

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

February 24, 2009

Michael Anaya, Chair – District 3
Harry Montoya, Vice Chair – District 1
Kathy Holian – District 4
Liz Stefanics – District 5
Virginia Vigil – District 2

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:15 a.m. by Chair Mike Anaya, 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 Mike Anaya, Chair
Commissioner Harry Montoya, Vice Chair
Commissioner Kathleen Holian
Commissioner Liz Stefanics
Commissioner Virginia Vigil

Members absent:

[None]

V. INVOCATION

An invocation was given by Dennis Manzanares from the Legal Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We have the following amendments. The first could come under X. Matters from the Commission. We added an item E, which is discuss possible date change for the March 10th BCC meeting. And the only other change that staff had, Mr. Chair, is on page 4 of the agenda under XII, we need to table item 10, which is request approval of an MOU between Santa Fe County and the Pojoaque Valley School System for the purchase and installation of tennis courts. The only reason for the tabling, Mr. Chair, is so that we can finalize the MOU but there are no other

problems with this proposal. It's just a matter, we need a little more time to finish that MOU and I expect that would be back on the agenda in two weeks.

CHAIRMAN ANAYA: Okay. Thank you. And I'd like to move item C, X. C, Matters from the Commission, I'd like to move that you up before A. Is there any other changes to the agenda?

COMMISSIONER MONTOYA: What was that, Mr. Chair?

CHAIRMAN ANAYA: I would like to move item C, the resolution in support of the New Mexico Project 2012, the plan to transform K-12 math and science education in New Mexico to before item A. Is there any other changes to the agenda?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I just had a question on the one that was just tabled. Roman, last night at the Pojoaque School Board meeting they did approve the MOA. So are we going to have any changes potentially to that?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, I don't believe so, but that's the purpose of tabling so that we can review that with our Legal Department and make sure that we don't. And if we do then we will suggest those changes at the next meeting.

COMMISSIONER MONTOYA: Okay. Because that is a project that I'd like to get started as soon as possible.

MR. ABEYTA: We can put the MOU on the agenda for March 10th.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN ANAYA: Any other changes? Is there a motion to approve the agenda as amended?

COMMISSIONER HOLIAN: Move for approval as amended.

CHAIRMAN ANAYA: Motion by Commissioner Holian. Second by Chairman Anaya. Any further discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN ANAYA: Is there any withdrawals from the Consent Calendar. Hearing none, is there a motion?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Montoya.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. Any further discussion?

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

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2009-40. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded through the New Mexico Department of Transportation for Operation DWI to Conduct Sobriety Checkpoints And Saturation Patrols \$34,344 (County Sheriff's Office)**
- 2. Resolution No. 2009-41. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Department of Transportation for Operation Buckle Down Aimed at Increasing Seatbelt and Child Restrain \$3,312 (County Sheriff's Office)**
- 3. Resolution No. 2009-42. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Department of Transportation for Selective Traffic Enforcement Program (S.T.E.P.) Activities Aimed at Reducing Traffic-Related Injuries And Fatalities \$15,840 (County Sheriff's Office)**
- 4. Resolution No. 2009-43. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget for the Santa Fe Mountain Center in the Amount of \$250,000 Minus \$2,500 for 1% Arts in Public Places for a Total Amount of \$247,500 to Reflect Receipt of Amendment No. 1 to 2006 STB Grant Agreement Awarded Through the 2006 New Mexico Legislative Session (Community Services Department)**
- 5. Resolution No. 2009-44. A Resolution Requesting an Increase to the Lodger's Tax Advertising Fund (215) to Budget Additional Funds Awarded Through a Cooperative Marketing Grant Agreement with the New Mexico Department of Tourism to Provide Advertising And Promotional Services within the State of New Mexico for Expenditure in Fiscal Year 2009 \$4,000 (Administrative Services Department/Finance Division)**
- 6. Resolution 2009-45. A resolution requesting a budget increase to the Capital Outlay GRT Fund (213) to budget cash carryover for the County's shared cost of the Buckman Direct Diversion (BDD) Project / \$13,000,000 (Administrative Services/Finance Division)**
- 7. Resolution 2009-46. A Resolution Requesting to establish Fund (334) for the 2008 Series General Obligation Bond Revenue**

Source for the County's shared cost of the Buckman Direct Diversion (BDD) Project / \$32,558,500 (Administrative Services/Finance Division)

- 8. Resolution 2009-47. A Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (213) / Regional Road Projects to Budget Cash Carryover for an MOA between Santa Fe County and the City of Santa Fe for the Siler Road Extension Project / \$875,000 (Administrative Services/Finance Division)**

B. Miscellaneous

- 1. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of January 2009 (Administrative Services Department)**
- 2. Review of the Monthly Financial Report for the Month of January 2009 Specific to the General Fund (Administrative Services Department)**
- 3. Resolution 2009-48. A Resolution Amending the Santa Fe County Road Map And Certifying a Report of the Public Roads in Santa Fe County (Growth Management Department)**
- 4. Resolution 2009-49. A Resolution Requesting Funding Through the 2009/2010 LGRF Program, CAP Funding for Chip Seal Improvements On County Road 17, New Mexico Department of Transportation (Growth Management Department)**
- 5. Resolution 2009-50. a Resolution Requesting Funding Through the 2009/2010 LGRF Program, SB Funding for Chip Seal Improvements On County Road 17, New Mexico Department of Transportation (Growth Management Department)**
- 6. Resolution 2009-51. A Resolution Requesting Funding through the 2009/2010 LGRF Program, SP Funding for Chip Seal Improvements On County Road 17, New Mexico Department of Transportation (Growth Management Department)**
- 7. Request Approval of an MOU Between Santa Fe County and the CWA Corrections to Change the Promotional Process for the Corporal Position (Human Resources Division)**
- 8. Request Approval of an MOU Between Santa Fe County and the CWA Corrections to Abide by the Human Resources Handbook Approved by the Board of County Commissioners in October 2008 (Human Resources Division)**
- 9. Resolution 2009-52. A Resolution Requesting Approval of Budget Adjustment Resolution to Increase CARE Connection Cost Center 242-0842-465 by \$15,610 (Community Services Department/Health and Human Services Division)**

- 10. Request Approval of a Memorandum of Understanding Between Santa Fe County And the Pojoaque Valley School System for the Purchase and Installation of Tennis Courts (Community Services Department) TABLED**
- 11. Request Approval of First Amendment to 2006 STB Grant Agreement Which Removes \$850,000 for St. Vincent's Hospital and Inserts \$250,000 for the Santa Fe Mountain Center for Total Agreement Amount of \$2,250,000 (Community Services Department)**
- 12. Request Approval to Enter Into an Ambulance Service Agreement with Española Hospital And Española Valley EMS Ambulance Service for a Term of Four Years. The County Will Pay a Sum of \$100 Per Ambulance Run Not to Exceed \$33,000 Per Fiscal Year (Administrative Services Department)**
- 13. Request Approval of 2008 Special Appropriation Grant Agreement Amendment No. 1 Which Decreases Appropriation for the Santa Fe County Teen Court by 2.534% to \$73,100 for Total Grant Agreement Amount of \$108,100 (Community Services Department/Administration)**
- 14. Request Approval of the Memorandum of Understanding to Add a Financial Re-Opening Article in the Collective Bargaining Agreement with Communication Workers of America – Corrections Union (Human Resources)**

VIII. APPROVAL OF MINUTES

A. January 14, 2009

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian. Any further discussion?

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

VIII. B. January 27, 2009

COMMISSIONER HOLIAN: I move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. Any further discussion?

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

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anybody that would like to address the Commission on issues that aren't on the agenda today? Hearing none, we'll move on.

X. MATTERS FROM THE COMMISSION

C. A Resolution in Support of the New Mexico Project 2012, a Plan to Transform K-12 Math And Science Education in New Mexico (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. It is a great honor for me to sponsor this resolution and I think it's really appropriate because I understand that today is Math and Science Day at the legislature, so that's why we're hearing this first because our distinguished guests have to get over to the capitol. I would first like to read the resolution. It's a resolution in support of the New Mexico Project 2012, a plan to transform K-12 math and science education in New Mexico.

Whereas, unless action is taken, New Mexico will soon be facing a serious shortage of high school math and science teachers; and

Whereas, more must be done to equip New Mexico's K-12 math and science teachers with the content, knowledge, pedagogical skill, confidence and enthusiasm necessary to teach these subjects effectively; and

Whereas, activities in other states are demonstrating some success in attracting exceptional undergraduates into the grades 7-12 teaching ranks; and

Whereas, effective teachers are one of the most important factors in student achievement; and

Whereas, students learn more from math and science teachers who have strong content, knowledge and pedagogical skills than those who do not;

Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County hereby strongly encourages the New Mexico Legislature to pass legislation that will increase the mathematics and science requirement in elementary education and that will fund training, development and recruitment of elementary and high school teachers of reading, mathematics and science education.

Be it further resolved that a copy of this resolution be made available and distributed to Santa Fe's legislative delegation and to the Governor.

I have to say that it's somewhat fitting that I am bringing this resolution forward, given my background, but I really want to thank our own Laurie Treviso for bringing this issue to my attention in the first place. I would have to say that the New Mexico Project 2012 is an ambitious yet entirely achievable program that has been put together by the New Mexico Math and Science Advisory Council. We are fortunate to have Bob Eisenstein here from that Advisory Council and I would like to ask him to say a few words about his program.

