to speak to this.

My concern is not everybody – when you hear the word doctor oftentimes you think of MDs. So we don't have any MDs coming on to this. Or do we?

MS. BEARDSLEY: That's correct.

COMMISSIONER STEFANICS: So it is a highly educated group that applied, and the one thing that I would want to comment on, and in fact Commissioner Mayfield and talked about this earlier, is that it needs to reflect the diversity of the community, and it's not quite. So whether or not the diversity of the community also means lay people that would be something to consider as well. I do believe that the Health Policy and Planning Commission, their task and the role is to give us some recommendations and advice on where they think the County should lead into the future into the area. But I certainly could see that we perhaps reconsider some of the members.

I think that I am a staunch advocate of all of us appointing somebody from our own district, but I also think that we could readvertise. I think we could look at the members at large. I think we could look at a variety of things.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, if I could, I actually like the individuals or a lot of them that I think some of the Commissioners are prepared to appoint today. I would ask, would you and the other Commissioners consider expanding the Health Policy and Planning Commission to a little bit larger number. We had a long discussion – or I don't know if it was long but we had a discussion at the last meeting about the Road Advisory Committee and there was concern from not Commissioners but some staff about the size of it; it's got a lot of members. But I think from my perspective the more people we have and the more broad representation we have is a good thing. So I'm not even advocating that we necessarily turn away some of those individuals that you guys are prepared to appoint. I'm asking can we maybe expand the number to seven to 11 or 12 or a larger number to allow for some other specific groups that could be represented on the board.

I guess that's the other thing I would say. I think in terms of health policy and planning, I look at it in terms of specific areas. Having a nurse on the Health Policy and Planning Commission I think is a good thing. But maybe as we look at the resolution and moving forward that we have specific people in the resolution that we'd like to have on the planning commission. So Madam Chair, I would like to advertise on my position and I guess I'm asking the Commission to consider expanding the number of commissioners on the Health Policy and Planning Commission.

CHAIR VIGIL: Okay. Maybe the best way to proceed with this is first of all ask staff. The current commission is not active. They are not meeting. in order to organize for the new commission you do need some folks to be a part of that. Am I correct in those statements?

STEVE SHEPHERD (Health Department Director): Madam Chair, we haven't – we did not engage the previous commissioners. This was done strictly by staff.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, if we moved ahead – I'm just thinking out loud, but I we moved ahead and only appointed three members today, for example, and we went out to seek more applicants, three members can't really accomplish very much together. They can have some discussions with staff but as a body they wouldn't move forward very far. on the other hand I think we would have to bring back the resolution to amend at our next meeting if we want to add more persons. And if – we were at what? Twenty-two?

MR. SHEPHERD: Madam Chair, Commissioner, it was 21.

COMMISSIONER STEFANICS: Twenty-one. Madam Chair, I do think 21 was far too large. And I'm only speaking for myself, I'm not opposed to involving more individuals. I would suggest that we look at diversity. We have made it really clear that we are going to probably disqualify members who have a conflict of interest financially, and there were many people on the previous HPPC that had some tie to a group that was funded by the County. So I don't mind expanding and advertising but I do think we would have to do it quickly so that we don't go very long without an HPPC.

I do think, based upon some of the things that Commissioner Mayfield was bringing up in relation to budget, we're never going to have enough funds for all the requests we get and we rely upon some groups like this to actually say this is important

for the County to consider or not. So I'd love to have our HPPC active by the time we come time to budget but that's like in two months so they might not be.

COMMISSIONER ANAYA: Madam Chair, and I appreciate the comments that you make, Commissioner Stefanics. In that vein, if the rest of the Commission is amenable to potentially adding members then I'm prepared to allow Ms. Vigil to be appointed today for District 3 and move forward with the activities of the Health Policy and Planning Commission so they can meet and let's take a look at the resolution on expanding it and moving forward. So in the interest of keeping movement and getting the business at hand moving I would be willing to do that. So if the rest of the Commission would do that I think we could then allow them to start their work and then even engage them in that discussion and get some feedback from those Health Policy and Planning Commissioners on how they see we could expand it further and what areas or entities might be good for the commission.

CHAIR VIGIL: So what I'm hearing and the consensus building that I've heard so far is we can go ahead and make appointments today based on your recommendations for – your recommendation for Commissioner Mayfield's district is to hold off? There's more applicants that want to be brought forth. District 2 is Kathy Rowe. District 3 would be Anna Vigil. District 4 would be Judith Williams. District 5 would be Deborah Armstrong. The at-large members would be Dr. Bond and Dr. Gamble.

So if that is the consensus that we're at we can make a motion to appoint those particular people pending an appointment from District 1 and also ask that you bring forth the resolution for consideration of expansion to bring in further disciplines in that area, in the area of health.

COMMISSIONER ANAYA: So moved, Madam Chair.

CHAIR VIGIL: Okay. is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any further discussion?

COMMISSIONER STEFANICS: Yes. Madam Chair, I would ask that if we're going to expand that we expand by – the word "need" is not the word. Expand by positions that are vacant based upon topic, but also another designee per district. So that we have two designees per district and then the two at large. But if the staff and the HPPC can say we are looking for people with this expertise or people with this diversity, then we could try to recruit some individuals for that.

CHAIR VIGIL: Would you consider, Commissioner Stefanics, that after we make these appointments that staff meet with these appointees, that they review the resolution with regard to the direction that we've created for them. I was with the Health Policy and Planning Commission when it was first created. Their primary purpose was to develop *A Call of Action* to address the health gaps in our community. Today we're at a different place. It is my hope and intent that the Health Policy and Planning Commission is able to assist us in moving forward with the Health Care Act, which is very necessary for us to be able to work with the federal government and the state government in terms of addressing health gaps within our community. But the resolution I think will give them direction, and perhaps based on their opportunity to discuss that resolution and look at the resolution and knowing that the Commissioners would like to consider expanding to

provide for more diversity, you can come forth with their recommendation and we can factor in whether or not that would include a district representative.

It would seem to me that if you're looking at diversity what you really want to look at now is more topic representation, more disciplined representation. Are we okay with that? Okay.

COMMISSIONER MAYFIELD: Just to clarify.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: We will still solicit for one District 1 appointee and then we'll just add that appointee to this initial board.

CHAIR VIGIL: Exactly. And we can do that at the next meeting, if after solicitation you have an appointee you prefer.

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

CHAIR VIGIL: Does staff have a strong sense of direction on this?

MR. SHEPHERD: We do.

CHAIR VIGIL: Thank you very much.

XI. B. Appoint Members to the Santa Fe County DWI Program Planning Council

MS. BEARDSLEY: Madam Chair, the New Mexico Legislature enacted NMSA 1978 Sections 11-6a-1 through 11-6a-6 to address the serious problems caused by driving while intoxicated in the state. Funds are generated from excise tax on the sale of alcohol collected by the New Mexico Department of Taxation and Revenue and administered by the Department of Finance and Administration.

Santa Fe County is a recipient of some of these funds and one of the requirements is that the county receiving funds must have a DWI Planning Council in place to serve in an advisory capacity to the Board of County Commissioners. Resolution 1997-87 established the original DWI Planning Council consisting of at least nine standing committee members. At this time there are currently three active members. Their terms expire June 2011 and they are Sgt. Louis Carlos with the City of Santa Fe Police Department, Donna Morris with the Santa Fe County Fire Department, and Yvonne Ortiz with Christus St. Vincent.

After reviewing the 35 applications for membership the current planning council members and staff are recommending the following individuals. From District 1, Ken Coleman and Jim Jackson. From District 2, Lisa Woolridge. From District 4, Richard DeMella and Michael Sisneros, and from District 5, Allan Steele.

The planning council and not staff are recommending the following: Juan Blea from District 5 and staff, and not the planning council members are recommending Greg Quintana Trujillo from District 3 and Vivian Nelson from District 5. We realize this is more than the six vacancies than we have but we're leaving it at the discretion of the Commission.

The way the current guidelines are written for each of our funds there are three different things we look at in appointing planning council members. One is the resolution that was passed by the Board, one is our Traffic Safety Bureau, which fund our CDWI program, and the other would be the DFA guidelines which oversee the LDWI. Each of these mandate in one way or another who needs to be appointed to our planning council, what their terms are and so on and so forth. Our resolution does not mandate by district but it does mandate by discipline. In looking at these recommendations we were able to achieve both. We were able to recommend people that would both serve in the areas that are required by our funders as well as representation from each district.

CHAIR VIGIL: Very good. Thank you, Becky. What's the pleasure of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Becky, you had me but then you confused me. So there's two sets of recommendations? Or staff has one set of recommendations which is the items you have at the bottom of your memo including Grace Quintana and Vivian Nelson. is that staff's recommendation?

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, there are actually six that both staff and the planning council are recommending. There's one additional that the planning council recommended, and two additional that staff recommended. One of them – I'm not sure why the planning council recommended Juan Blea as well, since he represents the behavioral health and substance abuse and so does Lisa Woolrich. I can tell you that staff recommended Grace Quintana Trujillo because she is from District 3 and we did not have a representative. And we recommended Vivian Nelson because she represents the business community and we did not have a representative from that entity.

COMMISSIONER ANAYA: Madam Chair, Ms. Beardsley, is it okay to have DWI Council and the staff's recommendation on that one difference?

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, I'm not sure what it is you're asking me.

COMMISSIONER ANAYA: Okay. The DWI Council made a recommendation of one person that's different from yours, correct?

MS. BEARDSLEY: Correct.

COMMISSIONER ANAYA: is it okay for that person to be on with staff's recommendation as well?

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, that's fine. However, that would bring us to a total of nine recommended individuals and we only have six slots available.

COMMISSIONER ANAYA: So it's not allowed to have those additional members? Does our ordinance allow for more or not?

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, yes. I'm sorry. It is a minimum of nine members. So yes, we can appoint more than nine. We have three current members. We have a minimum of six vacancies. So if the Commission would like to appoint all nine members and bring it to a total of 12, that is certainly acceptable.

COMMISSIONER ANAYA: Madam Chair, does that pose any problems to do that?

MS. BEARDSLEY: Madam Chair, Commissioner, no it does not.

COMMISSIONER ANAYA: Madam Chair, Mr. Shepherd, do you see any problems associated with that, if we appoint –

MR. SHEPHERD: Madam Chair, Commissioner, no, I don't. It would probably be nice to have an odd number.

COMMISSIONER ANAYA: So that could be a good thing then. Appointing all those members.

MR. SHEPHERD: It would probably be nice to have 11 members just for voting purposes. If you appointed all of them it would take it to 12. If you appointed all of –

COMMISSIONER ANAYA: All of staff's recommendations would take it to 11, correct?

MS. BEARDSLEY: Madam Chair, Commissioner Anaya, yes. It would take it to 11. If we include the additional recommended by the planning council it would take it to 12.

COMMISSIONER ANAYA: Madam Chair, I think I'm clear. Madam Chair, I'm going to go ahead and move to approve staff's recommendation.

CHAIR VIGIL: There's a motion to go with staff's recommendation. Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Okay. Is there any further discussion?

COMMISSIONER HOLIAN: Madam Chair, can I just ask – so that means 11 members. Correct?

CHAIR VIGIL: Correct.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Is that everyone's understanding?

COMMISSIONER STEFANICS: I have a comment, Madam Chair.

CHAIR VIGIL: Please.

COMMISSIONER STEFANICS: I think in the future, and I'm asking the County Manager this, that staff just bring us the recommendations. If you want to put on one set of recommendations for us to vote on. If you want us to look at extra recommendations to enlarge the group, that's fine. But I would appreciate – I do appreciate the work that you do. You review the applicants. You know whether or not there's duplication, etc. So I'm assuming that by just recommending the group that you did you did your due diligence and I would appreciate that in the future, Ms. Miller. Thank you.

CHAIR VIGIL: Thank you. We have a motion on the floor.

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

CHAIR VIGIL: Steve and Rebecca, thank you very much for this.

XI. C. Request to Reappoint Steve Shepherd, Renee Villarreal and Steve Warshawer to the City and County Food Policy Advisory Council

COMMISSIONER STEFANICS: Madam Chair, I move for approval.

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

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: Thank you very much, Lisa. We're very much in agreement with those people who have been working with the Food Policy. Continue your excellent work with them.

XII. CONSENT CALENDAR

A. Final Order

- 4. CDRC Case # Z/DP 09-3132 PNM Caja del Rio Substation. Public Service Company of New Mexico "PNM" (Jeanette Yardman), Applicant, Requested Master Plan Zoning/ Preliminary and Final Development Plan Approval for the Amended Location of the Caja del Rio Substation on 1.6 Acres. The Substation is Needed to Serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping and Treatment Facilities, and Further Growth in the Area. The Project Will Consist of the Substation, Installation of Two Tap Structures Approximately 95 Feet in Height and Two Termination Structures Approximately 45 Feet in Height, and an Interconnection with PNM's Existing 115kV Transmission Line. The Property is Located at 11 W. Caja del Oro Grant Road, (County Rd. 62) within Section 22, Township 17 North, Range 8 East, (Commission District 2) APPROVED 5-0 Wayne Dalton [Exhibit 1: PNM Letter, 3/7/11]**

CHAIR VIGIL: I think you just had a specific question or a comment. Commissioner Anaya, it's yours.

COMMISSIONER ANAYA: Madam Chair, Ms. Yardman, I know she's here. If she could come forward that would be great.

JEANETTE YARDMAN: Hi.

COMMISSIONER ANAYA: Madam Chair, the reason I'm bringing this item up is when I left the meeting at the last Commission meeting associated with this item I had what I thought was a very specific understanding of what was going to take place at the new site and I had what I thought was a specific understanding of the costs associated with it. So I'm just going to ask a couple questions. I'm not going to take a lot of time. My first question is, very briefly, why is the site being moved?

MS. YARDMAN: Commissioner Anaya, the site is being moved for the reasons that there was a fair amount of opposition to the original site from the existing neighbors in the area. And in an effort to work together with the community and come up with a resolution that was acceptable to both PNM, the Buckman Direct Diversion and the neighborhood, PNM agreed at the December 2010 Board of County Commissioners meeting to look at alternatives to the site that was originally approved.

COMMISSIONER ANAYA: Madam Chair, if I could ask just a couple more questions. They didn't want to see the site, is that correct? the community didn't want to see the site, where it was at, see the additional structures and have that facility visible? is that the essence of it?

MS. YARDMAN: Madam Chair, Commissioner Anaya, the residents did make comments that they felt that the site would be not acceptable because it was closer to Caja del Rio Road and they were concerned with what they would see from the road and from their homes.

COMMISSIONER ANAYA: Madam Chair, and I went back to the minutes, and I haven't had a chance to go back and look at the video and I appreciate Commissioner Mayfield actually brought up this item to me within the minutes. But I asked the question that night. I said – and I'll have to go back and look at the minutes with what I said, but I thought I said the County cost. I don't think I said Buckman Direct Diversion cost. I think my question was is this going to cost the taxpayers of the county more? And I looked at the minutes and your response said BDD expenditure would be \$210,000. And then I asked again. I said is this going to cost more to the citizens, to the County? And then your response was PNM was going to cover \$170,000. So I wanted to make it explicitly clear, so after reading the minutes and having some discussions with others, this is going to cost another \$380,000, of which PNM is going to absorb \$170,000 and the Buckman Direct Diversion project, which is the City and the County, is going to spend another \$210,000. Is that correct?

MS. YARDMAN: Madam Chair, Commissioner Anaya, that is correct, however, the amount is no longer \$210,000. A more accurate estimate was conducted after the December meeting and the amount is now \$205,566, which is a lower amount. But you are correct.

COMMISSIONER ANAYA: \$374,000 and change is the additional cost to the PNM as well as Buckman Direct Diversion, which includes the City and the County. Right?

MS. YARDMAN: for, Madam Chair, Commissioner Anaya, \$380,000, approximately. Correct.

COMMISSIONER ANAYA: Madam Chair, I don't have any more questions.

COMMISSIONER STEFANICS: Thank you. So Commissioner, are you ready to move the item?

COMMISSIONER ANAYA: Madam Chair, yes.

COMMISSIONER STEFANICS: Okay, is there a second to the motion?

CHAIR VIGIL: Second.

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

CHAIR VIGIL: So we're on past Consent Calendar. Was that a no vote? So we have four in favor, one against. You know you're voting no to the findings, not to the action.

COMMISSIONER ANAYA: Madam Chair, yes, I do know that, and if I could just further explain. I appreciated the discussion that went on. I appreciated the involvement of the community, but I didn't appreciate the resources part of that discussion and that's why I voted now. I realize it's not going to come back on the case. I'm not asking for it to, but I am voting no on the findings.

CHAIR VIGIL: Thank you very much.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Division

1. Resolution No. 2011-30, Authorization Publication of a Notice of Sale of the Santa Fe County, New Mexico General Obligation Improvement and Refunding Bonds in a Principal Amount Not to Exceed \$19,000,000

TERESA MARTINEZ (Finance Director): Madam Chair, I'm basically going to introduce Peter Franklin who is our bond counsel and Erik Harrigan who represents our financial interests.

PETER FRANKLIN (Bond Counsel): [inaudible] what we are – why it is before you. The resolution authorizes publication of a Notice of Sale of the County's general obligation bonds. The bonds are to be issued for two purposes. The first is to provide \$16.5 million in proceeds for a series of projects this representations the remaining authorization approved by the voters in November 2008 and the project categories are road improvements, water improvements, open space, fire stations and waste transfer stations. Up to approximately \$2.5 million is being authorized to refund the County's 2001 A-General Obligation bonds for the purpose of achieving interest cost savings. We believe that amount will actually be closer to \$1 million rather than \$2.5 million but at the time the resolution was drafted we thought it could be as high as \$2.5 million. [*Exhibit 2*]

I would like to ask Erik Harrigan from RBC Capital Markets who is the County's financial advisor to talk a little more about the estimated savings through the refunding which I'll do as soon as I've finished summarizing the resolution.

The new money proceeds from the \$16.5 million portion of the bonds would be used as follows: \$3 million for open space; \$3.150 million for roads; \$2.350 for fire safety facilities; \$7 million for water projects; and \$1 million for waste transfer stations. And those amounts are based on the amount of bond proceeds that have already been provided for those categories of projects through the prior issuance.

I do want to note for the Board, particularly for Commissioners Anaya and Mayfield, that the bonds will not result in an increase to the property tax rates for the

taxpayers of the County. The County's financial advisor and I have worked closely with Teresa and this Commission through at least the last three bond elections to structure each of these transactions to fit within the existing tax rate of the County.

So the resolution directs that a Notice of Sale be published one time at least one week before the date of the sale which is scheduled for April 12th prior to the Board of County Commissioners meeting that day. Following the sale we'll determine the best overall bid for the bonds and bring to you a resolution awarding the bonds to the lowest bidder. We expect a transaction would close and that funds would be available on May 18th.

I'm happy to answer any other questions.

CHAIR VIGIL: Are there any questions for Mr. Franklin?

COMMISSIONER MAYFIELD: Madam Chair, Mr. Franklin, what if property tax collections go down in two or three years, how will the rate to the property taxpayer not go up on these bonds?

MR. FRANKLIN: If the collections were to go down enough because these are General Obligation bonds, the tax rate would need to be raised. But the bonds are sized in such a way that there is significant cushion. The collection would have to decline quite a bit for that to actually occur.

COMMISSIONER MAYFIELD: Do you have a dollar amount or could you get me a dollar amount please?

MR. FRANKLIN: Pardon me.

COMMISSIONER MAYFIELD: Could you get me a dollar amount of what that collection would have to be down – 3 percent, 1 percent?

MR. FRANKLIN: I don't have that figure in my mind but we can provide that to you.

COMMISSIONER MAYFIELD: And, again, these are approved bonds back in 2008 by the voters of the County; correct?

MR. FRANKLIN: That is correct.

COMMISSIONER MAYFIELD: And in this note that came from Ms. Martinez to myself via Katherine Miller you're saying that the Series 2008 bonds are callable on the first of this year, June first of this year, and you're going to renegotiate that rate and the County is going to be in a savings; correct?

MR. FRANKLIN: That is correct.

COMMISSIONER MAYFIELD: When are the 2008 of the \$33.5 million callable?

MR. FRANKLIN: Madam Chair, Commissioner, those bonds are issued in two separate series. One series 2009 and the second series is the one that we're talking about today. Each series is callable at the option of the County beginning 10 years after the issuance date. Not precisely after the issuance date it's usually June 1st or July 1st immediately following 10 years after the issuance date.

COMMISSIONER MAYFIELD: So the County cannot renegotiate the rate on the first \$17 million that was let out?

MR. FRANKLIN: Madam Chair, Commissioner, it's not really a question of renegotiating the rate. It's a matter of issuing what we call Refunding Bonds to replace existing bonds, to pay them off. Those bonds could be what we would call

Advance Refunded which means we would have to issue bonds and escrow the money until the first optional call date and that would be a very uneconomic expensive thing to do, but legally it can be done.

COMMISSIONER MAYFIELD: and then as far as the \$16.5 we're going to out for issuance, what interest rate are we looking at on these bonds?

MR. FRANKLIN: I would like Erik to speak to that issue. None of us have a crystal ball on that but he'll have a better idea than I do.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Welcome Erik. Please state your full name for the record.

