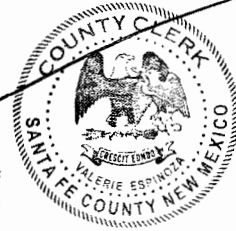


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 114

I Hereby Certify That This Instrument Was Filed for  
Record On The 30TH Day Of July, 2010 at 01:04:21 PM  
And Was Duly Recorded as Instrument # **1606525**  
Of The Records Of Santa Fe County

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



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

**June 29, 2010**

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

CLERK RECORDS SECTION  
JUL 1 2010

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

**June 29, 2010**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:00 a.m. by Chair Harry Montoya, 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, Harry Montoya, Chair  
Commissioner Virginia Vigil, Vice Chair  
Commissioner Kathy Holian  
Commissioner Liz Stefanics  
Commissioner Mike Anaya

**Members Excused:**

[None]

**V. INVOCATION**

An invocation was given by Deputy County Clerk Vicki Trujillo.

**VI. APPROVAL OF THE AGENDA**

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- B. Tabled or Withdrawn Items**

STEVE ROSS (Acting County Manager): Mr. Chair, members of the Commission, the proposed changes to the agenda, they are as follows: Under Section IX. Special Presentations, B, the presentation to Daniel Garcia has been tabled. Section XII. Consent Calendar, C, Miscellaneous on page 2 there. The first item, the Mountain Center item and the third item, which is related to the first item, needs to come off of Consent and be discussed separately.

In that same section under Miscellaneous, numbers 9 and 11 should be tabled.

SEC. CLERK RECEIVED JUN 29 2010

They're not quite ready to go yet. An item was added at the end of Subsection C on page 4, number 17, the termination letter. It's on the Consent Calendar but I don't believe the letter went into the actual packet. I believe it's in your flyleaf.

CHAIRMAN MONTOYA: So do we remove that one?

MR. ROSS: Well, we can. It's at your option. I think it's a fairly straightforward thing. But you should have the letter in your book.

Under Section XIV. Staff and Elected Officials' Items, C, items 1 and 2 should be tabled. And under Staff and Elected Officials' Item, Subsection F, Matters from the County Attorney, we have a number of items on the Santa Fe Studios project, 2, 3, 4, and 5. Item number 3 is consideration and approval of the amended and restated project participation and land transfer agreement. I'll do a briefing but no action is expected on that item. There is action expected on item 4 and item 5, the film grant should be tabled until we take this up at the end of July. So those are the proposed changes to the agenda.

CHAIRMAN MONTOYA: Okay. Is there a motion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I will approve, however, I will amend – item 17, the termination letter, we should remove that from Consent just so we have an opportunity to review the letter since it's just it's been presented, and I think that was the semi-recommendation of Mr. Ross. So with that, I move we approve and remove item 17 for consideration off of Consent.

CHAIRMAN MONTOYA: Okay. We have a motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

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

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

## **VII. APPROVAL OF CONSENT CALENDAR**

### **A. Consent Calendar Withdrawals**

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics and then Commissioner Holian.

COMMISSIONER STEFANICS: I would like to withdraw item XIII. C. 4, 6, and that's it.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to remove XIII. C. 5 and XIII. C. 15 please.

CHAIRMAN MONTOYA: Okay. Any other withdrawals?

OFFICE OF THE COUNTY CLERK  
RECORDED 06/29/2010  
0102 02/1000000000000000

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I would like to withdraw XIII. C. 14. And I think all the others were withdrawn by my colleagues.

CHAIRMAN MONTOYA: Okay, do we have a motion to approve the Consent Calendar with the withdrawals?

COMMISSIONER STEFANICS: I'll move.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Vigil.

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

**XIII. CONSENT CALENDAR**

**A. Community Funds**

**B. Final Orders**

1. **CDRC Case # VAR 09-5200 Helen Romero. Helen Romero, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 0.54 Acres Into Two Lots. The Property Is Located At 2271 Entrada Fabian, Within Section 31, Township 17 North, Range 9 East, (Commission District 2). John M. Salazar, Case Manager (APPROVED 4-0)**

**C. Miscellaneous**

1. Resolution No. 2010-\_\_\_. A Resolution Approving Amendment No. 3, to That Property Lease Agreement Between Santa Fe County and the Santa Fe Mountain Center, Inc. for a Facility Located at 1160 Parkway Drive, Santa Fe, New Mexico and to Authorize the Chair of the Board of County Commissioners Execute Said Amendment No. 3 and to Seek Approval of the New Mexico State Board of Finance for Said Amendment No. 3 (Community Services Department) **ISOLATED FOR DISCUSSION**
2. **Resolution No. 2010-103. A Resolution Prohibiting the Use of Engine Brakes (Jake Brakes) On NM 599 from the Camino La Tierra Interchange to the Intersection With County Road 62**
3. Request Approval for the Purchase Agreement Between Santa Fe County and Plains Eagle Corporation for a Building Identified as Lot 52, Richards Avenue Business Park, Phase 4, City of Santa Fe, in Santa Fe, New Mexico, As Shown On That Plat of Survey Filed In the Office of the County Clerk, Santa Fe County, New Mexico on June 28,

2010 JUN 29 12:00 PM

- 2004 In Plat Book 562, Pages 028-031, As # 1335001, Consisting of Approximately 3,677 Square Feet Together with a 23 Space Parking Area, More Commonly Known As 1160 Parkway Drive, Santa Fe, New Mexico, In the Amount of \$492,000.00 (Community Services Department) **ISOLATED FOR DISCUSSION**
4. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of May 2010 (Finance Division) **ISOLATED FOR DISCUSSION**
  5. Request Authorization to Enter Into Amendment #6 to Agreement #27-0304-FI/MS for the Professional Services Agreement for Lodgers' Tax Advertising and Promotional Services **ISOLATED FOR DISCUSSION**
  6. Request Acceptance of Agreement #2010-0369-HO/TRV, a Professional Service Agreement With the Boys & Girls Club of Santa Fe for After School and Summer Program and Teen Program for Santa Fe County Housing Division and County Manager's Office **ISOLATED FOR DISCUSSION**
  7. **Request Acceptance of Agreement #2010-0060(a-D)-ASD/TRV, a Multiple Source Award Indefinite Price Agreement With Johnstone Supply, Chaparral Materials, Big Jo True Value and Santa Fe Winnelson Co. for Miscellaneous Construction Tools and Supplies for Santa Fe County**
  8. **Request Acceptance of Agreement #2010-0278(a-D)-CORR/TRV, a Multiple Source Award Indefinite Price Agreement With Bob Barker, Robinson Textiles, Uniforms Manufacturing and Tabb Textile for Inmate Clothing, Hygiene and Linens for the Santa Fe County Corrections Department**
  9. Amendment No. 2 to Professional Services Agreement with Montgomery and Andrews, PA, Increasing Compensation by \$100,000 for a Total Contract Value of \$300,000 **TABLED**
  10. **Resolution No. 2010-104. A Resolution Creating a Santa Fe County Housing Authority Board**
  11. Request Approval of two (2) New Mexico Finance Authority Loan/Grant(s) Totaling \$6,000,000 for the Buckman Direct Diversion Project. The Loan/Grant(s) Will Be Shared by Both the City and the County and Used to Fund the Completion of the BDD Project; the Total Amount Pertaining to the County Is \$3,000,000. The First Loan/Grant Is for \$2,000,000 of Which \$1,800,000 Is Identified As a Grant Amount and the Remainder As a Loan. The Second Loan/Grant Is for \$4,000,000 of Which \$3,200,000 Is Identified As a Grant Amount (Finance) **TABLED**

SEC. CLERK RECEIVED 7/1/2010

12. **Approval of Grant Agreement Between Santa Fe County and Department of Finance and Administration In an Amount Totaling \$1,777,050 for the Esperanza Shelter Administrative Complex (Community Services Department)**
13. Resolution No. 2010-\_\_ . A Resolution Authorizing Submission of Property Lease Agreement Between Santa Fe County and CHRISTUS St. Vincent Regional Medical Center to Board of Finance for Approval **ISOLATED FOR DISCUSSION**
14. Approval to Enter Into a Lease Agreement With the Town of Edgewood for the Rental of the Edgewood Satellite Office, in the Amount of \$823.50 Per Month from July 1, 2010 to Terminate June 30, 2011 **ISOLATED FOR DISCUSSION**
15. Request Authorization to Extend Lease Agreement #1721 with Wagner Equipment Inc. for 5 Caterpillar Motor Graders for Public Works **ISOLATED FOR DISCUSSION**
16. **Request Authorization to Extend Lease Agreement #1722 With Wagner Equipment Inc. for 2 Caterpillar Backhoe Loaders for Public Works**
17. Termination Letter Terminating Professional Services Agreement Between Santa Fe County and the Las Cumbres Community Services, Inc. **ISOLATED FOR DISCUSSION**

**D. Budget Adjustments**

1. **Resolution No. 2010-105. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded Through the New Mexico Aging and Long-Term Services Department for the Pojoaque Community Center / \$306,999 (Community Services Department)**
2. **Resolution No. 2010-106. A Resolution Requesting an Increase to the Regional Transit Fund (202) to Budget Gross Receipts Tax Revenue Received for Fiscal Year 2010 (Finance Division)**
3. **Resolution No. 2010-107. A Resolution Requesting an Increase to the General Obligation Bond Debt Service Fund (401) to Budget Cash Carryover for the Final Debt Service Payments for Fiscal Year 2010 / \$7,214.56 (Finance Division)**
4. **Resolution No. 2010-108. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Cash Carryover With an Operating Transfer to the GRT Revenue Bond Debt Service Fund (406) for Debt Service Payments for Fiscal Year 2010 for the 2009, 2010A and 2010B Capital Outlay GRT Bonds / \$782,607.73 (Finance Division)**
5. **Resolution No. 2010-109. A Resolution Requesting an Increase to**

SFC  
CLERK  
RECORDED  
2010 JUN 29 10:10

**the Law Enforcement Operations Fund (246) to Budget a Grant  
Awarded Through the New Mexico Department of Transportation  
for the Click It or Ticket Mobilization Project / \$5,040 (County  
Sheriff's Office)**

**VIII. APPROVAL OF MINUTES**

**A. Approval of May 25, 2010 BCC Minutes**

COMMISSIONER STEFANICS: Mr. Chair, I'd like to separate the question.  
I will move approval of the BCC minutes from May 25, 2010.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. I have a motion by Commissioner  
Stefanics, second by Commissioner Holian. Any further discussion?

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

**B. Approval of June 4&11, 2010 Canvassing Board Minutes**

COMMISSIONER STEFANICS: Mr. Chair, I will move approval of the June  
4<sup>th</sup> and June 11<sup>th</sup> canvassing board minutes.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Stefanics,  
second by Commissioner Vigil. Discussion?

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

**IX. SPECIAL PRESENTATIONS**

**A. Presentation by Dodi Salazar to Donna Dean, Employee of the Quarter  
(2nd Quarter of 2010)**

DODI SALAZAR (Housing Director): Mr. Chair, Commissioners, I am very  
excited to be here today to award the Employee of the Quarter to Donna Dean. Her coworkers  
came to me and asked if we could nominate her so she's quite surprised. Oh, she's crying  
already. So I'm going to read what we prepared when we nominated her. Donna started  
working for the Housing Services Division in October of 2002. Her work ethic has always  
been exemplary but in the last year she has demonstrated what it means to go above and  
beyond. Donna is a Housing Specialist for the Section 8 Housing Choice Voucher program.  
Along with her coworkers she manages 241 rental vouchers in Santa Fe County. This entails  
not only the management of the program but dealing with the program participants and

SEC CLERK RECORDING / 29 / 2010

landlords on a daily basis. Donna is not only extremely knowledgeable with the program rules and federal regulations, she is always courteous, friendly and professional.

This job is not an easy one, and I do speak from experience, because I did manage this program for several years. You need to be able to multitask, make decisions on the spot, work to meet various deadlines during the month and have a good understanding of community resources in order to refer clients who are in need. Donna is able to do all of these things and then some. It is not unusual for her to work though her lunch hour or stay a little bit late because that is the only time her client can meet with her. She never complains and is always willing to help her coworkers.

Early last year Donna informed me that she had been diagnosed with breast cancer. She was faced with some very difficult decisions. She had surgery which was followed by six weeks of radiation. Even though this was very difficult for her she kept a smile on her face, came to work every day, kept all of her client appointments, met all her deadlines, and maintained an exceptional program utilization rate. Some evenings she stayed late to make up the time she used to get her radiation treatments, something she did need to do because she was out so much time, and came in on a weekend or two to meet her deadlines.

Some days during lunch she would close her office door so that she could put her head down for a while to rest. Time and time again I told Donna to take whatever time she needed to get better. Work would be waiting for her when she was ready. She refused to take me up on my offer. She is a conscientious individual who has always done whatever it takes to get the job done. She would never let a little thing like breast cancer stand in her way.

During all this I never saw Donna shed a tear. She always remained positive and turned to her faith for strength. She is truly an inspiration to me and to everyone that she works with and the more than 500 clients and landlords that she serves. Last month the Department of Housing and Urban Development recognized the Housing Authority for managing a high-performing Section 8 Housing Choice Voucher program. This is quite an achievement. This recognition is a direct result of Donna's hard work, her dedication, her passion and her professionalism.

Her hard work does not go unrecognized. It is not unusual for Donna to get cards, flowers, tokens of appreciation from her clients and her landlords. Her coworkers also realize and appreciate the outstanding job that she does. As a matter of fact it was her coworkers who wanted to nominate her as Employee of the Quarter.

DONNA DEAN (Housing Services): I wasn't expecting this. I just want to say something. I am so grateful to the Lord for allowing me to be able to serve Santa Fe community. I'm grateful for my boss, Dodi, Salazar. She's so supportive in guiding me in everything that I need. And I'm so grateful for Diana and Valerie and for my coworkers that support me and help me every day. If it wasn't for them I couldn't be successful. So I want to thank all of them and the Commissioners for recognizing me, because it's truly a blessing to be recognized for your hard work. Thank you.

CHAIRMAN MONTOYA: Congratulations, Donna. I'd like to move to item H.

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
JUN 29 2010 10:58 AM



**IX. H. Santa Fe Living Treasurers – Spring 2010 Honorees: Shirley Minett, Jane Petchesky, Theo Raven (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chair. Shirley Minett and Jane Petchesky, who I'd love to honor, are unable to make it actually, for a couple of health reasons, but we do have in our presence, Mr. Chair, Theo Raven, who I'm honored to honor. The Living Treasures who we honor on a regular basis do outstanding work in our community. Since 1984 that this organization was founded this group has recognized seniors that have made a substantial contribution to the community in areas ranging from historic preservation, education, arts and social services, peace activism and environmental causes.

The newest Living Treasure that we honor today is Theo Raven, and if you will bear with me, Mr. Chair, I'd like to give a little bit of a background on Theo Raven, just to explain for the members of the audience and the members here why she was selected as a Living Treasure. Theo Raven, in Santa Fe, she's been born and bred here. She's really the stuff that fairy tales are made of. According to her friends, more than 50 years she has owned Doodlets. I think that's a store that many of us here have frequented quite often. A charming, eclectic shop on Don Gaspar Avenue that's chock a block with things to make you smile, from children's books to finger puppets, Día de los Muertos tiles and figurines to kitchen gadgets.

"I love these," says Theo Raven, holding up a birthday candle that blooms like a flower and sings happy birthday when she was selected. Raven is 78 years old and her mother, the late Helen Ruffling, who also was a Living Treasure, started the shop 58 years ago and Raven still works there six days a week. "I love the reaction of people," says Theo. "I love it. I can be in my inner office and hear a group of people laughing and I have to go out and see what they are laughing about. It's great to hear they are getting such joy out of small things. I don't know how to describe it but it's very sweet."

Although Doodlets is now a favorite shop for locals and tourists, starting a business back then was a leap of faith. "I was a waitress in a little, teeny, tiny place called the Sandwich Shop," Raven said. "There were two girls who had the shop and one of them used to read books at the shop. I thought, what a terrific way to earn a living. To be able to read books all day. The girls there told her that it would cost hundreds of thousands of dollars to start a business and Raven was shocked. "I don't know beans about business," she said. "I kind of gulped and I went home to my mother and said, 'I don't know where we're going to get that kind of money.'"

Raven only made about 25 cents an hour at the Sandwich Shop. But Ruffling assured her that they could borrow the money to open a store, and they did. At first, Doodlets specialized in European imported hand-made Christmas goodies. "It was always folk art oriented," Raven said. "After a couple of years I borrowed money again to go on my first buying trip to Europe and I went to see these people who made tin cookie cutters way out in rural areas. The inventory evolved," she said. "When you go to market there is so much you're exposed to, it's always been a case of if I see something I think is charming, and I

think I like it, I want to try it. That's how it just expanded."

Raven is a Santa Fe High graduate. She knows everybody in town. When she walks across the street to Café Pascual's, staff greets her by name and treats her to a racy cappuccino every now and then. But she misses the Santa Fe of her childhood. "I love this town and I wish it were the way it was when I was growing up. It was like this," she said, interlocking her fingers. "It was much more of a community.

Except for the two years when Doodlets was closed while the building was renovated, which we all missed and went through withdrawals over, Raven has kept a rigorous work schedule, "that's got to change," she said recently. "I'm really not getting any younger." In addition to the shop her causes include Habitat for Humanity, the Animal Shelter, and the education of service animals. She's said she's thinking she might retire soon so she can do other things she really loves, like garden and spend time with her two rescue doggies.

When Raven first found out she was selected as Living Treasure, she composed a letter to the committee saying she didn't feel qualified for it. "I really don't. I still don't," she said. So amongst all the other qualities she has, Mr. Chair, members of the Commission, I present to you Living Treasure, Theo Raven, with a lot of humility. Theo Raven, please stand.

THEO RAVEN: Thank you. I have one correction. It wasn't hundreds of thousands of dollars to get the shop started; it was \$568 and that, in those days was a lot of money. But thank all of you very much. I'm really touched.

COMMISSIONER VIGIL: You're welcome. And Theo, we do have a presentation for you.

**IX. C. Presentation by Domingo Martinez and Victor Baca to John Salazar, 18 Years and 9 Months of Dedicated Service to Santa Fe County**

DOMINGO MARTINEZ (County Assessor): Mr. Chair and Commissioners, I stand before you to give testimony to a lot of work that an individual did for Santa Fe County, especially the last few years with the Assessor's Office, and that's John Salazar. We took over the office three and a half years ago and he was the epitome of an individual that wanted to get the work done. John was exemplary when we asked him to take over the personal property section of the Assessor's Office. When we were beginning to put the CAMA system together, he took it on himself. He has literally redefined the personal property section. There's more accounts on there that should have been there a long time ago. He was able to go through a lot of the accounts that had gone by the wayside because the business wasn't there anymore.

He did a lot of work and as he did that work he did it with a lot of pain because he suffers from a back problem and that's what forced him into retirement. But he worked there diligently up to the bitter end until he finally made the decision that the pain was too unbearable to sit there all day. But he did give it all he had; he worked very hard. And even

OFFICE OF THE COUNTY CLERK  
RECORDED 7/29/2010

though the system isn't completely finished being implemented his legacy is there. It continues to this day with other people that are there in the personal property section and his work is very welcome and is very sorely missed at this point in time. I'll let Victor Baca to say a few things also.

VICTOR BACA (Deputy Assessor): Yes, as Domingo stated, he was very instrumental in helping us really get the program together as far as our CAMA system and he had a lot of institutional knowledge that really helped us. John has always been hard working. He came and worked overtime and did a lot of extraordinary things that you usually don't see, especially people like us that he didn't know at all. So we really appreciated John's ethic and his showing that even though he was sick he would come to work every day and show his fellow employees that even though he was sick he would still work and he still had that ethic to work all the time until the last days where he couldn't stand it.

So, John, we really appreciate you and we'll miss you.

CHAIRMAN MONTOYA: John, would you like to say a few words? I guess you're already retired.

JOHN SALAZAR: I don't know what to say. It was an honor working for Domingo and for Victor. They brought professionalism to the office and they were very fair with the employees. Even though I struggle with some physical things it was a pleasure to go to work every day. I'd wake up in the morning, not complaining, but grateful that I had a job. I did what I could. Almost 19 years, it's kind of weird now, I wake up and I'm not coming here no more. But I do get to baby-sit my grandkids and I'm starting life all over again. I'm raising a family and I get to be there for them now and I get to concentrate on my health, which is a blessing. All I can say is that it was a blessing working here. I worked for two other administrations and each one had their pluses. But my last stint here with these guys was pretty cool. So thanks a lot everybody.

JOHN MICHAEL SALAZAR (Land Use): I love you, Daddy.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to thank the employees that have come before us. Donna, congratulations on being employee of the quarter and thanks for everything you do for Santa Fe County. We really appreciate it. And as for Mr. Salazar, congratulations on your retirement. Thanks for spending 18 ½ years here at Santa Fe County and working for everybody and constituents here in Santa Fe County. And Theo, what can I say? What an honor to have you here. I don't know you but just see you here – thank you Commissioner Vigil for bringing this forward. Congratulations. Thank you, Mr. Chair.

2010 JUN 29 10:58 AM

**IX. D. Valerie Huerta-Giron, Housing and Self-Sufficiency Specialist Received the New Mexico NAHRO Member of the Year Award**

MS. SALAZAR: Mr. Chair, Commissioners, first of all I want to talk a little bit about NAHRO. The National Association of Housing and Redevelopment Officials, which is what we call NAHRO, is comprised of more than 22,000 housing and community development agencies and officials throughout the United States who administer a variety of affordable housing and community development programs, 43 of those housing authorities are in the state of New Mexico. Currently there are 43 state chapters of NAHRO throughout the United States, which includes the New Mexico chapter of NAHRO. NAHRO's mission is to facilitate the professional development of NAHRO members and to advocate for quality housing programs in our communities and in our state, and we do that by ensuring that housing and community development professionals have leadership skills, education, information, and tools to serve their communities, advocating for appropriate laws and policies, and fostering the highest standards of ethical behavior, service and accountability.

In April at the New Mexico NAHRO conference Valerie received the Member of the Year Award for her advocacy, dedication and outstanding service to the housing industry and the families that we serve. Valerie has been working in the housing industry for the last 2 ½ years and manages several programs for the Santa Fe County Housing Authority, including the Family Self-Sufficiency program, the Veterans Affairs Supportive Housing program, which we call the VASH program, which is a rental assistance program primarily for veterans. The Linkages program and the Bridge program, which are both non-HUD rental assistance programs for individuals with behavioral health problems requiring case management, which we actually work with LifeLink to provide those services to our participants.

Valerie has been an exceptional addition to our phenomenal team and we are very proud of her accomplishments. And with that, I would like to present her with this award.

VALERIE HUERTA-GIRON (Housing Services): Thank you. I think Donna summed it up when she referred to our leadership in our office staff. I think we make a wonderful team. I'm very honored to receive recognition and will continue to strive to achieve the highest level possible of professionalism and proficiency. Thank you.

**IX. E. The Santa Fe County Housing Authority Received an Outstanding Performance Award from the Department of Housing and Urban Development for the Section 8 Housing Choice Voucher Program**

MS. SALAZAR: Mr. Chair, Commissioners, I promise this will be the last time I come up today. I hope. In April the Department of Housing and Urban Development presented the Santa Fe County Housing Authority with an outstanding performance award for the management of the Section 8 Housing Choice Voucher program. The Housing Authority

REC'D CLERK RECORDED/30/2010

was scored on 14 indicators under the Section 8 management assessment program and received a score of 97 percent, or 140 points out of a possible 145.

Some of the indicators that we were rated on included lease up rates, inspections, timely contract executions and annual re-examinations, as well as tenant rent calculations and enforcement of the Section 8 Family Self-Sufficiency program. I would like to take this opportunity to again recognize our housing specialists who manage the various aspects of this Section 8 program and who are responsible for the day-to-day operations of that program. Without their dedication and attention to detail this award would not be possible. We have already recognized two of these individuals today for their service to Santa Fe County and to the State of New Mexico. Donna Dean, Valerie Giron and Diana Gonzales.

Yes, we're a little bit excited.

CHAIRMAN MONTOYA: Congratulations. Good job.

**IX. F. Presentation by Robert Martinez to Arthur Trujillo, Retirement of 24 Years and 11 Months of Dedicated Service to Santa Fe County**

ROBERT MARTINEZ (Public Works Director): Mr. Chair, Commissioners, Art Trujillo began working for the County back in 1985. He spent most of his career with the County working for the Road Maintenance Division, providing road maintenance in the southern part of the county. In addition to routine maintenance, Art had to respond to many severe snow storms that resulted in state of emergencies. He and his coworkers would work round the clock for weeks at a time making roads passable to the public.

I'd like to thank Art for his 25 years of dedication to Santa Fe County and wish him the best. Art is a man of very few words so I'm going to put him on the spot right now and ask him if he could say a few words.

ARTHUR TRUJILLO: First of all, I want to give thanks to God that I made it for 25 years working for Santa Fe County, and I want to thank everybody and my supervisors, including Robert Martinez. And I learned a lot from Santa Fe County. So thank you.

COMMISSIONER ANAYA: Art, hold on a sec. I'm not done with you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I would just personally like to thank Art. He was in District 3, lives in Stanley, worked very hard for us over there, as Robert Martinez said. He worked hard when we had our snowstorms. And one of the things that Art and I talked about one time, and I don't know if you remember, Art, we had a snowstorm and it snowed three feet deep. Everybody was stranded in their house and we worked our way in slowly to get everybody out so that it was passable. But then after the snowstorm then we had the mud to deal with. And I had a constituent call me and say, Mike, what are you going to do with all the mud? So I called Art and I said, what are we going to do with the mud? Do we need to haul it off somewhere and get it dried out and then bring it back in?

But I want to thank you, Art, for all the hard work. And my dad would be very proud

2010 JUN 29 10:58 AM

of you. He really respected you, Art. Bear with me.

COMMISSIONER VIGIL: Mr. Chair, while we're collecting ourselves, on this issue, because many of the retirees that we deal with are near and dear to us, particularly if you're very integrally a part of the community. I just want to tell you how proud I am to know someone who has been with Santa Fe County with a tenure of 25 years. We don't have employees like that. While many of the employees that we give recognition to, they've been with another agency, the state or other government, to stay with one government agency for 25 years certainly is truly a recognition that is rare. Thank you so much for your commitment and your dedication.

COMMISSIONER ANAYA: Thank you, Commissioner Vigil. We're going to miss you, Art, but you're not going very far. Anyway, what I was going to tell you was my dad would you see you on the County road with your grading and he's always stop and give you a coke. I'm sorry that I didn't do that. Good luck.

CHAIRMAN MONTOYA: Congratulations Art and good luck. God bless.

**IX. G. Proclamation Recognizing the Importance of Youth Leadership Training and the Significance of the Change Your Reality Conference (Commissioner Vigil)**

COMMISSIONER VIGIL: Okay. I'm going to ask Diolinda Roybal, Frank Magourilos and Christina Gomez to please come forward and sit next to our Living Treasure if you'd like, and while they're coming up, Mr. Chair, there's so many things that Santa Fe County does that I take so much pride in. One of them is certainly what these folks do. We have always had a strong philosophy towards prevention, and it's expressed not only with our DWI Planning Council but with all of the youth initiatives that are undertaken under our Health Division. We've also had a history of prevention through our Maternal and Child Health, through our Zero to Three initiative. I think if we would affect the paradigm in thinking with institutions where we invested in prevention we'd have better outcomes.

These folks that are before us are part of that prevention investment, and with that, Mr. Chair, I'd like to read the proclamation. They just successfully completed a youth initiative. I know you participated in it last year and I had hoped to be there. I'm sorry I wasn't able to but in lieu of that please accept my recognition of the hard work that you all did through this proclamation. And with that, Mr. Chair, I'd like to read it.

Whereas, youth represent 100 percent of the future of New Mexico and are considered our most precious resource; and

Whereas, all young people need support, guidance and opportunities during adolescence; and

Whereas, youth conferences that promote positive youth development give youth the chance to build skills, exercise leadership and get involved; and

Whereas, youth conferences are an ideal way for teens to meet friends and find healthy peer groups to support them in the rugged terrain of adolescence; and

Whereas, youth conferences place youth more centrally on the radar screen to increase their awareness that being positive role models in our schools and community matters; and

Whereas, the Change Your Reality Conference increases knowledge of positive youth development with specific focus on the prevention of risk, violence, aggression and DWI; and

Whereas, the Santa Fe County DWI staff are to be commended for planning, organizing and implementing a well attended and successful youth conference using various modalities to strengthen positive life skills for youth;

Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners support the Change Your Reality Conference and recognize this as an important venue for youth to help them build self-confidence, trust, and practical knowledge in rendering positive decisions in their lives.

With that, Mr. Chair, I move that we approve this proclamation.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Holian. Discussion?

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

COMMISSIONER VIGIL: Thank you, Diolinda. Thank you, Christina. Thank you, Frank, and with that we'd like to present you with this proclamation.

FRANK MAGOURILOS (DWI Program): Mr. Chair, Commissioner Vigil, Commission, I cannot tell you how gratifying it is that the Commission sees the opportunity that we all have to make positive influence in our youths' lives. We really and truly appreciate all your support. I also want to thank my staff, Diolinda and Christina. They've done a tremendous amount of work. As you can imagine, doing a two-day youth conference or any type of conference requires a tremendous amount of work. I want to thank them and the program and I want to thank you. We really and truly appreciate it.

CHAIRMAN MONTOYA: Thank you, Frank. Any comments?

