

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**October 28, 2008**

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

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:05 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 County Clerk Valerie Espinoza 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- B. Tabled or Withdrawn Items**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 (Count Manager): Thank you, Mr. Chair. We have the following amendments. One is under item X. Matters from the Commission, we added I, which is discussion and approval of community funds to support the New Mexico Hispanic Music Association, J. Discussion and possible approval of community funds for the Edgewood Senior Center, and K. Discussion and possible approval of expenditure of community funds for Pojoaque Schools.

Continuing through the agenda, Mr. Chair, under item XIII. Staff and Elected Official Items, page 7, A. the County will need to go into a Board of Finance Meeting at 1:30, and there are two items from the County Treasurer's office.

Item C. Community Services Department, staff is recommending tabling of 3, which is the approval to amend the Fire Department's volunteer incentive program resolution. And those are the changes from staff.

CHAIRMAN CAMPOS: Commissioners, any changes.

COMMISSIONER VIGIL: Move to approve as amended.

CHAIRMAN CAMPOS: Commissioner Vigil, did you want to move something up on item X. D?

COMMISSIONER VIGIL: I do, Mr. Chair. Thank you for reminding me about that. We do have a proclamation today to present to Esperanza Shelter and I'd like that to be the first item under Matters from the Commission. And with that, I will continue with my motion to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: As amended.

**The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.**

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A. 22, B. 5, and B. 19.

CHAIRMAN CAMPOS: Anything else? Commissioner Vigil? Commissioner Anaya? Commissioner Montoya? None?

COMMISSIONER VIGIL: Move to approve as amended.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: So we're moving to withdraw these matters from the Consent Calendar.

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

**VIII. APPROVAL OF MINUTES**

**A. September 30, 2008**

CHAIRMAN CAMPOS: Commissioner Sullivan, do you have a motion.

COMMISSIONER SULLIVAN: Mr. Chair, I have some typographical

corrections, and I move to approve with the corrections.

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to approve the minutes as corrected passed by unanimous [4-0] voice vote, with Commissioner Montoya abstaining.**

**IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS**

CHAIRMAN CAMPOS: This is an opportunity for members of the public to come forward and discuss any issues of public importance that is not on the agenda today. So is there anyone in the audience who would like to come forward at this time. I don't see anyone so this part of the meeting is closed.

**X. MATTERS FROM THE COMMISSION**

**D. Proclamation Declaring October 2008 As Domestic Violence Awareness Month in Santa Fe County (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chair. I'm really pleased that I'm actually able to do this before the Board of County Commissioners. I'd like to introduce some guests here who have come from Esperanza. Mary Chavez, would you please stand? She's the president of the board. Carla Quintana, who I used to work with at the Community College as a board member, and Sherry Taylor, the new executive director, and James Leehan. Thank you. I appreciate you're being here.

With that, I'd like to read the proclamation and then present it to you all. And then hopefully if our picture-taker is here we'll have some pictures taken.

Whereas, domestic violence in America is intolerable, unacceptable, must be stopped and deserves considerable public attention; and

Whereas, children who witness domestic violence often grow up believing that physical cruelty in relationships is acceptable behavior, and thus they tend to perpetuate the cycle of violence in society; and

Whereas, many federal, state and local programs addressing the domestic violence problem have achieved success bringing greater safety to families; and

Whereas, throughout the country and in New Mexico an increasing number of businesses are adopting policies to address family violence issues as such issues negatively impact their workplace; and

Whereas, the policy of the state of New Mexico is to eliminate domestic violence, sexual assault and stalking, and to eliminate tolerance for these offenses in any form and any place, whether at home or at the workplace or elsewhere; and

Whereas, Esperanza Shelter has been a trustworthy and reliable resource for strengthening battered families for over 30 years in Santa Fe County; and

Whereas, anyone can be a victim of domestic violence, regardless of age, sex, ethnicity, socio-economic status or religion; and

Whereas, we must continue to hold domestic abusers accountable, punish them to the fullest extent of the law and prevent them from inflicting more abuse.

Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners hereby proclaim October 2008 as Domestic Violence Awareness Month.

With that I'd like to present this proclamation. First of all, motion to approve it.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

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

COMMISSIONER VIGIL: And with that I'd like to present this to our guests here from Esperanza Shelter with a sort of precursor comment. I used to be an assistant district attorney and I prosecuted domestic violence cases, and the horrificness of the experience of some of the victims overwhelmed me. Since then I think our district attorney's office has incorporated a system of reparations programs and it's helpful to that extent. But at the time I was there there was no place for the victim to turn to except Esperanza. So I really appreciate your history of assisting, particularly the victims and their families.

With that, would you please come forward.

MARY CHAVEZ: I would just like to address you and thank you very much for this proclamation. Domestic violence is an issue and I thank you all for this special recognition.

CHAIRMAN CAMPOS: Thank you for all the hard work you do every day. We appreciate it very much.

COMMISSIONER MONTOYA: Yes, thank you. Appreciate it.

- X.
  - A. **Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$2,500 to the Santa Fe Performing Arts After School Program (Commissioner Vigil)**
  - B. **Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$2,500 to IMPACT Personal Safety After School Program (Commissioner Vigil)**
  - C. **Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$1,500 to Santa Fe Fiestas Inc. After School Mariachi Workshop Programs (Commissioner Vigil)**
  - E. **Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$3,000 to Santa Fe County Teen Court Graffiti**

**Abatement Program (Commissioner Vigil)**

- F. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$2,000 for Santa Fe County Public Works Department for Graffiti Removal Program (Commissioner Vigil)**
- G. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$7,000 for the Provision of Contracting for Administrative and Government Affairs Consulting Services for the Purpose of Planning Santa Fe County Projects (Commissioner Montoya)**
- H. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$1,000 to Santa Fe Public Schools for Capital High School's Drill Team to Purchase Uniforms and Equipment (Commissioner Vigil)**
- I. Discussion and Possible Approval for an Expenditure of Community Service Funds in the Amount of \$500 to the New Mexico Hispanic Music Association to Support Their 18<sup>th</sup> Annual Award Show Program Book (Commissioner Montoya) [Exhibit 1]**
- J. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$1,000 for Expenses for the Edgewood Senior Center Expansion Dedication on November 7, 2008 (Commissioner Anaya)**
- K. Discussion and Possible Approval for an Expenditure of Community Service Funds in the Amount of \$2,000 to the Pojoaque Schools to Support the Pojoaque Girls' Soccer Program (Commissioner Montoya) [Exhibit 2]**

COMMISSIONER VIGIL: Mr. Chair, I actually have items A, B, C, E, F, and H. Could I just briefly explain each one of them and maybe request a motion to accept them.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Vigil, I look at all these and I really don't need any explanation. I was going to make a motion to accept all of them. Unless you want to –

COMMISSIONER VIGIL: I'm happy to second your motion, and perhaps maybe if there are discussions.

COMMISSIONER ANAYA: That's fine, but I looked at everything and everything looks fine to me.

COMMISSIONER VIGIL: If that is a motion I will second it.

COMMISSIONER ANAYA: That's a motion.

COMMISSIONER VIGIL: Mr. Chair, will you accept that?

CHAIRMAN CAMPOS: Is there any discussion or objection to that motion?

COMMISSIONER ANAYA: And that motion, Mr. Chair, would be for items A, B, C, E, F, G, H, I, J, K.

CHAIRMAN CAMPOS: All of them, right?

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: Including Commissioner Montoya's?

COMMISSIONER ANAYA: All of them.

COMMISSIONER VIGIL: Okay. So the only item that we aren't taking action on is the one we just did, item D.

COMMISSIONER ANAYA: That's correct.

COMMISSIONER VIGIL: I will second that.

CHAIRMAN CAMPOS: Are there any objections to the motion?

**The motion passed by 4-0 voice vote with Commissioner Campos abstaining.**

**XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

**A. Reappointment of Barbara Jeffe As the Member to Area 3 of the Road Advisory Committee Within Commission District II (Growth Management Department)**

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

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

**B. Appointment of Joe McLaughlin to the DWI Planning Council (Community Services Department)**

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would suggest a brief résumé would help on these appointments.

BECKY BEARDSLEY (DWI Coordinator): Mr. Chair, Commissioner, I apologize for not submitting that. We actually have an application form that they are required to fill out that talks about their qualifications and what area of the community they'll be serving and so on and so forth. I'll be happy to get that to you.

COMMISSIONER SULLIVAN: And perhaps you could just tell me what the

qualifications on Mr. McLaughlin are.

MS. BEARDSLEY: Joe McLaughlin is a sergeant with the Santa Fe County Sheriff's office and so he heads up the DWI team over there and also he's a great resource not only to the community but to our DWI Planning Council.

COMMISSIONER SULLIVAN: Okay. Thank you.

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

**XI. C. Appointment of Six (6) Initial Members to the Joint City/County Food Policy Council (Community Services Department)**

CHAIRMAN CAMPOS: I guess this is the first time we've had this group.

MS. BEARDSLEY: Mr. Chair, yes it is.

CHAIRMAN CAMPOS: Could you briefly give us some context.

MS. BEARDSLEY: There was a resolution that created a Santa Fe County – the Food Policy Council. There was a resolution that was brought a few months ago that was approving the Food Policy Council. In that resolution it calls for the council members to be appointed. Some of them were to be appointed by the City and some of them by the County. The two entities have been meeting and have come up with a recommended list of individuals. As you can see, there are two-year and three-year terms to be served by the various members and so there's just a recommendation that was made for some of them to be two years, some of them three years, and these individuals, their résumés have been included in the packets. They have been recommended as the kind of people that would be able to serve efficiently on this council. Steve Shepherd asked me to present this to you today and said that if you have any changes that you'd like to recommend in terms of terms, changing some of the two-year recommendations to three years or vice versa that they would be happy to consider any of that.

CHAIRMAN CAMPOS: Okay. You're saying there's six appointments, two by the City and two by the County?

MS. BEARDSLEY: No, actually there's six by the County and seven by the City.

CHAIRMAN CAMPOS: Six and seven.

MS. BEARDSLEY: Two of the County appointments are actually County members in this recommendation. Patrick Torres and Steve Shepherd are the recommended individuals for the County appointments, and Terrie Rodriguez who works with the City – I believe she works with – I don't remember what department she works with. She's the one that is being recommended with the City right now, as well as a designee by the City Manager. And then there are nine appointments that are City/County appointments, and those are all community members.

CHAIRMAN CAMPOS: Okay. Any questions?



COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Becky, how were these people selected?

MS. BEARDSLEY: Mr. Chair, Commissioner, I'm not sure if they were recommended by the individuals that headed up the original food policy. I wasn't involved in it. I'm sorry.

COMMISSIONER MONTOYA: Oh. So like we're recommending Sarah Noss, Tony McCarty, Mark Winne and Steve Warshawer?

MS. BEARDSLEY: Yes.

COMMISSIONER MONTOYA: And the "other" category, do you know what that is? We have three of our appointments that are under "other" category.

MS. BEARDSLEY: Oh, again, those other, the other category are community members. They're not –

COMMISSIONER MONTOYA: So "other" designates them as community members, as opposed to –

MS. BEARDSLEY: They're community members; they're not employees of the City or the County.

COMMISSIONER MONTOYA: Or the Farmers Market or –

MS. BEARDSLEY: As I said, two of the County members are actually employees of the County, and then two of the City members are employees of the City, and then the other nine members are made up of community members from different organizations.

COMMISSIONER MONTOYA: Mr. Chair, I guess it would just be good if I could get some information on how these people were recruited.

CHAIRMAN CAMPOS: Commissioner Montoya, is there any person that you would like to have on this?

COMMISSIONER MONTOYA: Would you like to defer action on this at this point? Until the next meeting?

COMMISSIONER MONTOYA: Is this time-sensitive?

MS. BEARDSLEY: I believe it is yes.

COMMISSIONER MONTOYA: Sherry Hooper's here, and maybe you could answer some of these questions. Thank you for coming.

SHERRY HOOPER: There was a small committee, many of you know that, to put together the idea of a food policy council for the City and the County, and that small group also tried to recruit people to make suggestions as appointees for a Food Policy Council. We tried to look at all sorts of things. People from the food industry. People from farming and agriculture. People who represent non-profits. So we tried to get a good mix of people. And then Steve Shepherd and Terrie Rodriguez sat down and divided that group up according to County appointees and City appointees.

COMMISSIONER MONTOYA: Okay. And then regarding the "other" category, what is that?

MS. HOOPER: The other. What we tried to do in the resolution was we tried to point out those areas that should absolutely be represented on the Food Policy Council, and then we took people who we believed would be helpful in looking at sustainability issues, for example, and we added them to it. But the resolution does allow for other members.

COMMISSIONER MONTOYA: Okay. Thank you. Mr. Chair, I'll move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

## **XII. CONSENT CALENDAR**

### **A. Budget Adjustments**

- 1. Resolution No. 2008-163. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Department of Public Safety for the 2008 New Mexico State Legislative Funds for the Regional Drug Task Forces/\$40,000 (County Sheriff's Office)**
- 2. Resolution No. 2008-164. A Resolution Requesting an Increase to the General Fund (101)/HIDTA Program to Budget Prior Fiscal Year 2008 Grant Balance for Expenditure in Fiscal Year 2008/\$9,375 (County Sheriff's Office)**
- 3. Resolution No. 2008-165. A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program to Budget a Grant Awarded By the Justice Assistance Grant Program Through the New Mexico Department of Public Safety for Expenditure in Fiscal Year 2009/\$64,064 (County Sheriff's Department)**
- 4. Resolution No. 2008-166. A Resolution Requesting a Budget Decrease to the GOB Series 2001 Fund (353) to Realign the Fiscal Year 2009 Budget with the Available Fiscal Year 2008 Balance/\$759,643 (Administrative Services Department)**
- 5. Resolution No. 2008-167. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) to Budget a Grant Awarded Through the New Mexico Department of Finance and Administration for the Chimayo Museum/\$70,000 (Community Services Department)**
- 6. Resolution No. 2008-168. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) to Budget a Grant**

- Awarded Through the New Mexico Aging and Long-Term Services Department for the Edgewood Senior Center/\$15,000 (Community Services Department)**
- 7. Resolution No. 2008-169. A Resolution Requesting a Budget Transfer From the General Fund (101) to the State Special Appropriations Fund (318) to Cover a Budget Shortfall for the Eldorado Senior Center/\$100,000 (Community Services Department)**
  - 8. Resolution No. 2008-170. A Resolution Requesting a Budget Transfer From the General Fund (101) to the State Special Appropriations Fund (318) to Cover a Budget Shortfall for the Cundiyo Community Center/\$200,000 (Community Services Department)**
  - 9. Resolution No. 2008-171. A Resolution Requesting a Budget Transfer From the General Fund (101) to the State Special Appropriations' Fund (318) to Cover a Budget Shortfall for the Galisteo Park/\$30,000 (Community Services Department)**
  - 10. Resolution No. 2008-172. A Resolution Requesting to Establish Fund (333) for GRT Revenue Bond Series 2008 and to Budget Bond Proceeds Issued for Construction of a New Judicial Complex/\$30,079,437 (Administrative Services Department/Finance)**
  - 11. Resolution No. 2008-173. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2008 Cash Balance for Capital Expenditures in Fiscal Year 2008/\$1,252 (Growth Management Department)**
  - 12. Resolution No. 2008-174. A Resolution Requesting an Increase to the Fire Tax ¼ % Fund (222) to Budget Prior Fiscal Year 2008 Cash Balance to Renovate and Upgrade the La Puebla Fire Station/\$50,000 (Community Services Department)**
  - 13. Resolution No. 2008-175. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Forestry Reimbursement Revenue Received for the Big Springs Fire and the Hondo Fire/\$7,873 (Community Services Department)**
  - 14. Resolution No. 2008-176. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Movie Production Stand-By Revenue Received for the Legions Movie/\$82,884.09 (Community Services Department)**
  - 15. Resolution No. 2008-177. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Movie Production Stand-By Revenue Received for the Crazy Heart Movie/\$1,812.50**

- (Community Services Department)
16. Resolution No. 2008-178. A Resolution Requesting a Decrease to the Road Projects Fund (311) to Reduce Budget for a State Grant From the New Mexico Department of Transportation for County Road 55 That Was Budgeted Twice in Error/\$30,000 (Growth Management Department)
  17. Resolution No. 2008-179. A Resolution Requesting an Operating Transfer From the Capital Outlay GRT Fund (213) to the Road Projects Fund (311) for the Acquisition of Right-of-Ways for South Meadows/\$238,500 (Growth Management Department)
  18. Resolution No. 2008-180. A Resolution Requesting an Increase to the Road Projects Fund (311) to Budget an Agreement with La Tierra Association for Road Maintenance, Repair and Improvements/\$10,000 (Growth Management Department)
  19. Resolution No. 2008-181. A Resolution Requesting an Increase to the Detox Program Fund (242)/Access to Recovery Program to Realign the Fiscal Year 2009 Budget with the Actual Agreement with Value Options/\$24,693 (Community Services Department)
  20. Resolution No. 2008-82. A Resolution Requesting an Increase to the General Fund (101)/Natural Resources to Budget Additional Funds Awarded Through a Grant Agreement with the United States Department of the Interior – Bureau of Reclamation - Upper Colorado Region for the Purpose of Creating a Comprehensive Water Conservation Plan for Expenditure in Fiscal Year 2009/\$10,000 (Growth Management Department)
  21. Resolution No. 2008-183. A Resolution Requesting an Increase to the General Fund (101)/Natural Resources to Budget Additional Funds Awarded Through a Grant Agreement with the United States Department of the Interior – Bureau of Reclamation – Upper Colorado Region for the Purpose of Development, Implementation and Outreach for the County Water Conservation Program for Expenditure in Fiscal Year 2009 - \$50,000 (Growth Management Department)
  22. Resolution No. 2008-\_\_\_. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Prior Fiscal Year 2008 Cash Balance for Water and Wastewater Projects in Fiscal Year 2009 (Growth Management Department) ISOLATED FOR DISCUSSION

**B. Miscellaneous**

1. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of September 2008 (Administrative

- Services Department)
2. **Request Approval for PA #09-AL-FTE164-091 Between the New Mexico Department of Transportation and the Sheriff's Office Be Granted for Continued Funding for the 4 Term Law Enforcement Officers for Fiscal Year 08-09 \$350,600.00 (Sheriff's Department)**
  3. **Resolution No. 2008-184. A Resolution Proclaiming October As Santa Fe County Fire Prevention Month (Community Services Department/Fire)**
  4. **Resolution No. 2008-185. A Budget Resolution Increase in the Amount of \$1,469,497 to Complete Construction of the New Public Works Facility (Community Services Department)**
  5. **Request Approval to Enter Into Contract #29-0043-CSD/RM for \$142,736.23, Inclusive of Applicable New Mexico Gross Receipts Tax, with HB Construction for the Remodel of the El Rancho Community Center Kitchen (Community Services Department)**  
**ISOLATED FOR DISCUSSION**
  6. **Approval of Grant Agreement Amendment No. 1 Between Santa Fe County and DFA for Addition of Chimayo Museum in the Amount of \$70,000 for Total Funds of \$1,937,000 (Community Services Department)**
  7. **Resolution No. 2008-186. A Resolution Granting Authority to the County Manager to Execute Agreements with the Public Service Company of New Mexico Related to the Construction of the New First Judicial Courthouse (Community Services Department)**
  8. **Request Approval of a Real Estate Acquisition Agreement Between Santa Fe County and the Madrid Landowners Association, Inc. for the Transfer of the Madrid Ballpark Grandstands to the County (Community Services Department)**
  9. **Request Approval of a Service Agreement with the Madrid Landowners Association for Planning, Management, and Improvements At the Santa Fe County Madrid Ballpark Grandstands Facility (Community Services Department)**
  10. **Approval of Grant Agreement Between Santa Fe County and DFA in the Amount of \$119,411.31 for the Nambe Headstart and Youth and Agricultural Facility (Community Services Department)**
  11. **Approval of 2006 Grant Agreement Amendment No. 4 Between Santa Fe County and DFA Removing \$200,000 From the Pojoaque Valley Community Center and Reauthorizing to the Nambe Headstart (Community Services Department)**
  12. **Resolution No. 2008-187. A Resolution Granting Authority to the County Manager to Execute the Purchase Agreement and Closing**

- Documents for the South Santa Fe County Youth Agricultural Facility Property, Stanley, New Mexico (Community Services Department)**
13. **Resolution No. 2008-188. A Resolution Granting Authority to the County Manager to Execute a Lease Agreement to Provide Temporary Parking and Office Space During the Construction of the New First Judicial District Courthouse (Community Services Department)**
  14. **Request Approval of the Revised Amendment No. 1 to the Memorandum of Agreement Between the County of Santa Fe and the City of Santa FE for the Siler Extension Project (Growth Management Department)**
  15. **Request Approval to Enter Into a Lease Agreement with Wagner Equipment for 60 Months At \$2,081.26 per Month for a Caterpillar 928H Wheel Loader, Lease Number M410927 to Be Funded Out of the Road Maintenance FY09 Capital Funding (Growth Management Department)**
  16. **Request Approval to Enter Into a Lease Agreement with Wagner Equipment for 60 Months at \$1,619.46 Per Month for a Caterpillar CS-433E Vibratory Soil Compactor, Lease Number M411498 to Be Funded Out of the Road Maintenance FY09 Capital Funding (Growth Management Department)**
  17. **Request Approval to Enter Into a Lease Agreement with Wagner Equipment for 60 Months At \$2,081.26 per Month for a Caterpillar 938H Wheel Loader, Lease Number M411911 to Be Funded Out of the Road Maintenance FY09 Capital Funding (Growth Management Department)**
  18. **Request Approval to Award Construction Agreement #29-0035-UT/RSM to the Lowest-Cost, Responsive Bidder, RMC Inc. for the Via Don Toribio/Paseo de Tercero Sewer System Improvements Project in the Amount of \$154,712.00 Excluding Applicable New Mexico Gross Receipts Tax (Growth Management Department)**
  19. **Resolution No. 2008-\_\_\_. A Resolution Approving Salary Increases for Santa Fe County Elected Officials (Legal Department)**  
**ISOLATED FOR DISCUSSION**
  20. **Resolution No. 2008-189. A Resolution Authorizing Legal Holidays and Closing of County Offices for Calendar Year 2009 (Human Resources Department)**

CHAIRMAN CAMPOS: Is there a motion to approve the Consent Calendar

with the exceptions noted earlier in the meeting?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

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

**XII. A. 22. Resolution No. 2008-190. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Prior Fiscal Year 2008 Cash Balance for Water and Wastewater Projects in Fiscal Year 2009 (Growth Management Department)**

COMMISSIONER SULLIVAN: Mr. Chair, my question on this – this is a large budget adjustment of almost \$2.4 million. The purpose, according to the memorandum seems to be for the purchase of water rights which are coming up. Then it mentions also other projects. And then I see in the budget resolution that it also talks about \$.2 million in grounds and roadways. And then it further breaks it down on the third page to about \$1.1 million in water rights and then \$1.1 million in various water/wastewater projects. My question was what the various project are. And then \$125,000 for repaving. So it appears that just about maybe half of this is for water rights and then I was curious as to what the other half was about.