ERIK HARRIGAN: Thank you. Erik Harrigan, RBC Capital Markets, we are the County's financial advisor. Madam Chair, members of the Commission, based upon recent sales in the State of New Mexico and where current interest rates are we would expect that today the sale of the refunding and new money bonds would have an interest rate of approximately 3.5 percent. Just to give you some history of where the County sold its recent bonds, the 2009 GO bonds were sold at a rate of 3.58 and the 2008 GO bonds at 3.96, the 2007-A GO bonds 4.39 and 2007-B GO bonds at 4.23 percent. Interest rate especially on the short-term part of the yield curve continue to remain very attractive and the County's debt has always been structured with relatively short average life. I believe the average life on these bonds is about seven and a half to eight years.

Based upon current interest rates we estimate that the savings on the refunding of the 2001-A bonds over the life of those bonds is about \$215,000. That's about a 5.5 to 6 percent savings. Three percent savings is considered really the minimum threshold to be economically beneficial. Refunding the 2001-A bonds and reducing interest rates will also increase the County's future general obligation bonding capacity.

I stand for any questions.

COMMISSIONER MAYFIELD: Thank you and Madam Chair this might be for Ms. Miller or Ms. Martinez, but what is our County's bond rating?

MR. HARRIGAN: the bond rating, Madam Chair, Commissioner Mayfield, the County's bond rating is almost the highest category; it's AA+ by Standard & Poor's and AA1 by Moody's. It's a very, very strong bond rating.

COMMISSIONER MAYFIELD: Thank you and then these rates are great for the national average.

MR. HARRIGAN: Madam Chair, Commissioner Mayfield yes, they are. Santa Fe County has always had a very good name in the market and they've always had very active participation. We expect to see very active participation for this sale as well.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, and whoever this question is appropriate for; are there any third-party fees with letting with, selling these bonds? And can you all let me know who they are and who's making what money?

MR. HARRIGAN: Madam Chair, Commissioner Mayfield, the investment bank or financial firm that purchases these bonds they buy the bonds are par plus potentially a premium. They resale those bonds to investors and then they make a spread which is called the underwriter's discount. But for the County they purchase the

bonds at par and the true interest cost that you receive is the lowest true interest cost for that day that the bonds are sold.

MR. FRANKLIN: Madam Chair, Commissioner Mayfield, if your question is asking is there a cost for issuance, yes, we charge a legal fee based on our contract with the County. RBC charges a financial advisory fee based on its contract with the County. Those contracts were awarded pursuant to RFP and there is rating agency fee since we're probably getting two ratings there would be two fees. There's a relatively small printing fee for the perspectives for the bonds, the official statement.

COMMISSIONER MAYFIELD: Okay. There are no bonuses given to anybody for placement of these bonds and/or are there any finder fees?

MR. FRANKLIN: Madam Chair, Commissioner Mayfield, this is the black box that I never really understand. on the underwriting side once the bonds are purchased and are being sold in the secondary market I think there are a number of commissions and things but nothing more that the County has to pay.

COMMISSIONER MAYFIELD: the rate payer has to pay them.

MR. FRANKLIN: Pardon me.

COMMISSIONER MAYFIELD: the rate payer has to pay them.

MR. FRANKLIN: No, sir. That is not correct. The secondary market purchaser of the bonds has to pay the commission, not the taxpayer.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Ms. Miller, did you want to underscore any of those statements?

MS. MILLER: Madam Chair, we're selling the bonds. We're not buying an investment and investing in anything. We're actually the issuer. These are done on a competitive market where there is a bid. So, it's different than what I think Commissioner Mayfield might be asking about which are investment third-party marketing fees where a party actually facilitates in the purchase of something. We're actually the one doing the issuance and they're done on a competitive bid market.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay, any further questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Actually, this is a question for Teresa. There are the general categories of projects that these bonds are going to be used for and I'm just wondering are all of the – do we know the exact projects that these are going to be used for. For example, under transfer station, do we know exactly what is going to be done under that or is that in the general category that now we have this much money available to upgrade our transfer stations?

MS. MARTINEZ: Madam Chair, Commissioner Holian, what you have before is a general statement but there are details that add up to that number so we do have specific roads or transfer stations or water projects or buildings that we are working on.

COMMISSIONER HOLIAN: Thank you, Teresa. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Franklin, I appreciate your presentation and I think I would like to set up a meeting with you and maybe if

Commissioner Mayfield would like to join me to just get acclimated with more issues relative to bonding. But I appreciate your candor and straightforwardness. We met 18 years ago –

MR. FRANKLIN: It wasn't quite that long ago.

COMMISSIONER ANAYA: And keep seeing each other in different areas. No, I just jotted it down, 18 years goes by fast. I look forward to having that discussion with you guys, thank you.

MR. FRANKLIN: Madam Chair, Commissioners, likewise, we'd be happy to do that.

CHAIR VIGIL: I recommend a shortcut. There is nobody here that knows more about bonds than our County Manager and she would probably be with no legal fee involved if you met with here. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, one last question and I don't know who this should go to. Could the County be in a position of maybe expending some of our general fund balances instead of pushing these bonds out there and repealing some of the tax rates to our taxpayers? To further continuous of these projects that are in front of us.

MS. MILLER: Madam Chair, Commissioner Mayfield, I would like to point out that this did go to the voters and this has been approved by the voters and based on a rate that keeps our rate stable. Could you potentially defuse bonds and pay them down or pay for these projects otherwise and not issue them, yes, I suppose you could. But I think there's probably several other things our cash balances would probably be used for to alleviate some other issues in the County versus paying down the bonds that have been voted for and maybe in the future you could do a pay as you go for projects rather than issuing new bonds but from a capital improvement planning perspective these have been planned out, voters have approved them, it's already built into our current rate structure as Peter said it won't be increasing our rate so – you could choose not to issue these, I suppose, and after a certain amount of time the authorization would go away.

COMMISSIONER MAYFIELD: Ms. Miller, I appreciate that but with these bond issuance isn't that how we're building up our reserves and I guess our cash balance funds balance – how then are our reserves and cash funds being built up?

MS. MILLER: Madam Chair, Commissioner Mayfield, our general obligation bonds are completely separate from our other reserves. Any of our bonds you set up a completely separate funds to pay those bonds. But on general obligation bonds, in no way does that general obligation debt service that is on a property tax come into use for anything other than paying principal and interest on bonds that are issued based on a referendum to the public.

So general obligation bonds sit separately and all of those funds are separate and they are not counted in cash balances other than reserve requirements within each bond issuance. You have to have a certain amount to cover your debt service payments and so those are set aside individually and they don't have anything to do with cash reserves that we discuss otherwise.

General fund cash reserves are what we build up over time through general taxes which are your property taxes but there are two separate parts of our property tax rate. One is for general obligation debt which are these that are voted on. And then is one for

operating funds. If you want to look at how do we reduce property taxes relative to our operating fund you would look at the operating mills that the Commission puts in place. And if you wanted to reduce property taxes based on debt you would look over time at not taking questions to the voters to approve GO bonds to pay for capital. Does that answer your question? The money that is collected based on these bonds has absolutely nothing to do with our operating reserves.

COMMISSIONER MAYFIELD: Thank you. But, again, the taxpayer needs to know that when they vote on these general obligation bonds their property tax rate assessment could be going up.

MS. MILLER: Madam Chair, Commissioner Mayfield, what we do is work with our financial advisor at looking at outstanding debt, property values and interest rates to only issue bonds or take to the voters bonding capacity that would keep our rate steady and we work very hard to try and keep that rate so it is exactly the same year after year based upon property valuation, interest rates and outstanding debt. So those are the things that we try to do. It is potential if for instance the legislature were to pass one of the tax lightning bills and roll back a bunch of property values that it could then have an effect on our rate. It would probably have an effect overall on every taxing district that we collect property taxes for. So it wouldn't be based on anything that the Commission did or that the voters did but based on what the legislature might do.

COMMISSIONER MAYFIELD: Thank you, but, Madam Chair and Katherine maybe we have to have or at least I would have to have a special workshop on this. I guess one of my last question though is what are county assessors going through right and what the state is in deliberation in right now, if the assessed value of somebody's property goes up and we already have this imposed, I guess you called it a mil levy, arguably their property tax rate is going to go up based on what that assessed rate is already; is it not?

MS. MILLER: Madam Chair, Commissioner Mayfield, actually the issue comes if the legislature rolls back values. If you were to take all the ones that have been capped and sitting at this value and all of the ones over the last nine, ten years that have been assessed at a higher value due to them being sold during that time, if those property values are rolled back and the rates – and what we have to collect in order to cover operations and debt across all taxings, that's school districts, college districts, special districts, everything, you have to collect a certain amount of money what's going to happen is that everybody's rates will go up to cover that. That's the danger in what the legislature's a lot of the proposed fixes. Those fixes if they roll back a bunch of other values in order to make up that loss in value you end up with an increase rate. And that's where I think, well, that's the big issue that people are having trouble getting their hands around but that's the simplest way of describing what's being proposed over at the legislature as a fix.

COMMISSIONER MAYFIELD: Thank you and I guess on that point, Katherine, my last question. Let's say that assessed values go up, appraised values go up, what happens with the difference of that money that X citizen is paying based on the mil levy that is imposed already? What is our current mil rate on this, 6.some?

MS. MILLER: the County's operation mil is about 4.67 and debt is about 1.02 or something like that – 1.87. That's the County. on an overall the mil rate is \$20 or

so. But the County's portion of what somebody pays in their property taxes is only \$5 or \$6 per thousand taxable value. The rest of it is state debt, school, district debt, city debt, city operational, school district operating, there's a multitude of any special district. But generally in the County it is around \$20 per thousand. If values go up, if assessed values go up, rate goes down because you need less of a rate to generate as much revenue.

COMMISSIONER MAYFIELD: and is that an action that this Board takes or does that just go into place automatically?

MS. MILLER: Madam Chair, Commissioner Mayfield, a lot of what – other than you going forward to the voters with a question which I said we'd try to keep the rate steady at 1.87, other than you doing that, and that's just putting it out to the voters and even then we still try to keep it steady when we issue more bonds, everything else that is being contemplated over at the legislature is a legislative fix to the unconstitutional issue of that 3 percent cap. And there is nothing the Commission can do to change that rate.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'll keep my comments for when we do the budget it was just about the reserves. Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to move for the approval of a resolution authorizing publication of a Notice of Sale of the Santa Fe County New Mexico General Obligation Improvement and Refunding bonds in a principal amount not to exceed \$19 million.

COMMISSIONER MAYFIELD: Second.

CHAIR VIGIL: Okay, and this is Resolution 2011-30.

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

XIII. B. Community Services Department

1. Request for Approval of an Increase of Services with INTERA, Inc. for Environmental Remediation Services for the new First Judicial Courthouse Project in the amount of \$98,112.21 inclusive of Gross Receipts Taxes (Community Services Department / Projects)

MR. GUTIERREZ: Madam Chair, members of the Commission, I just want to bring a few informational things to the Commission on the courthouse. I want to let the Commission know that the construction of the courthouse began February 21st and that the remediation or the removal of the contaminants soil from the courthouse site has been completed. That we moved about 25,000 tons of contaminated soil from the site which is estimated as 15,000 gallons of gasoline that has been removed from the site. In addition, about a month ago the Department of Environment also let us know that their estimates are based offsite but in the area they have removed about 13,000 gallons of gasoline. So in total there's about 28,000 gallons of gasoline that has been removed from

the site. To date we've treated about 4.8 million gallons of ground water through our dewatering process and the little handout I have for you is a financial overview. [Exhibit 3] as you can see on the top the balance of the revenues that we have for the courthouse is about \$5.2 million. It shows the sources, the expenditures that have been previously approved and what's in front of you today, which is about \$4.4 million that includes a \$2 million contingency for the construction of the courthouse which began February 21st and gives us a balance of a little over \$1.4 million.

The bottom part, just for information shows the major expenditures to date, you can see we have Bradbury Stamm who is the construction contractor and INTERA who is the environmental firm assisting the County. Sounder Miller is doing the dewatering project, NCA is the architect and Gerald Martin is the owner's representative. And you can see how much has been expended on the construction site and how much has been expended on the remediation site to date and that's about \$15.7 million altogether on the construction and remediation of the courthouse.

The first item I have in front of you today is to ask for an increase of INTERA's contract who is an environmental firm for \$98,112.21. That is for design, permitting, administrative and oversight of the remediation activities. The monitor of the environmental project to the District Attorney's building also and the coordination of those activities and they work on documents and reporting with also the New Mexico Department of Environment.

I will stand for any questions, Madam Chair.

CHAIR VIGIL: Any questions on this item? Commissioner Anaya and Commissioner Mayfield after that.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, I appreciate the information. I appreciate the review that you guys provided to yourself and Paul to me providing background and information relative to the Judicial Complex/Judicial Courthouse project. Just a few comments and observations.

This particular project has been a very highly publicized project but associated with the environmental mitigation that we're doing, we are correcting a problem that exists not only direct beneath the courthouse but we're correcting a problem that exists well beyond the parameters of the courthouse; correct?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, correct.

COMMISSIONER ANAYA: Could you just briefly talk about that circumference area and how far that we're expanding. We've got state facilities that are in close proximity and even some city property and private business; correct?

MR. GUTIERREZ: Madam Chair and Commissioner Anaya that is correct. It is the area of Montezuma, Sandoval, there is a condominium association, the area close to the Bataan Building, the area close to the Design Center, that whole area is where we are dealing with the remediation efforts with the New Mexico Department of Environment.

COMMISSIONER ANAYA: So, Madam Chair and Mr. Gutierrez, my general comment and I'm going to keep bringing it up is that we got into a very cumbersome issue that if had a crystal ball at the time you would have utilized it but you don't. We found issues that are problematic associated with those gas plumes. We're mitigating those gas plumes, those plumes that we're taking out are going to assist and

affect and help areas that are served by state government, city government and our business community. And, I think that's something that we need to continue to put out there to the public so that they're aware it was a dangerous situation that was there. We're fixing it and we're fixing it in association with the state Environment Department and doing it in a professional and legitimate way; would you agree with that?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, yes, I totally agree with that.

COMMISSIONER ANAYA: Madam Chair, thank you.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Gutierrez, thank you. Joseph, you have a little later in the agenda a request to go out for some ARRA money for environmental remediation, is it on this project?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, that is correct. It is for this project.

COMMISSIONER MAYFIELD: Will that offset any of this \$98,000 that you're asking for now for this remediation firm?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, what that will do specifically is offset the cost of the liner that we're putting in in the building. The liner process just started and we're estimating the liner cost to be about \$1 million which will be completed late June/early July. So that \$400,000 will be used for that expense.

COMMISSIONER MAYFIELD: Thank you. On that \$98,000 are there any other entities such as the federal government, the state government, the City of Santa Fe kicking in for this remediation project as Commissioner Anaya noted that this is a problem of the area it's not just confined to the courthouse area?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, no, on our side there are no other dollars coming in. The New Mexico Department of Environment is using their budget to address the issues offsite of our courthouse site.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, what was initially budgeted for the remediation and you're under current contract, correct?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, the remediation budget to date, well, there's two aspects of it. There's the cleaning which reflects the \$5.1 million. There's also the protective measures for the building which we're starting to initiate which will probably be and I'm going to estimate another \$4 million which has all been approved. Because of the bonds that have been passed, interest has been accumulated and the fund that has been allocated we are staying within the project budget which is roughly now about \$61 million in total.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, in the first paragraph after the three bulleted items, total costs for the additional services related to the scientific studies, design, permitting, and implementation, you already put it out to bid and gestimated work the remediation cost would be, correct?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we are using an existing contract so this did not go out to bid but this is the balance. This is coming to closure on the project and we've dealt with the situation because we were dealing with it at that time we used an existing contract that there was one with Environments and also

the Highway Department who deals with these kinds of issues. So we were basically using an existing state contract.

COMMISSIONER MAYFIELD: Thank you. So are we going to continue to use an existing state contract and just pay as vendor under that –

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, for these services right now, that contract will expire June 30 so we're going to analyze what the monitoring efforts are that need to take place past June 30 and we're putting that in place now and those services we will put out to bid at that point. I don't at this point think they're going to be substantial in terms of dollars but we will have to have some kind of mechanism to provide that service for the courthouse project to completion.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, and, again, why then are you asking for the 98 if we can currently do that with the existing scope and we're using a state contract?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, it's been a common practice that I have always brought the courthouse issues, the large monetary issues, to the Commission for their approval. This number is within the County Manager's authority, but I believe because of the past practice I bring these forward to you for approval.

COMMISSIONER MAYFIELD: Okay, thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if there's no other comments, I'd move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: All those in favor signify by saying "aye."

The motion passed by majority [4-1] voice vote with Commissioner Mayfield voting against.

XIII. B. 2. Request for Approval of Amendment #1 to Contract #29-0060-CSD/HGR Between Santa Fe County and Souder, Miller & Associates for dewatering and water treatment systems for the New First Judicial Courthouse Project in the amount of 286,645.49, Inclusive of Gross Receipts Taxes (Community Services Department / Projects)

MR. GUTIERREZ: Madam Chair, members of the Commission, this is the first amendment that we go against our existing contract. This actually – the County did put this out to bid. The contract is good through 2012. The original amount was for \$350,000 and it actually came to the previous Commission last summer and an estimated additional cost to be \$500,000. As we move forward that cost didn't come in as high as \$500,000 but the actual cost to complete the dewatering we're estimating to be \$286,645.49. We project that we will turn off our dewatering system sometime mid-summer when the parking lot is in place so we will no longer need the dewatering services from Souder Miller at that point.

CHAIR VIGIL: Any questions?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR VIGIL: is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: All those in favor –

COMMISSIONER STEFANICS: Question.

CHAIR VIGIL: Oh, you have a question?

COMMISSIONER MAYFIELD: A question, yes. Madam Chair, I'm looking at – yes, thank you. Joseph, what was the total general obligation bond that went out on this project to the voters?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, the general obligation that was approved by the voters was \$25 million.

COMMISSIONER MAYFIELD: Okay, and then there is a severance tax bond or another funding source?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, there was an additional revenue bond that the Commission passed for \$30 million.

COMMISSIONER MAYFIELD: and are we currently within – have we overrun that expenditure based on the environmental cleanup and the petroleum that was found at that site or are we still within those dollars?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, as you'll see on the sheet that I handed out that there is still a balance of about \$400,000 of the general obligation bond, the 2007, and on the 2008 revenue bond there is still a balance of about \$1.2 million. So, no, to date to have not exceeded the bonds funding capacity.

COMMISSIONER MAYFIELD: and, Madam Chair, Mr. Gutierrez, what about overall projection cost of the building project; are we going to look at over expending \$55 million?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, I'm sorry I missed your question.

COMMISSIONER MAYFIELD: Construction, turnkey construction on that building.

MR. GUTIERREZ: the construction for the building, Madam Chair, Commissioner Mayfield, start at about \$38.5 million because we added the remediation activities to it, I don't have the contract in front of me but I believe that contract is now between \$44 and \$45 million for the construction and the remediation efforts. There were other costs. There was the land acquisition and the design of the building, the dewatering costs, our owner's representative and those kinds of things and that's what brings the overall project budget to close to \$60 million or a little over \$60 million.

COMMISSIONER MAYFIELD: That's inclusion of the gas that you found, correct?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, that's correct.

COMMISSIONER MAYFIELD: And what was the initial contingency amount that you guys put out to the voters? I mean if you're telling me there was \$25 million through a GOB mechanism and I think that you said \$30 some approved from the County –

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, before we hit the gasoline issue the construction budget was about \$38.5 million and at that point we started the project with about a \$4 million contingency. That contingency has been used up on dealing with the environmental issues, remediation issues, but because the funds have not been drawn on as we anticipated and there was interest earned and cash accumulated. We were able to get through that. And now that we're starting the project, based on the funding levels we have, there's sufficient dollars to allocate \$2 million for contingencies on the construction site.

COMMISSIONER MAYFIELD: And there will be no more expenses to the voters later on?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, based on this there is no plan to go to the voters for additional dollars for this.

COMMISSIONER MAYFIELD: Thank you and also, Madam Chair and Mr. Gutierrez I had the privilege of touring the site and you guys are almost at the starting phase of laying foundations, I guess, correct?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we're laying the liner right now which is the first phase of protection. Then the rebar will go in, the concrete walls we pour on the site –

COMMISSIONER MAYFIELD: Thank you and Madam Chair and Commissioners, I may ask to incur an expense for this project but I think it would be a worthwhile expense is to maybe video stream or podcast what's going on at that construction site so the residents who are paying for this can appreciate that this building is going up. Because it just has I guess construction barricade material to prevent folks from getting involved or getting in there and getting hurt but I do think it would be beneficial for our taxpayers to see that there is definitely progress moving forward on this site.

That's all I have. Thank you.

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

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

- XIII. B. 3. Resolution No. 2011- 31, a Resolution Directing Staff to apply for a \$400,000 Federal AARA Grant to assist in the Remediation of the New First Judicial District Courthouse Site and Authorizing the County Manager to Execute any and All Documents Necessary for the Grant Application (Community Services Department/Projects) [Exhibit 3: Sources and Uses of Funds]**

CHAIR VIGIL: Joseph.

COMMISSIONER STEFANICS: Madam Chair, could I just move this.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I so move.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Motion and a second. Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, I appreciate the efforts to try and get alternative money and I think piggybacking on communications that I had with you and the comment that Commissioner Mayfield just made, I think we should continue with the process, and I know you are, but I think continue to seek alternative assistance especially in helping to fund that remediation effort. Thank you, Madam Chair.

CHAIR VIGIL: All those in favor signify by saying "aye."

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

CHAIR VIGIL: Joseph, thank you so much.

