

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 26, 2008

Paul Campos, Chair – District 4
Virginia Vigil, Vice Chair – District 2
Michael Anaya – District 3
Harry Montoya – District 1
Jack Sullivan – District 5

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REGULAR MEETING
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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:15 a.m. by Chair Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Campos, Chair
Commissioner Virginia Vigil, Vice Chairman
Commissioner Jack Sullivan,
Commissioner Harry Montoya
Commissioner Mike Anaya

Members absent:

[None]

V. INVOCATION

An invocation was given by Chaplain Jose Villegas.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. Staff has a couple of minor amendments and some tablings. The first, coming under Consent Calendar, XII. B. Miscellaneous, staff is requesting item #5, which is request approval to enter into a contract for \$345,083 for renovations to the La Puebla volunteer fire station. We still need to get that review through the Legal Department. Item #6, staff is requesting to be tabled also,

which is a contract with Rivercrest Construction for the construction of a bail bond window for the County Adult Detention Facility.

And Mr. Chair, on page 5 of the agenda, under Staff and Elected Official Items, B. Community Services Department, we have item #3 request approval of grant agreement #3 for the state appropriation for the First Judicial District Courthouse. That is actually a duplicate. That item is also recorded on the agenda under Consent Calendar item XII. A. 9. So I just wanted to point that out to the Commission, that it could either be taken care of under Consent or if it is pulled off Consent then we can deal with it either under Community Services or when we deal with Consent item withdrawals.

Item C. Matters from the County Manager, I'm requesting that we table the discussion regarding County liability insurance. Staff will be meeting with the New Mexico Association of Counties this week and we should be ready to have this discussion with the Commission on September 9th. And finally, Mr. Chair, under D. Matters from the County Attorney, 1. Discuss a settlement agreement with HB Construction, Louis Berger Group and Cruz Corporation, that is item XIII. D. 3 and that is also the subject of the pending and threatened litigation that we will discuss in executive session. So that's just a clarification on that item.

CHAIRMAN CAMPOS: Okay. Any objections to the recommendations for change by Mr. Abeyta? Any changes from the Commission?

COMMISSIONER MONTOYA: Move for approval as amended.

COMMISSIONER VIGIL: Seconded.

CHAIRMAN CAMPOS: Okay, there's a motion, there's a second to approve the agenda as per the presentation of our County Manager.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN CAMPOS: Any withdrawals from the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I have A. 7.

CHAIRMAN CAMPOS: A. 7, okay. Commissioner Vigil. Commissioner Montoya, do you have more?

COMMISSIONER MONTOYA: Yes, and 11.

CHAIRMAN CAMPOS: And 11. Okay. Any more? Commissioner Vigil.

COMMISSIONER VIGIL: Those were the ones I would –

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: No.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, A. 1, and then A. 9, we can discuss that either as the County Manager said, under a Consent Calendar or we can defer it to the agenda where it's listed under Community Services Department, whichever.

CHAIRMAN CAMPOS: Well, if you withdraw it now we can just discuss it at this point and take care of business now so we won't have to discuss it later.

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN CAMPOS: That's XIII. B. 3. Okay. Is that it?

COMMISSIONER SULLIVAN: No, B. 5.

CHAIRMAN CAMPOS: B. 5, tabled.

COMMISSIONER SULLIVAN: That's been tabled. Okay. And the last one is

B. 11.

CHAIRMAN CAMPOS: B. 11. Okay.

COMMISSIONER SULLIVAN: That's it.

CHAIRMAN CAMPOS: Okay, is there a motion to approve the Consent Calendar with the exceptions of the matters that have been withdrawn?

COMMISSIONER VIGIL: Question. Will #9 be withdrawn or will it be included in a vote for the Consent Calendar?

CHAIRMAN CAMPOS: It will be withdrawn.

COMMISSIONER VIGIL: Withdrawn. Okay.

COMMISSIONER MONTROYA: So moved.

COMMISSIONER SULLIVAN: Second.

The motion to approve the Consent Calendar with the exception of tabled items and the items isolated for discussion passed by unanimous [5-0] voice vote.

XII. CONSENT CALENDAR

A. Budget Adjustments

**1. Resolution No. 2008-___. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2008 Grant Balance for A Recycling Grant Awarded Through the New Mexico Environment Department/\$5,549.35 (Growth Management Department/Public Works)
ISOLATED FOR DISCUSSION**

2. Resolution No. 2008-127. A Resolution Requesting an Increase to the property Valuation Fund (203) to Budget Prior Fiscal Year 2008 Cash Balance for the CAMA Project/\$100,000 (County Assessor's Office)

3. Resolution No. 2008-128. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Prior Fiscal Year 2008 Cash Balance for Capital Expenditures in Fiscal Year 2009/\$88,130 (Growth Management Department/Water Resources)

4. Resolution No. 2008-129. A Resolution Requesting an Operating Transfer

- From the Capital Outlay GRT Fund (213) to the General Fund (101) for Road Improvements Within the Valle Vista and County Housing Subdivisions/\$368,526.95 (Growth Management Department/Water Resources)**
- 5. Resolution No. 2008-130. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Grants Awarded Through the New Mexico Environment Department for Various Water and Wastewater Projects/\$2,306,500 (Growth Management Department/Water Resources)**
 - 6. Resolution No. 2008-131. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget a Grant Awarded Through the New Mexico Association of Counties for the Wildlife Risk Reduction Program for Rural Communities 2008/\$64,784 (Community Services Department/Fire)**
 - 7. Resolution No. 2008-___. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget State Grants Awarded Through the 2008 New Mexico State Legislative Appropriation for Projects in Santa Fe County for Expenditure in Fiscal Year 2009/\$1,857,450 (Community Services Department) ISOLATED FOR DISCUSSION**
 - 8. Resolution No. 2008-132. A Resolution Requesting an Increase to the Community Development Block Grants Fund (250) to Budget Prior Fiscal Year 2008 Grant Balance for a Grant Awarded Through the New Mexico Department of Finance and Administration for the Marcos P. Trujillo Teen Center/\$43,739.00 (Community Services Department)**
 - 9. Resolution 2008-___. A Resolution Requesting a Budget Decrease to the State Special Appropriations Fund (318) to Reduce the Fiscal Year 2009 Budget to the Actual 2007 New Mexico State Legislative Appropriation Award for the First Judicial Courthouse/- \$5,000 (Community Services Department) ISOLATED FOR DISCUSSION**
 - 10. Resolution 2008-133. A Resolution Requesting an Increase to the Jail Operations Fund (518) to Budget Prior Fiscal Year 2008 Cash Balance to Install a New Fire Suppression Panel At the Youth Facility/\$23,081.86 (Corrections Department)**
 - 11. Resolution 2008-___. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal year 2008 Cash Balance and Additional Property Tax Revenues for the Correction of Budget Omissions for the Fiscal Year 2009 Budget/\$486,604 (Administrative Services Department/Finance ISOLATED FOR DISCUSSION**
 - 12. Resolution 2008-134. A Resolution Requesting an Increase to the Regional Planning Authority Fund (501) to Budget Prior Fiscal Year 2008 Cash Balance and a Joint Powers Agreement With the City of Santa Fe/\$140,000 (Regional Planning Authority)**

13. **Resolution 2008-135. A Resolution Requesting an Increase to the Road Projects Fund (311) to Budget a Grant Awarded Through New Mexico Department of Transportation for Turning Lanes and Entrance for the Santa Fe Media Park/\$40,000 (Growth Management Department)**
- B. **Miscellaneous**
 1. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of July 2008 (Administrative Services Department)**
 2. **Review and Discussion of the Monthly Financial Report for the Month of July 2008 Specific to the General Fund. (Administrative Services Department)**
 3. **Resolution 2008-136. A Resolution Authorizing the Surplus of Fixed Assets in Accordance With State Statutes (Administrative Services Department)**
 4. **Request Acknowledgment and Acceptance of the Independent Auditors Report for Santa Fe County's Agreed-Upon Procedures for Lodger's Tax Facilities and the Reporting of Lodger's Tax (Administrative Services Department)**
 5. **Request Approval to Enter into Contract #28-0148-FS/RSM for \$345,083.00, Excluding Applicable New Mexico Gross Receipts Tax, with Construction Technology Specialists, Inc. for Renovations to the La Puebla Volunteer Fire Station (Community Services Department) TABLED**
 6. **Request Authorization to Enter into Contract #28-0123-CORR/RM (\$200,349.00) With Rivercrest Construction, LLC, for the Construction/Renovation of a Bail Bond Window/Electronic Monitoring for the Santa Fe County Adult Detention Facility (Corrections Department) TABLED**
 7. **Request Approval of Amendment No. 2 to Contract #27-0101-MG/TL, a Professional Service Agreement, with Concentra Medical Centers to Increase the Compensation By \$200,000 for a Total Not to Exceed \$330,000, Change the Scope of Work and to Extend the Contract Through August 31, 2010 (County Managers Office)**
 8. **Request Approval to Enter Into an Ambulance Service Agreement With Española Hospital and Española Valley EMS Ambulance Service for Four Years At a Sum of \$100 Per Ambulance Run and Not to Exceed \$33,000 Per Fiscal Year (Administrative Services Department)**
 9. **Resolution 2008-137. A Resolution for Grant Approval for the Santa Fe County/Cañoncito Area Water Rights Purchase/Water Line Connections, Project Number SAP 08-3923-GF \$10,000 (Growth Management Department)**
 10. **Resolution 2008-138. A Resolution for Signature Authority and Project Representatives for the Santa Fe County/Cañoncito Area Water Rights Purchase/Water Line Connections, Project Number SAP 08-3923-GF**

- \$10,000 (Growth Management Department)**
- 11. Resolution 2008-___. A Resolution for Grant Approval for the Agua Fria Street/Paseo de Tercero/Via Don Toribio Sewer Line Extension, Project Number SAP 08-3926-GF \$75,000 (Growth Management Department) ISOLATED FOR DISCUSSION**
- 12. Resolution 2008-139. A Resolution for Signature Authority and Project Representatives for the Agua Fria Street/Paseo de Tercero/Via Don Toribio Sewer Line Extension, Project Number SAP 08-3926-GF \$75,000 (Growth Management Department)**
- 13. Approval and Acceptance of Dedication of Roadways within Las Soleras (Growth Management Department)**
- 14. CDRC CASE # V 06-5670 Daniel and Colleen Martinez Requested a Variance of Article III Section 2.3 (Site Planning for Residential Uses) of the Santa Fe County Land Development Code to Allow the Disturbance of 30% Slopes in Order to Allow a Driveway and a Residence on Previously Disturbed Slopes. The Subject Property is Located At 65C Camino Chupadero (Santa Fe County Road 78), Within Section 6, Township 18 North, Range 10 East (Commission District 1) (Approved 5-0) (Growth Management Department)**

VIII. APPROVAL OF MINUTES

A. July 16, 2008

CHAIRMAN CAMPOS: is there a motion to approve?
 COMMISSIONER SULLIVAN: Move for approval.
 CHAIRMAN CAMPOS: is there a second?
 COMMISSIONER MONTOYA: Second.