DOUG SAYRE (Water Operations Division): Mr. Chair, Commissioners, what we are trying to do here is that in our budget we did not get budgeted for this in the 2009 budget for a lot of these projects. As Commissioner Sullivan has brought up, a lot of this is for the purchase of water rights, which had been approved and we needed to put the budget in here so that that was covered. The other is the various – some other water projects and wastewater projects that we anticipate need to be done, as well as some repaving that was part of a water project that we did. So we were trying to just bring all these project forward to you to see what was specific on those projects. I do note that there's two projects – the Glorieta Estates and the East Glorieta, probably should be deleted at the present time because those are anticipated, but those things would have to come before you for possible funding, and they are not ready for that yet. So maybe I could answer some more specific questions related to this, Mr. Chair and Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, Doug, are these coming out of our capital improvements bond, or where does this money come from?

MR. SAYRE: I would say – I would defer to Teresa to say where it's coming from.

TERESA MARTINEZ (Finance Director): Mr. Chair and Commissioner Sullivan, this is actually the capital outlay GRT fund, so this is the one that has the designated percentages for water, roads, and other projects. So just to explain, each year we budget revenue and expense equal to what we think what we'll collect in tax that fiscal year, what



we'll collect in GRTs. So at this point we've already exceeded that budget authority. So what I asked Millie to do was prepare a list of all the projects we knew were up and coming and then we take care of the budget authority in one shot rather than coming in each time a project is ready. So that's what this is. And I don't know – did everybody have an attached list of the projects? Okay. So this is budgeting GRT cash balance to accommodate these projects.

COMMISSIONER SULLIVAN: Okay, but I thought that GRT on the water category was all allocated to Buckman.

MS. MARTINEZ: The regional side is currently all allocated to –

COMMISSIONER SULLIVAN: I thought our side was too.

MS. MARTINEZ: But we've exceeded what we have on the bond, so we've allowed a small percentage of this, given that we'll have receipt collections over the next four or five years, that will accommodate the Buckman project. So we've allowed some small projects to occur on the County's side.

COMMISSIONER SULLIVAN: Wait a minute. We've exceeded what?

MS. MARTINEZ: On Buckman, we have everything right now on GO bonds. Anything related to GO bonds is already earmarked and encumbered for Buckman. So what we've chosen to do, in coordination with our bond counsel and our financial advisor is to spend the bond money first and let the GRT cash balance grow so that we don't run into any arbitrage issues, and also that we have the funding right now. The City has gone out a couple of times and they were not able to refinance. So it's kind of redirected our finance plan. So right now, every GO dollar that we've done is earmarked for Buckman is being used for Buckman.

COMMISSIONER SULLIVAN: Right. But that's only at the beginning. That's only \$35 million or something like that, isn't it? That's only half of what we owe.

MS. MARTINEZ: Right.

COMMISSIONER SULLIVAN: So we still have to pay the other half.

MS. MARTINEZ: We do.

COMMISSIONER SULLIVAN: Which will come from GRT, which we've been saving in our piggybank. And this is the first time – correct me. Maybe I missed it in the past. Is this the first time we're dipping into that water piggybank.

MS. MARTINEZ: This is the first time we're dipping into the water piggybank.

COMMISSIONER SULLIVAN: Okay. That was my concern. Because aren't we going to need all of the money in the piggybank?

MS. MARTINEZ: Yes. We're going to need as much as we can. But also the City is actively recruiting grants and loans and so to give you a constant update as to where that's at and to identify what's shared dually by the City and the County, and what may be also just a City loan. So I have a meeting this week. I'll get an update from the team. But right now this is what we're proposing to try to attempt to fund these projects.

COMMISSIONER SULLIVAN: But now, Mr. Sayre has indicated that the



Glorieta Estates and the East Glorieta are not projects that are ready for funding through this mechanism. Is that right?

MR. SAYRE: Mr. Chair, Commissioner Sullivan, that's correct. We don't have a JPA with them. They've just come to us and said that they need this funding, so we were trying to anticipate some of this, but probably didn't get all the paperwork done properly. So that's why I was saying we need to take those two off.

COMMISSIONER SULLIVAN: So this authorization should be for \$100,000 less than what we're currently looking at.

MR. SAYRE: Commissioner Sullivan, James brings up – they're coming to us and asking for funding, and so we anticipate that that's going to be necessary. So I think that's why we were saying, well, could we go ahead and put it on possible budget for consideration?

COMMISSIONER SULLIVAN: Well, I guess that's where I'm having a concern, and that is that – our these projects, just as any project comes into the staff and asks for funding is the staff going to say, Okay, fine. We'll fund those out of the bond fund? Or do these projects come to the Commission in the form of a capital improvement recommendation. This was on the Consent Calendar. This wasn't a part of our capital improvement plan and I don't know which of these are a part of our CIP priorities either. I don't think any of them are right now. But I'm not saying that they're bad projects but I'm just saying I don't quite understand the process here. If we're going to start chipping away at that water gross receipts tax fund what's the process that we're going to be doing that?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, we're not going to start chipping away at that. As Doug said, we've identified major projects. The purchase of the water rights that we need to fund. As far as Glorieta Estates and some of these others, they would still need to come before the Commission to get approval for that project. Now, if you feel more comfortable reducing this amount by \$100,000 then we can do that. And then we could have the discussion with some of these projects with the Commission, and then we'd just have to come back and ask for reauthorization or movement of the \$100,000. We were just trying to get ahead of the game, not necessarily committing to these projects but knowing that they are going to be coming in because they are having severe water problems there. We thought, well, maybe we might want to just include them in this but we could always deduct it and just come back after the Board actually signs off on some of those projects.

COMMISSIONER SULLIVAN: Well, I know each one, and we've got \$1.7 million in water projects and \$650,000 in wastewater projects. I know as each of these communities have come to us in the past, as La Cienega has done, certainly, and Agua Fria and many others and they're worthwhile projects and they're critical needs. But in each case we've had to review them because we have this issue of are we providing funds in accordance with the anti-donation clause. So we have that in each case. And I see in the Consent Calendar this time we finally after two years got through the Madrid grandstands acquisition. And that was a major accomplishment. I know that it pleases Commissioner Anaya and his district. But each one of these – I'm still a little concerned and not completely

on board with the idea that we just put these in the queue and then we budget for them and then suddenly we've created an entitlement to these communities before they've even come to the Commission. I'm not so much concerned about the dollar – whether it's \$100,000 here or \$100,000 there. I'm just concerned about what our process is for, first of all evaluating these requests, and then second of all having the Commission make the decision as to where their priorities are.

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, there still needs to be an evaluation on these projects and sign off by the Commission. So maybe if you feel more comfortable taking off Glorieta Estates and East Glorieta – maybe leave the amount but the actual – well, we could either take off the \$100,000 – it'd be easier to just take off the \$100,000, Mr. Chair, and then once the Board considers that we could come back and ask for \$100,000 if the Board chooses to fund those projects.

COMMISSIONER SULLIVAN: All of these – let me just clarify, Mr. Abeyta – all of these other projects here are County projects. Is that correct? Like the Agua Fria laterals, Ben Lane. That's a County-initiated and County-constructed project. That's not a mutual domestic or a water and sanitation district.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Vista Aurora, Lopez Lane sewer line, that's part of the County sewer system. Is that correct?

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. So all these other projects have been evaluated, I assume, by our own staff.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. And are needed as a part of the County's wastewater system, which I'm a big supporter of, that we get that extended as far as we can. So I guess that the only ones that I feel we should – where we have projects that are outside our County-authorized and approved projects, that we have this. We're not to put them in the queue until we've approved their viability.

MR. ABEYTA: Staff's okay with that.

COMMISSIONER SULLIVAN: So I would move for approval of the transfer in the amount of \$2,279,557 to exclude, at the present time, the water projects 3 and 4, not to indicate that they couldn't be considered in the future.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: I have a question about Glorieta Estates and East Glorieta, Teresa. I understand you had a meeting with the folks in Glorieta in the last month or two.

MR. ABEYTA: Yes, Mr. Chair. They came to us with concerns regarding water quality issues that they're having. They have some state funding. They're going to request more funding from the state this coming session. So we've told them to go ahead and make those requests to the state, and then we explained to them the process that Commissioner Sullivan had that we would have to work out some kind of agreement and

then come forward before the Board of County Commissioners for approval before the County was able to commit any funds to it. And we talked about the different commitments and requirements and that there would still need to be an evaluation done by staff. But we did not make any commitments to them.

CHAIRMAN CAMPOS: Okay. Are these mutual domestics?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: They're two mutual domestics that have come to ask assistance.

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: And the first one is simply engineering. Is that for viability determination of the project?

MR. ABEYTA: I'll let Doug answer that.

MR. SAYRE: Mr. Chair, basically it's a whole project but I think we put in – initially they asked for an evaluation of the engineering that would have to be necessary for that particular project. And so that's why we put that part in. I think we would also try to fund whatever other facilities need to be done. Specifically, they need another tank at a higher elevation and they also need some line work to move water to that tank. They also have a radium issue that we have to look at as far as how that's going to be addressed, because they're exceeding the standard on radium right now, and we are trying to look at regionalization of the area with the system, and also discussing with the Glorieta Baptist Assembly about the possible connection to their system to provide good quality water. So we're trying to address all this to you but that was the reason we're saying that perhaps we're a little bit, the cart before the horse about coming to the Commission. But it's just been presented to us that they have some severe problems and we're trying to anticipate some need out there.

CHAIRMAN CAMPOS: So they have severe problems and they have a plan, and they've asked us to participate in the plan and they've asked you for some money.

MR. SAYRE: Correct.

CHAIRMAN CAMPOS: Is that right? And the plan seems to be viable at this point in time?

MR. SAYRE: Very much so.

CHAIRMAN CAMPOS: Okay. And how many families are affected?

MR. SAYRE: My recollection is there are 35 families connected with the Glorieta Estates. The Glorieta East, we're trying to find out how many families are affected there. I'm not sure about that. We're meeting with NMED to find out what the extent of the Glorieta East system is. But it's similar. They need a new tank and they probably need some waterlines to connect to that new tank.

CHAIRMAN CAMPOS: And again, we're dealing with a mutual domestic.

MR. SAYRE: Yes, sir.

CHAIRMAN CAMPOS: And have they talked about increasing their rates to at least partially fund some of their needs?

MR. SAYRE: Mr. Chair, at the present, what we're trying to do is look at, okay, what agreements need to be facilitated between the County and NMED and that would be one of the items that we're going to address, probably in the agreement that NMED had. But it could also be addressed in the JPA that we have with them.

CHAIRMAN CAMPOS: Now, there's been a suggestion that these two items may be premature but yet you brought them forward at this point because you thought they were of sufficient importance.

MR. SAYRE: I agreed they would come to us and we anticipated that that was probably going to be in the first part of next year that we're going to need to look at how we possibly fund these things or help them get money to do the improvements, and I think it was just, as I say, kind of I guess planning ahead. We anticipated slightly for these, but because of the severity of their problem we thought maybe it might be wise to bring it to the Board's attention at this point in time.

CHAIRMAN CAMPOS: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I'm not in favor of the motion to remove Glorieta Estates and East Glorieta from this matrix. Of all the communities in Santa Fe County that are in dire need, and we've heard from many of them, Glorieta doesn't come to us. And I don't know if they don't know how to mobilize, they don't have a neighborhood association. There are very many independent rural settings there, so that may be part of the component. But if radon is part of this, if a need for a water tank is part of this, and I'm also thinking that part of this – I don't know if it's been communicated to you – but if they are going to the State Water Authority or to the legislators, having Santa Fe County support them could be a leverage for them to get some additional funds.

If they don't have a start somewhere, especially in their dire need, I think frankly, we are just turning our backs on this community who we haven't really created a focus for. So I think we should leave it there. If they have to come to us for a JPA or a memorandum of agreement, we can work out all the details, work with the issues with regard to anti-donation that is of concern, and take care of them now. But I think this community needs to know that Santa Fe County supports them in their dire need.

CHAIRMAN CAMPOS: Question for our County Manager. Mr. Abeyta, we've talked about mutual domestics, and as I understand it you cannot create a mutual domestic anymore but we're dealing with mutual domestics that were created years ago. A lot of them are failing, a lot of them are having problems with management, collection of money, and they were designed to be self-sustaining. Yet for some reason or another they're no longer self-sustaining and they have to go to the legislature to get money. Now they're coming to the County to get money. Have you done any more analysis on that mutual domestic issue?

MR. ABEYTA: Mr. Chair, we are actually taking a look at that. We are gathering information, not only that we have, but also that the state has on mutual domestics. We want to have an inventory from northern Santa Fe County to south, of all the mutual domestics, their status and what the issues are so that we can start planning for what role the

County may have to take in the future. So I would expect to have that information, hopefully by the first of next year.

CHAIRMAN CAMPOS: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't think –

MR. SAYRE: I just wanted to advise you that we have met with NMED and what the County Manager advised you on, we are trying to get that list up so we get an evaluation of all these systems in Santa Fe County so we can come to you and say, these are severe problems, these are probably upcoming problems, but with all the mutual domestics, because as Commissioner Vigil has stated, they seem to be coming from all areas of Santa Fe County and we are trying to get a better picture of what the need is for water system improvements for the county.

CHAIRMAN CAMPOS: And what our role will be and what's their role. They're designed to be self-sustaining. They're supposed to support themselves and generate their own funds somehow. So we have to do the big picture analysis. Commissioner Sullivan.

COMMISSIONER SULLIVAN: And that's my point. I need to clarify what may have been inferred from Commissioner Vigil's comments. I'm not against the Glorieta Estates or any water system that needs assistance. I think though that the mechanism for doing that is not by putting it into a budget adjustment. I think the mechanism for doing that is by taking a look comprehensively at all of these problems or communities that we have and deciding how we're going to fund them, particularly since this is our first premiere decision to tap into these water gross receipts tax funds from that bond issue.

So I think we have a responsibility to all of these associations that have problems to say, okay, we're going to have a public forum and we're going to look at all of the issues that you're dealing with and the severity of them, how we can fund you and not only financially but legally how we can fund you. And of course I didn't bring up Glorieta Estates and Glorieta; Mr. Sayre himself brought that up as ones that were still not quite as far down the road. But I think we have to give the Commission and next year's Commission an opportunity to review all of these and see what our role is in them. Hopefully, we can help them and hopefully we can help them legally without having to buy every single one of them out.

And there's lots of alternatives in between that. Many of them don't want to be bought out; they want to maintain their autonomy and we always have to deal with that political issue with these small communities. They don't want to raise their rates. They want to retain their autonomy and they see very often Santa Fe as having control and they don't want to relinquish that control that they feel they already have. There are a lot of issues here beyond just the budget adjustment and that's what I was trying to get at in this particular Consent Calendar item.

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioner, I think what alarmed us on this on in Cañoncito was the radium, and they were feeling that at any day they may not be able to drink their water, so we were just getting prepared. We have been doing evaluations on all the water systems and looking at them. The only ones coming



to us are the ones with really severe problems, and I believe we're going to get those by default anyway because they're not going to have water. They're the only ones that are coming to us. So we've been looking at that and doing a good evaluation of all these things.

So I think in the long run, rate raises or whatever they're doing, we will probably get these communities by default because they're going to be without water one of these days and they're going to go with our fees by no choice. So we're working with all the communities in looking at that. But the radium issue was the big one for Cañoncito and we're just getting prepared to see if we might have to in Cañoncito to get them water in a quick manner.

CHAIRMAN CAMPOS: So are you talking about Cañoncito or Glorieta?

MR. LUJAN: I'm sorry. Glorieta.

CHAIRMAN CAMPOS: Because Cañoncito does have a radium issue also.

MR. LUJAN: They both have problems.

CHAIRMAN CAMPOS: They have a treatment plant coming on line, correct?

MR. SAYRE: Mr. Chair, Commissioners, yes. They do have one coming on line. But they also want us to get that waterline out there so that they don't have to do this in the future.

CHAIRMAN CAMPOS: I understand that but I don't figure that's going to happen in the near term.

COMMISSIONER SULLIVAN: But isn't that waterline, Mr. Chair, part of the bond issue? Mr. Sayre, isn't that waterline part of the bond issue on the November 4<sup>th</sup> ballot?

MR. SAYRE: Mr. Chair, Commissioner Sullivan, absolutely it is. That's –

COMMISSIONER SULLIVAN: Okay. So Cañoncito's radium problems, we've talked about many times, and that's ultimately led to one of the issues that I hope the voters will approve on the bond issue which proposes to get a waterline out into that area. But we're not talking about Cañoncito here. We're talking about another mutual domestic. Is that correct?

MR. SAYRE: Yes.

COMMISSIONER SULLIVAN: All right. Okay. It's Glorieta.

MR. SAYRE: You're correct on both counts.

COMMISSIONER SULLIVAN: Just to make that clarification. Thank you.

MR. SAYRE: We're talking about the bond issue for Cañoncito, Eldorado, and we're talking about Glorieta Estates separately, but they have the same problems as far as radium.

COMMISSIONER SULLIVAN: Mr. Chair, if the Commission feels they want to keep their money the same, I'm not dead-set against doing that. I'm just trying to point out that we need a system to be sure that we don't just establish the priorities for the mutual domestics by a Consent Calendar budget adjustment. The Commission needs to review the legal and financial issues and make an informed decision in front of the public about where these monies are going and how they're going to be done. So I'm not dead-set against the \$100,000 one way or the other but I do want to be sure that we know what we're investing in

here.

CHAIRMAN CAMPOS: I have another question for Mr. Sayre. This vote, this bond vote, is it expressly for the Cañoncito line? I thought it was couched in broader language so that the money could be used for the water projects depending on how priorities change and how things are assessed in the future.

MR. ABEYTA: Mr. Chair, you're correct. It's broad. That's just been one project that we've identified as a potential project to use on that funding. But you're right. All of those projects that are listed – as priorities change we may choose to fund other projects that we haven't identified at this point with that money.