XIII. B. 4. Request Approval to Allow Use of Air Guns at the County Fairgrounds for the City of Santa Fe Senior Olympics on March 16 and 17, 2011 (Community Services Department /Projects)

CHAIR VIGIL: I am really tickled to see this particular item because I actually was involved in an issue regarding our County fairgrounds and Halloween night. Ron Pacheco will be presenting this, please proceed.

RON PACHECO: Madam Chair, Commissioners, thank you for taking the time. We are requesting approval to co-sponsor an event along with the City to use the small barns at the fairgrounds for the gun competition for Senior Olympics which will be starting later this month.

CHAIR VIGIL: And, Ron, the only reason that this is coming before us is basically we have a resolution that prohibits anything so we need to get a variance or rather permission from the Commission, so is there a motion?

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: All those in favor signify by saying "aye."

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

COMMISSIONER STEFANICS: Madam Chair, before Ron leaves, may I ask a question?

CHAIR VIGIL: Ron.

COMMISSIONER STEFANICS: I just want to make sure that paintballs are not going to be used.

MR. PACHECO: Madam Chair, Commissioner Stefanics, paintballs will not be used. They're actually pellets.

COMMISSIONER STEFANICS: Okay, because – pellets?

MR. PACHECO: Pellets.

COMMISSIONER STEFANICS: So, will we be liable for any injuries?

MR. PACHECO: Madam Chair, Commissioner Stefanics, we – this event will be covered under the County’s insurance at that event. But there will be no injuries. Having run this event myself in the past I will make sure going in and leaving that they follow all rules and regs.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: and the purpose for these is that when you shoot the guns they actually need a loud noise because some of the Senior Olympics need to hear it. So I think that’s why the pellet is being used; is that accurate?

COMMISSIONER MAYFIELD: Madam Chair, and on that point, and Mr. Pacheco, can we see – this is a City also sponsored function, correct?

MR. PACHECO: Madam Chair, Commissioner Mayfield, this is a City-sponsored event. The City does oversee all of the Olympic events. For this particular event we are co-sponsoring.

COMMISSIONER MAYFIELD: So, Madam Chair, Ron, God forbid an individual got hurt or shot with a pellet, the City would have insurance to cover that individual; correct?

MR. PACHECO: Madam Chair, Commissioner Mayfield, my understanding is that because we are co-sponsoring the event that this event falls under the umbrella insurance of the County not the city. So in answer to your question I believe that if an incident occurred it would fall under our insurance not the City’s.

COMMISSIONER MAYFIELD: Madam Chair, I know this Commission has taken action and I support it but can we see if the City will maybe join in with maybe providing a double-indemnity on the insurance company if somebody should get hurt.

MR. PACHECO: Madam Chair, Commissioner Mayfield, I can’t speak to the insurance in terms of the City, but I can tell you that this event is overseen by a highly qualified retired military person. The security and the safety measures that go into this event are extraordinary. The event has been ongoing for several years in this location under the same administration and we foresee no reason why anything negative should occur as a result of this event and we will be overseeing the event, Commissioner.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Pacheco, I guess for Mr. Ross or Ms. Miller, if somebody was hurt or shot by a pellet our insurance would provide coverage for that?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, we have insurance and the City has insurance. I’m not sure if the Special Olympics has insurance, but I’ll bet they do.

COMMISSIONER MAYFIELD: Okay, as long as we’re covered. Thank you.

CHAIR VIGIL: Thank you. Thank you, Ron.

XIII. B. 5. Review Discussion and Approval of the Proposed Sole Community Provider Commitment for Fiscal Year 2012 (CMO/Finance and CSD/Health) [Exhibit 4: FY12 Sole Community Provider Commitment Presentation]

MS. MARTINEZ: Madam Chair, we prepared a concise presentation for you today and we've had several study sessions on this so what you have before you is summarized data relative to the Sole Community Provider commitment.

If we go to page two or slide number two, this is simply stating the status quo of where we're at today. This is reflective of an SCP commitment of \$6.8 million. It shows that we have a recurring revenue of \$19.91 and we have a total expense need of \$30.4 resulting in a shortfall of \$10.49.

The general fund recurring revenue is \$53 million. Total expenditures are \$37 million. We also have support to other funds of \$19.3 which gives us the shortfall of \$3.3. If we compare for a total budget perspective, total revenue of \$72.9 less expenditure need based on status quo of \$86.7, we – if we change nothing and stay status quo, we'll have a \$13.79 million shortfall.

If we go to slide number three, we just want to remind you that we are projecting the usable cash balance at the end of June 30, 2011 after we consider our reserve requirements and other commitments of \$14,354,304. If we stay flat with our SCP commitment and the corresponding shortfall of \$13.7 that leaves a projected cash, less shortfall, of \$564,000.

That's if we do absolutely nothing.

One word of caution: because these projects do not even consider or contemplate any of the proposed legislation that is pending. So we have the hold harmless out there that might affect us, the rolling back of the property valuation and also this film credit. These have significant burdens on the local government. If we lose the hold harmless, that's a potential of \$3.5 million. So any one of these proposed legislative actions could have a significant effect on our picture as we propose it today.

If we go to slide number four, this is the meat of the presentation, we tried to concisely state for you the different options. We set up the tables so you have an SCP commitment, the Santa Fe County total match amount for every hospital, the portion that is representative of Christus St. Vincent, total base funding that equate based on the match amount for all hospitals and then the total base for Christus St. Vincent. We broke out Christus St. Vincent so you could see what you were looking at today. And, then we reflect the total County budget gap based on the different scenarios presented to you today.

Our first, our number one, if you will, is current approval. That currently reflects the amounts that I believe you approved on March 8th for Los Alamos and Espanola.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Before we go, let's clarify and I appreciate your trying to move this along quickly, Teresa. On page four the total County budget gap; what is your definition of that column?

MS. MARTINEZ: That would be the resulting shortfall based on any of the commitments that we make in these scenarios.

COMMISSIONER STEFANICS: the shortfall to who?

MS. MARTINEZ: to the County – the County's shortfall.

COMMISSIONER STEFANICS: So I want to make this perfectly clear, that if we did the first line that that \$7.15 million would be a shortfall to the rest of our programs.

MS. MARTINEZ: That's correct. All programs including – 3.3 of that is representative of the general fund. So County wide total budget shortfall \$7.15 million.

COMMISSIONER STEFANICS: So you have black and you have red, every line is a shortfall or there is a possibility of –

MS. MARTINEZ: Let me clarify, Madam Chair, Commissioner Stefanics, every line is a shortfall. Red is highlighted differently because that could be a possible recommendation.

COMMISSIONER STEFANICS: So I wanted to clarify this in that red and black did mean in the red or in the black. They're all shortfalls.

MS. MARTINEZ: That is correct.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: is that shortfall based on status quo flat budget that is coming to this Commission; what is that projection made on?

MS. MARTINEZ: They're all based on the different commitments that we're reflecting in here. In this particular approval, we currently have approved for Los Alamos Hospital and Espanola Hospital a value of \$200,000. That equates to total base funding of \$500,000. That particular commitment accounts for a \$7 million shortfall for the County when you consider all recurring expenditures versus revenues.

MS. MILLER: Madam Chair.

CHAIR VIGIL: Did you want to add to that Ms. Miller?

MS. MILLER: That's the shortfall based on current expenditures and current estimated revenues for fiscal year 12. That's what you have budgeted current in keeping our budget flat or what we know we have commitment for for next year, fiscal year 12. That's the gap between our recurring revenues and our recurring expenditures. So that's if you were to take this year's FY11 budget and repeat it for next year and take our estimated revenues, which at the moment we are estimating to be flat or slightly increased. That's what those numbers on that final column show what we would have to use in the way of cash just to keep our services at the current level they are right now across the County. Anything else – to bring that down to zero means we have to cut that much out of our budget. That many staff positions, that many programs, whatever.

COMMISSIONER MAYFIELD: Thank you. And also on that note though and I read in the Act that the SCP or the match funds can't be subsidized from general fund dollars. And I'll look for it but was I wrong in reading that, that we cannot push any general fund money to this? The way that the money and the fund that goes to the SCP is based on an Act that's given to our voters; correct?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, my understanding is that we have enacted an Indigent GRT and an EMS GRT which very specifically state that they can be used for the purposes of indigent care and that's how Santa Fe County has applied funding for SCP as well as our health programs in the past and also as part of these recommendations.

COMMISSIONER MAYFIELD: So we've never given SCP any general fund money nor are we going to?

MS. MILLER: Madam Chair, I don't think – it's that it has to be tax dollars. It has to be tax dollars. I don't know that it distinguishes in the state statute that you can't use general funds. You might not be able to use state general fund but I don't know. I know other counties have given general fund or general tax dollars, but I haven't heard you can't use general funds.

COMMISSIONER STEFANICS: on this point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, every county handles the indigent funds differently. Bernalillo County has a tax they don't have the GRT for indigent funds. Some counties don't even have the GRT for indigent funds. The Health Policy Commission does publish a report every year that's on line that identifies what every county does or does not do. But we do have three counties that don't enact anything in the state and some of the counties have different variations on what we have. Thank you.

CHAIR VIGIL: Thank you.

COMMISSIONER MAYFIELD: Thank you, and, Madam Chair, I'll find that in here and just get with Ms. Miller on that in a second.

CHAIR VIGIL: Okay, anything else? Okay, Teresa.

MS. MARTINEZ: If you look at item number two this is based on what each hospital would be eligible for. So under Santa Fe County match amount we would have a total eligibility of \$8.8 million for the three hospitals. Of that 8.8 million, 8.6 relates to St. Vincent. Total based funding based on a County match of 8.8 million would equate to \$28.82 million, of that \$21.18 million would be relative to Christus St. Vincent. That would result in a County shortfall or a County budget gap of \$15.79 million.

When you look at item number three, that is a proposal to just stay flat. Our match commitment was \$6.861 so we have a total County match of \$6.8 to be shared among the three hospitals. Of that, \$6.6 would be related to St. Vincent. Total base funding generated from the match of 6.8 would equate to 22.2 million and of that 21.7 million is related to Christus St. Vincent. That scenario results in a \$13.79 million shortfall for the County.

Item number four is using the value or the number from the FY10 reimbursement claims. We would have a County match of \$1.3, of that, \$1.1 would be related to Christus St. Vincent and that would result in a total base funding of \$4.3 million and of that amount \$3.8 would be related to Christus St. Vincent and that would result in a County shortfall of 8.29 million.

In item number five we took the FY2010 claims plus a 4 percent inflation factor, that comes to a Santa Fe County match amount of 1.4 and of that, 1.2 is related to Christus St. Vincent. Total base funding generated from a match of 1.4 million would be 4.4 million and of that 3.9 million would be for St. Vincent resulting in a shortfall of \$8.390 million.

And the last item is based on current claims. We have six months of actual claims and we basically took that and then multiplied it by two for the year and we would have \$2.1 million in the Santa Fe County match amount resulting in a 1.9 million

representative for Christus St. Vincent. A \$2.1 million match would equate to \$6.9 million of base funding for all hospitals and of that, \$6.4 million would go to Christus St. Vincent. That option results in a \$9 million deficit or shortfall for the County.

MS. MILLER: Madam Chair, I asked Teresa to put this together to show you all the discussions and all the different options that we're showing you. Basically, the two slides before I wanted to show you what our cash position is no matter what we do already going into fiscal year 12. We're faced with using cash to balance our budget or making major cuts to the tune of somewhere between \$7, \$9, \$10 million no matter what you do. I think we've said that every single time that we've discussed this.

What we've been trying to do as we go forward into the next year's budget is look at how can we balance still having – I think that our revenues have kind of flattened out, in other words, we are not declining significantly anymore but we don't know what the legislature is going to do relative to tax lightning. We don't know what they're going to do or if they'll do anything with hold harmless or the film credits or anything like that. So although we do have cash in excess of our reserve requirements across the general fund and some of our other funds, you can see that we've already got a lot of demands on those cash.

I wanted you to understand that any option, anything that we do, we are using as we go forward in our budget process we are going to be using cash. I think that we did that in FY11 to the tune of \$14 million or so or \$15, something in that range. That means that we have to face how do we now make some cuts. I think it's wise to use cash when you have an excess cash, but you also don't want to use it all at once because it has enabled the County, it's conservative position in the past has enabled the County to actually have some cash to work with much as every other governmental entity across the County has done to plug some of their budget gaps.

What I'm trying to do as we move forward into this FY12 budget cycle is to say that we can't use the same level of cash we used last year and fund all the programs at the same level. We're going to need to try and spread that out over the next couple of years because revenues have not rebounded in a way that would alleviate that issue for us.

Additionally, some of the issues with SCP revolve around some of the interactions that we've had with the hospital in the past. The federal government and CMS and state have indicated to us that we in way can have any kind of agreements or in-kind services in exchange for anything that might assist with the max. As a matter of fact, we received a letter yesterday reiterating the fact that the federal government requires a new certification that is very specific. So anything that the County does really just has to be straight how much do you want to provide as a match to draw-down the federal dollars. I'm sure all of you saw that Christus St. Vincent's advertisement in the paper yesterday in the *New Mexican* and the *Journal* and the challenges that the hospital is facing. We're both facing the same challenges. A major decrease, any decrease in our amount matched to them results in a major decrease in services to them and any increase in match on our side means a decrease in services on our part. So it's obviously a difficult decision. I wanted to state though that if you wanted to look at what the initial act was put in place was to pay indigent claims at the hospital and that's why line six is to best reflect that number. That is an estimate of what this year's claims will be through the end of June Christus St. Vincent and what that would calculate in the way of a

payment to St. Vincent Hospital. Anything in addition to that which in the statute three to four years ago, the statute was changed to allow counties to make a match number – and I just wanted to show you how much any additional amount would be. So every \$305,000 that you might add to that number would make \$1 million of funding for the hospital. For every million that's \$3.2 million more for the hospital. I put that in context because as you know Christus St. Vincent received this year about \$27 million with the County's and federal match and the number there on line six would reduce that by \$20 million. I just want to put that so that you understand where we're coming from in providing you this information and the basis for which the Commission has to make a decision on this particular funding is. If we just take it from what existing claims are, what we believe they will be this that's the number and anything in addition, any million in addition to that is \$305,000 on the County side.

CHAIR VIGIL: is there anything that you'd like to add to that?

MS. MARTINEZ: No, Madam Chair.

CHAIR VIGIL: Are you ready to make a recommendation or would you like questions to proceed first?

MS. MILLER: I would stand for any questions from the Commission and also Alex Valdez is here from the hospital.

CHAIR VIGIL: Are there any questions from the Commission?

Commissioner Anaya.

COMMISSIONER ANAYA: I think you partly answered this question. This packet that we have in front of us on a complicated issue and I think everybody understands that. But this packet that we have today is the third iteration and every single iteration has been structured different and I hear what you're saying about partly why you've structured it that way but I think that I want to hear the other questions from the Commissioners but I don't think – I think I'll just defer to other questions from the Commissioners because I don't want us to make this decision today unless we're absolutely in a position to make it. I know the 15th is the deadline.

I do have a question of Ms. Frenkel, Madam Chair. If Ms. Frenkel could come forward, I have a question for her.

CHAIR VIGIL: Can we take questions for staff first before we release her. Does anyone have any further questions for staff?

COMMISSIONER MAYFIELD: at this time, I don't.

CHAIR VIGIL: Okay, so stand by. Ms. Frenkel.

MS. FRENKEL: I'm not the expert on this you know

COMMISSIONER ANAYA: Madam Chair, and thank you, Madam Chair, for allowing me to ask Ms. Frenkel this question. I have a great deal of respect for Ms. Frenkel and her capacity as a former Health Planning Commissioner as well her capacity in helping the League of Women Voters.

I got your email and I read it many times over. But I want to ask you, I want to ask you specifically and pointed: what is your perspective – it was commented to me, and you didn't make the bullying comment, someone else did – but there was comments made about the article in the paper, the ad; what specifically is your perspective on the recommendations that you've seen thus far that we're considering? And provide me that perspective because like I said I appreciate your background but I've also always worked

off the premise that if we can maximize more dollars into the community then that's a good thing. But I respect what you wrote here and I'd like maybe some more elaboration on it.

MS. FRENKEL: Well, if I speak in error I'm sure that either Commissioner Stefanics or County Manager Miller can correct this. Maximizing dollars is what I understood to be asking and my understanding is that the federal government is viewing this with great concern about using County funds to maximize dollars in the way that the County has done that in the past few years. Because the funds were really set aside not to be able to access more federal and state Medicaid funds but to use directly for indigent fund services. Does that answer what you're asking?

COMMISSIONER ANAYA: So, Madam Chair, Ms. Frenkel and if you don't want to comment on this you don't have to but of the recommendations that you've seen that the Commission is considering, which recommendation of those on the board in front of you make the most sense to you based on your background and your thoughts?

MS. FRENKEL: My only comment is that I'm glad that you're sitting there and not I.

COMMISSIONER ANAYA: Okay, thank you, Madam Chair.

CHAIR VIGIL: Thank you, Rebecca. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I was going to ask a question of Steve who just walked out of the room. But I believe the centers for Medicaid and Medicare came and – and Rachel might be here – came and reviewed our contributions for the past four or five years; is that correct. And from what I understand the centers for Medicaid and Medicare have not issued any written opinion to Santa Fe County.

Madam Chair, this is a hard decision and the hospital is certainly looking for compensation to take care of people. On the other hand, we also have County employees to worry about and County services. And I'm kind of worried about the \$7.1 million already that we're going to have to come up with somehow. I, of course, what to have a contribution made to the hospital but I am of the opinion that our contribution needs to be based on claims that were either current or past and things that will be considered legal by CMS. I know this is not an easy situation for the hospital or for the Commission but I just want to keep on the table that anything we decide we then are going to have to make decisions about our County staff and our County programs. With that, Madam Chair, I think I'm finished.

CHAIR VIGIL: I have somebody who is ready to make a motion. is there anything else staff would like to add to this? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and I do appreciate knowing that we at least have to the 15th to make this decision. So hopefully we can thoroughly vet it out because I also don't believe it has been vetted out to the last day and I just want to make that comment.

Under the Act that I'm reading, under New Mexico State Statute 27 5-2 and I'm just going to read a: "...to recognize that the individual county of the state is a responsible agency for ambulance transportation or the hospital care or the provisions of health care to indigent patients domiciled in that county for at least three months for such a period of time not in excess of three months as determined by resolution of the Board of

County Commissioners.” Can I see that resolution if this county has ever passed one please or can somebody direct me to that resolution before I’m acting on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, we can get you a copy of that.

COMMISSIONER MAYFIELD: Do you have the number off-hand, Steve, and I’ll look at it real quick on my –

MR. ROSS: the resolution? No. I can’t – it’s been three or four years since we amended the last time.

COMMISSIONER STEFANICS: Madam Chair, I would like for the legal to get him that information because I would like to vote today.

COMMISSIONER HOLIAN: Madam Chair, I would like to vote as well and whenever we are ready, I would like to make a motion.

CHAIR VIGIL: Okay. And, Alex, you’re here and we know what your position is? Can you address us if you’d like to briefly?

ALEX VALDEZ (CEO Christus St. Vincent): Good afternoon, Madam Chair, members of the County Commission, I think you’ve done a good job of reviewing what the numbers are going to look like if you go with your estimated claims for FY11. Up on the projector you show the amount of claims that have been submitted to date and I believe that over a six-month period –

MS. MARTINEZ: 3,179.

MR. VALDEZ: Yes, 3,179, we show the same amount as being submitted and approved by the Santa Fe County through the – for a six-month period because we did not have any approval in December or in October. And then I take it that the County took that amount of 3.179 and has done to it, Teresa?

MS. MARTINEZ: We multiplied it by two and –

MR. VALDEZ: All right. At this point I’ve got to ask what is the recommendation from the County; is it that item in the red?

CHAIR VIGIL: I don’t know. The motion maker has a particular recommendation. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I guess with all honesty that’s the question that I have. I actually, and with the utmost respect, Commissioner Stefanics and Commissioner Holian, I don’t feel that I – that we have vetted it completely and it sounds like maybe there’s three here that do. I don’t know. But I do want to make sure that we have exhausted every potential for keeping our County as whole as possible and augmenting as much federal dollars as possible, but I don’t know the answer to that question so I guess I’ll have to wait for a motion.

MR. VALDEZ: Madam Chair, Commissioner Anaya, all I can say and it’s confirmed by the County is that six months of claims to date that have been approved at 200 percent of poverty or lower and we have confirmation of that amount also so we’re in synch on that. If you take a year run on the amount of claims and you decide to only go on the claims that amount arguably is a \$6.2 million claims amount approved for this fiscal year or that will be approved through the remainder of this fiscal year.

I think we’re all pretty clear in terms of understanding what all of our challenges are. I understand the County challenges articulated that in the article yesterday. Articulated what our hospital challenges are going to be. At this point I’m just going to

say that I wish that you make the best decision that you possibly can with the information that you have. We will do the best job that we possibly can continuing to provide and expand access to people, which we have done since I've been at that hospital and I'm really proud of the way that we have improved access and primary care and specialty care and improved the quality of care that is being delivered in that hospital also. So with that, Madam Chair, that's all I have.

CHAIR VIGIL: Ms. Miller.