The motion to approve the July 16th minutes as submitted passed by unanimous [5-0] voice vote.

VIII. B. July 29, 2008

CHAIRMAN CAMPOS: Is there a motion to approve?
 COMMISSIONER SULLIVAN: Mr. Chair, I have one typographical correction.
 CHAIRMAN CAMPOS: One typographical correction, and you'll provide that to our recorder?
 COMMISSIONER SULLIVAN: Right.
 COMMISSIONER SULLIVAN: I move for approval with the correction.
 CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER MONTTOYA: Second.

The motion to approve the July 29th meeting minutes as corrected passed by unanimous [5-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN CAMPOS: This is an opportunity for anybody in the public to come forward and address the Commission on matters that are not on the agenda. Mr. Micou. Please state your name and address.

JOHNNY MICOU: My name is Johnny Micou. I live at 179 County Road 55-A. Mr. Chair, Commissioners, I'm here representing Drilling Santa Fe, and Common Ground United. Two comments I'd like to make and I thank you for the opportunity to speak. Although many are working hard on the Galisteo growth management plan and the oil and gas amendments to the Land Use Code, the following are some comments: As part of the oil and gas amendments to the Land Use Code and the Galisteo growth management plan, please consider adding environmental impact studies to analyze the greenhouse gas emissions of projects. California has passed legislation for requirements to reduce greenhouse gas emissions from land use decisions.

Recently a desert hot springs plan for a mega-resort was thrown out for failing to analyze the effects of greenhouse gases. A couple weeks ago Common Ground United, Defenders of Wildlife, the Natural Resources Defense Council, Oil and Gas Accountability Project, Rocky Mountain Clean Air Action, and Wild Earth Guardians protested the BLM August 26, 2008 lease sale to the states of Montana and North Dakota totaling 25,274 acres on the BLM land for failing to address global warming and climate change and adverse consequences and this failure.

As for the Santa Fe County planning process, generally speaking the community feels dismissed. The communications from Planning Works has been lackluster. Many think the planning input by the community has been shallow. There is great concern that New Mexico Oil and Gas Association, known as NMOGA, the Independent Petroleum Association of New Mexico, and the so-called Santa Fe Friends of Capitalism may be influencing the planning process at the expense of community values. We ask the Board of County Commissioners to ensure that the general plan, the Galisteo Area Plan, and the oil and gas amendments to the general plan be compatible and consistent with the values of the community.

Because outreach by the County has been oil and gas industry associations we call upon the County to extend outreach to organizations such as the Oil and Gas Accountability Project, known as OGAP, as well as others. OGAP is a coalition member of Common Ground United. Also, we would like to see outreach to local businesses, and Common Ground has 30 local businesses as its coalition members. Many individuals who have recently met with Planning Works are mostly the same people from other meetings. It would

be good to broaden the outreach and have some fresh faces.

One question I do have is the upcoming draft of oil and gas ordinance – would that be for a stand-alone ordinance, or would that be amendments to the general plan?

COMMISSIONER VIGIL: What was that last statement? Would that be a stand-alone ordinance or what?

MR. MICOU: Would it be a stand-alone ordinance or is this actually an amendment to the general plan or the Land Use Code?

CHAIRMAN CAMPOS: That's a question that you'd like answered at this moment? Is that right?

CHAIRMAN CAMPOS: Mr. Abeyta, do you have a response to that?

MR. ABEYTA: Mr. Chair, it's going to include both. There will be an ordinance and an amendment to the general plan.

MR. MICOU: Thank you.

COMMISSIONER MONTTOYA: Mr. Chair, I just have a question for Mr. Micou. Where are you getting the information that the oil and gas industry is influencing our land use planning?

MR. MICOU: If I said it was then I misspoke. What I meant to say, it could be, because on your outreach that's on the County list for the meetings that were to outreach, NMOGA was listed twice and I believe the IPANM was listed twice. And I know the Friends of Capitalism were listed twice. Yet, when you go down to the minutes, there is only one set of minutes and that was for the first meeting with the Santa Fe Friends of Capitalism, which is a really misnomer.

COMMISSIONER MONTTOYA: Okay.

MR. MICOU: That's our concern, is that there's an outreach that went to industry associations that are not surface owners in the county, are not mineral owners. I can understand the meetings with Bruce Black. He's a mineral owner, even though he works for Tecton. I can understand Tecton wanting to have meetings because they lease minerals. I can understand Ann Potter Russ, because she owns the Ortiz Mine Grant. But the extension out to NMOGA but not having other organizations such as OGAP, the National Wildlife Federation, NRDC and such wouldn't need to be countervailing. It seems that that would have too much influence, especially since NMOGA has a lot of lobbyist money. So it makes it an unequal balance for us. That's our concern.

COMMISSIONER MONTTOYA: Okay. So more of a concern than an allegation. Because it sounded like an allegation.

MR. MICOU: Right. And if did make –

COMMISSIONER MONTTOYA: Which is pretty serious and certainly disturbing to me if that's exactly what's going on, but if it's an allegation –

MR. MICOU: It is not an allegation. It is just raising a concern.

COMMISSIONER MONTTOYA: Okay.

MR. MICOU: And Mr. Chair, Commissioner Montoya, I apologize if it came across that way.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Micou, you mentioned some organization that you'd like outreach to be made to. Can you provide the contact for those organizations to our public information officer, so that that outreach can be made, at least with regard to how hook up and link into our information or how to be a part of the email outreach that we have. Certainly that is something that I would favor.

MR. MICOU: Mr. Chair, Commissioner Vigil, you bet. I will most certainly – I would love to do that for you.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN CAMPOS: Okay. Any other questions? Mr. Micou, I know I received by email some of your complaints and have sent them to our Manager and I understand we're looking at all your concerns. We're looking at that right now.

MR. MICOU: And once again, I'd like to – Mr. Chair and Commission – I would like to make it clear. I'm not making an allegation. I'm just raising concerns.

CHAIRMAN CAMPOS: I understand. And we're looking into it.

MR. MICOU: I don't want to come here as being construed as oppositional. I just want to come in here as I'm trying to elevate and make sure this process is transparent and that there is outreach, in particular to people that have not been part of the process. I was telling some other people earlier, I feel like there's been a lot of the same community people coming before you constantly and it would be nice to have other voices in here.

CHAIRMAN CAMPOS: That's not uncommon though. Some people are very interested, and some people that are interested don't show up to the meetings.

MR. MICOU: I understand.

CHAIRMAN CAMPOS: Thank you, sir.

MR. MICOU: Thank you.

CHAIRMAN CAMPOS: I appreciate it very much. Anybody else on Matters of Public Concern?

X. MATTERS FROM THE COMMISSION

A. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$1,500.00 for Recognition of the Rodeo de Santa Fe Queen (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chair. This is my community funds that would go to help out – let me back up. The Association of Counties and all the counties in the state try to send a person from each county to represent them at the state fair to become the next state fair rodeo queen. And in the past, Santa Fe County has not sent anybody from what I can remember, since I've been on the Commission. The state fair queen and her staff come to our Association of Counties trying to encourage each county to send somebody to represent their county to run for rodeo queen.

Last year there was 14 out of the 33. This year again we're trying to get 33 queens to participate. This money would go to the Santa Fe Rodeo Queen to help her run for the state rodeo queen. And I'll move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN CAMPOS: Anything else from the Commission? Let's start with Commissioner Vigil.

COMMISSIONER VIGIL: I have nothing.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, just one item. This past Saturday the County and City held a water fair at the Community College and I wanted to thank Laurie Treviso and staff who helped put that event together. It was fairly well attended. A number of very interesting presentations on water conservation and use of graywater and blackwater and how to conserve our resources. I talked a little with Laurie and the comment I guess that I would pass on the County Manager is I would hope that we could expedite our database work on the monitoring of the well reports that are required for the new subdivisions. I've spoken about this several times and now I understand that whatever data was collected in the access database is now being moved to the County's database for ease of access and use to send out automatic letters in the event these reports aren't submitted on a timely basis, but each time I seem to inquire about our progress on this we're still working on the database and it's going up on two years now. So whatever – and I understand that Laurie has only been there a year but whatever effort we can make to get this thing up and running I would certainly hope we could give it a priority. Roman, is there anything on the horizon? Do we have a deadline or a scheduled time?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, no. I'll sit down with IT and Growth Management but I get the same thing out of them. They've been telling me it's coming, it's coming. So I'll figure out – maybe I need to sit with the two directors of the two departments so we can get this moving.

COMMISSIONER SULLIVAN: Well, I really do think that when – my experience has been when people are made aware that they're overusing water or using it inefficiently, in the majority of the cases – well, more than the majority of cases, they're very anxious to comply and in fact in some cases they get very competitive about who can use less water and it becomes kind of a community event and competition to determine who and how

they can use less water. And I bring that up in the context of the water fair. I think the water fair would gain more support and attendance if we were at the same time starting to send out letters saying, we haven't seen your report or your report indicates that you're overdiverting and here are some things that you can do to reduce that that are fairly inexpensive.

We just haven't gotten to that point yet. I think if we do that we'll find that we'll make a lot of progress without having to get into enforcement. I think that will be the exception rather than the rule. But until we get there people aren't really sensitized to that fact until they receive a letter saying, by the way, your well readings indicate that you're diverting three quarters of an acre-foot a year instead of a half an acre-foot a year or less. And once we get to that point I think that awareness will really heighten and there'll be a real demand for Laurie's services and these seminars that tell people how to improve their water management. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I guess I would just want to have some sort of discussion at some point in terms of what equates to transparency and what we're doing within Santa Fe County and informing people. Just this past Sunday there was an editorial pretty much saying that the County is not letting the residents know about different agreements that are being entered into – MOUs, MOAs, JPAs. Is this something that we're going to get approval from the public and from constituents every time we try and enter into one of these things? Or is this something that we're going to use our best judgment in terms of what it is that we feel we need to do in the best interest of the constituents. And then here again this morning we're leaving out groups.

So where does transparency begin and end, I guess I think would be a good point in order so that the public knows exactly what it is that we're going to be doing in terms of "transparency" because I believe that – I believe, sitting on this end of course I'm totally unbiased that we're doing a good job of letting the public know, letting the constituents know what it is that Santa Fe County is involved in and how we're doing it. But there's that perception and maybe there's that perception of ten, twenty percent that no matter what we do we're never going to please them, and that's a reality. But for the most part, where does what we're doing, all of our departments, where does it begin? Where does it end? In terms of the transparency process, so that it's clear that people aren't alleging and making accusations that we're not being open as much as we can with the public with what we can be open about.

CHAIRMAN CAMPOS: Commissioner, where did that – do you have a copy of that editorial?

COMMISSIONER MONTOYA: No, but I can get one.

CHAIRMAN CAMPOS: What newspaper did it appear in?