BOB EISENSTEIN: Commissioner Holian and Commissioners, I can't thank you enough for the opportunity to be before you today. It's a great opportunity for us. We very much appreciate your – at least your potential support, assuming that this passes. Let me just say a few words. New Mexico Project 2012 is indeed the product of the New Mexico Math and Science Advisory Council, a body that was created by the state legislature about three years ago to advise the government on matters of math and science education. The resolution that you introduced says perhaps enough for today about what our Project 2012 is about and what the legislation is about so I won't go into it any further.

I just want to stress the fact that this bill is really, as you have indicated, about our children. It is about their access and opportunity for skilled, high paying jobs. It is about the fact that New Mexico needs a prepared workforce to bring new jobs and business into New Mexico, and the fact that new business means more tax revenues for the state of New Mexico, something that we're all acutely aware of today.

So I won't say any more. Again, my profound thanks to you for considering this statement and I'll sit down now. Thanks a lot.

CHAIRMAN ANAYA: Thank you, Bob, for being here. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would also like to highlight two bills that are before the legislature. One is House Bill 322, which is sponsored by Representative Janice Arnold Jones, which will increase the minimum math requirement for an individual seeking elementary education licensure from six to nine credits, and I would like to ask Representative Arnold Jones if she would be willing to say a few words and let us know where the bill is in the process if possible.

JANICE ARNOLD JONES: Commissioner Holian, thank you, thank you, thank you. I have to tell you, this is a red-letter day. You are the first County Commission to consider taking a stand on whether or not our children can succeed. And make no mistake about it, Project 2012 is a new way of thinking. Our goal is by the end of 2012 that our students will be in the top five in the nation in math, science and engineering. I believe we can do it, and I believe your action today also says we can do it. And I have no doubt that our children can do it.

House Bill 322 is doing very well. It will be heard in Education the end of this week. There is absolute agreement I believe that this very small step is a critical step. We find that the universities have already taken this step, but this codifies it. But there is no doubt that elementary school teachers are key. If they do not have sufficient background in both math

and science how can we expect our teachers to be successful, and by correlation our students successful. A simple step. And again, I cannot thank you enough. A very small token of my esteem for what you're doing, may I present each of you with a Project 2012 button?

COMMISSIONER VIGIL: Mr. Chair, while she's doing that I'd like to recognize the significant contribution that Representative Jones provides to the legislature, particularly in the area of Internet and computer access and technology and how important that is in our school system. I have so appreciated your ability to have significant input in the process there. Thank you so much for that.

I do have a question. I am wondering, Representative Jones, this is such a necessary initiative for our students and our schools, has it been discussed within the realm of the funding formula?

REP. ARNOLD JONES: It has been. There is another bill, and indeed it has been discussed. Senator Nava is carrying the alternate bill and the real issue here, if you don't know already, we're in a bit of a jam. It allows us an opportunity to make some other choices. And right now, from what I understand on the Senate side, the choice is, yes, we may give up some other things but we have to focus our resources on this arena. I don't know what the outcome is going to be but it is clearly part of the discussion. And even within the funding formula as we look at that broadly, there is no doubt even as you were thinking about House Bill 331, which is the funding formula, how we might streamline it to be more successful.

COMMISSIONER VIGIL: Thank you.

REP. ARNOLD JONES: Thank you. And again, Commissioner Holian, thank you. We really appreciate it.

COMMISSIONER HOLIAN: Well, thank you, Representative Arnold Jones. I would also like to highlight another bill, Senate Bill 273, which is sponsored by Senator Cynthia Nava, and this would appropriate funds for the training, development, and recruitment of teachers for reading, mathematics and science, and promote awareness of the importance of reading, mathematics and science education. This bill has, I think, a relatively modest price tag of \$4 million, and I just wanted to say one comment is that there are two kinds of public spending as I see it. There's spending for current needs and there's spending on our future. And in these really tough times I don't think that we have to not short our spending on our future, because otherwise we'll be shooting ourselves in the foot. We will be in essence eating our seedcorn. So what we need to do is to spend on the education of our young people so that we create a workforce that is educated and able to take on highly paid, technical jobs. And then that will actually be to our benefit because it will raise our tax revenues in the future and then we'll have more spending to be able to put into the future from there.

So I just think that we can't lose sight of that fact. So with that, I'd like to move for approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Second by Commissioner Montoya. Any further

discussion?

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

CHAIRMAN ANAYA: Thank you very much, Representative, Bob. Thank you for coming. Here is this. It's signed. Valerie, I think you need to sign it and we can make copies and give it to the Representative.

X. A. Urging the State of New Mexico to Do Everything in its Power to Avert Layoffs and to Work Collaboratively With Cities, Counties, Public School Districts, Universities, and Employee Organizations to Find Ways to Continue Supporting Existing Services, Employment, and Benefits Particularly PERA and ERA (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. It's no secret. After our mid-year budget reviews I actually made the statement with everything happening around us, about job security, employment and expressing the kind of recommendations that we need to to the state. As you know, the legislature currently is looking at fixing their budget deficits, which are increasingly showing more and more of a gap. One of the areas that they've looked at is looking at the retirement benefits, both the PERA and the ERA retirement benefits.

One of the proposals before the legislature is to require PERA employees to work for 30 years rather than 25 years which is the current funding formula. I do believe that that bill has been amended to only affect newly hired employees so that the 25-year funding formula would actually apply to all current employees who are under PERA. But things are happening so fast at the legislature and this is no reflection on the speed in which they are trying to respond because the pace of our experiences is quite fast these days. But I really think that it would be really important for us to send a message to the legislature that they collaborate as much as they possibly can with all the entities that are affected by the decisions that are being made.

Santa Fe County employees definitely will be affected by the decisions that they make with regard to retirement benefits and I don't know what the outcome of these bills will be. I'm not following all of them as closely as I'd like, because there are quite a few. But I do want to send the message to please stay working collaboratively with those entities, both in education and local government and state government that are going to be affected by these decisions. So with that, the resolution is very basic to that message, Mr. Chair. I stand for questions and if there are none, I ask that we approve this resolution and I move that we do.

CHAIRMAN ANAYA: There's a motion to approve by Commissioner Vigil.

COMMISSIONER STEFANICS: I'll second, and I have a comment.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. Discussion?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Chair, I totally agree with the issue that we need to protect employees, and in terms of our workforce, we don't want people losing jobs. I do think it's a tricky situation in terms of balancing the state budget and looking forward to the PERA and ERA retirement system. So I know that they're going to have to do some tweaking on contributions, but I think that the foremost concern for us should be to maintain our labor force here at the County. Thank you.

CHAIRMAN ANAYA: Thank you. Any further discussion?

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

X. B. Summary Update Regarding The North Central Regional Transit District Board (NCRTD) (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair, members of the Commission. In your packet you'll find the agenda that we had for our last meeting for the NCRTD board. In addition you should have a copy of the most recent minutes from that February 6th meeting. [Exhibit 1] Just to summarize briefly, we did have a retreat and there is some question as to whether or not Commissioner Stefanics – I know you're going to be there, hopefully on March 6th.

COMMISSIONER STEFANICS: I will be.

COMMISSIONER MONTOYA: In my stead and hopefully you will be allowed to vote, because that apparently in the question that needs to be answered in terms of our designating an alternate, alternative representative to the board. So I don't know if there's been any discussion with that.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we sent a letter to Josette Lucero, the executive director, letting her know that you are the appointee and Commissioner Stefanics is the alternate. And she assured me that that then will allow Commissioner Stefanics to vote.

COMMISSIONER MONTOYA: Okay. And then what about Andrew?

MR. ABEYTA: He is just the staff representative right now, and he'll be allowed to participate but not vote.

COMMISSIONER MONTOYA: Okay. Okay. So that's clear now.

MR. ABEYTA: I hope so. I sent her an email last week.

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioner Montoya, what I could do is when I get to the meeting, if they have it on the agenda at a later point to confirm the letter I could just ask that it be moved up, try to get that taken care of.

COMMISSIONER MONTOYA: Okay. And then the only other thing I wanted to mention, Mr. Chair, was there was an item on the agenda that had to do with an MOA that was between NCRTD and Rio Metro which Councilor Romero and I felt, and so did our staff, that this was somewhat redundant as we were told that our MOA was redundant

and consequently voted down, as you recall at the last meeting that I mentioned that. So it's unclear as to why sometimes these things are put on and approved and then other ones are given the recommendation for not being approved. For example, again, the one that we needed to get completed. So hopefully these things will work themselves out.

During the retreat it was pretty, I think at that time, very basic in terms of beginning the discussions and again, I think I want to alert this Commission that there may be some discussion about eliminating the weighted vote, which again, is very concerning to me, being that that was one of my reasons for even considering rejoining the RTD was that that would be maintain as part of the operational procedures of which that board operates under. To eliminate that part would certainly be disconcerting to me as well. So that's briefly what happened and what is upcoming in terms of the retreats as well. So stay tuned.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you for your representation there, Commissioner Montoya. I am just wondering if you have any suggestions or perhaps even you, Roman, in what we can do to reassure or at least give a clear message to the NCRTD that that was part of the deal when we reconsidered going back with the NCRTD, that the weighted vote would actually exist and for them – I'm not sure who or what, but for us to be getting the message that the weighted vote is being considered disconcerts me also. I'd like to know, Commissioner Montoya, if there's anything you think we can do. If there's a letter that we could draft through our Manager. If we can bring forth a resolution.