COMMISSIONER VIGIL: Mr. Chair, if I just might – I understand and I learned that over 350 youth participated. They were all middle-schoolers. A wonderful group to target. We wish you continued success. Let us know how we can help and congratulations on a job well done. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: I too want to extend my congratulations to you and thank you for the work that you do. I know you do a lot of work in collaboration with agencies throughout Santa Fe County and certainly the leadership that you've provided in the area of prevention has been exceptional and I really applaud and thank you for the work that you do. Appreciate it. Good job. Congratulations. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I too want to congratulate them for all the hard work and I know that they get around the county and work very hard for us, so again, thank you very much.

2010 JUN 29 PM 05:00:00

I'd also like to recognize a few people in the audience. We have Commissioner-elect John Olivas from Mora County. John, thanks for being here. We have Dan Mayfield, Commissioner-elect from District 1. And we also have Commissioner-elect Robert Anaya from District 3. Thank you guys for being here. Thank you, Mr. Chair.

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

CHAIRMAN MONTOYA: These are non-action items that if anyone would like to address the Commission on issues not on the agenda, this is your time to address the Commission.

ROBERT ANAYA: Mr. Chair, Robert Anaya, 123 Little Ranch Road. Mr. Chair and Commissioners, I wanted to ask this Commission, the Regional Planning Authority and the NCRTD publicly to please consider the continuation of the bus service from southern Santa Fe County. I myself have ridden that bus route. I know that there's been flexible ridership up and down, but on behalf of those individuals that ride the bus, Senator Campos has expressed support for that route as well as Representative Rhonda King. I fully understand the difficult budget situation the County, the NCRTD and the RPA are faced with, but I understand there is some consideration of maybe a smaller bus.

So on their behalf, as a resident of southern Santa Fe County, I humbly and respectfully ask for consideration of that, Mr. Chair. I also just want to thank all these individuals you recognized today in the Housing Department. As a houser I'm so proud of them and the work that they've done and the people that have retired. So, Mr. Chair, thank you for the time, Commissioners. Have a good day.

CHAIRMAN MONTOYA: Thank you, Robert. Anyone else like to come forward?

**XI. MATTERS FROM THE COMMISSION**

- A. Resolution No. 2010-110. A Resolution Endorsing Wilderness Designation for the Inventoried Roadless Areas Adjacent to the Pecos Wilderness (Commissioner Holian and Montoya) [Exhibit 1: Letter from Margo Cutler]**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. About 40 years ago the Wilderness Act was signed into law and it just so happens that the Gila Wilderness in New Mexico was the very first wilderness that was included under that act. Unfortunately, in the intervening years we've sort of lagged behind. Now, only about two percent of New Mexico is wilderness area, whereas in a state like California 15 percent of the land has been designated as wilderness.

I think that it is really important for us to all realize what wilderness gives us. First of

2010 JUN 29 10:00 AM  
SANTA FE COUNTY RECORDS  
2010 JUN 29 10:00 AM



all, many of our watersheds exist in the wilderness areas. Of course it's wildlife habitat. And I think it's really important to remember that our culture is tied up in the wilderness, especially in New Mexico, hunting and fishing are extremely important. They've been extremely important to our culture for actually thousands of years. And the wilderness is the area where the animals reproduce, that we hunt. Where the fish reproduce that we take out of the streams, so it's really important to realize that it gives us many things. It actually gives us economic benefits as well.

So this resolution endorses a wilderness designation for certain roadless areas that are adjacent to the current Pecos Wilderness area and that have been certified as roadless. I would like to recognize that Carol Johnson is here and will say a few words. She is a community activist who has worked very hard on this resolution and I would like to thank her for all of her work as well as all the tireless effort she has put into gaining the support of our community. I would also like to recognize Kent Salazar from the New Mexico Game Commission who is here, and I think he may say a few words, and Nathan Newcomer. So maybe you could say a few words, Carol. Thank you.

CAROL JOHNSON: Thank you, Mr. Chair, Commissioners. There are people with me who would like to say a few words, and that is Kent Salazar from the New Mexico Wildlife Federation as well as the Game Commission, and Nathan Newcomer from the New Mexico Wilderness Alliance, and John Olivas, who is the Mora County Commissioner, newly elected. Just to reiterate what Commissioner Holian has said, this expansion of the Pecos Wilderness will include some of the adjacent Forest Service lands that have already been inventoried by the Forest Service as roadless areas, unconfirmed. And it will protect and preserve our water, clean air – I'm reiterating what Commissioner Holian has said; but those are the big points. Water, clean air, our beautiful scenery, our mountains and our dwindling natural lands.

In addition to the 15 percent in California, Arizona has six percent of their lands as wilderness and six percent in Colorado, four percent in Montana. We are the lowest in the West. And we've had overwhelmingly positive support from every community adjacent to the wilderness that we've talked to. The Nambe Pueblo, their council and governor passed a resolution. They're going to be writing letters to Senator Bingaman, the Senators and Congress, and to Ben Ray Lujan. We met with the Rio de Tesuque Acequia Association and you have a letter in front of you which supports this expansion of the Pecos Wilderness. We've met with the Upper Pecos Watershed Association; they support it. Ben Ray Lujan's office supports it, and many other community people.

So I urge your support of the resolution.

CHAIRMAN MONTROYA: Thank you, Carol. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Commissioner Holian, and everyone who's worked on this. I just have a technical question and maybe you or somebody else. Is this the first stage in a process of federal designation towards another level, such as National Park Service or anything of that nature? Or does this, once it does get approved federally, create its own designation? And what are the qualities that distinguish it from, say, a national

SEC. OF ENV. DEPARTMENT / 250 / 2110

park?

MS. JOHNSON: Nathan? I think Nathan has more experience and he can answer it better than I can.

COMMISSIONER VIGIL: It seems like it's a conservation kind of approach to this property. Once it gets that federal designation does that put it in the coffers for any future designation?

MS. JOHNSON: No. The Wilderness Act creates the highest protection in the country, and the Wilderness Act already exists. This will take these lands from being roadless, which are protected, but not fully protected. They're still vulnerable. They're kind of vulnerable islands between the wilderness and for instance the Nambe Pueblo. So that's why the Pueblo is very supportive of this designation, as are others. So it would be the highest protection in the plan. It doesn't create anything new. It has to conform to the law. It would go to Senate and Congress and signed by the President.

COMMISSIONER VIGIL: Under the Wilderness Protection Act.

MS. JOHNSON: Yes.

COMMISSIONER VIGIL: And there's quite a few other properties surrounding there that are designated in the Wilderness Protection Act. How far away are those from this particular area?

MS. JOHNSON: They all actually touch the Pecos Wilderness, if that's what you're referring to.

JOHN OLIVAS: If you're referring to any designation as possibly wild and scenic, the Pecos Wilderness back in the mid-eighties was categorized as a wild and scenic river. Outside of wilderness designation there's actually nothing else like conservation areas or monuments or anything like that tied into this. So the whole idea behind the campaign is to expand the Pecos Wilderness. You can see the entire green area is the Pecos Wilderness. The orange areas are the roadless areas. So this campaign is looking to expand the Pecos Wilderness by approximately 130,000 acres. So currently no roads exist within these orange boundaries. There are some because of the fires up in the Pecos area that we've actually removed from the roadless areas. So our campaign is looking to expand the wilderness by that many acres.

COMMISSIONER VIGIL: And how many acres is that?

MR. OLIVAS: Approximately 130,000 acres.

COMMISSIONER VIGIL: Thank you. Thank you, Commissioner Holian, for bringing this forth. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: With that, Mr. Chair, I would like to move for approval.

CHAIRMAN MONTROYA: I'll second. I have a motion by Commissioner Holian and then a second. Commissioner Anaya, discussion.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Do we increase the percentage by increasing the acreage, John?

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
RECORDS SECTION  
2010 JUN 29 10:00 AM

MR. OLIVAS: Yes, we increase by about 50 percent.

COMMISSIONER ANAYA: No, I mean the statewide. We're two percent, right?

MR. OLIVAS: Oh, yes. Most definitely. We've got other designations that are in the hopper right now.

COMMISSIONER ANAYA: So this wouldn't even increase it a percent?

MS. JOHNSON: Half a percent.

MR. OLIVAS: Because we've got areas up in northern New Mexico, up in Taos County, El Rio Grande del Norte National Conservation Area has about 26,000 acres of wilderness proposed in that. There's 235,000 acres tied to that campaign. About 26,000 is wilderness. Then we also have acreage down in southern New Mexico that we're looking to expand as well. So putting them all together, then, yes. We'll increase it by a percentage point.

COMMISSIONER ANAYA: Okay. Great. And thank you all for meeting with me individually to keep me informed on that. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. We have a motion and a second. Is there any further discussion?

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

CHAIRMAN MONTOYA: And we will send a copy of this resolution to our governor and to our New Mexico congressional delegation. Nathan, Kent, Carol, John, thank you for the work you've done on this and anything else we can do please let us know. Appreciate it. Thank you.

**XI. B. Presentation by AmCorp Management Presented by Gurulal Singh Khalsa and Mukhtiar Khalsa (Commissioner Montoya)**

GURULAL SINGH KHALSA: Good morning, Mr. Chair and Commissioners. You may recognize me. I work with Cuatro Villas up in the northern part of our county, and I'm very honored and humbled to be able to work with Santa Fe County. This is something that came to my attention and I thought that this could be something that could work very well for Santa Fe County at any time but especially now that we're in the midst of financial challenges.

What we're presenting here is a cost-recovery audit. This is a national company that's recovered over \$700 million in recovery revenues in the private sector and the public sector. They've worked in California, very strongly in counties, municipalities, school districts, and very strongly in the private sector. What this is is a performance based cost recovery audit. What's proposed is this company would come in and do an audit and the fee would be based on what is recovered in revenues. And what we would propose to do is look at the utility

SEC OF ENV RECORDING/29/2010  
01:23:40

expenses forensically for the County. So going back a number of years and looking at what was overspent, what was miscalculated, where it was mis-tabbed, and I'm not an expert in this but the company is.

Then the fee is based on what gets recovered. So there's no risk for the County in having the audit done. What the audit looks at principally is revenue recovery. It's not anything else that it looks at. And I think that where it works best in our situation is for utilities. And what's been presented to me by the national sales director for AmCorp is a non-commisinal request for proposals from the County. If the County made a request for a proposal for this then the audit would be done Countywide and we'd look at the proposal we made as to what could be recovered from revenues, look at what actually could be recovered before the County made a commitment.

So I think some of the other questions would be what kind of a burden would this be on the County manpower? Well, all the audit would be handled entirely by AmCorp. All of the negotiations would be handled entirely by AmCorp with the utilities on behalf of the County. And so the recovery would be the burden of AmCorp. So the County would essentially be getting its cost recovery audit at no risk, but looking at where efficiencies could be made that we've overlooked. Do you have any questions?

CHAIRMAN MONTOYA: Sure. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, thank you very much for bringing forward some information. Do you have anything in writing about this company?

MR. KHALSA: Yes, I have a brochure, [Exhibit 2] and I can spend time with any of the Commissioners.

COMMISSIONER STEFANICS: Well, I really would appreciate your passing that information to either our attorney or our Finance Director at this time. But we also are going through a process and talking about procurement today, so I think we're going to want to finish that process before we move to considering anything new like this, even though it might bring some attention to some savings for the County.

We also have a new – from what I understand it was about utilities recovery. Is that correct?

MR. KHALSA: Yes. Primarily utilities. I think we'd focus on utility recoveries.

COMMISSIONER STEFANICS: Okay. And I think that we would also want our Utilities Director to be involved in looking at this proposal as well. But I really appreciate the information coming forward. I just do believe that our staff need to look at this carefully and then make some recommendations or not to us. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion? Mukhtiar, Gurulal, thank you.

MR. KHALSA: Commissioner Montoya, could we hand out these flyers?

CHAIRMAN MONTOYA: Yes, please, and give one to the attorney also.

MR. KHALSA: And Mr. Ross, I'll be in contact with you so we can get our i's dotted. Thank you, Commissioners, Mr. Chair.

2010 JUN 29 10:58 AM  
SANTA FE COUNTY RECORDS  
SANTA FE COUNTY RECORDS

**XI. C. Consideration for Santa Fe County to Host the National Association of Counties Western Interstate Region Annual Conference in 2012 [Exhibit 3: Memo]**

COMMISSIONER ANAYA: Thank you, Mr. Chair. I'm going to go ahead and turn it over to the executive director, Paul Gutierrez of the New Mexico Association of Counties to kind of give a brief presentation on this and then if there's any questions I'd be happy to answer.

CHAIRMAN MONTOYA: Paul.

PAUL GUTIERREZ (NMAC Executive Director): Thank you, Mr. Chair, Commissioner Anaya, members of the Commission. I come before you today to ask for your support on the submittal to NACo, the National Association of Counties to host the Western Interstate Region Conference in 2012. There's a bid out for 2012 and 2013. I've been working with the staff from Santa Fe County to submit a bid for 2012. I believe there is a packet in front of you with some of the information. [Exhibit 3]

The big thing for the County, the County responsibilities is listed on page 3 of the bid proposal, which is providing transportation to and from conference-wide events, if we do that off-site, to host a NACo opening reception for the board of directors and other attendees. Also to have a conference-wide event, which could be a dinner dance, we could go out to a movie set, go up to Valle Caldera, something of that nature. Or go to the fairgrounds. And then promotion of the conference.

I've been talking to NACo staff and to Commissioners in Yellowstone County, which just hosted this in Billings, and the responsibility from the County's perspective would be anywhere from – financially, anywhere from \$10,000 to \$40,000 for the event. And that mainly is for the transportation costs, for a banquet or a reception, and then a conference-wide event. I'll pledge to Santa Fe County, if you were to submit this bid that the County would be out no more than \$10,000 of your own funds. If so, we would cover from either sponsorship from the New Mexico Association of Counties budget or from surrounding counties that we're going to ask to help support this program.

I've had numerous people from Hawaii, California, Montana, Oregon, that have asked us to host this event. Two years ago we hosted a Rural Action Caucus here at the Hilton that went over extremely well. People are still talking about it. And I think it would be a great event for Santa Fe County and for New Mexico. People want to come here. It would add to your revenues. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Thank you, Paul. Thank you for bringing this forward. As a previous board member of the Association of Counties I recognize actually what a prestige position we would be in to host this. So I appreciate you bringing it forth. The question I have for you, you said you've been working with staff. Have you worked with our Finance Department and looked at – of course you know the issue is going to come down to

revenues. So the only thing that comes to mind for me is whether or not our Lodgers' Tax Advisory Board can provide a support for that. Has that been discussed?

MR. GUTIERREZ: Mr. Chair and Commissioner Vigil, no, I've not talked to Finance staff. Really, what I'm hoping to do is, because we have this bid out till 2012 is that zero County funds would come in. We would actually go out to national sponsors and raise the money so that you would actually be – the Association or the County would not be out any money. I would pledge our staff, myself, to raise that type of money so you wouldn't be out anything.

COMMISSIONER VIGIL: Okay. Maybe I misheard, Paul. Did you say up to \$10,000? What's that \$10,000 figure? Explain that for me.

MR. GUTIERREZ: Well, Mr. Chair and Commissioner Vigil, what I was hoping to do is to alleviate any fears from Santa Fe County of putting up any real money. In talking to past people that have hosted it it's cost them \$10,000 to \$50,000, and I'm giving the high figure. And I of course don't want to burden Santa Fe County or any county with trying to come up with money to pay for it. So what I would pledge is that if there were those concerns that if you would be able to come up with that \$10,000 later on in 2012 and in the event that we had a shortfall that would alleviate any of your fiscal fears.

I'm hoping that we would find sponsorships and be able to pay this. The part that worries me a little bit is we're putting this in May. As you know, NMAC's conference is in June and we try to get sponsors to come to our conference and I don't want to confuse them by getting them to sponsor this event then we get shortchanged on our event and it ends up costing us money. So I threw the \$10,000 out there out of the air, quite honestly, to alleviate some concerns if there were any.

CHAIRMAN MONTOYA: On this point, Commissioner Anaya?

COMMISSIONER ANAYA: Another point.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: So you haven't had an opportunity to speak to any staff about that.

MR. GUTIERREZ: About the finances from Santa Fe County? No.

COMMISSIONER VIGIL: No. Okay. I guess the question I would ask Teresa if you're here, or Evelyn, is it possible that if we do get caught in a crunch here, because it's looking like the Association, which I honestly respect, would not want this to be a financial burden on us, but if in fact it gets to the point that we might need to supplement it to the extent of the \$10,000 mentioned, is this something that might qualify for Lodgers' Tax Advisory Board and could we process this as early as this year and get them to commit to something in the future or at least give us some advisement as to what would qualify for their support?

MS. MARTINEZ: Mr. Chair, I do believe it's something that we could do with the Lodgers' Tax fund. It would be a 2012 conference so you would need your commitment next fiscal year. We could put it on the agenda for the first LTAB meeting which I believe is either going to be July or August and I think it would qualify because it

2010 JUN 29 10:58 AM

would bring visitors to the area and what we would hope to do then is put the pressure on and try to encourage the use of our county facilities. We have Bishop's Lodge, which now has a convention center if you will, has meeting rooms that could accommodate something like this, or work with our lodging facilities so that they could have some type of promotion. We have Rancho de las Golondrinas where maybe an event could be held. Things like that. So if we could try to work together so that we further promote county facilities I think we can make it work.

COMMISSIONER VIGIL: And I think that is a criteria for the spending of those Lodgers' – I'm just looking for those coffers here for a possibility. I don't know to what extent the people who are working on this have discussed what options would be available, if they'd like to use the convention center. Do we have any of that information?

MR. GUTIERREZ: Mr. Chair, Commissioner Vigil, we do. We actually have a proposal put in from the Eldorado Hotel. We've been working with them and a commitment from the Eldorado and the Hilton and to work with the convention center here. The conference-wide events, those type of things, we knew that we had some time and there would be a lot of brainstorming. Bishop's Lodge is a great place. We could do something there.

COMMISSIONER VIGIL: And the other – actually, we're working very closely with the City of Santa Fe's Lodger's Tax Advisory Board so this may also be something that might be able to contribute. I think we're doing a joint marketing effort with them so that perhaps we could also look to their support for this. Just look into the possibilities here, Mr. Chair, and that's it.

CHAIRMAN MONTOYA: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Paul. I think it would be a great honor to host this conference, definitely. I just wondered if anybody has ever done some sort of an economic analysis to see how much economic activity it would actually generate. It's possible that we would bring in more in GRTs than \$10,000.

MR. GUTIERREZ: Mr. Chair and Commissioner Holian, I've not done that. I know that they're seeking 265 rooms. The typical conference for WIR is between 400 and 500 people. I think that we would probably draw more like 600. In addition to the WIR event, which is not here, they actually have a pre-WIR event, which the NACo staff comes out and hosts corporate sponsors and they host a golf tournament for four days. So we could get some of that money coming into Santa Fe County. Then again, going out and partnering with other counties such as Sandoval, Bernalillo where they'll fly into, unless they fly in directly to Santa Fe Airport, but we could also ask them. I don't know. We could do an economic analysis but I would imagine it's going to generate a lot of money.

COMMISSIONER HOLIAN: Yes, I would imagine it would. Is it a weeklong conference?

MR. GUTIERREZ: It is. It's close to a week, with staff being here. It's actually three days of the conference itself.

COMMISSIONER HOLIAN: And I would imagine that some of the people,

2010 JUN 29 10:58 AM  
SANTA FE COUNTY  
COMMISSIONER VIGIL

especially those coming from far away, might spend a weekend on either side as well, correct?

MR. GUTIERREZ: Mr. Chair, Commissioner, yes. A lot of people do spend an extra day or extra two day at the conferences, particularly when it's a destination place where they'll actually come in and spend the weekend.

COMMISSIONER HOLIAN: Okay. Well, thank you, Paul. Again, I'm totally in favor of this.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thanks, Paul, for coming forward and bringing this forward. I had the honor to serve on the Western Interstate Region for two or three years and I know a lot of people on the board always would ask, Mike, when are you going to host a WIR conference in Santa Fe. We all want to go to Santa Fe, New Mexico. So I'm glad to see that it's coming forward. I won't be a Commissioner but I'll still be around. I fully support this and I think that \$10,000 is really nothing to see what Santa Fe and the surrounding counties are going to get out of 500, 600 people coming to the state. To me, I think this is a no-brainer. This is like, man, let's bring them. They're going to spend a lot of money here. They're not only going to bring them, they're going to bring their spouses, they're going to bring their families, because it's not very often they get to come to Santa Fe.

So again, I fully support this. The Western Interstate Region consists of I believe 15 or 16? I forget. Western states.

MR. GUTIERREZ: It's 13 western states, but then we allow Texas to come in sometimes.

CHAIRMAN MONTOYA: If they behave, right?

COMMISSIONER ANAYA: So I think this is a good opportunity to bring those states in. Let's show them some New Mexico hospitality like they showed us when we went to their states. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. There's a couple questions I have and the three concerns that come to my mind is the financing, staffing, and the date that was chosen. Let me just start with the simplest. The date is early May. We've had some weird weather, and we could still be having snow. So I'm wondering why you chose earlier in the month than the other dates.

MR. GUTIERREZ: Sure. Mr. Chair, Commissioner Stefanics, one of the reasons was, part of what you're going to ask about is staffing. We're getting ready for our annual conference for the New Mexico Association's annual conference and the earlier in May the better for us to plan our conference, because I don't want to leave Santa Fe County hanging and doing all the work for this conference, so we chose the earlier day. I don't have a problem going back and asking the Eldorado to put in any one of those dates. I would just then respectfully ask from Santa Fe County is if that's the case you would be willing to lend us staff to help us put this conference on moving forward and we could put the later dates.

Part of the other reason is that in listening to some of the people that sit on the WIR



board now, they coupled it with Memorial Day weekend this last conference and some of them didn't like that date because they had young children and they wanted to spend that day with them. So we were trying to get it not right at the end of when school may be ending and not at the Memorial Day and also staying away from our conference. That was the logic behind that.

COMMISSIONER STEFANICS: Well, I totally appreciate that and selection of a date is as it can fit in with everything. I would like to say first of all I do like to promote our state, I like to promote our county. I even has a license plate that says Tour New Mexico on my car, but I am concerned about how this will play out with our County staff. In talking to other entities that have hosted this, what amount of staff time how many staff would need to be committed to prior and during the event full time?

MR. GUTIERREZ: Mr. Chair, Commissioner Stefanics, we would think no more than two or three people. During the conference we will get people from the Association to help out as well as NACo. They sent out all their conference staff. The staffing that we'd need prior to, some help, because the Association doesn't have a PIO. We don't have a public information officer. There are some things that we need to write letters for NACo news and put some promotional material out. There's also the requirement to travel to a NACo event, the Legislative Conference, the WIR conference and the annual conference, which will be in 2011. We would be willing to help pay for the travel to someone to do that, or our Association staff could man or could host the booth where that is. So I'm not looking at a whole lot of staff time from the County.

COMMISSIONER STEFANICS: Well, Mr. Chair, the only reason I'm bringing this one up is because we do have a hard hiring freeze. We have staff doing double duty in their jobs, so I just want us to be conscious of what we might be asking our new County Manager and some staff who are appointed to this to do. The last question that I have is about financing. Paul, have you considered asking other counties in the state to chip in?

MR. GUTIERREZ: Mr. Chair, Commissioner Stefanics, yes. In fact we're asking the surrounding counties all to write a letter of support, and then I'm going to go to each one of their commission meetings and ask them to pitch in. Again, asking them for support for volunteers to help out, if that be the case. Again, I really want to stay away from spending any County funds to do this. We will work as best we can to get private sector funds to pay for the events. In the event that that's not the case, between Rio Arriba, Los Alamos, Bernalillo, Sandoval, Torrance – that's five surrounding counties. If they each put \$5,000, \$10,000 for the host county, that's \$35,000. \$15,000 from New Mexico Association of Counties, I think we'd have it covered. But here again, I think we can get the national sponsorships to really come in and pay for most of this.

Particularly if we do a reception instead of a banquet, I think the costs are going to be a lot lower than the \$50,000, because that would be adding a banquet it. Basically, you would be doing a conference-wide event. Or we could do a barbecue and get a band to play at the rodeo grounds or something like that. It's not going to cost a whole lot of money. I'm the king of cheap.

COMMISSIONER STEFANICS: Maybe not cheap.

CHAIRMAN MONTOYA: Frugal.

COMMISSIONER STEFANICS: Maybe efficiently and with quality performers. Mr. Chair, I'm not clear then what we specifically would be approving today in terms of an amount of money. I'm hearing a range. I'm hearing that we would not have to put up more than a certain amount. So I would like to be really clear what we're being asked to approve today. Thank you.

MR. GUTIERREZ: Also, Mr. Chair, on that point, I don't know if need to designate an amount. If you were to feel more comfortable that you would say we're not going to pay anything, or that we're only going to pay up to a certain amount. That's fine. I just wanted to give full disclosure that the responsibility from the host county and our pledge from the Association is that we're not going to leave you hanging out there. So it's kind of a range as to what you would feel comfortable with. Or with nothing and not put in a dollar amount and see how it goes in 2012. I'm just giving you what the County is responsible for and what we pledge to do to raise those funds. That's why I threw out the \$10,000, that if there were those concerns you would say, well, we'll do this but we're not going to give more than x.

COMMISSIONER ANAYA: I don't have a problem with the \$10,000.

CHAIRMAN MONTOYA: Do you want to make a motion?

COMMISSIONER ANAYA: I move that we approve this with the \$10,000 amount.

COMMISSIONER VIGIL: Could you amend you motion to say that we approve this and if necessary, the County will not pledge more than \$10,000? Because it could be less than \$10,000, or it could be none, is what I'm understanding your testimony. Is that correct, Paul?

MR. GUTIERREZ: That's correct.

COMMISSIONER VIGIL: I guess my motion would create the support, provide the opportunity for financial support if necessary. I think what needs to happen with that is we need to be directly advised with regard to that. I think the Association needs to work with our staff in the areas of support where we may be able to support you financially with such as the Lodgers' Tax and the city of Santa Fe. So if the motion would read that we support this and that Santa Fe County will, in its own process in cooperation with the Association of Counties not commit to more than \$10,000. I think that's what we're all sort of focused on, Mr. Chair. So if Commissioner Anaya is okay with that, I would second the motion.

COMMISSIONER HOLIAN: And I'd kind of like to add a friendly amendment or a request that you come back to us and make a progress report as it goes forward.

CHAIRMAN MONTOYA: So, Commissioner Anaya, you're okay with amendment by Commissioner Vigil?

COMMISSIONER ANAYA: Yea.

2010 JUN 29 10:58 AM

CHAIRMAN MONTOYA: And then a second by Commissioner Vigil. Any further discussion? I just want to say, Paul, that I think this is a great opportunity for Santa Fe County and I appreciate that we're given this opportunity. Having served the last six years on the National Association of Counties board of directors, you're absolutely right, Commissioner Anaya, about people wanting to come to Santa Fe to either spend some time, and they're certainly going to spend their money. I would just like to also ask if we could just check out Bishop's Lodge, because then we would recover the GRT from that stay, right? I like the city and everything but I'd rather see the County get that money. So that's all I'll ask and a great opportunity.

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

CHAIRMAN MONTOYA: Thank you, Paul. Appreciate it.

MR. GUTIERREZ: Thank you. We'll be making this presentation to the NACo board of directors in Reno later this month.

COMMISSIONER VIGIL: Will you let us know who gets the award?

MR. GUTIERREZ: I will. I know that California, Alaska and Oregon are again bidding on it, so we'll see.

COMMISSIONER VIGIL: Yes, but they're not Santa Fe.

MR. GUTIERREZ: Thank you. Could I pass these out?

CHAIRMAN MONTOYA: These are Retain Effective Officials, on the ballot, it's number 2.

COMMISSIONER VIGIL: Do you want to explain this a little bit for our viewing public? Because it is an initiative that's being undertaken by the Association, correct?

MR. GUTIERREZ: Yes. Commissioners, as you know, this last session Senate Joint Resolution 2 passed in both chambers of the legislature and now will be put to the voters November 2<sup>nd</sup>. County officials are term-limited. They only get two four-year terms. What will be on the ballot November 2<sup>nd</sup> is the ability to give the voters the ability to retain elected officials, giving them one extra term. So they would then get three four-year terms. In my opinion you have term limits every election; you can vote somebody out. If you get good quality individuals such as yourselves serving, you're not able to be retained. Some of you are term-limited right now.

This would just give people one extra term. Particularly when you look at the Clerks, the Sheriff's, the Assessors, the Treasurers, those offices are becoming more and more complex, there's more pressure put on them. They're developing their skills. We have a County College program. You get to a certain point and you're term-limited out and that talent goes away. So we're asking the voters to vote yes on this to give people the opportunity to serve for one extra term.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Okay. And you'll be actively campaigning on this

issue. It was a pretty big issue on the Association of Counties annual convention.

MR. GUTIERREZ: We will, and we're actually setting up a PAC. We are setting up and asking each county to designate an elected official to help us carry the message to the voters to work with the editorial boards, to work with the public, to work with community groups so that they understand the importance – as I explain it, Adam Smith, the Wealth of Nations, he had the invisible hand of the private sector out there. Well, in the public, I think you have the invisible hand of the County. Because no one really sees what the counties do until something blows up. You're doing fire, you're doing EMS, you're doing roads, and people don't really see the work that you do out there. And so by promoting this, letting people know, and by the way, Glenn Whitley, who is the incoming president for NACo is putting a big push to inform the public, school children, everybody else to what counties do. You hear the federal government, your state government, you hear municipalities; you don't often hear about counties. But you are where the rubber meets the road. Everybody lives in a county. Not everybody lives in a city. So thank you.

CHAIRMAN MONTOYA: Thank you, Paul. Appreciate your work on this. We'll do one last item before we break for lunch.

**XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

**A. Resignation of Valery Henderson As a Member Representing New Mexico Department of Health/Region II on the Santa Fe County Health Policy and Planning Commission (Community Services/Health & Human Services/HPPC)**

REBECCA BEARDSLEY (DWI Coordinator): Mr. Chair, Commissioners, we would ask you to accept the resignation of Valery Henderson as a member of the Health Policy and Planning Commission. So was actually one of the founding members of the commission and has done an excellent job. She has taken a new position with the Department of Health, which is requiring extensive travel so she will not be able to serve in this capacity any longer.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we accept the resignation of Valery Henderson and also prepare some recognition for her in the future.

CHAIRMAN MONTOYA: Okay. I have a motion by Commissioner Stefanics.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Further discussion?

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

SVU CLEAR RECORDING / 29 / 2010

[The Commission recessed from 12:40 to 2:20.]

CHAIRMAN MONTOYA: Let's call this meeting back to order. It's about 2:20. We were moving into the Consent Calendar but before we do that I want to go to Matters from the Commission.

**XI. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I wanted to talk a little bit about the Regional Planning Authority retreat that we had last week. Four of us, five Commissioners were actually at the retreat but I thought that it would be a good idea to just sort of get this out in the public as to what's going on. The RPA is a venue where the City and County come together to talk about regional issues. In the past they have worked hard on the annexation issue. That was before my time. But in the last year and a half since I've been on the RPA we've talked a lot – well, done a lot of work on public transportation, made recommendations to the NCRTD, and so on. Also, the RPA has created the energy task force, which means I think that energy is recognized as an important regional topic.

So in this retreat we wanted to talk about what issues we wanted to work on in the coming year. There are an awful lot of regional issues out there and we figured we couldn't really do everything, so we ought to focus. And our top three priorities came down to be affordable housing, economic development and energy. These three are all kind of interrelated in a certain way. You can see that economic development is related to energy. Affordable housing is related to economic development, and so on. So I imagine that there will be some overlap.

We have yet to figure out what process we will use to move forward, but we did make the decision that due to tight budgets staffing would come from the City and the County to do whatever we did. I think our long-term or our one-year plan is to in some way or another develop regional plans for each of these three issues. So I just wanted to give everybody an update on that particular thing and I think that's a very good venue for the City and County to work together and these issues are definitely regional in nature.

And also on the topic of regionalism, yesterday I attended the meeting of the Regional Coalition of LANL Communities. And this is a group – this is even more regional in nature. Right now it's including people from Los Alamos County, from the City of Santa Fe, the County of Santa Fe, the City of Española, Rio Arriba County, the Town of Taos and Taos County. And the idea is to discuss issues that are relevant to the laboratory. Because the laboratory is actually a huge employer in our area. I learned yesterday that actually 35 percent of the dollars that are spent in our area are due to the laboratory. So that's really astounding and we have to pay attention to what's going on up there. Now, the three topics that we see this regional

coalition concentrating on are first of all, making better use of the economic development potential of the laboratory in one way or another. Also, we would like to be able to influence legislation at the federal level, especially on those issues that really relate to our local governments and our local counties and cities.

The third thing is to engage them on cleanup activities. There is just a huge amount of work to do at the laboratory on cleanup. There have been years of polluting that's gone on up there and it's slowly making its way towards the groundwater. But in any event, a huge amount of money is coming in for that, and so we would like to remain engaged with the laboratory on how we prioritize. There's a lot of things to do so the question is what do we do first? And what's most important to do? Also, there's a huge jobs component on in with regard to this particular activity. There are going to be a lot of jobs produced in our local areas from that.

So in our meeting yesterday we considered a joint powers agreement which was drafted by Peter Franklin. There was also – I think everybody was pretty much in agreement with the joint powers agreement, and it will probably come in front of the Commission, oh, in another month or so. There was also a lot of discussion about how to bring the pueblos into the process. They – many of the pueblos have their own relationship directly with the laboratory and they each have sort of a different focus. So we discussed – there was outreach going on as we speak to the pueblos to see whether they want to be directly involved in this joint powers agreement, or whether they just want to be observers, or whether they just want to have their own relationship with the laboratory. But anyway, there's continued discussion on that front.

The one topic that then came up is if we do sign a joint powers agreement, where's the money going to come from for whatever work that that joint powers – whatever they do, and right up front, Los Alamos County committed to putting in \$150,000 towards staffing and whatever else is needed. The other governments who were presented were not all so eager to commit that amount of money, and I won't tell you what the Mayor committed because I don't think that what he said is going to actually fly with the Council. So we'll see what Santa Fe City decides to do. But in any event, what's going to happen now is the people who are putting this together are going put together several different budget scenarios so that when we are considering the joint powers agreement we will have input then into exactly how much we do want to contribute, if we do want to contribute anything towards this. We may decide that we don't want to contribute money; we just want to contribute staff. It would just depend on what the situation is.

In the future, entities like this coalition have gotten funding – federal dollars – for their funding. But it was generally recognized that you can't get that federal funding until you've really proven that you really are a valid coalition, that you really do have something to contribute. So they felt that we would at least have to put some money in for startup costs and then we would be able to apply for money from the federal government. So future funding – it probably wouldn't be a future burden on the County; it would only be at the very beginning.

So anyway, I guess that's about the size of it. And the joint powers agreement, again, will be coming forward to the Commission probably in another month or so. Thank you.

CHAIRMAN MONTROYA: Great. Thank you, Commissioner Holian for your

2010 JUN 29 10:00 AM  
SANTA FE COUNTY  
CLERK'S OFFICE

report on both of those. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to wish everyone in the County and all our residents a happy Fourth of July coming up. But I also wanted to comment on the longevity of our employees who we saw retiring this morning. I think it should be an inspiration to some of those individuals who are just starting in government, that government work can be very fulfilling and satisfying, and I hope that the long-termers know that we really appreciate what they're doing, and that those people who are young in their jobs will consider staying around. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. My question would be to Commissioner Stefanics. Are we – is the RPA or the RTD going to run down south anymore after tomorrow?

COMMISSIONER STEFANICS: Mr. Chair, Penny is on vacation and I don't see Andrew here, but I can give you an update. We have asked – well, there's a complicating factor too. We have asked the RTD to submit an application on our behalf for a new senior/disabled van for Edgewood. But that wouldn't happen for a while, until next year. If we work out the relationship with the State Department of Transportation, we could utilize that van that's paid for for the senior center to do senior meals, transporting seniors, and also use it for other purposes. The federal government has indicated that we can do joint projects as long as we work this out with our State Department of Transportation.

So one of the ideas I had was for us to start working on some plans for the future that could use a small vehicle moving people up the road. In the meantime we did ask our staff to look at how much it would cost to have a small van transport people up to Eldorado and back. We haven't heard back from that because we were going to have a little bit of surplus for the year from the RPA, from our gross receipts taxes. Now one of the issues that's coming up from the RTD is that they're asking every county to put in 1/12 of the gross receipts taxes for reserves for capital. Because our money has to pay for vehicles as well. We have not voted on that yet, so Andrew and Penny are working on how much it would cost for a little van, and they're also trying to do some analysis on this request to use 1/12 of the gross receipts taxes for our capital budget.

The interesting thing that did show up is our resolution does identify how much money can go to the RTD administration overhead. All counties except for us are paying \$200,000 a year. We're paying just below that. So we're paying about \$18,000 less, based upon our gross receipts taxes than what the other counties are paying for administrative overhead. So we're right in line. But the other issue that's come up is that other counties now want to have a resolution like we have, the 86/14. And so it has really opened a big can of worms at the RTD. We provisionally approved an RTD budget but we have asked – in the Finance and Coordination Subcommittee, we have asked that all of our finance directors or their appointees, meet with the RTD in the next two months to identify what our gross receipts tax is covering, what needs we have that are not being covered – for example, Edgewood, and what we're willing to do.

So for example, we might need to say, our finance people might need to say, we're not going to allow routes to be cut. Or we're not going to allow the money to be used for reserves. But the idea is to bring all the finance directors together from all four counties, because rather than having City Councilors and County Commissioners make a decision about what our internal finances are, we thought it would be better to have the experts there.

So I can tell you, Commissioner Anaya, it's being worked on but it's not figured out. And hopefully, maybe when Penny Ellis-Green has returned and we give her a day to get readjusted from her vacation, we could have her do a report at our next Commission meeting. I'm sorry I can't be more specific; I don't know.

COMMISSIONER ANAYA: Thank you. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Just a couple of things. I want to thank Steve Ross and I want to thank everyone who has really stepped up to the plate to take over some additional responsibilities since we lost our County Manager. I so respect and admire your willingness to do that and I know it's a short amount of time until Penny takes over and I hope it will be a shorter amount of time. I hope we're able to appoint a County Manager very quickly. So thank you for the additional work that you're doing. I know that Steve just within the last couple of days have been called upon to do a lot of managerial stuff and that hasn't taken away from his legal responsibilities. So thank you and your staff for stepping up to the plate on that.

I just wanted to announce to the public, particularly those in my district that in District 2 sometime back there was a request for a three-way stop in the San Isidro and Alameda intersection. We will be conducting a public hearing on that and Robert's in the audience. I think that was going to be our next step. This might be a good time to look into it. Just to get all of the public around that area together on that so nobody's really surprised about it, because I think that's what we want to be able to do is communicate what that would mean and how the traffic study we have so far actually justifies it. So hopefully we can be working on that and move forward on it.

I think that's it, Mr. Chair. The other sort of overview that I'd like to state is the Agua Fria Park, which is one of the largest sort of potential park and recreation facilities that the Santa Fe County owns – what we have been able to do is pretty much underway with the Agua Fria Park. It has so much potential on what can occur there. The ballfields haven't been utilized. A lot of that had to do with the fact that we experienced a drought and the grass and the sprinkler system did not get utilized for quite some time. I've actually been looking, and some of the staff knows I've communicated this to them, I've been looking for the possibility of grants for astro-turf to resurrect that park. There are many people who contact me and do use it for its walking purposes. The doggie park hasn't been able to be complete either. But there have been some improvements there that I'd like to thank staff for working on. Joseph and Paul and Scott have all been trying to coordinate and respond to what's needed out there and we're at a place where the upgrading is occurring but there's so much more that needs to be done there. But I think we might be able to do some kind of a reach-out to the community and let them

2010 JUN 29 10:00 AM  
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS



know that we'd like to work jointly with them to see how much more we can work together towards improving that. That is a goal of mine at this particular time, Mr. Chair. And that's it.

CHAIRMAN MONTOYA: Okay. Have they relocated those prairie dogs at the Agua Fria?

COMMISSIONER VIGIL: I don't think there was even a need for it. I'm not real sure. I think there was an analysis done – Paul, you're shaking your head. There was an analysis done as to whether or not they would be relocated and I don't know if they did. And I also will state that the most recent small project there is Public Works did receive a grant for tree planting. So that's going to be occurring, about 12 to 15 trees in the playground area and the parking area. What do you know about prairie dogs?

PAUL OLAFSON (Community Services): Mr. Chair, Commissioners. No, we have not actively relocated any prairie dogs. We did do some studies late last year in the fall about what the numbers were and what the potential for doing that. And unfortunately, then and now, it's a budgetary constraint. And so we have not moved forward with doing any relocations.

CHAIRMAN MONTOYA: Oh, okay. Because isn't that contributing to some of the vegetative death that's occurred in that park? Grass?

MR. OLAFSON: Mr. Chair, Commissioner, I don't think the prairie dogs have really eaten the grass per se. It's more the irrigation system that we just turned it off due to drought and never resurrected it. But there are issues with prairie dogs regarding the ballfields and if there's holes, and then children or people playing sports and step in the hole. So that's always a challenge when there's the prairie dogs mixed with recreation activities.

CHAIRMAN MONTOYA: All right. I was just curious. I know I visited one time and there were a bunch of prairie dog holes all over which is kind of unsafe.

I too would just like to wish everyone a happy Fourth. Be safe. Chief, do we have any restrictions on fireworks? It's coming up later? Okay. So county residents be aware of what we will be discussing further.

I just want to also thank the staff. We know that these are not the easiest of times in terms of transition. Transition is always a difficult issue when we're moving from one thing to another whether it's a new boss or a new relationship, and we're kind of headed in the direction now of both – getting a new boss and a new relationship with whoever that may be, and we just ask that you be patient, let us know if there's anything that you need that we can help with to assist in ensuring that we continue to flow as smoothly as possible with the absence of a County Manager. But we do have two interim County Managers who are very capable and keeping us moving forward, so I certainly encourage you to utilize them and their expertise for any issue that may come up that you may need assistance with.

- XIV. C. 1. Resolution No. 2010-111. A Resolution Approving Amendment No. 3, to That Property Lease Agreement Between Santa Fe County and the Santa Fe Mountain Center, Inc. for a Facility Located at 1160 Parkway Drive, Santa Fe, New Mexico and to Authorize the Chair of the Board of County Commissioners Execute Said Amendment No. 3 and to Seek Approval of the New Mexico State Board of Finance for Said Amendment No. 3 (Community Services Department)**
- 3. Request Approval for the Purchase Agreement Between Santa Fe County and Plains Eagle Corporation for a Building Identified as Lot 52, Richards Avenue Business Park, Phase 4, City of Santa Fe, in Santa Fe, New Mexico, as Shown on That Plat of Survey Filed In the Office of the County Clerk, Santa Fe County, New Mexico on June 28, 2004 In Plat Book 562, Pages 028-031, as # 1335001, Consisting of Approximately 3,677 Square Feet Together with a 23-Space Parking Area, More Commonly Known as 1160 Parkway Drive, Santa Fe, New Mexico, In the Amount of \$492,000.00 (Community Services Department)**

MR. ROSS: Mr. Chair, actually C. 3 is part of the same transaction.

AGNES LOPEZ (Community Projects): Mr. Chair, Commissioners, this is a resolution that will need to go to the State Board of Finance approving the lease between Santa Fe County and the Santa Fe Mountain Center. It's an amendment to the original lease. You already approved the lease and the original lease was for a property that we were looking at in Glorieta that did not go through. They have since found a property on 52 Richards Avenue Park. It's a unit that will allow them to do their services and facilities inside kind of a warehouse type facility. So the resolution is amending the lease for the new facility.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, unless there's something that Steve Ross wanted to present, I would move approving C. 1 and C.3.

MR. ROSS: Mr. Chair, I understand there were some changes made from the documents that were in your packet and we just wanted to bring those changes to your attention. That's all. So if you're comfortable going forward with the state of things right now, then –

COMMISSIONER STEFANICS: I'll leave the motion on the table while we discuss it.

CHAIRMAN MONTOYA: I'll second for discussion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Okay, Agnes, tell me again what we're doing.

MS. LOPEZ: We are approving a resolution to the original lease for the Mountain Center. The Mountain Center had been looking at a piece of property in Glorieta and

we had approved a lease for that property. Since then, the owner has decided not to sell the property so the Mountain Center with staff located a different property that will work for their program, and it's located off of Richards – Richards Avenue Park, Lot 52. It's a warehouse type facility, which they plan to do climbing, that type facilities indoors and bring different groups of people to this facility.

COMMISSIONER ANAYA: Who is purchasing it?

MS. LOPEZ: This is going to be purchased with legislative money that came to the County, that will then be leased to the Mountain Center.

COMMISSIONER ANAYA: How much?

MS. LOPEZ: \$492,000 is the cost of the facility.

COMMISSIONER ANAYA: And so the Mountain Center got money from the legislature to buy a facility, \$492,000, and what do they do there?

MS. LOPEZ: Mr. Chair, Commissioner Anaya, I have Sky Gray here who is the executive director, and I've asked her to come to speak about the programs that they're going to be doing.

COMMISSIONER VIGIL: And before Sky speaks, I have a real quick question. Richards Industrial Park – is that the one off Henry Lynch and Rufina?

MS. LOPEZ: It is.

COMMISSIONER VIGIL: Okay. That's what I thought. Thank you.

SKY GRAY: My name is Sky Gray. I'm the executive director of the Santa Fe Mountain Center. Commissioners, Chair, it's a pleasure to be here, and it's a pleasure to answer your questions about what this Mountain Center does. We're an experiential education program and we work primarily with youth but also with adults, and we use techniques and methodologies of what we call learning by doing. So the warehouse that we want to purchase that hopefully will be approved today will be a facility where young people can come, Santa Fe County residents can come and build self-confidence, self-worth, self-esteem, by pushing their limits and stepping outside of their comfort zones, doing activities like climbing. So it will be – what we're calling it is an urban adventure center.

COMMISSIONER ANAYA: Do you charge?

MS. GRAY: No, we have a contract with Optum Health through CYFD, and that's the majority of the youth that we work with. So, no, there's no charge for serving Santa Fe County residents.

COMMISSIONER ANAYA: And where are you located now?

MS. GRAY: We're in Tesuque, right next to Shidoni.

COMMISSIONER ANAYA: Okay.

MS. GRAY: So this will be an expansion. Again, we were hoping to get a piece of property in Glorieta and that fell through so this was our alternative.

COMMISSIONER ANAYA: So the money came to us?

MS. GRAY: Yes, sir.

COMMISSIONER ANAYA: Okay.

MS. GRAY: Thank you, sir.

OFFICE OF THE COUNTY CLERK  
RECORDED 07/20/2010

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'm sort of interested to know how this is going to work because the property that you were going to buy in Glorieta was a completely different deal, because it was out in the wilderness and that sort of thing, and this is a building in town. So are you going to build climbing walls and things like that in there?

MS. GRAY: Yes. It's an indoor climbing gym is what it's going to be.

COMMISSIONER HOLIAN: Oh, I see. And that's totally what it's going to be then.

MS. GRAY: Yes. Yes.

COMMISSIONER HOLIAN: Okay. Great. Thank you.

MS. GRAY: We had to rearrange our thinking because of some of the zoning issues that we ran into, and so this is a property that was zoned for business and so it was kind of a perfect match. It wasn't exactly what we wanted in terms of our ultimate vision. Our ultimate vision was out in Glorieta as you know. But we really feel like this is going to be another facility for young people to come to and do positive activities such as climbing and indoor experiential activities. So I think it's going to be another addition for us to be able to provide services to Santa Fe and Santa Fe County residents.

COMMISSIONER HOLIAN: And do you take the kids out on hikes and that sort of thing anyway in the wilderness?

MS. GRAY: Absolutely. So the way that we've kind of positioned this particular facility is it's going to act as an assessment. So before we take young people out into the wilderness or to a rock climbing site, which we have several all over the state, this will be an area, a time for us to be able to discuss their skills, their confidence level, their emotional well-being, before we put them in situations where it could be even more challenging for them. It's going to be a great facility for us on many different levels.

COMMISSIONER HOLIAN: So can Commissioners come there to –

MS. GRAY: We would love to do team-building with you all. Come on out.

COMMISSIONER HOLIAN: Thank you, Sky.

MS. GRAY: Thank you very much.

CHAIRMAN MONTOYA: We don't need team-building.

COMMISSIONER HOLIAN: We do extreme Commissioning.

CHAIRMAN MONTOYA: Sky, and you're still going to maintain the property in Tesuque, right?

MS. GRAY: Yes. Absolutely.

CHAIRMAN MONTOYA: Okay.

MS. GRAY: We just recently were granted our business license and have cleared up some of those issues, so we're in a really good place.

CHAIRMAN MONTOYA: Okay. Thank you. Any other questions for Sky or staff. We have a motion and as second. Any other discussion?

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

SEE CITY RECORDS FOR 2010

CHAIRMAN MONTOYA: Congratulations, Sky.

MS. GRAY: Thank you. Can I just have one more moment with you all?

CHAIRMAN MONTOYA: Sure.

MS. GRAY: I just want to take a moment to say I was away on a family matter when I heard that Roman resigned as the County Manager. I just want to say that our working relationship with Roman was really excellent and that I was really – at every turn through this process he was the can-do guy. He was the problem solver, and he was somebody who had solutions and I just wanted to acknowledge him and thank the County staff for their support in this process. I think it's really important. So again, I thank the County staff and I thank Roman, even though he's not here. But I thought it was important for you all to hear that.

CHAIRMAN MONTOYA: Thank you, Sky. Appreciate that. Definitely.

**XIII. C. 4. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of May 2010 (Finance Division)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This is more a comment, and I said this to Teresa in advance. But I think that we should not be making payments to any company that's under investigation. And I'm seeing some payments show up in our May receivables. So at this point I don't even know all the investigations going on, but if there is more than the one that everybody knows about, which is Advantage Asphalt, I would ask Legal to work with Finance to determine whether or not any payments should be made until the investigations are over. And I'm not going to pretend to be Legal. I'm just asking you to look into it. And that's all I had, so I would move for approval of the accounts payable and disbursements.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. We have a motion by Commissioner Stefanics, second by Commissioner Holian. Any further discussion?

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

**XIII. C. 5. Request Authorization to Enter into Amendment #6 to Agreement #27-0304-FI/MS for the Professional Services Agreement for Lodgers' Tax Advertising and Promotional Services**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. The reason that I pulled this is I just wanted to understand the Lodgers' Tax a little bit more. So first of all, I wanted to sort of get a feel for how much Lodgers' Tax comes in every year.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Holian,

2010 JUN 29 PM 04:00  
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING

the Lodgers' Tax, basically, is a four percent additional, if you will, on top of any lodger's bill. So if someone stays in a Santa Fe County lodging facility they will be assessed an additional four percent that is then remitted back to the County for use for advertising and promotional efforts. So we, in good years we could bring in about \$400,000. In the economy that we've been experiencing we've seen it as low as \$360,000.

COMMISSIONER HOLIAN: So does all of our advertising get paid for by this Lodgers' Tax or do we pay for advertising in other ways as well?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, the majority of it gets paid through the Lodgers' Tax collections. We do do a lot of coordinated efforts with the City's OTAB and try to do additional advertising efforts jointly together, if we're trying to reach the same market or trying to bring more draw to the city as well as to the county. So it is for the most part coming from Lodgers' Tax dollars.

COMMISSIONER HOLIAN: Okay. Thank you. And I just also was kind of curious about how they talked about targeting a specific age group. How do they determine who to target? Is it a matter of like polling the hotels to see, or lodging areas to see the age of the people coming in? The demographics and that sort of thing?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it's exactly that. The advertising agency – he's here if you'd like to add – but we do have a lot of – we monitor the hits to the website. We do different pollings via the advertisements that we place. We have some facilities in recent years – we've asked them if we've given them money from Lodgers' Tax to support events that would draw people, the drive market to the area. We asked them to track and survey – do they stay in a county facility? Do they come for the event, drive back? So it's a combination of things that help determine the market that we try to hit. In light of the economy, recent years the drive market has obviously been the bigger market to try to attempt to attract.

COMMISSIONER HOLIAN: Right. Well, thank you very much, Teresa, and I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian, second by Commissioner Stefanics. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, and Teresa, maybe it's time – and we usually, on a regular basis get a presentation on marketing strategy and maybe as you're gathering this information that could be part of the presentation. But I would just recommend maybe that it's time for us to get an update on how the marketing is going, the actual marketing advertisements, where they're being placed and what audiences they're reaching. I think that as soon as that could possibly be done, and I see that the ad firm has their representative here. It's probably not a bad time to get a summary of that.

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, we have that scheduled for August. Is that soon enough or shall we bump it up? We could try to make the July agenda if you'd like it sooner.

COMMISSIONER VIGIL: My sense is I'd like to see it as soon as possible. It

SEP 01 PM 04:00:00 2010

seems like we have things we promote in July and things we've promoted in August and August is sort of the winding up of a lot of promotional events and a really good time for marketing is before spring to attract the tourists that come. As soon as possible, and it might even be good to calendar this before our high peak season.

MS. MARTINEZ: Okay. I'll do that.

COMMISSIONER VIGIL: Thanks.

CHAIRMAN MONTOYA: Any other questions, discussion? We have a motion and second.

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

**XIV. C. 6. Request Acceptance of Agreement #2010-0369-HO/TRV, a Professional Service Agreement With the Boys & Girls Club of Santa Fe for After School and Summer Program and Teen Program for Santa Fe County Housing Division and County Manager's Office**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, I mentioned this already in the Housing Board meeting this morning, but I'd like for you to clarify. I knew that we had identified cutting back some funds for summer programs. Could you clarify this particular item for us?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, the Boys and Girls Clubs in previous years would receive \$75,000 in funding to support the Boys and Girls Clubs that we have associated with our housing communities. So in recent years we increased that contract dollar by an additional \$75,000 and tried to target more youth recreation programs if you will, also in conjunction with the work that we do with the Pojoaque schools and Eldorado and the Santa Fe Public Schools. When we had initial budget presentations we talked about this as a potential area to do a decrease, and at the time we were trying to take it back to the original \$75,000 or at least \$100,000. So we went out to RFP with the intention that we'd try to keep it at \$100,000, but when we entered into negotiations and received our best and final offer, there was an additional opportunity to serve an additional youth population of 200 ranging between the ages of 13 and 18. And they are going to do various events throughout the county at various times and they'll do things such as the youth teen dances, basketball leagues, best car shows, different things: golf, bowling, volleyball tournaments, tennis instruction, and competitions and gymnastics to name a few, and youth concerts as well. So it's an opportunity to reach an additional 200 youths in the community.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'll move approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics for approval, second by Commissioner Holian. Any further discussion?

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

**XIV. C. 15. Request Authorization to Extend Lease Agreement #1721 with Wagner Equipment Inc. for 5 Caterpillar Motor Graders for Public Works**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So Robert, my question is, why do we lease equipment and not buy it? Is it cheaper to do it one way over the other?

MR. MARTINEZ: Mr. Chair, Commissioner Holian, in the past we've leased equipment because we released that the lease cost is about 60 percent of the purchase price. In the past we purchased equipment, surplused the equipment, sold it, and eventually we were down to the 60 percent of the purchase price that route also. So it was determined that to lease it we wouldn't have to come up with a large capital amount of money to purchase it as opposed to leasing.

COMMISSIONER HOLIAN: I see. So it's fiscally advantageous to do it with the leasing over the buying?

MR. MARTINEZ: Mr. Chair, Commissioner Holian, that is correct. One thing that we are also investigating is a possible low-interest loan from the NMFA to purchase the equipment which would drive down the investment cost of the graders.

COMMISSIONER HOLIAN: And if we do lease it do we do all the maintenance on it? Do we pay for all the maintenance and so on, in that case?

MR. MARTINEZ: Mr. Chair, Commissioner Holian, we provide all of the routine maintenance as far as oil changes, filter changes. There is a one-year warranty on all of the major components, but we do pay for other maintenance or repairs that are not associated with the warranty.

COMMISSIONER HOLIAN: Okay. Thank you. I just wanted to get a feel for what's the best thing to do in a financial sense.

MR. MARTINEZ: Mr. Chair, Commissioner Holian, we are researching or putting together an RFP to either purchase or lease, which will probably be out in the next two months or so.

COMMISSIONER HOLIAN: Okay. Thank you. Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Got a motion by Commissioner Holian, second by Commissioner Stefanics. So if we get that loan from NMFA, then we're going to purchase this?

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

CHAIRMAN MONTOYA: Okay. Because I think it is better in the long term to purchase than to lease, and that was kind of the information that I got in talking with the folks from NMFA who were here earlier today. So will we know when that may come through?

MR. MARTINEZ: Mr. Chair, Legal is working on the IFB right now. I'm



guessing it will probably go out to bid, probably July, August.

CHAIRMAN MONTOYA: Okay. And then this is an immediate lease that we're approving here, right?

MR. MARTINEZ: Mr. Chair, it is extending the existing lease with Wagner. This extension is a month-to-month basis so we can terminate this extension at any time.

CHAIRMAN MONTOYA: Oh, okay. All right. Any other questions? We have a motion and second.

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

**XIV. C. 13. Resolution No. 2010-112. A Resolution Authorizing Submission of Property Lease Agreement Between Santa Fe County and CHRISTUS St. Vincent Regional Medical Center to Board of Finance for Approval**

COMMISSIONER VIGIL: Rachel, specifically what is this for?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Commissioner Vigil, the resolution is required under the regulations of the Board of Finance, when we're moving a lease forward for their approval. We have already agreed on the terms of the lease and that was approved at your last Commission meeting. We now need to present that before the Board of Finance to see if it will be approved and it has to go along with a resolution asking that we do that.

COMMISSIONER VIGIL: Could you identify the property?

MS. BROWN: The property is a portion of our property on Galisteo.

COMMISSIONER VIGIL: Is this the Sobering Center.

MS. BROWN: The Sobering Center, CARE Connection. So both the assessment component and the sobering component. Okay. And there is still remaining property there, isn't there? That we're housing administratively, correct?

MS. BROWN: There is property that we're retaining and we will continue our operations in that portion of the building.

COMMISSIONER VIGIL: Okay. I just needed that clarification. With that, Mr. Chair, I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Vigil, second by Commissioner Holian. Any further discussion?

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

SFC OF THE RECORDS SECTION 7/29/2010

**XIV. C. 14. Approval to Enter Into a Lease Agreement With the Town of Edgewood for the Rental of the Edgewood Satellite Office, in the Amount of \$823.50 per Month from July 1, 2010 to Terminate June 30, 2011**

COMMISSIONER VIGIL: It's not so much about Edgewood; it's about further understanding of which satellite offices we longer will be entering into agreements and which ones we are. I thought we had sort of given direction or made a particular decision about that. Can you clarify that for me, Paul?

MR. OLAFSON: Mr. Chair, Commissioner Vigil, at the last Board meeting during the budget discussion it was determined we would look at alternate ways to house our satellite offices. So with Edgewood we intend to – we're entering this lease agreement because it was already so far along we needed to enter this to continue operating on that facility. We will be transitioning, moving from that location though to a County-owned facility at the Edgewood senior center. And we are in that process of arranging that transition and trying to make that happen by the end of August.