COMMISSIONER MONTOYA: In Sunday's *New Mexican*.

CHAIRMAN CAMPOS: And it's alleging that the County is being less than forthright?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Or open, on a number of specific issues?

COMMISSIONER MONTOYA: Well, specifically, on an issue with a memorandum of understanding with Pojoaque Pueblo.

CHAIRMAN CAMPOS: Pojoaque Pueblo. Is that involving the –

COMMISSIONER MONTOYA: The wastewater project.

CHAIRMAN CAMPOS: The wastewater. Okay. I'd like to see a copy of that. Commissioner Vigil, on that question?

COMMISSIONER VIGIL: On that question, Mr. Chair and Commissioner Montoya, I didn't see the editorial but I actually got an email with regard to that, and I really wanted them to reference the particular memorandum of understanding that was being used to bring forth these statements, because it's my understanding that memorandums of understanding, JPAs and MOAs are all part of our public process, that they do in fact require action and when it came to the Pojoaque wastewater project I remember particularly a lot of debate on that project where action was even delayed to bring forth further information. So I guess my response to the particular email, I said is please reference the particular memorandum of understanding because I certainly would like to know where that statement came from, what the motivation was and if in fact it had anything to do with any kind of transparency. I think the email that I received further stated that there was a group of individuals who are interested in going to the legislature to require governments to have MOUs and MOAs and JPAs disclosed. But that requirement exists.

So my sense is that – I'm unfamiliar with the MOU that was referenced and I'd really like to know, and I've made inquiries. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I've been informed by Commissioner Sullivan that it was not an editorial. It was simply a column by Mr. Roybal. I'd like to also state that I do remember discussing this issue numerous times publicly over a period of months, so we have to –

COMMISSIONER MONTOYA: That's what I'm saying. I think there needs to be some clarity in terms of how do we let the public know we're being transparent without being covert?

CHAIRMAN CAMPOS: We give notice. We put out our notice of meetings, put out our agenda. It's on the website.

COMMISSIONER MONTOYA: Exactly. That's what I say, where do we draw the line? We can only do so much other than going door-to-door. That's a concern.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Commissioners. Roman, a few items. I know I met with Cerrillos people on their water system. Can we follow up with that meeting? I know I've got some money and I'd like to give them money for their water system if we can work out an MOU to try to be joint owners. I'd like to do that.

And then, I know Joseph is in the audience and we've been talking about the monies that we got for Stanley Fairgrounds. I know that Representative King and they're working to get a survey. If we could contact them, Joseph, and try to get that moving. I know we've got some money and I'd like to get that spent before the next session comes around.

We were blessed to have a lot of rain in the southern part of Santa Fe County and now the weeds are starting to take over on the right-of-ways. If you could help me get another mower down there to clean those roads up.

With the help of Representative Rhonda King we were able to construct restrooms in the Town of Madrid and we're going to have a ribbon cutting on Thursday at 10:00 to open up those restroom facilities. I believe that costs about \$30,000. And I want to thank staff for working hard on those and getting them done, but we're going to have a little ribbon cutting Thursday.

I'm wondering if we could work with James and Robert Martinez to see if we could another employee down in the southern part of Santa Fe County on the Road Department.

The water haulers on Highway 14, I know I brought it up about a year ago that the water haulers that haul water to their residences from our jail site or around the jail site have asked if we could get a water facility so that we don't have to have somebody there standing by to give them water. If we could build a facility where they can pull their truck in, pay with quarters or tokens or whatever it may be, so that these guys can get water whenever they want and not just two times a week for two hours out of a day. It would make it more convenient. There's a lot of water haulers. They do it on Saturday and Sunday and there's a long, long line. There's a lot of people that need water. So if we could try to come up with something.

I want to thank the Utility Department for supplying water to La Cienega residents who were on a mandatory boil – boil their water for the last – I think it was Wednesday, Thursday, Friday. And I want to thank Roman, you and your staff for going out there and supplying the water for the Town of La Cienega. That's all I have. Thank you.

CHAIRMAN CAMPOS: Commissioner Anaya, you said something about the Cerrillos water system. Could you expound on that I little bit?

COMMISSIONER ANAYA: The people from Cerrillos want to install a new tank and extend the line to a new tank, and they asked for some money. So I got with Roman and I asked him to sit down and talk with them to further it, so that we could try to help them out with expanding their water system.

CHAIRMAN CAMPOS: What kind of dollars are you talking about?

COMMISSIONER ANAYA: Probably about \$40,000.

CHAIRMAN CAMPOS: \$40,000. Okay.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Resignation of Sangeeta Prasad From the Santa Fe County Maternal and Child Health Planning Council (Community Services Department)

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: There's a motion and a second. Commissioner Montoya seconds. Discussion?

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

**B. Appointment of Members to the Arts, Culture and Entertainment Task Force
(Growth Management Department)**

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair, Commissioners. With me also this morning is Duncan Sill who has rejoined the County as community planner and economic development specialist. He'll be working with me on this project.

On June 24, 2008 the Board of County Commissioners adopted Resolution 2008-111 designed to better coordinate the County's efforts to foster arts, culture and entertainment activities by creating an advisory task for whose primary focus will be to make recommendations to the Board of County Commissioners related to arts, culture and entertainment policies and to community development initiatives that might assist specific projects and community organizations. We got wonderful feedback. We got 23 applicants, applications to be on this task force. We've never really received that many for any of the committees or Commissions that we've been involved with, so on August 14th we held an information session to meet with all of these candidates. Actually 15 of the 23 showed up, so we could hear from them and talk about their experiences and how they might like to be involved with the task force and to take a look and listen to some of their experiences. The deadline for applications was August 14th, this past August 15th.

Duncan and I put together a brief memo that we sent out to each of you after that information session to give you a little bit more information on the applicants and what we're asking of you today is according to the resolution, to make one appointment from each Commission district and then four at-large appointments, and also – this is a little bit different than the way we've done this in the past but because the duration of this task force is only one year, we would also ask if the Board would make a recommendation for an initial chairperson to help get started so we can kind of hit the ground running. Normally, we would let the group itself do that, but we think that it might be helpful and appropriate to working in an expedient manner to move along pretty quickly.

When we presented this resolution to you there were questions, and since then. What exactly is this going to do? So I just want to briefly point out again and I'll make it as clear as I can. When we see all the things that are going on around us right now, the events taking place in Madrid, the entertainment activities, now looking at a possible big change with the Downs in Santa Fe as the Racino, yesterday, went to Raton, so there's going to be really a major change in what might happen at the Downs. As we look at the events that take place in Chimayo every year, we really have never as a County, one, taken a look at everything that occurs in the county, and that will be our first step. We're going to survey everything that goes on in terms of arts, cultural events and entertainment activities, and then take a look at assessing them and what

they mean to the community that they take place in? What could or should our involvement as the County be? What could our role be? And to look at funding sources.

Commissioner Anaya just talked about finally getting restroom facilities in Madrid. That's been a huge concern. We think that this group can help us with those kinds of activities in terms of both community development and economic development, and we want this group to come back with some very, very clear and fundable policies and actions a year from now so that the Board then can decide whether those are the kinds of things that we can move forward with in the future. Art in public places is another issue that's come up. The 599 opportunity for art work at that Rail Runner site. These are all things that we feel like the Board can direct this task force to be involved in. With that I stand for questions or comments. We're happy to help you through this long list of applicants that you got with our thoughts and recommendations.

CHAIRMAN CAMPOS: Questions, comments, briefly? Anybody?

MR. KOLKMEYER: Okay, let's start with District 1.

CHAIRMAN CAMPOS: We're looking at five district positions, correct?

MR. KOLKMEYER: That's correct, Mr. Chair. And four at-large.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I have – I believe there's what? Six applicants that came in from District 1. I had wanted to appoint Amado Abeyta, and he was one of the ones who had expressed interest very early on. Subsequent to the discussions that I've had with at least our Manager, anyway, Shaun Parrish has moved into my district where previously he was in another one. Shaun has been very instrumental in putting together the MusicFest and doing some different events throughout Santa Fe County. So I'm kind of torn between both of those, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Who do you nominate?

COMMISSIONER MONTOYA: Both.

CHAIRMAN CAMPOS: You have one choice.

MR. KOLKMEYER: Mr. Chair, if I might. We have four at-large positions, so maybe we can just go through and get one appointment. We can come back and consider the other person. I'm sure that a couple of you might have two choices. We could go back and work them into the at-large appointments.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Mr. Chair, I'll go with Amado Abeyta.

CHAIRMAN CAMPOS: Motion to nominate Abeyta. I guess we can just go one by one and second them.

COMMISSIONER ANAYA: Second.

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

CHAIRMAN CAMPOS: Okay, let's go to District 2.

COMMISSIONER VIGIL: Mr. Chair, I appreciate everyone who submitted their application. I'm impressed by the level of interest and the backgrounds of the variety of

representatives from District 2, and there were quite a few. I will nominate Jason Hool.
COMMISSIONER MONTOYA: Second.

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

CHAIRMAN CAMPOS: District 3.
COMMISSIONER ANAYA: Beverly Garcia.
CHAIRMAN CAMPOS: Beverly Garcia for 3 is the nomination. Is there a
second?
COMMISSIONER MONTOYA: Second.

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

CHAIRMAN CAMPOS: District 4, I'll nominate Lara Morrow. Is there a
second?
COMMISSIONER MONTOYA: Second.

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

CHAIRMAN CAMPOS: Okay, District 5.
COMMISSIONER SULLIVAN: I nominate Lucie Duranceau-Church.
COMMISSIONER MONTOYA: Second.

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

CHAIRMAN CAMPOS: Okay, now we have our five. Do you have
recommendations for the four at-large?
COMMISSIONER MONTOYA: Mr. Chair, I'd like to nominate Shaun Parrish.
COMMISSIONER ANAYA: Second.
CHAIRMAN CAMPOS: Okay, I've asked Mr. Kolkmeier if he had any
recommendations. Is that okay.
COMMISSIONER MONTOYA: He didn't respond.
CHAIRMAN CAMPOS: He was about to before you made your quick motion.
MR. KOLKMEYER: Mr. Chair, well, we have several other names that we can
put forward. Amado was one of our recommendations for at-large, so we've kind of solved that
position. We also were looking very favorably upon someone from the media to be involved in
this so again, this whole thing about the mixture where it's none that we're doing. We had Scott
Hutton, who owns Hutton Broadcasting, was another name that we put on our list. Busy
McCarroll, a musician from Cerrillos was another person who we thought would be very
helpful as an at-large position, and then also artist Maggie Muchmore. The other person that we
wanted to consider was Sabrina Pratt who is the chairperson of the City Arts Commission, and

we've had a lot of discussion not only with her but back and forth whether she would – if she wasn't on this task force that she would be an expert who we could call upon to use because our relationship in this with the City is going to be very critical and she indicated that she could go either way. She'd like to be on the task force or she would work as an advisor with us. Shaun Parrish, Sabrina Pratt, Scott Hutton, Busy McCarroll, Maggie Muchmore. That's five. You need four, and I just point out Sabrina Pratt because she said she would be an advisor serving in an advisory capacity.