And I'm not sure how the other Commissioners feel about this but I do know that at the time we took action on this there was strong sentiment towards going back into that organization, partially because of the weighted vote. But that was a component of it. Do you have any suggestions, Commissioner Montoya or Roman? I'm open.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, maybe a resolution that the Board can pass. We can start working on that. We can state the reasons why we feel the weighted vote is still appropriate.

COMMISSIONER VIGIL: And I think, as chair of the Regional Planning Authority I'd like to bring forth another option for the Regional Planning Authority to be a strong message sender about that too. I hope that that would create some kind of a benefit but they're undertaking the service plan, the service agreement now. We're starting with that, and we are actually operating in that knowing that we have the 86/14 percent split. I don't want a weighted vote system to start haggling with those numbers at all or anything that we entered into in good faith with the NCRTD. So if you think that would be of benefit, Commissioner Montoya, we can start with a resolution. I certainly will communicate to the members how strongly I feel about that. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Just in response to Commissioner Vigil. I do believe that that would be an appropriate first step and we can go with both this body and the RPA.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I agree as well. I definitely think a resolution

would be a good idea. But do we have any actual leverage over them? I mean real leverage?

COMMISSIONER STEFANICS: Mr. Chair, on that point.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Commissioners, I think there's several issues going on with the RTD and it's not just the weighted vote. It is the perspective that they have about us and whether or not – we need to be respected at the table in terms of our needs and in terms of the money that we're bringing in. So if we were going to go to a resolution I would like for it to be all-inclusive. And just from the brief experience we had at the RPA the other night, there is an expectation that they are telling us what we are supposed to be doing, whereas we're supposed to be going to the RTD expressing the needs of the County and I don't know that that's always happened. Looking at what the Commission's discussions have been prior to my election, looking at expressions in the newspaper and then looking at recent meetings, I don't know that there's really a respect for Santa Fe County at the table.

I don't think that – I'm not necessarily saying that we could I think we could take care of all of our transportation needs on our own, but I do think that the leverage that we have should be higher and recognized for that.

CHAIRMAN ANAYA: Thank you, Commissioner Stefanics. Jack, did you have a comment?

COMMISSIONER MONTOYA: Mr. Chair, I think that Commissioner Stefanics is very well said. I think there has been somewhat of a lack of respect for the County and the position that specifically I took regarding the whole entrance, exit, to the NCRTD and I do sense some sort of hostilities on behalf of some of the other board members because of those actions. I think that's something that needs to be overcome as part of this whole retreat and planning process.

JACK VALENCIA: Mr. Chair and members of the Commission, I'm Jack Valencia. I'm a project manager with the North Central Regional Transit District. Let me highlight a couple of the discussion points that have been brought up. With regard to the voting strength, I think this is a miscommunication. What has occurred is that –

COMMISSIONER MONTOYA: Miscommunication by who?

MR. VALENCIA: I'll continue, Mr. Chair and Commissioner Montoya. What has occurred is during the progression and transition of a variety of new board members coming on board and the establishment of the retreat items there was a direction by the board to bring a historical perspective of what, how we got from here to there with regard to the initiation of the legislation in 2003, with regard to how a consultant put together the voting strength, how it was adopted by the initial board, so on and so forth. So this was the direction in which we received in order to come and review this as an item, to show the historical perspective. There hasn't been a desire to shift or to replace the voting strength in any form or fashion. That's what's adopted. That is what we are governed by. And this was the direction we received by the board to review in a historical perspective for board future analysis and consideration. That's all it is, is the direction that the board has given us to get that historical

perspective, and that's what eventually, as we continue through this retreat process, if the board continues to want to go down that path then we'll evaluate it because we've been researching with a variety of other regional transit districts throughout the county. So that's the point on the voting strength.

With regard to the service plan, Mr. Chair, you were chairing the NCRTD at the point in time of the adoption of the service plan and how we worked through it. Santa Fe County was given nothing but and continues to get respect with regard to the progression of services and the interaction that we want to have with all the member entities. At the RPA meeting the other day, and I believe Commissioner Montoya is a board member, you do have the service plan. I did provide a service plan to Councilor Bushee, and today, because I have additional service plans I'd like to present to Commissioner Stefanics and Holian and offer our ability to review these with you at a future date.

So we stand ready and available to address any and all issues, whether it be with Santa Fe County solely, whether it be in the board perspective with the membership, or in any venue necessary in order to bring coordinated public transportation to the region.

CHAIRMAN ANAYA: Thank you, Jack. Any further comments?

COMMISSIONER MONTOYA: Mr. Chair, I'll just again say that the voting strength, Jack, may not have been brought up by you but it has been brought up by other board members, that they're concerned about the way the voting strength is currently set up. So when that's brought to my attention by other board members you may not be aware of, that is a concern to me. In terms of the respect, I certainly feel that the respect would have been shown by that board approving the MOA that we were requesting to be approved between the NCRTD and Santa Fe County, and it certainly wasn't provided at that particular meeting and that's where I do feel that there's some retaliatory sentiment on that board towards Santa Fe County, still. So, again, those are things that are being discussed and worked on and we'll see where things go with both of those issues.

CHAIRMAN ANAYA: Any other comments? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I guess based upon what Commissioner Vigil and Commissioner Montoya are bringing up, then we would wait for their direction on a resolution, if we want to do one at the next meeting or whatever.

COMMISSIONER MONTOYA: I think we should do at the next meeting.

CHAIRMAN ANAYA: When's the next RTD meeting?

MR. VALENCIA: The next RTD meeting, Mr. Chair, members of the Commission, is March 6th, I believe. The first Friday of the month.

COMMISSIONER STEFANICS: And our next meeting, Mr. Chair, isn't until March 10th. So unless we wanted to rush to do something today, we might get something ready for March 10th.

MR. VALENCIA: Mr. Chair and members of the Commission, if allowed, I am definitely going to go back to the executive director and the board and advise them of the actions here, whether or not you still believe a resolution is warranted the communication will be conveyed.

CHAIRMAN ANAYA: Yes, I would hope that you would go back and talk to your executive director and see if we can work this issue out. Okay. Thank you, Jack, for coming.

MR. VALENCIA: Thank you, Mr. Chair, members of the Commission.

**X. D. A Resolution Supporting The Santa Fe County American Red Cross
(Commissioner Anaya)**

CHAIRMAN ANAYA: I would like to read a resolution and then I'd like to call up Steve Bond to come forward and talk a little bit about this. A resolution supporting the Santa Fe County American Red Cross:

Whereas, since its founding in 1881 by visionary leader Clara Barton, the American Red Cross has been the nation's premier emergency response organization; and

Whereas, since 1916, the New Mexico American Red Cross volunteers have been responding to disasters, coordinating emergency messages to members of the Armed Forces and teaching lifesaving skills of first aid and CPR; and

Whereas, the New Mexico American Red Cross works daily to provide disaster response service to Armed Forces, health and safety training and numerous other services to New Mexico; and

Whereas the American Red Cross, part of a worldwide movement that offers neutral, humanitarian care to the victims of war, and American Red Cross distinguishes itself by also aiding victims of devastating natural disasters; and

Whereas, over the years the organization has expanded its services, always with the aim of preventing and relieving suffering; and

Whereas, one of six people will be impacted by the American Red Cross programs during their lifetime; and

Whereas an average of 91 cents of every dollar the American Red Cross spends is invested in humanitarian services and programs; and

Whereas, the Red Cross is not a government agency it relies on donation of time, money and blood to do this work;

Now, therefore, be it resolved that the Board of County Commissioners fully supports the efforts of the American Red Cross in its ongoing quest for helping those in need.

And now, therefore be it further resolved that the Board of County Commissioners declares annually the month of March as American Red Cross month in Santa Fe County.

Steve, would you like to come forward. Do you have any additional comments to the resolution? Thank you for being here, Steve. Are you James' brother?

STEVE BOND: Second cousin. He got the good looks; I didn't. Good morning, Commissioners. Chairman Anaya pretty much said the whole story of the Red Cross in the proclamation and it's a wonderful thing. I'm really thankful that the County appreciates and understands. We work with volunteers. Our entire disaster budget is given by

goodwill donations, and where we really see a big hit on that is if there's a big disaster like a Katrina or a tsunami, then the local donations really drop off, and of course, being a non-profit organization in the time of economic downturn we suffer there.

So March is our big hit time. We go out and do presentations and have some fundraising things and things like that. But the Red Cross has been very active. We're always very visible when there's a huge disaster but we go out any time, day or night, for single family house fires in Pojoaque, Santa Fe, anywhere, to help families with emergency needs. So it's really – it's heartening when a Commission puts a bill like this forward, a proclamation, because it's good to be part of the community. Red Cross has been here and will continue to be. So thank you very much. And Chairman Anaya, thanks so much.

CHAIRMAN ANAYA: Thank you, Mr. Bond. We've got some questions. We've got Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair. The work of the Red Cross is admirable and well known and well accepted among the community. Could you tell us a little bit specifically about what happens – how the Red Cross can assist an individual or family in a fire in the residence?