For the satellite office in Eldorado, it is already in the existing Eldorado Senior Center so we won't be making any physical location changes there, and then for the Pojoaque satellite office, we are looking at the lease we have we've determine that it's probably advantageous to stay in that lease. When we initially started that lease approximately a year ago, the lease owner did a lot of improvements – built walls and offices and did improvements to the facility. So we're looking at the option of finishing out the cost of those improvements as part of that lease agreement. So we intend to stay in the Pojoaque lease through the time that we've fulfilled the improvement costs and we'll be moving out of the Edgewood lease.

COMMISSIONER VIGIL: And I guess the question is, which satellite offices are we no longer going to occupy, because it was my understanding that that was part of the direction.

MR. OLAFSON: Mr. Chair, Commissioner Vigil, that was not my understanding. My understanding was we would continue to provide satellite services in the north, central and south, however, we were looking at ways for cost savings via staffing and rental, property leases.

COMMISSIONER VIGIL: Okay. And do you have a sense of what cost savings we've been able to accrue thus far?

MR. OLAFSON: Well, this is off the very tip of my head, don't quote me on the number, but I believe we're in the range of \$50,000 to \$60,000 for the entire year, of savings. By making these changes. And that is also prorated over time and I just can't remember the dollar figure exactly off the top of my head.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair. Move for approval.

CHAIRMAN MONTTOYA: Okay. Motion by Commissioner Vigil for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTTOYA: Second by Commissioner Stefanics. Now, the

2010 JUN 29 10:50 AM  
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS  
RECORDS MANAGEMENT  
2010 JUN 29 10:50 AM

savings are going to be generated as a result of using existing staff, right? In these satellite offices?

MR. OLAFSON: Mr. Chair, that's correct. Both with staffing and with not having to lease property.

CHAIRMAN MONTOYA: So have the people that are staffing those now been notified that their positions are going to be terminated?

MR. OLAFSON: Mr. Chair, they have.

CHAIRMAN MONTOYA: They have? Okay. And then as far as Pojoaque, you're saying you're staying there for now and then what the potential may be that it may close at some point, or –

MR. OLAFSON: Mr. Chair, we would maintain an office – the intent is to maintain an office in the Pojoaque region and area, and probably at a County-owned facility, and we're still trying to work through that. That's – we don't have an exact location yet. We don't have an exact timeframe. And again, this happened at the last Board meeting and this was a proposal of potential savings. We were directed to make it happen so now we're working through it to make it happen. So I don't have any specifics at this time.

CHAIRMAN MONTOYA: Okay. We have a motion and second.

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

**XIV. C. 17. Termination Letter Terminating Professional Services Agreement Between Santa Fe County and the Las Cumbres Community Services, Inc.**

COMMISSIONER VIGIL: I think I had recommended because none of us had seen the termination letter. Do we have a copy of it?

COMMISSIONER STEFANICS: Mr. Chair, excuse me. It was in our book. It was in the fly – in the very front pocket, and it was very brief.

COMMISSIONER VIGIL: The notice of termination of professional services agreement.

CHAIRMAN MONTOYA: Oh. That one.

COMMISSIONER STEFANICS: So we did receive it last week.

COMMISSIONER VIGIL: So are we utilizing any of their services?

MS. BEARDSLEY: Mr. Chair, Commissioner Vigil, this was a contract that we had initiated years ago as a result of the MOA with St. Vincent Hospital. Since the MOA has now terminated, those funds are no longer available. The County cannot afford to pick up the cost with our existing funds and our state funds have been cut as well through the MCH program. We entered into an agreement with Las Cumbres last year. It was a four-year contract and there was a clause in there that we could terminate if there was a lack of funding. At this time we are looking to terminate the contract. They will not be cutting services. They are going

to go ahead and continue and are looking for additional funding sources. They've already contacted St. Vincent Hospital and they're looking at them as one of their funding sources.

COMMISSIONER VIGIL: Okay. So we've relied strictly on state dollars to fulfill – and our dollars with St. Vincent's to fulfill this, and now none of what – there are no dollars available through the County at all? I guess I'm sort of confused, Becky, because I thought that we had negotiated a partial amount of dollars to continue some services with them. Are you saying that this in effect terminates our relationship with them financially?

MS. BEARDSLEY: Mr. Chair, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Okay. And that wasn't my understanding, but thanks for the clarification. And with that, Mr. Chair, unless – Steve, is there any other issue? I know you had mentioned when we were approving this that we should consider – okay. It is just a consideration outside of Consent. With that, Mr. Chair, I move we approve.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Vigil, second by Commissioner Stefanics. Any other discussion?

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

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

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

- 1. In Accordance With Santa Fe County's Investment Policy, 2007-102, the County Treasurer Will Present the County's Investment Portfolio to the County Board of Finance for the Month Ending May 31, 2010 and the Treasurer's Investment Plan for the Fiscal Year Ending June 30, 2010**

CHAIRMAN MONTOYA: We need to recess as the Board of County Commissioners and enter into the Board of Finance. Is that correct, Steve?

COMMISSIONER STEFANICS: I move that we recess as the Board of County Commissioners and come back into session as the Santa Fe County Board of Finance.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Stefanics and a second by Commissioner Holian.

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

BRIAN BACA (Deputy Treasurer): Good afternoon, Mr. Chair, County Commissioners. I believe in your packet material you will have a memorandum from County Treasurer, Victor Montoya outlining the Santa Fe County Treasurer's investment plan along with copies of our Santa Fe County Treasurer's portfolio report. I'd like to go through the

memorandum and highlight some of what has transpired throughout the past year with regards to our investments.

In accordance with the Santa Fe County Investment Policy this memorandum is submitted to present the County Treasurer's investment plan for the foreseeable future and to give the County Board of Finance a status report for the County's investments. As discussed previously with the County Board of Finance, the primary objective of the Treasurer's office is to ensure the County's portfolio contains safe, liquid and diversified investments while earning the market rate of interest on all money that is not immediately required to meet the County's cash flow needs.

In terms of County investments we have not suffered any losses to date. We didn't get involved in any of the mortgage-backed securities or any type of collateralized mortgage obligations, so we weren't involved in any type of subprime lending, anything backed with those types of instruments. All of our investments are secured and collateralized by the full faith and credit of the United States government, or at 102 percent with irrevocable letters of credit, or pledged agencies where we require 102 percent collateral.

The County Treasurer's investment plan is to diversify the portfolio and invest in all permitted investments authorized in the policy, and that's as follows: interest-bearing accounts held at our custody bank; certificates of deposit insured by the FDIC, of course with limits up to \$250,000, or collateralized at 102 percent for those CDs that are above \$250,000; government agencies' bonds, treasury bills, and other debt securities issued by and backed by the full faith and credit of the United States government. These investments are fully collateralized as provided for in our investment policy, and we do stress that we do require the 102 percent collateralization.

The County Treasurer has recommended approval for the following four banks to be designated financial depository institutions and was subsequently approved by the Board of Finance. The first being Los Alamos National Bank, who, by the way, is now the County's fiscal agent. In fact we will be transferring a large portion of what is currently held at First Community Bank to Los Alamos National Bank on July 1<sup>st</sup>. We're looking at somewhere in the neighborhood of about \$20 million. I have received confirmation today from Los Alamos National Bank that they have in place two letters of credit in the amount of \$10 million each to fully collateralize whatever's transferred on the 1<sup>st</sup>, with an additional \$5 million on standby for any additional collateralization that we might need. So I think we're – I think it's safe to say that we are handling our money quite safely.

Los Alamos National Bank received financial depository institution status from the County Board of Finance in August of 2005, and as of May 31, 2010 we had \$156,611,000 invested in CDs, fully collateralized at 102 percent with irrevocable letters of credit from the Federal Home Loan Bank in Dallas and government agencies. As I stated earlier, LANB was recently approved as our new custody bank effective March 30<sup>th</sup>, and over the past couple of months, primarily April and May, we have been devoted to planning the transition from First Community Bank to Los Alamos National Bank. LANB continues to hold the majority of the County's investment portfolio and the investments can be viewed in your packet material. There

2010 JUN 29 10 58 AM

is a whole list of what is invested, not only with Los Alamos National Bank, but with the other financial institutions that we deal with.

Now, when you compare rates with – take Los Alamos National Bank for instance, and the State Treasurers LGIP or local government investment pool, it's very clear that the rates and yields that we're receiving from Los Alamos National Bank, the state pool just can't compete with it. And these investments are laddered to meet our cash flow needs as construction projects materialize, according to the schedule provided to the County Treasurer by the Director of Community Services, Joseph Gutierrez, and Teresa Martinez, our Finance Director. We'll stagger those investments based upon when they need to encumber that money.

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

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Based on the statements you just made, does the Treasurer have the authority to remove those overnight pool dollars and place them in a better interest-bearing account?

MR. BACA: Mr. Chair, Commissioner Vigil, as far as I know, yes. We seek the best rates we can possibly find, and as I go through the memorandum, you'll see that we did run into some exposure, some difficulty with the State Treasurer's Office. That's why we've looked at other sources of investments and securities.

COMMISSIONER VIGIL: That's interesting, because the pendulum swings many ways. There was a time when the overnight investment pool paid far better than any local bank could have, and now the pendulum has swung the other way. Do we also invest in the State Investment Council?

MR. BACA: Mr. Chair, Commissioner Vigil, most of our investments are limited to CDs and government agencies with our local banks or brokered CDs with other banks.

COMMISSIONER VIGIL: So our overnight pool is with the State Treasurer's Office and we have no dollars in the State Investment Council?

MR. BACA: Mr. Chair, Commissioner Vigil, what we have with the LGIP, with the State Treasurer's Office is very limited. We've removed most of that out. We don't have an overnight repo account any longer with First Community; the yields just weren't there. It was basically paying nothing.

COMMISSIONER VIGIL: Okay.

MR. BACA: Thank you, Mr. Chairman. The second bank designated as a financial depository institution was First Community Bank, which was our custody bank, and we currently have approximately \$20 million invested in a 13-month CD with a yield of 2.25 percent. That is scheduled to mature in July of 2011. So once we have fully completed the transition between fiscal agents I believe that is the only thing that will remain with First Community until its maturity.

Wells Fargo was the third bank to receive financial depository institution status from the County Board of Finance and we use this bank to invest in brokered CDs, all insured by the FDIC up to \$250,000. Wells Fargo actually does the shopping for us on this. They look at

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
RECORDED  
JUL 1 2010

various banks and their rates throughout the country and provide us with the yields, maturity dates and the interest payment dates. Currently we have approximately \$1,873,000 in these types of CDs with yields ranging anywhere from 1.85 percent to 5.2 percent. In October of 2008 the government bailout increased FDIC insurance to \$250,000 and it was recently extended to December of 2013. So we can keep this money in some of these local banks at least till 2013.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. In Wells Fargo and even maybe in First National, our money is now going out of state?

MR. BACA: Mr. Chair, Commissioner Stefanics, it's not very clear to me how Wells Fargo is investing our money. We try and keep the majority of it local. That's why these are limited to \$250,000 CDs.

COMMISSIONER STEFANICS: But it says shops banks and their rates throughout the county.

MR. BACA: That is correct.

COMMISSIONER STEFANICS: So it totals though \$1,873,000, not just \$250,000. And then it goes on to talk in the next one about Boston. So I thought we had a policy, Mr. Chair, Commissioners, to keep our money in state, if not at least in the community.

CHAIRMAN MONTOYA: It's kind of an unwritten policy.

MR. BACA: Mr. Chair, Commissioner Stefanics, we like to keep as much money here in the local area as possible, but we've been offered fairly decent rates from Wells Fargo because of the shopping that they do. As you can see, 1.85 percent up to 5.2 is pretty good yield. And this is a series of CDs in the amount of \$250,000 each to make up the total \$1.8 million.

COMMISSIONER STEFANICS: Well, Mr. Chair, I would ask that you and the Investment Committee look at this when you have your next meeting about how much money of ours we really want going out of state. Thank you.

CHAIRMAN MONTOYA: Okay. And I guess the question I would have is do we then just keep it in state at lower interest rates? Because that's what this fund is –

COMMISSIONER STEFANICS: Well, Mr. Chair, on that point, we go to local banks all the time and asked for them to support our projects and to get involved with some of our economic development. As you know, we have a big project going on and if we're sending money out of state this gives them the opportunity to say we don't need to work with you. Now, I realize we're not talking – it is a lot of money in hand. It's not a lot of money in relation to our entire budget, but if you're looking at \$1.8 million for one bank and \$5 million for another bank that's \$6.8 million out of state. I think that's significant. That's all.

CHAIRMAN MONTOYA: Okay.

MR. BACA: Mr. Chair, the last bank that was given financial depository institution status was First National Bank and we currently have a \$5 million CD with a yield of 1.7 percent. This is a local bank and we're given 1.7 percent, whereas with Wells Fargo again, we're looking for the better yields. We're looking to make money, to invest the County's money, turn around and make money for us. I do agree we should try to keep as much money as

possible here in the community and we've extended some of our investment to some of the smaller local banks and credit unions as well, and that will be coming up a little bit later in the memo.

Government agencies or bonds as part of our assets, our first diversification, we invest in this type of security. Our holdings currently stand at \$35 million. We expect to increase this category by \$2 million at the end of the month from our universal savings account. These investments are laddered again to meet the cash flow needs of the County, the County's construction projects as timetables materialize.

Going on to the State Treasurer's Local Government Investment Pool, this is the only place where we've had some exposure, the investments made by the State Treasurer in the reserve primary fund. The County's investments are not collateralized or secured by the State Treasurer, therefore we have moved and we're in the process of moving more money out of the LGIP.

In January 2009 the County Treasurer was advised by the State Treasurer's Office that the LGIP investment and the reserve primary fund had broken the buck as a result of the Lehman Brothers bankruptcy. So all LGIP shares in the reserve primary fund were frozen until the fund's liquidation could begin, and the reserve finally published a liquidation plan for shareholders on December 3, 2009. This plan estimates a loss of 1.5 percent of invested funds until the final distribution is made. We don't know what the actual loss is right now. They have made some distribution to us, therefore we've left our accounts open at the Treasurer's Office until this final distribution is made to see exactly what we did lose. I did have the opportunity to attend a meeting held by the Local Government Investment Pool and we're looking at probably recouping about 98 cents on the dollar. It's been given to us periodically. There's been some distribution made but not in its entirety, so depending on the outcome of the litigation we'll see where we stand at that point.

On June 2, 2009 the State Treasurer's Office informed us that the State Treasurer was participating in a lawsuit against the reserve primary fund on behalf of the State Treasurer's Office portfolio and LGIP participants. As of May 31, 2010, the LGIP reserve contingency fund holds hostage \$356,000 of Santa Fe County funds. Most of these funds were from bond issues approved for various projects within the county. So these funds are still tied up and will be tied up until litigation is complete. We don't know what the timeline is on that.

CHAIRMAN MONTOYA: That's that 1.5 percent loss? That's that \$356,000?

MR. BACA: Mr. Chair, correct. We're looking at about 1.5 percent or 98 to 98.5 cents on the dollar as far as what we're able to recoup from the primary fund. That's one of the main reasons, again with the yields, we're not investing in the State Treasurer's Office. We currently have about \$1.5 million – actually \$1,559,000 in the State Treasurer's Office that we will be moving out, probably in the next two to three weeks. We just want to leave enough open in the accounts in the event that distribution is made on the \$356,000, it will get applied to the correct accounts and I really don't know what the intention of our County Treasurer is to close out those accounts or leave them open until we see some better yields and [inaudible] coming out of the State Treasurer's Office.

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY  
RECORDED 7/29/2010  
10:10 AM



COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Brian, are those monitored daily or who monitors those and how often?

MR. BACA: Mr. Chair, Commissioner Vigil, our County Treasurer monitors activity at the State Treasurer's Office. I myself have a direct link to the primary fund. There just hasn't been a whole lot of activity. I think most of this is still tied up in litigation.

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

MR. BACA: A copy of the State Treasurer's *Investment Outlook* is attached for your information. That's just in order to provide comparison on how our investments are doing compared to the LGIP and of course we're getting a lot better interest rate and yields from local banks than from what the State Treasurer's Office is able to provide. A six-month breakdown of yields from the State Treasurer's Office is as follows: as of December 31, 2009, yield of .13 percent; January 31, 2010, .035 percent; February 28, 2010, .067 percent; May 31, 2010, .135 percent; April 30, 2010, .118 percent; and March 31, 2010, a yield of .093. These yields are very, very, extremely low yields. I know the State Treasurer has changed their investment policy around somewhat to provide more liquidity in their shorter investment periods. They're not going over 90 days at this point and we feel that it's just a lot safer and a lot better to invest in our banks.

The current balance at the Local Government Investment Pool on May 31, 2010 was approximately \$1,916,000, but again, we're going to be moving approximately \$1.5 million, only leaving what's tied up for litigation in the reserve primary fund.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Where are you going to be moving the \$1.5 million to?

MR. BACA: Mr. Chair, Commissioner Holian, the \$1.5 million will be moved to our current custody bank, Los Alamos National Bank.

COMMISSIONER HOLIAN: And will it be put into CDs?

MR. BACA: I'm not sure what our County Treasurer has planned for that. It may either go into CDs or it could go into one of our universal savings accounts with LANB.

CHAIRMAN MONTOYA: I just want to point out also to the Commission if at any point you see that there's other types of investments, let us know, let the Investment Board know because that's exactly what we try to do is try to find what's the best market out there to get the best return. Commissioner Vigil.

COMMISSIONER VIGIL: I do believe that through the Investment Committee there is an advisor for the Investment Committee also. Is that not correct? Haven't we appointed an outside consultant to serve on that?

MR. BACA: Mr. Chair, Commissioner Vigil, we do have a member of the Investment Committee from the public sector, Lowell Gilbert.

COMMISSIONER VIGIL: And Lowell's background is investment advisement, is it not? Or banking?

2010 JUN 29 PM 05:11:11

MR. BACA: Mr. Chair, Commissioner Vigil, I'm not sure. I know he's been associated with Victor Montoya and may have some involvement in state investments and possibly even PERA investments.

COMMISSIONER VIGIL: Okay. So I guess – and maybe I should reserve this question. I'm not sure. We do invest in CDs. Are money markets available for our investment?

MR. BACA: Mr. Chair, Commissioner Vigil, no, we do not invest in money market funds at all.

COMMISSIONER VIGIL: Is that prohibited by our policies? Is it because they're not fully as collateralized of why?

MR. BACA: It's not only our policy but I believe it may be a violation of statute.

COMMISSIONER VIGIL: So the statute does allow for CDs but not money market investments.

MR. BACA: It allows for CDs, government agencies – very safe, very liquid type investments. As far as I know, the State Treasurer is allowed to invest in money markets and that's pretty much what got us where we're at with the reserve primary fund.

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

CHAIRMAN MONTOYA: Okay.

MR. BACA: We continue to look for investments that benefit the local economy here in Santa Fe that will assist banks and credit unions with the ability to provide mortgage loans, auto loans, construction financing, and this could be made available to our county constituents. Some of the other banks located in Santa Fe County that have County funds invested in CDs include Guadalupe Credit Union, \$250,000 with a yield of 1.83 percent; Community Bank, \$250,000 CD, again with a yield of 1.12 percent; and the Ironstone Bank, \$250,000 CD with a yield of two percent. All of these CDs are secured by the FDIC.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Is the reason that these yields vary quite a bit because of the maturity dates or that's just different banks have quite different yields that they're offering?

MR. BACA: Mr. Chair, Commissioner Holian, it's based on different things. It's the maturity date, the time you took out the CD. It fluctuates. Most of them are in the neighborhood of about 1.7 to 2.2 percent. I'm not sure exactly when we took out the CD at Community Bank but it's one of the lowest yields that we do have.

COMMISSIONER HOLIAN: Could you – in say, Ironstone Bank, could you have more than one \$250,000 CD or are you restricted to only one?

MR. BACA: Mr. Chair, Commissioner Holian, we are not restricted. We can actually have more than one and that's another option that we will be exploring, especially now that we do cash in on the \$1.5 million held at the State Treasurer's Office.

COMMISSIONER HOLIAN: And they would all be insured, right?

MR. BACA: Yes. They would all be insured for FDIC value, \$250,000. Anything above and beyond that we are going to require the 102 percent collateralization.

COMMISSIONER HOLIAN: Thank you.

MR. BACA: In closing, attached is a copy of the Santa Fe County Treasurer's portfolio, which shows the County's investments in CDs, government agencies, bonds, the Local Government Investment Pool and demand deposits that we have made to date. These investments show principal investment amount, the effective annual interest rate, the terms, the maturity date, and how we receive income from the investment. As of May 31, 2010, the total portfolio of Santa Fe County was \$236,603,717,

The County Treasurer's Investment Committee meets regularly on a monthly basis and Treasurer Montoya presents the agenda to the committee each month that includes what investments have been made, the investments that are matured, and the minutes from the prior month. At certain points in time, Treasurer Montoya has our custody bank and financial depository institutions make presentations to keep the committee informed as to how they intend to use County funds and improve the economy of Santa Fe County, and the financial condition of the bank and their operations. We monitor the bank's rating through the use of numerous agencies that are out there. One of them we use quite often is bankrate.com. Another one is thestreet.com. These websites provide bank ratings and analysis for many financial institutions and the condition of these institutions.

Treasurer Montoya would like to thank the Investment Committee for their hard work and commitment to attend these monthly meetings. We know that they have many commitments and obligations that they have to attend on behalf of the County. We know you're busy and we do appreciate your assistance with the Investment Committee. I'm available for any additional questions.

CHAIRMAN MONTOYA: Any questions for Deputy Treasurer Baca?

COMMISSIONER HOLIAN: I have one.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I noticed under government agencies – bonds, you have a number of bonds from Fanny Mae and Freddie Mac. Are those insured?

MR. BACA: Mr. Chair, Commissioner Holian, they are collateralized at 102 percent. Anything over \$250,000 we do require that. That's something that we won't let slip by.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Any other questions? Okay. Do we need to accept this report?

COMMISSIONER STEFANICS: Mr. Chair, I move that we accept the Santa Fe County Investment Policy Report as the Board of Finance.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Stefanics, second by Commissioner Holian. Is there any other discussion? I just want to point out that this is very helpful Brian and I would encourage as much as possible the other Commissioners, just so that you're familiar with the portfolio that we have and where it was at one time and where it's at now, it's like night and day. We've made tremendous progress with this.

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
JULY 1, 2010

MR. BACA: Mr. Chair, thank you very much.

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

CHAIRMAN MONTOYA: We're adjourned at the Board of Finance and reconvene now as the Board of County Commissioners.

MR. BACA: Mr. Chair, before I go I just wanted to touch base a little bit on what's transpired in the last couple of weeks with regard to some new employees that we received, some term positions. We have one person in training right now in cash handling and cashiering. But we put one of these term employees on delinquent tax collections. This individual has only been on board with us for about just over a week and he's already brought in \$25,000 in delinquent taxes. So this is working. It's helping. We're seeing this money come in and we hope that this will increase as time goes on. I wanted to touch base and make you aware that our plan to try and collect delinquent tax dollars is working.

CHAIRMAN MONTOYA: Great. Could you keep us informed and posted on that, Brian, as you have those collections? Maybe like even on a monthly basis?

MR. BACA: Mr. Chair, Commissioners, I will definitely do that. Thank you.

CHAIRMAN MONTOYA: Thank you.

**XIV. B. Finance Division**

**1. Resolution No. 2010-113. A Resolution Requesting Approval of the Fiscal Year 2011 Final Budget [Exhibit 4: Support Materials]**

MS. MARTINEZ: Mr. Chair, I can give you a really short presentation or I can give you a really long presentation.

CHAIRMAN MONTOYA: Really short sounds really good.

MS. MARTINEZ: We have basically given you a letter that was emailed to you on Monday, so nothing within that letter has changed from what you previously read. We included for you a couple of charts that basically are pie charts that summarize total revenue, total expenditures, and then summarize the changes between interim to final. So we stand before you today asking approval of the final budget. We typically ask you for final approval in the month of July, but we've decided this fiscal year that we would ask you for approval now in June, and this is the budget that we intend to roll over for July 1<sup>st</sup> so that we can begin our operations.

So I will give you some quick summary facts about the budget. For fiscal year 2011 we have a final budget value of \$225 million. In fiscal year 2010 we had a budget of 2024 million. So we have a total decrease of \$779,000 between the two fiscal years in the entire total budget calculation. Of that budget debt represents \$18.7 million in 2011, and what I'm doing now is giving you my concise presentation; I'm not actually following the presentation, just for point of reference. Debt typically makes \$17 to \$18 million in the annual budget. There's an increase of

2010 JUN 29 10 58 AM  
SANTA FE COUNTY RECORDS  
3000 1000 1000 1000

\$1.7 million when you compare fiscal year 2011 to fiscal year 2010. Capital represents \$66 million, almost \$67 million in fiscal year 2011. The fiscal year 2010 budget was \$68 million, so there's almost a \$2 million difference between the two fiscal years. Our operational budget for fiscal year 2011, when you extract debt service and capital projects, totals \$134.5 million.

If you compare that to the previous fiscal year of \$138.5 we have basically reduced the budget almost \$4 million when you compare the two fiscal years. We made some cuts – I know we've said it many a time, but at the last BCC study session we cut about \$1.4 million across all line items and that was made up of different things such as reducing the salaries of staff that earn greater than \$80,000, eliminating travel and training, for the most part Countywide. The only travel that will be occurring next fiscal year will be the travel that is statutorily required. We've also cut the take-home vehicles some. We've done some reductions to cell phones, and we have other cost saving efforts that have streamlined our expenditures. So we think we have cut, year to date in the current fiscal year about \$4.6 million. I think it may actually be higher when we close the fiscal year and we see what actually drops to cash. So that's comparing what we budgeted to what we actually spent or expended.

We have a planned hard freeze that will be effective July 1. We have forecasted that that hard freeze could materialize a savings of about \$1.5 million. The biggest difference between the interim budget and the final budget is capital projects. In the interim budget we had not budgeted capital projects because there was still a lot of activity going on and we wanted to get as close to a final number as we could. We will be budgeting in the final budget \$50.8 million for capital projects. And most of that is funded by the capital outlay GRT. The roads represent \$4.2 million of that. We have \$600,000 dedicated to solid waste and other Public Works facilities. The lion's share comes from water and wastewater, mainly BDD, \$28.7 million. We have community services projects which is inclusive of open space and trails at \$10 million. We have \$6.5 budgeted for the judicial complex and \$400,000 for the Fire Department.

We also saw an increase in grants that contributes to the difference between the interim and final budget to the tune of \$707,000. The grants are attributable to the Sheriff's Office, including the Region III operations, Solid Waste Division and economic development. It also includes water resources. The lion's share again being water resources at \$575,000. We are budgeting our cash operationally – in the interim budget it was at \$22.9 million. In the final budget, total budgeted cash is \$67 million, and \$40 million of that is representative of the cash that falls at the end of each fiscal year and that is associated with specific capital projects. So the lion's share of the increase to budgeted cash is mainly representative from capital projects. The example I give you is that in a fiscal year we could receive \$30 million in bond proceeds and we may only spend \$2 to \$5 to \$10 million, depending on the status of that project. So the majority of that budget will fall to cash, and we will carry that over from year to year until we finish that project and that particular earmarking of funds.

So we stand before you asking that you approve a final budget of \$225,083,370 and we will continue monitoring like we have been monthly the ongoing revenues and the expenditures. We anticipate that we probably would be before you again, besides the monthly report, in October, having another similar, maybe a little more detailed budget study session

where we report back to you letting you know how the revenues are materializing, how the expenditures are materializing, and if additional cuts are necessary. I'll stand for questions.

CHAIRMAN MONTOYA: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Teresa, and maybe HR needs to be here. With regard to the temp positions, how many have been affected and are we trying to relocate them?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, I don't know that I'm going to know the exact amount of temp positions. I'll coordinate that with HR and get that back to you in an email. But we are definitely trying to relocate them. Obviously, the first places of opportunity are the Treasurer's Office or the Assessor's Office. But we are making every attempt to relocate them before there is a final separation from the County.

COMMISSIONER VIGIL: Thank you. And I would like those figures.

MS. MARTINEZ: Okay. We can do that.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, do I understand then that when we come back to a study session in late fall that we will be looking at further cuts? Or it will depend on the collection of gross receipts taxes? Or what?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, it will be dependent upon the revenue monitoring and the expenditure monitoring. So if the revenues have taken a dive then we're obviously going to come back to you and say it's time to look at additional cuts. But as we stand before you today, the budget is balanced. It's balanced using cash – we want to qualify that, so it really is a matter of watching the revenues.

COMMISSIONER STEFANICS: So, Mr. Chair and Teresa, the worst case scenario for further cuts in November, December for January 1 would be \$6 million that we had talked about? Or what?

MS. MARTINEZ: Worst case I would say \$6 million.

COMMISSIONER STEFANICS: Okay. Thank you very much, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Other questions? Do I have a motion?

COMMISSIONER HOLIAN: I'll move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: We've got a motion by Commissioner Holian, second by Commissioner Vigil. Any other discussion?

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

CHAIRMAN MONTOYA: Thank you, Teresa, for your work on this, and Commissioners as well. This has not been an easy or pleasurable process. That's for sure.

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
JUN 29 2010 10:58 AM

**XIV. B. 2. Review and Discussion of the Monthly Financial Report for the Month of May 2010 Specific to the General Fund (Finance Division)**

MS. MARTINEZ: Mr. Chair, Commissioners, again, this is the standard report that you're used to seeing on a monthly basis. For comparison, we gave you activity through May 31<sup>st</sup> because that was the period that was closed as of the date of this report and we compare May 09 to May 10, and then we give you your cumulative totals. Again, it's kind of the same story as the previous month. We have – the majority of our expenditures really being under capital projects, again, mainly Buckman driving that. We've seen decreases to our operational expenditures. I think that's as an effort of the cost-saving measures that we've initiated Countywide. We're interested to see what the June 30 numbers are because I do believe we will drop some to cash, meaning that we will not have expended our total operational budget. So that's good. That will be helpful for entertaining any cuts or how we manage additional cuts necessary in the next fiscal year.