CHAIRMAN CAMPOS: Okay. I know that the folks in Glorieta have an emergency and their situation is severe. I think we need to deal with it now and make, as Commissioner Vigil said, a commitment to them that they could leverage at the legislature. And I would go along with the staff proposal. But we do have a motion unless it wants to be amended.

COMMISSIONER MONTOYA: Mr. Chair, I withdraw my second.

CHAIRMAN CAMPOS: Okay, there is no motion. Is there another motion?

COMMISSIONER VIGIL: Move to approve with recommendations by staff.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

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

MR. SAYRE: Thank you very much.

**XII. B. 5. Request Approval to Enter Into Contract #29-0043-CSD/RM for \$142,736.23, Inclusive of Applicable New Mexico Gross Receipts Tax, with HB Construction for the Remodel of the El Rancho Community Center Kitchen (Community Services Department)**

COMMISSIONER SULLIVAN: Mr. Chair, my question about this particular one was this project for \$142,736.23 was a no-bid project, and that was my first question is why we felt necessary to do it without bid. The second was why we've decided to go with CES. My experience with CES is that although convenient as kind of a state funding pool has traditionally been quite expensive. And usually when you can go out to bid you can better the CES prices substantially. So those were my two questions on that one.

PAUL OLAFSON (Community Services): Mr. Chair, Commissioners, Commissioner Sullivan, yes, the reason we decided to go with CES on this project was we were remodeling just the kitchen equipment in the El Rancho equipment in the El Rancho Community Center and we realized we had some larger Code issues for the commercial kitchen that prepares the food for the seniors program there, and we were looking for the most rapid and fastest way to get this turned around so that we could get the kitchen back up

and running for the seniors. Currently it is closed down.

And so we went through the CES contract as a means to do this as quickly as possible to get the kitchen open, get the meals back for the seniors. And you're correct, there is an overhead premium for using the CES contract. I believe it's two percent on this contract. But due to the time constraints and the need to get this kitchen remodeled so that we could get it open and go for the seniors we determined it would be more expedient to go through this manner than through the traditional bidding process. And it wasn't to exclude the bidding process it was just the time sensitivity of getting this kitchen open and running for the seniors.

COMMISSIONER SULLIVAN: Well, my own professional experience has been it's not just the two percent that CES charges it's the fact that they have a statewide negotiating agreement, and it's not necessarily a statewide price. Like you can buy gravel from statewide, but it simply authorizes them to be a sole negotiator. Well, any time you're a sole negotiator you don't have a really competitive bidding environment. And certainly, if it's an emergency, pumps are down or people are out of water or something like that, then perhaps there is justification for doing that, but it seems like remodeling a kitchen, while obviously an important thing for health and safety, it's probably not something in that same category of an emergency.

Was there any contact with any contractors to see if there was any particular interest in this job? Sometimes contractors just aren't interested in remodels because they're fairly complicated projects.

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, we did not go out to any bidding process and we didn't do any even informal contact of contractors on this. And because when this came up at the beginning of the spring we were still in a situation, the economy hadn't quite changed to the point that we were getting so many contractors interested in contracts. We were afraid that a bidding process would take so long, and we may or may not get a competitive bid, that this would be the more expedient way to get the kitchen up and running. And I agree that it's not a health emergency, however, it was stressed that the seniors do rely on this service and the sooner we could get it running the better.

We do not traditionally do this. We do traditionally go out to bid and in this circumstance we determined that time sensitivity was important enough to make this move forward.

COMMISSIONER SULLIVAN: That's all the questions I had. Thank you,  
Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

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



**XII. B. 19. Resolution No. 2008-191. A Resolution Approving Salary Increases for Santa Fe County Elected Officials (Legal Department)**

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. It's appropriate that this be indicated under the Bingo category, under B-19, because it's a bit of a crapshoot. I wonder – It's my understanding and correct me, Mr. Abeyta, that these are the new statutory rates or maximums that are allowed for Santa Fe County. Is that what we're looking at here?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. One of the items under here is the County Surveyor, which we've had discussions in the past about the advisability of continuing with the County Surveyor. For some reason we continue to do it. And now we're going to pay the County Surveyor more. I believe it's currently in the \$19,000 and now it looks like \$22,358. What services, if any, are we getting from our County Surveyor?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, the current County Surveyor, I'm not sure what if much we get in the way of services from the current County Surveyor. So I couldn't tell you.

COMMISSIONER SULLIVAN: Okay. So we have a new County Surveyor coming in on January 1<sup>st</sup>, and I think you've at least had some discussions with him as to how he might address this gap, shall we say. Could you give us an update on those?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes. The new County Surveyor has met with us. He was very concerned about abolishing this position. We let him know what our concerns were with the position and kind of the lack of product that we have seen from it, and he has started talking to our GIS section, Public Works, the road section, and we're going to try to come up with a list of duties or projects that he could work on for us, and we would bring that forward for the Commission to consider before we – or while we make the decision as to whether or not we want to pursue legislation to abolish this position in January with this coming legislative session.

COMMISSIONER SULLIVAN: Okay. And when would these changes take place?

MR. ABEYTA: He doesn't officially take office until January but we would expect we would probably have some kind of preliminary agreement or list of potential projects that we could bring to the Commission as an information item by December.

COMMISSIONER SULLIVAN: How about these changes in salary, for County Commissioners, the Treasurer, the Assessor, the Sheriff, the County Clerk, the Probate Judge, and the County Surveyor. When would those take effect?

MR. ROSS: Mr. Chair, Commissioner Sullivan, the newly elected officials' salaries would take effect on January 1 but for those who are not newly elected, such as the Assessor, they would take effect in two years.

COMMISSIONER SULLIVAN: Unless that constitutional amendment is passed. Is that right?

MR. ROSS: I'd have to take a look at that.

COMMISSIONER SULLIVAN: The one allowing mid-term increases. But in any case, with regard to the County Surveyor, the new County Surveyor coming in then would be eligible for this higher salary.

MR. ROSS: Correct. Correct.

COMMISSIONER SULLIVAN: As would of course the new Commissioners coming in.

MR. ROSS: The new Commissioners and Commissioner Vigil.

COMMISSIONER SULLIVAN: Commissioner Vigil, because she was re-elected, and the Probate Judge as well, right?

MR. ROSS: Not the Probate Judge, the County Clerk.

COMMISSIONER SULLIVAN: The County Clerk was re-elected. Okay. So the only two that it would not apply to would be the Probate Judge and the Assessor.

MR. ROSS: Correct. And the Sheriff.

COMMISSIONER SULLIVAN: And the Sheriff, until their re-election.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Okay. Well, I still wonder, when we have this uncertainty, a) what the current County Surveyor is doing and then b) what the new County Surveyor might do, whether it's wise to increase his salary until we have some concept of what the surveyor is going to do for the County. Is this, Mr. Ross, is there just one opportunity to do this, or does the Commission have the opportunity – they don't have the opportunity to do it after he's already on board, do they? After January 1<sup>st</sup>?

MR. ROSS: That's correct. Right. After he's already on board.

COMMISSIONER SULLIVAN: After he's already on board –

MR. ROSS: Unless the constitutional amendment –

COMMISSIONER SULLIVAN: Unless the amendment passes, then the new Commission could not increase his salary to \$22,358.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Or they could, but it wouldn't apply to him until the next election.

MR. ROSS: I have to look at how the timing issues work out. If the constitutional amendment does pass I will look at that to make sure that we're all on the same page on that issue.

COMMISSIONER SULLIVAN: Okay. That's all the questions I have. I had a concern on getting our dollars worth on the surveyor, being the only county in the 33 that has a County Surveyor.

CHAIRMAN CAMPOS: I understand. Is there any update on that County Surveyor? I know we've thought about going to the legislature and asking them to eliminate the position. Have we done so? I just don't remember.

MR. ROSS: Mr. Chair, we did have a bill I think two years ago that didn't get out of the legislature.

CHAIRMAN CAMPOS: What happened?

MR. ROSS: I'm looking for Rudy, but it didn't get anywhere.

CHAIRMAN CAMPOS: Is it because there was active opposition or just got delayed at the very end?

MR. ABEYTA: Mr. Chair, it's my understanding that the surveying community came out and opposed our proposal to abolish that position.

CHAIRMAN CAMPOS: Interesting. Are we going to make another attempt to abolish that position? Or are we going to just –

MR. ABEYTA: Either in November or December I'll bring forth potential projects and kind of a preliminary agreement with the newly elected surveyor and see if after hearing that whether or not this Commission still wants to pursue legislation in January. He's very concerned, the new surveyor, and he is stating he is committed to working with us and working this out because he and the surveying community feel that it is an important, needed position. So he just wanted – he wants the opportunity to be able to convey that to this Commission before we make that decision again.

CHAIRMAN CAMPOS: And a question for Mr. Ross. Do we have discretion to – is it all up or down? All or nothing? Or can we go to every position and say we approve this, we approve this, we approve that, we don't approve this?

MR. ROSS: We'll you certainly could approach the decision-making in that manner. These are of course maximum salaries.

CHAIRMAN CAMPOS: These are maximums. But we have the authority to select which we want to move up to maximums and which we do not. Is that –

MR. ROSS: I think so. I think that's correct.

CHAIRMAN CAMPOS: Okay. Is there a motion or anything going on?

COMMISSIONER SULLIVAN: Mr. Chair, I would just – and my thought here is if we're doing this bargaining that we're in a better position to bargain if we haven't increased the salary yet and we could still bring this resolution back in December's meeting if that bargaining went forward positively and if the Commission at that time said, Yes, it looks like this is \$22,000 worth of services, then the Commission could accept that maximum, but for the time being leaving it at the current salary because I think, as the County Manager has already testified, that we're not getting any services at present so we might as well not pay as much for no services as pay more for no services. So I would move that Resolution 2008-191 be adopted with the exception that item G relating to the County Surveyor not be changed from the current salary pending further evaluation.

CHAIRMAN CAMPOS: Okay. Is there a second?

COMMISSIONER VIGIL: I'll second it.

CHAIRMAN CAMPOS: Okay. Let's have a little discussion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: What's the current salary?

COMMISSIONER MONTOYA: It's \$19,000-something.

COMMISSIONER ANAYA: Oh, \$19,000. Thank you.

COMMISSIONER VIGIL: I have some discussion, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Roman, is it possible to create some kind of a fee for service with the new surveyor? Part of the problem we had was there was no clear identification with regard to what kind of services? For what purposes? To what extent those services would be utilized by the County? I think if we could do a fee for services agreement with the surveyor it will be a lot easier to know that our money, the salary is being utilized appropriately. Is that possible?

MR. ROSS: Mr. Chair, Commissioner Vigil, there's some constitutional restrictions on doing something like that. We could probably, if the new surveyor is willing to work with us, we could probably make such an arrangement with him but in no event could the salary increase above what's –

COMMISSIONER VIGIL: No, I'm talking about fee for service with a salary cap.

MR. ROSS: Right. Up to the salary cap. You'd have to be very clear about that.

COMMISSIONER VIGIL: That's all I have, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: On that, for newly elected, that covers re-elected officials also?

MR. ROSS: Yes, re-elected.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: Okay, there's a motion, there's a second. Any further discussion?

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

**X. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN CAMPOS: Commissioner Montoya, do you have anything?

COMMISSIONER MONTOYA: Yes, Mr. Chair, I do. I gave you a copy of the discussion that we had with the North Central Regional Transit District staff on October 22<sup>nd</sup>. I just wanted to bring that to your attention, because there was some discussion at the Regional Planning Authority meeting by the members that expressed some concerns about the language that was in the print ad, and I just wanted to have you have this for the record, in terms of what was discussed. They did change the language on the website which they were

able to do. After a lot of discussion the inserts that were printed would have cost about another \$8400 to have had to redo those, so Councilor Rosemary Romero and myself deferred to staff as to whether or not they were going to put those out in the manner in which they were printed. So we have not heard back but my guess is that they're probably going to put them out knowing that the RPA has expressed their concerns about the language on there.

And Mr. Chair, the other thing that came up yesterday was through the New Mexico Acequia Association. They were fielding questions about one of the bonds, and I believe it's Bond D, that talks about \$8 million to acquire water rights. And apparently that Bond D is one of the state questions. And it's getting confused with our bond question, which is also for \$8 million for different water and wastewater projects. So I'm just bringing that to your attention in hopes that people don't get confused between what's being asked on our question and what's going on with the Bond D question, and confusing it that Santa Fe County is the one that's asking for \$8 million to acquire water rights, and the fear that those water rights that are going to be acquired are from the acequias. So taking those away from current acequia systems. So I just wanted to bring that to your attention. I don't know Steve. Did you or Roman see those? Have any thoughts other than what I just said?

MR. ROSS: Well, Mr. Chair, Commissioner Montoya, of course in our conjunctive management policy draft that's been circulating for three or four months that is going to come back in front of your soon, there's the long-standing I think unwritten policy of this Board not to purchase acequia water rights. And we haven't purchased acequia water rights. That helps.

COMMISSIONER MONTOYA: Thank you. That does help. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Any comments on that particular issue? Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: On that particular issue, I think for the public that weren't at the RPA meeting, it's very clear that we've had problems with the NCRTD, the transit district, in implementing anything that Santa Fe County has wanted, including service to Route 14 and the Community College District, notwithstanding the fact that they get \$1.5 to \$2 million a year in federal funds, Santa Fe County has only seen \$70,000 of that. This was another unfortunate indication of that lack of communication, more specifically, Jon Bulthuis from the City saw a draft of this particular insert that was going in the papers and made specific recommendations that it be more general and not so specific in nature because the board had no authority to make those commitments of Santa Fe County, if the board was going to abide by its resolution that 43 percent of the money would come back to Santa Fe County if the tax passes.

They didn't do that and they went ahead and printed the document and then I guess took the position that it's better to ask for forgiveness than it is for permission. And we now have a document and what the voting public needs to understand is what is printed in that document, which will be going out – there was an article in the *New Mexican* this morning about it – those routes and those changes and enhancements have not approved at all and the

Regional Transit District has no authority to approve those. So what you read in that you have to take with a grain of salt that it is put out as an advocacy position for approval of a tax that they will not have, if that tax is approved, they will not have the authority to establish those routes.

So it's a very unfortunate situation and once again we're going to have to ask the voters to wade through the lack of accurate information that they've been provided and to make their decision as best they can.

CHAIRMAN CAMPOS: Okay. On that issue? Commissioner Vigil.

COMMISSIONER VIGIL: I think it's – I disagree, respectfully, Commissioner Sullivan. I don't think it's inaccurate information. In fact, the NCRTD did take official action on these and it was in that sense that they moved forward with the advertisement. And part of the problem they had was a practical one because we removed ourselves from the RTD and then we reinstated ourselves, and so when official action was taken we had a substitute representative. Our substitute representative was there who abstained from the vote. But the NCRTD did take official action. They do have the authority to approve these routes. Those routes will very likely be amended through the Regional Planning Authority once the City and the County roll up their sleeves and are able to identify the highest and best needs for ridership.

So I don't agree that they asked for forgiveness instead of permission. In fact they just moved forward in the fashion that they were required to do so to meet certain timelines. So with that, I'm concerned about the mischaracterization of what's just been going on with the RTD. And that's it, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya, do you have anything else?

COMMISSIONER ANAYA: Thank you, Mr. Chair. I completely agree with Commissioner Vigil. I don't have anything else. I just want to wish everybody happy holiday. Happy Halloween.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: I have nothing at this point. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I would just take this opportunity to recommend to the public that they vote no on the so-called regional transit issue, which is not even defined as to what the issue is on the voting initiative. I cannot see any justification for Santa Fe County voters voting for a tax increase, particularly in these economic times, when only 43 percent of that money will come back to Santa Fe County. And I think that a no vote is the appropriate vote in light of what we've seen from the NCRTD in terms of their performance, and in light of the other issues as well regarding the Rail Runner. Thank you.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL: I have a question, Mr. Chair. A legal one.

CHAIRMAN CAMPOS: Question.

COMMISSIONER VIGIL: Steve, if this is something you'd like to get back with me later, I'd really appreciate it. Is it not inappropriate to campaign in a public forum for referendums or for candidates?



MR. ROSS: Mr. Chair, Commissioner Vigil, let's talk about that later, and we'll have a complete discussion about what the situation is. We're not supposed to have any campaigning within 100 feet of a polling place, and polling's going on in the hallway here so we need to be careful about that today because of the unique circumstances.

COMMISSIONER VIGIL: Thank you for clarifying that.

COMMISSIONER SULLIVAN: But aside from that, elected officials are certainly free to express their opinion to the public on how they feel about issues and I would strongly disagree, Commissioner Vigil. I'm very sorry that you're on the other side of this issue. I think it's very important to the voters. I think the voters will of course make the decision and what I've primarily tried to do is get information out to the voters that they haven't had with regard to this tax issue and which they're still, as we see just recently here, being confused by the nature of. So that's my concern, is that we have sufficient adequate and accurate information to the voters. Thank you.

CHAIRMAN CAMPOS: Okay. Let's finish this part of the meeting. I have no comments.

### **XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

#### **B. Administrative Services Department**

##### **1. Review and Discussion of the Quarterly Financial Report**

MS. MARTINEZ: Mr. Chair, Commissioners, enclosed in your packet is the standard chart that we normally include, a summary spreadsheet that shows by fund revenues and expenditures, kind of identifying whether or not the revenues reached the 25 percent mark for the first quarter, and identifying any expenditures that may be in excess of that first quarter benchmark. So I'll identify – within the written memo I've highlighted the revenue issues and the expenditure issues.

With regard to revenue, we have certain areas that came in over budget and we had definitely areas that came in under budget. Property tax collections are in line, basically, with the budgeted amounts for the first quarter, and the true test will be in December and January once we see the material collection come in.

Countywide, and the unincorporated GRT did really well the first quarter. And we are predicting for the year probably a two percent drop. We believe that the Rail Runner and all construction activities going on in the city and the county right now are going to carry it until December. So we did nine percent better than what we budgeted, and when I compared this to last fiscal year at this quarter, it was a two percent increase, as opposed to the City being down four percent in the first quarter, which was about \$800,000, \$900,000 for them. We had the reverse situation, seeing an increase of about \$859,000. So that's good news.

And I suspect that once January and February come around, we'll see the GRT drop significantly.

With regard to revenues generated from motor vehicle and cigarette taxes, they were

under budget by a total of \$53,000. Ambulance fees were higher than budget by \$74,000. Construction permits were slightly under budget by a total of \$5500, and solid waste fees were under budget by \$12,600. County Clerk recording fees fell under budget by \$20,000. Investment income is over budget by \$443,000, and of significant concern for us is the road fund gasoline tax. It fell significantly under budget by a total of \$61,000 for the first quarter, so we'll be watching this one closely and if the impacts continue the remainder of the fiscal year that may affect operations. So we'll have a better idea in December as to how that's doing. But it has a red flag on it for right now. So we're watching it.

CHAIRMAN CAMPOS: Come again.

MS. MARTINEZ: The road fund gasoline tax was significantly under budget for the first quarter. And if it continues in that fashion that will affect our operations.

CHAIRMAN CAMPOS: How far off is it?

MS. MARTINEZ: \$61,000.

CHAIRMAN CAMPOS: \$61,000?

MS. MARTINEZ: Yes. And with regard to expenditure activity, there's nothing really of alarm. I just wanted to point out that the bond fund and the debt service funds [inaudible] Like we spent at least 55 percent to 80 percent, but most of our debt service payments are due July 1<sup>st</sup>, so there's no area of concern with regard to expenditures right now.

I want to speak a little bit to the state of the economy. Current market conditions have us all scared. Governmental agencies and the public as well. So we're doing a couple things internally to try and give taxpayers some satisfaction that the County is totally aware of the current situation and that we're watching certain things. We're currently working on a report that will be given to Roman. We'll have a little more detailed report for you tomorrow, but we're looking at many cost-saving measures. Take-home vehicles was the first. We're going to be looking at cell phones. We're going to be looking at maybe reducing expenditures or freezing expenditures altogether. Most of that recommendation will probably come to you by December 1<sup>st</sup> or mid-year, depending on how property tax collections materialize.

I want to point out that the immediate area of concern in the County – there's a couple of areas that we're really watching closely. The Corrections Department is one. We've had two significant contracts lost, both for the adult function and the juvenile function. With regard to the Department of Corrections contract at the adult function, that revenue had previously been relied upon to make the debt service payment of about \$2.4 million. So we're working closely with HR and Corrections Director to make sure that we get the population into our facility. Unfortunately, and fortunately, inmate population has taken a downward turn, and that was a result of the DOC loss of contract. So Annabelle's out there right now. I know she's recruiting. She made a presentation at the Association of Counties meeting in Ruidoso. So we're doing everything we can to work with entities that are either maxed out in their facility or don't have a facility for inmates.