MR. BOND: Sure. What happens is we have very good connections with the County fire departments. There's like 16 different departments in the county and we have scanners and pagers and all those things, so we're notified within usually 30 to 40 minutes after the fire occurs, when the fire department gets there and sees that a family is going to be displaced. Sometimes it's a total burnout, sometimes it's just that the power's been cut for safety, because of the fire. So we send our volunteers right to the scene and they meet with the family. It's an encouragement to the family because so often they are just seeing the wreckage of the home; they don't know where to turn. So all of our volunteers will meet with them. We have mental health counselors, but we'll work so when they leave this fire scene they'll have a voucher for motel nights, brand new clothing and restaurant meals, plus if they've lost medications and things like that. So when they leave they have a little bit of a hope in their hand.

Also, we work very closely with them in the following days where we can pay first month's rent, deposits, try to get them into a new home. We used to be able to do furniture and things like that but that's one of the things that had to go away with the economics the way it is. But we can give them referrals to other agencies.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair, and I think that's one of the things that they are well known for but I think that perhaps the people in our community aren't aware that if they do undergo a tragedy or trauma in their home that perhaps the Red Cross can assist them. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Stefanics. Commissioner Vigil.

CHAIRMAN ANAYA: Thank you. Out of curiosity more than anything else, but it does have something to do with your system, were you here for the Cerro Grande fire?

MR. BOND: Actually, I was with the Red Cross. I grew up out here and I

moved to Oklahoma to go to college and stayed out there for 30 years, so I heard about it. My mom called me up and said, Los Alamos is burning. Because that's where they came – I was born up there and everything.

COMMISSIONER VIGIL: Well, you may still have the answer to this, because it's probably a standard practice or procedure. Santa Fe County really mobilized at that particular time to assist in whatever way, either through providing building space, vehicles, also donations. So I know that when I went to the donation site there was an inordinate amount of clothing, food, furniture, in my mind even more that what could be handled by the recipients. What happens under those kinds of emergency situations with excess donations?

MR. BOND: Actually, the Red Cross discourages items. We don't have the facilities to store them or whatever. We ask folks to go ahead and donate and then instead of getting like used clothing for a victim we'll send them with a voucher to get brand new clothing. I saw that down at Hurricane Katrina, piles of clothes that well meaning people gave, but they just basically rotted because there's no way, when you have that much. And it's well meaning. I think some of the other agencies can take donated items but we really discourage it at the Red Cross for that very reason. When the disaster is done, what do you do with two pallets of kitty litter that somebody donated. I still don't know what they did with the kitty litter. But that's kind of what it is. We encourage it to be a donation, with us anyway.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to thank you and the Red Cross for everything that you do for everybody that you serve. Thank you.

MR. BOND: I appreciate it. It's a good organization. I've been with them since 1995. Started as a volunteer, and it has its struggles like anything else. But when I was at Katrina watching these volunteers working 14-hour days in the heat and the humidity, and I thought, gosh, it's great. Good folks.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I also would like to chime in and thank you. I think that organizations like yours really bring out the best in human nature and so it's terrific what you do. I'm sort of curious – how many volunteers do you have in our area?

MR. BOND: We've got about 11 to 12, depending on the activity, in the Santa Fe City/County. Our of our Santa Fe office we actually control nine northern counties, Taos, all the way up. Each one has their own little volunteer teams and they're in contact with their local responders so that they're notified. But in Santa Fe we have 12.

CHAIRMAN ANAYA: Thank you, Commissioners. A couple more questions and then we'll move on the resolution. Mr. Bond, I want you to thank Kathy Segura for us, because she's the one that approached the Commission and talked to us about bringing this

resolution. On one of the whereases it says, Whereas – and I’ll read it again. Whereas, the Red Cross is not a government agency and relies on donations of time, money and blood to do the work. Is there a number? Let’s say there’s somebody out in the listening audience that wants to give money to the Red Cross. Is there a telephone number that they can get a hold of?

MR. BOND: Yes. Our Santa Fe number is 424-1611, and that’s the number to report a fire or whatever. After hours it goes to an answering service and if it’s an emergency service we’re paged at that time. And that’s also for donations. We have our offices here down by Home Depot on Mercantile Street. We’re open 40 hours a week there. We teach CPR, first aid classes there and run our whole operation out of there. But, yes, 424-1611 will get you our Santa Fe office.

CHAIRMAN ANAYA: Okay. That’s area code 505 424-1611, if you want to donate money to the Red Cross, or that’s the number to call if you have a fire and you need assistance of the Red Cross.

MR. BOND: Your neighbor’s house burns, or if someone’s ever interested in becoming a volunteer. We have options to be a disaster volunteer or office help or CPR first aid instructor and things like that. So there are some options.

CHAIRMAN ANAYA: And then again, March is American Red Cross month. Thank you. Is there a motion?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN ANAYA: Motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian. Any further discussion?

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

CHAIRMAN ANAYA: Thank you, and let Kathy know this is approved.

MR. BOND: She’s down in Roswell, setting up an office down there or otherwise she would be here, but thank you so much. Appreciate it.

CHAIRMAN ANAYA: Thanks again, Steve. Again, the number is 505 424-1611.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Thanks. I’m going to go back to Matters from the Commission. Commissioner Stefanics, do you have any Matters from the Commission?

COMMISSIONER STEFANICS: No, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: No, I just want to wish all the teams well that are going to be competing now for the state basketball playoffs, Mr. Chair, and

tomorrow's Ash Wednesday.

CHAIRMAN ANAYA: Thank you, Commissioner Montoya. Commissioner Holian.

COMMISSIONER HOLIAN: Nothing, thank you.

COMMISSIONER VIGIL: Thank you. Being that Rudy is in the room and I don't mean to put him on the spot but I've seen him at the legislature. I just want to ask, Rudy, if there's anything that you think you need to report to us at this point in time?

MR. ABEYTA: Mr. Chair, we were actually planning to give a report under Matters from the Manager. That's why Rudy's here.

COMMISSIONER VIGIL: Oh, okay. Well, that would be my matter. I have none beyond that.

CHAIRMAN ANAYA: Okay. I want to thank staff for getting us our birthday cards again. They were kind of lost for three months. And every night I'd go home I'd say, I've got to remind them to bring the birthday cards. Then I was happy to see them on the desk. And I'm happy to see that all the Commissioners are signing all these birthday cards, because we really care about our staff. I think it's nice when it's your birthday and you get a card. Especially from me. And the Commission. But anyway, thank you very much for doing that. It's very important. That's all I have.

COMMISSIONER HOLIAN: Mr. Chair, I have a question.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER HOLIAN: When's your birthday?

CHAIRMAN ANAYA: It's passed. You blew it. Write it down. January 7th.

**X. E. Discuss possible date change for the March 10th BCC meeting
(Commissioner Anaya)**

CHAIRMAN ANAYA: We have a national conference in Washington, DC. I'll be leaving on the 6th and come back on the 12th. I don't know if Commissioner Montoya or Commissioner Vigil or any of the other Commissioners are going to join us. But if we could change that, I'd appreciate it. Any suggested changes, Roman?

MR. ABEYTA: Mr. Chair, that meeting is an afternoon session that starts at 3:00 and then the land use cases are heard at 5:00. If we are going to move it we'd have to move it past the 10th because of the noticing requirements. On the 17th we have RPA, which is the following Tuesday. We have the 24th open if you want to stay on Tuesday. And then Thursdays, all month the chambers are booked. So we do have the chambers available on Mondays or Wednesdays after the 10th if the Commission wants to meet on one of those days.

CHAIRMAN ANAYA: Now, we could still have the meeting.

MR. ABEYTA: If we have three we have a quorum and we could still have the meeting.

CHAIRMAN ANAYA: Are any of the other Commissioners planning on going to DC?

COMMISSIONER STEFANICS: Well, Mr. Chair, I think from budget considerations, I was thinking that perhaps we should stay back, but then again, asking the older Commissioners whether it's a learning opportunity that we should participate in – I hadn't made a decision to go.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I'll be there, also leaving on the 6th. In response to your inquiry, Commissioner and Commissioner Holian also, it's an invaluable learning experience as a newly elected official to participate and see what's – a lot of the state of the art things that are going on in county government.

COMMISSIONER STEFANICS: Mr. Chair and Roman, do we have budgeted two or do we have budgeted more people to go?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, we do have budget so that we could go, as part of this year's budget, and we have already made cuts to this year's budget. So if you wanted to go there would be budget.

COMMISSIONER STEFANICS: And Mr. Chair, what city is it in?

CHAIRMAN ANAYA: Washington, DC. And just a little comment on the budget, Commissioner Montoya and myself, our funds get paid through by the Association of Counties so no funds have – we haven't tapped into that for many years because we've been involved in the Association. So there should be some money to travel to DC.

MR. ABEYTA: That's right, Mr. Chair.

CHAIRMAN ANAYA: So if we want to change it, what dates are we looking at? Commissioner Vigil.

COMMISSIONER VIGIL: Would you repeat the dates that you will be returning?

CHAIRMAN ANAYA: We'll be back – we leave on the 6th, and come back on the 12th.

COMMISSIONER VIGIL: Would the 12th be a possible date? This is my proposal. I will not be going to Washington. So my proposal is we have two alternatives. That is to conduct the land use meeting on the 10th, and my question to Roman on that is, do we know – we haven't been receiving that many land use cases. Will we be receiving an inordinate amount at this particular date?

MR. ABEYTA: Mr. Chair, Shelley with Land Use is here. She will have a good idea as to the number of cases we would have on the 10th.