I'll let you know that GRTs were budgeted at just over \$39 million. They came in at \$38.9 million. So Countywide, we were just under budget by \$50,000, so thank goodness for that. The 09 actuals were \$43.2, so you can see that we were under collections when we compare the two actuals for the previous fiscal year and the current fiscal year that we're in by \$1.2 million.

So overall, we've had reductions of about \$4.6 million. So all our study sessions and all our efforts have revealed at least \$4.6 million year-to-date, and I believe we'll have additional savings when we close the fiscal year and we see again what drops to cash, the difference between budgeted expenditures and what actually materializes. And I'll stand for any questions.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Thanks, Teresa. Under miscellaneous revenue there's a huge gap from May 09 to May 10. What is miscellaneous revenue and can you explain the difference?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, this is like a catchall category if you will. It could be made up of contributions, donations or other agreements. So this will just indicative of what's going on in that fiscal year. Now, May 09 had \$900,000. I think – I don't know that I know the answer. I'll have to look into that for you.

COMMISSIONER VIGIL: That's what? About a \$700,000 and some –

MS. MARTINEZ: \$700,000. Yes.

COMMISSIONER VIGIL: And I see a huge difference in that. I just wanted it explained. And I'm happy to hear about it later.

MS. MARTINEZ: Okay. I'll follow up on that for you.

CHAIRMAN MONTOYA: Any other questions? Okay. Thank you, Teresa.

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
JUN 29 2010

**XIV. D. Community Services Department**

**1. Ordinance No. 2010-7. An Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking and Other Ignition Sources [Exhibit 5: Amended Ordinance Text]**

STAN HOLDEN (Fire Chief): Thank you, Mr. Chair. The department is asking Commission authorization to approve an emergency ordinance declaring hazardous fire conditions in Santa Fe County. There has been one minor change that has been made to the ordinance. It's under Section 1, Letter D, and with the chairman's approval I'd like to approach and provide copies of that amended ordinance. [Exhibit 5]

Mr. Chair, the Fire Department is requesting this ordinance as a result of the dry conditions that persist in Santa Fe County and especially the winds that are associated with that. We know that there has been recent rainfall here in the last four or five days but that is not sufficient to abate the dryness that exists throughout the county. There are pockets of the county that have received fairly adequate moisture but on a larger scale it's not sufficient to abate the emergency that exists today. And I'd be happy to stand for questions.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Stan, I need further explanation. You said that the ordinance you just handed out was different than the one in our packets?

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, that's correct. Under 1.D, the section D is different than the original that was in your packets. And that was just to clarify that there may be some areas where smoking may be permitted, but in most cases it's not permitted inside buildings.

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

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Chief, for bringing this forward. I'm sort of curious or maybe I just don't know but I notice that you don't mention fireworks in here. Do we automatically restrict that anyway, all the time?

CHIEF HOLDEN: Mr. Chair, Commissioner Holian, the County at the local government level is prevented by state statute from enacting ordinances that prevent or ban the use of fireworks. There's a certain time period that has to be followed and in most cases, in my 14 years here at the County I think we've been able to do it one time because of extreme conditions.

COMMISSIONER HOLIAN: Is it because the conditions aren't extreme enough this year or is it just because it just takes a really long time to go through the process?

CHIEF HOLDEN: Mr. Chair, Commissioner Holian, in all frankness, it's because the fireworks industry is so strong in the state of New Mexico.

COMMISSIONER HOLIAN: Okay. Now I get it.

CHAIRMAN MONTOYA: Any other questions on this?

COMMISSIONER ANAYA: So moved.

COMMISSIONER HOLIAN: Second.



CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Holian.

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

**XIV. D. 2. Request Approval to Submit an Application to New Mexico Energy, Minerals and Natural Resources Department (EMNRD) for Funding for a Conservation Easement and Land Restoration Project for Santa Fe Canyon Ranch**

BETH MILLS (Open Space Planner): Good afternoon, Commissioners. With me is Arnold Valdez, the senior planner from our Planning Division who's been helping me with this project and helping me look at this application or potential application. In March of 2010 the New Mexico Legislature passed the Natural Heritage Conservation Act to allocate monies for conservation across the state for priority landscapes. In May of 201 there was a request for applications from Energy and Minerals, Natural Resources Department at the state for conservation funding for easements and land and water conservation in the amount of \$5 million, again for priority landscapes.

The deadline for applications is July 6<sup>th</sup>. On June 10<sup>th</sup> the County Manager gave the go-ahead for Open Space staff and Planning staff to prepare an application for both a conservation easement and restoration work. We have been working in consultation with the La Cienega Valley Association and partnering with the Santa Fe Pojoaque Soils and Water Conservation District, and the Santa Fe Conservation Trust as advisors to identify potential acreage for the conservation easement and restoration along Alamo Creek.

Currently we've identified approximately 200 acres out of the 470 acres that the County owns at this location for a potential conservation easement. This land includes the floodplain of all of Alamo Creek and the spring-fed pond that's there, as well as a large buffer zone on either side of the creek. The acreage includes 15 archeological sites, ten of which have been determined to be significant and recommended for permanent protective easements. So essentially we're looking at an area that is the creek, the pond, a large buffer zone where we're seeing after preliminary evaluation a lot of soil erosion, and the area that contains the major archeological sites associated with Alamo Creek.

The scope of the restoration portion of the project would be a resource inventory of all flora and fauna on the property, a land suitability analysis to determine more accurately what the location of the easement should be, removal of exotic species, possible replanting of native species, and erosion control measures. The exact acreage for the easement and the conditions for the conservation easement are something that can be discussed if the application is approved by Energy and Minerals, so that is something that we have some flexibility with in terms of determining if we find that the application is successful and

REC'D OF LEGAL RECORDS 7/29/2010

they're going to help us with this. So that's something that can still be negotiated and discussed.

So what we're asking for is permission to finish preparing the application and to submit it to Energy and Minerals by July 6<sup>th</sup>, and I'm happy to answer any questions.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to first of all commend staff for identifying an opportunity before I voice my concern. The timing of this is a little weird because there is a deadline for the application, but we are without a County Manager, and the County Manager, I would assume would be working closely with the County Commission on the use of the land. And we haven't gotten there. So my question is, although we apply for these funds, and let's say we are awarded these funds, will we be able to amend our plan if necessary?

MS. MILLS: Mr. Chair, Commissioner Stefanics, I believe so. This item was originally scheduled to come forward from the County Manager. Staff had been in discussion with him and it was originally – the agenda item was going to come under Matters from the County Manager, so I take your point, and I understand it's very bad timing. I can't be certain of my answer, but I believe that we could adjust things.

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioners, the purpose of money is really commendable and I know that there is a lot of support, but we also don't know what our final plans will be for this piece of land. So I would suggest that if we move ahead with approving this it's conditional, that it be part of our accepted plan as we go on.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Beth for bringing this forward and thank you to the staff. On the conservation easement, what exactly does that mean? Would part of the \$750,000 go towards putting a permanent conservation easement on part of that land so that it wouldn't be allowed to be developed in any way in the future?

MS. MILLS: Mr. Chair, Commissioner Holian, to clarify, that \$750,000 is the extreme high end of what we might expect to get out of this. That's really an ambitious figure, first of all. The conservation easement when we determine if and when which sections of the ranch should be placed under it, then the amount of money we would be receiving for retiring those development rights, that's the amount of money we would be receiving from the state, is what the development rights would be worth, which involves an appraisal and so forth.

COMMISSIONER HOLIAN: Can I just back up and try to understand that a little bit more. So that would be money that is not part of the \$750,000, the conservation easement?

MS. MILLS: No, it would be part of that.

COMMISSIONER HOLIAN: So how do you determine – it seems to me like \$750,000 is way low for retiring development rights on 200 acres.

2010 JUN 29 10:50 AM  
SANTA FE COUNTY  
CLERK'S OFFICE

MS. MILLS: Well, also, excuse me, Commissioner Holian, to remember that it may make more sense in terms of the way we are able, for our success with the application and to leverage funding from other groups to discount the amount that the development rights would be appraised for. And I would rely on expertise from the land trust community who have taken these sorts of easements forward in that same competitive environment at the state level to advise us on what they thought would be a successful discount or not and what would be agreeable with the Commission and management.

COMMISSIONER HOLIAN: So it would have to be something that we approved anyway.

MS. MILLS: Yes, at some point in the future.

COMMISSIONER HOLIAN: And then also, part of that money would be going for restoration as well of the creek?

MS. MILLS: Mr. Chair, Commissioner Holian, it would, and we are budgeting for money in addition with matches particularly through the Soil & Water Conservation District and the Santa Fe Watershed who has stepped up and volunteered as a potential partner. Because this has been such a short timeline we have only been able to do a certain amount of outreach so far, but the outreach we've done in terms of partnerships and matches indicates to us that we will have match money from other places to help – both in expertise and in dollars – to help work on the restoration.

COMMISSIONER HOLIAN: And will you have the support of the community? I'm just sort of wondering whether the community themselves will help with some of the restoration work on a volunteer basis.

MS. MILLS: Commissioner Holian, I think that that will have to be worked out as this goes forward. We have preliminary support from the board of the La Cienega Valley Association and that's all I can speak to. We really haven't investigated that.

COMMISSIONER HOLIAN: Okay. So I would like to make a request that when you write up the grant proposal that you send a copy to any Commissioners – to the Commissioners, so that we can take a look at it.

MS. MILLS: I can certainly do that.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Beth, and thank you for putting the work into this. I'm concerned with regard to what the limitations and the specificity when you make a request for this grant. As I read the memo you are including the farmer ranch's headquarters. Is that the large unit there or the smaller unit there?

MS. MILLS: Mr. Chair, Commissioner Vigil, the idea would be to include the entire parcel where the ranch headquarters is located. That's the suggestion at this point, within that 200 acres. Structuring the conservation easement, we can work to structure it in such a way that there is a hole in the donut if you will, that is a developable area, and we can specify exactly what kind of development and how much can go on to expand the built environment at the ranchhouse and so forth. Am I answering your question?

2010 JUN 29 PM 05:11:11  
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING OF JUNE 29, 2010  
PAGE 58

COMMISSIONER VIGIL: So when you're referencing the farm ranch house you're referencing the one with the larger square footage? There's a keeper's house there and there's a larger home. So you're wanting to put the larger home as part of this application?

MS. MILLS: Yes. The parcel that includes that built environment would be part of it but what I'm suggesting here is that inviting the conservation easement we not include those houses and structures in the conservation easement. We withhold those areas and withhold an ability to do a certain amount of development there, and not retire those rights.

COMMISSIONER VIGIL: This is timely for me, Beth, because I just took a walking tour around Santa Fe Canyon Ranch for I think the third time. Are there grazing rights there? And who owns those? Do you know?

MS. MILLS: Well, the grazing rights would go with the land and we own them now but – there are cattle grazing there now.

COMMISSIONER VIGIL: Yes, there are, and if there's any immediate visual observation that I made is that terrain expresses an overgrazing of that land and if there's any repair that needs to be done it would have to be in that category and I bet that the amount of dollars that we are requesting may not even anywhere near be what's necessary to repair that or to restore that, because it's been highly overgrazed. Who owns the development rights? The County exactly? Okay, so we're talking strictly about those rights.

I don't know if it's futile to even move forward with this request because we're going to put conditions on it so much that we're probably going to eliminate ourselves. I don't really know that we're going through an exercise here in futility because if we do submit an application that says, well, we're going to reserve our rights in this particular area and not in this particular area, I'm not real clear. I appreciate your saying we need to preserve our rights in the developable areas but I think my concern is we might be getting ahead of ourselves here. I know that we've been working closely with the community to define a plan for this and certainly conservation may very likely be a part of it. But my fear is that we're doing the same thing that we did when we took action on this ranch and that is sort of looking at it as a kind of piecemeal kind of approach to what is in the best interest of the County in the future. And I think when we do get a plan together definitely the conservation should be a part of it, but I fear two things.

We submit an application with so many caveats in there that it may not even be considered, or we submit an application that requires us to be far more specific than what we're capable of. And to that extent we may not even be considered a candidate. So I think we're getting ahead of ourselves here, is my perspective, Mr. Chair. Thank you.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, and I think I'm understanding where Commissioner Vigil is going because I was going in the same direction. Now, tell me, the conservation easement means you cannot develop on it after you turn it into a conservation easement. Correct?

MS. MILLS: That's correct.

SEC. CLERK DEBORAH J. BROWN  
JUN 29 2010

COMMISSIONER ANAYA: So you all are going to seek funding to try to take 200 acres of this Canyon Ranch and put it in a conservation district so that we cannot develop on it.

MS. MILLS: Mr. Chair and Commissioner Anaya, that's true, with the exception that the way the conservation easement works and speaks to what Commissioner Vigil was saying, there are ways to structure the easement so that we can do some things there, but there certainly will be the vast majority of that land will be in conservation and will not be allowed to be developed.

COMMISSIONER ANAYA: Okay. That's what I was thinking. I agree with Commissioner Vigil. I know that the people in La Cienega and a lot of people here in Santa Fe probably want to see that open space or a conservation easement. But I think that the reason we purchased that is to do something with that property, not just turn it into a conservation easement district. And I can see that we're already – and maybe that's what we want to do. I don't know. I didn't want it to be that way. I wanted to see what kind of developments we can put out there – fire department, cemetery, something that is going to be beneficial to the community.

So I think that definitely, I wouldn't support this, because it could hinder what we plan on doing in the future. I know you all are with Open Space and you want to keep everything open and nice, but I don't want to put something down that we have to follow later on and say, oh, we kicked ourselves here. I don't agree with this right now. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. On the part of the land with the easement, would you be able to do agriculture on it?

MS. MILLS: Mr. Chair, Commissioner Holian, yes. That could be written into the conservation easement. Those uses would be possible.

COMMISSIONER HOLIAN: And one other compromise that I'm wondering about is whether you could apply for the grant for the restoration work for the creek area, just limit it to that. Because I think there would be no objection to spending some money on restoring the creek at this point. Correct?

MS. MILLS: Mr. Chair, Commissioner Holian, that would have been possible had we understood more completely this very truncated process earlier, but in fact to just do the riparian work we would have had to have a very complex application filled out to the Environment Department by tomorrow, which is impossible at this point. So unfortunately we've missed that window for just the riparian work for this round. But if I may expand a bit so there is no misunderstanding, what I'm suggesting here would be primarily for the creek, the buffer to the creek, and the archeological sites that lie to the west of the creek.

The 200 acres, if we need to relook at that 200 acres and scale it down to make sure that we're not impinging the easement on more than just the areas that clearly need protection, that are not appropriate for the built environment, then we can do that, but I think perhaps, Commissioner Anaya, there's a misconception that I was requesting the whole 470 acres, the entire piece, to be retired. So I'd like to leave the door open for discussion if I could

be so bold to think about perhaps just putting an easement on the riparian areas and the archeology, the areas that we know clearly seem to need to be in conservation. That would reduce the acreage to 140 acres, if we took out this additional 60 that's more upland and perhaps more conducive to development. Just a thought.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So the 140 acres, if we reduced it to that, it would be land that is already totally riparian area, or archeological sites that we could not build on anyway, correct?

MS. MILLS: That's correct. Well, it would be the floodplain plus a small buffer on either side of the floodplain of Alamo Creek, then acreage between Alamo Creek and the escarpment which contains the archeological site.

COMMISSIONER HOLIAN: Well, I would just like to say that I'm okay with applying for the grant under those conditions, especially since some of the funding – we would be able to use it for restoration of the creek as well, correct?

MS. MILLS: That's correct. And I'd suggest that we earmark all funding from this to go back into this property.

COMMISSIONER HOLIAN: So I'm okay with that compromise.

CHAIRMAN MONTOYA: Commissioner Vigil, and then Commissioner Anaya.

COMMISSIONER VIGIL: Thanks. Again, I feel very fortunate because I just had a site visit just Monday morning and I actually went around the pond and the creek area and the riparian. And so I'm visualizing what you're trying to do here and I actually think that is an area that should specifically be protected to some extent. My concern is if we do this, part of the problem with this is that we own a portion of it, a portion of it should have gone to the Trust for Public Lands but isn't, and a portion of it – I'm not sure what the other portion of it is. Let's just look at those from the perspective that these are the two ownerships here.

The Trust for Public Lands not having owned the other one, which would have been conservation focused is still privately owned. And Alamo Creek, if we do everything we possibly can to protect that and create conservation easements and all, what happens? Because that creek crosses boundaries and ownerships, doesn't it?

MS. MILLS: Mr. Chair, Commissioner Vigil, the headwaters of the creek are on Bonanza Creek Ranch across the freeway, but as it flows through the County property we own the entire creek. It doesn't meander on to other property. It is ours at this point.

COMMISSIONER VIGIL: Who is actually using the water from that creek now?

MS. MILLS: Commissioner Vigil, very good question and that's why I think we have the support from, the preliminary support from people downstream. Our immediate neighbor downstream is the Gallegos Ranch and Alfonso Gallegos has done a lot of restoration work on his land so I'm fairly confident in saying that he'd be very happy that we were going to eliminate exotics upstream because that's the source of the problem for him. And then Alamo Creek intersects the Santa Fe River. So increasing flows for Alamo Creek

2010 JUN 29 10:58 AM

increases water supply for the traditional community at La Bajada and ultimately for the Cochiti Pueblo as well. And then increases flows ultimately into the Rio Grande.

COMMISSIONER VIGIL: There is what appears to be a large acreage of platted land that is alfalfa growing land, right there, way before the Gallegos Ranch. This is at the very bottom of the area that we own. Whose is that?

MS. MILLS: Commissioner Vigil, that belongs to the Borregos. That is the part of the property that they still control.

COMMISSIONER VIGIL: And so do they utilize the creek for --

MS. MILLS: No. Their irrigation is groundwater irrigation.

COMMISSIONER VIGIL: Okay. How close is the creek to that area? What proximity?

MS. MILLS: That area is up on the escarpment, if you are looking at your maps, so maybe half a mile.

COMMISSIONER VIGIL: In the spirit of the philosophy that we have towards conservation, I think I would be okay if we limited this to riparian areas -- the creek area, the pond area, and the archeological sites as was mentioned. But I don't know what that does to what your intent was for this application. Can you limit it to those areas?

MS. MILLS: Mr. Chair, Commissioner Vigil, we certainly can, and my intent, and I believe the planners intent in bringing this forward was conservation and riparian restoration work. So whatever -- if we can get our foot in the door with monies for those things along Alamo Creek I think we're a lot further down the road towards our goals for that property than we were before. We could hope for a lot more but I certainly think that that would be a big step, and also to add that it would be a big step for us at the County to begin to think about having these serious discussions about the uses for the ranch and management planning and to set a model and example that we're suggesting through the Sustainable Land Development Plan about where development should go and where it shouldn't go when you own a piece of property. So if we could be model developers in terms of figuring out where development is appropriate on this property and what type of development is appropriate and where it's not.

I think it would be really beneficial for us all around to go through that exercise.

COMMISSIONER VIGIL: My next question, Mr. Chair, is say we place a conservation easement in the pond area or in the creek. What if part of the plan that we came through as a master plan development was agricultural purposes? Would that prevent us from accessing any water delivery for agricultural purposes on those easements? On the conservation easements?

MS. MILLS: Mr. Chair, Commissioner Vigil, I don't believe so, and again, we'd have to look carefully to the language in the conservation easement to ensure that that didn't --

COMMISSIONER VIGIL: I would not want to inhibit us from looking at possibilities in the future, so we'd have to liberalize our approach to this and not prohibit us from prospective possibilities of this property. And that would be my only concern. Thank

you, Beth. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Beth, so you were saying that – I see the area that's sketched out in green. I guess that's the conservation easement. That's what you're applying for the money for. Correct?

MS. MILLS: Mr. Chair, Commissioner Anaya, that's the 200 acres, the larger of the acreage we've been discussing this afternoon.

COMMISSIONER ANAYA: So you're going to cut that down to – can you cut it down further? From 200 to 140? Can you cut it down further?

MS. MILLS: Mr. Chair, Commissioner Anaya, that's what I'm suggesting is that we cut it down.

COMMISSIONER ANAYA: And then tell me, you said that there's cattle on that property?

MS. MILLS: Yes, sir.

COMMISSIONER ANAYA: How much? How many?

MS. MILLS: I'm not entirely clear. When I was out there for a field visit I saw maybe 20 or 25 head.

COMMISSIONER ANAYA: Whose cattle are they?

MS. MILLS: That I'm not sure.

COMMISSIONER ANAYA: Does anybody know? Paul?

COMMISSIONER VIGIL: They're Paul's. You raised your hand, Paul.

MR. OLAFSON: Mr. Chair, Commissioner Anaya, they are not my cows. The cows access the pond area, so they're in the common area – not the common area, the area around the corrals. I don't know if you're familiar with the property.

COMMISSIONER ANAYA: Not very.

MR. OLAFSON: Okay. The property line runs right up to the corrals, so the corral is on one side and that's all owned by the private owners and then the other side, it's an imaginary line. There is a fence line as well, it's owned by the County. But the cattle do come right up to the corral area. Then there's a water tank there as well.

COMMISSIONER ANAYA: So you didn't answer my question. Who owns the cattle?

MR. OLAFSON: I don't know the exact individuals. I believe there's more than one individual owner that works with the private landowner and has their cows –

COMMISSIONER ANAYA: Are they cattle – are they from a property owner that lives in La Cienega?

MR. OLAFSON: No, it's the previous owners.

COMMISSIONER ANAYA: So you're saying the Borregos have cattle on our property?

MR. OLAFSON: I believe the cattle are on the Borrego's property and they come right up to the boundary of our property. I can't answer if they have gone onto our

2010 JUN 29 PM 05:00:00



property.

COMMISSIONER ANAYA: So who gave permission – did this Commission give permission to put cattle on our property?

MR. OLAFSON: Mr. Chair, Commissioner, I am not aware of that.

COMMISSIONER ANAYA: Okay. Then I would suggest, if it's okay with the Commission that they need to take the cattle out of our property, and if they would like to put cattle on it they could come and ask us.

MR. OLAFSON: Mr. Chair, Commissioner, I think that's exactly –

COMMISSIONER ANAYA: Is there anything else on the property that we don't know about? Horses?

MR. OLAFSON: Mr. Chair, aside from the corral area and the horses from the tenants – there's a tenant that lives on the property as well, and they have their own horses as well.

COMMISSIONER ANAYA: Who's the tenants?

MR. OLAFSON: I don't know.

COMMISSIONER ANAYA: Can you find out whose cattle they are, who's the tenant and how much – do these tenants pay rent? Do they stay on the property and take care of the place? I want to know what they're doing.

MR. OLAFSON: Mr. Chair, Commissioner Anaya, we can get you a full reporting on that.

COMMISSIONER ANAYA: In the meantime the cattle should be off the property until this Commission can find out – I didn't know we had cattle on the property – find out if this Commission wants to put cattle or horses on the property.

MR. OLAFSON: Yes. Exactly.

COMMISSIONER ANAYA: And maybe we could put your cattle on there.

MR. OLAFSON: When I get some I'll come and ask. I have none to date.

COMMISSIONER ANAYA: Thank you.

MR. OLAFSON: Thank you, sir.

CHAIRMAN MONTROYA: I guess my concern would be the same as what's already been voiced and that's that we're putting the ranch headquarters are part of this conservation easement also?

MS. MILLS: Except with the caveat that I explained that we could remove a portion of the parcel where the headquarters are and so forth from the conservation easements.

CHAIRMAN MONTROYA: Because I've contended all along that whatever we have in terms of assets – we've got Top of the World, we've got the Galisteo property, we have this property, and if somebody would make an offer in the future for the headquarters or something, we need to consider all of those options in terms of everything that we have in terms of assets. And what would that do in terms of us being able to sell it if it's in a conservation easement?

MS. MILLS: Mr. Chair, you're right. Putting a conservation easement on

whatever number of acreage will have to ride with the land if we want to sell it. However, I'd go back to my note that we can reserve a building envelope and a fairly large one to expand any institutional facilities or whatever around the ranch.

CHAIRMAN MONTOYA: I'm not talking about expanding; I'm just talking about what's there. If somebody were to want to purchase what's there already in terms of those headquarters we'd be prohibited from doing it with this.

MS. MILLS: No, sir.

CHAIRMAN MONTOYA: I thought you said we would.

MS. MILLS: No, I'm saying the easement would run with the land so the surrounding land that was part of the easement would still remain in conservation easement but we could sell the entire thing to whoever wanted to buy it. It wouldn't preclude our selling anything.

COMMISSIONER HOLIAN: On that point actually. I just wanted to make the comment that if we put a conservation easement on the riparian area and the archeological sites only that that really will not decrease the value of the property because that's not buildable anyway. They wouldn't be allowed to build in a floodplain. They wouldn't be allowed to build on archeological sites. We have laws to protect that. So I don't think it would really make the property less valuable.

COMMISSIONER VIGIL: And on that point, Mr. Chair, is 140 acres the accurate representation of non-buildable area?

MS. MILLS: Mr. Chair, Commissioner Vigil, that's what I, anticipating that the 200 acres might be a bit excessive, given the other needs for this property or the other ideas about the use of this property, with the GIS I went ahead and offered the floodway and brought in the arc. sites and my best estimate was 140 acres for that.

COMMISSIONER VIGIL: And I would be willing to support this because I do agree that it runs with the land, that no matter who – if we had a buyer for this property tomorrow, this would be non-buildable land even according to our code. So to put a conservation easement on it would only protect it I think at another layer. My recommendation would be to have an accurate representation of what the riparian area is and the archeological site, so that only the boundaries for those are included in this application.

CHAIRMAN MONTOYA: In terms of my questioning also then, is the ranch headquarters, does it have riparian and archeological sites on it that would prevent us from selling it?

MS. MILLS: The headquarter building itself?

CHAIRMAN MONTOYA: Yes.

MS. MILLS: No, sir.

CHAIRMAN MONTOYA: Okay. So we'd still be able to sell it if we wanted to.

MS. MILLS: Yes.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, since we do not have a plan for

this piece of land yet, I move that we table this item.  
COMMISSIONER ANAYA: Second.

**The motion to table passed by majority 3-1 voice vote with Commissioners Stefanics, Anaya and Montoya voting in favor and Commissioners Holian and Vigil voting against.**

**XIV. F. Matters from the County Attorney**

- 1. Ordinance No. 2010-8. An Ordinance Reforming the County's Procurement Practices With Respect to Road and Building Construction Projects to Ensure That the Public Trust is Maintained, That Projects Are Properly Designed and Constructed and Completed Within Budget, That Projects Are Contracted Only After a Fair and Transparent Procurement Process; Providing for Training, Auditing and Confidential Reporting; Declaring an Emergency [Exhibit 6: Ordinance Text]**

MR. ROSS: Mr. Chair, item 1 is an ordinance, a copy of which I put on your desk a few minutes ago and if you misplaced it we have extra copies that we can get you. This is the ordinance that we proposed last month making certain reforms to the County's procurement practices to address some of the weaknesses in current policy that resulted in the problems that we've been experiencing of late. I've made a few changes to the ordinance based on comments that I've received last month from yourselves and from staff members, and I'll just go through those briefly. One of the most important changes is that I added a finding that an emergency exists and I added a paragraph declaring an emergency at the end of the ordinance so that it could become effective on filing recordation with the County Clerk tomorrow, should you pass the ordinance.

If you take a look at page one at the bottom of the page there's an additional whereas that corresponds to additional language in Section 11 of the ordinance. This is to address an issue that's come up in the recent criminal investigations that some person's with purchasing authority probably shouldn't have it. They're not trained or experienced enough to utilize the authority properly and perhaps it might be better to have persons who have such authority be selected, trained and designated by the department head or elected official and approved by the County Manager. So that's a significant change from the previous draft.

Going down through the ordinance itself, on page 2, the guts of it, we've of course done some cleanup on the original draft. You'll see in Section 1 we added a statute number. Section 2, this limitation on two years came from comments from the Board of County Commissioners. If this change is accepted by the Board multi-year contracts would be limited to two years so that we keep the rebidding of these things happening with great regularity, although it leaves open the possibility that a term greater than two years can be approved in

2010 JUN 29 10:00 AM

certain circumstances with the specific approval of the County Manager.

CHAIRMAN MONTROYA: On 2, on that first sentence, just insert "be".  
Procurement process shall be limited to a term of two years.

MR. ROSS: Sorry. Yes. I see what you mean. Great. Thank you. So Section 3, the change there is a change that's been made throughout the document, which is to clarify what we're talking about when we give a dollar limitation. In this case the limitation is to the construction budget. In other words, if a construction contract is \$101,000 then it would become subject to this section. There's a lot of preliminary work that varies from project to project – architectural engineering work, site work, rights-of-way, all that kind of stuff isn't normally considered part of the construction budget and it's really easy to know whether you're exceeding that amount from your initial estimates from your architect or engineer. So I think that clarification will help us to understand what projects are subject to the ordinance and what are not.

Section 4, the big change there is it seems to be more common than we'd like that private roads have been maintained by the County from time to time, so we added this first sentence under Section 4 to clarify what is already I think law, which is that road maintenance can only be performed on a County-maintained road. My long-term recommendation on this subject is that we think about a road policy and think about a process that's easy and simple to accomplish, to get privately maintained roads into the County system so we don't have these kinds of problems. Some of these roads are in really bad shape and actually can threaten the ability of the County emergency vehicles to get to people and it seems like a good investment to put together a program and get some of these private roads in public ownership. It's something that's common in other counties but we don't have one here, so even though I'm proposing we add this sentence I think we should follow it up with some more steps to prevent these kinds of problems from occurring in the future.