MS. MILLER: Madam Chair, Commissioners, Commissioner Anaya had mentioned that in our previous presentations we've given lots of options, I just wanted to note that one thing has never changed and that is what our estimated cash balances are and what our estimated revenues and expenditures are. Everything that we've brought before you were ideas of how we could potentially work with the hospital for them to provide direct services. But in light of the information that I've received from HSD the two cannot have anything to do with each other. That said there are possibilities that those numbers could fluctuate a little bit based on the other discussions but relative to approving this particular item this is the only thing that I can discuss with you as a basis of how to move forward. I thought the only thing that we could come forward with is here's what our claims are. Additionally, as I said, I wanted to show you what you could, what any additional amount if you so chose because the law does allow it, you could add to that but that's what it does on the bottom line.

I would state that we do have, we always have the opportunity with supplemental. Revenues may change and other things may come up and at that particular time – we have not done a supplemental for the last three years, that might be the opportunity where we have more information and the ability to sort out some of these things with HSD and we might have some other information with the audits or reviews that were done whatever they were technically called that might allow us to do something different at supplemental time. But, that's just the basis of the information at this time of what I know that I can provide to you and verify for. It would be those claims and any additional funding that you might choose to add to it.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Katherine, Ms. Miller, what month would we end up considering supplemental requests?

MS. MILLER: Madam Chair, Commissioner Stefanics, I believe it's September timeframe that the supplemental amount available comes in.

COMMISSIONER STEFANICS: So, Madam Chair, we would have established our budget by then. We would have known how much cash we're taking from reserves by then. We would know two more maybe three more quarters of the taxes and what happens in the legislature.

Madam Chair, I think that the comment Ms. Miller made earlier and Teresa about not knowing what the legislature is going to do with tax lightning could really impact us in terms of our collection of taxes.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I have spent many sleepless nights in the last month thinking about this sole community provider

contribution issue and I realize that Christus St. Vincent is an important part of our community. And I think it's important to recognize that it's a non-profit and what that means is that anybody who comes to the hospital and walks through those doors must be treated no matter what. No matter whether they can pay for it or not. Now when people can't pay it's often called unreimbursed indigent care and I really do not like that term indigent care because the thing is that it's for everybody in our community. It's for our friends. It's for our family. It's for people who work here who we know. There are many people for one reason or another go to the hospital and maybe they're in an accident, a serious accident, maybe they have a life-threatening illness and for one reason or another they cannot pay for that care. You know, maybe they don't have insurance. Maybe their insurance denies the claim. In that case the cost for treating persons who have those serious situations and it can run into thousands or tens of thousands of dollars, is picked up by Christus St. Vincent and I know of a number of personal situations. And it's not people who are indigent. It's just people like you and me that just happen to be in a situation where they don't have the money to pay those bills. And I think it's only right for the County to help out in that situation. Because in a way it's the County taxpayers who are helping out members of their community and that is what the indigent fund is for.

It's also important though to recognize that the County has many other obligations with respect to the welfare of our community and as everybody knows we have budget challenges now. All local governments, all the state government, we all have budget challenges. And I want to re-emphasize something that I think has been brought out before but I think it's worth saying again. Right now we are not deficit spending in the County but, and this is a really important but, our income that's our income from gross receipt taxes or property taxes or other revenues is not covering our operating expenses. Where are we getting the difference? as has been pointed out, we're getting it from reserves. If we continue spending our reserves in the same way that we have been for the last two years we will essentially be out of reserves in one more year. So what does that mean? Well, at that point we would be forced to cut spending drastically. We are not like the federal government. We can't print money. We can't borrow money to cover our operating expenses. So if we had to cut spending drastically, what would that mean? It would probably mean furloughing county employees, laying off county employees. at the very least it would mean cutting services to the taxpayers of our community. Seriously cutting services.

A second thing that it would mean is that we would have zero left for emergencies and we know from this last month when we had the situation with the really cold weather that emergencies come up. You can never predict them, that's why they're called emergencies. And it is important for us to maintain a reserve, in my opinion, for the taxpayers of Santa Fe County. I don't think it is good to expose them to that risk if we don't have to.

Now we have another constraint other than just budget with regard to how much we give to the sole community provider contribution. The law that governs this contribution has been under scrutiny and we have had some recent clarifications. in fact, we have a whole new, brand new, certification procedure which I think our County Manager talked about. And this is the way the rules go as far as I understand it. The

contribution from the local government, that would be us, the County, plus the match from the federal government and that's on the order of 3 provider, that would be Christus St. Vincent, for qualified claims that it submits for unreimbursed indigent care. Also, it's important to note that the reimbursement is not at 100 percent, it's at 70 percent. It's sort of like Medicare. Medicare doesn't reimburse medical care at 100 percent. There is a percentage that is applied to it. And it's important to emphasize again that these monies are not to be used for anything else.

As I've been lying awake at night another question that came to my mind is, why does the federal government give such a generous match to a sole community provider? In other words, why do they get a 3 to 1 match and why don't the other non-profits to whom we give indigent funds get a match as well? Well, my interpretation and maybe this is poetic license but, my interpretation is that local governments cannot afford to cover the entire cost of unreimbursed medical care at a sole community provider institution. Our hospital is a big hospital. They have lots and lots of claims. If we were to cover that entire amount it would break us. It would break our budget. We just don't have those kinds of money. So I think that the federal government intends that our local government, that is in the County, have enough health care related funds left that we actually can help other non-profits, and, in fact, that's what the County does. We make contributions to at least 20 other different non-profit organizations and they are all important in our community. They provide health care to a lot of people and they are often unreimbursed as well.

This is my motion: This is how I think that we should determine our sole community provider match. I think it's fair and consistent with federal regulations. And, I will also add at this point that we do have a second chance. As has been talked about there is the possibility in September of doing a supplemental contribution. This is what I think we should do now: Use valid claims from this fiscal year, extrapolate those claims to the end of the year to get the total amount that Christus St. Vincent should receive and then the County contribution plus the federal match should add up to that amount. So what that amounts to is that I am making a motion for number six on our table which is a Santa Fe County match of \$2.1 million with the match to Christus St. Vincent being \$1.9 million.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: We have a motion and a second. Is there further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, based on all the documentation options that we've received thus far I think the County could do more and as such I do not support that motion.

CHAIR VIGIL: I'm sorry, I'm getting calls from the legislature. Would you restate that, Commissioner Anaya?

COMMISSIONER ANAYA: Sure, I would be happy to. Based on all of the options that been provided by staff through the Manager and our finance department, reviewing all of those options and today's option, I believe the County could do more to

offset the federal match payment based on that documentation that has been provided so far. And, as such, I would not support that motion.

CHAIR VIGIL: I would just ask where you think we could get more dollars, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, the comment I made is based on the documentation and the options that we've been presented. This is the third iteration of options that we've had and I believe that based on those options and based on recommendations from staff at the time, I believe that we can do more than the motion that has been recommended to day. I'm very cognizant of the requirements associated with sole community and I'll just leave it at that.

CHAIR VIGIL: Okay, yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, do you have that – maybe you brought it up here and I stepped out for a second.

MR. ROSS: Madam Chair, Commissioner Mayfield, they're looking for them. They haven't found them yet. It's the Health Assistance Rules and Regs and –

COMMISSIONER MAYFIELD: I'm still waiting for it. Madam Chair, also, and maybe another question for staff if you don't mind and it's permissible under the motion.

CHAIR VIGIL: Sure, we're discussing things and I would just recommend that when a resolution is requested it might be good to give staff a little more time.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and I appreciate that and it's just a matter this is in front of us today that indicates that there may be a resolution on file by the Commission and I have not seen that and I would like to see –

CHAIR VIGIL: I understand.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, on what you're showing on spreadsheet three or slide three, Santa Fe County projected unusual cash balance, or excuse me, usable cash balance of \$14,300,000 where is that money come from and is there any more money than that with all of these funds that we do have? Are there any contingency funds out there?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, the \$14 million that we reflect to you is again projected based on set asides if you will and I can specify them, statutory required reserves, and our own mandated reserves. Statutorily we have to have reserves for our general fund and our road fund and then the County has a policy where we have at least one month's operation reserve for each fund outside of those two.

Our other commitments that we refer to are we have a \$5 million recessionary contingency that this Board has taken action on. We have a guarantee on a loan and all of those things being considered we are forecasting after reserve requirements and commitments we would have a cash balance at the end of June 30, 2011 of \$14.3 million.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Ms. Martinez, the one on loan is how much money?

MS. MARTINEZ: the guarantee against that loan was \$6.5 million.

COMMISSIONER MAYFIELD: and that's for the Santa Fe Film Studios?

MS. MARTINEZ: That is correct.

COMMISSIONER MAYFIELD: So some of that money may be released eventually; correct?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, that is correct. The annual payment as it made would then be released back to Santa Fe County.

COMMISSIONER MAYFIELD: How much would be released for say to date and over calendar 2011, fiscal year 2011?

MS. MILLER: Madam Chair, Commissioner Mayfield, it's a seven-year loan and it's 1/7th per year, I believe so it's around \$900,000 per year. After they make a payment, the principal on the loan as the studios makes payments on the loan on the principal, that amount is released from our reserve requirement or the guarantee I should say.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Martinez, I don't know if they've already made payments or not but is that already projected in this \$14 million amount?

MS. MARTINEZ: That's already considered and after that being considered we are still saying that you will have \$14.3 million available at the end of June 30, 2011.

COMMISSIONER MAYFIELD: and then, Madam Chair and Ms. Martinez, can you explain to me a little more about the \$5 million recessionary amount that you guys have set aside.

MS. MARTINEZ: We, as a finance department, we've made recommendations several times mainly driven by legislative action. Last fiscal year we were looking at a potential loss of GRTs relative to the hold harmless so we were proactive in that we asked departments to make cuts and we also came before the Board asking for a recessionary contingency of \$5 million in the event that we came upon an emergency that would impact County employees and that would give us additional time to notify them if the potential for a furlough or lay-off would arrive.

This fiscal year we asked that we do the same thing just on the off chance that the economy took a different direction or legislative action had a huge impact to the County.

COMMISSIONER MAYFIELD: So, Madam Chair and Ms. Martinez and Commissioners, maybe that could be a recessionary amount for maybe the tax lightning bill that goes through. It could be a recessionary amount for what we elect to fund the sole community providers knowing that we still have a cash balance of \$14 million.

MS. MARTINEZ: Madam Chair, Commissioners, that is for your decision.

COMMISSIONER MAYFIELD: and, Madam Chair and Ms. Martinez and Ms. Miller and I understand, again, as I've been told we're not in deficit in this County. I think by law we cannot be in deficit but I do believe some adjusted measures have taken place within the County to make sure that we're not in that position and if that means that we have been supplementing operating budget by current cash reserves what is that total amount of fiscal year 10 or anticipated for fiscal year 10 that we are going to be pulling out of our current cash reserves?

TMS. MARTINEZ: Madam Chair, Commissioner Mayfield, for fiscal year 10 or for the upcoming year?

COMMISSIONER MAYFIELD: Fiscal year 10. The current year that we're in.

MS. MARTINEZ: The current year that we're in is 11 and I can tell you –

COMMISSIONER MAYFIELD: Eleven, yes, thank you.

MS. MARTINEZ: The general fund. I can't tell you total cash but maybe she'll find it for me but I can tell you from the general fund perspective it was just over \$4 million. But cash also from that perspective you have to expect the capital projects because of the very dedicated and earmarked funding sources, I think we had a total Countywide of \$60 million cash reserves, use of cash, but 46, 47 of that was relative to capital projects and I know that just over \$4 million was used to balance the general fund.

MS. MILLER: Madam Chair, Commissioner Mayfield. The numbers is actually about \$14 million because it's based on right now what is our – slide two, because I said that's based upon current year revenue and current year expenditures. How much is current year revenue versus current year recurring expenditures and I had asked Teresa to pull this out a long time ago, that that's what we are currently. You'd have to cut out recurring, not our capital, not our projects like the courthouse and all of that, because you do have cash balances. Once you sell a bond you're using cash at that point. But recurring revenues to recurring expenditures across all funds we use – that's that \$13.79 million that we need to find ways to reduce our recurring expenditures or increase our recurring revenues and that can be things like paid beds at jail versus empty beds at the jail. That's what we're trying to close, that gap. We have \$14.35 million after the reserves that Teresa just stated, we have that much cash – and you could use it all up next year. You could use every penny of it but then you will be cutting something in that range out of the next range which we will have nothing to fall back on.

The reason I keep taking you back to this is that at some point those decisions of cutting recurring costs have to be made. We cannot continue to rely on excess cash reserves to fund our operations. We have to start making changes and hope that that \$14.3 million will take us through a couple of more years so that we don't have to lay off employees, so we don't have to cut our fire response, we don't have to go to short-staffing in certain places where we would have options to cut back. We've already made \$7 million to \$8 million worth of cuts from fiscal year 10 to 11 in recurring cuts, through hiring freezes, cutting out travel, a lot of things that over the last few meetings this Board has said I'd like to see those things put back in. Every one of those things that we would put back in only makes that gap bigger. It doesn't actually reduce it. So, yes, we can throw some more cash at this if you want to and we'll be back in this discussion in two months of where else do we cut. So that's the real challenge here. You can just note that anything else that you would like to add to the number – there's no good news here in other words, there's no balanced budget no matter what we give. There's no balanced budget of recurring revenues to recurring expenditure for the County. No matter whether you give \$1 or \$6 million. It is all coming from cash and at some point something has to give.

COMMISSIONER MAYFIELD: and, Madam Chair, Ms. Miller, I appreciate that. I know staff has a very tough job of bringing these scenarios to us. And

I know that this Commission and this Board has tough deliberative decisions to make up here. I respect all of my predecessors on this Board and I respect what the Commissioners have just stated but I also have to call into question maybe some of the expenditures that have been made by this Commission. And, I would like to look at what assets we maybe have available that we could look at maybe selling off, if that's a possibility. And I do believe that there was a – I think it was either a survey and I don't know if it was initiated by an independent third-party or by the County of say what future priorities are for spending within this Commission and has the allocation that we give to SCP funds was that put in that survey?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't think it was a specific question like that. It was more general priorities: public safety, fire, police, roads, open space. I don't think it was our SCP commitment specifically because in general if you were to call around on a random sampling I don't think that most people would actually understand the complexity of this issue and how County funds actually draw-down federal funds and it goes through all of these restrictions that we have with it either. So I think it was more a general question of healthcare, but I'd have to go back and pull the survey as to where healthcare comes into that. Also, I don't think the survey actually distinguished between County provided healthcare versus other entities providing healthcare because I think you might get a different answer whether it was direct services provided from the County versus other providers as well.

COMMISSIONER MAYFIELD: Madam Chair, and I'm just going to ask a question. When we talked about Santa Fe Canyon Ranch in the past and what we wanted to do with that property, in that questionnaire did it go back to the residents to ask if they maybe want to try and put that on the market and sell it?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't know that that was one of the questions of whether to sell it. I think there were some people who actually stated that but –

COMMISSIONER STEFANICS: on that point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, the highest percentage came out to keep it and use it as open space. As many of us know that's not a revenue generator. That is what came out as making the community most happy in that particular survey.

MS. MILLER: Madam Chair and Commissioner Mayfield, I'd also like to point out that the funding use for that was cash. It is not a recurring revenue. Additionally the funding using the loan guarantee was cash not a recurring revenue. What we're really looking at here is recurring revenues to recurring expenditures. I just want to talk about good budget practices. It's not good ever to use cash to cover recurring expenditures. But in extreme economic times, it is a good use of the cash rather than laying people off. That's what the Commission has done. And I think they've also in the past, whether everyone would agree with purchasing the ranch or not purchasing the ranch, it was a one-time purchase with one-time monies. So from that perspective source of funds and use of funds on a purely fiscal best practices, using cash for that type of expenditure is appropriate.

COMMISSIONER MAYFIELD: And I respect that. And I think Santa Fe Canyon Ranch is going to be a discussion for a different day but on that note, I mean, there was an individual or individuals who were paying property taxes on that ranch when they owned it. Is Santa Fe County paying property taxes on that ranch? And do we know what property taxes we forgave when we purchased that? How much money was being generated annually on that ranch?

COMMISSIONER HOLIAN: Madam Chair, Commissioner, it's my opinion that that ranch was at that time agricultural because they were actually running cows on it and it was used as – even though they were planning on put a development on there, at that time it was agricultural. And I can tell you from personal experience, my husband and I have 500 acres on Glorieta Mesa. We pay a total of \$25 a year in property tax because it is agricultural.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: and, I just want to comment on that same issue because I am probably the one dissenting vote on the Santa Fe Canyon Ranch. And, I would just say to even bring that as a suggestion at this point in time, because really over the umbrella of all the discussions we're having tonight is the fact that we're in an economic downturn and to try to sell property during an economic downturn to gain more funds is not a good prudent financial decision. I think that as an alternative and I underscore that because you're bringing the issue up and I guess my assumption there is that you're thinking that if we hadn't purchased that property then maybe we'd have some more dollars available. I don't know that because I'm hearing our manager say we have to deal with recurring funds versus cash differently. So I'm not too sure that going that transaction or even making that argument makes a difference for where we're at right now. And, we're all struggling with the same kind of statement that you and Commissioner Anaya and the sleepless nights that Commissioner Holian has expressed.

I have met with Katherine Miller at standing meetings every week, every since sole community provider came up, I think this was actually since January and we have exhausted our conversations in terms of how Santa Fe County can move forward in providing the best possible matching dollar. This is my take on it because I was here when sole community provider dollars first became available. There is no county in this state who stepped up to the plate first probably and maybe there is another one, but who stepped up to the plate more than Santa Fe County did. There is no other county in this state who has tried to revitalize our hospital through those sole community provider funds. And there is no other county in this state that has continually increased their match sometimes when we didn't even have some of the dollars. So I think that's part of the problem that we're facing now. I'm feeling a little awkward because this feels déjà vu. I'm actually at the legislature right now listening to those arguments that they're making and they're getting a lot of pushback from non-profits and state agencies. Everyone has to have a cut. We all have to deal with the economic downturn. I applaud staff's work on this. It hasn't been easy and the greatest benefit we have before us today is that we're conservatively budgeting yet providing the opportunity to assist our sole community provider in the future if through our conservative budgeting we'll be able to gain some more dollars. You know, to try to say decisions in the past that have been made are adversely impacting now is really unfair because everybody is dealing with

what's happening nationally, state and locally and it's a huge economic downturn. With that, I'm willing to take any other comments or questions but I think we do have a motion on the floor with a second. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Just a few comments. I don't believe that the money is going to change in a week. I think it's a decision of what every commissioner here feels comfortable about. And if I probably had my druthers I'd go with the lowest so for me this is a real compromise to not go with the lowest. The second thing to respond to a comment that Commissioner Anaya made, something that changed between other scenarios and today is that we really got a clear message from the state that said you can't look at other programs to leverage. You can look at in-patient indigent care. To me what that means is that we have to take back the Sobering Center. We need to take back the jail medical. We need to take back any service the hospital has been leveraging with our dollars for other things in order to have a clean relationship with our indigent funds and sole community provider. I think that's what has changed between the last discussion and this discussion is that we don't have other programmatic options to consider here. And, for me, voting on this level is a compromise. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya, does anyone else want to comment. We really are moving down our timeframe?

COMMISSIONER HOLIAN: Madam Chair, would it be possible for me to call the question and then have comments afterward?

CHAIR VIGIL: Yes, you can call the question.

COMMISSIONER HOLIAN: I would like to call the question.

CHAIR VIGIL: Okay. Call for the question requires a vote, correct, Steve? Okay, we do have a motion as stated by Commissioner Holian and a second. All those in favor signify by saying "aye."

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: I have a call for the question that I'm taking a vote on.

**The motion to call for the question passed by majority [3-2] voice vote.
Commissioners Vigil, Holian and Stefanics voting "aye" and Commissioners Anaya
and Mayfield voting "nay."**

COMMISSIONER MAYFIELD: May I request a roll call vote of this, please?

CHAIR VIGIL: The roll call is very obvious and it's stated on the minutes. There are only five of us.

COMMISSIONER HOLIAN: Madam Chair, I certainly am willing to let the discussion go forward.

CHAIR VIGIL: Please, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, I wish you would have let me make my comment before the vote, but so be it, you didn't. I don't think that the interpretation that I received unless you received something different, Madam Chair, Commissioner Stefanics, says we had to pull back the Sobering Center and pull back jail medical. I believe that the sole community provider provides

complementing services in the community. They complement the work of Santa Fe County as well as what we do. But if you had a different interpretation, my comment to that would be, I wish I would have got that feedback and that information. So, thank you, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair. on Monday morning I spoke to our state Medicaid director and I spoke to our state Director of Sole Community Provider Funds and I sent a memorandum to the five Commissioners, the County Manager and the County Attorney regarding the conversation. That is the contents of which I am referring to today. All County Commissioners, County Attorney and County Manager did receive that. I understand from a comment that either our County Attorney or our County Manager spoke to somebody at the state recently and maybe they can expound upon that.

CHAIR VIGIL: I have Commissioner Mayfield next.

COMMISSIONER MAYFIELD: Madam Chair, I'll defer to Commissioner Anaya, if it's on a point. I just want to oppose on the vote.