SHELLEY COBAU (Building & Development Supervisor): Mr. Chair, members of the Commission, we have quite a light agenda on the 10th. We have four items for the Consent Calendar, findings of fact, and we did have four cases, one of which staff is recommending tabling of, and we did have the Turquoise Trail PID application.

COMMISSIONER VIGIL: Okay. Four cases. There's that option and then there's the option – I don't know what time your flight comes back but if we wait – we can't do it on the 17th because we have an RPA. The next Tuesday available is the 24th, and that is the Tuesday before our last meeting in March, the 31st. So if we schedule something on

Thursday the 12th –

MR. ABEYTA: Mr. Chair, Commissioner Vigil, the 12th may not work because we have an ELUC meeting, and that usually requires the same staff, the Land Use staff. But being that we only have three cases we may be able to carry the cases over to April, and not have a March 10th meeting.

COMMISSIONER VIGIL: And is there a need? Shelley, do you know? Is there a time request by any of the applicants for deadlines?

MS. COBAU: I don't believe so. We do have one gentleman, Mr. Tapia, who is requesting a family transfer land division who's been parked on an agenda since about October, waiting for his case to be heard, because the EZC wasn't able to pull together a quorum. So he's the only one who'd been really held up. The rest, it probably shouldn't have that large an effect on.

COMMISSIONER VIGIL: Mr. Chair, I'm just going to recommend that if you and Commissioner Montoya are okay with it, if the three of us are here that we could go forth with the meeting on the 10th. If you're okay with it.

CHAIRMAN ANAYA: I'm fine with it.

COMMISSIONER STEFANICS: Mr. Chair, could we defer this decision for a few minutes, because I might consider going to Washington, which would then not leave a quorum.

CHAIRMAN ANAYA: We can come back to it.

COMMISSIONER STEFANICS: Could we?

CHAIRMAN ANAYA: Okay. We'll think about it.

COMMISSIONER STEFANICS: Towards the end of the meeting we should decide though.

CHAIRMAN ANAYA: We'll go back to that, if you remind me.

XI. Appointments/Reappointments/Resignations

A. Appointment of Jason Shepherd as the Alternate Member to Area 14 of the Road Advisory Committee within Commission District III (Growth Management Department)

ROBERT MARTINEZ (Public Works Director): Mr. Chair, members of the Commission, Public Works is recommending the appointment of Jason Shepherd as the alternate member to Area 14, which encompasses the Edgewood, Cedar Grove and Golden communities. I stand for questions.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Well, this is more a general question. I would like to know which of the areas that you need members of the road committee for.

MR. MARTINEZ: Mr. Chair, Commissioner Holian, I will email all of you

Commissioners and point out what vacancies I have in your Commission districts.

COMMISSIONER HOLIAN: And did you get the request that I sent to you, I think it was for Area 4, that there was a gentleman who was willing to be on the committee?

MR. MARTINEZ: Mr. Chair, Commissioner Holian, I did, and I asked Andrew Griego to get me a copy of his letter requesting to be appointed, and just a brief résumé.

CHAIRMAN ANAYA: Robert, he is the alternate for the southern part, correct?

MR. MARTINEZ: Mr. Chair, that is correct.

CHAIRMAN ANAYA: Who is the permanent?

MR. MARTINEZ: Mr. Chair, it is John Romero.

CHAIRMAN ANAYA: And does John go to the meetings?

MR. MARTINEZ: Mr. Chair, he does. He was the past chairman. The current chairman is Ed Benrock of the Eldorado area but John Romero has been attending on a regular basis.

CHAIRMAN ANAYA: Okay, good. Commissioner Vigil.

COMMISSIONER VIGIL: I move we approve.

CHAIRMAN ANAYA: There's a motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian. Any further discussion?

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

CHAIRMAN ANAYA: I'd like to recognize Bill Heinbach who's in the audience from Los Alamos labs, and Domingo Martinez is in the back, our Assessor. Thanks for being here.

XI. B. Appointment Of Janet Amtmann to the Division of Senior Services Advisory Board of Directors to Represent the Eldorado Senior Center

KATHY BERKELEY: Mr. Chair, members of the Commission, I'm Kathy Berkeley. I'm the program manager for Senior Services.

CHAIRMAN ANAYA: Thanks for coming, Kathy.

MS. BERKELEY: And I'm here to recommend the appointment of Janet Amtmann – it's a hard name to pronounce – to be the Eldorado representative on the Senior Services Advisory Board.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll so move.

CHAIRMAN ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Second by Commissioner Vigil. Any discussion?

COMMISSIONER STEFANICS: Mr. Chair, we bypassed this at our last meeting, and I think it was confirmed that she is an appropriate representative for the area.

CHAIRMAN ANAYA: Good. Thank you. Thank the Senior Services program for everything they do.

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

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

D. Administrative Services Department

- 1. The Santa Fe County Administrative Services Department, Building Services Division, Requests Authorization to Enter into Three (3) Indefinite Quantity Price Agreements #29-0004-A-ASD/JC, #29-0004-B-ASD/JC And #29-0004-C-ASD/JC, with C&C Distributors, Brady Industries, and Advanced Janitorial Supply In Response to the Multiple Source Award Invitation to Bid #29-0004-ASD/JC to Provide Janitorial Supply Services to Santa Fe County. This Will Be an Indefinite Quantity Price Agreement with a Four (4) Year Term (Administrative Services Department)**

PETE GARCIA (Administrative Services Director): Mr. Chair, Commissioners, we recently went out for a bid to get price agreements on building or janitorial supplies. We had three vendors who submitted this and we're recommending Commission approval to enter into a four-year agreement with these three respective firms for their lowest price offered on certain janitor supplies. This would lock in these companies to these committed prices for four years. They are very competitive.

CHAIRMAN ANAYA: Pete, thanks. Is this something – or Commissioner Montoya, is this something that you brought up last month? Or during our budget? This is the janitorial supply deal that you said something about NACo does?

COMMISSIONER MONTOYA: Oh, yes. In terms of supplies? Yes.

CHAIRMAN ANAYA: Is this what it's about?

MR. GARCIA: Actually, this is a separate invitation to bid or solicitation that we did. We got these companies to respond, but maybe Corky or –

MR. ABEYTA: Mr. Chair, the direction was to look into NACo because we may be able to get supplies from them at a discount, which we are doing also. We put out a bid and in addition to this, we'll also get in contact with NACo to see if we could get other supplies at a discounted rate also.

CHAIRMAN ANAYA: Okay. I just thought, he mentioned it and we're acting on it. But it's something different. James, did you have any comment?

JAMES CHAVEZ (Procurement): I was just going to tell you, Commissioners, that we did a multiple-source award, because in the past we've done these janitorial services with one vendor and had problems getting orders in time when they were out of product and so forth. So we decided to do a multiple-source award. We received 14 bids in response to this and decided to go with the three lowest bidders in response to this.

CHAIRMAN ANAYA: Okay.

MR. CHAVEZ: So if one firm is not able to fulfill an order then we have two more choices.

CHAIRMAN ANAYA: All right. Thank you, James. Any questions? Is there a motion?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Move by Commissioner Holian, second by Commissioner Stefanics. Any further discussion?

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

XIII. A. 2. Request Approval of the Financial Statements and Other Financial Information for the Fiscal Year Ended June 30, 2008 (Administrative Services Department)

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioners, I included a detailed packet or letter, if you will, along with the financial statements for the prior fiscal year identifying, number one, that we did get a clean audit, an unqualified opinion on both the audit over all as well as our handling of federal funds. I detailed each finding with management's response, and having done that detail I would basically stand for questions now.

CHAIRMAN ANAYA: So we got a clean audit?

MS. MARTINEZ: We have a clean audit. Yes, sir.

CHAIRMAN ANAYA: That's great. Thank you, staff.

MS. MARTINEZ: I'll pass it on.

CHAIRMAN ANAYA: Commissioner Stefanics, and then we'll go to Commissioner Holian.

COMMISSIONER STEFANICS: Mr. Chair, I did read through the financial notes and I think that the staff did a great job in terms of no deficiencies or significant findings. There were some items that were brought to our attention in terms of, like the auction of a house that we only recouped a dollar for, some other types of things where there was a little bit of cash receipts that were off. Things like that. Is there a plan of action for

those minor items that came up?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, yes, absolutely. Every year what we do is we take the findings, we plot them out and we assign staff and begin to strategize as to how we would resolve those findings. So with the affordable housing issue, we've been working with the affordable housing director and they're working on an ordinance that will be brought before you with updates, hopefully that will specifically address this issue. And with regard to the cash receipts process, we're constantly working on that.

COMMISSIONER STEFANICS: And, Mr. Chair, this is a different question for our Assessor. Is there – we understand from your presentation the other day at the budget hearing that you need more staff. But Mr. Chair, my concern is, is there no way to get properties on the tax rolls that are not currently?

CHAIRMAN ANAYA: Domingo. The question again?

COMMISSIONER STEFANICS: We have a very active – there's a very active person in town who I'm sure contacts us all. And she brought to my attention – she lives here in town, not too far away – she brought to my attention that she thinks there are 45 properties in her neighborhood, because she's come down and she's researched it, that do not pay property taxes. So when I hear things like that, and I heard the other day that you need more staff in order to get more properties on the rolls, I'm just wondering, do we have no way now of putting them on slowly but surely?

