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Witness My Hand And Seal Of Office
Deputy Marcella Valerie Espinoza
County Clerk, Santa Fe, NM

MINUTES OF THE

SANTA FE COUNTY

DWI PLANNING COUNCIL

May 25, 2010

Santa Fe, New Mexico



This special meeting of the Santa Fe County DWI Planning Council was called to order at approximately 2:15 p.m. on the above-cited date at the Legal Conference Room, Santa Fe County Courthouse, Santa Fe, New Mexico.

The following members were present:

Members Present:

Yvonne Ortiz
Donna Morris
Jon Paul Romero
Shelley Mann-Lev
Donna Bevacqua-Young

Member(s) Excused:

Allan Wheeler, Chairman
Sgt. Joe McLaughlin
Marti Rodriguez
Sgt. Louis Carlos
Diego Lopez

Staff Present:

Becky Beardsley
Frank Magourilos, Prevention Specialist
Christina Gomez, Prevention Specialist

OLD BUSINESS

A. Discussion of Joint Resolution to Establish an Alcohol Abuse Board
[Exhibit 1: Draft Joint Resolution]

In the absence of a quorum the group proceeded as a work session, beginning with the conceptual content of the resolution. Ms. Morris asked to hear from the Prevention staff on how this would impact their work. Ms. Beardsley pointed out that it would affect all seven components of the program: law enforcement, prevention, screening, compliance monitoring, coordination planning and evaluation, and alternative sentencing. This includes how they work with the officers, courts, treatment providers – in short every aspect. She said her concern is this new board would be making the decisions on how the money is spent.

Mr. Magourilos said he has looked closely at the resolution, and it would change their operation. He saw the new entity having a lot of authority and power. They could challenge his expertise. Everything would be open to interpretation. He pointed out the BCC currently has the authority to do all the things mentioned in the resolution. He said the people who are mentioned as participating on the new board could just as easily be on the planning council.

Mr. Magourilos said the resolution is clearly biased towards the City, and as an example he said a member of the Santa Fe Board of Education would be on the board – which leaves out the Pojoaque and Edgewood school systems. Referring to page 5, line 4, Mr. Magourilos said there are no term limits. This opens the door to someone with an agenda being on the board indefinitely.

Ms. Beardsley said the same situation is in place for the planning council and the BCC can choose to not reappoint members. She said she had no problem with oversight or transparency however, she was not comfortable with them having oversight over a County program, or with the “laundry list” of tasks mentioned, with no additional resources. Thus, the program staff would be mandated to accomplish many things and would be held responsible. She said the City is already involved and the program has been open to more involvement, but that has not been forthcoming.

Mr. Magourilos said work in the schools is only one strategy among many. He said they currently work with the City, but reiterated the resolution speaks only of the City and does not address the outlying areas.

Ms. Beardsley noted that a portion of Española is within the County and they occasionally ask for help. She said if the planning council is in favor of the resolution, they should specify what they want to see with it. If there isn't support for the resolution, the planning council should have an idea of what they would be willing to live with if they don't have a choice. She was unsure whether they were taking input.

Ms. Morris said she was bothered by the fact the resolution was not brought to the planning council before being put on the BCC agenda.

Ms. Beardsley pointed out the resolution was drafted on February 12th and she didn't receive it until mid-April. She understood at that time the County was seeking to streamline all the committees. She didn't distribute it to the committee because she was unsure how much it would be changed and was working with her supervisor and the individuals working with the committee project to determine if the resolution would go forth.

Ms. Morris stated she feels the program is working well as it is. She reiterated Judge Rodriguez' prior concern that the tribes are not included.

Ms. Beardsley indicated the resolution sprang from the deaths of the four teenagers last year and was drafted by Cynthia Delgado, according to what she said at the previous meeting.

Voicing a different perspective, Ms. Mann-Lev saw this as an incredible opportunity. The proposed board would not replace the planning council. Having County Commissioners, City

Councilors, the head of the school board and the hospital engaged in policy makes a big difference. The planning council does a great job but this could take things to a new level. She said the resolution could be rewritten to make it better, but the new board could provide increased visibility. "You have nothing to be afraid of."

Ms. Gomez stated she was concerned that the resolution is only directed at them.

In response to a question from Ms. Bevacqua-Young, Ms. Beardsley explained where the DWI program money comes from. It's all state generated. She said they are doing a fabulous job as indicated by the statistics, and they are seen as a model program. She felt she had to defend the program, which is constantly subject to suggestions. It's impossible to please everyone. She felt this program is the only one being opened to oversight and scrutiny. The liquor excise tax is allocated to each county based on a formula involving GRT, liquor sales and crash data. If there is a new board there will be arguments over what to fund.

Ms. Morris worried that this would impose another layer of bureaucracy.