CHAIRMAN CAMPOS: She doesn't have to be nominated.

MR. KOLKMEYER: She doesn't have to be nominated. That's correct.

CHAIRMAN CAMPOS: Commissioner Montoya, what was your nomination or your motion?

COMMISSIONER MONTOYA: I'll go with those recommendations – Shaun Parrish, Scott Hutton, Busy McCarroll and Maggie Muchmore.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

MR. KOLKMEYER: And just one final item. Does the Board feel comfortable with recommending a chairperson out of this group? What's your thought on that, Mr. Chair?

CHAIRMAN CAMPOS: Well, we could.

COMMISSIONER ANAYA: How about Jason?

CHAIRMAN CAMPOS: Jason Hool? Any other nominations?

COMMISSIONER VIGIL: Second.

COMMISSIONER MONTOYA: Shaun Parrish might make a good one also, working with him.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Now, we made five appointments, five district appointments.

MR. KOLKMEYER: Five district appointments, four at-large. There's nine altogether right now.

COMMISSIONER ANAYA: So the at-large – okay, I got it.

MR. KOLKMEYER: They serve in the same exact capacity as the other five.

COMMISSIONER VIGIL: Do you have a recommendation for chair?

MR. KOLKMEYER: Well, I think that in terms of the meeting that we had, the August 14th meeting that we had, the one person who stepped up and indicated that he would like to take on leading the group for a while, and there was really very positive feedback from everybody in the group, was Shaun Parrish. And for those of you who may not be familiar, he is the person that did the Santa Fe Music Festival and there was really great dialogue among Mr.

Parrish and the other fifteen people that were there, and what we would suggest is, again, just use this person to get this started. Maybe we appoint this as a year-long appointment for the task force – make an appointment of four months, six months, we'd leave that up to you, but perhaps we should stipulate that, that if it's Mr. Parrish, that he's their chairperson for the first four months and then we let the group take over from there. That would be our recommendation.

COMMISSIONER VIGIL: Move to approve Mr. Parrish.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: For the first year?

COMMISSIONER MONTOYA: For the first four months.

CHAIRMAN CAMPOS: Let's hear from the Commissioner. She's making the motion.

COMMISSIONER VIGIL: Your recommendation was for four months or six months?

MR. KOLKMEYER: Let's do four, just to be fair to the group again, so there's enough time to get started and then they can make a change if they need to.

CHAIRMAN CAMPOS: It's the suggestion that Shaun Parrish be the chair for the first four months. Is there a second?

COMMISSIONER MONTOYA: Second.

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

COMMISSIONER VIGIL: I have a question, Mr. Chair. Mr. Kolkmeier, one of the – because there's such a wonderful pool of talent here, I think one of the one-on-one discussions I actually had with you was to create sort of an advisory group from those interested parties who might be able to advise the action commission itself, and utilize some of that talent to that extent. Is that still the way staff is moving forward?

MR. KOLKMEYER: Mr. Chair, Commissioner Vigil, yes, it is. And I don't think we necessarily need a formal action on that because I think there were two or three extra people. What we're thinking about doing for the moment is creating a panel of experts. So in other words, if the group wanted to focus on, let's say a music event, we could pull some of these other people together who could work with the group at that time. If it were funding or arts organization issued, those are five or six really great people. So what we're considering is an advisory group and a panel of experts right now to help us out and we'll just do that kind of informally with the group, if that meets your approval.

COMMISSIONER VIGIL: I totally agree. I think the more we can utilize towards our goals the better we are.

MR. KOLKMEYER: Thank you, Commissioner.

COMMISSIONER MONTOYA: Ditto.

MR. KOLKMEYER: Thank you very much. Thank you, Mr. Chair. Thank you, Commissioners.

XI. C. Appointment to North Central Regional Transit District

CHAIRMAN CAMPOS: Is there a nomination?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER SULLIVAN: Mr. Chair, I'd nominate Commissioner Montoya to be the representative to the North Central Regional Transit District.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, any other nominations?

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

MR. ABEYTA: Mr. Chair, we need to appoint an alternate and I would recommend Jack Kolkmeier be the alternate.

CHAIRMAN CAMPOS: Mr. Abeyta, let me ask you a question. Does a member have to be a member of the BCC?

COMMISSIONER MONTROYA: Yes, or designee.

MR. ABEYTA: Jack Kolkmeier can answer that.

CHAIRMAN CAMPOS: What is the rule on that?

MR. KOLKMEYER: Yes, that's correct, Commissioner Montoya. The Board designee has to be an elected official. The alternate can be a non-elected official, but there are certain things like financial issues, that that person can't vote on. The staff designee.

CHAIRMAN CAMPOS: The staff designee cannot vote on certain items?

MR. KOLKMEYER: Yes.

CHAIRMAN CAMPOS: Okay. But you can sit in if Commissioner Montoya cannot make certain meetings?

MR. KOLKMEYER: That's correct.

CHAIRMAN CAMPOS: That would be your purpose?

MR. KOLKMEYER: Yes, sir.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Move for approval for Mr. Kolkmeier as the alternate.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER VIGIL: I have a question.

CHAIRMAN CAMPOS: Question.

COMMISSIONER VIGIL: Jack, from your experience, could you clarify for me the weighted vote system?

MR. KOLKMEYER: I can explain it to you, Commissioner, in a general way. I didn't bring that with me, because there specific numbers. It's weighted –

COMMISSIONER VIGIL: Do you want to get into something that's not on the agenda right now, Commissioner Vigil?

COMMISSIONER VIGIL: Yes.

CHAIRMAN CAMPOS: Is there any objection to that, because it's not on the agenda.

COMMISSIONER VIGIL: It is on the subject.

CHAIRMAN CAMPOS: Is it? Any objections? Okay, go ahead.

MR. KOLKMEYER: Mr. Chair, Commissioner Vigil, this was originally worked out when the NCRTD was created four or five years ago, and it was weighted according to population, so that no one or even two entities could just dominate the voting. So it was broken out by the population for each of the entities at that time and was since updated. I believe what Commissioner Sullivan just gave me was the one I sent to him which was done in June 2008. So the total voting units are 28 altogether for 12 entities. And they're broken down then – Santa Fe County and the City of Santa Fe have 5, Taos County has 4, Los Alamos County 3, Española 2, Rio Arriba County is 4, and all of the Pueblos have 1, for a total of 28.

So the simple majority vote is 15 of the voting units. A 2/3 vote is 19. So the City and the County, for a simple majority vote control 10 votes.

CHAIRMAN CAMPOS: What is the population of Santa Fe County compared to the other members of the district?

MR. KOLKMEYER: The City of Santa Fe and Santa Fe County are almost the same. The county is 69,000, the city is 70,000. Rio Arriba, for example, is 29,000.

CHAIRMAN CAMPOS: So what percent is Santa Fe County compared to the other voting counties or municipalities?

MR. KOLKMEYER: Of the entire population?

CHAIRMAN CAMPOS: Yes. Santa Fe County and Santa Fe City.

MR. KOLKMEYER: Santa Fe County is 30 percent of the population.

CHAIRMAN CAMPOS: And we have what percent of the vote?

MR. KOLKMEYER: We have five of the 28 votes. So you'd have to do the math.

CHAIRMAN CAMPOS: Ten of the 28 votes would include the City, right?

MR. KOLKMEYER: Yes, that's correct.

CHAIRMAN CAMPOS: Okay. So we have 30 percent of the population.

MR. KOLKMEYER: That's correct.

CHAIRMAN CAMPOS: And about a third of the votes.

MR. KOLKMEYER: Yes.

CHAIRMAN CAMPOS: Okay. Any other questions or comments on that point?

Thank you very much.

XII. A. 1. Resolution No. 2008-140. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2008 Grant Balance for A Recycling Grant Awarded Through the New Mexico Environment Department/\$5,549.35 (Growth Management Department/Public Works)

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. Perhaps I could ask Robert about this or whoever wants to talk about it. This is, as I read the document, a material recovery program grant for the Pecos Valley transfer station. And again as I understand it, we were able to accomplish purchasing two roll-offs and advertising the facility with less than the grant money and now additional monies that are there, we're proposing to transfer them for recycling bins in Santa Fe County and safety equipment for the Adopt-a-Road participants, and our solid waste employees.

So my question, if this grant fund from the Environment Department was for San Miguel County for the Pecos Valley transfer station, do we have the flexibility to move that money outside of the Pecos transfer station which isn't even in our county?

ROBERT MARTINEZ (Public Works Director): Mr. Chair, Commissioner Sullivan, we did check with them and this is an allowable use of this funding.

COMMISSIONER SULLIVAN: Okay. We checked with who?

MR. MARTINEZ: We checked with the Environment Department.

COMMISSIONER SULLIVAN: Okay. So we have something, hopefully in writing that says – my concern is always we get to the audit ends of these grants and suddenly the red flags are raised up by somebody who may not have been around when you communicated with them.

MR. MARTINEZ: Mr. Chair, Commissioner Sullivan, we do have this in writing. We made sure that it was an allowable use of this funding before we brought it to the Board.

COMMISSIONER SULLIVAN: Okay. All right. Good. Well, then Mr. Chair, I would move for approval of item XII. A. 1.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Okay, that's Resolution 2008-140. There's a motion and a second. Discussion?

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

CHAIRMAN CAMPOS: Commissioner Montoya's is next. Okay, let's go to Commissioner Sullivan. That would be XII. A. 9.

XII. A. 9. Resolution 2008-141. A Resolution Requesting a Budget Decrease to the State Special Appropriations Fund (318) to Reduce the Fiscal Year 2009 Budget to the Actual 2007 New Mexico State Legislative Appropriation Award for the First Judicial Courthouse/- \$5,000 (Community Services Department)

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. This was the item that was originally on the Community Services Department agenda as well as on the Consent Calendar that the County Manager mentioned. Joseph, I don't understand this one. The State Legislature awarded the County \$300,000 for the courthouse. However, the original appropriation was \$800,000 and for some reason, \$500,000 went to another agency. So that's my first question, is how did that happen and where did it go? But then there's discussion about a one percent for the arts reduction must remain in the original appropriation. And so we're retaining \$5,000, or we're doing something with \$5,000 and one percent of \$300,000 would be \$3,000. One percent of \$800,000 would be \$8,000. So I got a little confused as to exactly what we're doing here.

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, Commissioner Sullivan, the item that you're referring to, the way that you explained it is exactly the way it's turning out. It's a difficult equation to understand, but basically the County had an appropriation that was approved for \$800,000 and this was two years ago for the courthouse. Before the session closed there was another bill that actually reduced – that made amendments to the original bill, and then that bill, the courthouse appropriation was reduced to \$300,000 I believe. The other \$500,000 I think may have gone to an Agua Fria water system is what I understand. But I'm not sure. I can check on that.