CHAIR VIGIL: Is it on that point, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, on that point. I don't believe it's a mandate or a directive in any way that directed us to like I said pull back the Sobering Center or pull back the jail medical, those services being complemented by Christus St. Vincent in complementing the healthcare services and needs of Santa Fe County. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I appreciate your comments and by no means was I trying to take a different opinion on what this Commission has done in the past but I do call into question and again I do respect that there are recurring revenues that we need to look at and non-recurring revenues that we need to look at and how we're going to fund these. But as was stated on the initial motion that was made is that we do have to make decisions with our cash dollars. And these cash dollar decisions that we made can have an impact on this County and on these citizens for many future generations. And that was my point based on the acquisition and also I'm going to defer that to another day because this isn't the discussion at this time, but as far as funding our indigent community I personally don't believe, and I know that this Commission has a tough decision especially with the vote that was just passed, I would have assumed that you all may agree that \$2.1 million is just not enough to look for matching funds from the federal government and that this could have a huge impact on the County as a whole because there are going to be folks that are going to have to be subsidizing this somehow or another. And, I did look at this article that was taken out in the paper. It may have an impact on the hospital. It may have an impact on unemployment. By no means do I want this to have any impact on our County employees but I do believe that this County is still in a position to identify, and I know that staff has done a phenomenal job, to identify where we may be able to make reoccurring budget cuts to afford more funding towards our sole community provider funds. And, thank you for the time, Commissioner.

CHAIR VIGIL: You have some good point that were made and we have budget hearings coming up perhaps those that feel there are areas where we can look at funding, we can bring those forward.

Okay, we had a vote on the call of the question and that vote was 3:2. Now we need to take a vote on the actual motion itself. That's a procedural issue. I do have a motion and a second on the original motion. All those in favor signify by saying aye.

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

CHAIR VIGIL: We have 3-2. Thank you very much. Thank you staff for working on this. We are now moving – yes, Commissioner Anaya.

COMMISSIONER ANAYA: Just a comment, Madam Chair. It's a comment that I just made to Commissioner Holian and I appreciate Ms. Frenkel's comment to me that that's why we're elected to be here. This is a democracy and we have choices and tough decisions and I respect all of the Commissioners.

CHAIR VIGIL: Thank you, Commissioner.

XIII. C. Growth Management

- 1. Authorization to Publish Title and General Summary of Ordinance No. 2011-__, an Ordinance Authorizing Santa Fe County to Provide Funding for Replacement or Repair of an Existing Roof of an Affordable Housing Unit, Pursuant to the New Mexico Affordable Housing Act and Ordinance No. 2006-02, the Santa Fe County Affordable Housing Ordinance, as Amended By Ordinance No. 2006-06, Providing Eligibility Criteria, an Application Process, and Calling for the Development of Rules and Regulations Implementing the Ordinance [Exhibit 5: Proposed Ordinance]**

CHAIR VIGIL: Ms. Vigil, thanks for your work on this. Please proceed.

COMMISSIONER STEFANICS: Madam Chair, before we continue, I'd just like to clarify that publishing title and general summary means that we would hear the bill and have a public hearing in a month or two weeks? In a month. Thank you very much.

CHAIR VIGIL: And on that order, Steve, is it one or two hearings that are required for this one?

MR. ROSS: Madam Chair, only one hearing is required for this particular type of ordinance.

DARLENE VIGIL (Affordable Housing Administrator): Madam Chair, Commissioners, I was able to give you an updated authorization to publish title and general summary. There were a couple of changes that came out late in the afternoon and the only revisions that we have from the original packet was to remove the wording

regarding the Ordinance 2006-02. We wanted to – it was tied to that ordinance which would mean that the assistance for roof replacement or roof repair would have been tied only to homes that are currently under the Inclusionary Zoning Ordinance, and we wanted to broaden that and have it go for homes that are in the unincorporated areas.

the other change is that the new ordinance, obviously, would link to programs directly falling under the Affordable Housing Act. Those are the two major changes.

CHAIR VIGIL: Thank you. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd move to publish title and general summary.

COMMISSIONER HOLIAN: I second.

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

Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, this is technical and I've requested this before. I would like a number at the bottom of these bills, because we just received another one. Darlene just indicated that the one in the book was not it, but I ended up with three copies. So I don't really know which copy is the most recent. So from now on, could we please put a number at the bottom of all of our potential ordinances? Thank you.

CHAIR VIGIL: Okay, we have a motion and a second.

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

CHAIR VIGIL: Did you want to comment on this?

COMMISSIONER MAYFIELD: Not on this, but just as a point of personal privilege on the back item really quick. Mr. Ross, if this isn't the resolution, can someone point me to the resolution on the sole community provider. This was a Santa Fe County Health Care Assistance Program claims rules and regulation.

MR. ROSS: Madam Chair, Commissioner Mayfield, those are the rules and regulations that apply to the program enacted by the Indigent Board. There's probably a resolution that adopted that document but because it's after five we couldn't find any staff –

COMMISSIONER MAYFIELD: Okay. Another day is fine.

MR. ROSS: Well, we'll find the resolution adopting those. But those are the rules that govern the program.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: So, Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: on this point. We would have voted, Steve, or whatever Commission was around, because I wasn't around then, would have voted on the Indigent Board on those rules.

MR. ROSS: Correct. Pursuant to the act. Correct.

COMMISSIONER STEFANICS: Okay. So it would have been the Commission in 2006?

MR. ROSS: Possibly. I think it was amended maybe last year, but yes, initially.

COMMISSIONER STEFANICS: We did amend some of the ability to bring claims in.

MR. ROSS: Eligibility criteria, yes. That's right.

COMMISSIONER STEFANICS: Thank you very much.

XIII. D. Matters From the County Manager

1. Legislative Update

CHAIR VIGIL: Ms. Miller, briefly.

MS. MILLER: The legislative update as far as bills that we have – County Surveyor Bill has passed two committees. It is going to the Senate floor next. The property tax rebate issue passed. First committee goes to Senate Finance. I talked to Senator Smith about getting that on; he said he would put it on. So hopefully that will also go forward. As I said earlier there are lots of bills out there relative to tax lightening. None of them would really be favorable to our revenues or tax rates because of what I explained earlier. Most of them have a provision of either rolling back to 2004 or 2003 values and then imposing a cap. I did talk to the Assessor, Assessor Martinez and the deputy yesterday. There is some discussion about – the one that a lot of the assessors favor doesn't seem to be getting much traction but the issue with that is making sure that values are current and correct and removing any caps because every time you put a cap or falsely set values it's very difficult for the assessors to actually treat the values across the board fairly and evenly because then you're working on different years and different caps at different times, so it poses challenges to them.

So that said, I think that there's a lot of issues with any of the tax lightening bills out there. All of them have an impact on us in some way or the other. There's even estimates that it could cause the rates to go up eight to twelve percent. So where somebody's value doesn't change at all their rate could go up purely because of shifts in overall value. So it's definitely something for us to be concerned about but the level of say that we would have in any of those is very difficult as well. I think we need to make sure that any that are moving that we have an understanding of what it means to Santa Fe County. So I did ask the Assessor and Gary Perez, the Deputy Assessor, could they give us their estimates of the ones that are moving, what that fiscal impact would be to the County and what that might do to the rate. I feel like that's the only thing that we can actually go testify on if they could give us some estimation on the ones that are actually moving along, particularly Senator Eichenburg's bill and another bill – McCall, I think.

COMMISSIONER STEFANICS: and Ms. Miller, could you refer to any fiscal impact that you think would happen if Senator Eichenburg's bill goes through versus with the 2004 in it versus an earlier date or a later date, or current?

MS. MILLER: Commissioner Stefanics, that's what I actually asked if Gary could give us. There's one that's 2004 and one that's 2003 and those are the ones that could have a significant impact and I asked could they work with our Finance Department to give us a sense of what that would mean, looking at Santa Fe County's tax rate and what that would do to our overall rate.

Teresa just gave me some stuff. The tax year 2004 values, even though this is a really rough way of looking at it because there's other components to the bill. Not everything would roll back. It's only those that had sold and come back, so you'd have homes that were built during that time that wouldn't be in it. But if you looked at tax year 2004 values were \$4.375 billion and our collections were \$24.6 million. And then tax year 2010 our value was \$6.7 billion with a budget of \$39 million, almost \$40 million. So that's a real – that's not what would necessarily happen, because you'd have to go into each property and see if they sold during that time, which ones were new construction, but just to give you an idea of the differences between our values in 2004 and our value now and our actual general fund operating budget on that.

COMMISSIONER STEFANICS: So, Ms. Miller, the worst-case scenario you're saying is we could lose \$16 million?

MS. MILLER: Commissioner Stefanics, that would probably be the worst, absolute worst-case scenario but I don't think that's what would actually happen because you have a factor called yield control which says that the counties, they take all the value and then it runs through a formula that doesn't allow our operating mil to go too high based on increases in property values and it also doesn't make it drop too low. So you'd have to go – that's a total back-of-the-envelope, here's our differences in values, but you'd have to run it through all of these formulas and what that will do is actually if your values come down like that your rate goes up. That's the part that I think the legislature really needs to understand that actual impact because they may inadvertently, in saying, oh, we want to help the people who've been hit by tax lightening because their tax value is up here, inadvertently by rolling all the values back you reduce your entire base and then the rate goes up to make up for that loss in all of the different areas of a property tax bill.

That's what I need to make sure that I have some assistance from the Assessor's Office in trying to determine that, because not all properties would get rolled back; it's only those that were hit by tax lightening. a newly constructed property in, say, 2007 that was constructed and put on the tax rolls at its value would not roll back unless it had been sold somewhere in there and next to another property that hadn't.

So it's been very complex what they're proposing. It affects local governments much more than it would affect any revenue at the state. The only revenue that the state receives off of property tax values is state debt. And I think Santa Fe County in particular is probably impacted by anything relative to tax lightening relative to tax lightening because we had such a large increase in values and sales. So it's a very complicated number to try to figure out and you have to actually know which properties would be rolled back.

COMMISSIONER STEFANICS: Questions, comments from Commissioners on this topic?

COMMISSIONER MAYFIELD: Yes, Madam Chair. Thank you, Madam Chair. Madam Chair, Manager Miller, on that note, I guess the scenario that I was asking earlier with the bonds that we issue, could that potentially then have an impact in the folks that are rolled back to 2004 values, and understanding there's mil control, what's the max that they can go up on that mil control? Can they go all the way up to the eight-point some leveraging amount?

MS. MILLER: Madam Chair, Commissioner Mayfield, it's based on what the total values are. We're very far away from our maximum debt capacity, so we wouldn't hit our maximum debt, because we've never even been close to it in what we issue in bonds for the County, but it could potentially increase our debt rate. It could increase the Community College District's debt rate. It could increase the school district's debt rate, because you have a fixed revenue you have to generate. And that's what I believe Peter Franklin was talking about where you have a bond payment to make so your rate for general obligation bonds is based on what your debt service is and what your taxable value, all your assessed value is, sets your rate.

So if one of those, if the assessed value comes way down your rate will go up. So it could potentially – it depends on how many properties would actually be rolled back, and that's why I asked the Assessor, could you help us look at all of those that have not been capped. Because anything that was capped, that had fallen into that three percent cap is not going to be rolled back. They have not been hit with tax lightening. It's all those that have sold and been reassessed at a higher value. It's those that would roll back.

And I asked where did the 2004 figure come from. That seemed arbitrary. Well, it's based on Bernalillo. When the cap was put into place in 2001 it also stated that values needed to be brought before you even imposed the cap, values needed to be brought up or assessed at 85 percent of market. That's when Albuquerque or Bernalillo County happened to do it. I think we started applying the cap in 2001. So we have even – so that 2004 number doesn't necessarily mean anything to Santa Fe County. It means something to Bernalillo County that has about \$14 billion in assessed value where we have \$6.7 billion.

So a lot of those bills are based on what happened in Bernalillo, not what's actually happening in Santa Fe. That's a little bit of also some of the issue with those bills. But it's important at least to let our legislators know the impact of that. It could have an adverse impact in that it could increase rates and unknowingly rolling back all these values to a capped value only spreads that debt and that operating mil across other properties at a higher rate.

COMMISSIONER MAYFIELD: Thank you. And Ms. Miller, on one previous bill you discussed the Santa Fe County tax rebate bill. Are we also then not – with that bill, with what the County is allowing, we then also are taking care of the local schools' assessment, the City's assessment. We're giving a rebate for all those other entities that are passing their own mil levies or their own tax levies. Are we not?

MS. MILLER: Madam Chair, Commissioner Mayfield, not necessarily, and the reason I say that is we are paying for it but we're paying it off of a property tax but no more than \$350 on your primary residence. That would be a pretty low value to property to have something, to just give an example to get that low of a property tax bill you'd have to have a house valued at like \$60,000 or something like that, because it would be one-third of that, which is \$20,000 at 20 mils, \$400 for the total amount. So probably not, because I doubt there's too many homes assessed at that value, but we might be. But I don't have any way of knowing that because we don't get to see the detail. They just provide that they paid a property tax and they have that on their taxes. It will say how much they paid in their primary residence property tax, and if it exceeded \$350 then it's a percentage, no more than 75 percent or \$350.

COMMISSIONER MAYFIELD: And that bill's moving along for Santa Fe County? I just forget the bill number. That bill's moving along?

MS. MILLER: That one is Senate Bill 612 and we're trying to get it scheduled in Senate Finance. Madam Chair, Commissioner Mayfield, all it does is give us a lower table, capping it at \$16,000 income versus \$24,000.

COMMISSIONER STEFANICS: On this point, Commissioner, one of the things I think Ms. Miller could do is after the session, try to request some more specific information from Taxation and Revenue, when they're more willing to run some of this data for us, which they didn't have staff before and now they're inundated with the session, but we could try to get more detail as well. Other questions, comments, on the taxes? Either tax bills? Okay, Ms. Miller, anything else?

MS. MILLER: That's all I was going to update you on as far as the legislature. as I said there's a lot of bills that are going an Hvtce lets you know what's being scheduled and highlights anything – every morning he sends out an email with the status of everything. If there's anything in particular you'd like to know about Rudy and Hvtce have been spending quite a bit of time over there, following everything and updating the email as to where all of our bills are and sending that out to you.

COMMISSIONER STEFANICS: On legislation, Commissioner Mayfield has another question.

COMMISSIONER MAYFIELD: Madam Chair, Katherine, if you discussed it I apologize, but there was also a bill that I read in the paper. Senator Gerald Ortiz y Pino's bill. He said the County and the City have buy-in on this bill, Senate Bill 133, 188?

MS. MILLER: 177. Madam Chair, Commissioner Mayfield, that was Senate Bill 177 and that was put forward out of the affordable housing dialogue and the idea behind that was that the City and County could go to the voters to incur an affordable housing operating mil. It would go to a housing trust fund. The Commission did pass a resolution after the City Council supporting that. The last I heard it is scheduled for – oh, and initially that was a statewide bill but there were Senators, particularly in the Bernalillo area that didn't want it so they said could you limit it to Santa Fe County?

COMMISSIONER MAYFIELD: That's the bill that we discussed with our Santa Fe County delegation.

MS. MILLER: Yes.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Anything else on legislation. Why don't you go on?

MS. MILLER: Okay, also an item that came up a little while ago, or that there was a question about had to do with an article in the newspaper regarding the state plane. I'd like to clarify some misunderstanding on that because it is inaccurate and we've actually asked the newspaper to retract that and clarify it and I have talked to the reporter. on February 23rd the State Film Office called several times requesting assistance from the County. Also they said that they had called the City. They had an urgent matter where they had a film crew going with the State Film Office, that they had tried to charter a plane, could not charter a private plane. The State said that they could, because it was

official business use the state plane with them but they needed a fiscal agent to pay for, to bill for the portion of it that was going to be covered by the private entity.

They called and asked me if I could assist. I said let me check into that and when I called them back I said if there was a way that we could help but we would not use any County dollars and we would need an agreement to do so. When I called them back they said that they would forward me an agreement, that they had gone forward with the plane, it had taken off actually, and that they would really appreciate our assistance as the fiscal agent. I told them that what I would need is an agreement between the state, the County and the entity that was on the plane. I didn't even know who they were but that we would need an agreement and that they would have to pay us first before we would be able to pay anything to the state for their charges. And in no way would the County be responsible for anything that was not – that was related to this. It would be purely a fiscal agent pass-through capacity.

I never received an agreement from them and we have never made any payments. Since then they have said they would still like to put that agreement in place but that's the last conversation that we've had. So that's the issue with that. As I said, it was a request from the Economic Development Department and the state. We never spoke to anybody from any private entity nor did we actually request it; they called us and requested our assistance.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Ms. Miller, on that point, is it unusual for a state agency to ask a local government to do that?

MS. MILLER: Madam Chair, Commissioner Stefanics, no. There are occasions where they do ask local governments. Look at actually all the capital appropriations. They basically ask us in every single appropriation that the state makes to a local entity or a non-profit or anything for us to be the fiscal agents. So it's not unusual that the state did not have the mechanisms to do some of these types of transactions. What I was told is that general services doesn't have the ability to bill private entities; they're not set up that way. They can only bill governmental entities and that that's why they needed out assistance.

It's not a common practice but it's not unusual that local governments are used as fiscal agents. We do it on numerous types of things.

COMMISSIONER STEFANICS: Well, Madam Chair, the only reason I ask is because the airplanes have become a rather sensitive issue at the state and I'd hate to get caught in a fight about enabling the use of airplanes. That's all.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Miller, thank you for bringing this up because again, I read it in the paper over the weekend. But again, there were no County monies expended for this plane so that was definitely an inaccurate quote of \$3500 in the paper. There were no County employees that went on this plane. We don't even know who went on this plane. And then third, Ms. Miller, just what I'm reading and respecting what the paper printed, a film office spokeswoman said, and that was according to the spokeswoman, so maybe we also need to contact the film office and

identify the spokeswoman and make sure that that is clarified with the spokeswoman from the film office that this in fact didn't take place and we didn't pay them a penny.

MS. MILLER: Madam Chair, Commissioner Mayfield, I've done all of that, contacted the Economic Development Department PIO because that was the person that says we paid for it. There has not been a single nickel that has left the County, there never was going to be a single nickel of taxpayers' dollars to pay for that and as I said, I told them that it had to be in a written agreement that stated who the paying entity was and that if we did act in that capacity we could only act as fiscal agent for billing purposes and passing that on and that it would need to be in a written agreement. They indicated to me that would be fine and they would send that to me and I never received anything or heard anything else from them other than a memo I wasn't even cc'ed on that had to do between the Film Office, Economic Development Department and DSD stating that this is what they were doing.

I've contacted all of those entities and let them know that as well as the newspaper and we have absolutely no payments that have come from the County funds. There were no County employees, and we did not request it. They asked for our assistance.

COMMISSIONER MAYFIELD: Thank you, Ms. Miller.

CHAIR VIGIL: I also am concerned. This Commission and Santa Fe County and the City of Santa Fe have been huge promoters of the film industry. I think there's a presumption out there that is just misguided and misinformed, so I'm glad that you're able to clarify that. I don't think this takes away from my personal desire to push forth initiatives that have to do with film, but certainly we wouldn't do anything that would go against our procurement process. So thank you Katherine for keeping guard over that. Anything else?

- XIII. D. 2. Update on Fairgrounds**
- 3. Update on Mutt Nelson Road**
- 4. Update on Shooting Range**
- 5. Update on La Bajada Water System**
- 6. Update on Fiscal Year 2012 Travel Budget**

MS. MILLER: There were some other items on the agenda relative to Commissioner Anaya's requests, an update on the fairgrounds, and also any other capital appropriations that was requested. While Joseph is handing those out I'll just let you know that as far as the shooting range we will be giving an update at the next meeting of the committee that had been working on that and the challenges that they have encountered. So we're going to actually give you a formal presentation on that issue at the next meeting.

Robert is not here for Mutt Nelson Road so we'll have to follow up on that one, but Jack had some stuff on that after Joseph.

COMMISSIONER ANAYA: Madam Chair, just on Mutt Nelson, it's my understanding it has to do with annexation, so Jack is probably going to address that.

MR. GUTIERREZ: Madam Chair, members of the Commission, I just passed out a quick update on the outstanding state grants that we have and real quickly, Rio en Medio, we have \$140,000 left. [Exhibit 6] We finalized the kitchen design; that's going to go out to bid towards the end of this month and we will expend all of those dollars for a commercial kitchen in Rio en Medio.

The Pojoaque Senior Community Center is actually designed and that's going out to bid hopefully Sunday and we plan to complete this project by the end of June. It's kind of a small remodel/addition.

The fairgrounds, to date, on a \$102,000 grant We have a company out there doing some culvert work and asphalt work that's about \$20,000. There's about \$47,000 allocated for paving for the main driveway that's going to take place late April by our own Public Works Department and we have the specifications out for an LED sign. We're working with purchasing to get that out to bid hopefully by next week. We went to Land Use to discuss the permitting process and I think we've cleared those rules. in regard to the fairgrounds, I've also written a letter to DFA asking for them to – there's also an \$81,000 grant that was allocated for certain purposes due to a misunderstanding. We asked DFA to allow us to use that \$81,000. Again, I sent the letter last week and I expect to hear from them within the next ten days. Other counties are in the same situation and have the same request in.

The Madrid Ballpark is finished. They're asking looking to schedule a grand opening for Memorial Day. There's \$4,000 left that we're going to use for creating the mountain center. All the funds have been expended except for \$19,000. We're drawing specifications for an air conditioning system. We plan to have that in place before the end of this fiscal year when these funds expire.

Esperanza Shelter is being built as we speak. It's 45 percent complete. The only dollars that we don't have allocated is \$157,000 for the contingency, there's two grants. One doesn't expire June 30th. When we finish the building that hopefully will be at the end of June, if these funds are available we'll use them for equipment and furnishings for Esperanza.