Saying she was all for input, Ms. Beardsley said if approval was required from a board meeting only quarterly she would never get anything done.

Mr. Romero agreed no one wanted another layer of bureaucracy. He said if there were three Commissioners on the new board that would constitute a decision making quorum. He believes they were looking to this group to make changes to this draft.

Ms. Beardsley said she believed that if the new board is given approval over expenditures she can no longer do contracts with groups with representation on the planning council. She added the reason the resolution was pulled from the BCC agenda was to do an analysis of fiscal impacts.

Ms. Mann-Lev said Commissioners, Councilors and Alex Valdez have expressed interest in being on this new board. They should look at ways they can change it for the better.

Ms. Bevacqua-Young was doubtful that another board could help the DWI problem. Focus should be on prosecutors, enforcement and the courts. She said people lose interest between the tragedies.

Mr. Romero said it was critical to look at the fiscal impacts in this era of belt tightening.

Ms. Morris asked if anyone saw this as an attempt by agencies outside the county to use the mandate and funding. Mr. Magourilos said he did.

Ms. Mann-Lev said the County is and will remain the fiscal agent. She pointed out the broad range of interests on the planning council, stating the intent is to serve the whole county. The county includes the city.

Ms. Gomez said the lack of transparency has been an issue. She said the City-County task force was a powerful tool and the proposed board should be a planning council for all the different entities.

Ms. Mann-Lev said page 2 refers to various different entities, not just the DWI program, and is very general. Mr. Magourilos said it seems to be only in the context of the DWI program.

Ms. Bevacqua-Young asked if their opinions could be overruled by the Commissioners. Ms. Beardsley said that was a possibility.

Ms. Bevacqua-Young understood people felt blindsided.

Ms. Mann-Lev reminded the group that there is an effort underway in the County to remodel the committee and it could end up having only five members.

Ms. Beardsley had understood that she would be included in drafting the resolution but in the end, she was presented with it as an FYI. She said this is an advisory council to the BCC and they can do whatever they want with it. Additionally, the HPPC also may experience changes. The composition of the planning council is dictated by two different funding organizations. She pointed out that the County has to pass the resolution before the City does.

Ms. Beardsley said this year the program will give \$300,000 to law enforcement which directly impacts the County. The City or other entities with representation on the Board might take issue with this and recommend that funding be used for other initiatives and let the County fund law enforcement. She stated that we currently help City law enforcement as well as other agencies but not to that extent.

Mr. Romero noted the task force felt the City did not have representation. He explained how various City-County bodies work. He said the resolution might have to be retooled and this might entail public input. There is no need to start from scratch.

Ms. Mann-Lev stressed that the planning council could improve the resolution. Ms. Beardsley said the purpose of today's meeting was to come up with recommendations. She said if the consensus of the planning council was that this was not a good idea, she can take that to the County Manager. She asked the group to step back and see if they felt the basic concept of the Board was feasible and valuable.

Ms. Morris said while it is important to collaborate with the City, in her experience this has been difficult. Ms. Mann-Lev speculated the situation could be improved by having higher levels involved.

Ms. Beardsley noted that the City used to run the program. They chose to turn it over to the County. It is quite successful and is viewed as a model program throughout the state.

Ms. Mann-Lev said she was concerned that so many members were missing. She said it was impossible to have representation from everywhere. Ms. Beardsley asked if there was representation from one school board should there be one from each.

Mr. Magourilos said transparency was vital, but how this resolution came about was the opposite. He reiterated his fear of bullies taking over. He saw this as a slap in the face to the planning council and staff. He added if there were a Councilor on the planning council it would eliminate the need for the new board.

Ms. Mann-Lev stated that she didn't feel comfortable in the current setting and stated it might be more productive and appropriate if staff left. Ms. Beardsley asked if that included her as well. She was told that it did not.

[Mr. Magourilos and Ms. Gomez left the meeting.]

Ms. Morris said she had strong reservations about the resolution. She felt it would hinder efficiency.

Ms. Mann-Lev stated she was basically in favor, with certain changes. If the high-level participants would join the planning council, that would be great, but it's not going to happen.

Mr. Romero indicated the document needs changes, and input from the leaders is needed. He didn't want to get bogged down in bureaucratic minutiae.

Ms. Bevacqua-Young also had reservations. Ms. Ortiz agreed adding fiscal issues remain.

[Ms. Bevacqua-Young left the meeting.]

Ms. Morris called the group's attention to page 4, Section 4, which implies that community members can be from anywhere in the state.

Ms. Beardsley offered a change to page 2, remove Section C. (b) "Oversee the Santa Fe DWI Program and its planning council" and say something to the effect of working with the Planning Council to accomplish the goals." That would remove many of the problems and stresses collaboration.

Ms. Mann-Lev suggested including enforcement and the courts in the list and said specific tasks could be removed.