Anyway, so the County received \$300,000 for the courthouse. This was two years ago. DFA notified us, I assume in the last 60 days and said we had to make an adjustment for that \$800,000 for arts in public places, which is one percent of \$800,000, even though we didn't receive that for the courthouse. So they didn't adjust the language, I assume, when they made that adjustment for that \$500,000. So with that \$300,000 adjustment, we have to make an allowance for a total of \$8,000, being one percent of the \$800,000 on the \$300,000 appropriation. The \$300,000 appropriation, we already reduced by \$3,000, so we need to reduce it by an additional \$5,000.

And also, in addition to that, we had originally pulled on the agenda this morning an item under Community Services for this transaction, but there's actually two action items that need to take place. This budget adjustment, which is a reduction of an additional \$5,000, and then exempting the grant agreement from DFA that reduces \$5,000 from that – an additional \$5,000 from that original \$300,000 appropriation. Again, it's not an easy equation to understand, but that's the way it worked out.

COMMISSIONER SULLIVAN: So my understanding is the \$500,000 project was another Santa Fe County project - Agua Fria you think it was.

MR. GUTIERREZ: Yes.

COMMISSIONER SULLIVAN: But don't we already have one percent set aside then in that project?

MR. GUTIERREZ: Apparently DFA didn't make the allocation or address language when they did that, so we're making that adjustment on – DFA is asking us to make that adjustment on this \$300,000. So they're asking us to make the adjustment of the \$800,000 appropriation for arts in public places all on this \$300,000 appropriation for a total of \$800,000.

COMMISSIONER SULLIVAN: Yes, but this budget resolution is for \$5,000.

MR. GUTIERREZ: Right. Because we've already adjusted that \$300,000 by \$3,000 for the one percent, because that's what we thought we had to do. Now they're saying we need to adjust it by another \$5,000.

COMMISSIONER SULLIVAN: Why should all of that adjustment come out of the district courthouse? Shouldn't that be proportionate to the two projects?

MR. GUTIERREZ: Mr. Chair, Commissioner Sullivan, I would agree with you, but this is DFA –

COMMISSIONER SULLIVAN: This is the government.

MR. GUTIERREZ: This is the government telling us what to do.

COMMISSIONER SULLIVAN: We're the government – we're here to help you. Well, if you say so. All the money is apparently staying in Santa Fe County so I don't think it's a major –

MR. GUTIERREZ: I think the issue was when DFA made that adjustment of the \$500,000, they didn't make the adjustment for the arts in public places, apparently.

COMMISSIONER SULLIVAN: Okay, so when they made the adjustment for the \$500,000 they took \$8,000 off that?

MR. GUTIERREZ: They didn't take anything.

COMMISSIONER SULLIVAN: They didn't take anything. But in the meantime you had already taken the \$3,000 off the \$300,000 one.

MR. GUTIERREZ: Exactly.

COMMISSIONER SULLIVAN: And now the \$300,000 is going to get hit the other \$5,000.

MR. GUTIERREZ: That's exactly correct.

COMMISSIONER SULLIVAN: Okay. Well, you can explain that to Judge Hall then. I think I understand it now. I don't think it's good procedure but I understand it. That's all the questions I have, Mr. Chair.

MR. GUTIERREZ: And Mr. Chair, Commissioner Sullivan, we also would take action at some point on the agenda item which is item XIII. B. 3, which was originally pulled or tabled. But this is accepting the grant agreement that reduces that appropriation by the \$5,000.

COMMISSIONER SULLIVAN: I see. So there's two items. One is approving the grant agreement and the other is making the budget adjustment for their \$5,000 reduction. Is that correct?

MR. GUTIERREZ: That's correct, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, Resolution 2008-141. There's a motion and a second.

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

CHAIRMAN CAMPOS: Oh, I see. So there's two items. One is approving the grant agreement and the other is making a budget adjustment for the \$5,000 reduction. Is that correct?

MR. GUTIERREZ: That's correct.

COMMISSIONER SULLIVAN: I would move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: There's a motion and a second.

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

XII. A. 7. Resolution No. 2008-142. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget State Grants Awarded Through the 2008 New Mexico State Legislative Appropriation for Projects in Santa Fe County for Expenditure in Fiscal Year 2009/\$1,857,450 (Community Services Department)

COMMISSIONER MONTOYA: The question I had on that, Joseph is on the first page. It says Clubhouse model facility. And my question is, is there still a Clubhouse model facility that's being proposed, or has that been –

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, my understanding is that there is still a Clubhouse but that they are under an umbrella organization and I forgot the name of that.

COMMISSIONER VIGIL: LifeLink.

MR. GUTIERREZ: LifeLink. Okay. And I believe they're still pursuing – this is to purchase a piece of property. Originally they wanted to purchase a building that Presbyterian is going to move out of on 2nd Street and I assume that these dollars would be used for that, if they secure additional dollars to make that purchase.

COMMISSIONER MONTOYA: So it is still a viable project?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, as far as I know it is. Again, my understanding is they kept their name and the integrity of their organization, but they are under an umbrella organization called LifeLink.

COMMISSIONER MONTOYA: Okay. Mr. Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: That's Resolution 2008-142.

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

XII. A. 11. Resolution 2008-143. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal year 2008 Cash Balance and Additional Property Tax Revenues for the Correction of Budget Omissions for the Fiscal Year 2009 Budget/\$486,604 (Administrative Services Department/Finance

COMMISSIONER MONTOYA: Mr. Chair, I guess the question that I have here is what caused the omissions in terms of not catching them when we were doing that early on.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Montoya, human error was part of it. When you look at some of the detail – what we did is we tried to budget the recurring stuff by increasing property tax and using cash balance for the non-recurring stuff. They were in our budget study session, but it was an omission error on our part when we turned in the final budget to DFA and rolled the budget in our system.

In a couple of the cases like for the items for the County Clerk, they were listed in the detail but the total formula was incorrect, so we shorted them, so that was an error on our part. The initial quotes that came in for some of the vehicles for motor pool were understated, so that's to cover the shortfall. In addition to this we have money in there for recurring things that were simply human error. So listed but the totals are either not listed correctly, or total omission by myself and staff.

COMMISSIONER MONTOYA: Okay. And then under the transit district, is that for the NCRD, that \$240,000? Or what is that?

MS. MARTINEZ: Mr. Chair, Commissioner Montoya, initially, when we prepared this, we were in the middle of – we had left the transit district and then it was being placed back on the agenda, so that's something too that was added under the premise that we would not be part of the district. And since that's changed, that's something that can come out, if that's the pleasure of the Board.

COMMISSIONER MONTOYA: What's that?

MS. MARTINEZ: Since we're back in the district now, we really don't need the \$240,000.

COMMISSIONER MONTOYA: So we can rebudget or –

MS. MARTINEZ: We can strike that.

COMMISSIONER MONTOYA: Oh, okay.

MS. MARTINEZ: Yes. We can strike that. We were increasing property tax revenue to the tune of that \$240,000, so we can remove that from the resolution and then that would bring down the dollar value of what we're increasing.

COMMISSIONER MONTOYA: I would move to amend that so that the amount would actually be \$246,604. Is that correct?

MS. MARTINEZ: That's correct. Okay.

COMMISSIONER MONTOYA: And move for approval of the resolution.

CHAIRMAN CAMPOS: Resolution 2008-143.

COMMISSIONER VIGIL: Second.

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

XII. B. 11. Resolution 2008-144. A Resolution for Grant Approval for the Agua Fria Street/Paseo de Tercero/Via Don Toribio Sewer Line Extension, Project Number SAP 08-3926-GF \$75,000 (Growth Management Department)

COMMISSIONER SULLIVAN: Mr. Chair, this is one of, as I understand from reading the packet, several grants that have been accumulated to help out with this sewer line extension along Agua Fria. And the thing that caught my eye, if you look at this item, the last page is a project budget and the total project budget is \$255,000. The County is putting in – or other funds, rather, are putting in a substantial amount of \$180,000 – some of these other grant funds. What I didn't see in here and what concerned me was I know that the County has had a great deal of trouble and spent a lot of money on archeological and cultural resource investigations along Agua Fria. We had to delay that Agua Fria project for months and months because of that. And I believe some of these streets are even closer to the river than Agua Fria itself is, because they're side streets.

I didn't see anything in the budget. Have we completed the archeological investigation and are we clear? Or do we have funds budgeted? How are we going to handle that?

JAMES LUJAN (Growth Management Director): The portion that you're referring to in the archeological is Phase 3. We are not there yet. We have not cleared it. It is still under the process of being finalized in the mitigation, and that is in Phase 3 of the Agua Fria project. These projects that we have money for for sewer lines is in Phase 2, and that has all been clear and these roads are all in the clearance for archeological purposes. This is just the lateral – this particular one is a lateral that will go off of an existing sewer main into these roads. But to answer your question about Phase 3, it's not complete and we are working on that as we speak.

COMMISSIONER SULLIVAN: Okay. But these two, Paseo de Tercero and Don Toribio, those are cleared.

MR. LUJAN: Those are in the location of Phase 2. It's already been built. The sewer main has been built during Phase 2 and we did that about three years ago.

COMMISSIONER SULLIVAN: Okay, but my concern was that the sewer

main has been built but the sewer main was on Agua Fria.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: These are laterals to Agua Fria?

MR. LUJAN: These are outside the archeological area. Yes, sir.

COMMISSIONER SULLIVAN: These are outside the archeological area.

MR. LUJAN: Yes, sir.

COMMISSIONER SULLIVAN: So are we going to do archeological clearances for them?

MR. LUJAN: No, sir.

COMMISSIONER SULLIVAN: No. By outside, you mean the –

MR. LUJAN: They're outside the area that is under question on the archeological site in Phase 3.

COMMISSIONER SULLIVAN: Okay. They're outside the area that was determined to need mitigation.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: So this can move forward and we don't need to –

MR. LUJAN: These are areas that have already been developed by residents and their homes and stuff. They have sewer – septic in there. So this is just a lateral that would be tied in to the sewer main.

COMMISSIONER SULLIVAN: Yes. My experience has been even though there are utilities already there very often they still want you to do an archeological investigation. So none of our grant requirements for these require that we do –

MR. LUJAN: No. None of them require it. No, sir.

COMMISSIONER SULLIVAN: Okay. Well, that's good to hear. So I would move for approval of item B. 11.

CHAIRMAN CAMPOS: That's Resolution 2008-144.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Okay, there's a second.

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

COMMISSIONER VIGIL: Mr. Chair, did we take a motion on the Consent Calendar itself? The remainder of the items?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER ANAYA: Mr. Chair, I'd like to introduce somebody that's here from San Juan County. Commissioner Tony Atkinson, who is also the president-elect of the Association of Counties. Tony, thank you for being here, and we also have Renee Archuleta with the Association. Thanks for being here.