DOMINGO MARTINEZ (County Assessor): Mr. Chair, Commissioner Stefanics, if you look at the audit report on page 171 and 172, these are repeat findings from last year that indicate that my office is not in compliance with the property tax code. That has a lot of issues that are going to come up later on during the budget cycle, because the Property Tax Division, that's the division under Taxation and Revenue, that has oversight authority for me, they have been paying attention to our budget and they believe that we're not adequately funded. And what can happen is that they can stop the budget of the entire County until I'm adequately funded.

So we're reaching that point. They have been looking in our funding and as of last year they don't think we were properly funded, and especially the way the County is spending the one percent monies. So that's going to be an issue.

COMMISSIONER STEFANICS: Mr. Chair, that's not that question I have. The question I have is, I recognize that you have a need. My question is is there not a way to put three or five new properties on the tax rolls every month?

MR. MARTINEZ: And I was getting to that, Commissioner. We don't have enough people to get out there and look at all the properties. What I have enough people to do is to go and pick up every – during the entire year we get reports of new properties that are built, new improvements that are built. We also get a listing of all the new additions to homes that are already in process. In other words, a new garage, a new living room. Those types of things. I have enough people to maybe capture those two. But never enough people to go out and look for properties that didn't come through the building process or didn't come through

a subdivision. We don't have the amount of people to get out there and look at those, because you can't find them. You've got to go out there and discover them. And we don't have enough people to get out there and do those types of things. We haven't had that luxury for decades, it seems like to us.

So unless we get a piece of paper saying there's a new home in this subdivision or there's a new garage attached to this house or things like that, where we get building permits or those kinds of things, we don't – unless we stumble across them when we're doing that type of thing we don't have the manpower to do it.

We have numerous properties, like I said before, that are not on the tax rolls. What we need to do is once the CAMA system is in place this year, we will fine-tune it the following year, and then at that point in 2011, my plans are to do a complete sweep of Santa Fe County, starting in one corner and ending up in the opposite corner. That's the only way we're going to be able to catch all the properties that are not on the tax rolls. And there's quite a few that are not on the tax rolls.

COMMISSIONER STEFANICS: Mr. Chair and Commissioners, with the issue about money that we're facing in the next year or two, I just would like to see if there's some way that we could capture more property taxes, especially from homes that might just be laughing about it. And I don't know. I don't have the solution right now, but I think that it's a source of income for us. Thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I agree, Commissioner Stefanics, that it is a source of income, and I also agree that it hasn't been the comprehensive source that it has the potential of. I just have a question for you, Domingo. With regard to properties, do you utilize ortho-digital photography that we've had historically? Or any of our GIS service, so that you can actually identify through that where properties are, and make the determination of whether or not they're on the tax rolls? How do you utilize those kinds of GIS services?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, coupled with the new CAMA system is a new GIS system that was just put in place this year. That is going to be able to help us identify some of these properties. But all it will do is identify. We still have to go out there and measure the property. We've got to go and look at what type of construction is built on. The type of finish it has, the type of roof it has, any problem with the land that it's built upon. It takes an individual to drive out there and –

COMMISSIONER VIGIL: I'm aware of that. I guess my question would be then, Domingo, are you – have you been able to make the assessment of how many properties that are out there that are not on the tax rolls? Not yet. And so the GIS doesn't particularly assist in that.

MR. MARTINEZ: We haven't been able to locate all of them that way.

COMMISSIONER VIGIL: That would be project specific I suppose.

MR. MARTINEZ: Yes, Commissioner. That's where we would be able to fuse the CAMA and the new GIS system to help us do that.

COMMISSIONER VIGIL: Okay. Thank you very much. Thank you, Mr.

Chair.

CHAIRMAN ANAYA: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to say thank you to Teresa and the staff, again, for the great work that you do, and I am continually impressed with how professional you are and how conservative you are, and I can sleep at night because of that. At least on that issue.

But I do want to ask you what one thing means, which I'm not well versed on these things. There was one item on there that says, "The enterprise fund accounting has grown in complexity and volume of transactions. The auditor recommended accounting for these funds on a full accrual basis to reflect activity like a business." What exactly does that mean?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, basically, they want us to report it as if it was a business and it wasn't a government function, if you will. So they want to see losses. They want to see gains. And it has been complicated. And one of the recommendations they've made is that the jail fund or the corrections fund should not be treated as an enterprise fund because it truly does not function like an enterprise fund. So last fiscal year we separated the debt service from the enterprise fund and this fiscal year we're working towards transitioning it to a special revenue fund.

A special revenue fund is something that is supported by a very specific revenue, like a GRT or a – a specific funding source. So we'll transition it to a special revenue fund. It cannot carry its own debt service. So you should see that one, hopefully, be alleviated in fiscal year 2010 when we establish the budget under a totally different concept. And that would leave the Regional Planning Authority, and really our only true enterprise fund would be the water utility right now. So we're going to treat them as a business and report them as such.

COMMISSIONER HOLIAN: Okay. I understand now. Thanks.

CHAIRMAN ANAYA: Thank you, Teresa. Thank you, staff.

MR. ABEYTA: Mr. Chair, we're requesting approval of the financial statement.

CHAIRMAN ANAYA: Okay.

COMMISSIONER STEFANICS: I'll so move, Mr. Chair.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Second by Commissioner Vigil. Any further discussion?

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

COMMISSIONER STEFANICS: Can I ask a question, Mr. Chair, on the audit?

CHAIRMAN ANAYA: Yes, go ahead.

COMMISSIONER STEFANICS: Roman, does our audit have to be reviewed

by the State Auditor's Office?

MR. ABEYTA: Yes, Mr. Chair.

COMMISSIONER STEFANICS: And then we approve it after they've approved it?

MR. ABEYTA: Yes.

COMMISSIONER STEFANICS: Okay. That's all I wanted to clarify. Thanks.

CHAIRMAN ANAYA: Thank you, Commissioner. You can ask anything you want.

COMMISSIONER STEFANICS: Only if you're in the right mood.

CHAIRMAN ANAYA: Only if I'm in the right mood. Otherwise –

XIII. B. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, we are starting to gather all the notes and comments that were made at the mid-year budget hearing and so we will start providing the Commission with a report at each Commission meeting and possibly adding action items to the agenda if need be. I am coordinating a meeting with my office, the County Assessor's office and ASD so that we can start exploring possibilities as to how we can maybe get more staff or do something so that we can pick up these properties. So we will bring you options. We're going to start exploring that, Commissioner Stefanics.

And so with that, Mr. Chair, at this time I'd like to ask Rudy Garcia to come up and talk to us about the legislative session.

COMMISSIONER STEFANICS: Mr. Chair, before that.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Roman, back on the budget review, I went home that night thinking about our tiered system, and I think, Commissioners, that we want to be careful about – and I mentioned this to our County Manager already – we might want to be careful about just taking off the top of the tier, because that is all direct services to people.

CHAIRMAN ANAYA: Back up a second.

COMMISSIONER STEFANICS: The top of the tier was the senior services, the library services, the recreation services, and one of the things that we looked at when we looked at the tier, coming from the bottom up, is that that amount of money could actually be the amount of our deficit next year. But I would ask us to consider not sweeping out all the direct services to people. And I'm not saying that everything else we do here at the County is not direct services; it certainly is. The transfer station, everything. But when we look at the top of that tier I would hope that we wouldn't just automatically say we'll do away with all of those thing. Because I think our constituents rely upon those. And it would be taking the position that they're on their own to do so, before we get to a position like that.

The other thing I asked the County Manager to look at is whether or not, rather than

cutting any one entire service there might be an opportunity to sand across all departments in some manner, in order to keep services. And those services could be sanded as well. Instead of having \$200,000 available for a library, we might only have \$150,000 available for libraries. Something like that. So I would just bring that up to the Commissioners before we leave this.

The one other thing that I mentioned to the Manager was if we were in fact going to do fee changes, that we might want to, instead of addressing them three different times, address them all at once. Like if we did solid waste or copying or I don't know what else we had on the list, that we not string it out and just bite the bullet and do it all at once. Thank you.

CHAIRMAN ANAYA: How do you feel about the County fair and extension service?

COMMISSIONER STEFANICS: Well, Mr. Chair, I think those are very important. I think those are direct services, but I also would wonder if we have staff – I don't even know which staff are assigned to that. Joseph, do you have to do it all? I'm just wondering if there are any other opportunities for matches from, for example, the extension land grant university to help us. New Mexico State University goes to the legislature all the time and asks for more support for extension activities in different counties. And maybe we just need to ask them to put us into the mix, just like they do the other counties too.

CHAIRMAN ANAYA: They do, I think \$150,000. The federal government gives \$150,000. So it's one of those things where they already do. And I would hate to see that program go away.

COMMISSIONER STEFANICS: And that's why I was saying, Mr. Chair, that the services that we are providing that help people directly in an activity might be seen as fluff, but it's really not. Everything we do with, for example, children in the summertime or through extension is keeping them from vandalism or being bored or some other activity that might be illegal. So I just want us to keep in mind those services at the top of the tier.

CHAIRMAN ANAYA: Thank you, Commissioner.