Ms. Beardsley said mention of the Dashboard falls in that category. Ms. Mann-Lev said "sharing of data" could take the place of that. A discussion ensued about the availability of relevant data.

Mr. Romero recommended that everyone email their ideas. There was consensus to include the tribes, to rework C. (b), to change D. (4), to include law enforcement and judicial

members. If a member was to represent the industry, that person could be the business representative.

Ms. Beardsley stated she will rework the resolution and send it out to the Planning Council members for their review and input.

ADJOURNMENT

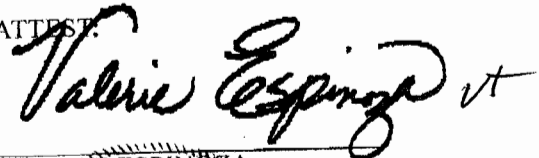
This study session meeting was declared adjourned at approximately 4:20 p.m.

Approved by:


Yvonne Ortiz, Vice Chair
DWI Planning Council

Submitted by:
Debbie, Doyle, Wordswork

ATTEST:





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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2010-_____

COUNTY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2010-_____

INTRODUCED BY:

A JOINT RESOLUTION

ESTABLISHING THE SANTA FE CITY AND COUNTY ADDRESSING ALCOHOL ABUSE BOARD.

WHEREAS, the Governing Body of the City of Santa Fe and the Board of County Commissioners of Santa Fe County recognize that alcohol abuse results in the loss of life, personal and community tragedies and contributes to domestic violence, community violence, driving under the influence of alcohol and underage drinking; and

WHEREAS, the Governing Body of the City of Santa Fe and the Board of County Commissioners of Santa Fe County desire to impress upon the community of Santa Fe ^{County} the need to abide by all alcohol related laws and to be responsible in decisions related to alcohol use and sales; and

WHEREAS, the Governing Body of the City of Santa Fe and the Board of County Commissioners of Santa Fe County adopted a joint resolution (City Resolution No. 2009-67 and County Resolution No. 2009-115) that established a work group consisting of elected leaders who met with governmental, educational and medical entities; law enforcement agencies; and not for

SFC CLERK RECORDED 02/08/2011

1 profit and business organizations who address aspects of alcohol abuse in our community; and

2 **WHEREAS**, the work group made recommendations to the Governing Body of the City
3 of Santa Fe and the Board of County Commissioners of Santa Fe County relating to treatment,
4 education and outreach programs for citizens of our community as well as programmatic steps in
5 the areas of law enforcement, judicial processes and alcohol taxation to accelerate community
6 change that will end harm and violence from alcohol abuse; and

7 **WHEREAS**, the Governing Body of the City of Santa Fe and the Board of County
8 Commissioners of Santa Fe County desire to establish an ongoing board of key decision makers
9 and community leaders whose purpose is to maintain the focus of the community on the issue of
10 alcohol abuse, provide oversight of existing programs, and collaborate on new opportunities to
11 address the problem.

12 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE AND THE BOARD OF COUNTY COMMISSIONERS OF SANTA**
14 **FE COUNTY** that the Santa Fe City and County Addressing Alcohol Abuse Board is established
15 as follows:

16 A. NAME. The Board shall be called the Santa Fe City and County
17 Addressing Alcohol Abuse Board (the Board).

18 *Specific* B. PURPOSE. The purpose of the Board is to maintain the focus of the
19 community on the issue of alcohol abuse, provide oversight of existing programs, and collaborate
20 on new opportunities to address the problem. *THE POWER TO EXERCISE AUTHORITY!*

21 C. DUTIES AND RESPONSIBILITIES.

22 (1) The Board shall perform the following:

23 (a) Establish goals and objectives consistent with the Board's
24 purpose;

25 (b) Oversee the Santa Fe DWI Program and its planning council

*OVERRIDING THE
DFA-DWI PROGRAMS
INTENT TO HAVE THE PC
DO OVERSIGHT!*

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including

reviewing DWI program budget to ensure that the program is

aligned with the priorities of the community;

Belongs to SPUDRA

(c) [REDACTED]

THIS IS A SPECIFIC PROGRAM THAT DOES NOT BELONG IN A RESOLUTION. WHAT IF IT IS DECIDED NOT TO USE IN FUTURE?

(d) Support legislative efforts including, but not limited to, [REDACTED]

law enforcement, treatment and [REDACTED] *PREVENTION*

(e) Review the annual City and County Law Enforcement DWI

Checkpoint calendar and vehicle forfeiture programs; *FAA*

(f) Promote evidence-based ~~educational~~ and prevention programs

within the school system and employment and business sectors insuring the

program outcomes are reviewed on a annual basis;

(g) Promote an annual Alcohol Abuse Awareness Month;

(h) Pursue the availability of evidence-based alcohol abuse

treatment programs for the community, reviewing areas of capacity and access;

(i) Review alcohol related policies impacting the community; and

(j) Such other responsibilities as they relate to the Board's purpose.