COMMISSIONER VIGIL: Thank you. Welcome.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Human Resources Department

1. Approval of the Santa Fe County Human Resources Handbook

BERNADETTE SALAZAR (Human Resources Director): Mr. Chair, members of the Commission, I would first like to address the issues that were brought forward at the last admin meeting that I stated I'd bring back information on. And the first one being the fiscal impact of the proposed changes, which include to increase the maximum accrual rate for compensatory time from 45 hours to 80 hours, increased annual leave and carryover for non-probationary and at-will employees, and also bereavement leave.

Because of the variables regarding these issues it's difficult to put a dollar amount on the fiscal impact because it's not guaranteed that it will be paid out. For example, when an employee separates from the County first we have to determine, do they have any annual leave? If they do, how much? And what their salary is. So it's all dependent on those variables. The same with the increased annual leave for at-will employees. And as far as bereavement leave is concerned, there's less of a financial impact due to the fact that it's not paid out; it's granted as leave. So it's not paid out upon their separation with County employment.

I did do kind of some hypothetical situations. For example, if you have an employee who's making \$17 an hour and resigns his employment with Santa Fe County, and does have the maximum 80 hours of comp time accrued, it would be an additional cost of \$595, minus applicable taxes to the County. So that's kind of one example of what we're looking at.

One of the other questions that was raised at the last meeting was what are the accrual rates for non-probationary at-will employees at the City of Santa Fe, and currently, their schedule is anywhere from zero to one year, they get four weeks of annual leave; one to five years is 4 ½ weeks, and five-plus years is five weeks. Where ours is a three, four, five schedule. So we're still – with the proposed schedule, so it's still a little less. Plus they don't have a maximum of what they can carry over, so any number of hours that they have, at the end of the calendar year they get to carry all those hours over at the City. So that was a comparison that I did with the fiscal impact.

The other question that was asked is how many employees utilize the tuition assistance program? For fiscal year 2008, we had 31 employees which resulted in 76 applications, so that means that a few employees did more than one application per year because they were pursuing an advanced degree. The mentorship leave that we talked about last time, we only had one person who utilized the mentorship leave for last fiscal year. As far as the four-day workweek, we're continuing to solicit information from elected officials, department directors and employees, and then again, we will be putting out our survey regarding the feedback on a four-day workweek. And those were the items that I had to get back during this meeting.

As far as the process for soliciting feedback on the proposed HR rules and regulations

we had meetings with employees and had approximately 38 employees to provide feedback regarding these proposed changes. And some of the changes that took place from the last draft, from July compared to the one that you have in front of you today is we put a maximum dollar amount on the tuition assistance program for up to \$5,000 per fiscal year. We added a section to include a personal cell phone use during working hours at the County and stated that it should be kept to a minimum to ensure good customer service. We also added a post-disciplinary hearing process to allow employees to appeal a disciplinary action of a suspension or above after the County Manager has made his or her decision, which will be a shared cost between the County and the person appealing the disciplinary action.

We also changed the rehire eligibility. If an employee has been terminated from the County due to a disciplinary action they are ineligible to be re-employed with the County at a later date. And last, we added a domestic partner's child and parents for the purposes of sick leave and bereavement leave. And again, these are all comments that were taken during our meetings with employees, and just feedback that I received from employees throughout this last month. I would like to make note that on page 34 of the handbook that you have in front of you, the second box for the annual leave accrual schedule states that it's for at-will employees, and I would like to make a clarification that it's the annual leave accrual schedule for non-probationary at-will employees. So these are for the employees that are truly at-will, usually your department directors, but not for at-will probationary employees.

So with that, I do request your approval of this handbook, and I stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTROYA: So on 34, that is for all employees?

MS. SALAZAR: Mr. Chair, Commissioner Montoya, the first box that states Annual Leave Accrual Schedule for Regular Employees, this is for all employees, all regular employees. The second box is the accrual schedule for just your at-will employees, the non-probationary at-will employees.

COMMISSIONER MONTROYA: Okay. So that was an addition.

MS. SALAZAR: Right. This was the addition for the at-will employees.

COMMISSIONER MONTROYA: Okay. And is that consistent in terms of the accrual rates with other governments, in terms of the percentage?

MS. SALAZAR: Mr. Chair, Commissioner Montoya, it gets us a little bit closer but we're still a little behind, compared to other agencies. We do have a problem of employees who have a lot of carryover at the end of the year, and results in some employees needing to take off the entire month of December, so I think we need to figure out a mechanism to help supervisors plan the year better so that doesn't happen. So I think we need to do that before we increase fees anymore.

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

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Bernadette, thank you. I appreciate the work you put into this. I didn't notice that Legal put their signature on here. I think this should be an important document for full legal review. Is that just an omission on their part?

MS. SALAZAR: Mr. Chair, Commissioner Vigil, yes. I don't know if Legal got the form, but we definitely have been working with Legal throughout this whole process, and they have reviewed this completely. So I'll make sure to get that last form signed by Legal.

COMMISSIONER VIGIL: And Rachel, you're in agreement? Okay. Just the signature just isn't there. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I wasn't here at the last meeting when you made your first presentation but I did read the minutes on that, Bernadette, so I think I'm up to speed on what you presented. The issue that jumped out at me was the rationale for at-will non-probationary employees getting ultimately five weeks of vacation, or annual leave, versus regular employees, who would be eligible for four weeks after five years of employment. And I believe you said that because their positions are less certain, they're not under the classified system that we should – they should be eligible for this additional benefit. But I wondered, generally these at-will employees are more highly paid. So they – isn't the pay the compensation for that risk they take in being at-will?

MS. SALAZAR: Mr. Chair, Commissioner Sullivan, yes. The pay is a factor in taking an at-will position, but the other thing that I looked at when not only comparing with the surrounding agencies such as the City but also their ability to appeal any disciplinary action to include termination, and they don't have that ability to appeal any termination. So as you know, they can be gone in a day and as a part of a fair thing for at-will employees to have maybe one extra week if you will in the interim of them finding another job, because they don't have that appeal process at all. So if they're terminated they're just gone and tomorrow they may not have a job. And that was the rationale behind increasing it by one week, an extra one week per year.

COMMISSIONER SULLIVAN: And how much can the employees carry over from one year to the next?

MS. SALAZAR: Currently, it's 240 hours, and then the proposal is to request 320 for at-will employees.

COMMISSIONER SULLIVAN: Three hundred and twenty hours, so that's six weeks they can carry over. That's the maximum that they can carry at any one time.

MS. SALAZAR: Yes. That's correct.

COMMISSIONER SULLIVAN: So that's up a week from current.

MS. SALAZAR: Yes.

COMMISSIONER SULLIVAN: And then how about regular employees?

MS. SALAZAR: Regular employees is the 240.

COMMISSIONER SULLIVAN: Two hundred and forty. And that doesn't

change in this handbook.

MS. SALAZAR: Right.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Other questions? Commissioner Anaya. Ms. Salazar, you said that if there was an employee terminated for cause, that they would never be eligible for employment at the County? Did I hear that right?

MS. SALAZAR: If it was due to a disciplinary action, yes, that's correct.

CHAIRMAN CAMPOS: And a disciplinary action is defined as?

MS. SALAZAR: Termination due to any of the items listed here as the reasons for discipline.

CHAIRMAN CAMPOS: Which are they?

MS. SALAZAR: Page 23, it starts there. Grounds for disciplinary action, there's kind of some – there's sub-topics, so I'll read them out. Negligent or inefficient performance, and then there's details under that category. Tardiness or absenteeism, careless, negligent or improper use of County property, equipment or funds, improper conduct, violation of any federal or state law, including civil rights statutes, convictions of a misdemeanor or felony, and any violation of this handbook or professional code of ethics followed by those in the same profession as the employee.

CHAIRMAN CAMPOS: Okay. I think that's a little harsh. I don't understand the rationale. People do change. People can do something wrong, make a mistake, and in a year or two or three or ten, they may be an entirely different person. And you're drawing a pretty clear line here. It's never.

MS. SALAZAR: Mr. Chair, the current rules and regs as they stand today do state "may". We can interject that language back in there.

CHAIRMAN CAMPOS: I'm not suggesting; I'm asking for your feedback on that. I'm trying to come to the right decision on this so I need your input.

MS. SALAZAR: This was one that I struggled with, because we have had employees who have been terminated from County government that have been re-employed and they have changed and this was a tough one. We went back and forth. But we did get input from employees that stated that's what they wanted to see.

CHAIRMAN CAMPOS: You talked to the employees themselves?

MS. SALAZAR: When we went through our meetings, our sessions for feedback, we went over the topics and that was one thing that they brought up. So – but I do agree with you that somebody can change and if we have this in our language they would not be able to be hired from County government, which would put us at a disadvantage if a person has changed and they're qualified for the position. So my recommendation would be to go ahead and change it back to "may".

CHAIRMAN CAMPOS: I like it. Any concerns, Commissioner Sullivan?

COMMISSIONER SULLIVAN: I think there's some advantage to what's being recommended here as a deterrent. But the question I had is what is a misdemeanor? I guess I'll ask our acting County Attorney. Traffic tickets are not misdemeanors. Is that right?

CHAIRMAN CAMPOS: They're petty.

COMMISSIONER VIGIL: Petty misdemeanors.

RACHEL BROWN (Assistant County Attorney): As Commissioner Campos, they are petty misdemeanors.

COMMISSIONER SULLIVAN: Well, this says misdemeanor.

CHAIRMAN CAMPOS: One year.

COMMISSIONER SULLIVAN: Is a petty misdemeanor a misdemeanor?

MS. BROWN: Yes.

COMMISSIONER SULLIVAN: Well, if you got a traffic ticket, according to Section 7.4.6 you could be subject to dismissal and never be rehired.

MS. BROWN: If you were dismissed for a traffic ticket.

COMMISSIONER SULLIVAN: If you were dismissed for that.

MS. BROWN: It seems unlikely that that would be the basis for a dismissal but it is certainly a possibility as drafted.

COMMISSIONER SULLIVAN: What are other things that are misdemeanors?

CHAIRMAN CAMPOS: It's up to one year.

COMMISSIONER SULLIVAN: A misdemeanor is something that –

CHAIRMAN CAMPOS: You go to jail for up to one year.

COMMISSIONER SULLIVAN: You go to jail for a year. Is that –

CHAIRMAN CAMPOS: A fine of several thousand.

MS. BROWN: And there are penalties that can accompany that, but the more significant offenses that merit more than one year of incarceration are –

COMMISSIONER SULLIVAN: Was there any discussion, Bernadette, about a time limit? Five years, ten years or some period of time, that this would be applicable?

MS. SALAZAR: Mr. Chair, Commissioner Sullivan, no, we did not talk about a time limit. We just talked about whether we keep it as "may" and have the discretion. And one of the other things that we added in this handbook is if a person who was dismissed from County employment and they want to come back, we put in this handbook that the hiring supervisor when evaluating has the opportunity to look at the personnel file, so really, it's up to the County whether we would like to employ them or not. That's why, again, it would be my recommendation to go ahead and change it back to "may", what our current rule says, to give us that flexibility.