CHAIRMAN MONTROYA: Steve, you'd recommend a policy then?

MR. ROSS: Yes. I have some samples and it's fairly easy to bring forward. It would require a financial commitment on the part of the County because some of these roads need to be brought up to standard and that's really the problem now with a lot of these roads is the residents can't afford to bring them up to standards. With the new land development code we'll have a lot of techniques expressed in there that currently exist without the new land development code to create special districts and the like so that those kinds of roads, if the County can't afford to do it, those kinds of roads could nevertheless be brought into the County system – brought up to specs and then maintained. So we'll work on that with the Public Works Department.

Section 6, that's just a clarification. I mentioned that before. Section 7, same thing. Section 8, we added the clause in the responsibilities of a constituent services liaison when there's a request to maintain a – to do work on a road that the constituent liaison check to make sure that the road in question is a County-maintained road. That's a corresponding paragraph to what I was just mentioning a second ago.

There are more significant changes that are proposed in 9. One of the proposed

changes is the underlying changes here that appears at the end of the paragraph that I had in there before, and it provides that the Finance Division will periodically review procurement files to ascertain whether the procurements in question were done in compliance with the procurement code and County regulations. I've checked with Teresa and she believes this is well within their capabilities, or the capabilities of the auditing firm that we have currently on contract.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Steve, shouldn't we be using language throughout that says all construction or road projects? Because we're not just talking about road projects. You have construction somewhere but for example under the constituent liaisons, that requests go to them for roads, but aren't you talking about other construction things too?

MR. ROSS: We're talking about all construction, yes. What I intended to do, I thought I had done it but it looks like I missed a few, was go through the ordinance and eliminate the words building or road so that the only word that's used is the word construction. And construction is a defined term if you look at the end of the ordinance in Section 13. The procurement code actually defines construction broadly as both building construction and road construction. So I was trying to use the word construction and have that be the only word throughout. So I'll make sure that –

COMMISSIONER STEFANICS: Well, for example, Section 8 is constituent requests for road maintenance repair. Are we only wanting that road for road maintenance repair or are we also wanting it for construction. That's my question. Because, for example, in the last – in fact I think it was a year ago, I asked if the County could find a portable building to hook on to the library that we already own. That would be a construction project. And would that be in that section or would that be covered somewhere else?

MR. ROSS: Mr. Chair, Commissioner Stefanics, no, I think that would be in that section. I think I do need to broaden that to just include, encompass construction generally. So I'll do that.

COMMISSIONER STEFANICS: Thank you very much.

MR. ROSS: So I will double-check the ordinance and make sure that that's a generic construction all the way throughout. Okay. Back to Section 9, Auditing. So the Finance Division will periodically audit our procurement files – it's not done now – to ascertain whether, for example, if three quotes are required that the quotes are actually in there. That other procedures were followed so that we can learn from what's in there. And the final sentence is also a statement of state law, but this recites our requirements under state statute but I thought it would be a good thing to remind all of ourselves about is that any violations that are criminal that we discover in connection with any of these audits have to be reported to the State Auditor. We've done that with respect to all the discoveries that have been made within the last couple months. The auditor was sent a letter early on when the revelations first surfaced and more recently, last Friday the auditor was sent another letter,

and we have an ongoing obligation to keep them in the loop as well as to furnish law enforcement agencies with all information that's relevant to any problems we might find.

Section 11, we talked about that a second ago. This proposes that persons with authority over purchasing and financial matters be specifically appointed by department heads and that appointment be approved by the County Manager.

Section 12, Confidential Reporting, has been in the ordinance since it was first drafted.

Section 13, Construction, a new definition from the procurement code.

Section 14, A Declaration of Emergency. The ordinance has actually been published normally but the emergency clause would enable it to go into effect when recorded.

So with that, unless you want a more generalized explanation of some of these provisions I'll stand for questions.

CHAIRMAN MONTOYA: Questions?

COMMISSIONER STEFANICS: Mr. Chair, I appreciate the changes Steve made. I think I bugged him about little things throughout so I appreciate working those in. And I would move – oh, wait. Since this is an ordinance, do we need a public hearing.

MR. ROSS: Mr. Chair, we'll need a public hearing.

CHAIRMAN MONTOYA: So any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Steve, on Section 11 when you appoint a person for purchasing, how limited is this? Is this within each division? Within each department? And it seems that you're authorized to appoint someone who is the most responsible, experienced and capable employees. Is that – how is that defined and who defines it? Would it be a supervisor that defines it? I guess I need some further clarity on that.

MR. ROSS: Mr. Chair, Commissioner Vigil, I think the person who has to ensure that a responsible, experienced and capable were assigned to these tasks would be the department head and the County Manager, because they're both going to have to authorize that this person engage in those activities.

COMMISSIONER VIGIL: And with regard to auditing who is authorized to do this, who would be auditing and identifying? And probably that person would change periodically. There would have to be some update of some master list of who was authorized to do this. Who would be the caretaker of that?

MR. ROSS: Once again, I believe it would be the department head and the County Manager who would be periodically updating those lists and making sure – like for example, there's a provision here that's a designation of a person to do these tasks can be revoked. So I assume that the process would be that if somebody's name is removed from the list it's removed from the master list, wherever it exists. So that's an administrative thing we'll have to work out with the Manager and the departments.

COMMISSIONER VIGIL: I think the most critical point for this, at least from my perspective is that there's really no department that does any kind of appointment or designation without the County Manager's knowledge. Is that accurate?

MR. ROSS: Mr. Chair, Commissioner Vigil, it's not accurate now.

CLERK OF BOARD OF COUNTY COMMISSIONERS  
JULY 1 2010

COMMISSIONER VIGIL: But this would –

MR. ROSS: This would change that.

COMMISSIONER VIGIL: Okay. That's it, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to make a comment. Thank you, Steve, very much for bringing this procurement ordinance forward. I think it is really needed in our community now and I've been very supportive of this all along. So I just want to express my appreciation.

CHAIRMAN MONTOYA: Okay, if there are no questions, this is a public hearing. I would open it up for anyone who would like to speak on this ordinance. Okay, seeing no one coming forward, we will close the public hearing.

COMMISSIONER HOLIAN: I move for approval.

CHAIRMAN MONTOYA: Okay, a motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. I too just want to say, Steve, this is a great ordinance in terms of delineating exactly what responsibilities rely on certain individuals to complete. So we're certainly – I am certainly grateful for your putting this together and support it 100 percent.

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

- XIV. F.**
- 2. Update On the Santa Fe Studios Project**
  - 3. Consideration and Approval of the Amended and Restated Project Participation Agreement by and between the Board of County Commissioners, La Luz Holdings, LLC, and Santa Fe Film and Media Studios, Inc.**
  - 4. Consideration of publication of Title and General Summary of an Ordinance Amending Ordinance No. 2008-7 to Approve the Amended and Restated Project Participation and Land Transfer Agreements by and between the Board of County Commissioners and La Luz Holdings, LLC and Santa Fe Film Studios, Inc.**

MR. ROSS: Yes, Mr. Chair. I have an update and several items on the agenda. We're only going to talk about items 3 and 4 today as well as a general update. I placed the amended and restated PPA on your desks earlier as well as a copy of the proposed ordinance, which is the most critical item here. The action item of course is number 4 which is the ordinance. What has happened is, as you will recall is we had a petition for a writ of mandamus served upon the County which won't be heard until late August in district court. That petition was directed at the earlier deal, which as you recall was the County would loan

the proponents of the film studio up to \$6.5 million and match that with \$10 million in grant funds from the state to create the funds necessary to construct the studios project.

In conjunction with that we sold them the land in February and the land was sold on time, the payments being due when economic development milestones were provided. The petition for the writ of course attacked almost the entire transaction but they focused in particular on the loan. So in order to actually do that deal, as a practical matter the litigation needs to be concluded and litigation like this, as you all know can go on for years. So with that knowledge the proponents of the studio went back to several banks in town they'd talked to earlier and have reached a tentative agreement with Los Alamos Bank for a loan in the amount of \$10 million to privately fund the portion of the transaction that was going to be funded originally by the County.

So the way the new deal would work is there would be no County loan. The County would only be obligated to perform the obligations in the PPA with respect to the road improvements, the water and sewer work, the broadband, those kinds of things. We wouldn't be obligated to pump money into the transaction in the form of a loan and we could expect, as before, our land payments over time as economic development milestones are reached. The only difference is that the County, by virtue of the transaction that's currently on the books that's recorded in the County Clerk's Office has a first lien on the property. In order to deal with that issue the bank requested that the County execute as an integral part of this deal a guarantee of the payments for \$6.5 million worth of the loan to the film studio proponents from the bank. So there will be a bank loan from LANB to Santa Fe Studios of \$10 million. The County would guarantee \$6.5 million of that in the aggregate but the guarantee would be limited to the payments that are due on the loan from the bank.

So how that works is if there's a default, let's say, in a given year – year 2, year 3, something like that, on this \$10 million loan, with a term of 15 to 20 years, the maximum the County would be exposed for in that particular year under this guarantee would be \$500,000, \$600,000 for that year. That would become a breach of the contract with the County and the County would take the land back and have to dispose of it or run it or do something else. That is what the bank will agree to. That is the deal that would definitely work if we want to go forward with that, and that's what's in the PPA, the amended PPA that's on your desks. So I hope that isn't too confusing. I'll just stop and stand for questions.

CHAIRMAN MONTOYA: Questions?

COMMISSIONER STEFANICS: So, Mr. Chair, Steve, are you asking for our approval? Do we need a new ordinance? And if we need a new ordinance are we only doing title and general summary or can we vote on it?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I didn't say that; I should have. We have approved this deal twice now. First by ordinance a couple years ago. LEDA requires a project participation agreement to be approved by ordinance. So we did the first ordinance, approving a PPA in I think it was 1998, or 2008. Then last fall when we authorized the loan we did another ordinance authorizing an amended PPA. This would actually be the third ordinance we would have done on this particular subject and it would

NEW CLERK RECORDS SECTION / 2010 / 06 / 29 / 10



approve the PPA that's in front of you. The process from here on is we're here for title and general summary. What we would propose is that if you authorize that today we come back in a month, on July 27 with the entire package of documents – the guarantee I just mentioned, a new mortgage and a new grant agreement with the state that they've provided for me, as well as the amended project participation agreement, and do it all on July 27<sup>th</sup> and be done with it.

COMMISSIONER HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. It would seem to me that for the County and for the public there should be some relief that the project could go forward without the County's further investment in this project. So thank you, Steve and thank you to the Hools for continuing to pursue this on a private basis.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I move we approve the title and general summary of this ordinance, and is that the entire motion I need to make?

MR. ROSS: Yes.

COMMISSIONER VIGIL: Okay. Then that is my motion, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Holian. Any other discussion? I too would like to just echo what Commissioner Stefanics said and thank you Jason and your dad for working through this and we're getting there, one step at a time. So any other discussion?

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

**XIV. F. 6. Presentation and Discussion of a Draft Ethics and Conflict of Interest Ordinance for Santa Fe County**

CHAIRMAN MONTOYA: Could I maybe suggest, unless the Commissioners are highly opposed that we take a look at this and then maybe discuss it at our next Commission meeting? And then in the meantime any questions or suggestions that you have, give them to Steve.

COMMISSIONER STEFANICS: So, Mr. Chair, are you suggesting that – well, let me look at the agenda.

CHAIRMAN MONTOYA: And I'm just saying it for time's sake.

COMMISSIONER STEFANICS: Well, first of all, can we talk about the rest of the evening before we make a decision about this? Are we –

CHAIRMAN MONTOYA: We need to go into executive session for sure to discuss pending threatened litigation, limited personnel issues.

COMMISSIONER STEFANICS: Right. So are we planning on doing dinner here this evening, Steve, or what are we doing?

MR. ROSS: Mr. Chair, Commissioner Stefanics, yes, we've arranged that. So

OFFICE OF THE COUNTY CLERK  
SANTA FE COUNTY, NEW MEXICO  
JUL 29 2010 10:58 AM

we have food coming and we –

COMMISSIONER STEFANICS: So what I wanted to ask, Mr. Chair, are we basically just discussing this or are we ready for title and general summary?

COMMISSIONER VIGIL: It's seeming to me that this is just an introduction to this. The way it's been noticed it's presentation and discussion of a draft ethics and conflict of interest ordinance. I think if we do do an ordinance and move forward after we've had ample opportunity to discuss this then we would be taking action on title and general summary. So I think I would propose, if you could just capsule what this is about and we could all have an opportunity to review it, perhaps give you some feedback on it. We can look at title and general summary at our next meeting. And I think that's how we usually move forward with these ordinances.

MR. ROSS: Mr. Chair, Commissioner Vigil, that's correct. I didn't propose that we do title and general summary because we didn't have the draft available for the packet and it just seems a little bit rushed to put something like this in front of you and then ask you for title and general summary. I can tell you a little bit about how we came to this draft and I can do that now if you'd like. It looks like this.

The County currently has a code of conduct, most recently amended in 2004, but it really originates in the 1990s, and it's a fairly comprehensive ordinance. I try to make a point of sending it to all candidates for County office because it has a lot of pitfalls in it for folks campaigning for office. What we've done here is taken that existing ordinance and looked at ordinances, principally from New Mexico, similar ordinances, and included some new things in here for you to look at and think about.

You may not like all of these things and that's fine. What I've done in the draft is I've tried to designate which material is new and which material is previous ordinance. The material that's not marked new has been edited and modernized but it can still use some more work. That's yet another reason not to move forward too hastily with this. The 1996 County ordinance was written in extremely general terms and it might now be specific enough in some cases to be enforceable. So we want to continue to work on the language, the technical aspect of how it's drawn over the next little while before we actually move forward to publish it.

But you'll see, just looking down the ordinance, there's some new policy statements, some new general responsibilities stated in there. Those were drawn from other ordinances. There's a new section for everything financial interests, which is right out of the State Governmental Conduct Act. For some reason the drafters of our ordinance did not address financial interests when drafting our old ordinance so we borrowed from the Governmental Conduct Act and addressed those in here. Section 10, the conflict of interest section was fairly comprehensive but we identified some holes and tried to fill them. Essentially paragraphs e through h are new material in that section.

And then you go all the way to Section 17 before you have new material. This section on political activity was not in our old ordinance but does appear in the Bernalillo County ordinance that seems to have some statements that might be of interest to the Board. I would

2010 JUN 29 10:58 AM  
SANTA FE COUNTY  
CLERK OF COUNTY COMMISSIONERS  
300 W. SAN ANTONIO AVE.  
SANTA FE, NM 87501  
TEL: 505/833-7000  
WWW.SANTAFECOUNTY.NM.GOV

suggest you look through those things and see if you think some of these things are problems or whether you think they need to be addressed in our ordinance.

Section 18, Disclosure, we didn't really have a section that described what disclosure of financial interest and conflict of interest were required. We added that.

And then if you move to Section 24, you look at the enforcement mechanisms. In the old ordinance, the Board of County Commissioners was serving as the Ethics Board. It didn't seem a particularly effective way to address some of these problems. First of all, the old ordinance required extensive hearings and process before this body which would have been very, very difficult to accomplish, consistent with your other obligations. So one idea that we got from Bernalillo County was having an independent Ethics Board that would operate independently in a complaint-driven process. So if a complaint were filed the Ethics Board would convene and address it in a very formal way in an administrative adjudicatory process, much like a land use case. And develop findings and authorize fines, and making referrals to other appropriate governmental agencies.

The very next section, Right of Appeal, it was unclear in our other ordinance how you would appeal or who you would appeal from. We clarified that.

Section 26 – it's important to state the obvious which is retaliation or workforce harassment after somebody makes a complaint is prohibited, but we explicitly prohibit any such harassment, discrimination or retaliation against folks who file complaints. It is actually common law but it wasn't stated anywhere.

Section 27 we attempted to verbalize in this section the *ex parte* rules that we understand are required by principles of due process, so we just attempted to write down a sensible and reasonable policy on that subject. So that's what we did and we put all those concepts in this ordinance and I suggest you just take a look at it and give me some suggestions and some feedback on what you think is good and what you think is bad about it and we'll get an ordinance together by consensus that we can then ask for publication on. It's an important topic. We should give it some time, knowing that the current ordinance covers 90 percent of the field anyway.

CHAIRMAN MONTOYA: Any questions?

COMMISSIONER STEFANICS: Mr. Chair, Steve, the City and the State, what are their limits on campaign contributions? Is it \$2,000?

MR. ROSS: It's typically \$1,000, which seems a little low to me.

COMMISSIONER STEFANICS: Are you sure the state's that low?

MR. ROSS: I don't know what – the State is higher.

CHAIRMAN MONTOYA: It's not restricted to any amount.

COMMISSIONER STEFANICS: Well, I thought that the state was not restricted until recently.

CHAIRMAN MONTOYA: Well, not until the next election cycle in 2012.

COMMISSIONER STEFANICS: And then what will it be, Mr. Chair?

CHAIRMAN MONTOYA: I believe it follow the federal regulations, which is \$2,300 per individual or organization.

COMMISSIONER STEFANICS: Okay. Well, we might want to look at some existing standards and see if we think they're either too high or too low for us to consider.

MR. ROSS: Right. We'll put together a little chart for the next time we get together and talk about this and collate all the various limits that we can find. We know Bernalillo is \$1,000. I think the City is \$1,000. So the state is consistent with the federal government, whatever that number is. \$2,300?

CHAIRMAN MONTOYA: \$2,300.

MR. ROSS: So we'll gather that information for you. \$1,000 seems a little low to me.

CHAIRMAN MONTOYA: Again, in the meantime, any questions or anything, we have until Friday to get together with Steve.

COMMISSIONER VIGIL: I have a question, Steve, on page 9, Political Activity. Comparing section b to section d, we've just spoken to what the excess contribution would be, but in section d, when you speak to no employee shall be permitted to receive more than \$250 in reimbursement from any political campaign or political candidate in any 12-month period. Give me a fact pattern when something like that might occur. Is that employees of the County and is that a candidate who may be able to reimburse an employee, or what?

MR. ROSS: Well, one example, Mr. Chair, Commissioner Vigil, could be the campaign treasurer is a County employee. The campaign treasurer for some candidate for County office, and as part of their work they receive reimbursement from the campaign for whatever, either reimbursement for their time or reimbursement for services provided or what have you.

CHAIRMAN MONTOYA: Gas.

COMMISSIONER VIGIL: Okay. So there's a clear distinction here in terms of the dollar amounts. That is for a particular transaction and section b is campaign contributions.

MR. ROSS: Yes. Section b would be the maximum amount permissible per donation to the campaign.

COMMISSIONER VIGIL: Okay. Thank you. Just needed that distinction, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Yes.

COMMISSIONER STEFANICS: Steve, we might want to look at loans, candidate loans to the campaign as higher than a campaign contribution. And so you might want to just look into that. So if I wanted to -- not mortgage my house, but say loan myself more than \$1,000, maybe I should have the opportunity to do that.

MR. ROSS: Yes. We deal with loans in the existing ordinance in Section 21, but I see what you're saying. That's a good point.

COMMISSIONER STEFANICS: So maybe we should still have a limit but maybe we have a higher limit.

2010 JUN 29 10:58 AM

MR. ROSS: Right.

- XIV. F. 4. **Executive Session**
- a. **Discussion of Pending of Threatened Litigation**
  - b. **Limited Personnel Issues**
  - d. **Collective Bargaining**

**Commissioner Holian moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 5) to discuss the matters delineated above. Commissioner Stefanics seconded and the motion passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.**

[The Commission met in executive session from 5:15 to 6:55.]

COMMISSIONER VIGIL: We are back from executive session.

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation, limited personnel issues, collective bargaining. Present were the five County Commissioners and County Attorney Steven Ross and County Attorney Rachel Brown.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: I have a motion and second.

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

COMMISSIONER VIGIL: I do believe there isn't any item we particularly need to take action on. I will announce that under limited personnel issues we did discuss 17, I think, close to 17 résumés that we received for County Manager. Of those 17 there are some that we have identified for interviewing. However, we need to meet again and we've identified this coming Friday at 9:00 to meet, having learned in executive session that there are some applications that came to us through the Internet and we didn't have access to those applications, and in all fairness to those applicants we need to review them on Friday. We will not have a final list of County Manager candidates until we've had the opportunity to review that. So no particular action will need to be taken on that and we can move forward and have further discussion on Friday morning.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: So will we meet in open session and then adjourn to executive on Friday?

MR. ROSS: Yes. That's how it should work. We don't need to come back and

conclude the executive session if we don't want to. We can close it at the next meeting if you prefer.

COMMISSIONER STEFANICS: Okay. Thank you very much.

COMMISSIONER VIGIL: I'd also like to make a statement in all fairness to one of the applicants that I would like for her to strongly consider the position because I think she's highly qualified for it, and that's Katherine Miller. Katherine Miller was nominated to this position. She did not voluntarily submit a résumé, and at this particular point in time I'm unsure having spoken with her whether or not she will assert her desire to work for us and with that, I'd like the public to know and the community to know that simultaneously I and Commissioner Stefanics nominated her for County Manager, and in all fairness to her I'd like her to know that we think highly of her; we'd like her to please consider being interviewed for this position and we hope to be able to learn from her what she might be able to bring to this position, but at this point in time we really don't know whether or not that will happen.

**XV. ADJOURNMENT**

Chairman Montoya declared this meeting adjourned at 7:00.



*Valerie Espinoza*  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Approved by:

*[Signature]*  
Board of County Commissioners  
Harry Montoya, Chairman

Respectfully submitted:

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

SEC CLERK RECORDED 7/20/2010

## Rio de Tesuque Acequia Association

June 28, 2010

Dear Santa Fe County Commissioners:


As President of the Rio de Tesuque Acequia Association I thank you for your past support of our forests, wilderness and watersheds.

The Rio de Tesuque Acequia Association supports the Resolution to further protect our watersheds by expanding the Pecos Wilderness to add many more acres of Roadless Areas which are adjacent to the Wilderness.

The Roadless Areas are vulnerable islands between the National Forest and the Wilderness. Wilderness designation will strengthen protections for these wild Roadless Areas, at the same time preserving the Pecos Wilderness, our wildlife and the quality of our watersheds for future generations.

Thank you for your consideration.

Sincerely,



Margo Cutler

[www.amcorpmanagement.com](http://www.amcorpmanagement.com)

"We had one of the Big 4 tax firms review our expenditures and thought that was enough. But the \$163,000 you uncovered for us convinced me that they are not worth the money."

**Richards - Developer**

"We appreciate your services, our CFO reported that after working with your examiners we would be receiving over \$674,000 in tax refunds and saving an additional \$233,000 a year. You helped our company a great deal and if I can be of equal help somehow let me know."

**Terry - Manufacturer**

"Our CFO was pleased to have your help, your Cost Segregation team helped us capture over a million dollars in capital over the next few years."

**Dr. P. Johnson - Building Owner**

"Your presentation was so quick and simple, I had a hard time believing. I am glad I did, we received refunds of over \$62,000 and we are expecting more."

**Bob - Engineering Firm**

"In addition to the \$87,000 in refunds, you also reduced our ongoing utility expenses by over \$230,000 a year, thank you for your persistence in offering your services."

**Walker - Manufacturing Plant**

"So far, you have uncovered over \$53,000 in premium refunds from our Workers' Comp Insurance carrier and an additional \$27,000 in tax refunds. We truly appreciate the diligence and professionalism in your team's efforts."

**Jenkins - PEO**

**AmCorp  
Management**

america's #1  
expense analysis  
company

it's your money piling up  
in overcharges...





## who Are We?

AmCorp Management Inc. is one of the nation's largest and most successful expense analysis firms. Over the past two decades our examiners have helped over 20,000 clients secure almost two billion dollars in financial benefits. Our examiner teams are dedicated solely to the service they provide and 100 percent of their efforts are focused on the success of our clients. AmCorp Management recognizes that its long term success is based on our reputation and our ability to provide clients with the highest quality services in the industry.

## what we Offer Our Clients

The bottom line is large corporations employ the best CFOs, Tax Accountants and Bookkeepers, however every year they take their financial data to Big 4 Tax firms to have it reviewed by specialists in specific expense areas. The reality is, it is a prudent thing to do. The problem for smaller companies is they cannot afford the Big 4's six and seven figure fees.

AmCorp Management, Inc. has solved this dilemma by providing expense and tax management services to small, medium and large corporations. We do this by offering our clients no risk feasibility studies and cost analyses. Every year businesses lose billions of dollars due to overpaid taxes and expenses.

america's #1  
expense analysis  
company

## our Services...

### Facility Expense Management Services

- Office Lease Audit
- Cost Segregation Services
- Property Tax Audit

### Corporate Tax Services

- Small Business Income Tax Review
- IC-DISC Export Tax Services

### Operational Expense Management Services

- Workers' Compensation Premium Audit
- Utilities Audit (Telecom, Electric, Gas, Water, Waste, etc.)
- Shipping Audit
- Merchant Account Audit

## meet some of Our Clients

Tyson Food, Cargill, Tejas (Beef & More Dog Food), Lite House Salad Dressing, Backyard Adventures, GreekTown Casino, Boyne USA (golf), Hardings Markets, Sprint, Baner Technologies, Lockheed, Gama Electronics, AT&T Engineering, Precision Design, Log Homes, Inc., Frye Electronics, Hart Engineering and Design, Garmin Homes, Inc., ERA Realty, Roush Insurance Company, GE Capital, SecurityBank, Settler Insurance Group, GEO Met Engineering, The ElectronicsStore, IFG Securities, Long Realty, PLUS thousands more...

## why

"80% of all office lease tenants are being overcharged by their landlords"—Wall Street Journal

**Average office lease recoveries can range from 7% to 21% of total lease payments!**

"Cost Segregation is a lucrative Tax Strategy that should be used in almost every major purchase of Commercial Real Estate"—US Treasury Department, 2004

**The average tax benefit is \$22,000 for each \$100,000 in building costs.**

"About 1.7 million people are missing out on more than \$2 billion in refunds for taxes they paid three years ago."—AP

**The average tax return contains more than 21 potential errors resulting in small business owners overpaying their taxes by an average of 17% a year.**

"Florida Power & Light Company acknowledges thousands of meters were inaccurate beyond levels allowed by state law. Class action suit filed for knowingly providing them with faulty thermal demand meters."—Nov. 2003

**American businesses lose between \$250 and \$500 billion a year through erroneous and ineffective operational billings practices.**



SEC CLEAR RECOVERY 2012



XI. MATTERS FROM THE  
COMMISSION (WIR)

EXHIBIT

3

**Jennifer Jaramillo**

**From:** Jennifer Jaramillo  
**Sent:** Friday, June 25, 2010 3:29 PM  
**To:** 'Harry Montoya (E-mail)'; 'Kathy Holian'; Liz Stefanics; 'Mike Anaya (E-mail)'; 'Virginia Vigil'  
**Cc:** Stephen C. Ross; Ambra Garcia; Lisa A. Roybal; Rita B. Maes; Julia Valdez; Tina Salazar  
**Subject:** Santa Fe County Bid  
**Attachments:** DOC062510.pdf; WIR Bid Proposal for 2012 2013 (2).doc; Eldorado\_Western Interstate Region Conference 5 2012.doc

Commissioners,

This is a late caption for Tuesday's agenda (Commissioner Anaya). NACo has requested for Santa Fe County to submit a bid to host the 2012 WIR (Western Interstate Region) Conference. NMAC approached us this week to submit by today's deadline (note: original deadline was extended from May 3<sup>rd</sup> as stated on paperwork). We did explain to NACo that this is strictly pending BCC approval at Tuesday's meeting. Paul Gutierrez (NMAC Executive Director) will be present to make a presentation and answer any questions you may have.

Jen

*Jennifer Jaramillo*

Constituent Services Liaison  
Santa Fe County Manager's Office  
Office: 505-986-6293/Cell: 505-490-0076  
[santafecounty.org](http://santafecounty.org)

CLERK RECORDS/25/2010

Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Roman Abeyta  
County Manager

June 25, 2010

Amanda Clark  
Manager, Conferences & Meetings  
National Association of Counties  
25 Massachusetts Ave. NM, Suite 500  
Washington, DC 20001

Dear Ms. Clark,

Santa Fe County is honored to submit the following proposal to host the 2012 Western Interstate Region Conference, May 9-11 in the historic district of the City of Santa Fe at the Eldorado Hotel & Spa.

In partnership with our surrounding counties, eight Northern Pueblos and the New Mexico Association of Counties, we propose to entertain your attendees and guests for the duration of the conference. For the NACo/WIR Boards of Directors Event, we propose to host the event at a local restaurant in Santa Fe or transport the members off to the beautiful preservation of the Valles Caldera in Sandoval County. We have also identified various locations for the WIR Conference-Wide Event for Thursday evening: Eaves Ranch, a rustic western town used for movie productions in conjunction with an authentic chuck wagon dinner; the famous Santa Fe Opera House, one of our eight northern Santa Fe County Pueblos, or a train ride to the quaint town of Lamy with a smoke-out dinner. These contrasting venues offer a taste of Santa Fe's diversity and bridge the past, present and future in Santa Fe County.

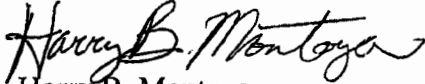
We will work with local tour guides to plan day trips for attendees and guests to choose between two or more of the following: Madrid, an old mining town filled with shops, restaurants and boutiques and recently the back drop for the movie *Wild Hogs*; Ojo Caliente in Rio Arriba County, where guests can bathe in the mineral springs and receive spa services in a scenic setting, venture up to Los Alamos Laboratories and visit the Bradbury Museum; enjoy all the beauty of the outdoors on day hikes, out on one of our many award winning golf courses or river rafting down the Rio Grande; or just have a day to relax at one of our many luxurious downtown spas, shop the historic Plaza, visit museums, such as the Georgia O'Keefe Museum, or tour the nation's oldest Capitol. There is such a diverse list of activities to do in the Santa Fe area that your attendees and their guests will have some tough choices to make. We propose to provide transportation to conference events outside of the host hotel and downtown area of Santa Fe through public and private shuttle transportation.