Right now, at both the juvenile and the adult facility population numbers are down. And we'll have detailed information for you as well tomorrow. As a note, revenues collected



for the care of prisoners for the first quarter were under budget by six percent. And we'll probably see higher percentage numbers come September. I think the last of the DOC inmates exited our facility in August. So we'll keep a high eye on that.

We also have to watch services that are supported by the St. Vincent MOA. So we're looking at that. And we're negotiating that now; that will probably be on the November agenda for you. But we have CARE Connection, we have health services, we have senior services that are all supported by that MOA. So we want to bring that to your attention with more detail as well tomorrow.

And I think I don't intend to go through the pie charts or the spreadsheet unless you have any specific questions, so I will stand for questions right now.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Teresa, under the property tax collections, do we anticipate that some people may not be able to afford to pay their taxes as a result of what's going on?

MS. MARTINEZ: Mr. Chair, Commissioner Montoya, we very much do. If they – people right now are struggling to pay their house payments. So if they're struggling to pay their house payment it's in all likelihood going to be difficult to make property tax. We have noted – the last recession we went through was in 2002 and 2003 and we saw that in 2003 property tax collections were down by almost a million, \$900,000. So we'll have to wait and see in December but very much so it's on our radar and I guarantee collections will be done in December and January.

COMMISSIONER MONTOYA: Then Mr. Chair, Roman, on the Corrections Department, being that we lost one contract. Have we – I know Española, the City, has expressed some interest in having their inmates housed in our facility as opposed to having to go all the way to Gallup. Have we had that meeting yet? Do you know if –

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we've been having a hard time scheduling a time with Councilor Herrera. So maybe if you can talk to him you might want to set something up also because you may have better access to him that we – or better luck with him than we have. But we are trying.

COMMISSIONER MONTOYA: Okay. Okay. Thank you, Mr. Chair. Thank you, Teresa.

COMMISSIONER SULLIVAN: Teresa, in your report I see that our youth facility now has a population of only twelve, and Annabelle gave me an update just a few weeks ago, and I appreciate that, to let me know where things were. And a commitment from other agencies of another 18. Well, that's still only 30 potential and only 12 now and my recollection was that facility holds about 100 in that youth facility. What are we going to do? This is really critical. This is not, it's going to get better next year.

MS. MARTINEZ: Right. Mr. Chair, Commissioner Sullivan, we're all on the same page as you are and very concerned and working closely together. My understanding is that CYFD had put additional training requirements and those requirements I think were

completed a week, about a week and half ago. And once those training requirements were completed, Annabelle was then going to start transitioning in the 18 committed that we have for the juvenile, and then start recruiting.

If you look at all the reports there is a shortfall in beds for the juvenile population, and most of that is in the northern part of the county, so she's trying to work with all of those respective agencies and get people into the facility, if you will.

COMMISSIONER SULLIVAN: I wonder – I think we're at a crisis point here and I guess we'll discuss it more in our workshop tomorrow at Bishop's Lodge. But we've got to make some critical decisions here. Either we close that facility down and stop the bleeding, or we promote it. And my question is is that Annabelle's job, quite frankly? She's got to run two correctional institutions and deal with the Department of Justice and the list is as long as your arm as to what that poor lady has to do. I just question whether it's in her job description to also have to go out and get 70 more beds for the youth facility.

This thing is draining us. And it's wonderful to have a youth facility in Santa Fe where incarcerated youth and their parents can be local, because they do say that parental support for youth is one of the key factors in getting them out of that mode. But of these 30 there's only a handful that are actually from Santa Fe County. They're from other areas. And it's not that we don't want to provide the best service possible but the question is how far does our obligation go. So I think what we need to talk about tomorrow is are we going to keep this facility open or not? And if everybody says, Okay, it's a wonderful facility and it's good for our local youth. All right. You've made that commitment. Now, how are you going to fund it. This thing is bleeding us to death. If you say yes, we're going to keep it open. We're going to keep all of those training requirements and those personnel that they require to provide these educational services and these rehabilitative services, we've got to spend that money.

But then we've also got to get someone out there on the road and hustling business. And I don't know that that's Annabelle Romero's job. I think that we've got to support her more than we are doing if we're going to fill this facility and make it pay. We just keep pushing this off and saying, well, it's going to get better, and we're going to do this and there may be a contract. And that went all the way back to the days of Mr. Parrish, when he was the Corrections Director. It's always going to get better. And it never got better. It would stabilize from time to time. And now with the economy as it is it's getting less better.

Have you, and I know as Finance Director you're looking at the dollar side of it and Roman has to look at the policy side of it. But is there anything you can shed, any light you can shed on this as to what you think we should do?

MS. MARTINEZ: This will be in tomorrow's report, Mr. Chair, Commissioner. Exactly everything you just said is what we've been looking at. We've been working with Annabelle and her staff. The options obviously are close the function. A second option is to determine do we run it for Santa Fe County children and only cover a base level of expenditure which would mean, okay, if we have anywhere from two to ten to 15 children, then how many more beds would we need to recruit just to sustain operations. And obviously

if we close it – we currently have two children that are county children right now. It would be definitely cheaper to contract them out to another agency than continue to run the operation. But as you explained, the parental interaction is very important, so we're looking at the various options and trying to recommend it.

If you're asking from a financial perspective, I would have to recommend that we close or run it just for county children at base level expenditures, because you're correct. We're operating at a net loss, and it is crisis mode right now. I call – every Monday I have the counts sent to me so that I know what our population is and I haven't seen it increase. So I have a call into Annabelle. We're going to work together to see how those 18 committed children would transition in, and then based on tomorrow's discussion, do we even entertain the 18 children or do we just get sufficient children to cover the basic expenditures for county level children only.

So we have several options out there and some tough decisions are going to have to be made with regard to this function.

COMMISSIONER SULLIVAN: Well, thank you. I look forward to hearing that report tomorrow. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Ms. Martinez, it just seems to me that the crisis that we're looking at financially in this country is going to be more than just a few months; it may be a few years. And it seems that revenues will likely go down.

MS. MARTINEZ: Mr. Chair, that's correct.

CHAIRMAN CAMPOS: So I understand you're working on a plan with the County Manager. When will we see that?

MS. MARTINEZ: You'll see a tentative report tomorrow.

CHAIRMAN CAMPOS: Tomorrow?

MS. MARTINEZ: Yes. And it will identify areas that we definitely see for freezing or reduction. It will highlight the critical areas that we definitely have to take a hard look at and determine whether they'll continue operations. This may very well be the last year of their operations if the revenues do not continue. We've been very fortunate. I want to let you know that there's a lot of agencies at the start of this fiscal year that couldn't even balance their budget. They were at a deficit. The City currently is at a \$4 million deficit. Santa Fe County is very fortunate that we have a solid fund balance that will probably carry us through an 18-month recession. If we exceed that then we're going to be in the same shape that everyone else is.

So we're going to recommend many cost-cutting measures, many freezes, many holds, and I think that's all in an effort not to offend people but to continue and sustain our current programs and our current staffing. That's our goal right now.

CHAIRMAN CAMPOS: As far as the children's facility, do we have a good relationship with CYFD? A good understanding? I've heard both, there is and there isn't. When we took on the children's facility a number of years ago, staff – we had a committee appointed – staff members made a recommendation to do it; it's all going to work out; projections are positive. It hasn't worked out that way. And CYFD I understand is not totally

comfortable with what the County is doing.

MS. MARTINEZ: Mr. Chair, I'll find the right person to answer that.

CHAIRMAN CAMPOS: Okay. Let's deal with that later. But I do agree that it's a very prominent issue for our consideration.

COMMISSIONER MONTOYA: Mr. Chair, Roman, is Annabelle going to be at that meeting tomorrow?

MR. ABEYTA: Yes.

COMMISSIONER MONTOYA: She will? Okay.

CHAIRMAN CAMPOS: Thank you.

MS. MARTINEZ: Thank you.

**XIII. B. 2. Presentation From Impressions Advertising of the Santa Fe County Advertising & Promotional Efforts for Fiscal Year 2008 and Upcoming Efforts for Fiscal Year 2009**

RUSS ROUNTREE: Good morning, Mr. Chair, members of the Commission. My name is Russ Rountree. I am president of Impressions Advertising. We currently hold the promotional contract for generating tourism to Santa Fe County. You have a packet that was placed with your meeting packet that includes a cover of the marketing goals and marketing tactics for fiscal year 09 as well as some results of the previous fiscal year budget, and the immediate plan is included in the packet as well that we are working on for fiscal year 09.

Our marketing goals include increasing the number of visitors to Santa Fe County, increase the awareness of Santa Fe County as a travel destination, increase the length of overnight stays, increase visitor spending on overnight stays, increase visitor spending on total visitation expenditures, increase repeat visits and increase ad inquiries – conversion rates, and web user sessions. Our tactics to attempt to reach these goals include a national and regional print advertising campaign. It consists of the campaign that you saw last year. We're working with the same creative which is: Santa Fe, it's no place like home. We will also have an in-state broadcast cable advertising program. We're partnering with the Santa Fe Convention and Visitors Bureau, receiving what the industry calls B-roll, which is additional footage that they're using for their promotional efforts. They received a slight funding supplement to their budget from the County Lodgers' Tax Advisory Board and in exchange for that increase in their item they are turning over the footage from that shoot to us that we'll be able to use to put together our advertising program that will air statewide on both broadcast and cable outlets.

We will continue with our on-line marketing projects that we have this past year. We advertised in Dallas, Denver, Oklahoma, Phoenix and Houston. Quite successful program. Not very expensive but the yield on it is pretty impressive. We will continue with our public relations promotional campaign and a big project that we'll be undertaking this year is a research project that the board has asked us to undertake. The research project will primarily

answer and shed light on some things like where do people come from when they visit Santa Fe County? What are people doing when they get here? Why are they coming to visit the county? And are the messages in the advertising program appealing to those people who visit Santa Fe County? We'll also receive information as far as number of overnight visitors to the county, average length of stay, visitor spending and total visitation expenditures.

The lodging properties will be assisting us in this research program. They will be handing this survey out to their guests, either through their front desk or in-room. Our firm will collect these on a monthly basis, tabulate them and present quarterly reports to the Board, as well as a final year-end report on this. The board's intent is that it gives some qualitative analysis that they will be able to show to the Board of County Commissioners as to the strength of visitation and tourism into Santa Fe County, as well as hopefully the effectiveness of the advertising and promotional campaigns.

And then as just a brief recap from fiscal year 08, some of the marketing results that we've seen this past year, an increase in lodgers' tax collection of about three percent over the previous fiscal year, an increase of about 26 percent for advertising inquiries over the previous year, and an increase in website inquiries of almost 92 percent for fiscal year 08 over fiscal year 07. If there are any questions from any of the members of the board I'd certainly take those at this point.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Rountree. Appreciate the update on this. This may be a question for our Finance Department and I don't know if Evelyn or anyone – Teresa is here. Is there a component of the lodgers' tax that is reserved for capital improvements to promote tourism?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, we don't have a set-aside reserve if you will. Fund 214, which is basically the bricks and mortar fund, has been growing a cash balance and that basically is earmarked for exhibit halls, welcome centers, those types of things. But there's no set reserve, if you will, just a cash balance.

COMMISSIONER VIGIL: Have we utilized those funds in the last couple of years, maybe three years, for capital improvement purposes?

MS. MARTINEZ: Probably not. The last time we did anything of that nature would have been for the County Fairgrounds when we were approached by Mr. Torres. So it's been growing cash. I don't recall anything in the last three years.

COMMISSIONER VIGIL: Okay. Has the Lodgers' Tax Advisory Board discussed that fund in terms of recommendations for improvements, perhaps to the County Fairgrounds?

MS. MARTINEZ: Typically, they haven't. Typically if someone approaches us – but they're going to have a meeting this week. I can ask Evelyn to add that as another issue under administration if you'd like, and they can start thinking about that, put that on the agenda.

COMMISSIONER VIGIL: I think they should discuss some of the options and staff should come forth with them with some of the capital improvement options. The only



one that comes to mind for me is the County Fairgrounds and it's become more apparent as I've heard that people are going out there and voting. And so those are the comments that really brought this issue to mind for me. So it might not be a bad idea so that that fund doesn't sort of accumulate and we get other projects that could create a benefit for the purposes of this fund come forth. Thank you.

The other comment I had is I note that the 400-year anniversary group will be contacting – and they have contacted me and perhaps some of the other Commissioners with regard to assistance and those promotional, marketing programs. I don't know if they have come before the Lodgers' Advisory Board, if they're on a future agenda. I know they want to come before the Commission.

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, I attended one meeting when Mr. Bonall came and introduced it and I believe he's placed himself if not on another agenda, he's contacted Evelyn and is very much working the Lodgers' Tax Board with regard to that celebration.

COMMISSIONER VIGIL: And I know that at our next presentation they may be coming forth just to give us an overview, but I think if it is funding that we need to support them with they need to go to the Lodgers' Tax Advisory Board. So I'm glad to know that there has been contact made. Thank you.

COMMISSIONER MONTOYA: Mr. Chair, along those same lines, what about like the Fiesta Council. Because they come before us and request and it seems like this would be an appropriate source for that expenditure as well.

MS. MARTINEZ: Mr. Chair, Commissioner Montoya, they have probably approached us for the last three or four fiscal years and we've actually given them money each fiscal year with regard to maybe some of the programs. I think most of the funding has gone to program distribution and actually creation of that print program. So they are using the Lodger's Tax Advisory Board for that function.

COMMISSIONER MONTOYA: Okay. And then a question for Mr. Rountree. In terms of the website advertising that you're talking about, are we utilizing it on our website, santafecounty.org?

MR. ROUNTREE: Commissioner Montoya, Mr. Chair and members of the Board, it's my understanding – I've met with Mr. Ulibarri about him putting a link. I don't know if he's actually a person but he and I have met about that. I don't know whether that link was put up or not, but it was certainly offered that the tourism link be placed on the County proper website. Yes.

COMMISSIONER MONTOYA: Okay. So is that potential – at least has been discussed?

MR. ROUNTREE: Yes. Certainly from a technical standpoint there's nothing that prohibits that and from a philosophical standpoint there's obviously no problem there as well.

COMMISSIONER MONTOYA: And I'm curious. Just in terms of content, in terms of what you send out – Dallas, Denver, wherever. Do you include sites like we have in

northern Santa Fe County, like the santuario, the pueblos, those sorts of tourist destination sites? Galisteo has some. Throughout the rural parts of the county. What type of promotion are we getting in that northern Santa Fe County, southern Santa Fe County?

MR. ROUNTREE: Commissioner Montoya, Mr. Chair, members of the Board, yes, the fulfillment piece we currently have lists not only cultural and historical sites of interest to visitors but also businesses found within the various communities throughout the county that are tied to tourism, that being restaurants, hotel establishments and other visitor-type areas. But as far as your question with respect to the santuario and other cultural and historic sites, yes, they are included in our promotional material, and they're extensively listed throughout our website that I might just add is currently being revised, being updated. There's a lot of content on the current tourism website, and it's a little bit cumbersome to have the person viewing that site get around the various portions of the site. It's kind of set up in a more – I don't know. I can't recall if it's right brain or left brain, but it's not the way you'd normally, that you and I perhaps would go through a site. So we're revamping that. We're keeping all the content, just making it a lot more user-friendly.

COMMISSIONER MONTOYA: Okay. Thank you. I appreciate that. And then regarding – are there any potential avenues to take in terms of joint advertising, say with some of the pueblos and what they're doing – to piggyback off of them, maybe, or help each other out?

MR. ROUNTREE: Commissioner Montoya, Mr. Chair, members of the Board, as I'm sure you're aware, this is a little bit of a sticky area to get into here, vis-à-vis the lodgers' tax issue. Most of the pueblos, or all of the pueblos that have lodging facilities charge a lodgers' tax but it does not go to a municipality other than the sovereign pueblo or the reservation of which they sit or operate on. So there's been a belief from the Lodgers' Tax Board, which they also feel is the feeling of the Board of County Commissioners that without paying to be a part of our county promotion through some type of funding mechanism, be that a portion of the lodgers' tax that they raise, it's not fair to those other entities that pay true lodgers' tax to the County for promotion.

I know that there has been a bit of discussion and I believe it was taken on an administrative level between pueblo and administrators of the County to have some type of discussion about some joint publicity there and promotional efforts but I don't think it was met with much agreement on behalf of the pueblos.

COMMISSIONER MONTOYA: All right. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a quick one, Russ. The three percent increase in lodgers' tax that you indicated for this past year, what has historically been the increase in prior years?

MR. ROUNTREE: Commissioner Sullivan, Mr. Chair, members of the Board, it's been anywhere in the neighborhood of about two to seven percent over previous years. There's been a couple of years where it's just barely eked out at a positive number. So that's pretty much been the annual number that's pegged for an increase there over the last four or

five years.

COMMISSIONER SULLIVAN: So we're not doing too bad, is that what you're saying? Or we're kind of holding our own?

MR. ROUNTREE: Commissioner Sullivan and Mr. Chair, when we look at other areas and specifically the City of Santa Fe we're doing fairly well. They've had a difficult time in increasing their lodgers' tax. And this is preceding the current economic situation. They were not increasing their lodgers' tax collection at quite the rate that the county had been. So we consider it, yes, a moral victory that we're doing pretty well.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN CAMPOS: Thank you very much.

MR. ROUNTREE: Thank you for your time.

CHAIRMAN CAMPOS: Mr. Abeyta, we have about ten minutes before the lunch break. Which item do you think we should take? Should we just take them in order?

MR. ABEYTA: I think we should, Mr. Chair. We had a discussion regarding this last month but we do have to have the public hearing on the fire impact fees. But I think we could get through it in the next ten minutes.

CHAIRMAN CAMPOS: So you want to do that first, and that's a public hearing.

MR. ABEYTA: Yes.

### **XIII. C. Community Services Department**

#### **1. Presentation, Review and Discussion of Updates and Amendments to the Land Use Assumptions, Capital Improvement Plan and Impact Fees Schedule for the Santa Fe County Fire and Rescue Impact Fee Ordinance, to Include Recommendations From the Advisory Committee and Fire Department Staff (Community Services/Fire) (Public Hearing)**

DAVE SPERLING (Deputy Fire Chief): Mr. Chair, Commissioners, I'm here to give you this afternoon an overview of our impact fee program. I'll just take a couple of minutes. The ordinance was first approved in August of 1995 with an update done approximately five years later in 2002. The intent of the impact fee program for fire and rescue impact fees is to collect fees based on gross covered floor areas of new residential and commercial development throughout the county. It's generated by new development in fire district in particular, and the funds are used for capital improvements only – fire stations, apparatus and equipment. It's not for personnel or operating costs.

We use a formula where we classify land use per NFPA 12-31, and that's basically by risk associated with both the use and the occupancy type. Riskiest structures place higher burdens on vehicles and stations. That's kind of the basis of the NFPA 12-31. The impact fee program is an essential mechanism for partially funding capital improvements throughout the



15 volunteer fire districts. Those capital improvements that are related directly to growth over the next five years.

We're required by ordinance and the Development Fees Act to update the capital improvement plan and the land use assumptions approximately every five years. We're also required to use an advisory committee, which we did. This year we had five members on our advisory committee including Chair Robert Larragoite, Bill Agnew, Helen Boyce, Bennie Gomez and Bob Lockwood. And I would like to recognize their hard work and dedication on the advisory committee. We met four times and they were most helpful. We also used a contractor, Southwest Planning and Marketing, Bruce Poster.

The basis of the land use assumptions is to kind of look in the crystal ball for the next five years and decide what residential and commercial growth will look like in Santa Fe County. According to the work done by the advisory committee and Southwest, they're estimating over the next five-year period that growth projections will continue at a consistent pace with the last five-year period. A slight increase in county growth and a slight decrease in city growth, with a substantial increase in the regional planning area. Commercial growth is estimated to increase by 2.51 million square feet through 2012, and all those figures are located in the land use assumption plan.

The CIP basis, forecast for land use growth from the land use assumption plan is converted to estimates of capital improvement needs for the next period. It incorporates both existing Fire Department inventory and current existing needs which have not been met, and then we anticipate capital improvement needs to meet growth through 2012. As you look through the plan you'll see the fire districts' capital improvement needs are listed at \$9.775 million, and those are summarized in Exhibit 7, columns 3 and 4. The total department needs exceed \$17 million. Those include existing needs as well as projected needs over the next five years.