(2) The Board shall report to the Governing Body of the City of Santa Fe

and the Board of County Commissioners of Santa Fe County no less than twice per year.

D. MEMBERSHIP. The Board is intended to include key decision makers

and leaders that are influential in the Santa Fe community, have access to community resources,

WHAT ABOUT THE REST OF SFC?

and are committed to collaborate on addressing the problem of alcohol abuse in the community.

The Board shall consist of nine members as follows:

DFA GRANT ALSO INCLUDES SUBSTANCE ABUSE

(1) Two members of the Governing Body of the City of Santa Fe appointed

by the Mayor with the approval of the Governing Body. The members shall serve for

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1 such a period as may be determined from time to time by the Mayor with the approval of
2 the Governing Body. The Mayor may appoint, with the approval of the Governing Body,
3 a third member of the Governing Body to serve as an alternate in the event one of the two
4 regular members is unable to attend a Board meeting.

5 (2) Two members of the Board of Santa Fe County Commissioners
6 appointed and approved by the Board of Santa Fe County Commissioners. The members
7 shall serve for such period as determined from time to time by the Board of Santa Fe
8 County Commissioners. The Board of Santa Fe County Commissioners may appoint a
9 third member of the Board of Santa Fe County Commissioners as an alternate in the
10 event one of the two regular members is unable to attend a Board meeting.

*WHAT ABOUT POJARQUE ?
EDGEWOOD ?*

11 (3) One member of [REDACTED] appointed and approved
12 by the Santa Fe Board of Education. The member shall serve for such period as
13 determined from time to time by the Santa Fe Board of Education. The Santa Fe Board of
14 Education may appoint a second member of the Santa Fe Board of Education as an
15 alternate in the event the regular member is unable to attend a Board meeting.

16 (4) Four community members residing in the state of New Mexico appointed
17 jointly by the Mayor and the Chairperson of the Board of Santa Fe County
18 Commissioners as follows:

*SO I CAN APPOINT
SOMEONE FROM
LAS CRUCES ?*

- 19 (a) One member from law enforcement or the judicial system;
- 20 (b) One member from a major health or treatment provider;
- 21 (c) One member from business; and
- 22 (d) One member from a foundation or other non-profit organization.

23 E. OFFICERS. The chairperson shall alternate yearly between a member of the
24 Governing Body of the City of Santa Fe and a member of the Board of Santa Fe County
25 Commissioners. The chairperson pro-tempore shall alternate yearly and be a member of the

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1 opposite entity as the chairperson.

2 F. TERMS. Of the initial four community members, two shall be appointed
3 for two year terms and two shall be appointed for three year terms. Subsequent terms shall be for
4 three years to maintain staggering of terms. [REDACTED]

5 [REDACTED] Vacancies shall be filled in the same manner as initial
6 appointments and shall be for the remainder of the unexpired term.

7 G. MEETINGS. The Board shall have at least one regularly scheduled meeting
8 per calendar quarter, unless more frequent meetings are set by the Board. A quorum shall be
9 deemed to be present at each Board meeting if a majority of Board members is present. A simple
10 majority of Board members who are present at a duly called meeting of the Board at which a
11 quorum is present shall act for the Board with respect to all matters brought before the Board at
12 the meeting. The Board shall conduct all meetings in accordance with the New Mexico Open
13 Meetings Act and adopted City and County policies and procedures.

14 H. SUBCOMMITTEES. The chairperson may appoint sub-committees and sub-
15 committee chairpersons as needed. Subcommittees may also include non-Board members from
16 the public or private sectors.

17 I. STAFF. The Santa Fe County DWI Program staff shall serve as the
18 primary liaison to the Board. The City and County shall rotate, on an annual basis, the
19 stenographic services responsibilities. Depending upon the issue, other City or County staff may
20 also be required to assist the Board.

21 PASSED, APPROVED, and ADOPTED by the Governing Body of the City of Santa Fe
22 this ____ day of _____, 2010.

23 _____
24
25 DAVID COSS, MAYOR

*DO you SEE
AN ISSUE OF
POWER
HERE?*

ST. CLERK RECORDED 02/08/2011
1102/00/20 CHANGES WRTD 245

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

PASSED, APPROVED and ADOPTED this ___ day of _____, 2010,

by the Santa Fe Board of County Commissioners.

THE BOARD OF COUNTY

COMMISSIONERS OF SANTA FE COUNTY

By: _____

HARRY B. MONTOYA

ATTEST:

VALERIE ESPINOZA, COUNTY CLERK

APPROVED AS TO FORM:

STEPHEN C. ROSS, COUNTY ATTORNEY

Jp/ca/jpmb/2010 res/alcohol board 2

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