REC OF COM RECORDS 26/2010

If you have any questions about this proposal, please contact Lisa Roybal at (505) 995-2761 or Jennifer Jaramillo at (505) 986-6293. Thank you for your consideration. We look forward to hosting all attendees and guests of the Western Interstate Region.

**Please note this proposal is pending Board of County Commission approval, which will be decided June 29, 2010.**

Respectfully submitted,



Harry B. Montoya  
Board of County Commissioners, Chair  
Santa Fe County

SEC OF ENV RECORDS/07/29/2010

**National Association of Counties**

**Western Interstate Region Annual Conference  
Bid Proposal for  
2012 and 2013**

The National Association of Counties (NACo) is seeking destinations for the Western Interstate Region (WIR) Annual Conference for 2012 and 2013. If your county is interested in hosting this conference, please complete the information requested. This proposal must be signed by both the authorized representative of the county and the state association executive.

Please note that NACo will give all completed proposals full consideration. We understand that some counties do not have a hotel large enough to accommodate the meeting in one venue. If that is the case in your county, please attach separate documentation that outlines alternative venue options. For example, perhaps one hotel can serve as the main conference venue and can accommodate the small meetings, but does not have a room large enough to accommodate the general session. However, your county may have another facility – such as a town hall, county courthouse, community recreation center or even a school gymnasium – that may be able to accommodate the general session. Please describe for us how you would be able to accommodate these functions at other venues. If alternative venues would be used, please explain how attendees would transfer between each venue (i.e., the venues are within walking distance of each other; the county would provide bus transportation, etc.). Note that if alternative venues are not within reasonable walking distance from the main conference venue, transportation **MUST** be provided at the county's expense. Your proposal should indicate the distance and approximate travel time between the main conference venue and alternative venues.

REC'D CLERK RECEIVED 7/20/2010

---

**I. Dates**

*Please check the dates you wish to host the WIR Annual Conference:*

<b>2012</b>	<b>2013</b>
<input checked="" type="checkbox"/> May 9-11	<input type="checkbox"/> May 15-17
<input type="checkbox"/> May 16-18	<input type="checkbox"/> May 22-24
<input type="checkbox"/> May 23-25	<input type="checkbox"/> May 29-31

**II. Hotel Requirements**

*Hotel accommodations and meeting space should be contained in one facility. If this is not a possibility in your county, please attach a separate document outlining alternative options for sleeping rooms and meeting space.*

*The following information is provided as a guideline only. NACo will handle all negotiations with the facility. (Please note, if a Convention Center is proposed, the Host County must assume all costs associated with the rental of the facility.)*

**A. Accommodations**

The following number of sleeping rooms are needed:

Day	# of Rooms	Eldorado Hotel	Hilton
Monday	50	50	0
Tuesday	160	150	10
Wednesday	265	150	115
Thursday	265	150	115
Friday	210	150	60
Saturday	75	75	0

Both hotels offer a block room rate of \$129.00 per night

**B. Meeting Space**

The following meeting space is required at the hotel and/or suggested alternative facility:

**A. Registration Area - @ 5,000 square feet**

*Area needs to be close to the main meeting space. Tabletop displays will be included in this area.*

**Needed Tuesday – Friday on a 24-hour basis**

Eldorado Hotel Anasazi Ballroom

**B. General Session - @ 8,000 square feet**

*Needs to accommodate 350-400 theater-style, plus additional space for staging requirements.*

**Needed Wednesday – Friday on a 24-hour basis**

Eldorado Hotel Pavilion

**C. Breakouts**

A. Four rooms needed for 100 theater

B. Five rooms needed for up to 50 hollow square

**Needed Wednesday – Friday 7:00 a.m. – 6:00 p.m.**

Eldorado Hotel Sunset and Zia Ballroom; Hilton Mesa Ballrooms (3) and Ortiz Ballroom (1 or 2); Santa Fe Convention Center Coronado, O’Keefe and Kearney

2012 and 2013 Western Interstate Region Conference Bid Proposal

- D. **Offices**  
Two rooms approximately 600 – 700 square feet  
**Needed Tuesday – Saturday on a 24-hour basis**  
Eldorado Hotel DeVargas and Pinon
  
- E. **Meal Function Room - @ 7,000 square feet**  
Two luncheons and possible banquet will be held for @ 300-350 pax  
**Needed Thursday and Friday**  
Eldorado Hotel Pavilion (alternate: Santa Fe Convention Center)
  
- F. **NACo/NACoRF Board of Directors Meeting -@ 7,000 square feet**  
**Needed Thursday 9:00 a.m. - 6:00 p.m.**  
Santa Fe Convention Center North Half of Sweeney Ballroom

### ***III. Host County Responsibilities***

**Santa Fe County** agrees to arrange and financially support the following requirements as host of the WIR Conference:

- A. ***Transportation***  
All of the programmatic events of the conference traditionally take place in one facility. If all events cannot be accommodated at one property due to space constraints, the host county shall be responsible for providing transportation between the facilities (if the facilities are not within a reasonable walking distance). The host county also provides transportation to and from all events held off-site, including the conference-wide event and the NACo/WIR Board of Directors event.
  
- B. ***NACo/WIR Board of Directors Event***  
The host county provides a welcome reception and/or dinner for the NACo Board of Directors and WIR Board of Directors, as well as any guests that the host county may wish to invite. The event is held on Wednesday evening and will be attended by approximately 200-250 people. The host county is also responsible for providing transportation to and from this event if the event is not within reasonable walking distance from the hotel.

**2012 and 2013 Western Interstate Region Conference Bid Proposal**  
**Page Four**

*C. WIR Conference-Wide Event*

The host county hosts an event on Thursday evening that is open to all conference attendees, spouses and youth, (approximately 400-500 people). This is generally a reception with heavy hors d'oeuvres and beverages. The event is often held at a place of local interest. The host county is also responsible for providing transportation to and from this event if the event is not within reasonable walking distance of the hotel.

*D. Opening General Session*

The host county provides a color guard for presentation of the Colors at the opening general session. In addition, the host county may provide local musical talent to play or sing the National Anthem. The talent may leave once the anthem has been played.

*E. Promotion at NACo Conferences*

The host county staffs an exhibit during NACo's WIR, Legislative and Annual Conferences during the year immediately preceding the scheduled WIR Conference. The display, in past years, has been provided by the local convention and visitors bureau. Literature on local attractions can also be made available to conference attendees.

*F. Written Promotional Materials*

Six months prior to the conference, the host county may provide NACo with written articles for placement in *County News* which highlight the host community and help to promote the conference. In addition, the county will be called upon to provide written copy for placement in the promotional brochure as well as on-site program. The host county may also provide information on local attractions that can be included with registration materials that is distributed on-site.

2012 and 2013 Western Interstate Region Conference Bid Proposal



**2012 and 2013 Western Interstate Region Conference Bid Proposal**  
**Page Five**

*H. Airport Welcome*

The host county may opt to provide some sort of welcome at the airport during the heavy arrival times. This may be at the county's discretion—for example a staffed welcome table may work or a welcome banner/signage hanging in prominent areas may work just as well.

***IV. NACo will provide:***

In return for hosting the WIR Conference, NACo will provide the host county the following:

- A. Up to 3 complimentary registrations at each of the Conferences preceding the WIR being hosted;
- B. A 10' x 10' area, six foot table and two chairs, at each of the Conferences preceding the WIR Conference being hosted, for display purposes;
- C. 5 complimentary WIR Conference registrations for the WIR Conference being hosted; and
- D. (if desired), A \$5.00 per room night subsidy to help the host county defray their costs. For example, there are a total of 1025 room nights outlined in Section II A above.  $1025 \text{ room nights} \times \$5.00 = \$5,125$ . The final dollar amount will be calculated after the hotel finalizes the actual room pick-up from the Conference. NACo will negotiate this with the hotel.

FOR CLERK RECORD ONLY / 2012-2013

**V. ACCEPTANCE**

**Santa Fe County** submits this bid proposal to host and financially support a future WIR Annual Conference. **New Mexico Association of Counties** has reviewed and approved the bid proposal.

It is agreed that, upon acceptance of this bid by NACo to host a future WIR Annual Conference, a countersigned copy of this document by NACo will serve as the basis for a written memorandum of understanding between the host county and NACo.

**Host County**

Name: Harry B. Montoya  
Title: Chair, Board of Santa Fe County Commission  
Signature: \_\_\_\_\_  
Name of County: Santa Fe County  
Address: 102 Grant Ave Santa Fe, NM 87505  
Telephone: 505-986-6200  
Fax: 505-992-9870  
Email: hmontoya@santafecounty.org  
Date: June 28, 2010

REC'D  
JUN 29 10 58 AM '10  
COUNTY CLERK  
SANTA FE COUNTY

**State Association**

Name: Paul Gutierrez  
Title: Executive Director  
State Association: New Mexico Association of Counties  
Signature: \_\_\_\_\_  
Date: June 28, 2010

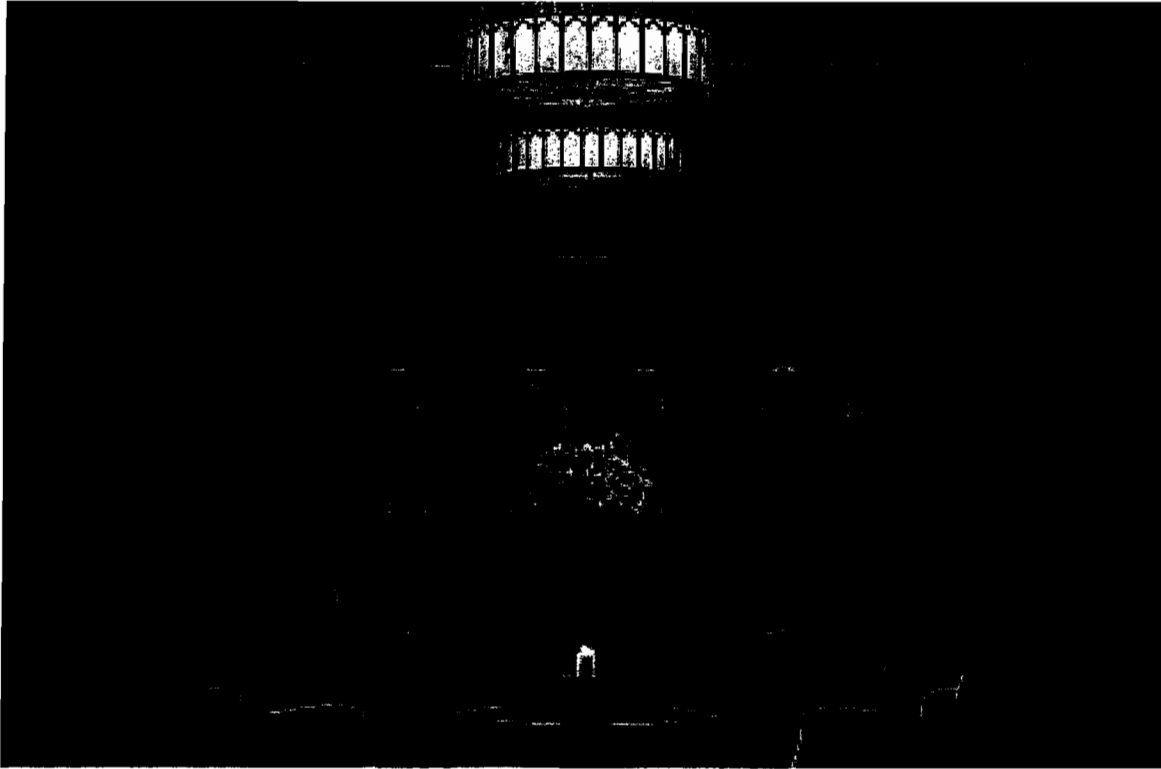
**National Association of Counties**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

REC'D CLERK RECORDS/28/2010

***All bid proposals are due by May 3, 2010 . Please submit your bid proposal,  
and any relevant documentation to:***

***Amanda Clark  
Manager, Conferences & Meetings  
National Association of Counties  
25 Massachusetts Ave. NW, Suite 500  
Washington, D.C. 20001  
Tel: (202) 393 6226  
Fax: (202) 787 0480***



Wednesday, June 23, 2010

Ms. Yolanda Archuletta  
Western Interstate Region Annual Conference  
613 Old Santa Fe Trail  
Santa Fe, NM 87501

Dear Ms. Archuletta:

It was a pleasure to learn that Western Interstate Region Annual Conference is interested in hosting a future Western Interstate Region Annual Conference at Eldorado Hotel & Spa, Santa Fe's premier AAA Four Diamond and Preferred Hotels landmark. Eldorado has recently completed a \$10 million renovation of its guest rooms and suites as well as its 22,000 square feet of meeting space.

Presently, we have availability for your program over the following dates:  
Monday, May 07, 2012 - Sunday, May 13, 2012.

---

### ABOUT THE HOTEL

---

Conveniently located within walking distance of world-class shops, galleries and museums, the hotel is only two blocks from the historic Plaza, the heart of Santa Fe since its founding in 1610. With its Pueblo Revival architecture reaching five stories high, Eldorado is easily recognizable as one of the most impressive structures in the City Different.



309 West San Francisco Street, Santa Fe, New Mexico 87501  
(505) 988-4455 FAX: (505) 995-4555  
[www.eldoradohotel.com](http://www.eldoradohotel.com)

001 505 988 4455



- Rooftop swimming pool, therapeutic spa and fitness center featuring Noramco and Precor equipment
- Santa Fe's finest Presidential Suite, with a 2,200 sq.ft. penthouse and a patio featuring dramatic views of the Sangre de Cristo Mountains
- Room Service available around the clock
- Valet parking and a bilingual staff
- State-of-the-art business center

## MEETING & BANQUET FACILITIES



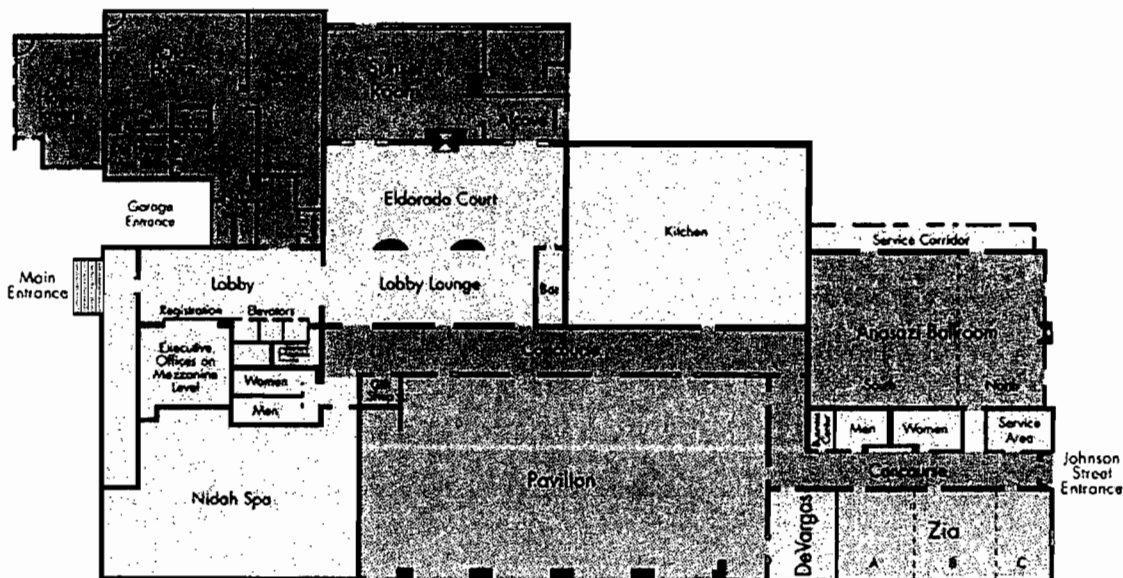
With the largest meeting and convention space available in Santa Fe, Eldorado Hotel & Spa is the ideal choice for successful events.

The 4,320-square-foot Anasazi Ballroom is the largest in Santa Fe, with natural lighting and a kiva fireplace.

The 720-square-foot DeVargas Room features state-of-the-art technology for high level executive meetings.

The Piñon, Chaparral and Turquoise rooms each offer a solid wood boardroom table with 14 ergonomic boardroom chairs. Tables contain two boxes with flip-open lids, housing jacks for connecting video and computer equipment into television inputs. The north wall of each boardroom features a 52" LCD high-definition television which displays 1080p video images from analog or digital sources.

The 6488 sq.ft. Pavilion, the largest space within the hotel, is ideal for events on a grand scale or for team-building events.



SFC OF EVR RECORDS/28/2018

---

## REPUTATION

---

Among the many reasons to meet at Eldorado Hotel & Spa:

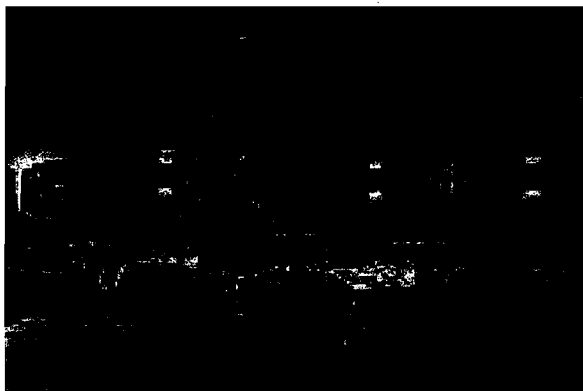
- The only property in New Mexico to be a winner of the Best in the West Meetings 2009
- Platinum Choice Award from *SmartMeetings*
- Gold Key Award from *Meeting & Conventions*
- Pinnacle Award from *Successful Meetings*
- Over 22,000 square feet of flexible meeting and event space, with T1 data access lines available in every meeting room and guest room
- WiFi and wired Internet in all meeting rooms
- Full-service Business Center
- Unlimited audio-visual supplies from Alliance Audiovisual Systems
- Located two blocks from the new 75,000-square-foot Santa Fe Convention Center and one block from the Lensic Performing Arts Center which accommodates up to 800 people with theater seating



---

## RESTAURANTS

---



### THE OLD HOUSE

Santa Fe's most celebrated restaurant offers innovative cuisine, featuring Southwestern ingredients from artisan farms and contemporary influences of the region...enhanced by an extensive wine list. Awards include *Zagat's* pick for the best dining in New Mexico and *Wine Spectator's* Award of Excellence. The Old House is open daily for Breakfast, Lunch and Dinner.

### THE OLD HOUSE LOUNGE

Relax in an intimate atmosphere and enjoy your favorite cocktails. The Lounge is open Monday through Saturday at 11:00 AM, Sunday at 12 Noon.

### LOBBY LOUNGE

The heartbeat of the hotel features the best mix of live music in town, enhanced by favorite beverages and a casual bar menu. The lounge is open Thursday through Saturday.

---

## NIDAH SPA

---



Nidah is the Native American word for "your life," and Nidah enriches your life with treatments that blend time-honored traditions of harmony and balance. Every treatment is developed to reflect the sacred directions of the Native American medicine wheel... north for restoration, south for vitality, west for purification and the "Golden Center" for balancing.

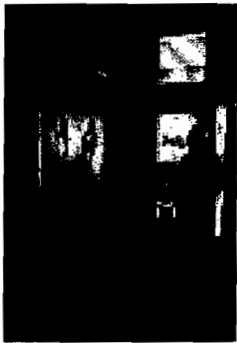
Treatment ingredients draw on the natural healing properties of New Mexico's native plants and herbs. In softly lit private treatment rooms and in the spacious couple's suite, enjoy a captivating menu of specialties reflecting the wisdom and spirituality of the ancient people of the pueblos.

Men's and women's lounges offer private dressing rooms, lockers, showers and eucalyptus steam rooms. Other pleasures of the spa include a Vichy shower and full service salon.

---

## ABOUT SANTA FE

---



Courtesy of the New Mexico Tourism Department

As the cultural soul of the Southwest, Santa Fe is the oldest capital city in America. Often referred to as "the City Different," Santa Fe features a rich and colorful tri-cultural heritage... as seen in traditional adobe architecture, ancient winding streets, and remarkable Native American and Hispanic arts & crafts. Nestled at the foot of the Sangre de Cristo Mountains in New Mexico's desert highlands, the city offers panoramic mountain views in every direction.



Courtesy of the New Mexico Tourism Department



Photograph by Mark Nohl, courtesy of the New Mexico Tourism Department

Santa Fe combines the cultural sophistication of an urban center with the centuries-old traditions of its Spanish and Native American heritage. The internationally acclaimed outdoor Opera; festivals of film, theatre, music and dance; and the famed Native American markets draw collectors from around the world to one of the premier art markets in the country.

SEE US AT THE NEW MEXICO TOURISM DEPARTMENT / 2018



Outdoor enthusiasts will be captivated with the area's natural beauty. Golf, skiing, horseback riding, river rafting, fishing, hiking and mountain biking are all within minutes of Eldorado Hotel & Spa. Guests can enjoy a train ride on the Santa Fe Railroad; visit the dwellings of the ancient Anasazi Indians at Bandelier National Monument, and more.

---

### TRANSPORTATION

---

Albuquerque Sunport Airport is located less than one hour from Santa Fe. Several shuttle companies offer transportation to and from the airport, with rates ranging from \$20-\$25 per person, one-way.

American Eagle offers direct flight service into the Santa Fe Municipal Airport from the Dallas/Ft. Worth Airport as well as from Los Angeles International Airport. The Santa Fe Municipal Airport is located 15 minutes from Eldorado Hotel & Spa.

---

### IN CLOSING

---

Our promise to every guest is a wonderful and memorable Santa Fe experience. From arrival to departure, Eldorado Hotel & Spa provides all the amenities, services, and luxurious accommodations to reward your special guests.

Accented by the region's Native American and Spanish artistry as well as the recreational pleasures of Robert Trent Jones golf courses, scenic horse trails, challenging river rafting and fly fishing, Santa Fe will amaze and delight even the most sophisticated traveler.

I look forward to speaking with you personally regarding the Western Interstate Region Annual Conference and how Eldorado Hotel & Spa can infuse your program with the magic and spirit of Santa Fe!

Best regards,

David A. Carr  
Associate Director of Sales  
(505)995-4507



**ELDORADO**  
HOTEL & SPA

309 West San Francisco Street, Santa Fe, New Mexico 87501  
(505) 988-4455 FAX: (505) 995-4555  
[www.eldoradohotel.com](http://www.eldoradohotel.com)

2007 OF EPA RECORDING/30/2010

Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Kath  
Commissi

Liz  
Commissi

Roman Abeyta  
County Manager

EXHIBIT

4

## MEMORANDUM

TO: Board of County Commissioners  
FROM: Carole Jaramillo, Budget Administrator  
THRU: Teresa Martinez, Finance Director  
RE: FY 2011 Final Budget  
DATE: June 29, 2010

The Final Santa Fe County Fiscal Year 2011 Budget, totaling \$225,083,370 is being presented for your approval. Below is a summary of changes from the Fiscal Year 2011 Interim Budget which appear in the Final version.

### Reductions to the Operating Budgets

Countywide and across line-items the operational budget has been reduced by \$1.4M. This was accomplished by reducing the salaries of employees earning \$80,000/year or more, eliminating all non-statutorily required travel and training, reductions in take-home vehicles, reductions in cell phones, cost savings realized by streamlining uniform purchases, transition of satellite offices locations and personnel, eliminating certain temp positions, a reduction in Sheriff's Office overtime, and additional operating cuts made by departments.

A planned hard hiring freeze which will take effect on July 1, 2010 resulted in a budget reduction of \$1.5M across all funds. Public safety positions will continue to be filled with adequate justification.

**NOTE: The above reductions to the operating budgets resulted from the "Actions Taken by County Manager" presented at the June 8, 2010 BCC budget study session.**

### Capital Projects

In general, capital projects were not included in the interim budget and represent a significant budget increase in the final FY 2011 budget. The final budget includes \$50.8M for capital projects funded by the Capital Outlay GRT Fund, various special appropriations and bond proceeds. These capital budgets, by function, are as follows:

- Roads – \$4.2M
- Solid Waste and other Public Works Facilities- \$.6M
- Water and Wastewater (including BDD)– \$28.7M
- Community Services Projects (including Open Space & Trails) - \$10.4M
- Judicial Court Complex - \$6.5
- Fire Department - \$.4M

2010 JUN 29 10 58 AM RECEIVED

Grants Approved Subsequent to the Interim Budget

A number of new grants have been approved since the submission of the interim budget as has the carry-over of previously awarded, but unspent, grant funding. These awards are included in the final budget and represent a budget increase of \$707K. Additional grants to the Sheriff's Office (including Region III) totaling \$6K, Solid Waste Division totaling \$126K, and for Economic Development (including Water Resources) totaling \$575K are included.

Budgeted Cash

Overall, budgeted cash was increased from \$23.9M in the interim budget to \$67.0M in the final FY 2011 budget. Of that total, \$46.8M is for capital projects as noted above, and the balance, \$20.2M, is for operations. The operational portion represents a reduction of \$3.7M from the interim budget due to cuts and adjusted revenue.

Recommendation

It is the recommendation of the Finance Division that the Final Santa Fe County Fiscal Year 2011 Budget, totaling \$225,083,370, as presented, be approved by the Board of County Commissioners. It is our intention that strict ongoing monitoring and oversight of this budget be conducted, and that regular updates and recommendations will be presented to the BCC as the County's FY 2011 revenue and expense performance becomes known.