The committee came up with a recommendation and it was to adopt the land use assumption plan, adopt the CIP, and raise the impact fee level to a level needed to meet capital improvement needs for the next period, which would mean an increase in residential Class 7 construction, for instance, of from 275 cents per square foot to 85 cents per square foot – quite a significant increase.

Staff recommendations are to concur with all the recommendations from the advisory committee with the exception of the fee increase. We're recommending as staff that we maintain the current fee schedule for NFPA Classes 3 through 7 that was established in 1996 and renewed in 2001. This would represent no increase in fees for the update period 2007 through 2012. And part of our reasoning for this was we recognized the potential hardship resulting from an increase on Santa Fe County residents. We also recognize that the current industry is undergoing a downturn and that there are also inflation concerns out there.

But I would like to stress that the impact fee program in its current configuration is truly an essential program to fund a portion of the department's capital improvement needs. And I'd be happy to stand for any questions.

CHAIRMAN CAMPOS: Questions? Commissioner Moptoya.

COMMISSIONER MONTOYA: What percent increase is being recommended by the committee?

MR. SPERLING: Mr. Chair, Commissioner Montoya, the committee recommended an increase from 27 cents a square foot to 85 cents a square foot. So it's about three times.

COMMISSIONER MONTOYA: About three times?

MR. SPERLING: About three times the current.

COMMISSIONER MONTOYA: Okay. And are we going to be able to continue at the same rate and fee that we've been operating on for 13 years now?

MR. SPERLING: Commissioner Montoya, again we recognize the hardships that an increase in fees at this time will have on Santa Fe County residents. I think that a portion of the fees, a portion of what we use for capital improvements over the next five years is funded by the capital improvements plan and program. It's certainly not going to fund everything that we need. There are other mechanisms that we're looking at to do that.

COMMISSIONER MONTOYA: So this will help complement those then.

MR. SPERLING: It will. It will help complement what we currently have in the pipeline.

COMMISSIONER MONTOYA: And did all of the advisory committee members concur? Was it a unanimous vote?

MR. SPERLING: Commissioner Montoya, to increase the fees in the recommendation?

COMMISSIONER MONTOYA: Right.

MR. SPERLING: It was a unanimous vote.

COMMISSIONER MONTOYA: It was unanimous? Okay.

MR. SPERLING: Yes, sir.

COMMISSIONER MONTOYA: Okay. I think that's all I have. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. One of the concerns I have, and I recognize this is probably true only because it's a capital improvements plan but as I look at all of this, La Tierra fire station is not mentioned at all. Do you want to explain that?

MR. SPERLING: Commissioner Vigil, the La Tierra fire station is part of the Agua Fria fire district and Agua Fria fire district, we're anticipating the greatest needs of all the fire districts to arise over the next five-year period in that district, both in commercial and residential development. Certainly the La Tierra station will play an essential role in the near future in meeting those needs.

COMMISSIONER VIGIL: But there is no planned improvements? Capital improvements? If the answer is yes, there are no plans, what are the plans for manpower coverage there?

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Vigil, your point is very well taken. There are significant plans for the development of La Tierra fire station

specifically, but the station is a part of the Agua Fria fire district and so all the plans that are developed within the Agua Fria fire district incorporate La Tierra. And La Tierra includes from a different funding source, because impact fees by law cannot be utilized for personnel. They can only be utilized for capital expenditure.

And so we have within our existing infrastructure plan monies to expand the La Tierra fire station. As a matter of fact we're working with Community Services Projects and Facilities management now to let an RFP for architectural and engineering services for the expansion of both the La Tierra station and the Pojoaque station to accommodate the new paid staff that this Commission has approved. And that paid staff of course is being funded from a different source.

COMMISSIONER VIGIL: So, Stan, are you saying that because it's included as the Agua Fria fire district that you haven't listed it here; it's inclusive under the matrix for Agua Fria?

CHIEF HOLDEN: That's correct, ma'am.

COMMISSIONER VIGIL: Is that correct?

CHIEF HOLDEN: That's correct.

COMMISSIONER VIGIL: Okay. I wonder, would it be difficult to include it as a separate item so that I don't make the mistake of looking at this and saying, oh, my God, they've discluded this. Or is there a difficulty in doing that?

CHIEF HOLDEN: There's not a difficulty in doing that. The problem is that by state law and by ordinance the monies have to be collected within a fire district and expended within the same fire district. And so our tendency has been to look at each and every fire district when we come up with a capital improvement plan and only refer to it as plans within those fire districts. So in other words, we would not look in Pojoaque and identify the Nambe station as a specific plan, nor would we in Tesuque for the Tesuque station too. It's all encompassing. And I apologize if it's confusing for doing it that way, but that's –

COMMISSIONER VIGIL: Part of the problem is that I guess Agua Fria includes more than one site.

CHIEF HOLDEN: Yes, that's true.

COMMISSIONER VIGIL: And Tesuque and Pojoaque. Do they or don't they?

CHIEF HOLDEN: They all have multiple sites. Every fire district in the county with the exception of Galisteo and Glorieta, have multiple sites.

COMMISSIONER VIGIL: Maybe a preface to explain that in the capital improvement plan.

CHIEF HOLDEN: We could do that.

COMMISSIONER VIGIL: Would be really helpful. Because as I reviewed it I thought there are districts or areas or sites that are discluded. So I would just recommend you amend the capital improvement plan to identify what sites are within what districts.

CHIEF HOLDEN: Yes, ma'am. We will do that.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN CAMPOS: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Chief Sperling or Stan, whoever, I was surprised at the large increase that you're projecting in commercial growth in the La Cienega fire district of 1,095,00 square feet, and the closest even to that anywhere is Edgewood and Pojoaque, around 400,000, 480,000 square feet. How far does the La Cienega district go? Does that include Airport Road? I'm just wondering what's going on in La Cienega that I haven't heard of lately. So we got a million square feet of commercial in there in the next five years.

MR. SPERLING: Commissioner Sullivan, it is a large fire district. It does go up to the Airport Road area and incorporates a lot of the growth that's going on in the regional planning area surrounding the city on that southwest area.

COMMISSIONER SULLIVAN: Does that include the Community College District also? La Cienega?

MR. SPERLING: Yes, it does.

COMMISSIONER SULLIVAN: And Route 14?

MR. SPERLING: Yes.

COMMISSIONER SULLIVAN: Okay. So that's a real big area in terms of just surface area. And the other question I had was, of the Classes 3 through 7, you indicate in the report, residential is Class 7; everything else is commercial, right? Classes – well, I didn't quite understand that. In the report it said residential, Class 7 and then it said commercial, Class 3 to 7. So is there a difference between the Class 7 residential and the Class 7 commercial?

MR. SPERLING: Commissioner Sullivan, if you refer to your capital improvement plan.

COMMISSIONER SULLIVAN: I was looking at Exhibit 5.

MR. SPERLING: If you look at beginning on page 3 of the capital improvement plan, some of the hazard occupancies under each classification are listed. And Class 7 includes residential, but also hotels, motels, bed and breakfasts, which would be considered commercial.

COMMISSIONER SULLIVAN: Okay. So all residential, regardless if it's condominiums or apartments or single-family homes is classified as 7.

MR. SPERLING: Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. And the staff recommendation is that at this current time there be no increase in impact fees in any of the Classes, 3 through 7. Is that correct?

MR. SPERLING: Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. Thank you very much.

CHAIRMAN CAMPOS: Okay. This is a public hearing. Anyone here who would like to testify – state your opinion for or against – now has the opportunity to do so. Okay, no one having come forward the public hearing is closed. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya, are you going to make a motion?

COMMISSIONER ANAYA: Yes, sir.

CHAIRMAN CAMPOS: Well, let's have discussion first. If there's any discussion, I'd like to have it before a motion. Any discussion? Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval as per staff recommendation.

CHAIRMAN CAMPOS: What is staff recommendation?

COMMISSIONER ANAYA: Leaving it the same.

CHAIRMAN CAMPOS: Exactly the way it is. Is there a second on that?

COMMISSIONER VIGIL: There was one exclusion, wasn't there?

CHIEF HOLDEN: Mr. Chair, if I could just clarify real quick.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Just a second. You're seconding the motion of Commissioner Anaya to maintain all rates exactly the same.

COMMISSIONER MONTOYA: Exactly.

CHAIRMAN CAMPOS: Stan Holden.

CHIEF HOLDEN: I just wanted to point out that even though we're recommending that the rates stay the same, the fee stays the same, that the land use assumptions and the capital improvement plan are new. So they're updated, based on the newest information. So those are the things that the Commission needs to update and approve in regard to this so. So I didn't want the Commission to believe we were leaving everything exactly the same, because the Developmental Fee Act, which is the enabling legislation, and the County fire and rescue impact fee ordinance requires that the land use plan and the capital improvement plan be updated regularly. So that's what we're coming forward with, as part of the recommendation.

CHAIRMAN CAMPOS: Is that's what before us today, Stan? Is today, we're just talking about the increases today?

CHIEF HOLDEN: Well, I'm going to defer to counsel, because in reading the caption, the caption, Mr. Chair, says presentation, review and discussion of updates and amendments to the land use assumptions, capital improvement plan, and impact fees. So I would think they would include all three. But unfortunately, it does not include the term "approval" in the caption. It was our intent to seek approval but we may need to have a subsequent meeting based on the counsel's recommendation.

MR. ROSS: Well, Mr. Chair, we're not making any changes so I'm not sure any action is needed.

COMMISSIONER MONTOYA: Other than updating the –

MR. ROSS: Well, we're required to update the land use assumptions periodically, but we're not making any changes.

CHAIRMAN CAMPOS: To the assumptions.

MR. ROSS: Well, no. To the rates.

CHAIRMAN CAMPOS: What about the assumption issue?

MR. ROSS: Well, the assumptions we're required to look at periodically, but since there's no change that's recommended and the Commission doesn't seem inclined to make a change you don't probably need a motion.

CHAIRMAN CAMPOS: To change them.

MR. ROSS: We would need a motion to change them, to change the impact fees, but since we're not, I'm not sure we need to take any specific action.

CHAIRMAN CAMPOS: Other than that. Okay. So there's a motion.

Discussion?

COMMISSIONER ANAYA: I'll withdraw my motion then.

COMMISSIONER MONTROYA: And my second.

CHAIRMAN CAMPOS: There was a motion to leave the fees as they were, and now it's been withdrawn?

COMMISSIONER VIGIL: Yes. And so has the second. Interesting. Is there another motion? It's lunchtime guys. Let's get to the –

COMMISSIONER SULLIVAN: Mr. Chair, I don't think we need a motion.

CHAIRMAN CAMPOS: We don't need a motion because it's already – we're just going to leave it alone. Well, we don't know that there's not going to be a motion to increase, do we? Is there a motion to increase the rates?

COMMISSIONER VIGIL: I think the issue is that it has not been noticed appropriately for an action item, Mr. Chair.

CHAIRMAN CAMPOS: Is that correct?

MR. ROSS: Well, certainly we couldn't take action to increase the rates.

CHAIRMAN CAMPOS: We cannot.

MR. ROSS: Based on the caption that we have in front of us. It's a discussion item.

CHAIRMAN CAMPOS: Okay. So then we're just not going to do anything on this case. Is that right?

MR. ROSS: And the fees stay the same unless there is some action. Correct.

CHAIRMAN CAMPOS: Okay. So if anybody wants to have this item for increase, the caption has to change. Is there any support for that on this Commission? Okay. So it's about 12:10 and I guess we'll break to about 1:30.

MR. ABEYTA: Yes, Mr. Chair, at which time we will go into a Board of Finance.

CHAIRMAN CAMPOS: Okay. So we'll break till 1:30, unless there's an objection.

[The Commission recessed from 12:10 to 1:35.]

CHAIRMAN CAMPOS: It's about 1:35 and we're going to be on item XIII. Staff and Elected Official Items.



### **XIII. Board of Finance (Treasurer's Office)**

COMMISSIONER ANAYA: I move that we go into Board of Finance.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER SULLIVAN: Second.

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

CHAIRMAN CAMPOS: Okay, we're now acting as the Santa Fe County Board of Finance. There's two items, A. 1 and A. 2. Mr. Montoya has asked that we reverse the order and have A. 2 first. And he needs about 30 minutes to make his presentations on item 1 and 2. Is there any objection to that?

#### **XIII. A. 2. Resolution No. 2008-\_\_\_. A Resolution Designating the First National Bank of Santa Fe As a Depository Financial Institution for Santa Fe County As Outlined in the County's Investment Policy, Resolution No. 2007-102 [Exhibit 3: Updated Memo and Supplementary Information]**

VICTOR MONTOYA (County Treasurer): Good afternoon, Commissioners. Chairman Campos and Commissioners, on today's agenda, October 28<sup>th</sup>, we have for your consideration a request from First National Bank of Santa Fe, pursuant to Section 9-B of the County's investment policy, First National Bank has applied to become a depository financial institution authorized to receive deposits of Santa Fe County's funds.

I guess in brief, First National Bank of Santa Fe made a presentation to the County's investment committee on September 11<sup>th</sup> where we considered the following information. They proposed the following rates on certificates of deposit for a \$5 million investment, with a yield of three percent for 12 months and 3.1 percent for 24 months, paid by check quarterly. The bank stated that they are a well capitalized financial institution with income of \$7.5 million through August of 2008. They are financially strong and qualified for a Class A risk classification, the highest available under our investment policy. The committee informed them to be prepared to answer the following questions at a minimum: How competitive their rates were, what percentage of the funds would be invested in the community, how does the bank support and participate in community events and programs?

In addition to the proposed resolution designating First National Bank as a depository financial institution, I've included – I've handed out now – a copy of their cover letter and application that includes their rate sheet with proposed CD rates, their risk assessment ratios for banks, a certificate of their charter, quarterly call report for the period ending 6/30/2008,

and the 2007 annual report, and their bankrate.com rating for the First National Bank. I did not include all the other information in your packets because there's just a lot to hand out, but if you need any additional information we'll be happy to supply it.

With that, I'd like to introduce the team from the First National Bank. With me here today I have Kathy McGee, stand up. She's vice president of corporate banking. Jennifer Lind, senior vice president, and Michael Ragsdale, chief financial officer. And we know stand for any questions you may have.

CHAIRMAN CAMPOS: Mr. Montoya, is this a locally owned bank?

MR. MONTOYA: Yes.

CHAIRMAN CAMPOS: How many depository banks does the County have?

MR. MONTOYA: Right now I believe we have, I think it's – let's see, we have First Community Bank, Los Alamos National Bank, Wells Fargo, and that's it. This will be the fourth one.

MR. MONTOYA: How do you divide up the deposits between your other – let's say and this bank? How do you divide it up?

MR. MONTOYA: Well, the way I've been allocating the share of deposits is primarily based on how competitive they are with their rates. And so the more competitive they are the more that I invest with them. Because we want to make sure that as much of the money that we invest with them is kept here in the community so that the citizens of Santa Fe County have access to auto loans, construction loans, that type of thing. And so that's – we do have some procedures in our actual investment policy for the County, but there is – I think in statute they have what is called the fair share for the banks that are available, but in our case I've been advised in the past by one of our County Attorneys who's no longer here, that just because they're willing to give us their minimum rate that we don't really have to take that and we could probably make an argument for not investing with them if they can't be competitive with the other banks that give us really good rates.

CHAIRMAN CAMPOS: How much money do you have deposited here with our depositories at the present time?

MR. MONTOYA: In total?

CHAIRMAN CAMPOS: Roughly.

MR. MONTOYA: I could give you a rough idea. I have in my presentation on the next item, it has my investment policy. I have the entire amount of our County's investments in CDs, government agencies, the Local Government Investment Pool, and I think that's it.

CHAIRMAN CAMPOS: Okay.

MR. MONTOYA: So if you want to wait till then or I could tell you –

CHAIRMAN CAMPOS: We can do that.

MR. MONTOYA: Okay.

CHAIRMAN CAMPOS: Any questions for Mr. Montoya? Commissioner Montoya.

COMMISSIONER MONTOYA: Victor, I was unable to attend the last

Finance Committee meeting. Was this on the agenda for that meeting?

MR. MONTOYA: I think it was the meeting before.

COMMISSIONER MONTOYA: The meeting before?

MR. MONTOYA: Before. And at that time I think the committee agreed to ask the Commission to – or the committee recommended that they be made a financial – this depository institution.

COMMISSIONER MONTOYA: Okay. And how are they going to be in terms of competitive rates with the other depositories that we have now?

MR. MONTOYA: Well, Commissioner, of course we have a lot of history now with both First Community Bank and Los Alamos National Bank, and some of those investments will be maturing both this year and next year. So those rates will not be as high going forward because fed funds are now 1 ½ percent and currently, even with our repo account over at First Community Bank, that has dropped down now to one percent on that. So I think that the rates quoted here are very competitive.

COMMISSIONER MONTOYA: So they're actually higher?

MR. MONTOYA: Yes. In some instances they're higher. But actually, I've been buying quite a few what's called brokered CDs from Wells Fargo, and Wells Fargo, I think the lowest rate that I'm getting there is about 3.1, and as high as 3.65, and I have one particular CD at 5.19. So I've actually done quite well on some of those yields that we're getting.

COMMISSIONER MONTOYA: With Wells Fargo.

MR. MONTOYA: With Wells Fargo. But those are all – those brokered CDs are all \$100,000 or less. And now, since the bailout, we can now get FDIC insurance of up to \$250,000, but that's only available through December 31<sup>st</sup> of 2009, unless they extend the period for those particular CDs.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I have a question for the First National. In your – this is the first time we've seen them. Victor has learned not to hand them out ahead of time. And so –

MR. MONTOYA: I apologize, Commissioner Sullivan.

COMMISSIONER SULLIVAN: In your consolidated reports, what does RCON mean? I see numbers in almost all of these columns and it's like RCONF 662, as opposed to – well, as opposed to I don't know what? What does that mean?

MICHAEL RAGSDALE: RCON, I'm not absolutely sure what the acronym stands for. It's just a regulatory reference call report line item. That's all that is. We issue these call reports on a quarterly basis to the FDIC.

COMMISSIONER SULLIVAN: Okay, like for example, I'll just pick a page, 39, item – loan secured by 1-4 family residential properties. It says RCONF 661. What would that mean? Would that mean 661 loans secured by 1-4 family properties?

MR. RAGSDALE: Oh, no. Again, the RCON, 5601, 5612 and so forth, is

strictly just an internal reference for regulatory purposes. That has no meaning to our numbers. Our numbers, First National Bank of Santa Fe actually would appear to the right of that, the 000s represent our numbers.

COMMISSIONER SULLIVAN: Okay. So those aren't – so we have to look to the right and then we find your numbers.

MR. RAGSDALE: Yes, sir. That's correct.

COMMISSIONER SULLIVAN: Like on the page before that, commercial industrial loans, 225, and so forth. Okay. Then in the notes, under asset quality analysis, they indicate a below normal reserve coverage for non-performing loans. Could you comment on that?

MR. RAGSDALE: At First National Bank of Santa Fe we have a below normal reserve over non-performing assets because we have very few non-performing assets. In fact our non-performing assets, I could probably literally count on my hand. As it goes with financial institutions in this time First National Bank of Santa Fe has maintained our asset quality all along the way. We're not – we haven't been subject to the problems that you're reading about in the *Wall Street Journal* and so forth in regards to lending in sub-prime products. We've maintained our lending standards and therefore we have very few non-performing assets.

COMMISSIONER SULLIVAN: And what would a normal reserve coverage be?

MR. RAGSDALE: On a non-performing asset we may cover 100 percent. If we had a \$100,000 non-performing asset we may have a reserve on it to the tune of \$100,000.

COMMISSIONER SULLIVAN: But when they say you have a below normal reserve coverage, what is your reserve coverage?

MR. RAGSDALE: Commissioner, would you mind pointing me to the page that you're referencing?

COMMISSIONER SULLIVAN: It's page 3 of 5 in the – it says holding company information, First National Bank of Santa Fe. It's the last document in the packet that you handed out, under asset quality analysis.

MR. RAGSDALE: This is the independent analysis that we've pulled off the internet, and I believe that what they're referring to, or I'm sure what they're referring to is that as far as normal reserve coverage on non-performing loans, we may be below normal, and based upon on our internal assessment, we have maybe decided that we do not need 100 percent coverage on non-performing assets. More importantly what I would say is that as far as non-performing assets goes I've looked at statistics across financial institutions that are our size nationwide and our ratio of non-performing assets to total assets is in the five percentile. We've always been known to be very low in the number of non-performing assets compared to our competitors.