Women's Health, we actually just completed the design and went out to big and we're in the process of awarding about a \$150,000 construction bid. After that \$100,000 left and we're working with them for furnishing and computers on that project also. That's my quick update.

CHAIR VIGIL: Any questions?

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez. This is what I was asking for, so thank you so much.

CHAIR VIGIL: Appreciate that. Next item, Ms. Miller. is there anything else? Any updates?

MS. MILLER: Madam Chair, yes. If Jack could come up and talk about Mutt Nelson.

JACK KOLKMEYER (Growth Management Director): Good evening, Madam Chair and Commissioners. I'm going to address not only Mutt Nelson Road real quickly but our whole, projected code enforcement sweep program that we've outlined for this year, just so you're all apprised of that. [Exhibit 7] We do sweeps at the recommendation of a community if we get a lot of complaints from community members

or if we have excessive complaints or notices of violation, we'll take it on to do a sweep ourselves.

It involves six really important things. Contacting all the residents, we usually do that by mail and as you know that can be problematic some times. We also like to set up a community meeting to meet with members of the community, get their cooperation the best that we can. We have to utilize all of our code enforcement staff, all three of them, and their three vehicles, and it generally takes us from two to five days to do a sweep. We like to do them when the weather is relatively favorable so that's spring, summer and fall are times when we can do sweeps. When we do them we cite all discernible violations and that can be litter, junk vehicles, unpermitted developments. However, some violations may not be Land Use Code and we note them, for example like stray animals or something that might involve animal control or some other department. We issue notices of violations for each code infraction that we find.

We're currently considering five sweeps and they involve Agua Fria Village, the Mutt Nelson Road area, I-25 east frontage road, the Taylor Subdivision area, North and South Forks, the Silverado Subdivision, and the Bone Yard area of Arroyo Seco. We met right at the end of last year with Agua Fria. They decided they wanted to embark on a beautification program. I met with them once and I'm going to try to meet with them at their next association meeting to continue that discussion. So we really have four areas that we really want to do code enforcement sweeps on.

We've given them an order of priority here and I'll just go through that with you. We want to do a sweep next month, April, at the I-25 Taylor Subdivision frontage road area. I believe that's Commissioner Anaya's district. And then in early summer we'd like to do a sweep of the Bone Yard area of Arroyo Seco. That's Commissioner Mayfield's district. And then the North and South Forks, Silverado area late summer. That's also Commissioner Anaya's district. And then lastly we would consider a sweep of the Mutt Nelson Road area. I'm not sure that – is that your Commission District also, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, Jack, I think yes it is, but the North Forks Silverado Subdivision is Commissioner Stefanics'.

MR. KOLKMEYER: Okay, and the reason for this, Commissioner Anaya, since you brought up the Mutt Nelson Road area as did former Commissioner Mike Anaya, we don't put this forward as a matter necessarily of priority but it's an issue because of the arrangement with annexation. That's in the presumptive city limits, and it's Phase 2 of the actual annexation program, but the arrangement right now with the City is that the County will do code enforcement in these presumptive city limits area and then things like building permits would be issued by the City. So we don't want to go in there all by ourselves, just the County, to initiate that, but what we're recommending is that in between now and the fall when we would undertake this is that we have a meeting with perhaps the City and the County Manager, City staff and maybe even a City Councilor from that district as well as you, Commissioner Anaya, to make sure that we do this cooperatively, because what happens is we may go into an area, a presumptive city limits area and issue somebody a violation. They'll tell us, well, you don't have the authority. It's really part of the city when it's still part of the county. There's a lot of confusion.

So I think that what we'd like to do, Commissioner Anaya, because my presentation stems from your interest in this is we'll spend some time and get this clarified with the city so we can do a sweep with them cooperatively. We think it would be much more effective to do it that way rather than to just send our staff out at this point.

So that's what we're thinking about doing for our code enforcement sweeps between now and the end of the fall. I'd be happy to answer any questions.

COMMISSIONER ANAYA: Madam Chair, I guess my first comment is can we talk about having a meeting sooner between myself, the Manager and staff and the City rather than waiting till the fall, because I am getting calls from constituents in that area that are concerned and that goes back to when Commissioner Anaya was here before, prior to the start of the year. So if we could engage that process sooner rather than later I'd appreciate it. Then a question on code enforcement and the issues. Do we have – is our code enforcement section under the Growth Management Code? or is a whole separate ordinance only dealing with code issues? What's the answer to that, Madam Chair, Jack?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, let me answer your first question first. We didn't mean to say that we would start our conversation with the City in October. That's when we would project doing a sweep. We should do it as quickly as possible to have the meetings with the City. So we can start that as soon as possible. As soon as we can arrange with possibly the County Manager to set up some meetings for us to have those discussions.

And then as far as the code, we have a junked vehicle ordinance, we have a litter ordinance, and then we have the regular land use code for development in case it might be an unpermitted issue or a zoning issue. So they're all covered by code. Yes.

COMMISSIONER ANAYA: Madam Chair, Jack, on the first point I'd rather not wait all the way until October for the sweeps so if there's a way we can engage conversations with the City sooner and maybe do the sweep sooner rather than waiting all the way to October. That would be almost a year from the inception of the concern coming from the constituents which I don't think is a good thing as far as responsiveness goes, relative to the request to me and to the County.

On the second, I would like copies of the ordinances. I know there's other counties in the state, San Juan County most recently, that have done a complete re-look at a lot of those junked vehicle issues and code enforcement issues, and I'd like us to take a hard look at that over the course of this year and bring forward a potential change to our ordinance based on input from staff and the public and the Commission, obviously. I appreciate that.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, back to the first point again, of course we have complaints from all these areas. The order here is where we're getting the most complaints from right now, but we can rearrange this schedule and we'd be happy to look at doing the Mutt Nelson area or rearranging the schedule however it works out. But we need to get the permission and cooperation of the City first.

Then the second issue again about some of the code issues. One of the real problems that we're having with junked vehicles and trashed mobile homes is we have a problem disposing of these things. For example, the auto salvage places, they won't take

cars unless we have either a title or a VIN number on them. So we have a number of places where we have trashed vehicles that nobody will take and we can't really do anything about them. So we need to figure out some way to deal with that and that's to your point about the junked vehicle issue.

Mobile homes is another problem where we have abandoned mobile homes. We can't get the salvage yards to take them so we have some problems with disposing of these things. The other thing that has come up is we would like to start initiating a problem in communities where we can actually have like a cleanup day prior to doing a sweep. So we need to sit down with our Public Works Department and maybe Community Services. We're not sure. So we could maybe get the use of some big dumpsters. So rather than fining people or giving the Notice of Violation, we say we want to have a cleanup day. Get rid of your stuff before we do a sweep. So we need to look into how we can do that too, Commissioner, so we can get cooperation from the landfill to maybe have a couple of days where there's free dumping or something.

Because we get a lot of complaints still, along with just violations of trash and litter about still the cost of taking trash to the landfill. There are people that are still resistant to the fees that we have in that regard, so if we could sort of help out with that, do some cleanup days, and I think we're going to try to do one in Agua Fria to get that started.

But the junked vehicles and abandoned mobile homes is one of those kind of problems we need to look at in the ordinance as well as how we deal with those situations.

COMMISSIONER ANAYA: Madam Chair, Jack, I appreciate that very much. In fact the City does have those types of days where constituents, citizens, are able to put their stuff on the curb. I know there's always going to be costs associated with those discussions but I would appreciate those discussions and you including me in those discussions and I would also appreciate those members that are the formal members on SWMA to also have those discussions with SWMA as well. It sounds like the chair has some conversations with you guys relative to Agua Fria so that's a good thing. We share that area so I'm very supportive of those types of efforts.

MR. KOLKMEYER: Thank you, Commissioner.

CHAIR VIGIL: I have a question. And if you could after this question just could briefly highlight what else you have to say, please.

COMMISSIONER MAYFIELD: Madam Chair and Jack, thank you. As far as the sweeps, they're mostly being generated by resident complaints?

MR. KOLKMEYER: Mostly, yes. Also how many notices of violations we ourselves issue because if they go up we know we're having a problem in a certain area.

COMMISSIONER MAYFIELD: and then, Madam Chair, Jack, I appreciate what you said. You're going to try to have some community days. And I think also if we could just publicize this on our website, just saying, look, in your area where we're going there will be sweeps and take care of your yard. And maybe we also need to refer them back to what ordinances are in place by this Commission that says this is what has been enacted by this Commission that you need to do.

MR. KOLKMEYER: We send out letters in that area to everybody using the Assessor's mailing list and we quote the ordinance citations in there. But I think your point about the website, using the local newspapers and all those things, we'll do a really good effort this time. Especially if we could have a community cleanup day too. That way a lot more people would be interested.

COMMISSIONER MAYFIELD: and Madam Chair and Jack, so you're not going door to door? You're going to where you've already recognized an issue at a certain residence?

MR. KOLKMEYER: Yes, Commissioner.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry if I missed this. What do we do if somebody's renting versus if it's the property owner? Who gets cited? Who carries the penalty?

MR. KOLKMEYER: Madam Chair, Commissioner, the property owner.

COMMISSIONER STEFANICS: and so when we mail the notices do we mail to out of state property owners?

MR. KOLKMEYER: Madam Chair, Commissioner, yes, we do. We mail it to the address we have at the Assessor's Office. Unless there was some other updated information because we still have some ongoing mailing issues but as a matter of course they go out to the property owner that we have on record with the Assessor's Office.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. What other items do you need to update us on, Jack? is that it?

MR. KOLKMEYER: That's it for me.

CHAIR VIGIL: Okay. Thank you. Ms. Miller, it's yours.

MS. MILLER: Madam Chair, I don't know, Commissioner Anaya, if you need an update on La Bajada. The National Guard did take the truck back and we're still assisting them with water and additionally we're still trying to assist them with getting funding to fix their system, drill a well, but aside from that I don't know if you need any additional update.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, if you could just keep me in the loop on those discussions. Mr. Guerrerortiz has been staying in contact, as has Mr. Martinez. I know he's out now. If they could just keep that up and also keep Mr. Barela in the loop I'd appreciate that very much.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: On this point, not specifically that community, but when we assist a community of this size, I'm assuming, and I'm saying this so you could correct me, but I'm assuming that we help out maybe gratis at the initial emergency and then as things go on we charge, or how does this work?

MS. MILLER: Madam Chair, Commissioner Stefanics, this particular community – first we have to look at whether they are a governmental entity and where there's a state emergency that allows us to assist, so it really does depend on the state of emergency that's called. If there's a state emergency called and they qualify for our

assistance we assist and typically that emergency goes away after a very short time and if they're an entity that we can assist there's not a charge but we can put into the state requesting reimbursement for our assistance. Typically we get turned down because they consider that we have money in our reserves to assist.

For entities that are not necessarily eligible we might try to help them figure out ways and a lot of what we're doing right now is just technical assistance. And then also if they do not qualify under an ability to get our assistance from a financial perspective then we would have them reimburse us for whatever assistance we give so that we don't violate the anti-donation act. So in general, our assistance is very short term, under an emergency coverage, and then we try to get reimbursement from the state. If it doesn't fall into that category we can't provide assistance without payment for our costs. So – and even then those issues all have to be worked out. But this is kind of a unique situation as well.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. Go ahead, Ms. Miller. You're on item 6.

MS. MILLER: Yes. And then I have one other item that wasn't on here but that I can update you on. For fiscal year 2012, as you know, during fiscal year 2011 we cut travel for County employees and the Commission itself actually opted out of any kind of travel. So this kind of goes to the issue of Commissioners don't have individual budgets. As a result we don't have any travel in our current budget for Commissioners. We don't have training and we don't have community services. All those things were cut out, or community projects. Those were cut out. But in the current budget instructions, what we said is, because there were a lot of requests of particularly some elected officials and some other offices where they have required training to keep certifications, or probably related to affiliations with professional organizations that help them stay up to date with what's going on. Some elected officials said if we have the money in our budget can we shift it from area to another to travel?

Once the budget is approved by the Commission elected officials have some latitude. Our policy over the year had been to keep all travel to a minimum. We had a couple who were able to come up with funding from within their budget or funding from some other source to be able to travel. We took the approach with the fiscal year 2012 budget instructions thought that if – as long as your year's budgets remain flat, if you have some areas that you wanted to shift some of your requests from one area to another to cover what you would consider to be essential travel you could do so. That brings it then to the Commission as to whether the Commission has any desire to do any travel next year. I just need to put it out there, if you want to you need to let Jennifer know anything that you would consider to be essential travel so that we can build it into the request and then bring it forward when we actually go to approve the budgets.

But at the moment we had nothing to go flat from, so there is nothing in the current year budget for travel, so as it stands right now, Jennifer's putting the Manager's Office budget together which includes Commission requests. So if there is anything that you consider to be essential we would need to know about that.

COMMISSIONER STEFANICS: Madam Chair, we really felt the pinch last year but as we go forward we might want to look at some travel. I believe it does well for Santa Fe County to be represented at our national meetings, not necessarily all five of

us or even three of us or two of us, but since last year we're not attending and being part of our National Association of Counties meetings at their annual conference in the summer or the legislative conference, and I would encourage us to look at that. I understand – and Commissioner Vigil, you might know better, but if one of us sits on the state association board they assist with some expenses or not?

CHAIR VIGIL: Only if you have a state appointment to a national position.

COMMISSIONER STEFANICS: Okay. And for all Commissioners, it is relatively easy to get an appointment to a national committee. In fact I have one to the transportation committee that I'm happy to transfer to anyone who might be interested in transportation. But all of the committees don't have an overload of New Mexico board members, so they're looking. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I guess my comment would be that I concur with Commissioner Stefanics that we should take a look at opportunities to coordinate with our fellow Commissioners not only in New Mexico but other parts of the country. But I would say that to me, we also need to take a real close look at staff and their representation at the state level as well as the regional and national level. It's in those places that I myself as a state and county employee was able to garner information, establish relationships and help build our programs and make them stronger. So I would concur that we should look at it with Commissioner Stefanics for elected officials but I really feel strongly that we get our staff when we can and when it's feasible, our staff back involved. It's tough to go to the state association or Association of Counties and to see not very many County people there and yet have other smaller counties that even have less budget represented.

I know you're looking at that. We've talked about that before, but I feel very strongly that staff should have the opportunity. I don't look at it as travel; I look at it as training and educational opportunities to enhance their work. But those would be my comments. Thanks, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Ms. Miller, on this point, again as far as budget development, and again if the Commission has taken this position that we're going to be rolled up into the County Manager's budget I guess that's fine. I don't think it's come to us yet. But I personally would like us to entertain us looking at individual budgets established for each Commission District. I think at one time the Commission may have had discretionary funds, and I know there can be some concern with those discretionary funds as far as how they may – I don't want to say as far as how they may have been. That there maybe potentially could be an issue of anti-donation clause.

But I think as far as the Commissioners, and working diligently with staff to know what our fiscal and fiduciary responsibility is, and respectfully of some of the items I brought up at the beginning of this meeting, if I believe that it's beneficial to fund a legal entity \$75 to have a board appointment, or to help out a local acequia association, and respecting that staff says, How do we build this into our budget later on? How do we accommodate for staff time or staff resources or County dollars being expended? Well, if

there is that lump sum of money give to us and if this Commission chooses to travel with this money, or if this individual Commissioner chooses to allocate that money that can legitimately and legally receive that money, then that can be a decision that we can make and also have, in compliance with our sunshine portal, those dollars can be placed on the sunshine portal, we can put direct links – at least I can put a direct link to my internal website. But I really would ask that this Commission consider entertaining individual budgets for each Commission office, in an equitable amount.

CHAIR VIGIL: I have a comment. And I have to make a clarification. It's community funds we were working with. We took formal action to do away with those. I think we actually through our budget processes tried to provide a leadership role as Commissioners by not doing any travel. I actually handed my phone back in and have a little flip phone that I'm on a plan with. I thought if we were making those expectations of our employees and asking division directors and employees – and we did that. We took cell phones out. We had them cut their travel budget. And it was really important to me when we were making that kind of cutback for our employees that we as Commissioners needed to provide a leadership role and role model of what we're expecting of our employees regarding community funds, I don't think have come back, and unfortunately because I think they happened when Commissioner Holian first came on and I think her first response was, Darn, that's the one thing I was looking forward to doing.

But we have taken some formal action with regard to those, so I would not be supportive of bringing in a travel budget unless it was for emergency purposes. I think we all could use professional development. There are ways we can get that through our state association and I would not be in favor of moving forward with budget items that would involve travel, particularly at this time. We just finished making one of the toughest decisions in my Commission tenure and that is having to cut back on sole community provider funds. I think the issues of whether or not we pay \$75 to the acequia associations – I think we have some traditions that we have entered into agreements. We do have NCRTD. There are organizations that we've discussed amongst ourselves that we really should be a part of and maybe \$75 is the minimal amount to represent and have representation on there. But travel budgets are huge and I see a lot of division directors up there and they're probably struggling with the same thing too, I bet. They're looking at cutting their budgets with regard to travel and I know for a fact that travel has been limited, at least in the last year. I don't know if you have anything to add to that, Katherine.

MS. MILLER: Madam Chair, this is a difficult issue for particularly the Finance Department and then I would say Jen in trying to put together the budget for the Manager and Commissioners. It is true that community funds were taken out because they were discretionary or whatever. Some I think were not necessarily done in the proper way. I can tell you I was at DFA and had to rebuke some of them and had a lot of questions about them. So whether they were good expenditures on the County's behalf. So I think if there are community funds it would have to be based on County priorities in some way because I wouldn't want to bring back some of those issues that I think the County moved past in removing those funds from the budget. as you said, a lot of cell phones were taken back from employees, take-home vehicles were taken back. Travel was cut. And then even division directors and managers had pay cuts.

So all of those things were done in the context of overall budget cuts and if we're going to start bringing those back it's going to present a challenge as to how do we bring that forward relative to the Commission. And I should probably wait until Commissioner Mayfield is here to hear this because one of his suggestions was having individual Commissioner budget, each one of you having an individual operating budget. The County has never gone in that direction before. Basically travel is approved by you as a Board for each Commissioner. It has to be done that way based upon our own policies here, so it's not something that I actually make a decision about. If we put money in the budget for that it gets done on a basis of having an idea of what is there and then you guys individually approving each travel of the individual elected official.

Aside from that we don't have money in the budget for mileage. We don't have money in the budget for cell phones because it was taken out. And maybe what I could bring back next week because for planning purposes, our next meeting for planning purposes that's going to change relative to what the Board wants. I have to go back and redo the way we prepare the budget for the Manager's Office and the Commission because I'm working off the decisions made by the Board of how to handle what are seen as a little more optional items versus essential items in the County.

So we have kept cell phones and cars, vehicles for essential needs but almost everybody who does not use them on a regular, daily basis for conducting the business of their job, they don't have them. Same with take-home vehicles, and that, so it's a struggle, because we'll have to start adding that money back into the budget which we don't currently have. So I guess I'd like some direction as to whether you want me to bring this back as individual Commissioner budgets or continue the way that we've been handling it.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, last year when we started budget discussions, and I can't take credit for this. It was *Governing* magazine and it was also the National Association of Counties that were doing a lot of articles about cutback management. And in fact UNM is sponsoring a workshop up here in Santa Fe on cutback management in a couple weeks. And one of the comments that came out of many of the articles is when revenues are really low or when you have to cut significantly, you can either nickel and dime lots of different things or you can go in and do one major chop. And that it can be the time for drastic change.

I said this to our last County Manager. I'm saying it to you, Ms. Miller. I'm not prepared to say that we have something that could be one major chop. But when you do something like that, then the work level and the support given to the work level everywhere else is much more supportive. And it's not cutting, cutting, cutting. Right now, I bet every department and division we have here in the County is saying, we don't have enough people to do things. Jack was just here talking about the sweeps. Three people, three cars to do the sweeps for an entire county. Probably, if there was a wish list it would be much larger.

So a lot of times people ask me why doesn't the County do x? and I say, well, it's because we're mostly reactive versus proactive. And that has a lot to do with resources and where we put our resources. So that might be something for you to think about. It's not always comfortable, but if you had some specific ideas that you wanted to present to

us, then we could at least react when we come down to time for that. Thank you very much, Madam Chair.

CHAIR VIGIL: Thank you. Is there any other comment on this?

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Ms.

Miller, I applaud and appreciate everything you're doing. I know you have the toughest job and Ms. Martinez has the toughest job I believe in this County also when you have to make these decisions. But again, I still believe that if the Commission takes a crack at, respecting what Commissioner Stefanics just said of maybe saying, look, this is in align with your recommendations. This is maybe what we need to drop. And this is where we would like to see the dollars going for the services we believe we need to provide for this county. I believe in turn that could help staff develop the policy that the Commission has set as far as budget.

And Ms. Miller, I haven't seen it and I'll meet with your personally at our standing meeting or maybe before, but if I could see then the budget that you're developing for the County Manager's Office as it's incorporating, say, the five Commissioners and/or the requests that are coming, say, from the offices.

MS. MILLER: Madam Chair, Commissioner Mayfield, that's basically what I'm bringing this up for. What's in the Manager's – anything that I would do now would be increasing – I've worked at decreasing the Manager's budget since I've been here in the office and I've brought forward to you the areas that I've done that, cutting out certain contracts, restructuring the office and shifting positions, reallocating certain resources to things that the Commission has said they want to see done, and overall I've been working to reduce the Manager's budget. These type of things, and I guess my general question was, structurally, of all the things that were cut out, are there things – and what I'm hearing, what I've gotten so far out of this is that there are a few Commissioners that believe that some travel relative to our associations – national associations, state associations – could be considered more essential travel to make sure we stay up on things but rebuilding a bunch of these little things in the budget not necessarily so.