COMMISSIONER VIGIL: Thank you. I think I do appreciate the perspective of looking at shaving, however, Commissioner Stefanics, you've articulated the balancing act that staff is actually engaged in right now. On the one hand maybe it would be good to look at budgeting for more FTEs for our Assessor's office, and on the other hand we have to really look evaluatively with regard to those direct services we provide to the community. This could be an all-out, long, drawn out analysis of how much of what we provide for those services is a part of communities' budgets, how it could impact those kinds of things. I don't know if we have time for all of that, but what I do know is you couldn't have articulated the task before us more succinctly.

So I'm thinking, perhaps maybe the next proposal that you can bring before us is that shaved off recommendation where we are looking at supporting at some level, and frankly, that's what the state legislature is doing now when they're doing budget cuts. They're cutting across the board. They're not trying to take programs away. And although they are at a place

now where they are taking programs away. So I wouldn't might looking at a shaved off evaluation. I think that's a good alternative.

CHAIRMAN ANAYA: Okay. Then we'll go to Rudy, but I want to say, Commissioners, I'm glad you're talking about it because when we do talk about it up here we give the Manager some sort of idea of how we're thinking and it's easier for him to go to that certain spot. So thanks. Rudy, how's the Governor?

RUDY GARCIA (Community Services): Mr. Chair, Commissioners, good morning. The Governor is doing fine, I believe. I've worked for the County for a long time and this is the first time I've seen the County Commission sit in a numerical sequence as per your district, 1, 2, 3, 4, 5.

COMMISSIONER VIGIL: Got to keep it that way.

MR. GARCIA: Once again, Commissioners, good morning. As you know, the session is at about its midway point now. There's about 26 days left in the session. The session will end on March 21st at noon. The introduction of any bills or legislation for this year's session, the last day was actually Thursday the 19th. As of today, the House has introduced about 950 bills with the Senate about 740 bills. Today or tomorrow I will send you guys a copy of all the bills I feel affect Santa Fe County with a bill number, a sponsor and the title of the bill. Also there will be a summary on that bill. Like I said, I'll send it to the people who I've been sending before, all the Commissioners, the Manager, the County Attorney and everybody else. Anybody has any questions or issues on those particular bills you're welcome to give me a call or email me on that particular bill and we can discuss it further.

As Commissioner Vigil mentioned the state budget, this year there was a shortfall but almost \$500 million that the state of New Mexico was trying to get through June of this year, I've heard rumors there that they're looking for another \$700 to \$800 million to get the state through the 09/10 budget. Once again, they're going to be doing cuts across the board. As of today, they don't know how they're going to do it, when they're going to do it. Another surprising – or something I find interesting there is House Bill 2, which his actually the operating bill for the state. It has been introduced. It hasn't moved at all since the beginning of the session up until today. Today was the first day that it actually got on the Appropriations Committee, this morning at 8:00. So I don't know how they reacted to that bill or how they passed it or whether it's still tabled. But once again, I'll let you know on that information.

Some of the other interesting things about the session – as you're aware, Santa Fe County in the beginning was asked to de-authorize several of its capital outlay projects. We worked very hard in keeping those projects on track in meeting with DFA, the staff, etc. The two or three projects that we did get cut was the Santa Fe River Corridor for about \$20,000. It's my understanding that the Open Space Division has already spent all but about \$4300 of that money. We did bring it up with Senator Rodriguez so we will get reimbursed for the money that we have spent for that project.

Big Brothers Big Sisters/Agua Fria community improvement, there was about

\$10,000 that got reverted back to DFA because that money had not been spent. A couple projects that are flying really low under the radar screen and we feel comfortable that they will not be de-authorized. That's the Pojoaque water/wastewater project at \$1,070,000. Also the film studios where there's three different appropriations that add up to about \$10 million. That's actually still on the – it's still actually doing well. I feel comfortable that they're not going to get cut. On the new capital outlay projects –

CHAIRMAN ANAYA: Rudy, you said the \$10 million wasn't going to get cut?

MR. GARCIA: Is not going to get cut.

CHAIRMAN ANAYA: And what about the Pojoaque?

MR. GARCIA: Is not going to get cut.

CHAIRMAN ANAYA: Okay.

MR. GARCIA: Mr. Chair, on the new capital outlay projects, Santa Fe County did submit all of our requests. The top five projects in Santa Fe County. Also the individual districts requests. I've heard rumors that this year they will not have any capital outlay. I've heard rumors that maybe only the Senate will have capital outlay. I've heard also that possibly maybe it will have a special session in order to determine whether or not there is any capital for this year. So that's still up in the air whether there will be or will not be any capital money.

Our re-authorizations, they had to be turned in last Wednesday. Santa Fe County did turn in all of our re-authorizations. The re-authorization projects that we did turn in were for the Nambe Headstart, the Varela Compound, the La Cienega Park Community Center, the Madrid ballpark, Pojoaque Valley Community Center, the La Puebla park, the juvenile detention center, Vista Grande library, the fairgrounds and the senior housing sites. Once again, this is money that we already had appropriated. We're just reauthorizing it hopefully for language change or time extension.

The last is the Recovery and Reinvestment Act of 2009, which is otherwise known as the solvency package. As you know the state of New Mexico is approximately going to get about \$1.7 billion. I did send you all an email of kind of a breakdown of what we've received from Senator Bingaman's office as to how the state of New Mexico will receive this money. Right now, it's unclear as to how the state will receive it. Whether it's one appropriation, whether it's quarterly appropriations, who's going to administer the money, how they're going to administer the money, what projects will be given, what projects will actually be budgeted for the money. It's really unclear right now as to how the state of New Mexico and the Congress is actually going to dole out that money. Whenever I do find out I will definitely inform you all and let you know.

CHAIRMAN ANAYA: Rudy, did you say \$1.7 billion?

MR. GARCIA: \$1.7 billion is roughly what the state of New Mexico is going to receive. And that has anything to do with senior housing, healthcare, housing, HUD requirements. It's a broad range of different types of projects. And that's the update I have for today, but I'll stand for any questions.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, thank you. So, Rudy, on applying for these stimulus package funds, you'll sort of keep us up to date on where and how we would apply?

MR. GARCIA: Mr. Chair, Commissioner Holian, yes. As soon as I find out the information – how it's going to be doled out, who's going to administer, how we go about applying for those dollars I will definitely let the County Manager and you all know how, what the process will be.

CHAIRMAN ANAYA: Any other questions, comments? Thank you, Rudy. Thanks for all the hard work you do over there. We surely appreciate it. Thanks for giving us the update.

COMMISSIONER STEFANICS: Mr. Chair, I think Rudy might be having too much fun over there.

CHAIRMAN ANAYA: Yes, I think so.

MR. GARCIA: Mr. Chair, one last comment if I may. I understand you guys are going to be sending out birthday cards. My birthday will soon be coming up. I was just wondering if you could put a few dollars in there.

COMMISSIONER MONTOYA: How few?

CHAIRMAN ANAYA: Thank you, Rudy. Roman.

MR. ABEYTA: That's all we have, Mr. Chair, under Matters from the County Manager.

XIII. C. Matters from the County Attorney

1. Public Hearing Concerning the Low Income Property Tax Rebate Provided by State Law

MR. ROSS: Mr. Chair, the state law permits the County to offer a low income property tax rebate. If you take a look in the packet behind XIII. C. 1 you'll see a memo from me and it has a schedule of a possible property tax rebate that if you enact an ordinance could become law here in the county. The way this works is that if you make less than \$24,000 you can claim a rebate on your New Mexico state income tax return in the amounts that are set forth in that schedule. So for example, if you make \$8,000 in New Mexico and you own a home you can claim a rebate on your income tax return of 75 percent of the property tax you would otherwise pay on that home, limited to a total amount of \$350 per taxable year.

It's a small – let me explain one other thing. Once the state provides this rebate to a person they send us a bill for the amount of the rebate. So for example, if that same person makes \$8,000 and let's say their property tax is \$1000, they would only pay \$1000 less \$350: \$650, and the income tax, the State Taxation and Revenue Department would send us a bill for \$350.

CHAIRMAN ANAYA: So this doesn't erode our tax base.

MR. ROSS: It doesn't erode our tax base but we would have to pay the bill.

CHAIRMAN ANAYA: Say that again.

MR. ROSS: It doesn't erode the tax base but we would have to pay the bill that we received from the Taxation and Revenue Department when they credit these people up to \$350 on their state income tax.

CHAIRMAN ANAYA: The County would pay the money that the taxpayer was supposed to pay?

MR. ROSS: Correct.

CHAIRMAN ANAYA: So we would have another bill at the end of the year, that the counties would pay back to the state which paid for the rebate?

MR. ROSS: Right. Exactly. It's a plus because it helps people who make less than \$24,000 and own a home in the county. That can be a significant challenge. But the minus is that we have to pay Taxation and Revenue Department the amount that they would have normally paid in income taxes.

CHAIRMAN ANAYA: And do we have any idea how much that is?

MR. ROSS: Pete is the only person I know who attempted to take a look at this. He took a look at it last year for us when we were talking with the City about this very idea in connection with the annexation, and I believe Pete thought that it might be a negligible impact.

MR. MARTINEZ: Mr. Chair, Commissioners, yes, I did – two years ago, because it's every odd year that the Commission can consider this low income rebate. But I did an analysis and at that time five percent of the 88,000 property owners were considered low income and would fall under the tax break pursuant to this proposal. But it wasn't determined, I couldn't determine of those 4,000 approximately low income people that had the income to meet that, how many of those people are actually homeowners. I couldn't find that information from Domingo or from Taxation and Revenue. So it's really – I can't pinpoint an actual dollar amount but the maximum rebate is \$350. So even if you would say 2,000 of those 4,000 low income were actually homeowners the impact would still be minimal.