COMMISSIONER SULLIVAN: And then one last question, Mr. Chair, was in other institutions that we've looked at for depository services, they've given us a document on their community profile and community services. I didn't see that in here so perhaps you

could tell me what your community services are, or if it is in here, perhaps you could point me to it.

JENNIFER LIND: I can tell you a little bit about what's in the document that Kathy's going to hand out to you. *[Exhibit 4]* One of the things that we really pride ourselves on at First National Bank of Santa Fe is our involvement in the community. And we encourage all of our employees to be very involved. We give them time away from their job to be involved. We encourage that if they want to be a coach of their son's basketball team and that's what's important to them at their time in their life, we encourage that. We think that the involvement that they have in the community doing such things is a good representation of First National Bank in the community. We want to be leaders, not just in what we're doing every day at the bank but also what we're doing in the community.

We all have children and families and this is very important to how we lead our lives and we want to be leaders in their lives as well. So we really very much encourage that participation by our employees. About 35 percent of our staff and our board give their time and talent and service to the community. We just this last year did about 4,500 hours of bank-sponsored and personal time devoted to community service on an annual basis.

Just recently an example of something that we've done is we've gotten very involved with Homewise and the affordable housing program that they offer to the folks here in Santa Fe that are looking to buy a home at a certain income level. And so we had Homewise come in and give a presentation to our employees and show them how they too could participate in this program. We have an employee on our staff that is completely devoted to that connection with Homewise. And so we have one employee, full-time equivalent staff that all she does is be our community liaison with entities like Homewise. She works with the Federal Home Loan Bank. We do Habitat for Humanity. I think we went out twice this year and spent two days each time and helped build homes, and we give our employees the day off to go do that.

So we're very, very involved in the community in lots of different ways. I'd be happy to answer any specific questions that you have.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Commissioner Vigil, you have a motion?

MR. MONTOYA: Mr. Chair, if I could just add one other thing. I would just like to say that if approved, the committee recommends the collateralization of 102 percent, which is our standard when using an irrevocable letter of credit. The only exception would be if they pledged government agencies as security. Thank you, Commissioners.

CHAIRMAN CAMPOS: Does that have to be part of our motion, Mr. Montoya, or is that in your discretion? Or is it part of County policy?

COMMISSIONER VIGIL: It's investment policy.

MR. MONTOYA: Yes, it's investment policy. Well, we can go down to as little as 50 percent, but because, especially nowadays with these financial conditions that we have, we can go down to as little as 50 percent collateral based on their risk analysis rating. However, I recommend that we keep it at 102 percent. I don't know if this is true or not but I

have heard that there is some conflict between the constitution and state law, and according to the constitution, I've been informed that the constitution requires us to charge 102 percent, whereas state law allows us to go down to as low as 50 percent collateral. But since I've been the Treasurer here I've required 102 percent of any investment that's made where they're using a letter of credit, and if they're using pledged securities, it's at least 100 percent in that area.

CHAIRMAN CAMPOS: Thank you. Commissioner Vigil, you have a motion?

COMMISSIONER VIGIL: I do. Mr. Chair, I move that we adopt this resolution.

COMMISSIONER SULLIVAN: Do we have a copy of the resolution somewhere? There's nothing in the packet. Do you have one?

MR. MONTOYA: Mr. Chair, Commissioners, I was remiss in getting information to Legal, and they were drafting it I think an hour before lunch, and I don't know if he finished it or not but it's my fault and I'd just like to apologize for not having it here on a timely basis.

COMMISSIONER VIGIL: Mr. Chair, with that, I'll withdraw my motion until we receive a copy of that resolution. I'm hoping that it will be done before the end of the day and we can take action on it.

MR. MONTOYA: Thank you, Commissioner, Mr. Chair.

**XIII. A. 1. In Accordance with Santa Fe County's Investment Policy, 2007-102, the County Treasurer Will Present the County's Investment Portfolio to the County Board of Finance for the Quarter Ending September 30, 2008 and the Treasurer's Investment Plan for the Foreseeable Future [Exhibit 5]**

MR. MONTOYA: Mr. Chair, Commissioners, during the past nine months the financial world and its markets have been turned upside down, both domestically and globally and have suffered their greatest losses since the Great Depression. Some of these examples include the insolvency and bankruptcy of Freddie Mac, Fannie Mae, and their takeover by the federal government, the bankruptcy of Merrill Lynch, the bankruptcy or near collapse of many investment banks and the bankruptcy of Wachovia Bank and its likely takeover by Wells Fargo.

In terms of our investments, we have not suffered any losses to date, as we do not invest in equities, CMOs (collateral mortgage obligations), mortgage-backed securities and other sub-prime lending instruments. Our investments consist of government agencies, which are bonds, certificates of deposit in excess of \$100,000, and funds invested by the State Treasurer and the Local Government Investment Pool. All our investments are secured or collateralized by the full faith and credit of the federal government, or 102 percent by an



irrevocable letter of credit or pledged government agencies where we require 102 percent collateral. The only place where we have some exposure is the commercial paper and money market funds that the State Treasurer invests in, as we are not collateralized by the State Treasurer.

I have attached a copy of some additional information that I'll refer you to a little bit later in my presentation. This memorandum is submitted to present the County Treasurer's investment plan for the foreseeable future and to give the County Board of Finance a status report of the County's investments. My primary objective is to ensure that the County's portfolio contains safe, liquid and diversified investments while earning a market rate of return on all money that is not immediately required to meet the County's cash flow needs. Part of this is to diversify the portfolio and invest in all permitted investment authorized under the policy.

We have interest-bearing accounts, certificates of deposit insured by the FDIC with new limits of up to \$250,000 or collateralized at 102 percent for CD investments over \$250,000. We also have government agencies – treasury bills, which I don't have any of, and other debt securities issued by and backed by the full faith and credit of the United States.

I continue to look for investments that benefit our economy here in Santa Fe County that will assist banks, credit unions, with the ability to provide mortgage loans, auto loans and construction financing to our county constituents. The investments currently in financial depository institutions for the County are as follows: with First Community Bank, in addition to our demand deposits, we have \$5 million in a seven-month certificate of deposit and \$10 million. Each one of those is yielding 3.55 and 3.75 for the 13-month CD. The balances in our bank accounts are swept into an overnight repurchase agreement and redeemed the following morning. The overnight repo is currently one percent due to the drop in fed funds rate.

Should fed funds be lowered another quarter of a percent in the future our overnight repo accounts would yield half a percent. All investments are secured at 102 percent by the banks' pledging of securities.

COMMISSIONER VIGIL: Mr. Chair, I have a question with regard to that.

CHAIRMAN CAMPOS: Go ahead.

COMMISSIONER VIGIL: Victor, thank you very much for the report thus far. Now, the Feds did lower the rate today. Are we impacted to this extent by the lowering of the rates?

MR. MONTOYA: On the overnight repo account we will be impacted because the policy or the agreement that we have with the bank, First Community, and this is the only bank that we have a repo account, they pay us fed funds less 50 basis points. So it will impact us. So from now on probably starting the 1<sup>st</sup> of November their rate will then be half a percent on the overnight repo account.

COMMISSIONER VIGIL: Okay. And if the Feds choose to lower the rates even more, will there be a different or a more exhaustive analysis of our returns?

MR. MONTOYA: Yes.

COMMISSIONER VIGIL: Okay.

MR. MONTOYA: With Los Alamos National Bank, this bank received financial depository institution status from the County Board of Finance in August of 2005. We currently have \$20.1 million invested in CDs, fully collateralized at 102 percent with an irrevocable letter of credit issued by the Federal Home Loan Bank in Dallas. Los Alamos National Bank has offered the County some of the most competitive rates that we enjoy today. Currently, these are just some examples. I think this amount totals out to about \$13 million out of the \$20 million, and I gave you the highest CD rates here. As you can tell, some of these will mature in August of 2009, August of 2010. I have \$5 million maturing now on November 1<sup>st</sup> and \$5 million on April the 26<sup>th</sup>. These rates beat both First Community Bank and the Local Government Investment Pool. We expect to increase this category by an additional \$20 million on the 1<sup>st</sup> of November from the gross receipt bond sale.

That investment will be laddered out to the time that the director of Community Services gave me a timeline as to when he would need the funds. I anticipate that we will be able to get a much better rate of return, probably around 3.50 on this particular \$20 million. At the pool, we're currently in September earning 1.7. So it's probably double, at least double what we would get at the pool.

With Wells Fargo, this is the third bank to receive financial depository status. We use this bank to invest in brokered CDs. All are insured by the FDIC up to \$100,000, and since the bailout, that amount has gone up to \$250,000. Currently we have approximately \$3.3 million in these types of CDs with yields ranging from 3.1 to 5.19. The State Treasurer's Local Government Investment Pool, to provide a comparison of how investments are doing compared to the LGIP, here are the results for the LGIP for the last three months. September was 1.71, August was 2.50, July was 2.4, and the current investment balance at the LGIP for September was approximately \$90,100,000.

Government agencies or bonds, as part of our diversification of assets have increased our holdings to \$51.1 million. We expect to increase this category by another \$7.5 million by the end of this month from the gross receipts bond sale. These investments are again laddered to meet our cash flow needs as the projects materialize.

In closing, I have attached a copy of the Treasurer's report which shows all investments in CDs, government bonds, the Local Government Investment Pool and demand deposits that we have made to date. These investments show the principal investment, the effective annual interest rate, the term, and maturity. The County's total portfolio as of the end of September was approximately \$188,100,000. The County Treasurer's Investment Committee has been meeting regularly since April of 2005. I present an agenda to the committee each month that includes what investments have been made or matured and the minutes for the prior month. I strive to keep the committee informed by having our local banks and other entities make presentations to the committee on how they intend to use County funds to improve the economy of Santa Fe County. I want to thank the Investment Committee for their hard work and commitment to attend these monthly meetings. I know

they have many commitments and obligations they have to attend to on behalf of the County.

Before I stand for questions, Commissioners, I just wanted to give you an example of some of the issues that the committee discusses. For example, I think in the month of August we met regarding our custody bank, that's First Community Bank, and at that time I had read in the *Albuquerque Journal Outlook* that they were having problems and were closing down their Utah operations, and they were going to write off about \$280 million in commercial loans. So I brought that to the attention of the committee. I then asked Ron Sanchez, the regional vice president for First Community Bank to make a presentation to the committee and let us know about the status of their bank.

At that time the bank's stock price was around \$4 a share and so I was very concerned because that is our custody bank. And they came in and made their presentation and gave us their assurances of how they had addressed their deficiencies and their problems.

When Freddie Mac and Fannie Mae were going under I was again very concerned because we hold a lot of debt on Freddie Mac and Fanny Mae and we bought a lot of their agencies. Those particular agencies did not have the full faith and credit of the United States government. They only had the implied full faith and credit. However, since they've now been taken over by the federal government those are secured debt also, so – but again, I brought that information up to the committee and let them know about my concerns, and finally, Commissioners, I have attached a copy here, pages 4, 5, 6, and 7 of our portfolio with the different yields. Starting on page 8 I have the executive summary from the State Treasurer regarding the Local Government Investment Pool and I've highlighted some of the concerns that they express regarding the pool, and it's broken up into three portions. First is the investment strategy employed during the past quarter, the investment strategy plan for the next quarter, and the asset mix and target securities.

On page 9 you'll see a graph that depicts the investments of the pool. The items that I am most concerned about are item #2, called commercial paper discount-based and money market funds. Since we are in a pool we are out automatically – our investments at the pool are prorated based on the total amount that's invested at the pool. So on page 12 – well, let me start off with page 11, actually. I talked to Joelle Mevi Who is the director of investments over at the Local Government Investment Pool and she informed me that she compiled a schedule for me of the County's pro rata share of the LGIP commercial paper holdings, which is attached, and where we might have some exposure on our investments at the pool. And that's on page 12.

So we have roughly 11 accounts on here right now and we actually have one more that came from the sale of the GO bonds that's \$32.5 million. But as you can see, just on these 11 accounts, our potential exposure is approximately \$3.9 million. That's one of the reasons, another reason why I'm proposing investing some of this money with Los Alamos National Bank and government agencies, because that should reduce our exposure at the pool in those two specific accounts.

One of the principal concerns that they had was the money market fund, and on page 13, their manager for the money market funds called the reserve where they state the board of

trustees of the reserve fund announced on September 30<sup>th</sup> that it has voted to liquidate the assets of the reserve US government fund. Now, I've been, I guess, informed by the pool that they do not plan to liquidate these assets and as they mature they hope to realize everything that they have in there. But it's going to take some time. So with that, Commissioners, I think that concludes my presentation and I'll stand for any questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER MONTOYA: Victor, which portion are you talking about on page 12 that we're going to invest with LANB?

MR. MONTOYA: On page 12?

COMMISSIONER MONTOYA: Yes. I think that's where you had referenced.

MR. MONTOYA: Okay. On page 12, this amount that's shown on here, that's just a pro rata share of the \$30 million gross receipt bond that's invested in money market funds or commercial paper. So that would be \$820,000 of the \$3 million would be in there. But the total amount in account #7904 is \$30 million-plus. I think it's about \$30,080,000. Because we've been earning some interest on that. But out of that \$30 million I'm proposing to invest \$27.5 in government agencies and CDs.

COMMISSIONER MONTOYA: So are we looking at distributing some of these investments from the LGIP to LANB?

MR. MONTOYA: Well, LANB and government agencies, Commissioner.

COMMISSIONER MONTOYA: Okay. To those two.

MR. MONTOYA: Yes. So I'd be buying like federal home loan bank bonds, and like I say the yields on those are more than double of what we're getting at the pool. And then at the pool there's some insecurity based on those money market funds and commercial paper. Those are the only two items that are not collateralized at the pool, because the rest are treasuries and government agencies that they invest in.

So we'll pretty much be eliminating the majority of those investments then?

MR. MONTOYA: No, Commissioner. We still need to be allocated. I'm just reducing how much.

COMMISSIONER MONTOYA: Oh, reducing, yes. Not eliminating but reducing.

MR. MONTOYA: Yes.

COMMISSIONER MONTOYA: Okay. And based on the rates that we're seeing here for LANB, going back to the previous agenda item, higher than what First National can offer.

MR. MONTOYA: That's correct, Mr. Chair and Commissioner Montoya.

COMMISSIONER MONTOYA: So I guess my question would be do we need another institution then as a depository if we have one that offers something that's significantly better?

MR. MONTOYA: Well, Commissioner, I guess what I feel is they are pretty competitive, especially in this day and age. I guess the rates that were quoted to me by Los

Alamos National Bank, I pretty much need to act on them by the first of the month because they won't be guaranteed beyond that date. And I'm hoping that he's not going to retract due to the drop in fed fund rates. These rates are getting very competitive and usually they don't want to quote them to you for more than like a few days because they're changing so rapidly in the market place.

But I think it would be a goodwill gesture to add one more, and they're all local banks here in Santa Fe County. And I think it's a fairly competitive rate. We don't have to do \$5 million. That's how much they would like. I don't know if it would affect the yield. They just did comment to me that the rates had dropped but since they had quoted that in writing that they were willing to honor it.

COMMISSIONER MONTROYA: Okay. So we don't have to be obligated to invest with any of them if we chose not to. We could go all with one.

MR. MONTROYA: Right, Commissioner. But then you won't be diversified, okay? And so you'll have all your eggs in one basket. So if anything happens to one – you never know. I'm always kind of pessimistic. That's why I require 102 percent collateral and that's why I recommend that amount to the Board, because you never know what can happen. Many of these government agencies are also valued on a day-to-day basis and of course the higher the interest rate the more marketable they are. If there was ever a chance that we had to cash one in basically we are buy and hold, because there's no way that we want to appear in the newspaper saying that we sold an investment and we had to take a loss because that's hard to explain.

COMMISSIONER MONTROYA: Yes. Okay. Thank you, Madam Chair.

COMMISSIONER VIGIL: Are there any other further questions or comments. Thank you, Mr. Montoya. With that, I'll entertain a motion to come out of the Board of Finance Board meeting and go into a County Commission meeting.

MR. ROSS: Mr. Chair, it's Steve in the Legal Department here. It looks like we have a resolution on the table that we didn't take action on.

COMMISSIONER VIGIL: And what we did, Mr. Ross, while you were gone is request that once it was available it would be distributed to us and we could review it for quick action.

MR. ROSS: Never mind.

COMMISSIONER VIGIL: Will that be available before the end of the day?

COMMISSIONER MONTROYA: Madam Chair, if it's not time-sensitive I would suggest that maybe we just table this to our next meeting.

COMMISSIONER VIGIL: Is it time-sensitive?

MR. MONTROYA: I think that the bank, they wanted us to bring it before you since last month. We told them it was too late in the month to do that and that the earliest we could do it would be today.

COMMISSIONER VIGIL: Okay. Let's move forward this way. If it does become available before the end of the meeting day we will consider it. So we'll continue it until it becomes available. If it is not available we will have to continue it until our November



18<sup>th</sup> meeting.

MR. MONTOYA: Okay. Thank you, Madam Chair.

COMMISSIONER VIGIL: Does that make sense, Mr. Ross?

MR. ROSS: Sure does, and I'll find out where the resolution is.

COMMISSIONER VIGIL: Okay. Thank you. So with that, in order to go to our next item we will need to get out of the Board of Finance meeting and go into a County Commission meeting. Do I have a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Is there a second?

COMMISSIONER SULLIVAN: Second.

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

COMMISSIONER VIGIL: If there's no opposition to this, Commissioner Campos will be returning shortly, and he has asked that we consider moving items XIII. C. 4 as our next item for discussion.

**XIII. C. 4. Request Approval to Enter Into Contract #29-0022-CSD/HGR for \$38,112,000.000, Excluding Applicable New Mexico Gross Receipts Tax, with Bradbury Stamm Construction, Inc. for Construction of the New First Judicial District Courthouse (Community Services Department)**

COMMISSIONER VIGIL: If there's no objection I'm going to ask staff to come forward and give the presentation. And Commissioner Campos is here; I'll turn over the meeting to him.

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, members of the Commission, it's with great pleasure that I come to you today to discuss the contract award for the lowest bid for the First Judicial District. And before I have discussion on it I just want to introduce the people that have been participating in this process. I was just talking to Judge Hall and we estimate that this process has taken about 2 ½ years now, as we've gone in front of the Commission on different things. And I want to recognize Chief Judge Stephen Pfeiffer, Judge Jim Hall, Judge Tim Garcia, Steven Pacheco, who's the court administrator, John Lehman, who's the chief architect with NCA on this project, Eduardo Ramirez, who's with Gerald Martin, and also Dennis Town, who is the vice president of operations with Bradbury Stamm is here with us also.

In addition the staff that put significant time on this project was also Paul Olafson of my staff, Steve Ross spent many hours with us, the support of the County Manager, Teresa in Finance, Richard Martinez in our office and Henry Roblero, the procurement manager.



In front of you today for consideration and approval is the award to the lowest bid for the construction agreement for the First Judicial District Courthouse. We went out to bid in September I believe, and we had a bid opening in October. We received four bids. We received a bid from Bradbury Stamm Construction, Cameron Swinerton, Hensel Phelps Construction, and Jaynes Corporation. We have very good participation in this process.

Bradbury Stamm was the lowest bidder. The base bid that they came in with for the project was \$35,930,000. The bid contained one add alternate. That was for the second level of underground parking. Their bid was \$2,182,000. The total bid with the add alternate was \$38,112,000. In addition we also – there was a requirement in the RFP that the bidders submit by 10:00 by the next day a certification of subcontractors regarding equal opportunity. Bradbury Stamm was late in submitting this item to the procurement manager. We're also asking that the Board authorize waiver of submittals deadline of the submission of the certification of subcontract regarding equal opportunity form. We felt that it was onerous and difficult to comply with this. It wasn't a major item. It didn't change the amount of the bid. So in your action today we're asking for those two items to award the bid and the waiver of this item. And also staff and the participants of this process are here if you should have any questions.

CHAIRMAN CAMPOS: Thank you, Mr. Gutierrez. Questions of Mr. Gutierrez?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Joseph, this will be 24 months beginning the signing of the contract?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, it will be a 24-month process. We're estimating that we really get started more at like the first of the year. So about 24 months from January is what we're estimating. We haven't sat down with the contractor to finalize that but more or less that's the timeframe we're looking at.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, any other questions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: I heard a second, but I assume that the motion includes both requests from staff to waive the deadline and to approve the contract. Is that correct, Commissioner?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: The base contract with the additive, right?

COMMISSIONER MONTOYA: Correct.

CHAIRMAN CAMPOS: Is that correct?