COMMISSIONER SULLIVAN: So you're recommending "may" but for some reason the employees preferred the "shall". Is that what you said?

MS. SALAZAR: That was the communication we had in some of our sessions with the employees.

COMMISSIONER SULLIVAN: And why did they feel that need to strengthen it that way?

MS. SALAZAR: Well, some employees just felt like if somebody was terminated they shouldn't have the opportunity to come back and work for the County. That

was where that came from.

COMMISSIONER SULLIVAN: Interesting.

COMMISSIONER VIGIL: Very interesting.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. I have another question about vacation leave. Could you explain the policy again? You're saying that the longer an employee is here the more they accrue up to four or five weeks per year?

MS. SALAZAR: Mr. Chair, yes. That's correct.

CHAIRMAN CAMPOS: And that is comparable with what other government agencies do?

MS. SALAZAR: As far as increasing the accrual rate based on years of service? Yes. Most all other agencies do it that way.

CHAIRMAN CAMPOS: In general, but as far as the three, four and five, are we in line with other government agencies?

MS. SALAZAR: I did check with the City of Santa Fe and again they are still a little bit higher than we are, but I haven't done research with other surrounding agencies.

CHAIRMAN CAMPOS: The City's pretty much union-run in a lot of ways so I'm not sure that's a comparable way to look at this. I'd be more interested in looking at other counties, other than the City of Santa Fe, other municipalities. I don't see the City as a comparable basis for making that decision. So I would like to get more feedback. And even, how does that compare with private industry? Is that generous compared to private industry? Or is that what private industry is doing?

MS. SALAZAR: Mr. Chair, based on my experience with private industry, usually it's a little bit more but I can definitely do more research.

CHAIRMAN CAMPOS: Private industry is more or we're more?

MS. SALAZAR: Private industry is more.

CHAIRMAN CAMPOS: Is more generous than what you're proposing here?

MS. SALAZAR: Your bigger companies, yes. The small one I would say probably not. But I can do more research.

CHAIRMAN CAMPOS: Well, comparables, we have about 800 employees, right?

MS. SALAZAR: That's correct.

CHAIRMAN CAMPOS: So that's an issue that I have. Any other questions? Okay. Ms. Salazar, are you asking for action today?

MS. SALAZAR: Mr. Chair, I am, and my plan is to review this on an ongoing basis and make any necessary changes and keep it updated either every six months or at least annually, but preferable every six months, because as we all know, things change and I think that eight years is too long to wait to update this handbook. So that would be my plan, to bring it to you again in six months for any changes, and continue to get feedback from employees and do research to ensure that we're competitive and so forth.

CHAIRMAN CAMPOS: On the termination, you're willing to make a change

to “may”?

MS. SALAZAR: Yes, that’s correct.

CHAIRMAN CAMPOS: What about the vacation issue? How would you address that?

MS. SALAZAR: Mr. Chair, the vacation issue, I can do more research and bring it back to you in 30 days, or we can do more research and do it in six months.

CHAIRMAN CAMPOS: So are you saying that we’re not going to enact it today? We’re simply going to suspend decision on that until we get more study from you?

MS. SALAZAR: We can do that.

CHAIRMAN CAMPOS: I’m asking for your suggestion.

MS. SALAZAR: I would ask that we go ahead and move forward on approval and then I can bring it back just so we have a clear document of what to abide by for the employees and for supervisors.

CHAIRMAN CAMPOS: But once you approve it it seems to be vested.

MS. SALAZAR: Right.

CHAIRMAN CAMPOS: So if you approve it now it’s vested and it’s likely – I don’t think it will ever change. So I would say – I don’t know. Mr. Abeyta.

MS. BROWN: I would hate to make a determination now of whether there’s a vested right in a benefit that’s conferred through the handbook, but it is certainly a risk.

CHAIRMAN CAMPOS: I think so. Mr. Abeyta.

MR. ABEYTA: Mr. Chair, I guess the question I have or the clarification I need is what you’re asking is for an increase of one more week, so we would be adding a week per year. Is that what it comes out to? For at-will employees?

MS. SALAZAR: Just for at-will employees, yes.

MR. ABEYTA: So the other changes or the other leave for regular employees is staying the same.

MS. SALAZAR: Correct.

MR. ABEYTA: Okay. So we could approve it and leave the at-will employees’ leave the way it is now and we’ll bring that back in six months.

CHAIRMAN CAMPOS: Okay. I think that makes more sense to me. Okay. Is there a motion to approve the HR with the change of “may” in the termination clause, and leave the at-will vacation as is. No changes.

COMMISSIONER VIGIL: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Any further amendments?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the six-month review I would also suggest that you take a look at what criteria the administrator should use in returning someone to a County position who has been terminated due to these causes. If we’re going to say “may”

then that opens it up for possible hirings that may have some political connections or what have you, and I think whoever makes that decisions – is that you or is that the department heads?

MS. SALAZAR: Mr. Chair, Commissioner Sullivan, the department director will make a recommendation. We will conduct a thorough background check on the employee. So we will approve or disapprove a new hire.

COMMISSIONER SULLIVAN: But to avoid possible legal action I would think that that's the first thing someone would pick on is the "may" and that you approved so-and-so for rehire but you didn't approve me, and on what basis did you do that? And I think we need to, if we stay with the "may" and I'm fine with that, I think we need to give the hiring employee more guidance as to what they should look at. We talk about maybe a person's rehabilitated. Is the hiring employee competent to judge that. Particularly, let's say it was a DWI offence or an alcohol abuse offense or a spousal abuse offense or whatever the reason might have been. Abuse of sick leave is one I see in there. So it would seem there needs to be someone who has the competency to make a recommendation to the hiring staff person, whether it's a counselor or a medical person that would need to be some backup that they could hang their hat on to re-employ that person. I'd like for you to do some research on that if you could so that we have a little stronger reason there for turning someone down and by the same token, a stronger reason for rehiring someone that we feel is truly going to be a benefit to the County.

MS. SALAZAR: Okay. Mr. Chair, Commissioner Sullivan, I'll do that. I'll make sure that that's done.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Commissioner, you're asking for HR to do a study and to report back to us in six months.

COMMISSIONER SULLIVAN: Well, I think the County Manager said that he would be coming back in six months to evaluate the four weeks versus five weeks, and I'm saying at the same time, if we're going to go with the "may" that we need to have some clearer guidance as to what "may" means so we're not into personnel lawsuits ad infinitum.

CHAIRMAN CAMPOS: I think that's a good idea. Okay. There's a motion, a second.

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

XIII. B. Community Services Department

1. Resolution No. 2008-145. A Resolution Calling for an Election to Approve General Obligation Bonds in A Principal Amount of \$35,000,000 for Various Public Projects, and for the Bond Questions to Be Placed on the Ballot for the General Election to be Held on November 4, 2008 (Community Services Department)

MR. GUTIERREZ: Mr. Chair, members of the Commission, in front of you is a resolution to approve the question for the general election. I have Mr. Peter Franklin, our bond counsel. And you also have a memo in your packet detailing the projects that will be listed and how the question would be placed, I believe.

CHAIRMAN CAMPOS: Okay. Do you want Mr. Franklin to make a presentation? Or you? It's your choice.

COMMISSIONER SULLIVAN: Mr. Chair, clarification. This is not just what was handed out, is it? This is ICIP.

MR. GUTIERREZ: ICIP is the next item.

COMMISSIONER SULLIVAN: I know but this was just handed out for the bond thing. This is not having to do with the bond.

MR. GUTIERREZ: That's correct.

COMMISSIONER SULLIVAN: The bond thing is this deal, not the multi-colored handout.

MR. GUTIERREZ: And there's a letter in your packet also explaining the dollar amounts and the projects.

CHAIRMAN CAMPOS: Mr. Franklin.

PETER FRANKLIN (Bond Counsel): Peter Franklin, Modrell Sperling. We're bond counsel to the County. Thank you, Mr. Chair, members of the Commission. This resolution is part of the long-range capital financing plan that we've been working on with the County, Kevin Powers and I. This resolution is part of that long-term capital financing plan to maintain level tax rates in the county as the County's outstanding general obligation bonds mature and are paid off, this resolution authorizes six general obligation bond questions to be submitted to the qualified voters of the county. These questions would appear on the ballot at the November 4th general election.

As Mr. Gutierrez said the total amount to be submitted to the voters for approval would be \$35 million for six types of projects. You'll see on the second page of the resolution the questions are listed. They're actually on the second and third pages. The first questions relates to open space, trails and parks, for \$3.5 million. The second question relates to roads for \$15.5 million. The third fire stations and related facilities for \$5 million. The fourth, water projects totaling \$8 million. The fifth waste transfer stations for \$1.5 million. And last, a building and related improvements to the County fairgrounds.

If you approve this resolution this directs the County Clerk to arrange to have these questions placed on the ballot and for the required legal notices to be given prior to the

election.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER VIGIL: Are we retiring a bond for this? So this will be no additional taxing to the public?

MR. FRANKLIN: There are outstanding general obligation bonds, a portion of which are retiring each year and if the voters approve this the tax rates will remain level as opposed to dropping down.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, these questions, Peter, are they going to be listed individually or is there going to be one question on the ballot?

MR. FRANKLIN: Mr. Chair, Commissioner Montoya, the questions have to be listed separately under the constitution. They'll all be on one part of the ballot, but each question will be listed as a separate question and you can actually see about how they look on pages 9 and 10.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is a question, Peter, for staff. For Joseph rather than yourself. Thank you. Joseph, in your listing of projects, under the transfer stations, you have new transfer stations listed at Jacona and San Marcos. What about the Rancho Viejo station? That's been started up as a recycling station, I believe, but it's intended to be a regular transfer station, is it not?

MR. GUTIERREZ: Mr. Chair, Commissioner Sullivan, this came from Growth Management so I think James Lujan is probably more appropriate to answer that question, or Robert Martinez.

MR. LUJAN: Mr. Chair, Commissioner Sullivan, the intent right now is a recycling center. We would work with Rancho Viejo. We don't have an agreement for any bigger facility, but it was for an expansion of that, in probably a building at some point. But we're not there with Rancho Viejo yet.

COMMISSIONER SULLIVAN: So Rancho Viejo will continue just as a recycling center.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: Next to the fire station.

MR. LUJAN: Yes. We're looking – this site we're currently on was a temporary site and the fire station, we were looking at a piece of land with Rancho Viejo to build a permanent site. At that time we would look at other types of facilities, a building of some sort, but we are now working with Rancho Viejo. They like that site where we're currently at, aside from it's right by their sewer plant and their storage facility for their residents. So they're liking that area and we're just working on that to see if we can make that the permanent site.

COMMISSIONER SULLIVAN: On the site for what?

MR. LUJAN: Recycling.

COMMISSIONER SULLIVAN: For the recycling.

MR. LUJAN: Right. Nothing to do with the fire station.

COMMISSIONER SULLIVAN: What would be the closest transfer station to them?