There is a proposal in the statute that would allow the Commission to enact a dollar or one mill to all property owner, present a referendum to fund this, but that would generate \$6-point some million and be way over what the rebate amount to the state would be. And I think it would be very politically sensitive to take that to homeowners now. So I think that's something that we can fund. It is a minimal amount. The actual amount I don't know yet because we don't have a number of low income property homeowners who would be able to take advantage of this.

CHAIRMAN ANAYA: Do we have this implemented now?

MR. MARTINEZ: No, so.

CHAIRMAN ANAYA: So when you said something about every two years, it just comes up every two years?

MR. MARTINEZ: Every odd year the Commission can consider that.

CHAIRMAN ANAYA: Has this Commission ever considered it?

MR. MARTINEZ: No, sir.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Steve, what year was this enacted?

MR. ROSS: 2003.

COMMISSIONER STEFANICS: And is this, Mr. Chair and Steve, is this part of our annexation agreement?

MR. ROSS: Yes.

COMMISSIONER STEFANICS: Mr. Chair and Commissioners, my experience, having worked at the Human Services Department with low income people in the state is it takes a truly desperate person to come and ask for a discount or a rebate because of pride. And I think that if we enact this it will be the truly needy who need this. I recognize that we're looking at budget. I recognize that we're trying to raise money lots of different ways or look at how we can save money, but some of our legislative representatives from this area have asked why we haven't implemented this. And one of our legislative members, who was actually a sponsor of the bill back in 2003, the Speaker, and I would like for us to consider it, especially if it's a negligible amount. But we're depending upon Finance to give us some projections.

If we look at our public housing, if we look at our senior centers, that's where a lot of low income people are living, and they're not owning homes. So I do agree that probably the percentage is going to be very small.

MR. MARTINEZ: And actually, if we would enact it and go forward with it we wouldn't know the actual figure until we got a bit from T & R. But based on the numbers and analysis that I have done it would definitely be minimal. I don't know the exact amount.

COMMISSIONER STEFANICS: And Mr. Chair and Commissioner, if you look at this, it's really only people with an income of \$24,000 or less a year. So people who are living on \$24,000 or less a year, they are already qualifying for a lot. They're qualifying for food stamps, for Medicaid, for Section 8, we're talking about very, very low income people. Thank you.

CHAIRMAN ANAYA: Any other comments? Thank you, Pete. This is a public hearing. Is there anybody in the audience that would like to come forward and address the Commission on this matter of the low income property tax rebate? Okay, the public hearing is closed.

MR. ROSS: Mr. Chair, so there's a couple choices we have to make at this point, given the fact that no one appeared now. I should say that we published this thing a lot. There were several newspaper articles and the last week it's been on the radio. So no one has appeared at the hearing but that doesn't mean people aren't concerned about this. It would have been better if we'd had this in an evening meeting but we missed the publication dates. That doesn't mean, I don't think, that people aren't concerned about it. It's just an unfortunate thing, it happening in the morning. We have two decisions to make. The first is

whether to impose the proposed rebate, in which case if we do then within 30 days and probably at the March 10th meeting we will bring back to you an ordinance adopting the rebate.

Then the second question is whether you want to try and go to the voters, as Pete was saying, and ask the voters to reimburse us for any loss. It wouldn't have to be a dollar, a mill, it could be an amount that represents the amount that could be lost. Or we could just wait and hold off on that decision and see what happens when the rebate actually takes effect. Those are really the two decisions we have to make. We don't need the second decision today. We could wait and see, but it's out there.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Has this referendum gone before city voters in their previous election? Or City Hall for consideration at this point in time? Do both the City and the County need to enact this separately?

MR. ROSS: No, it's just a County referendum.

COMMISSIONER VIGIL: Okay. So it's not the affordable housing referendum that the City is receiving a lot of publicity for now.

MR. ROSS: It's unrelated to that.

COMMISSIONER VIGIL: Unrelated is what you're saying.

MR. ROSS: This is a county – this is something the legislature imposed on counties and counties only. So the benefit of the referendum and the possible mill levy is only for counties.

COMMISSIONER VIGIL: I think I'm done for now, Mr. Chair. Thank you.

CHAIRMAN ANAYA: So, Steve, you have item one and then you have item two. Do we just need to act on item two?

MR. ROSS: It's a bit of an unusual statute. What I think as a conservative way to approach this we should have a motion, if you want to approve the tax rebate, we should have a motion directing staff to proceed with the rebate, and then we should have a second motion on the second item on this part of the agenda authorizing publication of title and general summary of the ordinance.

CHAIRMAN ANAYA: So if we publish, if we go to the second one and that one passes then we will have more hearings.

MR. ROSS: We will have one more public hearing on the ordinance itself.

CHAIRMAN ANAYA: Okay. So I'll entertain a motion for item 1. Public hearing concerning the low income property tax rebate provided by state law.

COMMISSIONER VIGIL: I have a question before a motion comes forth. Is this time-sensitive? Because I am concerned that this wasn't noticed at a time that is probably a little more accessible for the public to come before us. Is it time sensitive? Could we put in our administrative meeting under a 5:00 for public hearing? The request for publication of title and general summary.

MR. ROSS: Mr. Chair, Commissioner Vigil, it is a little time-sensitive because we're late having the public hearing to begin with. And the Taxation and Revenue

Department needs to know fairly soon whether we're going to do this so they can include it in their publications that go out to the taxpayers.

COMMISSIONER VIGIL: I don't know if that compels me to be expeditious, if they need it specifically for their publications. My concern for time sensitivity would be with regard to whether or not if we don't enact it we lose an opportunity to enact it, because I do think it's something that we should have more public input on. Is that the only reason that it's time-sensitive is that it needs to be in their publications?

MR. ROSS: Mr. Chair, Commissioner Vigil, it needs to be in their publications so people can claim the tax credit.

COMMISSIONER VIGIL: I see what you're saying. Okay.

CHAIRMAN ANAYA: Pete.

MR. MARTINEZ: Mr. Chair, members of the Commission, just a point of information, Taxation and Revenue has set a deadline of July 1st to determine what action the Commission is going to do on this, and if they would approve it then they could include it in their new tax rates, and this would be effective for calendar year 2010. But they have a July 1st deadline that either we act on it or we don't.

CHAIRMAN ANAYA: Okay, what does this Board want to do? Thanks, Pete. We can wait, or if we have till July 1st then we have time to get some more public comment. Or do we want more public comment?

COMMISSIONER STEFANICS: Mr. Chair, my understanding is that if we move to have the staff prepare this that we would have another public hearing on this issue, and I'm asking staff if that could be done in an evening meeting?

MR. ROSS: Mr. Chair, Commissioner Stefanics, yes. We can certainly do that. I think the 10th is not quite enough time to publish it, so we would probably want to do it at the first meeting of April.

COMMISSIONER STEFANICS: Mr. Chair, I would go ahead – I would move that we direct staff to prepare a low income property tax rebate ordinance for our future consideration.

CHAIRMAN ANAYA: So we'll get to the ordinance on the next page. So give me the first motion.

COMMISSIONER STEFANICS: Okay. I move that the County Commission approve the staff working on the low income property tax rebate. Is that appropriate?

CHAIRMAN ANAYA: Yes. Is there a second? I'll second it. Any further discussion?

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

XIII. C. 2. Authorization to Publish Title and General Summary of an Ordinance Creating the Low Income Tax Rebate

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'll so move, item number 2.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion seconded by Commissioner Montoya. Any further discussion?

The motion passed by majority 4-1 voice vote with Commissioner Vigil voting against.

XIII. C. 3. Executive Session

a. Pending and Threatening Litigation

c. Discussion of the Purchase, Acquisition or Disposal of Water Rights

MR. ROSS: Mr. Chair, we need to go into executive session to discuss pending or threatened litigation and discussion of the purchase, acquisition or disposal of water rights.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN ANAYA: So moved by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian.

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

CHAIRMAN ANAYA: How long do you think it will be?

MR. ROSS: Half an hour.

[The Commission recessed from 12:00 to 12:55.]

CHAIRMAN ANAYA: Okay, can I get a motion to come out of executive session?

COMMISSIONER STEFANICS: Mr. Chair, I move we come out of executive session after having discussed possible purchases of water rights.

CHAIRMAN ANAYA: And pending, threatened litigation?

COMMISSIONER STEFANICS: And pending, threatened litigation.

CHAIRMAN ANAYA: Okay, there's been a motion by Commissioner

Stefanics.

COMMISSIONER MONTOYA: Second.

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

**X. E. Discuss possible date change for the March 10th BCC meeting
(Commissioner Anaya)**

CHAIRMAN ANAYA: Then we're going to go back to item X.E. Discuss possible date change for the March 10th BCC meeting, and we have decided to leave it the same. Commissioner Montoya and myself will be out of state and we're going to have all the faith in the world that these three women Commissioners can do the job.

COMMISSIONER VIGIL: Mr. Chair, you can always call in.

CHAIRMAN ANAYA: We can always call in.

COMMISSIONER MONTOYA: We may have to.

COMMISSIONER VIGIL: We may call you.

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at 12:55 p.m.


Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
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