But if you took all the things that were cut out I would be adding \$100,000+ right off the bat just to the Manager's Office with the things that everybody – I keep hearing the little things that want to be done. I agree with Commissioner Stefanics in making major changes. We just did one today. That was a rather huge and I think Commissioner Vigil was correct in stating painful. Those are the type of things that will make big changes, and I also don't agree with nickel and diming everything and telling every employee, no, you can't travel. No, you can't have this, you can't have that. But it's amazing how those things creep back into the budget and increase the budget and those are things you can remove out of a budget a little bit easier or at least squeeze them. We are still faced, even with that approval today, it's still a \$9 million hole. But what I was after was or trying to get a sense of was is it going to be – it tends to be those little things that we get constant questions about. Nobody ever asks, are you going to wipe out a whole department, because it wouldn't even be considered.

I get asked can I go on this trip and can I go on that and can I have that and can we be a member of this and can we do this, and that's the stuff that we have cut out of the budget because it's very difficult to keep adding back in on an individual basis. So the

reason I brought this forward is I wanted to get a sense from the overall Commission on your overall feelings about travel, your individual office travel, and I think I have some sense that there's some latitude in that area but additionally, Commissioner Mayfield, you had asked for individual Commissioner budgets, that's never been established other than there were some community funds, but there's never been individual Commissioner budgets and at this state I wouldn't be bringing that forward because it hasn't been something that we've done and I think it then starts to create that each individual starts building up a large individual budget.

So that said, I don't know that I've totally answered your question. I can show you what the County Manager's budget is. No individual Commissioners have a budget. Right now basically what you have is your salary and the liaison's. That's what's in the Commission budget, for the most part and a couple of other total line items for office supplies and things like that, but it's not in a set amount for any individual. It's never been requested that way. We've kind of lumped it into the Manager's Office budget or a Commission budget as a whole.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, then on that point, if Commissioner X, and I'm Commissioner X, has a request for a travel, they're going to go to you and say can we have it. It's not going to come back to this full Board to vote on. You're going to make that decision, right? If it's built.

MS. MILLER: No, Madam Chair, no. I think you were having kind of a side conversation, but the Commission originally voted not to – and took all travel out of the Manager's Office for Commissioner travel. So there's none in there right now, which is why I brought it up. But even if you go forward with travel. Let's just say we put some money back in there, I would base what we put in there, if you have some specific request, because each individual travel does come back to the Commission to approve, because I don't have the right to approve your travel. You do it as a Board for each other's travel. But we don't have anything currently in the budget right now so we would say you either have to find it somewhere else and bring it to the Commission to move the money and cover somebody's travel, or at this stage, there was nobody planning on traveling between now and the end of the year so we don't have it in there. But if there are specific trips, which is how we typically build a budget. We plan for specific seminars or conferences or whatever, and build an estimated amount into the budget for those. That's what I would need to know if there's anything along that line, and then when we bring the budget forward to the Commission you could say yea or nay whether you want to put that in.

COMMISSIONER MAYFIELD: and Madam Chair, it's not just specific to travel. Let's say a Commissioner has a request for a contract. Is that built into your budget? Does that come back to this full Board for approval if there's contractual services being offered?

MS. MILLER: Madam Chair, Commissioner, this goes back to the issue of does every individual Commissioner have his own budget and his own stuff that they do. We've taken direction from three of the five or five of the five or four of the five. It needs to be voted on by the Commission. If there are things that you have discussed as a Board and you'd like to see us move forward we go and we try to find the resources to do that. I think it gets down to the issue of do we take direction from each individual

Commissioner or do we take direction from the Board. For the most part, since I've been here, it's always been from the Board, and previously it was from the Board. So individual Commissioners don't engage in contracts. All contracts – I as the fiscal officer for the County have to sign off on contracts or if they're over my amount they come to the Board but direction for working on certain items comes from you as a Board.

And if you asked for a specific contract to somebody, if an individual did, we don't have a mechanism to do that unless it was already budgeted for, and we would bring it back and have a discussion about direction from the Board.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Is there anything else, Katherine? It's 7:00 and we haven't even gone into executive. And I will remind the Commissioners that we have the UDV land use, or we had it on the agenda.

MS. MILLER: Madam Chair, I only had one other thing and this was based on an item that was tabled by the Commission. It was the Assessor's – the study to be done on the Assessor's Office. I've been in conversations with the Assessor and Deputy Assessor looking for alternatives. What the Assessor would like to do is have an agreement that we look at contracting with a company to come in and actually bring all the property records up to date. And I've been in discussions with him to try to get an estimate of what that would cost but instead of putting the funds out of valuation funds and out of general fund to study his staffing that really, I think everybody agrees, the records aren't up to date. But that's more of a one-time issue to bring them up to date and then another issue to maintain them.

So what he's requesting, he's trying to get an estimate of what that would cost and then requesting that we would share that cost 50 percent from the general 50 percent from valuation funds, and that it be over two fiscal years – the remainder of this fiscal year and next fiscal year. So that's what we're trying to negotiate right now and get a sense of what that would cost and then bring that back to you as an alternative. Meanwhile that item is tabled. The budget adjustment for it – and he said if you're not willing to do that he wants to go back to bringing that tabled item forward for awarding a contract for having that study done.

CHAIR VIGIL: Okay. Anyone have a directional statement on this? I do. I'll let Commissioner Anaya go first. I think it's a good compromise based upon what we've had to tangle with. The dollars for the study in my mind were going to be wasted dollars, because those dollars could have easily paid for, because the overriding issue is getting those property taxes up to date. And while he only has certain staff it seems to me that a contractual arrangement for that specific scope of work will really assist far more than what his needs are, because once he does get those up to date we'll have a benchmark and we'll be able to move forward on all these issues that are coming before our Assessor, tax lightening being one of them. I think it's an excellent idea and I would be in favor of it. Any other comments?

COMMISSIONER HOLIAN: I agree. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd just like to see what you find out. Thanks.

MS. MILLER: And Madam Chair, Commissioners, we don't have an estimate of what that will cost. I think the Assessor kind of indicated he thought, oh,

\$250,000 to \$400,000. I have a feeling if it covers the whole county it will be more than that but we just had a conversation with a company and it was no way an request for a quote or anything but more of, this type of work, what would it generally cost, so that we could get a sense budgetarily what that might entail. And work-wise, what that would entail. And that was yesterday we had that conversation.

CHAIR VIGIL: Okay. Any other comments? Anything else, Katherine?

MS. MILLER: That's it.

XIII. E. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

b. Limited Personnel Issues

CHAIR VIGIL: Steve, we need to go into executive session for what purposes?

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

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

CHAIR VIGIL: How long do you think we'll be, Steve? Not that we can ever really tell.

MR. ROSS: We'll be as brief as we can be. I only have four updates.

CHAIR VIGIL: Okay. So would an hour be okay?

MR. ROSS: That would probably be sufficient.

CHAIR VIGIL: So maybe we could come back here at 8:05.

[The Commission met in executive session from 7:05 to 8:05.]

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation and limited personnel issues. All five of us Commissioners were present as well as our County Attorney, our County Manager and our Deputy County Attorney.

COMMISSIONER STEFANICS: I'll second.

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

XIV. PUBLIC HEARINGS

a. Growth Management

- 3. BCC Case # MIS 11-5050 Global Wine Connection, Inc. Wholesalers Wine and Spirituous Liquor License. Global Wine Connection, Inc., dba VinGarage, Applicant, Nancy Frith, Owner, Requests Approval of a Spirituous Liquor and Wine Wholesaler Liquor License to Allow the Wholesale Distribution of Spirituous Liquor and Wine. The Property is Located at 36 Bisbee Court, Unit B, within Section 24, Township 16 North, Range 8 East (Commission District 5).**

CHAIR VIGIL: Thank you, public, for waiting. Mr. Larrañaga.

JOSE LARRAÑAGA (Building Development Services): Thank you, Madam Chair. In September of 2002 a master plan for the Thornburg property was approved by the Board of County Commissioners. The master plan approval included commercial zoning of Lot D-5 located at 36 Bisbee Court. The zoning approval allowed for wholesale distribution for spirituous liquor and wine. Ordinance 2000-12, Community College District designates Lot D-5 as an employment center zone, which allows for wholesale distribution as a special use. Special use is a use allowed with the master plan approval.

The applicant requests approval of a spirituous liquor and wine wholesaler liquor license. A wholesale license will allow the applicant to warehouse and distribute spirituous liquor and wine wholesale.

In 2006 the Board of County Commissioners granted approval of a spirituous liquor and wine wholesaler liquor license to Winemark Distributing to operate a similar type of business at this location. Winemark closed its business in 2009. The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been publicized in the newspaper. The Board of County Commissioners is required to conduct a public hearing on the request to grant a spirituous liquor and wine wholesaler liquor license at this location.

Recommendation: Staff has reviewed this application and has found the following facts to support the submittal: Ordinance 2000-12, Community College District, designates Lot D-5 as an employment center zone which allows for wholesale distribution as a special use. The Board of County Commissioners approve the Thornburg property master plan which allows wholesale distribution of spirituous liquor and wine. The applicant is current with Santa Fe County business license requirements. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Staff recommends approval of the applicant's request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Are there any questions? Seeing none, is the applicant here? Okay. I don't know if there's any terms and conditions. This is pretty straightforward. Do you have any questions?

[From the audience, an individual identified as the applicant said she had no questions.]

CHAIR VIGIL: Thank you very much. What's the pleasure of the Commission?

COMMISSIONER STEFANICS: Madam Chair, I would move approval of BCC Case #MIS 11-5050.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I hear a second. I did forget to ask, but this is a public hearing. If there's anyone out here who would like to address us, although I imagine all the other folks are here for their case. Seeing none, I do have a motion and a second on the floor.

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

- XIV. A. 4. **CDRC Case # V 10-5530 Sturrock Variance. James Sturrock, Applicant, Request Approval of Three Variances of Article VII, Section 3 (Terrain Management) and Article III, Section 2.3 (Site Planning Standards for Residential Use) of the Land Development Code: 1) to Allow the Height of a Residence to Exceed 18 Feet and to Allow the Overall Height (From Highest Parapet to Lowest Natural or Finished Cut Grade) to Exceed 30 Feet; 2) to Allow Disturbance of Slopes of 30% and Greater; and 3) to Allow Disturbance of Rock Outcroppings. The Property is Located at 120 Camino del Canyon in Cundiyo, within Section 21, Township 20 North, Range 10 East (Commission District 1). Vicki Lucero, Case Manager**

VICKI LUCERO (Development Review): Thank you, Madam Chair. on November 18, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request. The subject property is an existing 2.849-acre legal lot. There is currently an existing barn, an equipment bay and a tack room located on the property, which were constructed by a previous owner. The Applicant is proposing to construct a 3,750 square foot three-story residence which includes a basement with a building footprint of approximately 1,617 square feet.

Article VII, Section 3.4.1.c.1.c of the County Land Development Code states that natural slopes of 30 percent or greater are no build areas and shall be set aside from use for development. The Applicants are requesting a variance to allow disturbance of 30 percent slopes in order to construct a residence and to install a septic tank and drain field.

Article III, Section 2.3.6.b.1 of the Code states that the height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent or greater shall not exceed eighteen feet and that the vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet. The Applicants are proposing a maximum building height of 34'9" and an overall building height of 34'9." The Applicants state that since the area available to build upon is very limited it was necessary to use multiple stories to achieve the desired square footage and therefore, a height variance is needed.

Article VII, Section 3.4.1.c.1.a of the Code states that areas of rock outcropping are no-build areas and shall be set aside from use for development. The applicant states that there are no apparent rock outcroppings on the surface, however, rock outcroppings have been found on neighboring properties during excavation and therefore, taking a conservative approach the applicant is requesting a variance.

Recommendation: The Applicant is proposing a 3,750 square foot, multi-level residence. The subject property is a legal lot of record. The lot is limited by excessively steep terrain which makes it difficult to construct a residence that meets County Code Requirements. Land Use staff has conducted a site visit and reviewed the slope analysis and has determined that there is no other buildable area on the site. It is staff's position that the variances requested are unavoidable due to the rugged terrain and small buildable area on the property. Strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant as stated in Article II, Section 3.1 of the Code. Therefore, staff recommendation and the decision of the CDRC is to recommend approval of the variances of Article VII, Section 3, Terrain Management.

The Applicant is also seeking a height variance. Staff conducted a site visit and determined that the structure would not be visible from minor arterial roads. If the Applicant were required to reduce the height of the structure they would have to increase the footprint of the residence which would result in more disturbance of 30 percent slopes. Therefore, staff recommends approval of the requested variances of Article III, Section 2.3 to allow the height of the residence to exceed 18 feet and an overall height of 30 feet subject to the following conditions. Madam Chair, may I enter the conditions into the record?

1. No grading or disturbance of ground beyond grading limits shown shall occur. Except for developable areas for building envelopes, roads, or driveways, disturbance of natural vegetation shall be prohibited. Cleared or graded areas, or cut and fill areas shall be re-vegetated to the approximate original density and type of vegetation existing prior to disturbance.
2. The well shall be relocated outside of the existing access/utility easement. If the required 100 foot separation from well to septic cannot be achieved due to the steep terrain an advanced liquid waste disposal system will be required in accordance with NMED requirements.
3. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with application for building permit.

CHAIR VIGIL: There are three, correct?

MS. LUCERO: That's correct.

CHAIR VIGIL: Okay. Yes, you may.

MS. LUCERO: Thank you.

CHAIR VIGIL: Are there any questions of staff? Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you Ms. Lucero. This might be a question for Jack or Shelley as well as you. When people, when individuals buy a lot that has terrain that has excessive sloping or excessive change in height, have we made a pattern of always granting variances or have we ever

denied or have they ever had the opportunity to go back to a title company and say, I bought something that was bad?

SHELLEY COBAU (Review Division Director): Madam Chair, Commissioner Stefanics, I'll address your question. I'd like to say that this is probably a lot that was created pre-Code. The current Code wouldn't allow the creation of a lot that didn't have a suitable buildable area. So we're not faced with that problem regularly. It's gone either way. We've had variances where the Code clearly states that if it's topographic in nature, non-self-inflicted the variance can be considered by the Commission. But it's gone either way, just depending on the lot. We've had applicants we've told to reduce the square footage of their home and we've had applicants that were granted a variance. So it's kind of gone either way.

COMMISSIONER STEFANICS: So Madam Chair, Shelley, today, somebody could still go out and buy a piece of property and think they could do something on it that's really going to have trouble with the County.

MS. COBAU: Madam Chair, Commissioner Stefanics, that's correct, and I think we just recently heard the case, the Bryan Berg Variance request that's off La Barbaria Road which is very similar in nature to this one and he had to go to some extraordinary measures and probably costly to get a home on that very steep lot, but again, it was platted pre-Code.

COMMISSIONER STEFANICS: It was platted pre-Code. So today, Madam Chair, if somebody was buying something it would be their responsibility to find out that something was – that their plat was approved for building.

MS. COBAU: Madam Chair, Commissioner Stefanics, that's correct. It's kind of buyer beware. If you buy a steep lot you've got to understand there's going to be some difficulties to overcome but I don't know if there's any kind of realistic disclosure laws that would protect people, if they could go back and talk to their title company. I don't think so. We see them with some frequency, maybe six or seven of these a year. Very similar.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Vicki. Has this site been reviewed by our Fire Department for access?

MS. LUCERO: Madam Chair, Commissioner Stefanics, Victoria DeVargas of the Fire Department has been out to the site a couple of times and their main concern is to actually have a fire turnaround for emergency vehicles and they've actually worked something out with the applicant to where that's going to be accomplished. That was their main concern.

COMMISSIONER HOLIAN: Great. Thank you, Vicki.

CHAIR VIGIL: Vicki, should that be a part of the condition of approval?

MS. LUCERO: Madam Chair, we don't have that as a condition of approval. If the variance is granted then that applicant go ahead with their engineering drawings and the Fire Marshal's Office will actually review the application before we issue any permits. So at that time they're going to be required to comply.

CHAIR VIGIL: So the condition of approval is that they comply with what the Fire Department says.

MS. LUCERO: Right.

CHAIR VIGIL: Thank you. Any other questions?

COMMISSIONER MAYFIELD: Madam Chair, I believe also there's a letter in here from the adjoining Boys and Girls – maybe it's not the Boys and Girl Scout Ranch where they did address the fire availability issue for fire apparatuses to go through.

MS. LUCERO: Madam Chair, Commissioner Mayfield, that's correct. The portion of the turnaround that the applicant is proposing and actually encroaches on the Boy Scouts of America property, so they got a letter or permission stating that they would be able to utilize the property for purposes of the turnaround.

COMMISSIONER MAYFIELD: But there was one condition of that letter, right?

MS. LUCERO: We do have a letter from them but I don't think –

COMMISSIONER MAYFIELD: It's the last statement in the last paragraph. The Boy Scouts of America own the land on the south of my property. They have agreed to allow Camino del Canyon be widened for emergency equipment access. They will put this in writing if I can provide them with a written statement from Santa Fe County stating that what I propose to do by widening the road will meet the County's approval and will not cause the Boy Scouts any problems from the County due to this project. So, Madam Chair, there won't be any concerns from the County as the Boy Scouts of America widen the road?

MS. LUCERO: Madam Chair, Commissioner Mayfield, that's correct. We actually did receive a letter from the Boy Scouts stating that it was okay to utilize that property for the turnaround. They've met the condition or what the applicant was proposing.

COMMISSIONER MAYFIELD: Madam Chair, do we as the County need to do a permit to the Boy Scouts also? Do they need to receive a permit from us to widen that road?

MS. LUCERO: That will be part of the grading permit when the applicant makes their submission.

COMMISSIONER MAYFIELD: Okay. They we won't have a problem approving that permit?

MS. LUCERO: No. We should be okay with that.

COMMISSIONER MAYFIELD: Thank you. And then Madam Chair, in line with Commissioner Stefanics' comments, an exhibit – and I don't know which exhibit it is. I guess it's the third page of Exhibit D, and it's NB-A10, with four elevations shown, of the northern slopes or western slopes, southern and eastern. If we look at the western slope or the eastern slope, and Madam Chair and Shelley, does our height ordinance play into the fact that, say, one side of this is meeting Code and one side of it, arguably, is that where they're asking for the variance, on the one side because of the slope?

MS. COBAU: Madam Chair, Commissioner Mayfield, that's correct. So it's the high side of the structure that's coming down on the downside of the slope, is the reason for the variance.

COMMISSIONER MAYFIELD: As long as there's one side going to a height, that's where we measure from?

MS. COBAU: Yes. It doesn't really matter if it were more than one side so long as they don't exceed the restriction of height from natural grade. So they're asking for a variance because they're exceeding that height requirement in the Code. It's 39'4".

MS. LUCERO: Madam Chair, if I could just clarify. Actually both sides of the house exceed the height restriction. The height restriction for each façade is 18 feet, but the overall, if it's on a slope of 15 percent or greater, the overall height from the lowest point of grade to the highest point of the structure cannot exceed 30 feet.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Seeing no further questions, is the applicant here? Do you agree to the terms and conditions of the approval of this application?

[From the audience an individual identified as the applicant said he was in agreement.]

CHAIR VIGIL: Okay. This is a public hearing does anyone in the public want to address us? Seeing none, what is the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair, I move for approval of Case #V 10-5530 with staff conditions.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay. I have a motion and a second.

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

XIV. A. 5. BCC Case # MIS 11-5040 William Becher Easement Vacation. William Becher, Applicant, Requests to Vacate a Platted Twenty-Five Foot (25') Wide Drainage Easement. The Property is Located at 47 Calle Hacienda, within Section 23, Township 17 North, Range 8 East, (Commission District 2)

WAYNE DALTON (Development Review): Madam Chair, I apologize. This should actually be BCC Case #MIS 11-5040. This case does not require CDRC recommendation. This requires Board approval.

The Applicant requests approval to vacate a platted twenty-five foot drainage easement on his property located within the Villa Escondida Subdivision. The property consists of 2.87 acres and is currently vacant. The Applicant states he is requesting abandonment of the drainage easement due to the drainage easement not being needed and would like some flexibility in locating a house and driveway that will best conform with the land, his views, and his neighbors views.

Article V, Section 5.7.2 states action shall be taken at a public hearing. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: After conducting a site visit on the property and receiving a verification letter from the Applicant's engineer, staff has determined that the vacation of the drainage easement will not adversely affect the interests of persons on contiguous

land or of persons within the Subdivision being vacated as stipulated within Article V, Section 5.7.2. Therefore staff recommends approval of the Applicants request subject to the following condition. Madam Chair, may I enter that into the record?

[The condition is as follows:]

1. The Applicant shall file the portion of the Final Plat affected by the vacated drainage easement on Lot 10 of the Villa Escondida Subdivision with the County Clerk's Office.

CHAIR VIGIL: Are there any questions of staff?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: You have a question?

COMMISSIONER STEFANICS: I just wanted to point out that on page 7 of the colored photos it looks like there's little tents sitting in the tree, but I'm sure that the owner is not living in it.

CHAIR VIGIL: Is the applicant here? Are you in agreement with all the terms and conditions that have been proposed here?

[From the audience an individual identified as the applicant said he was in agreement.]