MR. GUTIERREZ: That's correct.

CHAIRMAN CAMPOS: That's what you want?

MR. GUTIERREZ: Mr. Chair, that's correct.

CHAIRMAN CAMPOS: Are you ready to get what you want?  
MR. GUTIERREZ: We're ready to move forward.

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

MR. GUTIERREZ: Mr. Chair, members of the Commission, I would also like to ask you, we were planning a groundbreaking ceremony for the courthouse and we'd like to do it November 18<sup>th</sup>. November 18<sup>th</sup> is your next Commission meeting which starts at 1:00. We thought that we could have the groundbreaking ceremony at 11:30 at the actual site and we would start the invitations and coordination of that activity if it meets with your schedules for that date. We feel that this is probably better than December, and this Commission has taken the historic action of moving forward on this project. So if that meets with your approval.

COMMISSIONER VIGIL: What's the time again?

COMMISSIONER MONTOYA: 11:30?

MR. GUTIERREZ: Tentatively 11:30 on the 18<sup>th</sup>.

COMMISSIONER SULLIVAN: Is our meeting at 1:00 on the 18<sup>th</sup>?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes. We're only having one meeting in November so we expect we may have a larger agenda than usual. And plus we also need to still discuss with the Commission and Housing and how we're going to accommodate those. So we may start at 1:00 and do Housing from 1:00 to 2:00, then Health 2:00 to 3:00 and then regular BCC from 3:00 on.

COMMISSIONER SULLIVAN: Is that going to be a land use meeting?

MR. ABEYTA: It is a land use meeting.

COMMISSIONER MONTOYA: We'll be here all night.

MR. GUTIERREZ: We'll try to have a big lunch for you on the 18<sup>th</sup>.

CHAIRMAN CAMPOS: I won't be able to be here the 18<sup>th</sup>, likely, but that's okay. If you guys want to do it on the 18<sup>th</sup> that would be good. Judges, would you like to say anything? Add anything. Come forward and you can speak into the mike.

STEPHEN PFEFFER: Good afternoon. I'm Judge Stephen Pfeffer, First Judicial District and once again we want to thank you for your help in this long process. We much appreciate what you all have done. We're very excited about this bid and that we're ready to go forward. Thank you very much on behalf of the Judges.

CHAIRMAN CAMPOS: Thank you, Judge.

COMMISSIONER MONTOYA: Thank you, Judge.

CHAIRMAN CAMPOS: Any other comments? Thank you very much.

COMMISSIONER SULLIVAN: Mr. Chair, I would say that our judiciary has really been intimately involved in this project from the beginning and that's really helped, I think. It hasn't gotten us any more money but it certainly has helped in terms of really analyzing what a one-time facility like this needs and how it can operate and how it can function. So we've been really fortunate to have all that expertise available to us. And we've

gotten good bid prices here, as Joseph just said. I think it was well below the estimate. What was the estimate, Joseph?

MR. GUTIERREZ: Mr. Chair, Commissioner Sullivan, we had our latest estimates from both our construction manager and from our architect and they were both a little lower than \$44 million.

COMMISSIONER SULLIVAN: Did that include the second –

MR. GUTIERREZ: That included the second level of parking.

COMMISSIONER SULLIVAN: So we're about \$6 million under the estimated budget, which ain't bad. And we did get four bids, which is good, bearing in mind and recalling that when the City of Santa Fe put out its convention center they got one bid, which they had to turn down as being over budget, and then they had to rebid it. So we're not doing too bad. And again, I just want to thank those, not only on the staff but our judges for living through the bond election, which was a torturous thing, I know, and then living through the financial constraints that Joseph put on you to keep this think within budget. So we're really anxious to get it coming out of the ground now and to see the finished product. So thanks to everyone.

CHAIRMAN CAMPOS: Thank you very much. Appreciate it.

**XIII. C. 2. Discussion and Review of Potential Projects for Community Development Block Grant (CDBG) Application for 2009 Grant Cycle – Public Hearing (Community Services Department)**

CHAIRMAN CAMPOS: Who's here to present?

MR. OLAFSON: Mr. Chair, Commissioners, I'm here with Rudy Garcia. Rudy's going to outline some of the CDBG processes and I'm going to talk specifically about the project. I'll turn it over to Rudy.

RUDY GARCIA (Community Projects Division): Mr. Chair, Commissioners, we're going to try to move forward this year on the CDBG application. The deadline is actually December 19<sup>th</sup>. We have been in contact with Barbara Deaux. She's from the New Mexico North Central Economic Development Division. The County is a participant in her membership, so what I can mention early, we will be talking with her. She will be definitely assisting us with this CDBG application when it does move forward.

In your packet there it actually talks a little bit about a Valle Vista sewer system upgrade. We've had some preliminary talks with our Utility Division with some directors as well as the County Manager and this could be a potential project we may be moving forward with. If we do move forward with this project, the Utility, Jonathan and Doug as well as James Lujan and myself and Paul will actually be the team that will be assisting Barbara to place this application together and then get it submitted hopefully by December 19<sup>th</sup>.

This is the first public hearing so at this time we would actually need to have no action on the Valle Vista or any other projects. If there is any projects that you guys would

like us to consider please bring them up at this time or if the general public has any projects that they have in mind this is the time to do it. We will be coming back at the November 18<sup>th</sup> meeting for hopefully adoption of a resolution, as well as the project that staff recommends for the CDBG application.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER VIGIL: Thank you. Rudy, there is a really strong qualification for these dollars that they service low-income family. The Valle Vista project I know is in the vicinity of the Valle Vista affordable housing. But isn't that project intended to address wastewater treatment for the entire southern region? And would that put us in a vulnerable position for not qualifying for the service require for all low-income?

MR. GARCIA: Mr. Chair, Commissioner Vigil, let me see if I can try to answer that. If not, Doug can answer the technical aspects of it. Based off of the census tract that the Valle Vista Subdivision is located in, we have done some research work with DFA. We have to be at 51 percent or lower of low to moderate income levels to apply for this CDBG application. This week we had checked with a former employee that works with DFA. That tract is actually a 53, 54 percent to low to moderate income levels so therefore we would qualify for this. Right now the Valle Vista Subdivision, and the Utility as well as the County has upgraded all of the service lines to this treatment plant. The treatment plan is still as it existed many, many years ago so it does need upgrading for the existing plant.

In the future there could be a possibility that we could add to this plant before everything within that southern area that you're describing.

COMMISSIONER VIGIL: Okay. It seems to me – I guess a couple of comments – it seems to me that if we do pursue this project, if we are able to get some funding for it, that this would be a focus for us and we would steer ourselves away from the state penitentiary wastewater treatment contract that we have with them right now and working with the State on that. Is that sort of a weaning intention here?

MR. GARCIA: Mr. Chair, Commissioner Vigil, that's a possibility that that could happen that way, because right now we're on a year-to-year basis with the state penitentiary for their wastewater treatment plan.

COMMISSIONER VIGIL: Okay. And I guess the other sort of comment I have and I'm not sure if you've spoken sufficiently with DFA representative, but the CDBG block grants are really federal dollars that trickle down to the states, that trickle down to local government. And not knowing what's going to happen to the federal budget is DFA still allowing applications and have you had discussions as to whether or not this is one of those projects that might be cut?

MR. GARCIA: Mr. Chair, Commissioner Vigil, in speaking with DFA, Robert Apodaca's shop, this is money that's out of the HUD budget, and this money is supposedly already set aside so the way I understand it there is no federal cuts that actually happen to these dollars.

COMMISSIONER VIGIL: Thus far, but if the federal government decides to

meet early on they do threaten this, or is this budget part of last year's allocation.

MR. GARCIA: Commissioner, I'm not too sure if it's part of last year's allocation, but you are right. It depends on where the federal government goes. They could cut it but as of today, DFA is still going to accept applications for this roughly \$13 or \$14 million.

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

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER MONTOYA: Mr. Chair, in terms of project readiness, Rudy, where is this in terms of funds, because we have had some discussions with – I've had discussions with Roman about the possibility of current projects, depending on where they're at on level of readiness and ready to move forward and complete. Kind of where are we with funding and moving forward with it and getting it done, basically?

MR. GARCIA: Mr. Chair, Commissioner Montoya, in my opinion, the hardest part is going to gathering a lot of information at the timing of the deadline. Some of the positives that we have on it is we already have some property that's secured for it. We have a PER, which is a preliminary engineering report and it's in a draft format that is done for this project. Once again, I did mention earlier the mode of moderate income area, that's a benefit, positive for them. Our public hearings – as you know, a CDBG application is based on ranking so some of the items I'm describing to you we will get a ranking score on what you're exactly talking about.

COMMISSIONER MONTOYA: Are they still averaging about \$300,000?

MR. GARCIA: Mr. Chair, in the last two or three years the DFA was allocating up to \$300,000. This year they're going up to \$500,000, so we're going to apply for up to \$500,000. And also in speaking with our Finance Division, the County actually has money allocated for this particular project based off the gross receipt tax that I believe you all have looked at or approved.

COMMISSIONER MONTOYA: So there is some money already available to go toward the project.

MR. GARCIA: Yes.

COMMISSIONER MONTOYA: I guess the reason I'm asking this question also is because I don't want to fall into the predicament that we ran into where this is the first time we're going to apply in what? Three years? Because we haven't completed previous projects?

MR. GARCIA: Mr. Chair, Commissioner Montoya, it's about three years, yes.

COMMISSIONER MONTOYA: Okay. Because this is a pretty good source of funding for infrastructure especially, and we lost close to a million dollars of opportunity because we didn't get a project done. What was the project?

COMMISSIONER VIGIL: The Nancy Rodriguez Community Center.

COMMISSIONER MONTOYA: Oh, it was the Nancy Rodriguez Community Center? So because of not appropriate funding that we had for that – that's why I'm asking. Are we right there to get this thing done as soon as we submit this application. I think it's

important that we start thinking that way for all of our projects, because otherwise the way the dollar is now and with the threat of cuts coming up from the state, I think we just need to be ready to move on all of these projects.

MR. GARCIA: Mr. Chair, Commissioner Montoya, that's probably a question that Doug could probably answer, because this project will be administered if we do receive any dollars, from the Water Utility Company, so maybe Doug can speak on to whether it's ready or not.

MR. SAYRE: Thank you, Mr. Chair and Commissioner Montoya. We're ready to move on this. We're just trying to get the things together so that we can get it set up so that we can get the design so we can finish the project. This one is more of a need because that plant's in very bad condition and we need to go ahead and get it improved. Whereas like some of the facilities up north, I think we have a facility but we don't have a system in to get it there, like in the Sombrillo/Arroyo Seco area, which we're finishing up on the PER on that. But this one is probably more critical just because of the need. And that we have almost all the area, that immediate area, is low to moderate income. It will be a higher qualification as far as we're concerned.

COMMISSIONER MONTOYA: Okay. So how much money is needed to complete the project? That's really what I'm getting at in terms of making sure that we're ready to complete a project so that we don't start missing cycles of CDBG funds, if, as Commissioner Vigil has alluded, they're still available after this year.

MR. SAYRE: Mr. Chair and Commissioner Montoya, any of these projects that we have, we probably don't have sufficient funding at this point. I think we have to allocate. I think we'll look at doing a uniform funding application to the state to get possible loan or other grant funds. Whether it's this project or whether it's the one up north, we would be in the same predicament because we don't have sufficient funding presently, but this one has the possibility of –

COMMISSIONER MONTOYA: So how close are we going to get if we get this \$500,000, to finishing that project in Valle Vista?

MR. SAYRE: Finishing the project?

COMMISSIONER MONTOYA: That's my question.

MR. SAYRE: If we get this \$500,000 plus the – we had allocated –

COMMISSIONER MONTOYA: I don't even know what we've allocated.

MR. SAYRE: Well, whatever it is. We have looked at some allocation of about \$2 million from GRT to go into this project, so we will be able to get the first phase done.

COMMISSIONER MONTOYA: With \$2.5 million? Okay.

MR. SAYRE: But we would like to consider a slightly larger facility if we can regionalize, and that's one of the things that we're trying to do with any of these projects is say that they're regional facilities and not just for a particular area. Because the state's pushing on us for us to do that too.

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



CHAIRMAN CAMPOS: Okay. Is there a motion? It's just discussion? Oh, this is a public hearing, isn't it?

MR. OLAFSON: Discussion and public hearing.

CHAIRMAN CAMPOS: Today's a public hearing. So we need a public hearing. Anyone who would like to speak for or against this proposal please come forward now. Okay, no one having come forward the public hearing is closed, and we will hear this again when, Mr. Garcia?

MR. GARCIA: Mr. Chair, at the November meeting.

CHAIRMAN CAMPOS: Okay. November 18<sup>th</sup>. Thank you very much. Okay, I'm going to ask the Commission to let us move from this point to XIII. D. 2, which involves a grant agreement with the State of New Mexico Department of Finance and Administration for an economic development project in the amount of \$10 million. Is there any objection? Okay, let's move there.

**XIII. D. Growth Management Department**

**2. Consideration and Approval of a Grant Agreement with the State of New Mexico, Department of Finance and Administration and the Economic Development Department, for an Economic Development Project in Santa Fe County \$10,000,000**

CHAIRMAN CAMPOS: Who's going to take the lead for staff?

MR. ROSS: Mr. Chair, I can do that. This is sort of a follow-on on all the work we've been doing on the film and media studio project out on South 14. This is a grant agreement that was sent to us by the state and it contains a fairly sizeable appropriation for a film and media studio project in Santa Fe County and the total amount of the grant is \$10 million divided between appropriations from the Department of Finance and Administration of \$6.5 million, and the Economic Development Department in the amount of \$3.5 million. It's a fairly straightforward grant agreement. It's a reimbursement-based grant agreement. In other words we expend money and they reimburse us for those expenditures.

We have Mr. Hool and Mr. Rubin here who represent of course Santa Fe Studios with whom we have an agreement concerning a film and media studio project in Santa Fe County. I will note that there is some discussion still occurring with the Department of Finance and Administration on behalf of the Santa Fe Studio folks concerning some of the boiler plate in this grant agreement. So one of the things we're going to be asking you for today, if you approve this agreement is a little latitude to make minor changes in the agreement should those be approved by the department. I have already reviewed the agreement and asked them to make a few changes, which they did. And I think the changes the studios are asking are in large part further cleanup of what is a form agreement that the state uses for a number of different activities.

So with that, I think we all know what the project is. I'll stand for questions.

CHAIRMAN CAMPOS: Questions for Mr. Ross.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, who will build this facility?

MR. ROSS: The studio, Santa Fe Studios will build it.

COMMISSIONER SULLIVAN: Okay, what monitoring or oversight will the County have in that regard. The advantage here with state funds and a public entity is we have a requirement to go out to bids and obtain the lowest bidder and we monitor of course the performance of the contractor and so forth. Do we have those types of controls in place on this \$10 million project?

MR. ROSS: Mr. Chair, Commissioner Sullivan, it's an economic development project so we didn't go out to bid. We've gone through the Board of Finance for approval to sell the land to the studios and we have an agreement with them concerning the economic development project that will be built there. And there's certain economic development obligations that the contractor has. There's no bidding involved in this type of a project.

COMMISSIONER SULLIVAN: But this doesn't say how big a studio they're going to build. It says they're going to build a studio, to furnish and equip. I guess what my concern is is, and it's nothing to do with the organization here that's proposing this is this company is not a construction company. This company is a motion picture and development company. Where are the controls that we're sure that the public funds are spent appropriately, that contracts are administered and they're not subcontracted out to friends and brothers and cousins and there's that level of accountability that we would expect on any project that's funded by the state or the County.

MR. ROSS: Mr. Chair, Commissioner Sullivan, it is an economic development project and the studios are not required to comply with the procurement code or any of the other technicalities, laws and things like that that the government is required to comply with. We do have a project participation agreement with them and they have certain obligations under that agreement, among them to build the studio project as described in that document and to deliver a large number of hours of employment to the county at large. But other than that, this is a private entity and they don't have to follow the procurement code or any of the other items. But since this is a reimbursement-based grant any of these funds that go through the project will have to be properly spent. In other words they can't build an airplane manufacturing plant or something like that instead of a film studio, which is what we've agreed that they will build.

COMMISSIONER SULLIVAN: But shouldn't we be a little more specific and say at least how big this studio is that they're going to build for \$10 million?

MR. ROSS: In the project participation agreement we do specify the exact square footage of the required structures.

COMMISSIONER SULLIVAN: Okay. And we make a reference to that agreement in this agreement?

MR. ROSS: No, this is a state grant agreement. They're granting us funds, the

\$10 million is coming to the County under the terms of this standard form lease with the state. It's going to be dispersed pursuant to our economic development ordinance, the ordinance that we enacted to approve the studios project, pursuant to the terms of that ordinance. This requires us to move the project through our economic development process and we already have a qualifying project on the ground ready to go.

COMMISSIONER SULLIVAN: I know in federal economic development grants they require there be procurement in accordance with federal guidelines for procurement, the Brooks Law and so forth. I just feel that – and maybe it's in the project participation agreement, which I don't recall, that we need to have the ability not only of oversight but to audit and to ensure that there's a mechanism for mediating in the event we disagree with some expenditures that may come in for reimbursement. How do we do that?

MR. ROSS: Well, Mr. Chair, Commissioner Sullivan, the project participation agreement does provide for limited oversight on the part of the County, auditing, record keeping, things like that. But the obligations that the studio has under that agreement are fairly broad, i.e., to create a studio project and to create a number of hours of jobs. And it's not more specific than that.

COMMISSIONER SULLIVAN: Although you say it is specific in terms of – do you recall how many square feet it is that they're going to be building?

MR. ROSS: I can't remember off the top of my head. You recall the diagram and it had the various phases of the studio project. What we agreed to was to contract for the first phase, which was I think four soundstages and a number of other associated facilities. Those are what are the subject of our current PPA, project participation agreement. They have to build that stuff.

COMMISSIONER SULLIVAN: Of course there's a variety of ways one can build things. They can build them expensively or they can build them cheaply or they can build them large of small. I'm more concerned with our ability – \$10 million – to monitor those expenditures. The same issue comes up when we do special assessment districts, like for roads, where we say, where for example we've said in the past to developers, you build the road and then they select whatever contractor they want and it's entirely possible for that contractor to inflate prices as a part of that agreement. And further there to be some undesirable consequences of those price inflations that if we don't have some ability to monitor that it seems to me that we may ultimately become responsible for it. And I know we don't have a number of staff that are available to be running around monitoring soundstage construction and they probably wouldn't be familiar with what those specific needs were anyway, but I'm still a little nervous about our being the fiscal agent here without having the ability and some funding for an oversight role.

MR. ROSS: Mr. Chair, Commissioner Sullivan, I guess the distinction between this project, at least in my mind, between this project and a special assessment district or a public improvement district, a special district that's set up, that's created to build public infrastructure is that this project is intended to create private infrastructure. So in my mind it's the choice of the studio to build cheaply or expensively and I think knowing the

people who are doing it, they are not going to build cheaply. They are going to build a high quality item. But it is an economic development project to benefit a private entity. That's the difference between what we do on economic development projects and what we do on public projects. We expect in public projects that a different standard be achieved and different level of assurances be given than is typical in private industry. So this is in the first instance and last, a private project that's getting government support through the exception provided in our constitution.

COMMISSIONER SULLIVAN: I think that's an important difference, obviously, that it's a private facility, unless something happens and we end up taking it over as a result of non-performance. I worry about for example on page 5 under Article VII where it says strict accountability of receipts and disbursements, project records. It doesn't say casual accountability. It says for a period of six years following a project's completion the grantee – that's us, Santa Fe County – shall maintain all project-related records, including but not limited to all financial records, requests for proposals, invitations to bids, selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as record sufficient to fully account for the amount and disposition of the total funds. That seems pretty specific that we need to be attending construction meetings; we need to be involved in the procurement; we need to have that oversight if not the final decision-making, at least an oversight function in order to comply with that Article VII A. Am I reading that too strictly?

MR. ROSS: Mr. Chair, Commissioner Sullivan, that article requires us to keep records for six years. I don't read that as requiring us to issue a request for proposal or do any additional monitoring. The operative language is in Article XII D which says that we, the grantor, are strictly accountable for the proceeds of the grant until such times the funds have been expended in accordance with the Local Economic Development Act in state law. Since this is a reimbursement grant when we're requested to reimburse the studios for an expenditure we're going to ask for backup documentation and we're going to want to see what's built with that, with those funds, or what they did with them. Then we're going to turn around and provide that same information to the Department of Finance and Administration.