MR. LUJAN: Right now the closest is – I would imagine La Cienega is probably closer than Eldorado.

COMMISSIONER SULLIVAN: Oh, yes.

MR. LUJAN: Those are the only two we have in that area so Cienega is probably closer.

COMMISSIONER SULLIVAN: Just thinking with the growth out along Route 14.

MR. LUJAN: Cienega and then San Marcos.

COMMISSIONER SULLIVAN: San Marcos is half-way to Galisteo though.

MR. LUJAN: Correct. That's why Cienega is probably closest to Rancho Viejo.

COMMISSIONER SULLIVAN: Oh. I think in our long-term planning – I understand what you're saying here that we don't have a site yet for it, but given the growth that everyone's imputing to this district it seems like we need to consider another station.

MR. LUJAN: With the plan for the fire station at Rancho Viejo, there is an acre set aside for solid waste of some sort, so that could be the possible site. That's part of the – the plat was with an acre set aside for solid waste. So we could still go for that and they're agreeable to that. They're just liking the site now where we're at for recycling, so we could keep recycling there, possibly, but we're not there yet.

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

MR. LUJAN: But there is an acre set aside for solid waste.

CHAIRMAN CAMPOS: Question for Mr. Abeyta. You propose to put forward very specific projects and dollar amounts. What if, let's say, one project turns out to cost less. Can you use the money in another way?

MR. ABEYTA: Mr. Chair, it's my understanding we can but we would have to – for example, the money allocated for water, we'd have to change the water projects out for other water projects. So I think we would be – we'd have the \$3.5 million for open space and trails. If it's not the Santa Fe River Corridor then it would have to be another open space and trails project. So we would have to stay within the category.

CHAIRMAN CAMPOS: Okay. So if we have a water project and we decide not to do that water project, we still have to use that money for a water project. That's the only limitation.

MR. ABEYTA: That's my understanding. Peter can correct me.

CHAIRMAN CAMPOS: Mr. Franklin.

MR. FRANKLIN: Mr. Chair, what we would need to do is make sure that whatever the money is being used for is reasonably consistent with what the voters voted on.

So we have framed these projects in a categorical sort of way as the County Manager suggests, so that there is some flexibility there. But, yes, we'd have to stick within the categories approved by the voters.

CHAIRMAN CAMPOS: So if a water project is changed, instead of Project A we go with Project C, and if it's a water project we can still do that. We have that flexibility.

MR. FRANKLIN: Yes. I would say that the County is legally permitted to have a neutral information pamphlet put together to assist voters in figuring out what the projects are. We'd want to list all the projects that the money might be used for. We wouldn't want to get outside those listed projects.

CHAIRMAN CAMPOS: I think we'd want to make it clear to the voter that there is some flexibility and some projects may change. Because sometimes you'll get people coming back saying, well, this is what you put. You're 100 percent committed, even though in five years or four, it no longer makes sense, or there's a better project or a higher priority project. So could we make sure that that's clear? Okay. Do we need a roll call on this resolution?

MR. FRANKLIN: Technically not.

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Resolution 2008-145, calling for a bond election.

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

CHAIRMAN CAMPOS: Okay, it's noon. Do we wish to proceed?

COMMISSIONER VIGIL: Yes.

COMMISSIONER SULLIVAN: We could get the ICIP done.

CHAIRMAN CAMPOS: How much of Matters from the County Manager, how long will that take?

MR. ABEYTA: I don't have anything.

CHAIRMAN CAMPOS: How about Matters from the County Attorney? How long will that take?

MS. BROWN: We need about ten minutes in closed session.

CHAIRMAN CAMPOS: Ten minutes.

MS. BROWN: Then you've got one action item when we come out which doesn't require any discussion.

CHAIRMAN CAMPOS: Do we wish to proceed? Any objection to proceeding?

COMMISSIONER ANAYA: How long?

COMMISSIONER VIGIL: Half an hour?

COMMISSIONER ANAYA: And then we'll be done?

CHAIRMAN CAMPOS: We might be done.

COMMISSIONER ANAYA: Okay.

CHAIRMAN CAMPOS: Okay. Let's proceed. And Mike will take us to lunch.

XIII. B. 2. First Public Hearing to Discuss Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Years 2010-2014 (Two Public Hearings Required) (Community Services Department)

MR. GUTIERREZ: Mr. Chair, members of the Commission, in front of you today would be the first public hearing on the ICIP plan. Our plan is to come back at the September 9th meeting to adopt the plan. Agnes Lopez from our staff passed out an informational sheet that lists all the projects on the ICIP plan, and it's nicely color-coded for your review. The red boxes are what staff put into the ICIP plan that's new items. The yellow boxes were existing items, and the green boxes are the items that were requested in the public hearings, in the public meetings. And I believe on the last page it also shows the public meetings that we had over a two-month period.

In addition to that, we've included projects, I believe there's probably 10 to 15 projects there that we gave you for your consideration to come up with the top five on those. They're road projects, they're building projects, the media park is in there, so they're all significant projects. But at the September 9th meeting we need to adopt, per DFA's request, a top five priority and we need to rank those. In addition, we'll submit the full ICIP plan. And at this point I stand for any questions and if there are any members of the public that would want to comment on the ICIP they would do so.

CHAIRMAN CAMPOS: Is this a public hearing?

MR. GUTIERREZ: Yes.

CHAIRMAN CAMPOS: Okay. Mr. Gutierrez, does staff have recommendations as to the top five?

MR. GUTIERREZ: Mr. Chair, our top five that we came up with roughly were actually the top five at the top, which are the Agua Fria Community Park, the Marcos Trujillo Teen Center, Stanley Ag Center, the media park and the County fairgrounds. That's what we came up with.

CHAIRMAN CAMPOS: Where is that?

MR. GUTIERREZ: I believe it's about the fourth or fifth page on there. It's at the end of the listing of all the projects. The second to last page.

CHAIRMAN CAMPOS: Okay, so you have the top five ranked projects in 2010.

MR. GUTIERREZ: Right. But they didn't include road and water projects, which would fall back, again, to the bond that the voters would be approving also. But again, we listed – brought in some water and road projects, and that's at the bottom there. So this is just a rough draft at this point, but on September 9th we need to pick a top five.

CHAIRMAN CAMPOS: Are you going to be providing us more information

before that meeting?

MR. GUTIERREZ: We can do that, and again, if you have any comments individually please contact us in terms of what your thoughts are. You can help streamline the process for September 9th.

CHAIRMAN CAMPOS: If you can give us a report a few days ahead of time that we can look at and start thinking about things. Okay, questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Gutierrez. I have a request for the next meeting, that you research. One of the areas that's given us particular difficulty at this time is the Piñon Hills area. I notice that the Tano Road area is identified here. I wonder, do we do any outreach in the Piñon Hills? That Tres Arroyos area where all those arroyos are causing a lot of wash-offs. I'm not sure that we actually have visited with those people about being on the ICIP, but I think many of those arroyos are going to need to gain some dollars for funding. Can you research that and if any of those need to be included on this by visiting with the community or anything of that nature with Robert and James, those projects have been coming more and more to us. If they're here, I didn't see them.

MR. GUTIERREZ: Mr. Chair, Commissioner Vigil, we can certainly do that and we can – it's easy to add items to the ICIP at this point.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Joseph, can we include roads on this?

MR. GUTIERREZ: Mr. Chair, Commissioner Anaya, yes. And we do have a listing of roads on there also.

COMMISSIONER ANAYA: Could we include basecoursing the roads in District 3.

COMMISSIONER SULLIVAN: Just District 3?

COMMISSIONER ANAYA: Or all of them. I don't care. I'm speaking on behalf of District 3. Galisteo, Stanley.

MR. GUTIERREZ: Commissioner Anaya, I'll go back to James and Robert and ask them for that number and the item. I think we need to be real specific, I believe, on that plan. But if we can list the road and a dollar amount to improve that we can put that on the ICIP.

COMMISSIONER ANAYA: Thanks.

CHAIRMAN CAMPOS: Okay. This is a public hearing. Is there anyone who would like to comment on the ICIP plan being presented presently. Okay, no one having come forth, public hearing is closed. Any final comments from the Commission? Mr. Gutierrez, do you need anything further from us at this point in time?

MR. GUTIERREZ: No, Mr. Chair.

XIII. B. 3. Request Approval of Grant Agreement Amendment No. 3 for N.M. State Appropriation for the First Judicial District Courthouse for A Reduction of \$5,000 (Community Services Department) (Consent Calendar Item XII.A.9)

CHAIRMAN CAMPOS: We're going to item B. 3. Is that right?

COMMISSIONER ANAYA: We did it.

CHAIRMAN CAMPOS: It's done?

MR. GUTIERREZ: Mr. Chair, I don't believe – I think you took action.

MR. ABEYTA: We need just a motion on this so the record reflects two separate motions. One for the resolution and one for the grant.

CHAIRMAN CAMPOS: Is there a motion to approve the grant?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

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

**XIII. C. Matters from the County Manager
2. Update on Various Issues**

MR. ABEYTA: The only thing I have, Mr. Chair, is that we are starting to plan a retreat with senior staff and the Commission and we're looking at probably the last week of October. I'll be getting an agenda to the five Commissioners and we will also be including the two Commissioners-elect.

CHAIRMAN CAMPOS: What are your goals for this retreat?

MR. ABEYTA: Primarily just a smooth transition with the two new Commissioners coming in.

CHAIRMAN CAMPOS: Anything else?

MR. ABEYTA: That's all.

**XIII. D. Matters from the County Attorney
2. Executive Session
a. Pending and Threatened Litigation
i. Discuss a Settlement Agreement With HB Construction, Louis Berger Group and Cruz Corporation. (Item XIII. D. 3)**

Commissioner Montoya moved to go into executive session pursuant to NMSA

Section 10-15-1-H (7) to discuss the matter delineated above. Commissioner Vigil seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 12:10 to 12:25.]

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

XIII. D. 3. Approval of Settlement Agreement With HB Construction, Louis Berger Group and Cruz Corporation

MS. BROWN: Mr. Chair, I put in front of you a settlement agreement that was reached regarding a dispute over change orders and would request that the Commission make a motion to approve the settlement agreement.

CHAIRMAN CAMPOS: Which includes this?

MS. BROWN: That is also the next document that you'll be considering, which is a change order for Public Works.

CHAIRMAN CAMPOS: So it's going to be this document?

MS. BROWN: That's the document you're voting on.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

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

XIII. D. 4. Approval of Change Order #27 for HB Construction

MS. BROWN: You have in front of you a change order for the Public Works building in the amount of \$292,500 for asphalt, and I would request that that change order be approved.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

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

CHAIRMAN CAMPOS: Anything further from our County Manager?
MR. ABEYTA: No.
CHAIRMAN CAMPOS: County Commissioners?

XIV. ADJOURNMENT

Chairman Campos declared this meeting adjourned at 12:27 p.m.


Approved by:

Board of County Commissioners
Paul Campos, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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