Respectfully submitted,

Carole Jaramillo  
Budget Administrator

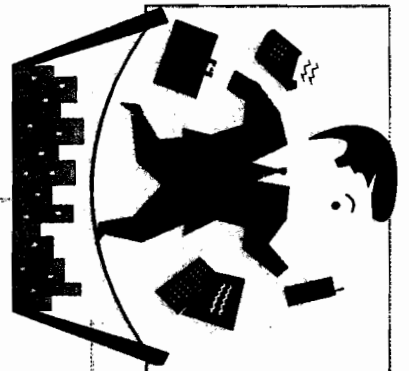
RECEIVED  
BUDGET ADMINISTRATOR  
CITY OF SANTA FE  
MAY 10 2011

**Santa Fe County  
Board of County Commissioners  
Final Budget Presentation  
June 29, 2010**

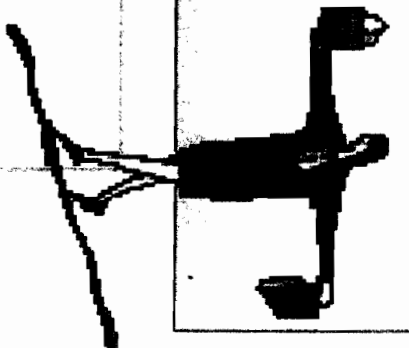
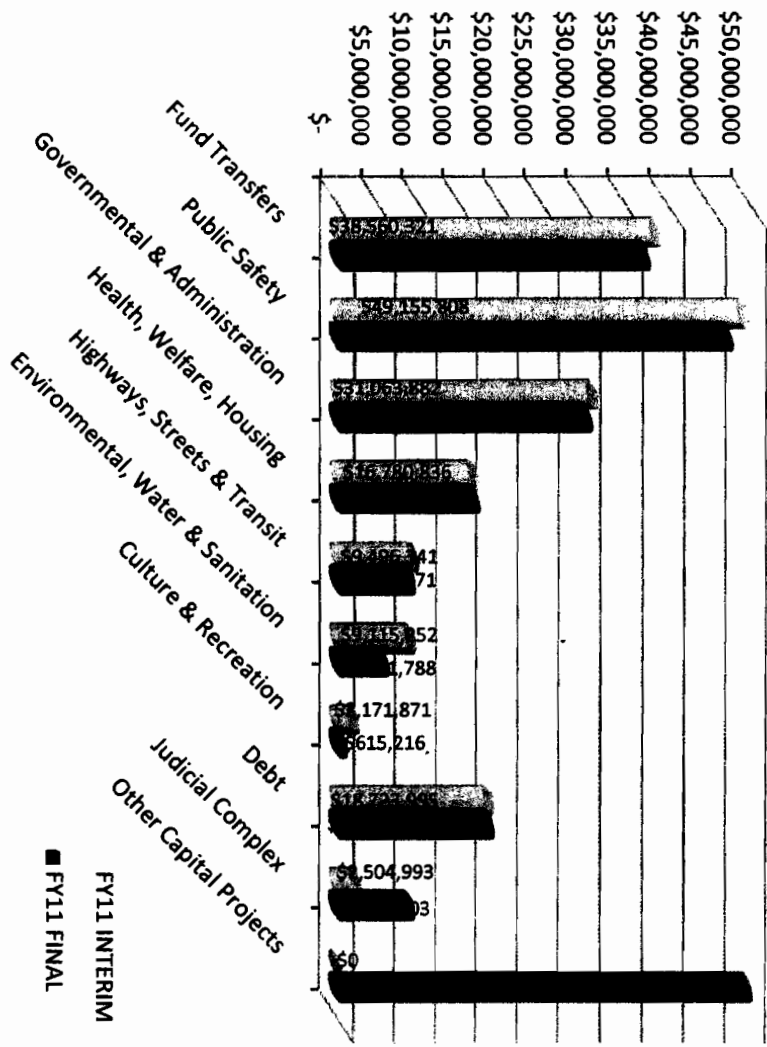


**Fiscal Year 2011**

# Final FY 2011 Budget

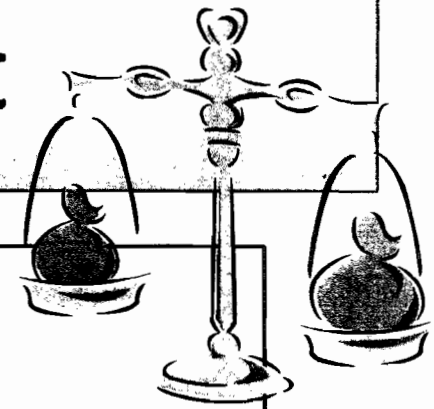


FY 2011 Uses Interim to Final  
Comparison by Function

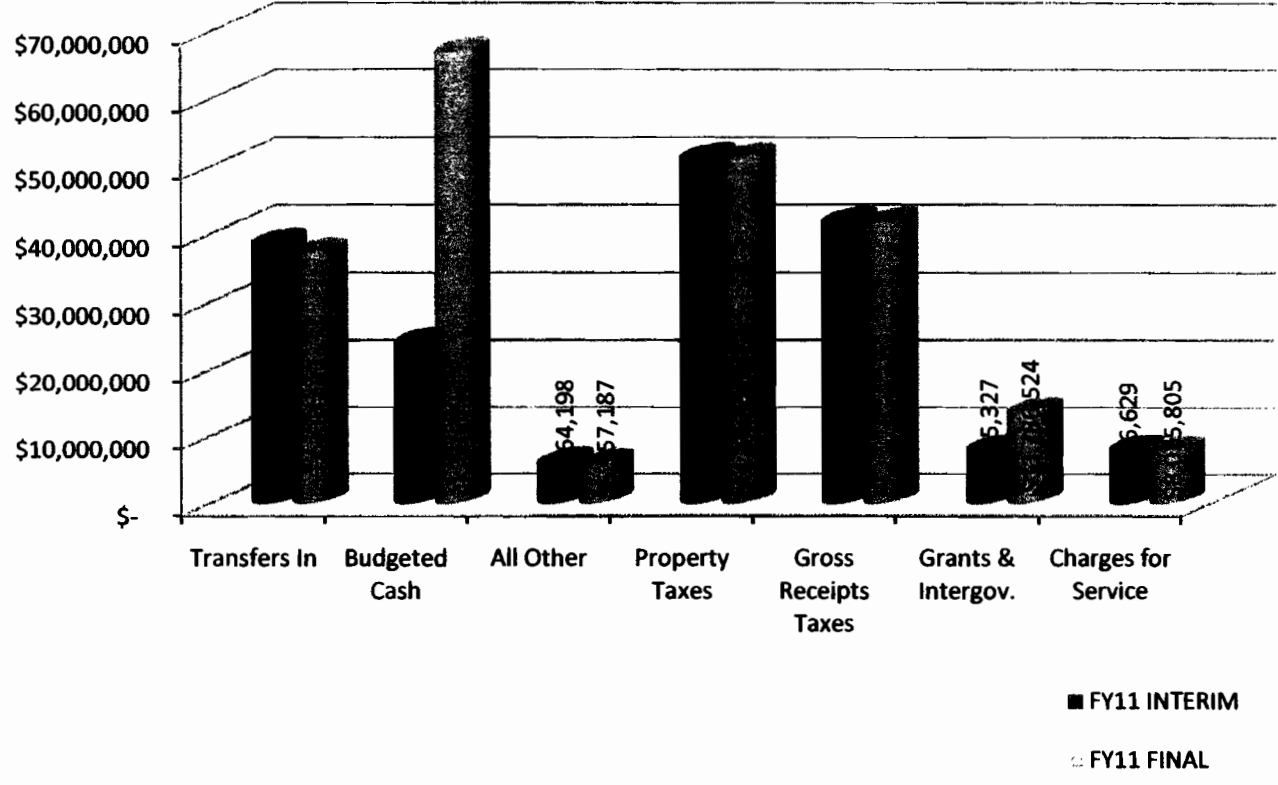




# Final FY 2011 Budget

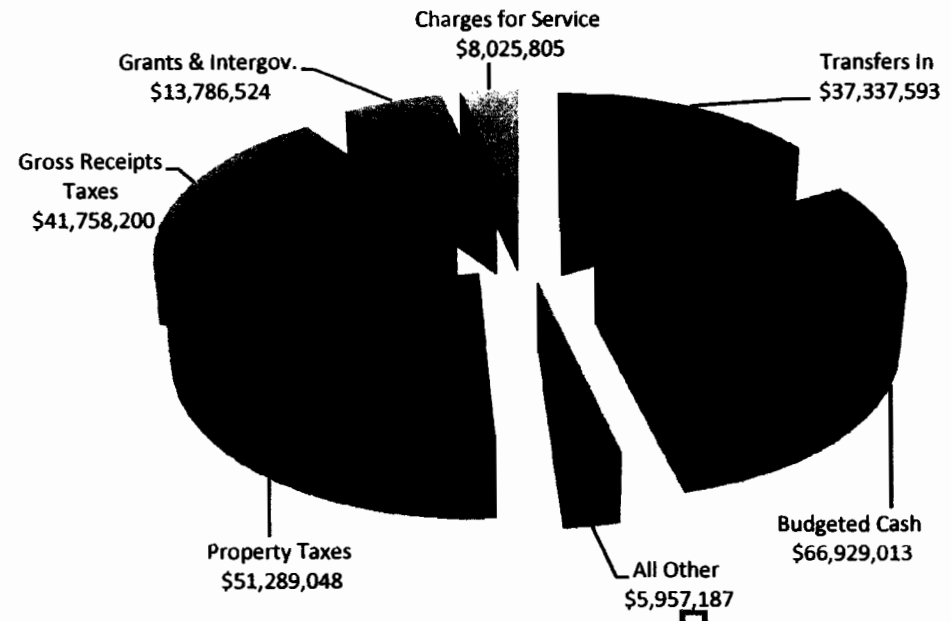


## FY 2011 Sources Interim to Final Comparison by Type



# FY 2011 Revenue (Sources)

## FY 2011 Sources by Type \$225,083,370



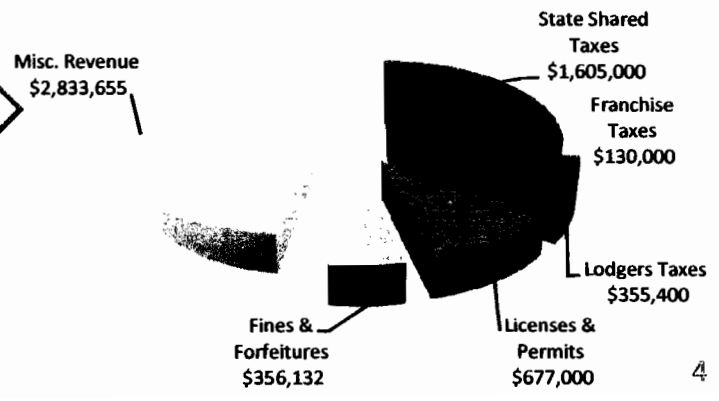
**MAJOR SOURCES COMPARED TO  
FY 2010 \$224,304,184**

- \* Budgeted Cash budgeted up \$13.1M
- \* Transfers In budgeted up \$6.5M
- \* Property Taxes budgeted up \$816K

**MAJOR SOURCES COMPARED TO FY 2010**

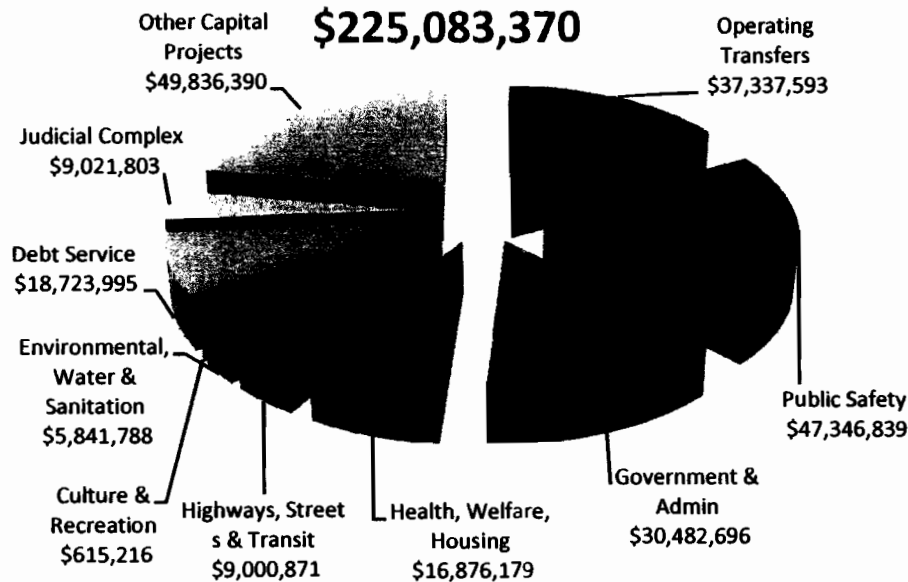
- \* Gross Receipts Taxes budgeted down \$1.95M
- \* Revenue from Other Governments budgeted down \$7M
- \* Care of Prisoners budgeted down \$450K
- \* All Other Revenue Sources budgeted down \$16.95M

## FY 2011 All Other Sources (Detail)



# FY 2011 Expenses (Uses)

## Fiscal Year 2011 Uses by Function

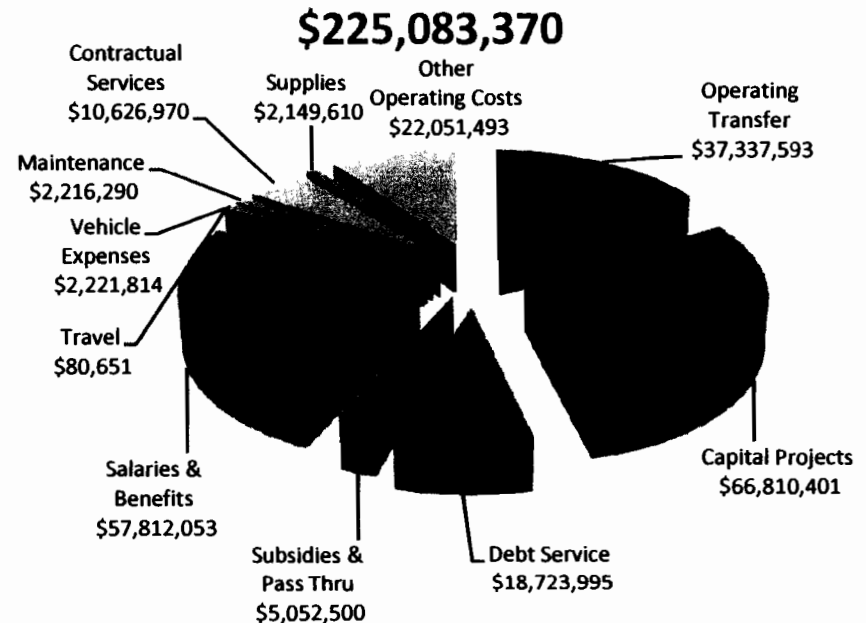


## MAJOR USES COMPARED TO FY 2010

- \* Transfers Out budgeted up \$6.5M
- \* Debt Service budgeted up \$1.7M
- \* Subsidies and Pass-Thru budgeted up 5.0M  
(Regional Transit GRT is \$4.7M, Affordable Housing is \$350K)

A new category vehicle expenses combines Gas & Oil previously in the Travel category and Vehicle Maintenance previously in the Maintenance Category. Budgeted at \$2.2M

## FY 2011 Uses by Category



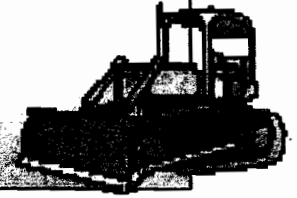
## MAJOR USES COMPARED TO FY 2010 \$224,304,184

- \* Salary & Benefits budgeted down \$4.2M
- \* Travel budgeted down \$603K (excluding Gas & Oil)
- \* Maintenance budgeted down \$992K (excl. Vehicle Maint.)
- \* Contractual Services budgeted down \$257K
- \* Supplies budgeted down \$558K
- \* Other Operating Costs budgeted down \$4.2M
- \* Capital Projects budgeted down \$1.9M



# Significant Changes

## Interim to Final - Increases



### Capital Projects -

● Water/Wastewater (includes BDD)	\$28,719,472
● Community Services (includes Open Space)	\$10,366,830
● Judicial Court Complex*	\$ 6,516,810
● Roads	\$ 4,175,640
● Solid Waste	\$ 576,064
● Fire Department*	\$ 421,119

### Other Revenue

\$ CDBG Grant	\$ 500,000
\$ Fire Operating JPA from Town of Edgewood	\$ 225,000
\$ Top of the World	\$ 15,000

### Grants –

☛ Solid Waste Grants	\$ 126,225
☛ Water Resources	\$ 46,385
☛ Economic Development	\$ 551,486

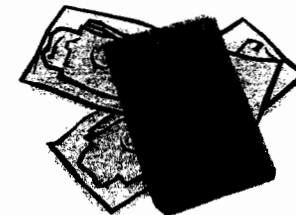
\* Some capital projects were included in the FY 2011 Interim Budget.

# Significant Changes Interim to Final - Decreases



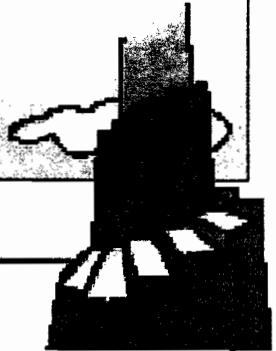
↓ Countywide Operating Expenses	\$2,909,928
↓ Countywide Salary and Benefits Expense	\$1,795,538
↓ Overall Use of Operating Cash*	\$3,656,359
↓ Use of General Fund Cash	\$1,993,273
↓ Use of Fire Operating Cash	\$ 733,373

\* Does not include cash for capital projects.



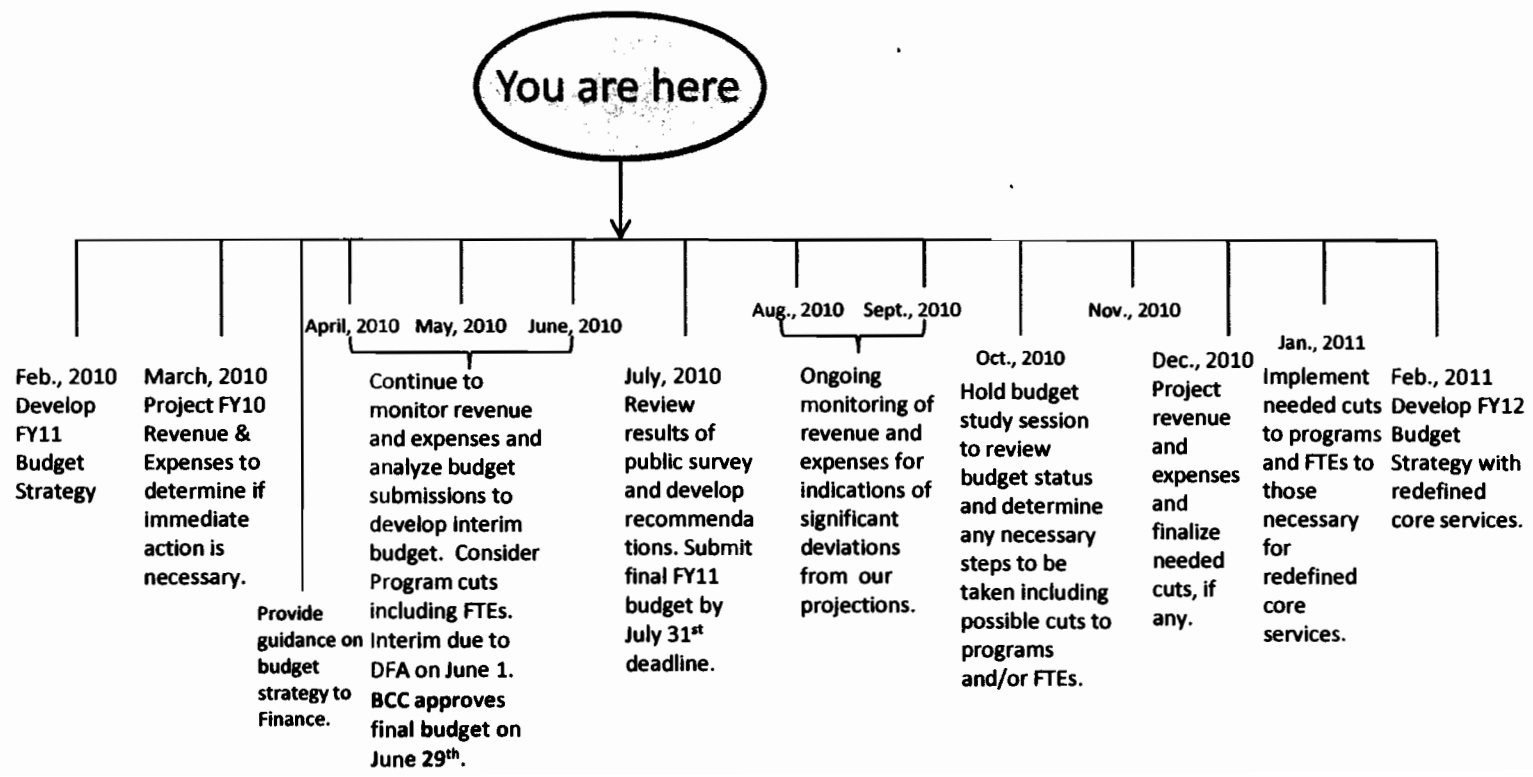


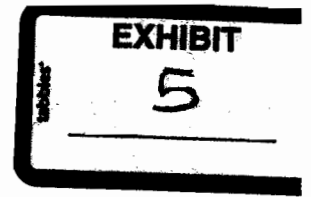
# Implementation



- ✓ Consider the information presented at this meeting.
- ✓ Provide guidance to management as to future steps.

## TIMELINE FOR "CUTTING TO THE CORE"





**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY**

**ORDINANCE 2010 - \_\_\_\_\_**

**AN EMERGENCY ORDINANCE DECLARING HAZARDOUS FIRE  
CONDITIONS AND IMPOSING RESTRICTIONS ON OPEN FIRES, SMOKING  
AND OTHER IGNITION SOURCES**

BE IT ORDAINED, by the Board of County Commissioners of Santa Fe, New Mexico, that because the current dry conditions and fire hazards represent a significant and imminent threat to the safety, health and welfare in Santa Fe County, the following prohibitions are here **ADOPTED**:

2010 JUN 29 10:00 AM  
COUNTY CLERK  
SANTA FE COUNTY

1. Consistent with its authority pursuant to NMSA 1978, Section 59A-52-18, the following are prohibited for a period of thirty (30) days commencing on June 29, 2010, within the unincorporated areas of Santa Fe County:
  - a. Campfires;
  - b. Open fires of any kind;
  - c. Open burning of vegetation or rubbish;
  - d. Smoking within a County park, campground or any wild land area, except within an enclosed vehicle or in a building which is specifically authorized for such and is exempt from the NM No Smoking in Public Facilities Act;
  - e. Littering on public roadway/areas with ignited smoking materials;
  - f. Use of off-road vehicles, motor bikes, or other motorized apparatus within county parks, campgrounds and wild land areas;
  - g. The issuance of licenses or permits for open burning.
2. Nothing herein shall be construed to limit the authority or responsibilities of the Santa Fe County Fire Marshal or the Santa Fe County Sheriff under provisions of other ordinances.
3. Any individual, firm, partnership or other entity found violating this emergency ordinance shall be deemed guilty of a petty misdemeanor and shall be punished by imprisonment for up to ninety (90) days or a fine not to exceed three hundred dollars (\$300.00), or both. Each act shall constitute a separate violation
4. This Ordinance shall take effect immediately and shall remain in effect for thirty (30) days.

**APPROVED, ADOPTED AND PASSED** on this 29<sup>th</sup> day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
HARRY B. MONTOYA, CHAIRPERSON

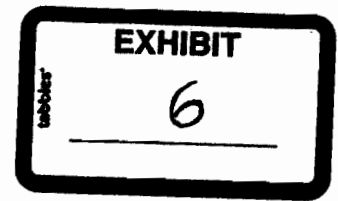
**ATTEST:**

\_\_\_\_\_  
VALERIE ESPINOZA, COUNTY CLERK

**APPROVED:**

  
\_\_\_\_\_  
STEPHEN C. ROSS, COUNTY ATTORNEY

REC'D CLERK RECORDING/30/2018



THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2010-\_\_

**AN ORDINANCE REFORMING THE COUNTY'S PROCUREMENT PRACTICES WITH RESPECT TO ROAD AND BUILDING CONSTRUCTION PROJECTS TO ENSURE THAT THE PUBLIC TRUST IS MAINTAINED, THAT PROJECTS ARE PROPERLY DESIGNED AND CONSTRUCTED AND COMPLETED WITHIN BUDGET, THAT PROJECTS ARE CONTRACTED ONLY AFTER A FAIR AND TRANSPARENT PROCUREMENT PROCESS; PROVIDING FOR TRAINING, AUDITING AND CONFIDENTIAL REPORTING; DECLARING AN EMERGENCY.**

**WHEREAS**, recent events make it clear that the County's internal procedures may be inadequate to protect against abuse, waste or fraud in road and building construction projects, and that it is possible to engage in a major road or building construction project without any direction from the Board of County Commissioners;

**WHEREAS**, recent events make it clear that additional financial, technical and legal oversight of such projects is needed to ensure a fair and transparent public process, that projects are well planned and executed, and projects justify the public trust and confidence;

**WHEREAS**, the practice of purchasing from existing contracts of other governmental units, while legal, can lead the public to question the fairness of the contracting decisions and in turn lead to concerns that County employees and officials personally benefit from the expenditures, and therefore most road and building construction projects should be contracted through a County initiated competitive bidding process to avoid any appearance of impropriety;

**WHEREAS**, multi-year contracts awarded by the County should be re-bid periodically to ensure transparency, discourage complacency and the possibility of fraud or abuse, and to ensure that the County is purchasing the goods and services of the highest quality and lowest cost;

**WHEREAS**, the practice of constructing certain roads without detailed specifications against which to measure the performance of contractors has lead to concerns about the quality of work done by contractors and created a situation where performance could not be audited because of the lack of specifications and drawings against which to measure the work;

**WHEREAS**, professional construction supervisors can provide valuable professional oversight of a road or building construction project and should be used wherever appropriate to ensure that the County and its taxpayers get what is paid for;

\_\_\_\_\_ WHEREAS, clear authority to engage in procurement, sign requisitions and otherwise authorize County expenditures should be placed in the hands of the most responsible,

SEE CITY CLERK RECORDS FOR 2010

SFC CLERK RECORDED 07/28/2018

experienced and capable employees, and the employees selected to possess these responsibilities should be specifically designated by a Department Head or Deputy Department Head, who should also be strictly responsible for any resulting procurement, requisition or expenditures;

**WHEREAS**, financial accounting should be routine for all County ~~road~~ construction ~~and building construction~~ projects to ensure that the County and its taxpayers get what is paid for and to ensure that financial irregularities are detected and eliminated;

**WHEREAS**, as a general rule, County employees are not educated about the restrictions placed on local government by the New Mexico Constitution and the Laws of the State of New Mexico, but should be so educated so that each employee can be a guardian of the public trust;

**WHEREAS**, employees should be encouraged to report any potential wrongdoing or concerns about ~~road and building~~ construction projects, and be free of retaliation or other consequences for making such a report; ~~and~~

**WHEREAS**, the taxpayers and the public deserve government ~~road and~~ construction projects that are well designed and constructed, completed within budget, and are the product and a fair and transparent procurement process, that are well planned and executed, without any appearance of impropriety; and

**WHEREAS**, it is imperative for public health, safety and welfare, and for the protection of public property that is at risk as described herein, that the precautions specified herein take effect upon recordation of this Ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO:**

**Section One. Outside Contracts.** The practice of purchasing projects utilizing contracts with another government agency pursuant to NMSA 1978, Section 13-1-129 (1984, 1991), while legal, should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County. In no event shall a contract in total value exceeding \$-100,000 be awarded without competitive bidding unless the Board of County Commissioners specifically approves.

**Section Two. Periodic Rebidding.** All multi-year contracts awarded henceforth following a competitive procurement process shall limited to a term of two years to ensure that the contracts are re-bid periodically; a contract with a term greater than two years but in no event more than three years following the award of the contract may be executed upon express approval of the County Manager. ~~To the extent feasible, contracts should be re-bid at least once a year or once every two years.~~

**Section Three. Board of County Commissioners to Approve Capital Projects.** All ~~building or road~~ construction projects undertaken by the County (except those projects that are funded by a grant from the New Mexico Legislature or the federal government) whose construction budget exceed the sum of \$100,000 must, before being constructed, be included in

the Capital Improvements Plan (CIP) and voted as a part of the CIP by the Board of County Commissioners. Capital projects must be identified equally in each Commission District, unless there is no need for a project in a particular district. This section shall not apply to a ~~building or road~~-construction project that is necessary to address as a result of an emergency declared by the Board of County Commissioners that endangers the public health, safety, welfare or property.

**Section Four. Road Maintenance List.** Road maintenance shall only be performed on a County-maintained road. All road maintenance work shall be placed on a list developed by staff and recommended by the Road Advisory Committee and -approved by the Board of County Commissioners. The list must be updated through the same process at least annually. Road maintenance work, including routine and priority maintenance, must be identified equally in each Commission District, unless there is no need for a project in a particular district.

**Section Five. Community Funds.** Community funds shall be expended only through a valid written professional services agreement that clearly delineates the services to be provided, whose total value must be equal to or exceed the amount of funds expended.

**Section Six. Bidding and Engineering of Road-Construction Projects.** All ~~road~~ construction contracts must be individually bid if the total value of the project exceeds \$100,000. All construction projects whose construction budget exceeds the sum of \$100,000 must -over plans have plans and specifications drawn by a registered professional engineer or architect, as appropriate.

**Section Seven. Construction Management.** All ~~building construction and road~~ construction-projects whose construction budget total value exceeds the sum of \$250,000 must be supervised by a professional construction management firm, under contract to the County.

**Section Eight. Constituent Requests for Road Maintenance/Repair.** All requests by constituents for maintenance, repair, construction or reconstruction of roads must be referred to the Constituent Services Liaison for the district in question. The Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the request meets constitutional scrutiny, that the road in question is a County-maintained road, that the request is placed before the Road Advisory Committee for a recommendation that it be included on the CIP or the road maintenance list and the Board of County Commissioners to be included on the CIP or road maintenance list.

**Section Nine. Auditing.** The Finance Division must audit each road and building construction project during the construction of the project and after the project is complete to ensure that financial control is achieved, that pay requests are properly scrutinized, the project budget is met, that any change orders are properly documented, and all financial aspects of the project are properly checked and documented. The Finance Division must also periodically randomly review and audit procurement files to ensure compliance with the Procurement Code and the County's Purchasing Regulations; and variances shall be reported to the Department Head and the County Manager. Any violation of a criminal statute discovered in connection with the audits required by this section shall be promptly reported to the appropriate law

Formatted: Font color: Accent 3, Highlight



enforcement agency with all relevant information and reported to the State Auditor pursuant NMSA 1978, 12-6-6 (1969, as amended).

Formatted: Font color: Accent 3

**Section Ten. Training.** A comprehensive and mandatory training program must be developed for County employees on the constitutional limitations of county government and on the legal limitations of procurement pursuant to the Procurement Code and other relevant statutes.

**Section Eleven. Appointment of Persons With Purchasing and Financial Responsibilities.** Persons responsible for procurement, persons with authority to sign requisitions, and persons otherwise authorized to accomplish County expenditures, must be the most responsible, experienced and capable employees. Persons possessing these responsibilities must be specifically designated in writing by the Department Head or Deputy Department Head and approved by the County Manager. The designation may be revoked at any time. Each person responsible for procurement, sign requisitions or otherwise authorize County expenditures, and the Department Head and Deputy Department Head, shall be strictly responsible for any such actions, and may be disciplined, up to and including termination, for failure to exercise those responsibilities in a proper and lawful manner.

**Section ElevenTwelve. Confidential Reporting.** Employees and members of the public are encouraged to report confidentially any potential wrongdoing or other concern relating to a ~~road construction or building construction~~ project or any fraud, abuse, illegal or unlawful activity within County government. The County Attorney shall be the recipient of such reports, which, if a report concerns criminal conduct, shall be reported to the appropriate law enforcement agency, and if not, reported to the Board of County Commissioners and the County Manager. The County Attorney shall provide forms and other means of confidential reporting so that persons concerned about potential wrongdoing can report either in person, through a confidential reporting system, or confidentially on the County's internet web site. Anonymous reporting will be permitted with the understanding that anonymous reports may not provide a reasonable basis for action if the complaint cannot be verified. Any employee making a truthful report shall be free from workforce discrimination or harassment of any kind resulting from the giving of the report.

**Section Thirteen. Definition: "Construction."** The term "construction" as used herein shall have the meaning assigned by NMSA 1978, Section 31-1-40 (1984).

Formatted: Font: Bold

Formatted: Font: Bold

**Section Fourteen. Twelve-Effective Date, Declaration of Emergency.** The Board of County Commissioners declares that the circumstances described herein constitute an immediate danger to the public welfare and the public peace and therefore this ordinance shall take immediately upon recordation as specified in NMSA 1978, Section 4-37-9(C) (1975, 1997).

**Section Fifteen. Thirteen-Severability.** If any section, subsection, sentence, clause, item, change or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

PASSED AND ENACTED THIS \_\_\_<sup>th</sup> Day of June, 2010.

2010 JUN 23 10:00 AM

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

By: \_\_\_\_\_  
Harry B. Montoya, Chair

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, County Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Stephen C. Ross, County Attorney

REC. CLERK RECORDED 7/29/2018