Only when they have the information are they going to issue us a check then we'll in turn issue the studios a check. That whole process exhausts, in my mind, our obligations under the Local Economic Development Act and we're strictly accountable only until such time as we've paid out the \$10 million, and then we're not accountable after that, because we have followed the Local Economic Development Act in our own ordinance.

Because of the process that's used in these reimbursement grants I really don't think we have a whole lot to worry about and we've agreed with the Department of Finance and Administration that no procurement is needed for this and if there is procurement needed, we have because we have this relationship with this particular group, we have a sole source procurement here, even assuming we did need to comply with the procurement code.

But the way myself and the lawyers from the department are looking at this, the Local Economic Development Act and the constitutional amendment exempt this project from the

procurement code.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chair, but it doesn't diminish the fact that I'm not at all comfortable with the oversight role that we would have here with this large a capital expenditure and the fact that we're not dealing with a Bradbury and Stamm here, we're dealing with a movie company which is going to be hiring a Bradbury and Stamm or another contractor. And those contractors will be hiring subcontractors and those subcontractors will be hiring employees, and those employees need to have insurance and those subcontractors have to have bonds. There's just the whole contracting process which I don't think this entity is familiar with, particularly in New Mexico. This is their first project.

Now whether we would be comfortable bringing a third party in for monitoring, the way we did on our own building for the district court is something that we should think about. I'd like to see this be a successful project. I'd like to see it move forward, but trust but verify, is a good way to look at these. Thank you.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I'm far more trusting than Commissioner Sullivan and I think Article V that identifies the payment procedures and deadlines set out by DFA is certainly sufficient oversight for this economic development project. And with that I move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Another question for Mr. Ross. Mr. Ross, just a follow-up to what Commissioner Sullivan was asking. You're saying that there is no legal authority for the County to take any more oversight either as to the plans or the construction quality or anything like that?

MR. ROSS: Mr. Chair, I'm not sure that's an accurate statement. I think there is legal authority for the County to do that but I think if it was going to be an issue we should have included it in the project participation agreement, and we did not.

CHAIRMAN CAMPOS: Okay. And our ordinance authorizes the County Commission to set certain standards and requirements?

MR. ROSS: Not specifically it doesn't.

CHAIRMAN CAMPOS: But implicitly we have that authority? We just didn't use it.

MR. ROSS: Right.

CHAIRMAN CAMPOS: Okay. Any further discussion?

**The motion passed by majority 4-1 voice vote with Commissioner Sullivan casting the nay vote.**



**XIII. D. 1. Resolution No. 2008-192. A Resolution Approving a Memorandum of Agreement Between the Board of County Commissioners of Santa Fe County and the North Central Regional Transit District**

CHAIRMAN CAMPOS: Who's going to present?

MR. ROSS: Mr. Chair, I think I can take this one also. This MOA between the North Central Regional Transit District and the County was actually prepared at the suggestion of the City. As you recall, I think it was in August, when the County rejoined the North Central Regional Transit District, we enacted a resolution and then the North Central Regional Transit District enacted a resolution that accepted the terms of our resolution. And what this document does is put that entire – the contents of both those resolutions into a formal agreement between the County and the regional transit district, with one exception. There's been one sentence added. That appears in paragraph 1. It's the last sentence of paragraph 1 on page 2, the top of the page. It says, "The revenue described in the previous sentence shall be remitted to the County immediately upon receipt by the district after distribution to the district from the state of New Mexico."

What that means is that there was some concern expressed during a recent RPA meeting that there were no time tables in the two resolutions that we enacted requiring the North Central Regional Transit District to turn over the 86 percent of 1/16 percent that it's required to under the two resolutions at any particular time. So they could receive the funds, the first payment is typically received in September from the gross receipts tax and they could wait until December to disburse it to the RPA for distribution for regional transit projects. So that sentence was added. I think there's some concern on the part of some at the district about the word "immediately" and I've discussed that with them and asked them to suggest alternative language but they have not yet proposed alternative language. I suggested we might soften that word a little bit if that's a concern and put in a timeframe, two or three weeks came to mind, 21 days, even 30 days. But the concept is that the transit district not wait until the end of the fiscal year to remit the 86 percent and have us carry the cost of providing the transportation for the entire year. That's what the concept was.

But the remainder of this document is lifted verbatim from the two resolutions. And with that, I'll stand for questions.

CHAIRMAN CAMPOS: Questions? Okay.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: I'd like to second that motion, Mr. Chair, but would you, Commissioner Anaya, include in your motion Steve Ross' recommendation on the top of page 2 that allows the revenue to be remitted to the County within 30 days?

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: With that I will second the motion.

CHAIRMAN CAMPOS: Okay. Discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think this agreement is important, that we do solidify, as Mr. Frank Katz has recommended, these resolutions, and I think Mr. Ross



crafted the resolutions very carefully and a good case could be made that those resolutions were a contract, are a contract. But I guess where there are as many attorneys there are as many opinions. So I think in this case, particularly in our experience of dealing with the NCRTD a belt and suspenders approach is a good approach. I think "immediately" is fine. I don't know why they would want to hold the money for 30 days unless they would like to pay us interest on it. I think 21 days or 15 days or 5 days is adequate but whatever the Board decides, so be it. I think it's good that we have some definitive time period in there so we don't have to fight this battle every time.

CHAIRMAN CAMPOS: So you don't recommend any change to the motion?  
No? Okay.

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

CHAIRMAN CAMPOS: Okay, we're going to go back to XIII. A. 2.

**XIII. A. 2. Resolution No. 2008-193. A Resolution Designating the First National Bank of Santa Fe As a Depository Financial Institution for Santa Fe County As Outlined in the County's Investment Policy, Resolution No. 2007-102**

CHAIRMAN CAMPOS: The resolution has been presented. Do we need more time to review this? Do you want to take a couple minute break?

COMMISSIONER ANAYA: Mr. Chair, do we need to go back into the Board of Finance? I move we go back into the Board of Finance.

COMMISSIONER VIGIL: Second.

COMMISSIONER VIGIL: Victor, I'm just going to ask for a nod. This is just really basic boilerplate resolution that we've enacted and taken action on with all the other banks, correct? Is that correct? Just included First National Bank. Mr. Chair, I move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay, there's a motion and second. Any discussion?

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

COMMISSIONER MONTOYA: I move that we go back into our regular BCC meeting.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: We adjourn as the Board of Finance.

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

**XIII. E. Regional Planning Authority**

**2. Consideration of and Approval of the Sixth Amended and Restated Regional Planning Authority Joint Powers Agreement**

MARY HELEN FOLLINGSTAD (RPA Director): Mr. Chair, members of the Board of County Commissioners, this is a joint powers agreement version. You've seen most of it before but the new text that's here has to do with additions of language that's been developed by the RPA and approved by the RPA and it's been approved by two City committees – City Finance and City Public Works and will go to the City Council I think next week or the next time they a meeting. And it adds language creating the Regional Planning Authority as the oversight entity to manage the budget and the service plan for the Regional Transit District 86 percent of GRT funds that you just were considering under the MOA, and that's the gist of it.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER VIGIL: Second.

MR. ROSS: Mr. Chair, there is one significant typo I noticed in the draft. On page 10, F. Transit financing. To eliminate confusion about which tax we're talking about it should read "County Regional Transit gross receipts tax">

MS. FOLLINSTAD: That is an oversight. I hadn't noticed that before.

COMMISSIONER MONTOYA: County regional transit gross receipts tax. I amend my motion to reflect that.

COMMISSIONER VIGIL: I second the motion.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

CHAIRMAN CAMPOS: One of the things, and I think maybe the word "initially" get put quite in the right place. On page 11, G, we had a discussion at the – not the last Regional Planning meeting but the one before – about this requirement that we would take funds, or the RPA would take funds from this gross receipts tax to employ a planner, or Santa Fe Trails would employ a transit service development planner. And I expressed my feelings that over the years what the County has needed for its planning and transit planning efforts has been a transit service development planner, and we've asked the feds to help out on that through the MPO and they haven't.

But if that passes and the RPA does become a transit planning organization my feeling was that we really needed to have a counterpart who definitely represented the County and worked cooperatively with Santa Fe Trails. The RPA felt at least for now it would be fine to have this person be an employee of Santa Fe Trails, and so I said, Well, maybe we shouldn't put it into the joint powers agreement forever, but say at least initially that's the way we would do it and it might change later. But kind of the way the wording ended up was that the RPA director shall initially work closely with Santa Fe Trails. Well, I think of course we want the RPA

director to work closely with Santa Fe Trails continuously, not just initially.

The intent was I think that the word initially be in front of the word “shall” or rather in front of the word “staff” so that it would read the RPA director shall work closely with a Santa Fe Trails Transit service development planner who shall initially staff the expanded role of the RPA. And then as the RPA got its feet wet and got into the business of transit planning and development and it might take a different direction. I don’t know. But we want to give them that flexibility. So it was kind of a quick change to the motion and everybody said, Okay, “initially” is fine and it just seems like the initially didn’t get in the right place. So I think that we should probably correct that and put it in front of initially staff and then as things change the RPA may decide differently how they want to staff their transit.

CHAIRMAN CAMPOS: Makes sense.

COMMISSIONER VIGIL: I don’t understand the recommendation. What is it?

CHAIRMAN CAMPOS: Move the word “initially”.

COMMISSIONER SULLIVAN: Move the word “initially” in G on page 11.

COMMISSIONER MONTOYA: Remove.

COMMISSIONER SULLIVAN: No, move, not remove. Move it in front of the word “staff” on the next line, so that “shall initially staff the expanded role of the RPA”.

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Sullivan, was there any discussion or Mary Helen, at the RPA about the RPA hiring a transit planner?

MS. FOLLINSTAD: There was some but it was a confusing conversation. There are minutes and things but what ended up in the motion was that the word “initially” would be inserted and that would be the only change to the whole document that was presented that day. But I understand what Commissioner Sullivan is referring to is how to staff it, is confusing, but the main body of the joint powers agreement does allow the RPA to employ as many people as it wants to to work on this. I think Commissioner Sullivan’s concern is that the County needs a transit planner, but the RPA may need to hire one also. But the RPA already has authority within the body of the document to do that. There was a planner working with RPA staff before but there hasn’t been enough work in the last two years to justify two people working on RPA.

But now with new ideas that the RPA is looking there might be more work, and so they can add any they want. But I think there’s two things going on here. One is, should RPA have staff and it can do that and Jack’s concern is that the County also needs someone.

COMMISSIONER SULLIVAN: Well, Mr. Chair, my concern, and Commissioner Montoya, was that this particular provision – certainly the RPA can hire as many people as it wants, as long as the City and the County agree somehow to foot the bill. But my concern here was this particular provision allocates a portion of the regional transit gross receipts tax revenue to that function, and so I just didn’t want to commit the RPA in perpetuity, or at least for 15 years, the length of that tax, to staffing this person at Santa Fe Trails. They may change their mind as to how they want to set that function up once they get more deeply into it. And so I just said we should put in the word “initially” and that’s what Ms. Follingstad did, but I think “initially” should be in front of the word “staff”. That’s the only difference.

MS. FOLLINSTAD: Mr. Chair and members of the Commission, I think that

what he's saying makes sense.

CHAIRMAN CAMPOS: Makes sense to me too. Otherwise, it really doesn't work, where the word "initially" is placed, it didn't make a lot of sense. And I think just the idea is that they will initially have the Trails act as staff, but that the idea that eventually you may evolve into having an RPA with its own transit person.

COMMISSIONER MONTOYA: So why couldn't that be done right away? Because there was no agreement?

COMMISSIONER SULLIVAN: It could be.

MS. FOLLINSTAD: It could be.

COMMISSIONER SULLIVAN: Commissioner and Mr. Chair, it could be done right away, and that's what I advocated for. But –

COMMISSIONER MONTOYA: That makes sense.

COMMISSIONER SULLIVAN: But the rest of the RPA disagreed with me, which is absolutely astounding.

COMMISSIONER MONTOYA: I find that hard to believe.

COMMISSIONER SULLIVAN: I find that hard to believe too, and it was probably the first time in eight years it's happened. But having dealt with that, I suggested the word "initially" and that seemed to satisfy everyone.

MS. FOLLINSTAD: Mr. Chair, there is adequate budget if RPA wants to to hire somebody right now, if they want to, if the tax passes, to work with everybody to do this. We would just need to put that through personnel.

CHAIRMAN CAMPOS: If we remember the Buckman Board issue where there was a lot of discomfort with the City running the entire staffing show, and eventually we decided that we needed our own attorney, to get independent counsel and that the counsel not really be serving the City and advising the Buckman Board on the same issues. This is a lot of money and it's really a County tax. It truly is County money. So I don't think that's a big deal.

COMMISSIONER MONTOYA: What's not?

CHAIRMAN CAMPOS: Having the RPA hire its own expert so that –

COMMISSIONER MONTOYA: Exactly. That's what this project needs.

CHAIRMAN CAMPOS: Exactly. Otherwise you get one entity controlling or attempting to control another.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: Mr. Chair, if that's the desire of the Commission then this language doesn't achieve that, because even if we took "initially" out it would still read that Santa Fe Trails would staff the transit planner and we would pay for it with gross receipts tax. So if the desire was –

COMMISSIONER MONTOYA: I think it needs to be independent of Santa Fe Trails.

COMMISSIONER SULLIVAN: I agree. I'm just pointing out that if that's our feeling that this G, either with or without the "initially" doesn't achieve that goal. Initially was a compromise that I through in to try to soften the language.

MS. FOLLINSTAD: Mr. Chair and members of the Commission, under C, Personnel, in the general instructions on how the RPA is to be managed and administered, there is wording there that would allow, and there's budget available, that would allow you to initially, before the tax started to accrue, to have someone – get somebody on board.

COMMISSIONER MONTOYA: Where?

MS. FOLLINSTAD: And it would be part of the City-County budget.

COMMISSIONER MONTOYA: Where are you talking about?

COMMISSIONER MONTOYA: It's under C, Personnel, and it's on page 8. It's any additional staff necessary to carry out the objectives of the RPA and this is going to become one of the RPA's objectives, so there could be someone added right away if the RPA so desired, the way this joint powers agreement is structured. And the City and County pay for it jointly. And when the gross receipts tax started to come in then how it was budgeted could be shifted.

COMMISSIONER VIGIL: Mr. Chair, I move we approve this with the changes are recommended by Steve Ross, to include the transit on page 10, and to remove "initially" on page 11 under item G. I don't think either place necessitates "initially".

CHAIRMAN CAMPOS: Did you get a second to that?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: There's a second. I disagree with that, with the motion. I think the word "initially" is important. And if Commissioner Montoya wants to move forward with the RPA hiring its own up front, I would support that. So is there discussion on the record or would you like to have discussion?

COMMISSIONER VIGIL: I have a question. Do we have the option of hiring a transit director, Mr. Ross, under this agreement, whether we include initially or don't?

MR. ROSS: Mr. Chair, Commissioner Vigil, as Ms. Follingstad pointed out, the RPA has the authority to hire additional staff under the main agreement. So this is a more specific paragraph. If the paragraph were gone, for example, the RPA could hire its own staff, but this seems to be saying that the RPA will use City staff instead of hiring its own staff to do this particular task, to get us off the ground.

COMMISSIONER VIGIL: So if we included the word "initially" would that give us the direction that the City would not be able to hire their own staff?

MR. ROSS: What it would do is say that initially, instead of hiring a permanent staff member under Ms. Follingstad that the City would provide her with somebody, this transit service development planner, basically on loan.

COMMISSIONER VIGIL: Okay. So our concern is to gain someone with a sense of objectivity that would create a balance of the interests of both the City and the County, so that "initially" in your mind, Mr. Ross, should be included at which place in this agreement? Should it be as recommended by Commissioner Sullivan on the second line under item G, or should it remain on the first line under item G?

MR. ROSS: Mr. Chair, Commissioner Vigil, I thought Commissioner Sullivan's suggestion was a good one.

COMMISSIONER VIGIL: Okay. Well, I will sort of amend my motion to

include “initially” on the second line under item G.

CHAIRMAN CAMPOS: Before the word “staff”>

COMMISSIONER VIGIL: Right.

COMMISSIONER ANAYA: I agree.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER MONTOYA: Mr. Chair, what if we just said under G, Transit Staff, refer to IV. C? Which is what Mary Helen was referring to on page 8 under Personnel. Transit staff –

COMMISSIONER SULLIVAN: Shall be retained in accordance to IV. C. Is that what you’re saying.

CHAIRMAN CAMPOS: You could also just delete the whole thing. It’s already there. If that’s what you want.

COMMISSIONER VIGIL: Is the language approved by the RPA?

MS. FOLLINSTAD: This version was adopted by the RPA to add the word initially. And the City Council, the Finance Committee and the Public Works Committee last night have both approved it the way it is now. It hasn’t gone to the full Council yet. And so my suggestion would be maybe to go with what Commissioner Sullivan is saying. Jon Bulthuis who is the City transit director works for Santa Fe Trails and has a considerable amount of expertise in running buses and so – and he drafted this, so I think they can lend a lot of expertise to the circumstances. And I’ve had meetings with Jack Kolkmeier and Jon on how we’re going to plan this and get it going if the tax passes.

COMMISSIONER VIGIL: I remain with my motion then.

COMMISSIONER MONTOYA: To move the “initially” to before “staff”.

CHAIRMAN CAMPOS: I have a question. If the tax passes when will the money be available?

MS. FOLLINSTAD: Not until June of 2009. It will accrue. So there will be a good six months of work to do. And the train is going to start. It was here last Saturday and I think there’s something – I can’t remember the details precisely but DOT is going to be helping us also in the beginning with maintenance and other things, financing, some of that stuff. I don’t know about buses out there, but Park & Ride will probably be there.

CHAIRMAN CAMPOS: Okay. Any further discussion?

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

COMMISSIONER MONTOYA: Mr. Chair, Mary Helen, from now on could we make sure that we put the regional transit as a discussion for our RPA meeting?

MS. FOLLINSTAD: Yes, sir.

COMMISSIONER MONTOYA: Well, I guess –

MS. FOLLINSTAD: It will be.

COMMISSIONER MONTOYA: If the tax passes.

MS. FOLLINSTAD: Once we take this to DFA it will really be official. You’ve



passed it and then the City is going to pass it in a day or two, so if we take it to DFA.

COMMISSIONER MONTOYA: Whether or not the tax passes we still need to have a transit discussion every meeting.

MS. FOLLINSTAD: Okay. No problem.

COMMISSIONER MONTOYA: That way we can start working on the service plan.

MS. FOLLINSTAD: Exactly.

COMMISSIONER MONTOYA: Okay. All right. Thank you.

CHAIRMAN CAMPOS: Thank you very much.

**XIII. F. Matters from the County Manager**

**1. Update on Various Issues**

MR. ABEYTA: Nothing, Mr. Chair.

**XIII. G. Matters from the County Attorney**

**1. Executive Session**

**1. Pending and Threatening Litigation**

**2. Limited Personnel Issues**

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

CHAIRMAN CAMPOS: How long do you think this will take?

MR. ROSS: Oh, probably an hour.

CHAIRMAN CAMPOS: One hour. Okay. Is there a motion to do that?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

**The motion passed by unanimous [5-0] roll call vote with Commissioners Anaya, Montoya, Sullivan, Vigil and Campos all voting in the affirmative.**

COMMISSIONER SULLIVAN: What time is the meeting tomorrow?

MR. ABEYTA: 9:00.

COMMISSIONER SULLIVAN: Until?

MR. ABEYTA: 9:00 to 11:30.

COMMISSIONER SULLIVAN: 9:00 to 11:30.

CHAIRMAN CAMPOS: Mr. Abeyta, Valerie Espinoza has asked for this room back as soon as possible. Could we do that at this point?

MR. ROSS: Mr. Chair, what I suggest is that we adjourn the executive session tomorrow morning when we open at Bishop's Lodge. That's permissible.

CHAIRMAN CAMPOS: Why don't we do that, because she's got a lot of people out there and we can ask her to start moving in here.

[The Commission recessed at 3:30 and reconvened the following morning at 9:15 a.m, prior to the County Retreat held at Bishop's Lodge.]

Commissioner Sullivan moved to come out of executive session where the only things discussed were pending and threatened litigation and limited personnel matters. Commissioner Montoya seconded and the motion carried by unanimous 4-0 voice vote. [Commissioner Vigil was not present for this action.]

**XIV. ADJOURNMENT**

Chairman Campos declared this meeting adjourned at 9:15 a.m.

Approved by:


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Board of County Commissioners  
Paul Campos, Chairman

ATTEST TO:

VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
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