CHAIR VIGIL: Okay. This is a public hearing. Would anyone like to address the public? I need to put that on the record. Seeing, hearing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of BCC Case #MIS 11-5040, William Becher, vacation of easement, with staff's conditions.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I have a motion and a second.

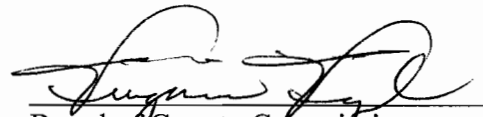
The motion passed by unanimous [5-0] voice vote.

XV. ADJOURNMENT

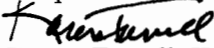
Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 8:30 p.m.


ATTEST TO:
Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:


Board of County Commissioners
Virginia Vigil, Chairwoman

Respectfully submitted:


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



4565 State Road 14
Santa Fe, NM 87508

March 7, 2011

Katherine Miller
County Manager
Santa Fe County
102 Grant Ave
Santa Fe, New Mexico 87504-0276

Re: *Increased Pre-Construction Costs to the Buckman Direct
Diversion Board*

Dear Ms. Miller:

A question has apparently arisen as to the amount of the increased pre-construction costs to the Buckman Direct Diversion Board ("BDDDB") as a result of moving the Caja Del Rio Substation to the site approved by the County Commission at its February 8, 2011 meeting. The total increased cost of the Caja Del Rio electrical facilities as a result of this move is estimated at \$380,000. As noted in the Minutes of the February meeting, PNM estimated the cost increase to the BDDDB for moving the facility at approximately \$210,000, the cost of the three feeder lines serving the BDDDB water treatment plant. Increased cost that will be the responsibility of PNM is approximately \$170,000, (\$70,000 for the remaining feeder line and \$100,000 for the transmission line). The allocation of the increased costs to both parties is made in the same manner as the original division of costs outlined in the Electric Facilities Agreement Under Rate 11B.

PNM performed more detailed costs estimates in February. The updated cost to the BDDDB, as reflected in the Letter Agreement Amending the Electric Facilities and Service Agreement Under Rate 11B (the "Letter Agreement"), approved by the BDDDB at its March 3, 2011 meeting, will be \$205,566. The cost to PNM will remain at approximately \$170,000. As noted, the BDDDB has agreed to these additional costs, which are reflected in the Letter Agreement.



REC'D CLERK RECORDED 04/13/2011

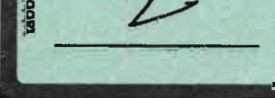
We hope this clarifies the cost to the two parties for the Commission, and if we can be of any further assistance, please do not hesitate to contact us.

Sincerely,



Jeanette Yardman
Regulatory & Public Coordinator
Santa Fe Division

Cc: Stephen Ross ✓
Wayne Dalton



Month	2008 GO	Investment Earning @ 1.5%	Total	Road Projects						Water Projects		Open Space	Public Buildings			Total	Balance	
				South Meadows	Agua Fria	Road 84	Caja Del Rio	Avenida Vista	Road 42	Cononcito Water Line	Chimayo	Trails & Parks	Transfer Station	Fire Training	Fire Station			
Dec-08		-	-															
Jan-09		-	-															
Feb-09		-	-															
Mar-09	17,000,000	-	17,000,000															17,000,000
Apr-09		56,667	56,667		666,667	133,333	500,000	150,000	583,333	250,000	250,000	250,000	100,000	50,000	97,222	3,030,556	14,026,111	
May-09		46,754	46,754		666,667	133,333	500,000	150,000	583,333	250,000	250,000	250,000	100,000	50,000	97,222	3,030,556	11,042,309	
Jun-09		36,808	36,808		666,667	133,333	500,000	150,000	583,333				100,000	50,000	97,222	2,280,556	8,798,561	
Jul-09		10,998	10,998		666,667	133,333	500,000	150,000	583,333				100,000	50,000	97,222	2,280,556	6,529,004	
Aug-09		21,763	21,763		666,667	133,333	500,000	150,000	583,333				100,000	50,000	97,222	2,280,556	4,270,212	
Sep-09		14,234	14,234		666,667	133,333	500,000	150,000	583,333					50,000	97,222	2,180,556	2,103,890	
Oct-09		7,013	7,013											50,000	97,222	147,222	1,963,681	
Nov-09		6,546	6,546											50,000	97,222	147,222	1,823,004	
Dec-09		6,077	6,077											50,000	97,222	147,222	1,681,859	
Jan-10		5,606	5,606											50,000	97,222	147,222	1,540,243	
Feb-10		5,134	5,134											50,000	97,222	147,222	1,398,155	
Mar-10		4,661	4,661											50,000	97,222	147,222	1,255,933	
Apr-10		4,185	4,185											50,000	97,222	147,222	1,112,556	
May-10		3,709	3,709											50,000	97,222	147,222	969,042	
Jun-10		3,230	3,230											50,000	97,222	147,222	825,050	
Jul-10		2,750	2,750											50,000	97,222	147,222	680,578	
Aug-10		2,269	2,269											50,000	97,222	147,222	535,625	
Sep-10		1,785	1,785											50,000	97,222	147,222	390,188	
Oct-10		1,301	1,301														391,489	
Nov-10		1,305	1,305														392,794	
Dec-10		1,309	1,309														394,103	
Jan-11	16,500,000	1,314	16,501,314	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	15,367,639	
Feb-11		51,225	51,225	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	13,891,086	
Mar-11		46,304	46,304	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	12,409,612	
Apr-11		41,365	41,365	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	10,923,200	
May-11		36,411	36,411	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	9,431,833	
Jun-11		31,439	31,439	550,000						375,000	166,667	250,000	55,556	33,333	97,222	1,527,778	7,935,494	
Jul-11		26,452	26,452							375,000	166,667	250,000	55,556	33,333	97,222	977,778	6,984,168	
Aug-11		23,281	23,281							375,000	166,667	250,000	55,556	33,333	97,222	977,778	6,029,671	
Sep-11		20,099	20,099							250,000	166,667	250,000	55,556	33,333	97,222	852,778	5,196,992	
Oct-11		17,323	17,323							250,000	166,667	250,000	55,556	33,333	97,222	852,778	4,361,538	
Nov-11		14,538	14,538							250,000	166,667	250,000	55,556	33,333	97,222	852,778	3,523,298	
Dec-11		11,744	11,744							250,000	166,667	250,000	55,556	33,333	97,222	852,778	2,682,265	
Jan-12		8,941	8,941							250,000			55,556	33,333	97,222	436,111	2,255,095	
Feb-12		7,517	7,517							250,000			55,556	33,333	97,222	436,111	1,826,501	
Mar-12		6,088	6,088							250,000			55,556	33,333	97,222	436,111	1,396,478	
Apr-12		4,655	4,655							250,000			55,556	33,333	97,222	436,111	965,022	
May-12		3,217	3,217										55,556	33,333	97,222	186,111	782,127	
Jun-12		2,607	2,607										55,556	33,333	97,222	186,111	598,623	
Total	33,500,000	598,623	34,098,623	3,300,000	4,000,000	800,000	3,000,000	900,000	3,500,000	5,500,000	2,500,000	3,500,000	1,500,000	1,500,000	3,500,000	33,500,000		

Handwritten notes below the table:

- 15.5
- 17.35
- 18.0M
- 1.0
- 1500
- 16.5M
- 3.150



1st JUDICIAL COURTHOUSE PROJECT
FINANCIAL OVERVIEW

Revenue:

Revenue Balances (1/31/11)		
1/16 GRT	\$	3,388,114.79
2007 GOB-Voter Approved Bond	\$	393,097.91
2008 Revenue Bond	\$	1,244,649.95
Remaining 1/16 GRT Revenue (Proj.)	\$	887,931.00
Sub-Total of Funds Available	\$	5,913,793.65

Expenditures:

Change Oder #4 & #5 approved December 2010	\$	2,009,969.86
Water Treatment	\$	300,000.00
Consultantants	\$	160,000.00
5% Contingency	\$	2,000,000.00
	\$	4,469,969.86

Balance of Funds \$ 1,443,823.79

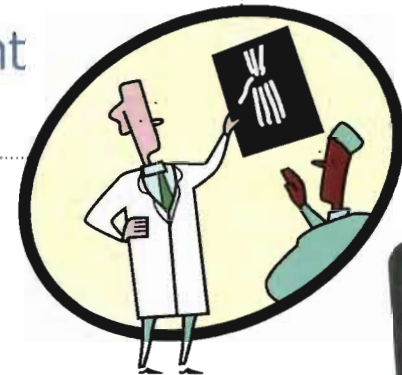
Major expenses to date:	Construction	Remediation	Total
Bradbury Stamm	\$ 6,002,384.00	\$ 3,012,174.00	\$ 9,014,558.00
Intera		\$ 1,246,538.00	\$ 1,246,538.00
Souder Miller	\$ 70,000.00	\$ 280,000.00	\$ 350,000.00
NCA	\$ 3,311,354.00	\$ 70,000.00	\$ 3,381,354.00
Gerald Martin	\$ 1,204,296.00	\$ 508,239.00	\$ 1,712,535.00
Total	\$ 10,588,034.00	\$ 5,116,951.00	\$ 15,704,985.00

CLERK RECORDED 04/13/2011

Santa Fe County Board of County Commissioners March 8, 2011



Fiscal Year 2012
Sole Community Provider Commitment



Recap of Sole Community Provider Funding

SCP RELATED*

(Recurring)

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



GENERAL FUND

(Recurring)

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



COMBINED GF & SCP RELATED (Recurring)

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

Ties to number 3 on page 4 which reflects an SCP Commitment (SFC Match) of \$6.8M.

Cash and the SCP Commitment

These projections **DO NOT** contemplate enactment of any proposed legislation reducing/eliminating the GRT hold harmless, rolling back property valuations or other “tax lightening” initiatives, or proposals to shift the film tax credit burden onto local governments.

Any one of the above would significantly alter the projections provided for cash and the SCP-related shortfall.



SF County Projected Usable Cash
Balance as of June 30, 2011

(After required reserves and other commitments)

\$14,354,304

A Flat SCP Commitment
Will Result in a Shortfall

(\$13,790,000)

Projected Cash less Shortfall

\$564,304

Across operating funds.

Summary of Options for SCP



SCP Commitment	SFC Match Amount	Match CSV Share	Total Base SCP Funding	Total Base CSV Share	Total County Budget Gap
1 Current Approval	\$0.2M	\$0.0M	\$0.5M	\$0.0M	\$7.15M
2 Total Eligibility	\$8.8M	\$8.6M	\$28.82M	28.18M	\$15.79M
3 Flat (FY2011 SFC Match Level)	\$6.8M	\$6.6M	\$22.27M	\$21.7M	\$13.79M
4 FY2010 Claims (leveraged)	\$1.3M	\$1.1M	\$4.3M	\$3.8M	\$8.29M
5 FY2010 Claims CSV Claims +4% (leveraged)	\$1.4M	\$1.2M	\$4.4M	\$3.9M	\$8.39M
6 FY2011 CSV Est. Claims (leveraged)	\$2.1M	\$1.9M	\$6.9M	\$6.4M	\$9.09M

If additional increases are considered...

an SFC Match of \$305,350 = \$1,000,000 of base funding, or

an additional SFC Match of \$1,000,000 = \$3,274,930 of base funding.



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

ORDINANCE NO. 2011-_____

AN ORDINANCE AUTHORIZING SANTA FE COUNTY TO PROVIDE HOUSING ASSISTANCE GRANTS FOR REPLACEMENT OR REPAIR OF AN EXISTING ROOF PURSUANT TO THE NEW MEXICO AFFORDABLE HOUSING ACT, ESTABLISHING ELIGIBILITY CRITERIA, AN APPLICATION PROCESS, AND CALLING FOR THE DEVELOPMENT OF REGULATIONS IMPLEMENTING THE ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

Section One. Short Title. This Ordinance may be cited as the “Affordable Housing Roof Repair and Replacement Ordinance.”

Section Two. Statutory Authority. This Ordinance is enacted under the authority of Art. IX Section 14 of the New Mexico Constitution and the New Mexico Affordable Housing Act, NMSA 1978, § 6-27-1 *et seq.*, and is consistent with the County's Affordable Housing Plan, approved by the New Mexico Mortgage Finance Authority on September 4, 2009.

Section Three. Scope. This Ordinance shall apply within the unincorporated areas of Santa Fe County.

Section Four. Definitions.

- A. "The Act" means the New Mexico Affordable Housing Act, NMSA 1978, § 6-27-1 *et seq.* (2004).
- B. “Administrator” means the Affordable Housing Administrator and shall have the meaning assigned in Santa Fe County Ordinance No. 2006-02.
- C. “Affordability Period” means the duration of the affordability period.
- D. “Applicant” means an individual who applies for assistance to repair or replace a roof.
- E. “Assistance” is a Housing Assistance Grant issued under this Ordinance
- F. “Final Inspection Report” means a report certifying that the repaired or replaced roof meets the requirements defined in the Regulations. The final inspection report shall be prepared by the County or a contractor to the Federal Weatherization Assistance Program
- G. “Housing Assistance Grant” shall have the meaning assigned in the NM MFA Rules.

- H. "Initial Inspection Report" means a report to verify that the proposed roof replacement or roof repair is necessary as defined in the Regulations. The initial inspection report shall be prepared by the County or a contractor to the Federal Weatherization Assistance Program
- I. "Qualifying Grantee" means an individual who is qualified to receive assistance pursuant to the Act and is approved by the Administrator.
- J. "Qualifying Residence" means a residential single-family house within the unincorporated areas of Santa Fe County.
- K. "Regulations" shall mean the regulations described in Section Seven of this Ordinance.
- L. "MFA Rules" means the New Mexico Mortgage Finance Authority Affordable Housing Act Rules adopted by the New Mexico Mortgage Finance Authority's Board of Directors.

Section Five. General Provisions.

- A. The Administrator may provide Assistance to a Qualifying Grantee for the purpose of paying the cost or a portion of the cost of a roof replacement or roof repair.
- B. To be eligible to receive Assistance an applicant shall:
 - (1) submit a completed application to the Administrator;
 - (2) have income relative to family size at or below 200 percent of the federal poverty guidelines;
 - (3) own a Qualifying Residence; and
 - (4) occupy the Qualifying Residence as a primary residence.
- C. A Housing Assistance Grant shall not exceed the sum of Ten Thousand Dollars (\$10,000). The amount of the Assistance shall be determined by the Administrator.
- D. Prior to approval of Assistance the Administrator must receive, in writing, an initial inspection report.
- E. Prior to disbursement of Assistance the Administrator shall received a final inspection report.
- F. Assistance shall be secured by a mortgage or lien in the amount of the assistance for the duration of the Affordability Period.
- G. The mortgage or lien shall only be due if prior to the termination of the Affordability Period the Qualifying Grantee:
 - (1) sells the Qualifying Residence;
 - (2) transfers title of the Qualifying Residence;
 - (3) refinances the Qualifying Residence; or
 - (4) fails to occupy the Qualifying Residence as a primary residence.

(5) Upon any such conveyance, the Administrator may recapture the Housing Assistance Grant on a pro-rated basis as determined in Regulations.

- H. The mortgage or lien shall be in the form prescribed by the County Attorney and shall be duly executed and recorded in the Office of the Santa Fe County Clerk.
- I. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the roof replacement or roof repair.
- J. Notwithstanding paragraph E of this section, the Property may be transferred subject to the Mortgage or lien if the transfer is to a person who has income relative to family size at or below 200 percent of the federal poverty guidelines and covenants and promises in writing to maintain the Property as the Transferee's principal residence for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of this Agreement. The Administrator reserves the right to deny approval of a request to assume or transfer the mortgage or lien.
- K. No individual may receive more than one Housing Assistance Grant under this Ordinance and no Qualifying Residence may benefit from more than one award of assistance under this Ordinance.
- L. Individuals who have received Affordable Housing Assistance under Santa Fe County Ordinance 2009-14 shall not be eligible for assistance under this Ordinance.
- M. Applicants approved for assistance will receive certification from the Administrator. The certification shall be valid for six months after which a person shall be required to update the application and be reapproved. The Administrator, in his or her discretion, may request additional information.
- N. The Affordability Period shall not be less than one (1) year for each one-thousand dollars (\$1,000) awarded, rounded to the nearest thousand, and shall not exceed ten (10) years.

Section Six. Application Process.

- A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.
- B. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the grant.
- C. The Administrator shall provide a copy of the decision and relevant documents to the applicant and when applicable to a contractor to the Federal Weatherization Assistance Program to conform to the New Mexico Mortgage Finance Authority Weatherization Program.

Section Seven. Regulations.

- A. The Affordable Housing Roof Repair and Replacement Regulations shall be adopted and amended by resolution of the Board of County Commissioners.
- B. The regulations shall include the following:
- (1) procedures to ensure that a Qualifying Grantee meets the requirements of the Act and regulations promulgated pursuant to that Act at the time of the award;
 - (2) procedures to ensure that a Qualifying Grantee meets the requirements of this Ordinance at the time of the award;
 - (3) application requirements and a form application;
 - (4) procedures to review and process an application for assistance;
 - (5) an application and award timetable for assistance;
 - (6) the requirements for verification of an applicant's income level; and
 - (7) the process and requirements for an initial inspection prior to approval and the process and requirements for a final inspection prior to disbursement of monies.

Section Eight. Affordable Housing Fund, Limitations and Signatory Authority.

- A. Proceeds from the Affordable Housing Fund that was established in Ordinance No. 2006-02 may be used to make the awards permitted pursuant to this Ordinance.
- B. Assistance pursuant to this Ordinance shall be subject to the availability of funds budgeted for the purpose of providing awards pursuant to this Ordinance.
- C. The Santa Fe County Manager shall have authority to execute all documents necessary to disburse monies authorized pursuant to this Ordinance.

Section Eleven. Effective Date.

This Ordinance shall become effective thirty days after recordation pursuant to NMSA 1978, Section 4-37-9.

PASSED AND ENACTED THIS _____ DAY OF _____, 2011.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By _____
Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney

SANTA FE COUNTY
GRANT FUNDED PROJECTS



Project	Total Funding	Spent/Encumbered Funds	Amount Remaining	Plans for the Remaining Funds
Rio En Medio	150,000.00	9,846.45	140,153.55	Staff has hired an architect to design the new kitchen at the Senior Center. The design is complete and the project will be bid out by the end of March. The Grant expires in June, 2013.
Pojoaque Senior/Community Center	306,999.00	37,377.53	269,621.47	Staff has hired an architect to design the renovations and new addition to the Center. The designs are complete and the project will be bid out On March 13.
Santa Fe County Fairgrounds	102,497.98	67,497.98	35,000.00	Staff has hired a contractor to do improvements to the drainage and culverts in front of the Exhibit Hall. A PO has been issued for asphalt for the driveway into the property and is currently bidding out an LED sign. Staff has sent a request to DFA to authorize the use of an existing grant in the amount of \$81,154.54
Madrid Ball Park	330,405.00	326,183.42	4,221.58	The project has reach substantial completion. The remaining funds will be used for grading improvements around the grandstand. Staff will plan a grand opening in the spring.
Santa Fe Mountain Center	695,250.00	675,327.84	19,922.16	The facility has been equipped with a climbing wall, flooring, and other improvements to the facility. Staff will use the remaining funds for an air-conditioning unit. Staff will plan a grand opening in the spring.
Esperanza Shelter Complex	1,894,506.48	1,737,116.86	157,389.62	The project has been bid out and is 45% complete. The building is scheduled to be completed in June 2011. The remaining funds will be kept as a contingency on the project. If the contingency is not needed then the remaining funds will be used for portals and additional furnishings for the facility.
Women's Health Complex	3,685,750.00	3,434,268.24	251,481.76	The remodel of the second floor to include a computer room has been awarded. The project will be completed by the end of June 2011. The remaining funds will be used for furnishings and computers.
Totals	7,165,408.46	6,287,618.32	877,790.14	

Code Enforcement Sweeps
Growth Management Department
March 8, 2011

Code Enforcement Sweeps are usually initiated either by a community that recognizes numerous enforcement issues or by the County as a result of excessive complaints in a specific geographic area.

What does a Sweep involve?

1. Contacting all residents within a selected area.
2. Setting up community meeting and community cooperation, if possible.
3. Utilize all Code enforcement staff and vehicles.
4. Undertake during favorable weather
5. Citing all discernable violations including litter, junk vehicles, and unpermitted development. Some violations may not be Land Use Code related and will not be cited.
6. Issue Notice of Violation for each code infraction.

Which areas are currently being considered for Sweeps?

1. Agua Fria Village – Staff met with the Agua Fria Village Association and the community decided to consider the creation of a Beautification Program, only citing severe violators after a community-wide clean-up has taken place.
2. Mutt Nelson Rd area- numerous complaints from this area. This is within the presumptive annexation area with the City and a Sweep should be conducted in concert with them. We have not been able to put this together yet.
- 3. I-25/East Frontage Rd/Taylor Subdivision area – numerous complaints and unpermitted development issues.
4. North and South Fork area/Silverado Subdivision – numerous complaints
5. Boneyard Rd. area/Arroyo Seco

Staff Recommendation

Building and Development Services staff of the Growth Management Department recommends a 4 Sweep Program for 2011 that would be prioritized as follows:

1. I-25/E. Frontage Rd – Spring
2. Boneyard Rd. Area –Early summer
3. N/S Fork/Silverado – Late summer
4. Mutt Nelson Rd. Area – early Fall in conjunction with City

Major Issues: Removal of trashed vehicles and mobile homes; cooperative program with the City.